

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
Meeting **UPDATED** Agenda  
Wednesday, June 4, 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. May 7, 2014**
- F. Subdivision Applications
  - 1. 1662 E. Boot Rd. / Renehan Building Group (SD/LD)
- G. Land Development Applications
- H. Conditional Uses and Variances
- I. Ordinance Amendments**
  - 1. Draft Solar Ordinance Amendment
  - 2. Petition to amend C-2 Zoning District (Fast Food Restaurant with Drive Thru service)
- J. Comprehensive Plan Update**
  - 1. Revised Work Plan
- K. Old Business
- L. New Business
- M. 2014 Goals
- N. Any Other Matter**
  - 1. Minor Act 537 Plan Update Revision**  
**Reservoir Road Pump Station**  
**East Goshen Township**  
**Chester County, PA**
- O. Liaison Reports
- P. Dates of Importance


June 05, 2014	Park Commission	7:00 PM
June 09, 2014	Municipal Authority	7:00 PM
June 11, 2014	Conservancy Board	7:00 PM
June 12, 2014	Historical Commission	7:00 PM
June 12, 2014	Website Committee	7:00PM
June 16, 2014	Commerce Commission	7:00 PM
June 17, 2014	Board of Supervisors	7:00 PM
June 18, 2014	Futurist Committee	7:00 PM
June 21, 2014	Community Day	4:00 PM
June 23, 2014	Comp Plan Task Force	7:00 PM
June 24, 2014	Friends of EGT	7:00 PM
June 26, 2014	Website Committee	7:00 PM

**Fall Newsletter – Articles to Nancy by July 13, 2014**

**Bold Items indicate new information to review.**

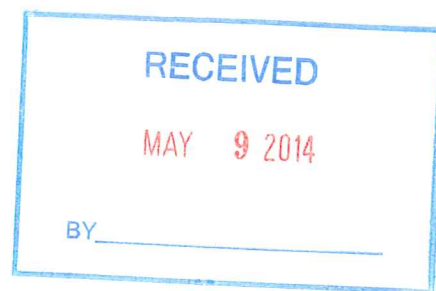


PENNONI ASSOCIATES INC.  
CONSULTING ENGINEERS

May 8, 2014

EGMA1307

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



**Re: Minor Act 537 Plan Update Revision  
Reservoir Road Pump Station  
East Goshen Township, Chester County, PA**

Dear Mr. Daley:

The East Goshen Municipal Authority has prepared the attached Update Revision to East Goshen Township's Act 537 Sewage Facilities Management Plan for the Reservoir Road Pump Station. In accordance with the Pennsylvania Department of Environmental Protection's (PADEP) Act 537 requirements, the municipal planning agency must complete the enclosed Component 4A review form as part of the planning process. The PADEP allows 60 days for the review agency to complete the form and provide comments, so we respectfully request the Component 4A form be completed by the East Goshen Township Planning Commission and returned to me at the address below or via email to [mellis@pennoni.com](mailto:mellis@pennoni.com) by July 9, 2014.

#### Executive Summary

The Act 537 Plan Update Revision proposes the construction of the Reservoir Road Pump Station to divert approximately 300,000 gallons per day (gpd) of existing residential and commercial wastewater flow from East Goshen's existing Chester Creek Collection System (CCCS) to East Goshen's existing Ridley Creek Sewage Treatment Plant (RCSTP). Wastewater in the CCCS is currently conveyed to the West Goshen Sewage Treatment Plant (WGSTP). The current intermunicipal agreement between East Goshen and West Goshen limits East Goshen's capacity to 1,000,000 gpd. East Goshen's 2007 *Township Wastewater Needs Evaluation* projected that potential future development would increase the flow through the CCCS to almost 1,300,000 gpd. The projected flow increase exceeds both the intermunicipal agreement flow limitation and the available treatment capacity of the WGSTP. The *Township Wastewater Needs Evaluation* considered several alternatives to meet East Goshen's future wastewater needs, and the recommended alternative was to expand and upgrade the RCSTP from 400,000 gpd to 750,000 gpd and maintain 1,000,000 gpd capacity at West Goshen by constructing several sewer diversions. As of fall 2013, the RCSTP had been expanded and four of five sewer diversions had been constructed. The proposed Reservoir Road Pump Station is the only remaining diversion and is the final component in the implementation of the selected alternative from the *Township Wastewater Needs Evaluation*.

This proposed increase in flow to the RCSTP was included in the design of the plant's recent capacity upgrade. The project is anticipated to increase the operating efficiency and improve the

function of the RCSTP due to the increased hydraulic and organic loadings, decrease the cost for conveyance and treatment of flows sent to West Goshen Township, decrease East Goshen's dependence on the WGSTP for treatment capacity, maintain current and future compliance with the flow limitations of the East Goshen-West Goshen intermunicipal agreement, and create additional capacity for future development and sewer connections within East Goshen's CCCS. The sewage being diverted is from existing development, and no new development is proposed with this Act 537 Plan Update Revision.

The East Goshen Municipal Authority has conducted an extensive evaluation of alternatives for the project as described in detail in the enclosed Act 537 Plan Update Revision. The proposed alternative is to construct a pump station on East Goshen Township property at the intersection of Reservoir Road and East Strasburg Road. A force main is proposed to be constructed along East Strasburg Road, Misak Drive, existing sewer easements, Anne Drive, Bow Tree Drive, around the wet pond on East Goshen Township property in Bow Tree, and under the Ridley Creek, where it will connect to the existing Ridley Creek Interceptor sewer on the east side of the creek.

Should you have any questions, please do not hesitate to contact me at 302-351-5236. Thank you in advance for your timely consideration of this important project.

Sincerely,

**PENNONI ASSOCIATES INC.**



Michael J. Ellis, P.E.  
East Goshen Municipal Authority Engineer

Enclosures: Minor Act 537 Plan Update Revision (1 copy)  
Component 4A form (1 copy)

cc: Rick Smith, East Goshen Township Manager



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

## INSTRUCTIONS FOR COMPLETING COMPONENT 4A MUNICIPAL PLANNING AGENCY REVIEW

*Remove and recycle these instructions prior to mailing component to the approving agency (DEP or delegated local agency).*

### Background

This component, Component 4, is used to obtain the comments of planning agencies and/or health departments having jurisdiction over the project area. It is used in conjunction with other planning module components appropriate to the characteristics of the project proposed.

### Who Should Complete the Component?

The component should be completed by any existing municipal planning agency, county planning agency, planning agency with areawide jurisdiction, and/or health department having jurisdiction over the project site. It is divided into sections to allow for convenient use by the appropriate agencies.

