

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION
Agenda
Wednesday, May 1, 2013
7:00 PM**

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

Formal Meeting: 7:30PM (Board Room if needed)

- 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. April, 2012**
- F. Acknowledge Receipt of New Applications
 - 1. 10 Broad St. – ZHB – Dimensional Variance Request**
- G. Subdivision Plans
- H. Land Development Plans
 - 1. Goshen Meadows Apartments**
- I. Conditional Uses and Variances
 - 1. 10 Broad St. – ZHB – Dimensional Variance Request**
- J. Ordinance Amendments
 - 1. Zoning Ordinance (Article 2 recommendation, Animal Husbandry)**
 - 2. Zoning Ordinance (WCF Amendment)**
- K. Comprehensive Plan Update
- L. Old Business
- M. New Business
- N. Any Other Matter
- O. Liaison Reports
- P. Dates of Importance

Apr 27, 2013	DEA Nat'l Take Back Initiative	10-2 PM
	WEGO at Giant, 1375 E. Boot Rd.	
May 01, 2013	Pension Committee	1:00 PM
May 01, 2013	Planning Commission	7:00 PM
May 02, 2013	Park Commission	7:00 PM
May 04, 2013	East Goshen Yard Sale	9:00-1:00 PM
	(Rain Date May 05)	
May 07, 2013	Board of Supervisors	7:00 PM
May 08, 2013	Conservancy Board	7:00 PM
May 09, 2013	Historical Commission	7:00 PM
May 09, 2013	Outdoor Market Begins	3:00-7:00 PM
	East Goshen Park	(Summer Hours Begin)
May 13, 2013	Municipal Authority	7:00 PM
May 16, 2013	Farmers Market	3:00-7:00 PM
May 20, 2013	Commerce Commission	7:00 PM
May 20, 2013	Deer Commission	7:00 PM
May 21, 2013	Municipal Primary Elections	7:00 AM-8:00 PM
May 23, 2013	Farmer's Market	3:00-7:00 PM
May 27, 2013	Memorial Day	
	Office Closed	
May 30, 2013	Farmers Market	3:00-7:00 PM
May 30, 2013	Comp Plan Task Force	7:00 PM

Summer 2013 Newsletter Articles:

Submission Due Date: May 1, 2013

Posted to the Website: June 1, 2013

Bold Items indicate new information to review.

Planning Commission Application Tracking Log

Application Name	Application (CU,LD,O, SD,V, SE, CA)									
	Type (Sk, P, F)									
Goshen Meadows	LD	P/F	Date Filed		Start Date		Date to Yerkes/Consultant		Date to CCPC	
	Z		11/16/2012	12/5/2012	11/19/2012	11/19/2012	11/20/2012	2	5/1/2013	4/16/2013
John Nicholson - 10 Broad St.			4/25/2013	4/25/2013	NA	NA	4/26/2013		5/1/2013	5/1/2013
PC NLT Action Date										
BOS NLT Action Date										
Hearing Date										
Drop Dead date										
5/31/2013										
6/25/2013										
Bold = New Application or PC action required										

Draft
EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
April 3, 2013

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, April 3, 2013 at 7:00 p.m. at the East Goshen Township building. Members present were: Vice Chairman Dan Daley, Adam Knox, Al Zuccarello, George Martynick, and Nathan Cline. Also present were Mark Gordon, Township Zoning Officer; Charles Proctor, Township Supervisor; Monica Close, Historical Commission; and Erich Meyer, Park and Recreation Commission.

A. WORKSESSION – 7:00 PM

1. Mark commented that he is still working on Article 2 of the Ordinance. He wants to have it to the township attorney and back in time for the May meeting.
2. The March 6, 2013 minutes were reviewed.
3. George reminded everyone that this Saturday, April 6, 2013 is Keep East Goshen Beautiful Day. They should come to the Township Building at 8:30 am. Then they will go to clean up along Strasburg Road.

B. FORMAL SESSION

1. Dan called the meeting to order at 7:25 pm and led the Pledge of Allegiance. There was a moment of silence to remember our armed forces. Dan asked if anyone would be recording the meeting. There was no response.
2. Minutes – Dan noted that the minutes of the March 6, 2013 meeting were approved.
3. Goshen Meadows – The applicant was not present for this meeting. The Township received an extension letter today for another 30 days. Mark mentioned that the owner has concerns about grading. Mark feels he should have the Landscape Plan by the end of this week. Goshen Meadows is planning to attend the Conservancy Board meeting next Wednesday.

C. ADJOURNMENT

The next meeting will be held on Wednesday, May 1, 2013 at 7:00 pm. There being no further business, a motion to adjourn the meeting was made by Al and seconded by Nate. The meeting adjourned at 7:30 pm.

