

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION
Meeting Agenda
Wednesday, December 5, 2018
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. November 7, 2018**
- F. Subdivision and Land Development Applications
- G. Conditional Uses and Variances
- H. Ordinance Amendments**
 - 1. Domesticated Chickens**
 - 2. Temporary Structures for the sale of Consumer Fireworks**
- I. Old Business**
 - 1. Incubator Business Discussion**
 - 2. Goshenville TND Overlay Discussion**
 - *Read the Paoli Pike Master Plan here*
 - 3. Residential Open Space Development Discussion**
- J. 2018 Goals**
- K. Any Other Matter
- L. Liaison Reports
- M. Correspondence

Bold Items indicate new information to review or discuss.

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
No Current Applications													

Bold = New Application or PC action required

Completed in 2018

1302 Wilson Dr. / ESKE Development / Child Daycare	CU	Sk	9/4/2018	9/4/2018	9/4/2018, 9/17/2018	NA	9/25/2018	1	11/7/2018	12/3/2018	11/13/2018	12/3/2018	APPD
1506 Meadowbrook Ln	SD/LD	P/F	2/26/2018	4/4/2018	2/27/2018	3/1/2018	3/1/2018	2	8/1/2018	8/21/2018	NA	9/3/2018	APPD
1339 E. Strasburg Rd.	CU	Sk	7/16/2018	7/16/2018	NA	NA	7/25/2018		8/1/2018	9/4/2018	9/4/2018	9/14/2018	APPD
Malvern Institute, 940 King Rd.	V, SE	P	3/27/17	3/27/17	NA	NA	3/30/17	4	1/17/18	2/6/18	2/13/18	2/28/18	
WCASD / EG Elem.	LD	P	11/28/17	12/6/17	11/30/17	11/30/17	11/30/17		2/7/18	3/6/18	NA	3/6/18	APPD
1665 E. Boot Rd	V	P	12/1/17	12/1/17	NA	NA	12/7/18		1/3/17	1/16/18	1/25/18	1/30/18	APPD

DRAFT
EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
November 7, 2018

The East Goshen Township Planning Commission held a regular meeting on Wednesday, November 7, 2018 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Brad Giresi, Jim McRee, Monica Close, Dan Daley and Ernest Harkness. Also present was Mark Gordon, (Township Zoning Officer); Marty Shane, Janet Emanuel and David Shuey (Township Supervisors); and Erich Meyer (Chairman Conservancy Board).

COMMON ACRONYMS:

<i>BOS – Board of Supervisors</i>	<i>CPTF – Comprehensive Plan Task Force</i>
<i>BC – Brandywine Conservancy</i>	<i>CVS – Community Visioning Session</i>
<i>CB – Conservancy Board</i>	<i>SWM – Storm Water Management</i>
<i>CCPC – Chester Co Planning Commission</i>	<i>ZHB – Zoning Hearing Board</i>

A. FORMAL MEETING – 7:00 pm

1. Brad called the meeting to order at 7:00 pm. He led the Pledge of Allegiance and a moment of silence to remember our first responders and military.
2. Brad asked if anyone would be recording the meeting and if there were any public comments about non-agenda items. There was no response.
3. Brad checked the log.
4. The minutes of the October 3, 2018 meeting were approved.

B. CONDITIONAL USES AND VARIANCES

1. 1302 Wilson Drive/ESKE Development LLC/ Child Daycare Center

Brad reviewed what the Township has received for this project. Representatives for the applicant are: John A. Jaros, Esq., Riley Riper Hollin & Colagregio; Joseph Russella, PE, D.L. Howell; Anthony Diver, The Tamora Group and Judy Thompson.

John Jaros commented that they updated the plan as per comments from the Planning Commission and a letter from Nate Cline Township Engineer, dated November 7, 2018.

Joe Russella reviewed the revised plan and noted the changes they made. They added 24 parking spaces making a total of 60 spaces available during regular business hours. They added a 20 ft. wide paver emergency second access to the property. They will have 35 spaces on the Caleco property with a sidewalk connection from Caleco for special events, which they will coordinate with Caleco. Post construction analysis of the flood plan is included. He showed that a school bus can access the turnaround. They met with the Conservancy Board who made a recommendation for conditional use concerning removal of trees.

Tony referenced the agreement with Caleco. The day care has to give 7 days notice of an event to Caleco. Caleco will have all of their employees park in their front lot. This will leave the rear lot for use by the day care.

Dan asked if the Township Solicitor would come to a meeting. Mark commented during Land Development. Dan asked about set backs from the property line for parking. Mark commented that this is in SALDO so the side yard in this case is ok.

Dan is still concerned about parking and doesn't want parking on Wilson Drive. Joe mentioned that they will put no parking signs along the driveway. They want to have 2 way access at all times. Mark mentioned that the owner/operator will have to work this out. Perhaps have 2 parties for different age groups. He feels the plan is adequate.

Judy commented that they suggest carpooling. Also, they plan to have the staff use the Caleco parking area for special events.

Joe reviewed other comments about the floodplain. Mark commented that recreational areas are considered non-permanent. Also he mentioned that the landscape plan will be provided as part of the Land Development. There will be a sign on Wilson Dr. for the day care. Ernest moved that the Planning Commission recommend approval of the Conditional Use application and Conditional Use Site Layout Plan dated 9/17/2018 last revised 10/26/2018 for a Child Daycare Center use at 1302 Wilson Drive, submitted by Tamora Building Systems. Jim seconded the motion. The motion passed unanimously.

C. ORDINANCE AMENDMENTS

1. Zoning Variance Time Limit

Mark explained that 1506 Meadowbrook Lane has a variance under the current ordinance, which will expire in 15 months. They still have some outstanding issues that they would have to come in again for a variance when this one expires. The Ordinance requires that zoning variances have an 18 month time limit when the work must begin or the variance becomes void. The solicitor and staff have drafted an ordinance to address this time limit issue for these situations and proposes to extend the time limit to mirror those outlined in the MPC for SD and LD approvals. Dan mentioned that he has seen this situation before. Tom Comitta pointed out that there is a typo on page 1.

Monica moved that the Planning Commission recommend that the Board of Supervisors approve the Zoning Ordinance amendment to clarify the time limits for variances. Jim seconded the motion. The motion passed unanimously.

D. GOSHENVILLE TND OVERLAY

Tom Comitta mentioned that between the meeting on September 26th and tonight he met with township staff to discuss uses which he reviewed. He added uses to TND1 except for industrial. TND2 is residential but they did not include farming. He needs the Planning Commission to affirm that the uses in this 11/1/2018 draft are ok.

