

EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
April 5, 2017

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, April 5, 2017 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Adam Knox, Monica Close, Brad Giresi, Dan Daley Jim McRee and new member Silvia Shin. Also present was Mark Gordon, Township Zoning Officer and Janet Emanuel, Mike Lynch and Marty Shane, Township Supervisors.

COMMON ACRONYMS:

<i>BOS – Board of Supervisors</i>	<i>CPTF – Comprehensive Plan Task Force</i>
<i>BC – Brandywine Conservancy</i>	<i>CVS – Community Visioning Session</i>
<i>CB – Conservancy Board</i>	<i>SWM – Storm Water Management</i>
<i>CCPC – Chester Co Planning Commission</i>	

A. FORMAL MEETING – 7:00 pm

1. Adam called the meeting to order at 7:00 pm. He led the Pledge of Allegiance and a moment of silence to remember our troops.
2. Adam asked if anyone would be recording the meeting and if there were any public comments about non-agenda items. There was no response.
3. Adam reviewed the Tracking Log and determined no need for a workshop.
4. Adam noted that the minutes of the March 1, 2017 meeting were approved.
5. Adam announced that the Commission needs to vote for a Vice Chairman since Lori Kier was appointed to a different ABC. Adam nominated Brad. Monica seconded the nomination. The motion passed unanimously.

B. CONDITIONAL USES AND VARIANCES

Malvern Institute - Representatives for the Applicant: Brian Nagel, Attorney; Scott Weisenberger, CEO; Jim Gibbons, Director of Facilities and Robert Plucienik, Civil Engineer. Brian Nagle, Attorney for the applicant, commented that the proposed expansion plan is to serve patients in a way that matches current standards. It is the only treatment facility of its kind in Chester County. They filed the application for the Special Exception and Variances. The Township requested a global plan for the next 10-15 years. So, MI has included a “15 Year Master Plan” with the application. They sent notices of this meeting to all neighbors within 1,000 feet of the facility, which includes East Goshen, East Whiteland, and Willistown. They also held several public meetings so the neighbors could review the plan and tour the facility. Numerous neighbors came to those meetings and gave positive feedback on the improvements that have been done.

Brian listed the improvements in the current plan:

1. Enhance outdoor space within view of the staff
2. Create indoor use space for patients and staff
3. Fewer beds in a room (from 4 to 3 or 2 per room)

He feels the expansion is modest, mostly within current buildings. The variance is for additional parking for staff. There isn't enough parking during shift changes. MI has a license from PA – only 80 beds are allowed. MI is willing to cap at 80. The average daily census is 68. There will be no additional staff.

Improvements for residential neighbors are:

1. Approximately 1,000 feet of new 8' high sound absorbing fence
2. Upgraded landscaping
3. Smoking areas were temporarily moved to the front of the building. A smoking pavilion will be provided furthest from the neighbors in the front of the building.
4. Back smoking areas will be gardens and meditation areas.

Brian introduced Bob Plucienik, Civil Engineer, who showed the existing condition map and 15 year Master Plan map. He pointed out the areas of expansion:

1. 2nd floor will be added on the main building
2. A 2nd floor with an elevator will be added in the Barn
3. New landscaping around the new parking lot and along the entrance drive.
4. Existing fence on the west and south side of the property will remain. An 8' sound fence will be added with significant landscaping around it.
5. Existing pathways will have areas to sit.

Bob showed a display of sight plans from various areas in the facility.

Along King Road will be additional landscaping and estate fencing will be added.

Time was given for the Commission members and residents to look closely at the maps on display.

