

AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
Thursday November 3, 2016
7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence – Supervisor Carmen Battavio
4. Ask if anyone is recording the meeting
5. Chairman’s Report
6. [Public Hearing – Consider the Conditional Use Application of Mr. and Mrs. John McDonald to operate a firearms transfer and sale business from their property at 1349 Morstein Road as a Home Occupation.](#)
7. Emergency Services Reports
 - WEGO – none
 - Goshen Fire Co - none
 - Malvern Fire Co – none
 - Fire Marshal – none
8. Financial Report – none
9. Old Business
 - a. [Consider a petition and a letter requesting the Board amend the Zoning Ordinance to prohibit the sale of firearms as a home occupation.](#)
10. New Business
11. Any Other Matter
12. Approval of Minutes
13. Treasurer’s Report
14. Correspondence, Reports of Interest
15. Public Comment – Hearing of Residents
16. Adjournment

The Chairperson, in his or her sole discretion, shall have the authority to rearrange the agenda in order to accommodate the needs of other board members, the public or an applicant.

Nov 01, 2016	Board of Supervisors	7:00pm
Nov 02, 2016	Milltown Dam Committee	7:00pm
Nov 02, 2016	Planning Commission	7:00pm
Nov 03, 2016	Building Bridges Program	3:00pm
Nov 03, 2016	Hershey Mill Dam Committee	6:30pm
Nov 03, 2016	Park and Recreation Commission	7:00pm
Nov 03, 2016	Board of Supervisors	7:00pm
Nov 05, 2016	Conservancy Board Event – Tree Planting	9:00am
Nov 07, 2016	Young Women’s Leadership Summit	7:00pm
Nov 09, 2016	Conservancy Board	7:00pm
Nov 09, 2016	Milltown Dam Committee	7:00pm
Nov 10, 2016	Hershey Mill Dam Committee	6:30pm

Nov 10, 2016	Historical Commission	7:00pm
Nov 12, 2016	Neighbor to Neighbor Day	8:00am
Nov 14, 2016	Municipal Authority	7:00pm
Nov 15, 2016	Board of Supervisors	7:00pm
Nov 16, 2016	Milltown Dam Committee	7:00pm
Nov 16, 2016	Futurist Committee	7:00pm
Nov 17, 2016	Hershey Mill Dam Committee	6:30pm
Nov 30, 2016	Milltown Dam Committee	7:00pm
Dec 05, 2016	Hershey Mill Dam Committee	7:00pm
Dec 14, 2016	Milltown Dam Committee	7:00pm
Dec 15, 2016	Milltown Dam Committee	7:00pm

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: 10/12/2016
To: Board of Supervisors
From: Mark Gordon, Township Zoning Officer *mlg*
Re: 1349 Morstein Rd. / Home Occupation

Dear Board Members,

Mr. and Mrs. McDonald, 1349 Morstein Rd., have 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 initially presented his application to the Planning commission on September 7th. Both Mr. McDonald and Mrs. McDonald presented additional information on the application to the Planning Commission on October 5th. The PC has forwarded their recommendation; I have included it for your consideration.

We have received a number of emails and notes from surrounding residents regarding this application which are also included in this packet of information and should be entered into the record as exhibits.

Mr. and Mrs. McDonald are requesting to operate a firearm sales and transfer business as a Home Occupation from their residence on Morstein Rd. Mr. and Mrs. McDonald have applied to the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for a Federal Firearms License (FFL); approval is anticipated and conditioned on Township approval to operate a home occupation. An ATF agent contacted the Township during the review of Mr. McDonald's FFL application and I confirmed for them that Mr. and Mrs. McDonald had applied for a Home Occupation permit and explained that the application was being considered in accordance with the Township ordinances. I explained the Township's Home Occupation regulations and the conditional use process to the agent.

The McDonalds have submitted a revised application 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 McDonalds have also submitted their responses to the general Conditional Use standards for your consideration. The Township zoning ordinance does not have specific standards for this type of use.

The impacts of home occupation uses are usually minor when the number of customer trips is this low. The impact of customer visits and vehicle trips for the Home Occupation is typically mitigated with conditions. Safe ingress and egress is required and it appears that the current driveway configuration will most likely require customers to back out of the driveway onto Morstein Rd. The Planning Commission has recommended that the applicants provide a safe turn around area prior to the issuance of a Home Occupation permit.

For your consideration I have drafted a motion with the conditions of approval recommended by the Planning Commission.

DRAFT MOTION:

Mr. Chairman, I move that we approve the conditional use application for the home occupation to Mr. and Mrs. McDonald at 1349 Morstein Rd., West Chester PA 19380, to operate a firearm sales and transfer business from their residence with the following conditions:

1. The applicants shall adhere to all testimony and exhibits they have presented at the conditional use hearing.
2. The applicants shall maintain their Federal Firearms License (FFL) issued by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
3. The applicants shall only sell or transfer the type of firearms permitted by their FFL.
4. The applicants shall maintain a license to sell firearms issued by the Commonwealth of Pennsylvania.
5. The applicants shall present all licenses to the Township prior to the issuance of the Home Occupation Permit.
6. The applicants 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.
7. The applicants shall store the firearms in a locked safe until the customer has passed the background check and all paperwork is completed.
8. If deliveries of firearms are made to the Applicant's home address by the USPS, UPS, Federal Express or another similar parcel delivery carrier, one of the the applicants must personally sign for the delivery.
9. The applicants shall adhere to all applicable federal and state laws and regulations and local ordinances in the operation of the home occupation.
10. The hours of operation for the business shall be by appointment only, Monday thru Saturday, 9 AM to 5 PM.
11. The applicants shall limit the number of in home customer transactions to 1 per day.
12. The applicants shall demonstrate to the Township Zoning Officer that safe vehicular ingress, egress and off street parking requirements are met for the home occupation prior to the issuance of the Home Occupation Permit.

East Goshen Township

AUG 29 2016

To: Township Zoning Officer

Name of Applicant: John McDonald / GINA McDonald

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

Telephone Number: 609-828-6995 Fax: _____

Email Address: jmcDonald_pa@hotmail.com

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: [Handwritten Signature] Date: 8/25/16

Attest: [Handwritten Signature]

* 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:	8-29-16
2. All related materials submitted:	8-29-16
3. Township application and review fees paid:	8-29-16

Application accepted as complete on 8-29-16 by MARIE GORDON

Official Signature:  Title: TWP. Zoning Officer

Review Process Checklist

<u>Item</u>	<u>Date</u>
1. Start date:	8-29
2. Date of first formal Planning Commission Meeting following Submission of complete application:	9-7
3. Sent to Twp. Engineer:	-
4. Date presented to Planning Commission:	9-7
5. Abutting Property Letter sent:	9-1
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:	9-7
12. Date by which Board of Supervisors must act:	10-18
13. Drop Dead Date; (Day 60):	10-28
14. Conditional Use Hearing Date:	9-20 RESCHEDULED 10-18
15. Dates of hearing advertisement:	10-3 & 10-10
16. Property Posted:	10-10-16

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

Conditional Use Response - 240-31.C (1) & (2) – 1349 Morstein Road

240-31 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.

Response: This business will not create any hazard to public health or safety. The business will primarily receive orders on an internet web site and orders will be fulfilled via drop-ship (orders are placed online and shipped directly from wholesaler or distributor (i.e.: the owner will not handle or ship the product)). However, in the unlikely event that ammunition might be stored on site until a customer would pick it up, it will be stored in a safe, at room temperature, with low humidity. Ammunition is routinely kept on shelves in retail establishments, such as Dick's Sporting Goods, Walmart, Cabela's, etc., not posing any type of danger. The same would be true here. Please be aware that an internet buyer does not need an FFL for ammunition, as ammunition can be shipped directly to the buyer, so there would be no need for a customer to have ammunition shipped to the owner/FFL. Additionally, any firearm that a customer might have shipped to the owner/FFL would also be stored in a safe prior to the customer coming to conduct the official firearms transfer. In the rare occasion that a firearm might be shipped to the residence, it would not be shipped with ammunition and it would be shipped with "adult signature required", and may not be left at the residence without adult signature.

(b) Be suitable for the property in question.

Response: This business is suitable for the property in question, as it will be internet, drop-ship focused. In the rare occasion that a friend or family member would like to transfer a firearm, they would visit the property for 15 – 60 minutes, depending upon how long the "instant" background check takes. The driveway can easily fit a single visitor for the duration of the transfer, and could easily fit two or three vehicles.

Conditional Use Response - 240-31.C (1) & (2) - 1349 Morstein Road

- (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.

Response: This business will not alter the appearance of the home or property, inside or out, in any way. The character of the existing vicinity will not be affected at all.

- (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.

Response: This business will not be detrimental to other property in the vicinity as nothing is being altered regarding the appearance of the home or property in anyway, inside or out.

- (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.

Response: Public services and facilities will not be affected as the home and property are not being altered in anyway, inside or out.

- (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.

Response: There is no need to consider any traffic improvements as the business will result in not more than one or two customer visits per month, which should last 15 – 60 minutes, depending upon how long the “instant” background check would take. If, for some unforeseen reason, there were more than one or two customer visits per month (one per week), there would still be no need to consider any traffic improvements.

- [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.

Response: This business will result in not more than one or two customer visits per month, which would last no longer than 15 – 60 minutes each, depending upon how long the “instant” background check would take. If,

Conditional Use Response - 240-31.C (1) & (2) – 1349 Morstein Road

for some unforeseen reason, there were more than one or two customer visits per month (one per week?), there would still be no adverse effect on the reserve capacity of the public streets or intersections.

[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.

Response: This business will result in not more than one or two customer visits per month, which would last no longer than 15 – 60 minutes each, depending upon how long the “instant” background check would take. If, for some unknown reason, there were more than one or two customer visits per month (one per week?), there would still be no reason for a traffic study, as there would be no noticeable difference to traffic in the neighborhood.

[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.

Response: A traffic study is not required. This business will result in not more than one or two customer visits per month, which would last no longer than 15 – 60 minutes each, depending upon how long the “instant” background check would take. If, for some unknown reason, there were more than one or two customer visits per month (one per week?), there would still be no reason for a traffic study, as there would be no noticeable difference to traffic in the neighborhood.

[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.

Conditional Use Response - 240-31.C (1) & (2) – 1349 Morstein Road

[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.

Response: There is no reason for any improvements to adjacent segments of streets as this business will result in not more than one or two customer visits per month, which would last no longer than 15 – 60 minutes each, depending upon how long the “instant” background check would take. If, for some unknown reason, there were more than one or two customer visits per month (one per week?), there would still be no reason for any improvements to adjacent segments of streets.

[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.

Response: This business will result in not more than one or two customer visits per month. If, for some unknown reason, there were more than one or two customer visits per month (one per week?), there would still be no need for changes related to facilities for ingress or egress.

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

Response: There are no historic buildings on the property. Additionally, neither the home nor the property are being altered in anyway, inside or out, so there will be no impacts upon the preservation or restoration of any historic buildings.

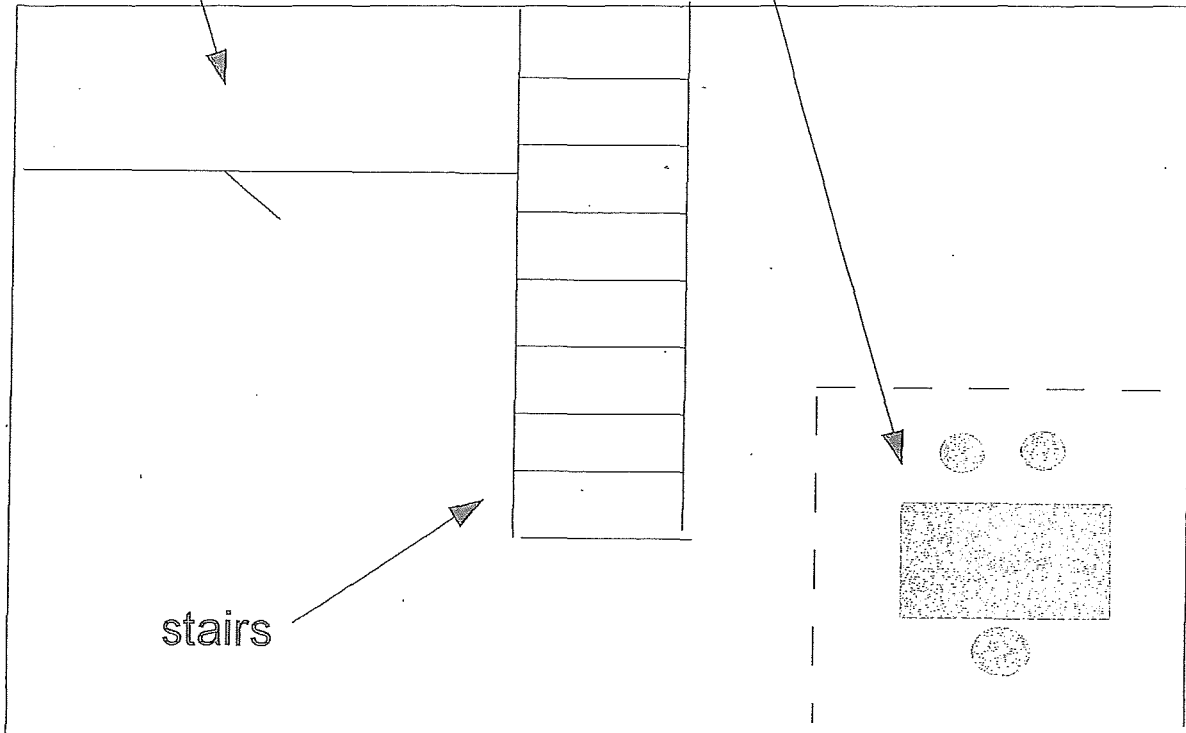
(h) Properly locate and design the proposed structures and other improvements to minimize disruption to existing natural topography, waterways, ponds, groundwater recharge, woods and other important natural resources on the site.

Response: Neither the home nor the property are being altered in anyway, inside or out, so there will be no disruption to existing natural topography, waterways, ponds, groundwater recharge, woods and other important natural resources on the site.

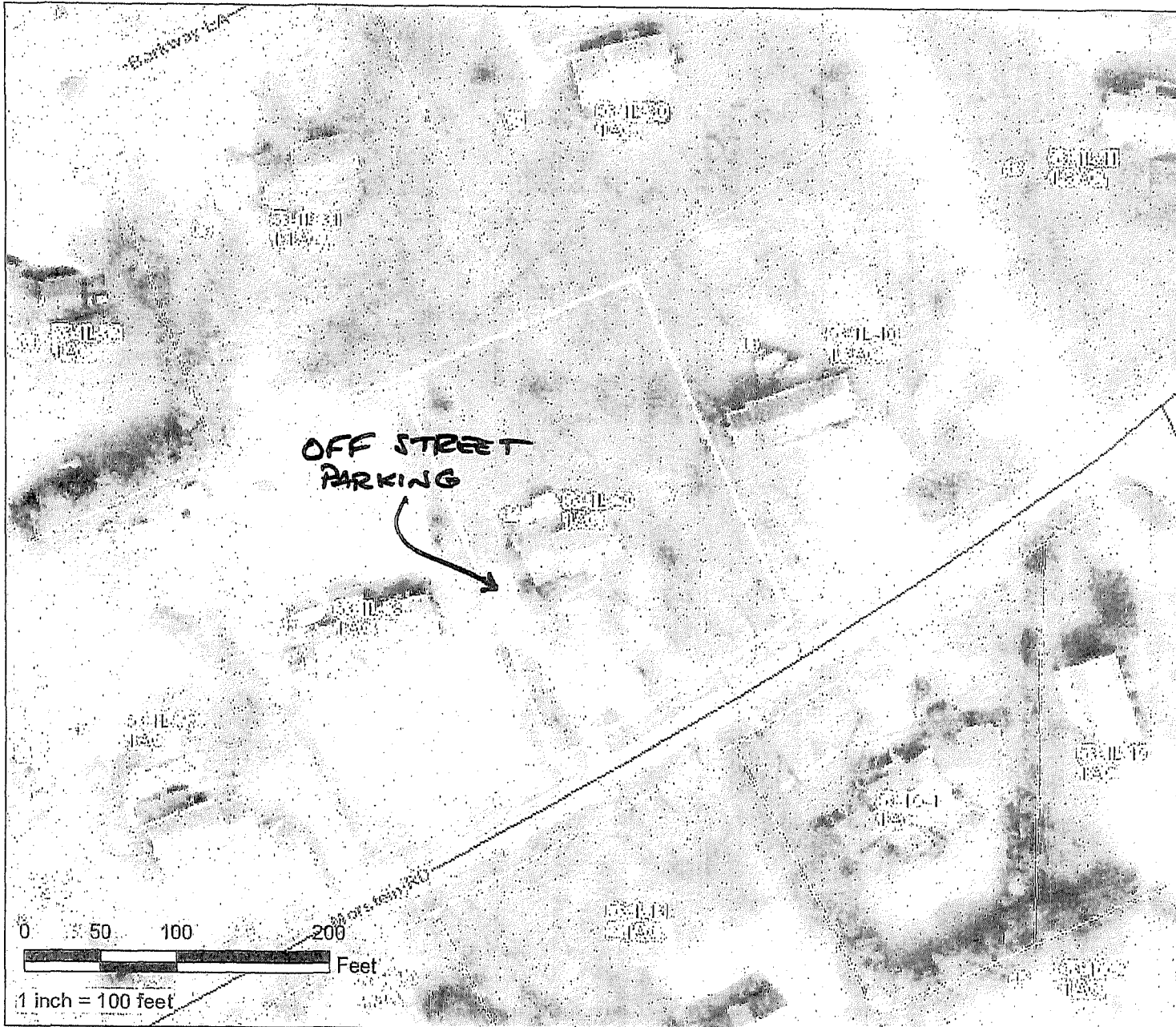
Basement Level

Locked Storage
(if needed)
8' x 14'

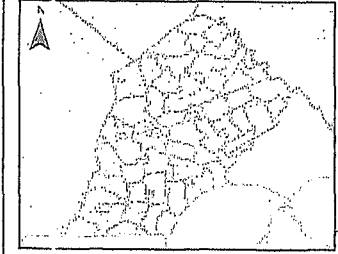
Office Area
10' x 10'



1349 Morstein Rd.



COUNTY OF CHESTER
PENNSYLVANIA



Find Address Information

PARID: 5301L00290000
UPE: 13-1L-29
Owner 1: MCDONALD JOHN
Owner 2: 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

Limitations of Liability and Use:
County of Chester, Pennsylvania makes no claims to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Service page listed at www.chesco.org/gis.

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

AUG 16 2016

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: JOHN McDONALD
Address: 1349 MORSTEN RD
City, State, Zip: WEST CHESTER, PA 19380
Phone: 609-828-6995

Property Information:

Property Owner's Name: JOHN McDONALD
Phone Number: 609-828-6995
Address: 1349 MORSTEN RD, WEST CHESTER, PA
TPN: _____
Square Footage of Dwelling Unit: 2700

Proposed Use

Type of use:

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

Nature of your business: INTERNET SALES, FEDERAL FIREARMS LICENSE TRANSFERS
Business Name (If Applicable): CAPITAL CITY GUNS
Square Footage Devoted to Business: ~~212~~ 212

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

Questions

			<u># per day</u>
Will you have customers or clients visit your business?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	<u>1 / WEEK</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	_____
How will deliveries be made?			<u>UPS/FEDEX</u>
Will you conduct direct sales of products or services on-site?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	<u>1 / WEEK</u>
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>INTERNET</u>
What are your hours & days of operation? <u>9am -</u>			<u>10:00AM - 5:PM FRIDAY</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)

What other businesses are operated from your property?

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.

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

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: 
Name: JOHN McDONALD
Date: 8/15/16

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:

APPROVAL:

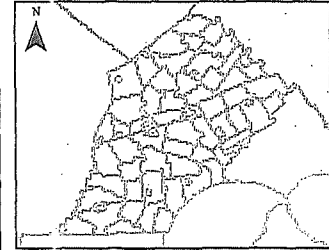
YES
 NO

Official Signature: _____ Date: _____

Permit No: _____

1349 Morstein Rd.

COUNTY OF CHESTER
PENNSYLVANIA



Find Address Information

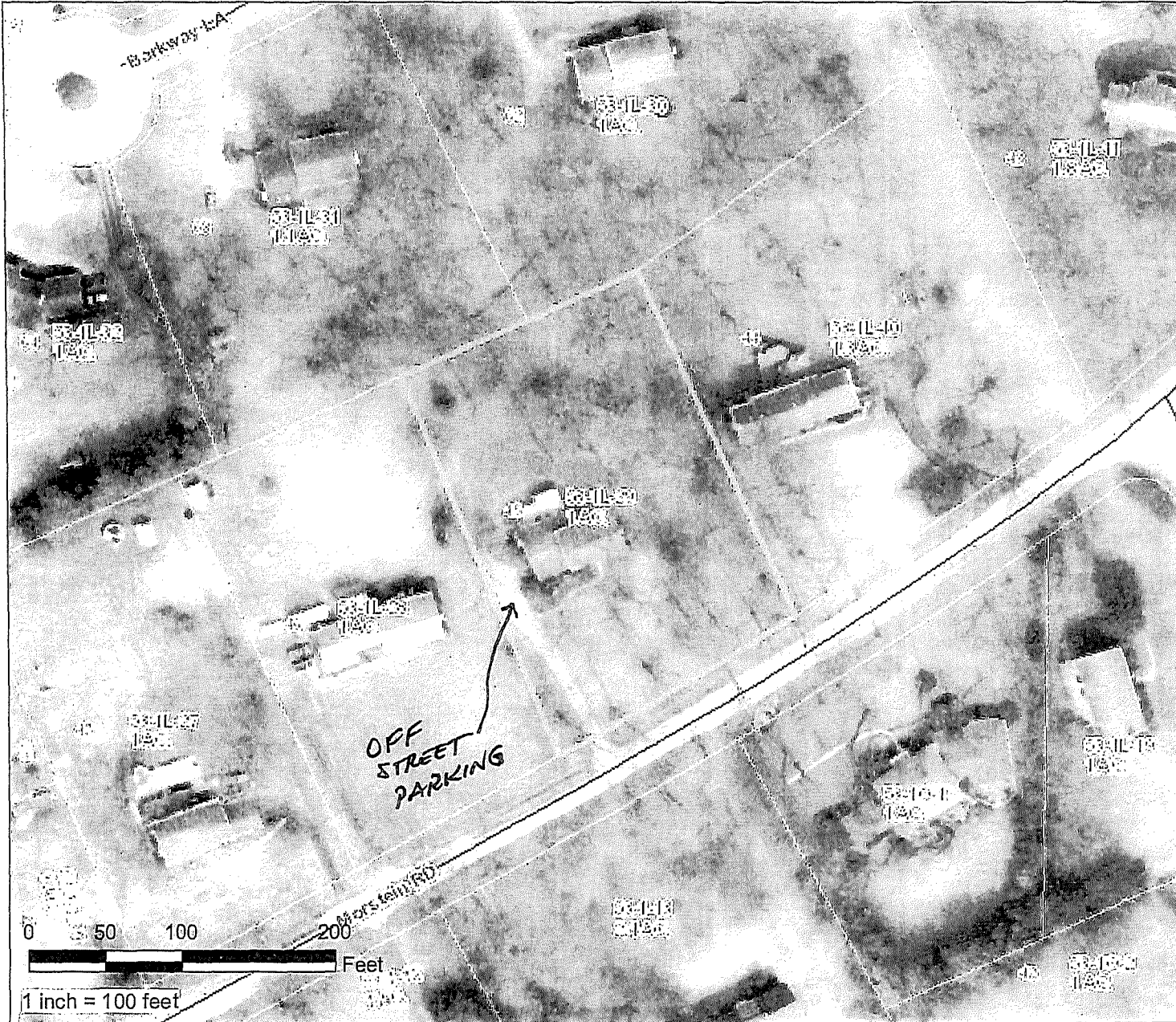
PARID : 5301 L00290000
UPL : 51-1L-29
Owner 1: MCDONALD JOHN
Owner 2: MCDONALD GINA M
Mail Address 1: 1349 MORSTEIN RD
Mail Address 2: WEST CHESTER PA
Mail Address 3:
ZIP Code: 19380
Deed Book: 5603
Deed Page: 2258
Deed Recorded Date: 3/11/2003
Legal Desc 1: N OF MORSTEIN RD
Legal Desc 2: 1 AC & DWG LOT 45
Acres: 1
LUC: 1-10
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



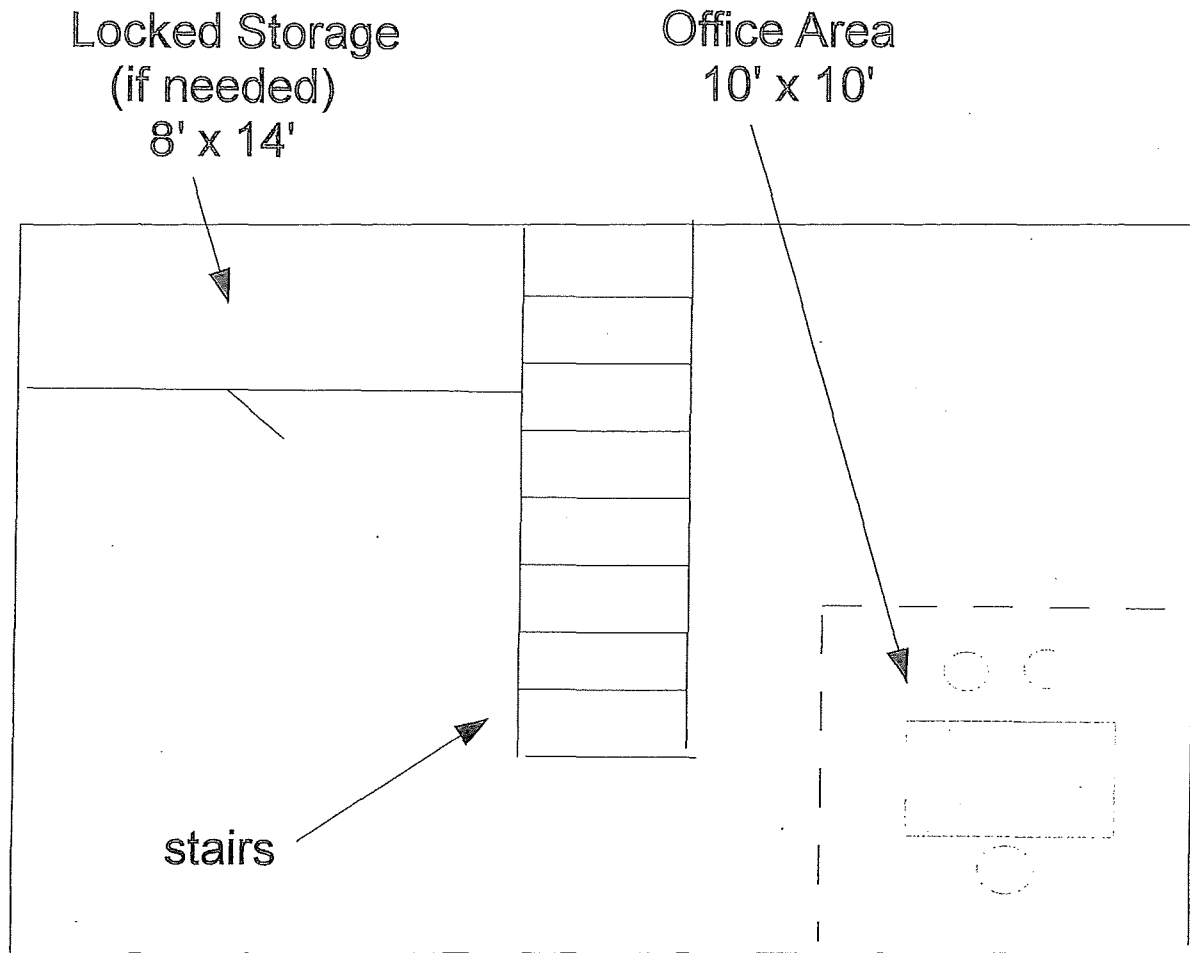
County of Chester

Limitations of Liability and Use:
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1349 MORSTEN RD

Basement Level



**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION**
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

October 12, 2016

East Goshen Township
Board of Supervisors
1580 Paoli Pike
West Chester, Pa. 19380

B-6

Re: 1349 Morstein Rd.
Home Occupation / Conditional Use
53-1L-29

Dear Board Members:

At their meeting on October 5, 2016 the Planning Commission voted unanimously in favor of the following motion:

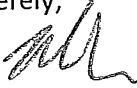
Mr. Chairman, I move that we recommend that the Board of Supervisors approve the conditional use application for the home occupation of Mr. and Mrs. McDonald at 1349 Morstein Rd. West Chester PA 19380 with the following conditions:

1. The applicants shall adhere to all testimony and evidence presented at the conditional use hearing.
2. The applicants shall maintain their federal firearms license issued by the Bureau of Alcohol, Tobacco and Explosives.
3. The applicants shall only sell or transfer the type of firearms permitted by their federal license.
4. The applicants shall maintain a license to sell firearms issued by the Commonwealth of Pennsylvania.
5. The applicants 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. The applicants 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 the Applicant's home address by the USPS, UPS, Federal Express or another similar delivery carrier, the applicant's must personally sign for the delivery.
8. The applicants shall adhere to all applicable federal and state laws and regulations and local ordinances in the operation of the home occupation.
9. The hours of operation for the business shall be by appointment only Monday – Saturday 9 AM to 5 PM.
10. The applicants shall limit the number of in home customer transactions to 1 per day.

11. The applicant's shall demonstrate to the Township Zoning Officer that safe vehicular ingress, egress and off street parking requirements are met for the home occupation.

Mr. and Mrs. McDonald had no objection to these conditions.

Sincerely,



Mark A. Gordon
Township Zoning Officer

Rick Smith

From: Rick Smith <rsmith@eastgoshen.org>
Sent: Tuesday, September 06, 2016 6:48 AM
To: 'Robyn King'; 'Mgordon@eastgoshen.org'
Subject: RE: Conditional Use Application

B-7

Ms. King

Thank you for your e-mail. A copy will be entered into the record at the public hearing on this application.

Rick Smith
Township Manager

From: Robyn King [<mailto:robynking17@yahoo.com>]
Sent: Sunday, September 04, 2016 9:45 PM
To: Mgordon@eastgoshen.org; Rsmith@eastgoshen.org
Subject: Conditional Use Application

Dear Mr. Gordon and Mr. Smith,
I am writing about the Conditional Use Application that has been submitted for review by the resident at 1439 Morstein Rd. I am not able to attend the next meeting, but am opposed to Mr. McDonald using his residence to operate a firearms sales and transfer business from his home. The area is zoned for residential use and I believe it should be kept as such. I am concerned for the impact the business might have on our children and neighborhood.

Sincerely,
Robyn King
1409 Wexford Circle
West Chester, PA 19380

Rick Smith

From: Rick Smith <rsmith@eastgoshen.org>
Sent: Tuesday, September 06, 2016 6:45 AM
To: 'Sandra Makos'; 'mgordon@eastgoshen.org'
Subject: RE: OPPOSTION of Home Occupation Application

B-8

ivis. iviakos

Thank you for your e-mail. A copy will be entered into the record at the public hearing on this application.

Rick Smith

From: Sandra Makos [<mailto:scmakos@gmail.com>]
Sent: Sunday, September 04, 2016 4:45 PM
To: Rick Smith; mgordon@eastgoshen.org
Subject: OPPOSTION of Home Occupation Application

Good afternoon Mr. Gordon and Mr. Smith,

Yesterday I received a disturbing letter from the township stating that a neighbor of mine, John McDonald of 1349 Morstein Rd, has applied for a Conditional Use Permit to operate a firearms transfer and sales business out of his home. I am writing you this letter to officially state that I OPPOSE the township granting him this permit for many reasons.

- #1- It is zoned as a residential space and we would like to keep it that way.
- #2- I do not approve of the sale of firearms in a neighborhood with so many residents, especially children. We work hard at maintaining a nice and safe residential community.
- #3- Having a business like this in our neighborhood will most definitely decrease our property values.
- #4- There are more appropriate places for him to house his business. It does not need to be where I live. Let him get an office in a commercially zoned space.
- #5 - This is not the direction that East Goshen needs to be moving it.

Please listen to your residents and do not grant him this permit.

Thank you,
Sandra Makos
1408 Morstein Rd

Mark Gordon

From: allisonhall19@comcast.net
Sent: Wednesday, September 07, 2016 10:15 AM
To: Rsmith@eastgoshen.org; Mgordon@eastgoshen.org
Subject: 1349 Morstein - condition use permit

B-9

Dear Mr. Smith & Mr. Gordon,

I hope you are both well. I am writing out of concern regarding Mr. McDonald's application for a conditional use permit to operate a firearms transfer and sales business from his home on Morstein Road.

Unfortunately, I am unable to attend the township meeting, but want to express my strong opposition to this request.

I am a resident of Charter Chase and while I believe there are already too many guns in our society, that issue aside, I also feel that our area should remain residential in nature. A home business would cause increased traffic on a street where there are many children and where few people obey the speed limit as is.

Thank you for taking my concern in to consideration as you make your decision.

Best,

Allison Hall

1411 Wexford Circle

Rick Smith

From: Rick Smith <rsmith@eastgoshen.org>
Sent: Wednesday, September 07, 2016 10:35 AM
To: 'allisonhall19@comcast.net'; 'Mgordon@eastgoshen.org'
Subject: RE: 1349 Morstein - condition use permit

B-10

Miss. Hall

Thank you for your e-mail. A copy will be entered into the record at the public hearing on this application.

Rick Smith
Township Manager

From: allisonhall19@comcast.net [<mailto:allisonhall19@comcast.net>]
Sent: Wednesday, September 07, 2016 10:15 AM
To: rsmith@eastgoshen.org; Mgordon@eastgoshen.org
Subject: 1349 Morstein - condition use permit

Dear Mr. Smith & Mr. Gordon,

I hope you are both well. I am writing out of concern regarding Mr. McDonald's application for a conditional use permit to operate a firearms transfer and sales business from his home on Morstein Road.

Unfortunately, I am unable to attend the township meeting, but want to express my strong opposition to this request.

I am a resident of Charter Chase and while I believe there are already too many guns in our society, that issue aside, I also feel that our area should remain residential in nature. A home business would cause increased traffic on a street where there are many children and where few people obey the speed limit as is.

Thank you for taking my concern in to consideration as you make your decision.

Best,

Allison Hall

1411 Wexford Circle

9-8-16

Kevin Logue
1344 Morstein Road
West Chester PA 19380
610-220-1976

B-11

SEP - 8 2016

East Gosler Township
Rich Smith and Board
Re - 1359 Morstein Rd
W-C PA 19380

Please do not allow any kind of
gun distribution in our neighborhood
This is a terrible idea.
I am opposed to this bad idea

Sincerely



B-12



JD LEGAL SERVICES, LLC
dream . plan . protect . achieve

102 S. PINE STREET, STE. 240
ELVERSON, PA 19520
TEL: 484.356.5191
JDLEGAL@OUTLOOK.COM

October 18, 2016

Board of Supervisors
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

**RE: Conditional Use Zoning Application
 John McDonald and Gina McDonald
 1349 Morstein Road
 West Chester, PA 19380**

Dear Board Members:

Please enter my appearance as the attorney for the applicants, John McDonald and Gina McDonald, in relation to their conditional use zoning application.

In addition, please accept the following responses as a supplement to the amended conditional use zoning application of the above applicants. The McDonalds have already amended their application with written responses to Sections 240-31.C(1) and (2) of the East Goshen Zoning Ordinance. The following responses address the applicable provisions of Section 240-32.J of the Ordinance.

Thank you for your consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'J. DiGuglielmo', written over a horizontal line.

Joseph D. DiGuglielmo, Esquire

cc: Mark Gordon, Township Zoning Officer

**Supplement to Conditional Use Zoning Application
of John McDonald and Gina McDonald
1349 Morstein Road
West Chester, PA 19380**

East Goshen Zoning Ordinance

Sec. 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]

(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.

RESPONSE: The Morstein FFL would be the only home occupation or home-related business on the property.

(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.

RESPONSE: The Morstein FFL will be conducted within the Applicants' principal residence; specifically, in the basement office area and the basement locked storage area.

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

RESPONSE: The Morstein FFL will consist of 212 square feet of space in the basement of the residence. The 10 feet by 10 feet office space (100 square feet) and the 8 feet by 14 feet locked storage area (112 square feet).

(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.

RESPONSE: There will be no change to the exterior of the home or property. As a result, the residential character of the neighborhood will not be changed in any way.

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

RESPONSE: No equipment or process will be used, and no activity will be conducted in the home occupation that creates any nuisance.

(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.

RESPONSE: No outside storage, display, or testing will occur in the home occupation and no dumpster will be utilized in 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.

RESPONSE: The Morstein FFL shall comply with all federal, state, and local laws, rules, and regulations for the operation of the home occupation.

(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.

RESPONSE: The McDonalds' lot is not 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.

RESPONSE: The Morstein FFL will not have any employees or independent contractors working in the residence. Only the Applicants, John and Gina McDonald, will conduct the home occupation.

(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.

RESPONSE: Any firearm transfer occurring at the Morstein FFL will be by appointment only and will occur during the permitted hours of operation.

(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.

RESPONSE: Section 240-33(A)(2)(b)(2)(c)(E) of the Zoning Ordinance requires, for personal service uses (such as barber shops, photo shops, and appliance repair) one parking space per 150 square feet of "all areas occupied by equipment, furnishings or inventory accessible to customers or patrons, but not including corridors, toilet rooms and other such accessory rooms as may be provided," plus one parking space per employee.

