

TOWNSHIP OF ABINGTON

(2) CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE

December 6, 2017  
7:00 P.M.

CALL TO ORDER

ROLL CALL: SANCHEZ - DiPLACIDO - ZAPPONE - GILLESPIE -  
BRODSKY

MINUTES:

Motion to approve the minutes of the November 1, 2017 Code Enforcement and Land Development Committee Meeting

NOTICE

CE-01-121417 *The Applicant Request for Consideration of Text Amendment by HighTop Real Estate Group Is Tentatively Scheduled as an Agenda Item for December 14, 2017.*

CE-02-120617 Reverse Subdivision Plan for Philadelphia Presbytery Homes, Inc. for the property known as the Rydal Waters Site

Consider the reverse subdivision and land development plan submitted by Philadelphia Presbytery Homes for the Rydal Water Tract made up of Rydal Way, Noble Circle and Harbinson Way zoned within the Senior Neighborhood Residential District of Ward #7.

NOTICE

CE-03-121417 *The Applicant Request for Consideration of Zoning Text Amendment by Philadelphia Presbytery Homes Is Tentatively Scheduled as an Agenda Item for December 14, 2017.*

TOWNSHIP OF ABINGTON

(2) CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE

December 6, 2017

7:00 P.M.

CE-04-120617      Ordinance No. 2150 Amending Chapter 162, "Zoning," At Article XXI- "Use Regulations, " And the Use Matrix Appendix: Repealing and Replacing Article XXVIII - "Wireless Communications" And Repealing Ordinances #1793 and #1800

Consider Authorizing Advertisement of An Ordinance Amending Chapter 162, "Zoning," At Article XXI- "Use Regulations, " And the Use Matrix Appendix: Repealing and Replacing Article XXVIII - "Wireless Communications" And Repealing Ordinances #1793 and #1800

CE-05-120617      Consider Approval of First Amendment to License Agreement between Abington Township and New Cingular Wireless PCS, LLC, Successor By Merger to AT&T Wireless PCS Philadelphia, LLC, d/b/a AT&T Wireless Services.

Consider Motion to approve First Amendment to License Agreement between Abington Township and New Cingular Wireless PCS, LLC, successor by merger to AT&T Wireless PCS Philadelphia, LLC, d/b/a AT&T Wireless Services.

Please Note - The actual agreement has not yet been finalized.



**CODE ENFORCEMENT AND LAND DEVELOPEMENT COMMITTEE**

**AGENDA ITEM**

12-06-17

CE - 02-120617

*DATE*

*AGENDA ITEM NUMBER*

Code Enforcement

*DEPARTMENT*

**FISCAL IMPACT**

Cost > \$10,000.

Yes

No

**PUBLIC BID REQUIRED**

Cost > \$19,700.

Yes

No

**AGENDA ITEM:**

Reverse Subdivision Plan for Philadelphia Presbytery Homes, Inc. for the property known as the Rydal Waters Site

**EXECUTIVE SUMMARY:**

The proposed reverse subdivision and land development plan is a modification of the prior Elliott Group plan that was approved in 2006. The plan calls for the merger of the existing 88 lots into one parcel to be controlled by Philadelphia Presbytery Homes. The applicant proposes to construct 84 new singles & twins to be occupied by residents that meet the age restricted limits. The plan will make use of the existing improvements and include a club house, trails system and updated on-site storm water management system.

**PREVIOUS BOARD ACTIONS:**

The application was reviewed by the Planning Commission of the Township of Abington on Wednesday, November 15, 2017. The Planning Commission recommended approval of the application and requested waivers. The Planning Commission Recommendation Form is attached for your review.

The plan was reviewed by Montgomery County Planning Commission on August 4, 2017 and was present at the Planning Commission meeting on November 15, 2017. The plan presented on November 15, 2017 had been revised to include several of MCPC's comments. MCPC's Review Comments are attached for your review.

**RECOMMENDED BOARD ACTION:**

Consider the reverse subdivision and land development plan submitted by Philadelphia Presbytery Homes for the Rydal Water Tract made up of Rydal Way, Noble Circle and Harbinson Way zoned within the Senior Neighborhood Residential District of Ward #7.



# Township of Abington Planning Commission Recommendation Form

Application Number: LD-17-02  
Zoning Text Amendment

Date: November 15, 2017

Applicant's Name: Philadelphia Presbytery Homes, Inc.

Property Known As: The Rydal Waters Development

Recommendation:  APPROVED     DENIED    VOTE: 8 of 8

## Over View:

**PC1:** This is the application of **Philadelphia Presbytery Homes, Inc.** for the property known as the Rydal Water Tract, consisting of Rydal Way, Noble Circle & Harbinson Way. The owner and applicant has submitted a reverse subdivision plan to consolidate all of the existing lots into one parcel. In addition a zoning text amendment has been submitted for consideration of a reduction in the riparian buffer and to allow for certain encroachments within the buffer for the installation of the storm water management system, bridges, coverts, walking trails and the like. In addition, the applicant seeks approval to add twin dwelling units as a use-by-right within the Senior Neighborhood Residential District. The proposed layout and the density of this proposed project remains the same of the 2005 Land Development Approval. The properties are currently zoned within the SNR District of Ward #7 of the Township of Abington.

## Conditions:

1. Sanitary sewer service is available for this project and this recommendation is conditioned on the approval of the sanitary sewer flow rates by the Township of Abington and the Department of Environmental Protection.
2. The items listed within the Staff Review letter dated August 21, 2017 are to be a condition of the approval of this application.

3. The applicant is required to submit a minimum of four paper copies, four mylar copies and one PDF Formatted disk of the final plan at the time the plans are submitted for Township signatures.
4. The Planning Commission recommends approval of the zoning text amendment with the proposed change to the placement of the riparian buffer with Section 803.D of the Zoning Ordinance.

The following waivers have been requested.

- A. **Section 146-9.A – Plan Stages** – From the requirements to file in a two stage review process, as a preliminary plan and again as a final plan. Yes {X} No { }
- B. **Section 146-10.A.1 Drafting Standards** – From the requirements that the plan be submitted in a scale no smaller than one inch equals 50 feet. Yes {X} No { }
- C. **Section 146-11.A – Property Identification Plan** – The plan is required the supply the names, tax parcel number, lot and unit number for all properties within 400 feet of the site. Yes {X} No { }
- D. **Section 146-11.B – Existing Features Plan** – From the requirement to depict all features within 400 feet of the site. Yes {X} No { }
- E. **Section 146-24.A - Street Plan** – From the requirement to provide a right-of-way width of not less than 50 feet for internal roadways. Yes {X} No { }
- F. **Section 146-24.B – Street Plan** – From the requirement that islands and medial strips are only permitted in commercial zoning districts. Yes {X} No { }
- G. **Section 146-27.1 – Sidewalks & Curbing** – From the requirement to provide sidewalks on both sides of a proposed street. Yes {X} No { } The vote was 7 in favor & 1 opposed
- H. **Section 146-27.6 – Sidewalks & Curbing** – From the requirement to provide concrete curbing with eight inch reveal for the proposed internal street. Yes {X} No { }

- I. **Section 146-28.1.D – Off Street Parking Areas** – From the requirement to provide a loading area for the proposed club house.  
Yes {X} No { }
  
- J. **Section 146-33.7 – Drainage** – From the requirement to install specify {City No. 1 Inlets} within this development. Yes {X} No { }
  
- K. **Section 146-35.3.A – Sanitary Sewer** – From the requirement to provide sanitary sewer service by gravity to all dwelling units.  
Yes {X} No { }
  
- L. **Section 146-40.2.A – Recreational Areas** – From the requirement that proposed open space has to have access to a public road.  
Yes {X} No { }

Prepared By: M. A. Penecale

# Township of Abington

## APPLICATION FOR APPROVAL OF PLAN

Submission Date 6/16/17

Application No. SB-17-02

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for approval of plan type as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled The Subdivision and Land Development Regulations of the Township of Abington of 1991, and any supplements and amendments thereto.

Jennifer A. Kappen  
(Signature of Applicant)

Jennifer A. Kappen, EVP and CFO  
(Signature of Land Owner) *Presby's Inspired Life*

Title of Plan Submitted: Rydal Waters

### A. Plan Type:

- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Preliminary Major SD & LD

- Minor Land Development
- Pre Major Land Development
- Final Major Land Development
- Final Major SD & LD

### B. Plan Identification:

Plan Dated: June 2, 2017

Engineer: Charles E. Shoemaker, Inc.

