

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION
Meeting Agenda
Wednesday, September 7, 2016
6:30 PM Workshop
7:30 PM Regular Meeting**

- A. WORKSHOP SESSION 6:30 PM**
 - 1. Zoning Ordinance Review (Materials Distributed in June)**
 - a. §240-22 Signs
 - b. §240-23 General regulations
- B. REGULAR MEETING 7:30 PM**
- C. Call to Order / Pledge of Allegiance and Moment of Silence
- D. Chairman will ask if anyone is going to record the meeting
- E. Review of Tracking Log / Determine need for Workshop Meeting**
- F. Public Comment on Non-Agenda Items
- G. Approval of Minutes**
 - 1. August 3, 2016**
- H. Subdivision and Land Development Applications
 - 1. 1420 E. Strasburg Rd. (Brakman Property, SD/LD)
- I. Conditional Uses and Variances**
 - 1. 1349 Morstein Rd. (Conditional Use – Home Occupation)**
- J. Ordinance Amendments**
 - 1. DAS – Distributed Antenna Systems**
- K. Old Business
- L. New Business
- M. 2016 Goals**
 - 1. Objective 6.2 / 2015 Comp Plan / TCDI Grant Submission**
Trail Committee Formed first meeting September 12th @ 7:00PM
- N. Any Other Matter
- O. Liaison Reports
- P. Correspondence

Newsletter Deadlines for 2016:

Winter: November 1, 2016 to be delivered the 3rd week of December

Bold Items indicate new information to review.

East Goshen Township Planning Commission
Application 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	Comments
1420 E. Strasburg Rd. / Brakman-Gunnison	SD/LD	P/F	5/18/16	6/1/16	5/19/16	5/19/16	5/20/16	1	10/5/16	10/18/16	NA	10/29/16	
1349 Morstein Rd / McDonald	CU	Sk	8/29/16	8/29/2016	NA	NA	9/1/16		9/7/16	10/18/16	9/20/16	10/28/16	

Bold = New Application or PC action required

Completed in 2016

907 Madison Dr	V	sk	7/20/16	7/20/16	na	NA	7/28/16		8/3/16	8/16/16	9/15/16	9/18/16	
943 Cornwallis Drive	SD/LD	P/F	2/16/16	3/2/16	2/17/16	2/17/16	2/18/16	NA	5/11/16	5/31/16	NA	5/31/16	APPVD.
1325 Boot Rd. / SSPP Church	V	S	3/8/16	3/8/16	NA	NA	3/30/16	NA	4/6/16	4/5/16	4/28/16	5/7/16	Granted
814 N. Chester Rd. / Goshen Friends School	LD	S	2/25/16	3/2/16	NA	NA	2/26/16		NA	NA	NA	NA	APPVD.
1420 E. Strasburg Rd.	SD/LD	Sk	1/26/16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
930 N. Chester Rd. / Gary and Paula Moore	SD	P/F	10/23/15	11/4/15	10/26/15	10/26/15	10/28/15		1/13/16	2/2/16	NA	2/2/16	APPVD.

Draft
EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
August 3, 2016

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, August 3, 2016 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Adam Knox, Lori Kier, Jim McRee, Dan Daley, Monica Close, Brad Giresi and Dan Landis. Also present was Rick Smith, Township Manager and Janet Emanuel, Township Supervisor.

COMMON ACRONYMS:

BOS – Board of Supervisors

CPTF – Comprehensive Plan Task Force

BC – Brandywine Conservancy

CVS – Community Visioning Session

CB – Conservancy Board

SWM – Storm Water Management

CCPC – Chester Co Planning Commission

A. FORMAL MEETING – 7:00

1. Adam called the meeting to order at 7:00 pm. He led the Pledge of Allegiance and a moment of silence to remember our troops.
2. Adam asked if anyone would be recording the meeting and if there were any public comments about non-agenda items. There was no response.
3. Adam reviewed the Tracking Log and determined no need for a workshop
4. Adam noted that the minutes of the July 6, 2016 meeting were approved as amended.

B. SUBDIVISION & LAND DEVELOPMENT

1. 1420 E Strasburg Road (Subdivision/Land Development) – Rick Smith advised that the applicant/developer had, on July 26, 2016, submitted a letter granting a 60 day extension to the Board of Supervisors.

C. CONDITIONAL USE/VARIANCES

1. 907 Madison Drive – Charles Gerbron, attorney with MacElree Harvey, made a presentation on behalf of David and Lia McNeely, the applicants, who were requesting a variance to allow construction of a new garage, which would encroach 9.9 feet into the side yard setback. After his presentation and discussion between the Commission and the applicants, Dan Daley made a motion that the Commission recommend that the board of Supervisors oppose the variance request because there is no hardship to warrant the relief requested. Adam seconded the motion. Jim suggested that we put conditions on the approval in the event it is granted. Discussion ensued. The motion to oppose passed unanimously.

D. OLD BUSINESS

1. DAS Ordinance - Kim Venzie, Esquire, presented an overview of the current status of the Distributed Antenna Systems (DAS) aspect of wireless technology and proposed ordinance provisions to regulate same. She distributed a proposed DAS ordinance. Also present and involved in the discussion were John Shive and Jane Colleran of Crown Castle, the nation's largest providers of wireless infrastructure. There was much discussion about the location of DAS systems, rights of way, and aerial systems. Lori Kier suggested some edits to the language of the proposed ordinance. After discussion, a motion was made to incorporate the changes discussed to the Wireless Communications Ordinance Amendment and submit the ordinance to the Chester County Planning Commission for review and comment. The motion passed unanimously.