The project sponsor must forward copies of this component, along with supporting components and data, to the appropriate planning agency or agencies and health department(s) (if any) having jurisdiction over the development site. These agencies are responsible for responding to the questions in their respective sections of Component 4, as well as providing whatever additional comments they may wish to provide on the project plan. After the agencies have completed their review, the component will be returned to the applicant. The agencies have 60 days in which to provide comments to the applicant. If the agencies fail to comment within this 60 day period, the applicant may proceed to the next stage of the review without the comments. The use of registered mail or certified mail (return receipt requested) by the applicant when forwarding the module package to the agencies will document a date of receipt.

After receipt of the completed Component 4 from the planning agencies, or following expiration of the 60 day period without comments, the applicant must submit the entire component package to the municipality having jurisdiction over the project area for review and action. If approved by the municipality, the proposed plan, along with the municipal action, will be forwarded to the approving agency (DEP or delegated local agency). The approving agency, in turn, will either approve the proposed plan, return it as incomplete, or disapprove the plan, based upon the information provided.

### *Instructions for Completing Planning Agency and/or Health Department Review Component*

#### Section A. Project Name

Enter the project name as it appears on the accompanying sewage facilities planning module component (Component 2, 2m, 3, 3s or 3m).

#### Section B. Review Schedule

Enter the date the package was received by the reviewing agency, and the date that the review was completed.

#### Section C. Agency Review

1. Answer the yes/no questions and provide any descriptive information necessary on the lines provided. Attach additional sheets, if necessary.
2. Complete the name, title, and signature block.

#### Section D. Additional Comments

The Agency may provide whatever additional comment it deems necessary, as described in the form. Attach additional sheets, if necessary.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

DEP Code #:

**SEWAGE FACILITIES PLANNING MODULE**  
**COMPONENT 4A - MUNICIPAL PLANNING AGENCY REVIEW**

**Note to Project Sponsor:** To expedite the review of your proposal, one copy of your completed planning module package and one copy of this **Planning Agency Review Component** should be sent to the existing local municipal planning agency for their comments.

**SECTION A. PROJECT NAME** (See Section A of instructions)

Project Name

Reservior Road Pump Station

**SECTION B. REVIEW SCHEDULE** (See Section B of instructions)

1. Date plan received by municipal planning agency. \_\_\_\_\_

2. Date review completed by agency. \_\_\_\_\_

**SECTION C. AGENCY REVIEW** (See Section C of instructions)

Yes

No

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1. Is there a municipal comprehensive plan adopted under the Municipalities Planning Code (53 P.S. 10101, <i>et seq.</i> )?               |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 2. Is this proposal consistent with the comprehensive plan for land use?<br>If no, describe the inconsistencies _____                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 3. Is this proposal consistent with the use, development, and protection of water resources?<br>If no, describe the inconsistencies _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 4. Is this proposal consistent with municipal land use planning relative to Prime Agricultural Land Preservation?                         |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 5. Does this project propose encroachments, obstructions, or dams that will affect wetlands?<br>If yes, describe impacts _____            |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 6. Will any known historical or archaeological resources be impacted by this project?<br>If yes, describe impacts _____                   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 7. Will any known endangered or threatened species of plant or animal be impacted by this project?<br>If yes, describe impacts _____      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 8. Is there a municipal zoning ordinance?   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 9. Is this proposal consistent with the ordinance?<br>If no, describe the inconsistencies _____   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 10. Does the proposal require a change or variance to an existing comprehensive plan or zoning ordinance?                                 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 11. Have all applicable zoning approvals been obtained?   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 12. Is there a municipal subdivision and land development ordinance?  |

**SECTION C. AGENCY REVIEW (continued)**

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Is this proposal consistent with the ordinance? If no, describe the inconsistencies _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Is this plan consistent with the municipal Act 537 Official Sewage Facilities Plan? If no, describe the inconsistencies _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15. Are there any wastewater disposal needs in the area adjacent to this proposal that should be considered by the municipality? If yes, describe _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16. Has a waiver of the sewage facilities planning requirements been requested for the residual tract of this subdivision?
<input type="checkbox"/>	<input type="checkbox"/>	If yes, is the proposed waiver consistent with applicable ordinances?
		17. Name, title and signature of planning agency staff member completing this section: Name: _____ Title: _____ Signature: _____ Date: _____ Name of Municipal Planning Agency: _____ Address _____ Telephone Number: _____

**SECTION D. ADDITIONAL COMMENTS (See Section D of instructions)**

This Component does not limit municipal planning agencies from making additional comments concerning the relevancy of the proposed plan to other plans or ordinances. If additional comments are desired, attach additional sheets.

The planning agency must complete this Component within 60 days.

This component and any additional comments are to be returned to the project sponsor.



# 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
<b>Bold = New Application or PC action required</b>												

<b>Completed in 2014</b>												
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
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

**Draft**  
**EAST GOSHEN TOWNSHIP**  
**PLANNING COMMISSION MEETING**  
**May 7, 2014**

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

**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. The minutes from the April 2 meeting and the April 16 workshop were reviewed.
2. Mark reported that the BOS approved the SD/LD for 1641 Manley Road. They kept the tree replacement at an inch for inch basis but allowed the use of 2" diameter trees.
3. 1662 E Boot Road – Some residents in Clocktower were contacted regarding an easement. It appears Renehan may get an easement from a resident to allow public sewer. Jim gave a 60 day extension.
4. Dunkin Donuts - Mark mentioned that they came for another meeting. They are working with their attorney on an amendment to the ordinance to allow fast food in C2 shopping centers. They will be asking for more than one sign. Another issue is locating the trash container. After BOS approval they will submit a conditional use application. This will be only their 2<sup>nd</sup> location in the Philadelphia area with top of the line items, i.e, WIFI, granite, lounge seating, etc.
5. 1556 Mill Race – Mark explained that this is a handicap necessity. About 33% of the addition will be in the side yard. Access is through the garage.
6. 1336 Enterprise Dr. – CTDI is requesting a variance to the one sign allowed. They would like 2 signs and heights will be 39' and 27'.

**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 noted that the minutes of the April 2 meeting and April 16 workshop meeting were approved as corrected.
4. Dan reviewed the Tracking Log and noted that action is required for 1556 Mill Race and 1336 Enterprise Drive.
5. Dan asked if anyone had any comments on non-agenda items. George thanked those who helped with the roadside cleanup on Keep East Goshen Beautiful Day.

