

There were two hearings held during the October 17, 2017 East Goshen Township Board of Supervisors meeting. Transcripts of these hearings are attached to this document and can be viewed by clicking the links provided below.

- 1) [Public Hearing to Consider the Conditional Use Application of SYNTHES USA HQ, INC. Pursuant to Section 240-31.C \(3\) \(qq\) of the East Goshen Zoning Ordinance](#)

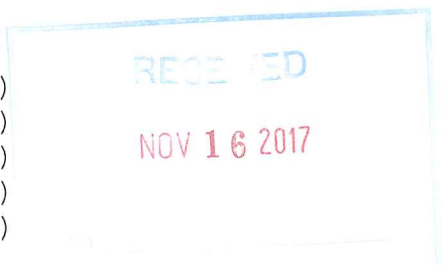
- 2) [Public Hearing to Consider an Amendment to the Vehicles and Traffic of the East Goshen Township Code Pursuant to Chapter 225 Sections 225-17 and 225-54](#)

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BEFORE THE BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

- - - - -

IN RE: Public Hearing to Consider)
the Conditional Use Application of)
SYNTHES USA HQ, INC. Pursuant to)
Section 240-31.C(3)(qq) of the)
East Goshen Zoning Ordinance)



East Goshen Township Building
1580 Paoli Pike
West Chester, Pennsylvania

Tuesday, October 17, 2017
7:15 PM

BEFORE THE BOARD
CARMEN R. BATTAVIO, Acting Chairman
JANET L. EMANUEL, Member
CHARLES W. PROCTOR, III, Member
MICHAEL LYNCH, Member

APPEARANCES:
BUCKLEY BRION McGUIRE & MORRIS
By: KRISTIN S. CAMP, ESQUIRE
on behalf of the Board of Supervisors

BRENDAN P. BURKE, LLC
By: BRENDAN P. BURKE, ESQUIRE
on behalf of the Applicant

ALSO PRESENT: LOUIS F. SMITH, JR., Township Manager

Colleen M. Pimer
Official Court Reporter

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PROCEEDINGS

1
2 MR. BATTAVIO: We will now go to our first public
3 hearing, which is Synthes U.S.A.

4 At this time I would like to turn the meeting over
5 to our Solicitor, Kristin Camp. Kristin, good evening.

6 MS. CAMP: Thank you. I'm going to start by
7 explaining the application and marking exhibits on behalf
8 of the Board of Supervisors.

9 Applicant is Synthes U.S.A. HQ, Inc. They seek
10 conditional use approval pursuant to Section 240-31.C(3)(qq)
11 of the East Goshen Township Zoning Ordinance to allow an
12 increase of impervious coverage from fifty-five percent to
13 sixty percent on property located at 1303 Goshen Parkway,
14 which is more specifically identified as Chester County Tax
15 Parcel Number 53-3-1.12. That property consists of 8.63
16 acres. It's located in the I-1 Light Industrial District.

17 The applicant intends to add additional parking,
18 egress pathways and a small building addition containing
19 approximately 1200 square feet, which would take them to
20 sixty percent impervious coverage.

21 Board exhibits that I would like to mark, which I
22 passed out to the Board of Supervisors, are as follows:

23 Board Exhibit 1 is the Conditional Use Application,
24 that was dated August 28, 2017, and any attachments that came
25 with that application which I believe are the plan prepared

1 by Mainstay Engineering Group, identified as the conditional
2 use plan, and also a landscape plan.

3 Board Exhibit 2 is proof of publication. Tonight's
4 hearing was advertised in the Daily Local News on October 3rd
5 and October 10th, 2017.

6 Board Exhibit 3 is an Affidavit of Posting. The
7 Township Zoning Officer, Mark Gordon, posted the property on
8 October 10, 2017. His Affidavit, as well as the Notice and
9 photographs of the posting are all collectively B-3.

10 Board Exhibit 4 is a letter that Mr. Gordon sent to
11 property owners within a thousand feet of the subject
12 property. The letter was dated September 5th, 2017. I also
13 have the list of property owners who received that notice.

14 Board Exhibit 5 is a letter from township engineer
15 Nate Kline dated September 15th, 2017 addressed to Mr.
16 Gordon.

17 Board Exhibit 6 is a more revised version of that
18 letter. That letter is dated October 4th, 2017 from township
19 engineer Nathan Kline to Mark Gordon.

20 Final Board exhibit is Board Exhibit 7 which is a
21 letter from Mr. Gordon to Board of Supervisors explaining the
22 Planning Commission's unanimous recommendation at their
23 October 4th meeting. That letter is dated October 10, 2017.

24 The applicant is here represented by Mr. Brendan
25 Burke.

1 Mr. Burke, do you have any objection to admission of
2 exhibits Board 1 through Board 7?

3 MR. BURKE: I do not, no.

4 (Exhibit Nos. B-1 through B-7, inclusive, entered
5 into evidence.)

