

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION**

**Meeting Agenda**

**Wednesday, July 2, 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. June 4, 2014**
- F. Subdivision Applications
  - 1. 1662 E. Boot Rd. / Renehan Building Group (SD/LD)**
- G. Land Development Applications
- H. Conditional Uses and Variances
  - 1. Sun Refining and Marketing 1431 Paoli Pike (Amend ZHB Decision)**
- 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
  - July 03, 2014                      Park Commission                      7:00 PM  
   CANCELLED
  - July 04, 2014                      Independence Day  
   Office Closed
  - July 09, 2014                      Conservancy Board                      7:00 PM
  - July 10, 2014                      Historical Commission                      7:00 PM
  - July 10, 2014                      Website Committee                      7:00PM
  - July 14, 2014                      Municipal Authority                      7:00 PM
  - July 15, 2014                      Board of Supervisors                      7:00 PM
  - July 16, 2014                      Futurist Committee                      7:00 PM
  - July 21, 2014                      Commerce Commission                      7:00 PM
  - July 24, 2014                      Website Committee                      7:00 PM
  - July 28, 2014                      Comp Plan Task Force                      7:00 PM
  - July 30, 2014                      Zoning Hearing Board                      7:30 PM  
   1431 Paoli Pike

Fall Newsletter Articles Due to Nancy by July 31<sup>st</sup>

**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	2	10/7/2014	10/21/2014	NA	10/30/2014
Sunoco	ZHB	S	6/24/2014	6/24/2014	NA	NA	6/25/2014		8/6/2014	8/19/2014	7/30/2014	8/22/2014
<b>Bold = New Application or PC action required</b>												

Completed in 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
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
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**  
**June 4, 2014**

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, June 4, 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; 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. The minutes from the May 7 meeting were reviewed and corrected.
2. Mark reported that the CTDI and 1556 Mill Race requests were approved with the Planning Commission's conditions.
3. Mark explained the Act 537. Whenever a revision is made the Planning Commission has to review it. He showed the Commission members the plan for the proposed Reservoir Road Pump Station. The cost is estimated at \$1.6 Million. The Commission has to authorize the Chairman to sign the Component 4A form.
4. Dunkin Donuts - Mark explained that they will be attending the meeting and presenting their petition to change the ordinance. The Township solicitor has not reviewed the petition yet.

**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 May 7, 2014 meeting were approved as corrected.
4. Dan reviewed the Tracking Log.
5. Dan asked if anyone had any comments on non-agenda items. There was no response.

**C. ORDINANCE AMENDMENTS**

1. Dunkin Donuts – Amend C-2 Zoning District to include a Fast Food Restaurant with Drive Thru service. Those present were Mr. Abjibapa, Petitioner; Matthew Houtman, engineer and President of GD Houtman & Son; and Patrick M. McKenna, attorney, representing the Petitioner, Abjibapa Enterprises, LLC. Pat reviewed the proposal:
  - a. Amendment – They are seeking a fast food restaurant with a drive thru only associated with a stand-alone building in a shopping center.
  - b. Permit Signage – Currently allowed to have 2 signs on the end of the building. Want to amend to allow 2 signs and increase the size slightly to 34 sq. ft.
  - c. Menu Board – It will be used in the drive thru and includes the standard menu plus a special extender for seasonal specials.
  - d. Flow of traffic – Entrance will be from Paoli Pike. There will be directional signs throughout the parking lot.
  - e. Trash dumpster will be located at the base of the embankment at the corner of Paoli Pk. and Boot Rd. behind the center's sign.

1 The applicant owns and operates 17 Dunkin Donut stores in the area. This will be a "Platinum"  
2 store with many upgrades.

3 Discussion:

4 Dan – Figure out how big the shopping center is, then deduct the size of the Dunkin Donuts area  
5 and make it the size of the shopping center. Pat will explore the issue of the size of the center  
6 with Township Solicitor.

7 Dan – Speaker system noise. He pointed out that Sunday and early daily hours it is quiet. Will  
8 the residents in the area hear the speaker at the drive thru? Pat commented that the system has 10  
9 levels. Mark mentioned that it can be made a condition of the approval. Jim mentioned that he  
10 went to the Dunkin Donuts in Frazer at about 6:00 am and couldn't hear the speaker sound on the  
11 other side of the building so he doesn't think it will be a problem.

12 Dan – Will a fence be put on the upside of the hill for the dumpster? Pat feels the dumpster will  
13 not be seen from the street and Mark advised them about screening with landscaping.

14 Adam is concerned that the additional traffic may inhibit the other businesses. Pat commented  
15 that their peak hours are 5:30 am to 10:00 am. They are open from 5:00 am to 10:00 pm. Most of  
16 the other businesses open at 9:00 am and the dance school would be busy in the afternoon and  
17 evening. He also pointed out that most of the cars are already going past this site so this would  
18 not be a destination for the majority of cars, just a stop on the way to work. He added that this  
19 building has been vacant for 5 years.

20 Mr. Abjibapa commented that Dunkin Donuts has wanted to be in this location for a while.

21 When he sent the site to DD, they said yes. It will take a few weeks to have the traffic study  
22 done. In the last 10 years no Dunkin Donuts have closed.

23 Dan thanked them for their patience since these issues will be covered under the conditional use  
24 process. Pat's goal is to address issues as best as possible, as soon as possible.

25 Motion – Jim made a motion to recommend that the Board of Supervisors accept the petition to  
26 amend the Zoning Ordinance allowing Fast Food Restaurants in the C-2 District as a conditional  
27 use and to direct the staff and solicitor to begin the ordinance amendment process. Al seconded  
28 the motion. The motion passed with 6 yes and 1 no from George.

