

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
Agenda  
Wednesday, January 5, 2011  
7:00 PM**

- A. Call to Order / Pledge of Allegiance
- B. Chairman will ask if anyone is going to record the meeting
- C. Review of Tracking Log / Determine need for Workshop Meeting
- D. Public Comment on Non-Agenda Items
- E. Approval of Minutes
  - 1. **December 1, 2010**
- F. Acknowledge Receipt of New Applications
  - 1. **Del Vacchio Holdings, 922 N. Chester Rd. (McGinty's Nursery) (SE)**
- G. Subdivision Plans
  - Land Development Plans
- H. Conditional Uses and Variances
  - 1. **Del Vacchio Holdings, 922 N. Chester Rd. (McGinty's Nursery) (SE)**
- I. Ordinance Amendments
- J. Old Business
  - 1. Comprehensive Plan Goals
- K. New Business
- L. Any Other Matter
- M. Meeting Dates of Importance
 

January 3, 2011	Board of Supervisors Re-Org	7:00 PM
January 4, 2011	Board of Auditors Re-Org	7:00 PM
January 6, 2011	Park and Recreation	7:00 PM
January 8, 2011	Annual Planning Session	8:00 AM
January 10, 2011	Municipal Authority	7:00 PM
January 12, 2011	Conservancy Board	7:00 PM
January 12, 2011	Zoning Hearing Board	7:30 PM
January 13, 2011	Historical Commission	7:00 PM
January 13, 2011	Zoning Hearing Board	7:30 PM
January 17, 2011	Martin Luther King, Jr. Holiday - Office Closed	
January 18, 2011	Board of Supervisors	7:00 PM
January 25, 2011	Board of Supervisors	7:00 PM
- N. Correspondence
- O. Goals
- P. Adjournment

- **Bold items indicate that new information to review for that application.**

**REMINDER – Newsletter Article Submission Due Date:**

<u>Article Due Date</u>	<u>Delivery Date</u>
February 9, 2011	April 1, 2011

Planning Commission Application Tracking Log

Application Name Dei Vacchio Holdings, 922 N. Chester Rd. (McGinty's)	ZHB / SE	S	12/27/10	12/27/10	Start Date 12/27/10	n/a	n/a	n/a	Date to Abutting Prop. / ABC's 12/30/10	Extension	PC NLT Action Date 2/2/11	BOS NLT Action Date 2/2/11	Hearing Date 2/10/11	Drop Dead date 2/25/11
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**Bold = New Application or PC action required**

draft  
**EAST GOSHEN TOWNSHIP**  
**PLANNING COMMISSION MEETING**  
**December 1, 2010**

*The East Goshen Township Planning Commission held their regularly scheduled meeting on December 1, 2010 at the East Goshen Township building. Members present were: Chairman George Martynick, Susan Carty, Peter Mylonas, Dan Daley, Jim McRee, Megann Hedgecock and Al Zuccarello. Also present were Township Zoning Officer Mark Gordon, Don McConathy (Supervisor), Chris Reardon (Historical Commission) and Ginnie Newlin (Conservancy Board).*

**WORKSHOP SESSION – 7:00pm**

- A. The minutes of November 3, 2010 were reviewed. A motion will be passed in the formal session.
- B. The various agenda items were reviewed.

**FORMAL SESSION**

**A. Pledge of Allegiance & Announcements**

George called the meeting to order at 7:30 pm and led those in attendance in the Pledge of Allegiance. There was a moment of silence to remember our armed forces.

George asked if anyone would be recording the meeting. There was no response.

George announced that there will be no workshop this month.

George asked those in attendance if there were any non-agenda items to be discussed. Ginnie Newlin wanted to comment about the plan to retain trees on Sorrel Hill to prevent the hillside from collapsing. Jackie Weber called because someone is cutting the trees down. The Township staff was notified.

**B. Reorganization**

Sue moved to appoint George as Chairman for 2011. Al seconded the motion. The motion passed unanimously.

Peter moved to appoint Sue as Vice Chairman for 2011. Megann seconded the motion. The motion passed unanimously.

**C. Approval of Minutes**

Jim made a motion to approve the minutes of November 3, 2010 as corrected. Dan seconded the motion. The motion passed. Al abstained.

**D. Acknowledge Receipt of New Applications**

- 1. George acknowledged receipt of an application from Liberty Towers, 1594 Paoli Pike.

**E. Conditional Use and Variances**

**1. Liberty Towers, 1594 Paoli Pike.** This is the third application from this applicant for this location. There was no representative for the applicant present at the meeting. Al moved to recommend that the Board of Supervisors oppose these variance requests based on the fact that the applicant has not provided evidence of any hardship(s) to support either the use or the dimensional zoning variance request, as required by law. Granting these variance requests for a wireless communications tower use in the center of the community, next to two elementary schools and adjacent to the Township historic district, would have a significant negative impact on the quality of life and greatly alter the essential character of the neighborhood. Sue seconded the motion. Peter amended the motion as follows: The applicant has failed to prove hardship through propagation data or information of a gap in coverage in the immediate area. The motion passed unanimously.

1 **F. Old Business**

2 1. **I & BP Parking** – Mark reviewed the proposed ordinance amendment with Township Manager, Rick  
3 Smith. He provided a copy of the revised amendment explaining the changes they made. He will have it  
4 reviewed by the Township solicitor. It will then go to the County for review. It should be back for the  
5 Commission to review in February.

6 2. **Goals for 2011** - After discussion of the Comprehensive Plan goals, every commission member will  
7 select 5 out of the 10 High Priority items. When the votes are counted at the January meeting, the three  
8 items with the most votes will get the focus for 2011. Mark will make up the list of 10 and send it out before  
9 the meeting.

10 **G. Any Other Matter**

11 1. Don announced that the Township has a new email system that will archive emails. Each ABC Chairman  
12 will be assigned an email to use when sending items to board members.

