

**WEST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
APRIL 17, 2007**

Planning Commission – Dean K. Diehl, Paul Spiegel, Nancy B. Higgins, Jeffrey A. Laudenslager, Phil Yocum, Salvatore Triolo, Michael McKie

Supervisor – Dr. Robert White

Administration – Richard J. Craig, Township Engineer
Diane E. Clayton, Asst. Zoning Officer (Recording Secretary)

Chairman, Dean Diehl, called a stated meeting of the West Goshen Planning Commission to order at 7:03 p.m. on Tuesday, April 17, 2007, at the West Goshen Township Administration Building.

Following the Pledge of Allegiance to the Flag, the floor was opened for public comment. There being none, the Chairman called for approval of the Minutes from the March 20, 2007 meeting. Paul Spiegel requested a change (Page 1, Final Plan Reviews, Paragraph 1, Line 9, "will reduce the amount of lumens...") from "on the property" to "leaving the property". On motion made by Jeffrey Laudenslager and seconded by Salvatore Triolo, the minutes were approved unanimously as amended. Michael McKie was appointed a voting member for the evening in the absence of Nancy B. Higgins, who arrived shortly thereafter.

Final Plan Reviews:

DeAntonio Group of Delaware

Location: 1041 Andrew Drive
Represented by: James Lees

This plan depicts a lease line plan for a proposed 47,503 square foot office/warehouse subdivision located at 1041 Andrew Drive. No new water or sewer supply is proposed by this development, located in the I-2 Light Industrial Zoning District. Paul Spiegel inquired whether or not the buildings were currently occupied in line with the plan changes. Mr. Lees responded affirmatively. A motion was made by Paul Spiegel and seconded by Salvatore Triolo that the plan be approved for recommendation to the Board of Supervisors as submitted. Motion was carried unanimously. Nancy Higgins was not in attendance for this portion of the meeting.

Initial Submissions:

T-Mobile Northeast, LLC

Location: 1130 West Chester Pike – Pembroke Nursing & Rehabilitation Center
Represented by: Chris Schubert, Esquire

Mr. Craig informed the Board that this plan had been before the Board of Supervisors for Conditional Use approval on March 14, 2007. The applicant received permission to install a 90-foot monopole and equipment cabinets at the above referenced site. Paul Spiegel questioned whether or not the applicant had proven insufficient coverage at the Conditional Use hearing. Mr. Schubert responded and Mr. Craig confirmed that the applicant had indeed shown a lack of coverage. Mr. Schubert produced Exhibits A-3 (Propagation plan of coverage in West Goshen Township, with surrounding T-Mobile sites), and A-4 (Propagation plan of coverage in West Goshen Township, with proposed Pembroke site with antennas at 90 feet) from the Conditional Use hearing, for purposes of clarification. He explained that both exhibits show in-building and in-vehicle coverage. Currently there is a significant gap of unreliable coverage that

exists along the Route 3 corridor and surrounding side streets. With the completion of the proposed 90-foot tower, reliable coverage is secured for in-car coverage and for most of the in-building coverage. He further stated that based on the report generated by the radio frequency engineer, 90 feet is the minimum height necessary to achieve adequate coverage at this site. Paul Spiegel stated that he has been a customer of T-Mobile for quite awhile and has not experienced this professed lack of coverage. Mr. Schubert responded that with more and more people using their cell phone as their sole phone the need has grown. He also pointed out that this use is a permitted use in the C-4 District with conditional use approval. Paul Spiegel inquired why the cabinets were permitted in the setback. Mr. Craig responded that a separate set of setbacks exists for this use, one being that the tower must have a fall zone from adjacent buildings of 110% of the proposed antenna support structure height. Paul Spiegel replied that he is aware of an occupied office trailer on an adjacent property within the setback. Mr. Craig replied that if a trailer does exist, it is an illegal use and the Zoning Officer would look into the matter. Dean Diehl asked if others would be able to collocate on the tower, to which Mr. Schubert responded affirmatively. Dean Diehl then asked if other locations had been considered and if the reason T-Mobile was requesting so many towers were due to their operating frequency. Mr. Schubert stated that T-Mobile had originally tried to locate on property behind the West Chester Diner, with additional sites proposed at the Goshen Apartments and Spaz Beverage, which were denied. He further stated that T-Mobile operates at a higher frequency than other providers, which necessitates the need for additional coverage. It was stressed that a height of 150 feet is the norm for a tower, and at that the proposed height of 90 feet is the absolute minimum for a decent signal. Paul Spiegel inquired in what instances T-Mobile would consider camouflaging the tower. Mr. Schubert responded that the use of camouflage is strictly up to the municipality. He pointed out that on the mid-county exchange there is a tree-camouflaged tower. When the weather is nice and the trees are out you can barely see it, however the same tower by itself would stick out like a sore thumb. Similarly a flagpole design would look fine if it were located where you would expect to see a flagpole. The downside to the provider with a flagpole design is that the antennas are inside, which limits the amount of space. Paul Spiegel declared that based on that statement a flagpole design would work, but the provider would not be able to sell space to others, therefore it becomes a financial reason for wanting a monopoly. Mr. Schubert stressed that any financial gain is to the property owner as they lease the space to the providers. There being no more discussion on the plan, the Board thanked Mr. Schubert for attending the meeting.

