



**HATFIELD TOWNSHIP PLANNING COMMISSION
AGENDA
October 19, 2021
7:30 P.M.**

- I. CALL TO ORDER

- II. MINUTES
 - a. Minutes of May 18, 2021
 - b. Minutes of June 15, 2021

- III. SUBDIVISIONS & LAND DEVELOPMENTS
 - a. (21-11) Prime Car Wash, 1250 Bethlehem Pike/Corner of Orvilla & 309, Land Development, Zoned C
 - b. (21-13) Pharmacadence, 1440 Industry Road, Land Development, Zoned LI

- IV. OTHER BUSINESS
 - a. Proposed Ordinance – “Small Wireless Facilities”

- V. ADJOURN



HATFIELD TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 18, 2021

I. CALL TO ORDER

The meeting was called to order by Mr. Zisk at 7:30pm. Other members present were Mr. Allen and Mr. Mininger. Staff was represented by Mr. Amey and Mr. Gross.

II. MINUTES

Upon motion by Mr. Allen and second by Mr. Mininger, the minutes of April 20, 2021 were approved as submitted.

IV. SUBDIVISIONS & LAND DEVELOPMENTS

- a. (21-05) Naplin Seven LP, Lot 1A, Bethlehem Pike & Sterling Drive
- b. (21-06) Naplin Seven LP, Lot 1B, Sterling Drive

These two applications were discussed together due to their adjacency and common ownership. The applicants were represented by their engineer, Rick Stoneback. Mr. Stoneback reviewed the letters from township consultants and noted that he expects to resolve all comments prior to proceeding to the Board of Commissioners. Waivers were discussed without objection, and a fee will be offered in lieu of strict compliance with landscaping requirements. Mr. Stoneback noted that the applicant is willing to pay the appropriate traffic impact fee. He also mentioned that sidewalks would be installed on both Sterling Drive and Bethlehem Pike, and that all public safety requirements mentioned in the Fire Marshal review will be taken care of by the applicants.

Based on the above, a motion to recommend approval was made by Mr. Allen, seconded by Mr. Mininger and passed unanimously.

- b. (21-08) BREIT Industrial Canyon PA1B01 LLC, 3035 Campus Drive (aka Turn 14)

At the request of the applicant, this discussion was deferred to the June meeting.

V. OTHER BUSINESS

None was presented.

VI. ADJOURNMENT

With no further business to transact, the meeting was adjourned at 8:15pm.



HATFIELD TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
June 15, 2021

I. CALL TO ORDER

The meeting was called to order by Mr. Zisk at 7:30pm. Other members present were Mr. Guttenplan and Ms. Miller. Staff was represented by Mr. Amey and Mr. Gross.

II. MINUTES

Action on the minutes of May 18, 2021 was tabled.

IV. SUBDIVISIONS & LAND DEVELOPMENTS

a. (21-08) BREIT Industrial Canyon PA1B01 LLC, 3035 Campus Drive (aka Turn 14)

The applicants were represented by their attorney, Greg Davis. Also present for the applicants was their engineer, Jan Miller. Mr. Davis reviewed the letters from township consultants and noted that all comments will be resolved prior to proceeding to the Board of Commissioners. Waivers were discussed without objection.. The applicant agrees to pay the appropriate traffic impact and landscaping fees. He also agreed that all public safety requirements mentioned in the Fire Marshal review will be taken care of by the applicants.

Based on the above, a motion to recommend approval was made by Ms. Miller, seconded by Mr. Guttenplan and passed unanimously.

V. OTHER BUSINESS

None was presented.

VI. ADJOURNMENT

With no further business to transact, the meeting was adjourned at 8:15pm.



Safety and Code Enforcement Department

Subdivision / Land Development Plan Review

Date: September 23, 2021
To: Aaron Bibro, Hatfield Township Manager
Project: Land Development – Prime Car Wash, 1280 Bethlehem Pike, Hatfield Township
Plan Date: 9/1/2021, no revisions.
Project #: P21-11
Review: # 1

Dear Applicant:

The Hatfield Township Fire Marshal has reviewed the plans for the above referenced project. The plans were reviewed for conformance with the codes and ordinances adopted by Hatfield Township and the Commonwealth of Pennsylvania, as well as established life safety and hazard mitigation practices. Please review the following comments and requirements carefully:

1. The street address for the proposed business will be 1280 Bethlehem Pike, Hatfield, PA 19440;
2. Provide a fire apparatus circulation plan, which includes site ingress from both Bethlehem Pike and Orvilla Road. A fire apparatus specification sheet is attached for you reference;
3. The underground storm water management system in paved areas shall be safely capable of supporting the loads imposed by fire apparatus, including point loads imposed by aerial fire apparatus outrigger stabilization systems. Final design approval is required from the township engineer;
4. Provide conformation from the North Penn Water Authority that a meter vault and separate domestic and fire protection water lines are not required;
5. Provide a complete Fire Protection Permit submittal for the new underground fire main, and if required, the meter vault. The submission shall include a completed permit application, fees, 3 sets of working plans (plan and elevation views for any meter vault and piping) including details on all joint restraints, thrust blocks, valves and meter vaults, and 2 sets of manufactures

cut sheets. The underground fire main permit application submission shall be in accordance with the requirements of NFPA 24/2013, Chapter 4. The underground fire main design and installation shall be in accordance with NFPA 13/2013, Chapter 10 and NFPA 24/2013;

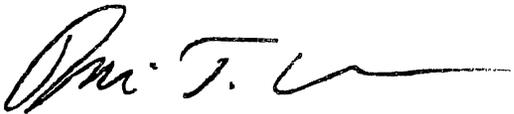
6. The existing traffic signals at Bethlehem Pike and Orvilla Road, and Bethlehem Pike and the 309 Plaza entrance shall be upgraded to meet the current township standards, including, but not limited to 4-way traffic preemption, battery back-up, and a means for generator power input. All traffic signal upgrades shall be approved by the township traffic engineer;
7. Any accessibility features located outside the street right-of-way shall be provided in accordance with the current version of the Pennsylvania Uniform Construction Code;
8. Provide 1 copy of the as-built Land Development drawings on CD in .PDF format to the fire marshal's office prior to the final occupancy inspection.

The inclusion or exclusion of specific code requirements within this review document does not in any way release the applicant from performing all work in accordance with the applicable building and safety codes adopted by Hatfield Township and the Commonwealth of Pennsylvania.

Plan Review Summary

- The plans are **conditionally approved** based on the comments and requirements listed above. Any changes made to the approved plans will require an additional review by the fire marshal.

Regards,



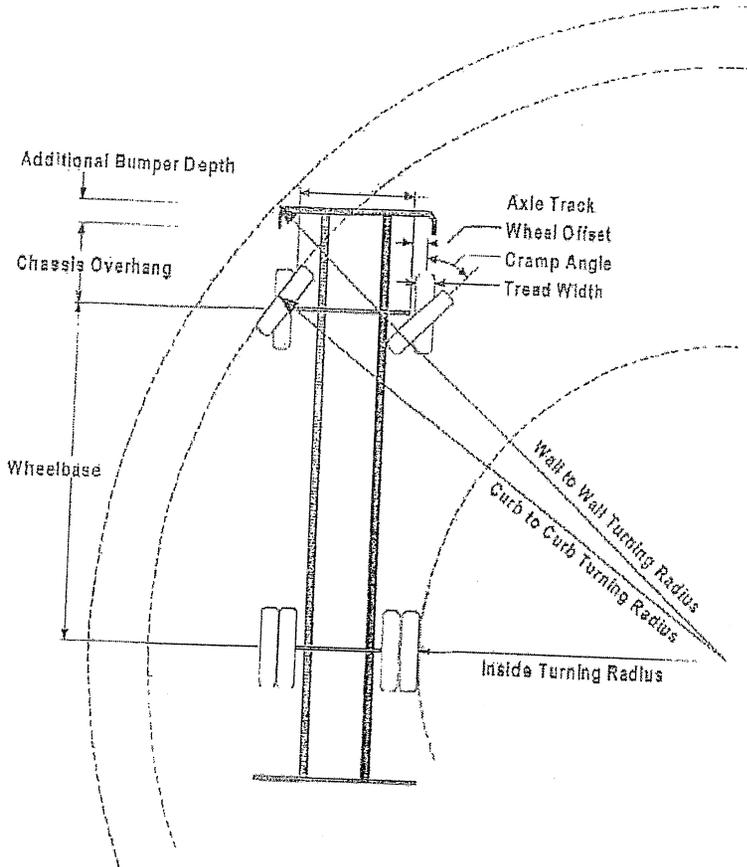
Mikele T. Waldron
Fire Marshal / Fire Code Official
mwaldron@hatfield.org
215-855-0900

cc: Ken Amey, Hatfield Township Planner
Bryan McAdam, CKS Engineers
Schlosser and Clauss Consulting Engineers
Fred Leeds, Prime Philly 1, LLC
Chris Norris, North Penn Water Authority
File