**C. CONDITIONAL USES AND VARIANCES**

1. 1556 Mill Race Lane – Dimensional Variance) – Joe Judge, owner, was present. He and his wife have lived here for 29 years. He explained that his wife suffered very serious injuries from a car accident and will be confined to a wheelchair. She is in rehab and can't come home until the house is accessible. The addition will be her bedroom and bath only, with access for her caregivers. He presented a packet containing an aerial view of the property, photos of the side yard, and rendering of the proposed addition and landscaping. He is using the architect who originally designed the house. The addition will be 200 sq. ft. A side window in the existing



1 family room will be made into a doorway into the addition. Also, there will a door onto the deck.  
2 The addition would be too costly to put on the back of the house and would block the view from  
3 the family room and kitchen.  
4

5 Motion: Al made a motion to recommend that the Board of Supervisors support Mr. Judge's  
6 variance request for a diminishing encroachment of approximately 10 feet of relief along the  
7 westerly side yard for the proposed addition, as depicted on the sketch plan submitted, in  
8 accordance with section 240-58.E of the Township Zoning Ordinance because the relief requested  
9 is needed to provide reasonable accommodations for a disabled resident. Adam seconded the  
10 motion.  
11

12 Discussion: Al expressed his condolences to Mr. Judge and mentioned that there are many  
13 similar additions in the township and he is not aware of any complaints. Dan asked about the trees  
14 along the side of the house. Mr. Judge confirmed that they are on his neighbor's property and  
15 won't be affected by the addition. George suggested that the addition be considered temporary.  
16 Mark commented that the variance runs with the property.  
17

18 Public Comment:

- 19 1. David Arnold, 1554 Mill Race Lane – He is the neighbor on the side of the house where the  
20 addition will be. He and his family have lived here for 12 years. They fully support the Judges  
21 and want them to be able to have as good a life as possible.  
22 2. Steve Paolantonio – He is a friend and resident of Radnor where he served for 8 years on the  
23 Planning Commission and was Chairman for 3 years. He understands the need to evaluate the  
24 impact on the neighborhood. He helped Joe with the plan and the presentation.  
25

26 Jim mentioned the reference in the motion to “approximately 10 feet” and suggested that it be  
27 changed to “up to 10 feet”. After the plan was reviewed for this measurement, Jim moved to  
28 amend the motion to delete “for a diminishing encroachment of approximately 10 feet of relief”  
29 and replace with “up to eleven (11) feet of relief”. Al seconded the motion.  
30 The motion and amendment were passed unanimously.  
31

32 2. 1336 Enterprise Drive (Dimensional & Use Variance) – Michael Anderson, Strategic  
33 Sourcing Manager for CTDI was present. He commented that CTDI's headquarters is at 1373  
34 Enterprise Drive, they have been there for 30 years, and own 5 other facilities in the corporate  
35 park. 1336 is a 3-story building and will be used for offices with a cafeteria on the first floor.  
36 The offices will be for HR, accounting and the Network Deployment Service Division, which  
37 works with other countries, so they are often there late. They have been making extensive  
38 renovations to the building. They will have regular visitors including potential employees, so it is  
39 important to have visibility. The building is located on the small side road off Enterprise Drive.  
40 Visibility is restricted by elevation changes and trees and vegetation. They are requesting 2  
41 exterior signs on the building 1 on the Paoli Pike side at 39 feet and 1 on the parking lot side at 25  
42 feet high, with a total of 67 sq. ft. The signs will be the same, 3 dimensional, backlit design.  
43 LEDs will be embedded in the sign and will put a glow on the building behind the sign which  
44 creates a silhouette of the sign. The LEDs can be dimmed. He mentioned the sections of the  
45 ordinance from which relief is sought. He feels the QVC sign is a good example of a quality,  
46 professional sign.

47 Jim suggested that if no one is arriving late, the signs be turned off early. Michael commented  
48 that they will not be on during the day. They will be on a timer so he is very willing to work with  
49 the township.

50 Michael estimates the move in date to be August 1<sup>st</sup>. The parking lot limits the number of people  
51 in the building at 130. The building was empty for almost 5 years.

52 Dan reviewed what they are permitted to do if they are unsuccessful in getting the variance.

George lives in Grand Oak and commented that CTDI has been very good to the neighbors. He is a little concerned about the need to have the signs lit at night.

Motion: Al made a motion to recommend that the Board of Supervisors support the Zoning Variance requests for CTDI at 1336 Enterprise Drive, from §240-22.Q(5) and §240-22.N., as outlined in their application, with conditions. The property is located in the Business Park District of the Township and the proposed relief will not pose any significant impacts to the character of the Business Park nor pose significant impacts on the adjacent residential neighborhoods:

- 1.) Permit a maximum of two (2) wall signs for the establishment
- 2.) Permit the wall signs to have a maximum height of 39 feet above the finished grade of the building, directly beneath the signs.
- 3.) The applicant shall install a dimming mechanism that will allow adjustment of the sign lighting to the satisfaction of the Township.
- 4.) The sign illumination will turn off at no later than 10:00 pm.

Jim seconded the motion.

Discussion:

Dan commented that from a height point of view, if there is only 1 sign, it needs to be higher than 10 feet and on the Paoli Pike side. Is a second sign needed? What about ground signs and monument signs? Jim also asked about ground signs in the corporate park. Michael answered that the Corporate Park Managers control these signs. Jim feels that improving the ground signs would be helpful. Also, Jim pointed out that the "1336" is on the top corner of the building. Adam feels there should only be one sign on the operational front of the building.

Janet understands the need for "branding" in a corporate park.

Al commented that showcasing the corporations in the township is important.

Sue feels that each building is unique with its own elevation, landscaping, etc., so each request has to be considered individually.

The motion passed with 6 yes votes and 1 no vote from Adam.

#### **E. SOLAR ENERGY ORDINANCE**

1. Solar Energy Ordinance – The Commission will review the draft for discussion at a later date.

Dan feels solar energy should be separate from wind energy.

#### **ADJOURNMENT**

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

The motion passed unanimously. The next regular meeting will be held on Wednesday, June 4, 2014 at 7:00 pm. The meeting adjourned at 10:00 pm.

Respectfully submitted, \_\_\_\_\_  
*Ruth Kiefer, Recording Secretary*

# Memorandum

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**East Goshen Township**  
**1580 Paoli Pike**  
**West Chester, PA 19380**

Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

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Date: 5/28/2014  
To: Planning Commission  
From: Mark Gordon, Zoning Officer  
Re: Solar Ordinance Amendment

*mb*

Dear Commissioners,

The drafted amendment to the solar ordinance is enclosed here for your review and consideration. I have enclosed a redline copy and a clean copy for your consideration.

## Recommended Draft Motion:

Mr. Chairman, I move that we recommend that the Board of Supervisors adopt the enclosed ordinance amendment to the Township zoning ordinance pertaining to solar energy systems. The proposed amendment will add various definitions to section 240-6 related to solar energy systems; amend section 240-23.C concerning maximum height of structures; and amend section 240-32.O amending the regulations for solar energy systems that are built as an accessory use to the principal use on a lot.