2. Zoning Ordinance Review – The proposed review of two sections of the Zoning Ordinance was postponed until the September meeting. The Commission meeting that night will begin

1 at 6.30 pm for a workshop to last until 7:30 to accomplish the review, with the regular
2 meeting to follow.
3

4 **E. 2016 GOALS**

5 1. Paoli Pike Trail - Janet Emanuel announced that the township received a \$1.736 million
6 dollar grant from the DRVPC for development of the Paoli Pike Corridor Plan. The Commission
7 discussed the makeup of the Trail Committee, in light of the receipt of the additional funds. Brad
8 wondered whether signing/way finding would be topics addressed by the Trail Committee. The
9 consensus was that he join the Trail Committee. Lori mentioned the attendance on planning the
10 commercial corridor. Brad mentioned a presentation to be made by Ryan Homes in conjunction with
11 recent articles regarding Chester County's unaffordable housing.
12

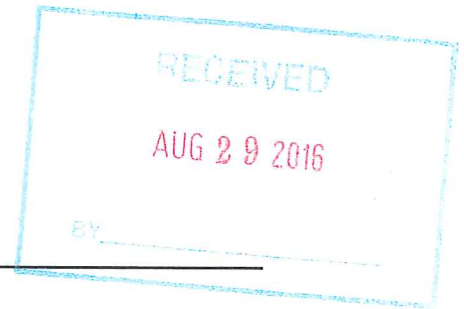
13
14 **F. ADJOURNMENT**

15 There being no further business, the meeting adjourned at 9:50 pm. The next regular meeting will
16 be held Wednesday, September 7, 2016 at 7:30 pm, with a workshop from 6:30 to 7:30.
17

18
19 Respectfully submitted, _____
20 *Monica Close, Planning Commission Member*

Conditional Use Application and Checklist

East Goshen Township



To: Township Zoning Officer

Name of Applicant: John McDonald

Applicant Address: 1349 Morstein Rd, West Chester, PA 19380

Telephone Number: _____ Fax: _____

Email Address: _____

Property Address: 1349 Morstein Rd, West Chester, PA 19380

Tax Parcel Number: 53-1L-29 Zoning District: R2 Acreage: 1

Description of proposed use:

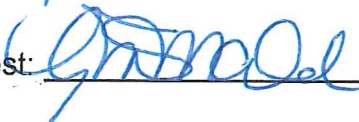
Internet based drop ship business. The business will not stock any merchandise. Orders will be taken through a website
and shipped to customers directly from a wholesaler or distributor. The website will sell firearms, ammunition,
and accessories. Occasional firearms transfers may take place at physical location, as owner is in process of
acquiring a federal firearms license (FFL). The FFL will allow the owner to sell firearms on the website
and perform firearms transfers for people in the local area.

Conditional Use is provided in Zoning Ordinance Section: 240-9.E.(1), 240-32.J, 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.


Signature of Applicant

8/26/16
Date

Attest: 

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

Conditional Use Application and Checklist

Township Administration use only:

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

Application Checklist:

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

Application accepted as complete on _____ by _____

Official Signature: _____ Title: _____

Review Process Checklist

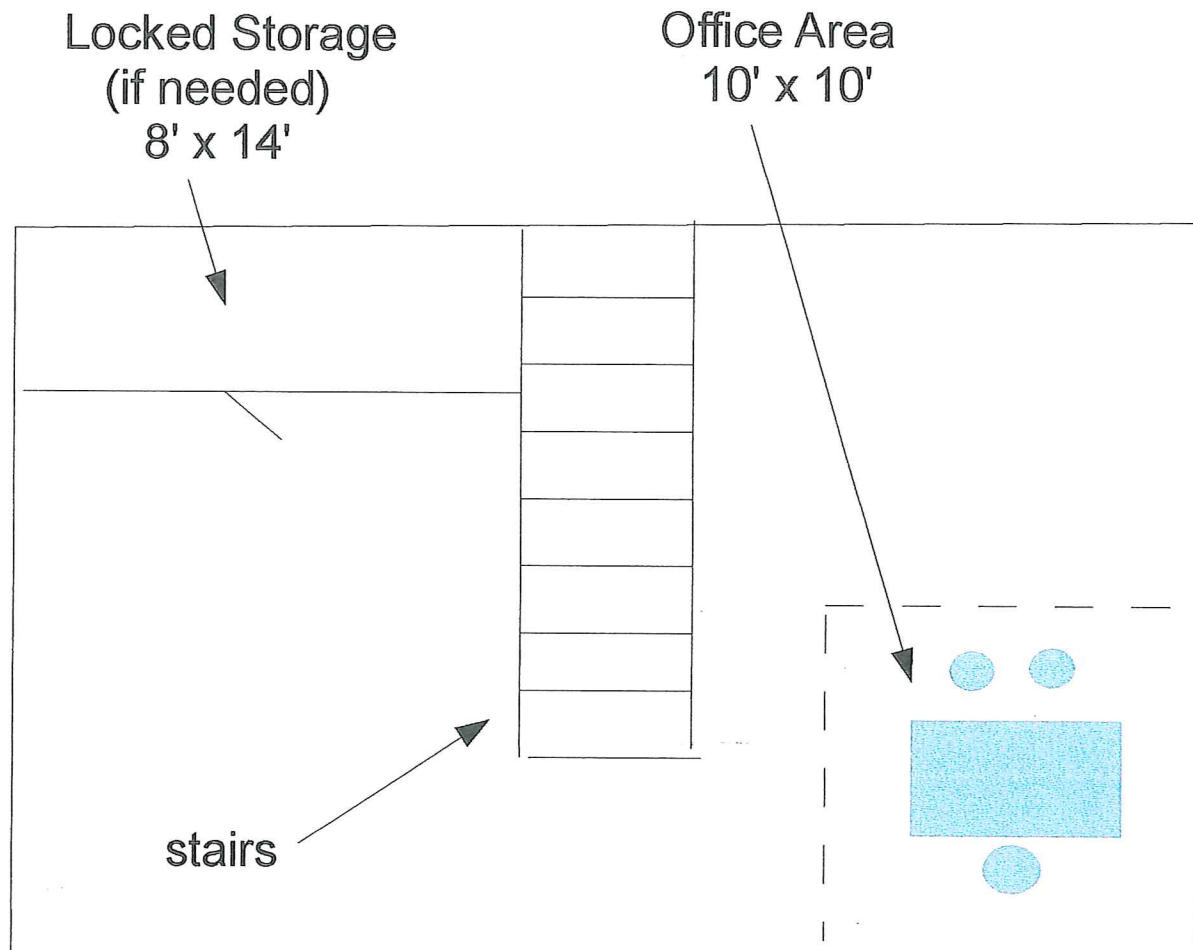
<u>Item</u>	<u>Date</u>
1. Start date:	_____
2. Date of first formal Planning Commission Meeting following Submission of complete application:	_____
3. Sent to Twp. Engineer:	_____
4. Date presented to Planning Commission:	_____
5. Abutting Property Letter sent:	_____
6. Date sent to CB:	_____
7. Date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

