

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
Meeting Agenda  
Wednesday, November 15, 2017  
7:00 PM**

- 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. November 1, 2017**
- F. Subdivision and Land Development Applications
- G. Conditional Uses and Variances**
  - 1. Malvern Institute – (Variances and Special Exception)**
- H. Ordinance Amendments
- I. 2017 Goals
- J. Any Other Matter
- K. Liaison Reports
- L. Correspondence

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

**East Goshen Township  
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	Comments
Malvern Institute, 940 King Rd.	V, SE	P	3/27/17	3/27/17	NA	NA	3/30/17	3	11/15/17	12/5/17	12/12/17	12/19/17	

**Bold = New Application or PC action required**

**Completed in 2017**

Applebrook Golf Club	LD	P/F	8/28/2017	8/28/2017	8/30/2017	8/30/2017	8/31/2017		11/1/2017	12/5/2017	NA	12/5/2017	
Taylor Partners, 1007 Taylor Ave	SD	P/F	9/25/2017	10/4/2017	9/27/2017	9/27/2017	9/29/2017		12/6/2017	1/2/2018	NA	1/2/2017	
Synthes USA	CU	P	8/28/2017	8/28/2017	8/30/2017	8/30/2017	8/31/2017		10/4/2017	10/17/2017	10/17/2017	10/27/2017	APPVD
1506 Meadowbrook Dr.	V	P	7/10/17	7/10/17	NA	NA	7/13/17		8/2/17	8/15/17	9/7/17	9/8/17	APPVD
1380 Enterprise Drive	V	P	7/17/17	7/17/17	NA	NA	7/27/17		8/2/17	9/5/17	9/11/17	9/15/17	APPVD
1007 Taylor Ave.	V	P	7/11/17	7/11/17	NA	NA	7/13/17		8/2/17	8/15/17	8/29/17	9/9/17	APPVD
Crown Castle, DAS Nodes	CU	P/F	7/3/17	7/4/17	NA	NA	7/5/17		8/2/17	8/15/17	8/15/17	8/31/17	APPVD
14 Reservoir Rd.	SK	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1420 E. Strasburg Rd. / Brakman	SD/LD	P/F	5/18/16	6/1/16	5/19/16	5/19/16	5/20/16	3	3/1/17	3/21/17	NA	3/29/17	APPVD
1506 Meadowbrook Dr.	SD / V	Sk	4/24/17	NA	NA	NA	NA		NA	NA	NA	NA	NA
1007 Taylor Ave.	SD / V	Sk	5/30/17	NA	NA	NA	NA		NA	NA	NA	NA	NA

**Draft**  
**EAST GOSHEN TOWNSHIP**  
**PLANNING COMMISSION MEETING**  
**November 1, 2017**

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, November 1, 2017 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Adam Knox, Brad Giresi, Dan Daley, Monica Close, Jim McRee, Ernest Harkness and Silvia Shin. Also present was Mark Gordon, (Township Zoning Officer), and Janet Emanuel (Township Supervisor).

**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>	<i>ZHB – Zoning Hearing Board</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 first responders and military.
2. Adam asked if anyone would be recording the meeting and if there were any public comments about non-agenda items.
3. Adam reviewed the Tracking Log and commented that Malvern Institute gave no extension. Although they are not here for this meeting, they are scheduled for the November 15, 2017 workshop.
4. Adam noted that the minutes of the October 4, 2017 meeting and the minutes of the October 18, 2017 workshop meeting were approved as amended.

**B. SUBDIVISION AND LAND DEVELOPMENT**

1. Applebrook Golf Club - Land Development Bob Plucienik, Chester Valley Engineers, reported that he met with the Conservancy Board and believes that they approved the plan. He explained changes in the construction entrance off Boot Road and how they will return the area to its existing state. They addressed all of the comments in the two Pennoni letters. He reviewed the five waivers they are seeking. Adam asked if they considered any other access points. Bob mentioned that they did consider coming from the Golf Club's parking lot, but they would be forced to go over the Mobil pipeline and want to avoid that. He verified the size of the building at 1805 sq. ft. and 1200 sq. ft. of walkway. Monica made a motion that the Planning Commission recommend approval of the land development plan for Applebrook Golf Club, Golf Learning Center, and support the requested waivers noted on the plans dated 8/29/2017 and last revised 10/31/2017 with the following conditions:

1. All remaining comments from the 10/25/2017 Pennoni letter are addressed to the satisfaction of the Township Engineer prior to releasing the plans for recording.
2. The applicant shall agree to restore the proposed temporary construction entrance to the preconstruction grade conditions.
3. The applicant shall agree to add additional replacement landscape material to the proposed area of the construction entrance in order to return the area to its pre-development condition, if determined necessary by the Township Zoning Officer, prior to the issuance of the final certificate of occupancy for the Golf Learning Center.
4. The Conservancy Board is notified when the project is complete in order to inspect the plantings.
5. The final plans are not released for recording until the following agreements are approved by the Board of Supervisors:
  - a. Land Development Agreement
  - b. Financial Security Agreement

1 c. Stormwater Management Operation and Maintenance Agreement  
2 6. The applicant follows all Federal, State and local regulations and ordinances.  
3 Regarding condition #4, Mark commented that the Township Landscape Architect will inspect the area  
4 before the Conservancy Board.  
5 Adam seconded the motion. The motion passed unanimously. The applicant accepts the conditions.  
6

7 2. 1003-1007 Taylor Ave. – Subdivision – Noah Kahn, developer, reviewed the plan and  
8 commented that nothing has changed except the township engineer's comments. They would like to start  
9 the project in 1 – 2 months.

