

CONDITIONAL USE PUBLIC HEARING

Meeting held at the Municipal Building, 721 Unionville Road, Kennett Square, PA 19348

1. **CALL TO ORDER**
2. **CONDITIONAL USE AMENDMENT OF GERALD B. AUMAN, JR., VMD, KENNETH H. BARNSLEY, VMD, AND KENNETT SQUARE VETERINARY HOSPITAL, LOCATED AT 619 NORTH MILL ROAD, KENNETT SQUARE, PA 19348.**

Applicants are seeking a modification of the prior Conditional Use Approval, issued September 6, 2005, whereby Applicants were granted conditional use approval (with certain conditions) to operate an animal hospital and veterinary clinic on the Property. Applicants are seeking to amend certain conditions of the Conditional Use Approval about the number of veterinarians allowed to practice at the veterinary hospital (Condition 2), expanding the hours of operation (Condition 5), and expanding the hours of restricted supervised walks of animals (Condition 6). The public notice was duly advertised in the *Daily Local News* on Monday, May 26th, and Monday, June 2, 2025, and on the township website.

3. **PUBLIC HEARING CLOSED**
Regular monthly Board of Supervisors meeting to follow immediately after the public hearing.

PUBLIC NOTICE

On Wednesday, June 11, 2025, at 6:30 p.m., prevailing time, at the East Marlborough Township Building, located at 721 Unionville Road, Kennett Square, Pennsylvania 19348, the Board of Supervisors of East Marlborough Township will hold a public hearing on the Conditional Use Application of Gerald B. Auman, Jr., VMD, Kenneth H. Barnsley, VMD and Kennett Square Veterinary Hospital (“Applicants”), with respect to an approximate 10-acre parcel, which is currently improved with the Kennett Square Veterinary Hospital, located at 619 North Mill Road, Kennett Square, East Marlborough Township, Chester County, Pennsylvania 19348 (Tax Parcel I.D. No.: 61-5-210), located in the Township’s AP (Agricultural Preservation) Zoning District (“Property”).

Applicants are seeking a modification of the prior Conditional Use Approval, issued September 6, 2005, whereby Applicants were granted conditional use approval (with certain conditions) in order to operate an animal hospital and veterinary clinic on the Property. Applicants are seeking to amend certain conditions of the Conditional Use Approval pertaining to the number of veterinarians allowed to practice at the veterinary hospital (Condition 2); expanding the hours of operation (Condition 5); and expanding the hours of restricted supervised walks of animals (Condition 6).

If any person who wishes to attend the public hearing has a disability and/or requires an auxiliary aid, service or other accommodation to observe and/or participate in the proceedings, he or she should contact the Township Building at (610) 444-0725, to discuss how those needs may be accommodated.

Neil G. Lovekin, Manager
East Marlborough Township



KRISTIN S. CAMP, ESQUIRE

p: 610.436.4400 Ext# 1050

f: 610.436.8305

e: kcamp@buckleyllp.com

118 W. Market Street, Suite 300

West Chester, PA 19382-2928

May 13, 2025

Via Hand Delivery & Electronic Mail

Neil Lovekin, Township Manager
East Marlborough Township
721 Unionville Road
Kennett Square, PA 19348

RE: Conditional Use Application of Gerald B. Auman, Jr., VMD
and Kenneth H. Barnsley, VMD, Kennett Square Veterinary Hospital
619 North Mill Road, East Marlborough Township (the "Application")

Dear Neil,

As you may be aware, I represent Gerald B. Auman, Jr., VMD and Kenneth H. Barnsley, VMD and Kennett Square Veterinary Hospital. On their behalf, I hereby submit a Conditional Use Application seeking modification of three conditions of the Conditional Use Order dated September 6, 2005. Accordingly, enclosed please find the following:

1. Five copies of the completed Conditional Use Application and Addendum thereto.
2. A check made payable to East Marlborough Township in the amount of \$2,500 in payment of the application fee will be separately delivered.

We intend to attend the Planning Commission meeting on June 3, 2025 to discuss the Application. Kindly confirm the conditional use hearing will be held as part of the Board's regular meeting on June 11, 2025.

If you need anything further, please do not hesitate to contact me.

Very truly yours,

/s/ Kristin S. Camp

Kristin S. Camp

KSC/rac

Enclosures

cc: (via electronic mail)

Ryan M. Jennings, Esquire

Client

Josh Roesener, VMD

East Marlborough Township

Chester County, Pennsylvania

Conditional Use Application

Gerald B. Auman, Jr., VMD & Kenneth H. Barnsley, VMD
Name _____ Phone _____

Address 525 W. State Street, Kennett Square, PA 19348 _____

Name and address of attorney, if any, representing applicant

Kristin S. Camp, Esquire & Buckley, Brion, McGuire & Morris, LLP

118 West Market Street, Suite 300

West Chester, PA 19382

Description of real estate for which Conditional Use is sought:

619 North Mill Road, Kennett Square, PA 19348

Applicant should enclose with this Application a copy of a plan of the property showing thereon present and proposed improvements, topography (can be USGS), metes and bounds of the Parcel and other relevant features

Describe the Use proposed for the Property and the provision in the East Marlborough Township Zoning Ordinance under which the proposed Conditional Use is authorized:

SEE ATTACHED ADDENDUM

Name and Address of present owner of property if different from applicant:

Same as Applicant

Signature of Applicant: */s/ Kristin S. Camp, Esquire*
Counsel for Applicant

Date: May 13, 2025

Residential:

Filing Fee	\$2,000.00
Each additional hearing, after first, Per hour, or portion thereof	\$ 125.00

Commercial, Limited Industrial, ESI:

Filing Fee	\$4,500.00
Filing Fee for buildings less than 2,000 sq. ft.	\$1,000.00
Each additional hearing, after first, Per hour, or portion thereof	\$ 300.00

Date Received _____

In RE:

Modification of Conditional Use
Decision and Order of
Gerald B. Auman, Jr., VMD
and
Kenneth H. Barnsley, VMD
Kennett Square Veterinary Hospital

619 North Mill Road
Kennett Square, PA 19348
Tax Parcel No. 61-5-210

BEFORE THE BOARD OF SUPERVISORS OF
EAST MARLBOROUGH TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA

**ADDENDUM TO CONDITIONAL USE APPLICATION SEEKING MODIFICATION
OF THREE CONDITIONS OF CONDITIONAL USE APPROVAL**

Gerald B. Auman, Jr., VMD and Kenneth H. Barnsley, VMD (“Applicants”), by and through their undersigned attorneys, Kristin S. Camp and Buckley, Brion, McGuire & Morris LLP, hereby submit this Addendum to the form Conditional Use Application (“Application”) to the Board of Supervisors of East Marlborough Township (“Township”), and in support thereof state as follows:

1. Applicants own a 10.05 acre parcel of property at 619 North Mill Road, Kennett Square, Chester County, Pennsylvania, known as Chester County Tax Parcel No. 61-5-210 (the “Property”).
2. The deed to the Property is attached hereto as Exhibit “A” and an aerial tax map of the Property is attached hereto as Exhibit “B”.
3. The Property is located on the west side of Mill Road in the Agricultural Preservation District (AP).
4. In a Decision and Order issued September 6, 2005, Applicants obtained conditional use approval pursuant to Section 402.C(3) of the East Marlborough Township Zoning Ordinance that was in effect as of the date Applicants filed their conditional use application to operate an animal hospital and veterinary clinic on the Property (“2005 CU Approval”).
5. Applicants and the Township have not been able to find an original copy of the 2005 CU Approval but a copy was transcribed on page 1 of the approved, recorded land development plan for the Property. The transcription of the 2005 CU Approval from the approved, recorded land development plan is attached hereto as Exhibit “C”.

6. The 2005 CU Approval imposed 21 conditions that Applicants have strictly adhered to in the use of the Property as an animal hospital and veterinary clinic known as the Kennett Square Veterinary Hospital (the “Hospital”).

7. Applicants also obtained special exception approval from the East Marlborough Township Zoning Hearing Board in a Decision dated February 8, 2006 pursuant to Section 402.B of the Zoning Ordinance to build an accessory dwelling unit containing 700 square feet to be located on the second floor of the veterinary hospital. The zoning approval imposed a condition that the accessory dwelling unit must be occupied by an employee of the veterinary hospital and not be rented to a third party. A copy of the Zoning Hearing Board Decision is attached hereto as Exhibit “D”.

8. After obtaining conditional use approval in the 2005 CU Approval, Applicants thereafter obtained final land development approval to develop the Property with two separate buildings- a two-story veterinary hospital containing approximately 7,849 square feet and a one-story kennel building that was proposed to be approximately 2,500 square feet. A copy of the cover sheet and site plan of the approved land development plan which was recorded in the Office of the Recorder of Deeds on November 16, 2007, as Plan No. 18304 is attached hereto as Exhibit “E” (the “Plans”).

9. Applicants built the veterinary hospital as depicted on the Plans but did not build the kennel building.

10. The Plans also contemplated the installation of 14 off-street parking spaces which Applicants installed and an additional 10 off-street reserve future parking spaces.

11. Commencing on December 1, 2008, Applicants have successfully operated the Hospital on the Property in accordance with the conditions in the 2005 CU Approval without any complaints from neighbors or the Township.

12. Applicants now seek to sell the Property and assets of the Hospital to Josh Roesener, VMD (“Buyer”) and seek approval to amend certain restrictions on the use of the Property that were imposed in the following three conditions in the 2005 CU Approval:

a. **Condition 2.** This condition restricted the number of veterinarians that could practice at the veterinary hospital to a maximum of two. Dr. Barnsley is currently the only veterinarian practicing at the Hospital, but historically there have been two veterinarians that have worked at the Hospital. The proposed Buyer would like the flexibility to expand the total number of veterinarians to six, with no more than four veterinarians working at the same time. The

proposed Buyer's business plan envisions three full-time veterinarians, two part-time veterinarians and one rotating specialist with a maximum of four veterinarians working in the veterinary hospital at any one time.

b. **Condition 5.** This condition restricted the hours of operation for the veterinary hospital (except in the case of medical emergency and for ongoing care of animals being kept on the premises for medical reasons) to Monday, Tuesday, Wednesday and Friday 8:00 AM to 5:00 PM; Thursday 8:00 AM to 7:00 PM; Saturday 8:00 AM to 12:00 noon; and no hours of operation on Sunday. In order to provide better care of animals after the normal working hours of the owners of the animals, and to be available to provide emergency care for the animals, the proposed Buyer would like the hours of operation to be expanded to Monday through Friday 7:00 A.M. to 7:00 P.M. and Saturday and Sunday from 8:00 A.M. to 5:00 P.M.

c. **Condition 6.** This condition restricted the time that supervised walks of animals may occur outside of the building to the hours of 8:00 A.M. to 6:00 P.M. The proposed Buyer would like to amend this condition to permit animals to be walked outside of the veterinary hospital between the hours of 8:00 A.M. and 8:00 P.M.

13. Applicants and the Buyer do not seek any other modifications to the conditions imposed in the 2005 CU Approval.

14. Applicants do not intend to increase the existing square footage of the Hospital or add any additional improvements to the Property.

