

EAST GOSHEN TOWNSHIP
PLANNING COMMISSION WORKSHOP MEETING
January 19, 2011

The East Goshen Township Planning Commission held a workshop meeting on January 19, 2011 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, and Don McConathy (Township Supervisor).

A. Pledge of Allegiance & Announcements

George called the meeting to order at 7:00 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 asked those in attendance if there were any non-agenda items to be discussed.

B. Approval of Minutes - None

C. Acknowledge Receipt of New Applications - None

D. Subdivision/Land Development Plans – None

E. Conditional Use and Variances

1. Del Vacchio Holdings, 922 N. Chester Rd. (McGinty's Nursery) (SE) The applicant was represented by Brian Nagle, Attorney and Mr. Vincent Del Vacchio. Mr. Nagle reported that the original proposal for a 5,000 sq. ft. building has been modified to 3,560 sq. ft. He said that Mark Gordon has researched the history and has a spreadsheet showing that the numbers match.

Peter asked Mark for an overview of what has transpired since the last meeting.

Mark provided copies of the spreadsheet showing the structures and their size that were approved in 1983 and 1994. The total square footage in 1994 was 6,272 which included a new sales building, a garage, 3 greenhouses and a work shed. The total proposed square footage is 5,296, which includes the sales building and new proposed barn style building. The garage, greenhouses and work shed will be removed. Mark reported that the township solicitor has reviewed the proposed plan and compared it to the current non-conforming legal use and concurs that the use is the same. The intensification of the use is a normal evolution of changes over time in this type of business.

Mr. Nagle referred to some PA Supreme Court case decisions that stated the proposed use must only be similar to the existing use. Some examples were: a take out pizza shop became a restaurant seating 40 people; a day camp and swim club became an amusement park.

Megann asked about the driveway to the proposed residence. Mr. Nagle said the business drive will be the same as the existing drive. Any other drive to the residence would have to conform to township and PennDOT rules. Parking for retail customers will remain the same. Currently employee and business vehicles were parked on a hard pack area. The proposal is to pave this area at the rear of the sales building.

Jim asked if they considered the amount of space needed for large delivery trucks to turn around. Mr. Del Vacchio confirmed that this was taken into consideration.

Sue commented that alterations could lead to changes in impact but could also be an improvement. Will the paving be considered impervious? Mr. Nagle stated that pervious paving is very expensive and requires lots of maintenance so it would not work in this case. The square footage of the paved area is less in the proposal than the current use which will improve storm runoff. Also, the property is being studied for contaminants. If anything is found, it will have to be addressed before the final sale of the property. Mark said the township will

1 be notified too. Also, the applicant will need a grading permit to clear the property and prepare for paving, so
2 Mark will be visiting the site.
3

4 Peter asked what would happen if in the future they want to subdivide. Mark will check with the solicitor.
5 Noise, odors and dust were discussed. Mr. Del Vacchio said the location he currently rents is hard packed dirt
6 and stone. Paving at this new location could be cleaned and water could be used to control dust. He
7 commented that adding a condition for time of deliveries was already discussed. Mark will be involved in
8 measuring noise levels if needed.
9

10 Al is concerned about the noise of snow plows leaving during the night. Mr. Nagle said the employees take the
11 trucks home with them when snow is expected during the night.
12 Mr. Del Vacchio said he would agree to a condition excluding storage of manure.
13

14 Parking - Peter asked if there could be a condition limiting the number of employee and business vehicles. Mark
15 feels this would limit growth which can't be done. Mr. Nagle said the proposal is designed to accommodate the
16 business now and in the future. Dan is concerned that employees may park in the retail parking now which may
17 cause problems in the future. Mark suggested a condition to require signage for "retail parking only".
18 Jim is concerned about salt spillage and possible stormwater contamination because the residents have wells.
19 Mr. Del Vacchio is currently using bagged salt but would use covered bins with proper drainage. He isn't sure
20 if salt is considered a contaminant. Jim is concerned about the impact over 20+ years to wells of residents who
21 trusted the township to consider this possibility.
22

23 George stated that the Commission understands the rights of the applicant and thanks him for his cooperation,
24 but the Commission wants to be cautious and have things in place to control any future owners.
25 Jim agreed that the applicant has been cooperative. He pointed out that in 1983 the township worked the best
26 they could with what they had and he wants to be sure this application request will be okay for the next 20+
27 years.
28

29 **Public Comment:**
30

31 1. Don McConathy, Township Supervisor – He asked Mark if there was a building permit in 1970 for 2
32 greenhouses. Mark said no. He asked if the conditions made in 1994 will still apply. Mark stated that the
33 solicitor advised that they would apply but don't have to be specifically listed. He asked about lighting. Mr.
34 Nagle said there is proposed lighting only on the building. There is no plan for separate pole lighting. Don
35 viewed their website and the list of projects they offer. He asked about construction materials. Mr. Del Vacchio
36 said most construction materials are delivered to the construction site.
37

38 2. Mark Wahn, 936 Cornwallis Drive – He had the opportunity to speak to Mr. Del Vacchio and his father. He
39 is concerned about noise and odors and that sometime in the future Mr. Del Vacchio may purchase an adjacent
40 property to expand the business. He commented about the problems residents are having in Willistown
41 Township with Main Line Gardens. He suggested that this be considered a home business. In the section under
42 "home occupations" in the ordinance there are rules for noise etc.
43 Mark responded that the Special Exception is for this property only. If he purchased an additional property to
44 expand the business, he feels the township would oppose it. Mr. Nagle commented that the owner would have
45 to get a variance and demonstrate a hardship which would be difficult to do. Mr. Wahn doesn't want to give the
46 impression he is opposed. He likes the plan and only wanted to voice some concerns.
47

48 3. Marita Malloy Hutchinson, Attorney, 1197 Wilmington Pike, West Chester – She was Mrs. McGinty's
49 attorney. Mrs. McGinty had ideas for her property. She lived there for 41 years and had 9 children. They
50 worked the property and had plans to pass it on to someone who would continue this business. Before she died,
51 she had several proposals for the property but they had plans to expand and/or divide the property. She
52 reviewed Mr. Del Vacchio's plan and was pleased with this opportunity to carry on the business.
53

54 4. Kay Coup, 916 N. Chester Road – She asked if Mr. Del Vacchio plans to live there. He responded yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

There was no further public comment.

Megann thanked Mark for all the work he has done on this application.

F. Old Business - None

G. Any Other Matter

H. Adjournment

Motion to adjourn the meeting was made by Peter and seconded by Megann. The meeting adjourned at 9:00 p.m.

Respectfully submitted, _____
Ruth Kiefer, Recording Secretary