10 Ernest moved that the Planning Commission recommend approval of the Subdivision application, plan  
11 and waivers requested by Taylor Avenue Partners for the Subdivision of 1007 Taylor Ave. with the  
12 following conditions:

- 13 1. Prior to releasing the subdivision plan for recording, the applicant shall revise the  
14 plan by adding the entire final Zoning Hearing Board Order to the plan, including all  
15 conditions.
- 16 2. The applicant shall apply for a building permit to modify the existing garage on Lot 1  
17 as proposed to the Planning Commission.
- 18 3. The modifications to the garage on Lot 1 shall be completed prior to issuance of a  
19 Use and Occupancy Certificate for the single-family home on Lot 1.
- 20 4. The applicant shall follow all Federal, State and local regulations and ordinances.

21 Brad seconded the motion. The motion passed unanimously.  
22

### 23 C. CONDITIONAL USES AND VARIANCES

24 1. Malvern Institute – Variances & Special Exception– Mark reviewed some of the Township  
25 Solicitor's comments, especially no matter what position the Planning Commission takes (yes, no or no  
26 position) conditions should be added for the Zoning Hearing Board to see. Mark provided a draft of a  
27 recommended motion and conditions. The conditions were discussed as follows:

- 28 #1 & #2 described the number of patients
- 29 #3 & #4 Landscaping will be reviewed by a Landscape Architect. #4 includes  
30 replacement of trees if they die. The type and number of trees need to be listed.
- 31 #5 The creek crossing will be permitted by PA Dept of Environmental Protection(DEP).
- 32 #6 Consider a single story addition instead of a second floor addition. Need to address  
33 sound fencing. Mark explained that this suggestion is what they are considering now.
- 34 This doesn't change the variances that they need. Mark discussed the good aspects of the  
35 single story vs second floor additions. Sound fencing was discussed.
- 36 #7 50 foot setback for the single story addition will allow for buffering
- 37 #8 Limiting recreational activity at the rear of the building. Mark explained no active  
38 recreation in the rear because the sound bounces off the building to the residential homes.
- 39 Everyone agreed this is the biggest issue.
- 40 #9 Smoking areas were discussed.
- 41 #10 If they don't do the addition, this discusses where the smoking areas will be.
- 42 #11 Smoking areas shall have a pavilion for shelter from the weather.
- 43 #12 Smoking areas shall have a Smoke Eator unit to help control the smoke.
- 44 #13 Mitigation of noise from the existing generator.
- 45 #14 Plantings and fencing in the wooded area on the eastern side of the property
- 46 #15 Breakdown of their schedule

47  
48 Other items discussed:

- 49 1. A gate in the parking area
- 50 2. Security/monitoring
- 51 3. Wood chip paths
- 52 4. Additional outside lighting
- 53 5. Staff increases in the future & parking

6. Time limitation on outdoor activities
7. Expansion limit met by this application

#### PUBLIC COMMENT:

1. Curt Quaintance, 20 Line Road – He has a business related to noise control. He is concerned about noise coming into the neighboring properties. Most ordinances are about the noise that comes across the property line. Malvern Institute should provide a noise study and plan for how they will mitigate the noise. He suggested they provide a comprehensive plan showing the property, building, where people are going to be and what is the expected noise level. Just having a brochure to show sound fencing isn't enough. Mark explained that the township noise ordinance can regulate noise from machines but not the human voice. To soften that, the applicant is proposing buffering and sound fencing. They will have a sound study to present on November 15<sup>th</sup>.

2. Terri Relick, 12 Treemont Dr, Malvern – Are they going to use sound fencing similar to what's along the turnpike?

Mark is not sure what type they are proposing. He is hoping for a softer product.

Terri commented that the neighbors would not want this. Security is her #1 concern. She sees them walking off the property at night. They don't enforce a curfew. Fencing around the pond should be considered. The police refused to come out the last time they called because of the noise.

3. Paige Fenimore, 3 Treemont Dr, Malvern – She spoke about security. In 2012 an application was made to open a facility in Bethlehem and they promised everything but still hasn't received approval because of the possible problems. She read a list of security items other townships have put on this type of facility. The Township Code has a special exception that covers security measures. The original size of the building was 6200 sq. ft. It is now 12,000 sq.ft. so they have expanded. The number of beds is controlled by the state but they are in violation of township code because of parking issues. Adam commented that the Planning Commission is familiar with past requests of MI but natural expansion is handled by the ZHB.