Turning Performance Analysis

12/20/2007



Parameters:

Inside Cramp Angle:	45.00 °
Axle Track:	81.92 in.
Wheel Offset:	4.68 in.
Tread Width:	17.70 in.
Chassis Overhang:	66.02 in.
Additional Bumper Depth:	19.00 in.
Front Overhang:	85.02 in.
Wheelbase:	248.50 in.

Calculated Turning Radii:

Inside Turn:	19 ft. 7 in.
Curb to Curb:	35 ft. 7 in.
Wall to Wall:	39 ft. 11 in.

Comments:

Aerial Application
 EB431 This is just a estimate.

Components	PRIDE #	Description
Front Wheels	0019611	Wheels, Frit, Alum, Alcoa, 22.50" x 12.25" (425/ & 385/)
Front Tires	0001647	Tires, Michelin, 425/65R22.50 20 ply XTE2, Hiway Rib
Chassis	0060022	Dash-Side Door, Tractor Chassis (Tiller), Glider, For (Refurb Only)
Front Bumper	0012243	Bumper, 19" extended - all chassis'
Aerial Device	0120994	Aerial, 105' HDL, 750# Tip Load w/Waterway

Notes:

Actual Inside Cramp Angle may be less due to highly specialized options.

Curb to Curb turning radius calculated for a 9.00 inch curb.

69,500 Lbs GVWR
 21,500 Lbs Front axle
 24,000 Lbs Rear axle
 1998 Pierce Quint
 105' Ladder
 Dash 2000 chassis



Turning Performance Analysis

12/20/2007

Definitions:

Inside Cramp Angle	Maximum turning angle of the front inside tire.
Axle Track	King-pin to king-pin distance of the front axle.
Wheel Offset	Offset from the center-line of the wheel to the king-pin.
Tread Width	Width of the tire tread.
Chassis Overhang	Distance from the center-line of the front axle to the front edge of the cab. This does not include the bumper depth.
Additional Bumper Depth	Depth that the bumper assembly adds to the front overhang.
Wheelbase	Distance between the center lines of the vehicle's front and rear axles.
Inside Turning Radius	Radius of the smallest circle around which the vehicle can turn.
Curb to Curb Turning Radius	Radius of the smallest circle inside of which the vehicle's tires can turn. This measurement assumes a curb height of 9 inches.
Wall to Wall Turning Radius	Radius of the smallest circle inside of which the entire vehicle can turn. This measurement takes into account any front overhang due to the chassis, bumper extensions and/or aerial devices.



McCloskey & Faber, P.C.

Landscape Architecture • Land Planning • Graphic Design

October 7, 2021

Mr. Aaron Bibro
Township Manager
Hatfield Township
1950 School Road
Hatfield, PA 19440

RE: First Landscape Plan Review for **Prime Car Wash – Route 309 Plaza – Bethlehem Pike and Orvilla Road**, Hatfield Township, Montgomery County, PA
M&F Project No. 1089, **Hatfield Project No. P21-11**

Dear Mr. Bibro:

We are in receipt of a Land Development Plan submission, Sheets 1 to 20 of 20 dated September 1, 2021, prepared by Schlosser & Clauss Consulting Engineers, Inc. and received by our office on September 15, 2021. Sheets 11 and 12 of 20 include information specific to landscape development.

The development site is part of a larger 11.2 acre property located in C-Commercial district and RA1-Residential and adjacent to RA1-Residential and TH-Town Homes uses along the southern property boundaries. C-Commercial uses and districts border the eastern property boundary. Existing commercial uses in Hilltown Township are located across Bethlehem Pike.

The Applicant is proposing to construct a 10,311 SF Car Wash building and associated parking and cue lanes. The proposed improvements is an adjustment to previously approved land development, known as Retail Building #3, previously 5,295 SF. As part of the overall site plan revisions to the overall development, Retail Building #2 is proposed to be reduced from 12,000 SF total as previously approved, to 9,500 SF total as currently proposed. The 2,516 SF increase in proposed building area has been reflected in the Compliance Chart. Parking space count remains the same as the previously approved plans.