Respectfully submitted, _____
Ruth Kiefer, Recording Secretary

April 17, 2013

Mr. Mark Gordon, Zoning Officer
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380-6199

RE: Goshen Meadows Review 2

Dear Mark:

I am in receipt of the Land Development plans prepared by Herbert MacCombie, Jr. P.E. for the site development of five proposed buildings with 12 apartment units each along with an additional two (2) units being built within an existing house on the site all nestled between the existing Goshen Meadows apartment buildings and West Chester Pike. Also included was an updated traffic signal permit plan for the signalized intersection of West Chester Pike (SR 0003) and Goshen meadows Drive/Rose Hill Drive.

The following constitutes my review of the plans:

1. Site access looks to be relocated approximately 120' north on Mary Fran Drive from the West Chester Pike intersection. At minimum, the 30' wide access should be dimensioned on both sheets 2 and 15 of 17, along with the dimension of the proposed median and separate ingress and egress dimensions.

Additionally, a baseline should be identified with curve data for additional review. The Turning Template Plan (Sheet 17 of 17) only indicates that a fire truck can maneuver the curve at the entrance, what about potential large moving trucks?

2. Site circulation still looks acceptable. NO PARKING signs will be needed adjacent to the north side of Building 3 for the drive aisle near what I assume to be a dumpster. Same signs needed to west side of Building 1 near that dumpster area.
3. 2.5 parking spaces per unit are required for a total of 155 spaces, of which a minimum of 6 handicapped spaces need to be provided. There looks to be an 8' space inadvertently unlabeled as a handicapped space (in front of Building 3). This additional handicapped space would make 12 total handicapped spaces out of 159 identified on the plans. Sheet 1 of 17 seems to incorrectly identify 158 total proposed spaces.
4. Sheets 2 and 15 of 17 indicate the proposed left turn lane extensions for West Chester Pike via notes. No details are provided on how these extensions will be constructed.
5. Regarding the traffic signal permit plan, only comment would be to revise the Goshen Meadows Drive approach to remove the existing eastern edge of road and driveway lines and show as curb. The new access into the site should be illustrated at its intended location (the entire access is not required).

6. Based on the current PennDOT Straight Line Diagram, the Offset referenced for Segment 0110 (SR 0003) is now 1369. Additionally, Goshen Meadows Drive should be changed to "Mary Fran Drive" (as indicated in PennDOT's SLDs and the Land Development plans). This will need to be changed in the title block and volumes block as well.

I can be reached at (610) 407-9700 or dkaiser@orth-rodgers.com if you have any questions or comments regarding this review.

Sincerely:

ORTH-RODGERS & ASSOCIATES, INC.



DEAN J. KAISER, PE, PTOE
Director of Traffic Signal Operations

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cc: Rick Smith – Manager

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

August 26, 2012

Dear Property Owner:

The purpose of this letter is to inform you that John T. Nicholson, owner of 10 Broad Street, West Chester, PA 19382 has submitted a Zoning Hearing Board application requesting relief from the 20 foot side yard requirement of the Township Zoning ordinance in order to construct an addition to their home at 10 Broad Street.

Pursuant to Township policy, property owners within 1000 feet of the subject property are notified of Zoning Hearing Board applications.

The application will be reviewed and discussed at the following meetings. These meeting are subject to change.

May 1, 2013 - Planning Commission (7:00 pm)

Presentation of the application to the Planning Commission

May 7, 2013 - Board of Supervisors (7:00 PM)

Presentation of the application to the Board of Supervisors

June 11, 2013 - Zoning Hearing Board (7:30 pm) **(Zoning Hearing)**

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

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

Sincerely,



Mark A. Gordon
Township Zoning Officer

**EAST GOSHEN TOWNSHIP
ZONING HEARING BOARD APPLICATION**

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

Name of Applicant: John T. Nicholson Dorothy A. Kennedy
Applicant Address: 10 BROAD ST
WEST CHESTER PA 19382
Telephone Number: 610 431 2205 Fax Number: SAME (cad first)
Email Address: JT NICHOLSON LAW @ COMCAST.NET
Property Address: 10 BROAD ST
WEST CHESTER PA 19382
Tax Parcel Number: 53-06 F-0018.0000 Zoning District: R-3 Acreage: 150 x 50 = 7,500 Φ

Purpose of Application (check one)

- ☐ Variance (Type: ☐ Use Variance ☒ Dimensional Variance)
☐ Special Exception
☐ Appeal determination of the Zoning Officer
☐ Other _____

Sections of Zoning Ordinance in which relief is sought:

§ 240-10 (6)

Description of the Zoning Relief requested and the future use of the property:

RELIEF from 20' SIDE YARD SETBACK requirements of § 240-10 (6)
Applicants intend to build two story addition to back of house

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]
Signature of Applicant


4/25/2013
Date

***Please review the formal application and review procedures on page three.**

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: 4/22/2013
To: Planning Commission
From: Mark Gordon, Township Zoning Officer 
Re: Zoning Ordinance, Article II, Suggested Amendments

Commissioners,

Here is a draft of the recommended Animal Husbandry amendment we've been discussing:

1. Animal Husbandry:

There are two definitions of animal husbandry, one under AGRICULTURAL USES and one standalone definition (240-6):

Recommendation: Delete the reference of Animal Husbandry in the definition of Agricultural Uses and modify the Stand Alone definition slightly.

AGRICULTURAL USES

For purposes of this chapter, the following uses shall be considered agricultural uses:

(1) **CROP FARMING** — The raising, harvesting and selling of crops, including grains, vegetables and fruits, and all structures and activities customarily associated with the activity.

(2) **NURSERY** — The outdoor raising of plants, shrubs and trees for transplantation and for sale off the lot where the nursery is located.

(3) **GREENHOUSE** — A structure used for the indoor raising of plants, shrubs, flowers and trees for transplantation and for sale off the lot where the greenhouse is located.

~~(4) **ANIMAL HUSBANDRY** — The raising and keeping of livestock, poultry, fur-bearing animals, bees, etc., for any commercial purpose, and all structures associated with any of these activities. The keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this chapter shall not be construed as animal husbandry.~~

(54) **AGRICULTURAL OPERATION** — An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

[Added 10-29-2002 by Ord. No. 129-Q-02]

Suggested change to the existing stand alone definition:

ANIMAL HUSBANDRY

The breeding, keeping, raising and keeping of cattle, fur-bearing animals, horses, livestock, poultry, and other similar animals for any reason or specification that exceeds of livestock, horses, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under § 240-32A, Keeping of animals or fowl, and § 240-32L, Horse barn. It also includes commercial or domestic purposes for these activities.

Add “Animal Husbandry” to §240-32: Since animal husbandry is permitted as an accessory use in some districts, there should be a standard outlined in the Accessory use section of the code:

§240-32 Accessory Uses

Animal husbandry. Animal husbandry shall be permitted provided that the use, as defined, also meets the requirements of §240-32A.

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: 4/26/2013
To: Planning Commission
From: Mark Gordon, Zoning Officer *mlg*
Re: WCF Amendment as per the Pennsylvania Wireless Broadband Communications Act

Dear Commissioners,

The PA Legislature passed a law in 2012, Wireless Broadband Collocation Act, outlining the requirements for when a Municipality can require Wireless carriers and tower owners to secure approvals for collocation of equipment on approved WCF structures. The act was reviewed closely by staff and the solicitor prior to writing this draft.

DRAFT MOTION TO SUPPORT:

Madame Chairman, I move that we recommend that the Board of Supervisors approve the Zoning ordinance incorporating the new requirements outlined in the Pennsylvania Wireless Broadband Communications Act, P.S. 53 and some minor changes to the annual reporting requirements.

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. -2013

AN ORDINANCE OF EAST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 240 OF THE EAST GOSHEN TOWNSHIP CODE, TITLED, "ZONING", TO AMEND SECTION 240-15.H AND SECTION 240-31(C)(3)(h) TO REVISE THE STANDARDS FOR COLLOCATION AND MODIFICATION OF COMMERCIAL COMMUNICATIONS ANTENNA ON EXISTING STRUCTURES TO COMPLY WITH THE PENNSYLVANIA WIRELESS BROADBAND COLLOCATION ACT, 53 P.S. § 11702.1 *ET SEQ.*

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

SECTION 1. The following definitions shall be added to Section 240-6 in alphabetical order:

"**COLLOCATION-** the placement or installation of new wireless telecommunication facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities that has been approved by the Township. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound."

"**MODIFICATION OR MODIFY-** The improvement, upgrade or expansion or existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure."

SECTION 2. Section 240-15.H shall be amended to read as follows:

"§ 240-15.H. Standards for Wireless Communications Facilities Built on Township-Owned Property.

