

**EAST COVENTRY TOWNSHIP
CHESTER COUNTY**

RESOLUTION NO. 2017-17

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
EAST COVENTRY TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA, GRANTING THE APPLICATION OF
SBA TOWERS, INC. FOR CONDITIONAL USE
APPROVAL TO CONSTRUCT A TOWER-BASED
WIRELESS COMMUNICATIONS FACILITY STRUCTURE
AT 92 BAPTIST CHURCH ROAD IN EAST COVENTRY
TOWNSHIP**

WHEREAS, the East Coventry Township Board of Supervisors received a conditional use application (the "Application") from SBA Towers, Inc., by and through its attorney, Richard J. Lemanowicz, Esquire, with offices located at 1012 North Bethlehem Pike, Suite 200-B3, Lower Gwynedd, PA 19002 (the "Applicant"); and

WHEREAS, the Applicant is the tenant of a 5,625 square foot portion of the tract of land located at 92 Baptist Church Road, Parkerford, Pennsylvania 19547 and consisting of 6.57 +/- gross acres; being further identified as Chester County tax parcel 18-5-118.1 (the "Property"); and

WHEREAS, the Applicant seeks conditional use approval in order to construct a one hundred twenty-five foot (125') tower-based monopole wireless communications facility structure (the "WCF Structure") and related improvements consisting of a five foot (5') lightning rod and communication antennas mounted on the WCF Structure, an equipment shelter containing one (1) concrete equipment pad and equipment cabinet, space for three (3) additional concrete equipment pads and equipment cabinets, landscaping, four (4) parking spaces, and a gravel access drive with turnaround area, on that portion of the Property leased by Applicant

pursuant to Part 20 of the East Coventry Township Zoning Ordinance (the “Zoning Ordinance”);
and

WHEREAS, the Tract is located in the R-2 Residential District; and

WHEREAS, the Application has been reviewed by the East Coventry Township (“Township”) Planning Commission, the Township Engineer, the Township Planner, the Township Traffic Engineer, the Township Solicitor, the Township Historical Commission, and other Township advisors, and has been found acceptable, subject as herein below provided.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, as follows:

SECTION A. AUTHORITY; SHORT TITLE; DEFINITIONS.

1. This Resolution is adopted pursuant to and in accordance with Part 14 of the East Coventry Township Zoning Ordinance of 2008, as amended through Ordinance No. 206 (the “Zoning Ordinance”), as set forth in Chapter 27 of the Code of Ordinances of the Township of East Coventry.

2. This Resolution shall be known and may be cited as the “Resolution for Conditional Use Approval of the SBA Towers Cell Tower Application.”

3. Except as may be otherwise provided herein and/or if the context clearly indicates otherwise, all words and phrases appearing in this Resolution, which also appear in the Zoning Ordinance, shall have the same meanings in this Resolution as in the Zoning Ordinance.

SECTION B. CONDITIONS OF CONDITIONAL USE APPROVAL. Conditional use approval of the Application is hereby granted subject to the following conditions:

1. The land development plans submitted by the Applicant for preliminary and final land development approval shall be substantially in accordance with the 11’ x 17’ conditional

use plan set titled “Snowdenville” and consisting of thirty-four (34) sheets, prepared by The Crossroads Group, LLC, dated May 16, 2016 and last revised December 2, 2016 (the “Plans”), as required to be revised to incorporate the conditions herein and as required to be revised pursuant to Township ordinances.

2. Nothing in this Resolution shall be construed as either an express or implied waiver of any provision of any applicable ordinance or resolution of East Coventry Township unless expressly waived herein.

3. The Applicant shall satisfy, and the fully-engineered plans for the Property shall demonstrate compliance with, all applicable zoning, subdivision, storm water management and other regulations of the Township and any other governmental entity having jurisdiction over the development of the WCF Structure and Related Equipment on the Property.

4. As part of its application for preliminary or final land development approval, the Applicant shall submit documentation satisfactory to the Township, upon advice of the Township Solicitor, that it has full right, power and authority to lease that portion of the Property depicted on the Plans and to construct the WCF Structure, Related Equipment and other ancillary improvements on the Property as required by Zoning Ordinance §27-1401.3.A(3).

5. As part of its application for preliminary or final land development approval, the Applicant shall provide permanent easement agreements and temporary construction easements, as appropriate, in form and substance satisfactory to the Township, upon advice of the Township Solicitor, for each of the easement areas identified on the Plans in accordance with Zoning Ordinance §27-1401.4.C(2).

6. Parkerford Baptist Church, as the legal owner of the Property, shall provide its written consent to the Application as required by Zoning Ordinance §27-1402.1.A.

7. As a condition of final land development approval, a land development agreement and approved land development plans shall be required in accordance with Zoning Ordinance §27-1402.1.C.

