

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION MEETING  
JUNE 4, 2008**

*The East Goshen Township Planning Commission held their regularly scheduled meeting on June 4, 2008 at the East Goshen Township building. Chairman Senya Isayeff, Vice-Chair George Martynick, and members Albert Zuccarello, Jim McRee, Megann Hedgecock, and Peter Mylonas were present. Also present were Township Manager Rick Smith, Kathryn Yahraes from the Historical Commission (HC) and Marty Shane from the Board of Supervisors (BOS).*

**WORKSHOP SESSION – 7:00pm**

Members reviewed and corrected the minutes of May 7, 2008.

The Willis application expires today. Rick suggested they go back to the original plan and use the variances. Members agreed to recommend denial unless the applicant was present to withdraw the application.

The Zoning Ordinance Amendment was sent to the county for review. It has been one year. Members need to review the fence ordinance, as it is different than previously discussed.

Senya thanked the HC for their letter of recommendation regarding the Bed & Breakfast Ordinance, as it was helpful in the Lynch application. Kathryn is present tonight to discuss.

The YMCA will be present tonight with new signage. They will use only 3 colors and now include the street number on the sign.

A motion is needed tonight to authorize the PC chairman to sign the planning modules for Sullivan's Grove.

Senya & Peter attended a meeting between Comcast and the BOS to preliminarily discuss the generator screens; Comcast has applied for a building permit. Because the generator noise has become an issue, Comcast is looking to put up a sound barrier wall. Landscaping is still an issue.

Al, George and Jim attended the last Master Planner Certification course; the next course is in October, at which time all members will be fully certified in the 3-part program. George commented that instructors are very knowledgeable and members agreed that the interaction with other township personnel improves contacts and their knowledge base overall.

***Liaison Reports:***

*Deer Management Committee (DMC)* – Jim reported that the BOS approved the township hunting program in April. The DMC selected 4 deer management hunting groups to manage the 5 township open spaces. The program begins in September. Al reported that Hershey's Mill would purchase 3 deer tick stations, essentially closing the loop in the northeast section of the township. Jim also reported that they received a message from Dr. Beard of the Center for Disease Control who said they have a model program for combating Lyme disease. They plan to meet with neighboring townships in the coming weeks about this issue. Senya recognized the comprehensive report by the DMC in the last newsletter.

*West Chester Regional Planning Commission (WCRPC)* – Senya and Megann reported that the EGT PC is doing a lot more than other PC's, who don't necessarily review zoning or variances.

*Historical Commission (HC)* – Kathryn reported that Living History Day is scheduled for June 7<sup>th</sup>, during which they will celebrate the 200th anniversary of the Plank House. Ben Rohrbeck received the Volunteer of the Year award. They will be adding a dry stone wall and worm fence to the education center; broken rail donations are needed. They continue to develop a section of the EGT website for the HC. Town Tours &

Village Walks will begin next week and information is available on the website and brochures are in the lobby. They continue to work on the dedication ceremony of the Veterans' Pavilion with the Park & Recreation board.

## **FORMAL SESSION**

### **A. Call To Order/Pledge of Allegiance**

Senya Isayeff called the meeting to order at 7:30pm and Marty Shane led those present in the Pledge of Allegiance.

### **B. Approval of Minutes**

Al moved that the minutes of May 7, 2008 be approved as corrected in the workshop. Megann seconded the motion. No further public comment or discussion was heard. The motion passed unanimously.

### **C. New Applications**

Senya announced the Planning Commission's receipt of a new conditional use application by Comcast Cable Communications for satellite dishes. Also on the agenda tonight are sub-division plans for Willis and Sullivan's Grove; the applicants are not present at this time. They will also be reviewing Zoning Ordinance Amendments and a sign application by the YMCA.

### **D. Conditional Use & Variances**

#### **Comcast Cable Communications Management, LLC, 1354 Boot Road**

*Lou Colagreco, Jr., Esq., Attorney with Riley Riper Hollin & Colagreco was present for the applicant, along with Rich Werner, Senior Director of Operations for Comcast Data Management Ctr., Mike Harrel, Earth Station Manager, and Neal Camens & Brett MacKay with Chester Valley Engineers.*

Mr. Colagreco presented three sketch plans depicting the 9 proposed satellite dishes at the Comcast location in the I-1 Zoning District. Mr. Harrel explained that Comcast Media Center distributes content nationwide and beyond. The satellite dishes have no transmission capabilities; currently they have one uplink facility in Colorado. The satellite dishes are 13-14' in diameter and the screening wall is 6' high. The satellite farm will be placed on the southwest side of the data center. Three of the 9 dishes will be visible from the residential area and about half of the dishes will extend above the 6' screening. Mr. Werner said the wall would have brick columns with grey material to match the existing building, with plantings to soften the wall. Screening beyond 6' high would cause signal degradation. They will also be adding landscaping near the entrance gate and loading docks near Wilson Drive.

