

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
Meeting Agenda  
Wednesday, November 3, 2021  
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. September 15, 2021**
- F. Subdivision and Land Development Applications
- G. Conditional Uses and Variances**
  - 1. ALK Management LLC, d/b/a Imperial Marble and Granite (Zoning Variance)  
1311 West Chester Pike**
- H. Ordinance Amendments
- I. Old Business
- J. New Business
- K. Any Other Matter**
  - 1. PA ACT 65 of 2021, Sunshine Law Amendment**
- 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 3, 2021 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
The Malvern Institute	LD	P	6/28/2021	7/1/2021	6/30/2021	6/29/2021	8/13/2021	12/30/2021	12/1/2021	12/21/2021	NA	12/30/2021	
<b>Imperial Marble, 1311 WCP</b>	<b>V</b>	<b>Sk</b>	<b>10/25/2021</b>	<b>10/25/2021</b>	<b>NA</b>	<b>NA</b>	<b>10/28/2021</b>		<b>11/3/2021</b>	<b>11/16/2021</b>	<b>12/14/2021</b>	<b>12/24/2021</b>	

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

**Completed in 2021**

14 Reservoir Rd. / Glossen	V	Sk	5/25/2021	5/25/2021	NA	NA	5/27/2021		6/2/2021	7/6/2021	7/15/2021	7/23/2021	A
ESKE Development LLC	V	S	4/20/2021	4/20/2021	4/27/2021	NA	4/27/2021		5/5/2021	5/11/2021	5/26/2021	6/18/2021	A
Albert and Lynn Greto	V	S	4/26/2021	4/26/2021	NA	NA	4/29/2021		5/5/2021	6/1/2021	6/8/2021	6/25/2021	D
1365 Enterprise Drive	V	Sk	4/1/2021	4/1/2021	NA	NA	4/1/2021		5/5/2021	5/18/2021	TBD	5/31/2021	A
198 Oneida Ln	V	Sk	1/26/2021	1/27/2021	NA	NA	1/28/2021		2/3/2021	1/16/2021	2/25/2021	3/26/2021	A
Pipeline HMS / Consultation Zone	CZO / S	DRAFT	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	AD

**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	A
Solar Ordinance Amendment	ZO	Sk	10/30/2020	NA	NA	NA	NA		NA	NA	12/1/2020	NA	AD
Synthes USA / 1303 Goshen Parkwa	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	A
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	A

**KEY**

- A - Approved
- AD - Adopted
- D - Denied

Draft  
**EAST GOSHEN TOWNSHIP**  
**PLANNING COMMISSION MEETING**  
**September 15, 2021**

The East Goshen Township Planning Commission held their regular monthly meeting on Wednesday September 15, 2021 which was rescheduled from September 1, 2021 due to bad weather conditions. The meeting was held in the Township Building.

Members present are highlighted:

**Chair – Ernest Harkness**

**Vice Chair – John Stipe**

**Dan Daley**

**Edward Decker**

**Michael Koza**

**Mark Levy**

**Michael Pagnanelli**

Also present was:

**Mark Gordon, Zoning Officer**

**Michele Truitt, 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*

**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 military, first responders, medical personnel and those who keep us safe.
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. The tracking log was checked and no need for a workshop meeting.
4. The minutes of the August 4, 2021 meeting were approved. The July meeting was cancelled.

**ORDINANCE AMENDMENTS**

**1. LED Sign Ordinance Amendment/Electric Vehicle Charging & Media Station**

Mark Gordon reviewed the questions that the commission members asked at the last meeting. He had a good conversation with Sam Applegate, Engineering Dept. and Bryn Paslawski, Legal Dept. at Volta. There is no audio in the Media Station, at this time. It does dim with the ambient light. All EV vehicles have the same plug except Tesla. Michele mentioned that Tesla does have adapters so you can use their chargers. Mark asked to review Volta's maintenance agreement and they may provide that later. Sixty minutes charging will give about 30 drive miles. The wiring for the charger will come underground from the Giant. Mark reviewed the amendment. The dimming time, who will be responsible if they close, and brightness lighting will be reviewed during the permit process. Dan asked about specifying that audio is not permitted. Mark will add it in the amendment.