8. As part of its application for preliminary land development approval, the Applicant shall provide storm water management facilities and accompanying calculations to demonstrate compliance with the East Coventry Township Stormwater Management Ordinance as required by Zoning Ordinance §27-1402.1.D.

9. The Applicant shall provide test results satisfactory to the Township for visibility/balloon tests performed in accordance with Zoning Ordinance §27-1402.1.G(10) from the following historical or cultural resource locations: (a) Fricks Locks Village; (b) the John Mattis Farm; and (c) the log cabin located at the intersection of Baptist Church Road and Saylor's Mill Road.

10. The Plans shall be revised to show the existing exit-only driveway along Baptist Church Road for the Parkerford Baptist Church property. The Plans also shall set forth the available sight distance, as measured in accordance with Township requirements, for each driveway and shall include entering and exiting movements as required by Zoning Ordinance §27-1403.1.J.

11. The Applicant shall submit a land development application and supporting information required by Zoning Ordinance §27-2003.1.C.

12. The Applicant shall obtain zoning and building permits from the Township as required by Zoning Ordinance §27-2003.1.D certifying compliance with Part 20 of the Zoning Ordinance and all other applicable ordinances of the Township.

13. The Plans shall be revised to provide for concrete equipment pads no larger than 200 square feet as required by Zoning Ordinance §27-2003.1.K unless the Applicant obtains a variance from the East Coventry Township Zoning Hearing Board (the “Zoning Hearing Board”).

14. This conditional use approval is for construction of a 125-foot mono-pine style monopole structure with a five (5)-foot lightning rod extension, as depicted and described on the Plans. A note shall be added to the Plans specifying that the monopole will be brown and the branches will be green in accordance with Zoning Ordinance §27-2004.1.F(1).

15. The inventory provided by the Applicant does not cover the required 5-mile radius, does not provide the height and design of each existing WCF Structure, and does not provide an inventory of “other suitable structures”. As part of the application for preliminary land development approval, the Applicant shall submit a comprehensive inventory of all existing WCF Structures, wireless towers and other suitable structures within a five-mile radius of the proposed monopole tower, including specific information about the location, height and design of each structure, to satisfactorily demonstrate compliance with Zoning Ordinance §27-2004.1.C(2).

16. The Applicant shall obtain preliminary and final land development approval in accordance with the East Coventry Township Subdivision and Land Development Ordinance as required by Zoning Ordinance §27-2004.1.D and shall comply fully, to the satisfaction of the Township upon advice of the Township Consultants, with each of the requirements set forth in Zoning Ordinance §27-2003, as applicable.

17. As part of the application for preliminary land development approval, the Applicant shall submit a soil report satisfactory to the Township Engineer that complies with the

standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if any, in accordance with Zoning Ordinance §27-2004.1.E(7).

18. As part of the application for preliminary land development approval, the Applicant shall submit a revised Photographic Inventory & Simulations exhibit, satisfactory to the Township, in which the existing condition photographs are taken in the same locations as the simulation photographs that depict the proposed mono-pine installation in accordance with Zoning Ordinance §27-2004.1.F.

19. As part of the application for preliminary land development approval, the Applicant shall provide a letter to the Township, duly executed by the Applicant, committing to allow a minimum of three (3) other service providers to co-locate wireless communications facilities on its Tower-Based WCF in accordance with Zoning Ordinance §27-2004.1.G.

20. The preliminary/final land development plans submitted by the Applicant for land development approval shall provide for signage on the exterior gate or door to the fenced shelter area in accordance with Zoning Ordinance §27-2004.1.H unless the Applicant obtains a variance from the East Coventry Township Zoning Hearing Board.

21. The references on Plan Sheet E-1 to a mono-pine tower height of 135 feet and an overall height of 140 feet shall be revised to reflect a mono-pine tower height of 125 feet plus a 5-foot lightning rod for an overall height of 130 feet.

22. The Plans shall be revised as follows:

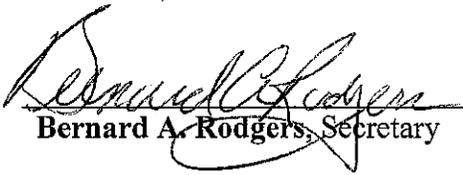
a. Revise the dimensions for the four parking spaces to each be a minimum of nine (9') feet by nineteen (19') feet as required by Zoning Ordinance §27-1306.1.B.(1).

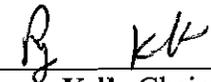
b. Relocate the arrows so they point to the gravel turnaround area on Sheets E-1, Z-2, C-1 and C-2.

c. Revise detail no. 7 for the gravel turnaround area on Sheet C-8 to show parking for four (4) vehicles with dimensions as provided in subparagraph (a) above.

APPROVED at the public meeting of the East Coventry Township Board of Supervisors held on August 14, 2017.

EAST COVENTRY TOWNSHIP

Attest: 
Bernard A. Rodgers, Secretary

By: 
Ray A. Kolb, Chairman