We have reviewed the revised plans based on the adjusted site plan and utility layout and offer the following comments and recommendations.

1. We recommend for clarification that each of the "Constructed Wetland" areas and Emergency Spillway are clearly depicted and labeled on the Landscape Plan as previously shown.
2. It is unclear why several proposed trees along the eastern side of "Constructed Wetland 1" have been adjusted outside the "Upland Planting" area. In order to help define the

McCloskey & Faber, P.C.

Mr. Aaron Bibro

Hatfield Township Manager

RE: Prime Car Wash – Route 309 Plaza

October 7, 2021

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edge of the constructed wetland area, we believe these trees should be adjusted back to generally align with the previous layout.

3. Location for previously proposed foundation landscaping for Building #3 has been adjusted and the new proposed locations no longer serves the purpose as foundation landscaping. We recommend that location of foundation landscaping plantings is adjusted to be more closely associated with the proposed building.
4. We do not believe there is adequate room for the five shrubs proposed along the eastern side of the building as they mature. This area may be more appropriate for appropriately placed foundation landscape plantings.
5. While the Compliance Chart accounts for the minimum required street trees, the proposed street tree layout does not meet the requirements of Section 250-38.B.(1) that Street trees shall be planted at a minimum of 40 feet and a maximum of 50 feet on center.
 - a. Street trees are shown with an approximate 140-foot gap between street trees along Route 309.
 - b. One of the street trees has been relocated from the street frontage to an island in front of the building.
 - c. Street tree planting design should be revised to meet minimum spacing requirements.
6. Related to the proposed use, the Applicant may wish to consider a different species than previously approved Oak tree species due to acorns. Selected species should be reviewed and approved by this office.
7. Proposed planting locations have been adjusted from the previous design to accommodate the revised building, parking and driveway layout. We believe further adjustment should be considered. For instance, three “HQ” shrubs proposed on the western side of the building appear to have no purpose as located. We recommend that the Project Landscape Architect contact our office to discuss this further.
8. One “AR” tree west of Building #2 should be relocated outside a paved area.
9. Proposed underground storm drainage, water service, and sanitary piping layout has been adjusted to accommodate the revised building and parking lot layout. The landscape design does not meet the requirements of which reads, “*Shade trees, flowering trees, and evergreen trees shall be located ... no less than 10 feet away from any above ground or underground utility line.*” Proposed utility locations require adjustment in order to meet these requirements.

McCloskey & Faber, P.C.

Mr. Aaron Bibro

Hatfield Township Manager

RE: Prime Car Wash – Route 309 Plaza

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10. The parking lot layout was revised and the parking row facing residential was extended. Proposed landscaping in this area should be revised to meet the requirements of Section 250-40-J. to mitigate the visual impact at the perimeter of the property from the surrounding areas.

The above comments are based on our review of the drawings submitted. Future plans are to be revised accordingly. We recommend that the Project Landscape Architect contact our office if further clarification is needed. The Applicant is to address the above comments in conjunction with the landscape related comments from Township Engineer reviews and resubmit revised plans for further review. Further comments may be forthcoming following our review of the revised drawings.

In order to help expedite the review process of the resubmission of the plan, we request the Applicant submit a response letter which addresses each of the above comments. Changes that have been made to the plans that are unrelated to the review comments but impact the landscape design should also be identified in the response letter.

We trust that this landscape plan review letter responds to your request and satisfactorily addresses the landscape ordinance requirements that are apparent to us at this time. If you or the Township have any questions, or require clarification, please contact me.

Very truly yours,



James R. Faber, ASLA
Township Landscape Architect
JRF/kjf

cc: Kenneth Amey, AICP, Zoning Officer/Township Planner (email)
Bryan McAdam, PE, CKS Engineers (email)
Christen Pionzio, Hamburg, Rubin, Mullin, Maxwell and Lupin (email)
Kirk Clauss, Schlosser & Clauss Consulting Engineers, Inc., Project Engineer (email)
Stacey Nash, RLA, Project Landscape Architect (email)
Fred Leeds, Prime Philly I, LLC, Applicant

ORDINANCE NO. ____
HATFIELD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING CHAPTER 282 “ZONING”, ARTICLE XXVI “GENERAL PROVISIONS”, TO ADD SECTION 211.1 “SMALL WIRELESS FACILITIES” FOR THE PURPOSE OF PROVIDING FOR SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY PROVISIONS WITHIN THE HATFIELD TOWNSHIP CODE.

