

EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
February 2, 2011

The East Goshen Township Planning Commission held their regularly scheduled meeting on February 2, 2011 at the East Goshen Township building. Members present were: Chairman George Martynick, Susan Carty, Dan Daley, and Jim McRee. Also present were Township Zoning Officer Mark Gordon, Don McConathy (Supervisor), Ginnie Newlin (Conservancy Board) and Chris Reardon (Historical Commission)..

WORKSHOP SESSION – 7:00pm

- A. The minutes of January 5 and January 19, 2011 were reviewed. A motion will be passed in the formal session.
- B. The various agenda items were reviewed.
- C. George thanked Don and Mark for all the hard work they did on the Wireless Ordinance. Mark commented that the solicitor was very helpful. George would like to include electronic signage. This will be put on the agenda for the March meeting.
- D. George announced that Liberty Towers has reapplied so the Planning Commission will need to have a workshop on Wednesday, February 16, 2011.

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 a workshop this month on Wednesday February 16, 2011.

George asked those in attendance if there were any non-agenda items to be discussed. There was no response.

B. Approval of Minutes

Jim made a motion to approve the minutes of January 5, 2011 meeting as corrected. Dan seconded the motion. There was no further discussion. The motion passed unanimously.

Sue made a motion to approve the minutes of the January 19, 2011 meeting as corrected. Jim seconded the motion. There was no further discussion. The motion passed unanimously.

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. The conditions on the proposed motion were discussed.

Mr. Nagle spoke about #5 regarding the Phase II dwelling. He would like for it to provide a 60 day temporary permit be issued for the Phase I dwelling if the owner is moving into the new dwelling, then remove the existing dwelling. If the owner is living in the existing dwelling, he will need time to move his belongings, etc. into the new dwelling. The 60 day temporary permit will give that time.

Mr. Nagle spoke about #9 – hours for loading and unloading. They originally agreed to 7:00 am. They are okay with 6:00 pm. but would like the 7:00 am time instead of 9:00 am.

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2 George is concerned about #19 – fuel tank storage. What precautions will they take to protect against leaks?
3 Mr. Nagle explained there will be an impervious surface in compliance with the fire code. He commented that
4 there is some existing fuel storage on the property. Jim commented that due to the recent experience with the
5 Sunoco Station, he wants to be sure there will be ongoing inspections and maintenance. A very small spill can
6 create a risk for the residents in the area. Sue is not convinced it should be allowed in a residential area. Mr.
7 Del Vacchio said he will work very closely with Mark on the installation, maintenance and inspection process.
8 He has 2 tanks at his current location. It saves labor costs to have the fuel on site. Jim suggested that the
9 Planning Commission could make a recommendation to the Board of Supervisors disallowing this. Don is not
10 in favor of this because there is no control over those pumping the gas. Dan voiced concern about the small gas
11 cans they would have to use and spillage from them compared to an area designed for fuel storage. Sue added
12 that this is another delivery. She understands that this will help his business but she is still concerned about the
13 residents. Mark pointed out that the Fuel Gas Code is very strict. George asked Mr. Nagle how committed they
14 are to #19. Mr. Nagle replied that the process will continue.
15

16 George read the 24 conditions for those in attendance.

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18 Mr. Nagle asked that the requirement for a bond in #2 be removed. After further discussion, the Commission
19 members were okay with removing the requirement for a bond in condition #2.
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21 Mr. DelVacchio presented his proposed landscape plan. He tried to use as many species recommended in the
22 township ordinance as possible.
23

24 Jim asked that wording be added to #13 about storage of salt. Mark suggested restricting the size of the storage
25 area for salt.
26

27 **Public Comment:**

28 1. Tom McCafferty, 918 N. Chester Road – He lives adjacent to the property and appreciates the new planned
29 buffer along his property. He has been here since 1984 when Mr. McGinty started this as a hobby. He does not
30 feel there are too many conditions. Regarding fuel, most landscapers use WAWA and don't have fuel on site.
31 Let WAWA worry about spillage. He would like a stipulation that "holiday hours" refers to Christmas only.
32 He raised that question about handicapped parking, fire sprinklers, etc. that would be needed if the home is
33 rented. He does not like the way the property looks now. As for salt, where he works salt is delivered, covered
34 with a tarp and dropped during delivery, etc. He feels it is as bad as fuel leaking into the ground.
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36 Motion: Sue made the following motion:

37 Mr. Chairman, I move that we recommend that the Board of Supervisors support the Special Exception
38 application of Del Vacchio Holdings, who is seeking an alteration to the existing legal nonconforming use with
39 the following conditions and in accordance with the plans titled:
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41 Landscape Planting List dated 02-02-2011

42 Legal Non-Conforming Use Impervious Cover Calculations dated 01-24-2011

43 Existing Site Conditions dated 01-5-2011 with no revisions

44 Satellite Image w / Overlay dated 01-5-2011 with no revisions

45 Satellite Image dated 01-5-2011 with no revisions

46 Conceptual Drawings Phase 1 and 2 dated 01-05-2011 and last revised 01-24-2011

47 Landscape Plan Phase 1 and 2 dated 02-02-2011 with no revisions

48 Storage Bin Detail dated 01-25-2011 with no revisions
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- 50 1. The buildings identified on the plan and during the testimony as buildings to be removed shall be removed
51 prior to the issuance of a Use and Occupancy certificate for the new barn style building.
52
- 53 2. The new barn style building (having maximum footprint 4000 sq. ft.) may be erected as a replacement for the
54 existing permitted buildings that are part of the legal non-conformity as shown on the plans that were
55 submitted by the applicant.