6 MS. CAMP: Is there anybody in the audience that
7 wishes to be admitted as a party to this proceeding other
8 than obviously the applicant? That means you have the
9 opportunity to cross-examine applicant's witnesses, present
10 your own evidence and appeal the decision of the Board.

11 Anybody seeking that status this evening?

12 Okay. Let the record reflect there is nobody in the
13 audience that wishes to be a party.

14 With that, I will turn it over to applicant's
15 counsel to proceed with your case.

16 MR. BURKE: Good evening, Members of the Board, Miss
17 Camp. As introduced I'm Brendan Burke. I'm counsel for the
18 applicant.

19 I also have premarked some exhibits as well. I
20 believe Miss Camp has already distributed some of them. My
21 first exhibit was the Conditional Use Application narrative
22 which you already have as a Board's exhibit.

23 Our conditional use plans will be put up. They are
24 marked as A-2. We will have them on the board for you.

25 Only other sort of housekeeping issue I have with

1 regard to the hearing before we get into the meat of the
2 matter is I do have, Miss Camp, a copy of the deed to the
3 property that I have marked as Applicant's A-3 for purposes
4 of standing. I think I have sufficient copies for everyone.
5 So A-3 is a deed to the property with regard to applicant's
6 standing.

7 As Miss Camp introduced the project, we are here and
8 I will try to read it only once to avoid having everyone have
9 to transcribe it so many times. Pursuant to Section
10 240-31.C(3)(qq) of the East Goshen Township Zoning Ordinance
11 seeking to allow the increase in permissible impervious
12 coverage up to sixty percent. As came up in Planning
13 Commission this parcel was previously approved for fifty-five
14 percent impervious coverage in its land development
15 application in 2003, so although we're seeking an increase
16 above that, it will be a fairly incremental one. They had
17 already been approved at fifty-five percent.

18 The parcel consists of 8.63 acres. It's in the I-1
19 Light Industrial District.

20 The applicant is here seeking additional impervious
21 due to some concerns that were raised by both workplace
22 safety issues. Synthes is a member of the Johnson and
23 Johnson family. They have very, very strict and I think very
24 helpful workplace safety requirements that really keeps them
25 in the forefront of safety. Some issues arose with regard to

1 ingress, egress for their employees and some minimal outdoor
2 staging of things that are used in day-to-day operations
3 of the business.

4 We will have three witnesses tonight, with the
5 potential for a fourth. I don't know if that's necessary.
6 We will have our project engineer Dave Citro from Mainstay
7 Engineering. He will first be explaining A-2, our plans. He
8 will be qualified hopefully as an expert witness.

9 Our second witness, Mr. Kyle Turner, is the new
10 environmental health and safety officer for Synthes at this
11 location. I believe he's going to be a fact witness. He may
12 need to be qualified as an expert. I'm not sure.

13 And our other expert will be Lisa Thomas from
14 Glackin Thomas Panzak. Pursuant to this section of the
15 Ordinance a registered landscape architect is required to
16 explain the plantings that have to be made to offset the
17 increase in impervious coverage.

18 We also have with us this evening two other
19 individuals, Mr. Wermuth (sic) who is the project coordinator
20 for this project. He may be a source of additional
21 information if needed. And Miss Patty Andolini (sic) who is
22 here from Synthes.

23 With that, we can set up the plans as A-2.

24 MR. BATTAVIO: Mr. Burke, if I could very quickly,
25 anybody that is going to speak on behalf of anything having

1 to do with the conditional use hearing, Colleen is our
2 recorder. She has to be accurate. So if you have a name
3 other than Smith please spell it. Talk slowly so that she
4 gets it all. Makes things a lot easier.

5 Sorry to interrupt. Thank you.

6 MR. BURKE: I'm going to pass around what has been
7 marked as Exhibit A-4 which is the curriculum vitae of Dave
8 Citro, P.E.

9 DAVID F. CITRO

10 being duly sworn or affirmed was examined and testified as
11 follows:

12 MS. CAMP: I think, Board, I'm not familiar with
13 Mr. Citro. Looking at his CV I'm comfortable with
14 recognizing him as an expert professional engineer -- is what
15 you're going to be asking?

16 MR. BURKE: Yes, I was.

17 MR. BATTAVIO: Members, are you okay?

18 MS. CAMP: Okay. Based on his credentials.

19 DIRECT EXAMINATION

20 BY MR. BURKE:

21 Q. Mr. Citro, are you the engineer who prepared and
22 sealed those plans marked as Exhibit A-2?

23 A. I am.

24 Q. Can you please give the Board a very brief overview
25 of existing conditions and structures on A-2.

1 A. A-2 shows property located at 1303 Goshen Parkway.
2 It's currently a business industrial commercial site with a
3 building approximately 6200 square feet in footprint area,
4 parking areas, landscaping, parking islands, walkways and
5 loading area.