29  
30 **D. ANY OTHER MATTER**

31 Minor Act 537 Revision – Adam made a motion to authorize the Chairman to complete the  
32 Component 4A form for an Act 537 Plan Update Revision regarding the Reservoir Road Pump  
33 Station. Jim seconded the motion. The motion passed unanimously.

34  
35  
36 **E. SOLAR ENERGY ORDINANCE**

37 1. Solar Energy Ordinance – The Commission reviewed and discussed the draft ordinance for  
38 on-site usage of solar energy systems. Some areas of discussion were:

- 39 a. Stormwater management  
40 b. Fertilization  
41 c. Sketches possibly added as attachments  
42 d. Definition for primary structure/building  
43 e. Solar system over top of parking lots  
44 f. Screening/fence  
45 g. The industrial area is surrounded by residential which needs to be considered.  
46 h. Biggest safety issue is firemen. Even though they turn the panels off, the system is  
47 still generating electricity.  
48 i. Industry standards

49 Mark will discuss the areas of concern with Kristin and make a clean copy for next month and  
50 forward it to the Board of Supervisors.

51 Motion - Sue moved to recommend that the Board of Supervisors adopt the enclosed ordinance  
52 amendment to the Township Zoning Ordinance pertaining to solar energy systems. The proposed  
53 amendment will add various definitions to section 240-6 related to solar energy systems; amend

1 section 240-23.C concerning maximum height of structures; and amend section 240-32.0  
2 amending the regulations for solar energy systems that are built as an accessory use to the  
3 principal use on a lot. Monica seconded the motion. The motion passed.  
4

5 **ADJOURNMENT**

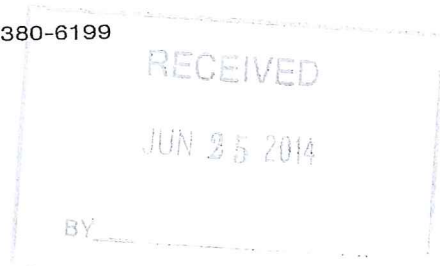
6 There being no further business, Sue moved to adjourn the meeting. Al seconded the motion.  
7 The motion passed unanimously. The next regular meeting will be held on Wednesday, July 3,  
8 2014 at 7:00 pm. The meeting adjourned at 10:15 pm.  
9

10  
11 Respectfully submitted, \_\_\_\_\_  
12 *Ruth Kiefer, Recording Secretary*

BOARD OF SUPERVISORS  
EAST GOSHEN TOWNSHIP

CHESTER COUNTY  
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

FYI



Date: 6/20/14

Plan: E Boot Rd

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 90 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 Renshaw

Applicant (Sign):

[Signature]  
Renshaw Bldg Corp Inc.


# 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)

---

**Date:** 6/26/2012  
**To:** Planning Commission  
**From:** Mark Gordon, Zoning Officer   
**Re:** Sunoco ZHB Decision Amendment

Dear Commissioners,

Sun Refining and Marketing Company, owner of 1431 Paoli Pike, West Chester, PA 19380 has submitted a Zoning Hearing Board application requesting to amend the Zoning Hearing Board Decision for this property. The applicant is proposing changes to the approved freestanding sign for the gas station to include changing the existing gas price letters on the sign to L.E.D. letters.

The L.E.D. Letters proposed are not prohibited in the ordinance. They are illuminated numbers that will change when gas prices change and are part of the freestanding sign. I don't believe the use of this technology is any different than the use of numbers that are manually changed as far as the sign ordinance is concerned. They are static numbers and only change as the market prices of gasoline change

The sign area has been modified from the approved design over the years; these modifications have not proven to be problematic and were realized upon submission of this application. The applicant proposes to address these items now with this requested amendment to the existing ZHB Decision.

## **DRAFT MOTION:**

Mr. Chairman, I move that we recommend that the Board of Supervisors support the proposed amendment to the Zoning Hearing Board Decision to update the existing freestanding sign on the property at 1431 Paoli Pike. The proposed amendment to the decision will not alter the character of the property or the surrounding property, with the following conditions:

1. The illumination of the LED numbers shall automatically adjust to the ambient light conditions, via remote sensor.

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

June 26, 2014

Dear Property Owner:

The purpose of this letter is to inform you that Sun Refining and Marketing Company, owner of 1431 Paoli Pike, West Chester, PA 19380 has submitted a Zoning Hearing Board application requesting to amend the Zoning Hearing Board Decision for this property. The applicant is proposing changes to the approved freestanding sign for the gas station to include changing the existing gas price letters on the sign to L.E.D. letters. The full application is available for review at the Township building.

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

**The meeting dates for this matter are listed below and subject to change without further written notice:**

**July 2, 2014 – Planning Commission (7:00 PM)**

**July 15, 2014 – Board of Supervisors (7:00 PM)**

**July 30, 2014 – Zoning Hearing Board (7:30 PM) (Zoning Hearing)**

All meetings are held at the Township Building and are open to the public. The Zoning Hearing Board Application is available for review at the Township building 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



**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: Sun Refining & Marketing Co.  
Applicant Address: 1735 Market Street, Philadelphia, PA 19103  
Telephone Number: (610) 233-8877 Fax Number: (610) 833-3616  
Email Address: swhinde@sunocoine.com  
Property Address: 1431 Paoli Pike, West Chester, PA 19380  
Tax Parcel Number: 53-4-2 Zoning District: BP Acreage: Approx. 1.1 acres

**Purpose of Application (check one)**

- ☐ Variance (Type: ☐ Use Variance ☐ Dimensional Variance)  
☐ Special Exception  
☐ Appeal determination of the Zoning Officer  
☒ Other Amendment to Order of ZHB dated 1/28/92 as previously amended by Order of ZHB dated 11/8/93

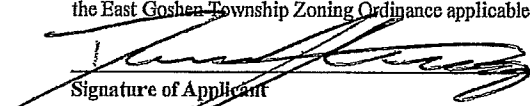
**Sections of Zoning Ordinance in which relief is sought:**

Not applicable unless the requested amendment to the existing orders of the ZHB to modernize the existing goal post sign by replacing the manual gas price signs with static LED gas price signs as well as to approve the existing conditions of the goal post sign require relief from sections of the Zoning Ordinance that are unknown at this time.