Dan moved that the Planning Commission recommend and support this amendment to the Sign Ordinance for LED Signs when LED signs are integrated with Electric Vehicle charging stations within approved shopping centers and as amended regarding audio. Mark Levy seconded the motion. The motion passed unanimously. Mark Gordon mentioned that this will go to the County and then the Board of Supervisors.

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**OLD BUSINESS**

None

**ANY OTHER MATTER**

None

**LIAISON REPORT**

1. Board of Supervisors – Michele reported that Hershey Mill Dam area had severe flooding and Greenhill Road started to erode. Diane Herrin was contacted and PennDOT was there. The UV light system at the sewer plant has to be replaced. They approved an additional employee for the Public Works Department. Next Tuesday they will hold a Budget Workshop.

**ADJOURNMENT**

There being no further business, Mike made a motion to adjourn the meeting. John seconded the motion. The meeting was adjourned at 8:15 pm. The next regular meeting will be held on Wednesday, October 6, 2021 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: 10/28/2021  
To: Board of Supervisors  
From: Mark Gordon, Township Zoning Officer *MB*  
Re: 1311 West Chester Pike / Zoning Variance Application

Dear Board Members,

The Township has received a Zoning Hearing Board application for 1311 West Chester Pike.

The applicant is requesting relief from the sign ordinance regulating the height, area, number of, and the definition of a wall sign in the Community Commercial, C-1 Zoning District.

The Applicant applied for a Zoning permit for the signs, the application did not meet the zoning ordinance requirements which was communicated to the applicant as part of the Zoning Permit review. The Applicant did not appeal the Zoning Officers Determination and the applicant continued to construct the building with the signage after the permit review was issued.

The application submitted is very light on details and justifications. Wall signs in the C-1 district shall not exceed 14 feet high and 32 square feet in area. The applicant proposes to erect a sign with an unspecified height above 14'.

The applicant proposes that the wall sign exceed the maximum size requirement of 32 s.f. and requests a size of 36 s.f. height of 16 feet 3 inches.

The Applicant also seeks relief from the definition of "sign". This is an interesting approach for a variance. I do not agree that a variance can be granted from a definition in the zoning ordinance, this should have been filed as an Appeal to the ZHB. The applicant believes the large "IM" logo on the building is an architectural feature and not a sign.

## **Staff Recommendation:**

This application is unique; staff opinions are mixed on this one. Staff suggests that the Planning Commission hear the application, ask questions, and discuss the circumstances. I suggest that you stop in and look at the building and see the façade in question. Staff suggests that the PC recommend that Board of Supervisors take no

position on this application and allow the matter to be decided solely on the merits of the case by the Zoning Hearing Board.

**Draft Motion:**

Mr. Chairman, I move that the Planning Commission recommend that the Board of Supervisors take “No Position” on this application.

**EAST GOSHEN TOWNSHIP  
ZONING HEARING BOARD APPLICATION**

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199  
PHONE (610)-692-7171 FAX (610)-692-8950

Name of Applicant: ALK Management LLC d/b/a Imperial Marble & Granite  
Applicant Address: 1311 West Chester Pike  
West Chester, PA 19382  
Telephone Number: 610-701-3271 Email: bchristman@lambmcerlane.com  
Email Address: \_\_\_\_\_  
Property Address: 1311 West Chester Pike  
West Chester, PA 19382  
Tax Parcel Number: 53-6-61.1 Zoning District: C-1 Acreage: 0.73 acres

**Purpose of Application (check one)**

- Variance (Type:  Use Variance  Dimensional Variance)  
 Special Exception  
 Appeal determination of the Zoning Officer  
 Other \_\_\_\_\_

**Sections of Zoning Ordinance in which relief is sought:**

§ 240-22.P(4)

**Description of the Zoning Relief requested and the future use of the property:**

See Addendum attached hereto

**Description of the Hardship:**

See Addendum attached hereto

We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the East Goshen Township Zoning Ordinance applicable to this project and property.