15. If deemed necessary, the 10 off-street reserve parking spaces depicted on the Plans could be installed.

16. At the hearing on this Application, Applicant will present evidence of changed circumstances that warrant the modifications to conditions 2, 5 and 6 of the 2005 CU Approval.

WHEREFORE, Applicants, Gerald B. Auman, Jr., VMD and Kenneth H. Barnsley, VMD, respectfully request that the Board of Supervisors of East Marlborough Township schedule and hold a hearing and grant the requested relief.

Respectfully Submitted,

Buckley, Brion, McGuire & Morris, LLP

/s/ Kristin S. Camp

Kristin S. Camp, Esquire

*Attorneys For Applicants,
Gerald B. Auman, Jr., VMD
and Kenneth H. Barnsley, VMD*

Date: May 13, 2025

Exhibit “A”

Deed to the Property

File No. 14507
61-05-0210

Parcel ID No.

This Deed, Made the 29th day of December, 2003

Between

ROBIN L. SHERWOOD

(hereinafter called the Grantor), of the one part, and

GERALD B. AUMAN, JR and KENNETH H. BARNSELY

(hereinafter called the Grantees), of the other part,

[REDACTED] on of the sum of [REDACTED]
[REDACTED] lawful money of [REDACTED]
[REDACTED] before the sealing and delivery hereof,
[REDACTED] ed and sold, released and confirmed,
and by these presents does grant, bargain and sell, release and confirm unto the said Grantees as Joint
Tenants, and not as tenants in common, their assigns, the survivor of them and the survivor's personal
representatives and assigns their heirs and assigns,

All that certain tract or ground with a frame messuage erected thereon, situate in East
Marlborough Township, County of Chester, Commonwealth of Pennsylvania particularly
bounded and described according to a recent survey made by George E. Regester, Jr. & Sons,
Registered Land Surveyors, as follows, to wit:

BEGINNING at a spike set in the middle of public road leading from Kennett Square to Street
Road, said spike of beginning being North 58 degrees 41 minutes west 33.62 feet from an old
spike set at a corner of Dan Moss and Z. Edmund Prince; thence leaving said point of beginning
and by lands of Ellen Weisbrod, et vir, of which this was a part, the following 4 courses and
distances: south 31 degrees 55 minutes west 84 feet to an iron pin south 44 degrees 1 minute 40
seconds west 865.8 feet to an iron pin, north 9 degrees 39 minutes 20 seconds west 789.79 feet to
an iron pin and thence north 66 degrees 34 minutes east 638.18 feet to a spike set in the first
mentioned public road leading from Kennett Square to Street Road; thence along the middle of
said road by lands of Dan Moss the following 3 courses and distances, to wit: south 28 degrees
16 minutes east 121.6 feet to a spike south 41 degrees 16 minutes east 89.86 feet to a spike and
thence south 58 degrees 41 minutes east 151.38 feet to the first mentioned point and place of
beginning.

CONTAINING 10.056 acres of land, be the same more or less.

BEING UPI #61-5-210

BEING the same premises which MARY M. DERMOTT, by Deed dated September 30, 1999, and recorded October 8, 1999, in Book 4648, Page 525, granted and conveyed unto ROBIN L. SHERWOOD, in fee.

Together with all and singular the buildings improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said grantor, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever.

And the said Grantor, his heirs, executors and administrators do covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that the said Grantor and his heirs, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with appurtenances, unto the said Grantees, their heirs and assigns, against the said Grantor and his heirs, and against all and every person and persons whosever lawfully claiming or to claim the same or any part thereof, by, from or under or any of them, shall and will

WARRANT and forever DEFEND.

In Witness Whereof, the party of the first part has hereunto set his hand and seal. Dated the day and year first above written

Sealed and Delivered
IN THE PRESENCE OF US:

Georgianne Stapleton
Guell

Robin L Sherwood {SEAL}
ROBIN L. SHERWOOD

____ {SEAL}

____ {SEAL}

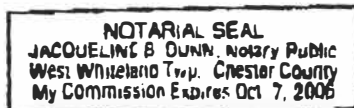
____ {SEAL}

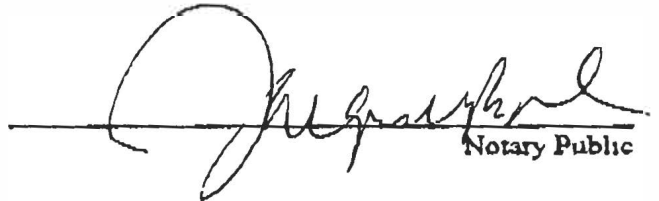
Commonwealth of Pennsylvania

County of Chester ss.

On this the 24th day of December, 2003, before me, a Notary Public for the Commonwealth of Pennsylvania, residing in the said County and State the undersigned Officer, personally appeared **ROBIN L. SEERWOOD** known to me (satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained

I hereunto set my hand and official seal.




Notary Public

The address of the above-named Grantees
is.

525 W. State Street

Kennett Square PA 19348

On behalf of the Grantees

File No. **14507**

Record and return to:

Whitford Land Transfer Co.

Exton Executive Center, 403 W. Lincoln Highway #106

Exton, PA 19341

Exhibit “B”

Aerial Tax Map of the Property



Find UPI Information

PARID: 6105 02100000
 UPI: 61-5-210
 Owner1: AUMAN GERALD B JR
 Owner2: BARNESLEY KENNETH H
 Mail Address 1: 619 N MILL RD
 Mail Address 2: KENNETT SQUARE PA
 Mail Address 3:
 ZIP Code: 19348
 Deed Book: 7324
 Deed Page: 873
 Deed Recorded Date: 12/10/2007
 Legal Desc 1: WS MILL RD
 Legal Desc 2: 10 AC & COMM BLDG
 Acres: 10
 LUC: C-60
 Lot Assessment: 34700
 Property Assessment: 389140
 Total Assessment: 423840
 Assessment Date: 12/13/2024 7:28:35 AM
 Property Address: 619 MILL RD
 Municipality: EAST MARLBOROUGH
 School District: Unionville-Chadds Ford

Map Created:
 Monday, May 12, 2025

County of Chester

Limitations of Liability and Use:
 County of Chester, Pennsylvania makes no claims to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Services page listed at www.chesco.org/gis.