Narrative for 1349 Morstien Rd, West Chester, PA 19380

The proposed business will be a website selling firearms, ammunition, and accessories over the internet. When a customer places an order on the website, their order will be shipped to them directly from a wholesaler or distributor. No product will be stored on site, nor will customers visit the home based business to make any purchases. All purchases will be made on the website and orders will be shipped directly to the customer.

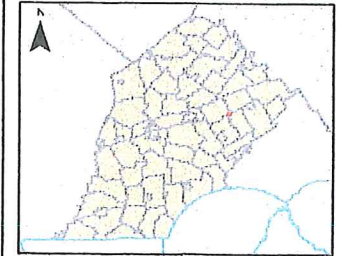
The owner has applied for a Federal Firearms License (FFL), which will allow the owner to sell firearms on the website. The FFL will also allow the owner to assist local residents in completing federal firearms registration if need be. For example, if a local hunter buys a shotgun through an auction website, he will need an FFL holder to process the paperwork for him/her to legally take ownership of the shotgun. This may occur at the residence, but is not expected to happen often ... likely less than once per month.

Basement Level



1349 Morstein Rd.

COUNTY OF CHESTER
PENNSYLVANIA



Find Address Information

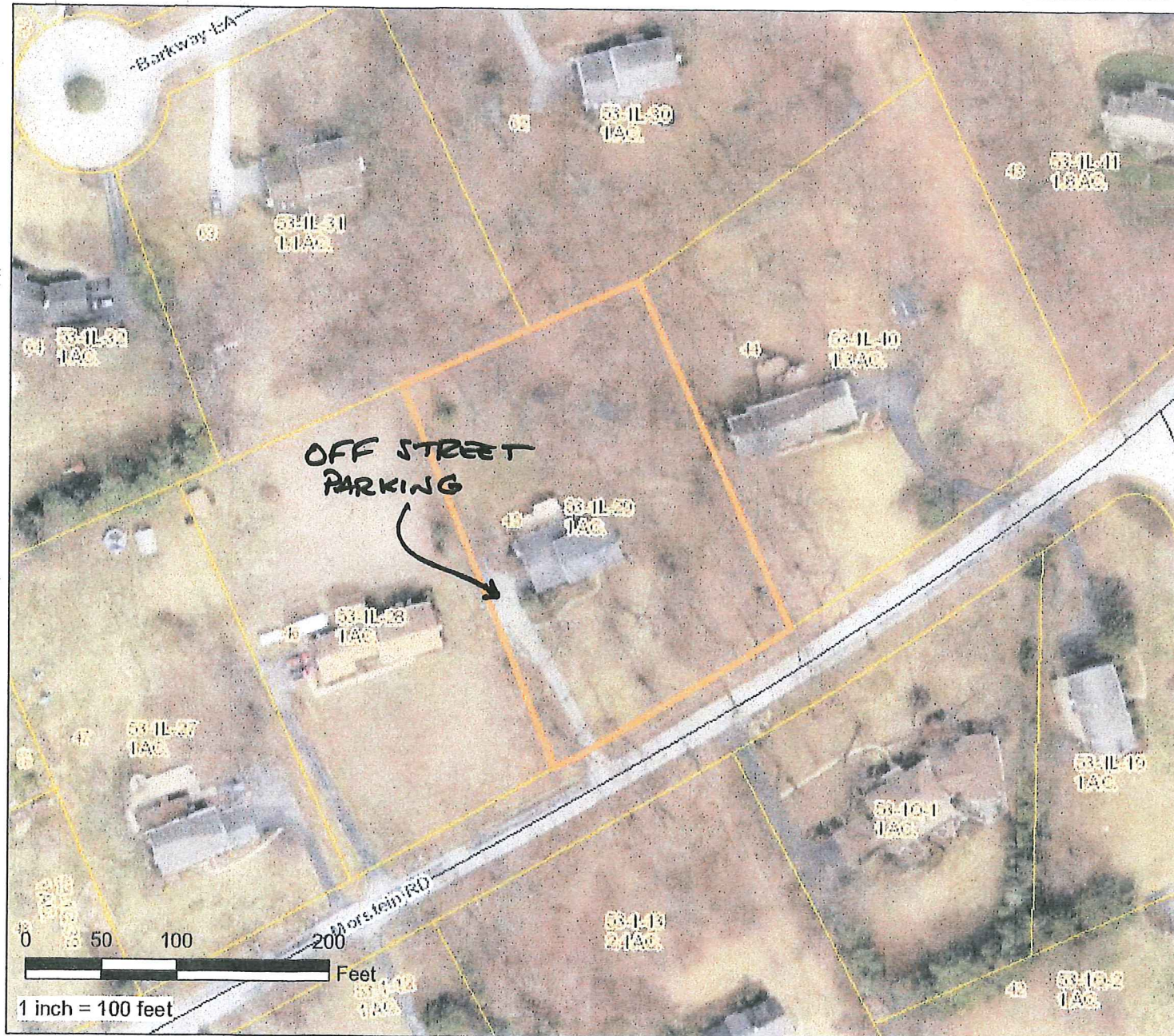
PARID: 5301 L00290000
UPE: 53-11-29
Owner1: MCDONALD JOHN
Owner2: MCDONALD GINA M
Mail Address 1: 1349 MORSTEIN RD
Mail Address 2: WEST CHESTER PA
Mail Address 3:
ZIP Code: 19380
Deed Book: 5603
Deed Page: 2258
Deed Recorded Date: 3/11/2003
Legal Desc 1: N OF MORSTEIN RD
Legal Desc 2: 1 AC & DWG LOT 45
Acres: 1
LUC: R-10
Lot Assessment: \$ 52,970
Property Assessment: \$ 176,890
Total Assessment: \$ 229,860
Assessment Date: 12/18/2015
Property Address: 1349 MORSTEIN RD
Municipality: EAST GOSHEN
School District: West Chester Area