Plan Proposes: Brief narrative of the proposed activity. Commercial applications include building square footage and specific uses; Residential applications include number of lots and amount of dwelling unit types:

Age qualified senior development consisting of 35 single and 50 twin residential units with accessory club house. Other amenities include outdoor swimming pool and walking trails. The development is associated with adjacent Rydal Park and Presby's Inspired Life Senior Care Community.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### C. Property Identification:

Address / Location Old York Road, Rydal Way, Harbison Way and Noble Circle  
Between streets \_\_\_\_\_ and \_\_\_\_\_

**D. Applicant Identification:**

Applicant : Philadelphia Presbytery Homes, Inc. c/o Judee M. Bavaria  
 Address 2000 Joshua Road, Lafayette Hill, PA 19444 Phone 610-260-1130

Land Owner: Same  
 Address \_\_\_\_\_ Phone \_\_\_\_\_

Equitable Land Owner: N/A  
 Address \_\_\_\_\_ Phone \_\_\_\_\_

Architect: Stewart and Connor's Architects, PLLC  
 Address 3700 Latrobe Drive, Charlotte, NC 28211 Phone 704-365-3941

Engineer: Charles E. Shoemaker, Inc.  
 Address 1007 Edge Hill Road, Abington, PA 19001 Phone 215-887-2165

Attorney: William Kerr, Esq. High Swartz, LLP  
 Address 40 East Airy Street, Norristown, PA 19404 Phone 610-275-0700

**IMPROVEMENTS PROPOSED                      UNITS                      EST. COST.**

Streets	_____	_____
Street Widening	_____	_____
Street Signs	_____	_____
Street Lighting	_____	_____
Curbs	_____	_____
Sidewalks	_____	_____
Storm Sewers	_____	_____
Water Supply	_____	_____
Fire Hydrants	_____	_____
Sanitary Sewers	_____	_____
Monuments	_____	_____
Shade Trees	_____	_____
Open Space	_____	_____
Park Land	_____	_____
Other	_____	_____

Total:

\*\*\*\*\*

Fees received from applicant:	Application Fee	<u>          \$500.00</u>
	Review Escrow	<u>          \$5,000.00</u>
	Total	<u>          \$5,500.00</u>

Fees acknowledged and application accepted as complete:

\_\_\_\_\_  
 Signature of Official

Check # 19911  
 Rec # 183147  
 Check # 19910  
 Rec # 183112

Date \_\_\_\_\_  
**RECEIVED**  
 JUN 16 2017  
 BY:



# Township of Abington

## APPLICATION FOR MODIFICATION OF PLAN

Submission Date 6/16/17

Application No. SD-17-02

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for modification of plan application requirements as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled The Subdivision and Land Development Regulations of the Township of Abington of 1991, and any supplements and amendments thereto.

Jennifer A. Kappen  
(Signature of Applicant)

Jennifer A. Kappen, EIP and CFO  
(Signature of Land Owner) *Presby's Inspired Life*

Title of Plan Submitted: Rydal Waters

### A. Plan Type:

- |   |   |
|---|---|
| <input type="checkbox"/> Minor Subdivision                    | <input type="checkbox"/> Minor Land Development         |
| <input type="checkbox"/> Preliminary Major Subdivision        | <input type="checkbox"/> Preliminary Land Development   |
| <input type="checkbox"/> Final Major Subdivision              | <input type="checkbox"/> Final Land Development         |
| <input checked="" type="checkbox"/> Preliminary Major SD & LD | <input checked="" type="checkbox"/> Final Major SD & LD |

Regulation Topic	Section #	Extent of Modification Requested
_____	See Attached.	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\*\*\*\*\*

Fees acknowledged and modification request received:

[Signature]  
Signature of Official

RECEIVED  
Date JUN 16 2017  
BY: [Signature]

**CHARLES E. SHOEMAKER, INC.**

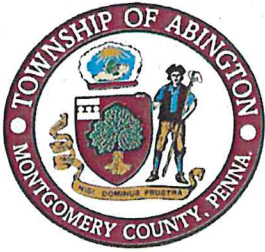
*ENGINEERS AND SURVEYORS*  
 SOUTHEAST CORNER OF EASTON & EDGE HILL ROADS  
 1007 EDGE HILL ROAD  
 ABINGTON, PENNSYLVANIA 19001

**MODIFICATION OF PLAN**

Date: June 2, 2017

**RYDAL WATERS - WAIVERS**

<b>Regulation Topic</b>	<b>Section#</b>	<b>Extent of Modification</b>
Plan Stages	146-9.A.	From requirement to file a plan in two stages as Preliminary Plan and again as Final Plan.
Drafting Scale	146-10.A.1.	From requirement plan horizontal scale not be smaller than one inch equals fifty (50) feet.
Existing Features	146-11.B.7.	From the requirement to depict all existing features within 400 feet of the site.
Streets	146-24.4.A.	From the requirement to provide 50' wide right of way for proposed internal streets.
	146-24.4.B.	From the requirement islands and medial strips are permitted only in commercial zones.
Sidewalk & Curb	146-27.1.	From the requirement to provide sidewalk on both sides of streets.
	146-27.6.	From the requirement to provide concrete curb with eight inch reveal for proposed internal streets.
Off-Street Parking	146-28.1.D.	From the requirement to provide loading areas twelve feet by fifty feet for the proposed club house.
Drainage	146-33.7.	From the requirement to specify City No. 1 inlets.
Sanitary Sewer	146-35.3.A.	From the requirement to provide sanitary sewer service by gravity to all dwelling basements.
Recreation Areas	146-40.2.A.	From the requirement proposed open space areas have access to a public road.



# Township of Abington

Wayne C. Luker, *President*  
Steven N. Kline, *Vice President*  
Richard J. Manfredi, *Manager*  
Jay W. Blumenthal, *Treasurer*

Mr. Jeffery Mullen, RA  
Stewart Connors Architects, PLLC  
3700 Latrobe Drive  
Charlotte, NC, 28211

August 21, 2017

**Re: Reverse Subdivision & Land Development of the Rydal Water Tract.**

Dear Mr. Mullen,

I have received a reverse subdivision and land development application, 55 page plan submission and several revised layout plans of the riparian buffer submitted for the 32.49 acre site known as the Rydal Water's Tract. This plan has been reviewed as a major plan subdivision as per the requirements of the Subdivision & Land Development Ordinance of the Township of Abington. The comments listed below are for your review and several of the comments will be followed with {BP}. These are permit related and must be addressed at the time permits are submitted for review. The comments not followed with a {BP} must be addressed to the satisfaction of the Board of Commissioners of the Township of Abington. Please note the Township of Abington views this submission as incomplete due to the fact that since June 14, 2017, the projected sanitary sewer flow rates for this proposed development have yet to be submitted and there are outstanding zoning related issues that have yet to be addressed by the applicant. Abington Township has been asked to supply the applicant with staff review comments based on the information submitted.

**Public Works Department:**

1. All inlet covers, inlet boxes and manhole covers must comply with Abington Township standards. Those standards can be obtained by contacting the Engineering Department of the Township of Abington. Details shown on page #31 and page #37.
2. In the event that the proposed streets are to be dedicated to the Township of Abington, all street lights must comply with the type, height and lighting standards of the Township of Abington. The lighting details shown on Sheet #Li-6 are lighting fixtures used by the Township of Abington and may not be offered for dedication.
3. The signage shown on page #51 is acceptable to the Township of Abington. The placement of the traffic control signage, stop bars and other signage is acceptable to this department.

**Fire Marshal's Office:**

4. The bridge crossing must be designed to support a minimum of 30 tons. Please refer to Section 146-34 of the Subdivision & Land Development Ordinance of the Township of Abington.
5. The proposed new connector roadway between the proposed development and the existing Rydal Park parking deck will not be accessed by fire equipment. The parking deck is not rated for firefighting equipment. The prior development had an emergency access road out to Susquehanna Road. That emergency access roadway needs to remain open. The current submission does not show that connection.

**Building & Plumbing:**

6. All construction must comply with the 2009 International Residential Code as amended by Ordinance #1795 and Ordinance #1916 of the Township of Abington. A copy of Ordinance #1795 and Ordinance #1916 are available for review. {BP}
7. All plumbing work proposed to be completed in connection with this project must comply with 2009 International Residential Code. {BP}
8. All plumbing work must be applied for and completed by a Master Plumber registered with this office. {BP}

**Waste Water Treatment Facility:**

9. This office is still waiting on project sanitary sewer flow rates to be submitted for review. At our prior meeting the applicant committed to submit flow rates from a similar development so that the number of EDU's can be calculated.
10. The applicant was to submit a report and the video from the televising of the existing sanitary sewer lines. To date, neither the report nor the video have been submitted for review.

**Engineering Department:**

11. Sanitary sewers are available for this development and are not affected by the DEP/Cheltenham Township moratorium.

12. In the event that this application is approved, the applicant is required to provide the Township of Abington a copy of consolidated deeds for the new lot. That deed is required to be signed and notarized.
13. Under separate copy and attached to this review letter you will find review comments from BCM Engineers regarding the review of the storm water management plan and report. These comments must be addressed to the satisfaction of the Township Engineer. This report consists of three pages and is dated August 29, 2017.
14. Separate permits are required for the installation and/or any changes to the on-site storm water management system. The application fee for a storm water management permit {STWM} is \$110.00 for each storm water management system installed. This includes all seepage pits, rain gardens and the like. The applicant is also required to provide a \$250.00 escrow for each STWM system for future inspections of the STWM system{s} over the next five years. The maintenance of the STWM system will be the responsibility of the property owner. For more information about Abington Township's Storm Water Management Ordinance and design standards, please feel free to visit our website @ <http://www.abington.org/home/showdocument?id+3064>.
15. The Township of Abington will require an escrow account be established for the construction of the on-site storm water management system. The escrow amount will be calculated based on the projected construction cost.