WHEREAS, Hatfield Township has met the procedural requirements of 53 P.S. §10101, et. seq. of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing;

WHEREAS, the First Class Township Code authorizes the Hatfield Township Board of Commissioners to make and adopt ordinances that are consistent with the constitution and the laws of the Commonwealth that it deems necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens;

WHEREAS, Hatfield Township desires to provide a fair and predictable process for the deployment of small wireless facilities within the Public Rights-of-Way, while enabling the Township to promote the management of the rights-of-way in the overall interests of the public health, safety and welfare;

WHEREAS, Hatfield Township recognizes that small wireless facilities within the Public Rights-of-Way are critical to delivering wireless access to advanced technology, broadband, and 911 services to homes, businesses, and schools within the Township;

WHEREAS, Hatfield Township intends to fully comply with Commonwealth and Federal law as it relates to small wireless facilities within the Public Rights-of-Way to the extent it preempts local municipal control;

WHEREAS, the Board of Commissioners, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of the Township will be served by the amendment to the Hatfield Township Zoning Ordinance;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. CODE AMENDMENTS.

A. CHAPTER 282 “ZONING”, ARTICLE XXVI “GENERAL PROVISIONS” IS HEREBY AMENDED TO ADD SECTION 211.1 “SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY” TO READ AS FOLLOWS:

§ 282-211.1. Small Wireless Facilities Within the Public Rights-of-Way.

- A. Purpose. The purpose of this Chapter is to establish policies and procedures for the placement of small wireless facilities and associated utility poles in rights-of-way within the Township of Hatfield’s jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Township’s rights-of-way and the Township as a whole.
- B. Intent. In enacting this Chapter, the Township is establishing uniform standards to address issues presented by small wireless facilities within the Public Rights-of-Way, including, without limitation, to:
- (1) limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain Township corridors, and other public ways and places;
 - (2) limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 - (3) limit interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
 - (4) limit environmental damage, including damage to trees;
 - (5) respect the character of the neighborhoods and other areas in which facilities are installed
- C. Definitions.
- (1) “Antenna” means an apparatus designed for the purpose of emitting radiofrequency (RF) signals, to be operated or operating from a fixed location for the provision of personal wireless service and any commingled information services.
 - (2) “Applicable codes” means zoning, uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes, enacted solely to address imminent threats of destruction of property or injury to persons, to the extent not inconsistent with this Chapter.

- (3) "Applicant" means a person or entity that submits a siting application, and the agents, employees, and contractors of such person or entity.
- (4) "Application" means a request submitted by an applicant to a municipality: (i) for a permit to install or collocate small wireless facilities; or (ii) to approve the installation, modification or replacement of a utility pole associated with a collocated small wireless facility.
- (5) "Code" means the Code of Ordinances of Hatfield Township.
- (6) "Collocate" or "collocation" means to install, mount, maintain, modify or replace small wireless facilities on an existing utility pole or other wireless support structure.
- (7) "Communications service provider" means a cable operator, as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.
- (8) "Day" means calendar day.
- (9) "Emergency" is a condition that: (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the right-of-way to be unusable and result in loss of the services provided.
- (10) "FCC" means the Federal Communications Commission of the United States.
- (11) "Law" means federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.
- (12) "Micro wireless facility" means a wireless facility that meets the following qualifications: (i) does not exceed two cubic feet in volume; and, (ii) has an exterior antenna no longer than 11 inches.
- (13) "Permit" means a written authorization required by the Township to perform an action or initiate, continue, or complete a project.
- (14) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the Township.

- (15) “Rights-of-Way” or “ROW” means the area on, below, or above a roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a federal interstate highway, in the Township.
- (16) “Small wireless facility” means a facility that meets each of the following conditions:
- a. The structure on which antenna facilities are mounted is 50 feet or less in height;
 - b. Each antenna (excluding associated antenna equipment) is cumulatively no more than three cubic feet in volume;
 - c. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume;
 - d. The facility does not require antenna structure registration under 47 CFR Part 17; and
 - e. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).
- (17) “Township” means Hatfield Township, Montgomery County, Pennsylvania.
- (18) “Utility pole” means a pole or similar structure that is used in whole or in part for the purpose of carrying or providing lateral support to electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting.
- (19) “Wireless facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated.
- (20) “Wireless infrastructure provider” means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.
- (21) “Wireless provider” means a wireless infrastructure provider or a wireless services provider.
- (22) “Wireless services” means any services, whether at a fixed location or mobile, provided to the public using wireless facilities.