Exhibit “C”

**Transcription of the 2005 CU Approval
from the Approved, Recorded Land Development Plan**

Transcription of the Conditional Use Approval

On the 6th day of September, 2005, the Board of Supervisors of East Marlborough Township hereby granted Conditional Use Approval to the Applicants, Gerald B. Auman, V.M.D. and Kenneth H. Barnsley, V.M.D., for the proposed development of the subject property as an Animal Hospital and Veterinary Clinic, as authorized by §402.C.3 of the Township Zoning Ordinance, such Conditional Use Approval to include, as an integral part thereof, the kennel facility to be constructed in a separate building, provided that the use of the kennel building is limited as more fully set forth in the conditions of approval set forth below. The use of the kennel building as a commercial boarding kennel, as initially proposed by the applicants, is denied. The Conditional Use Approval herein granted is expressly subject to the applicants' compliance with all of the following conditions, which are deemed to be necessary for protection of the Public Health, Safety and Welfare, and for the compliance with applicable provisions of the Township Zoning Ordinance (incorporated by reference under §2008 of the Ordinance).

1. The use and development of the property shall be substantially in accordance with the testimony and exhibits presented by the applicant during the course of hearings, except as specifically modified by the conditions set forth herein below, and further to be in conformity with the findings of fact herein above set forth. Without limiting the foregoing, the maximum intensity of the development of the site shall consist of the two building as depicted in the conditional use plans (Exhibit A-1 and A-2), being a Veterinary Hospital Building with a maximum footprint of 6,000 square feet and a Kennel Building with a maximum footprint of 3,300 square feet.
2. The Veterinary Hospital building shall be substantially in accordance with the testimony and exhibits as presented, including, but not limited to, the elevation renderings (Exhibits A-6 and A-7) and floor plans (Exhibits (A-8 and A-9). Without limiting the foregoing, all of the "Runs" in the kennel building shall be completely enclosed, and there shall be a maximum of two office rooms for veterinarians in the Veterinary Hospital. Unless modified pursuant to a future application, neither the size of the buildings nor the number of Veterinarians shall be increased (the number of Veterinarians thus to be a maximum of two).
3. The Veterinary Hospital Building shall be designed to resemble an historic farmhouse and the kennel building shall be designed to resemble a traditional barn. The exterior of the buildings shall be primarily composed of stone or brick.

4. The Kennel Building shall utilize “State of the Art” soundproofing materials, as indicated in the applicants’ testimony. The precise specifications shall be submitted to the Township for its Consultant’s review during the course of Land Development Plan review.
5. Except in the case of medical emergencies and for the ongoing care of animals being kept on the premises for medical reasons, the hours of operation shall not exceed to following hours: Monday, Tuesday, Wednesday and Friday - 8:00 AM to 5:00 PM Thursday - 8:00 AM to 7:00 PM; and Saturday - 8:00 AM to 12:00 noon. (There shall be no hours of operation on Sunday.)
6. The animals shall be maintained inside the Veterinary Hospital or Kennel Building except for short, occasional supervised walks which may occur between the hours of 8:00 AM to 6:00 PM. No more than three animals at a time will be taken outside for walks and exercised by a trained employee of the hospital, with each animal being so exercised not more than three times per day. The animals will not be permitted to run free, and will never be left unattended. The area in which the animals are walked and exercised shall be enclosed with a fence so that an animal that gets loose from its handler cannot escape from the fenced area.
7. The maximum number of animals which shall be maintained overnight at any one time is twenty. No animals may be maintained overnight on the premises except for animals that are current patients of Dr. Barnsley (or his successors) and that require specialized medical attention which can only be provided under the supervision of a licensed veterinarian. To avoid confusion and by way of example, an animal would not be eligible to be boarded at the applicants’ facility merely because it required monitoring or the application of medications if such monitoring or application is regularly provided by the animal’s owner and is capable of being provided at a commercial boarding kennel by personnel other than a licensed veterinarian. To facilitate monitoring of compliance with these conditions, the applicants shall prepare and retain records of each case in which the animal is kept overnight at the facility, which records shall denote the medical condition requiring the animal be kept overnight and shall be made available for review by the Township as requested from Time to Time. The applicants shall not promote, market or advertise their facility as a boarding kennel.
8. If the applicants desire to obtain approval for the inclusion of an accessory apartment/dwelling unit within the Veterinary Hospital building, the applicants shall apply to the Township Zoning Hearing Board for a Special Exception to authorize such use. (The Board of Supervisors supports this application, subject to the condition that the apartment/dwelling unit shall be occupied at all times by an employee of the business and shall not be available for rent to third parties, as it will provide an “on premises” resource in the event of any noise problems and/or other issues which may arise in the operations of the Veterinary Facilities.)