13 **H. Adjournment**

14 Motion to adjourn the meeting was made by Peter and seconded by Sue. The meeting adjourned at 8:30 p.m.

15  
16 Respectfully submitted, \_\_\_\_\_  
17 *Ruth Kiefer, Recording Secretary*

18  
19 C:\Documents and Settings\horne\Mv Documents\My Words\Planning Commission\PC 2010\PC 120110.dnqt.doc

**EAST GOSHEN TOWNSHIP  
ZONING HEARING BOARD APPLICATION**  
1580 PAOLI PIKE WEST CHESTER, PA 19380-6199  
PHONE (610)-692-7171 FAX (610)-692-8950

Name of Applicant: Del Vacchio Holdings, LLC

Applicant Address: c/o Brian L. Nagle, Esquire, MacElree Harvey, Ltd., 17 West Miner Street, Post Office Box 660  
West Chester, PA 19381-0660

Telephone Number: 610.436.0100 Fax Number: 610.429.4486

Email Address: bnagle@macelree.com

Property Address: 922 North Chester Road, West Chester, PA 19380

Tax Parcel Number: 53-4-54 Zoning District: R-2 Acreage: 4 acres

**Purpose of Application (check one)**

- Variance (Type:  Use Variance  Dimensional Variance)
- Special Exception
- Appeal determination of the Zoning Officer
- Other

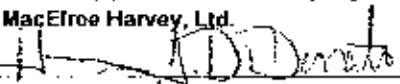
**Sections of Zoning Ordinance in which relief is sought:**

Section 240 40.C(2)(e)

**Description of the Zoning Relief requested and the future use of the property:**

Please see attached narrative.

We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the East Goshen Township Zoning Ordinance applicable to this project and property.

By:   
Harry J. DiDonato, Esquire  
Attorney in Fact

December 28, 2010  
Date

**\*Please review the formal application and review procedures on page three.**

**EAST GOSHEN TOWNSHIP  
ZONING HEARING BOARD APPLICATION**

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199  
PHONE (610)-692-7171 FAX (610)-692-8950

This checklist outlines the steps and items needed to insure completeness of the application and to insure the application follows the process and conforms to the timeframe outlined by the state of Pennsylvania and East Goshen Township. This checklist is broken into two parts, the Application process and the Review Process. The application process must be completed in its entirety prior to the applications advancement into the Review Process.

Applicant Name: Del Vacchio Holdings, LLC

**Application Process Checklist (Administration use only):**

<u>Item</u>	<u>Date Complete</u>
1. Completed Township Application Form: .....	_____
2. All related materials submitted: .....	_____
3. Township application and review fees paid: .....	_____

Application accepted on \_\_\_\_\_ by \_\_\_\_\_

Official Signature \_\_\_\_\_ Title \_\_\_\_\_

**Review Process Checklist**

<u>Item</u>	<u>Date</u>
1. Start date: .....	_____
2. Date of first formal Planning Commission Meeting following complete application: .....	_____
3. Date sent to CCPC: .....	_____
4. Date sent to Township Engineer: .....	_____
5. Date presented to Planning Commission: .....	_____
6. Date sent to CB: .....	_____
7. Date sent To MA: .....	_____
8. Date sent to HC: .....	_____
9. Date sent to PRB: .....	_____
10. Date sent to TAB: .....	_____
11. Date by which the PC must act: .....	_____
12. Date by which Board of Supervisors must act: .....	_____
13. Drop Dead Date; (Day 60): .....	_____
14. Zoning Hearing Date: .....	_____
15. Dates of public advertisement: .....	_____ & _____

**EAST GOSHEN TOWNSHIP  
ZONING HEARING BOARD APPLICATION**

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199

PHONE (610)-692-7171 FAX (610)-692-8950

**Procedures for the processing and review of Subdivision, Land Development, Conditional Use, Variance, and Special Exception Applications**

**August 19, 2002**

**2<sup>nd</sup> Revision: March 2, 2006**

1. In order for any application to be considered by the Planning Commission it must be submitted to the Township with all required documentation as per the Township Code and with all applicable fees paid. The Township will use a checklist to verify all required documentation has been submitted. Until the application is complete the application will not be considered "filed" by the Township staff. The Planning Commission will acknowledge receipt of the application at their next regularly scheduled meeting.
2. All materials to be considered at the next regular meeting of the Planning Commission must be submitted with at least eleven (11) copies to the Township Staff by not later than close of business the previous Tuesday. Any materials submitted after that time will be held for the following meeting and not provided to the Commission at the upcoming meeting.
3. The application review cycle for Subdivision and Land Development Applications shall begin with the next regular meeting of the Commission after the complete application is filed. The application review cycle for Conditional Use, Variance, and Special Exception Applications shall begin the day a complete application is filed with the Township.
4. Applicants should not distribute material to the Commission during a meeting unless it is directly related to the initial presentation of the application. All materials for the Planning Commission, including any material to be used at a meeting, must be delivered to the Township Staff not later than close of business the previous Tuesday.
5. The burden of supplying necessary materials to the Planning Commission in a timely manner is on the applicant. Late delivery of material may require an extension on the part of the applicant or a recommendation for denial of the application by the Planning Commission.
6. Formal application presentations to the Planning Commission will only be made at the regular meeting after the complete application is submitted and accepted by the Township staff.
7. The application will remain on the Planning Commission's agenda until such time as the Commission has made its recommendation to the Board of Supervisors and or Zoning Hearing Board.
8. Applicants are encouraged to attend each Planning Commission meeting in order to answer questions or address issues concerning their application.
9. Applications will be voted on only during the regular Planning Commission meetings.
10. The Chairman, in his sole discretion, may waive or modify any of this procedure.

**Zoning Hearing Board Procedural Rule for Hearing Continuances: ADOPTED: May 13, 2009**

1. The Zoning Hearing Board may grant one application for hearing continuance. Subject to the limited circumstances referenced in paragraph 2 below, the rescheduled hearing shall be held unless the applicant withdraws the application.
2. The continuance after the first one shall only be granted in an extraordinary circumstance.
3. The Zoning Hearing board has the sole discretion whether to grant any continuance.

BEFORE THE ZONING HEARING BOARD OF EAST GOSHEN TOWNSHIP

IN RE: SPECIAL EXCEPTION APPLICATION OF DEL VACCHIO  
HOLDINGS, LLC

**NARRATIVE IN SUPPORT OF APPLICATION FOR SPECIAL EXCEPTION**

**I. Introduction.**

Del Vacchio Holdings, LLC is the equitable owner (the "Owner") of a 4 acre property located on Route 352 North of Paoli Pike in East Goshen Township, Chester County, Pennsylvania, with an address of 922 North Chester Road (the "Property"). Owner hereby requests, by and through its undersigned counsel, that the East Goshen Township Zoning Hearing Board grant a special exception permitting the alteration of the existing legal non-conforming use of the Property pursuant to Section 240-40.C(2)(e) of the East Goshen Township Zoning Ordinance. The alteration sought is the replacement of a greenhouse building with a new barn-style building to be utilized in connection with the Proposed Use, as set forth below. The Township Zoning Officer, by memorandum dated December 21, 2010, confirmed that the Proposed Use constitutes a permissible continuation of the legal non-conforming use. See Zoning Officer's memorandum, attached hereto as Exhibit "A."