Mr. Werner presented a sample of the acoustic panels made by IAC that they are considering as a 20' screen for the generators. After a meeting with the residents, he said they became aware of the noise issue with the generators. These panels will defuse/absorb the sound pressure as it enters the screen. The panels are available in any color and will be placed on the inside of the berm. Mr. Colagreco emphasized that the plan is a work in progress. They will be meeting with the residents again and adding supplemental plantings; they plan to submit a new landscape plan that both residents and Comcast have signed off on.

With advancements in digital technology, George questioned the need for 13' dishes. Mr. Harrel explained that larger bits per hertz actually allow more information to be transmitted in the same size dish.

Peter asked about pre-existing parking along the dish farm wall. Mr. Camens explained that reserve parking will be relocated but they will preserve the same count. The 18 spaces are not depicted on the plan.

Public Comment:

*Bill Egan, 1422 Millcreek Drive* – acknowledged the two meetings with Comcast, commenting they were vastly more productive than in 2006. However, residents of Millcreek still have fence issues and the November appeal is still out there; the original and additional landscaping still do not provide adequate screening, the generator noise exceeds the ordinance and there have been \$13,000 in legal fees incurred since 2006.

Rick said the application and plan are under review by the township solicitor. Senya assured Mr. Egan that the conditional use application applies to these specific 9 satellites at this specific location as presented. Mr. Harrel reasserted that the dishes are “receive only,” gathering radio frequencies, and do not cause airplane interferences, as mandated by the FCC. Comcast currently operates satellite dishes adjacent to residential areas.

*Art Polishuk, 1424 Grand Oak Lane* – said that although Comcast met with “affected parties,” this is not limited to the adjacent residents and resents not being included in the meeting. Mr. Polishuk asked for details of the generator wall because it was not depicted on the artist renderings. Mr. Colagreco stated that the generator wall is not part of this application and it was discussed for informational purposes only; generator screening was submitted under a separate permit, presented to the township today. The generator screen is a 4-sided wall, 20’ high, with a double entrance gate and will be made from the same grey material to match the existing building. Mr. Polishuk said the generators are a visual eyesore from Wilson Drive and more landscaping is necessary; an artist rendering from the Wilson Drive perspective should be depicted. Additionally he commented that there has been a lot of discussion about the visual impact to the adjacent residents but not to EGT.

Senya said the wall and plantings would be an improvement to the area. Peter said looking at a road perspective was a fair request as it is a peripheral issue; approval is contingent upon Comcast’s agreement to do other things. Mr. Polishuk discussed the history of the Comcast development on this site, subsequent changes and inadequate screening and landscaping to date. He urged the PC to get a street view of the generator wall, suggested painting it a more neutral color (such as green or brown vs. grey) and adding landscaping. Rick suggested painting the east side of the wall grey to blend in with the building and the west side green, to blend in with the trees. Peter suggested preparing conditions as part of this conditional use application that will put to rest festering issues from both the residents and EGT as a whole.

Mr. Werner said they plan to build the satellite farm in 2009, depending on funding. He agreed to prepare different conceptual drawings, from various directions, to get a better feel for which way to go. Mr. Polishuk said this was the most constructive dialog with Comcast to date and acknowledged the change in Comcast management. Peter asked about the pending appeal and Comcast’s intentions to continue if the satellite and other issues are resolved. However Mr. Colagreco could not make public comment about pending litigation matters; a re-evaluation is not out of the question. Mr. Polishuk said the litigation has cost EGT tens of thousands of dollars and urged Comcast to resolve the issue in this forum, withdrawing the fence and moving forward.

*Marty Shane, BOS* – said the generators were initially installed under a building permit, not land development, and are such now being modified under a building permit as well. He said Comcast is well aware of the township’s concern about noise and landscaping. Although the generators are an eyesore from both Boot Rd. and Wilson Dr., it is a separate issue from the satellite dish application. He believes Comcast is a different organization and will be responsive and sensitive to these many issues; Comcast is not currently out of compliance with the noise ordinance. Mr. Werner explained the generator noise incident and purpose of the generators, the smallest of which is a “life safety” generator. When two generators are running they meet the township ordinance but when all five generators come on, they exceed the decibel level allowed at the residential line.

No further discussion or public comment was heard.

**E. Subdivision Plans:**

**Willis, 1670 E. Boot Road**

*No one was present for the applicant.*

Senya explained that this application has been extended 6 times and the applicant has been unable to obtain the Lynch's signatures. Rick recommended denial because the applicant has not demonstrated equitable interest in the land.

Jim moved that the Planning Commission recommend that the Board of Supervisors deny the Willis application because no equitable interest is depicted on the plan, having not received a signed agreement of sale and because the applicant is not present. Al seconded the motion. No discussion or public comment was heard. The motion passed unanimously.

