

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION
Meeting Agenda
Wednesday, November 4, 2020
VIA Telephone / Video Conference
7:00 PM**

During this tele-conference Planning Commission meeting, public comment will be handled as follows:

- Participants must call in by 6:55 pm.
- The public will be muted during the meeting when the Commission is conducting business.
- The Chairman will ask for any public comment on agenda items. Audience members who wish to make comments must unmute, identify themselves with name and address, to ask questions and make comments.
- Participants wishing to comment must state their name and address and must speak one at a time.

- 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. October 7, 2020**
- F. Subdivision and Land Development Applications
- G. Conditional Uses and Variances
- H. Ordinance Amendments**
 - 1. Zoning Ordinance Amendment / Roof top Solar Energy System Requirements**
- I. Old Business
 - 1. Zoning Ordinance Review / BP & I Districts Taskforce recommendation**
 - a. Provide three PC Members for TF**
 - 2. High Intensity Uses / Pipeline Considerations**
 - a. EJ Harkness Memo**
- J. New Business
- K. Any Other Matter
- L. Liaison Reports
- M. Correspondence
- N. Announcements

Bold Items indicate new information to review or discuss.

East Goshen Township Planning Commission
Application Tracking Log

November 4, 2020 PC Meeting

Application Name	Application (CU,LD,ZO, 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
Solar Ordinance Amendment	ZO	Sk	10/30/2020	NA	NA	NA	NA		NA	NA	12/1/2020	NA	NA

Bold = New Application or PC action required

Completed in 2020

1631 E. Strasburg Rd	V	Sk	9/29/2020	9/29/2020	NA	NA	10/2/2020		10/7/2020	10/20/2020	10/27/2020	11/28/2020	
Synthes USA / 1303 Goshen Parkway	LD	P/F	4/27/2020	5/6/2020	4/28/2020	4/30/2020	4/30/2020	1	9/15/2020	9/2/2020	NA	10/2/2020	
Boyle, 1137 N. Chester Rd.	V	Sk	7/29/2020	7/29/2020	NA	NA	7/31/2020		9/2/2020	9/15/2020	8/26/2020	9/25/2020	

Completed in 2019

Paoli Pike TND Overlay District Ord.	ZO	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12/17/2019	NA	Continued
ZEKS, 1302 Goshen Parkway	CU	Sk	8/27/2019	8/27/2019	NA	NA	8/29/2019		10/2/2019	10/29/2019	10/15/2019	10/25/2019	APPVD.
ESKE Development / Ducklings	LD	P/F	1/18/2019	2/6/2019	2/23/2019	2/23/2019	2/29/2019		4/3/2019	4/9/2019	NA	5/6/2018	APPVD.
PECO Gas Gate	CU	Sk	2/26/2019	2/26/2019	2/28/2019	NA	2/28/2019	1	4/3/2019	6/5/2019	5/14/2019	6/25/2019	APPVD.
CZ Woodworking / 1422 Ardleigh Cir.	CU	Sk	3/29/2019	3/29/2019	NA	NA	4/22/2019	1	6/5/2019	6/18/2019	6/18/2019	6/27/2019	APPVD. W Conds.
1351 Paoli Pike / The Hankin Group	ZO	SK	5/31/2019	NA	NA	NA	5/31/2019	NA	NA	NA	NA	NA	DENIED
1339 Enterprise Drive	CU	Sk	5/30/2019	5/30/2019	NA	NA	6/11/2019		7/10/2019	7/16/2019	7/16/2019	7/29/2019	APPVD.

DRAFT
EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
October 7, 2020

The East Goshen Township Planning Commission held their regular monthly meeting on Wednesday October 7, 2020. Because of the COVID-19 restrictions the meeting was held via teleconference using Zoom.

Members present are highlighted:

Chair – Ernest Harkness

Vice Chair – John Stipe

Dan Daley

Edward Decker

Michael Koza

Mark Levy

Michael Pagnanelli

Also present were:

Mark Gordon, Zoning Officer

Martin Shane, Township Supervisor

COMMON ACRONYMS:

BOS – Board of Supervisors

BC – Brandywine Conservancy

CB – Conservancy Board

CCPC – Chester Co Planning Commission

CPTF – Comprehensive Plan Task Force

CVS – Community Visioning Session

SWM – Storm Water Management

ZHB – Zoning Hearing Board

A. FORMAL MEETING – 7 p.m.

1. Ernest 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, military and healthcare providers.
2. Ernest asked if anyone would be recording the meeting and if there were any public comments about non-agenda items. There was no response.
3. Ernest checked the log.
4. The minutes of the September 2, 2020 meeting were approved as amended.

