

WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1976, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 72 OF THE WEST GOSHEN TOWNSHIP CODE TO ADD A DEFINITION FOR APARTMENT BUILDING IN SECTION 72-6; TO DELETE SECTION 72-31.C; TO AMEND SECTION 72-31.F; TO ADOPT A NEW SECTION 72-34 TO REQUIRE TWO MEANS OF ACCESS TO RESIDENTIAL DEVELOPMENT WITH 25 OR MORE DWELLING UNITS AND SECTION 72-35.B(5) REGARDING THE FEE IN LIEU OF RECREATIONAL FACILITIES.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Board of Supervisors of West Goshen Township that the West Goshen Township Subdivision and Land Development Ordinance of 1976, as amended, which is codified in Chapter 72 of the West Goshen Township Code, titled, "SUBDIVISION OF LAND", is hereby amended as follows:

SECTION 1. Section 72-6 titled, "Definitions" shall be amended by adding the following definition:

"APARTMENT BUILDING- A building containing three or more dwelling units separated by party walls, one or more of which dwelling units may be located from ground to roof, and common outside access and hallways, intended to be owned by a single entity and used specifically for residential purposes and originally constructed as such."

SECTION 2. Section 72-31.C is deleted and the section number reserved.

SECTION 3. Section 72-31.F shall be revised as follows:

"F. All lots shall have direct access to a public or private street and shall have at least 50 feet of frontage on such streets."

SECTION 4. A new Section 72-34 shall be adopted and provide as follows:

"§ 72-34. Access to Residential Developments. Every subdivision or development with 25 or more dwelling units, including dwelling units within an apartment building shall be accessed by at least two streets."

SECTION 5. Section 72-35.B(5) shall be amended to read as follows:

“Funds from such accounts shall be expended in accordance with the purposes permitted by the Pennsylvania Municipalities Planning Code, as may be amended from time to time. Upon request of the developer who has paid fees under this subsection, the Township shall refund such fees, plus interest accumulated thereon from the date of payment, if the Township had used the fee paid for a purpose other than the purposes set forth in this section.”

SECTION 6. SEVERABILITY. If any provision, sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION 7. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED THIS ____ DAY OF _____, 2021.

ATTEST:

**BOARD OF SUPERVISORS
WEST GOSHEN TOWNSHIP**

Casey LaLonde, Secretary

BY: _____
Shaun Walsh, Chair

Ashley Gagné, Vice-Chair

Robin Stuntebeck, Member

John Hellman, Member

Hugh J. Purnell, Jr., Member

WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ____ - _____

AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1976, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 72 OF THE WEST GOSHEN TOWNSHIP CODE TO ADD A DEFINITION FOR APARTMENT BUILDING IN SECTION 72-6; TO DELETE SECTION 72-31.C; TO AMEND SECTION 72-31.F; TO ADOPT A NEW SECTION 72-34 TO REQUIRE TWO MEANS OF ACCESS TO RESIDENTIAL DEVELOPMENT WITH 25 OR MORE DWELLING UNITS AND SECTION 72-35.B(5) REGARDING THE FEE IN LIEU OF RECREATIONAL FACILITIES

EXHIBIT LIST

Hearing Date: Tuesday, June 15, 2021 at 7:00 p.m.

- B-1: Proof of Publication in the *Daily Local News* on May 31, 2021 and June 7, 2021
- B-2: Email dated May 27, 2021 from Debra Benevides to the Chester County Law Library and the *Daily Local News* providing proposed amendment for public inspection
- B-3: Letter from Chester County Planning Commission dated May 14, 2021
- B-4: Minutes from West Goshen Planning Commission meeting on April 14, 2021

EXHIBIT B-1

Pennsylvania Public Notices

Powered by MyPublicNotices.com

Wednesday, June 09, 2021

[Home](#)