All applicants seeking to construct, erect, relocate or alter a Wireless Communications Facility on Township-owned property in the C-2 District shall demonstrate compliance with the criteria in Section 240-31.C(3)(h) as part of the application for building permit. Any materials or documents that must be submitted to the Board of Supervisors as part of the conditional use application for wireless communications facilities built in the I-1 and BP Districts pursuant to Section 240-

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31.C(3)(h) shall be submitted instead to the Building Official as part of the building permit application for a wireless communications facility built on Township-owned property in the C-2 District. The Building Official shall not issue a building permit for the wireless communications facility until the applicant has demonstrated compliance with the criteria in Section 240-31.C(3)(h) and the Township has entered a lease or license agreement with the owner of the wireless communications facility. **Notwithstanding the foregoing provisions, applicants seeking to modify and/or collocate on an existing wireless telecommunications facility or existing wireless support structure on Township owned property shall be required to comply with the Pennsylvania Wireless Broadband Collocation Act, 53 P.S. §11702.1 et seq., in lieu of complying with the provisions in Section 240-31.C(3)(h).**

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SECTION 3. Section 240-31.C(3)(h) shall be revised as follows:

"(h) Wireless communications facilities.

[1] Purpose. The purpose of this subsection and the standards established herein are to govern the use, construction and siting of wireless communications facilities in recognition of the nature of wireless communications systems and the Federal Telecommunications Act of 1996, as amended from time to time. These regulations are intended to:

[a] Accommodate the need for wireless communications facilities while regulating their location and number so as to ensure the provision for necessary services.

[b] Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish, and by requiring that competing providers of wireless communications services collocate their commercial communications antennae and related facilities on existing towers if possible.

[c] Ensure the structural integrity of commercial communications antenna support structures through compliance with applicable industry standards and regulations, including the Township's Building Code.

[d] Promote the health, safety and welfare of the Township's residents.

[2] Standards for commercial communications antenna erected on a commercial communications support structure. All applicants seeking to construct, erect, relocate or alter a commercial communications support structure shall comply with the following regulations. **Applicants seeking to modify and/or collocate on an existing wireless telecommunications facility or existing wireless support structure that has been previously approved for wireless telecommunications shall not be subject to the conditional use procedures set forth in this section provided that the modification and/or collocation meet all of the requirements of the Pennsylvania Wireless Broadband Collocation Act, 53 P.S. § 11702.1 et seq.**

including the definitions of “collocation” and “modification” in such Act. A written narrative that addresses how the applicant will meet each of the regulations listed below shall be submitted with the conditional use application.

[a] Location and height.

- [i] Permissible Locations. Wireless communications facilities must be located on property within the following zoning districts where permitted by right or as a conditional use and only in such location within that district and at a minimum height necessary to satisfy their function in the applicant's wireless communications system. The zoning districts in which wireless communications facilities are permitted by conditional use are the BP and I-1 Districts. Wireless Communications Facilities are also permitted by right on Township-owned property in the C-2 District.
- [ii] Maximum heights. No commercial communications antenna support structure serving a single provider shall be taller than 120 feet, measured from undisturbed ground level, unless the applicant proves that another provider of wireless communications services has agreed to collocate commercial communications antenna(e) on the applicant's commercial communications antenna support structure. In such case, the commercial communications antenna support structure shall not exceed 150 feet. No applicant shall have the right under these regulations to erect a tower to the maximum height specified, unless it proves the necessity for such height. The applicant shall demonstrate that the proposed height of the commercial communications antenna support structure and the commercial communications antennae intended to be attached thereto is the minimum height required to provide satisfactory service for wireless communications.

[b] Conditional Use Application.

- [i] Site plan. A site plan shall be submitted with the conditional use application which shows all existing and proposed structures and improvements, including but not limited to the commercial communications antenna(e), commercial communications antenna support structure, building, fencing, landscaping, parking, ingress and egress. In addition, the site plan shall show each of the contiguous properties, identified by tax parcel number and owner, depicting all buildings and structures located on such properties and their principal and/or accessory uses. The plan shall comply with

the requirements for a final plan as set forth in Chapter 205, Subdivision and Land Development.

- [ii] Miscellaneous Information and Reports. The conditional use application shall be accompanied by the following:
 - [a] A propagation study demonstrating that there is a substantial gap in coverage for the provider;
 - [b] A description of the type and manufacturer of the proposed transmission/radio equipment;
 - [c] A study demonstrating compliance with the noise standards in Section 240-24 of this chapter. In instances where there are multiple carriers or multiple equipment boxes proposed to be built on one site, the applicant must demonstrate that the cumulative noise from all carriers' equipment shall comply with the noise standards in this chapter;
 - [d] The name, address and contact information for the primary and secondary contact person responsible for the facility operation and maintenance;
 - [e] A report which addresses the potential impacts associated with constructing the facility and possible mitigation measures if negative impacts are expected to occur on surrounding properties;
 - [f] A report from a registered professional engineer that confirms that the radiofrequency emissions from the proposed facility will comply with the Federal Communications Commission standards;
 - [g] A certificate of insurance issued to the owner/operators, evidencing that there is or will be adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the land site and the proposed facilities;
 - [h] A copy of the lease or other written agreement with the property owner confirming that Applicant has standing to file the application and maintain the proposed facility on the subject property.