**II. The Current Use**

The current use is the same as the Proposed Use except that the Proposed Use includes plans to eliminate impervious coverage and restore the rear of the Property to an open grass and landscaped condition, add additional perimeter buffering, and replace certain existing greenhouse buildings with a new and attractive barn style building. With respect to the retail use of the Property, the current legal owner maintained the following retail sales: 1) bedding plants, hanging baskets and shrubs in the spring and in the summer; and 2) corn, tomatoes and vegetables in the summer; and 3) small bottled fertilizers, flowers and pottery year-round; and 4) Christmas trees, wreaths, roping, poinsettias and greens during the Christmas season; and 5)



corn stalks, gourds, and pumpkins in the Fall; and 6) year-round seasonal items for sale including flowers, pottery, cards, candles and vases and other sundries.

### III. The "Proposed Use"

The Proposed Use of the Property is to continue the existing legal nonconforming use of the Property as a landscape service center, with limited retail sales, and related outdoor storage. It also includes continued use of the existing residential dwelling for single family residential occupation. The details of the Proposed Use are as follows:

- a. **Off-site Landscaping Services:** Landscape service center includes providing remote landscaping services to clients/customers of the Owner. This includes landscaping for homes and businesses as well as seasonal exterior decoration, primarily related to exterior Christmas decoration, and off-season storage of same in some cases. Six bins are proposed to house mulch, stone and top soil. The top soil bin is proposed to be under roof.
- b. **Minor Retail Sales:** The Proposed Use will include the continuance of minor and seasonal retail sales of plants and flowers and other nursery products. While low volume retail sale of the limited mulch options may occur, no full service multi-varietal mulch sales are proposed. The Owner will reserve the right to continue the planting and maintenance of nursery stock in the existing field areas. See Section II above regarding details of retail sales which the Owner plans to continue.
- c. **Front Yard:** While a parking area will remain in the front yard, no other front yard storage is proposed.
- d. **Vehicles:** The vehicle fleet for the Proposed Use includes 1 large stake body truck, 2 low-boy dump trucks and 3 enclosed box trucks. These vehicles would be stored in the paved area shown on the sketch plan to the rear and side of the

main buildings, and significantly set back from the front yard of the Property as shown on the sketch.

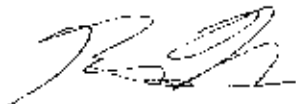
- e. **Other Equipment:** Other equipment includes 2 enclosed trailers, 1 open skid steer trailer, and 1 small 4' x 8' open trailer. Owner also has a mulch blower, leaf loader, 2 skid steers and a tractor with various attachments. This equipment would be stored in the paved area shown on the sketch plan to the rear and side of the main buildings and significantly set back from the front yard of the Property as shown on the sketch. Some of the equipment will be stored indoors and much of the equipment will be stored indoors or otherwise under roof during off-season periods of time. Modest replacement or additional equipment or vehicles is anticipated.
- f. **Replacement Building:** The Property has existing buildings and building pad areas totaling 24,877 +/- square feet. As shown on the sketch, the Proposed Use includes the permanent removal of 12 buildings located on the Property, including some buildings that have been temporarily removed. The removed buildings will include 9 greenhouses, 2 sheds and one garage. The Zoning Officer determined that certain of the existing buildings or building pads were never properly authorized by the Township. Nevertheless, the Zoning Officer has determined that the proposed 5,000 square foot barn type building (the "Barn") can be accommodated within the recognized impervious coverage area of existing buildings, as shown on the sketch plans submitted herewith and attached hereto. The Barn will house a two to three bay service area for service and maintenance of the vehicles and equipment that are used for the business, as outlined above. The building will also encompass office and storage areas, for use pertaining to the landscaping services and minor retail sales.

- g. **Far rear of Property:** As shown on the sketch plan, all buildings will be removed from the far rear of the Property, and that area will be returned to green space. Owner would like to reserve the right to, in the future, remove the existing residential dwelling and construct a new residential dwelling in the area toward the rear of the Property. A 3,000 square foot future residential footprint and drive is shown on the sketch. There are also exposed well pipes, which if left uncovered, will be prone to freezing which may damage the system and prevent water availability. A solution will have to be devised to address this problem.
- h. **Increased buffering:** The Owner is proposing new increased buffering to be located at various points around the perimeter of the Property, as shown on the sketch plans.