LEGAL NOTICES

NOTICE IS GIVEN that the Board of Supervisors of West Goshen Township will conduct a public hearing on Tuesday, June 15, 2021 as part of the regularly scheduled public meeting which begins at 7:00 p.m at the West Goshen Township Building, 1025 Paoli Pike, West Chester, Pennsylvania 19380, to consider and possibly adopt two Ordinances with the following titles and summaries: AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP CODE, CHAPTER 84 TITLED, "ZONING" SECTION 84-8 TITLED "DEFINITIONS", TO CREATE A DEFINITION FOR "THROUGH LOT"; SECTION 84-47.A TITLED "PROJECTIONS INTO REQUIRED YARDS", TO ALLOW A PATIO, TERRACE, DECK OR UNROOFED PORCH TO BE LOCATED BEHIND THE PRINCIPAL STRUCTURE ON A THROUGH LOT; SECTION 84-48.A TO EXEMPT STEEPLES, SPIRES, DOMES AND OTHER DECORATIVE ELEMENTS OF BUILDINGS USED FOR RELIGIOUS PURPOSES FROM THE BUILDING HEIGHT LIMITS; SECTION 84-57.21 TO ADD SIZE AND HEIGHT LIMITS FOR STORAGE SHEDS; SECTION 84-72 TITLED "APPEALS TO THE BOARD", SUBSECTION M TITLED "EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES" TO CLARIFY HOW LONG A ZONING DECISION GRANTING A SPECIAL EXCEPTION OR VARIANCE IS VALID AND SECTION 84-96.F TO ALLOW ANY OTHER USE NOT OTHERWISE PERMITTED IN ANY OTHER ZONING DISTRICT IN THE MULTIPURPOSE DISTRICT BY CONDITIONAL USE. AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1976, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 72 OF THE WEST GOSHEN TOWNSHIP CODE TO ADD A DEFINITION FOR APARTMENT BUILDING IN SECTION 72-6; TO DELETE SECTION 72-31.C; TO AMEND SECTION 72-31.F; TO ADOPT A NEW SECTION 72-34 TO REQUIRE TWO MEANS OF ACCESS TO RESIDENTIAL DEVELOPMENT WITH 25 OR MORE DWELLING UNITS AND SECTION 72-35.B(5) REGARDING THE FEE IN LIEU OF RECREATIONAL FACILITIES. The complete verbatim text of the proposed Ordinances are available for public inspection and may be examined without charge or obtained for a charge not greater than the cost thereof at the Township's administrative offices at the above address during normal business hours and are also on file for public inspection at the offices of the Daily Local News by calling 215-648-1066 and the Chester County Law Library, Chester County Justice Center, Suite 2400, 201 W. Market Street, West Chester, PA 19380, where the same may be examined without charge. If any person requires an accommodation to participate in the hearing, please contact the Township building at least 24 hours in advance of the hearing at (610) 696-5266. Kristin S. Camp, Esquire West Goshen Township Solicitor DLN 5/31, 6/7; 1a

Appeared in: **Daily Local News** on Monday, 05/31/2021



[Printer-friendly version](#)



[E-mail to a friend](#)

[Home](#) | [Privacy Policy](#) | [Terms of Use](#) | [About Us](#) | [Contact Us](#)

© Copyright 2001-2021 Legacy.com All Rights Reserved



[Home](#)