**Planning & Zoning Office:**

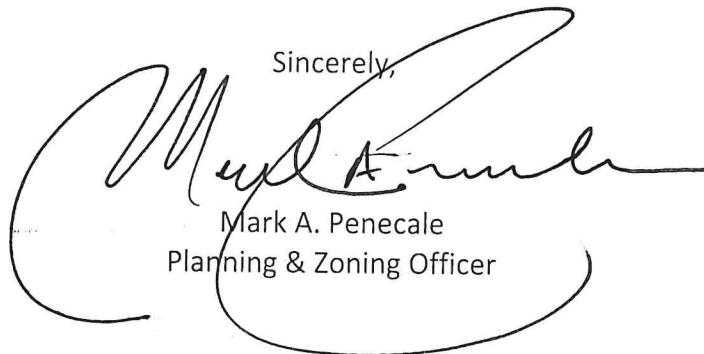
16. The application is a Major Land Development & Subdivision application. As such the plan should be presented to the Board of Commissioners for preliminary plan consideration and if approved, then presented for action as a final plan. A waiver from Section 146-09 of the Subdivision & Land Development Ordinance has been requested.
17. The plan presented requires either Zoning Hearing Board relief for both use and dimensional issues or a zoning text amendment is required to be submitted for review and approval by the Board of the Commissioners of the Township. Until such time that either the applicant obtains the required Zoning Hearing Board relief or a zoning text amendment is approved, the staff of the Township of Abington cannot recommend approval of this application. In addition, due to the outstanding sanitary sewer questions, staff does not recommend approval of this plan as a preliminary as final plan submission.
18. The merger of the existing 91 lots into one parcel will place the existing and proposed roadways on private property and eliminate the possibility of offering the roadways for dedication.

19. The applicant is required to obtain either a use variance or a zoning text amendment from Section 801, Use H-10 of the Zoning Ordinance of the Township of Abington for the proposed twin dwelling units.
20. The applicant is required to obtain either a dimensional variance or a zoning text amendment from Section 1502 of the Zoning Ordinance of the Township of Abington, for the reduced width of the Riparian Corridor.
21. This application as submitted also requires Conditional Use Approval or a zoning text amendment for encroachments into the Riparian Buffer. Please refer to Section 1503.B.2 of the Zoning Ordinance of the Township of Abington.
22. I was unable to locate the type or detail for the stream bank stabilization proposed to be used in this development. Please provide me that detail or direct me to page or pages within the submitted plan set that contains that detail.
23. I would suggest that the applicant consider stop bars or a traffic table in the areas of the Gate House to alert drivers they are required to stop.
24. What is the purpose of Stop Signs at every four-way intersection?
25. I would suggest that a Stop Sign be added at Noble Circle and the intersection of the access road to Rydal Park.
26. Additional planting should be added within the required residential buffer area along the property line from the western side of the Marsh property down to the eastern most Adcock Property line.
27. The plan is required to be amended to include the required watercourse easement as defined within Section 146-31.G of the Subdivision & Land Development Ordinance of the Township of Abington.
28. This application will require waivers from the following Sections of the Subdivision & Land Development Ordinance of the Township of Abington:
  - A. **Section 146-9.A - Plan Stages** – From the requirements to file a plan in two stages as a preliminary plan and again as a final plan submission.

- B. **Section 146-10.A.1 – Drafting Standards** – From the requirement that the plan be submitted in a scale not smaller than one inch equals 50 feet.
- C. **Section 146-11.B – Existing Features Plan** – From the requirement to depict all features within 400 feet of the site.
- D. **Section 146-24.A - Street Plan** – From the requirement to provide a right-of-way width of not less than 50 feet for internal roadways.
- E. **Section 146-24.B – Street Plan** – From the requirement that islands and medial strips are only permitted in commercial zoning districts.
- F. **Section 146-27.1 – Sidewalks & Curbing** – From the requirement to provide sidewalks on both sides of a proposed street.
- G. **Section 146-27.6 – Sidewalks & Curbing** – From the requirement to provide concrete curbing with eight inch reveal for the proposed internal street.
- H **Section 146-28.1.D – Off Street Parking Areas** – From the requirement to provide a loading area for the proposed club house.
- I. **Section 146-33.7 – Drainage** – From the requirement to install specify {City No. 1 Inlets} within this development.
- J. **Section 146-35.3.A – Sanitary Sewer** – From the requirement to provide sanitary sewer service by gravity to all dwelling units.
- K. **Section 146-40.2.A – Recreational Areas** – From the requirement that proposed open space has to have access to a public road.

This application has not been scheduled to be reviewed by the Planning Commission, Code Enforcement Committee and the Board of Commissioners of the Township of Abington. Until such time that the requested information has been submitted for review, this application is deemed incomplete. If there are any questions pertaining to the comments listed above, I would ask that you contact the reviewing department directly or I can be reached at 267-536-1017.

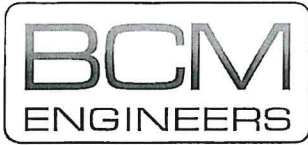
Sincerely,



Mark A. Penecale  
Planning & Zoning Officer

Cc: Richard Manfredi; Township Manager/Township of Abington  
Lawrence T. Matteo, Jr.; Director of Planning & Code Enforcement  
Michael E. Powers; Engineer/Township of Abington  
Kenneth Clark; Fire Marshal/ Township of Abington  
Edmund Micciolo; Director of Public Works  
George Wrigley; Director of Waste Water Facilities  
Code Enforcement Department Staff  
File Copy (2)





ATC GROUP SERVICES LLC

920 Germantown Pike, Suite 200  
Plymouth Meeting, PA 19462  
Telephone 610-313-3100  
Fax 610-313-3151  
www.atcgroupservices.com

August 29, 2017

Mr. Michael E. Powers, P.E., Township Engineer  
Abington Township  
1176 Old York Road  
Abington, PA 19001

Subject: Rydal Waters Senior Residential Development

Reference: Stormwater Facilities Review  
BCM Project No. Z057000047

Dear Mr. Powers:

We are in receipt of the following documents prepared by Charles Shoemaker, Inc.

- Erosion and Sediment Control & Post-Construction Stormwater Management Narrative (June 2, 2017)
- Rydal Waters Land Development Plan
  - a. Sheets 9-11 of 55 entitled Existing Features/Demolition Plan (June 2, 2017)
  - b. Sheets 13-17 of 55 entitled Site Grading Plan (June 2, 2017)
  - c. Sheets 19-23 of 55 entitled Site Utility Plan (June 2, 2017)
  - d. Sheets 25-29 of 55 entitled Erosion Control Plan/Details (June 2, 2017)
  - e. Sheets 33-38 of 55 entitled Post-Construction Stormwater Management Plan/Details (June 2, 2017)
  - f. Sheets 45-49 of 55 entitled Storm Sewer Profiles (June 2, 2017)

Based upon our review, we have the following comments:

1. This proposed development is located within the Pennypack Watershed, and is currently governed under Ordinance 2001, Stormwater Management Ordinance, which was adopted on January 14, 2016.
2. The project is located within the Stormwater Peak Rate Control and Management District B.
3. The applicant has designed and proposed a number of storm water infiltration trenches, four (4) Rain Gardens and a retrofit of an existing detention basin to control storm water runoff from the site.



Michael Powers, P.E.  
Township of Abington  
August 29, 2017  
Page 2

4. The Rain Gardens satisfy the requirements of Section 405 of the ordinance pertaining to Pretreatment.
5. Calculations must be submitted that demonstrate the infiltration structures satisfy Section 405 of the Ordinance pertaining to Groundwater Recharge Volume.
6. The locations of the proposed infiltration trenches on the attached site plan.
7. It must be shown that for a typical infiltration trench, the infiltration surface is at least twenty-four (24) inches from any limiting zones depth as determined by field soil testing.
8. Portions of the Pennypack Stream crossing through the property (at an upstream location above Harbison Way and Rydal Way, and downstream above the Stormwater Basin) are not protected by proposed riparian buffer plantings as required in Section 408 of the ordinance pertaining to Channel Protection.
9. The developer shall post escrow fees to cover engineering review, and future inspections (Yearly inspections and construction inspection).

This review encompasses only the conceptual engineering aspects for the stormwater facilities shown in the plans. Neither the Township of Abington nor BCM Engineers can accept liability for the technical design aspects, as this is the sole responsibility of the developer's engineer. The developer is responsible for the complete operational capability of the system. Also, the developer will be required to furnish the Township, two sets of blue-line "as-built" plans for review. Upon approval of the "as-built" plans, the developer will be required to submit to the Township one (1) set of reproducible "as-built" plans of the stormwater facilities installed by him.

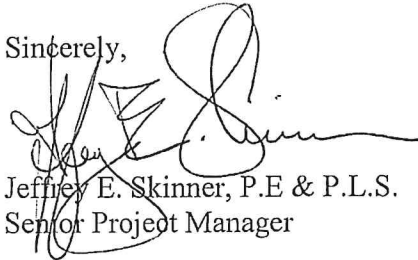
A preconstruction meeting with Township personnel and/or its representative(s) is mandatory before the start of any construction. This meeting must be held at least 7 days prior to start of construction. Any changes made to the stormwater facilities after the date of the approved plans must be resubmitted for review. The developer will be financially responsible for construction inspection of the facilities. Inspection is to be performed by the Township and/or its representative and reimbursed by the developer.



Michael Powers, P.E.  
Township of Abington  
August 29, 2017  
Page 3

Should you have any questions concerning this review, please feel free to contact us.