Brad mentioned definitions. Convenience stores (Wawa) vs retail. No gas stations.

Jim commented that convenience stores are excluded?

Dan would rather see retail sales but no gasoline or automotive fuels.

Janet mentioned that there is concern that convenience store is taking on the intent of Wawa to include gas stations that we don't want.

Marty commented that gas pumps are an accessory to a convenience store. He thought there was an exclusion for gas pumps. Tom will contact the Township Solicitor about adding an exclusion for automotive fuels.

Dan mentioned restaurants, a definition for standard and standard with take out. Tom commented that each will be separately defined.

Marty mentioned that drive thru is allowed in C1 on West Chester Pike.

Tom commented that in C2 and C4 no fast food is allowed. It can be added but no drive through.

There was discussion of revitalization vs use of an existing building. Revitalization only applies if, the area is increased by 20% or more. So, if a vacant space is used as is, there is no revitalization. Brad feels a change in use has to trigger a provision under the overlay. Tom commented that they need a few more subsections for uses that would determine applicability of TND.

Brad – Parking – He feels that without the trail, people will drive, so the ratio will not change.

Also he mentioned that there is nothing in this TND about design guidelines and architecture. He researched other municipalities and saw that some go further.

Marty commented that something has to be clearly defined as to what you want it to look like.

Mark gave examples of some wording in the TND about renderings, etc.

Brad feels signage design is important too. Put it in now or have comments in it that refer to future design guidelines.

Marty feels that everything that is important, should be included now.

Public Comment:

1 Carroll Sinquett, owner of 1590 Paoli Pike – It doesn't sound like he can expand under the TND. Will
2 they be able to toggle back and forth between C2 and TND1? There is no incentive for him to develop
3 near the road, which is a 10' drop and would cost a lot to move the dirt. So, he would develop under C2
4 on the top of his property.
5 Tom mentioned that the only incentive now is apartments in TND1 and duplex or triplex homes in TND2.
6 These are not in the current C2.
7 Mark and Tom will meet with the Township Solicitor. Tom will attend the December 5th meeting.
8

9 **E. LIAISON REPORT**

10 Board of Supervisors – Marty mentioned that they are reviewing a proposed amendment to R2 of
11 the ordinance.
12

13 **F. ANY OTHER MATTER**

14 Road Cleanup – The east side of Strasburg Road is done. Dates will be selected for the West
15 side.
16

17 **ADJOURNMENT**

18 There being no further business, Ernie made a motion to adjourn the meeting. Monica seconded
19 the motion. The meeting was adjourned at 10:10 pm. The next regular meeting will be held on
20 Wednesday, December 5, 2018 at 7:00 p.m.
21

22
23 Respectfully submitted, _____
24 *Ruth Kiefer, Recording Secretary*

Memorandum

East Goshen Township
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Date: 11/28/2018
To: Planning Commission
From: Mark Gordon, Township Zoning Officer *mlb*
Re: Keeping of Domesticated Chickens Ordinance

Dear Planning Commission Members,

Since September when you last saw the "Domesticated Chickens" ordinance, Staff has worked with the Board and revised the ordinance. The Board has decided to permit a maximum of 5 chickens to be kept on any single family residential lot that is 1 acre or larger.

The draft ordinance has been revised accordingly. The ordinance has been resent to the CCPC for review and we do not anticipate any comments

Draft Motion:

I move that the Planning Commission recommend that the Board of Supervisors approve the zoning ordinance amendment for Domesticated Chickens.

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, AT SECTIONS 240-6 AND 240-32.A, IN ORDER TO ALLOW FOR THE KEEPING OF DOMESTICATED CHICKENS WITHIN THE TOWNSHIP, TO CLARIFY PROVISIONS WITHIN SUCH SECTIONS RELATED TO THE KEEPING OF ANIMALS, FOWL, HOUSEHOLD PETS AND DOMESTICATED CHICKENS, AND TO DELETE SECTIONS OF THE ZONING ORDINANCE TO REMEDY CONFLICTING LANGUAGE.

WHEREAS, it has been determined by the Board of Supervisors of East Goshen Township that the keeping of domesticated chickens should be permitted in the Township to enable residents of single-family detached dwellings to keep a small number of female chickens on a noncommercial basis while limiting the potential adverse impacts upon surrounding properties; and

WHEREAS, additional amendments were needed to the Zoning Ordinance in order to insure consistency throughout the Zoning Ordinance related to the keeping of animals, fowl, household pets and domesticated chickens;

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

SECTION 1. Section 240-6, titled, "Definitions", shall be amended to include a new definition of Chicken Coop and Run as follows:

"CHICKEN COOP AND RUN - a fenced or other type of enclosure that is mostly open to the elements and includes a henhouse or coop. The chicken coop and run allows the chickens to leave the coop and move around while remaining in a predator-safe environment."

SECTION 2. Section 240-6, titled, "Definitions", shall be amended to replace the definition of Fowl as follows:

"FOWL – Any of the larger domestic birds used for food such as turkey, geese or ducks. A chicken is a type of domesticated fowl subject to separate regulations set forth in Section 240-32.A of this Zoning Ordinance."

SECTION 3. Section 240-14.E.(8)(e) shall be removed and marked as "Reserved".

SECTION 4. Section 240-19.E.(13) shall be removed and marked as "Reserved".

SECTION 5. Section 240-36.(D) (1) (i) shall be removed and marked as "Reserved".

SECTION 6. Section 240-32.A shall be removed and replaced to read as follows:

"A. Keeping of Animals, Fowl, Household Pets and Domesticated Chickens.

- (1) Number of household pets. Household pets, as defined in § **240-6**, may be kept as an accessory use to a residential dwelling in any zoning district, provided that their keeping is clearly incidental and subordinate to the principal use of the residential dwelling, and subject to the restrictions set forth in the chart below for dogs:

Dwelling Type	Maximum Number of Dogs 3 Months or Older
Apartment, townhouse, semidetached or single family detached	4
Single-family detached on 3 or more acres	4 plus 1 additional dog for each acre of lot area in excess of 2 acres

- (2) Commercial use. Commercial breeding or use of pets and animal husbandry shall not be permitted as an accessory use under this section.