6 Q. This site was known commonly as the Brandywine plant
7 of Synthes?

8 A. That is correct.

9 Q. As I said in my opening this lot had previously been
10 approved for impervious coverage in the amount of fifty-five
11 percent in 2003; is that correct?

12 A. That is correct.

13 Q. That's shown on the zoning table?

14 A. Yes, that is correct.

15 Q. What will make up the additional impervious coverage
16 on the plan above the fifty-five percent?

17 A. So we are proposing a small building addition,
18 approximately 1200 square feet in area, additional sidewalks,
19 including egress from rear of the building. We are proposing
20 some equipment pads, staging pad, and we also are proposing
21 some future improvements.

22 Q. What is the nature of those future improvements?

23 A. Future improvements are additional walkways, as well
24 as some parking areas. Both the improvements, proposed
25 future improvements will include stormwater management

1 improvements.

2 Q. You anticipated my next question. How would
3 applicant handle stormwater management to accommodate the
4 extra impervious coverage?

5 A. Existing site is serviced by an existing detention
6 basin located in the northeast corner of the property. We
7 anticipate using that location for stormwater management, as
8 well as underground stormwater management in the parking --
9 existing parking area, as well as future parking area.

10 Q. Now of course we've been as a project team in front
11 of the Planning Commission already. Supervisors have not had
12 an opportunity to hear the evidence given there.

13 Have infiltration studies been performed that show
14 applicant will be able to comply with the SALDO requirements
15 for stormwater?

16 A. Yes. We had three double ring interferometer tests
17 performed and all three showed favorable results.

18 Q. With regard to traffic, does the applicant
19 anticipate there will be any additional trips or traffic
20 generated by this increased impervious coverage?

21 A. No. Applicant's representative will be able to
22 explain further but we do not anticipate any additional trips
23 to or from the site from what is currently out there now.

24 Q. I think this is a fairly straightforward plan where
25 we see additional sidewalks, building bump out, but I am

1 obligated to very briefly go through conditional use
2 standards set forth in Section 240-31.C and so I will ask you
3 in your professional opinion as an engineer in the
4 Commonwealth of Pennsylvania do you believe this use, that
5 being additional impervious coverage, is suitable for the
6 proposed location?

7 A. Yes.

8 Q. Is there anything in this proposed use that in your
9 opinion is detrimental to public health, safety or welfare?

10 A. No.

11 Q. Is this proposed improvement in harmony with the
12 character of the surrounding development?

13 A. Yes.

14 Q. Can you briefly explain to the Board what is the
15 surrounding properties next to the Brandywine plant?

16 A. Surrounding area is very much similar to what the
17 existing site is. It's a business park, Goshen Parkway. All
18 sites are developed in a similar fashion, parking areas,
19 buildings, walkways.

20 Q. To the one side is already owned by Synthes, the
21 1301 property?

22 A. That's correct.

23 Q. On the other side oriented north to east would be
24 the CTDI building?

25 A. That's correct.

1 Q. Will there be any issues providing public services
2 to this facility as a result of these improvements, such as
3 water, sanitary sewer or emergency services and the like?

4 A. No.

5 Q. I'm going to hand you what has already been marked I
6 believe as a Board exhibit but it's the most recent review
7 letter received from Pennoni dated October 4, 2017. That has
8 I believe review comments of the engineering staff on it.

9 MS. CAMP: It's also B-6.

10 BY MR. BURKE:

11 Q. Without going through each and every one of these
12 comments I will ask you a fairly summary question, which is
13 had applicant already or will applicant be able to somehow
14 demonstrate compliance with all conditions and comments set
15 forth by Mr. Kline on behalf of the Township?

16 A. Yes, we will demonstrate compliance with the
17 comments in Mr. Kline's letter.

18 Q. Reason I ask if you will be able in the future when
19 we're asking conditional use approval tonight is is the
20 applicant obligated and will the applicant appear for land
21 development again before Planning Commission --

22 A. Yes and yes.

23 Q. -- Conservancy Board and Supervisors?

24 A. Yes and yes.

25 Q. As designed will this improvement or this use comply

1 with all applicable state, federal and local regulations?

2 A. Yes.

3 Q. I mentioned and I questioned you briefly about
4 traffic. I'll point out Section 240-31.C(2) provides for
5 waiver of a traffic study if requested by the applicant.

6 Will applicant in land development be requesting a
7 waiver of a traffic study?

8 A. Yes, we will. We are requesting a waiver.

9 Q. Other than the aforementioned traffic waiver will
10 applicant be able to comply in all other manners with
11 requirements of the Township Zoning Ordinance and Subdivision
12 and Land Development Ordinance?