- (23) “Wireless services provider” means a person who provides wireless services.
- (24) “Wireless support structure” means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; existing billboard; or, other existing or proposed, permitted structure designed to support or capable of supporting wireless facilities. Such term shall not include a utility pole.

D. Permitted Use; Application and Fees.

- (1) Permit Required. No person shall place a small wireless facility or associated utility pole in the ROW, without first filing an application and obtaining a permit therefore, except as otherwise provided in this Chapter.
- (2) Application. All applications for permits filed pursuant to this Chapter shall be on a form, paper or electronic, provided by the Township. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly.
- (3) Application Requirements. An application shall be made by the wireless provider or its duly authorized representative, and shall contain the following:
 - a. The wireless provider’s name, address, telephone number, and e-mail address;
 - b. The applicant’s name, address, telephone number, and e-mail address, if different than the wireless provider, and its interest in the work;
 - c. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
 - d. A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
 - e. A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the ROW, including any manholes or poles, the size, type, and depth of any conduit or enclosure.
 - f. An attestation that the small wireless facilities will be fully constructed by a wireless services provider within one year after the permit issuance date, unless the Township and the applicant agree to extend this period.
 - g. An attestation that, to the best of the applicant’s knowledge, the information contained in the application is true.

- (4) **When Application Not Required.** An application shall not be required for: (i) routine maintenance; (ii) the replacement of a small wireless facility with another small wireless facility that is substantially similar or the same size or smaller and still qualifies as a small wireless facility; or (iii) for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code.
- (5) **Application Fees.** All applications for permits shall be accompanied by a fee of \$500 for a single up-front application that includes up to five (5) small wireless facilities, with an additional \$100 for each small wireless facility beyond five; and \$1,000 in non-recurring fees for each new or replacement utility pole. Fees must be in compliance with the Act and can be changed by Resolution of the Hatfield Township Board of Commissioners.
- (6) **Right-of-Way Management Fee.** The owner of the small wireless facilities shall pay a Right-of-Way Management Fee of \$270.00 per small wireless facility by January 30th of every year. Fees must be in compliance with the Act and can be changed by Resolution of the Hatfield Township Board of Commissioners.
- (7) **Consolidated Applications.**
 - a. An applicant may submit a consolidated application for up to twenty (20) small wireless facilities, if all the small wireless facilities in the consolidated application are substantially the same type.
 - b. If the Township denies the application for one or more small wireless facilities in a consolidated application, the Township may not use the denial as a basis to delay the application process of any other small wireless facility in the same consolidated application.
 - c. A single permit may be issued for siting and collocating multiple small wireless facilities spaced to provide wireless coverage in a contiguous area.

E. **Action on Permit Applications.**

- (1) **Review of Small Wireless Facility and Utility Pole Applications.**
 - a. Within ten (10) days of receiving an initial application, the Township will determine and notify the applicant whether the application is materially complete. If an application is materially incomplete, as determined in the Township's discretion, the Township will specifically identify the missing documents or information, and the specific rule or regulation creating the obligation to submit such documents or information. The shot clock set forth in subsection (2) shall restart at zero on the date which the applicant

submits all the documents and information identified by the Township to make the application complete. If the applicant's supplemental submission fails to make the application complete, and the Township notifies the applicant within ten (10) days of the supplemental submission and clearly and specifically identifies the missing documents or information, the applicable shot clock set forth in subsection (2) shall be tolled until the applicant provides the missing documents and information. The shot clock resumes (the date calculation does not restart) to run on the date when the applicant submits all the documents and information identified by the Township to render the application complete.

