

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
Meeting Agenda  
Wednesday, December 3, 2014  
7:00 PM**

**Workshop Session: 7:00 PM to 7:30PM (Conference Room – Open to the Public)**

**Formal Meeting: 7:30PM (Board Room – Open to the Public)**

- A. Call to Order / Pledge of Allegiance and Moment of Silence
- 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. **November 5, 2014**
- F. **Subdivision and Land Development Applications**
  - 1. **1131 N. Chester Rd.**
- G. **Conditional Uses and Variances**
  - 1. **612 Meadow Lane. (Sketch Plan for Variance Request)**
  - 2. **200 Margaret Lane. (Home Occupation – CU)**
  - 3. **1372 Enterprise Drive, Star Printing (CU)**
- H. **Ordinance Amendments**
  - 1. **Wooded Lot Definition**
  - 2. **Solar (Principle Use)**
  - 3. **Solar (Accessory Use)**
- I. **Comprehensive Plan Update**
  - 1. **Township Tour – January 10, 2015, 10 AM**
- J. Old Business
- K. New Business
- L. 2014 Goals
- M. Any Other Matter
- N. Liaison Reports
- O. Dates of Importance

Spring Newsletter articles due: January 30, 2015

Winter Newsletter Approximate Mailing date: December 19, 2014

**Bold Items indicate new information to review.**

East Goshen Planning Commission Tracking Log

Application Name	Application (CU, LD, O, SD, V, SE, CA)	Type (Sk, P, F)	Date Filed	Start Date	Date to Township Engineer	Date to CCPC	Date to Abutting Prop. / ABC's	Extension	PC NLT Action Date	BOS NLT Action Date	Hearing Date	Drop Dead date
1131 N. Chester Rd.	SD	P/F	10/15/2014	11/5/2014	10/16/2014	10/16/2014	10/16/2014		1/14/2015	1/24/2015	NA	1/24/2015
612 Meadow Ln.	V	Sk	10/31/2014	NA	NA	NA	NA	NA	NA	NA	NA	NA
200 Margaret Ln	CU	SK	11/21/2014	11/21/2014	NA	NA	11/21/2014		<b>12/3/2014</b>	12/16/2014	<b>12/16/2014</b>	1/20/2015
1372 Enterprise Dr.	CU	SK	11/25/2014	11/25/2014	NA	NA	11/25/2014		<b>12/3/2014</b>	12/16/2014	<b>12/16/2014</b>	1/24/2015
<b>Bold = New Application or PC action required</b>												

Completed in 2014

1331 E. Strasburg Rd.	SD	Sk	10/10/2014	NA	NA	NA	NA	NA	NA	NA	NA	NA
1662 E. Boot Rd	SD / LD	P	2/26/2014	3/5/2014	2/26/2014	2/26/2014	2/28/2014	2	10/7/2014	10/21/2014	NA	10/30/2014
1454 Glenbrook Ln.	V	Sk	8/27/2014	8/27/2014	NA	NA	8/28/2014		9/3/2014	6/16/2014	9/25/2014	10/24/2014
1641 Manley Rd.	LD	P	2/4/2014	2/5/2014	2/4/2014	2/4/2014	2/19/2014		4/16/2014	5/6/2014	NA	5/6/2014
1637 Manley Rd.	SD	P	10/24/13	11/6/13	10/24/13	10/24/13	10/28/2013		1/8/14	2/4/14	NA	2/4/2014
1131 N. Chester Rd.	V	Sk	3/19/2014	3/19/2014	NA	NA	3/26/2014		4/2/2014	4/22/2014	4/30/2014	5/8/2014
1556 Millrace Ln.	V	Sk	4/24/2014	4/24/2014	NA	NA	4/29/2014		5/7/2014	5/13/2014	5/21/2014	6/23/2014
1336 Enterprise Drive	V	Sk	4/30/2014	4/30/2014	NA	NA	4/30/2014		5/7/2014	5/13/2014	5/21/2014	6/27/2014
Sunoco	ZHB	Sk	6/24/2014	6/24/2014	NA	NA	6/25/2014		8/6/2014	8/19/2014	7/30/2014	8/22/2014
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**Draft**  
**EAST GOSHEN TOWNSHIP**  
**PLANNING COMMISSION MEETING**  
**November 5, 2014**

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, November 5, 2014 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Dan Daley, Adam Knox, Al Zuccarello, Sue Carty, Jim McRee, Monica Close and George Martynick. Also present was Mark Gordon, Zoning Officer.

**COMMON ACRONYMS:**

*BOS – Board of Supervisors*

*BC – Brandywine Conservancy*

*CB – Conservancy Board*

*CPTF – Comprehensive Plan Task Force*

*CVS – Community Visioning Session*

*SWM – Storm Water Management*

**A. INFORMAL MEETING – 7:00**

1. The minutes from October 1, 2014 were reviewed.

2. Mark reminded the Commission members that 1331 E Strasburg was recently removed from the East Goshen Township Historic Registry. A sketch plan will be presented for subdivision of the property maintaining the existing house and creating a new lot to the west of the existing house. George feels there should be 1 conforming and 1 non-conforming lot instead of 2 non-conforming lots. Both houses would use the existing entrance off Strasburg Road. Monica will recuse herself from this application.

3. Mark mentioned that a year ago the owner of 1131 N. Chester Road came in for a variance because there was a difference in his lot size. The variance was granted. Mark explained that with the survey law, boundary evidence on the ground (pins were found) supersedes what is written down. It appears there was an error in processing the original deed. Now he wants to subdivide the 2 acre lot into 2 parcels. It is a wooded lot. Four trees will be removed to make space for the driveway and the new house. Lot #1 will be 1 acre. Lot #2 is just less than 1 acre but will be treated as 1 acre.

4. Comprehensive Plan – Mark reported that the Supervisors want this plan re-written. Tom Comitta will be the new consultant. They hope to start it in January 2015. The new task force will include all Planning Commission members and 1 member from each ABC.

**B. FORMAL MEETING – 7:00 PM**

1. Dan called the meeting to order. He led the Pledge of Allegiance and a moment of silence to remember our troops.

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

3. Dan reviewed the tracking log.

3. Dan noted that the minutes of the October 1, 2014 meeting were approved.

**C. CHAIRMAN'S REPORT**

Dan asked Al for a report on the Commerce Commission. Al mentioned that the Commission has interviewed the business owners in the township over the past 2 years. They had a meeting for the landowners last week and will have a meeting for the corporate businesses next week. Dan mentioned that he attended the meeting and feels that the business owners are satisfied.

**D. SUBDIVISION APPLICATIONS**

1. 1331 E. Strasburg Rd. – Sketch Plan – Present was Jason Grothman, Owner; Debra A. Shulski, Attorney; and John Mullin, Engineer. Debra reviewed the sketch plan. The property is 1.899 acres. The owner intends to subdivide the property into 2 lots. The subdivision would result in a de minimis decrease in the one-acre minimum lot area so Lot #1 would be .94 acres and Lot #2 would be .96 acres. She pointed out that the majority of adjacent properties are smaller lots ranging in size from .54 to .65 acres.

1 John mentioned that the driveway will be part of the "flag" lot. They intend to tie into public water and  
2 sewer. Mark verified that the township will allow a maximum of 3 houses sharing a driveway access  
3 point. Jim pointed out that a narrow lot may lead to more variance requests in the future. Dan suggested  
4 they depict something more accurate for the proposed house.  
5 Jason commented that he cleaned up the property of the overgrowth. There is no occupancy of the  
6 existing house yet. He has a permit for an interior demo. He plans to sell the proposed property to a  
7 family member or close friend. Even though the drive goes through 2 rows of trees, he feels there is  
8 enough space to widen the drive.

9 Public Comment:

10 Nancy Keslick, 1303 E. Strasburg Rd – The original proposal was to make 3 lots slightly less than 1 acre.  
11 They weren't allowed to do that (2000), so that is why the lots are like this.

12 Diane Jackson, 1333 E. Strasburg Rd – At first the Township didn't want to allow her to connect to the  
13 sewer. The shape of her lot was required to make it one acre.

14 Brian Heiss, 203 Margaret La – He moved here in 1996 and has enjoyed the open space. He is concerned  
15 about the discussion of putting in sheds, pools, etc., which would impact him.

16 Norbert Breslin, 1335 E. Strasburg Rd – The sewer line from the Jackson property comes across his  
17 property to connect.

18 Dan summarized the discussion – Slide the lot line to the east for Lot 1 to meet zoning requirements and  
19 Lot 2 is non-conforming. Also, research the possibility of sewer/water access in the street.

20  
21 1131 N. Chester Road – John J Callaghan, Jr., owner, was present. Andrew Eberwein of Edward B.  
22 Walsh & Associates was present. Dan recused himself from discussion so Adam led this part of the  
23 meeting.

24 Andy explained that Lot 1 is a one acre lot and Lot 2 is .989 acres, approved by variance. He received the  
25 review from the township engineer. He will go to the Conservancy Board to ask for waivers from tree  
26 protection. This is considered a wooded lot. They are allowed to remove 20% but only plan to remove 4  
27 trees. They did not prepare a landscape plan because they feel the builder of the new house should  
28 provide that. There is a 40" Beech Tree where the driveway will come in so they plan to take the drive  
29 around the tree. They will need a variance to do this. All of the trees on the property are Beech or Maple  
30 over 12" caliper. The seepage bed in the rear is within 16 feet of a tree. He used a large house to  
31 represent the proposed house. There is no buyer yet. Stormwater sewer comes through the property.  
32 They will use public sewer and on-site well.

33  
34 **D. ANY OTHER MATTER**

35 1. Sue Carty presented her letter of resignation effective January 1, 2015. Dan thanked her for  
36 her years of service.

37  
38 **E. ADJOURNMENT**

39 There being no further business, Adam moved to adjourn the meeting and George seconded the  
40 motion. The meeting adjourned at 9:40 pm. The next regular meeting will be held on December 3,  
41 2014 at 7:00 pm.

42  
43  
44 Respectfully submitted, \_\_\_\_\_  
45 *Ruth Kiefer, Recording Secretary*



# EAST GOSHEN CONSERVANCY

November 20, 2014

East Goshen Township  
Planning Commission  
1580 Paoli Pike  
West Chester, Pa. 19380

Re: Callaghan Land Development Application  
Tree and Landscaping Plan  
*1131 N. Chester Rd.*

Dear Commission Members:

At their meeting on November 12, 2013 the Conservancy Board voted in favor of the following motion:

I move that we Recommend that the Planning Commission recommend approval of the subdivision and land development plan and grant the waivers requested conditioned upon the applicant listing the proposed varieties and number of landscaping plants proposed on the final plan and that the Township staff confirm that the required plants are installed.