Map Created:
Monday, August 15, 2016

County of Chester



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Memorandum

East Goshen Township

1580 Paoli Pike

West Chester, PA 19380

Voice: 610-692-7171

Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 9/1/2016

To: Board of Supervisors
Planning Commission

From: Mark Gordon, Township Zoning Officer

Re: DAS Ordinance

Dear Supervisors and Commissioners,

The Township Staff has worked with The Cohen Law Group and Unruh Turner Burke and Frees, P.C. to develop a Zoning Ordinance amendment to regulate DAS Communication Systems. DAS (Distributed Antenna Systems) are employed by communications companies to expand their digital communication footprint in communities, primarily to improve their wireless data capabilities. This issue was identified by the COG and East Goshen participated in this endeavor to develop regulations to protect our property owners from the impacts of these facilities.

Staff Recommendation:

Staff recommends that the revised ordinance be submitted to the CCPC for review and comment.

Draft Motion:

Mr. Chairman, I move that staff submit the ordinance to the CCPC for review and comment.

**TOWNSHIP OF EAST GOSHEN
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF EAST GOSHEN, CHESTER COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE OF EAST GOSHEN TOWNSHIP, AS CODIFIED AT CHAPTER 240 OF THE EAST GOSHEN TOWNSHIP CODE; PROVIDING FOR PURPOSES AND FINDINGS OF FACT RELATED TO THE ADOPTION OF THE AMENDMENT; PROVIDING FOR ADDITIONAL DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF WIRELESS COMMUNICATIONS FACILITIES WITHIN THE PUBLIC ROAD RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby ORDAINED by the Board of Supervisors of the Township of East Goshen, Chester County, Commonwealth of Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

SECTION I. Purposes and Findings of Fact.

A. The purpose of this Ordinance is to maintain uniform standards for the siting, design, permitting, maintenance, and use of antennae and non-traditional wireless communications towers in East Goshen Township. While the Township recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

B. By enacting this Ordinance, the Township intends to:

- a. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
- b. Establish procedures for the design, siting, construction, installation, maintenance and removal of wireless communications facilities in the Township, including facilities both inside and outside the public road right-of-ways;

- c. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi and other wireless communications facilities;
- d. Treat each communications services provider in a nondiscriminatory and competitively neutral manner in exercising the Township's authority; and
- e. Update the Township's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

SECTION II. Definitions.

Section 240-6 of the East Goshen Township Zoning Ordinance is hereby amended to include the following definitions to the "Definitions" section in Part B:

1. *Abandon* or *Abandonment* – The permanent cessation of all uses of a wireless communications facility or a commercial communications antenna.
2. *Distributed Antenna Systems (DAS)*— A network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure. Also known as Small Cell Networks.
3. *Emergency*— A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
4. *FCC*— Federal Communications Commission.
5. *Monopole*— A wireless communications facility or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.
6. *Related Equipment*— Any piece of equipment related to, incident to, or necessary for, the operation of a Wireless Communications Facility, either Tower or Antenna. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.
7. *Stealth Technology*—Camouflaging methods applied to wireless communications facilities and antennae which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
8. *Substantially Change*—(1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional Antenna array with separation from the

1 nearest existing Antenna not to exceed twenty (20) feet, whichever is greater, except that
2 the mounting of the proposed Wireless Communications Facility may exceed the size
3 limits set forth herein if necessary to avoid interference with existing Antennae; or (2)
4 any further increase in the height of a Wireless Support Structure which has already been
5 extended by more than 10% of its originally approved height or by the height of one
6 additional Antenna array.

- 7
8 9. *Wireless*—transmissions through the airwaves including, but not limited to, infrared line
9 of sight, cellular, PCS, microwave, satellite, or radio signals.

10
11 **SECTION III. Amendment**

12
13 Section 240-31.C.(3)(h) of the East Goshen Township Zoning Ordinance is hereby
14 amended to include Section IV as subsection [4] and section V as subsection [5] following the
15 current subsection [3] for wireless communication facilities standards.

16
17 **SECTION IV. Standards for Commercial Communications Antennae in the Public**
18 **Road Right-of-Ways**

19
20 [4.] Commercial communications antennae in the public rights-of-way.