- (3) Large animals may be kept as an accessory use to a single family detached dwelling in any zoning district provided that their keeping is clearly incidental to the principal use of the residential dwelling. For purposes of this section, a "large animal" shall be defined as an animal standing over 30 inches at the shoulder or weighing over 200 pounds. Large animals (such as cattle, horses and pigs, but excluding dogs) and fowl (excluding domesticated chickens which are separately regulated below) shall be stabled or housed in buildings which are a minimum of 100 feet from any lot line. In order to keep large animals for private, recreational use of the residents of the property where the large animals are kept, there must be a minimum of two acres for the first large animal and one acre for each additional large animal. In order to keep fowl (excluding domesticated chickens), goats or pigs for private, recreational use of the residents of the property where the fowl, goats or pigs are kept, there must be a minimum of two acres to keep up to 4 fowl, goats or pigs and 1/2 acre for each additional animal. All grazing and pasture areas for

horses, goats and pigs must be fenced.

- (4) The person with the responsibility for the care of the animals shall keep the animals off private property which he/she does not have permission to use, and shall regularly collect and properly dispose of fecal matter from the animals in a sanitary manner that avoids nuisances for neighbors. Waste matter shall not be allowed to be carried by stormwater into waterways or onto other lots.
- (5) Domesticated Chickens. Domesticated female chickens may be kept as a noncommercial accessory use to a single family detached dwelling in any zoning district upon property with a minimum lot area of one (1) acre, provided their keeping is clearly incidental and subordinate to the principal use of the residential dwelling, and subject to the additional restrictions:
 - a. A maximum of five (5) chickens may be kept on a lot that has a lot area equal to or greater than 1 acre.
 - b. Roosters are prohibited.
 - c. The chicken coop and run must be located to the rear of the dwelling. The chicken coop must provide at least 4 sq. ft. per chicken if it is attached to an exterior run and 6 sq. ft. per chicken if it does not have an exterior run. The chicken coop and/or run shall be located a minimum of 20 ft. from the rear property line and 15 ft. from any side property line. The fence used for the run shall have a minimum height of 4 ft. and a maximum height of 6 ft. The chicken coop and run shall be fully enclosed to prevent entry of predators or the escape of the chickens.
 - d. It shall be unlawful for the owner of chickens to allow the same to run at large upon any public land, including, but not limited to, sidewalks, streets, roads, alleys, parks, or upon another person's private property.
 - e. All owners of chickens must maintain sanitary living conditions for the chickens so that the keeping of chickens does not become a public or private nuisance. All chicken feed must be stored in closed containers. Owners shall remove feces at least once a week. The feces must be double-bagged and placed in the trash for collection. Any slaughtering of chickens shall be conducted in a fully enclosed structure.
 - f. Permits. An owner wishing to keep chickens on his/her property must obtain a zoning permit from the Zoning Officer for the use and the structures. A storm water permit shall also be required and shall follow the guidelines outlined for storage sheds. An applicant seeking to obtain a permit to maintain chickens must submit an application on forms provided by the Township and pay the applicable permit fee as determined by resolution of the Board of Supervisors.
 - g. Denial, suspension or revocation of permit. The Township shall deny a permit

if the applicant has not demonstrated compliance with all of the provisions of this section. A permit to keep domesticated chickens may be suspended or revoked by the Township where the Township finds that the keeping of the chickens creates a public nuisance or for any violation of, or failure to comply with, any of the provisions of this section or with the provisions of any other applicable ordinance or law.”

SECTION 7. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 9. Effective Date. This Ordinance shall become effective in five (5) days from the date of adoption.

ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Louis F. Smith, Secretary

E. Martin Shane, Chairman

Carmen Battavio, Vice-Chairman

Janet L. Emanuel, Member

Michael Lynch, Member

David E. Shuey, Member

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171
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E-mail: mgordon@eastgoshe.org

Date: 11/16/2018
To: Planning Commission
From: Mark Gordon, Township Zoning Officer 
Re: **Temporary Structures for the Sale of Consumer Fireworks**

Dear PC Members:

The Township Code is silent on the use of fireworks in the Township. The State legislature just amended the state law for fireworks and now it is legal to purchase, sell and use consumer fireworks in PA within certain parameters. This also includes temporary sales locations for consumer fireworks like those you see on the side of the road. The use of display fireworks is also outlined in the New Fireworks Law.

PSATS recently highlighted the new law in their "Q&A" section of the June issue of the *PA Township News*, I have enclosed it for your review.

Staff has discussed this matter at length with the Township Solicitor and she has opined on how she believes the PA State Law preempts the township from restricting the use and sale any further than what is outlined in the State Law. I have included her opinion paper on the matter for your review and consideration.

The draft ordinance attached outlines where temporary sales of consumer fireworks can take place; the C-1 and C-4 districts along West Chester Pike, with restrictions.

We will also need to adopt an ordinance that governs the use of display fireworks, this ordinance will be separate from the temporary sale of consumer fireworks ordinance, and will be drafted after the new year.

Draft Motion:

Mr. Chairman, I move that the PC recommend that the Board of Supervisors approve the zoning ordinance amendment permitting temporary structures for the sale of consumer fireworks.

Q Was a new law adopted recently that changed who may purchase and use fireworks in Pennsylvania?

A Yes. Act 43 of 2017 made several changes to who may buy and sell fireworks in the commonwealth.

Q We understand that Pennsylvania residents may now purchase fireworks at licensed facilities in Pennsylvania. What types of fireworks does this include?

A This includes consumer-grade fireworks with a maximum of 50 milligrams of explosive material. Examples include firecrackers, roman candles, and bottle rockets. They are also known as "1.4G fireworks."

Q Are there any additional restrictions on who may purchase these consumer fireworks?

A Anyone age 18 and older may purchase and use consumer-grade fireworks in Pennsylvania.

Q Our township used to issue permits for the purchase and use of consumer fireworks. May we still require our residents to obtain a permit?

A No. Municipalities may no longer require a permit for the purchase or use of consumer fireworks.

Q Does Act 43 place any restrictions on where or how consumer fireworks may be used?

A Yes, Act 43 stipulates that consumer fireworks cannot be ignited or discharged under the following conditions:

- within 150 feet of any occupied structure;
- on public or private property without express permission of the property owner;
- from, within, or toward a motor vehicle or building; or
- by a person who is under the influence of alcohol, a controlled substance, or another drug.

Q Are there resources we can use to promote the safe use of consumer fireworks?

A Yes, the American Pyrotechnics Association has resources available at www.americanpyro.com. The association also has a website, www.celebratesafely.org, that promotes fireworks safety.



[celebratesafely.org](http://www.celebratesafely.org), that promotes fireworks safety.

Q Where may consumer fireworks be purchased?

A Consumer fireworks may be purchased from any licensed fireworks facility in Pennsylvania, including temporary facilities.