Sincerely,



Mark A. Gordon  
Zoning Officer



# THE COUNTY OF CHESTER

## COMMISSIONERS

Ryan Costello  
Kathi Cozzone  
Terence Farrell

Ronald T. Bailey, AICP  
Executive Director

## PLANNING COMMISSION

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



November 12, 2014

Louis F. Smith, Jr., Manager  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

Re: Preliminary/Final Subdivision - James J. Callaghan, Jr.  
# SD-10-14-10767 - East Goshen Township

Dear Mr. Smith:

A preliminary/final subdivision plan entitled "James J. Callaghan, Jr.," prepared by Edward B. Walsh & Associates, Inc., and dated September 26, 2014, was received by this office on October 16, 2014. The subdivision is situated on the south side of Attlee Drive east of North Chester Road (Route 352) and involves the creation of two residential lots from a 1.99 acre site (UPI # 53-2-31.2). There is an existing residence on Lot 1, which will remain. The project site, which is served by on-site water and public sewer, is located in the R-2 Low Density Residential zoning district.

This plan is reviewed by the Chester County Planning Commission in accord with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code (MPC). This report does not review the plan for compliance to all aspects of your ordinance, as this is more appropriately done by agents of East Goshen Township. We offer the following comments on the proposed subdivision for your consideration:

### LANDSCAPES:

1. The project site is located within the **Suburban Landscape** designation of *Landscapes2*, the 2009 County Comprehensive Plan. The proposed subdivision is consistent with the guidelines of the **Suburban Landscape**.

### ADMINISTRATIVE NOTES:

2. General Note 8 states that the Township Zoning Hearing Board, in May 2014, granted the applicant a variance from the minimum lot area requirements of the R-2 Low Density Residential district. Prior to granting final plan approval, the Township should ensure that this proposal fully complies with the Zoning Hearing Board's decision.
3. The site is located in an area designated by the Pennsylvania Department of Environmental Protection (DEP) as a Special Protection Watershed. Special Protection Watersheds are important because Chester County's High Quality and Exceptional Value Watersheds may be especially sensitive to degradation and pollution that could result from development. The DEP or the municipality may impose stricter limitations on proposed wastewater and stormwater discharges in these watersheds, and special care should be exercised in the design, construction, operation and maintenance of stormwater control facilities in these areas to prevent degradation of the waters of the Commonwealth.

Page: 2

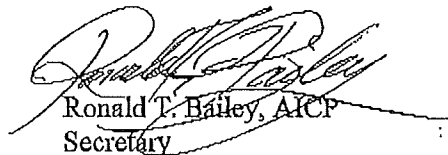
Re: Preliminary/Final Subdivision - James J. Callaghan, Jr.

# SD-10-14-10767 - East Goshen Township

4. The site plan depicts a 20 foot wide storm sewer easement traversing the eastern portion of Lot 2. The details of this easement should be incorporated into the deed of Lot 2.
5. The site plan depicts that vehicular access to the existing residence on Lot 1 is provided from an existing right-of-way arrangement on the adjoining parcels to the south. The details of this easement should be incorporated into the deed of Lot 1.
6. The item on the attached agency contact list should be addressed and reflected in the proposed subdivision.
7. A minimum of five (5) copies of the plan should be presented at the Chester County Planning Commission for endorsement to permit recording of the final plan in accord with the procedures of Act 247, the Pennsylvania Municipalities Planning Code, and to meet the requirements of the Recorder of Deeds, the Assessment Office, and the Health Department.

**RECOMMENDATION:** The Commission recommends that all East Goshen Township requirements be satisfied and the administrative issues raised in this letter be addressed before action is taken on this subdivision plan.

Sincerely,

  
Ronald T. Bailey, AICP  
Secretary

RTB/PF

Attachment

cc: Tom Mohr Law Office  
James J. Callaghan, Jr.  
Edward B. Walsh & Associates, Inc.  
Chester County Health Department

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

FYI

November 20, 2014

Dear Property Owner:

The purpose of this letter is to inform you that the owners of 612 Meadow Drive, West Chester, PA 19380, have submitted a sketch plan for review and comment by the Township Planning Commission. Sketch plans are reviewed from time to time by the planning commission when applicants want to present an idea to and receive comments from the planning commission prior to investing time and resources into the formal planning process.

The owners, Susan and James Christenson, are proposing to build a detached two car garage on their property. The property is situated such that the proposed building cannot meet the side yard setback requirement of 20 feet on the one side. Therefore the property owner will need to be granted relief from that requirement of the Zoning Ordinance should they decide to move forward. The proposed plan shows that the proposed garage would be placed 12.6 feet from the property line.

The Planning Commission will hear the proposal and review the plan at their next public meeting. Pursuant to Township policy, property owners and residents within 1000 feet of the subject property are notified of sketch plan submissions.

**The meeting date and time scheduled for the review and discussion of this sketch plan is listed below:**

**December 3, 2014 - Planning Commission (workshop at 7:00 pm, formal meeting @ 7:30 pm)  
(Presentation of Sketch Plan)**

All meetings are held at the Township Building and are open to the public. The plan is available for review at the Township building during normal business hours. Please give me a call if you have any questions or need additional information.

Sincerely,



Mark A. Gordon  
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions



10/31/2014

From: Susan and James Christenson  
612 Meadow Drive  
West Chester, PA 19380

To: East Goshen Planning Commission

RE: Side Variance for the erection of a 2 car garage

We are seeking a variance to the side standard of 20 feet. We are within the standards for front and rear.

We do not have a 2 car garage.

Susan and Jim desire to stay in East Goshen, Jim is a 49 year resident of East Goshen.

Jim and Susan are getting older. Jim travels during the week for business. Last year's storm and this year's hail have caused damaged our automobiles resulting in additional expense and hardship on Susan especially the effect of the snow. We hire a plow service but they do not clean off cars.

We are seeking a variance of 8 to 4 feet on the side.

We have asked our neighbor's the Connelly's if they have an objection and they do not.

There is no other location on the property to build the garage that would be aesthetically pleasing, that is to say that would not degrade the appearance of the neighborhood.


# 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:** 11/26/2014  
**To:** Planning Commission  
**From:** Mark Gordon, Zoning Officer   
**Re:** 200 Margaret Ln. / Home Occupation

Dear Commissioners,

Mr. Eastburn of 200 Margaret Ln has submitted a Conditional Use application seeking approval to operate a Home Occupation from his home. Mr. Eastburn is a licensed Firearms Dealer with the ATF and the state of PA. Mr. Eastburn has been operating his business from his home for over 20 years, prior to the requirement to obtain conditional use approval from the Township. Mr. Eastburn needs to update his license and the ATF requires documentation from the Township authorizing the operation of the business from his home.

## DRAFT MOTION:

Mr. Chairman, I move that we recommend that the Board of Supervisors approve the conditional use application for the home occupation of Mr. Eastburn at 200 Margaret Ln. with the following condition:

1. The applicant will follow all applicable federal, State and Local ordinances and secure all proper permits prior to continuing the Home Occupation use on the property.

Conditional Use Application and Checklist

**East Goshen Township**

To: Township Zoning Officer

Name of Applicant: DONALD G. EASTBURN, JR.

Applicant Address: 200 MARGARET LANE West Chester, PA 19380

Telephone Number: <sup>H.</sup> 610 436 8536 Fax: 610 436 0508

Email Address: <sup>C.</sup> 610 960 8971 deastburnjr@verizon.net

Property Address: 200 MARGARET LANE West Chester, PA 19380

Tax Parcel Number: 53-6A-54 Zoning District: R-2 Acreage: 0.75

Description of proposed use:

TRANSFERS AND SALES OF FIREARMS  
AS ALLOWED BY FEDERAL AND PA STATE  
LICENSES

Conditional Use is provided in Zoning Ordinance Section: § 240-31

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.

Donald G. Eastburn, Jr. 11-21-2014  
Signature of Applicant Date

Attest:  TWP ZONING OFFICER

\* Review the formal Planning Commission review procedure on page three.

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

November 21, 2014

Dear Property Owner:

The purpose of this letter is to inform you that the owner of 200 Margaret Ln., West Chester, PA 19380, has submitted a Conditional Use Application for review and comment by the Township.

The property owner, Donald Eastburn, has submitted a Home Occupation application to the Township which requires Conditional Use approval by the Board of Supervisors. Mr. Eastburn proposes to operate a firearms transfer and sales business from his residence. Mr. Eastburn has current State and Federal licenses to sell firearms however this type of Home Occupation requires Township approval in addition to the State and Federal Licenses.

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

**The meeting dates and times scheduled for the review and discussion of this application are listed below:**

**December 3, 2014 - Planning Commission** (workshop at 7:00 pm, formal meeting @ 7:30 pm)

**December 16, 2014 - Board of Supervisors** (7:00 pm)

All meetings are held at the Township Building and are open to the public. The plan is available for review at the Township building during normal business hours. Please give me a call if you have any questions or need additional information.

Sincerely,



Mark A. Gordon  
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions

## **Chapter 240. ZONING**

### **Article V. Supplemental Regulations**

#### **§ 240-31. Conditional uses; additional standards for specific principal uses.**

Conditional uses and additional standards for specific principal uses applicable to all districts.

##### **A.**

Intent. To provide a procedure and criteria for applications for and decision on conditional uses specified in this chapter. To recognize that certain conditional uses may not be appropriate in every location within a specific zoning district where they are generally allowed. To recognize that other conditional uses would only be appropriate within a specific location with additional conditions upon approval.

##### **B.**

Procedures.

##### **(1)**

Applicants for conditional use approval shall pay a filing fee which covers the administrative costs for the Township's review of the conditional use application and plan and a fee to be placed in escrow to cover the Township's professional consultant's costs relating to review of the application and plan or plans submitted, as well as any supporting documentation and materials and/or report to the Township on the same. The fee schedule shall be adopted by resolution of the Board of Supervisors and the form for the conditional use application will be such as prescribed by the Township Manager. The term "professional consultant" shall include any person who provides expert or professional advice, including but not limited to, architects, attorneys, certified public accountants, engineers, geologists, landscape architects, landscape planners or land planners. Any amount in the escrow funds which exceeds the Township's professional consultant's review costs shall be returned to the applicant, without interest. If the amount in the escrow fund is not sufficient to meet all of the Township's professional consultant's review costs, the applicant shall be billed therefor and shall pay the amount due within 30 days of such billing. The filing fees and escrow fees shall be as established or amended from time to time by resolution of the Board of Supervisors.

