

**BEFORE THE BOARD OF SUPERVISORS OF WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

IN RE: Conditional Use Application of West Chester Area School District for
Greystone Elementary School

DECISION AND ORDER

West Chester Area School District (the "Applicant") filed a conditional use application (the "Application") dated May 6, 2019 requesting conditional use approval from the Board of Supervisors of West Goshen Township (the "Board") pursuant to Section 84-12.G(1) of the West Goshen Township Zoning Ordinance of 1990, as amended (the "Ordinance") in order to develop a new elementary school to be known as "Greystone Elementary School" on land which was once part of the Sharpless Estate and more recently owned by the Jerrehian Family located at 1125 Pottstown Pike, also identified as Chester County Tax Parcel No. 52-2-114.3A-E (the "Property").

The Board conducted the hearing on the Application on June 18, 2019. At the hearing, the Board was represented by Kristin S. Camp, Esquire. Applicant was represented by Ross Unruh, Esquire. The following Township residents were granted party status at the hearing without objection from Applicant:

- Douglas Janssen- 14 Greenhill Road
- Vincent Gallagher- 1017 Woodview Lane
- Scott K. Bailey- 5 Peaceful Lane
- Anthony Sinnott- 1 Peaceful Lane

From the testimony and exhibits presented at the hearing, the Board makes the following:

FINDINGS OF FACT

1. The factual statements set forth in the introductory paragraphs above shall be incorporated herein as findings of fact of the Board.
2. The conditional use hearing on June 18, 2019 was advertised in the *Daily Local News* on June 3, 2019 and June 10, 2019. See Exhibit B-2.
3. The Zoning Officer posted the Property in accordance with the Pennsylvania Municipalities Planning Code (PaMPC) on June 5, 2019. See Exhibit B-3.
4. On June 6, 2019, the Township mailed notice of the public hearing to property owners within 1,000 feet of the Property . See Exhibit B-3.
5. The West Goshen Township Planning Commission reviewed the Application at its June 11, 2019 meeting where a majority of the Planning Commission recommended that the Board approve the Application with three suggested conditions which are set forth in the draft minutes that were marked Exhibit B-4.
6. Applicant is the owner of the Property having acquired it from the Jerrehian Estate through condemnation in October of 2002.
7. The Property is located in the R-3 Residential District.
8. The Property contains approximately 24.96 acres and is located on the east side of Pottstown Pike, north of Aram Avenue and south of Greenhill Road.
9. The Property has been developed with athletic playing fields which are leased to the Township pursuant to a 2009 lease agreement.
10. Kevin Campbell, the Director of Facilities for Applicant, testified at the hearing and explained that Applicant must build a new elementary school in order to handle the recent increase in student population.

11. Applicant is projecting to have the new school open in September 2021.

12. The new elementary school will have a capacity for 600 students in grades K through 5th with approximately 300 students estimated to be residents in the new Greystone development which is currently under construction.

13. According to Mr. Campbell, children who reside in the Greystone neighborhood will be bused to the new elementary school and will not be permitted to walk to school.

14. Mr. Campbell estimated there would be approximately nine buses that would transport students to and from the school daily.

15. Mr. Campbell attended the June 11, 2019 Planning Commission meeting and was willing to accept on behalf of Applicant two conditions that the Planning Commission suggested that the Board impose. Applicant has agreed to shift the loading dock to the west side of the school building and has agreed that the main parking lot for the school will be located in front of the school to the south of the building.

16. Mr. Campbell agreed that the parking lot on the east side of the school building will be designated for employee parking.

17. Mr. Campbell indicated that Applicant did not plan to install sidewalk from Aram Avenue to the new school as recommended by the Planning Commission due to the steep slopes that exist on the Property leading from Aram Avenue to the top of the hill where the school is proposed.

18. The Planning Commission and Board expressed concern over Applicant's plan to not provide a sidewalk from Aram Avenue to the school.

19. Mr. Campbell indicated that Applicant desires to save as many trees as possible on the Property and will work with the Township and interested neighbors during land development to take measures to protect existing trees to the extent possible.

20. Mr. Campbell also indicated that he is hopeful that Applicant can continue to lease certain of the athletic fields to the Township for public use and that Applicant will continue to work with Township administration to negotiate a new lease for the athletic fields which will remain after the school is built.

21. Chris Puzinas, P.E., a professional engineer from Bohler Engineering, prepared the overall site plan which was admitted as Exhibit A-6 (the "Plan").

22. Mr. Puzinas testified that the new school is a two-story elementary school with approximately 76,524 square feet on both levels and a central courtyard which will provide daylight to inboard classrooms.

23. The development includes an access driveway from Aram Avenue, three separate parking lots with a total of 123 off street parking spaces, two playground areas and playing field.

24. The school will be constructed to the right of the existing access driveway in the area of an existing soccer field and softball field located in the northeast of the Property. The other two existing fields located to the left of the existing access driveway will remain.

25. Access to the site is proposed via a full-access driveway to Aram Avenue located approximately 750 feet east of Pottstown Pike.