B. CONDITIONAL USES AND VARIANCES

1631 East Strasburg Rd. (Dim. Variance for Steep Slopes) – Mark Gordon reviewed the request and noted that in 2014 the historic structure was removed. This property is 1 acre with steep slopes.

Brian Nagel, Esq., representing the owner, mentioned that the removal of the historic structure was approved by the BOS. He mentioned some items on the plan.

Richard Stratton of Chester Valley Engineers, also representing the owner, mentioned that the lot is wide at the road and narrows causing an odd shape. The original house was very close to the road. The size of the proposed house is 3,008 sq.ft. There are 5 other houses that have an average of 3,008 sq.ft., so, the proposed house is typical for that neighborhood. He described the areas of the code they are seeking relief from. He pointed out the steep slopes on the plan and explained the need for retaining walls. The wall closest to the house is 5 ft. tall. The second wall is 10 ft. tall. They are considering concrete with a decorative facing. The house can't be moved to the southeast because of wetlands. They want to maintain a 20 ft. setback from the wetlands. The beds are for storm water management. The soil was tested and there are no rocks where the beds are.

Brian Nagel showed a rendering of the proposed house.

Rick explained elevations and grades on the property and a basement is proposed. Placement of the garage was discussed. Mark Gordon mentioned that they can not back out onto Strasburg Road.

The spring house was discussed. Dan feels there may be a spring in it and it was probably a source of water. There are no special permits needed.

1 Motion – Dan moved that the Planning Commission support this dimensional variance request and
2 recommend that the Board of Supervisors support the application to permit encroachment into the steep
3 slope areas of the lot as depicted in the grading and erosion control plan for Robert Jordan dated
4 5/29/2020 for the following reasons:

- 5 1. The unique physical circumstances of the parcel shape and topography have created this
6 hardship.
- 7 2. The physical circumstances of the lot prohibit the parcel from being developed in accordance
8 with the ordinance.
- 9 3. The unique physical shape of the lot was created to accommodate the previous historic
10 structure and was not created by the applicant.
- 11 4. The dimensional variance relief sought by the applicant will have no adverse effect on the
12 essential character of the neighborhood.
- 13 5. The relief sought is the minimal relief needed to construct a single-family home in keeping
14 with the surrounding character of the neighborhood.

15 John seconded the motion. There were no comments. The motion passed 5 to 1. Ed opposed.
16 Mark mentioned that this will be on the BOS agenda for their 10/20/20 meeting.
17
18

19 **C. OLD BUSINESS**

20 1. Zoning Ordinance Review/BP & I Districts Taskforce recommendation - Ernest reported that he
21 submitted the recommendation for a Task Force to the BOS at their meeting last night. Tom Kilburn,
22 Chairman of the Futurist Committee, was with him. The BOS are in favor of the concept but want more
23 input. They requested that the PC and FC work the Rick Smith on developing a draft concept of the Task
24 Force and show what the purpose would be. Ernest reviewed the suggestions the BOS gave. Dan
25 mentioned that he watched the meeting. In 2012 to 2015 the Township had a Commerce Committee that
26 worked with the businesses in the township. He recommended that as this develops, they should review
27 the results of the meetings they had with the businesses. John mentioned that he was a member of the
28 Commerce Committee. Marty commented that their presentation last night was good. Some new
29 members of the BOS would like to meet with the businesses. This is not just to bring in new businesses
30 but to retain current businesses. Ernie needs two PC members to be on the TF. Mike P., Ed and Dan are
31 willing to help.
32

33 2. High Intensity Uses/Pipeline Considerations – Ernie appreciated the table Mark Gordon made showing
34 what is “By Right” and “Conditional” uses. Mark included uses that would need emergency services if
35 there was an incident near a pipeline. There was discussion about new additional standards and their
36 impact on existing facilities; putting something too restrictive may cause legal challenges; and special
37 detection systems for gas leaks. Marty feels these issues should be handled by the pipeline companies.
38 Ernie explained the goals for the PC for 2020. They could look into this and decide to do nothing. He
39 would like to meet with the Township Solicitor and a pipeline attorney. He will keep this on the agenda
40 for now.
41
42

43 **D. NEW BUSINESS**

44 None
45
46

47 **E. ANY OTHER MATTER**

48 Zoning Hearing Board/Malvern Institute - Mark Gordon reported that they held a meeting in the Public
49 Works garage last week. There were about 23 people. The applicant asked to remove the 1st story option
50 and consider the 2nd story option. A written decision will be released soon. The residents said they will
51 appeal.
52

53 **E. LIASION REPORTS**

1 None

2

3

4 **F. ADJOURNMENT**

5 There being no further business, Dan made a motion to adjourn the meeting. Mike P. seconded the
6 motion. The meeting was adjourned at 8:50 pm. The next regular meeting will be held on Wednesday,
7 November 4, 2020 at 7:00 p.m.