[Amended 9-19-2006 by Ord. No. 129-D-06]

##### **(2)**

All applicants for a conditional use shall submit eight sets of development plans to the Township, along with their application.

##### **(3)**

The development plan referred to in Subsection B(2) above shall include a statement regarding the proposed use of the building or land, and shall comply with all sketch plan requirements as provided in Chapter 205, Subdivision and Land Development.

##### **(4)**

Immediately after filing, the application and plans shall be referred to the Township Planning Commission for review.

##### **(5)**

Planning Commission.

##### **(a)**



The Planning Commission shall be provided with an opportunity, within 45 days of receipt of the application and plan, to review it and submit at least a preliminary recommendation to the Board of Supervisors. The absence of action on the part of the Planning Commission within the specified time shall not by itself delay action by the Board of Supervisors.

(b)

Any revisions to the conditional use submission that the Zoning Officer determines to be substantial after the filing of the application shall be offered to the Township Planning Commission for review. In such event, the Zoning Officer shall seek to secure from the applicant a sixty-day written extension of the date within which the Supervisors must hold a public hearing. If the applicant fails to submit such written extension, then the Board of Supervisors shall decide the conditional use application based upon the application and plans as originally filed.

(6)

The Board of Supervisors shall hold a public hearing on the conditional use application in accordance with the following procedures:

(a)

Notice of the hearing shall be given to the public by publication once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature and matter to be considered at the hearing. The first such notice shall be published not more than 30 days before the hearing and the second notice shall be published not less than seven days before the hearing. Notice of the hearing shall also be conspicuously posted on the affected tract of land. Notice of the Planning Commission meeting(s) at which the application will be discussed and of the hearing shall be given to the applicant, the Zoning Officer, the Planning Commission, the Board of Supervisors, property owners within 1,000 feet of the subject property and any other persons or group, including civic or community organizations who have made a timely request for such notice by personally delivering or mailing a copy of the published notice. The notice shall be mailed by the Township at least 30 days prior to the date of the hearing by first class mail to the addresses to which the real estate tax bills are sent for all real property, as evidenced by tax records within the possession of the Township. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. If the subject property is within 1,000 feet of the Township boundary, the adjoining municipality shall be notified. The Board of Supervisors shall schedule and hold a public hearing on the application within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief (the part of the hearing in which the applicant presents evidence to support his or her claim or defense) within 100 days of the first hearing. Upon the request of the applicant, the Board shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the

Township, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of hearings for rebuttal.  
[Amended 10-29-2002 by Ord. No. 129-Q-02; 10-21-2003 by Ord. No. 129-L-03; 9-19-2006 by Ord. No. 129-E-06]

(b)

The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter written appearances on forms provided by the Board for that purpose.

(c)

The Chairman or Acting Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(d)

Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

(e)

The Board of Supervisors may, but is not required to, keep a stenographic record of the proceedings and a transcript of the proceedings. The Township shall keep minutes of a conditional use hearing and copies of the graphic or written material received in evidence, copies of which shall be made available to any party at that party's cost.

(f)

The Board of Supervisors shall render a written decision within 45 days after the last hearing before the Board, unless a written extension is provided by the applicant. Where the application is contested or denied, the decision should be accompanied by findings of fact and/or conclusions based thereon, together with reasons therefor. If, after the conclusion of the public hearings, the application is amended or revised, the Board shall hold one or more public hearings thereon as may be necessary and shall issue a new decision thereon in conformance with the procedure established in this section. In the event the Board fails to render the decision within the period required by this section, or fails to commence, conduct or complete the required hearings as provided in this § 240-31B(6), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this section. If the Board shall fail to provide such notice, the applicant may do so.

[Amended 10-21-2003 by Ord. No. 129-L-03]

(g)

Notice of decision. A copy of the final decision or, where no decision is called for, a copy of the findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. To all persons who have filed their names and addresses by the last day of the hearing with the Board of Supervisors, the Supervisors shall provide (in person, by mail or otherwise), not later than the day following the date of the decision, a brief

notice of the decision or findings and a statement of the place where the full decision or findings may be examined.

[Amended 7-21-2009 by Ord. No. 129-H-09]

(7)

The Board of Supervisors, at its discretion, may require that the applicant provide special studies as are reasonably necessary to determine the impact of the development on the Township.

(8)

In approving or denying a conditional use or establishing conditions with reference to such approval, the Board of Supervisors, at a minimum, shall use those standards set forth in Subsection C.

(a)

The burden of establishing compliance with those enumerated standards shall be upon the applicant by a fair preponderance of the credible evidence, unless any rule of law shifts that burden to protesters.

(b)

The standards required by Subsection C shall be deemed a part of the definitional aspect under which a conditional use may be granted. The failure of the applicant to establish compliance with all the standards shall constitute sufficient basis for denial of the application.

(c)

The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

(d)

Where the Board of Supervisors fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days after the date of the applicant's written request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing or on the record, to an extension of time. When the decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, such Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of state law. If the Board fails to provide such notice, the applicant may do so.

(e)

Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, a copy of the findings, shall be delivered to the applicant personally or mailed to him/her no later than the day following its date.

(9)

Nothing in this section shall be construed to relieve the applicant for a conditional use from obtaining other required approvals mandated by Chapter 205, Subdivision and Land Development, or other applicable ordinances.

(10)

Appeals from a determination of the Board of Supervisors pursuant to any application for conditional use shall be as prescribed by the applicable provisions of the Pennsylvania Municipalities Planning Code.

(11)

In granting an application for conditional use, the Board of Supervisors may attach such additional reasonable conditions and safeguards as it deems necessary and appropriate to ensure compliance with the provisions of this chapter; to protect the health, safety and general welfare of the community; and to ensure compatibility and avoid nuisances among nearby uses.

(12)

The Board of Supervisors may impose such conditions regarding layout, circulation and performance as it deems necessary to ensure that any proposed development will substantially secure the objectives of this chapter, and to ensure compliance with related state and federal regulations.

(13)

Unless otherwise specified by the Board, a conditional use approval shall expire within 12 months from the date of authorization if the applicant fails to obtain any needed approval or continues to actively seek approval of development plans submitted to the Township, and fails to obtain any required building permit.

(a)

Conditional use approval must be obtained prior to the submission of a subdivision and/or land development to the Township, unless such requirement is waived by the Planning Commission.

(b)

Conditional use approval shall not be transferred from one party to another without notification to the Board of Supervisors.

[Amended 2-17-2009 by Ord. No. 129-B-09]

(14)

Signs. The Board of Supervisors shall review all signs that are to be associated with a proposed conditional use, and either approve or deny such signs at the same time the Board of Supervisors is reviewing the conditional use.

(15)

(Reserved) [1]

[1]:

Editor's Note: Former Subsection B(15), Holiday sales, was repealed 6-14-2004 by Ord. No. 129-O-04.

C.

Standards for conditional uses and special exception uses and certain permitted-by-right uses.

(1)

Overall. In considering a conditional use or special exception use application, the Board of Supervisors or Zoning Hearing Board, as applicable, shall consider all of the following standards as well as any other standards that may be listed for the proposed use [see Subsection B(11) concerning additional conditions that may be imposed by the Board of Supervisors]. (See also Article IX, concerning additional conditions that may be placed by the Zoning Hearing Board).

(2)

Standards for conditional uses and special exception uses. All conditional uses and all special exception uses shall comply with the following standards:

(a)

Not create a significant hazard to the public health and safety, including but not limited to fire, toxic or explosive hazards.

- ✓ (b)  
Be suitable for the property in question.
- ✓ (c)  
Be designed, constructed, operated and maintained so as to be in harmony with the character of the existing or intended development of the general vicinity.
- ✓ (d)  
Not be detrimental to other property in the vicinity, including proper use of adequate setbacks, buffering, berming, locating of nuisance-causing facilities, screening and controls of operations to avoid conflicts. Where, in the opinion of the Board of Supervisors, the distance of setbacks and/or the methods of screening and buffering otherwise established by this chapter would be insufficient, additional screening, buffering and/or widths of setbacks shall be required as a condition of any approval.
- ✓ (e)  
Be suitable in terms of permitting the logical, efficient and economic extension of public services and facilities such as central water supply, sanitary sewage and police and fire protection. The applicant shall prove that there is adequate access for fire-fighting and other emergency service equipment. The Board of Supervisors may establish additional conditions on approval to ensure such access, such as sufficient turning radii and cartway width for such equipment, the provision of adequate access for fire fighters to reach all sides of buildings and the provision of paved or compacted surfaces sufficient to support the weight of fire equipment.
- ✓ (f)  
After considering any traffic improvements that the applicant may legally commit to fund or construct shall not create significant traffic safety hazards or cause serious traffic congestion.
  - [1]  
The applicant for a conditional use shall establish the effect of the proposed development on the reserve capacity of the public streets and street intersections providing access to and in the area of the subject property.
  - [2]  
Where a traffic study is required under this chapter or another Township ordinance, such study shall be submitted at the same time as the conditional use application.
  - [3]  
If a traffic study is required, the applicant shall prove that the level of service of unsignalized and signalized intersections adjacent to the applicant's property will be adequate to serve the proposed development. To prove such adequacy, the applicant shall prove that intersections intended to provide motor vehicle egress and/or ingress to the proposed development shall not fall below the Level of Service D as specified in the 1994 Highway Capacity Manual published by the Transportation Research Board, or its successor publication.
  - [a]  
The Board of Supervisors may waive the criteria in Subsection C(2)(f)[3] above if they find such waiver to be in the public interest, safety and general welfare.
  - [b]  
The above Subsection C(2)(f)[3] shall not be construed to preclude improvement of such intersections to attain a Level of Service D or better.
  - [4]



The applicant shall prove that any improvements proposed to adjacent segments of streets will be sufficient to obviate adverse traffic impacts caused by the development, and to protect the traveling public.

[5]

The applicant shall prove that facilities for ingress and egress will be so located and so designed to provide safe access to adjoining streets and to avoid unnecessary traffic through existing residential neighborhoods.

✓ (g)

Minimize adverse impacts upon the preservation and restoration of any historic building(s) on the subject property.

✓ (h)

Properly locate and design the proposed structures and other improvements to minimize disruption to existing natural topography, waterways, ponds, groundwater recharge, woods and other important natural resources on the site.