9. The buildings' driveway and parking areas for the facility shall be substantially as depicted on Exhibit A-1, with the applicants to provide a total of 14 parking spaces, together with a "Reserve Parking Area" to allow an additional 10 parking spaces to be constructed in the future, if ever needed. The width of the driveway shall not exceed 16 feet.
10. All deliveries to and all trash pickup from the property shall be between the hours of 9:00 AM and 4:00 PM, Monday through Friday. (There shall be no deliveries or trash pickups on Saturday or Sunday, except for deliveries of medications or medically necessary supplies.)
11. All trash and refuse operations shall be enclosed and operated to prevent the emission of odors and spread of trash or attraction of vermin. All bio-hazardous waste shall be stored and disposed of in accordance with the applicable Environmental Regulations.
12. Not more than one sign shall be erected on the applicants' property to identify the use permitted by this order. The size of such sign shall not exceed 3 feet in width or 2 feet in height, and such sign shall otherwise comply with all the requirements of the Township Zoning Ordinance.
13. At Land Development Plan Review, the applicant shall submit detailed Stormwater Management Plans, utilizing "Best Management Practices" in order to minimize pollutant loading of Stormwater Discharge from the site, and in order to provide partial recharge of stormwater, in accordance with the Township's Stormwater Management Ordinance. The applicant shall also provide a Post-Construction Management Plan (PCMP) for continued maintenance by the applicant, its successors and assigns, of Stormwater Management Facilities.
14. As part of the applicants' Land Development Plan Submission, the applicants shall plot all existing tree masses or trees with a caliper of four (4) inches or greater that are located within any area that will be disturbed during Land Development. The applicants make all reasonable efforts to harmonize their plans with the preservation of existing trees, and no portions of tree masses or trees with caliper of four (4) inches or greater shall be removed unless expressly approved by the Board of Supervisors.
15. As part of the applicants' Land Development Plan Submission, the applicants shall provide detailed landscaping and lighting plans. With respect to landscaping, the applicants shall comply with the requirements of the Township Zoning Ordinance with respect thereto. With respect to the lighting plan, the applicants shall assure that there will be no glare onto adjacent properties, and that lighting is limited to "ground level" lighting, rather than placing lights atop of poles. There shall be no outdoor lighting kept on throughout the night, provided that motion activated automatic lighting that is illuminated briefly is permitted.

16. The applicants shall assume responsibility for a proportionate share of the Township's Highway Improvement Programs, as the equivalent, for traffic generation purposes, of six dwelling units, it being the Township's practice to request \$600 per equivalent dwelling unit for Highway Improvement purposes (a total of \$3,600), to be paid concurrently with the issuance of a Building Permit.
17. The applicants shall make a contribution for the acquisition or improvement of firefighting, rescue, ambulance or other emergency services equipment securing the safety of the proposed facilities, its employees and customers. The amount of this emergency services contribution shall be at the rate of \$200 per 1,000 square feet of floor area (in accordance with Township Ordinance Requirements) of \$2,000, to be paid concurrently with the issuance of a Certificate of Occupancy.
18. The applicants shall replace the existing drain pipe under Mill Road and clean out the sediment in the stream at the pipe outfall. The specific requirements shall be detailed during Land Development Plan Review.
19. The applicant shall post performance guarantees for the installation of all improvements necessary for protection of public health, safety and general welfare, including the landscaping and stormwater management facilities required here under.
20. The applicants' project shall conform with all representations made during the Conditional Use Hearings, whether or not specifically referenced in this order or in the findings of fact, and shall otherwise comply with all other applicable Laws, Ordinances and Regulations. Without limiting the foregoing, the project shall conform with all physical performance requirements set forth in Section 1811 of the Township Zoning Ordinance. The Board of Supervisors reserves the right, however, to make such modifications to the project during the course of Land Development Plan review as the Board of Supervisors deems to be in the public interest, without the necessity of reopening the conditional use hearing.
21. The applicant shall, within 60 days of the date hereof, reimburse the Township for Township expenditures related to this application, including all fees payable to Township Consultants, Township Solicitor, and Costs of the Court Stenographer for appearances and transcripts, provided, however, that the limit of such reimbursement shall not exceed \$5,000 over and above (i) the initial application fee and (ii) the Engineer's Review fees (which Engineering Review Fees shall be paid in full).

Exhibit “D”

A Copy of the Zoning Hearing Board Decision

IN RE: APPLICATION OF : BEFORE THE
GERALD B. AUMAN, VMD, AND : ZONING HEARING BOARD OF
KENNETH H. BARNESLEY, VMD : EAST MARLBOROUGH TOWNSHIP

DECISION

On February 8, 2006, the Zoning Hearing Board of East Marlborough Township (hereinafter "ZHB"), having given proper notice, held a public hearing at the Township Building regarding the application of Gerald B. Auman, VMD, and Kenneth H. Barnesley, VMD, (hereinafter "Auman and Barnesley") for a special exception under the terms of Section 402.B. of the East Marlborough Township Zoning Ordinance As Amended (hereinafter "Zoning Ordinance") to permit Auman and Barnesley to build an accessory dwelling unit. Said hearing was a continuation of one originally scheduled for January 12, 2006.

All the members of the ZHB were in attendance, and they are P. Thomas Simpers, Jr., Chairman, Gerald Umbreit, F M Mooberry, Richard Pratt and Steve Davidson. Mark A. Haggerty acted as the Court Reporter.

Kristin S. Camp, Esquire, entered her appearance for Auman and Barnesley and Neil E. Land, Esquire, entered his appearance on behalf of Joseph Nolan, a neighbor. In addition, Ed Weisbrod was entered as a party.

FINDINGS OF FACT

1. Auman and Barnesley own a tract of land containing 10.056 acres, more or less, located at 619 Mill Road and known as Chester County Tax Parcel #61-5-210. They acquired this property in December of 2003. The property is located in the Agricultural Preservation District (AP).

2. Auman and Barnesley received conditional use approval from the Supervisors of East Marlborough Township by a Decision dated September 6, 2005. This conditional use approval permits Auman and Barnesley to have a veterinary hospital and kennel on the property.