8

9

10 Respectfully submitted,

11

_____ *Ruth Kiefer, Recording Secretary*

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171
Fax: 610-692-8950
E-mail: mgordon@eastgoshe.org

Date: 10/30/2020
To: Planning Commission
From: Mark Gordon, Zoning Officer *mlg*
Re: Solar Ordinance Amendment (Accessory Use)

Dear Commissioners,

Staff has determined the need for an amendment to the solar ordinance for rooftop solar energy systems. The Zoning Ordinance regulates rooftop solar energy systems as an Accessory use in §240-32. Specifically, it regulates the spacing on the roof, and as it turns out, the International Fire Code (IFC) already does that. Our requirements are significantly more stringent than outlined in the fire code, making rooftop solar systems less feasible in East Goshen Township because less solar panels can be installed on the roof.

§240-32 O.(1)(e)

A roof-mounted system may be mounted on a principal building or accessory building. A roof-mounted system, in the case of a flat roof, whether mounted on the principal building or accessory building, may exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district by no more than two feet. Rooftop solar energy systems shall be placed a minimum of three feet from any roof edge, valley or ridge in order to provide for adequate access paths on the roof. Rooftop solar energy systems shall not be included in the calculation of building height.

This standard is more restrictive than the International Fire Code (IFC) which makes the addition of solar panels cost prohibitive in many cases.

Staff recommends amending the ordinance by striking the entire sentence highlighted above. Having this more stringent standard in the zoning ordinance is burdensome, unnecessary, and prevents the installation of solar energy systems in many cases.

Recommended Draft Motion:

Mr. Chairman, I move that we recommend that the Board of Supervisors support a zoning ordinance text amendment to eliminate the dimensional standards within section §240-32 O.(1)(e) pertaining to the placement of accessory use rooftop solar energy systems on roof tops.

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171

Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 10/30/2020

PC: Planning Commission

From: Mark Gordon, Township Zoning Officer 

Re: BP / I Districts Taskforce

Dear Planning Commission Members,

The Board of Supervisors agreed to form a BP & I District Taskforce. The TF will be comprised of two Supervisors, 2 members of the Futurist Committee and 3 members from the Planning Commission.

The Board of Supervisors graciously asks the PC members to consider volunteering some additional time to the BP/I District Taskforce. I anticipate the Taskforce will meet monthly for the next 12 to 18 months.

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171

Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 10/30/2020

PC: Planning Commission

From: Mark Gordon, Township Zoning Officer 

Re: Pipelines / Zoning

Dear Planning Commission Members,

Mr. Harkness has provided the enclosed memo for your review and consideration in advance of the PC Meeting.

To: Planning Commission
From: Ernest J. Harkness, Planning Commission Chair

Subject: East Goshen Pipe-Line Ordinance Review

October 2020,

The Planning Commission has been discussing possible changes to township ordinances to provide protection for the health and safety of the township residents. This memo provides a discussion on the purpose of this effort and potential actions moving forward. Several members of the Planning Commission question the purpose of this effort going forward at the October 7, 2020 Planning Commission Meeting.

Background

East Goshen has eleven pipelines passing through the township. The most recent installation of the Mariner 2 pipeline has generated considerable concern in the township. An East Goshen Pipeline Taskforce has been formed in response to the pipeline activity. The Pipeline Taskforce is taking actions on several issues regarding pipelines and one of the issues identified by the taskforce is requests for new ordinances defining regulations for planning zones that include pipelines.

A significant change to the pipelines that have been in place in East Goshen prior to the majority of residential and commercial development is the pipelines have been repurposed to supply a more volatile product. The transportation of a more volatile product has increased the Pipeline Taskforce concern.

The Pipeline Taskforce proposed new ordinances to address pipelines and the new ordinances were modeled from suggested ordinances from the county and ordinances that have been approved in other townships within Chester County. The Planning Commission recommendation to the Board of Supervisors to not support these ordinances due to the Commission review and input from the Township Legal consultant. The Board of Supervisor agreed with the Commission recommendation and which included looking at specific types of new structures and high impact facilities for potential changes to existing ordinances to provide some protection going forward.