**DRAFT ORDINANCE FOR  
ON-SITE USAGE OF SOLAR ENERGY SYSTEMS**

TOWNSHIP OF EAST GOSHEN ~~ownship of East Goshen~~

CHESTER COUNTY, PENNSYLVANIA ~~hester County, Pennsylvania~~

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ~~TO AMENDING~~ THE EAST GOSHEN TOWNSHIP ZONING  
ORDINANCE OF EAST GOSHEN TOWNSHIP 1997, AS AMENDED, BY AMENDING  
ARTICLE I, SECTION 240-6 TO ADD VARIOUS, DEFINITIONS RELATED TO SOLAR  
ENERGY SYSTEMS; SECTION 240-23.C CONCERNING MAXIMUM HEIGHT OF  
STRUCTURES; AND SECTION 240-32.O TO AMEND THE REGULATIONS FOR SOLAR  
ENERGY SYSTEMS THAT ARE BUILT AS AN ACCESSORY USE TO THE PRINCIPAL  
USE ON A LOT, BY AMENDING EXISTING DEFINITIONS AND BY AMENDING  
ARTICLE V, SECTION 240-32.O (additional text  
necessary)

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen  
Township, that the East Goshen Township Zoning Ordinance of 1997, as amended,  
which is codified in Chapter 240 of the East Goshen Township Code, titled, "Zoning",  
shall be amended as follows:

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

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MECHANICAL EQUIPMENT ~~eehanical 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 ~~olar Access~~: A property owner's right to have sunlight shine on the  
owner's land.

SOLAR ENERGY SYSTEM ~~olar 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. **WHAT DO THESE TERMS MEAN?**

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**SOLAR GLARE-** ~~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.~~
- ~~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]. (???)~~

[I DON'T THINK WE NEED TO STATE THIS- THIS WOULD BE THE LAW EVEN IF IT WASN'T STATED.]

**SECTION 2.** ~~ection 3-~~ Section 240-23.C(2) of the East Goshen Township Zoning Ordinance of 1997, as amended, shall be amended as follows:

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"(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."

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SECTION 3. The Zoning Ordinance of East Goshen Township, Article V, Section 240.32.O of the East Goshen Township Zoning Ordinance of 1997, as amended, shall be amended as follows: Accessory Regulations, shall be amended by repealing existing Section 240.32.O and replacing it with the following new Section 240-32.O:

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"§240-32.O- "O. Solar OLAR Eenergy NERGY SsystemsYSTEMS

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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.

- I. 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 use 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.] [is it clear how the 1,000 sq ft will be measured?]*

- 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 local utility companies.

- C. The owner of a 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*].

- 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 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. A ground mounted system shall not exceed the maximum height of eight (8) feet.

- 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:

1. Earth disturbance and grading activities shall be minimized to the greatest extent feasible and natural vegetative ~~cover~~ shall be preserved and/or restored. Low impact construction techniques shall be utilized as feasible.

2. Vegetative ~~cover~~ shall have a 90% or better uniform coverage. Gravel shall not be considered pervious cover.



- a. A meadow condition is preferable, particularly for slopes between 5 and 10%.
    - b. Mowed areas, where approved, should be kept to four (4) inch minimum height.
    - c. Vegetated areas shall not be subject to chemical fertilization or herbicides / pesticides.
  3. Individual photovoltaic panels within an array are arranged in a fashion that:
    - a. Allows the passage of runoff between each module thereby minimizing the creation of concentrated runoff.
    - b. Allows the growth of vegetation beneath and between arrays.
  4. Ground mounted solar panels are supported with structures/foundations occupying minimal space (maximum five (5) percent of the total project area).
  5. Solar panels are situated on slopes less than ten (10) percent.
  6. The lowest vertical clearance of the solar array is at an elevation of eight (8) feet or less from the ground, but is also at an adequate height to promote vegetative growth below the array.
- H. A ground mounted system shall be located behind the principal structure within the building envelope.
- I. The minimum ~~solar energy system~~ setback between the solar energy system and distance from the any property lines shall be equivalent to the applicable building setback requirement of the underlying zoning district.
- J. Ground mounted solar energy systems including solar panels and mechanical equipment shall be fully screened from any adjacent property 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. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- K. The solar energy system shall comply with all relevant Federal Aviation Administration rules and regulations, if any.
- L. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
- M. 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

1

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**SECTION 5. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

ENACTED AND ORDAINED this      day of                      , 2014.

ATTEST: \_\_\_\_\_ EAST GOSHEN TOWNSHIP

Louis F. Smith, Secretary                      E. Martin Shane, Chairman

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Senya D. Isayeff, Vice-Chairman

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Carmen Battavio, Member

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Charles W. Proctor, III, Esquire, Member

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Janet L. Emanuel, Member

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~~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.~~

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~~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.~~

TOWNSHIP OF EAST GOSHEN  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, SECTION 240-6 TO ADD VARIOUS DEFINITIONS RELATED TO SOLAR ENERGY SYSTEMS; SECTION 240-23.C CONCERNING MAXIMUM HEIGHT OF STRUCTURES; AND SECTION 240-32.O TO AMEND THE REGULATIONS FOR SOLAR ENERGY SYSTEMS THAT ARE BUILT AS AN ACCESSORY USE TO THE PRINCIPAL USE ON A LOT.

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BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township, that the East Goshen Township Zoning Ordinance of 1997, as amended, which is codified in Chapter 240 of the East Goshen Township Code, titled, "Zoning", shall be amended as follows:

**SECTION 1.** Section 240-6, titled, "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.** Section 240-23.C(2) of the East Goshen Township Zoning Ordinance of 1997, as amended, shall be amended as follows:

“(2) Structures such as flagpoles, windmills, water towers 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.”

**SECTION 3.** Section 240.32.O of the East Goshen Township Zoning Ordinance of 1997, as amended, shall be amended as follows:

“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 use 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.
  - 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 local utility companies.

- C. The owner of a 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*].
- 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 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. A ground mounted system shall not exceed the maximum height of eight (8) feet.
- 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:
  - 1. Earth disturbance and grading activities shall be minimized to the greatest extent feasible and natural vegetative cover shall be preserved and/or restored. Low impact construction techniques shall be utilized as feasible.
  - 2. Vegetative cover shall have a 90% or better uniform coverage. Gravel shall not be considered pervious cover.
    - a. A meadow condition is preferable, particularly for slopes between 5 and 10%.
    - b. Mowed areas, where approved, should be kept to four (4) inch minimum height.



- c. Vegetated areas shall not be subject to chemical fertilization or herbicides / pesticides.
- 3. Individual photovoltaic panels within an array are arranged in a fashion that:
  - a. Allows the passage of runoff between each module thereby minimizing the creation of concentrated runoff.
  - b. Allows the growth of vegetation beneath and between arrays.
- 4. Ground mounted solar panels are supported with structures/foundations occupying minimal space (maximum five (5) percent of the total project area).
- 5. Solar panels are situated on slopes less than ten (10) percent.
- 6. The lowest vertical clearance of the solar array is at an elevation of eight (8) feet or less from the ground, but is also at an adequate height to promote vegetative growth below the array.
- H. A ground mounted system shall be located behind the principal structure within the building envelope.
- I. The minimum setback between the solar energy system and any property line shall be equivalent to the applicable building setback requirement of the underlying zoning district.
- J. Ground mounted solar energy systems including solar panels and mechanical equipment shall be fully screened from any adjacent property 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. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- K. The solar energy system shall comply with all relevant Federal Aviation Administration rules and regulations, if any.

- L. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
  - M. 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 such information complies with the prevailing sign regulations.
  - N. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.
  - O. The design of the solar energy system shall conform to applicable industry standards.
- 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.
  - 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 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."

**SECTION 4. 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 5. 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 6. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Louis F. Smith, Secretary

\_\_\_\_\_  
E. Martin Shane, Chairman

\_\_\_\_\_  
Senya D. Isayeff, Vice-Chairman

\_\_\_\_\_  
Carmen Battavio, Member

\_\_\_\_\_  
Charles W. Proctor, III, Esquire, Member

\_\_\_\_\_  
Janet L. Emanuel, Member

# Memorandum

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East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshe.org](mailto:mgordon@eastgoshe.org)

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Date: 5/29/2014  
To: Planning Commission  
From: Mark Gordon, Zoning Officer *mlb*  
Re: Zoning Ordinance Petition- Fast Food Restaurant with Drive Thru Service in the C-2

Dear Commissioners,

The Township has received a petition to amend the Township Zoning Ordinance to allow fast food restaurants within a shopping center in the C-2 District as a Conditional Use. A copy of the petition and the draft amendment are enclosed for your review and consideration.

Procedurally the PC needs to review the petition and make a recommendation to the Board of Supervisors on the merits of the petition. Should the PC and the Board of Supervisors accept the petition, the Township solicitor would then draft an ordinance amendment to incorporate the changes and we would then forward that amendment to the CCPC for review.

The staff has reviewed drafts of the petition and the ordinance amendment closely and made several suggestions which the petitioner has incorporated.

## Recommended Draft Motion:

Mr. Chairman, I move that we recommend that the Board of Supervisors accept the petition to amend the Zoning Ordinance allowing Fast Food Restaurants in the C-2 District as a conditional use and to direct the staff and solicitor to begin the ordinance amendment process.

GAWTHROP GREENWOOD, PC  
By: Patrick M. McKenna, ID #87610  
17 East Gay Street, Suite 100  
West Chester, PA 19381-0562  
610-696-8225

Attorneys for Petitioner,  
Abjibapa Enterprises, LLC

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IN RE: PETITION FOR ZONING	:	BOARD OF SUPERVISORS OF
AMENDMENT BY ABJIBAPA	:	
ENTERPRISES, LLC,	:	EAST GOSHEN TOWNSHIP
LESSEE OF PROPERTY	:	
LOCATED AT GOSHEN VILLAGE	:	CHESTER COUNTY, PENNSYLVANIA
SHOPPING CENTER	:	
Petitioner	:	

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**PETITION FOR AMENDMENT TO THE EAST GOSHEN TOWNSHIP  
ZONING ORDINANCE BY ABJIBAPA ENTERPRISES, LLC,  
LESSEE OF PROPERTY LOCATED AT GOSHEN VILLAGE SHOPPING CENTER**

Petitioner, Abjibapa Enterprises, LLC ("Petitioner"), by and through its attorneys, Gawthrop Greenwood, PC, hereby files this Petition for Zoning Amendment pursuant §240-49 of the East Goshen Township Zoning Ordinance, and in support thereof avers the following:

1. Petitioner is Abjibapa Enterprises, LLC, lessee of the former bank pad in the Goshen Village Shopping Center ("Shopping Center") located at 1500 Paoli Pike, East Goshen Township, Chester County, Pennsylvania, also known as UPI #53-4-77 ("Property"), located in the C-2 Local Convenience Commercial District of the Township.
2. Petitioner owns and operates a number of "Dunkin Donuts" franchises in the surrounding community, and seeks a zoning amendment to permit the operation of a "Dunkin Donuts" on the former bank pad site in the Shopping Center.

3. Petitioner does not propose any exterior changes to the former bank building, other than signage. Petitioner proposes the installation of a drive-through lane to accommodate its customers, as well as locating a garbage dumpster that will be fully secured and out of view adjacent to the bank pad site.

4. There is currently no fast-food restaurants with drive-through service located within East Goshen Township.

5. Petitioner seeks to have the East Goshen Township Zoning Ordinance amended to permit fast-food restaurants with drive-through service, but only as the principle use of a freestanding building within a shopping center use. In addition, Petitioner seeks to amend the Zoning Ordinance to accommodate proposed signage for the Dunkin Donuts use, as well as to provide regulations for fast-food restaurant drive-through menu boards, which regulations do not currently exist in the Zoning Ordinance.

6. Petitioner's proposed zoning amendments are attached hereto as Exhibit "A."

7. Section 240-49.F of the East Goshen Township Zoning Ordinance requires a petition for zoning amendment to be accompanied by answers to the following questions"

(1) Land use

(a) Is the land use compatible with adjacent land uses? **ANSWER:**

**Yes.** The use proposed is for a fast-food restaurant with a drive-through, but only as the principle use of a freestanding building within a shopping center use. The use is proposed within the Shopping Center, which uses are mixed use retail and commercial. In addition, the proposed restaurant use is on the site of a former bank use within the Shopping Center. The Shopping Center is located within close proximity to other commercial and retail uses including: a CVS



Pharmacy, the Township Building, a Wawa convenience store, the Pepper Mill restaurant, a TD bank and a Swiss Farms dairy store, as well as office uses.

(b) Is the proposed land use compatible with zoning regulations in adjoining municipalities if the proposed use is located on the Township's border? **ANSWER:** N/A.

(c) Is the proposed land use one that is permitted in other appropriately zoning area(s) of the Township? **ANSWER: Yes.** Fast-food restaurants with drive-through service are permitted by-right in the C-1 Community Commercial District.

(d) Does the proposed land use conform with the goals and recommendations in the Township's Comprehensive Plan? **ANSWER: Yes.** The stated goal of the Township under land uses of the Comprehensive Plan is to maintain East Goshen as a premier suburban residential community. Objective 2A of the Comprehensive Plan is to promote redevelopment in commercial districts that enhances the character of the community. Here, the Petitioner seeks to redevelop a former and long-vacant bank pad site in a Commercial District of the Township. In addition, the Dunkin Donuts franchise proposed for this location is a "platinum" store with amenities akin to a Starbucks location, including comfortable sofas, seating for customers and free Wi-Fi connections.

2. Land Planning. Will the proposed land use, site planning, landscaping and other land planning proposals enhance the visual and aesthetic character of the immediate neighborhood? **ANSWER: Yes.** The use of the former bank pad site for the Dunkin Donuts will enhance the character of the Shopping Center as the former bank has been vacant for many years and not well maintained. The Petitioners propose to improve and update the landscaping

of the site, as well as the building's exterior, and to provide a vibrant and successfully proven commercial use to the C-2 District.

3. Contributing influence.

(a) How will the proposed land use affect the following trends in the Township: increased vacancy rates, seriously endanger the economic viability of business, traffic impact, low density to higher density use, water, sanitary sewer and utility service and capacities? **ANSWER:** The proposed use will decrease the vacancy rate of the Shopping Center as it will occupy a long-vacant former bank pad site, and the Dunkin Donuts business has a well-known reputation as an economically viable business, which would be an asset to the Township. In addition, the Petitioners have a long-standing and successful track-record as owner/operators of Dunkin Donut franchises. It is anticipated that the Petitioner will present a traffic impact study at the time of any conditional use hearing. That said, the bulk of business for a Dunkin Donuts establishment is conducted between the hours of 6:00 am and 10:00 am, which hours occur before the bulk of the retail and commercial uses of the Shopping Center are open. The proposed fast-food restaurant with drive-through service, while arguably a more intense use than a bank, is similar to that of a bank use in that both of their customers use drive-through service and have a high customer turn-over rate.

(b) Is there adjacent vacant land whose potential land use character would be significantly influenced by the proposed land use? **ANSWER: N/A.**

4. Existing and anticipated need. Would the proposed land use serve a real need that exists, or is expected to exist within one year? **ANSWER: Yes.** The Township does not contain any fast-food restaurants with drive-through service. Given the continued increase in population in Chester County, and the popularity of East Goshen in particular, we believe that the Dunkin Donuts business fulfils a need of the Township for such a use that does not already exist within the Township.

5. Natural environment. Can the proposed land use be sited in the land with a minimum disruption to the natural environment? **ASNWER: Yes.** To the extent this factor is relevant, there will be minimal disruption to the environment of the Shopping Center as the use is contained within an existing structure in the Shopping Center and no exterior changes or enlargements to the bank pad site are proposed.

6. Public service. Are existing or imminent public services available to adequately serve the proposed land use? **ANSWER: Yes.**

(a) Schools – N/A.

(b) Utilities – Sufficient utility service already exists as part of the former bank use.

(c) Recreation facilities – N/A.

(d) Fire protection – It is anticipated that sufficient fire protection exists to serve such the use since the Shopping Center has been in existence for many years, and since there was an existing bank use in the same location. In addition, the Petitioners will install code compliant fire suppression mechanisms to accommodate the restaurant use. The Petitioner further anticipates that any Site Plan will be reviewed by the Township Fire Marshall prior to any conditional use hearing.

(e) Police protection – It is anticipated that sufficient fire protection exists to serve such the use since the Shopping Center has been in existence for many years, and since there was an existing bank use in the same location.

7. Streets

(a) Are the existing streets able to accommodate the increased traffic that the proposed land use will generate? **ANSWER: Yes.** As noted above, the Petitioner anticipates submitting a traffic study during the conditional use hearing. In addition, while there may be an increase in traffic associated with the Shopping Center, the Dunkin Donuts use is not a “destination use,” but rather is a use typically visited by motorists while on their way to destinations. Accordingly, it is not anticipated that the fast-food restaurant with drive-through service will generate increased traffic on the Township’s roads.

(b) If not, are the existing streets programmed for widening and improvement by the federal, state or Township government, or are the streets proposed for widening and improvement by the developer to accommodate the increased traffic? **ANSWER: N/A.**

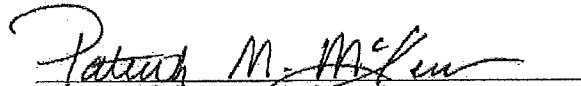
8. Citizen opinion. What do the adjacent property owners thing about the proposed land use? **ANSWER:** Unknown to the Petitioner at this point, but the Petitioner anticipates public comment on the proposed use and zoning amendment both before the Planning Commission and the Board of Supervisors on the Petition, as well as during conditional use if the amendment is enacted by the Township. Petitioner will dutifully respond to all relevant citizens’ comments at that time.

WHEREFORE, petitioner, Abjibapa Enterprises, LLC, respectfully requests that East Goshen Township amend its Zoning Ordinance, consistent with the proposed text provided herewith, for the reasons set forth above.

Respectfully submitted,

GAWTHROP GREENWOOD, PC

By:



Patrick M. McKenna  
Attorneys for Petitioner,  
Abjibapa Enterprises, LLC

Dated: \_\_\_\_\_

5/28/14

# Exhibit “A”



**ABJIBAPA ENTERPRISES, LLC**

**PROPOSED ZONING AMENDMENT  
EAST GOSHEN TOWNSHIP**

1. Amend Article III, Commercial Districts, §240-15, C-2 Local Convenience Commercial District, subsection C, Permitted conditional uses, to add new subparagraph (9) as follows:

(9) Fast-food restaurant with drive-through service, but only as the principle use of a freestanding building within a shopping center use.

2. Amend Article V, Supplemental Regulations, §240-22, Signs, subsection P, Signs permitted in commercial districts, subparagraph (4), Signs relating to a principal use on a lot, including more than one commercial establishment, subparagraph (a), Wall sign, to add new subparagraph [5] as follows:

[5] Notwithstanding the provisions of §240-22.P(4)(a) above, two (2) wall signs shall be permitted for a fast-food restaurant with drive-through service, when such use is part of a shopping center pursuant to §240-15.C(9). Provided, further, that each such wall sign shall not exceed two (2) feet in height and that each such wall sign shall not exceed 34 square feet in area.

3. Amend Article V, Supplemental Regulations, §240-22, Signs, subparagraph H, Menu boards, bills of fare or price lists, to read as follows:

H. Menu boards, bills of fare or price lists.

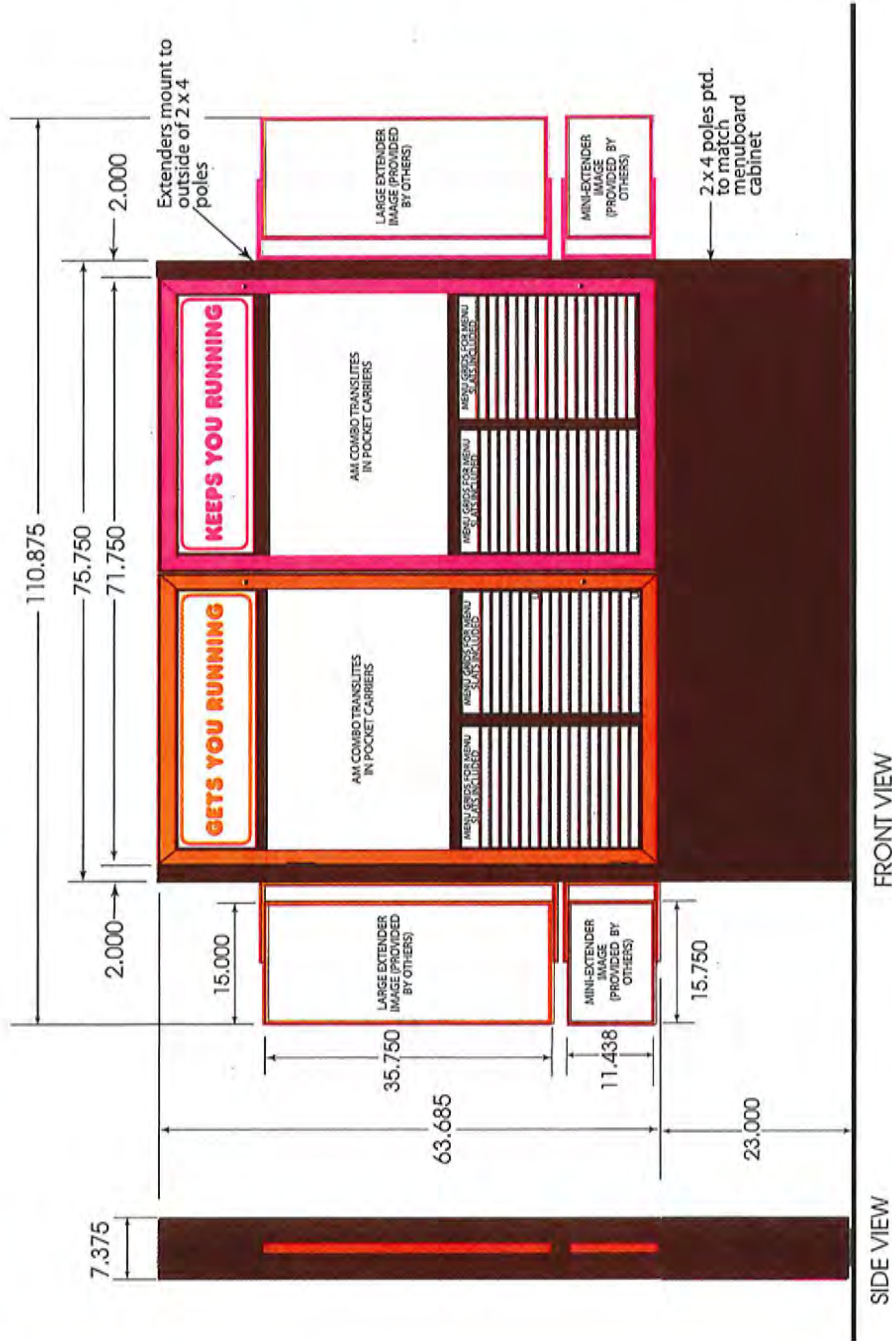
- (1) A menu board (as defined under "sign" in §240-6) shall not be considered a sign within the meaning of this chapter, provided that all of the following conditions are met:

- (a) Such sign is three square feet or less in area.
- (b) Such sign has letters and numbers a maximum of three inches in height.
- (c) Such sign is located on the building next to the entrance of the establishment or in the window next to the entrance to the establishment.
- (d) Such sign shall only be permitted for use in conjunction with a restaurant.

- (2) A menu board (as defined under "sign" in §240-6) associated with a fast-food restaurant with a drive-through service in a shopping center pursuant to §240-15.C(9), shall not be considered a sign within the meaning of this chapter, provided that all of the following are met:
- (a) The menu board shall not exceed seven and a half (7½) feet in height, including the base.
  - (b) The menu board shall not exceed nine and a half (9½) feet in width, including any menu extenders mounted on either side of the menu board from time to time. Menu extenders shall not be illuminated.
  - (c) Such menu board shall be internally illuminated and may only be illuminated during normal business hours of a fast-food restaurant with a drive-through service in a shopping center.
  - (d) Such a menu board shall only be permitted for use in conjunction with a fast-food restaurant with a drive-through service in a shopping center.
  - (e) Such a menu board shall be located so as not to obstruct traffic or sight lines of vehicles in a shopping center.



# MBDDVEWOS- DD EXTERIOR DT MENUBOARD w/out SPEAKER



## SIGN SPECIFICATIONS

### Materials:

- 22 ga. galvalneal steel
- Aluminum extrusion
- (2) 2x4x3/16 poles w/ steel plates

### Access:

- Open front doors to access menu grids and POP images
- Remove POP frames or menu grids to access lamps and ballasts

### Area:

- 45.59 Sq. Ft. (not including extenders)
- 55.53 Sq. Ft. (including extenders)

### Weight (approx.):

- 559 lbs.

### Wind Load:

- 35 PSF

## ELECTRICAL SPECIFICATIONS

### Lamps:

- (8) FO40/741 60" 40-Watt 4100K

### Ballasts:

- (4) Fulham WH5

### Line Load:

- 4.6 Amps @ 120 V
- (1) 20 Amp circuit, 60 Hz

## COLOR SPECIFICATIONS

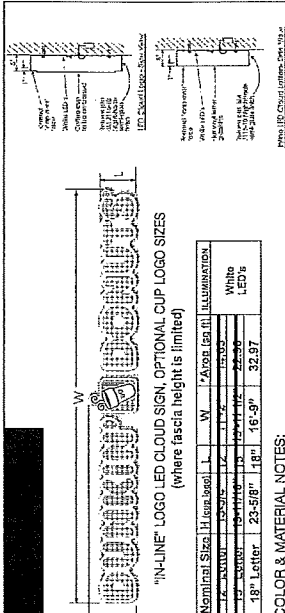
- BM 2116-10 Nightshade Brown semi-gloss
- PMS 165C Orange
- PMS 219C Raspberry



**Everbrite**

For More Information about the Dunkin' Donuts Sign Program or other Dunkin Brand Sign programs manufactured by Everbrite, LLC, please contact a Dunkin Brands Specialist at toll free 888-505-1002 or [dunkinbrands@everbrite.com](mailto:dunkinbrands@everbrite.com). We are pleased to assist you.