4. Lisa O'Neil, 10 Brookmont Dr, Malvern - She asked if they have done a 15 year plan before. She feels they have already gone through this with MI. There are about 100 cars parking there, which is not what they were approved for. She feels they have built out as much as possible, so she doesn't want this expansion approved. Also there was a sewer problem years ago because there was no run off plan. They were told they had to do this but they never did. Mark explained what the township is trying to do to mitigate problems.

5. Diane Weltman, 5 Line Rd. – They haven't seen anything about the one story option. Can this be done in the next meeting? Mark explained that, if what they present isn't okay, we can ask them for an extension.

Adam reminded everyone that there will be a workshop meeting on November 15, 2017.

#### D. ORDINANCE AMENDMENTS

1. Wall Signs in the BP – Ryan Jennings, Township Solicitor, reviewed the proposed ordinance amendment. Ernest made a motion to recommend to the Board of Supervisors adoption of the ordinance amendment. Jim seconded the motion. The motion passed unanimously.

#### E. 2017 GOALS

1. There was discussion about drones and emerging housing trends. Mark will send an update to the BOS.

#### ADJOURNMENT

There being no further business, Ernest moved to adjourn the meeting. Monica seconded the motion. The meeting adjourned at 10:30 pm. The next workshop meeting will be held on Wednesday, November 15, 2017 at 7:00 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: 11/7/2017  
To: Planning Commission  
From: Mark Gordon, Township Zoning Officer *mlb*  
Re: Malvern Institute ZHB Application for Special Exception and Variances

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Staff Recommendation: After consultation with the solicitor, staff is recommending that the PC take no position with respect to the Special Exception and Variance requests or the legal argument that Applicant makes concerning the right to expand the nonconforming use based on the doctrine of natural expansion of a nonconforming use.

**Draft Motion:**

Mr. Chairman, I move that the PC take no position on the special exception and variances requested by the Malvern Institute or the legal argument advanced by Applicant with respect to the right to expand the legal non-conforming treatment center use based on the doctrine of natural expansion. Should the ZHB determine that the applicant has met its legal burden and is entitled to expand the non-conforming use; the Planning Commission recommends that the ZHB impose the following conditions on the Applicant in order to mitigate the impacts that the non-conforming use has on the surrounding community. The PC also recommends that the Board of Supervisors authorize the Township Solicitor and the Township Engineer to enter an appearance at the Zoning Hearing to advocate the Board of Supervisors' position on the recommended conditions.

1. Applicant shall restrict the drug and alcohol treatment programming at the King Road facility (the "Facility") to in-patient treatment only.
2. Applicant shall limit the number of patients receiving treatment at the Facility to a maximum of 80 patients on-site at any one time. Applicant shall forward a letter to the Commonwealth of PA Department of Health agreeing to permanently cap the licensing of the facility to 80 in-patients in perpetuity.

3. Applicant agrees to have at least one security guard on duty at the Facility 24 hours a day, 7 days a week.
4. Applicant agrees to submit a land development application that includes the proposed improvements to the Property which are approved in the Decision and which are consistent with the testimony and exhibits presented at the zoning hearing and with the conditions of approval within 90 days of final unappealable, and unappealed zoning approval.
5. Applicant shall submit and implement a landscape plan in accordance with §240-27.C.(2) of the East Goshen Code for the western, southern and eastern property boundaries as part of its land development application.
6. Applicant agrees to plant and maintain the aforesaid buffer yard landscaping in accordance with §240-27.C.(3), as long as the Property is used as a Treatment Center.
7. Applicant shall obtain all necessary governmental permits and approvals to construct a creek crossing, including but not limited to permits from the PA Department of Environmental Protection.
8. Applicant shall install and maintain 8 foot high sound fencing, as described, along the entire western, southern and eastern boundaries of the Property. The 8 foot sound fencing shall extend to the King Rd. right of way line, so long as the fencing does not impede sight distance for motorists exiting the Facility's driveway or the driveway for 950 King Rd. The 8 foot sound fencing shall be installed adjacent to pathways and recreational areas to maximize the sound attenuation properties of the fencing.
9. Applicant shall install a fence along the right of way line for King Rd. This shall include a monitored security gate for pedestrian and vehicular access. This fencing and the aforesaid sound fencing shall be connected and is intended to limit ingress and egress to a single monitored security gate.
10. Applicant shall identify the fencing types and styles as well as provide details of each style of fencing in the land development plan which fencing shall be approved by the Board of Supervisors at land development.
11. If Applicant chooses to build a new one story building addition, the new addition shall be set back a minimum of 50 feet from any property line. In addition, if an active recreation area is or will be located north of the new one story addition, a second 8 foot sound fence shall be installed from the west wall of the one story addition to the King Rd. right of way line, to further screen the active recreation area from the homes to the west.