Jim pointed out that by denying this application they will go back to the original plan for two driveways, which is not the ideal situation; Marty suggested adding a condition to accept an extension. Senya said it has been one year since the application was received and the applicant has failed to get the necessary signatures; it is not the PC's responsibility to manage the application. Peter agreed that altruistically it is better to have 1 driveway vs. 2, but it is a moot point because there is no equitable interest. Rick pointed out that the application was received in December 2006.

**F. Signage**

**YMCA of Brandywine Valley, Airport Road**

*Stacy Fuller, YMCA representative, and Paul Andrew Sgroi with Bernardon Haber Holloway Architects PC, were present.*

As a member of the YMCA, Senya Isayeff recused himself and turned the proceedings over to Vice-Chairman George Martynick. Ms. Fuller explained that sign approval was granted as part of the land development process. Since the exterior of the YMCA building has since been modified, the sign no longer fits with the building. The sign will be in the same location & complies with the zoning ordinance.

Mr. Sgroi distributed two documents – the original drawing approved as part of the conditional use process, along with the proposed replacement sign. The sign was changed to be sympathetic to the building design – two tones of dryvit with a masonry base and 3<sup>rd</sup> tone. The proposed sign is freestanding, no more than 20 sq. ft., and perpendicular to the road with lettering on both sides. The sign will not exceed 6' high and include the address numbers, not less than 3" high, about 5' above the grade. There will be landscape lighting to illuminate the sign with no bleeding onto the road. They are also considering internal lighting. Peter suggested having the building number lit internally as well so it is better seen at night. Mr. Sgroi said lighting is difficult to depict on the drawings but believes the ground lighting is the best approach.

Public Comment:

*Art Polishuk, 1424 Grand Oak Lane* – asked if red LED lights would be on the sign and Mr. Sgroi said no. He also asked that the lighting source not be visible.

Jim moved that the Planning Commission recommend that the Board of Supervisors approve the sign application by the YMCA as substantially depicted. Megann seconded the motion. No further discussion or public comment was heard. The motion passed unanimously with one abstention.

Senya commended Mr. Sgroi on the excellent presentation.

## **G. Zoning Amendment**

The amendment to the Fences and Walls ordinance was changed to state that the “finished or flatter” side of the fence should face abutting dwelling or a street. Members supported the change and Rick suggested the PC move to approve the entire package.

Peter moved that the Planning Commission recommend that the Board of Supervisors approve the entire package of Zoning Ordinance Amendments as amended this evening. George seconded the motion. No further discussion or public comment was heard. The motion passed unanimously.

## **H. New Business**

### **Historical Preservation Ordinance**

*Kathryn Yahraes, HC* – explained that although the recommendation appeared to be in response to the Lynch application, it was in fact something the HC was considering for a while. They always questioned why more roads were not recognized in the original ordinance. The HC agreed that these five roads (East Boot Rd., Greenhill Rd., Hershey’s Mill Rd., Line Rd., and Reservoir Rd.) are major thoroughfares through the township. It is not their place to decide who become a Bed & Breakfast, but there are Historic Resources along all of these roads that are potential sites. In preparation of future development, the HC wanted the PC to consider the adaptive resources to historic sites in EGT.

Jim is leery of giving any historic resource the ability to convert to a Bed & Breakfast without review. Al is concerned about introducing commercial enterprises in purely residential area, especially along Reservoir & Greenhill Roads. Peter is inclined to evaluate on a case-by-case basis, being more methodical rather than all-inclusive of these secondary roads; the HC letter can be an excellent reference in the future. Jim suggested drafting a motion that would specify what could become a Bed & Breakfast, or stating that roads are open to future considerations. Rick noted that Airport Road was originally considered and it is not a state road. Traffic studies were conducted during the original process; he suggested evaluating traffic to better judge these roads. Al cautioned members against introducing commercial enterprises on residential roads. Kathryn asked how The Tory Inne forged its niche in the township and Rick pointed out that any structure built before 1940 can become a Bed & Breakfast. Bed & Breakfasts are not covered under the Historic Preservation. Before expanding the roads, Megann suggested evaluating the historic resources on the roads to determine where Bed & Breakfasts might be appropriate. No decision is needed tonight. Kathryn reiterated that the HC’s goal is to preserve the historic resources in the township and adaptive resources is a good option.

## **I. Other**

### **Sullivan’s Grove Planning Module**

Peter moved that the Planning Commission authorize the chairman to sign the Sullivan’s Grove Sewage Facilities Planning Module. George seconded the motion. No further discussion or public comment was heard. The motion passed unanimously.

## **J. Adjournment**

Motion to adjourn the meeting was made by George and seconded by Megann. The meeting adjourned at 9:02 p.m.

Respectfully submitted, \_\_\_\_\_

*Tracie Hill, Recording Secretary*