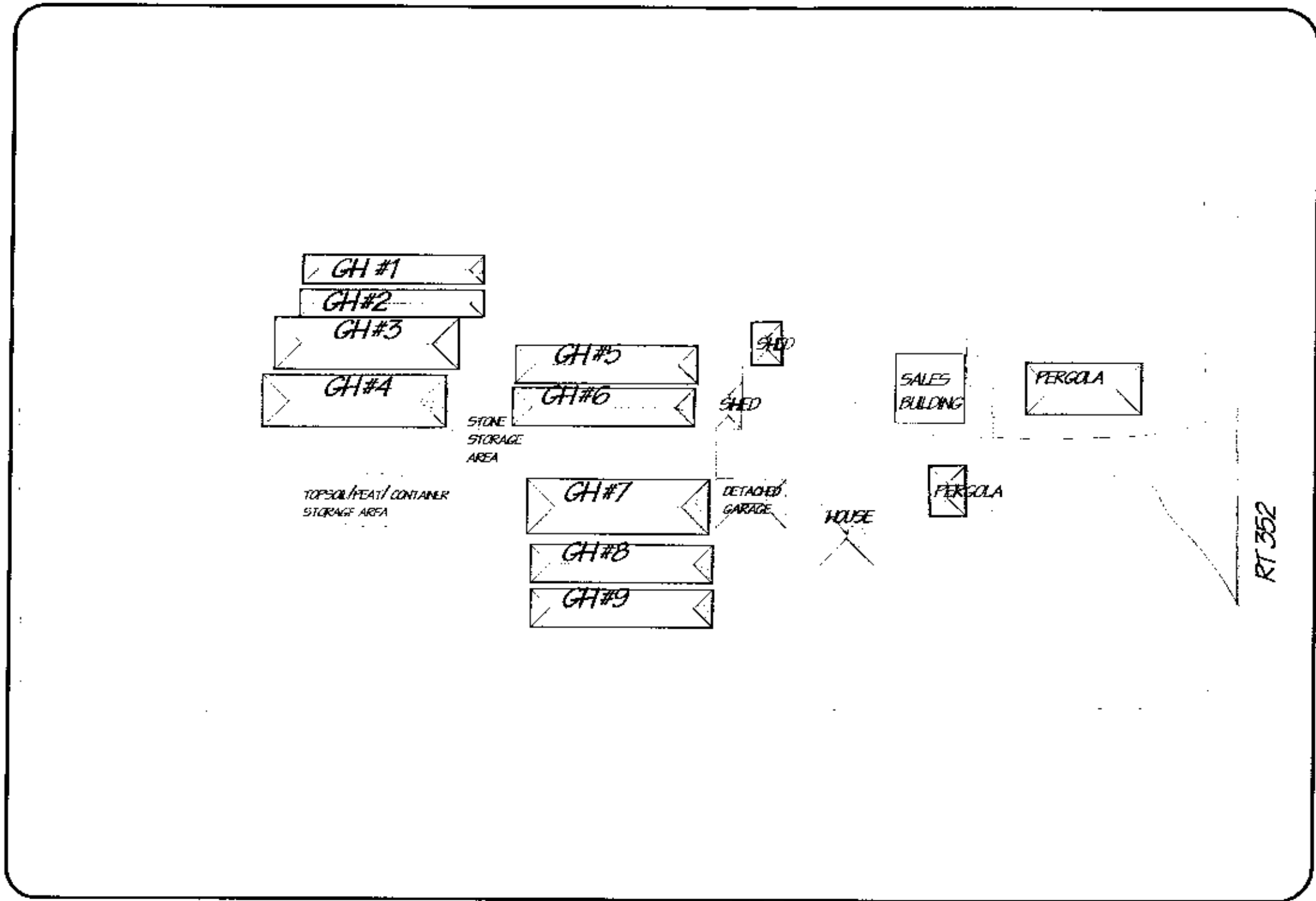
#### **IV. Conclusion**

Owner will establish compliance with the applicable Special Exception standards during the hearing before the Zoning Hearing Board in support of approval of the Special Exception for the alteration of the non-conforming use in the form of the construction of the aforementioned replacement building.

Respectfully submitted,



Brian L. Nagle



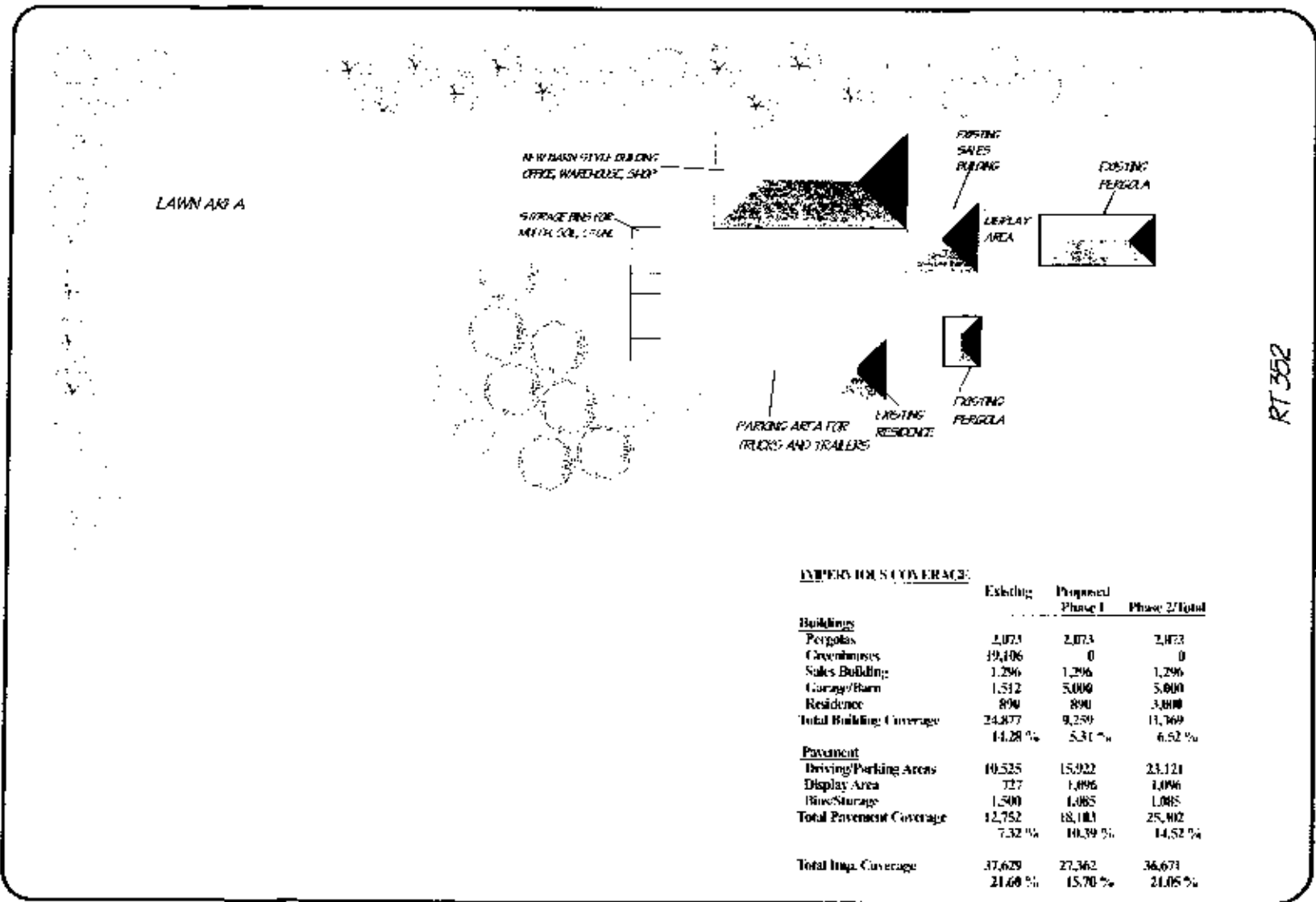
Revisions: ...