Sincerely,



Jeffrey E. Skinner, P.E & P.L.S.  
Senior Project Manager

MRF:sws

cc: Scott Marlin, Abington Township  
Projects\abington\stormwater reviews\rydal waters\rydal waters comments.doc

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722  
FAX: 610-278-3941 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

August 4, 2017

Mr. Mark A. Penecale, Zoning Officer  
Abington Township  
1176 Old York Road  
Abington, Pennsylvania 19001-3713

Re: 08-0207-003  
Plan Name: Rydal Waters  
(85 units on 1 lot)/32.79 acres  
Situates: Brook Road (S)/Old York Road (E)  
Abington Township

Dear Mr. Penecale:

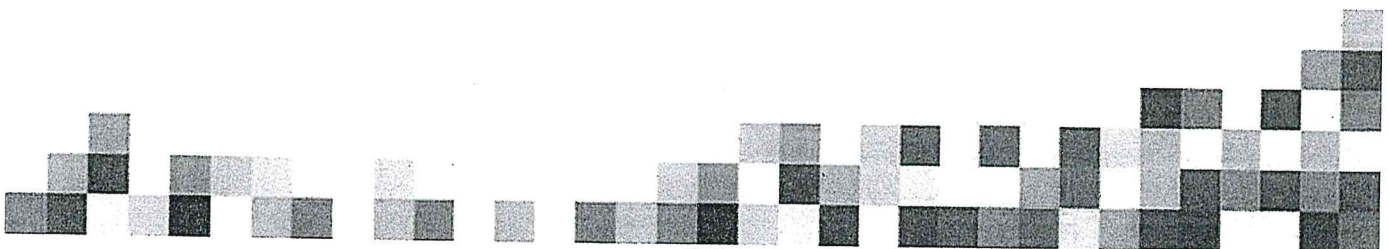
We have reviewed the above-referenced subdivision and land development in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on June 22, 2017. We received supplemental plans for riparian corridor protection on July 27, 2017. We forward this letter as a report of our review.

## BACKGROUND

Philadelphia Presbytery Home, Inc., the applicant, has submitted a plan for a reverse subdivision, to consolidate 91 properties into one, and to develop the property for 85 age-restricted twin and single-family detached units and a club house. The proposal would have a density of 2.6 dwelling units per acre. We have reviewed numerous zoning amendment proposals affecting this site – most recently on November 26, 2008; August 19, 2008 and June 27, 2005. The applicant has submitted a preliminary and final plan.

## COMPREHENSIVE PLAN COMPLIANCE

The proposal is consistent with *MONTCO 2040: A Shared Vision*, the Comprehensive Plan for Montgomery County. The plan's future land use map shows the property as "Suburban Residential", which is a "Growth



Area". The Plan designates "primary uses" in the Suburban Residential area as including single-family detached and single-family attached units. The Plan notes that these areas should preserve wetlands and other sensitive natural features, sometimes as open space.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and Township may wish to consider prior to final plan approval. Our comments are as follows:

## REVIEW COMMENTS

### OPEN SPACE

- A. §2601.K. (Zoning) Open Space Standards and §146-2.A (SALDO) stipulate that open space shall be visible from roadways. However, most of the open space areas are not [Notation 1 on Annotated Map, below]. We feel that the aesthetics of the neighborhood and views of open space would have been improved by locating more open space so that it would be visible from roads. However, we do appreciate the fact that the open space areas are well-located in the interest of preserving sensitive natural features such as wetlands and the riparian corridor along the creek; and appreciate that an extensive trail system is proposed to allow the residents a chance to view the open space areas on foot.
- B. §2601.K. Open Space Standards should be listed in the Zoning Requirements table.
- C. Deed Restriction. Land designated as open space area under these provisions shall be deed restricted from further development opportunity through declarations and restrictive covenants acceptable to the Township Solicitor and consistent with provisions herein. Such restrictions shall be simultaneously recorded with an approved development plan [§2601.K].

### RIPARIAN CORRIDOR

- A. Buffer Impact and Mitigation. It would be useful to see what the 1.78 acres that are listed as compensatory/mitigation area is mitigating, by acreage and location (mitigation is required for recreational trails, utility crossings, and recreation areas, for example). The applicant is not required to mitigate structures that existed prior to the adoption of the ordinance, such as the street crossing of the buffer. Part of the Stormwater basin and steeply sloping graded areas are being used to compensate for incursions on the buffer, per the label on the submitted Riparian Corridor Plan. However, areas used for mitigation must be used to re-establish forest cover [§1508].
- B. Conditional Uses are required for recreational trails, utilities and recreation areas lying in the buffer [§1503.A.2]
- C. Residential uses are not permitted in the buffer [§1504.A].

- D. The trail shown on the plan extends along the buffer for a few hundred feet near Units 6, 7 and 8. We recommend that the trail be adjusted so that it does not enter Zone 1 in this area [See Notation 2 on Annotated Map, below].

#### PEDESTRIAN CONNECTIONS

- A. Crosswalks [§146-29]. There are crosswalks shown in certain locations.
1. However, we recommend that crosswalks be added to continue the sidewalk along Noble Circle, so that it traverses the entrance to the parking area, near the clubhouse [See Annotation 3 on map, below].
  2. We recommend that a crosswalk be added to continue the sidewalk along Noble Circle, where it would traverse the driveway leading to Rydal Park [See Annotation 4 on map, below].
  3. It's unclear from the plans if the applicant proposes new crosswalks at the intersection of Old York Road and Rydal Way; we recommend that these be added [See Annotation 5 on map, below].
- B. Sidewalks. We recommend considering adding a sidewalk from the Clubhouse along the smaller parking lot, which would provide a more direct connection from Units 23-26. It appears that there may be room along the arc between the two parking areas [§146-27] [See Annotation 6 on map, below].

#### VEHICULAR CIRCULATION

- A. Loading. Will the clubhouse have a loading area? If so, it must meet the requirements in 146-28.D.
- B. Parking. There is a parking space in the corner of the parking lot near the clubhouse that would benefit from the addition of a back-up area [See Annotation 7 on map, below].

#### OTHER PLAN INFORMATION

- A. The road on the eastern side of the memorial island adjacent to Old York Road is labeled as "Old York Road", but other sources indicate it is known as "Old Old York Road."
- C. Right-of-Way. Is there a right-of-way for the roads within the development? None are shown on the plans [§146-11].
- D. Zoning Information for the Riparian Corridor Conservation District would be beneficial to include in the zoning table [§146-11.A].

- E. Architectural plans are required [§146-11].

## CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve the Township's planning objectives for residential development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,



Mike Narcowich, AICP, Principal Planner II  
610.278.5238 - [mnarcowi@montcopa.org](mailto:mnarcowi@montcopa.org)

- c: Richard J. Manfredi, Township Manager
- Charles E. Shoemaker, Inc., Applicant's Representative/Engineer
- Lawrence T. Matteo Jr., Director, Township Planning and Code Enforcement
- Michael E. Powers, P.E., Township Engineer
- Michael P. Clarke, Esq., Rudolph Clarke, LLC, Township Solicitor

Attachments:      Applicant's Plan, Annotated  
                                 Aerial Imagery



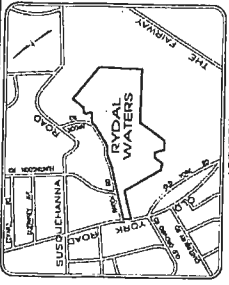
3588-0184  
 0100 BOOK - FILE  
 LAFAYETTE HILL, PA 19344  
 PHILADELPHIA PRESBYTERIAN  
 HOMES, INC.  
 RECORD OWNERS  
 CHARLES E. SHOEMAKER, INC.  
 ENGINEERS & SURVEYORS  
 1000 COCK HILL ROAD  
 PHILADELPHIA, PA 19101  
 PHONE: 215-627-2123 FAX: 215-378-7781  
 E-MAIL: info@cesh.com