13 A. We believe so, yes.

14 MR. BURKE: Those are all the questions I've got for
15 Mr. Citro in my case in chief. Of course any questions he's
16 here to answer, available.

17 MS. CAMP: Any Board members have any questions?

18 MR. BATTAVIO: I have none. Janet?

19 MS. EMANUEL: No.

20 MR. BATTAVIO: Chuck?

21 MR. PROCTOR: No.

22 MR. LYNCH: I have one question. I thought I heard
23 within the presentation, Brendan, may have been from you, but
24 when you mentioned the various improvements, 1200 square foot
25 outbuilding, side building, sidewalks, equipment pads,

1 storage pad, then you mentioned future improvements,
2 additional parking walkways.

3 Are they contemplated in this application with
4 regard to impervious surface?

5 THE WITNESS: They are all included, yes.

6 MR. LYNCH: That's all I have.

7 MS. CAMP: Next witness?

8 BY MR. BURKE:

9 Q. One last question. You know what the question is.
10 Are all the opinions and testimony you've given
11 within a reasonable degree of professional engineering
12 certainty?

13 A. Yes.

14 MR. BURKE: Thank you, Mr. Citro.

15 MR. BATTAVIO: Are there any questions from the
16 public on what's been done so far? Thank you.

17 (Witness excused)

18 MR. BURKE: Applicant's next witness is Mr. Kyle
19 Turner. He's the company representative. He happens to
20 double as the environment health and safety officer. I don't
21 believe he will be giving any professional testimony by way
22 of opinion. To the extent he is I have his CV. We will
23 qualify him later. He can be sworn as a fact witness at this
24 point.

25

1 KYLE TURNER

2 being duly sworn or affirmed was examined and testified as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. BURKE:

6 Q. Mr. Turner, can you please give your job title and
7 duties for the applicant?

8 A. Yes. I'm the environmental health and safety
9 manager for Synthes in West Chester. My job is to make sure
10 that we comply with all federal, state, local regulations.
11 And I keep our employees safe and healthy same way they came
12 to work everyday.

13 Q. I'm going to ask you some questions with regard to
14 really the reason behind the request for impervious coverage
15 on the site. I believe you will also be able to help answer
16 Mr. Lynch's question, which was what's now, what is the
17 future, why that is laid out that way, although all are
18 encompassed in additional impervious increase.

19 The issues that are identified in the plan as being
20 added are some pedestrian walkways, some additional parking,
21 and some storage pad areas.

22 Can you give a brief description to the Supervisors
23 as to what's necessitated these changes.

24 A. Yes. So the 1200 square foot addition on the back
25 of the building is a finishing room upgrade. We were looking

1 to do some modifications to our finishing room, to make
2 improvements. With that the International Building Code,
3 International Fire Code comes into consideration, one hour
4 fire rating. Our current room didn't meet requirements
5 of the one hour fire rating. We're looking to construct a
6 new area which requires validation for our manufacturing
7 process. We want to construct that while the old process
8 runs, then bring that up to running stage.

9 Off the back of that there is an egress sidewalk
10 which we had a fire explosion assessment. It was Life Safety
11 Code 101. You have to have a walkable path to egress to a
12 public way. We currently do not have that in place. We
13 cannot install it until we have approval for more impervious
14 surface. With that we are looking to add some walkways
15 around the facility due to pedestrian traffic that comes from
16 our building at 1301, which is called the Tech Center.
17 Employees moving between the buildings tend to walk on the
18 sidewalk but take the easy path through the grass to the
19 front entrance instead of through the building, which for me
20 is good because not all of them have appropriate PP on to
21 leave the Tech Center, go through manufacturing area with
22 safety shoes. Most of them don't have that.

23 Q. Couple quick questions. First one would be is this
24 site, these facilities, are they inspected by township fire
25 and other officials on a yearly or more frequent basis?

1 A. We have the fire department out once a year just
2 walk around the facility, look at our operations. We serve
3 them dinner. We go over our fire plan with them to see --
4 update, to preplan. We share with them hazards we have on
5 the site so they are aware.

6 Q. We are here also seeking some additional parking and
7 can you describe for us some of the conditions that appear at
8 perhaps change of shift or other reasons why some additional
9 parking makes sense for this facility connected to the Tech
10 Center?

11 A. Sure. We currently have two hundred and fifty-two
12 parking spaces. Manufacturer plant has two hundred
13 eighty-eight employees currently working at it. That doesn't
14 include contractors that come on-site during the day to work
15 on our equipment, calibrations on our equipment. Also the
16 site's slowly evolving.

17 When Johnson and Johnson purchased the company we
18 tend to move around a lot, whereas Synthes was more of a
19 silowed business. Including my staff there was also
20 employees in that building. Now my staff sits in a different
21 building. When we have need we go to the building to perform
22 work, so at any given time we can have three cars just with
23 my staff alone that are added to that parking lot because
24 we are at different meetings at different times. Similarly
25 we have inspections -- internal inspections that go on with

1 Johnson and Johnson regulatory compliance. So as the
2 business evolves we need to evolve our parking for these
3 types of events where we have inspectors and engineers coming
4 over to the building from research and development to look at
5 the process, make changes.

6 Q. Will the proposed improvements set forth on A-2 help
7 in your opinion with regard to the safety of pedestrians and
8 cars coming in and out?

9 A. I believe so, yes.

10 Q. One of the comments we received in the Pennoni
11 review letter addressed with regard to the outdoor storage
12 area and I believe that came about -- I sort of prefaced it
13 with comments with regard to insurance reasons.

14 Can you explain the reason why it's -- Synthes is
15 going to have outdoor storage areas as part of this
16 impervious improvement.

17 A. Yes. So I can clarify. We call it outdoor storage.
18 What we are looking to do is it's a containment area, four
19 walls and a roof for a type of storage. Once a year FM
20 Global, Johnson and Johnson's insurance, comes into the site,
21 they inspect our buildings, they make recommendations for
22 improvements for safety of the building, also safety of
23 employees that work there.

24 We currently store our cutting lubricating oils on a
25 mezzanine in the loading dock area which is located right on

1 the end of the building here. Their recommendation, they
2 said there is not enough containment for storage that's
3 currently there. They recommended we improve storage of
4 material. It's a combustible -- all of our liquids are
5 combustible. They have a flash point of about three hundred
6 seventy-five degree. They are not flammable. They are not
7 explosive. But we want to move the storage of those drums
8 outside in a FM rated storage unit. It will have fire
9 suppression, anything else that's required, heating, cooling
10 to keep oil at the appropriate temperature for manufacturing.
11 But that will address recommendations made by FM Global for
12 us.

13 Q. Are those marked as hazardous material being staged
14 or stored outside?

15 A. No.

16 Q. For benefit of the Board or testimony for the
17 hearing applicant has agreed, has it not, that we will appear
18 again seeking permit for that work with Mr. Gordon to make
19 sure it's in compliance with all township regulations?

20 A. Yes.

21 Q. We mentioned future improvements, those that are
22 being essentially constructed as soon as permission is
23 granted.

24 Give a brief overview how that is staged, financing
25 for it, why it's laid out as well as to ensure improvement.

1 A. Yes. So I'm sure most of you understand we don't
2 like to put the cart before the horse. For us, if we go to
3 ask for a million plus dollars to construct this finishing
4 room we, of course, need approval of the Board for added
5 impervious surface. That's why we're here today.

6 When we look at these projects there will be a
7 phased approach to them of course. We're not going to do
8 them all at once. We have asked for a million dollars next
9 year for the finishing room and that's for the concept and
10 design phase. We will probably look at the highest project,
11 egress walkway and storage containment unit, some of the
12 walkways and parking as phase one. Then phase two we will
13 start to look to add those pads for potential chillers that
14 will support the finishing room when it's constructed for
15 comfort cooling.

16 Q. The applicant intends to construct the improvements
17 if approved as depicted on the plan?

18 A. Yes.

19 Q. I believe I only have one or two more. Again just
20 confirming the applicant will appear again for land
21 development for approval of these plans prior to
22 construction; is that correct?

23 A. Yes. We will follow all Township regulations.

24 MR. BURKE: I don't have any further questions for
25 Mr. Turner at this point.

1 MR. BATTAVIO: I have a question, Mr. Turner. On the
2 proposed new building is there going to be external access if
3 needed by the fire department or will everything be internal
4 from your working area?

5 THE WITNESS: There will be egress added to the back
6 of -- you're talking about the finishing room?

7 MR. BATTAVIO: Yes, deliveries also for --

8 THE WITNESS: Not for deliveries. Deliveries would
9 remain -- would still come to the loading dock area.

10 MR. BATTAVIO: If need be, fire department would have
11 access to get into that building without going through your
12 processing room?

13 THE WITNESS: Yes.

14 MR. BATTAVIO: Will that be accessible with a Knox
15 Box if it's after hours?

16 Do you have security -- you have security on-site
17 24-7 I believe.

18 THE WITNESS: We do. We do have a Knox Box.

19 MR. BATTAVIO: Knox Box -- would be a Knox Box on
20 that door I believe?

21 THE WITNESS: Yes, we would add that. It's a
22 requirement of the Township.

23 MR. BATTAVIO: Thank you.

24 MS. CAMP: So on the plan, the building addition
25 1,196 square feet is what you're considering as finishing

1 room?

2 THE WITNESS: Yes.

3 MS. CAMP: Then the containment area which you say is
4 not outdoor storage, will have four walls and a roof, where
5 is that on the plan?