Commission Members Comments

1. Monica Close – She feels it is good that they are increasing space for the patients and the plan isn't encroaching on the neighbors.
2. Jim McRee – Asked what are the hardships. Brian commented that a non-conforming use has the right to expand. He spoke about a Supreme Court decision regarding this. Jim feels it would be very helpful to have a timeframe for the expansion.
3. Brad Giresi – Since they are asking for relief from the 18 month requirement to get permits, he also thinks a timeframe would be helpful. Brian commented that the 15-year plan shows what they are proposing over the next 15 years. Some improvements will be done sooner. Adam encouraged him to have a timeline for critical items.
4. Jim asked about neighbors input. Brian understands the concerns of the neighbors. In the past there were more issues but the new administration has addressed some of those issues.
5. Adam Knox – There is a proposed gate with a lock for the existing parking lot. Jim Gibbons commented that it will be closed in the evening so anyone coming in has to be identified. Adam pointed out that there isn't a gate for the new lot. Jim assured him that something will be put there. Adam asked about the basketball hoop near the barn. Brian commented that it will be moved slightly and they are adding a fence around it.
6. Dan Daley – He asked for a history of the facility. Scott Weisenberger, CEO, mentioned that the facility has been here since 1948. In 1982 they made a 10,000 SF expansion. The 1985 PA state standards are in place, which requires 60 sf/patient, no more than 4 in a room, so the limit is 80 patients. The average stay is 20 days. The check in is voluntary and they can leave when they want or when service is done. MI has 12 drivers and 12 vehicles that are used to pick up new patients. If a patient drives there, their car must be removed within 24 hours. They can't leave the property alone. If they do, it is AMA (Against Medical Advice) and they will be discharged. They can't come back. They have to go to a different facility. Visitors have to be approved by the counselor. Two visitors are allowed. Visiting hours on weekends are 10:00 am to 12:30 pm. Detox is not allowed to have visitors on weekends.
Dan requested copies of the display plans they presented tonight. Brian provided copies for them.
Dan asked for more detail on the fencing. Brian explained the sound fence is PVC fencing which absorbs some of the sounds. Estate fencing has no screening but landscaping will provide that. King Road right-of-way is 80 feet. Mark Gordon commented that since the fence is in the property envelope it can go to 8'. Also there was a previous decision to allow 8' fencing at this property.
Dan asked when patients are allowed outside. Brian answered 7:00 am to 11:00 pm with staff but there are other things going on during the day.
Dan asked about the encroachments onto the property. Brian answered there is no plan for this.
Dan asked about lighting. Brian responded there is no new lighting planned. The existing lot is lit. Dan feels since the new lot is for staff parking, lighting will be required.
Dan mentioned the meditation areas and a bridge across the flood plain. Brian commented it is just a footpath they haven't focused on the bridge.
7. Brad also feels the new parking lot could be pushed back from the road.

8. Jim mentioned that below the foot bridge there is a fountain. Brian commented that it's only an idea.
9. Adam asked about the flood plain. Brian answered that a portion of the barn was originally in the flood plain based on an approximate FEMA plan. As a property owner, you can give FEMA the actual location and they can revise the map. This process was done by MI.