Various conditions are added to the conditional use approval which Auman and Barnsley indicate that they will follow.

3. Various architectural renderings were made available by Auman and Barnsley to the ZHB showing a proposed 700 square foot dwelling unit to be located over the front of the proposed main building. This unit would have its own kitchen and bathroom facilities and would be occupied by an employee. The unit would not be rented.

4. Auman and Barnsley indicated that they needed to have someone living on the property in order to provide twenty-four (24) hour coverage and to provide emergency care if needed. As required by Section 402.B.1.g., Auman and Barnsley testified that they would execute a Memorandum of Agreement setting forth conditions on the use of the proposed dwelling unit, one condition being that the proposed dwelling unit could only be occupied by an employee.

5. The property would be serviced by on-lot septic and on-lot water.

6. Both Auman and Barnsley and James E. Fritsch, a Civil Engineer retained by Auman and Barnsley, testified that various standards and criteria set forth in Section 2109 of the Zoning Ordinance are met by the proposed dwelling unit, including:

- A. The use is consistent with the surrounding neighborhood.
- B. The use will not substantially impair, alter or distract from the use of surrounding property.
- C. The use is suitable with respect to traffic and highways in the area and provides for adequate access and off-site parking.
- D. Access point have been limited.
- E. Sufficient water and sewer service exists for the proposed use.
- F. Adequate illumination will be arranged for the proposed use.
- G. There is no adverse impact on the safety, health or general welfare of East Marlborough Township.

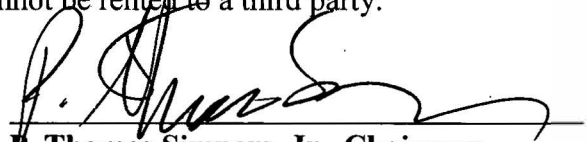
7. Various exhibits were introduced by Auman and Barnsley, and they were all admitted and are known as Exhibits A-1 through A-10.

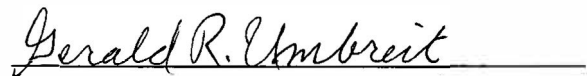
CONCLUSIONS OF LAW

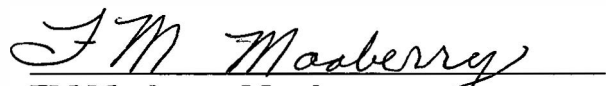
1. Auman and Barnsley have standing to bring this Application.
2. Section 402.B. of the Zoning Ordinance permits a special exception for an accessory dwelling unit subject to conditions set forth in the Zoning Ordinance. The conditions which are applicable to the proposed use have been met.
3. The right to seek a special exception exists only where provided for under the terms of a zoning ordinance. *Piscioneri v. Zoning Hearing Board of the Borough of Munhall*, 523 Pa., 597, 568A.2d 610 (1990). The proposed use in this matter is a permitted one.
4. The presentation by Auman and Barnsley satisfied the ZHB that they have met all the requirements for a special exception.

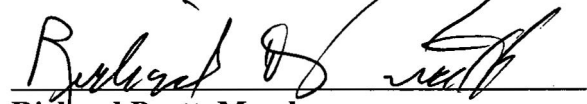
ORDER

Auman and Barnsley are hereby granted a special exception to permit them to build an accessory dwelling unit on the second floor of a veterinary hospital to be occupied by an employee provided that the dwelling unit cannot be rented to a third party.