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

Applicant is seeking to modernize the existing goal post sign by removing the manual gas price signs and replacing them with LED gas price signs as per attached rendering. Applicant is also seeking approval of the existing conditions of the goal post sign to the extent it does not comply with the dimensional requirements of the Order of the ZHB as previously amended (copies attached).

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.

  
Signature of Applicant

6/24/14  
Date

Darin J. Steinberg (Attorney For Applicant)

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

# Existing sign to remain - 6' TP System - Option 1

DUNS# 00047969

1425 Paoli Pike, West Chester, PA 19380

Replace pricer 57" ht w/ LED of same size - Regular Self/ Ultra 93 Self - 5' x 6' system

Proposed with ID, LED pricer and OFN sign

	Approved	Existing	Proposed
Total sign area	48 sq ft	61.28 sq ft	61.28 sq ft
From ground level to top of sign	14 ft	13' 10 1/4"	13' 10 1/4"
From ground level to bottom of sign	6 ft	3'11"	3'11"
Height of signs	8 ft	9' 11.25"	9' 11.25"
Width of signs	6 ft	6'2"	6'2"

6' 2"



Existing

ID Sign: 20.04 SQFT

Price Sign: 29.29 SQFT

Ancillary Sign: 11.95 SQFT

Total: 61.28 SQFT

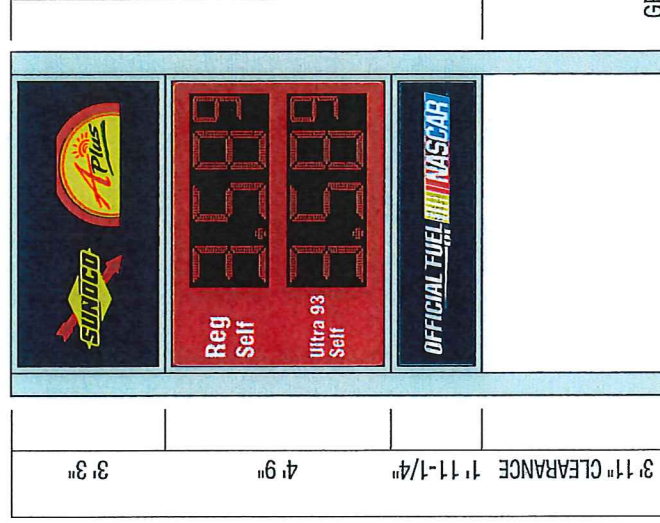
ID Sign: 20.04 SQFT

Price Sign: 29.29 SQFT

Ancillary Sign: 11.95 SQFT

Total: 61.28 SQFT

6' 2" Cabinet



Proposed

18" RED LED DIGIT  
9' 11-1/4"

18" RED LED DIGIT  
9' 11-1/4"

GRADE

Revisions:

- R1: Removed OFN sign, increased clearance. 08.21.12
- R2: Added square footage of each sign and O.A.H. BL 6.24.14
- R3: Added additional option and tables. BL 6.24.14

THIS DRAWING IS YOUR FINAL PROOF. IT SUPERSEDES ALL VERBAL AND WRITTEN COMMUNICATION BY SIGNING BELOW YOU ARE AUTHORIZING US TO MANUFACTURE TO THE ABOVE SPECIFICATION

Client Approval/Date:

Colors Depicted in This Rendering May Not Match Actual Finished Materials. Refer to Product Samples For Exact Color Match.

Project / Location:

Account Rep: **peggy DEHECK**  
Project Manager: **m c**  
Drawn By: **m c**  
**Industrial Laboratories Inc. (nfs)**  
ALL ELECTRICAL SIGNAGE TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS. THE PRICER BEING A 57" HIGH AND 6' WIDE.

Job Number: **Su124016.E**  
Date: **08.06.12**  
Sheet Number: **1** or **2**  
Design Number:  
This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Health Sign Company, LLC or its authorized agent. © 2008



**FEDERAL HEALTH**

**SIGN COMPANY**  
www.FederalHealth.com

1500 North Bolton, Jacksonville, TX 75766  
(903) 589-2100, (800) 588-1327, Fax (903) 589-2101

October 12, 1993

*Sun file*

IN RE:  
THE APPLICATION OF  
SUN COMPANY, INC.

: BEFORE THE ZONING HEARING  
: BOARD OF EAST GOSHEN TOWNSHIP  
: CHESTER COUNTY, PENNSYLVANIA

### I. DECISION

The Zoning Hearing Board of East Goshen Township, Chester County, Pennsylvania, after proper advertisement, met at approximately 7:30 P.M. on Monday, October 4, 1993 to hear evidence on the case. Applicant, Sun Company, Inc., seeks to modify Condition 2 of this Board's January 28, 1992 Order to the extent that it restricted the dimensions and composition of the sign at its property located at the northwest corner of Paoli Pike and Boot Road, tax parcel number 53-4-2.

Present at the hearing were Chairman Robert J. Carnwath and member Robert H. Palmer. Testimony was presented on behalf of the Applicant by Ms. Jean C. Hagens, Sales Manager, Sun Company, Inc. Also present at the hearing were Louis F. Smith, Township Manager and Zoning Officer, and Pauline R. Mikolajczyk, Secretary of this Board. After presentation of the evidence at the hearing, the Board decided to grant the requested relief subject to conditions as more particularly set forth herein. Applicant waived the time period for service of the written decision.

### II. FINDINGS OF FACT

1. The property is located at the northwest corner of the intersection of Paoli Pike and Boot Roads, and is designated as tax parcel number 53-4-2. The property is a non-conforming use located in the Business Park Zoning District.