DATE: 07/15/2017  
 SHEET NO.: 2 OF 85

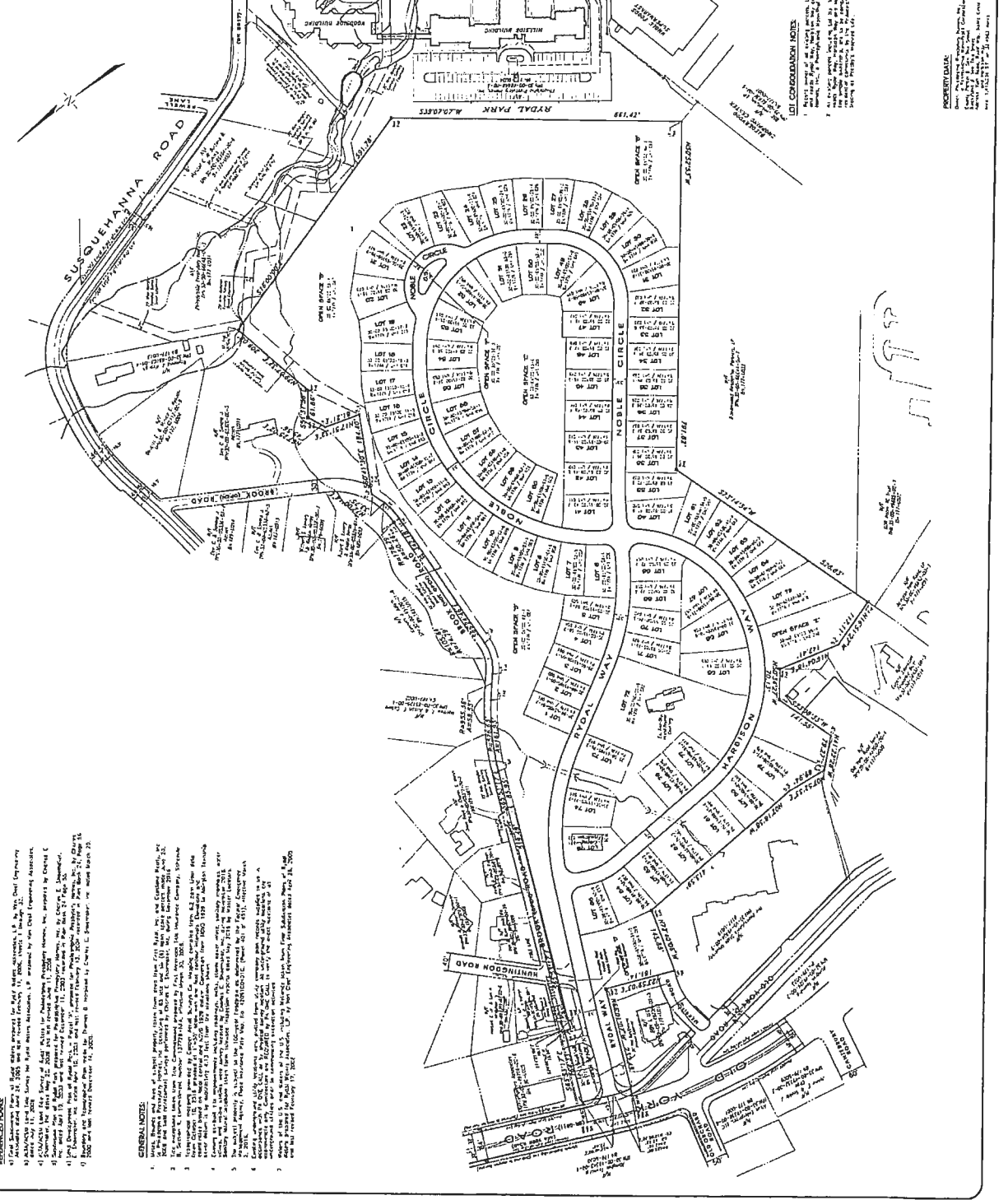
LOT LINE CONSOLIDATION PLAN  
 RYDAL WATERS  
 PRESBY'S INSPIRED LIFE

ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA.  
 (NOT TO BE RECORDED)

DATE: 07/15/2017  
 SHEET NO.: 2 OF 85  
 SITE AREA  
 1,498,546 S.F. or 32.7948 ACRES  
 1,415,536 S.F. or 32.4662 ACRES



SCALE: 1" = 500'  
 LEGEND  
 BOUNDARY LINE  
 EXISTING LOT LINES  
 PROPOSED LOT LINES  
 PROPOSED DRIVEWAYS



**REFERENCED PLANS**

1. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.
2. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.
3. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.
4. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.
5. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.
6. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.
7. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.
8. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.
9. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.
10. Final Subdivision Plan of 100 lots, approved for 100 lots, recorded on 07/15/2017, Montgomery County, PA, Book 1000, Sheet 1000.

**GENERAL NOTES**

1. All dimensions are in feet and inches, rounded to the nearest 1/8".
2. All bearings are in degrees, minutes and seconds, rounded to the nearest 5 seconds.
3. All areas are in square feet, rounded to the nearest 100.
4. All lot lines are shown as solid lines, unless otherwise noted.
5. All proposed driveways are shown as dashed lines.
6. All existing buildings are shown as solid lines with hatching.
7. All proposed buildings are shown as solid lines with hatching.
8. All proposed parking spaces are shown as solid lines.
9. All proposed landscaping is shown as solid lines.
10. All proposed utilities are shown as solid lines.

**NOTICE TO CONTRACTORS**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEYING INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL COUNSEL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TAX INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HISTORICAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ARCHITECTURAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENGINEERING INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LANDSCAPE ARCHITECTURE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PLANNING INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY POLITICAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOCIAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ECONOMIC INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CULTURAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECREATION INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EDUCATION INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HEALTH INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WELFARE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HISTORICAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ARCHITECTURAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENGINEERING INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LANDSCAPE ARCHITECTURE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PLANNING INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY POLITICAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOCIAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ECONOMIC INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CULTURAL INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECREATION INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EDUCATION INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HEALTH INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WELFARE INFORMATION.

**PROPERTY DATA**

Area to Former Title Lines  
 1,498,546 S.F. or 32.7948 ACRES  
 1,415,536 S.F. or 32.4662 ACRES





NOTE: THIS MAP IS A REPRODUCTION OF THE ORIGINAL RECORDS. DATA IS AS SHOWN ON THE ORIGINAL RECORDS.

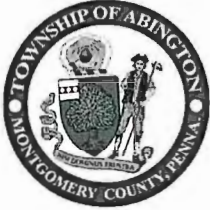
SHEET NO. 55  
 OF 55  
 PROJECT NO. 2009-0001  
 DATE: JAN. 2, 2011

**AERIAL EXHIBIT**  
**ROYAL WATERS**  
 PREPARED FOR  
**PRESBY'S INSPIRED LIFE**  
 ARLINGTON TOWNSHIP, MONTGOMERY COUNTY, PA.

DATE	NO.	REVISIONS

SCALE: 1" = 100'  
 0 50 100 200  
 CHARLES E. SHOEMAKER, INC.  
 ENGINEERS & SURVEYORS  
 1001 LODGE HILL ROAD  
 ARLINGTON, PA. 19001  
 PHONE: 215-261-1100 FAX: 215-276-7291  
 E-MAIL: info@cesh.com

RECORD OWNER  
 PHOENIXIA PISCITERNI  
 HOMER, INC.  
 1/A PRESBY'S INSPIRED LIFE  
 2009 JOSHUA ROAD  
 LEAVERTS HILL, PA 19114  
 THE AGENTS  
 REAL ESTATE BOARD # 1



CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE

AGENDA ITEM

12-06-17

CE-04-120617

DATE

AGENDA ITEM NUMBER

Administration

DEPARTMENT

FISCAL IMPACT

Cost > \$10,000.

Yes

No

PUBLIC BID REQUIRED

Cost > \$19,700.

Yes

No

AGENDA ITEM:

Ordinance No. 2150 Amending Chapter 162, "Zoning," At Article XXI- "Use Regulations," And the Use Matrix Appendix: Repealing and Replacing Article XXVIII – "Wireless Communications" And Repealing Ordinances #1793 and #1800

EXECUTIVE SUMMARY:

Please see attached memorandum from Rudolph Clarke regarding the draft DAS Ordinance.

PREVIOUS BOARD ACTIONS:

RECOMMENDED BOARD ACTION:

Consider Authorizing Advertisement of An Ordinance Amending Chapter 162, "Zoning," At Article XXI- "Use Regulations," And the Use Matrix Appendix: Repealing and Replacing Article XXVIII – "Wireless Communications" And Repealing Ordinances #1793 and #1800

**TOWNSHIP OF ABINGTON  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2150**

**AN ORDINANCE AMENDING CHAPTER 162, “ZONING,” AT ARTICLE XXI –  
“USE REGULATIONS,” AND THE USE MATRIX APPENDIX; REPEALING AND  
REPLACING ARTICLE XXVIII – “WIRELESS COMMUNICATIONS” AND  
REPEALING  
ORDINANCES #1793 AND #1800**

**WHEREAS**, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code ("Code") at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

**WHEREAS**, the Board of Commissioners of the Township of Abington has determined that Chapter 162 – “Zoning,” should be amended at Article XXI – “Use Regulations,” Section 2103 – “Categories of Permitted Uses,” and at the Use Matrix Appendix; and that Article XXVII – “Wireless Communications,” should be repealed and replaced, and Ordinances #1793 and #1800 should be repealed in their entirety for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

**NOW, THEREFORE**, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

**TOWNSHIP OF ABINGTON  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2150**

**AN ORDINANCE AMENDING CHAPTER 162, “ZONING,” AT ARTICLE XXI –  
“USE REGULATIONS,” AND THE USE MATRIX APPENDIX; REPEALING AND  
REPLACING ARTICLE XXVIII – “WIRELESS COMMUNICATIONS” AND  
REPEALING  
ORDINANCES #1793 AND #1800**

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**WHEREAS**, the Board of Commissioners of the Township of Abington has determined that Chapter 162 – “Zoning,” should be amended at Article XXI – “Use Regulations,” Section 2103 – “Categories of Permitted Uses,” and at the Use Matrix Appendix; and that Article XXVII – “Wireless Communications,” should be repealed and replaced, and Ordinances #1793 and #1800 should be repealed in their entirety for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

**NOW, THEREFORE**, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. Chapter 162 – “Zoning,” shall be amended at Section 2103 – “Categories of Permitted Uses,” to delete the following uses:

**Use A-2D** Telecommunications Towers

**Use A-2F** Roof or Structure Mounted Telecommunications Equipment.

2. Chapter 162 – “Zoning,” shall be amended at Section 2103 – “Categories of Permitted Uses,” to add the following uses:

**Use A-2D.1** Tower-Based Wireless Communication Facility: Wireless communications facilities that include the installation of a new tower to support the transmission equipment.

**Use A-2D.2** Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Use A-2D.3** Monopole with a diameter of less than 10 feet as measured at its base

1. A tower which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.
2. Such Monopoles may be placed within the ROW, subject to the provisions of Article XXVIII.

**Use A-2D.4** Monopole with a diameter of 10 feet or more, as measured at its base:

1. A tower which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.
2. Such Monopoles may not be placed within the ROW and must conform to the standards set forth in Article XXVIII.

**Use A-2D.5** Distributed antenna systems (DAS): a network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area of the structure, also known as small cell networks.

1. When placed on an existing utility pole, DAS units shall not increase the height of the pole to more than 45 feet, to a maximum of 50 total feet, including all antennas and associated equipment. DAS units or facilities may be placed on any existing utility pole in

the Township, provided that the Applicant complies with all standards set forth in Article XXVIII.