W.R. Christman III  
Signature of Applicant

10/22/21  
Date

**\*Please review the formal application and review procedures on page three.**

## ADDENDUM

### Zoning Hearing Board Application of ALK Management LLC d/b/a Imperial Marble & Granite

ALK Management LLC d/b/a Imperial Marble and Granite (the “Applicant”) hereby requests a dimensional variance from the East Goshen Township Zoning Hearing Board (the “ZHB”) in order to construct certain architectural designs and signage on the front of the building located at 1311 West Chester Pike, East Goshen Township, Chester County (the “Property”), also known as UPI No. 53-6-61.1, located in the C-1 Zoning District.

As the ZHB may know, the Applicant purchased the Property in September 2020 and, since then, has made drastic improvements to both the interior and exterior of the building. The Applicant intends to move his marble and granite business to the Property from its current location in Delaware County. In doing so, the Applicant seeks to install a wall sign of approximately 36 square feet (the Zoning Ordinance allows one wall sign of up to 32 square feet each). See Exhibit “A” attached hereto. Accordingly, the Applicant requests a *de minimis* dimensional variance of 4 square feet for the wall sign.

The Applicant has also constructed an architectural feature/trim around the front windows of the building in the shape of an “I” and an “M”. The East Goshen Township Zoning Officer has deemed this to be a “sign,” as defined by the Zoning Ordinance.<sup>1</sup> Although the time for appeal of that determination has passed, the Applicant requests a dimensional variance to allow the architectural feature to remain on the front of the building. In the alternative, the Applicant requests a variance from the definition of “sign” in the Zoning Ordinance to allow the architectural feature to remain on the front of the building.

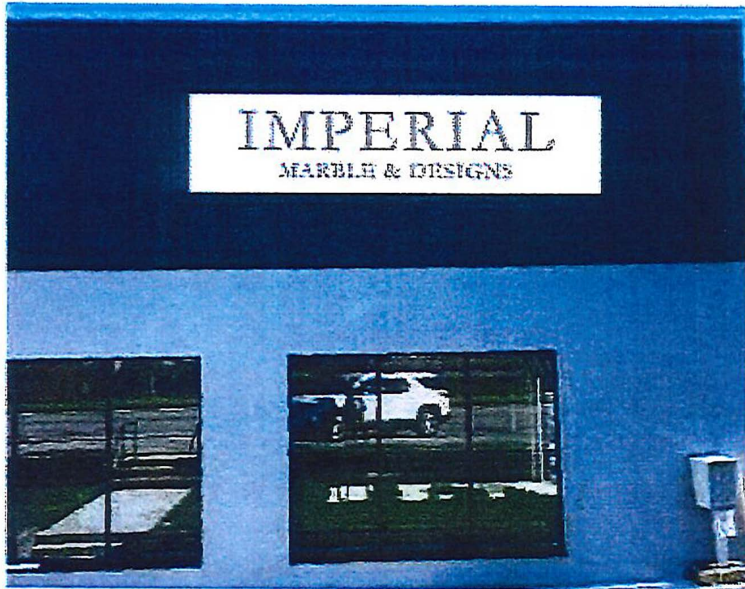
The requested dimensional variances are necessary because the literal enforcement of the Zoning Ordinance would prohibit the Applicant from adequately advertising its business along this bustling stretch of West Chester Pike. Under the relaxed standard for dimensional variances under *Hertzberg v. Zoning Bd. of Adjustment of the City of Pittsburgh*, this ZHB may consider factors including economic detriment to an applicant if the variance is denied, financial hardship created by any work necessary to bring the building into strict compliance with zoning requirements, and the characteristics of the surrounding neighborhood. 721 A.2d 43, 50 (Pa. 1998). The changes already made to the Property by the Applicant have considerably improved the aesthetics of the Township along this stretch of road, and permitting the proposed sign and architectural feature would not alter the essential character of the area.