Date: 05-19-2010

Project:  
**Existing Site Conditions**  
 922 North Chester Road  
 West Chester, PA 19382

**Del Vacchio Landscapes, Inc.**  
 P.O. Box 237  
 Edgemoor, PA 19028  
 P: 610-353-5643 F: 610-355-2494  
 www.delvacchiolandscapes.com

Designed By:  
 Vince Del Vacchio  
 Scale: 1" = 50'



Revised:

Date: 05/19/2011

Project

Conceptual Drawings  
Phase I  
922 North Chester Road, West Chester, PA 19382

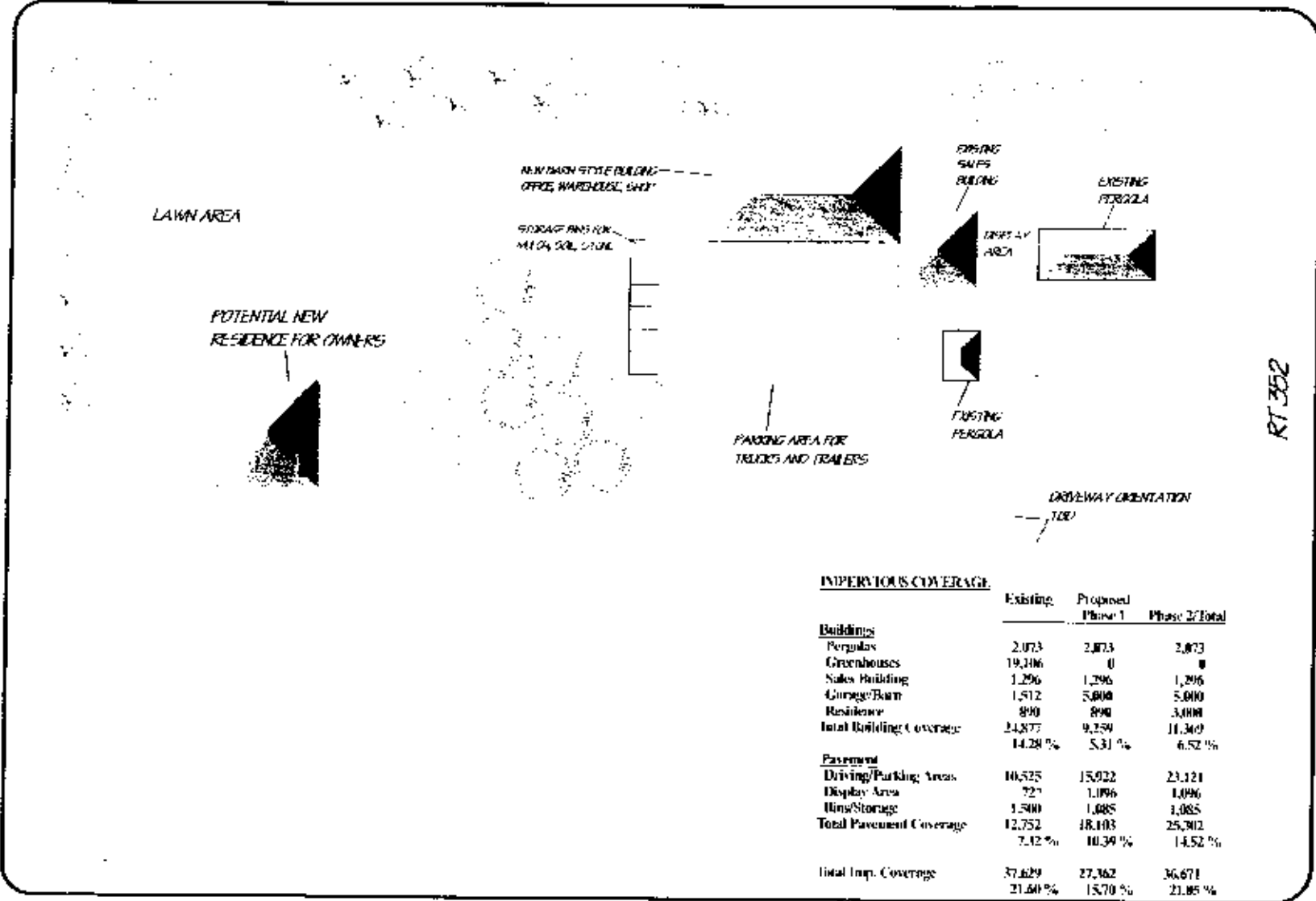
RT 352

**IMPERVIOUS COVERAGE:**

	Existing	Proposed Phase I	Phase 2/Total
<b>Buildings</b>			
Pergolas	2,073	2,073	2,073
Greenhouses	19,406	0	0
Sales Building	1,296	1,296	1,296
Garage/Barn	1,512	5,000	5,000
Residence	890	890	3,800
<b>Total Building Coverage</b>	<b>24,277</b>	<b>9,259</b>	<b>11,769</b>
	14.28 %	5.31 %	6.52 %
<b>Pavement</b>			
Driving/Parking Areas	10,525	15,922	23,121
Display Area	727	1,096	1,096
Bin/Storage	1,500	1,085	1,085
<b>Total Pavement Coverage</b>	<b>12,752</b>	<b>18,103</b>	<b>25,302</b>
	7.32 %	10.39 %	14.52 %
<b>Total Imp. Coverage</b>	<b>37,029</b>	<b>27,362</b>	<b>36,671</b>
	21.60 %	15.70 %	21.05 %

**Del Vacchio Landscapes, Inc.**  
P.O. Box 217  
Edgemoor, PA 19328  
P.O. 332-5643 Fax 333-2494  
www.delvacchiolandscapes.com

Designed By:  
Vince Del Vacchio  
Scale: 1" = 50'



**IMPERVIOUS COVERAGE**

	Existing	Proposed Phase 1	Phase 2/Total
<b>Buildings</b>			
Pergolas	2,073	2,073	2,073
Greenhouses	19,346	0	0
Sales Building	1,296	1,296	1,296
Garage/Barn	1,512	5,000	5,000
Residence	890	890	3,000
<b>Total Building Coverage</b>	<b>24,877</b>	<b>9,259</b>	<b>11,369</b>
	14.28 %	5.31 %	6.52 %
<b>Pavement</b>			
Driving/Parking Areas	10,525	15,922	23,121
Display Area	727	1,096	1,096
Bins/Storage	1,500	1,085	1,085
<b>Total Pavement Coverage</b>	<b>12,752</b>	<b>18,103</b>	<b>25,302</b>
	7.12 %	10.39 %	14.52 %
<b>Total Imp. Coverage</b>	<b>37,629</b>	<b>27,362</b>	<b>36,671</b>
	21.40 %	15.70 %	21.05 %