26. Mr. Puzinas testified that stormwater will be handled in the existing basin located to the south of the new school building as well as in a new above ground basin

and underground basin in the parking lot, which will both be designed during the land development process.

27. The new school will be serviced with public water from Aqua and public sewer from the West Goshen Municipal Authority. See Exhibit B-2.

28. According to the Plan, the proposed development complies with the area and bulk requirements in Section 84-57.10.E of the Ordinance.

29. Mr. Puzinas testified that the Plan is generally consistent with the design standards in Section 84-57.10.F of the Ordinance.

30. Timothy O’Kane, a registered architect, designed the architecture for the new school and testified at the hearing on June 18, 2019.

31. Mr. O’Kane introduced the floor plans for the new school as Exhibit A-8. The first floor will have an entrance, lobby, administrative offices, library, reading lab, learning support rooms, special purpose room to be used for a gymnasium and cafeteria, eight classrooms for the lower levels and mechanical electrical rooms. The second story will have sixteen classrooms for the higher-grade levels and additional rooms to be used for learning support.

32. Mr. O’Kane also introduced the elevations of the new school building as Exhibit A-9 and explained that Applicant purposely designed the school to have similar architectural features and colors as Greystone Hall which is an English Country Manor style building built in 1907 which is also located on the Jerrehian Estate property. The school will have steep pitched shingle roofs, stone and cast stone veneer and a Tudor style half-timber and stucco entrance canopy. The sides and rear of the school will be built with more traditional school materials with ground face block, store front windows

and flat roofs along the side and rear of the building.

33. Peter Spisszak, AICP, a transportation planner employed by Traffic Planning and Design, Inc. prepared a Traffic Impact Assessment ("TIA") which was introduced as Exhibit A-11 as is required pursuant to Section 84-57.10.G of the Ordinance.

34. According to the TIA, all approaches and turning movements at the site driveway intersection with the external roadway network will operate at a level of service B or better during weekday AM, PM school and PM commuter peak hours provided that Applicant implements the recommendations in the TIA.

35. Upon full buildout, the proposed development is expected to generate 402 new vehicle trips during the weekday AM peak hour, 204 new vehicle trips during the weekday school PM peak hour and 102 new vehicle trips during the commuter PM peak hour. All overall intersection levels of service will operate at an acceptable level of service D or better during the 2021 and 2026 projected condition.

36. TPD recommended in the TIA that Applicant modify the traffic signal at the intersection of Aram Avenue and Pottstown Pike which the developer of Greystone Manor is required to install to add a westbound right-turn overlap phase for the Aram Avenue approach to Pottstown Pike.

37. Applicant will be required to obtain a highway occupancy permit from PennDOT in order to implement the recommended modification of the traffic signal at the intersection of Aram Avenue and Pottstown Pike.

38. The Board introduced the following exhibits:

- B-1: Conditional Use Application with Memorandum dated May 6, 2019 from Ross A. Unruh, Esquire
- B-2: Proof of Publication in the *Daily Local News* on June 3, 2019 and June 10, 2019
- B-3: Affidavit of Posting of William E. Webb, Zoning Officer, and photographs of posting on June 5, 2019 and list of adjacent property owners who received notice of hearing
- B-4: Draft Planning Commission Meeting Minutes from June 11, 2019

39. Applicant introduced the following exhibits:

- A-1: Deed
- A-2: May 8, 2019 Bohler Engineering Letter and Application
- A-3: Aerial Photo
- A-4: Grading Plan (C-402) with Engineer's Markups
- A-5: Chris Puzinas, PE CV
- A-6: Proposed Site Plan (C-301)
- A-7: Timothy O'Kane, RA CV
- A-8: Floor Plan
- A-9: Elevations
- A-10: Peter Spisszak, AICP CV
- A-11: TPD Transportation Impact Assessment dated May 7, 2019 (pages i-18)

40. Scott Bailey who was admitted as a party testified that his biggest concerns about the proposed development of the school included noise, air and light pollution. He would also like Applicant to consider a way to minimize the amount of energy needed for the school by utilizing solar power.

41. Mr. Bailey read his comments into the record and then introduced the written statement as Exhibit Bailey-1.

DISCUSSION

A conditional use is a permitted use, subject to an applicant's proof of compliance with all applicable conditions and criteria imposed by the Ordinance and reasonable conditions of approval imposed by the Board. A conditional use is not a use which the Board has the unfettered discretion to approve or deny. Rather, the Board is governed by the objective criteria and standards enunciated in the Ordinance when determining whether to grant an application. If the applicant can prove that it complies with the terms of the Ordinance authorizing a conditional use, the Board must grant the conditional use unless substantial evidence indicates that the use will result in substantial injury to the public interest. Susquehanna Twp. Board of Commissioners v. Hardee's Food Systems, Inc., 59 Pa. Cmwith. Ct. 479, 430 A.2d. 367 (1981; Appeal of Estate of Achey, 86 Pa. Cmwith. Ct. 385, 484 A.2d. 874 (1984), aff'd 501 A.2d. 249 (Pa. 1985).