2. At the hearing the following exhibits were presented and accepted into evidence at the hearing:

- B-1 - Proof of publication;
- B-2 - Affidavit of Notice;
- B-3 - Affidavit of Posting;
- T-1 - An August 20, 1993 correspondence from the East Goshen Township Board of Supervisors;
- T-2 - An August 9, 1993 correspondence from the East Goshen Township Planning Commission.

3. On the property exists a Sunoco gasoline station/food market owned by Sun Company, Inc.

4. By means of a January 28, 1992 Order, this Board granted certain zoning relief to permit the construction of the existing facility. Condition 2 to that Order required Applicant to comply with several requirements requested by the Township as more particularly set forth in Exhibit T-2 in that hearing. One of those requirements pertained to the dimension and composition of the sign and it is from that condition that the Applicant now seeks relief from this Board.

5. Applicant is proposing to construct what is commonly referred to as a "goal post" sign to advertise the gasoline station/food market and the prices for the various grades of gasoline.

6. Applicant has agreed that the sign will not exceed the following dimensions:

a. From ground level to the top of the sign - fourteen (14) feet;

b. From ground level to the bottom of the sign - six (6) feet;

c. Height of the sign - eight (8) feet; and

d. Width of the sign - six (6) feet.

7. The sign shall appear essentially as depicted on the sketch which is attached to Exhibit T-2, except that Applicant agreed that the dimensions shall be as set forth in the previous paragraph.

8. Applicant proposes to install and maintain low profile shrubs around the sign and to maintain existing landscaping which includes flowers to bloom throughout the growing seasons.

9. The East Goshen Township Planning Commission and Board of Supervisors are not opposed to the proposed modification so long as the dimensions set forth in paragraph 6 above are met.

10. Applicant is requesting the proposed modification so that the sign for the Sunoco station will be consistent with the signs at the other two gasoline stations along Paoli Pike, East Goshen Township and in reasonable proximity to the Sunoco station.

11. The proposed sign will be compatible with what is currently on the land.

12. Applicant will comply with all other applicable zoning requirements and all other provisions of this Board's January 28, 1992 Order.



### III. DISCUSSION

The Board is somewhat disturbed by the requested modification, because the Applicant placed such emphasis on the character of the sign when presenting its testimony to support the application granted by this Board in its January 28, 1992 Order. However, since the condition from which relief is now being requested was inserted in the January 28, 1992 Order at the request of the Township, and since the Township is not opposing the requested modification, and since nobody appeared to oppose the application, this Board is inclined to grant it so long as all other provisions of its January 28, 1992 Order are met, the size constraints are imposed, and the Applicant maintains the plant material under the sign at a height not to exceed two (2) feet.

### IV. CONCLUSIONS OF LAW

Granting the requested modification should not have a material affect upon or detract from this Board's January 28, 1992 Decision and Order.

### V. ORDER

AND NOW, this *8th* day of *November*, 1993, the Applicant, Sun Company, Inc., is HEREBY GRANTED a modification of Condition 2 of this Board's January 28, 1992 Order to permit the construction of a "goal post" sign at its property located at the northwest corner of Paoli Pike and Boot Road, tax parcel number 53-4-2, subject to the following conditions:

1. The format of the sign shall be essentially as set forth in the sketch attached to Exhibit T-2;

2. The dimensions of the sign shall conform to the following:

a. The distance between ground level and the top of the sign shall not exceed fourteen (14) feet;

b. The distance between ground level and the bottom of the sign shall not exceed six (6) feet;

c. The distance between the bottom of the sign and the top of the sign shall not exceed eight (8) feet; and

d. The width of the sign shall not exceed six (6) feet.

3. All other requirements of the Township Ordinances and this Board's January 28, 1992 Order shall be complied with by Applicant.

4. The shrubs and other plant material which are to be installed and maintained below and around the base of the proposed sign shall not exceed two (2) feet in height.

ATTEST:

EAST GOSHEN TOWNSHIP ZONING  
HEARING BOARD

Pauline L. Mikolajczyk  
Secretary

By: Robert J. Carnwath  
Robert J. Carnwath, Chairman

Robert H. Palmer  
Robert H. Palmer

January 21, 1992

FILE

IN RE: : BEFORE THE ZONING HEARING  
THE APPLICATION OF :  
SUN REFINING AND : BOARD OF EAST GOSHEN TOWNSHIP  
MARKETING COMPANY, A :  
DIVISION OF SUN : CHESTER COUNTY, PENNSYLVANIA  
COMPANY, INC.

### I. DECISION

The Zoning Hearing Board of East Goshen Township, Chester County, Pennsylvania, after proper advertisement, met at approximately 7:30 P.M. on Thursday, January 9, 1992, to hear evidence on the case. Applicant, Sun Refining and Marketing Company, requested the following special exceptions:

A. Pursuant to Sections 602.1 and 602.3 of the East Goshen Township Code ("Code"), a special exception to relocate two (2) existing non-conforming structures: the gasoline service station and the free-standing sign; and

B. Pursuant to Section 606 of the Code, a special exception to change from one non-conforming use (i.e., a gasoline service station with repair facilities) to another (i.e., a gasoline service station with convenience store).

In addition, Applicant requested variances from the following Code requirements:

A. From Sections 403.7, 602.1 and 602.2 of the Code regulating front and side yard requirements;

B. From Section 403.7 of the Code regulating total impervious coverage;

C. From Section 512.2e of the Code regulating location of off-street parking spaces; and



January 21, 1992

D. From Section 506.3e of the Code regulating access to the property.

Present at the hearing were Chairman Robert J. Carnwath and members Charles A. Dunk and Robert H. Palmer. Ronald M. Agulnick, Esquire appeared on behalf of the Applicant and his witness was Wayne Howard Hicks, Field Engineer for Applicant. In addition, John D. Snyder, III, Esquire, entered his appearance on behalf of East Goshen Township. Also present were Pauline R. Mikolajczyk, Secretary of this Board, Melvin C. Johnson, Assistant Zoning Officer and Thomas Bonsall, Building Inspector. At the conclusion of the hearing, the Board unanimously voted to approved the requested relief subject to the conditions set forth herein.