Revisions: ...  
 Date: 05-14-2011  
 Project: Conceptual Drawings Phase 2  
 922 North Chester Road, West Chester, PA 19382  
 Del Vacchio Landscapes, Inc.  
 P.O. Box 237  
 Edgemoor, PA 19028  
 610-355-5043 Fax: 610-355-1494  
 www.delvacchio.com  
 Designed By: Vince DelVacchio  
 Scale: 1" = 50'

# Memorandum

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East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380  
Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

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Date: 12/21/2010  
To: Brian Nagle, Esq.  
From: Mark Gordon, Township Zoning Officer  
Cc: Rick Smith, Township Manager  
Re: 922 N. Chester Rd. / Transfer of property and continuation of non conforming use

Brian,  
Rick and I have reviewed your memorandum of 12/15/10 and we offer the following.

## Buildings:

Exhibit C from the 1983 ZHB hearing depicts the following improvements on the property.

shed 14 x 24	240 sq ft
vegetable stand - no size,	
house no size	
garage - no size	
greenhouse (10 x 12 from page 17 of testimony)	120 sq ft
work shed - 12 x 20	240 sq ft
greenhouse - 14 x 76	644 sq ft
greenhouse - 28 x 96.	2688 sq ft
Total	3932 sq ft

In 1994 McGinty obtained a variance to replace the 14 x 24 shed with a 36 x 36 sales building.

shed 14 x 24	240 sq ft
sales building	1296 sq ft
Total	1056 sq ft

In 2000 McGinty obtained a permit to erect a shade structure 60 X 25 in the front yard. The structure was not to be considered a building for determination of square footage of the non-conforming use.

The Township has no record of permits being issued for the second shed, the second shade structure or additional greenhouses.

Accordingly the Township position is that the applicant is entitled to 4,988 sq ft of building for the non-conforming use plus the square footage of the garage.

## EXHIBIT "A"

**The Use:**

The applicant is permitted to continue to operate the use in accordance with the findings of facts and decisions set forth in the 1983 and 1994 ZHB decisions. It is our position that the Landscape business (Both the Retail and the Contracting aspects) described in your memo and plans are generally consistent with the business that was operated by Mr. McGinty. The items sold by McGinty's Nursery were grown and brought in products.

Phase 1 - In order to construct the barn style building depicted on the Phase I Plan the Applicant would need approval of a special exception from the ZHB pursuant to §240-40.C(2)(e) of the Township Zoning ordinance.

Phase 2 - The new residence depicted on the Phase 2 Plan could be done by building permit, since single family dwellings are permitted as a use by right in the R-2 Zoning District.

**Approval Process:**

The ZHB meets as needed and a hearing for a special exception use could be scheduled in late January if all materials are received by Tuesday December 28th. See §240 57 of the Township Zoning ordinance for Special Exception procedures.

Please contact me if you have any questions or to discuss this matter further.



# Memorandum

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East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380  
Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

---

**Date:** 12/30/2010  
**To:** Planning Commission  
**From:** Mark Gordon, Zoning Officer *mb*  
**Re:** Del Vacchio Holdings / 922 N. Chester Rd. / McGinty's Nursery

Dear Commissioners,

The application before you for Del Vacchio Holdings is a Special Exception application because McGinty's Nursery is a legal non-conforming use. As you can tell from the application the applicant proposes to continue that use with some alteration.

The Township recognizes the applicant's right to continue the use in so much that the impacts are minimized and mitigated to the greatest extent possible by the applicant. The Township has no record of the retail sale of mulch at McGinty's and therefore if it is granted as an alteration of the legal non-conforming use conditions should be imposed to mitigate the alteration.

I have drafted a motion for your consideration if the PC has enough information to move the application on to the Board of Supervisors at this time. Number 4 is very vague but I am open to the PC's thoughts on how to mitigate the impacts of the loading of mulch for the surrounding residential neighbors

## DRAFT MOTION:

Mr. Chairman, I move that we recommend that the Board of Supervisors support the Special Exception application of Del Vacchio Holdings who is seeking an alteration to the existing legal nonconforming use with the following conditions:

1. All greenhouses, accessory buildings, garages, sheds and Junk is to be removed from the property and the ground returned to a grass condition prior to the construction of the proposed barn type structure.
2. The applicant will follow all applicable federal, State and Local laws and secure all proper permits prior to construction of the improvements or use of the existing buildings on the property.
3. A Landscape plan shall be submitted and approved by the Zoning Officer prior to construction of the proposed barn type structure. The landscape plan shall address screening of the proposed building, equipment and vehicle parking areas and outdoor storage areas throughout the property.
4. Retail sales of mulch shall be limited to 11 AM and 3 PM Monday thru Saturday with no mulch sales on Sundays. *I think that Sunday sales of mulch should be prohibited*

**BOARD OF SUPERVISORS**  
EAST GOSHEN TOWNSHIP  
CHESTER COUNTY  
1580 PAOLI PIKE, WEST CHESTER, PA 19380 6199

December 30, 2010

Dear Property Owner:

The purpose of this letter is to inform you that Del Vacchio Holdings, LLC has submitted a Zoning Hearing Board application for consideration of A Special Exception approval for the property located at 922 N. Chester Road, West Chester, PA, 19380; formerly the McGinty Nursery Location. The applicant is requesting an alteration to a legal non-conforming use (§240-40.C(2)). The applicant proposes to operate a Landscape Service Center similar to McGinty's Nursery. The alteration proposed would be to replace an existing greenhouse with a barn style building to be used in conjunction with the proposed use.

Pursuant to Township policy, property owners and residents within 1000 feet of the subject property are notified of Zoning Variance applications.

**The meeting dates and times scheduled for the review and discussion of this application are outlined below and subject to change.**

**January 5, 2011** - Planning Commission meeting (workshop at 7:00 pm, formal meeting @ 7:30 pm) **(Presentation of Application)**

**January 18, 2011** - Board of Supervisors meeting (7:00 pm)

**February 10, 2011** - Zoning Hearing Board (7:30 pm) **(Special Exception Hearing)**

All meetings are held at the Township Building and are open to the public. The plans are available for review during normal business hours. Please give me a call at or email me at [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org) if you have any questions or need additional information.

