

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION**

**Meeting Agenda
Wednesday, May 7, 2014**

7:00 PM

Workshop Session: 7:00 PM to 7:30PM (Conference Room – Open to the Public)

Formal Meeting: 7:30PM (Board Room – Open to the Public)

- 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. **April 2, 2014**
 - 2. **April 16, 2014**
- F. Subdivision Applications
 - 1. **1662 E. Boot Rd. / Renehan Building Group (SD/LD)**
 - a. **Planning Review Extension**
- G. Land Development Applications
- H. Conditional Uses and Variances
 - 1. **1556 Millrace Lane (Dimensional Variance)**
 - 2. **1336 Enterprise Drive (Dimensional and Use Variance)**
- I. Ordinance Amendments
 - 1. **Draft Solar Ordinance Amendment**
- J. Comprehensive Plan Update
- K. Old Business
- L. New Business
- M. 2014 Goals
- N. Any Other Matter
- O. Liaison Reports
- P. Dates of Importance
 - May 06, 2014 Board of Supervisors 7:00 PM
 - May 07, 2014 Pension Committee 9:00 AM
 - May 08, 2014 Historical Commission 7:00 PM
 - May 12, 2014 Municipal Authority 7:00 PM
 - May 13, 2014 Board of Supervisors 7:00 PM
 - May 14, 2014 Conservancy Board 7:00 PM
 - May 15, 2014 Openspace Rec Task Force 7:00 PM
 - May 19, 2014 Annual Planning Session 10:00 AM
 - May 19, 2014 Commerce Commission 7:00 PM
 - May 19, 2014 Deer Committee 7:00 PM
 - May 20, 2014 Primary Election 7 AM – 8 PM
 - May 20, 2014 No Board of Supervisors Meeting
 - May 21, 2014 Zoning Hearing Board 7:30 PM
 - 1. 1556 Millrace Ln.
 - 2. 1336 Enterprise Drive
 - May 26, 2014 Office Closed - Memorial Day
 - May 27, 2014 Friends of EGT 7:00 PM
 - May 28, 2014 Comp Plan Task Force 7:00 PM

Fall Newsletter – Articles to Nancy by end of July, Date to be Determined.

Bold Items indicate new information to review.

East Goshen Planning Commission Tracking Log

Application Name	Application (CU, LD, O, SD, V, SE, CA)	Type (Sk, P, F)	Date Filed	Start Date	Date to Township Engineer	Date to CCPC	Date to Abutting Prop. / ABC's	Extension	PC NLT Action Date	BOS NLT Action Date	Hearing Date	Drop Dead date
1662 E. Boot Rd	SD / LD	P	2/26/2014	3/5/2014	2/26/2014	2/26/2014	2/28/2014	1	7/2/2014	7/15/2014	NA	8/1/2014
1556 Millrace Ln.	V	Sk	4/24/2014	4/24/2014	NA	NA	4/29/2014		5/7/2014	5/13/2014	5/21/2014	6/23/2014
1336 Enterprise Drive	V	Sk	4/30/2014	4/30/2014	NA	NA	4/30/2014		5/7/2014	5/13/2014	5/21/2014	6/27/2014
Bold = New Application or PC action required												

Completed in 2014

1637 Manley Rd.	SD	P	10/24/13	11/6/13	10/24/13	10/24/13	10/28/2013		1/8/14	2/4/14	NA	2/4/2014
1641 Manley Rd.	LD	P	2/4/2014	2/5/2014	2/4/2014	2/4/2014	2/19/2014		4/16/2014	5/6/2014	NA	5/6/2014
1131 N. Chester Rd.	V	Sk	3/19/2014	3/19/2014	NA	NA	3/26/2014		4/2/2014	4/22/2014	4/30/2014	5/8/2014

Draft
EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
April 2, 2014

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, April 2, 2014 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Dan Daley, Adam Knox, Jim McRee, Sue Carty, George Martynick, and Monica Close. Also present were Mark Gordon, Township Zoning Officer; Janet Emanuel, Township Supervisor; and Erich Meyer, Conservancy Board.