6 THE WITNESS: That is located (indicating).

7 MS. CAMP: What is it identified as?

8 THE WITNESS: Northwest side. It's right -- if you
9 see the finishing area, look to the left. It's called the
10 drum storage pad, access use shed. We need to install a pad
11 for the shed to sit on due to the weight of liquids sitting
12 in there. But as I mentioned, the shed or storage unit
13 itself is an FM approved storage unit for storage of the
14 types of materials that will be in there, which is
15 lubricating, cutting oils.

16 MS. CAMP: It's going to look like another building
17 or structure? If I look at the site it's not just sitting
18 out?

19 THE WITNESS: You won't see the drums. Limited
20 access. Fire suppression system on the unit itself. We'll
21 also be hooked up to the building's automated system for
22 monitoring, for alarm.

23 MR. BURKE: Thank you.

24 (Witness excused)

25 MR. BURKE: Final witness is our landscape architect

1 which is Lisa Thomas. And I have premarked her CV as
2 Applicant's 5. I apologize. Some came out of numerical
3 order.

4 LISA THOMAS

5 being duly sworn or affirmed was examined and testified as
6 follows:

7 MS. CAMP: I know the Board is familiar with Miss
8 Thomas, will recognize her as an expert in landscape
9 architecture.

10 MR. BURKE: As a requirement for this conditional
11 use, because we are increasing impervious coverage we are
12 required to have a registered landscape architect provide us
13 with some replacement and additional plantings that are
14 compliant with the Township Ordinance. Miss Thomas was kind
15 enough to assist us with this project. As qualified she's an
16 expert in this area.

17 DIRECT EXAMINATION

18 BY MR. BURKE:

19 Q. I would ask you, Miss Thomas, to briefly go over the
20 landscape sheet of the plan that's there, explain to the
21 Board what plantings are going to be there, if they will be
22 compliant with the Township Ordinance.

23 MS. CAMP: Let me for record purposes this was also
24 part of the application marked B-1, part of A-1 as well.

25 MR. BURKE: That's correct. Applicant's exhibit --

1 three pages to applicant's plan marked A-2. I think this is
2 second or third page.

3 THE WITNESS: The site is currently very nicely
4 landscaped with mature shade trees, flowering trees, lot of
5 shrubs. What we'll be doing is meeting the ordinances and
6 the codes by addressing parking lot landscaping that's
7 required based on increased impervious, which will be
8 providing twenty-five additional evergreen and deciduous
9 trees in total, fifteen additional shrubs based on square
10 footage. We will also be providing replacement landscaping
11 as we are having to remove some trees with the improvements,
12 so we will have a total of fifty-eight trees proposed, shrubs
13 on-site to complement the existing landscape.

14 Generally speaking the landscaping is mostly located
15 in the southern side of the site along Goshen Parkway, then
16 on the west side and sort of the southeast side along the
17 property line to screen parking, to provide street scape
18 landscaping. Then we have some landscaping in the rear
19 related to sidewalks, improvements to the building in back.

20 BY MR. BURKE:

21 Q. I think the plans are fairly self-explanatory with
22 regard to plantings. Issue has been raised and I believe
23 Solicitor has been made aware we are in the landing zone for
24 Chester County Airport. We have sort of run into a bit of a
25 legal I don't want to say conflict but there may be a

1 potential conflict with regard to FAA regulations with regard
2 to height of trees or maximum height of trees in a landing
3 zone and your ordinance with regard to height of trees that
4 have to be planted as replacements, because you don't want to
5 have two feet shrubs when you want screening. On the other
6 hand we don't planes chopping off tops of trees in the
7 landing zone.

8 MR. BATTAVIO: Thank you for that.

9 MR. BURKE: It was brought to my attention by
10 Planning Commission. Very, very helpful.

11 BY MR. BURKE:

12 Q. Question I have for Miss Thomas, is the applicant
13 willing and will the applicant work with the Township to
14 demonstrate compliance with either FAA regulations or the
15 Township Ordinance, whichever is decided jointly with the
16 Township staff in reviewing landscape plans?

17 A. Yes. We have already started to talk to Mark Gordon
18 about that. We selected trees carefully in that area.

19 Q. I don't have any other questions for Miss Thomas,
20 other than the necessary have all opinions given today with
21 reference been given with a degree of professional
22 certainty?

23 A. Yes.

24 MR. BURKE: That's all the questions.

25 MS. CAMP: Anybody on the Board?

1 MR. BATTAVIO: No.

2 MR. LYNCH: No.

3 MS. EMANUEL: I just want to confirm you are going to
4 be working with Conservancy Board as far as which varieties
5 of trees and so forth are going to be planned?

6 THE WITNESS: Absolutely. We've already been before
7 then. They have reviewed them. We'll probably end up going
8 back.