P. Thomas Simpers, Jr., Chairman


Gerald Umbreit, Member


FM Mooberry, Member


Richard Pratt, Member

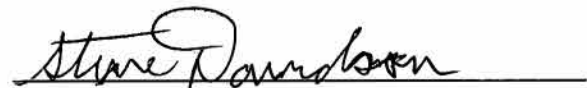
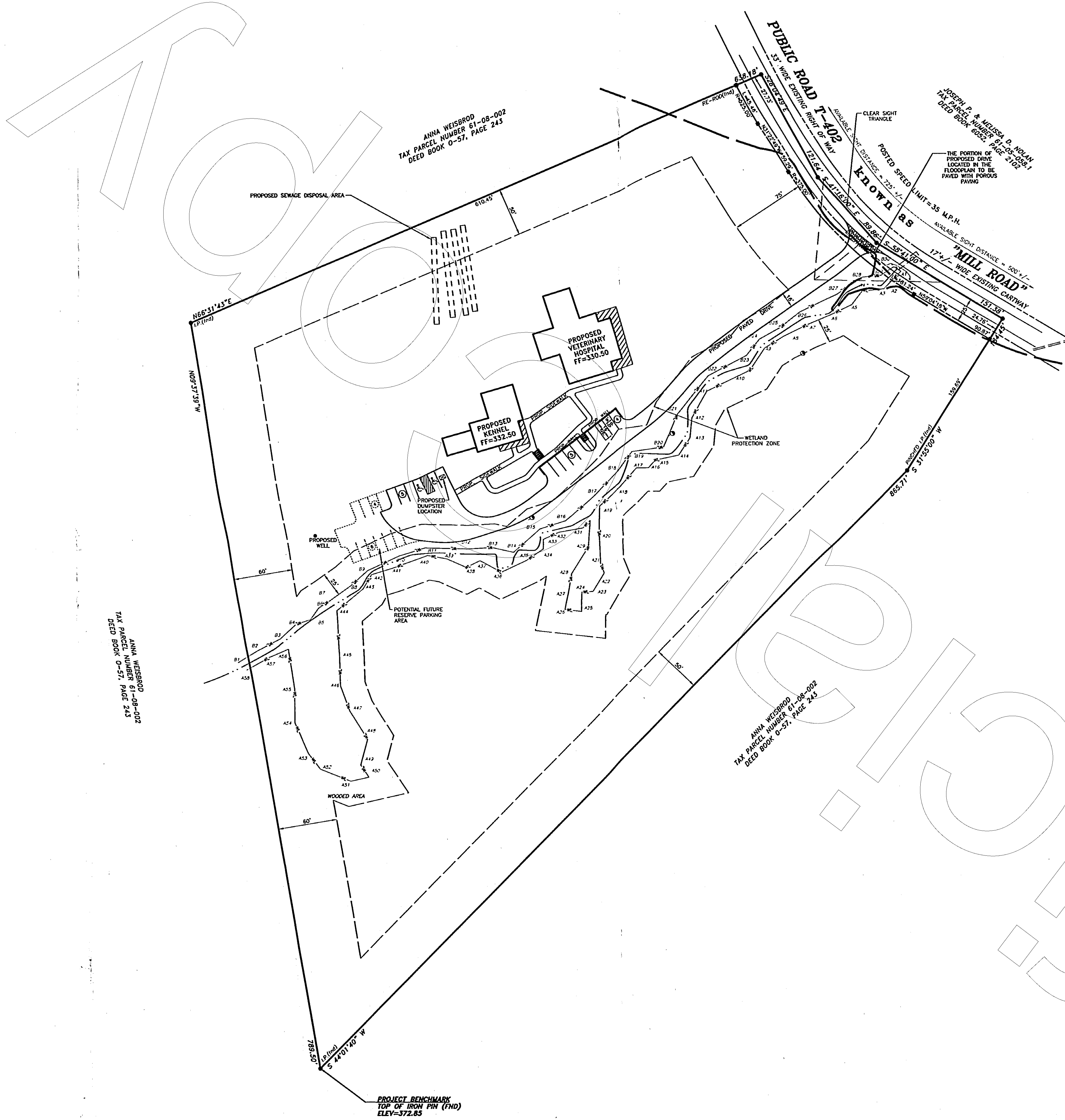
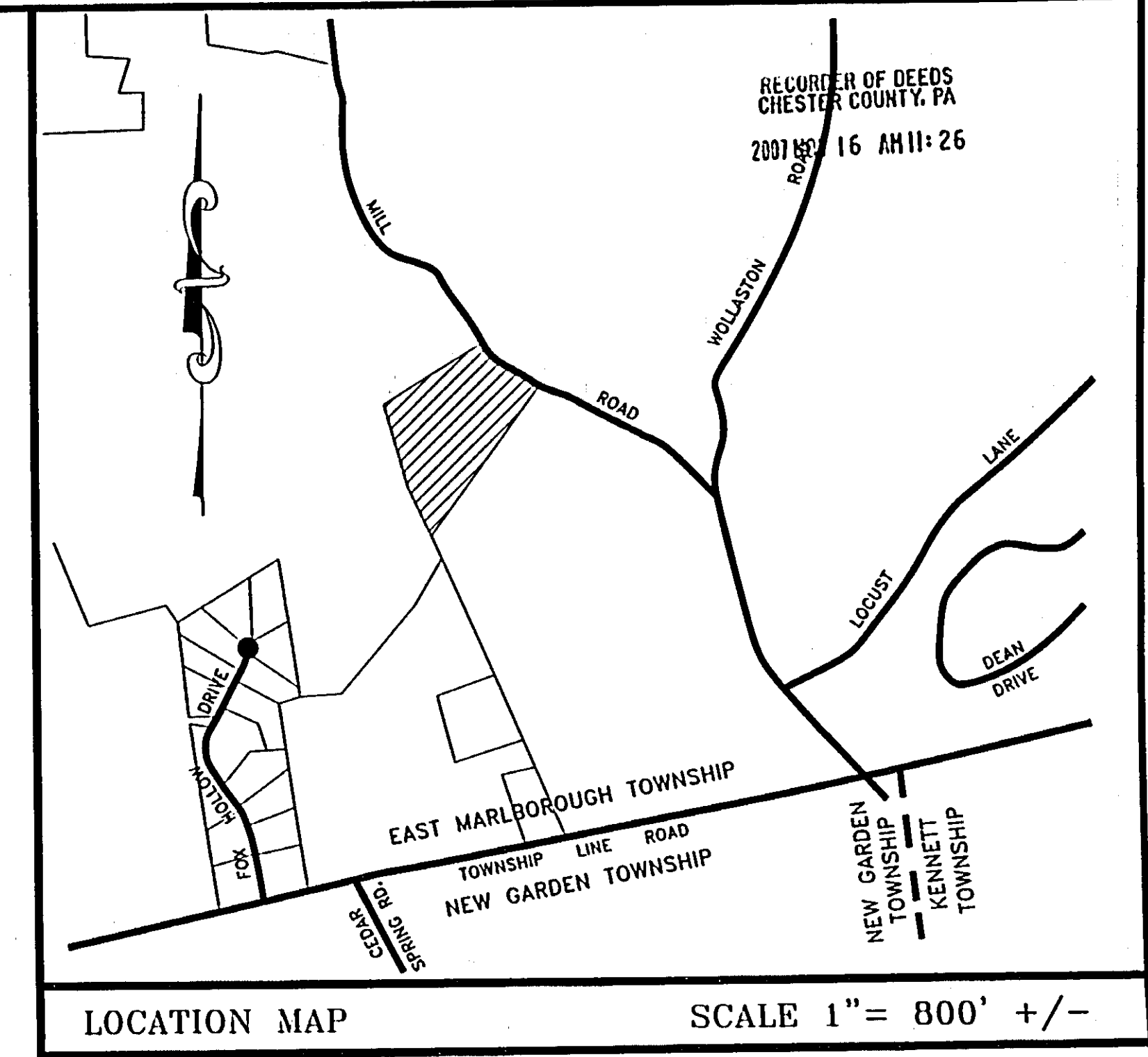
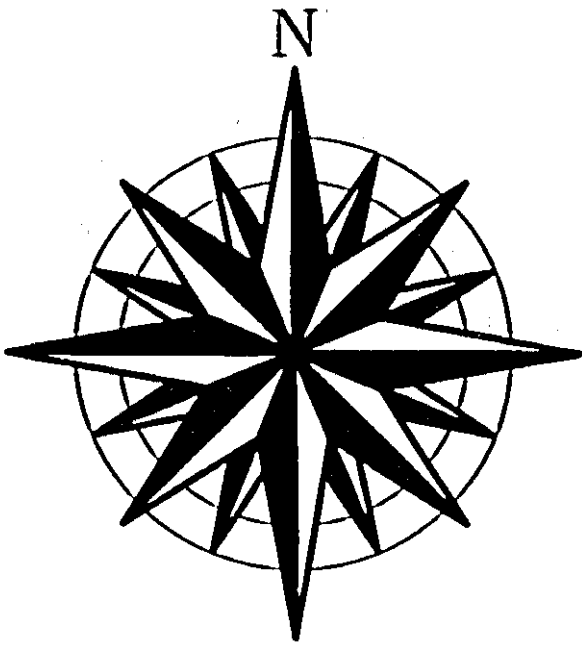