COMMON ACRONYMS:

BOS – Board of Supervisors

SWM – Storm Water Management

BC – Brandywine Conservancy

CPTF – Comprehensive Plan Task Force

CVS – Community Visioning Session

A. WORKSHOP – 7:00 PM

1. Mark mentioned that the tree count for 1641 Manley Road was recalculated. They will have to take down more than the allowed 20%. When they go over 20%, then they have to replace inch for inch. They estimate it could cost up to \$25,000 for replacement trees. Mark sent an email to the Conservancy Board stating that the trees are marked and asking that they visit the site before their meeting next Wednesday. He mentioned that the YMCA is the only construction under this ordinance that had to replace trees. They provided 300 trees which were planted throughout the Township.

2. Dunkin Donuts – On Monday, the Dunkin Donuts franchisees met with Mark, Marty Shane, Janet Emanuel, and several Planning Commission members to discuss the vacant bank pad in Goshen Village shopping center. Together, they own 20 other sites. They want to put the premiere model here. Dunkin Donuts has 3 tiers now. All 3 require a drive-thru and have the same menu. The interior amenities are different. Adam mentioned that signage is an issue. They want 1 building and 2 pylon signs. Mark also mentioned that Bob Adams is representing the franchisees.

3. The minutes of March 5, 2014 were reviewed and corrected.

4. Dan will recuse himself from the 1131 N. Chester Road project because he works for Walsh Associates. Adam will lead the discussion. Mark explained that they want to subdivide the lot into 2 lots. One will be 1 acre and the new lot will be .98 acre which is 463 sq. ft. short of 1 acre. They need a dimensional variance.

5. CPTF update – Dan reported that the BOS is not pleased with the new format and content of the Comp Plan update. Next Tuesday there will be a meeting of the County and the Township.

B. FORMAL MEETING – 7:30 PM

1. Dan called the meeting to order. He led the Pledge of Allegiance and a moment of silence to remember our troops.

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

3. Dan asked for any comments on non-agenda items. There was no response.

3. Dan noted that the minutes of the March 5, 2014 meeting were approved as amended.

C. SUBDIVISION/LAND DEVELOPMENT PLANS

1. 1641 Manley Road – Bill Mullray of Mullray Builders, and John Smirga, engineer, were present. John explained that the new plan includes the actual footprint of the house. Also the trees they plan to remove are marked, about 9 - 10. Drip lines, etc. were investigated and to be in compliance with the ordinance, they need to remove more trees, actually clean cut where the house will be, about 30 trees. The ordinance allows for removal of 20% of the trees but over 20%

1 they must be replaced inch for inch. The overage could cost up to \$25,000. Also, this is a very
2 wooded lot. Where would they plant the replacements? They are looking for a compromise.
3 They did go to the Conservancy Board meeting but the Board would not give a recommendation
4 because there was no landscape plan. John commented that they usually let the homeowner select
5 the landscaping. However, they did make a plan which is mostly foundation plants.
6 All items on the Township Engineer's letter have been addressed except for this issue of the trees.
7 John will make a note on the plan that, if a tree dies during construction or within 1 year, they
8 will replace it.

9 Jim commented that a 20" tree cannot be replaced. Also, there is the option to plant replacement
10 trees elsewhere in the Township.

11 Dan understands the situation but they need to present a proposal for a waiver. They should show
12 which trees will be directly impacted by the construction.

13 George has heard the statement that East Goshen has more trees now than before. He foresees
14 more problems of this sort in the future with redevelopment.

15 Erich asked if the additional trees are marked. John commented that there are 6 trees in the road
16 right-of-way and 10 original trees that are all marked. Erich suggested marking the additional
17 trees with a different color ribbon. John will do this.

18
19 Public Comment:

20 1. Ms. Schafer – Architect for 1637 Manley Rd. – How much is the public allowed to see?

21 Dan commented that anything that the Township receives is available for the public.

22 2. Missy Schwartz – Realtor for Mrs. O'Neil – They would appreciate action on this project but
23 they would also appreciate some leeway on the request to take down less trees.

24
25 The Planning Commission agreed to hold a workshop on Wed. April 16, 2014 at 7:00 pm.

26 Mr. Mullray has agreed to a 30 day extension.
27

28 **D. CONDITIONAL USES & VARIANCES**

29 1. 1131 N. Chester Road (Dimensional Variance) – Tom Moore, attorney for the applicant, was
30 present to represent the owner, James J. Callaghan, Jr. Dan mentioned that he will recuse
31 himself from this project because he works for Walsh Associates.

32 Mr. Moore commented that in 1966 William J. Sullivan purchased this property believing it to be
33 2 acres. Mr. Moore had a copy of the original plot plan which said it was 2 acres. That mistake
34 has never been fixed until now when the property was recently surveyed. The existing house will
35 be on a 1 acre lot. The second lot will be .98 acre – 463 sq. ft. short of 1 acre. They are
36 requesting a variance to make the 2nd lot .98 acre.

37 Jim wondered if an approval would include a lot line change. Are other properties impacted?

38 Mark commented that the approval would not change the lot line. Mr. Moore mentioned that 2
39 neighboring properties were shown to have 1 acre+.

40 Mark commented that since there is a gap in the surveys, he will ask for a legal opinion.

41 Jim wondered if the lot line is changed, who will cover the expense. Mark commented that if it is
42 a zoning issue the Township would cover the cost.

43
44 Public Comment:

45 1. Mrs. Patricia Mann, 1127 N. Chester Road – Her concern is stormwater. Before stormwater
46 drains were installed by the Township, they got flooded regularly by runoff from 1131 N Chester
47 Road. What will happen if a house is built there. Mark explained that the stormwater ordinance
48 is much stricter now.

49 2. Mr. James Potts, 1132 Taylor Dr. - He wondered if anything will be taken away from his
50 property. Adam commented that the Township will not be moving lot lines. That is a legal issue.
51 Mr. Potts stated that he is just looking out for his own property.
52
53

1 **E. SOLAR ENERGY ORDINANCE**

2 1. Solar Energy Ordinance – The Commission reviewed Dan’s draft which was now red-lined
3 with comments from the Township solicitor. Mark explained that, if the fire guidelines are
4 already covered by the ordinance, then it doesn’t have to be included in the Solar Energy
5 Ordinance. Discussion included:

- 6 • Height
7 • Screening
8 • Restrictions in some districts

9 Page 1 – The Commission decided to allow Solar Energy Systems as a permitted Accessory Use
10 in all districts including R1 – Hershey’s Mil.

11 Page 2 - The Commission decided to allow Solar Energy systems on historic structures.

12 Page 4 - Paragraph B, last line – remove “the local” insert “a”.

13 Paragraph C, first line – change to “The owner of a solar energy system....”

14 Page 5 - Paragraph H – Note that this is residential.

15 Page 7 - Paragraph R – Deals with items already in the Property Maintenance code.
16

17 **F. ANY OTHER MATTER**

18 1. This Saturday, April 5, 2014 is “Keep East Goshen Beautiful Day”. Come to the Township
19 building first, then they will go to E Strasburg Road as in the past. Dan and George are going.
20

21 **ADJOURNMENT**

22 There being no further business, Adam moved to adjourn the meeting. Sue seconded the motion.

23 The motion passed unanimously.

24 The next meeting will be a Workshop on Wednesday, April 16, 2014 at 7:00 pm.

25 The next regular meeting will be held on Wednesday, May 7, 2014 at 7:00 pm.

26 The meeting adjourned at 10:15 pm.
27
28

29 Respectfully submitted, _____
30 *Ruth Kiefer, Recording Secretary*

Draft
EAST GOSHEN TOWNSHIP
PLANNING COMMISSION WORKSHOP MEETING
April 16, 2014

The East Goshen Township Planning Commission held a workshop meeting on Wednesday, April 16, 2014 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Dan Daley, Adam Knox, Jim McRee, Sue Carty, George Martynick, and Monica Close. Also present was Mark Gordon, Township Zoning Officer.

COMMON ACRONYMS:

BOS – Board of Supervisors

SWM – Storm Water Management

BC – Brandywine Conservancy

CPTF – Comprehensive Plan Task Force

CVS – Community Visioning Session

A. FORMAL MEETING

1. Dan called the meeting to order at 7:00 pm.
2. Dan led the pledge of allegiance and asked for a moment of silence for our troops.
3. Dan asked if anyone would be recording the meeting. There was no response.
4. Dan asked if there was any public comment on non-agenda items. No response.
5. Dan thanked Adam and George for joining him on “Keep East Goshen Beautiful” day to help clean up along E. Strasburg Road.