9 MS. CAMP: Anybody in the audience have questions of
10 Miss Thomas?

11 (Witness excused)

12 MR. BURKE: With exception of requesting that
13 exhibits offered as applicant's exhibits be moved into
14 evidence, applicant has no further evidence for its case in
15 chief. And we do request conditional use approval pursuant
16 to its application, plans, testimony given today.

17 (Exhibit Nos. A-1 through A-4, inclusive, entered
18 into evidence.)

19 MR. PROCTOR: Mr. Burke, for benefit of those members
20 of the community in the audience who are not familiar with
21 your client, could you give them a brief explanation what
22 your client does.

23 MR. BURKE: I could. I would like to defer that to
24 our company rep, Mr. Turner, to give a better idea of the
25 operation of the Brandywine plant.

1 Kyle, you're still under oath so you can't make up
2 wild lies about the operation.

3 MR. TURNER: I will do my best. So I've been with
4 Synthes now for four years. I started with Johnson and
5 Johnson in pharmaceuticals.

6 So the site we are discussing is a medical device
7 site. We take stainless steel, titanium, aluminum stock, we
8 make therapeutic femur nails, screws, plates for broken
9 bones, so all trauma, CMF, which is your face, any type of
10 broken bone in your face, car accident or sports injury.

11 We make products that help patients get better when
12 they break bones essentially.

13 We also make products for head injuries, also for
14 infants born with specific types of I don't want to call them
15 injuries, but specific types of conditions. We have a rib
16 product helps growth of ribs when they are malformed.

17 So our -- we are in the business of helping injured
18 people.

19 MR. PROCTOR: Given the name, what you do -- lawyers
20 always say no more questions, then say only one more, is it
21 fair to say that your industry is highly regulated outside of
22 local ordinance requirements and township regs?

23 MR. TURNER: Yes. We have FDA on-site this week
24 checking us out.

25 MR. PROCTOR: Good. Thank you.

1 MR. BURKE: With that applicants rests.

2 MS. CAMP: Thank you. Board members, obviously you
3 know under the law if you want to you could take forty-five
4 days to render a decision. I think the application was
5 fairly presented. Planning Commission did a great job
6 vetting the application, providing to you suggested
7 conditions which are set forth in Board Exhibit 7.

8 If somebody on the Board was prepared to, it would
9 be appropriate to make a motion this evening.

10 MR. PROCTOR: Mr. Chairman, I move that we approve
11 the application of Synthes U.S.A. for conditional use to
12 increase impervious coverage on their property at 1303 Goshen
13 Parkway to sixty percent as shown on the plans titled
14 Conditional Use Plan dated August 25th, 2017, last revised
15 September 25th, 2017, and the landscape plan titled
16 Conditional Use Landscape Plan dated August 25th, 2017, last
17 revised September 25th, 2017, with the following conditions:

18 One. All outstanding comments from township
19 engineer are addressed on the land development plan and to be
20 adhered to.

Two. Applicant to return to the Conservancy Board
during land development review process to present their
landscape plan.

Three. Applicant adjusts the proposed plantings on
the landscape plan in order to meet requirements of the

airport zoning for landscape plantings within the airport approach zone of the property.

Four. Applicant consider implementing a variety of best practice methods to deal with stormwater runoff from increased impervious coverage.

Five. Applicant shall screen the outdoor storage facility as required by Section 240-24.E(2) of the Zoning Ordinance of East Goshen Township with a fence that will conceal it from adjacent properties.

Six. Applicant shall follow all applicable federal, state, local laws and ordinances.

MS. EMANUEL: Second.

MR. BATTAVIO: All right. There's a motion, a second.

Are there any further questions from the Board or staff?

Are there any questions from the public?

Call for a vote. All in favor?

(All Members of the Board present indicating in the affirmative)

MR. BATTAVIO: Unanimous.

Mr. Burke, if I could on the record, now we're done, congratulations. In my opinion your business is highly valued in East Goshen Township. To best of my knowledge on behalf of the Board have been very friendly, nice neighbors

to work with. If you feel in the future that you have any needs now that you're at your maximum impervious coverage, don't feel that we have now put up a wall and you're sort of stuck. You're a good neighbor. You work very well with us. I'm not going to say we'll give the store away but if you have any questions in the future, as neighbors we need to work together to keep you happy. We keep you happy, your employees are happy, we are happy because you're here as a tax base pure and simple.

So thank you on behalf of our Board. Good luck in your endeavor.

MR. BURKE: Thank you very much. I can't take any credit for it. We'll be sure to pass it along.

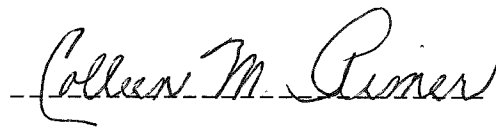
MR. BATTAVIO: Pass it along to powers to be.

MS. CAMP: I'll make one comment. As Miss Thomas knows, when the applicant comes as prepared as you are, with your counsel knowing ordinance requirements, it makes for a smooth nice hearing. We appreciate the time and effort you put into it. Thank you.