Sincerely,



Mark A. Gordon  
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions

# Memorandum

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**East Goshen Township**

**1580 Paoli Pike**

**West Chester, PA 19380**

**Voice: 610-692-7171**

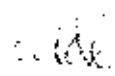
**Fax: 610-692-8950**

**E-mail: [mjgordon@eastgoshen.org](mailto:mjgordon@eastgoshen.org)**

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**Date: 12/30/2010**

**To: All ABC Chairmen**

**From: Mark Gordon, Township Zoning Officer** 

**Re: ABC Email Protocol**

Dear ABC Chairmen:

The Township has launched a new email system which employs a variety of additional functionalities. The main purpose for the upgrade is to satisfy the State Statute requirements brought about by the "Open Records" and "Right to Know" Legislation. The new system will allow the staff to search the email archives for emails pertaining to a specific topic should a public "Right to Know Request" be received.

One additional function is that all ABC Chair's will be receiving an East Goshen email address linking you to the new Township Email (webmail) system Inbox. Just ABC Chairs will be getting a Township webmail Inbox. This Inbox shall be used for all of your ABC business. I have outlined the protocol for its use below; **please review this with all of your members and forward any questions to me through your Staff Liaison.**

We are in the process of setting up all the mailboxes at this time and you will be notified at your current email address with instructions and a password when the email address is ready.

Protocol:

- All outbound emails from ABC Chairs relating to Township business, or any matter before the ABC, shall be communicated using the new East Goshen webmail address.
- All email correspondence between individual ABC members using personal email accounts relating to Township business, or any matter before the ABC, shall CC the ABC Chair's East Goshen webmail address.
- When Replying Township Business Emails be sure to always "Reply to All", this will insure that the complete string of emails is archived in the system.
- ABC Chair webmail addresses will be available on the appropriate ABC page of the Township website linked to their name. The standard format for webmail

addresses will be the first letter of the first name and the full last name  
@eastgoshen like mgordon@eastgoshen.org.

I have attached copy of the resolution for your information and use.

**Once you have established the 2011 Chairmen for your respective ABC, please forward me their name so we can get all the email addresses created.**

12/21/2010  
10:11 AM  
10/21/2010

**Rick Smith**

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**From:** Rick Smith [rsmith@eastgoshen.org]  
**Sent:** Tuesday, December 21, 2010 7:14 AM  
**To:** 'George Martynick'; 'mefrica@aol.com'  
**Cc:** 'mgordon@eastgoshen.org'; 'galthouse@eastgoshen.org';  
'denenstein@bdcomputersolutions.com'  
**Subject:** ABC Chairmen  
**Attachments:** 10-43 E-Mail Policy with Archiving 112310.doc

Good Morning

As you may be aware the "Right to Know Law" and e-mail has opened up a new set a challenges for the Township.

The short story is the e-mails sent to and from public officials, such as a member of the Board of Supervisors, Planning Commission member or a member of the Historical Commission are considered public records. As such people have the right to view them. This is true even if you as an ABC member send the e-mail from your personal computer.

While a blanket request to view all of your Township e-mails would not be permitted, a request to view e-mails concerning the "Jones Project" would. This hich means that there needs to be a system to search for specific e-mails.

In order to comply with this new law the Township has implemented a system where all of the township e-mails are achieved on our e-mail provider's server. Under the new system the archived e-mails can be searched. In addition the will eliminate the need for you and other ABC members to sort thru you e-mails to satisfy Right to Know requests.

There is a monthly service charge for the archiving service and in order to minimize costs the Board had decided that only the Chairman of each ABC should have an eastgoshen.org e-mail account. This will be listed on the Township web page.

The Township's IT consultant will set up a web mail site for you. Essentially you go to the web site, log in and you can then send or receive e-mail related to Township business.

Your Township e-mail address will be your first initial followed by your last name.

Ellen Carmody [ecarmody@eastgoshen.org](mailto:ecarmody@eastgoshen.org)  
George Martynick [gmartynick@eastgoshen.org](mailto:gmartynick@eastgoshen.org)

The Township has adopted a policy on e-mails. (Attached) Please review section 6 on the last page.

I have copied Burt Denenstein, our IT consultant, on this e-mail. Burt will set up your account and e-mail you your password and instructions.

I have also copied your staff liaison and they will review the new policy and archive system at your next meeting.

Happy Holidays.

Rick Smith

**EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 10-43**

**A RESOLUTION GOVERNING E-MAIL COMMUNICATIONS BY AND  
AMONG SUPERVISORS, STAFF AND OTHER TOWNSHIP  
AUTHORITIES, BOARDS AND COMMISSIONS AND ADVISORY GROUPS**

**WHEREAS**, the Pennsylvania Sunshine Act, 65 Pa. C.S.A. §701 *et. seq.*, as amended (the "Act"), requires that all Township business be conducted only within the context of a public meeting, excluding those matters which fall within the exceptions to the open meeting requirement under §707, §708 and §712 of the Act; and

**WHEREAS**, today's communication technology such as e-mail is a valuable tool and allows for the near real-time communication of information to multiple recipients; and

**WHEREAS**, care must be taken that the Board of Supervisors (the "Board"), Township Staff, the members of other Township Authorities, Boards and Commissions (the "ABCs") and/or any other Advisory Group(s) appointed by the Board (the "Advisory Groups) do not violate the Act by conducting deliberations outside of an open meeting via e-mail; and

**WHEREAS**, e-mails typically occur at random rather than by prearrangement; however, the Board nonetheless believes the Policy stated herein is appropriate in order to comply with the Act; and

**WHEREAS**, the Policy stated herein is not intended to address the dissemination of factual information pertaining to Township business such as meeting dates and times; and

**WHEREAS**, the Right to Know Act, Act 3 of 2008, as amended (the "New Law") became effective January 1, 2009; and

**WHEREAS**, under the New Law, all Township records, including e-mails, are presumed to be public records and subject to disclosure.

**BE IT RESOLVED THAT** the foregoing recitals are incorporated herein by reference and deemed essential parts hereof.

**BE IT FURTHER RESOLVED THAT** in consideration of the requirements of the Act and the New Law, the Board hereby establishes regulations for the use of e-mail by the members of the Board, Township Staff, the ABCs and/or Advisory Groups in accordance with the following guidelines:

1. Deliberations and official actions among a quorum of the Board, ABCs and/or Advisory Groups shall not take place by means of the exchange of e-mails, whether via personal e-mail accounts or Township e-mail accounts.