Accordingly, the Applicant requests that the ZHB grant the instant application.

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<sup>1</sup> A “sign” is defined as “[a] lettered board, structure, display, illustration or other surface, or any other graphic device used to visually announce, advertise or convey information to the public for any purpose, and which is visible from the outside of the building.” East Goshen Township Zoning Ordinance § 240-6.





153"

# IMPERIAL

MARBLE & DESIGNS

34"

**153"x34"= 36 Square Feet**

**Installation Notes:**  
**1/2" Thick Acrylic**  
**Letter Threaded**  
**Spacer for Installation**



Company:	Albart
Contractor:	Imperial Marble
Address:	1311 West Chester Pike
City:	West Chester PA 19382
Phone:	
Fax:	

Order No.:	Date:	10/1/2021
Order Code:	Estimate No.:	
Sign Dimensions:	As Noted	Amount: \$0.00
Comments:	Install 1/2" Thick Acrylic Non-Illuminated Cut Out Letters	



IMPERIAL  
MARBLE  
PARKING  
ONLY

IMPERIAL  
MARBLE  
PARKING  
ONLY

# Google Maps West Chester Pike



Image capture: Aug 2019 © 2021 Google

West Chester, Pennsylvania

Google

Street View - Aug 2019

# BOARD OF SUPERVISORS

EAST GOSHEN TOWNSHIP

CHESTER COUNTY  
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

October 28, 2021

Dear Property Owner:

The purpose of this letter is to inform you that the Township has received a Zoning Hearing Board application from Imperial Marble and Granite located at 1311 West Chester Pike, West Chester, PA 19380. The applicant is requesting dimensional relief from the sign ordinance regulating signs in the Community Commercial (C-1) zoning district. The applicant is also asking for a variance from the definition of "Sign" in the zoning ordinance.

The ordinance section subject to the requested relief is §240-6 Definitions (Sign), and §240-22P(4) requirements for wall signs.

Pursuant to Township policy, property owners within 1000 feet of the subject property are notified of Zoning Hearing Board application submissions and the meeting date when the application will be discussed.

**This Zoning Hearing Board Application will be reviewed on:**

- **November 3, 2021 - Planning Commission meeting (7:00 PM)**
- **November 16, 2021 - Board of Supervisors (7:00 PM)**
- **December 14, 2021 - Zoning Hearing (7:30 PM)**

Meetings and hearings are held at the Township Building, are open to the public, and **subject to change without further written notice by the Township**. The application is available for review at the Township building during normal business hours. Please give me a call at or email me at [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org) if you have any questions or need additional information.

Sincerely,  
Mark A. Gordon  
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions

Want more information about the latest news in the Township and surrounding area? East Goshen Township and Chester County offer two valuable resources to stay informed about important local issues. East Goshen communicates information by email about all Township news through Constant Contact. To sign up, go to [www.eastgoshen.org](http://www.eastgoshen.org) and click the "E-notification & Emergency Alert" button on the left side of the homepage. Chester County offers an emergency notification system called ReadyChesco, which notifies residents about public safety emergencies in the area via text, email and cell phone call. Signing up is a great way to keep you and your loved ones safe when disaster strikes. Visit [www.readychesco.org](http://www.readychesco.org) to sign up today!

# Memo

## East Goshen Township

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**Date:** July 28, 2021

**To:** Board of Supervisors  
Authorities, Boards and Commissions  
East Goshen Township Staff

**From:** Susan D'Amore

**RE:** PA ACT 65 of 2021, Sunshine Law Amendment

This memo outlines how PA Act 65 of 2021 amends the Sunshine Law. This applies to **all** Township Authorities, Boards and Commissions (ABCs). This becomes **effective August 29, 2021**.