Steve Davidson, Member

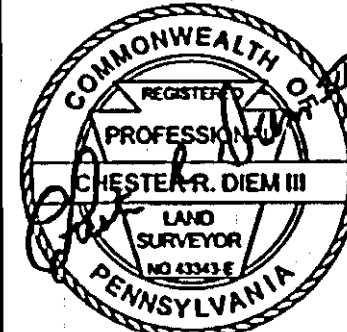
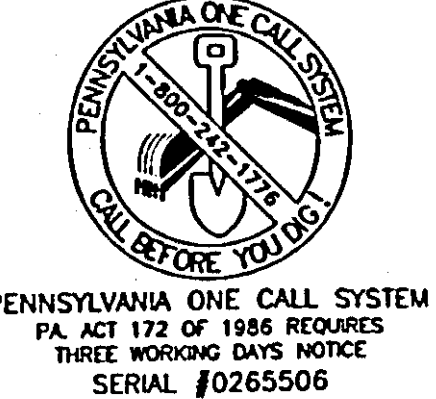
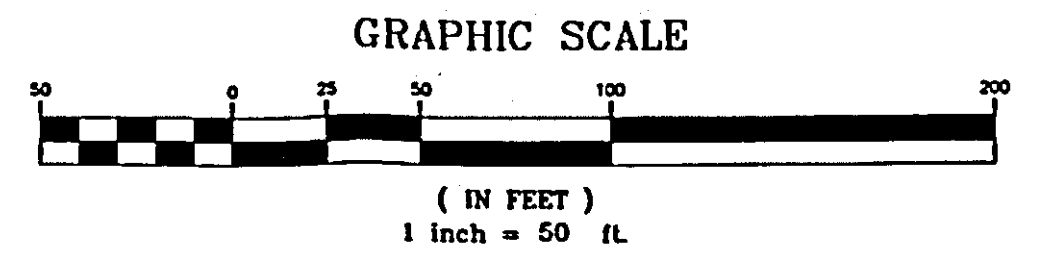
Exhibit “E”

**A Copy of the Cover Sheet and Site Plan of
the Approved Land Development Plan, Recorded
in the Office of the Recorder of Deeds on
November 16, 2007, as Plan No. 18304**

10603181
B-1830 P-1



- LEGEND**
- PROPERTY LINE
 - RIGHT OF WAY LINE
 - WETLANDS LIMIT
 - EXISTING STREAM
 - EXISTING EDGE OF STONE
 - EXISTING EDGE OF PAVING
 - FLOODPLAIN LIMITS
 - EXISTING UTILITY POLE
 - EXISTING GUIDERAIL
 - PROPOSED BUILDING SETBACK LINE
 - PROPOSED ULTIMATE RIGHT OF WAY LINE
 - PROPOSED POROUS PAVING
 - PROPOSED CONCRETE MONUMENT TO BE SET



REGISTER ASSOCIATES, INC.
REGISTERED LAND SURVEYORS
AND
PROFESSIONAL ENGINEERS
P.O. BOX 406
KENNETT SQUARE, PA. 19348
(610) 444-5554

3	05-09-07	REVISED PER TOWNSHIP ENGINEER'S REVIEW LETTER DATED 02-26-07, CLACKIN THOMAS PANZAK, INC.'S REVIEW LETTER DATED 03-21-07, AND CHESTER COUNTY CONSERVATION DISTRICT'S REVIEW LETTER DATED 03-20-07.	PLAN PREPARED FOR	DWG. BY DAM	SHEET
2	02-06-07	REVISED PER TOWNSHIP ENGINEER'S REVIEW LETTER DATED 07-25-06 AND CLACKIN THOMAS PANZAK, INC.'S REVIEW LETTERS DATED 05-22-06 AND 07-25-06.	GERALD B. AUMAN JR. & KENNETH H. BARNSLEY	CK'D. BY CRD III	3
1	06-27-06	REVISED PER TOWNSHIP ENGINEER'S REVIEW LETTER DATED 04-21-06 AND URS CORPORATION'S REVIEW LETTER DATED 05-11-06.	DATE	03-23-06	SCALE
NO.	DATE	DESCRIPTION	SITUATE IN	JOB NO.	DWG. NO.
			EAST MARLBOROUGH TOWNSHIP, CHESTER COUNTY, PA.	28184	8-1134
					REVISED 05-09-07 OF 9