Public Comments

1. Lisa O'Neill, 10 Brookmont Dr. – She has lived here 20 years and at the meeting for the first expansion there were 40 patients and that was supposed to be all they would have but now there are 80. Based on what the government requires for optimal treatment, she feels they could cut back on the number of patients to meet optimal care. She doesn't feel that 6200+ sf is a modest expansion. Also, the barn has been considered for storage. Brian explained that, if the Zoning Hearing Board approves their application, a condition of the approval will be a cap of 80 patients forever regardless of the owner. She asked how many leave per month without authorization. Scott answered 8. Lisa mentioned two incidents of patients who left and caused very serious problems. She feels the safety of the neighbors should be the priority. Over the years the noise from volleyball, smoking, cursing, etc. has increased and impacts the neighbors. She works from home and had to call several times about the noise. Adam assured her that this Commission does consider the impact on the neighbors. Lisa also spoke about storm water, which has been a problem causing MI's generator to go on. Scott commented that, if they need a new generator, they will have gas installed so they don't have to use diesel which is louder than gas generators. Mark commented that he can measure the noise and there are noise buffers that can be installed.
2. Mike Lynch, Township Supervisor – He mentioned that what Brian referred to is the PA Supreme Court and he asked Brian if it was a 1969 decision. Brian answered in the 1940's it is called the Doctrine of Expansion. Mike commented that respect of volume and character is mentioned in the decision. Character of the expansion is the change in the barn character that would impact the neighbors.
3. Terri Rellick, 12 Treemont Dr. – In the past they would chase people away from the creek because they were dropping drugs there and the patients would pick them up. That isn't happening now but things aren't better. Is there going to be a deck on the 2nd floors? Brian answered no. Terri commented that 25% of the patients come from Chester County. Do they get any from the Philadelphia courts? Scott answered that they have no connection to Philadelphia courts. Also he does not think it would be a good idea to have out patients and in patients in the same facility. They refer out patients to the Berwyn facility.
4. Lorraine Pierce, 4 Line Road – No screening on the east side of the property will impact her with the new pathway, meditation areas and the bridge. Adam understands that this area is very wooded. Lori commented that it has become very sparse over the years.
5. Lou Irvine, 2 Bookmont Dr. – The plans they displayed show nice landscaping, which is only in the summer. The other times of the year they can hear the noise and conversations.
6. Diane Weltman, 5 Line Road, Malvern – She understands that insurance restricts the length of a patient's stay. Since they aren't staying why does the number of patients in a room have to be decreased? Scott commented that this change would be the standard that hospitals have across the country. This will make them more competitive. She also does not feel this is a modest expansion.
7. Joanne Murphy, 20 Brookmont Dr., Malvern – She feels they are doing a lot to make this standard. Have they considered going to another location? Brian responded that the applicant has been here since the 1940's and is vested to run this business and are continuing to run it here. He knows there are concerns but it could also be viewed as an opportunity. He spoke about the character and other improvements that are being proposed.
8. Lisa O'Neill commented that your hardship becomes our hardship in decreasing home values and when a neighborhood is not safe. They also have a right to protect their neighborhood. Brian mentioned that at the end of the process some of their concerns can be addressed forever.
9. Paige Fenimore, 3 Treemont, Malvern – She referred to minutes from a previous meeting that said there was 40 beds. So they have had extensive expansion since 1982 which had a very negative impact on the neighborhood.

Additional Comments

1. Brad pointed out to the applicant that there are some conflicts in the application on the square footage. Also regarding outside noise, it might be helpful to contain the noise to specific areas not all outside.
2. Marty Shane, Chairman of Board of Supervisors – The BOS did ask for a long range plan and to be sure they have a timeline for the 15 years. What they have in mind may not be what we want for the residents. A concern is noise and unwanted conversations that can be heard by the neighbors. He can hear noise from outside conversations and he isn't that close. Also, there needs to be a way to be sure that the patients stay there and can't get out until permitted. He congratulates the Institute for attempting to let people know what they want to do and trying to work with the township and residents. The Institute and residents have to understand that they can't get everything they want. Conditions must be added in order to answer some of the concerns.

Adam thanked everyone for coming. The next meeting is May 3, 2017 at 7:00 pm.

C. ORDINANCE AMENDMENTS

1. Medical Marijuana Draft Ordinance. Kristin Camp, Township Solicitor, reviewed the draft ordinance with the Commission members. The law is very specific as to how the dispensary facility is to be designed and secured and the PA Dept. of Health will enforce those issues. She explained the process they have to go through to get PA approval. It starts with the Township giving them a letter stating that their location is allowed by our ordinance. They have to include the letter with their PA application. Kristin reviewed the proposed changes to the draft ordinance. The Commission agreed with the changes. She will provide a revised draft for the next meeting.

D. ANY OTHER MATTER

1. Mark mentioned that Jason Lang is working on a \$500,000 DCNR grant for the Milltown Dam. Jim made a motion to authorize Adam to sign the letter. Dan seconded the motion. The motion passed unanimously.

ADJOURNMENT

There being no further business, Adam moved to adjourn the meeting. Brad seconded the motion. The meeting adjourned at 10:30 pm. The next regular meeting will be held on Wednesday, May 3, 2017 at 7:00 pm.

Respectfully submitted, _____
Ruth Kiefer, Recording Secretary