Q Who is responsible for overseeing fireworks facilities?

A The Pennsylvania Department of Agriculture oversees and issues permits for these facilities.

Q How can we verify that a temporary fireworks facility is properly licensed to sell consumer fireworks?

A The Ag Department has a map that lists all approved temporary and permanent fireworks facilities. To view the map, go to www.agriculture.pa.gov, choose "Business & Industry," and then "Fireworks."

Q Are there any additional restrictions on temporary fireworks facilities?

A Yes. First, they can only sell fireworks from June 15 to July 8 and December 21 to January 2 of each year. Second, these facilities may only sell the following types of consumer fireworks: helicopters and aerial spinners, roman candles, and mine and shell devices not exceeding 500 grams.

In addition, these structures must be secured at all times, carry liability insurance, be at least five miles from permanent fireworks facilities, and comply with NFPA 1124. The operators must post an evacuation plan, have an outdoor storage unit that is separate from the wholesale or retail area, and locate their business at least 250 feet from a facility storing,

selling, or dispensing gasoline, propane, or other flammable products.

Q Must licensed, temporary fireworks facilities comply with township zoning regulations?

A Yes. In fact, the application for a temporary structure requires the operator to have a permit or other documentation that allows the temporary structure at the stated location.

Q If an unlicensed tent facility is selling consumer fireworks, who can shut it down?

A The Pennsylvania State Police, a sheriff, or local police officer may shut down illegal facilities and remove the fireworks.

Q What about professional displays of fireworks? Are permits required for these?

A Yes, municipalities may continue to issue permits for professional displays of fireworks, termed "display fireworks" in the new act. In fact, Act 43 requires municipal permit and site inspections before these professional displays are held.

Keep in mind that the minimum requirements for issuing permits for display fireworks have changed. Act 43 requires operators to be 21 or older and post a minimum bond of \$50,000. It also prohibits displays within 300 feet of a structure selling consumer fireworks. In addition, federal law requires anyone using display fireworks to have an appropriate federal license.

Q What are "display fireworks"?

A Display fireworks include salutes that contain more than two grains or 130 milligrams of explosive materials and professional-grade aerial shells containing more than 60 grams of pyrotechnic compositions. They are also known as "1.3G fireworks" and can only be used by professionals with a municipal permit.

Q If an operator has registered with the state Attorney General's Office to present a professional fireworks display, does he also need a permit from the township?

A Yes. A municipal display permit is needed even if the operator has registered with the state.



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MEMORANDUM

TO: Rick Smith, Manager
Mark Gordon, Zoning Officer
Board of Supervisors

FROM: Kristin Camp, Esquire

Date: October 15, 2018

Subject: Regulation of Fireworks

We have been asked to address the regulation on the use of fireworks within East Goshen as a result of amendments that were made to the Pennsylvania law. The Fireworks Act of 1939 was repealed and completely amended in a new law that went into effect on October 30, 2017. The new law is found in the Tax Reform Code of 1971, codified at 72 P.S. §9401–9416 (hereinafter referred to as the “New Fireworks Law”). I have attached the entire law for your reference as well as an article from the PA Township news that highlights many of the changes in the new law. I also think it is helpful for me to summarize the provisions in the Pennsylvania law relating to the use and sale of fireworks, so the Township understands what is and what is not allowed under state law.

Under the New Fireworks Law, fireworks are classified as either “consumer fireworks” or “display fireworks”.

“Consumer fireworks”, commonly referred to as Class C or consumer grade fireworks include:

“Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and

labeling requirements promulgated by the Consumer Product Safety Commission in 16 CFR or any successor regulation and complies with the provisions for consumer fireworks as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth."

Consumer fireworks do not include devices such as ground and hand-held sparkling devices, novelties or toy caps, the sale possession and use of which shall be permitted at all times throughout this Commonwealth.

"Display fireworks" are:

"Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes but is not limited to: (1) salutes that contain more than two grains or 130 milligrams of explosive materials; (2) aerial shells containing more than 60 grams of pyrotechnic compositions; and (3) other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and which are classified as fireworks under [certain federal regulations]."

Display fireworks may be possessed and used by a person 21 years of age and older who has been issued a permit from the municipality and who has posted a bond in an amount not less than \$50,000. 72 P.S. §9402 (emphasis added). If a permit is issued for the use of display fireworks, the permit is only valid for that particular event. The New Fireworks Law also provides that the municipality can establish reasonable rules and regulations for displays of display fireworks. 72 P.S. §9406. The Township does not have any stand-alone ordinances or regulations that govern the use of display fireworks. There are provisions in the International Fire Code (which was adopted by the Township as part of the statewide building code in Chapter 143 of the Township Code) that govern fireworks displays but there is not a separate chapter of the Township Code that regulates the use of display fireworks. I enclose the relevant provisions from the most recent edition of the International Fire Code that address fireworks display. We have received from PSATS an example ordinance that governs the use of display fireworks which we suggest the Board adopt.

The most notable change in the law deals with the use of consumer fireworks which is found in 72 P.S. §9404. That section provide as follows:

- (a) Conditions. - A person who is at least 18 years of age and meets the requirements of this article may purchase, possess and use consumer fireworks.

- (b) Prohibitions. - A person may not intentionally ignite or discharge:
- (1) Consumer fireworks on public or private property without the express permission of the owner.
 - (2) Consumer Fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
 - (3) Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.
 - (4) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
 - (5) Consumer fireworks within 150 feet of an occupied structure.

The New Fireworks Law also addresses where consumer fireworks may be sold. It provides that consumer fireworks shall be sold only from facilities which are licensed by the Department of Agriculture that meet the following criteria:

- 1) The facility shall comply with the provisions of the Pennsylvania Construction Code Act.
- 2) The facility shall be a stand-alone, permanent structure.
- 3) Storage areas shall be separated from wholesale or retail sales areas to which a purchaser may be admitted by appropriately rated fire separation.
- 4) The facility shall be located no closer than 250 feet from a facility selling or dispensing gasoline, propane or other flammable products.
- 5) The facility shall be located at least 1,500 feet from another facility licensed to sell consumer fireworks.
- 6) The facility shall have a monitored burglar and fire alarm system.
- 7) Quarterly fire drills and preplanning meeting shall be conducted as required by the primary fire department.

72 P. S. § 9407.

The New Fireworks Law also establishes conditions for facilities that are used for the sale of consumer fireworks. These conditions are found in 72 P.S. §9409 and include among others: (i) requirement for security personnel on the premises for seven days preceding and including July 4 and for the three days preceding and including January 2; (ii) no smoking in the facility; (iii) no cigarettes or tobacco products, matches, lighters or any other flame producing devices shall be permitted; (iv) no minors shall be permitted in the facility unless accompanied by an adult; (v) at least \$2 million in public and product liability insurance; (vi) training for employees; and (vi) no display fireworks shall be stored or located at a facility selling consumer fireworks.

The New Fireworks Law does allow the sale of consumer fireworks from temporary structures if they are licensed by the Department of Agricultural and meet the criteria in 72 P.S. §9410. The temporary structure must meet all the following requirements:

- 1) The temporary structure is located no closer than 250 feet from a facility storing, selling or dispensing gasoline, propane or other flammable products.
- 2) An evacuation plan is posted in a conspicuous location for temporary structure in accordance with NFPA standards.
- 3) The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire suppression.
- 4) Temporary structure complies with NFPA 1124 as it relates to retail sales of consumer fireworks and temporary structures.
- 5) The temporary structure is located a certain distance from a permanent facility licensed to sell consumer fireworks under the prior fireworks law.
- 6) The temporary structure does not exceed 2,500 ft.²
- 7) The temporary structure is secured at all times during which consumer fireworks are displayed within the structure.
- 8) The temporary structure has a minimum of \$2 million in public and product liability insurance.
- 9) The sale is limited to June 15 to July 8 and December 21 to January 2 of each year.

- 10) Consumer fireworks not on display for retail sale are stored in an outdoor storage unit.
- 11) The sale of consumer fireworks from the temporary structure is limited to three types of fireworks: (i) helicopter, aerial spinner, (ii) Roman candle; and (iii) mine and shell devices not exceeding 500 grams.

The New Fireworks Law requires that anyone who sells consumer fireworks must obtain a license from the Department of Agriculture. The Department of Agriculture must also inspect facilities where consumer fireworks are sold. Any license issued by the Department of Agriculture for the sale of consumer fireworks is effective for one year from the date the license is issued. 72 P.S. §9408.

The New Fireworks Law is enforced in a criminal proceeding. The illegal use of consumer fireworks is a summary offense punishable by a fine of not more than \$100. The illegal sale of consumer fireworks is a misdemeanor of the 2nd degree punishable by a minimum fine of \$5000 or two years in prison and the illegal use of display fireworks is a felony of the 3rd degree punishable by a minimum fine of \$15,000 or seven years in prison. Because the state law is enforced in a criminal proceeding through the issuance of citations issued by the Township Police Department or by filing a complaint with the District Attorney's office, I do not see a benefit in having the Board adopt its own regulations that mirror the state law. If the police find that a person is violating any provision of the New Fireworks Law, appropriate criminal sanctions can be pursued.

Because the New Fireworks Law specifically states that "any person who is at least 18 years of age may purchase, possess and use consumer fireworks", I do not believe that the Township can enact an ordinance which prohibits the use of consumer fireworks from all locations in the Township. I believe that an outright prohibition on the use of consumer fireworks in the Township would be preempted by the New Fireworks Law as a Township ordinance that contradicts, contravenes or is inconsistent with the state statute is invalid under the doctrine of conflict preemption.

The Township currently prohibits the use of fireworks in any park without the consent of the Fire Marshal and the Board of Supervisors. *See* Section 163-3(N)(2).

I do not think that the Township may outright prohibit the sale of consumer fireworks from temporary or permanent structures within the Township that meet the conditions and criteria in the New Fireworks Law and which are licensed by the Department of Agriculture. However, as with any lawful use, the Township does have the power to restrict where such temporary and permanent facilities are located

through its zoning ordinance. We previously prepared an amendment to the Zoning Ordinance to identify where temporary structures for the sale of consumer fireworks may be located. A draft of that Zoning Ordinance amendment is enclosed.

I will follow up with Rick and Mark to see what direction the Board wants to follow with respect to regulating fireworks in light of the new state law.

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE EAST GOSHEN
TOWNSHIP ZONING ORDINANCE OF 1997, AS
AMENDED, SECTION 240-34, TITLED,
“AGRICULTURAL USE; SALE OF FARM
PRODUCTS; AGRICULTURAL BUSINESS
REGULATIONS; SALE OF HOLIDAY ITEMS” TO
PROVIDE FOR REGULATIONS FOR TEMPORARY
STRUCTURES FOR THE SALE OF CONSUMER
FIREWORKS.**

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

SECTION 1. A new Section 240-34.E shall be added to Article V as follows:

- “E. Temporary Structures for Sale of Consumer Fireworks. The sale of consumer fireworks, as defined and regulated by the Pennsylvania State Fireworks Law, 72 P.S. §9401 et seq., (the “Act”) shall be permitted by right in the C-1 and C-4 Zoning Districts subject to following restrictions:
- (1) Such temporary structures shall comply with all applicable Building Code and Fire Code provisions and with the Act as amended and all regulations promulgated by the Pennsylvania Department of Agriculture pursuant to the Act.
 - (2) Sales shall only be permitted to take place within such temporary structures from June 15 through July 8, and December 21 through January 2 of each year unless otherwise authorized by the Act.
 - (3) The temporary structure shall be no closer than 50 feet from an intersection and at least 20 feet from the edge of an existing cartway.
 - (4) Adequate vehicular parking shall be provided in an area off of the existing street right-of-way.

- (5) The applicant shall submit a plan which depicts the location of the temporary structure and traffic circulation to the Township Zoning Officer for approval prior to the issuance of any zoning permit.”

SECTION 2. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective in five (5) days from the date of adoption.

ENACTED AND ORDAINED this __day of _____, 2018.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Louis F. Smith, Secretary

E. Martin Shane, Chairman

Carmen R. Battavio, Vice-Chairman

Janet L. Emanuel, Member

Michael P. Lynch, Member

David E. Shuey, Member

Memo

To: Board of Supervisors
From: Jon Altshul
Re: Consider incubator uses
Date: November 30, 2018

At your July and September meetings, we discussed amending the Zoning Ordinance to more explicitly provide for incubator uses. Specifically, I had proposed that the ordinance be amended to allow incubators as a conditional use, with all incubator businesses (e.g. start-up software or life science company, skilled trades, etc) located in the incubator to be allowed by right. As you may remember, the discussion was precipitated by Goal 3E of the Comprehensive Plan, which calls for the Township to "promote new uses, such as...Incubator Businesses, in appropriate locations."

The Planning Commission expressed concern that to some extent incubator businesses are already allowed in the I-2, BP-1 and BP-2 districts and, further, that certain incubator businesses might not be compatible in the same space, such as a small manufacturer working in close proximity to a life science start-up.

By way of background, I have reattached my earlier two memos on this topic.

Action item: How would the Planning Commission like to proceed on this issue?

Memo

To: Planning Commission
From: Jon Altshul
Re: Consider Incubator Uses & Goal 3E of the Comprehensive Plan
Date: July 10, 2018

Goal 3E of the 2015 Comprehensive Plan Update calls for the Township to “promote new uses, such as...Incubator Businesses, in appropriate locations.” This goal was developed with an eye towards enhancing and modernizing the Township’s commercial and industrial districts. There are a number of incubator spaces scattered throughout Chester County, including the Innovation Center at Eagleview, the Innovation Center at Evolve IP (Tredyffrin) and the West Chester Artisan Exchange (West Goshen).

An “incubator”, while broadly familiar to anyone who’s watched HBO’s *Silicon Valley*, is a term of art that requires some clarification.¹ As used in this memo, “incubator” refers to any multi-tenancy commercial or industrial space for “incubator businesses”, which are small (typically fewer than about 15 employees) start-up businesses (usually, but not always, less than 3 or 4 years old) that generally (but not always) are not-yet profitable or have only recently achieved profitability. While stereotypical incubator business are in the software development and life sciences fields, as used herein, the term could also include skilled trades (plumbers, electricians) or artisan crafters (carpenters, jewelry makers, farmer’s market vendor kitchens, etc) or really any non-retail start-up business. Incubators generally provide fully or partially shared workspace and/or common areas, and often (but again, not always) assistance with back-office support, marketing and/or financing.

Currently, the ZO explicitly allows a modified form of incubator uses in the I-1 and BP Districts, and implicitly allows them in the I-2, as outlined in the Appendix, although the minimum size restrictions in the Conditional Use section of the ZO may make incubators impractical in East Goshen, as is explained below.

There may be a few additional uses that could be permitted by right or conditional use to foster incubator businesses, including “Kitchens for the preparation of food and non-alcoholic beverages for consumption off site”. Otherwise, my reading of these sections is that the existing language more or less provides for any kind of incubator use that could be reasonably envisioned.

In addition, the Township may wish to amend the Conditional Use Section of the ZO. Specifically, Section 240-31C(3)(v) reads:

Multiple uses in a multiple-use building in the I-1 District pursuant to § 240-19C(1) and in the BP District pursuant to § 240-21C(1). The following shall apply if an existing building is to be converted or if a new building is built for multiple uses:

¹ A non-scientific review of selected PA municipal zoning ordinances revealed only one reference to “Incubators”. Specifically, State College Township, which hosts PSU’s Innovation Center complex defines an “Incubator” as “a building that offers office, light industry and manufacturing and/or laboratory space, common facilities and shared support services at below-market rates to tenants.”

[1] Each use shall have a minimum of 5,000 square feet of contiguous floor space. Separate users which are the same type of principal use may make up the minimum 5,000 square feet of floor space.

[2] A development plan shall be submitted and conform to Chapter 205, Subdivision and Land Development, as well as §§ 240-24 and 240-27.

Clearly, 5,000 square feet of space is significantly larger than what a typical incubator business needs.

In addition, in order to reduce barriers to entry for start-up businesses, the Township may want to consider exempting each incubator or incubator business from having to apply for a conditional use permit every time there is a new tenant. That is, an incubator landlord would be required to receive conditional use approval in order to begin leasing space—and the CU decision may have a condition that only software development, or light manufacturing, or kitchen space, etc is permitted in the incubator—but that any new or subsequent businesses that rents space in an approved incubator would only need a U&O to begin operations, provided that the business broadly complies with an approved condition in the CU permit.

Questions for Planning Commission:

1) Should 240-6 (definitions) and 240-19 through 240-21 (I-1, I-2 & BP) be amended to specifically define and allow for “Incubators” as a conditional use, separate from “multiple use”?

- If yes to #1, should 240-19 through 240-21 specify that any use permitted by right or by conditional use in the relevant sections of the ZO is permitted by right if the use is in an incubator (i.e. only a U&O is needed as new incubator businesses are added)?
- If yes to #1, how should “incubator” be defined, as distinct from “multiple use”?
- If no to #1, should 240-31C(3)(v) be amended to either eliminate the square footage requirement for multiple uses or reduce it (note that the parking requirements would not be changed, so there is a check against overcrowded workspaces)?

2) Are there any uses not currently in the ZO for the I-1, I-2 and/or BP districts that are appropriate to foster successful incubators in East Goshen?

Appendix: Permitted Uses in Industrial and Business Park Districts

	I-1 (Goshen Corporate Park West/Airport Road)	I-2 (Applebrook)	BP (Goshen Corporate Park)
Multiple uses in a multiple use building allowed?	Yes	No	Yes
Applicable* uses allowed by right	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Research, testing or experimental laboratory or facility for research or product development • Manufacturing when limited to pilot studies and prototype development for precision instruments, optical goods, pharmaceutical, health and personal care products • Business & professional offices 	<ul style="list-style-type: none"> • Development of computer software packages and related marketing • Assembly of electronic equipment
Applicable* uses allowed by Conditional Use	<ul style="list-style-type: none"> • Testing & repair of manufactured products • Manufacturing requiring light metal processing • Packaging and bottling • Manufacturing when limited to pilot studies and prototype development for precision instruments, optical goods, pharmaceutical, health and personal care products • Scientific, industrial, agricultural or engineering testing/product development 	<ul style="list-style-type: none"> • Manufacturing when limited to pilot studies and prototype development for precision instruments, optical goods, pharmaceutical, health and personal care products • Manufacturing facility of jewelry, precision instruments, optical goods and similar products 	<ul style="list-style-type: none"> • Manufacturing when limited to pilot studies and prototype development for precision instruments, optical goods, pharmaceutical, health and personal care products • Manufacturing facility of jewelry, precision instruments, optical goods and similar products • Business & professional offices • Scientific, industrial, agricultural or engineering

	<ul style="list-style-type: none"> • Business & professional offices • Research, engineering or testing laboratories • Manufacture/assembly of electrical/ electronic appliances, supplies & equipment and products from nontoxic materials such as plastic, leather, glass, cellophane and textiles. 		testing/product development <ul style="list-style-type: none"> • Testing or experimental laboratory for research or product development
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* For simplicity's sake, I have omitted allowed uses that not applicable to incubators, such as parking garages, indoor recreation, banking, agriculture, places of worship, retail, restaurants, utilities, etc.