12. Applicant shall agree to permit no recreational activity in the area between the existing and/or proposed building and the southern and western property lines except for pedestrian walking paths.
13. Applicant shall identify the active recreation areas on the land development plan and only permit active recreation within the designated active recreation areas.
14. The Facility shall be restricted to one outdoor smoking area and shall all smoking outdoors shall be conducted within the limits of the smoking pavilion.
15. The smoking pavilion shall be equipped with a "Smoke Eater" type of ventilation and filtration system to minimize the effects of smoke for the surrounding property owners.
16. Applicant shall screen the smoking pavilion from the neighboring properties to the west and north with an 8 foot sound fence. This sound fence shall remain in place until the expansion project is complete.
17. If the Applicant does not choose to build a new one story addition, which effectively screens the smoking pavilion from view of the neighboring properties the aforesaid sound fence shall be maintained as long as the Property is used as a Treatment Center.
18. The Applicant shall demonstrate that the "Smoke Eater" system can ventilate and filter cigarette smoke in an open pavilion.
19. The Applicant shall install sound attenuation blankets or similar sound dampening material inside the existing emergency generator fencing to mitigate noise from the generator.
20. The Applicant shall install the 8 foot sound fencing and deer resistant understory landscape buffer plantings in the wooded area on the eastern side of the Property prior to the installation of any walking paths and/or meditation areas on the east side of the Ridley Creek . The fencing and landscaping shall be shown on the landscape plans submitted with the land development application and shall be approved by the Board of Supervisors as part of land development.
21. The Applicant shall implement the Malvern Institute 15 year renovation plan as presented to the Zoning Hearing Board in the order as outlined in Applicant's testimony and shall implement all of the 1-2 year site improvements prior to the issuance of any building permits for year 2-4 barn renovations.



22. All conditions shall be implemented as per the plans and presentations given to the Planning Commission.
23. Applicant shall agree to construct all walking paths with pervious wood chips. If path surfaces are changed, permits shall be obtained prior to any changes.
24. The parking lot lighting shall comply with the Township Zoning Ordinance.
25. The Applicant shall comply with the parking allocation presented on the plans and presentations made to the Township Planning Commission and Board of Supervisors.
26. Applicant shall agree to only permit outdoor activities on the property between the hours of 7 AM and 10 PM.
27. The Applicant shall file a deed restriction, to be approved by the Township Solicitor, agreeing that there shall be no further expansion of the non-conforming use beyond the expansion approved by the Zoning Hearing Board in this application.

RECEIVED AFTER  
AGENDA  
WAS PRINTED

November 8, 2017

**Via Hand Delivery**

Mark Gordon  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380-6199

**Re: Application for Zoning Relief of  
Malvern Institute for Psychiatric and Alcoholic Studies, Inc.**

Dear Mark:

Enclosed are fifteen (15) copies of the revised Narrative for Zoning Relief of Malvern Institute for consideration by Zoning Hearing Board. The Narrative has been revised to reflect the one story addition alternative plan that the Township Planning Commission and staff has asked my client to consider.

The revised Plans are part of the Application but have been submitted separately today by Chester County Engineers. I also attached the updated 15 Year Renovation Timeline (2<sup>nd</sup> Story Addition Plan) as well as the timeline for the One Story Addition Plan alternative. Thank you for your consideration.

Very truly yours,



Brian L. Nagle

/cfg  
Enclosures

2650331v1  
141117.60426

## **MALVERN INSTITUTE**

### **15 Year Renovation Timeline One Story Addition Plan**

#### **Introduction**

The Township has requested that all renovations necessary for the Malvern Institute over the next 15 years, as explained in the Narrative in Support of the Application (Revised), be included in a 15 Year Plan. After developing the 15 Year Plan, the Malvern Institute provides the following best estimate outline and timeline of improvements. Notwithstanding that the timing may alter to some degree, the Year 1-2 Site Improvements will be completed prior to the commencement of any other listed improvements, and the Applicant will accept same as a condition of the approval of the relief sought in the Application that is pending before the Zoning Hearing Board.

#### **YEAR 1-2**

##### **Site Improvements**

Parking lot renovations, sound fence installation, smoking pavilion installation, sound blankets added at generator, commence understory restoration at Eastern wooded portion of property

#### **YEAR 2-4**

First floor addition project

#### **YEARS 3-5**

##### **Barn Renovation**

Loft level - patient activity space (group meeting and group fitness/activity space)  
Main level - (parking lot side) Admissions and related offices  
Lower level - (pond side) storage and laundry  
Relocate designated personnel to the barn

#### **YEARS 5-7**

##### **Main Building Relocation Renovation, Part 1**

Scope TBD but relocated areas would be renovated and/or relocated.