The Planning Commission is currently reviewing input from the staff to evaluate if it is feasible and proper to implement changes to existing ordinances in order to address pipeline safety. A Planning Commission Goal for 2020 was to review township ordinances for improvements to pipeline safety.

Suggested actions to complete effort:

- Review high impact structures for ordinance changes to improve safety.
- Modify ordinances to implement the result of Commission review.
- Consider the effort closed due to the results of current review and input from the township legal consultant.
 - The review of potential ordinance changes has identified significant challenges to implementation.
 - The township is mostly built out and ordinance changes could create significant number of non-conforming structures.
 - Ordinance changes to new structures have a probability of significant legal challenges.

Note: Reference the Memo to the BOS Attached. I believe the Planning Commission at this point has complied with the Planning Commission 2020 goals and requests made by the BOS. If the Planning Commission choose to table this effort going forward the Planning Commission has satisfied it's commitment.

August 13, 2020

East Goshen Township
Board of Supervisors
1580 Paoli Pike
West Chester, Pa. 19380

Re: Pipeline Ordinance Review

Dear Board Members:

As you all know, the Planning Commission has been discussing Pipeline Ordinances for the past several months. The Township Pipeline Taskforce brought concerns and questions about pipeline safety to the Planning Commission in late 2019. The Commission decided to look into potential regulatory avenues to address these safety concerns as well as review the various risk assessments conducted in the surrounding communities. Because of the importance of this issue, the Planning Commission decided to make this one of our 2020 Goals.

The PC conducted the following review and analysis of the model Pipeline ordinances:

- December 6, 2019: Twp. staff forwarded the PC Members links to three pipeline risk assessments and both model pipeline ordinances (SALDO and ZO) which were drafted by a consultant working for the Chester County Association of Township Officials (CCATO).
 - Quest Consultants Inc. prepared for Del-Chesco United for Pipeline Safety and Clean Air Council Philadelphia PA,
 - G2 Integrated Solutions Mariner East 2 Pipeline and Existing Adelphia Pipeline Risk Assessments prepared for Delaware County,
 - JH Consulting, LLC prepared for Thornbury Township, in Delaware County.
- February 5, 2020: PC Met with members of the EGT Pipeline Taskforce to discuss their concerns and the Model Ordinances from CCATO
- March 4, 2020: The PC discussed the Model ordinances and asked staff to assist with determining how many parcels would be impacted by these ordinances. The PC also asked staff to have the Township Solicitor review and comment on these ordinances.
- April 1, 2020: No Meeting
- May 6, 2020: The PC deferred discussion on this topic until the meeting in June
- June 17, 2020: The PC Reviewed the Twp. Solicitor's review comments and asked her questions about the model ordinances. Staff also presented a GIS tool they developed, which shows the buffers outlined in the model ordinance graphically on a map and provides data on how many parcels are impacted by that buffer distance. We have enclosed these exhibits for your information.
- July 1, 2020: PC discussed the ordinances, reviewed the staff memo outlining the work done by the PC to date. The PC decided have staff and the Chairman prepare a draft

recommendation to the Board of Supervisors for review at the Planning Commission Meeting on August 5th.

- August 5, 2020: Meeting canceled due to Township wide power outages.
- August 12, 2020: Planning Commission met, reviewed the draft motion and made a recommendation to the Board of Supervisors.

After many lengthy discussions with PC members, staff, and the Township Solicitor, the Planning Commission has concluded that adoption of these model pipeline ordinances would not significantly improve safety for Township residents, or the daytime workforce population. East Goshen is a nearly built environment, and regulations like this would be extremely burdensome to development and or expansion of existing residential, commercial, and industrial properties. These regulations would also create significant non-conforming uses and non-conforming structures throughout the Township, as you can see in the enclosed map exhibits.

The Planning Commission realizes the importance of Health, Welfare, and Safety of all residents workers and visitors of East Goshen Township, however since the Township is already saddled with ten active petroleum pipelines with one more currently under construction, requiring setbacks retroactively seems moot.

With that said, pipeline safety is still important and we offer the following approach, which may be worth exploring. If the Township were to identify uses that have high on site populations, or sensitive populations, we may be able to incorporate language in the existing ordinances regulating those uses from locating near pipelines. This approach could reduce or eliminate the number of nonconformities created by a new regulation.

At our meeting on August 12, 2020, the Planning Commission passed the following motion:

Mr. Chairman, I move that the Planning Commission recommend the Board of Supervisors review the findings of the Planning Commission, take the matter under advisement, and provide the Commission with guidance and direction, as they deem appropriate.

Sincerely,

Ernest Harkness, P.E.
Planning Commission Chairman

Enclosures