The Morstein FFL is closest in nature to a personal service business. The business use accessible to customers comprises 100 square feet of space, requiring one off-street parking space. There are no non-resident employees of the business and, therefore, no additional spaces required.

Further, Section 240-33(B)(5)(b) of the Zoning Ordinance states:

No off-street parking shall be provided between a building setback line and a street right-of-way line with the following exceptions: parking may be permitted on a private driveway serving an individual dwelling unit; and parking shall be no closer than 60 feet to a street right-of-way line in the C-4 District.

(emphasis added).

The Applicants have sufficient parking area outside their side-entry garage on the side of the house. The parking area also contains sufficient space to turn a vehicle around, so that customers can exit by driving forward out of the driveway. Please refer to the video provided by the Applicants, demonstrating two different methods of successfully turning around a vehicle in the parking area.

(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.

RESPONSE: The Applicants will not exceed the number or time constraints stated above.

(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.

RESPONSE: The Applicants will agree to limit customer traffic (not counting pickup and delivery of parcels or the entry and exit of their own vehicles or those of guests) to an average of one entry and one exit per day – i.e., seven customer visits per week. The Applicants anticipate that the infrequent transfers, if any, would occur on Saturdays. Thus, there is a possibility that two customers may visit the property on a single day, albeit at different times of day, with no overlap.

(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.

RESPONSE: The Applicants will not place a sign for the home occupation on the property.

(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.

RESPONSE: This home occupation will not generate any recognizable solid waste or sewer discharge.

(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.
- (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.

RESPONSE: The home occupation does not involve any of the prohibited uses.

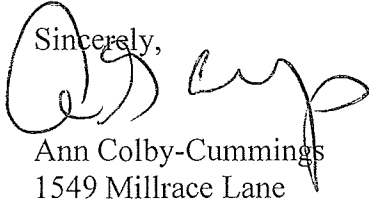
October 4, 2016

E. Martin Shane
Supervisor
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Dear Mr. Shane,

As a resident of East Goshen Township I respectfully ask that the East Goshen Township Board of Supervisors amend East Goshen Township Ordinance 240-32J, Home Occupation, to specifically prohibit the sale of firearms from home-based businesses.

Sincerely,



Ann Colby-Cummings
1549 Millrace Lane

E. Martin Shane, Chairman
Board of Supervisors
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

RECEIVED

OCT 11 2016

October 7, 2016

Dear Mr. Shane,

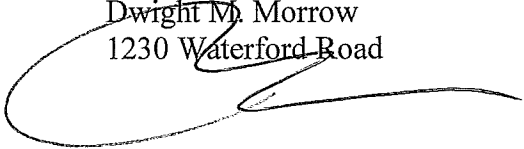
We the undersigned residents of East Goshen Township respectfully ask that the East Goshen Township Board of Supervisors amend East Goshen Township Ordinance 240-32J, Home Occupation, to specifically prohibit the sale of firearms from home-based businesses.

Sincerely,

Monica Holland
1230 Waterford Road



Dwight M. Morrow
1230 Waterford Road



Dr. Ronald Heier
1405 Allan Lane



Jeff Bole
1237 High Gate Road



Judy Bole
1237 High Gate Road



Theodore F. Morrow
Theodore F. Morrow
1230 Waterford Road

Sal DiGiovanni
Sal DiGiovanni
1241 Waterford Road

Rose DiGiovanni
Rose DiGiovanni
1241 Waterford Road

Kristie Anderson
Kristie Anderson
1233 Waterford Road

Thomas Rice
Thomas Rice
1235 Waterford Road

Marian Rice
Marian Rice
1235 Waterford Road

Laura Giangiulio
Laura Giangiulio
1242 High Gate Road

Dr. Louis Giangiulio
Dr. Louis Giangiulio
1242 High Gate Road

Marilyn Verghe
Marilyn Verghe
1218 Waterford Road

Julieta Calmon
Julieta Calmon
1549 Tanglewood Drive

Cliff Kraft
Cliff Kraft
1236 High Gate Road

John Maher
John Maher
1240 High Gate Road

Mac Greenberg (Dg)
Marc Greenberg
1419 Allan Lane

Tom Anderson
Tom Anderson
1233 Waterford Rd.

Ilene Greenberg
Ilene Greenberg
1419 Allan Lane

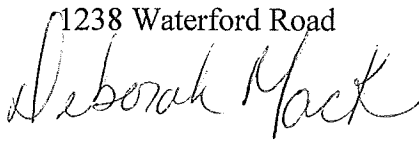
Jenn Scarborough
Jenn Scarborough
1212 Waterford Road

B. Albert Grentz
B. Albert Grentz
1224 Waterford Road

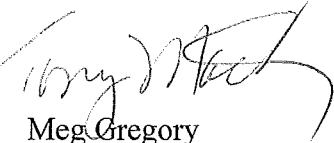
Mary Jane Grentz
Mary Jane Grentz
1224 Waterford Road

Valerie Virgilio
Valerie Virgilio
1402 Wexford Circle

Deborah Mack
1238 Waterford Road



Tony Mack
1238 Waterford Road



Meg Gregory
1239 Waterford Road



Pete Gregory
1239 Waterford Road



Cc: Senya D. Isayeff, Vice Chairman, East Goshen Township Board of Supervisors
Carmen Battavio, East Goshen Township Board of Supervisors
Janet L. Emanuel, East Goshen Township Board of Supervisors
Charles W. Proctor, III, East Goshen Township Board of Supervisors
Louis (Rick) Smith: East Goshen Township Manager
Mark A. Gordon, East Goshen Township Zoning Officer