- [iii] Licensing and applicable regulations. If the applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with the conditional use application copies of all FCC permits and licenses. All such information shall be accompanied by a certification signed by an officer of the applicant providing that, after due inquiry, the information being supplied is true and correct to the best of their knowledge, information and belief.
- [iv] Section 106. The applicant shall provide proof to the Township that it has complied with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f, as amended, and has reviewed the effects of the proposed wireless communications facilities on local historic resources that are included in or eligible for inclusion in the National Register of Historic Properties.
- [v] Maintenance. During the conditional use hearing the applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and the traffic safety and noise impacts of such maintenance. If approved, the applicant shall be responsible for maintaining the commercial facility in the manner described in the hearing.
- [vi] Collocation. Prior to the Board's approval of a conditional use authorizing the construction and installation of a commercial communications antenna support structure (tower) it shall be incumbent upon the applicant to prove to the reasonable satisfaction of the Board that the applicant cannot adequately extend or infill its communications system by the use of equipment such as repeaters, antenna(e) and other similar equipment installed on existing structures, such as utility poles, existing commercial communications support structures, and other available tall structures. The applicant shall demonstrate that it has contacted the owners of structures of suitable location and height within a one-mile radius of the site proposed, has asked for permission to install the commercial communications antenna(e) on those structures and has been denied such permission. The Board of Supervisors may deny an application to construct a new commercial communications antenna support structure if the applicant has not made a good faith effort to mount the commercial communications antenna(e) on an existing structure as set forth in this section.

[c] Building Permit Required. Upon approval of the conditional use application, the applicant shall apply for and obtain a building permit prior to the erection of the commercial communications support structure.

[i] Soil report. A soil report complying with the standards of Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Township Engineer to document and verify the design specifications of the foundation for the commercial communications antenna support structure, and anchors for the guy wires, if used.

[ii] Certification by engineer. Prior to the Township's issuance of a permit authorizing construction and erection of a commercial communications antenna support structure, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of its ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association, and certify the proper construction of the foundation and the erection of the commercial communications antenna support structure.

[d] Wireless communications equipment building or pad. Either one single-story wireless communications equipment building not exceeding 500 square feet in area, or a concrete pad not exceeding 500 square feet in area that houses the equipment necessary for the proper functioning of the tower and commercial communications antenna(s) may be located on the property where the tower is located. This pad must be setback a minimum of ten feet from any property line and the combined height of the pad and any structures erected on such pad may not exceed twelve feet. Each unrelated company sharing commercial communications antenna(e) space on the tower may have its own building or pad provided that the total area of all buildings or pads on the site shall not exceed 500 square feet, unless otherwise approved by the Board.

[e] Other facilities. With the exception of the wireless communications equipment building or pad housing the equipment necessary for the proper functioning of the tower and commercial communications antenna(s), all other uses ancillary to commercial communications antenna(s) and commercial communications antenna support structures, including but not limited to a business office, mobile telephone switching office, maintenance depot and vehicular storage area shall not be located on any land site, unless otherwise permitted by the applicable district regulations in which the site is located.

[f] Utilities. All utilities required for the facility shall be located underground.

[g] Setbacks from tower base. The minimum setback for the tower base shall comply with the minimum setbacks established for the zoning district in which the tower is located.

[h] Antenna support structure safety. The applicant shall demonstrate that the proposed commercial communications antenna(e) and commercial communications antenna support structure are designed and constructed in accordance with all applicable building standards for such facilities and structures, including but not limited to the standards developed by the Electronics Industry Association, the Institute of Electrical and Electronics Engineer, the Telecommunications Industry Association, the American National Standards Institute, the Electrical Industry Association and the Township's applicable Building Code. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.

[i] Fencing. A security fence having a minimum height of six (6) feet shall be required around the antenna support structure and other equipment.

[j] Landscaping. Unless prohibited by federal or state laws, the following landscaping shall be required to screen as much of a newly constructed commercial communications antenna support structure as possible. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board of Supervisors, they achieve the same degree of screening as the required landscaping.