2. When a new pole is proposed to be placed in the ROW, the maximum height of the pole may not exceed 45 feet, to a maximum of 50 total feet, including all antennas and associated equipment. New poles may not be placed within 25 feet of an existing utility pole.
  3. For purposes of this section, replacement of an existing utility pole with a new pole that is identical to the existing pole in height and diameter for the purposes of placement of DAS units shall be considered placement on an existing pole.
  4. Where possible, all accessory equipment shall be pole mounted rather than ground mounted and shall not cause any pedestrian obstructions or sight line interference for vehicular traffic.
3. Chapter 162 – “Zoning,” shall be amended at the Use Matrix Appendix, as follows:
- a. References to Uses A-2d – “Telecommunications Towers,” and A-2F “Roof or Structure Mounted Telecommunications Equipment” shall be deleted.
  - b. Use A-2D.1 – “Tower-Based Wireless Communication Facility,” shall be added, and permitted by conditional use approval in the following Zoning Districts: AO, BC: Abington Town Center; BC: Foxcroft; BC: Huntingdon Valley; BC: Noble; BC: Willow Grove Park; MS-H; MS-L; MS-VC.
  - c. Use A-2D.2 – “Alternative Tower Structure,” shall be added and permitted by right in the following Zoning Districts: AO; BC: Lots < 1 acre; BC: Abington Town Center; BC: Foxcroft; BC: Huntingdon Valley; BC: Noble; BC: Willow Grove Park; MS-H; MS-L; MS-VC; RC.
  - d. Use A-2D.3 – “Monopole with a diameter of less than 10 feet,” shall be added and shall be permitted by conditional use in the following Zoning Districts: AO; BC Lots < 1 Acre; BC: Abington Town Center; BC: Foxcroft; BC: Huntingdon Valley; BC: Noble; BC: Willow Grove Park; CS; RC; SI-G; SI-W; MS-H; MS-L; MS-VC.
  - e. Use A-2D.4 – “Monopole with a diameter of 10 feet or more,” shall be added and shall be permitted by conditional use approval in the following Zoning Districts: AO, BC: Abington Town Center; BC: Foxcroft; BC: Huntingdon Valley; BC: Noble; BC: Willow Grove Park; MS-H; MS-L; MS-VC.
  - f. Use A-2D5 – “Distributed antenna systems (DAS)” shall be added and permitted in all Zoning Districts.
4. Chapter 162 – “Zoning” shall be amended to repeal the existing provisions set forth at Article XXVIII – “Wireless Communications,” and replace them with the provisions set forth at Exhibit “A” hereto.

5. Ordinances #1793 and #1800 of the Township of Abington are hereby repealed.
6. This Ordinance shall become effective five (5) days after enactment.

**ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

TOWNSHIP OF ABINGTON  
BOARD OF COMMISSIONERS

Attest:

\_\_\_\_\_  
Richard J. Manfredi, Secretary  
President

By: \_\_\_\_\_  
Wayne C. Luker,

## Exhibit

### “A”

#### **Section 2800 - Intent**

- A. The purposes of this ordinance include a desire to establish reliable, uniform standards for the construction, siting, design, permitting, maintenance, and use of wireless communication facilities in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”) Pub. L. No. 112-96, 126 Stat. 156 (2012), and regulations promulgated thereunder by the Federal Communications Commission (“FCC”), including the FCC’s Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191), 53 P.S. § 11702.1 *et seq.* (“WBCA”) in Abington Township. Moreover, the Township desires to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communications needs of the Township’s residents, businesses and emergency service providers. While the Township recognizes the benefit of wireless communication facilities in providing high quality communications service and enhancement to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. By enacting these provisions, the Township intends to:
- (1) Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision for necessary services;
  - (2) Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
  - (3) Establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based Wireless Communications Facilities in the Township, including facilities both inside and outside the public rights-of-way;
  - (4) Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other communications facilities;
  - (5) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by encouraging competing providers of wireless communications services to co-locate their commercial communications antennas and related facilities on existing towers;



- (6) Promote the health, safety and welfare of the Township's residents and businesses with respect to wireless communication facilities;
- (7) Protect the Township's residents and businesses from the potential adverse impacts of wireless communication facilities and to preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and
- (8) Ensure compliance with Federal and State regulation.

C. Applicability. All new towers or antennas shall be subject to these regulations, except as follows:

- (1) Amateur Radio Station Operators/Receive Only Antennas. This Ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (2) Pre-Existing Towers or Antennas. Except as set forth in Section 2806 herein, pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Ordinance, unless there is a substantial change in such tower or antenna, or as required by applicable State or Federal law.
- (3) AM Array. For purposes of implementing this Ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

#### **Section 2801 - Definitions.**

For the purposes of this Part, the following terms shall be defined as follows:

*Accessory Equipment:* Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.

*Alternative Tower Structure:* Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

*Antenna:* Telecommunications equipment that transmits and receives electromagnetic radio signals, digital signals, analog signals, radio frequencies (excluding radar signals), and used in the provision of all types of wireless telecommunications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

*Base Station:* A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the Borough under this subpart, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the Borough under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

*Backhaul Network:* The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

*Collocation:* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

*Distributed antenna systems (DAS):* a network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area of the structure, also known as small cell networks.

*Eligible Facilities Request:* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

*Emergency:* A condition that (i) constitutes a clear and immediate danger to the health, welfare, or safety of the public or (ii) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

*Equipment Compound:* An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

*FAA:* Federal Aviation Administration.

*FCC:* Federal Communications Commission.

*Ft. Worth Attachment:* A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical transmission tower.

*Height:* The vertical measurement from the mean level of the finished grade surrounding the WCF if ground-mounted, or the higher of a roof or parapet if building-mounted, to the highest part of the WCF, Monopole, Tower or other Wireless Support Structure, including any base pad or antenna.

*Modification or Modify:* The improvement, upgrade or expansion of 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.

*Monopole:* A tower which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

*Non-Tower Wireless Communications Facilities (Non-Tower WCF):* Wireless communications facilities other than Tower-Based Wireless Communications Facilities.

*Pre-existing Towers or Pre-existing Antennas:* Any tower or antenna for which a building permit or conditional use approval has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

*Replacement:* The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

*Right-of-Way (ROW):* The surface of and space above and below any real property in the municipality in which the Federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase “in the right(s)-of-way” means in, on, over, along, above and/or under the Right(s)-of-Way.

*Site:* For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

*Stealth Technology:* State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

*Substantial Change OR Substantially Change:* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new

equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) it entails any excavation or deployment outside the current site.

*Tower:* Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A Ft. Worth Attachment shall not be considered a tower. For purposes of this Article, the term tower shall not include monopoles or DAS facilities.

*Tower-Based Wireless Communications Facilities (Tower-Based WCF):* Wireless communications facilities that include the installation of a new tower to support the transmission equipment.

*Transmission Equipment:* Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

*Wireless:* Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

*Wireless Communications Facility (WCF):* The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure. The term shall collectively refer to all Tower-Based and Non-Tower-Based structures, Monopoles, DAS facilities and antennas.

*Wireless Support Structure:* A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water

tower or other structure not classified as a wireless support structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.

**Section 2802 – General Standards and Requirements**

- A. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. This section shall not be interpreted in such a way relieve any Applicant from any other requirements set forth in this Article, including but not limited to set back requirements, use regulations, or lot size requirements.
- B. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system within the Township have been obtained and shall file a copy of all required franchises with the Code Enforcement Department.

**Section 2803 - Bulk and Area Requirements**

**Figure 28.1**

**Height, Lot Size, Setback Requirements based on type of WCF**

		<b>Tower Based WCF</b>	<b>Monopole in ROW</b>	<b>Monopole out of ROW</b>	<b>DAS (either in or out of ROW)</b>	<b>Alternative Tower Structure/Non-Tower Based WCF</b>
<b>Height</b>		If permitted in the zoning district, Tower-Based WCFs shall be designed to minimum functional height but not to exceed 150 feet. Applicants must submit documentation justifying the total height.	If permitted in the zoning district, Monopole facilities shall be designed to minimum functional height, not to exceed 75 feet on a new or existing utility pole or structure, with a maximum height of 80 feet for all associated equipment, including antennas. Applicants must submit documentation justifying the total height.	If permitted in the zoning district, Monopole facilities shall be designed to minimum functional height, not to exceed 100 feet on a new or existing utility pole or structure, with a maximum height of 110 feet for all associated equipment, including antennas. Applicants must submit documentation justifying the total height.	If permitted in the zoning district, DAS facilities shall be designed to minimum functional height, not to exceed 45 feet on a new or existing utility pole or structure, with a maximum height of 50 feet for all associated equipment, including antennas. Applicants must submit documentation justifying the total height.	If permitted in the zoning district, DAS facilities shall be designed to minimum functional height, not to exceed 45 feet on a new or existing utility pole or structure, with a maximum height of 50 feet for all associated equipment, including antennas. Applicants must submit documentation justifying the total height.
<b>Lot Size</b>	Only Use on Lot		Subject to underlying zoning district	NA	NA	NA
	Combined with Another Use on Lot	Area needed to accommodate the WCF and guy wires (if approved), equipment building or cabinets, security fence, and buffer planting.	NA	Area needed to accommodate the WCF, equipment building or cabinets, security fence, and buffer planting.	NA	NA



<b>Set Back</b>	<b>WCF</b>	Setback from property lines at least 100% of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	10 feet from curb line or edge of roadway	Setback from property lines at least 100% of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	10 feet from curb line or edge of roadway	Subject to applicable minimum building setback in the underlying zoning district
	<b>Equipment Buildings/cabinets</b>	Subject to applicable minimum building setback in the underlying zoning district	10 feet from curb line or edge of roadway	Subject to applicable minimum building setback in the underlying zoning district	10 feet from curb line or edge of roadway	Subject to applicable minimum building setback in the underlying zoning district

**Section 2804 - Design, Construction and Operations**

- A. All WCFs shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable federal and state technical and safety codes. If such standards and regulations are changed, the owner(s) of the WCFs governed by this Ordinance shall bring such WCFs into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency.
- B. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot.
- C. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communication services.
- D. Collocation. Tower-based WCFs shall be designed to accommodate both the WCF applicant's antennas and comparable antennas for future users. As a condition of approval for all Tower-based WCFs, the WCF applicant shall agree to allow other service providers to collocate antennas on Tower-based WCFs where technically and economically feasible.

- E. Signage. Tower-based WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and FCC registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Township, and is limited to a maximum size of two (2) square feet. WCFs located within the right of way shall have the same sign or label affixed to the WCF, limited to the maximum size necessary to legibly provide the required information. Such signage shall not protrude from the tower or the WCF and is subject to approval by the Township. No other signage shall be permitted on any tower-based WCF.
- F. Lighting. A WCF shall not be artificially lighted beyond what is required by law or standards promulgated by the FAA. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.
- G. Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by State law and Township Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis. The use of generators for WCFs within the rights-of-way is prohibited.
- H. Access.
- (1) An access drive and one off-street parking space shall be provided to ensure adequate emergency and service access to Tower-based WCFs.
  - (2) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
  - (3) Where possible, access drive construction shall at all times minimize ground disturbance and the cutting of vegetation.
  - (4) Access drive grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
  - (5) Where applicable, the WCF owner shall present documentation to Township that the property owner has granted an easement for the proposed facility and maintenance responsibilities.
  - (6) The access easement shall be a minimum of 20 feet in width and the access drive shall be improved with a dust-free, all weather surface to a width of at least 10 feet throughout its entire length.
  - (7) Vehicular access to the WCF shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot. However, where appropriate and available, existing parking for the principal use may be utilized.

- I. Fencing. A security fence with a minimum height of eight (8) feet shall surround any Tower-based WCF or monopole, including guy wires, associated equipment, and buildings. All fencing must be in accordance with the provisions of the Township Code.
- J. Mounting. Any applicant proposing a non-tower WCF to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the non-tower WCF will be mounted on the structure for review by the Township building codes office and/or the Township Engineer for compliance with the building code.
- K. Safety in Rights-of-Way.
  - (1) Schedule of operations. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all WCFs in the right-of-way based on public safety, traffic management, physical burden on the right-of-way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
  - (2) Emergency. Within 60 days following written notice from the Township, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
    - i) The construction, repair, maintenance or installation of any municipal or other public improvement in the right-of-way.
    - ii) The operations of the Township or other governmental entity in the right-of-way.
    - iii) Vacation of a street or road or the release of a utility easement.
    - iv) An emergency as determined by the Township.
    - v) No permit is required for such removal, relocation, change or alteration ordered by the Township.
- L. Visual obstruction. All WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township. When feasible, all equipment shall be pole mounted prior to ground mounting the equipment. For WCFs located within the right-of-way, no ground-mounted equipment may extend or protrude past the associated WCF to the edge of the curb or cartway.

- M. Maintenance. The WCF applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.
- N. Soil report. A soil report complying with the standards of geotechnical investigations of the Electronics Industry Association and Telecommunications Industry Association, shall be submitted to the Township Engineer prior to construction to document and verify the design specifications of the foundation for the wireless support structure and anchors for the guy wires, if used.
- O. Interference. No WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties. In the event that the WCF causes interference with the radio or television reception within the Township, the WCF applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.
- P. Aviation safety. All WCFs shall comply with Federal and State laws and regulations concerning aviation safety.
- Q. Building Codes, Safety Standards and Inspections.
- (1) The owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes.
  - (2) Upon request, a copy of the most recent inspection report shall be provided to the Township. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Township.
  - (3) In accordance with and subject to existing law, the Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Chapter and any other provisions found within the Township code, State, or Federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance
  - (4) If, upon inspection, the Township concludes that a WCF fails to comply with applicable Township codes, or State or Federal law, then upon notice being provided to the owner of the WCF, the owner shall have thirty (30) days to bring such WCF into compliance with such standards.
- R. Historic buildings or districts. A WCF shall not be located upon a property, and/or on a building or structure that is listed on either the Township, National, Pennsylvania or County Registers of Historic Places.

S. Permitting. A permit from the Township shall be required for the construction, erection, modification, replacement or installation of each and all WCFs and wireless support structures. In addition to all other permit requirements under this Chapter, a permit application for a WCF shall not be approved or considered complete unless the Township finds that the applicant has complied with all of the following conditions, as applicable:

- (1) Collocation. An application for a new Tower-Based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be collocated on an existing or approved structure or building within a one (1) mile radius of the proposed tower-based WCF location to achieve the coverage or capacity objectives of the applicant.
- (2) Authorization. An applicant for all WCFs shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed facility on the subject property.
- (3) Licensing and applicable regulations. When applicable, an applicant must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses, including the name, address, and emergency telephone number for the operator of the facility.
- (4) Emissions. The applicant shall demonstrate that the proposed WCF, by itself or in conjunction with other WCFs, complies with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.
- (5) Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect. The owner/operator shall maintain adequate insurance coverage at all times, which shall be deliverable to the Township upon request.
- (6) Engineer Inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed WCFs 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 structure. This certification shall be provided during the conditional use hearing or, at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.

- (7) Impervious Surface Coverage. Any increase in the existing impervious surface coverage of the property by more than 5%, any increase that brings the total impervious coverage over the maximum allowed in the underlying zoning district, or any increase of a pre-existing non-conformity shall require that the Applicant obtain a Stormwater Management Permit prior to any construction.

### **Section 2805 - Aesthetics**

- A. Stealth Technology. The WCF shall employ the most current stealth technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. All utility buildings and accessory structures shall be designed to blend into the environment in which they are situated. All proposed Tower-Based WCFs must provide documentation detailing the proposed stealth technology. If an alternative tower antenna is installed, the antennal and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- B. Towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obstructions. DAS antennas shall be painted a neutral color so as to reduce visual obstructions and glare.

### **Section 2806 - Replacement, Collocation, or Modification**

- A. Notwithstanding the requirements for Tower-Based WCF and all other WCFs, as set forth in this sub-part, an application for replacement, collocation or modification of a previously approved wireless support structure or wireless communication facility shall be reviewed for conformance with the Township building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved WCFs shall not be subject to the issuance of new zoning or land use approvals, provided that there is no substantial change.
- B. Replacement, collocation or modification of WCFs on existing wireless support structures or within existing equipment compounds may be performed by the applicant

without obtaining a zoning permit from the Township, provided that there is no substantial change.

- C. To the extent permissible under applicable State and Federal law, any WCF Applicant proposing the modification of an existing WCF, resulting in any increase in the overall height of such WCF, shall first obtain all necessary permits and approvals from the Township. Non-routine modifications shall be prohibited without prior approval from the Township.
  
- D. The Township may administratively approve an application for the placement of an antenna on an existing structure, including existing towers, and including the placement of additional buildings or other supporting equipment used in connection with said antenna, in any zoning district in which WCFs are permitted as a use by right or are located on a pre-existing tower, subject to the following:
  - (1) The antenna does not extend more than eight (8) feet above the highest point of the structure;
  - (2) The antenna complies with all applicable FCC and FAA regulations;
  - (3) The antenna complies with all applicable building codes;
  - (4) If the antenna is to be placed on an existing Tower-Based WCF:
    - i. A tower which is modified or reconstructed to accommodate the collocating of an additional antenna shall be of the same tower type as the existing tower;
    - ii. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height or a maximum combined height of 150 (150) feet, to accommodate the collocation of an additional antenna; and
    - iii. The tower's pre-modification height shall be used to calculate distance separations.
  - (5) All applications for approval pursuant to this section shall be submitted to the Township Code Enforcement Department, and shall be accompanied by non-refundable fee as established by resolution of the Board of Commissioners to reimburse the Township for the costs of reviewing the application.

#### **Section 2807 –Conditional Use Requirements**

- A. Where conditional use approval is required, a separate conditional use application must be filed for each separate WCF sought to be constructed and installed.

B. Prior to the Board's approval of a conditional use authorizing the construction and installation of a Tower-Based WCF, the applicant must provide the following along with a conditional use application:

- (1) A propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
- (2) Documentation demonstrating that the proposed WCF complies with all State and Federal laws and regulations concerning aviation safety and designed to withstand the effects of wind according to the standard designed by the American National Standards Institute.
- (3) Where the WCF is located on a property with another principal use, the WCF Applicant shall present documentation to the Board of Commissioners that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility, as set forth in this Chapter.
- (4) Documentation and other evidence demonstrating that the proposed WCF complies with all applicable provisions in this Chapter including but not limited to height requirements, design, construction and operation requirements, safety requirements, and aesthetic, landscaping, and screening requirements. This shall include a scaled site plan clearly indicating the location, type and height of the proposed WCF, on-site land uses and zoning, adjacent land uses and zoning (including adjacent properties located in other municipalities), Master Plan classification of the site and all properties within the applicable separation distances as set forth herein, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Code Enforcement Department to be necessary to assess compliance with this Ordinance.
- (5) Legal description of the parent tract and leased parcel (if applicable).
- (6) The setback distance between the proposed WCF and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties. The setback distance for all towers/monopoles shall be equal to at least 75% of the height of the tower/monopole from any adjoining lot line. The setback distance for guys and accessory buildings/equipment must satisfy the minimum setback of the underlying zoning district.
- (7) The separation distance from other existing towers/monopoles along with the type of construction of the existing tower(s)/monopole(s) and the owner/operator of the existing tower(s)/monopole(s), if known.