53-6A-54

**EAST GOSHEN TOWNSHIP**  
**HOME OCCUPATION, HOME RELATED BUSINESSES & NO-IMPACT**  
**HOME-BASED BUSINESS APPLICATION**

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

The purpose of this application is to apply for a permit for a home occupation, home related business or no-impact home-based business as defined in section 240-6 of the East Goshen Township Code and regulated by the provisions of sections 240-32.J (Home Occupations), 240-32.K (Home Related Business) and 240-32.U (No-impact Home-based Business).

(Please Print)

**Applicant Information:**

Name: Donald G. Eastburn, Jr.  
 Address: 200 Margaret Lane  
 City, State, Zip: West Chester, PA 19380  
 Phone: H: 610 436 8536

**Property Information:**

Property Owner's Name: Donald G. Eastburn, Jr.  
 Phone Number: H: 610 436 8536  
 Address: 200 Margaret Lane West Chester, PA 19380  
 TPN: \_\_\_\_\_  
 Square Footage of Dwelling Unit: 2400

**Proposed Use**

Type of use:

- ☒ Home Occupation  
☐ Home-Related Business  
☐ No-impact Home Based Business

Nature of your business: Firearms Transfers And Sales  
 Business Name(If Applicable): Donald G. Eastburn, Jr.  
 Square Footage Devoted to Business: 225 sq. ft. (Approx)

# EAST GOSHEN TOWNSHIP

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### Questions

# per day

Will you have customers or clients visit your business?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	<u>4</u>
Will you have non-family employees on-site?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Will you have non-family volunteers on-site?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Will you have independent contractors on-site?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Will you have deliveries made to you on-site?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	<u>ups, Fed Ex</u>
How will deliveries be made?			
Will you conduct direct sales of products or services on-site?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Will you erect a sign? (If yes, attach plan of sign)	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Do you have a business vehicle(s)?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Does your vehicle(s) have a sign attached?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
How will you advertise your business?			<u>word of mouth</u>
What are your hours & days of operation?			<u>10 AM - 8 PM</u>
Does your business require a license or permit from any federal, state or county agency?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	

Please list all vehicles and equipment associated with your business:

Vehicles	Number	Weight (for vehicles)
<u>None</u>		

What other businesses are operated from your property?

None

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Type of Home:

- ☒ Single Family Detached Dwelling  
☐ Multi-family Dwelling

This application must be accompanied by the following:

- ☒ Plot plan of the property showing all structures, driveways and existing landscaping.  
☒ Plan showing proposed off-street parking areas, landscaping and sign location.  
☒ Floor plan of the building used for the proposed business, with business space clearly delineated.  
☒ Copy of all permits or licenses required by other agencies.

Engineered plans are not required; however, the plan must include sufficient detail so that the Township can determine if the requirements for the proposed use have been met.

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**Certification**

I hereby certify that the owner of record authorizes the proposed use, I have been authorized by the owner to make this application, and I agree to conform to all applicable requirements related to the proposed use. This application has been examined by me and to my knowledge and belief is a true, correct and complete application.

By action of applying for a permit, the applicant grants permission for the Zoning Officer to inspect the property prior to the issuance of a permit and during the conduct of the proposed use.

Signature: Donald G. Eastburn, Jr.

Name: DONALD G. EASTBURN, JR.

Date: 11-17-2014

**OFFICIAL USE ONLY**

Determined to be: ☒ Home Occupation ☐ No-Impact ☐ HRB ☐ Prohibited

Permit required: ☒ Y ☐ N

Conditional Use: ☒ Y ☐ N

Attach photos of exterior of property:

*NEED COND. USE APPLICATION 11/20/2014*

**APPROVAL:**

☐ YES

☐ NO

Official Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Permit No: \_\_\_\_\_

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**§240-6 Definitions**

HOME OCCUPATION -- A customary accessory use to a residential dwelling unit which is clearly incidental to the principal residential use of the dwelling unit, and which is carried on only within the dwelling unit or an approved accessory structure on the same lot on which the dwelling is located, and which complies with the standards for home occupations specified in § 240-32J of this chapter, and which is not a "No-impact home based business" as that term is defined in § 240-6 of this chapter. [Added 10-21-2003 by Ord. No. 129-L-03EN]

HOME-RELATED BUSINESS [Amended 1-2-2001 by Ord. No. 129-A-01] -- A routine and customary accessory use which:

- (1) Is clearly incidental to the residential use of the dwelling unit; and
- (2) Is not performed within a dwelling unit or accessory structure, such as is the case with a home occupation, but may be administered or managed from the dwelling unit and/or an accessory structure and complies with the standards in § 240-32K.

NO-IMPACT HOME-BASED BUSINESS -- A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (whether vehicular or pedestrian) pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must comply with the standards in § 240-32U of this chapter. [Added 10-21-2003 by Ord. No. 129-L-03]

**§240-32 Accessory Uses**

**J. Home occupation.** [Amended 1-2-2001 by Ord. No. 129-A-01; 10-21-2003 by Ord. No. 129-L-03]

- (1) Where allowed. A home occupation shall be permitted by conditional use of the Board of Supervisors as an accessory use to a single-family detached dwelling. Such use must conform to the accessory use regulations of the zoning district in which the property is located and all standards listed in this section. The permit for a home occupation which has been approved as a conditional use shall not be transferrable unless it is for the identical home occupation as previously existed, and shall be subject to both the rules and regulations of this chapter and reissuance of a permit by the Zoning Officer.
- (2) Number of uses. Only one home occupation or one home-related business shall be permitted on any one lot. No lot shall be permitted to have both such uses.



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(3) Procedures for obtaining a permit for a home occupation. Upon determination that the proposed use is a home occupation and allowable as a conditional use in the zoning district for which the use is proposed, the Zoning Officer shall require the applicant to complete and file a conditional use application with the Board of Supervisors in accordance with § 240-31B. If the Board of Supervisors grants the conditional use for the Home Occupation, the Zoning Officer shall issue a zoning permit subject to compliance with the applicable standards of this section and any conditions imposed by the Board.

(4) Inspections. Prior to the issuance of a zoning permit, the Zoning Officer shall inspect the proposed dwelling which is the subject of the conditional use application to ensure that the dwelling unit, accessory structure and/or lot to be utilized for the home occupation comply with all applicable Township ordinances and regulations and any applicable laws or regulations promulgated by other regulatory authorities having jurisdiction of any aspect of the property affected by the proposed use. Home occupation permits shall be issued and valid for a period of one year from the date of issuance and shall be renewable annually for the approved home occupation, subject to an annual inspection of the property by the Zoning Officer and the permittee's payment of the renewal fee as established by resolution of the Board of Supervisors.

(5) Complaints. As a condition of the issuance of any permit, the applicant shall be deemed to have agreed that the Zoning Officer shall have the right to inspect the property for which the home occupation permit has been issued if the Zoning Officer either receives a complaint of violation of the permit which he finds to be reasonably reliable or the Zoning Officer has other reasonable grounds to believe that the conditional use approval and/or the permit are being violated. Failure of the permittee, owner or occupant to provide access to the Zoning Officer shall result in either revocation of the permit, or the Zoning Officer, in his discretion, may apply to a Judge of the court having jurisdiction for an administrative search warrant.

(6) Standards. A home occupation must comply with all of the following standards:

(a) Use. The home occupation must be an accessory use clearly incidental to the residential use of the dwelling and shall be conducted entirely within the principal dwelling unit where the owner of the dwelling and operator of the home occupation resides, or within a structure accessory to the principal residential dwelling located on the same lot as the principal residence.

(b) Size. The use shall not exceed a total area of 500 square feet, including any accessory space or structure and/or storage space.

(c) Appearance. There shall be no change in the outside appearance of the dwelling unit, accessory structure and/or lot as they existed on the date of issuance of the home occupation permit arising from the home occupation use or other visible evidence of the conduct of such home occupation, except for a sign which complies with the provisions in this section. The residential character of the neighborhood shall not be changed as a result of the home occupation.

(d) Nuisance. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust or electrical interference detectable to normal senses beyond the property line in excess of levels customarily generated by a

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residential use. No burning, heating or other process will take place which might produce toxic or noxious odors, fumes or gasses.

(e) Storage. No outside storage, display or testing of materials, equipment or products shall be permitted. A dumpster shall not be brought onto the lot, or be utilized upon the lot, for the use of the home occupation.

(f) Requirements. All home occupations shall comply with all requirements of any regulatory agency having jurisdiction over the occupation and related practices carried out upon the lot for which the permit is issued.

(g) No violations. No permit shall be issued for any home occupation for a lot that is wholly or partly in violation of any Township ordinance.

(h) Employees. Nonfamily members or nonresident family members working on the property shall not exceed one person, including any independent contractor. A person serving as an employee for the home occupation shall be considered an employee for the purpose of this section whether or not the person receives any remuneration.

(i) Hours of operation. The home occupation shall not be open to the public before 7:00 a.m. or after 10:00 p.m., prevailing time.

(j) Parking. Any additional parking needs shall comply with the standards as enumerated for home occupations in § 240-33 of this chapter. There shall be a maximum of two additional spaces allowed. All parking for the home occupation shall occur only in either a side or rear yard.

(k) Servicing by truck. Pickup and delivery of parcels shall be limited to four vehicular trips per day and shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m., prevailing time. Any event requiring the utilization of a tri-axle vehicle shall be limited to no more than two vehicle trips per week. Truck visits, for any purpose, shall be counted in the vehicular trip allowance specified below in Subsection J(6) below.

(l) Traffic. The traffic generated by the home occupation shall not exceed 16 vehicular trips per day, i.e., eight trips in and eight trips out.

(m) Sign. Only one nonilluminated identification sign, not to exceed two square feet, shall be permitted. Such sign shall generally be of neutral color(s) (such as earth tones) and not day-glow or garish colors. The allowable sign may be placed on the exterior of the residence or as an attachment to a mailbox post which is installed in the public right-of-way and meets the approval of the U.S. Postal Service and which houses an approved mailbox. A sketch of any proposed sign shall accompany the conditional use application.

(n) Solid waste and sewer discharge. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(7) Uses not permitted. The following occupations/businesses are expressly not allowed as a home occupation and such uses will not be granted a permit or conditional use approval as a home occupation:

(a) Animal hospital or animal shelter.

(b) Auto or small engine repair or any parts or components thereof.

(c) Any business or corporation with more than two nonresident or nonrelated partners or officers working at the site on a regular basis.