3. The proposed barn style building shall have a wooden exterior and shall be similar in appearance to the existing sales building.
4. The rear of the property (the area of the property west of the bins) shall be returned to a grass and/or wild flower meadow condition as shown on the plans. The existing trees shall remain to the maximum extent possible. Should Township regulations require, a grading plan shall be submitted to the Township and a permit issued prior to any earth disturbance in the rear of the property.
5. The single family home shall remain as such and shall not be parleyed into a part of the non-conforming use. The applicant may build the Phase II single family dwelling provided that the existing residential structure is removed prior to the issuance of a Use and Occupancy permit for the Phase II dwelling. The Township may provide a 60 day temporary Use and Occupancy for the Phase II dwelling prior to the demolition of the existing residence if the owner of the property is residing in the existing residence and is moving into the new Phase II dwelling. The applicant shall post a bond to insure that the existing residential dwelling is removed.
6. All stormwater controls required by the Township Ordinances for the Phase II single family dwelling shall be installed in conjunction with the Phase II dwelling.
7. The Phase I landscaping shall be installed prior to the issuance of a Use and Occupancy Certificate for the new Barn Building. The Phase II landscape screening shall be installed prior to the Issuance of a building permit for the new single family home. Applicant agrees to maintain all landscaping in perpetuity. Landscaping shall be installed as depicted in the Phase II Conceptual Drawings.
8. Retail sales of mulch and the delivery of mulch and other landscape materials to the property shall be limited to the hours between 9 A.M. and 5 P.M. Monday through Saturday and no storage of manure shall be permitted on the property.
9. The loading and unloading of landscape materials and equipment onto trucks or trailers shall not occur before 7 A.M. and not after 6 P.M.
10. Upon the completion of Phases I and II, as shown on the plans, no additional expansion of buildings pertaining to the legal Non-conforming use shall be permitted unless approved by the Township Zoning Hearing Board.
11. Lighting shall be limited to safety and security lighting mounted to the buildings which cast light downward so as not to create a glare condition, in accordance with §240-24.H.
12. All vehicle maintenance shall be conducted inside of the new barn building.
13. The storage bins having a total square footage of 1,400 sq ft shall be constructed as depicted on the plan and a maximum of one material storage bin (not to exceed 250 sq ft) may be covered with a roof and that area shall be included in the total building coverage area tabulation. The covered storage bin depicted on the plans shall be the only bin used for salt storage.
14. As depicted on the plan all business vehicles and employee parking shall be located to the rear of the existing single family home in an area not to exceed 10,250 square feet.
15. Business vehicles having a gross vehicle weight in excess of 33,000 pounds shall not be permitted to be parked or stored on the property.
16. The applicant agrees not to store or display any hardscaping materials (i.e. brick pavers, stone, etc.) in front of the existing sales building.

17. The rubber tire or track loader used for retail sales shall be equipped with a bucket having a maximum size of one cubic yard.
18. The applicant will follow all applicable Federal, State and Local laws and secure all proper permits prior to construction of the improvements depicted on the plan or use of the existing buildings on the property.
19. The storage of bulk fuel materials shall not be permitted on the property.
20. Employee parking shall be permitted in the parking area depicted on the plans to the rear of the sales building.
21. The customer parking in front of the existing single family home shall not be increased in size and shall be signed for customer parking only.
22. Prior to the issuance of the permit for the new barn building the applicant shall demonstrate that the proposed total impervious area on the property is less than the total impervious area shown on the existing conditions plan.
23. The conditions and orders, which are still applicable, outlined in the previous Zoning Hearing Board decisions for this property still apply except as modified with the subject Special Exception.
24. The existing shade structures as shown on the plans, may remain, provided that they are only covered with a porous fabric. These structures shall not be considered buildings for the purpose of calculating building coverage.

Jim seconded the motion. There was no further discussion. The motion passed unanimously.

F. Old Business

1. Multiple Use Building/Parking Ordinance – Dan made a motion to approve the Multiple Use Building/Parking Ordinance. Sue seconded the motion. There was no further discussion. The motion passed unanimously.
2. Wireless Communications Ordinance - Again George complemented Don and Mark for the work they did on this. Jim raised questions about competition – can this be done. Don said yes. On Page 1, BP/I or East Goshen property – 1 mile. Does this need to be expanded? Don recommended it stay as is for now. Page 2, maximum heights 120-150 feet. Jim feels this limits the kind of service a tower can give which may lead to more towers. Don explained that this is the standard for the industry. Page 2, propagation study by provider – An applicant must prove there is a gap in service. This is not required for other businesses. Page 3, license requirements. Mark explained these are required by the FCC. Don explained that this is the first application for construction of a tower in the Township. Currently providers are using existing structures, i.e. phone poles, silos, etc. This will be discussed further at the next meeting.

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G. Any Other Matter

1. Paoli Pike PCTI Project Application – George thanked Dan and Mark for all the hard work they did on the application for a grant to cover the cost of a feasibility study for bicycle and pedestrian linkages. Unfortunately, East Goshen’s application was not selected. However, 12 were approved for Chester County. Mark asked Natasha Manbeck if it would be possible for East Goshen to be included in the Central Chester County Bicycle and Pedestrian Plan. His request was approved. The planning process will include a study advisory committee. Mark and Dan will represent East Goshen on this committee. Dan feels that being a part of the County plan will help a lot with getting future funding.

H. Adjournment

Motion to adjourn the meeting was made by Sue and seconded by Dan. The meeting adjourned at 10:30 p.m.

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Respectfully submitted, _____
Ruth Kiefer, Recording Secretary

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