- i. Separation from off-site uses/designated areas.
  - 1. Tower/monopole separation shall be measured from the base of the tower/monopole to the lot line of the off-site uses and/or designated areas as specified in Figure 28.2 below.
  - 2. Separation requirements for towers/monopoles shall comply with the minimum standards established in Figure 28.2 below.

Figure 28.2  
Separation Distance Required by Use or Zoning District

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential uses <sup>1</sup>	200' or 300% of tower/monopole <sup>2</sup> , whichever is greater
Vacant single family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired.	200' or 300% of tower/monopole <sup>2</sup> , whichever is greater
Vacant unplatted residentially zoned lands <sup>3</sup> .	100' or 100% of tower/monopole, whichever is greater
Existing multi-family residential units greater than duplex units	100' or 100% of tower/monopole, whichever is greater
Nonresidentially zoned lands or nonresidential uses.	None; only setbacks apply

- 1 includes modular homes and mobile homes used for living purposes.
- 2 Separation measured from base of tower/monopole to closest building setback line
- 3 Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

- (ii) Separation distances between towers/monopoles.
  - 1. Separation distances towers/monopoles shall be applicable for and measured between the proposed tower/monopole and preexisting towers/monopoles. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower/monopole and the proposed base, pursuant to a site plan, of base, pursuant to a site plan, of the proposed tower/monopole. The separation distances (listed in linear feet) shall be as shown in Figure 28.3 below.

Figure 28.3  
Existing WCFs: Types

	Lattice	Guyed	Monopole 75' in Height or Greater	Monopole Less than 75' in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75' in Height or Greater	1,500	1,500	1,500	750

Monopole Than 75' Height	Less in	750	750	750	750
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- (8) A landscape plan showing specific landscape materials. The following requirements shall govern the landscaping surrounding WCFs for which a conditional use permit is required:
- i. WCF facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the WCF compound from property used for residences. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound.
  - ii. An evergreen screen shall be created by planting trees (a minimum of six feet [6'] tall at planting that will grow to a minimum of fifteen feet [15'] tall at maturity) on ten foot (10') centers maximum around the perimeter of the security fence.
  - iii. Ground mounted equipment associated with, or connected to, a tower-based WCF shall be screened from public view using landscaping and/or screening, as described above.
    - i. In lieu of an evergreen screen, the Board of Commissioners may instead approve the use of an artificial screen, topography, walls, decorative fences or other features.
    - ii. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived.
    - iii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (9) Method of fencing, finished color and, if applicable, the method of camouflage and illumination. WCFs shall be enclosed by security fencing not less than eight feet in height and shall also be equipped with an appropriate anti-climbing device.
- (10) A notarized statement by the applicant as to whether construction of the WCF will accommodate collocation of additional antennas for future users.
- (11) A description of the suitability of the use of existing WCFs, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (12) Gap in Coverage, Lack of Adequate Capacity, and Lack of Alternatives.  
An applicant for a Tower-Based WCF, where required, must demonstrate that a significant gap in wireless coverage exists or lack of adequate capacity is likely to exist within six (6) months of the filing of its application. It shall be incumbent upon the applicant to prove to the reasonable satisfaction of the Board of Commissioners that the applicant cannot adequately extend or infill its communications system by the use of equipment such as radios, repeaters, antenna(s), DAS facilities and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The applicant shall further demonstrate that the proposed Tower-Based

WCF must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.

- (13) Identification of the entities providing the backhaul network for the WCF(s) described in the application and other cellular sites owned or operated by the applicant within the Township.
  - (14) A description of the feasible location(s) of future WCFs or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- C. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
  - D. An applicant for a conditional use permit shall submit the information described in this section and a non-refundable fee as established by resolution of the Board of Commissioners to reimburse the Township for the costs of reviewing the application.
  - E. Public Notice for Conditional Use Hearings. Public notice for all conditional use applications submitted pursuant to this Article shall require notice be provided to all abutting property owners and all owners of property that are located within the corresponding separation distance listed in Figure 28.3: Existing WCFs – Types, in this article, in addition to any notice otherwise required by the Zoning Ordinance and/or the Pennsylvania Municipalities Planning Code.
  - F. Factors to be considered by the Board of Commissioners in considering conditional use application. In addition to any standards for consideration of conditional use permit applications pursuant to §1806 – Conditional Uses, the following factors shall be considered in determining whether to issue a conditional use permit,:
    - (1) Height of the proposed WCF;
    - (2) Proximity of the WCF to residential structures and residential district boundaries;
    - (3) Nature of uses on adjacent and nearby properties;
    - (4) Surrounding topography;
    - (5) Surrounding tree coverage and foliage;
    - (6) Design of the WCF, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
    - (7) Proposed ingress and egress; and
    - (8) Availability of suitable existing WCF, other structures, or alternative technologies not requiring the use of towers or structures. No new WCF shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Commissioners that no existing WCFs, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board of Commissioners related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
      - i. No existing WCFs or structures are located within the geographic area which meets applicant's engineering requirements.
      - ii. Existing WCFs or structures are not of sufficient height to meet applicant's engineering requirements.

- iii. Existing WCFs or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing WCF or structures, or the antenna on the existing WCF or structures would cause interference with the applicant's proposed antenna.
- v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new WCF development are presumed to be unreasonable.
- vi. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new WCF or antenna development shall not be presumed to render the technology unsuitable.

(9) In granting a conditional use approval, the Board of Commissioners may impose conditions to the extent the Board of Commissioners concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

- B. Conditional Use Approval for WCFs in Right-of-Way. In addition to the requirements set forth herein, WCFs located within a right-of-way are permitted as set forth in the Use Matrix Appendix to the Abington Township Zoning Ordinance unless the primary components of utilities, including but not limited to the main utility lines, are located underground within one hundred feet (100') of the proposed WCF or base station. Documentation evidencing the location of surrounding utilities shall be provided by the applicant with the conditional use application.
- C. Reimbursement for right-of-way use. In addition to permit fees as described in this section, every WCF in a right-of-way is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for the right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.
- D. Guy Wires Approval. Guy wires may only be used for WCFs upon conditional use approval for the use of guy wires. Documentation evidencing the need for the guy wires and a description of the guy wire installation must be provided by the applicant with the conditional use application.

- A. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
1. The cabinet or structure shall not contain more than 144 square feet of gross floor area or be more than 8 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 8 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
  2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.
  3. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- B. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
1. In residential districts, the equipment cabinet or structure may be located:
    - i. Where possible, accessory equipment shall be pole mounted rather than ground mounted.
    - ii. In a front or side yard, provided the cabinet or structure is no greater than 8 feet in height or 144 square feet of gross floor area and the cabinet/structure is located a minimum of 15 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and planted height of at least 36 inches.
    - iii. In a rear yard, provided the cabinet or structure is no greater than 8 feet in height or 144 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.
  2. In nonresidential districts, the equipment cabinet or structure shall be no greater than 8 feet in height or 144 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches. Structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.
  3. In all districts, the equipment cabinet or structure shall not interfere with pedestrian access or sight lines for vehicular traffic.
- C. Antennas Located on Tower-based WCF. The related unmanned equipment structure shall not contain more than 144 square feet of gross floor area or be more than 8 feet in height, and shall be located in accordance with minimum yard requirements of the underlying zoning district.
- D.

## **Section 2809 - Discontinuation, Abandonment and Removal**

- A. Nonconforming WCFs. Preexisting towers shall be permitted to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Ordinance.
- B. Damaged or destroyed Nonconforming WCFs. Any nonconforming WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location without further conditional use approval or zoning approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the WCF shall be deemed abandoned.
- C. Discontinuation. In the event that use of a WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
- (1) All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough.
  - (2) If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the legal or equitable owner of the WCF.
  - (3) Any unused portions of WCFs, including antennas, shall be removed within six (6) months of the time of cessation of operations. The Borough must approve all replacements of portions of a Tower-Based WCF previously removed.
- D. Bonding. The facility owner or operator shall post and maintain funds for removal of all structures associated with the WCF in an amount equal to the identified removal costs, as adjusted over time, but in no event less than Five Thousand Dollars (\$5,000.00). The removal funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the Borough. An independent and certified Professional Engineer shall be retained by the applicant to estimate the

cost of removal without regard to salvage value of the equipment. Said estimates shall be submitted to the Borough after the first year of operation and every five (5) years thereafter.



**CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE**

**AGENDA ITEM**

12-06-17

*DATE*

Administration

*DEPARTMENT*

CE-05-120617

*AGENDA ITEM NUMBER*

FISCAL IMPACT

Cost > \$10,000.

Yes

No

PUBLIC BID REQUIRED

Cost > \$19,700.

Yes

No

**AGENDA ITEM:**

Consider Approval of First Amendment to License Agreement between Abington Township and New Cingular Wireless PCS, LLC, Successor By Merger to AT&T Wireless PCS Philadelphia, LLC, d/b/a AT&T Wireless Services.

**EXECUTIVE SUMMARY:**

Please Note – The actual agreement has not yet been finalized.

**PREVIOUS BOARD ACTIONS:**

**RECOMMENDED BOARD ACTION:**

Consider Motion to approve First Amendment to License Agreement between Abington Township and New Cingular Wireless PCS, LLC, successor by merger to AT&T Wireless PCS Philadelphia, LLC, d/b/a AT&T Wireless Services.