- 21
22 a. Standards for commercial communications antennae erected in the public rights-of-
23 way. All applicants seeking to construct, erect, or relocate a commercial
24 communications antenna shall comply with the following regulations. A written
25 narrative that addresses how the applicant will meet each of the regulations listed
26 below shall be submitted with the conditional use application, unless the proposed
27 facility falls under the provisions of the Pennsylvania Wireless Broadband Colocation
28 Act.
29
30 b. Conditional use application. A conditional use application shall be completed by any
31 applicant desiring to place a commercial communications antenna in the public road
32 right-of-ways ("ROW"). The application shall be submitted to the Township Zoning
33 Office and shall demonstrate that the proposed facility meets all of the following
34 specifications:

35
36 a. Co-location, Location and Siting.

- 37
38 i. Co-location. Commercial communications antennae in the ROW shall
39 be located on existing utility poles that already have commercial
40 communications antenna. If such location is not technologically
41 feasible, the Applicant shall locate its commercial communications
42 antennae on existing poles that do not already have antenna attached to
43 it.
44

1 ii. Location. Commercial communications antennae in the ROW are
2 permitted in all zoning districts subject to the restrictions and
3 conditions prescribed below.

4
5 iii. Siting.

6
7 1. Prohibited on Certain Structures. Commercial communications
8 antennae shall not be located on any building in the ROW.

9
10 iv. Design regulations.

11
12 1. Antenna installations located above the surface grade in the
13 ROW including, but not limited to, those on utility poles, shall
14 consist of equipment components that are no more than six (6)
15 feet in height and that are compatible in scale and proportion to
16 the structures upon which they are mounted. All equipment
17 shall be the smallest and least visibly intrusive equipment
18 feasible.

19
20 2. Antennae and all support equipment shall be treated to match
21 the supporting structure. Facilities and accompanying
22 equipment shall be painted, or otherwise coated, to be visually
23 compatible with the support structure upon which they are
24 mounted.

25
26 3. Equipment location. Commercial communications antennae
27 and accessory equipment shall be located so as not to cause any
28 physical or visual obstruction to pedestrian or vehicular traffic,
29 or to otherwise create safety hazards to pedestrians and/or
30 motorists or to otherwise inconvenience public use of the ROW
31 as determined by the Township. In addition:

32
33 a. Ground-mounted equipment and electrical meter
34 cabinets shall be screened, if deemed appropriate and if
35 done in a manner that does not impact sight line
36 distances, through the use of landscaping or other
37 decorative features to the satisfaction of the Township.

38
39 b. Any proposed underground vault related to commercial
40 communications antennae shall be reviewed and
41 approved by the Township.

42
43 v. Public safety communications. The applicant shall submit proof that
44 the proposed antenna will not interfere with public safety
45 communications or the reception of broadband, television, radio or
46 other communication services.

- 1
2 c. Relocation or Removal. Within sixty (60) days following written notice from the
3 Township, or such longer period as the Township determines is reasonably necessary or
4 such shorter period in the case of an Emergency, an owner of an antenna in the ROW
5 shall, at its own expense, temporarily or permanently remove, relocate, change or alter
6 the position of any antenna when the Township, consistent with its police powers and
7 applicable Public Utility Commission regulations, shall have determined that such
8 removal, relocation, change or alteration is reasonably necessary under the following
9 circumstances:
10
11 i. The construction, repair, maintenance or installation of any Township or
12 other public improvement in the ROW; or
13
14 ii. The operations of the Township or other governmental entity in the
15 ROW; or
16
17 iii. Vacation of a street or road; or
18
19 iv. An Emergency as determined by the Township.
20
21 d. Financial Security. Prior to receipt of a zoning permit for the construction or
22 placement of a commercial communications antenna, the applicant shall provide to
23 the Township financial security sufficient to guarantee the removal of the proposed
24 antenna. The applicant shall submit an estimate of such removal costs to the
25 Township Engineer for review and approval of same. Said financial security shall
26 remain in place until the antenna is removed.
27
28 e. Standard of care. Any commercial communications antenna covered by this
29 ordinance shall be designed, constructed, operated, maintained, repaired, modified
30 and removed in strict compliance with all current applicable technical, safety and
31 safety-related codes, including but not limited to the most recent editions of the
32 American National Standards Institute (ANSI) Code, National Electrical Safety Code,
33 and National Electrical Code. All antennae shall at all times be kept and maintained
34 in good condition, order and repair by qualified maintenance and construction
35 personnel, so that the same shall not endanger the life of any person or any property
36 in the Township.
37
38 f. Wind. Any commercial communications antennae shall be designed to withstand the
39 effects of wind according to the standard designed by the American National
40 Standards Institute as prepared by the engineering departments of the Electronics
41 Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-
42 E Code, as amended).
43
44 g. Maintenance. The commercial communications antenna shall be fully automated and
45 unattended on a daily basis and shall be visited only for maintenance or emergency
46 repair. Such maintenance shall be performed to ensure the upkeep of the facility in

1 order to promote the safety and security of the Township's residents. All
2 maintenance activities shall utilize nothing less than the best available technology for
3 preventing failures and accidents.
4

5 h. Radio Frequency Emissions. No commercial communications antenna may, by itself
6 or in conjunction with other antennae, generate radio frequency emissions in excess
7 of the standards and regulations of the FCC, including but not limited to, the FCC
8 Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with
9 FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,"
10 as amended.
11

12 i. Abandonment. In the event that use of a commercial communications antenna is
13 discontinued, the owner shall provide written notice to the Township of its intent to
14 discontinue use and the date when the use shall be discontinued. Unused or
15 abandoned antennae or shall be removed as follows:
16

17 i. All abandoned or unused antennae and accessory facilities shall be
18 removed within two (2) months of the cessation of operations at the
19 site unless a time extension is approved by the Township.
20

21 ii. If the antenna is not removed within two (2) months of the cessation of
22 operations at a site, or within any longer period approved by the
23 Township, the antenna and any related equipment may be removed by
24 the Township and the cost of removal assessed against the owner of
25 the antenna.
26

27 j. Time, place and manner. The Township shall determine the time, place and manner
28 of construction, maintenance, repair and/or removal of all commercial
29 communications antennae in the ROW based on public safety, traffic management,
30 physical burden on the ROW, and related considerations. For public utilities, the
31 time, place and manner requirements shall be consistent with the police powers of the
32 Township and the requirements of the Public Utility Code.
33

34 k. Insurance. Each Person that owns or operates a commercial communications antenna
35 shall provide the Township with a certificate of insurance evidencing general liability
36 coverage in the minimum amount of \$1,000,000 per occurrence and property damage
37 coverage in the minimum amount of \$1,000,000 per occurrence covering the
38 commercial communications antenna.
39

40 l. Indemnification. Each Person that owns or operates a commercial communications
41 antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the
42 Township, its elected and appointed officials, employees and agents, at all times
43 against any and all claims for personal injury, including death, and property damage
44 arising in whole or in part from, caused by or connected with any act or omission of
45 the Person, its officers, agents, employees or contractors arising out of, but not
46 limited to, the construction, installation, operation, maintenance or removal of the

commercial communications antenna. Each Person that owns or operates a commercial communications antenna shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a commercial communications antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

m. Co-locations and modifications that fall within the provisions of the Pennsylvania Wireless Broadband Collocation Act or amendments thereto or similarly applicable federal statutes.

a. Section 4 (a-d) shall not apply to facilities which are governed by the Pennsylvania Wireless Broadband Collocation Act. To the extent permitted by law, the remaining provisions in Section 4 (e-l) shall apply to co-location applicants desiring to place new antennae on existing wireless communications facilities, as well as those applicants desiring to modify existing facilities. Any applicant proposing the colocation or modification of a commercial communications antenna shall submit a building permit to the Township Zoning Office.

b. Timing. Within thirty (30) calendar days of the date that an application for a Commercial communications antenna is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.

Section V. Standards for Wireless Communications Facilities in the Public Road Rights-of-Way

[5]. Wireless communications facilities in the public rights-of-way

a. Standards for wireless communications facilities erected in the public rights-of-way. All applicants seeking to construct, erect, or relocate a wireless communications facility shall comply with the following regulations. A written narrative that addresses how the applicant will meet each of the regulations listed below shall be submitted with the conditional use application.

b. Conditional use application. A conditional use application shall be completed by any applicant desiring to erect wireless communications facilities in the public

1 ROW. The application shall be submitted to the Township Zoning Officer and
2 shall demonstrate that the proposed facility meets all of the following
3 specifications:
4

5 i. Location and Height.
6

- 7 1. Maximum Height. Wireless communications facilities greater than
8 forty-five (45') feet in height shall be prohibited in the public
9 rights-of-way. An increased height - not to exceed fifty-five (55')
10 feet - may be permitted if shown by the Applicant to be necessary
11 to provide increased capacity and adequate coverage in that service
12 area.
13
14 2. Height Extensions. Any height extensions (not co-locations) to an
15 existing wireless communications facility shall require prior
16 approval of the Township, and shall not increase the overall height
17 of the facility to more than forty-five (45') feet unless shown to be
18 warranted as set forth in subsection 1 immediately above. The
19 Township reserves the right to deny such requests based upon
20 aesthetic and land use impact, or any other lawful considerations
21 related to the character of the Township.
22
23 3. Location. Wireless communications facilities forty-five (45') feet
24 or shorter in height (or fifty-five (55') feet or shorter in height if
25 warranted as described above) shall be permitted within the ROW
26 of the roads as listed and specifically described in Attachment 4 –
27 Aerial Utility Roadways – found under the General References
28 section of Chapter 240: Zoning.
29

30 ii. Design Regulations.
31

- 32 1. Stealth Technology. The wireless communications facility shall
33 employ the most current Stealth Technology available in an effort
34 to appropriately blend into the surrounding environment and
35 minimize aesthetic impact. The application of the Stealth
36 Technology chosen by the applicant shall be subject to the
37 approval of the Township.
38
39 2. Other antennae. Any proposed wireless communications facility
40 shall be designed structurally, electrically, and in all respects to
41 accommodate multiple licensed wireless service providers.
42
43 3. Aviation Safety. Commercial communications antennae shall
44 comply with all federal and state laws and regulations concerning
45 aviation safety.
46

1 4. Signs. The proposed facility shall post a sign in a readily visible
2 location identifying the name and phone number of a party to
3 contact in the event of an emergency.
4

5 5. Lighting. No wireless communications facility shall be artificially
6 lighted, except as required by law. If lighting is required, the
7 applicant shall provide a detailed plan for sufficient lighting,
8 demonstrating as unobtrusive and inoffensive an effect as is
9 permissible under state and federal regulations.
10

11 6. Radio Frequency Emissions. No wireless communications facility
12 may, by itself or in conjunction with other facilities in its
13 respective vicinity, generate radio frequency emissions in excess of
14 the standards and regulations of the FCC, including but not limited
15 to, the FCC Office of Engineering Technology Bulletin 65 entitled
16 "Evaluating Compliance with FCC Guidelines for Human
17 Exposure to Radio Frequency Electromagnetic Fields," as
18 amended.
19