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- (d) Boarding home.
- (e) Funeral parlor or undertaking establishment.
- (f) Furniture stripping.
- (g) Gift or antique shop.
- (h) Kennel, commercial kennel or commercial stable.
- (i) Medical or dental clinic with more than one doctor or dentist.
- (j) Painting of vehicles, trailers or boats.
- (k) Private school.
- (l) Rental business.
- (m) Restaurant.
- (n) Rooming house.
- (o) Welding shop.
- (p) Animal training.
- (q) Any adult use.
- (r) Sale or manufacture of fireworks.
- (s) Tar and roofing business.
- (t) Other uses of a similar character as those listed above.
- (u) Any use or activity which creates a nuisance.

**K. Home-related business.** [Amended 1-2-2001 by Ord. No. 129-A-01]

- (1) Workers. Non-family-members, nonresident family members, or independent contractors working on the property, whether receiving remuneration or not, shall not exceed two persons. Persons assisting with the administration of the home-related business shall be considered workers regardless of whether they receive remuneration or not.
- (2) Sign. Except for vehicular signs as defined in § 240-6, no sign shall be permitted on the property indicating the presence of a home-related business.
- (3) Size. The use shall not exceed 500 square feet of the total floor area of the dwelling unit, including any accessory structure or space used for storage.
- (4) Parking and loading. Adequate space for off-street parking and loading related to the home-related business shall be provided in accordance with § 240-33 of this chapter. The workers of the home-related business and all business vehicles as described in § 240-32K(8) shall park in the parking spaces which are provided for such use. Such parking spaces shall be located only to the side or to the rear of the dwelling unit containing the home-related business and shall meet the following conditions:
  - (a) The parking area shall be screened from the direct view of an adjacent residential use or a road by a wall or solid fence, five feet high or a completely planted visual barrier consisting of evergreen trees with a minimum planted height of six feet at the time of planting and placed no more than ten feet on center. Evergreens that have the natural habit of losing their lower branches over time shall not be used as screening. The required trees shall be staggered so as to provide as complete a visual barrier as is possible. The owner shall be responsible for maintaining the trees to ensure that they meet the above regulations while the property is used for a home-related business purpose. Dead or dying trees shall be promptly replaced.

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- (b) The parking area will be constructed of aggregate and/or bituminous paving and meet the approval of the Township Engineer or Director of Public Works.
- (5) Building appearance. Following inception of the use, there shall be no change in the outside appearance of the dwelling unit, accessory structure and/or lot related to the home-related business as they existed on the date of issuance of the permit authorizing the home-related business or other visible evidence of the conduct of a home-related business. Outdoor storage of materials and equipment shall be prohibited.
- (6) Nuisance. No equipment or process shall be used in a home-related business which creates noise, vibration, glare, fumes, odors, dust or electrical interference detectable to normal senses beyond the property line in excess of levels customarily generated by a residential use. No burning, heating or other process will take place which might produce toxic or noxious odors, fumes or gasses.
- (7) Storage. The outside storage of materials, equipment or products shall be prohibited. A dumpster shall not be brought onto the property, or be utilized upon the property, for the use of the home-related business.
- (8) Business vehicles. A maximum of two vehicles, bearing current and valid inspection and emissions stickers and currently licensed by the Pennsylvania Department of Motor Vehicles, which are used for a home-related business shall be permitted on the lot on which the home-related business is conducted, except in the case of a multifamily dwelling unit where only one such vehicle shall be permitted for a home-related business. No one vehicle shall exceed 10,000 pounds of gross vehicle weight, nor shall the combined weight of one vehicle and another vehicle (motorized or nonmotorized, such as a trailer or equipment) that are attached or capable of attachment together exceed 10,000 pounds of gross vehicle weight.
- (9) Uses. Permitted home-related business uses include, but are not limited to, such uses as an electrician, plumber, carpenter and other skilled workman.
- (10) Servicing by truck. Pickup and delivery of parcels and materials shall be limited to four vehicle trips per day and shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m., prevailing time. Any event requiring the utilization of a tri-axle vehicle (other than one normally permitted under the above) shall be limited to not more than two vehicular trips per week.
- (11) Customer/client visits. The home-related business use shall not involve any customer or client visits to the property, and there shall be no direct sales of products on or from the lot.
- (12) Number of uses. Only one home-related business shall be permitted on any one lot, except as permitted in § 240-32K(14).
- (13) Permit. It shall be illegal for any person to conduct a home-related business on any property unless he has applied for and been issued a home-related business permit by the Zoning Officer. An inspection by the Zoning Officer shall be required prior to the issuance of any such permit.
- (14) Location. A home-related business shall take place only on a lot containing a single-family detached dwelling and shall be conducted only within the dwelling unit or an accessory structure allowed as an accessory use in the zoning district in which the lot is located; except that a home-related business may be conducted from a multifamily

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dwelling unit, provided that there shall be no nonfamily workers or nonresident family workers and there shall be only one business vehicle permitted.

**U. No-impact home-based business.** Upon issuance of a permit by the Zoning Officer and payment of all applicable fees as determined by resolution of the Board of Supervisors, a no-impact home-based business shall be permitted in all zoning districts as an accessory use to a dwelling unit. A no-impact home-based business must comply with all of the following criteria:

**[Added 10-21-2003 by Ord. No. 129-L-03; amended 10-4-2011 by Ord. No. 129-J-11]**

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature. Sales made via electronic media or other external solicitation shall be permitted.

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling unit and may not occupy more than 25% of the habitable floor area.

(8) The business may not involve any illegal activity.

**Conditional Use Application Process for Home Occupation Applications**

The Conditional Use approval process begins with the applicant completing a Conditional Use Application and submitting all the required information and the \$450 application fee and may be required to post a \$2,000 escrow with the Township to cover costs incurred by outside consultant review of the application. The Conditional Use approval process follows the following course.

1. The Conditional Use Application is received by the Township, once determined complete by the Township meeting dates are scheduled to hear the presentation of the application:
  - a. All surrounding property owners within 1000 feet of the property are notified of the application and meeting dates.
  - b. The hearing dates are advertised in the local Newspaper
  - c. A court reporter is scheduled to record the proceedings



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- d. The Township Solicitor is scheduled to appear and administer the hearing.
- e. The applicant is notified of all meeting dates and times when the application will be considered.
- 2. The applicant presents the application to the Township Planning Commission during a public meeting, describing the Home Occupation application and proposed use in detail.
  - a. The Planning Commission makes a recommendation to the Board of Supervisors (To support or Oppose) which may include reasonable conditions of the use and the applicant.
- 3. The applicant presents the application to the Township Board of Supervisors during a Conditional Use Hearing, describing the proposed use in detail, which meet all of the standards set forth in §240-32.J. of the Township Zoning Ordinance.  
The Board of Supervisors will determine if the Home Occupation use meets the standards of the ordinance and if approved may impose reasonable conditions, which must be accepted by the applicant.

Federal Firearms License  
(18 U.S.C. Chapter 44)

11-000000-111111-111111-111111-111111

In accordance with the provisions of Title I, Gun Control Act of 1968, and the regulations issued thereunder (27 CFR Part 478), you are licensed to engage in the business specified in this license, within the limitations of Chapter 44, Title 18, United States Code, and the regulations issued thereunder, until the expiration date shown.  
See "WARNINGS" and "NOTICES" on reverse.

Direct ATF  
Correspondence To  
ATF - Chief, FFLC  
244 Needy Road  
Martinsburg, WV 25405-9431

License  
Number  
**8-23-029-01-5F-17414**

Chief, Federal Firearms Licensing Center (FFLC)

Expiration  
Date  
**June 1, 2015**

Name  
EASTBURN, DONALD G JR

Premises Address (Changes? Notify the FFLC at least 30 days before the move.)

200 MARGARET LN  
WEST CHESTER, PA 19380-0000

Type of License

01-DEALER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES

Purchasing Certification Statement

The licensee named above shall use a copy of this license to assist a transferor of firearms to verify the identity and the licensed status of the licensee as provided by 27 CFR Part 478. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Firearms Licensee (FFL) or a responsible person of the FFL. I certify that this is a true copy of a license issued to the licensee named above to engage in the business specified above under "Type of License."

Mailing Address (Changes? Notify the FFLC of any changes.)

EASTBURN, DONALD G JR  
200 MARGARET LN  
WEST CHESTER, PA 19380-0000

Licensee/Responsible Person Signature

Position Title

Printed Name

Date

Previous Edition is Obsolete

EASTBURN, DONALD G JR 200 MARGARET LN 19380-0000 8-23-029-01-5F-17414 June 1, 2015 01-DEALER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES

ATF Form 8 (5310.11)

Revised October 2011

Federal Firearms License (FFL) Customer Service Information

Federal Firearms Licensing Center (FFLC)  
44 Needy Road  
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (866) 662-2750  
Toll-free Fax Number: (866) 257-2749  
E-mail: NLC@atf.gov

ATF Homepage: [www.atf.gov](http://www.atf.gov)  
FFL eZ Check: [www.atfonline.gov/fflezcheck](http://www.atfonline.gov/fflezcheck)

**Change of Address (27 CFR 478.52).** Licensees may during the term of their current license remove their business or activity to a new location at which they intend regularly to carry on such business or activity by filing an Application for an Amended Federal Firearms License, ATF Form 5300.38, in duplicate, not less than 30 days prior to such removal with the Chief, Federal Firearms Licensing Center. The application must be executed under the penalties of perjury and penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the licensee's original license. The license will be valid for the remainder of the term of the original license. **(The Chief, FFLC, shall, if the applicant is not qualified, refer the application for amended license to the Director of Industry Operations for denial in accordance with § 478.71.)**

**Right of Succession (27 CFR 478.56).** (a) Certain persons other than the licensee may secure the right to carry on the same firearms or ammunition business at the same address shown on, and for the remainder of the term of, a current license. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business shall furnish the license for that business for endorsement of such succession to the Chief, FFLC, within 30 days from the date on which the successor begins to carry on the business.

Cut Here ✂

(Continued on reverse side)

FFL Newsletter - Electronic Version Available

Sign-Up Today!

FFLs interested in receiving the electronic version of the FFL Newsletter, along with occasional additional information, should submit name, FFL number, and e-mail address to: [FFLNewsletter@atf.gov](mailto:FFLNewsletter@atf.gov).

The electronic FFL Newsletter will enable ATF to communicate information to licensees on a periodic basis.

Commonwealth of Pennsylvania

File Gpy

# LICENSE TO SELL FIREARMS

This is certify that DONALD G. EASTBURN, JROwner(s): DONALD G EASTBURNconducting business at 200 MARGARET LANE200 MARGARET LANEWEST CHESTER, PA 19380WEST CHESTER, PA 19380

is hereby duly licensed to sell firearms direct to consumers, the business to be carried on only at the location as listed above in the County of **Chester**, Commonwealth of Pennsylvania, or at a lawful gun show or meet. This license is valid for three years from the date of issue, unless sooner revoked by authority issuing same. This license is issued by the virtue of authority contained in Title 18, Crimes Code, Chapter 61, Subchapter A, known as the "Pennsylvania Uniform Firearms Act," and is subject to the provisions thereof.

