

EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
January 17, 2018

The East Goshen Township Planning Commission held a workshop meeting on Wednesday, January 17, 2018 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Brad Giresi, Adam Knox, Dan Daley, Jim McRee, Ernest Harkness, Monica Close and Silvia Shin. Also present was Mark Gordon, (Township Zoning Officer); Janet Emanuel, Carmen Battavio, David Shuey and Mike Lynch (Township Supervisors); and Kristin Camp (Township Solicitor).

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. Brad 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. Brad asked if anyone would be recording the meeting and if there were any public comments about non-agenda items.
3. Brad reviewed the Tracking Log
4. Brad noted that the minutes of the January 3, 2018 meeting were approved.

B. CONDITIONAL USES AND VARIANCES

1. Malvern Institute (SE and Variances) – Brian Nagel (Attorney) explained that Malvern Institute has additional information to present on their application. Bob Plucienik, Chester Valley Engineers, explained the revised plan for a one-story addition instead of a second floor addition. Also in this revised plan the volleyball court is in the courtyard area. Everything else in this revised plan is the same as the original plan. He pointed out that the cross sections of neighbors' property show landscaping and the fence. Jason Birl, Architect, explained that the one-story addition will have 6,930 SF. The connecting link will be about 700 SF. The height on the building is 10 feet above grade. The maximum height of the 1-story addition is 15 feet and it has a basement below grade. The sound fence is 8 feet high. He passed around a sample. Any sound from MI will be absorbed by the material on the MI side of the fence. The fence is shown as a white line on the plan. Mark commented that samples he saw were industrial. Jason explained that the brochure doesn't show residential fencing. There are different wood grains to select from. He will try to have a sample for the BOS meeting. The cost for the fence is estimated to be \$250,000.

Jason commented that the Smoking Pavilion will be 800 SF, 15 feet high, enclosed on 2 sides and located in front of the main building. The Smoke Eater is rated for 800 SF. Since the pavilion is not entirely enclosed they may have to use 2 Smoke Eaters. Jason explained how the exhaust will work.

Jack Zyburra, engineer, explained the process of determining sound levels. Brian commented that the fence is a barrier, which provides reduction of noise. 1-story vs 2-story also is a reduction. Jack explained that all sounds are picked up; i.e. traffic, wild life, etc. The average is 40-60 decibels. Levels change based on the number of people. No patient activities went over the ordinance limits. About 10 decibels would go over the fence. Landscaping will not absorb all of the noise.

Lou Merlini, Manager, mentioned that MI has accepted the challenge to plan 15 years out. He explained that they are asking for more treatment space. They want a higher ratio of nurses to patients and more specific patient treatment areas. They are sensitive to the neighbors. MI has been here for 70 years. He explained how the drug addictions have changed through the years. They are here to help those in need. Brian mentioned that they plan to use the basement for in-house entertainment; i.e. movies. This addition is for treatment areas not bedrooms.

Brad asked if the 6900 SF includes the basement. Brian answered no. The 1st floor and basement will be 13,180 SF. This is a 59% increase in SF of all additional areas asked for in this plan.

Mark commented that the township saw a 1-story addition as completing the feeling of a court and less impact on the neighbors. He recommended that they make a written list describing these changes for the BOS meeting.

Brad asked about the space between the addition and the property line. Lou answered that they are planning a walking trail. They will have cameras and staff to walk with the patients.

Public Comments:

Brad opened the meeting for public comments and asked them to focus on the new changes.

1. Carmen Battavio, 1607 Williams Way – He commented that the sound wall internal material would be subject to mold and deterioration. Jason answered that they would replace the fence at that point.

Carmen asked if they will continue counseling/training for bad language. Brian answered that new courses have been put in place. Lou commented that the staff is reminded in daily meetings.

Carmen asked if there were other ways for them to egress besides the doors. David Lumpkin, Executive Director, commented that they reviewed the cameras and monitoring. The staff is trained to bring them back in the building.

Carmen commented that at the peak for smoke eaters, they make a lot of noise.

2. Paige Fenimore, 3 Treemont Drive, Malvern – She mentioned the 49% increase. In 1982 the square footage was 10,000. In 1996 another addition made it 16,000 SF. How did it get to the current 28,000 useable square feet? It is 59% increase which exceeds the 25% allowed.

3. Terry Relick, 12 Treemont Drive, Malvern – The increase from 49% to 59% increase is getting worse for them. She provided photos of what they see from their property. She has lived there for 25 years and feels MI hasn't done anything that they asked.

Brian spoke about the new landscaping plan which should improve things for them. He mentioned that neighbors meetings that MI has held and most of the neighbors said they have experienced improvements over the last 5 years.

4. Lisa O'Neill, 10 Brookmont – In her second floor rooms, she can hear what is going on. Jack Zybura mentioned that some sound will go over the fence but right now there is no fence so she should see an improvement. She mentioned turnpike fences with vines growing on them. She feels vines will grow up this fence too and feels MI won't maintain it.

Lou Merlini explained the grounds maintenance that they do.

She pointed out that a neighbor has maintained the MI property behind his property for years.

5. Greg O'Neill, 10 Brookmont Dr., Malvern – He asked about water runoff for the new addition. He believes it is being built over a septic site.

Mark explained the storm water management plans that MI will be required to do. He pointed out that the tile field is north of where the first story addition will go.

6. Joanne Murphy, 20 Brookmont Dr., Malvern – She asked what the number of beds is now and will it be increased. Lou commented that there are 80 beds. Adam explained that MI would be capped at 80 beds forever. Brian explained the conditions attached to this plan. She asked, if branches from the MI landscaping come down on her property, will MI take care of it. Lou answered yes. Mark pointed out where the evergreen screening will be planted. This is part of Phase 1.