Memo

To: Planning Commission
From: Jon Altshul
Re: Consider Incubator Uses
Date: August 23, 2018

Following up on the discussion at the August Planning Commission meeting, below find four definitions of incubators found in other zoning ordinances, as well as staff's recommended changes to the Township's Zoning Ordinance with respect to Business Incubators.

Definitions of "Business Incubators" or "Incubators" in other Zoning Ordinances

- 1) A building that offers office, light industry and manufacturing and/or laboratory space, common facilities and shared support services at below-market rates to tenants. (**State College Township, PA**)
- 2) An organization designed to facilitate the growth and success of multiple entrepreneurial companies through a variety of business support resources and services that could include physical space, access capital, coaching, common services, and networking connections (**Everett, WA**)
- 3) A conglomeration of mixed use consisting of start-up business and/or industry that nurtures the development of entrepreneurial companies helping them survive and grow during the start-up period when they are most vulnerable. Business Incubators create jobs in a community, enhance a community's entrepreneurial climate retaining business in the community, build or accelerate growth in local industry and diversify local economics (**Sayre Borough, PA**)
- 4) A building or portion thereof which may include the following uses: Scientific research, product development and training (the "primary use"); manufacturing, fabrication, testing or repair directly related to the primary use; and/or accessory administrative and business offices directly related to said primary use (**Derry Township, PA**)

Based on these definitions, staff would propose that East Goshen define a "business incubator" as:

A building or portion thereof that offers shared or partially shared office, light industry and manufacturing and/or laboratory space, common facilities and shared support services to multiple entrepreneurial companies.

Proposed Changes to Zoning Ordinance

In order to implement Goal 3E of the Comp Plan with respect to incubators, staff recommends that amendments be made to §240-6 (Definitions); §240-6, §240-19 (I-1 Light Industrial District); §240-20 (I-2 Planned Business, Research, Limited Industrial Use); §240-21 (Business Park District); and §240-31 (Conditional Uses), as follows:

§240-6: Add "Business Incubator" definition, as noted above.

Add "Light Industry" definition as "Manufacturing and production establishments with limited employment, small structures, limited traffic and all processes carried on within the buildings with no outside storage of materials, equipment or products." Note that the term "Light Industry" is not defined elsewhere in the Zoning Ordinance.

§240-19 (I-1 Light Industrial District), Paragraph C (Permitted Conditional Uses): Add "(33) Business Incubator with uses that are permitted in this section by right or by conditional use and when specifically approved pursuant to § 240-31C(3)(ww)"

§240-20 (I-2 Planned Business, Research, Limited Industrial Use), Paragraph D (Permitted Conditional Uses): Add "(29) Business Incubator with uses that are permitted in this section by right or by conditional use and when specifically approved pursuant to § 240-31C(3)(ww)"

§240-21 (Business Park District), Paragraph C (Permitted Conditional Uses): Add "(27) Business Incubator with uses that are permitted in this section by right or by conditional use and when specifically approved pursuant to § 240-31C(3)(ww)"

§240-31-C-3 (Conditional uses; Standards for conditional uses and special exception uses and certain permitted by-right uses): Add (ww) "Business Incubators in the I-1 District pursuant to § 240-19C(33), in the I-2 District pursuant to § 240-20D(29) and in the BP District pursuant to § 240-21C(27). The following shall apply if an existing building is to be converted or if a new building is built for Business Incubator Use:

[1] Each tenant shall be required to have a Use and Occupancy permit prior to renting space in the Business Incubator

[2] No use shall be permitted in a Business Incubator that would cause the building to exceed the minimum off-street parking requirements pursuant to § 240-33

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: 11/19/2018
To: Planning Commission
From: Mark Gordon, Township Zoning Officer
Re: Paoli Pike / Goshenville TND Planning

Planning Commission Members,

After the PC discussion on 11/7/2018 I spoke with Rick and he suggested that the PC look back at the original objective and intent of the Goshenville zoning overlay project.

To summarize "how we got to this point" I offer the following:

1. The East Goshen Township Comprehensive Plan 2015 identifies, in objective 6.2 (Land Use Plan), "Transform the Paoli Pike Corridor into a walkable connected artery." The Paoli Pike Corridor Master Plan was developed as a result of that objective.
2. Priority Initiatives from the EGT Comp. Plan (2015)
 - a. Direct and encourage redevelopment in the Town Center
 - b. Expand Opportunities for commerce in the Town Center
 - c. Promote Opportunities for compact, mixed use development in the Town Center.
 - d. Develop The Paoli Pike Trail
 - e. Develop the "Paoli Pike Promenade" with sidewalks, crosswalks, shade trees, streetlights, and pedestrian gathering spaces.
3. The Paoli Pike Corridor Master Plan Vision and Goals
 - a. Connect People
 - b. Calm Traffic
 - c. Enhance Goshenville
 - d. Activate the Corridor

4. The Paoli Pike Corridor Master Plan identifies, on pages 5-12 to 5-21, what needs to be done from a land use perspective. I would suggest the Commission review these pages and then answer the following questions.
 - a. Does the Ordinance provide what you are looking for in a Traditional Neighborhood?
 - b. Is there enough incentive for redevelopment in this ordinance?
 - c. Applicability? When does the ordinance apply? How is it applied?
 - d. Overlay or Full Zoning District change: this seems to still be unanswered?
 - e. Underlying uses; how do we handle them?
 - f. Standard Restaurant / Fast Food Restaurant: Do these need to be changed?
 - g. Convenience store / Automotive fuel sales: Is this addressed appropriately in the ordinance?
 - h. Apartments in the TND; are they addressed appropriately?

Memo

East Goshen Township

Voice 610-692-7171

E-mail rsmith@eastgoshen.org

Date: November 28, 2018

To: Planning Commission

From: Rick Smith, Township Manager

Re: Open Space Ordinance

At their meeting on October 25, 2018, the Board of Supervisors approved a motion to direct the staff to develop a draft ordinance that includes design standards, that reflects input from residents, the Planning Commission, the Planning Consultant and the Township Solicitor.

Background - The underlying zoning in the R-2 District is 1 unit per acre. We currently have 3 clustering options that permit single family detached dwellings on a smaller lot size, with no increase in density.

Single Family Cluster – 20 acre minimum with 25,000 sq. ft. lots and 40% open space

Single Family Cluster – 20 acre minimum with 20,000 sq. ft. lots and 50% open space

Single Family Open Space – 8 acre minimum with no minimum lot size and 55% open space

We are in the process of drafting the ordinance to allow twins and triplexes and our initial thoughts are as follows.