Date of Issue:

07/08/2013

Date of Expiration:

07/09/2018

State License Number:

2908

Signature of Issuing Authority:

SHERIFF OF CHESTER  
COUNTY

Title:

West Chester, PA

File COPY

BUREAU OF BUSINESS TRUST FUND TAXES  
PO BOX 280406  
HARRISBURG PA 17128-0406

**CERTIFICATE OF REGISTRATION  
SALES TAX LICENSE**

Account ID:..... 15205295  
Notice Date:..... January 24, 2010  
Notice Number:..... 663-370-910-011-9  
Expiration Date:..... February 28, 2015

DONALD G EASTBURN JR  
200 MARGARET LN  
WEST CHESTER PA 19380-6212

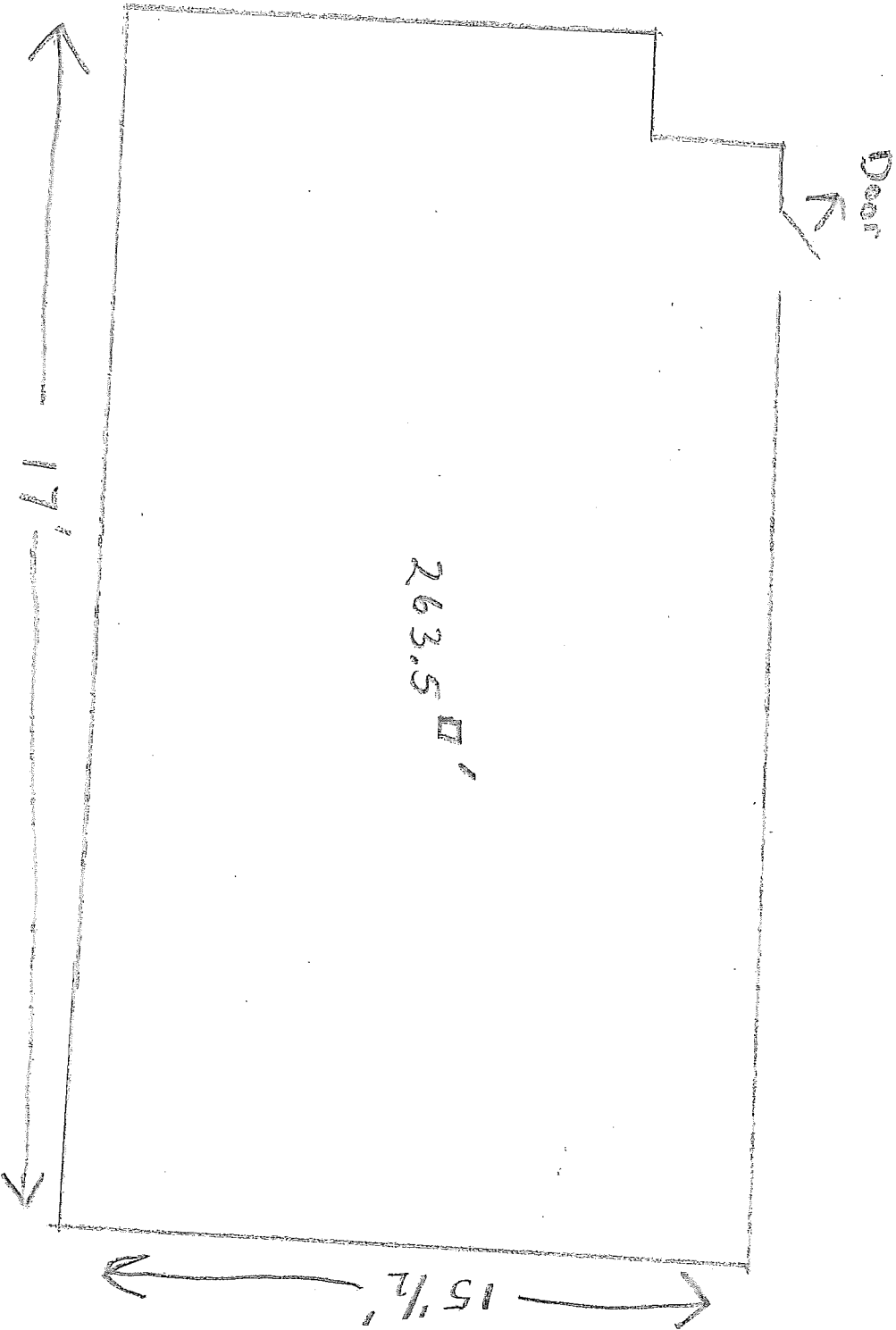
**THIS LICENSE MUST BE PROMINENTLY DISPLAYED**

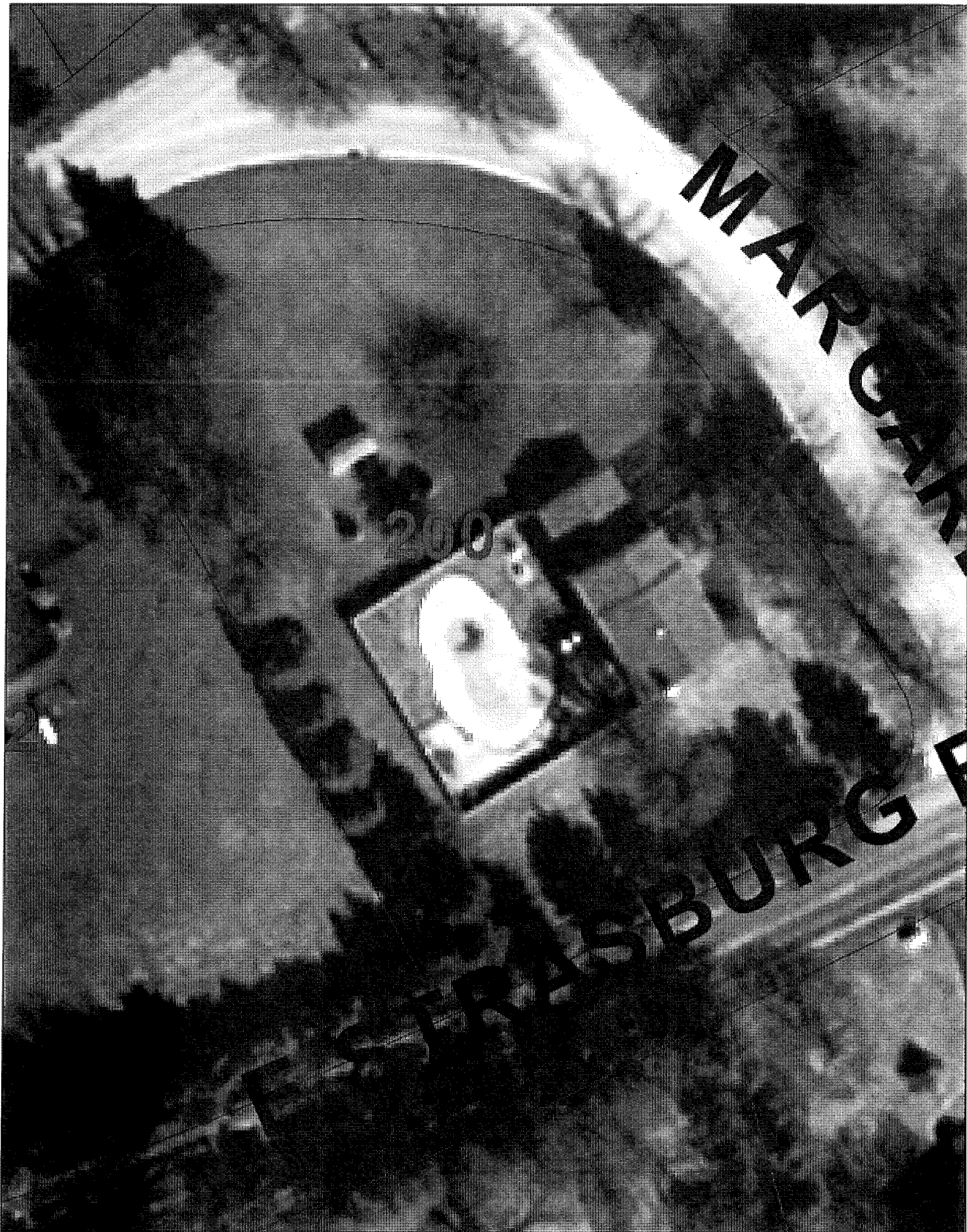
This license authorizes the holder to collect Local and/or State Sales, Use and Hotel Occupancy Tax.

Always refer to the **Account ID** above in correspondence.

This license is non-assignable and non-transferable.

Basement Office Space





200 Margaret Ln 11202014




# 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@eastgoshe.org](mailto:mgordon@eastgoshe.org)

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**Date:** 11/26/2014  
**To:** Planning Commission  
**From:** Mark Gordon, Zoning Officer   
**Re:** Star Printing / 1372 Enterprise Drive

Dear Commissioners,

Star Printing has submitted a Conditional Use application to locate their printing business at 1372 Enterprise Drive. Star Printing proposes no exterior changes to the building and very minor changes to the interior. The use will employ +/- 26 Employees, less than the previous tenant. A few questions left to be answered are:

1. Will the printing processes discharge process water to the Sanitary Sewer?
2. Is there any outdoor storage proposed?
3. What Signage, if any, is anticipated for the site?

## DRAFT MOTION:

Mr. Chairman, I move that we recommend that the Board of Supervisors approve the conditional use application for Star Printing and the Printing and publishing establishment use as depicted in the application and the applicants descriptions provided during their presentation to the Planning Commission with the following condition:

1. The applicant will follow all applicable federal, State and Local ordinances and secure all proper permits prior to use and occupancy of the property.

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

November 26, 2014

Dear Property Owner:

The purpose of this letter is to inform you that Star Printing, equitable owner of 1372 Enterprise Dr., West Chester, PA 19380 has submitted a Conditional Use application for the property. The applicant is proposing to locate their commercial printing business within the existing building on Enterprise Drive which is located in the Business Park (BP) zoning District. No external changes are proposed to the building or the parking lots to accommodate this use. Printing and Publishing establishments are a permitted use in the BP zoning district however they are permitted by Conditional Use. The full application is available for review at the Township building.