B. APPROVAL OF MINUTES

Approval of the minutes from the April 2, 2014 meeting was tabled until the next meeting.

C. SUBDIVISION/LAND DEVELOPMENT PLANS

1. 1641 Manley Road – Bill Mullray of Mullray Builders, and John Smirga, engineer, were present. Mark reported that he, John and Bill did a site walk. He explained that according to the ordinance, all trees within 25 feet of the disturbance area have to be removed. So, instead of the original 12 trees just where the house will be, they have to remove 26. On the plan provided for this meeting, the 12 replacement trees will be located where the green marks are. Bill will donate the remaining replacement trees to the Township.

Last week the Conservancy Board recommended approval of this request with conditions. Mark also supplied a copy of the letter that was received today from the Township Engineer.

Dan asked who would plant the Township replacement trees and Jim asked if there was going to be a warranty on the replacement trees.

The Commission members discussed the conditions recommended by the Conservancy Board.

Adam made a motion that the Planning Commission recommend approval of the Land

Development Plan for 1637 Manley Rd., Lot 1, with the following conditions:

1. All remaining items from the Township Engineer’s review letter shall be addressed to the satisfaction of the township staff prior to approval.
2. A revised Landscape Plan shall be submitted as outlined in Chapter 205-36 to the Planning Commission for review.
3. The Tree Protection Zones may be reduced in size in order to preserve trees, so long as the Board of Supervisors approves this waiver request. If reduced by the Board, the applicant shall have a certified arborist establish the tree protection zones and have them inspected and approved by the Township Zoning Officer once they are installed and prior to any earth disturbance on the lot.
4. Two inch caliper trees may be used as replacement trees if approved by the Board of Supervisors.

- 1 5. A table shall be provided on the landscape plan which identifies the dbh (Diameter at
2 Breast Height) of the trees being removed over the 20% threshold, those trees (number,
3 caliper size and species) to be replaced on the lot, and those to be replaced elsewhere.
4 6. Replacement trees shall be located on the landscape plan and any replacement trees
5 that cannot be planted on the lot shall be offered to the Township.

6 There were no public comments. Jim seconded the motion. The motion passed unanimously.
7

8 **D. CONDITIONAL USES & VARIANCES**

9 1. 1131 N. Chester Road (Dimensional Variance) – Tom Moore, attorney for the applicant, was
10 present to represent the owner, James J. Callaghan, Jr. Mark explained that he met with the
11 Township Solicitor who thought this is an interesting case. The surveyor wrote a letter explaining
12 the process and result of the survey. The Township Solicitor recommends that the title overlap be
13 resolved before the subdivision. Mr. Moore provided a map that shows the overlapping
14 boundaries. A Quit Claim on the boundary shared with Shawn & Cheryl Groff, 1125 N Chester
15 Road and Stanley & Patricia Mann, 1127 N. Chester Road will get the title corrected. Mrs. Mann
16 asked to see the map more closely. She was assured she would not lose any property.
17 Monica made a motion to recommend that the Board of Supervisors support Mr. Callaghan's
18 variance request for lot area so that the Lot 2 can be developed with a single family home with a
19 lot area of .989 acre, as depicted on the sketch plan dated 11/27/2013, with one condition:

- 20 1. The title issues identified on the sketch plan shall be resolved prior to the submission
21 of a subdivision application.

22 Jim seconded the motion. There was no more discussion. The motion passed unanimously.
23

24 **E. SOLAR ENERGY ORDINANCE**

25 1. Solar Energy Ordinance – Mark reported that he, Dan, and Rick Smith met with Kristin
26 Camp, the Township Solicitor, to review the draft. However the draft is not ready for review yet.
27 Kristin provided a copy of a Wind Energy Facility Ordinance from West Nantmeal Township.
28 Mark asked the Commission members to read it for discussion at the next meeting.
29