FINDINGS OF FACT

1. At the hearing the following exhibits were presented and accepted into evidence at the hearing:

- B-1 - Proof of publication;
- B-2 - Affidavit of Notice to property owners located within one thousand (1,000) feet of the property;
- B-3 - Affidavit of Posting the property;
- A-1 - Set of plot plans showing the proposed improvements to the property;
- A-2 - Site plan;
- A-3 - A January 8, 1991 correspondence from Orth-Rodgers & Associates, Inc., traffic engineer, to Applicant;

January 21, 1992

- A-4 - A rendering of the site showing what is proposed;
- A-5 - An October 30, 1991 correspondence to the Board of Supervisors of East Goshen Township from the East Goshen Township Planning Commission;
- A-6 - A November 7, 1991 correspondence from the East Goshen Conservancy Board to Applicant;
- A-7 - An October 15, 1991 correspondence from the East Goshen Municipal Authority to Applicant's engineer;
- A-8 - A November 4, 1991 correspondence from the East Goshen Township Engineer to the East Goshen Township Manager;
- T-1 - An October 30, 1991 correspondence from the East Goshen Township Planning Commission to the East Goshen Board of Supervisors;
- T-2 - A list of items agreed to by Applicant and the East Goshen Planning Commission;
- T-3 - A November 15, 1991 correspondence from Mel Johnson to the Board of Supervisors;
- T-4 - A November 26, 1991 correspondence from the East Goshen Board of Supervisors to the Zoning Hearing Board.

2. The property is located at the northwest corner of the Paoli Pike/Boot Road intersection and is identified as tax parcel number 53-4-2. The property is located in a Business Park Zoning District.

3. References to Mr. R.W. VonLuehrte, Timothy Hardy and William Hicks are all references to individuals presenting information to the Township on behalf of the Applicant.

4. There is currently on the property a two (2) bay concrete block gasoline station which has been operating continuously for more than twenty-five (25) years.

5. Applicant recently upgraded the facility by installing new petroleum storage tanks, gasoline dispensers, lighting and driveways.

6. The property needs more upgrading to keep pace with changes in marketing in the petroleum industry.

7. The site is fairly level where the existing facilities are located but to the north the grade of the property drops off.

8. Applicant proposes to demolish the existing building and construct a new one which will house facilities for the sale of the gasoline, storage, and the retail sales of food and convenience items.

9. It is anticipated that seventy-five percent (75%) to eighty-five percent (85%) of the cash flow from the facility will be generated by gasoline sales with approximately twenty percent

(20%) to twenty-five percent (25%) of the cash flow to be generated by the food and convenience item sales.

10. The average length of a stay to purchase and pay for gasoline, and purchase food or a convenience item, takes approximately three (3) to five (5) minutes. Most people leave their vehicle at the gasoline island when they go inside to pay.

11. The sale of food and convenience goods concurrently with the marketing of the gasoline is a marketing concept which is quite common in this region.

12. The lot is approximately thirty thousand (30,000) square feet, just under one acre, and is triangularly shaped.

13. The proposed building will be approximately one thousand nine hundred and eight (1,908) square feet, of which one thousand one hundred (1,100) square feet will be devoted to the sales area. This proposed facility will be less than one hundred fifty percent (150%) of the existing facility.

14. The property is bound on all three sides by roads.

15. Because of the size and configuration of the lot, as well as being bound by roads, it is impossible for there to be a minimum front yard of one hundred (100) feet as required by Section 403.7 of the Code (and Section 602.1 and 602.2 when seeking a special exception). More particularly, unless the variance is granted there will be no area on which anything could be built.

16. As a result of the site conditions set forth above, it is impossible to comply with Section 512.2e of the Code which prohibits off street parking spaces being located between the

building setback line and the street right-of-way line. More particularly, unless the variance is granted there will be nowhere on the property where the parking spaces could be located.

17. Because of the size, configuration, topography, and location of intersections, it is impossible for the access ways to the public streets to be located at least two hundred (200) feet from the intersection of any street lines.

18. The proposed access points have been located to provide for the safest possible ingress to and egress from the site, and in fact will be an improvement over what is currently existing.

19. Applicant's proposed use of the site will not have a deleterious effect on traffic.

20. Applicant is proposing seventy two percent (72%) impervious coverage on the site for the building, canopy, accessways, loading and unloading areas, driveways and parking area. Code section 403.7 contains a fifty percent (50%) minimum impervious coverage provision.

21. Because of the size and configuration of the property, it is impossible to build a facility that has any utility and at the same time not only complies with all area and bulk requirements, but also provides an area for safe internal traffic circulation. The seventy two percent (72%) impervious coverage requirement is the minimum variance needed to build the proposed facility.

22. The existing free standing sign will be removed and a new sign will be constructed farther away from Paoli Pike. The new sign will be low in profile, will be located in the middle of two (2) brick pillars, and will be aesthetically more pleasing to the eye than the existing sign.

23. Applicant complies with the general conditions set forth in Section 803.3a of the Code as well as the applicable special conditions set forth in Section 803.3b(5).

24. Applicant complies with the applicable requirements of Section 506 of the Code.

25. Except to the extent variances have been requested herein, Applicant complies with the off-street parking and loading requirements set forth in Section 512 of the Code.

26. In an effort to make the proposed facility more in harmony with the character of the community, Applicant's proposed building and sign incorporate design features and use materials which far exceed the quality which is what is normally incorporated into such structures.