- b. All applications shall be processed on a nondiscriminatory basis, and the Township shall approve or deny an application for: (i) collocation of small wireless facility on an existing, permitted structure within sixty (60) days of receipt of the application, or (ii) within ninety (90) days for applications to deploy a small wireless facility using a new, permitted structure.
- c. An applicant and the Township may enter into a written agreement to toll the time periods set forth in subsection (2).
- d. If the Township fails to issue a decision on an application for a small wireless facility within the required time periods set forth in Section 4(A)(2) of this Chapter, the application shall be deemed approved.
- e. The Township may deny a proposed collocation of a small wireless facility or installation or modification of a utility pole only if the proposed application:
 - (i) Interferes with the safe operation of traffic control equipment.
 - (ii) Interferes with sight lines or clear zones for transportation or pedestrians.
 - (iii) Interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
 - (iv) Fails to comply with reasonable and nondiscriminatory spacing requirements that apply to other communications service providers and electric utilities in the ROW and that concern the location of ground-mounted equipment and new utility poles. Such spacing requirements shall not prevent a small wireless facility from serving any location.
 - (v) Fails to comply with applicable codes.
 - (vi) Fails to comply with the requirements in Section V. of this Chapter.

- f. The Township shall document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the Township denies an application. The applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The Township shall approve or deny the revised application within thirty (30) days. Any subsequent review shall be limited to the deficiencies cited in the denial.
- (2) Permit Scope and Effect. Installation, modification, or collocation for which a permit is granted pursuant to this section shall be completed within one (1) year after the permit issuance date unless the Township and the applicant agree to extend this period or a delay is caused by the lack of commercial power or communications facilities at the site. Approval of an application authorizes the applicant to:
 - a. Undertake the installation, modification, or collocation; and
 - b. Subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated utility pole covered by the permit for a period of not less than ten (10) years.
 - (3) Authority Granted; No Property Right or Other Interest Created. A permit from the Township authorizes an applicant to undertake only certain activities in accordance with this Chapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the ROW.

F. Small Wireless Facilities in the ROW; Maximum Height; Other Requirements.

- (1) Technical Requirements. Small wireless facilities and utility poles installed to support small wireless facilities in the ROW shall comply with the following requirements:
 - a. Each new or modified small wireless facility installed in the right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:
 - (i) The installation of a small wireless facility on an existing utility pole shall not extend more than five feet above the existing utility pole.
 - (ii) If collocation on an existing utility pole cannot be achieved under section 4(i), 1 a small wireless facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

- b. **Maximum Size.** The small wireless facility must conform to the size and height limitations as defined for a small wireless facility in this Chapter.
 - c. **Utility Poles.** Utility pole installations, modifications, and replacements relating to small wireless facility collocations shall be fabricated from material having a degree of strength capable of supporting the small wireless facility, and shall be capable of withstanding wind forces and ice loads in accordance with applicable standards. A modification, installation, or replacement shall be securely bound in accordance with applicable engineering standards.
 - d. **Color.** To the extent technically feasible, small wireless facilities shall be of a color that is consistent with or most blends into the structure on which they are installed, unless a different color, approved by the Township, is needed for public safety or service reliability reasons.
 - e. **Wiring and Cabling.** Wires and cables connecting the antenna and appurtenances serving the small wireless facility shall be installed in accordance with the version of the National Electrical Code and National Electrical Safety Code adopted by the Township and in force at the time of installation. In no event shall wiring and cabling serving the small wireless facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility, or telephone utility.
 - f. **Guy Wires Restricted.** Guy wires and similar support structures may not be used as part of the installation of any small wireless facility, unless the small wireless facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date of the small wireless application.
 - g. **Grounding.** The small wireless facility, including any ground-mounted equipment, shall be grounded in accordance with the requirements of the most current edition of the National Electrical Code adopted by the Township regarding grounding of wireless facilities.
 - h. **Signage.** Other than the minimal size of warning or notification signs as required by federal law or regulations, or small identification and location markings, a small wireless facility shall not have signs installed thereon.
 - i. **Access.** Wireless providers and their employees, agents, and contractors shall have the right of access to utility poles, wireless support structures, and small wireless facilities in the ROW at all times for purposes consistent with this Chapter.
- (2) **Other Requirements.** A wireless provider that seeks to collocate small wireless facilities or install or modify a utility pole supporting small wireless facilities shall be subject to the following requirements:

- a. Small wireless facilities shall be located such that they do not interfere with a public health or safety facility, such as, but not limited to, a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility. New utility poles and small wireless facilities shall not be installed directly over any water, sewer, or reuse main or service line.
- b. To the extent technically feasible, new utility poles installed to support small wireless facilities shall be made of the same or similar material as existing poles in the immediate area.
- c. Any tree-disturbing activity necessary for the installation or collocation of small wireless facilities and utility poles installed to support them shall comply with any applicable Shade Tree Commission and Township Code and permitting requirements related to tree trimming and/or removal.
- d. Small wireless facilities and utility poles or wireless support structures on which they are collocated shall not be lighted or marked by artificial means, except when small wireless facilities are collocated on a light pole or where illumination is specifically required by the Federal Aviation Administration or other federal, state, or local regulations.
- e. A wireless provider shall repair, at its sole cost and expense, any damages, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to the Township's streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer or water systems and water and sewer lines directly resulting from any activities performed in connection with the installation and/or maintenance of a wireless facility in the ROW. The wireless provider shall restore such areas, structures, and systems to substantially the same condition in which they existed prior to the installation or maintenance that necessitated the repairs.
- f. Small wireless facilities shall blend in with the surrounding environment or be otherwise concealed to the extent practicable.
- g. Wireless support structures installed or replaced in order to accommodate attached small WCFs shall be a minimum of two (2) feet from any sidewalk, path or trail and shall not obstruct vehicular, pedestrian, or cyclist traffic or sight lines.
- h. Antenna placement shall not materially impair light, air, or views from adjacent windows.
- i. Pole-mounted accessory equipment shall be mounted to provide a minimum of eight (8) feet vertical clearance from ground level.

- j. All accessory equipment shall be contained within a single equipment shroud or cabinet. Such equipment shroud or cabinet shall be of the smallest dimensions technically feasible.
- k. No accessory equipment shall feature any visible lighting, including flashing indicator lights, unless required by state or federal law.
- l. To the extent technically feasible, no new wireless support structure shall be installed:
 - (i) In the Front Façade Area of any residential structure;
 - (ii) Within ten (10) feet of the edge of any driveway;
 - (iii) In the public rights-of-way directly opposite any driveway.
- (3) Underground Provision. Small wireless facilities shall not be located in a Right-Of-Way in which all utility installations are presently underground.

G. Removal, Relocation, or Modification of Small Wireless Facility in the ROW.

- (1) Notice. Within ninety (90) days following written notice from the Township, wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change, or alter the position of any small Wireless facilities or utility pole for which it has a permit hereunder whenever the Township has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Township improvement in or upon, or the operations of the Township in or upon, the ROW. In such cases the Township shall work with the provider to allow for continuity of service and use of an alternative location as needed.
- (2) Emergency Removal or Relocation of Facilities. The Township retains the right to cut or move any small wireless facilities or utility poles located within the ROW, as the Township may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Township shall notify the wireless provider and provide it an opportunity to move its small wireless facilities or utility poles prior to cutting or removing them, and in all circumstances shall promptly notify the wireless provider after cutting or removing a small wireless facility or utility pole.
- (3) Abandonment of Facilities. The Township may require a wireless provider to remove an abandoned small wireless facility or utility pole permitted hereunder within 180 days of abandonment. Should the wireless provider fail to timely remove the abandoned small wireless facility or utility pole, the Township, upon providing 30 days' prior written notice to provider, may remove the small wireless facility or utility pole to be removed and may recover the actual cost of such removal from the wireless provider. A small wireless facility or utility pole

shall be deemed abandoned at the earlier of the date that the wireless provider indicates in any way that it is abandoning the small wireless facility or utility pole, or the date that is 180 days after the date that the small wireless facility or utility pole ceases to be used, unless the wireless provider gives the Township reasonable evidence that it is diligently working to place the small wireless facility or utility pole back in service.

SECTION II. REPEALER. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent said inconsistencies or conflicts cannot be reconciled, are hereby repealed. Further, it is understood and intended that all other sections, parts, provisions, and ordinances that are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

SECTION III. REVISIONS. The Township of Hatfield does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION IV. SEVERABILITY. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION V. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its legal enactment.

SECTION VI. FAILURE TO ENFORCE NOT A WAIVER. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ENACTED AND ORDAINED this _____ day of _____, 2021 by the Board of Commissioners of Hatfield Township.

ATTEST:

**BOARD OF COMMISSIONERS OF
HATFIELD TOWNSHIP, MONTGOMERY
COUNTY, PENNSYLVANIA**

By: _____
Aaron Bibro, Manager/Secretary

By: _____
Thomas C. Zipfel, President

(1) Each new or modified small wireless facility installed in the right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:

(i) The installation of a small wireless facility on an existing utility pole shall not extend more than five feet above the existing utility pole.

(ii) If collocation on an existing utility pole cannot be achieved under section 4(i),1 a small wireless facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.