7. Diane Weldman, 5 Line Road – She lives across the street and can see the backyards of the neighbors who back up to MI. She suggested some landscaping so the fence isn't the only thing seen.

Brian commented that this is on the east side of the MI property, which is forested so the fence could be excluded from there. Lou feels that landscaping could be done. He explained all the inspections and licensing that MI has to have done. It is public information. Dennis Dea, Chief Clinical Officer, explained all of the agencies and what they inspect. He mentioned where the results of the inspections can be found.

Brad mentioned that a list of conditions has been developed which contains new ones based on neighbors input. The motion will be made and each condition reviewed.

Jim moved that the Planning Commission take no position on the special exception and variances requested by the Malvern Institute or the legal argument advanced by the Applicant with respect to the right to expand the legal non-conforming treatment center use based on the doctrine of natural expansion. Should the Zoning Hearing Board 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.

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 Drug and Alcohol Programming or successor licensing agency agreeing to permanently cap the licensing of the Facility to 80 in-patients in perpetuity.
3. Applicant shall add a camera at the front entrance as an addition to its existing camera system. The eastern parking lot gate shall be locked by 11 p.m. to ensure that any vehicle entering the site must approach the main building. Applicant shall have no less than one security guard on site during the nighttime shift when the clinical staff is reduced in number. In addition, Applicant shall implement and maintain the use of security cameras, which are continually monitored by properly trained staff including a certified clinical supervisor during the overnight shift.
4. Applicant may build only a one-story addition as identified in the site plan to facilitate the expansion of the use. The new addition shall be set back a minimum of 45 feet from the property line.
5. Applicant agrees to submit a land development application that includes the proposed improvements to the Property which are approved in the Zoning Hearing Board Decision and which are consistent with the testimony and exhibits presented at the Zoning Hearing and with the conditions of approval within 180 days of final unappealable and unappealed zoning approval.
6. 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 portions of the property together with the planned (deer resistant) understory landscape buffer planting restoration at the eastern property boundary as part of its land development application.
7. 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, subject to accommodation of the sound fence within said buffer yard landscaping. The sound fence shall be appropriately screened with evergreen landscaping to mitigate its appearance from neighboring properties.
8. Applicant shall install and maintain 8 foot high sound fencing, as described, along the entire western, southern and eastern boundaries of the Property except within the floodplain and adjacent areas as shown on the plans. The 8 foot sound fencing shall extend to the King Road 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 Road. Any new recreation facilities shall be subject to review and approval of the Township Engineer for determining appropriate sound attenuation measures. The proposed sound fencing shall be detailed on the Land Development Plan and shall be continually maintained by the owner.
9. Applicant shall install a fence along the right of way line for King Road up to and around the pump station to meet the street line on the eastern side of the property. The entrance shall include a monitored camera. This fencing and the aforesaid sound fencing shall be connected and are intended to limit ingress and egress to the main entrance.
10. Applicant shall identify the fencing types and styles and provide details, samples and/or images, if available, of each style of fencing in the land development plan. The fencing shall be approved by the Board of Supervisors during land development.
11. 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 other than the garden, the greenhouse, and the pedestrian walking paths.

12. Applicant shall identify the existing and proposed active recreation areas on the land development plan.
 13. The Facility shall be restricted to one outdoor smoking area for patients (smoking pavilion). The Applicant shall agree to require all patients to smoke within the limit of the smoking pavilion. Staff and visitors shall be restricted to smoking in the front of the building.
 14. 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.
 15. Applicant shall screen the new smoking pavilion from the neighboring properties to the west and north with a temporary 8 foot sound fence which shall remain in place until the one story addition project is complete.
 16. The Applicant shall demonstrate during the land development application review that the "Smoke Eater" system can effectively ventilate and filter cigarette smoke in the proposed smoking pavilion.
 17. The Applicant shall install sound attenuation blankets or similar sound dampening material inside the existing emergency generator fencing to mitigate noise from the generator.
 18. 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.
 19. The Applicant shall implement the Malvern Institute 15 year renovation plan as presented to the Zoning Hearing Board in the order as outlined in the application and shall implement all of the 1-2 year site improvements prior to the issuance of any building permits.
 20. Applicant shall agree to construct and maintain all walking paths with pervious wood chips.
 21. The Applicant shall comply with the parking allocation presented on the plans.
 22. Applicant shall agree to only permit outdoor patient activities on the property between the hours of 7 AM and 10 PM with the following exceptions: A maximum of 8 patients at any one time, with active staff supervision shall be permitted to use the smoking pavilion between 10 PM and 11:30 PM. A maximum of 4 patients at any one time with active supervision from staff shall be permitted to use the smoking pavilion between 11:30 PM and 7 AM.
 23. The following site improvements shall be completed prior to the commencement of any other improvements listed in the 15 Year Renovation Timeline:
 - a. Completion of all parking lot renovations
 - b. Completion of all sound fence installation
 - c. Installation of the smoking pavilion to include the installation of screening and smoke mitigation measures.
 - d. Installation of sound blankets inside the generator fencing.
 - e. Installation of plantings as required on the land development landscape plan.
 24. In the event that the Applicant's requested relief is granted, the Applicant shall agree to record a copy of the Zoning Hearing Board Decision with the Chester County Recorder of Deeds.
- Ernest seconded the motion. Brad opened the meeting for comments. After some discussion a vote was taken. The motion passed unanimously.

ADJOURNMENT

There being no further business, Dan moved to adjourn the meeting. Adam seconded the motion. The meeting adjourned at 10:00 pm. The next meeting will be held on Wednesday, February 7, 2018 at 7:00 pm.

Respectfully submitted, _____

Ruth Kiefer, Recording Secretary