Pursuant to Township policy, property owners within 1000 feet of the subject property are notified of Zoning Hearing Board applications. **The meeting dates for this matter are listed below and subject to change without further written notice:**

**December 3, 2014 – Planning Commission (7:00 PM)**

**December 16, 2014 – Board of Supervisors (7:00 PM – Conditional Use Hearing)**

All meetings are held at the Township Building and are open to the public. The Zoning Hearing Board Application is available for review at the Township building during normal business hours. If any person who wishes to attend the hearing has a disability and/or requires an auxiliary aid, service or other accommodation to observe or participate in the proceedings, he or she should contact East Goshen Township at 610-692-7171 to discuss how those needs may be accommodated.

Please give me a call if you have any questions or need additional information.

Sincerely,



Mark A. Gordon  
Township Zoning Officer



Conditional Use Application and Checklist

**East Goshen Township**

To: Township Zoning Officer

Name of Applicant: Star Print Mail and Swanson and Swanson Associates, L.P.

Applicant Address: c/o James J. Byrne, Esq./J. Adam Matlawski, Esq, 1223 N. Providence Rd, Media, PA

Telephone Number: (610) 565-4322 Fax: (610) 565-9631

Email Address: Allan.Swanson@starprintmail.net/jjbyrne@mbmlawoffice.com

Property Address: 1372 Enterprise Drive, West Chester, PA 19380


Tax Parcel Number: 530401750000 Zoning District: Bus. Dist. Acreage: 4 acre lot


**Description of proposed use:**

Applicant proposes to operate a commercial printing and mailing business from the aforesaid property.  
Applicant believes that the use is permitted by conditional use pursuant to § 240-21c(20) of the East Goshen  
Township Zoning Ordinance. Applicant's use complies with all relevant standards of §240.31 of the East Goshen  
Township Zoning Ordinance. Applicant's use will not be adverse, in any manner, to the public health, safety  
nor welfare. There will be no material changes to the building which require any zoning relief. There is ample  
parking at the site which complies with the code requirements for the said use.

Conditional Use is provided in Zoning Ordinance Section: §§240-21c(20); 240-31

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.

 11/24/14  
Signature of Applicant Date

Attest: 

**\* Review the formal Planning Commission review procedure on page three.**

# 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@eastgoshe.org](mailto:mgordon@eastgoshe.org)

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Date: 11/20/2014  
To: Planning Commission  
From: Mark Gordon, Township Zoning Officer *mb*  
Re: Wooded Lot

Commissioners,

Currently the Township code does not define "Wooded Lot" however our Storm Water Management ordinance defines "Woods".

The Conservancy Board looked at this issue and has forwarded you a recommendation to add a definition of "Wooded Lot" to the Township SALDO.

I propose that the PC review the recommendation of "Wooded Lot" that I have provided below and send a recommendation to the Board of Supervisors to add a definition for "Wooded Lot" to the Township Subdivision and Land Development ordinance.

EGT SWM Ordinance  
Definitions

**WOODS**

Any land area of at least 0.25 acre with a natural or naturalized ground cover (excluding manicured turf grass) and that has an average density of two or more viable trees per 1,500 square feet with a DBH of six inches or greater. The land area to be considered woods shall be measured from the outer driplines of the outer trees.

**Suggested Definition**

**WOODED LOT**

A wooded lot is any lot having more than two or more viable trees, six inches or greater in dbh, per 1500 square feet of gross lot area, exclusive of street right of way.

**Draft Motion:**

Mr. Chairman, I move that we recommend that the Board of Supervisors consider adding the following definition for "Wooded Lot" to the Township Subdivision and Land Development ordinance. This definition is consistent with the definition of "woods" in the Storm water Management ordinance.



# EAST GOSHEN CONSERVANCY

November 20, 2014

East Goshen Township  
Planning Commission  
1580 Paoli Pike  
West Chester, Pa. 19380

Re: Wooded Lot Definition

Dear Commission Members:

At their meeting on November 12, 2013 the Conservancy Board voted in favor of the following motion:

Mr. Chairman, I move that we recommend that the Board of Supervisors consider adding the following definition for "Wooded Lot" to the Township Subdivision and Land Development ordinance. This definition is consistent with the definition of "woods" in the Storm water Management ordinance.

Sincerely,



Mark A. Gordon  
Zoning Officer

TOWNSHIP OF EAST GOSHEN  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, SECTION 240-19.C TO ALLOW SOLAR ENERGY SYSTEMS IN THE I-1 LIGHT INDUSTRIAL DISTRICT AS A PRINCIPAL USE OF THE LOT BY CONDITIONAL USE SUBJECT TO STANDARDS IN SECTION 240-31.C(3)(ww); SECTION 240-19.G TO ADD LOT AREA AND BULK REQUIREMENTS FOR SOLAR ENERGY SYSTEMS IN THE I-1 DISTRICT; AND TO ADD A NEW SECTION 240-31.C(3)(ww) TO ADD REGULATIONS FOR SOLAR ENERGY SYSTEMS THAT ARE BUILT AS A PRINCIPAL USE OF A LOT IN THE I-1 DISTRICT.

---

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township, that the East Goshen Township Zoning Ordinance of 1997, as amended, which is codified in Chapter 240 of the East Goshen Township Code, titled, "Zoning", shall be amended as follows:

**SECTION 1.** Section 240-19.C shall be amended by adding a new subparagraph (32) which shall state as follows:

"(32) Solar Energy Systems as the principal use of a lot in accordance with the standards in §240-31.C(3)(ww)."

**SECTION 2.** Section 240-19.G shall be amended as follows:

Lot area, width, building coverage, height and yard regulations. The following requirements apply to each use in the I-1 District, unless a more restrictive provision in another section of this chapter applies. All uses in this district shall be serviced by centralized sewage disposal and centralized water supply systems.

**I-1 Principal Uses**

<b>Requirements</b>	<b>Restaurant</b>	<b>Bank, Savings and Loan, Post Office, Fire Station</b>	<b>All Other Uses</b>
Minimum lot area	2 acres	2 acres	4 acres

### I-1 Principal Uses

Requirements	Restaurant	Bank, Savings and Loan, Post Office, Fire Station	All Other Uses
Minimum lot width			
At building setback line	200 feet	200 feet	200 feet
At street line	150 feet	150 feet	150 feet
Maximum land coverage			
By buildings	30%	30%	30%
By total impervious cover	50%	50%	50%
Maximum building height			
Stories	3	3	3
Feet	35 feet	35 feet	35 feet

**SECTION 3.** Section 240-31.C(3) shall be amended to add a new subparagraph (ww) which shall provide as follows:

“(ww). Solar energy systems as the principal use of a lot.

[1] A solar energy system shall be permitted in the I-1 District as a principal use of the lot by conditional use approval of the Board subject to the specific criteria in this section. Additionally, any ground mounted solar energy system that is built as an accessory use in any zoning district which exceeds 1,000 square feet of land area may be permitted subject to conditional use approval of the Board and subject to the specific criteria in this section, except on properties designated as historic resources on the Township Historic Resource Inventory.

[2] The owner of a solar energy system connected to the utility grid shall provide written authorization from the local utility company to the Township acknowledging and approving such connection.

[3] The solar panels shall not exceed a maximum height of eight (8) feet. ~~Any buildings or structures associated with the solar energy system, other than the solar panels themselves, shall not exceed a maximum height of 25 feet.~~ or do we keep it at 35ft?

[4] The surface area of a ground mounted system, regardless of the mounted angle, shall not be calculated as part of the overall impervious coverage provided that the following criteria are met:

1. Earth disturbance and grading activities shall be minimized to the greatest extent feasible and natural vegetative cover shall



be preserved and/or restored. Low impact construction techniques shall be utilized as feasible.

2. Vegetative cover shall have a 90% or better uniform coverage. Gravel shall not be considered pervious cover.
  - a. A meadow condition is preferable, particularly for slopes between 5 and 10%.
  - b. Mowed areas, where approved, should be kept to a minimum height of four (4) inches, and 10 inches maximum.
  - c. Vegetated areas shall not be subject to chemical fertilization or herbicides / pesticides.
3. Individual photovoltaic panels within an array are arranged in a fashion that:
  - a. Allows the passage of runoff between each module thereby minimizing the creation of concentrated runoff.
  - b. Allows the growth of vegetation beneath and between arrays.
4. Ground mounted solar panels are supported with structures/foundations occupying minimal space (maximum five (5) percent of the total project area).
5. Solar panels are situated on slopes less than ten (10) percent.
6. ~~The lowest vertical clearance of the solar array is at an elevation of eight (8) feet or less from the ground, but is also at an adequate height to promote vegetative growth below the array~~The applicant shall present a plan that demonstrates that the vegetative cover proposed will create a uniform vegetative cover underneath the solar panels..

[5] The minimum setback between the solar energy system and any property line shall be equivalent to the applicable building setback requirement for the underlying zoning district.

[6]The solar energy system shall be enclosed by a solid board on board fence, ~~barrier~~ or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property. The entire perimeter of the solar energy system shall include a landscaped screen of trees and shrubs. Perimeter landscaping shall be shown on a landscape plan and approved by the township. -Clearly visible warning signs shall be placed on the fence or barrier to inform

individuals of potential voltage hazards. All mechanical equipment associated with the solar energy system shall be completely enclosed by a minimum eight (8') foot high board on board fence with a self-locking gate. The fences and perimeter landscape screening shall be maintained for as long as the solar energy system is located on the property.

[7]Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

[8]The solar energy system shall comply with all relevant Federal Aviation Administration rules and regulations, if any.

[9]All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.

[10]A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided such information complies with the prevailing sign regulations.

[11] A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.

[12]The design of the solar energy system shall conform to applicable industry standards and codes.

[13]The solar energy system shall not be artificially lighted, except to the extent required by safety or by any applicable federal, state or local authority.

[14]If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.

[15]If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Township Zoning Officer, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Township Zoning Officer.

#### **DO WE WANT TO PROHIBIT ON LOTS WITH HISTORIC RESOURCES?**

**SECTION 4. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted

had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 5. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 6. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

**EAST GOSHEN TOWNSHIP**

**BOARD OF SUPERVISORS**

\_\_\_\_\_  
Louis F. Smith, Secretary

\_\_\_\_\_  
E. Martin Shane, Chairman

\_\_\_\_\_  
Senya D. Isayeff, Vice-Chairman

\_\_\_\_\_  
Carmen Battavio, Member

\_\_\_\_\_  
Charles W. Proctor, III, Esquire, Member

\_\_\_\_\_  
Janet L. Emanuel, Member



TOWNSHIP OF EAST GOSHEN  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, SECTION 240-6 TO ADD VARIOUS DEFINITIONS RELATED TO SOLAR ENERGY SYSTEMS; SECTION 240-23.C CONCERNING MAXIMUM HEIGHT OF STRUCTURES; AND SECTION 240-32.O TO AMEND THE REGULATIONS FOR SOLAR ENERGY SYSTEMS THAT ARE BUILT AS AN ACCESSORY USE TO THE PRINCIPAL USE ON A LOT.