20 7. Wind. All wireless communications facilities shall be designed to
21 withstand the effects of wind according to the standard designed by
22 the American National Standards Institute as prepared by the
23 engineering departments of the Electronics Industry Association,
24 and Telecommunications Industry Association (ANSI/EIA-222-E,
25 as amended).
26

27 iii. Gap in Coverage.
28

29 1. Unless exempt from this requirement by Federal law, an applicant
30 for a wireless communications facility must demonstrate that a gap
31 in coverage and/or demand for increased capacity exists or is
32 anticipated within 12 months and that the type of facility being
33 proposed is the least intrusive means by which to fill that gap
34 and/or increase the capacity of wireless coverage..
35

36 2. The existence or non-existence of a gap in wireless coverage may
37 be a factor in the Township's decision on an application for
38 approval of wireless communications facilities in the ROW, at the
39 Board's discretion.
40

41 iv. Co-location and Strategic Siting.
42

43 1. Co-location. An application for a new wireless communications
44 facility shall not be approved unless the Township finds that the
45 wireless communications equipment planned for the proposed
46

1 facility cannot be accommodated on an existing or approved
2 structure or building.

3
4 a. The applicant shall demonstrate that it contacted the owners
5 of tall structures and towers located within ROWS in the
6 applicable service area required in order for the applicant to
7 provide the increased capacity needed, and permission to
8 install an Antenna was denied for one or more of the
9 following reasons:

10
11 i. The proposed Antenna and Related Equipment
12 would exceed the structural capacity of the existing
13 building, structure or tower, and its reinforcement
14 cannot be accomplished at a reasonable cost.

15
16 ii. The proposed Antenna and Related Equipment
17 would cause radio frequency interference with other
18 existing equipment for that existing building,
19 structure, or tower and the interference cannot be
20 prevented at a reasonable cost.

21
22 iii. Such existing buildings, structures, or towers do not
23 have adequate location, space, access, or height to
24 accommodate the proposed equipment or to allow it
25 to perform its intended function.

26
27 iv. A commercially reasonable agreement could not be
28 reached with the owner of such building, structure,
29 or tower.

30
31 b. Strategic Siting. Wireless communications facilities and
32 Related Equipment shall not interfere with, displace,
33 damage or destroy, any other facilities, including but not
34 limited to, sewers, gas or water mains, pipes, cables, or
35 conduits.

36
37 v. Equipment Location. The applicant shall at all times comply with and
38 abide by all applicable regulations governing wireless communications
39 facilities. Accessory equipment shall be located so as not to cause any
40 physical or visual obstruction to pedestrian or vehicular traffic, or to
41 otherwise create safety hazards to pedestrians and/or motorists or to
42 otherwise inconvenience public use of the ROW as determined by the
43 Township. In addition:

44
45 1. In no case shall ground-mounted equipment, walls, or landscaping
46 be located within 16 inches of the face of the curb.

2. Ground-mounted equipment that cannot be located underground shall be screened, if deemed appropriate and in a manner that does not impact sight lines for traffic, through the use of landscaping or other decorative features to the satisfaction of the Township.
 3. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 4. Any graffiti on the wireless communications facility or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 5. Any underground vaults related to wireless communications facility shall be reviewed and approved by the Township.
- vi. Written Commitment. As a condition of approval for all wireless communications facilities in the ROW, the applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on its wireless communications facilities where technically and economically feasible. The owner of a wireless communications facility shall not install any additional antennae without obtaining the prior written approval of the Township, so long as such antennae do not fall within the categories of permitted modifications or co-locations in the Wireless Broadband Collocation Act.
- vii. Miscellaneous Information.
1. Highway Occupancy Permit. The applicant shall obtain and provide the Township with a copy of the Highway Occupancy Permit from either Penn DOT or the Township as applicable.
 2. FCC License. If applicable, the applicant shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator any facilities located in the Township.
- viii. Restoration. After completion of any maintenance, placement, installation, or removal of any wireless communications facility in the ROW, the owner of such facility shall, at its own expense, restore the ROW to its original condition within twenty-five (25) days, or such longer period as may reasonably be required.
- c. Standard of care. All wireless communications facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict

1 compliance with all current applicable technical, safety and safety-related codes,
2 including but not limited to, the most recent editions of the American National
3 Standards Institute (ANSI) Code, National Electrical Safety Code, National
4 Electrical Code, as well as the accepted and responsible workmanlike industry
5 practices of the National Association of Tower Erectors. Any facilities shall at all
6 times be kept and maintained in good condition, order and repair by qualified
7 maintenance and construction personnel, so that the same shall not endanger the
8 life of any person or any property in the Township.
9

- 10 d. Maintenance Standards. The following maintenance requirements shall apply: all
11 wireless communications facilities shall be fully automated and unattended on a
12 daily basis and shall be visited only for maintenance or emergency repair; such
13 maintenance shall be performed to ensure the upkeep of the facility in order to
14 promote the safety and security of the Township's residents; all maintenance
15 activities shall utilize nothing less than the best available technology for
16 preventing failures and accidents.
17
- 18 e. Time, Place and Manner. The installation shall be in accordance with the
19 requirements of the Highway Occupancy Permit issued for the facility.
20
- 21 f. Reservation of Rights. In accordance with applicable law, the Township reserves
22 the right to deny an application for the construction or placement of any wireless
23 communications facility for numerous factors, which include but are not limited
24 to, visual impact, design, and safety standards.
25
- 26 g. Relocation or Removal of Facilities. Within sixty (60) days following written
27 notice from the Township, or such longer period as the Township determines is
28 reasonably necessary or such shorter period in the case of an Emergency, an owner
29 of wireless communications facility in the ROW shall, at its own expense,
30 temporarily or permanently remove, relocate, change or alter the position of any
31 wireless communications facility when the Township, consistent with its police
32 powers and applicable Public Utility Commission regulations, shall determine that
33 such removal, relocation, change or alteration is reasonably necessary under the
34 following circumstances:
35
- 36 i. The construction, repair, maintenance or installation of any Township or
37 other public improvement in the right-of-way;
 - 38
 - 39 ii. The operations of the Township or other governmental entity in the right-of-
40 way;
 - 41
 - 42 iii. Vacation of a street or road or the release of a utility easement; or
 - 43
 - 44 iv. An Emergency as determined by the Township.
45