1. All agendas must be posted no later than 24 hours in advance of the advertised meeting; this includes the Township building, the physical meeting place (if meeting is held elsewhere) and the Township website/social media. (Work sessions and executive sessions are excluded.)
2. The agenda must be made available to individuals at the meeting. This could include paper copies or projecting on the board room TVs.
3. ABCs may not take official action on a matter of business if it is not included on the agenda at least 24 hours in advance.
4. If an ABCs needs to add a new business item that wasn't posted on the agenda, the reason must be stated and a vote must be taken at the meeting. An amended agenda must be posted the first business day after the meeting and the minutes must reflect the change.
5. An ABC may add an item to the agenda without a meeting vote (exceptions to #4 above) if:
  - a. Action taken is for an emergency involving clear and present danger.
  - b. Matters that are de minimis in nature, do not spend funds and do not require a contract
  - c. Matters initiated by the public can be deferred to staff for research or to a future meeting.
  - d. Items can be discussed without adding to the agenda – just not officially acted on.

Some items listed are already in place today, but this serves as a good reminder as the Township moves towards in-person meetings again.

Attached for your reference is a fact sheet provided by PSATS for in-depth detail of the above summary.

Please let me know if you have any questions.

# Posting Meeting Agendas Act 65 of 2021 Fact Sheet



Published July 2021

Act 65 of 2021 amends the Sunshine Law to create a new requirement that **all** local government boards and commissions (governing boards, planning commissions, zoning hearing boards, recreation committees, etc) must post meeting agendas for all advertised public meetings at least 24-hours before each meeting. The new provision takes effect August 29, 2021.

## Where must we post our meeting agendas?

Meeting agendas must be posted at the meeting location and the principal office of the township and at least 24 hours in advance of each meeting and on the township's website, if the township has a website. The posting at the meeting location and the principal office can be placed in the same location, such as a bulletin board, where your township currently posts meeting notices as required by the Sunshine Law. *Note: Townships without websites are not required to create one.*

## What must we include in the agenda?

The agenda must include a listing of each matter of agency business that the board or commission expects to act on, or deliberate, at the upcoming meeting.

## At our meeting, can we add a new business item that wasn't included on the posted agenda?

Yes. Boards and commissions may add new items to the agenda by majority vote, after first stating the reason for the change. Note that a vote to add the item to the agenda will be required before the board, or commission, votes on the new issue. In addition, the amended agenda must be posted on the township's website, if it has one, and at the township office by the first business day following the meeting at which the agenda was changed. In addition, the minutes must include the substance of the item added to the agenda, the vote on adding the item to the agenda, the announced reasons for the addition, and the final vote on the item added.

## Are there any items that we can add to the agenda without formally amending the agenda and posting an amended agenda after the meeting?

Yes. The following items can be voted on without the need to formally amend the agenda or post an amended agenda after the meeting:

- Action can be taken at an emergency or regularly scheduled meeting on a real or potential emergency involving a clear and present danger to life or property.
- Matters that arise or are brought to the attention of the board less than 24 hours prior to the meeting if they are de minimis in nature, do not spend funds, and do not require a contract or agreement.

- Matters brought up by a resident or taxpayer may be referred to staff for research or acted on by the board if it is de minimis, does not spend funds, and does not require a contract or agreement.

## Can we discuss an item that comes up without amending the agenda?

Yes. The act specifically requires that the agenda be amended before the board or commission takes official action. Act 65 does not require that the agenda be amended to discuss an issue. However, if the board does discuss an issue that was not listed on the agenda and determines that official action cannot wait, then the board would need to first vote to amend the agenda and then vote to take the desired action.

## Must we provide copies of the agenda to meeting attendees?

Yes. Act 65 requires all local government boards and commissions to provide copies of agendas to meeting attendees. This is currently a recommended practice and necessary to comply with existing Sunshine Law requirement that an opportunity for public comment be provided before the board discusses an agenda item.

## Must we post an agenda before we hold an executive session?

No. Executive sessions are excluded from Act 65.



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

David M. Sanko, Executive Director

4855 Woodland Drive • Enola, PA 17025-1291  
Telephone: (717) 763-0930 • Fax: (717) 763-9732

[www.psats.org](http://www.psats.org)

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[Pennsylvania State Association of Township Supervisors](#)