30 **ANY OTHER MATTER**

31 1. Comp Plan Update – Mark mentioned that an executive committee was formed comprised of
32 himself, Janet Emanuel, Marty Shane and Rick Smith. They reviewed the contract with
33 Brandywine and found that it calls for the same format as the 2005 Comp Plan. The
34 implementation chapter will be very precise. The April 28, 2014 meeting is cancelled.
35

36 **ADJOURNMENT**

37 There being no further business, George moved to adjourn the meeting. Monica seconded the
38 motion. The motion passed unanimously. The meeting was adjourned at 8:00pm. The next
39 regular meeting will be held on Wednesday, May 7, 2014 at 7:00 pm.
40
41
42

43 Respectfully submitted, _____
44 *Ruth Kiefer, Recording Secretary*

BOARD OF SUPERVISORS

EAST GOSHEN TOWNSHIP

CHESTER COUNTY

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

Date: 4/30/14

Plan: 1662 E Boot Subdivision

East Goshen Township Board of Supervisors

1580 Paoli Pike

West Chester PA 19380

Re: Application Review Period Extension

Dear Board of Supervisors,

In regard to the above noted plan I authorize the Township a 60 day extension to the application review period. I understand that this extension doesn't mean that the application referenced will be approved within this period; it solely allows East Goshen Township additional time to review the application.

Applicant (Print):

Jim Revehan

Rancher Building Group

Applicant (Sign):

[Signature]

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: 4/28/2014
To: Planning Commission
From: Mark Gordon, Zoning Officer *mlg*
Re: Judge Variance Request/ 1556 Millrace Ln.

Dear Commissioners,

The applicant is seeking relief from the side yard setback requirement in order to construct a handicap accessible addition to the home to include living area and restroom.

DRAFT MOTION:

Mr. Chairman, I move that we recommend that the Board of Supervisors support Mr. Judge's variance request from for approximately 10 feet of relief along the westerly side yard for the proposed addition, as depicted on the sketch plan submitted, in accordance with section 240-58.E of the Township Zoning ordinance because the relief requested is needed to provide reasonable accommodations for a disabled resident.

EAST GOSHEN TOWNSHIP
ZONING HEARING BOARD APPLICATION

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

FILE COPY

Name of Applicant: Joseph & Libby Judge
Applicant Address: 1556 Mill Race Lane West Chester, PA
Telephone Number: (610) 322-0830 Fax Number: _____
Email Address: josephjudge25@icloud.com
Property Address: same as above
Tax Parcel Number: 53-2K-17 Zoning District: R-2 Acreage: 25,245 sq ft

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:

§ 240-28.0(3)(b) SIDE YARDS

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

Due to a disabling injury to Libby Judge, we need to add onto our home and build an addition with handicap access and capabilities; our building plan will extend over the existing 20' side set-back restriction.

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.

Joseph H. Judge
Signature of Applicant

4/22/14
Date

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

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

FYI

April 28, 2014

Dear Property Owner:

The purpose of this letter is to inform you that Joseph and Libby Judge, owners of 1556 Millrace Ln., West Chester, PA 19380 have submitted a Zoning Hearing Board application requesting a dimensional variance. The property owners propose to construct an addition to their home and are requesting relief from the side yard setback requirement of the Township Zoning Ordinance, §240-28.D(3)(b). In this case the zoning ordinance requires a minimum side yard setback of 20 feet for all structures. The applicant is seeking approximately 10 feet of relief.

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

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

May 7, 2014 - Planning Commission meeting (workshop at 7:00 pm, formal meeting @ 7:30 pm)

May 13, 2014 - Board of Supervisors meeting (7:00 pm)

May 21, 2014 - Zoning Hearing Board (7:30 pm) (**Zoning Variance 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: All Township Boards and Commissions

BOARD OF SUPERVISORS

EAST GOSHEN TOWNSHIP

CHESTER COUNTY

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

FYI

April 30, 2014

Dear Property Owner:

The purpose of this letter is to inform you that Communications Test Design Inc. (CTDI), owner of 1336 Enterprise Drive, West Chester, PA 19380 has submitted a Zoning Hearing Board application requesting variances from the Township Zoning Ordinance. The applicant is requesting relief from §240-22. Q. (5) regulating the maximum number of wall signs and §240-22. N. regulating the maximum height in which wall signs can be mounted to buildings in the Business Park District. The applicant is requesting variances to permit them to install two wall signs at a height of 39 feet.