Wednesday, June 09, 2021

LEGAL NOTICES

NOTICE IS GIVEN that the Board of Supervisors of West Goshen Township will conduct a public hearing on Tuesday, June 15, 2021 as part of the regularly scheduled public meeting which begins at 7:00 p.m at the West Goshen Township Building, 1025 Paoli Pike, West Chester, Pennsylvania 19380, to consider and possibly adopt two Ordinances with the following titles and summaries: AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP CODE, CHAPTER 84 TITLED, "ZONING" SECTION 84-8 TITLED "DEFINITIONS", TO CREATE A DEFINITION FOR "THROUGH LOT"; SECTION 84-47.A TITLED "PROJECTIONS INTO REQUIRED YARDS", TO ALLOW A PATIO, TERRACE, DECK OR UNROOFED PORCH TO BE LOCATED BEHIND THE PRINCIPAL STRUCTURE ON A THROUGH LOT; SECTION 84-48.A TO EXEMPT STEEPLES, SPIRES, DOMES AND OTHER DECORATIVE ELEMENTS OF BUILDINGS USED FOR RELIGIOUS PURPOSES FROM THE BUILDING HEIGHT LIMITS; SECTION 84-57.21 TO ADD SIZE AND HEIGHT LIMITS FOR STORAGE SHEDS; SECTION 84-72 TITLED "APPEALS TO THE BOARD", SUBSECTION M TITLED "EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES" TO CLARIFY HOW LONG A ZONING DECISION GRANTING A SPECIAL EXCEPTION OR VARIANCE IS VALID AND SECTION 84-96.F TO ALLOW ANY OTHER USE NOT OTHERWISE PERMITTED IN ANY OTHER ZONING DISTRICT IN THE MULTIPURPOSE DISTRICT BY CONDITIONAL USE. AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1976, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 72 OF THE WEST GOSHEN TOWNSHIP CODE TO ADD A DEFINITION FOR APARTMENT BUILDING IN SECTION 72-6; TO DELETE SECTION 72-31.C; TO AMEND SECTION 72-31.F; TO ADOPT A NEW SECTION 72-34 TO REQUIRE TWO MEANS OF ACCESS TO RESIDENTIAL DEVELOPMENT WITH 25 OR MORE DWELLING UNITS AND SECTION 72-35.B(5) REGARDING THE FEE IN LIEU OF RECREATIONAL FACILITIES. The complete verbatim text of the proposed Ordinances are available for public inspection and may be examined without charge or obtained for a charge not greater than the cost thereof at the Township's administrative offices at the above address during normal business hours and are also on file for public inspection at the offices of the Daily Local News by calling 215-648-1066 and the Chester County Law Library, Chester County Justice Center, Suite 2400, 201 W. Market Street, West Chester, PA 19380, where the same may be examined without charge. If any person requires an accommodation to participate in the hearing, please contact the Township building at least 24 hours in advance of the hearing at (610) 696-5266. Kristin S. Camp, Esquire West Goshen Township Solicitor DLN 5/31, 6/7; 1a

Appeared in: **Daily Local News** on Monday, 06/07/2021

 [Printer-friendly version](#)

 [E-mail to a friend](#)

[Home](#) | [Privacy Policy](#) | [Terms of Use](#) | [About Us](#) | [Contact Us](#)

© Copyright 2001-2021 Legacy.com All Rights Reserved

EXHIBIT B-2

Debra Benevides

From: Debra Benevides
Sent: Thursday, May 27, 2021 2:59 PM
To: Daily Local Legals; Law Library
Cc: Casey LaLonde - West Goshen Township (clalonde@westgoshen.org); Kristin Camp
Subject: WGT - Proposed Ordinance - NOT FOR ADVERTISEMENT
Attachments: WGT Ordinance Chapter 72.pdf

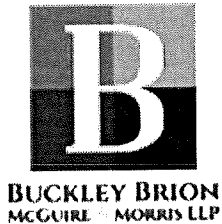
Hello,

Enclosed for filing with the Daily Local News is a true and correct attested copy of the above ordinance which must be filed with your office and made available for public inspection prior to adoption by West Goshen Township.

The Township will also place this ordinance on file at the Township Building and post on the Township's website.

Please confirm receipt of this email, and that this ordinance has been placed on file. Please let me know if you have any questions.

Thank you,
Debra Benevides



Debra Benevides, Legal Assistant
BUCKLEY BRION MCGUIRE & MORRIS LLP
118 W. Market Street, Suite 300
West Chester, PA 19382-2928
D: 610.235.0231 | M: 610.436.4400 Ext.1450
F: 610.436.8305
www.buckleyllp.com

WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1976, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 72 OF THE WEST GOSHEN TOWNSHIP CODE TO ADD A DEFINITION FOR APARTMENT BUILDING IN SECTION 72-6; TO DELETE SECTION 72-31.C; TO AMEND SECTION 72-31.F; TO ADOPT A NEW SECTION 72-34 TO REQUIRE TWO MEANS OF ACCESS TO RESIDENTIAL DEVELOPMENT WITH 25 OR MORE DWELLING UNITS AND SECTION 72-35.B(5) REGARDING THE FEE IN LIEU OF RECREATIONAL FACILITIES.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Board of Supervisors of West Goshen Township that the West Goshen Township Subdivision and Land Development Ordinance of 1976, as amended, which is codified in Chapter 72 of the West Goshen Township Code, titled, "SUBDIVISION OF LAND", is hereby amended as follows:

SECTION 1. Section 72-6 titled, "Definitions" shall be amended by adding the following definition:

"APARTMENT BUILDING- A building containing three or more dwelling units separated by party walls, one or more of which dwelling units may be located from ground to roof, and common outside access and hallways, intended to be owned by a single entity and used specifically for residential purposes and originally constructed as such."