- [i] An evergreen screen shall be required to surround the commercial communications antenna support structure. The screen can be either a hedge planted three feet on center maximum or a row of evergreen trees planted 10 feet on center maximum. The evergreen screen shall be a minimum planted height of six feet at planting and shall be capable of growing to a minimum of 15 feet at maturity.
- [ii] Existing vegetation on and around the land site shall be preserved to the greatest extent possible.
- [iii] The landscaping shall be maintained by the applicant for as long as the facility is in operation.

[k] Design. In order to reduce the number of commercial communications antenna support structures in the Township in the future, the proposed commercial communications antenna support structure shall be designed to accommodate other potential communication users, including but not limited to commercial wireless communication companies, local police, fire and ambulance companies.

[l] Proof of annual inspection.

- [i] Annually, the owner of a commercial communications antenna support structure shall submit to the Township proof of the annual inspection of the commercial communications antenna support structure and commercial communications antenna(e) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such inspection, the Board of Supervisors may require removal or repair of the wireless communications facility.
- [ii] In the event that the annual inspection referred to above is not performed in a timely manner or if the owner of the wireless communications facility fails to make the necessary repairs or to remove the facility when directed by the Board the owner shall be subject to civil enforcement proceedings in accordance with § 240-54.

[m] Required parking. If the wireless communication facility is fully automated, a minimum of two spaces shall be provided unless the applicant demonstrates to the satisfaction of the Board of Supervisors that adequate parking is available. If the wireless communication facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the wireless communication facility during the largest shift.

[n] Visual appearance. Commercial communications antenna support structures shall be painted silver, or another color approved by the Board, or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

[o] Signs. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, FAA or other governmental agency.

[p] Lighting. Commercial communications antenna support structures shall meet all Federal Aviation Administration (FAA) regulations. No commercial communications antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to the minimum lumens and number of lights so required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities and to the Township Secretary.

[q] Abandonment. If use of the wireless communications facility is abandoned, or if the wireless communications facility is not in use for a period of six months or longer, the owner shall demolish and/or remove the wireless communications facility from the land site within six months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the wireless communications facility. In the event that the demolition and/or removal referred to above is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with § 240-54C.

[r] Interference. In the event that the wireless communications facility causes interference with the radio or television reception of any Township resident for a period of three continuous days, the resident shall notify the applicant of such interference and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the civil enforcement proceedings in accordance with § 240-54C.

[s] Annual report. In January of each year, the owner of any wireless communications facility shall pay the registration fee as established from time to time by resolution of the Board of Supervisors and shall provide the Township with the following information.

[i] The names and addresses of the owner of the wireless communications facility and any organizations utilizing the wireless communications facility and telephone numbers of the appropriate contact person in case of emergency.

[ii] The name and address of the property owner on which the wireless communications facility is located.

~~[iii] The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude.~~

~~[iv] Output frequency of the transmitter.~~

~~[v] The type of modulation, digital format and class of service.~~

~~[vi] Commercial communications antenna(e) gain.~~

~~[vii] The effective radiated power of the commercial communications antenna(e).~~

~~[viii] The number of transmitters, channels and commercial communications antenna(e).~~

~~[ix] A copy of the owner's or operator's FCC authorization.~~

~~— [x] — Commercial communications antenna(e) height.~~

~~— [xi] — Power input to the commercial communications antenna(e).~~

~~— [xii] — Distance to nearest base station.~~

[xiii] A certification that the wireless communications facility is continuing to comply with this chapter and all applicable governmental regulations, including but not limited to output and emission limits established by the FCC.

~~[xiv] A certificate of insurance issued to the owner/operators, evidencing that there is adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the land site and the wireless communications facilities.~~

[xv] Changes occurring with respect to any of the information required above shall be reported to the Township, in writing, within 10 days of the effective date of such changes. The failure to supply the annual report by the close of January shall result in the issuance of an enforcement notice in accordance with § 240-54.

[3] Standards for commercial communications antenna erected on an existing structure.

[a] In all zoning districts, an applicant may, upon conditional use approval being granted by the Board, locate commercial communications antenna and their support members (but not a commercial communications antenna support structure) on an existing smoke stack, utility pole, water tower, commercial or industrial building or any similar tall structure pursuant to the conditional use procedures of Section 240-31.C(3)(h).

[b] If the proposed collocation is on an existing structure that has previously been approved for the installation of commercial communications antenna and their support members, the Pennsylvania Wireless Broadband Collocation Act, 53 P.S. § 11702.4(c) shall govern and no conditional use approval shall be necessary to collocate commercial communications antenna and their support members. Any modification or collocation that substantially changes an existing wireless support structure is specifically excluded from this exception and shall proceed through the conditional use procedures of Section 240-31.C(3)(h). All applications for collocation on or modification to an existing wireless telecommunication facility or wireless support structure shall

contain: (1) information responsive to the applicable building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment; (2) documents demonstrating the application meets all of the requirements of and is entitled to be processed under the Pennsylvania Wireless Broadband Collection Act, 53 P.S. §11702.4(c); (3) such other information and documents as specified on the Township's application form; and (4) the appropriate filing fee, as may be set from time to time by the Township Board of Supervisors by Resolution. The application review procedure for the proposed modification and/or collection shall be that set forth in the Pennsylvania Wireless Broadband Collection Act, 53 P.S. 11702.4(b).

