

EAST GOSHEN TOWNSHIP
PLANNING COMMISSION WORKSHOP MEETING
October 18, 2017

The East Goshen Township Planning Commission held a workshop meeting on Wednesday, October 18, 2017 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Adam Knox, Brad Giresi, Dan Daley, Jim McRee, and Silvia Shin. Also present was Rick Smith (Township Manager), Mark Gordon, (Township Zoning Officer), Kristin Camp Esq. (Township Solicitor), Janet Emanuel (Township Supervisor), and Mike Lynch (Township Supervisor).

COMMON ACRONYMS:

BOS – Board of Supervisors

BC – Brandywine Conservancy

CB – Conservancy Board

CCPC – Chester Co Planning Commission

CPTF – Comprehensive Plan Task Force

CVS – Community Visioning Session

SWM – Storm Water Management

ZHB – Zoning Hearing Board

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 first responders and our military.
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.

B. ANY OTHER MATTER

1. The Legal Aspects of Non-Conforming Uses – Presented by Kristin Camp, Esq. Kristin commented that the trend has changed over time so that the Commonwealth Court is doing everything it can to protect non-conforming uses. A business that was lawful when it started has the right to continue that use in spite of ordinances unless they abandon it. However, mere non-use does not mean that it was abandoned. It is hard to prove abandonment of use.

When there is expansion of a non-conforming building, the property owner has to prove that the non-conforming use was started before the zoning ordinance was done. The non-conforming use has the right to natural expansion of the use. This is where Malvern Institute fits. Municipalities may have the right to limit the expansion. East Goshen's limit is 25% of the total floor area. Mark mentioned that the 1980's expansion by Malvern Institute was the 25%. Brad doesn't feel the outside area would apply to the total floor area. Jim feels the SF of the barn should be included.

Brad inquired that if a business becomes too big through natural expansion they usually move.

Adam commented that their argument is that they need more space to provide the industry standards for care in this type of facility. He also pointed out that the non-conforming use follows the land. If they leave there is nothing to keep someone from using the property for the same use.

Kristin spoke about the negative impacts of the request. She also mentioned some positives.

Conditions were discussed. Kristin mentioned that if they agree to a condition of the Zoning Hearing Board and sell the property in 10 years, the new owner can protest that condition. Kristin gave an example of Honey Brook Golf Club that originally asked for a snack shack for food. Now they want a restaurant with alcohol and open to the public in order to grow their business.

Kristin explained how the PC could make different recommendations and conditions. Janet commented that the Zoning Hearing Board will take into consideration the conditions the Planning Commission gives. Parking was discussed. In and Out patients were discussed.

Malvern Institute will be at the November 1, 2017 meeting.

ADJOURNMENT

There being no further business, Adam moved to adjourn the meeting. Silvia seconded the motion. The meeting adjourned at 8:30 pm. The next regular meeting will be held on Wednesday, November 1, 2017 at 7:00 pm.

Respectfully submitted,

_____ *Ruth Kiefer, Recording Secretary*