SECTION 2. Section 72-31.C is deleted and the section number reserved.

SECTION 3. Section 72-31.F shall be revised as follows:

"F. All lots shall have direct access to a public or private street and shall have at least 50 feet of frontage on such streets."

SECTION 4. A new Section 72-34 shall be adopted and provide as follows:

"§ 72-34. Access to Residential Developments. Every subdivision or development with 25 or more dwelling units, including dwelling units within an apartment building shall be accessed by at least two streets."

SECTION 5. Section 72-35.B(5) shall be amended to read as follows:

“Funds from such accounts shall be expended in accordance with the purposes permitted by the Pennsylvania Municipalities Planning Code, as may be amended from time to time. Upon request of the developer who has paid fees under this subsection, the Township shall refund such fees, plus interest accumulated thereon from the date of payment, if the Township had used the fee paid for a purpose other than the purposes set forth in this section.”

SECTION 6. SEVERABILITY. If any provision, sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION 7. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2021.

ATTEST:

**BOARD OF SUPERVISORS
WEST GOSHEN TOWNSHIP**

Casey LaLonde, Secretary

BY: _____
Shaun Walsh, Chair

Ashley Gagné, Vice-Chair

Robin Stuntebeck, Member

John Hellman, Member

Hugh J. Purnell, Jr., Member

EXHIBIT B-3



THE COUNTY OF CHESTER



COMMISSIONERS
Marian D. Moskowitz
Josh Maxwell
Michelle Kichline

Brian N. O’Leary, AICP
Executive Director

PLANNING COMMISSION
Government Services Center, Suite 270
601 Westtown Road
P. O. Box 2747
West Chester, PA 19380-0990
(610) 344-6285 Fax (610) 344-6515

May 14, 2021

Casey LaLonde, Manager
West Goshen Township
1025 Paoli Pike
West Chester, PA 19380

Re: Subdivision and Land Development Ordinance Amendment - Definition of Apartment Building;
Lots and Lot Sizes; Access to Residential Developments; and Fee-in-lieu of Recreation Facilities
West Goshen Township – SA-04-21-16713

Dear Mr. LaLonde:

The Chester County Planning Commission has reviewed the proposed Subdivision and Land Development Ordinance Amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 505(a). The referral for review was received by this office on April 15, 2021. We offer the following comments to assist in your review of the proposed Subdivision and Land Development Ordinance Amendment.

DESCRIPTION:

1. The Township proposes the following amendments to its Subdivision and Land Development Ordinance:
 - A. Amend the definition of Apartment Building in Section 72-6;
 - B. Delete subsection C of Section 72-31, Lots and Lot Sizes;
 - C. Amend subsection F of Section 72-31, Lots and Lot Sizes;
 - D. Add Section 72-34, Access to Residential Developments, which states that every subdivision or development with 25 or more dwelling units, including dwelling units within an apartment building shall be accessed by at least two streets; and
 - E. Amend Section 72-35.B(5), pertaining to the handling of funds provided under the fee-in-lieu of recreation facilities provisions.

2. The County Planning Commission reviewed an earlier version of this amendment on March 12, 2021 (CCPC# SA-02-21-16634). In our prior review, we noted that there was a discrepancy between the document header and Section 1 of the draft Ordinance, pertaining to the definition of the term “apartment building.” We acknowledge and endorse that this issue has been addressed in the current version of this amendment.

Page: 2

Re: Subdivision and Land Development Ordinance Amendment - Definition of Apartment Building;
Lots and Lot Sizes; Access to Residential Developments; and Fee-in-lieu of Recreation Facilities
West Goshen Township – SA-04-21-16713

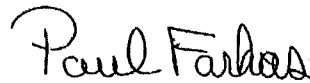
COMMENTS:

3. We note that the existing definition of dwelling unit in Section 84-8 of the Township Zoning Ordinance contains a similar (though not identical) definition of the term “apartment building.” Additionally, Sections 66-10.3 and 66-31 in Chapter 66-Sewers and Sewage Disposal of the Township Code utilize the term “apartment house” instead of “apartment building.” As stated in our previous review, the Township should ensure that consistent terminology is adopted throughout the Township Code.

RECOMMENDATION: The Commission recommends that the issues raised in this letter be addressed before action is taken on this proposed Subdivision and Land Development Ordinance amendment.