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

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

May 7, 2014 - Planning Commission meeting (workshop at 7:00 pm, formal meeting @ 7:30 pm)

May 13, 2014 - Board of Supervisors meeting (7:00 pm)

May 21, 2014 - Zoning Hearing Board (7:30 pm) (**Zoning Variance 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: All Township Boards and Commissions

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: Communications Test Design, Inc.
Applicant Address: 1323 Enterprise Drive
West Chester, PA 19380
Telephone Number: 610 793 8276 Fax Number: 610 - 429-3861
Email Address: MANDERSON@CTDI.COM
Property Address: 1336 Enterprise Drive
West Chester, PA 19380
Tax Parcel Number: 53-4-154 Zoning District: BP Acreage: 4.1

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:

240-22-Q(5) Quantity of signs per Building - We are asking for 2
240-22.N Sign Height, We are asking for 39'

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

Please see attached, E1

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.

Michael A. Anderson
Signature of Applicant

4/23/2014
Date

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

Solar Energy Systems

Current East Goshen Ordinance Regulations.

1. Solar Energy System is a permitted Accessory Use ins all zoning districts except R-1 (Hershey's Mill). Discussion was to allow these in all Districts including R-1.

2. Section 240-6 Definitions

SOLAR ENERGY SYSTEM

Any structure attached to a building or erected as a structure and attached to the ground and used for the purpose of generating solar energy.

3. Section 240-23 General Regulations

- C. Maximum height of buildings and structures. **[Amended 5-7-2002 by Ord. No. 129-K-02]**
(2) Structures such as flagpoles, windmills, watertowers and silos, shall be subject to and shall not exceed the maximum permitted building height unless a special exception is granted by the Zoning Hearing Board and the Board affirmatively finds that such structure is proposed, designed, intended and limited in use only to such purpose. In such case, the Board may approve such increased height as is proven by the applicant to be warranted by the functional needs of the structure, subject to such reasonable limitations and conditions as the Board shall impose, provided the height allowed by the Board shall not exceed two times the permitted building height absent the Board's granting of a variance and provided, further, that no structure shall significantly impair solar access of adjacent buildings or solar collector locations. This section shall not apply to solar energy systems.

4. Section 240-32 Accessory uses

- O. Solar energy system. A solar generating-energy system shall be permitted. No such system shall deny solar access of adjacent lots, exceed the maximum height regulations for the zoning district in which it is located or be located within the front yard or a required minimum side or rear yard.

Recommendations for Zoning Ordinance Revision

General Consideration:

1. System types. Permit all types of systems in all districts?
 - a. Roof mounted systems
 - b. Pole mounted systems
 - c. Ground mounted systems

[what is the difference between pole mounted and ground mounted? Isn't the pole mounted to the ground?]

2. Restrictions in any districts
 - a. Historic
 - b. Floodplain (?)

[I would think you would not want to allow these on properties that have historic resources.]

3. Impacts of tree plantings

4. Screening requirements

[be careful of how much screening you require- screening may defeat the purpose.]

5. Impervious coverage regulations for ground or pole mounted systems.

Draft Ordinance:

Recommend:

- A. Update Section 240-6 Definitions with more current definitions.

[I like the definitions that we used in Caln- we adopted these from a model ordinance that was circulated to the Board.]

- B. Update Accessory Uses - Section 240-32.O - Solar energy systems to include Standards (similar format to Section 240-32.J(6))

Source of recommended model ordinance:

Monroe (Pennsylvania), County of. 2010. "Model Ordinance for On-Site Usage of Solar Energy Systems.

Note: Following draft has not been formatted and cross referenced to the applicable ordinance sections of the current zoning.

Purpose of document is for discussion related to design standards.

Source: Monroe (Pennsylvania), County of. 2010. "Model Ordinance for On-Site Usage of Solar Energy Systems.

