

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
Meeting Agenda  
Wednesday, October 5, 2016  
7:00 PM**

- 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. September 7, 2016**
- F. Subdivision and Land Development Applications
  - 1. 1420 E. Strasburg Rd. (Brakman Property, SD/LD)
- G. Conditional Uses and Variances**
  - 1. 1349 Morstein Rd. (Conditional Use – Home Occupation)**
- H. Ordinance Amendments**
  - 1. DAS – Distributed Antenna Systems
- I. Old Business**
  - 1. Zoning Ordinance Review (Materials Distributed in June)**
    - a. §240-22 Signs**
- J. New Business
- K. 2016 Goals
- L. Any Other Matter
- M. Liaison Reports
- N. Correspondence

Newsletter Deadlines for 2016:

**Winter: November 1, 2016 to be delivered the 3<sup>rd</sup> 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	2	1/4/17	1/17/17	NA	1/28/17	
<b>1349 Morstein Rd / McDonald</b>	CU	Sk	8/29/16	8/29/2016	NA	NA	9/1/16		<b>10/5/16</b>	10/18/16	10/18/16	10/28/16	

**Bold = New Application or PC action required**

**Completed in 2016**

<b>907 Madison Dr</b>	V	sk	7/20/16	7/20/16	na	NA	7/28/16		<b>8/3/16</b>	8/16/16	9/15/16	9/18/16	Continued
<b>943 Cornwallis Drive</b>	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.
<b>1325 Boot Rd. / SSPP Church</b>	V	S	3/8/16	3/8/16	NA	NA	3/30/16	NA	<b>4/6/16</b>	4/5/16	4/28/16	5/7/16	Granted
<b>814 N. Chester Rd. / Goshen Friends School</b>	LD	S	2/25/16	3/2/16	NA	NA	2/26/16		NA	NA	NA	NA	APPVD.
<b>1420 E. Strasburg Rd.</b>	SD/LD	Sk	1/26/16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>930 N. Chester Rd. / Gary and Paula Moore</b>	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**  
**September 7, 2016**

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, September 7, 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, and Brad Giresi. Also present was Mark Gordon, Township Zoning Officer 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. WORKSHOP – 6:30 pm**

The purpose of the workshop was to review the following zoning ordinance sections:

a. §240-22 Signs

b. §240-23 General Regulations

They did a first review on the current ordinance §240-23 with the following comments:

General Regulations:

1. Page 1, Line 11 – Principal Building. This would be 2 or 3 buildings arranged around a lot; i.e. corporate park lots. Mark mentioned that Comcast has 3 with breezeways between them. All must meet setbacks between each other.

2. Page 2, Line 8 – Sketch G is a sketch of flag lots and how they are laid out.

3. Page 3, Line 12 – Change to “In the case of a building where there is a row of individual uses (such as a shopping center....) the side yard requirement applies to the whole building.”

4. Page 3, Line 24 - ...building or structure. A structure can be anything. The definition is very broad. Janet was told a utility pole is a structure whether fixed or moveable.

5. Page 3, Line 42 – Sight distance – tree trunks – should the size of a tree be specified. Janet mentioned that on the corner of Bancroft and Marydell the original owners planted shrubs and trees, which eventually obstructed the view so the Township had to do something. The Township ordinance is for state and local streets.

Signs:

1. Lori mentioned that throughout the copy there were caps and indenting missing. Mark explained that this is due to the cut & paste method he had to use to make the copy. These items are okay in the original.

2. Page 1, Section 2, line 31 – Special Permits in Corporate/Industrial areas. Use is to be changed in 30 days and on Page 2 Section 1 – abandoned use is 6 months. Mark explained abandoned vs vacant use for signs. He will point this out to the Township solicitor.

3. Page 1, Line 27 – remove “exceed”

4. Page 2, line 22 - change case - ...to which “they” do not....

5. Page 2, line 35 - just use “bulbs”, remove “bare”

6. Page 2, line 36 – add ...visible off the lot “on which it is located”

1  
2 **B. FORMAL MEETING – 7:30 pm**

- 3 1. Adam called the meeting to order at 7:30 pm. He led the Pledge of Allegiance and a moment  
4 of silence to remember our troops.  
5 2. Adam asked if anyone would be recording the meeting and if there were any public  
6 comments about non-agenda items. There was no response.  
7 3. Adam reviewed the Tracking Log and determined no need for a workshop  
8 4. Adam noted that the minutes of the August 3, 2016 meeting were approved as amended.  
9

10 **C. SUBDIVISION & LAND DEVELOPMENT**

- 11 1. 1420 E Strasburg Road (Subdivision/Land Development) – Mark noted that the  
12 applicant/developer had, on July 26, 2016, submitted a letter granting a 60 day extension to the Board of  
13 Supervisors.  
14

15 **D. CONDITIONAL USE/VARIANCES**

- 16 1. 1349 Morstein Rd (Conditional Use – Home Occupation) John McDonald, homeowner, was  
17 present and reviewed his request. He is in the process of getting a Federal Firearms License (FFL). The  
18 FFL will allow him to sell firearms on a website. Orders will be taken through the website and shipped to  
19 customers directly from a wholesaler or distributor. Occasional firearms transfers may take place at his  
20 physical location. He will not warehouse firearms. He described the process to become an FFL through  
21 the ATF and he will have to get a PA State license through the local sheriff. He will have a locked safe to  
22 store any firearm that he may have to process as the local FFL. The ATF can come to do an inspection at  
23 anytime. Lori asked if he has to offer the transfer of firearms as an FFL. He could do internet only  
24 transfers. Adam asked how many cars can be parked at his location. He answered 2 maybe 4 if needed.  
25 He clarified for Dan that he has never done this before.  
26 Mark explained that the reason he has to make this request is because firearms may be delivered to his  
27 house and people will be coming to his home to pick up firearms. This will cause an impact on the traffic  
28 in the neighborhood. There is only one other FFL in East Goshen. Two years ago when that resident  
29 tried to renew his FFL license, he was told that the Township now had requirements for home  
30 occupations. He had been doing this for 20 years and there were no problems. He went through the  
31 process with no problems.  
32

33 **Public Comments:**

- 34 1. Ronald Heier, 1405 Allan Lane – He asked if someone could have a monthly delivery to his house.  
35 Answer was yes. He asked about the delivery process, does someone have to accept the package? Mr.  
36 McDonald hasn't talked with shipping companies yet about this process, he assumes someone will have  
37 to sign for any packages.  
38 2. John Maher, 1240 Highgate Road – He mentioned that there should be an alarm to alert the police if  
39 someone is breaking into his house and particularly the safe.  
40 3. Robert Atkinson, 1305 Barkway Lane – He asked about the types of guns. Mr. McDonald answered  
41 that there will not be any fully automatic guns.  
42 4. John Bole, 1237 Highgate Road – He is concerned that this is a residential neighborhood with young  
43 children and someone who finds out that he has guns will be a problem. The people do not want a gun  
44 dealer in the area.  
45 5. Jeff Moran, 1038 Hershey Mill Road – He voiced concern about how the traffic and firearms coming  
46 to his house will be monitored. Mr. Moran is requesting very strong restrictions but would rather have  
47 the request denied.  
48 6. Meg Thompkins, Barkway Lane – She asked how he will know if the purchaser is a felon or not. Mr.  
49 McDonald explained that he has to run a background check on each person making a purchase.  
50 7. Monica Holland, 1230 Waterford Road – She also asked about monitoring the traffic.  
51 Mark Gordon explained that under the ordinance, 8 vehicles can come and go per day. It may be possible  
52 to restrict this number.

- 1 8. Clifford Kraft, 1236 Highgate Road – He moved here to be in the country away from the city. He  
2 started his own business on Pottstown Pike. When you go into business, you want to make a profit so the  
3 chances are good that this will escalate to providing ammo and accessories in addition to guns. He  
4 recommends that Mr. McDonald start the business somewhere else. Mr. Kraft mentioned that a few years  
5 ago his house was broken into. There is a wooded area next to Mr. McDonald's house. He is concerned  
6 about explosives and the pipeline that is going in. Can the Fire Marshall do an inspection? Mark Gordon  
7 replied that this could be a condition.
- 8 9. Jane Schultz, 1300 Amstel Way – She asked if he can do this without an FFL. Reply was no.
- 9 10. Mike Montgomery, 1243 Waterford Road – He lives behind Mr. McDonald. He is concerned about  
10 people coming to the house. He is against this request.
- 11 11. Steve Jenkinson, 1307 Amstel Way – He asked about the process of background checks.
- 12 12. Sal Digiovanni, 1241 Waterford Road – He voiced concern about whether this has to be disclosed in  
13 a sale of a residence in the area.
- 14 13. Louis Giangulio, 1242 Highgate Road – He pointed out that there is a school bus stop across the  
15 street and a school one mile away. This is a safety issue for the neighborhood.
- 16 14. Kevin Bruton, 1234 Waterford Road – He spoke about internet only business and suggested that Mr.  
17 McDonald consider this.
- 18 15. Doug Trueman, 1353 Morstein Road – He has three young children and is concerned about the traffic  
19 and speeding on this road now. He is concerned that Mr. McDonald does not know everything about this  
20 process and the impact it will have.

21  
22 **Planning Commission Members Comments:**

23 Jim pointed out that Mr. McDonald could sell lots of guns and never have an impact if none come to his  
24 home.

25 Adam asked Mr. McDonald if he would change his request to internet only. This would change it to a no  
26 impact home based occupation and he wouldn't have to go through this process.

27 Dan is concerned that questions weren't answered about deliveries to the house and access to the  
28 property. He recommends: 1. have a turn around area on his property so vehicles don't have to back out  
29 onto Morstein Road; and 2. trips limited to one vehicle per day.

30 Jim recommended a condition that the applicant will clearly answer questions to the BOS that weren't  
31 answered by the applicant at this meeting.

32 Monica wants a security system on the safe that would alert police.

33 Brad noted several inconsistencies on the narrative about the business. He suggested that the applicant  
34 remove deliveries to the home.

35 Lori – Since the applicant can't answer questions and the application has inconsistencies, can it be denied.

36 Adam – There will be no motion made tonight. The September 20<sup>th</sup> meeting will be cancelled. Mr.

37 McDonald can come to the October meeting with answers and fix inconsistencies in the application.

38 Mark will send a letter to the residents with the date of the next meeting – October 5<sup>th</sup>.

39  
40 **E. OLD BUSINESS**

- 41 1. DAS Ordinance - Janet mentioned that at last night's meeting, the Board of Supervisors sent  
42 this draft ordinance on to the County for review.

43  
44 **F. ADJOURNMENT**

45 There being no further business, the meeting adjourned at 10:00 pm. The next regular meeting  
46 will be held Wednesday, October 5, 2016 at 7:00 pm.

47  
48  
49 Respectfully submitted, \_\_\_\_\_  
50 *Ruth Kiefer, Recording Secretary*


# 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:** 9/28/2016  
**To:** Planning Commission  
**From:** Mark Gordon, Zoning Officer   
**Re:** 1349 Morstein Rd. / Home Occupation

Dear Commissioners,

Mr. McDonald, 1349 Morstein Rd. submitted a Home occupation permit application. After my review I determined that the business requires Conditional Use approval. Mr. McDonald has subsequently submitted a Conditional Use application seeking approval to operate a Home Occupation from his home.

Mr. McDonald proposes to operate a firearms sales and transfer business from his home. Mr. McDonald has applied to the ATF for a Federal Firearms License (FFL); an approval decision is anticipated shortly. An ATF agent has contacted the Township during the review of Mr. McDonald's application.

Mr. McDonald has submitted a revised narrative outlining the nature of the business and a number of the procedures and processes that an FFL must follow. That narrative is attached and is considered part of his Home Occupation and Conditional Use application.

The impacts of home occupation uses are usually minor when the number of customer trips is this low. This physical impact of the vehicle trips from the Home Occupation can be addressed with conditions. Safe ingress and egress is required and the current driveway configuration will most likely require customers to back out of the driveway onto Morstein Rd. This is not safe and therefore I would recommend that an appropriate turn around area be planned and approved as part of this application.

For your consideration I have drafted a motion with conditions of approval that may help to address the concerns raised by the surrounding residents.

## **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. Mc Donald at 1349 Morstein Rd. West Chester PA 19380 with the following conditions:

1. Applicant shall adhere to all testimony and evidence presented at the conditional use hearing.
2. Applicant shall maintain his federal firearms license issued by the Bureau of Alcohol, Tobacco and Explosives.

3. Applicant shall only sell or transfer the type of firearms permitted by his federal license.
4. Applicant shall maintain a license to sell firearms issued by the Commonwealth of Pennsylvania.
5. Applicant shall comply with any other applicable federal, state or local licenses or permits necessary to operate as a firearms dealer at all times while conducting the home occupation.
6. Applicant shall store the firearms in a safe until the customer has passed the background check and all paperwork is completed.
7. If deliveries of firearms are made to Applicant's home address by the USPS, UPS, Federal Express or another similar delivery carrier, Applicant or his wife must personally sign for the delivery.
8. Applicant shall adhere to all applicable federal, state and local ordinances in the operation of the home occupation.
9. The hours of operation for the business shall be Fridays 10 AM to 3 PM.

### Narrative for 1349 Morstien Rd, West Chester, PA 19380

The owner of the proposed business has applied for a Federal Firearms License (FFL) in order to run an internet web site that will sell firearms, ammunition, and accessories using a drop ship model. Owner may also conduct business at local guns shows, or perform occasional firearms transfers at residence.

Drop shipping is a retail fulfillment method where the internet store does not keep the products it sells in stock. Instead, when an item is sold on the website, the web site owner purchases the item from a third party and has it shipped directly to the customer. However; in the case of a firearm being purchased on the web site, the firearm must be shipped to a licensed FFL (Federal Firearms License) holder where the customer lives. The FFL receiving the firearm will do all of the paperwork and background check based on their local state requirements. The result of a drop ship sale is that the merchant never sees or handles the product.

The biggest difference between drop shipping and the standard retail store model is that the selling merchant does not stock or own inventory. Instead, the merchant purchases inventory as needed from a third party – usually a wholesaler or manufacturer – to fulfill orders, and the wholesaler or manufacturer ships items directly to the buyer (or their local FFL).

As mentioned, an FFL is a Federal Firearms License. In addition to being able to sell firearms, an FFL holder is licensed to conduct firearm transfers to those who desire to own a firearm, and who have passed state or federal background checks (depending upon the state). FFL holders have to abide by a strict set of federal and state rules and regulations, which include validating the customer's identity and conducting a background check. Before a person is able to take ownership of a firearm, federal law requires that the buyer have a valid photo ID and are required to fill out ATF Form 4473, otherwise known as the Firearms Transaction Record. The FFL holder must keep a log of these forms and the transaction to show to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as necessary. After the proposed new firearm owner fills out the form, in Pennsylvania, the FFL will then run a personal background check on the buyer through the Pennsylvania Instant Check System (PICS). The PICS provides the dealer with status on the customer's application: approve, deny, or delay. If the person is approved, the firearm may be legally transferred to the new owner. If person is denied, the FFL may not transfer the firearm to the new owner. If the result is "delay", the FFL may not transfer the firearm to the new owner, but may do so after the close of three business days after the check was initiated, if not otherwise instructed.

Following are the steps of a firearm(s) being sold on Morstein FFL's Website:

1. Buyer places order and makes payment on website and provides his/her local FFL information (to which firearm will be shipped)
2. Morstein FFL verifies buyer FFL dealer information that buyer enters on website, and/or contacts buyer to verify
3. Morstein FFL transmits order to wholesaler for direct shipment to buyer's FFL
4. Morstein FFL ensures that a certified copy of buyer's FFL is provided to wholesaler
5. Wholesaler enters the disposition of the firearm(s) into his or her acquisition and disposition (A&D) record



6. Wholesaler ships firearm to buyer's FFL
7. Buyer FFL receives firearm and enters the acquisition of the firearms into his or her A&D record
8. Buyer FFL has buyer complete a Firearms Transaction Record (Form 4473) and verifies his/her ID
9. Buyer FFL conducts background check through National Instant Criminal Background Check System (NICS) (or similar state criminal background check)
  - i. If "proceed" result
    1. FFL releases firearm to buyer
    2. FFL assigns a sequential number to Form 4473
    3. FFLS marks the firearm "out" in A&D book
  - ii. If "delayed" result
    1. FFL does not release firearm to the customer
    2. FFL waits for a response from NICS
    3. If no response received from NICS in the close of three business days after the check was initiated, FFL can release the firearm to the customer
  - iii. If "denied" result
    1. FFL does not release firearm to the customer
10. Morstein FFL does not make entries into his A&D record because he did not take physical possession of the firearm(s)

When might a firearm transfer occur at Morstein residence? Following are two examples:

1. Local resident wants to buy a shot gun from his/her hunting buddy:
  - a) Resident contacts Morstein FFL and makes appointment
  - b) Morstein FFL meets with buyer and seller, seller brings firearm to meeting
  - c) Morstein FFL records the firearm(s) in the Acquisitions & Dispositions (A&D) book (contains manufacturer, model, serial no, type, date received, etc.)
  - d) At meeting, buyer completes a Firearms Transaction Record (Form 4473) and Morstein FFL verifies his/her ID
  - e) Morstein FFL conducts background check through PICS
    1. If "proceed" result
      - a. Release firearm to buyer
      - b. Assign a sequential number to the Form 4473
      - c. Mark the firearm out in A&D book
    2. If "delayed" result
      - a. Do not release firearm to the customer
      - b. Wait for a response from PICS
      - c. If no response received from PICS in the close of three business days after the check was initiated, firearm can be released to the customer
    3. If "denied" result
      - a. Do not release firearm to the customer

2. Local resident purchases a firearm on internet website (Morstein FFL's website or other) and asks Morstein FFL to assist in completing firearm transfer:
  - a) Buyer contacts Morstein FFL to be receiving FFL dealer for online gun sale
  - b) Morstein FFL sends a copy of his FFL to selling FFL dealer (if not himself)
  - c) Morstein FFL receives firearm, then records the make, model, and serial number onto the copy of the FFL license that was sent with the firearm
  - d) Morstein FFL marks date received at the top and inserts into his IN binder
  - e) Morstein FFL records the firearm in A&D book
  - f) Morstein FFL locks firearm(s) in fireproof safe at his residence
  - g) Morstein FFL contacts customer and makes appointment
  - h) At meeting, customer fills out Form 4473 and Morstein FFL checks his/her ID
  - i) Morstein FFL conducts background check through PICS
    1. If "proceed" result
      - a. Release firearm to customer
      - b. Assign a sequential number to the Form 4473 and place in OUT binder
      - c. Mark the firearm out in your A&D book
    2. If "delayed" result
      - a. Do not release firearm to the customer
      - b. Wait for a response from PICS
      - c. If no response received from PICS in the close of three business days after the check was initiated, firearm can be released to the customer
    3. If "denied" result
      - a. Do not release firearm to the customer
      - b. Either purchase firearm from customer, or
      - c. Return the firearm to the FFL dealer from whom it was received

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

FYI

September 13, 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 HAVE BEEN CHANGED and are listed below:**

~~September 20, 2016 - Board of Supervisors - Conditional Use Hearing (7:00 PM) [RESECHEDULED]~~

**NEW MEETING DATE: October 5, 2016 - Planning Commission (7:00 PM)**

**NEW HEARING DATE: October 18, 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 application is available for review at the Township building during normal business hours. Please give me a call if you have any questions would like to review the application file 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