Area and Bulk Regulations

1. There would be a maximum of one unit per acre.
2. Minimum tract size of 20 acres.
3. Public sewer and water would be required.
4. Twins or any combination of twins and singles with 60% open space.
5. Triplexes or any combination of triplexes, twins and singles with 65% open space.
6. Buildings shall be separated from any other building by a minimum of 30 feet.
7. Buildings shall be located at least 50 feet from the tract boundary.
8. Buildings shall be located at least 25 feet from the edge of interior roads.
9. A minimum of three parking spaces per unit.

Building Design Standards

1. No building shall exceed thirty-five (35) feet in height.
2. All buildings shall have pitched roofs in the range of 6/12 to 12/12.
3. Garages shall be side loaded to the maximum extent possible. When garages face the street, they shall be setback a minimum of eight (8) feet from the front façade of the dwelling unit.
4. No garage doors shall be white in color.
5. All off-street parking areas shall be screened in accordance with the Design Standards in Section 240-27.
6. Applicants shall submit detailed architectural renderings for submission with the Conditional use application for consideration, comment and approval. The agreed upon renderings shall be included as a hearing exhibit and refined during the Land Development process.

Open Space Standards

1. Shall not be sold, developed or subdivided.
2. Open space shall connect to any adjacent open space.
3. No individual area of the minimum common open space shall be less than one acre. No area of the minimum common open space shall have a width less than 50 feet, except for points of access, which shall be no less than 20 feet in width.
4. If the Board of Supervisors determines that an area is needed for active recreation, then a suitable area shall be provided in the form of a playfield or play court.
5. The common open space shall be made up of the minimum number of parcels possible to avoid fragmentation of open space within the tract.
6. The applicant shall show that the common open space will be conveniently accessible to the residents of dwellings intended to be served by it.
7. Common open spaces shall be coordinated with other nearby existing, proposed or potential common open spaces or parks, either through being contiguous or through safe pedestrian connections. Where an open space development will abut an undeveloped tract and/or a future development phase, the proposed common open space shall be located in consideration of the potential to eventually link together open space on the two tracts or phases.
8. The proposed common open spaces shall be accurately and clearly delineated on the land development plans.
9. Common open space areas that are not already wooded and are not approved as lawn, natural areas or recreation areas shall be attractively and extensively landscaped, according to a plan approved by the Board of Supervisors.
10. Common open space shall have appropriate access for needed maintenance.

Process

1. Developer prepares a base plan of the property. (See 240-36-F)
2. The Board of Supervisors, Planning Commission, Conservancy Board, the Park and Recreation Commission and the Historical Commission (if applicable) (the "ABCs") walk the property with the developer.
3. The above ABCs and developer decide where the building should be located the areas to be preserved as open space.
4. Developer prepares and submits a plan to the Planning Commission for review and approval of the general layout. It is expected that the developer may have to submit more than one plan before Planning Commission approves the layout.
5. Once layout is approved developer submits a conditional use application.
6. Once conditional use is approved the developer submits the subdivision and land development plan.

Staff Recommendation

Staff believes that the above items, plus any additional recommendations from the PC, should be included in a draft ordinance for review by the Planning Commission and Board of Supervisors.

Memo

East Goshen Township

Date: November 26, 2018

To: Conservancy Board
Futurist Committee
Historical Commission
Municipal Authority
Park and Rec Commission
Pipeline Task Force
Planning Commission

From: Rick Smith, Township Manager

Re: Annual Planning Session

The Annual Planning Session will be held on Saturday, January 12, 2019 at 8:00 AM. At that meeting it would be appreciated if each ABC would provide a summary of their accomplishments in 2018 as well as their goals for 2019.

Outlined below are the goals provided from each ABC that attended the 2018 Planning Session on January 6, 2018.

Conservancy Board

1. Continue invasive species control - **Comp Plan Objective 11.6**
2. Continue maintenance of the blue bird houses in Applebrook
3. Develop a maintenance plan for the Serpentine Barren – **PR&OS Plan Action 2.2C**
4. Keep East Goshen Beautiful Day - **Comp Plan Objective 11.4**
5. Maintain the riparian buffer along the creeks
6. Maintain Clymer's Woods.
7. Review the pond study and make a recommendation to the Board of Supervisors.

Futurist Commission

1. The creation of a much needed “town center” to house specialty shops, restaurants, micro businesses, and central gathering areas. **Comp Plan Objective 7.1**
2. Develop clear signage and lighting to highlight the “town center”. **Comp Plan Objective 6.1**
3. Support a referendum to allow for liquor sales.
4. Establish a strategic long-range planning objective with steps outlining how to achieve the objective and the stated benefits to all residents.
5. Rebranding the Town Center as “Goshenville”.

Municipal Authority

1. Continue to monitor the upgrades at West Goshen Sewer Plant. **Comp Plan Objective 10.1**
2. Continue to implement the Inflow (surface water) & Infiltration (groundwater) (collectively “I&I”) Plan. **Comp Plan Objective 10.1**
3. Submit articles for the newsletter.

Park & Recreation Commission

1. Increase pedestrian circulation along Paoli Pike, especially in the form of a “Paoli Pike Promenade” with sidewalks and crosswalks, as well as increasing pedestrian circulation and safety along Greenways, with trails, walkways and crosswalks. **Comp Plan Objective 8.6**
2. Develop the Paoli Pike Trail to create the linkage between West Chester and Malvern, through East Goshen, from West Goshen to Willistown and consider the potential for feeder trails from the various developments to the Paoli Pike Trail. **Comp Plan Objective 8.6**
3. Complete the playground renovation. **Comp Plan Objective 9.3**
4. Renovate the basketball court area **Comp Plan Objective 9.3**
5. Improve the upper sports fields to include landscaping and a new access. **Comp Plan Objective 9.3**

6. Install security cameras in the park. **Comp Plan Objective 9.3**
7. Make the Veterans Pavilion more user friendly for seniors. **Comp Plan Objective 9.3**
8. Improve the pathway from the Pavilion to the Pickle Ball Court. **Comp Plan Objective 9.3**
9. Installed a picnic area to support the playground and the baseball fields. **Comp Plan Objective 9.3**

Planning Commission

1. Review the PPMCP and look at the overlay district to determine what needs to be amended in the Zoning Ordinance. **Comp Plan Objective 6.2 and 6.2**
2. Look at single family development for the remaining parcels in the township. **Comp Plan Objective 5.2 and 5.5**