MODEL ORDINANCE FOR ON-SITE USAGE OF SOLAR ENERGY SYSTEMS

Township of East Goshen
Chester County, Pennsylvania
ORDINANCE NO. -----

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF EAST GOSHEN
TOWNSHIP, BY AMENDING ARTICLE I, SECTION 240-6, DEFINITIONS, BY
AMENDING EXISTING DEFINITIONS AND BY AMENDING ARTICLE V, SECTION 240-
32.O _____

BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of
East Goshen Township, Chester County, Pennsylvania, that the Township Zoning Ordinance,
shall be amended in the following respects:

Section 1. The Zoning Ordinance of East Goshen Township Section 240-6, Definitions, shall be
amended to include the following definitions:

Mechanical Equipment: Any device associated with a solar energy system, such as an
outdoor electrical unit/control box, that transfers the energy from the solar energy system
to the intended on-site structure.

Solar Access: A property owner's right to have sunlight shine on the owner's land.

Solar Energy System: An energy conversion system, including appurtenances, which
converts solar energy to a usable form of energy to meet all or part of the energy
requirements of the on-site user. This definition shall include the terms passive solar and
active solar systems.

Solar Glare: The effect produced by light reflecting from a solar panel with an intensity
sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Section 2. Applicability:

1. This ordinance applies to solar energy systems to be installed and constructed after the
effective date of the ordinance.
2. Solar energy systems constructed prior to the effective date of this ordinance shall not be
required to meet the requirements of this ordinance.

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3. Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of [Section/Article].

Section 3. The Zoning Ordinance of East Goshen Township, Article V, Section 240.32.O-, Accessory Regulations, shall be amended by repealing existing Section 240.32.O and replacing it with the as-followings new Section 240-32.O: adding [Section/ Article#] as follows:

§240-32.O. SOLAR ENERGY SYSTEMS

It is the purpose of these regulations to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory use to a principal use herein and subject to specific criteria as set forth below. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.

1. The installation and construction of a solar energy system shall be subject to the following development and design standards:

- A. A solar energy system is permitted in all zoning districts as an accessory to a principal use; provided that a ground mounted solar energy system shall not exceed 1,000 square feet of land area. If the ground mounted solar energy system exceeds 1,000 square feet of land area, it shall only be permitted by conditional use of the Board of Supervisors. [we need to add this to the CU section and identify conditional use standards.]

NOTE: CURRENTLY NOT PERMITTED IN R-1 DISTRICT

- B. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

- C. The owner of Aa solar energy system connected to the utility grid shall provide written authorization from the local utility company to the Township acknowledging and approving such connection.

- ~~D. A solar energy system may be roof mounted [attachment #1] or ground mounted [attachment #2]. When installed on the roof of a building, no solar energy system facility shall cover more than 50% of the roof area.~~

D.

- E. A roof mounted system may be mounted on a *principal building* or accessory building. A roof mounted system, whether mounted on the principal building or

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accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof horizontally.

~~F. All structure (ROOF?) mounted solar energy facilities shall be located on the rear portion of the structure, such that it is not visible from the front and is not higher than the peak of the roof. An applicant may utilize the front portion of the structure only if the applicant is able to demonstrate that no other alternative is feasible, including ground-mounted array areas, to the satisfaction of the Codes Enforcement Officer.~~

~~G. A solar energy facility may not be located on a building or structure that is listed on the Township's Historic Resources Map nor on any tract that contains a building or structure that is listed on the Township's Historic Resources Map unless an Historic Resource Study is completed in accordance with § _____.~~

~~F. A ground mounted system shall not exceed the maximum building height of eight (8) feet for accessory buildings.~~

~~H. NOTE: NEED TO CHECK INDUSTRY STANDARDS FOR TYPICAL HEIGHT OF GROUND MOUNTED SYSTEMS.~~

~~NOTE: CURRENT ORDINANCE DOES NOT HAVE A MAXIMUM HEIGHT OF ACCESSORY BUILDINGS. STORAGE SHEDS - MAXIMUM HEIGHT IS 12 FEET.~~

~~I.G. _____ The surface area of a ground mounted system, regardless of the mounted angle, shall not be calculated as part of the overall impervious coverage provided that the following criteria are met: -DAN TO ADD THE CRITERIA~~

~~J.H. _____ A ground mounted system or system attached to an accessory building, including all mechanical equipment, shall be located behind the principal structure within the building envelope. not be located within the required front yard setback.~~