27. The proposed change in use will be either equally or less objectionable in external effects than the existing non-conforming use; and the proposed change is equal to or more appropriate than the existing non-conforming use with regard to traffic generation, congestion, noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, storage and waste disposal, appearance and compliance with the performance standards set forth in Section 503 of the Code.

28. Applicant agreed not to expand the proposed facility.

29. The landscape and lighting plans presented at the hearing purport to comply with the requests of the Planning Commission, but have not yet been reviewed by the Planning Commission.

30. Applicant agreed that the land development plans will comply with the plans set forth in Exhibit A-1 as well as the conditions requested by the Township.

31. The proposed use will not be detrimental to the health, safety and welfare of the community.

32. Both the Board of Supervisors and the Planning Commission favor the requested relief so long as the conditions more particularly set forth in the Township's exhibits are incorporated in this Decision.

33. Applicant agreed during the hearing to the conditions requested by the Township.

34. Applicant and Township waive the time requirements under the Pennsylvania Municipalities Planning Code with respect to service of a written decision of the Zoning Hearing Board in this matter.

## II. DISCUSSION

Article 600 of the Code authorizes the alteration, reconstruction and enlargement of non-conforming structures so long as the floor area of the non-conformity does not increase more than fifty percent (50%). In addition, Section 602.3 permits non-

conforming uses to be extended or enlarged so long as they are located on the same lot, the enlargement does not exceed fifty percent (50%) of the original floor area, and the provisions of Article 800 are met. There is also a requirement that all applicable area and bulk requirements are met; hence, the request for the variances. Section 607 permits a non-conforming use to be changed to another so long as the requirements set forth therein are met. Except to the extent that variances have been requested, the Findings of Fact establish that Applicant meets all the requirements prerequisite for obtaining the requested special exceptions.

The requested variances are necessary because without them it would be impossible to make reasonable use of the property. The current use of the property does not even appear to meet the requirements from which the variances are requested. Therefore, the Board believes it is obliged to grant the requested variances.

In granting variances, the Zoning Hearing Board is specifically authorized in Section 804.3 of the Code to attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Code. Accordingly, as requested by the Township and agreed to by the Applicant during the hearing, the Zoning Hearing Board believes it is necessary to impose the following conditions:

1. In the future there shall be no expansion of the use or structures on the property.



January 21, 1992

2. Prior to the commencement of any development, Applicant shall obtain land development approval from the Township which shall include, but not be limited to, approval of the landscape and lighting plans.

3. Applicant shall comply with the conditions set forth in Exhibit T-2.

4. All automobile repairs shall be discontinued.

5. There shall be no substantial revisions to the plans comprising Exhibit A-1 unless requested by the Township.

### III. CONCLUSIONS OF LAW

1. Because of the unique physical circumstances and conditions of the property, Applicant will suffer unnecessary hardship if the requested variances are not granted.

2. The requested variances are necessary to enable reasonable use of the property.

3. The unnecessary hardship is not created by Applicant.

4. The requested variances will not alter the essential character of the neighborhood, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. The variances will represent the minimum variances necessary to afford relief.

6. The requests for special exception comply with Article 600 of the Code.

7. Applicant met its burden to show entitlement to the required special exceptions.

IV. ORDER

AND NOW, this *28th* day of *January*, 1992, confirming the decision made on January 9, 1992, the requests of the Applicant, Sun Refining and Marketing Company, to obtain special exceptions not only to reconstruct and enlarge a building and sign on the subject property, but also to change from a gasoline service station and repair facility to a gasoline service station and convenience store are granted; and further, the requests for variances from Code Section 403.7 (and Sections 602.1 and 602.2) front and side yard requirements, from Code Section 403.7 total impervious coverage requirement, from Code Section 512.2e location of off-street parking spaces requirement, and from the Section 506.3e access requirement, which requests were more particularly set forth during the hearing, are granted subject to the following conditions:

1. In the future there shall be no expansion of the use or structures on the property.
2. Prior to the commencement of any development, Applicant shall obtain land development approval from the Township which shall include, but not be limited to, approval of the landscape and lighting plans.
3. Applicant shall comply with the conditions set forth in Exhibit T-2.
4. All automobile repairs shall be discontinued.

January 21, 1992

5. There shall be no substantial revisions to the plans comprising Exhibit A-1 unless requested by the Township.

ATTEST:

EAST GOSHEN TOWNSHIP ZONING  
HEARING BOARD

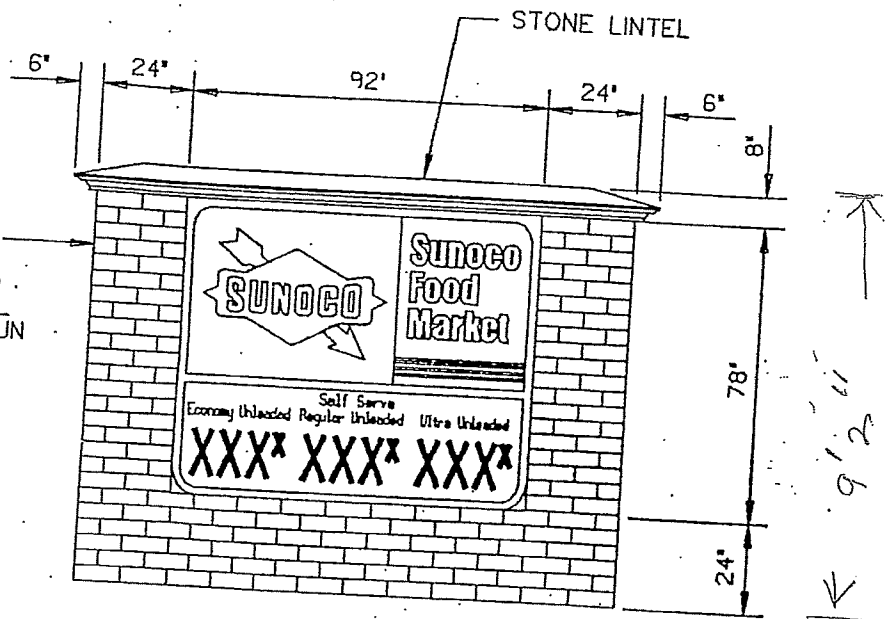
Pauline K. Mitolayzyk  
Secretary

By: Robert J. Carnwath  
Robert J. Carnwath, Chairman

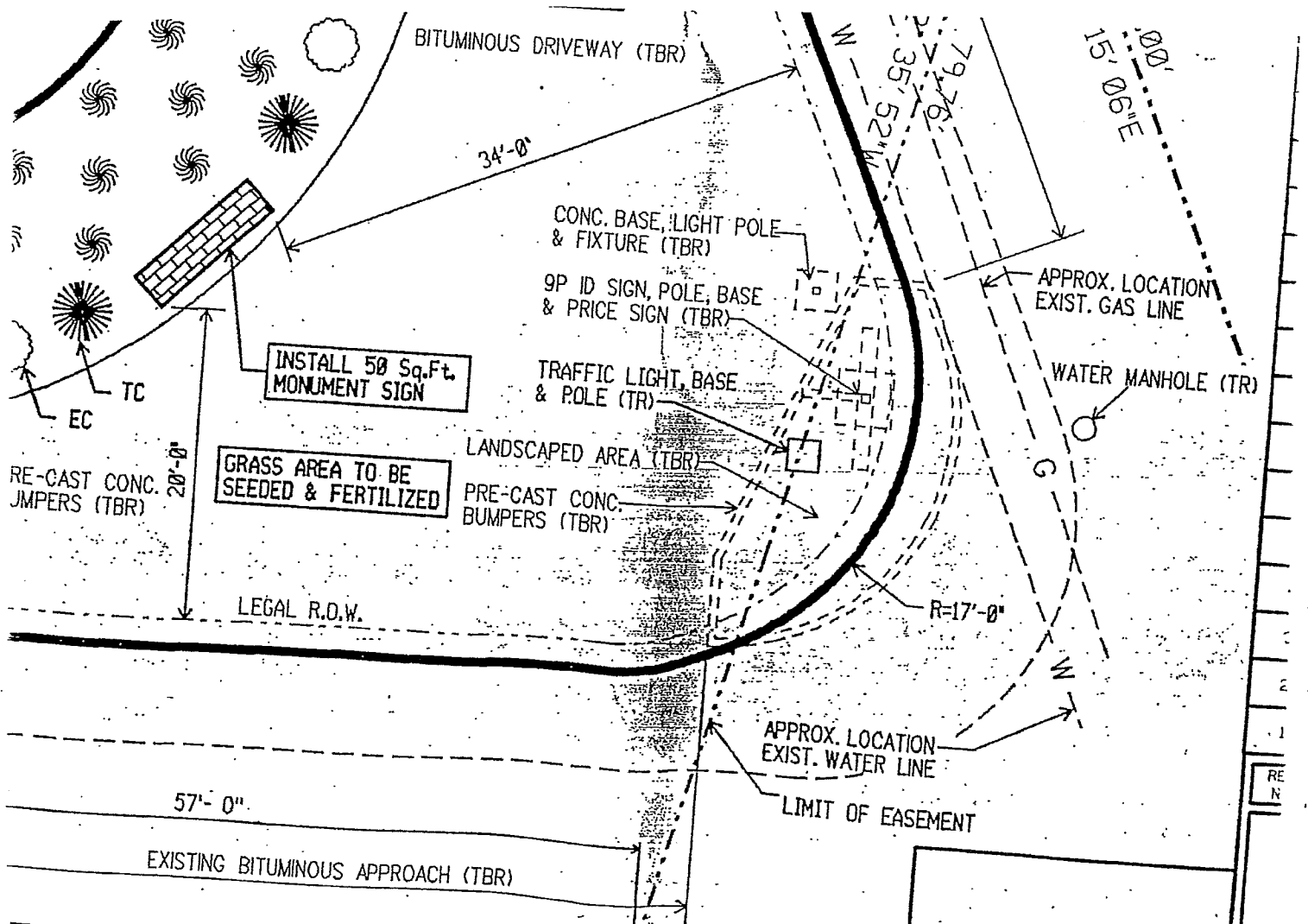
Charles A. Dunk  
Charles A. Dunk

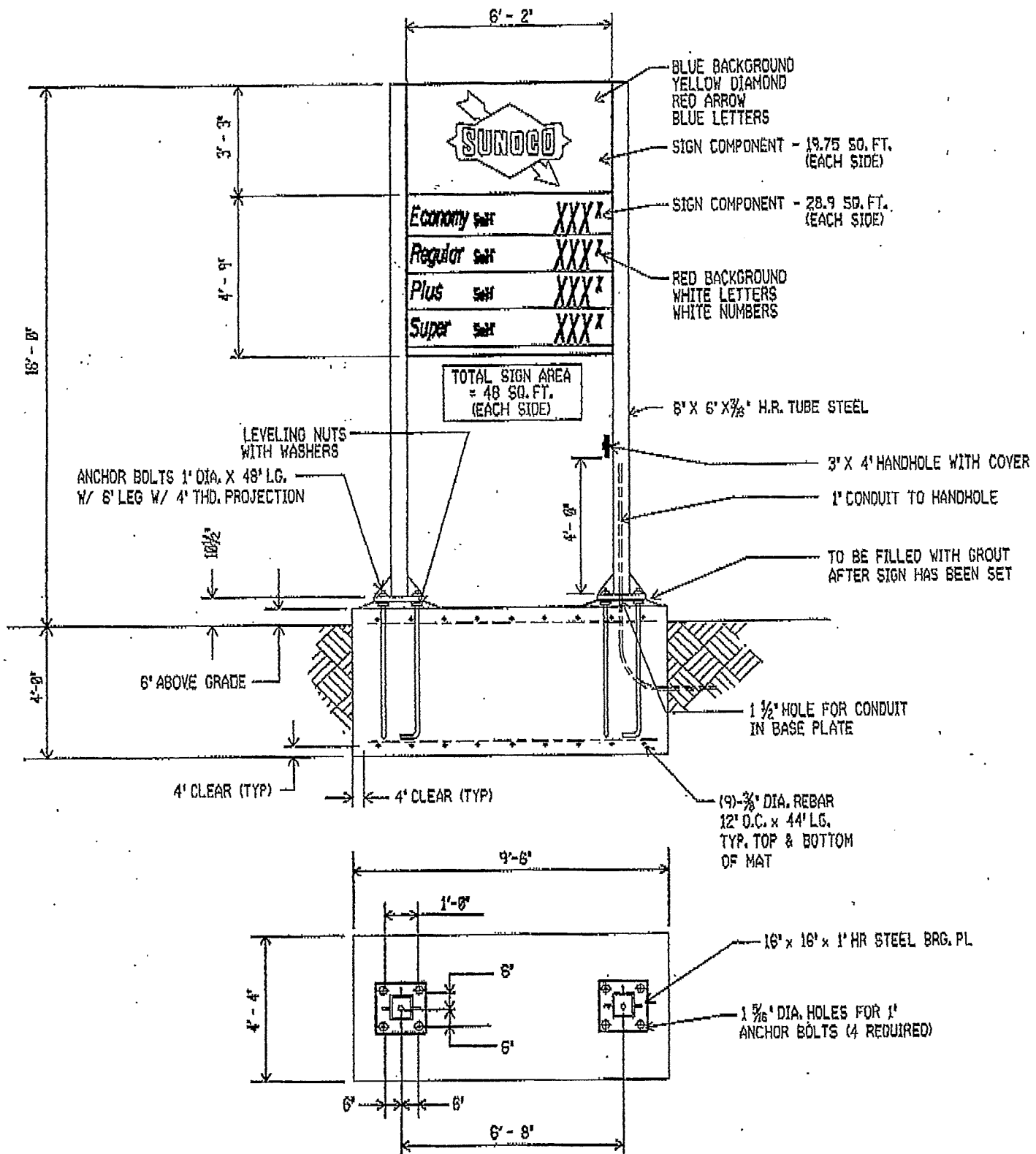
Robert H. Palmer  
Robert H. Palmer

2 - UPRIGHT POLES  
WITH BRICK FACING TO  
BE INSTALLED ON YARD  
LIGHT FOUNDATIONS. ALL  
SIGN CONDUIT TO BE RUN  
THROUGH POLES



NEW 50 SQ. FT. SUNOCO FOOD MARKET COMBO GROUND SIGN  
SCALE 1/4"=1'-0"





PLAN VIEW - CONCRETE FOUNDATION

49 - SUNOCO SIGN ASSEMBLY

SCALE 1/4"=1'-0"

# 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: 6/26/2014

To: Planning Commission

From: Mark Gordon, Zoning Officer

Re: Solar Ordinance Amendment



Dear Commissioners,

The Board of Supervisors had a couple of minor comments to the Solar ordinance. I have included the most recent redlined revision.