#### **YEARS 7-12**

##### **Contingency Period-** Complete any unfinished aspects of the project

All proposed improvements are required to enable Applicant to maintain its facility in accordance with industry standards, to remain competitive in the marketplace, and to effectively serve and treat its patients.

## **MALVERN INSTITUTE**

### **15 Year Renovation Timeline 2<sup>nd</sup> Story Addition Plan**

#### **Introduction**

The Township has requested that all renovations necessary for the Malvern Institute over the next 15 years, as explained in the Narrative in Support of the Application (Revised), be included in a 15 Year Plan. After developing the 15 Year Plan, the Malvern Institute provides the following best estimate outline and timeline of improvements. Notwithstanding that the timing may alter to some degree, the Year 1-2 Site Improvements will be completed prior to the commencement of any other listed improvements, and the Applicant will accept same as a condition of the approval of the relief sought in the Application that is pending before the Zoning Hearing Board.

#### **YEAR 1-2**

##### **Site Improvements**

Parking lot renovations, sound fence installation, smoking pavilion installation, sound blankets added at generator, commence understory restoration at Eastern wooded portion of property

#### **YEAR 2-4**

##### **Barn Renovation**

Loft level - patient activity space (group meeting and group fitness/activity space)

Main level - (parking lot side) Admissions and related offices

Lower level - (pond side) storage and laundry

#### **YEARS 3-5**

##### **Main Building Relocation Renovation, Part 1**

Scope TBD but relocated areas would be renovated and/or relocated for upcoming phases. Relocate designated personnel to the barn.

#### **YEARS 4-6**

##### **Second Floor Renovations**

Construction of second floor renovation/addition on the Main Building

#### **YEARS 4-8**

##### **Main Building Renovations, Part 2**

When the second floor renovation is complete, there will be areas open for renovation

#### **YEARS 8-12**

**Contingency Period-** Complete any unfinished aspects of the project

All proposed improvements are required to enable Applicant to maintain its facility in accordance with industry standards, to remain competitive in the marketplace, and to effectively serve and treat its patients.

**BEFORE THE ZONING HEARING BOARD OF EAST GOSHEN TOWNSHIP**  
**IN RE: APPLICATION FOR ZONING RELIEF OF**  
**MALVERN INSTITUTE FOR PSYCHIATRIC AND ALCOHOLIC STUDIES, INC.**

**NARRATIVE IN SUPPORT OF APPLICATION (Revised)**

**I. Introduction**

Malvern Institute for Psychiatric and Alcoholic Studies, Inc. ("Malvern Institute" or "Applicant"), is the legal owner of certain real estate located at 940 W. King Road, East Goshen Township, Chester County, known as Chester County UPI No. 53-2-18 (the "Property"). The Property is improved with, *inter alia*, a 2 ½ story masonry structure (the "Main Building") and a 2 story barn (the "Barn"). The Property constitutes approximately 8 acres in the Township's R-2 Low Density Residential District.<sup>1</sup> Applicant uses the Property as a treatment center, as that term is defined in the Township's Zoning Ordinance (the "Ordinance"). The treatment center is a legal nonconforming use, as that term is defined in the Township's Zoning Ordinance. The Existing Conditions Plan, separately submitted, is made a part of this Application. Through the treatment center, Malvern Institute provides critical services to residents in need in Chester County and nearby, offering a continuum of care for those affected by addiction, including many fellow Chester County residents. All services are inpatient services and Malvern Institute's success is achieved through dedication to clinical care and innovative treatment solutions.

Applicant hereby seeks relief, as set forth below, to expand the second floor of the Main Building on the Property by 6,200 square feet and to construct a loft in the Barn which would increase the floor area of that structure by 2,320 square feet (the

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<sup>1</sup> A small portion of the Property is located in Willistown Township, which portion is not improved with any structures.

“Proposal”). The Proposal will not increase the footprint of the Barn, with the exception of an 80 square foot code-required elevator, and will only increase the footprint of the Main Building by 200 square feet *via* a small cantilever. The Proposal also includes the permanent relocation of the smoking area from the rear of the facility to the front of the facility at a new smoking pavilion that will be farther away from residential neighbors as compared to the prior location. The prior smoking area will be converted to a quiet greenhouse space.

In the alternative, and at the request of the Township staff and Planning Commission, Applicant proposes a one-story addition to the Main Building which would increase the footprint of the Main Building by 5,492 square feet and a loft in the Barn which would increase the floor area of that structure by 2,320 square feet (the “Alternative Proposal”). The Alternative Proposal would include a basement area beneath the one-story addition, and would be comprised of a total increase in floor area of 10,200 square feet to the Main Building.

The proposed expansion in floor area of the Main Building and Barn are necessary to accommodate the natural expansion of the Applicant’s pre-existing legal non-conforming use to enable Applicant to maintain its facility in accordance with industry standards, to remain competitive in the marketplace, and to effectively serve and treat its patients and the residents of Chester County. The proposed expansion of the Main Building, will improve the accommodations available to Applicant’s residents. Applicant does not propose to increase the number of patients it serves, and, in the event that the relief sought herein is granted, Applicant will agree to a condition of

approval that it will not increase the state-approved limit of patient beds for the subject Property, which is currently approved at 80 beds.