[c] All applicants seeking to construct, erect, or locate a commercial communications antenna on an existing structure that has not been previously approved for the installation of commercial communications antenna and their support members shall comply with the following regulations. A written narrative that addresses how the applicant will meet each of the regulations listed below shall be submitted with the conditional use application.

[1] Location and height.

[i] The commercial communications antenna must be located on an existing structure. For purposes of this Subsection, in order to constitute an existing structure, the structure must be one that was constructed and/or erected prior to April 7, 1998.

[ii] Steeple exception to existing structure requirement. The applicant may, upon conditional use approval being granted by the Board of Supervisors, install a commercial communications antenna in any zoning district, in accordance with the provision of this section provided the commercial communications antenna shall be located entirely within a steeple located on a place of worship and no portion of the antenna shall be visible from the outside.

[iii] Limitations on Height. In no event shall mounted commercial communications antenna(e) extend more than 25 feet above the height of the existing structure. The applicant shall demonstrate that the proposed height of the commercial communications antenna is the minimum height required to provide satisfactory service for wireless communications.

[2] Conditional Use.

- [i] Site plan. A site plan shall be submitted with the conditional use application which shows all existing and proposed structures and improvements, including but not limited to the commercial communications antenna(e), the existing structure to which the commercial communications antenna(e) will be attached, building, fencing, landscaping, parking, ingress and egress. In addition, the site plan shall show each of the contiguous properties, identified by tax parcel number and owner, depicting all buildings and structures located on such properties and their principal and/or accessory uses. The plan shall comply with the requirements for a final plan as set forth in Chapter 205, Subdivision and Land Development.
- [ii] Miscellaneous Information and Reports. The conditional use application shall be accompanied by the following:
 - [a] A propagation study demonstrating that there is a substantial gap in coverage for the provider;
 - [b] A description of the type and manufacturer of the proposed transmission/radio equipment;
 - [c] A study demonstrating compliance with the noise standards in Section 240-24 of this chapter. In instances where there are multiple carriers or multiple equipment boxes proposed to be built on one site, the applicant must demonstrate that the cumulative noise from all carriers' equipment shall comply with the noise standards in this chapter;
 - [d] The name, address and contact information for the primary and secondary contact person responsible for the facility operation and maintenance;
 - [e] A report from a registered professional engineer that confirms that the radiofrequency emissions from the proposed facility will comply with the Federal Communications Commission standards.
 - [f] A certificate of insurance issued to the owner/operators, evidencing that there is or will be adequate current liability insurance in effect insuring against liability for personal injuries and death and

property damage caused by the land site and the proposed wireless communications facilities;

- [g] A copy of the lease or other written agreement with the property owner confirming that Applicant has standing to file the application and maintain the proposed facility on the subject property.

- [iii] Licensing and applicable regulations. If the applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with the conditional use application copies of all FCC permits and licenses. All such information shall be accompanied by a certification signed by an officer of the applicant providing that, after due inquiry, the information being supplied is true and correct to the best of their knowledge, information and belief.

- [iv] Section 106. The applicant shall provide proof to the Township that it has complied with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f, as amended, and has reviewed the effects of the proposed wireless communications facilities on local historic resources that are included in or eligible for inclusion in the National Register of Historic Properties.

- [v] Maintenance. During the conditional use hearing the applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and the traffic safety and noise impacts of such maintenance. If approved, the applicant shall be responsible for maintaining the commercial communications antenna(e) in the manner described in the hearing or as required by the Board as part of the conditional use approval.

[3] Building Permit Required. Upon approval of the conditional use application the applicant shall apply for and obtain a building permit prior to the erection of the commercial communications antenna on an existing structure. Prior to the Township's issuance of a permit authorizing construction and erection of a commercial communications antenna, a structural engineer registered in Pennsylvania shall issue to the Township a written certification that confirms that the existing structure can support the load of the proposed antenna and all cables associated therewith.