In granting a conditional use, the Board has the authority to impose reasonable conditions and safeguards in addition to those expressed in the Ordinance, if such conditions are necessary to implement the purposes of the Ordinance and to protect the health, safety and welfare of the surrounding property owners. 53 P.S. § 10603(c)(2).

Given the population explosion and increase in the number of residential dwellings located in the jurisdictional limits of the School District, Applicant is required to build an eleventh elementary school. An elementary school is an educational use as defined in the Ordinance. Educational uses are permitted in the R-3 District by conditional use of the Board pursuant to Section 84-12.G(1) of the Ordinance. Applicant must demonstrate

compliance with the relevant specific criteria in Section 84– 57.10 of the Ordinance as well as the more general criteria for all conditional uses in Section 84– 75 of the Ordinance.

Applicant has demonstrated compliance with the area and bulk requirements in Section 84-57.10.E of the Ordinance and the objective standards necessary to obtain conditional use approval for its proposed educational use. The Board will impose as conditions the recommendations made by the Planning Commission and require Applicant to further evaluate the feasibility of installing a sidewalk from Aram Avenue to the school grounds. The Board is desirous of promoting connectivity with the Greystone development which is anticipated to generate 300 students who will attend the new school and numerous miles of trail network for pedestrians and cyclists.

Wherefore, the Board votes to approve the Application subject to conditions expressed herein below.

ORDER

AND NOW, this 22nd day of July, 2019, upon consideration of the Application filed by Applicant, the Board votes to approve a conditional use pursuant to Section 84-12.G(1) of the Ordinance to allow Applicant to develop the Property with an elementary school subject to the conditions of approval stated below. The Board also approves pursuant to the authority in Section 84-57.10.F(2)(a), the location of the parking lots in the front and side of the proposed new school as depicted on the Plan.

CONDITIONS OF APPROVAL

1. The Property shall be developed substantially in accordance with the Plan prepared by Bohler Engineering, Inc., dated May 6, 2019 (Exhibit A-6) as such Plan is

modified in order to comply with the conditions of this Decision and Order and as ultimately approved by the Board during final land development approval.

2. Applicant shall comply with all relevant criteria in Section 84-57.10 of the Ordinance and shall demonstrate that the final land development plans meet all applicable sections in this section of the Ordinance prior to the Board approving the land development plans.

3. The loading dock for the school shall be located on the west side of the new school generally in the location depicted on the Plan and shall be properly screened. The Board shall approve the screening as part of land development plan approval.

4. The main parking lot for the school will be located in front or to the south of the proposed new school building. The parking lot on the east side of the school shall be designated exclusively for employee parking.

5. During the land development process, Applicant shall revise the landscape plan so that it meets all relevant criteria in the Ordinance, including Section 84-57.10 of the Ordinance. The landscape plan shall be revised to add additional evergreen trees on the eastern side of the proposed new school building which shall assist in buffering the school from the residential properties located to the north and east of the Property. The Board of Supervisors shall approve the landscape plan as part of land development plan approval.

6. As part of the design of the landscape plan, Applicant shall strive to preserve and protect as many existing mature trees as possible on the Property which are not within the building envelope of the new school and other impervious area shown on the overall site plan.

7. Provided Applicant does not require the use of the existing fields which will remain after development of the new school for the District's own purposes, Applicant will continue to work with Township administration to negotiate a new lease for the athletic fields which will remain after the school is built.

8. Applicant shall obtain all necessary permits to modify the traffic signal at the intersection of Aram Avenue and Pottstown Pike which shall be installed by the developer of Greystone to add a westbound right-turn overlap phase for the Aram Avenue approach to Pottstown Pike. Such modification shall be installed and operational prior to issuance of use and occupancy certificate for the school.

9. Prior to issuance of land development approval, Applicant shall obtain written confirmation from the fire company which will provide fire protection services to the new school that the fire company has adequate equipment to reach the highest point of the proposed building with ladders and hoses.

10. Applicant shall be prohibited from installing the chiller on the roof of the proposed new school building.

11. Applicant shall revise the Plans to provide pedestrian access from Aram Avenue to the new school along the west side of the existing access driveway. The location and specifications for such pedestrian access shall be determined and approved by the Board as part of land development plan approval.

12. Applicant and its successors and assigns in interest to the Property shall be strictly bound by: 1) all of the representations, warranties and commitments made by or on behalf of the Applicant in the testimony, plans and other exhibits that were introduced into the record on these proceedings, whether or not express reference is made to said

representations, warranties and commitments in this Decision; and 2) all of the foregoing conditions of approval.

13. Applicant shall accept the above conditions in writing addressed to the Board within ten (10) days of its receipt of this Decision. Failure to accept all of the conditions shall constitute a denial of the Application as their acceptance is necessary to comply with the applicable sections of the Ordinance.

ATTEST:

**BOARD OF SUPERVISORS OF
WEST GOSHEN TOWNSHIP**

Casey LaLonde, Secretary

Robin Stuntebeck, Chairwoman

Hugh Purnell, Jr., Vice-Chairman

Edward G. Meakim, Jr., Member

Christopher Pielli, Esquire, Member

Shaun Walsh, Member