## **II. Request for Relief and Project Background**

Applicant seeks a special exception under Ordinance Chapter 240, Section 40.C(2)(e) in order to expand the floor area of the Main Building serving its legal nonconforming use. Applicant also seeks a dimensional variance from Ordinance Chapter 240, Section 40.C(2)(c) in order to permit an expansion of floor area serving a nonconforming use by 36% pursuant to the Proposal, or by 49% pursuant to the Alternative Proposal, if deemed required after consideration is given to the doctrine of natural expansion. The maximum expansion of floor area serving a nonconforming use permitted by the Township's Zoning Ordinance is 25%<sup>2</sup>. Chapter 240, Section 32.E(1) requires that fences erected in the side or rear yards shall not exceed six feet in height on a residential lot and eight feet in height on any other lot. The Applicant's position is that the subject lot is a commercial lot. In the event that the Board determines that the subject property is a residential lot by virtue of being located in a residential zoning district, notwithstanding the pre-existing and legally non-conforming non-residential use of the lot, than Applicant requests a variance to permit the eight foot sound fence as shown on the plans. The sound fence is designed to improve existing conditions relative the historical use of the outdoor portions of the Property for patient activities. The Section 32.E(2) states that fences which are erected within the required front yard shall not exceed four feet in height. The Applicant has proposed a six foot tall estate

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<sup>2</sup> Section 240-40.C(2)(c) includes the restriction that if prior to the effective date of the 25% expansion restriction in the zoning ordinance, the use has been expanded by a percentage greater than 25%, it shall not be entitled to any further expansion under this section. Malvern Institute underwent a prior expansion of 25% or greater in 1982. This retroactive restriction based upon a pre-ordinance expansion is of questionable legal impact.

fence in the front yard, and hereby requests a variance to allow same. Applicant is proposing a 22 foot wide one-way section for a portion of the driveway to accommodate additional parking adjacent to that section of the driveway and to avoid additional parking in the front yard setback. This complies with the Township's zoning regulations. However, at night, the driveway will operate as a two-way driveway so that vehicle egress can be observed, and during that period of time, a variance of two feet in width is required, and hereby requested, from Section 33.C(10). Finally, given the timeframe of the proposed improvements, the Applicant requests a variance from Chapter 240, Section 58.D. to allow the variances to remain in place to allow the improvements to occur no later than 12 years from approval of the variances.

The Applicant also requests that the Board grant such other relief that is necessary in the judgment of the Board to allow the proposed expansion.

Under either the Proposal or the Alternative Proposal, the proposed expansion and dimensional variances are modest. The Proposal would constitute a nominal increase in building footprint and the Alternative Proposal would permit a reasonable expansion with half of the proposed additional floor area in the form of a basement which would pose virtually no negative impact on the surrounding properties. The Alternative Proposal would create a "court yard" effect, which would enhance the buffer between Malvern Institute and the neighboring property owners. Neither the Proposal nor the Alternative Proposal include an increase in the number of residents whom Applicant serves. Additionally, neither proposal would necessitate an increase in staff, nor is one anticipated.



It is noteworthy that the Applicant has designed its “15 Year Plan” in conjunction with the proposed improvements.<sup>3</sup> The 15 Year Plan has been separately submitted as part of this application, together with the following plans: Existing Conditions, Sightline Profiles, 15 Year Master Plan with Existing Features. The 15 Year Plan was designed specifically to minimize and improve any Malvern Institute impacts on residential neighbors. The 15 Year Plan includes significant landscaping and buffering improvements in an effort to achieve this goal. After completing the design, Malvern Institute sent a letter to neighboring property owners inviting them to visit and tour the facility and to review the 15 Year Plan. See Exhibit “B-1”, the mailing list for the letter, also attached. Numerous neighbors attended one of several meetings and provided insight and feedback to the Applicant. Changes were made to the plan as a result of those meetings, resulting in the Proposal, which, with the exception of a proposed greenhouse at the former rear smoking area, the 200 square foot second floor cantilever, the proposed new smoking pavilion, and the small elevator shaft area, includes no increase of the footprint of the structures on the Property.

At the behest of the Township’s Planning Commission, Applicant devised the Alternative Proposal, which, while adding to the footprint of the Main Building, alleviates certain concerns regarding privacy and screening for the Property’s residential neighbors. The Alternative Proposal would further enhance the quality of life both for Applicant’s patients and neighbors by providing space for recreation in the basement area, which would naturally decrease the amount of outdoor recreation on the Property.

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<sup>3</sup> The Township had previously requested that if any improvements were being proposed, that all improvements contemplated over the next 15 years be shown.