- 1 h. Notice of Transfer, Sale or Assignment. If the owner of a wireless
2 telecommunications facility in the ROW sells, transfers or assigns those facilities to
3 another party, the transferee, buyer or assignee shall be obligated to comply with the
4 regulations set forth in this Ordinance. Notice of the transfer, sale or assignment
5 shall be provided to the Township within thirty (30) days of the effective date of the
6 transfer, sale or assignment. Such notice shall include the contact information for the
7 transferee, buyer or assignee.
8
- 9 i. Insurance. Each Person that owns or operates a wireless communications facility
10 shall provide the Township with a certificate of insurance evidencing general
11 liability coverage in the minimum amount of \$1,000,000 per occurrence and
12 property damage coverage in the minimum amount of \$1,000,000 per occurrence
13 covering each facility.
14
- 15 j. Indemnification. Each Person that owns or operates a wireless communications
16 facility shall, at its sole cost and expense, indemnify, defend and hold harmless the
17 Township, its elected and appointed officials, employees and agents, at all times
18 against any and all claims for personal injury, including death, and property
19 damage arising in whole or in part from, caused by or connected with any act or
20 omission of the Person, its officers, agents, employees or contractors arising out
21 of, but not limited to, the construction, installation, operation, maintenance or
22 removal of the facility. Each Person that owns or operates a wireless
23 communications facility shall defend any actions or proceedings against the
24 Township in which it is claimed that personal injury, including death, or property
25 damage was caused by the construction, installation, operation, maintenance or
26 removal of facility. The obligation to indemnify, hold harmless and defend shall
27 include, but not be limited to, the obligation to pay judgments, injuries, liabilities,
28 damages, reasonable attorneys' fees, reasonable expert fees, court costs and all
29 other costs of indemnification.
30
- 31 k. Financial Security. Prior to receipt of a zoning permit for the construction or
32 placement of a wireless communications facility, the applicant shall provide to the
33 Township financial security sufficient to guarantee the removal of the proposed
34 wireless communications facility. The applicant shall submit an estimate of such
35 removal costs to the Township Engineer for review and approval of same. Said
36 financial security shall remain in place until the facility is removed.
37

38 **SECTION VI. Miscellaneous**
39

- 40 a. Police Powers. The Township, by granting any permit or taking any other action
41 pursuant to this Chapter, does not waive, reduce, lessen, impair, or otherwise limit the
42 lawful police powers vested in the Township under applicable federal, state and local
43 laws and regulations.
44
- 45 b. Severability. If any section, subsection, sentence, clause, phrase or word of this
46 Ordinance is for any reason held illegal or invalid by any court of competent

jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.

- c. Effective Date. This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of East Goshen Township.

ENACTED AND ORDAINED this ____ day of _____, 2016.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS:**

Secretary

Chairman

F:\Data\Shared Data\Admin Dept\Township Code\Wireless Communications (DAS) 2014\418489.docx

ATTACHMENT 4 - AERIAL UTILITY ROADWAYS

The following roads located throughout the Township.

Airport Road (east side only)
Boot Road
Bramble Lane
Broad Street
Center Street
Cherry Street
Christine Lane
Clover Lane
Colonial Lane
Cornwallis Drive
Davis Circle
Dutton Mill Road
East Boot Road
East Strasburg Road
Edgewood Road
Edith Lane
Ellis Lane (east side only)
Forrest Lane
Greenhill Road
Heather Lane
Hershey Mill Road
Highland Avenue
Hill Street
Ivy Lane
Larch Lane
Line Road (west side only)
Locust Street
Manley Road (east of North Chester Road)
Manley Road (west of North Chester Road) (on the north side only)
Margo Lane
Meadowbrook Lane
Morstein Road
North Chester Road
Old West Chester Pike
Paoli Pike (east of Ellis Lane to Line Road)
Paoli Pike (east of Airport Road and west of Ellis Lane) (north side only)
Park Avenue
Raewyck Drive
Reservoir Road
Still Road
Taylor Avenue
Thistle Lane
Walnut Hill Road

West Chester Pike
Westtown Way
West Chester Pike
Williams Way

The following roads located in the Township with underground utilities in the I1 and BP Zoning Districts

East Wrights Lane
Enterprise Drive
Goshen Parkway
Enterprise Drive

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

FYI

August 30, 2016

Dear Property Owner:

The purpose of this letter is to inform you that the owner of 1349 Morstein Rd., West Chester, PA 19380, has submitted a Conditional Use Application to operate a Home Occupation for review and approval by the Township.

The property owner, John McDonald, has submitted a Home Occupation application to the Township which requires Conditional Use approval by the Board of Supervisors. Mr. McDonald proposes to operate a firearms transfer and sales business from his residence. Mr. McDonald is currently going through the Federal and State process to secure his 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:

September 7, 2016 - Planning Commission (7:30 PM)

September 20, 2016 - Board of Supervisors - Conditional Use Hearing (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
Mimi Gleason, Township Manager, West Whiteland Township
John Nagle, Township Manager, East Whiteland Township