The Islamic Society of Chester County

Location: 1001 Pottstown Pike

Represented by: Denis E. Forrest, P.E.

Abdul Chaudhri

Mr. Forrest depicted the proposed plan as a lot line change that would allow the two parcels connected with the plan to remain separate yet conforming. In addition the applicant proposes to incorporate a 3,000 square foot building expansion. Dean Diehl explained to Mr. Forrest that everything he had learned about proper planning would suggest that sensible lot lines are paramount, which this plan does not have. In that respect he would oppose the plan as it makes no sense. Mr. Forrest explained that the house runs from southwest to northeast, the northeast direction being critical to the faith issue, as they are required to pray in this direction. He further stated that environmentally the plan did make sense as it salvaged all trees of any significance. Dean Diehl responded by stating that he was in favor of saving trees, however he could not justify an irregular lot line just to save a tree. Phil Yocum asked what the addition would look like, to which Mr. Forrest replied that it would merge with the existing one story ranch house. The roof likewise would be similar to the existing "A-Frame" design. In essence the building envelope would be doubled. Salvatore Triolo asked if the proposed expansion would affect the setbacks on the remaining property, which might prohibit expansion of that parcel at a later date? Mr. Forrest responded that to maintain both properties as conforming parcels, a portion of the garage would need to be removed. Phil Yocum suggested that perhaps a better design would be to square off the property, especially if you were to sell it at a later date. Mr. Forrest stated that the plan meets the letter of the ordinance requirements as is. Rick Craig stated that the Township's preference would be to extinguish the lot lines thereby negating any issues. It would also afford the property owner greater flexibility. Mr. Forrest asked whether a curved property line or arc would work? Robin Murlless, 824 Halvorsen Drive, offered a suggestion in regard to

the plan design. He suggested the applicant move the property line about 40-50 feet out and continue back in a straight line. Jeffrey Laudenslager felt that the lots should be combined. Paul Spiegel and Dean Diehl concurred stating that the lot lines should be extinguished or the lines should be clean and rectangular in dimension.

Zoning Ordinance:

Subject: Sidewalk Maintenance In Regards To Snow & Ice

The proposed ordinance would require owners of property abutting a sidewalk to keep the sidewalk free and clear of all obstructions including snow and ice. Dean Diehl stated that while he agreed that if you have something you should maintain it, the fine of \$1000.00 was excessive. Dr. White commented that sidewalks are in the Township right-of-way. Therefore if someone were to slip and fall due to unsafe conditions, the Township as well as the homeowner would be liable. Paul Spiegel asked if the Township had ever been sued over such an issue in the past. Dr. White responded that to his knowledge we had not, however this ordinance was a preventative measure. Phil Yocum stated that many areas in West Goshen Township do not have sidewalks; therefore the ordinance is directed at a select few. Dr. White replied that when the Jerrehian tract is developed there would be significantly more homes that would fall under the new ordinance. Michael McKie stated that he felt the fine was excessive. Paul Spiegel suggested that the fine be on a sliding scale similar to that imposed with our false alarms, with a defined first offense. He agreed that sidewalks should be maintained, but perhaps the fine should be slightly more than the cost to have a young person shovel for you. He questioned whether or not a homeowner would be fined if he were away when it snowed, and therefore unaware and unable to do anything. Dr. White responded that such a circumstance would be arguable as it was physically impossible to shovel the snow. He further stated that a first offense would probably generate a phone call, whereas a subsequent offense would begin the fining process. Dean Diehl felt that the ordinance and fine should be simple, definable, and easy to enforce. Jeffrey Laudenslager suggested that a cap of \$500 be placed on the fine. A motion was made by Michael McKie and seconded by Salvatore Triolo, to recommend approval of the ordinance to the Board of Supervisors with the condition that the fine be lowered to "fine not exceeding \$500.00 for each violation." Motion was carried unanimously.

Committee Reports:

There were no reports presented.

Miscellaneous Business:

There being no further business, on motion by Paul Spiegel and seconded by Nancy Higgins, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Diane E. Clayton
Recording Secretary