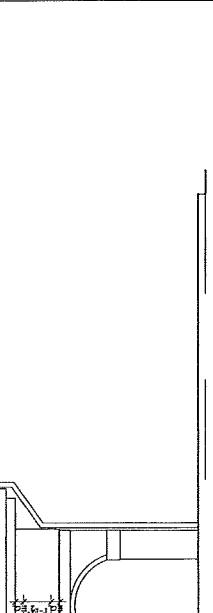
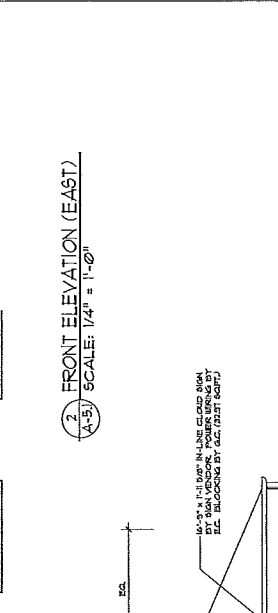




**COLOR & MATERIAL NOTES:**  
 SIGN: LED CLOUD SIGN / LOGO SIGN FOR IN-LINE CLOUD.  
 FRAME: One formed clear vinyl or clear polycarbonate, decorated second surface vinyl.  
 VINYL: Color: DD Orange-3M 4350-123; DD Magenta-3M 4350-137; Dark Brown (on cup logo)- 3M 4350-59.  
 CUP LOGO: Color: DD Orange-3M 4350-123; DD Magenta-3M 4350-137; Dark Brown (on cup logo)- 3M 4350-59.  
 CUP LOGO: Color: DD Orange-3M 4350-123; DD Magenta-3M 4350-137; Dark Brown (on cup logo)- 3M 4350-59.  
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 CUP LOGO: Color: DD Orange-3M 4350-123; DD Magenta-3M 4350-137; Dark Brown (on cup logo)- 3M 4350-59.

**IN-LINE CLOUD LETTERS:**  
 Cloud letter faces to be formed clear polycarbonate, decorated second surface vinyl; letters to be flat (not embossed).  
 Vinyl color to use: DD Orange-3M 4350-123; DD Magenta-3M 4350-137; Dark Brown (on cup logo)- 3M 4350-59.  
 Vinyl color to use: DD Orange-3M 4350-123; DD Magenta-3M 4350-137; Dark Brown (on cup logo)- 3M 4350-59.

**3 TYPICAL SIGNAGE DETAIL**  
 A-5/ SCALE: NOT TO SCALE



**PROPOSED PROJECT**  
 DUNKIN' DONUTS  
 1505 PACOLTI PIKE  
 CHESTER, PA 19380  
 FRESH BREW CO.  
 CHESTER COUNTY

## **REVISED DRAFT**

### East Goshen Township Comprehensive Plan Update Revised Work Plan – May 8, 2014

Consistent with the approved Scope of Work, the Conservancy and its sub-consultant, Triad Associates, Inc., will perform the following tasks to complete the 2015 comprehensive plan update:

#### **Text and Mapping**

- Revise chapters 1, 2, 3, 4, 5, and 6 in a format consistent with the 2005 Comprehensive Plan and additional Township direction.
  - Chapter 1 will present an overall plan goal, as well as a summary of each chapter goal.
  - Chapters 2 through 5 will each begin with a goal for that chapter, followed by a brief discussion of the goal, and then a set of related objectives, recommendations, and actions. A short narrative will follow objectives as necessary to provide clarification.
  - Chapters will draw upon material already prepared for “implementable plan” drafts, and will incorporate objectives, recommendations, and action steps from 2005 plan based on discussions with township staff.
- Produce chapter 8 (community facilities and services) and chapter 9 (transportation) in a format consistent with the first six revised chapters.
- Incorporate into the 2015 draft plan when completed by Ann Toole, draft chapter 7, parks, recreation, and open space.
- Produce chapter 10, Implementation, summarizing goals, objectives, recommendations, and actions through use of a matrix. The implementation matrix will include priority and responsible party.
- Produce the following plan appendices, updating appendices from the 2005 plan and including where appropriate
  - Updated demographics (including population forecasts)
  - Economic development existing conditions summary
  - Existing land use and build-out analysis
  - Surrounding municipalities planning efforts
  - Natural and cultural resources inventory
- Produce the following maps of the township to be included in the Plan Update
  - Regional location
  - Existing land use
  - Zoning map
  - Aerial photograph
  - Remaining development potential/build-out analysis
  - Surface water features
  - Riparian buffer analysis
  - Woodlands analysis
  - Historic resources
  - Community facilities

- Parks, recreation, and open space
- Produce a complete draft of the 2015 Comprehensive Plan Update for review and comment by the township staff, Comprehensive Plan Update Task Force, Board of Supervisors representatives overseeing the Plan Update, and Chester County Planning Commission's VPP grant administrator.
- Produce a second, final draft of the 2015 Comprehensive Plan Update for Task Force approval, meeting Act 247 requirements, County VPP grant review, and for Board of Supervisors adoption.
- Produce the Board-adopted 2015 Comprehensive Plan Update in electronic and printed versions for the Township's distribution and use.

### **Meetings/hearings**

- Distribute and discuss drafts of the above listed text and map products with township staff and board of supervisors representatives overseeing the plan update in advance of Task Force meetings.
- Distribute in advance and meet with the Task Force on June 23rd, 2014 to review revised draft chapters 1, 3, 4, 5, and 6 and obtain comments/feedback.
- Distribute in advance and meet with the Task Force in on July 28th, 2014 to review and discuss revised Chapter 2, Economic Development Plan.
- Distribute in advance and meet with the Task Force on September 25th, 2014 to review and discuss new Chapter 8, Community Facilities and Services, and Chapter 9, Transportation
- Distribute in advance and meet with the Task Force on October 22nd, 2014 to review and discuss new Chapter 7, Parks, Recreation, and Open Space.
- Distribute in advance and meet with the Task Force on November 24th, 2014 to review and discuss Chapter 10, Implementation.
- Distribute in advance and meet with the Task Force on February 23rd, 2015 to review and discuss draft 2015 Comprehensive Plan Update.
- Meet with the Task Force on March 23rd, 2015 to review the complete draft of the 2015 Comprehensive Plan Update.
- Distribute to the Township on April 27th, 2015, the final draft Comprehensive Plan Update for Task Force review and recommendation of plan for consideration and adoption by Board of Supervisors
- Forward final draft Plan Update to Township Planning Commission in May for consideration at their June public meeting.
- Assuming acceptance of the final draft Plan Update by the Township Planning Commission at their June 3, 2015 meeting, forward final draft Plan Update to the Board of Supervisors for their meeting on June 16, 2015.
- Hold public hearing, and consider for adoption, final draft Comprehensive Plan Update, culminating in plan adoption by end of July, 2015.

### **Coordination**

- Coordinate as necessary with township staff and ABC chairs to obtain final input to draft plan contents.



- Coordinate as necessary with Chester County Planning Commission grant coordinator to obtain input and recommendations to draft plan contents and VPP/Act 247 comments.
- Coordinate as necessary with subconsultant, Triad Associates, Inc. to produce revised draft Economic Development Plan based on written comments received from the Township.
- Coordinate as necessary with East Goshen Township staff and CCPC grant coordinator to submit a request for VPP grant extension.