### III. Conclusion

The Applicant will present testimony and evidence in support of the Application and establish compliance with all other applicable Ordinance standards during the hearing before the Zoning Hearing Board in support of the instant Application.

Respectfully submitted,

**MacELREE HARVEY, LTD.**

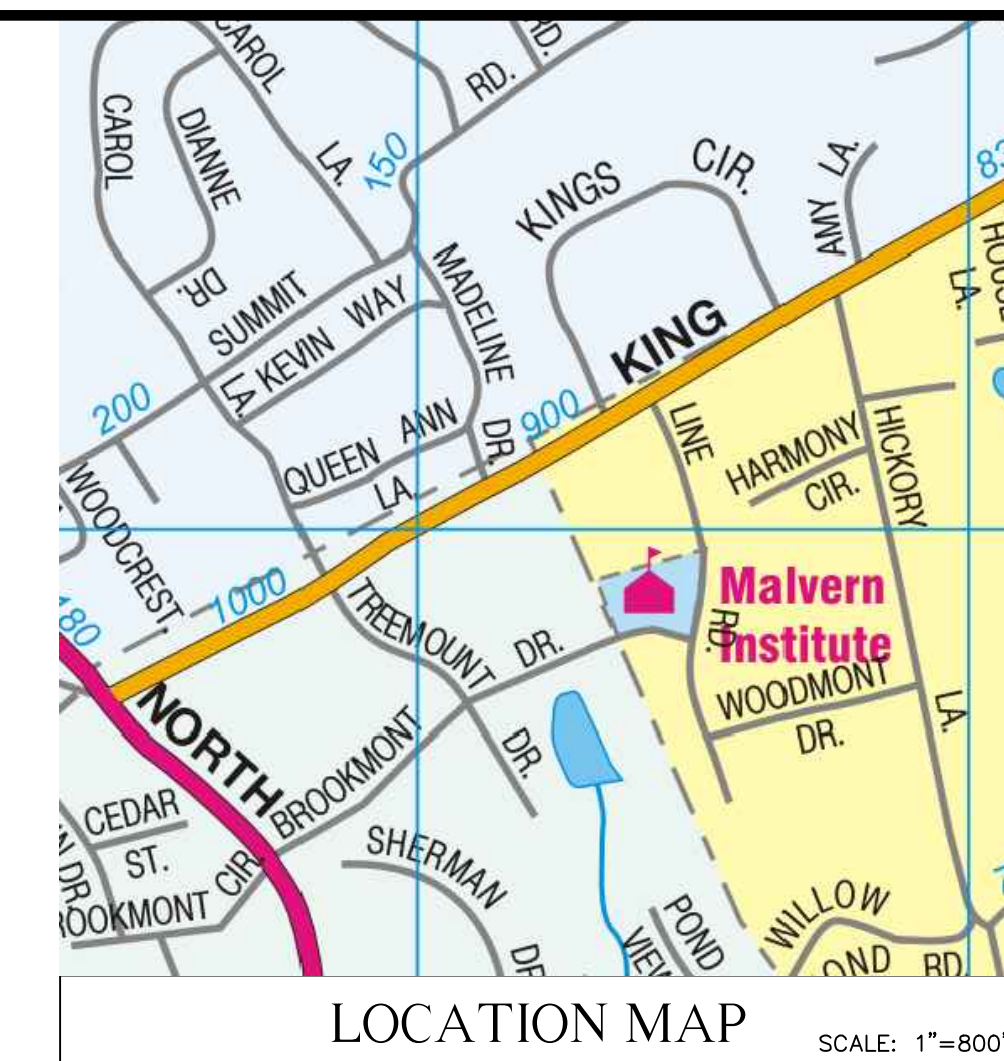
By:



Brian L. Nagle, Esquire  
Lindsay A. Dunn, Esquire  
*Attorneys for Applicant*

Date: November 8, 2017






- NOTES:**
1. BEING: CHESTER COUNTY UNIFORM PARCEL IDENTIFIERS: 53--2-18 & 53--2B-13. ADDRESS FOR PARCEL 53--2-18 & 53--2B-13: 940 WEST KING ROAD, MALVERN PA 19355.
  2. BOUNDARY AND IMPROVEMENTS SHOWN FROM BOUNDARY AND TOPOGRAPHY SURVEY PLAN DATED JULY 31, 2006 BY SITE ENGINEERING CONCEPTS.
  3. TOPOGRAPHY SHOWN IN AREA FROM PHYSICAL FIELD SURVEY PERFORMED MARCH 25, 2015 BY CHESTER VALLEY ENGINEERS, INC.
  4. ELEVATIONS BASED ON NAVD 1988 DATUM.
  5. CONTOURS SHOWN BEYOND AREA OF PHYSICAL FIELD SURVEY FROM P.A.S.D.A. LIDAR CONTOURS.
  6. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
  7. THE BEARINGS SHOWN ON THE TITLE LINES STILL REFLECT THE DEED BEARINGS BUT THE SITE HAS BEEN MODIFIED TO STATE PLANE COORDINATES.
  8. WETLANDS DELINEATION BY KEN MCKREE, PHD AND FIELD LOCATED BY SITE ENGINEERING CONCEPTS AS SHOWN ON A BOUNDARY AND TOPOGRAPHY SURVEY PLAN DATED JULY 31, 2006. ADDITIONAL WETLANDS FIELD INVESTIGATION AND DETERMINATION BY GHD SERVICES, INC ON MAY 17, 2017.