~~NOTE: RESTRICT PLACEMENT IN FRONT / SIDE YARDS?
[is this too restrictive to require it in bldg envelope?]~~

~~K. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district. *[Please note that some municipalities have less stringent accessory structure setbacks, e.g. 10 foot side yard setback for sheds. If accessory structure setbacks are less stringent than the primary structure setback, it is recommended that the municipality require solar energy systems to have the setback requirements of the primary structure in the underlying zoning district.]*~~

~~L. NOTE: DISCUSSION RELATED TO SETBACK REQUIREMENTS.~~

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~~L. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:~~

~~a. Ground mounted solar energy systems including solar panels and mMechanical equipment shall be fully screened from any adjacent property that is residentially or public / private road by a solid fence with a height at least equal to the height of the highest solar panel. The fence shall be maintained for as long as the solar energy system is located on the property. zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a solid decorative fence meeting the requirements of the Zoning Ordinance may be used. Plantings or fence shall provide screening for the full height of the solar energy system at the time of installation.~~

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~~b. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.~~

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~~c. Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district. [Please note that some municipalities have less stringent accessory structure setbacks, e.g. 10-foot side yard setback for sheds. If accessory structure setbacks are less stringent than the primary structure setback, it is recommended that the municipality requiresolar energy systems to have the setback requirements of the primary structure in the underlying zoning district.]~~

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NOTE: DISCUSSION RELATED TO SETBACK REQUIREMENTS.

~~M.J. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.~~

~~N. The solar energy system shall comply with all relevant Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Aeknowledgement from the Federal Aviation Administration rules and regulations, if any may be necessary.~~

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~~O.K. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.~~

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~~P.L. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.~~

~~Q.M. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.~~

~~R. The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system per the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of Pennsylvania. The [Please note that the existing roof structure and the weight of the solar energy system shall be taken into consideration when applying for a solar energy system permit].~~

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~~S. The solar energy system shall comply with all applicable Township Ordinances and Codes so as to ensure the structural integrity of such solar energy system.~~

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~~Before any construction can commence on any ground mounted solar energy system, the property owner must prepare an Operation and Maintenance Agreement (O&M) with the Township. The agreement must address the following: acknowledge that he/she is the responsible party for owning and maintaining the solar energy system.~~

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~~Identify the responsible party for owning and maintaining the solar energy system, mechanical equipment, fence, screening and any other requirement of the Township approval.~~

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~~Grant the Township the right, but not the duty, to access the system to conduct periodic inspections and to undertake other actions that may be necessary to enforce the requirements of this Ordinance, or of any applicable O&M Agreement.~~

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~~In the event that the responsible person or entity fails to maintain the system, the agreement shall grant to the Township the right but not the duty to enter upon the premises to repair or restore said facilities, to charge and assess the costs thereof to the owner and to enforce said charges and assessments by lien upon the property.~~

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~~T. The agreement shall contain a covenant binding on the grantee and all successors in interest designating the responsibility for operation and maintenance of the on-lot facilities. The agreement shall be recorded in the Chester County Office of the Recorder of Deeds.~~

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2. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.

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3. If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Township ~~Zoning Building Code Officer~~, the solar energy system

shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Township Zoning Officer. Building Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the Township may pursue a legal action to have the system removed at the owner's expense.

3.

STORMWATER MANAGEMENT REQUIREMENTS FOR GROUND MOUNTED SYSTEMS.

Section 4. All other portions, parts and provisions of the Zoning Ordinance of East Goshen Township, as heretofore enacted and amended, shall remain in force and effect.

Section 5. This Ordinance shall take effect five (5) days after the date of its enactment.

DULY ORDAINED AND ENACTED the _____ day of _____, 20__, by the Board of Supervisors of the Township of East Goshen, Chester County, Pennsylvania, in lawful session duly assembled.

ADDITIONAL COMMENTS (NOT COMPLETE):

- AMEND REGULATIONS FOR LARGER SIZE SYSTEMS → CONDITIONAL USE. [if the solar energy system is the primary use of the lot, I think it should be defined differently and the Board must decide which zoning districts are appropriate for such use.]
- STORMWATER MANAGEMENT REGULATIONS FOR SMALL AND LARGE GROUND MOUNTED SYSTEMS.

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