(Hearing concluded at 7:40 PM)

C E R T I F I C A T E .

I, Colleen M. Pimer, hereby certify that these proceedings are contained fully and accurately in the notes taken by me upon the hearing of the above matter and that this is a true and correct transcript of the same.

A handwritten signature in cursive script that reads "Colleen M. Pimer". The signature is written in dark ink and is positioned above a horizontal line.

Colleen M. Pimer

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BEFORE THE BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

- - - - -

IN RE: Public Hearing to Consider)
an Amendment to the Vehicles and)
Traffic of the East Goshen Township)
Code Pursuant to Chapter 225 Sections)
225-17 and 225-54)

RECEIVED
NOV 16 2017

East Goshen Township Building
1580 Paoli Pike
West Chester, Pennsylvania

Tuesday, October 17, 2017
7:40 PM

BEFORE THE BOARD

CARMEN R. BATTAVIO, Acting Chairman
JANET L. EMANUEL, Member
CHARLES PROCTOR, III, Member
MICHAEL LYNCH, Member

APPEARANCES:

BUCKLEY BRION McGUIRE & MORRIS
By: KRISTIN S. CAMP, ESQUIRE
on behalf of the Board of Supervisors

ALSO PRESENT: LOUIS F. SMITH, JR., Township Manager

Colleen M. Pimer
Official Court Reporter

ORIGINAL

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INDEX

<u>EXHIBITS</u>	<u>MARKED</u>	<u>ADMITTED</u>
B-1 (Proof of Publication)	premarked	4
B-2 (Letter to Law Library)	premarked	4
B-3 (Letter to Dially Local News)	premarked	4
B-4 (Engineering Study)	premarked	4

PROCEEDINGS

1
2 MR. BATTAVIO: We will go into the second public
3 hearing which is to consider an amendment to the Vehicles and
4 Traffic Chapter of the Township Code that would prohibit
5 trucks on Hibbert Lane and Grist Mill Lane except for local
6 deliveries.

7 I will turn it over to Kristin Camp, our Solicitor.

8 MS. CAMP: Thank you. At a prior Board meeting for
9 the Preserve at Applebroke the Board entered into agreements.
10 One of those agreements required the Township to perpetually
11 maintain certain vehicle related signs on Hibbert Lane. This
12 ordinance is as a result of that settlement agreement.

13 So for purposes of the record I would like to enter
14 first Board Exhibit 1, Proof of Publication of tonight's
15 hearing. This hearing was advertised in The Daily Local News
16 on October 4th, 2017.

17 Board Exhibit 2 is a letter that I sent on October
18 3rd, 2017 to Chester County Law Library enclosing a copy of
19 the ordinance for public inspection.

20 Board Exhibit 3 is a letter I sent to the Daily
21 Local News again dated October 3rd, 2017 with a copy of the
22 ordinance for public inspection.

23 Fourth exhibit is correspondence from McMahon
24 Transportation Engineers and Planners. It is dated September
25 28, 2017 addressed to the Township Manager. This was an

1 engineering study done to justify the signage that is
2 proposed.

3 (Exhibit Nos. B-1 through B-4, inclusive, entered
4 into evidence.)

5 MS. CAMP: The Ordinance would amend Chapter 225
6 of the East Goshen Township Code which is titled Vehicles and
7 Traffic. It would allow there to be signs erected and
8 enforced to prohibit trucks on Hibbert Lane except vehicles
9 may be operated for the purpose of local deliveries, as well
10 as on Grist Mill Lane.

11 That's the ordinance in a nutshell. Happy to answer
12 any questions.

13 MR. BATTAVIO: Okay, Kristin. Thank you very much.

14 Do we have any questions from our Board members?

15 This was a very long and tedious process.

16 Do we have any questions from the public?

17 Do I hear a motion?

18 MR. PROCTOR: Mr. Chairman, I move that we adopt the
19 amendment to the ordinance amending Chapter 225 of the East
20 Goshen Township Code titled Vehicles and Traffic,
21 specifically Sections 225-17 and 225-54.

22 MR. BATTAVIO: Is there a second?

23 MR. LYNCH: I will second that.

24 MR. BATTAVIO: Motion and second.

25 Now any questions, since I was out of order?

1 Anything from the Board?

2 Anything from the public?

3 Call for a vote. All in favor?

4 (All Members of the Board present responding in the
5 affirmative).

6 MR. BATTAVIO: That will close our hearings. Thank
7 you.

8 (Hearing concluded at 7:46 PM

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C E R T I F I C A T E

I, Colleen M. Pimer, hereby certify that these proceedings are contained fully and accurately in the notes taken by me upon the hearing of the above matter and that this is a true and correct transcript of the same.

Colleen M. Pimer

Colleen M. Pimer