1	11/07/2017	ONE STORY ADDITION OPTION			
NO.	DATE	REVISION			
<b>PROPOSED SITE PLAN</b>					
FOR					
<b>MALVERN INSTITUTE</b>					
EAST GOSHEN TOWNSHIP - CHESTER COUNTY - PENNSYLVANIA					
<b>Chester Valley Engineers</b> civil engineers & land surveyors		Chester Valley Engineers, Inc. Main Office: 83 Chestnut Road P.O. Box 447, Padi, PA 19301 (610) 644-4623 (610) 885-3143 Fax cve@chestv.com <a href="http://www.chesterv.com">http://www.chesterv.com</a>		PROJECT NO. <b>20170</b>  F.B.	
SCALE SEE PLAN	DATE 02/24/17	DRAWN BY BJM	CHECKED BY RFS	DRAWING	

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**UNIFORM PARCEL IDENTIFIER: 53-2-18**



## LOT AREA CALCULATIONS

(AREAS IN SQ. FT.)

UPI# 53-2-18

GROSS AREA = 418,080 (9.60 Ac)

LESS:

STREET R/W = 58,916 (1.35 Ac)

LOT AREA = 359,164 (8.25 Ac)

UPI# 53-2B-13

GROSS AREA = 43,565 (1.00 Ac)

LESS:

STREET R/W = 4,040 (0.09 Ac)

LOT AREA = 39,525 (0.91 Ac)

PARCEL 53-2B-13 HAS NOT BEEN INCLUDED IN ANY CALCULATIONS

## IMPERVIOUS COVERAGE

(AREAS IN SQ. FT.)

	<u>EXISTING</u>	<u>PROPOSED</u>
2 1/2 STORY MASONRY (PRIMARY BUILDING) =	13,411	13,411
PROPOSED (PRIMARY BUILDING) ADDITION =	5,492	5,492
1 STORY MASONRY =	526	526
2 STORY BARN =	2,240	2,240
SHED =	120	120
SPRING HOUSE =	296	296
PUMP STATION BUILDING =	301	301
WALK-IN FREEZER (W.I.F.) =	44	44
PAVEMENT (INCLUDING CURB) =	33,080	41,886
SIDEWALKS =	1,144	1,774
SMOKING PAVILION =	--	800
GREEN HOUSE =	--	400
* TOTAL =	51,162 (1.24%) (1.17 Ac)	67,372 (18.76%) (1.55 Ac)

## SOILS LIST

SYMBOL	DESCRIPTION	DEPTH TO SEASONALLY HIGH WATER TABLE	DEPTH TO BEDROCK	SUITABILITY FOR					CHARACTERISTICS THAT AFFECT FARM POOL EMBANKMENTS
				WATER GRADING	ROAD SUBGRADE	ROAD FILL	TOPSOIL	TRAIL AFFECT.	
<b>URBAN LAND - CHESTER COMPLEX</b>									
UugB	0% to 8% SLOPES	> 200 CM	20" to 70"	165 DAY	NOT RATED	NOT RATED	NOT RATED	NOT RATED	NOT RATED
UugD			NOT SPECIFIED						

ZONING DATA – EAST GOSHEN TOWNSHIP			
<u>R-2 – RESIDENTIAL DISTRICT</u>			
ITEM	REQUIRED	EXISTING	PROPOSED
LOT AREA (MIN.)	1 ACRE	9.60 ACRES	9.60 ACRES
LOT WIDTH AT BUILDING LINE (MIN.)	150 FT.	862 FT.	862 FT.
LOT WIDTH AT STREET LINE (MIN.)	60 FT.	877 FT.	877 FT.
BUILDING COVERAGE (MAX.)	25%	4.72%	6.60%
TOTAL IMPERVIOUS COVERAGE (MAX.)	53%	14.2%	18.76%
BUILDING HEIGHT (MAX.)	30 FT./3-STORIES	<30 FT.	<30 FT.
FRONT YARD SETBACK (MIN.)	45 FT.	332.8 FT.	332.8 FT.
AVERAGE FRONT YARD (MIN.)	60 FT.	N/A	N/A
SIDE YARD SETBACK (MIN.)	20 FT. EACH	111.4 FT/ 335.4 FT	43.6 FT/ 335.4 FT
REAR YARD SETBACK (MIN.)	50 FT.		54.7 FT.