- a. For the purpose of this Resolution, "deliberation" shall include the discussion of Township business held for the purpose of making a decision as well as the making of any recommendation or providing an individual position or opinion on Township business.
  - b. For purposes of this Resolution, "official actions" means the establishment of policy; decisions on Township business; and a vote or recommendation on any motion, proposal, rule, regulation, statute, ordinance, report or order.
2. Nothing in this Resolution shall preclude any member of the Board, Township Staff, any ABCs and/or Advisory Groups from communicating by e-mail with one or more members of the Board or any ABCs or any Advisory Groups, including a quorum of the Board or any ABCs or any Advisory Group, for the purpose of disseminating or sharing information pertinent to Township business.
  - a. For the purpose of this Resolution, "information" is defined as a series of factual statements related to meeting schedules and agendas, including supporting background documents and data, to be discussed at a future meeting.
  - b. Background data created for a particular business item should be acknowledged at the next public meeting where the item is discussed.
3. E-mails received from Township residents may be acknowledged at the next regular public meeting after receipt of such e-mails.
4. Township e-mail accounts shall be used strictly for Township business. Township e-mail accounts shall not be used for viewing, accessing or transmitting any material that a reasonable individual may find personally offensive or inappropriate, including sexually suggestive materials.
  - a. All information sent and/or received via the Township e-mail accounts and the Township server is and shall be the property of the Township. The contents of all such e-mail accounts shall be considered public records unless it can be shown that the e-mail content falls under one of the exclusions of the New Law.
  - b. Township e-mail accounts shall not be used to communicate material such as, but not limited to, deliberations, decisions, official actions, opinions, and legal advice from the Township Solicitor without prior approval from the Township Solicitor or the Board.
  - c. The Township reserves the right to search and audit all work-provided electronic equipment of Township employees. The Township may monitor e-mail activity with or without notice, and no employee has an expectation of privacy with regard to Township e-mail accounts and electronic equipment.


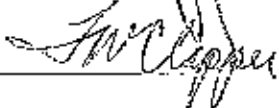
5. All emails sent and received from Township owned computers and through Township webmail/Outlook accounts will be archived in a Township sponsored email archival system. Emails will be archived in accordance with the schedule established by the Pennsylvania Historical and Museum Commission.
6. Members of the Board of Supervisors, the Chairman of all the Township ABC's, and Auditors, and the Chairman of any approved Township Advisory Group shall be issued a Township email account that is connected to the Township archival system and they will utilize either webmail or Outlook software for all emails related to Township business. All emails originated by ABC, Auditor, or Advisory Group members must include the chairman on distribution to ensure the email is included in the Township archival system. Emails received via personal email accounts that are Township related shall be forwarded to the Township archival system by either forwarding to your Township email account or forwarding to the Chairman of your group. The procedures in this paragraph shall become effective on January 1, 2011.

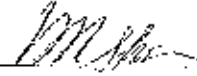
RESOLVED AND ADOPTED, this 23<sup>rd</sup> day of November, 2010.

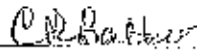
ATTEST:

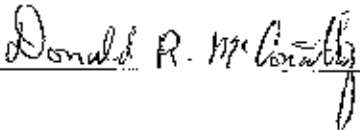
**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
Secretary

  
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# Memorandum

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East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380  
Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

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Date: 12/30/2010  
To: All ABC's  
From: Mark Gordon, Township Zoning Officer *MG*  
Re: ABC Packet Generation Recommendation

Dear ABC Members:

The Township staff has learned a lot over the last several weeks regarding the work processes required to generate the packets for all the Boards and Commissions. I have proposed the following modifications to the process to the Board of Supervisors and they have asked me to solicit your feedback for consideration.

The staff is challenged weekly with an extensive process to produce information packets for the various Boards and Commissions. Due to the reduction in force here within the Township administration, we must make some changes in order to more efficiently produce the packets while capturing savings in reduced or eliminated postage, delivery expenses and supplies. I recommend the following for each ABC Packet, many of which have been implemented already with positive results:

**BOS:**

**Board Members:** Hard Copies delivered for all Board Members to their residence as it is done today, no change.

**ABC Liaisons:** Electronic Copy via constant contact

**Recording Secretary:** Hard Copy placed in their bin on the Friday prior to the meeting and electronic version via constant contact.

**Staff Liaison:** Hard Copy

**Others:** Electronic Copy via constant contact

**PC:**

**Commission Members:** Hard Copies delivered for all Commission Members to their residence as it is done today, either via US MAIL or Hand Delivered depending on the size. If mailing the packets is going to be more than \$20 we will hand deliver.

**BOS Liaison:** Hard Copy, just like the PC Members.

**ABC Liaisons:** Electronic Copy via constant contact

**Recording Secretary:** Hard Copy placed in their bin on the Friday prior to the meeting and electronic copy via constant contact

**Staff Liaison:** Hard Copy

**Others:** Electronic Copy via constant contact

**MA:**

**Authority Members:** Hard Copies delivered for all Authority Members to their residence as it is done today.

**BOS Liaison:** Hard Copy just like the Authority Members

**ABC Liaisons:** Electronic Copy via constant contact

**Recording Secretary:** Hard Copy placed in their bin on the Friday prior to the meeting and electronic copy via constant contact

**Staff Liaison:** Hard Copy

**Others:** Electronic Copy via constant contact

**HC/P&R/CB:**

**Comm. /Board Members:** Electronic Copy via constant contact

**BOS Liaison:** Electronic Copy via constant contact

**ABC Liaisons:** Electronic Copy via constant contact

**Recording Secretary:** Electronic Copy via constant contact

**Staff Liaison:** Electronic Copy via constant contact

**Others:** Electronic Copy via constant contact

**Traffic Advisory / Deer Comm. / ZHB**

These Bodies rarely meet and have rarely any info to distribute so all correspondence will be via constant contact

Correspondence received via Mail will be hand carried by the Staff liaison to the ABCs who do not receive hard copy packets in the mail. Time sensitive materials will be addressed as appropriate by the staff as needed.

These efforts to reduce the amount of paper, streamline the process and eliminate postage are long overdue and must be embraced by the ABC's to the greatest extent possible. Please discuss these suggestions and forward your comments to me via email (above) by **January 25, 2011** so I can compile them for consideration by the Board of Supervisors.

Thank you