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.

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 and #2*] or ground mounted [*attachment #23*]. ~~Should we define these two terms or insert the pictures provided in the model ordinance?~~
- 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 no more than eight (8) feet. 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 a minimum height of four (4) inches, and 10

inches maximum.

- 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 and codes.
- 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

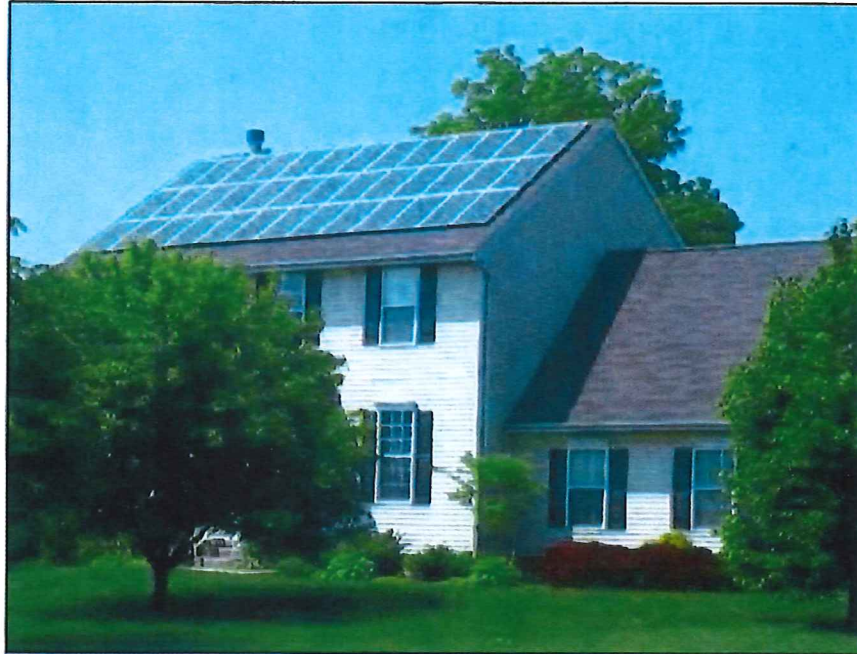
\_\_\_\_\_  
Charles W. Proctor, III, Esquire, Member

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





***ROOF MOUNTED SOLAR ENERGY SYSTEM (ATTACHMENT #1)***



***GROUND MOUNTED SOLAR ENERGY SYSTEM (ATTACHMENT #2)***