We request an official copy of the decision made by the Township Supervisors, as required by Section 505(b) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,



Paul Farkas
Senior Review Planner

EXHIBIT B-4

Minutes of the West Goshen Township

Planning Commission – Virtual Meeting

Date: April 14, 2021

In Attendance:

Planning Commission: Doug Stewart (Chair), Corey Wegerbauer (Secretary), Vito Genua, Carrie Martin, John Mattia, Douglas White, Jeff Lieberman; Absent: Terry Wildrick (Vice-Chair), Alessandra Bellwoar Richard Craig (Township Engineer), John Hellman (Township Supervisor Liaison)

The meeting was a “virtual meeting” using the website: “gotomeeting.com”

Chair Doug Stewart opened the meeting at 7:00pm. Due to the online format, there was no Pledge of Allegiance. The floor was opened for public comments.

No public comments

Approval of Minutes: The minutes of the February 9, 2021 meeting were approved with the following modifications: correction of spelling –“buffing’ to “buffering.” Motion to approve by Douglas White, seconded by Vito Genua, unanimously approved.

Chair Doug Stewart announced change in the order of the agenda, discussion on amendments to occur first.

Other:

1. Discussion of a proposed text amendment to the Subdivision and Land Development Ordinance to add a definition for Apartment Building and require two means of access to developments. (A recommendation to the Board of Supervisors is requested.)

Kristin Camp explained this is being proposed in an effort to amend the ordinance to add the definition of apartment building and require two means of access. The amendment will also amend the section on use of funds.

Vito Genua made a motion to approve the amendment to the ordinance as written.

Carrie Martin seconded. The motion was approved unanimously.

2. Discussion of a proposed text amendment to the Zoning Ordinance to change various sections regarding projections into required yards, exceptions on height limitations, storage sheds, and variance expiration. (A recommendation to the Board of Supervisors is requested.)

Kristin Camp and Bill Webb explained the amendment changes to Chapter 84 of the ordinance related to projections into required yards, exceptions on height limitations, storage sheds, and variance expiration.

Vito Genua made a motion to accept the amendment to the ordinance as written with the addition of R3c being added to the Shed ordinance 84-57.21. Corey Wegerbauer seconded. The motion was approved unanimously. Douglas White voted to approve but expressed concerns with the wording of section 84-48.

Initial Submissions:

- A. Lot Line Change Plan for 513 and 517 Susan Drive and 1100 North New Street.

Rick Craig briefly explained the project. Discussion on why the change is being requested. Owners expected to attend the next meeting and will be able to answer questions. This is an initial submission and no action required at this time.

- B. Land Development Plan for a 51,200 square foot warehouse building at 800 East Virginia Avenue for 920 S Bolmar Associates, L.P.

Rick Craig briefly explained the project. Discussion on the removal of trees on the property and the requirement to replace 50% of the trees removed. Discussion on storm water and the infiltration beds. This is an initial submission and no action required at this time.

Final Submissions:

1. Final Subdivision Plan for seven residential lots for Big Bear Gulch, LLC at 504 South Concord Road. (This application is complete, meets all Township ordinances, and is ready for your recommendation to the Board of Supervisors. Attached are copies of RJC correspondence dated 4/7/21 and comments from the Chester County Planning Commission dated 10/23/2020.)

This agenda item has been moved to the next meeting. Applicant has not received the letter from the Conservation District in time for this meeting.

Joseph Russella was present to answer questions on behalf of the applicant. Douglas White asked several questions regarding this project. Will the property be clear cut? According to Joseph Russella, the intent is not to clear cut and will retain as much as they can. Utilities will all be public utilities. Storm water will be one main basin – MRC basin and maintained by the HOA. Douglas White requested full set of plans. John Hellman asked about the ambient noise. Rick Craig noted that this exceeds the requirement. Discussion on adding protection for the township in the HOA agreement.

Chair Doug Stewart presented the idea of have open discussions about Township planning issues and concerns to be able to address potential issues prior to being presented with plans from an applicant. All were in agreement that this would be helpful for the committee to include in future meetings.

Open the Floor for Public Comment:

Margie Swart praised Chair Doug Stewart's for his idea.

Adjournment:

Motion to adjourn was made by Douglas White, John Mattia seconded

There being no further business, the meeting was adjourned at 8:28pm.