[4] Wireless communications equipment. A concrete pad not exceeding 10 feet by 20 feet in area that contains up to three metal boxes housing the equipment necessary for the proper functioning of the antenna may be located on the

property where the commercial communications antenna will be located. This pad must be setback a minimum of ten feet from any property line and the combined height of the pad and boxes may not exceed eight feet. Each unrelated company having an antenna on the existing structure may have its own concrete pad provided that the total area of all pads for all carriers located on the structure shall not exceed 500 square feet, unless otherwise approved by the Board.

If the commercial communications antenna is installed on an existing utility pole, the Board may authorize the installation of one or more cabinets on the utility pole upon which the antenna(s) is located. The cabinets shall be located at the maximum height allowed by the owner of the utility pole, however, in no case shall the bottom of any cabinet be less than eight feet above ground level. The Board shall approve the color, size and orientation of the cabinet(s) on the pole.

[5] Other facilities. With the exception of the wireless communications equipment pad housing the equipment necessary to the proper functioning of the commercial communications antenna(s), all other uses ancillary to commercial communications antenna(s), including but not limited to a business office, mobile telephone switching office, maintenance depot and vehicular storage area shall not be located on any land site, unless otherwise permitted by the applicable district regulations in which the site is located.

[6] Utilities. All utilities required for the antenna and associated ground equipment shall be located underground.

[7] Required parking. If the wireless communication antenna is fully automated, a minimum of two spaces shall be provided unless the applicant demonstrates to the satisfaction of the Board of Supervisors that adequate parking is available. If the wireless communication antenna is not fully automated, the number of required parking spaces shall equal the number of employees present at the wireless communication antenna during the largest shift.

[8] Safety of Antenna. The applicant shall demonstrate that the proposed commercial communications antenna(e) are designed and constructed in accordance with all applicable building standards for such facilities and structures, including but not limited to the standards developed by the Electronics Industry Association, the Institute of Electrical and Electronics Engineer, the Telecommunications Industry Association, the American National Standards Institute, the Electrical Industry Association and the Township's applicable Building Code. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.

[9] Fencing. A security fence having a minimum height of six (6) feet shall be required around the equipment buildings or pads.

[10] Landscaping. Unless prohibited by federal or state law, the following landscaping shall be required to screen the equipment building or pads. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board of Supervisors, they achieve the same degree of screening as the required landscaping.

- [i] An evergreen screen shall be required to surround the equipment building or pad. The screen can be either a hedge planted three feet on center maximum or a row of evergreen trees planted 10 feet on center maximum. The evergreen screen shall be a minimum planted height of six feet at planting and shall be capable of growing to a minimum of 15 feet at maturity.
- [ii] Existing vegetation on and around the land site shall be preserved to the greatest extent possible.
- [iii] The landscaping shall be maintained by the applicant for as long as the facility is in operation.

[11] Proof of annual inspection.

- [i] Annually, the owner of a commercial communications antenna shall submit to the Township proof of the annual inspection of the commercial communications antenna by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such inspection, the Board of Supervisors may require removal or repair of the wireless communications facility.
- [ii] In the event that the annual inspection referred to above is not performed in a timely manner or if the owner of the antenna fails to make the necessary repairs or to remove the antenna when directed by the Board, the owner shall be subject to civil enforcement proceedings in accordance with § 240-54.

[12] Lighting. Commercial communications antenna shall meet all Federal Aviation Administration (FAA) regulations. No commercial communications antenna may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to the minimum lumens and number of lights so required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities and to the Township.

[13] Abandonment. If use of the wireless communications antenna is abandoned, or if the wireless communications antenna is not in use for a period of six months or longer, the owner shall remove the wireless communications antenna from the existing structure within six months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the wireless communications antenna. In the event that the demolition and/or removal referred to above is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with § 240-54C.

[14] Interference. In the event that the wireless communications antenna causes interference with the radio or television reception of any Township resident for a period of three continuous days, the resident shall notify the applicant of such interference and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the civil enforcement proceedings in accordance with § 240-54C.

[15] Visual appearance. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

[16] Annual report. In January of each year, the owner of any wireless communications antenna shall pay the registration fee as established from time to time by resolution of the Board of Supervisors and shall provide the Township with the information specified in Section 240-31(h)[2][s]. Failure to supply the annual report by the close of the following January shall result in the issuance of an enforcement notice in accordance with Section 240-54.

[17] Signs. No sign or other structure shall be mounted on the wireless communications antenna, except as may be required by the FCC, FAA or other governmental agency."

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

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

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

ENACTED AND ORDAINED this _____ day of _____, 2013.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Louis F. Smith, Secretary

Senya D. Isayeff, Chairman

Thom Clapper Ph.D, Vice-Chairman

E. Martin Shane, Member

Carmen Battavio, Member

Charles W. Proctor, III, Esquire, Member

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