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BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township, that the East Goshen Township Zoning Ordinance of 1997, as amended, which is codified in Chapter 240 of the East Goshen Township Code, titled, "Zoning", shall be amended as follows:

**SECTION 1.** Section 240-6, titled, "Definitions", shall be amended to include the following definitions:

**MECHANICAL EQUIPMENT--** Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

**SOLAR ACCESS-** A property owner's right to have sunlight shine on the owner's land.

**SOLAR ENERGY SYSTEM-** An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include the terms passive solar and active solar systems.

**SOLAR GLARE-** The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**SECTION 2.** Section 240-23.C(2) of the East Goshen Township Zoning Ordinance of 1997, as amended, shall be amended as follows:

"(2) Structures such as flagpoles, windmills, water towers and silos shall be subject to and shall not exceed the maximum permitted building height unless a special exception is granted by the Zoning Hearing Board and the Board affirmatively finds that such structure is proposed, designed, intended and limited in use only to such purpose. In such case, the Board may approve such increased height as is proven by the applicant to be warranted by the functional needs of the structure, subject to such reasonable limitations and conditions as the Board shall impose, provided the height allowed by the Board shall not exceed two times the permitted building height absent the Board's granting of a variance and provided, further, that no structure shall significantly impair solar access of adjacent buildings or solar collector locations. This section shall not apply to solar energy systems."

**SECTION 3.** Section 240.32.O of the East Goshen Township Zoning Ordinance of 1997, as amended, shall be amended as follows:

"O. Solar energy systems

It is the purpose of these regulations to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory use to a principal use herein and subject to specific criteria as set forth below, except, solar energy systems shall be prohibited on properties designated as historic resources on the Township Historic Resource Inventory. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.

1. The installation and construction of a solar energy system shall be subject to the following development and design standards:
  - A. A solar energy system is permitted in all zoning districts as an accessory use to a principal use; provided that a ground mounted solar energy system shall not exceed 1,000 square feet of land area. If the ground mounted solar energy system exceeds 1,000 square feet of land area, it shall only be permitted by conditional use of the Board of Supervisors.



- B. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to local utility companies.
- C. The owner of a solar energy system connected to the utility grid shall provide written authorization from the local utility company to the Township acknowledging and approving such connection.
- D. A solar energy system may be roof mounted [*attachment #1 and #2*] or ground mounted [*attachment #3*].
- E. A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system, in the case of a flat roof, whether mounted on the principal building or accessory building, may exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district by no more than two (2) feet. Roof top solar energy systems shall be placed a minimum of three (3) feet from any roof edge, valley or ridge in order to provide for adequate access paths on the roof. Roof top solar energy systems shall not be included in the calculation of building height.
- F. A ground mounted system shall not exceed a maximum height of eight (8) feet.
- G. The surface area of a ground mounted system, regardless of the mounted angle, shall not be calculated as part of the overall impervious coverage provided that the following criteria are met:
  - 1. Earth disturbance and grading activities shall be minimized to the greatest extent feasible and natural vegetative cover shall be preserved and/or restored. Low impact construction techniques shall be utilized as feasible.
  - 2. Vegetative cover shall have a 90% or better uniform coverage. Gravel shall not be considered pervious cover. The applicant shall present a plan that demonstrates that the vegetative cover proposed will

create a uniform vegetative cover underneath the solar panels.

- a. A meadow condition is preferable, particularly for slopes between 5 and 10%.
  - b. Mowed areas, where approved, should be kept to a minimum height of four (4) inches, and 10 inches maximum.
  - c. Vegetated areas shall not be subject to chemical fertilization or herbicides / pesticides.
3. Individual photovoltaic panels within an array are arranged in a fashion that:
- a. Allows the passage of runoff between each module thereby minimizing the creation of concentrated runoff.
  - b. Allows the growth of vegetation beneath and between arrays.
4. Ground mounted solar panels are supported with structures/foundations occupying minimal space (maximum five (5) percent of the total project area).
5. Solar panels are situated on slopes less than ten (10) percent.
6. The ~~lowest~~highest vertical clearance of the solar array is at an elevation of eight (8) feet or less from the ground, but is also at an adequate height to promote vegetative growth below the array.
- H. A ground mounted system shall be located behind the principal structure within the building envelope.
- I. The minimum setback between the solar energy system and any property line shall be equivalent to the applicable building setback requirement of the underlying zoning district.
- J. Ground mounted solar energy systems including solar panels and mechanical equipment shall be fully screened



from any adjacent property or public / private road by a solid fence with a height at least equal to the height of the highest solar panel. The fence shall be maintained for as long as the solar energy system is located on the property. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

- K. The solar energy system shall comply with all relevant Federal Aviation Administration rules and regulations, if any.
  - L. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
  - M. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided such information complies with the prevailing sign regulations.
  - N. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.
  - O. The design of the solar energy system shall conform to applicable industry standards and codes.
- 2. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
  - 3. If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Township Zoning Officer, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Township Zoning Officer.

**SECTION 4. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions,

sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 5. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 6. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Louis F. Smith, Secretary

\_\_\_\_\_  
E. Martin Shane, Chairman

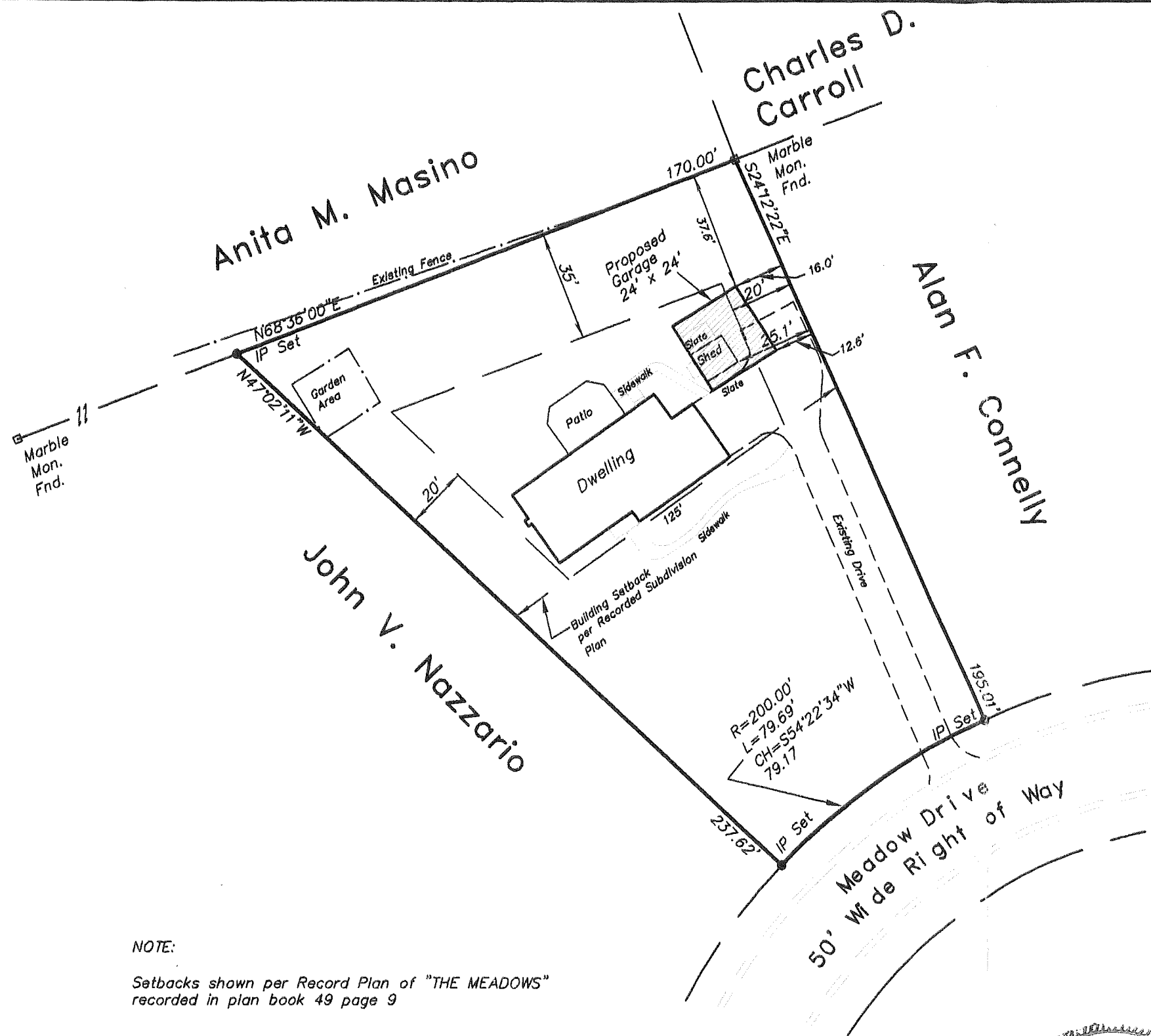
\_\_\_\_\_  
Senya D. Isayeff, Vice-Chairman

\_\_\_\_\_  
Carmen Battavio, Member

\_\_\_\_\_  
Charles W. Proctor, III, Esquire, Member

\_\_\_\_\_  
Janet L. Emanuel, Member





NOTE:

Setbacks shown per Record Plan of "THE MEADOWS" recorded in plan book 49 page 9

GRAPHIC SCALE



Revised 10/19/14 to show proposed garage.

Existing Site Data:			Proposed	
Total Lot Area	25,566 SF			
Building Coverage	1862 SF	7%	2318 SF	9%
Impervious Coverage	3025 SF	12%	3364 SF	13%

Total Contents: 25,566 SF  
612 Meadow Drive

Plan Prepared for:		
James W. Christenson and Susan N. Christenson		
East Goshen Township	Chester County PA.	
<b>A &amp; A LAND SURVEYING, LLC</b> PROFESSIONAL LAND SURVEYING 109 MONTANA DRIVE CHADDS FORD, PA. 19317 Phone 610-368-7241		SCALE: 1" = 40'
		DATE: 10/13/2014
		DRAWN BY: JRA
		PARCEL NO.: 53-4J-10
		SHEET NO.:

