

Upper Makefield *Township*

Planning Commission Meeting; Wednesday, June 25, 2014

The June 25, 2014 public meeting of the Upper Makefield Township Planning Commission was called to order by Chair Karin Traina at 7:00 p.m. In attendance were the following members of the Planning Commission: Chair Karin Traina, Vice Chair Kathleen Pisauro, Member Ken Rubin and Member Walt Wydro. Also in attendance were Solicitor Peter Nelson, Director of Planning and Zoning Dave Kuhns and Engineer Larry Young of Gilmore & Associates. Supervisors Larry Breeden and Mary Ryan.

I. Call to Order – 7:00 p.m.

II. Public Comment: No public comment.

III. Approval of Meeting Minutes:

A. March 26, 2014

B. May 28, 2014.

Due to lack of quorum to approve the minutes, this was moved to next meeting.

IV. Current and New Business:

A. Jester Pools Sign Review, 1099 General Knox Rd.

This is located in the Historic Overlay District therefore is required approval from the Planning Commission. The sign does meet all zoning requirements. Sign will be on the building.

Ms. Pisauro makes motion to approve, Mr. Rubin seconds. Motion pass to approve sign, all approve.

B. Wireless Communications Ordinance, JMZO.

Mr. Nelson presents the Planning Commission with new technology in wireless communication and how they relate to zoning and ordinances. This ordinance has been before Wrightstown and Newtown. Mr. Nelson has no feedback from those municipalities. Utilities do not require Land Development approval. Mr. Wydro feels the ordinance serves the purpose for now with fine turning as technology emerges. Mr. Wydro continues and makes motion to pass the ordinance. Mr. Rubin asks if the Upper Makefield Township Historic District would apply to #7. Mr. Nelson answers yes. Mr. Rubin goes on to ask if #14 deals with the abandonment of a non-conforming use, if there is a time period? Mr. Nelson answers that is shifts the burden of proof to the landowner. Generally, after one year, if it is not repaired or replaced it is considered abandoned. Ms. Traina asks if it would be smart to reference the time frame or the zoning that references that time frame? It should be left to Council who has written the Ordinance. Mr. Rubin feels the financial security required of the applicant is exceedingly low. Mr. Nelson reminds the Planning Commission the financial security is in place if the Township needs to remove an abandoned pole or tower or for screening or buffering in extreme cases. Ms. Traina questions the different timing of approvals noted in the ordinance. Mr. Nelson states that the timing of approvals are regulated by the state and not the Township. Mr. Young states it costs \$250,000 to build a monopole tower. Ms. Ryan notes that the definitions in this ordinance sometimes overlap definitions in other ordinances, will these definitions override the current definitions? Mr. Nelson clarifies that these definitions will amend and replace the definitions currently in the JMZO. Ms. Ryan makes a recommendation to the Planning Commission regarding historic districts and structures not on any designated National or local lists be create a list of importance. Mr. Nelson confirms once a list of importance

is created no wireless facility could be placed upon it. Mr. Rubin asks if notice would have to be given to homeowners on that list. Mr. Nelson stated that legally no, politically it may be a good . Mr. Rubin asked if notice to the homeowner would be needed. Mr. Nelson stated that a public meeting would be an opportunity for the homeowner to comment. Mr. Rubin asked if there would be any affect to putting the homeowner's on that list. Mr. Nelson informs the Commission that the non-tower facilities are not limited within the Township, they may be placed anywhere by zoning. This is due in part by state law. There is some prohibition to placing non-tower facilities on an historic structure that is on a list. Mr. Young noted that great efforts are made for facilities to go underground, when these companies can come along and place a pole in a right-of way. Mr. Nelson agreed. Mr. Nelson confirmed that this ordinance would curtail these companies from placing a pole in a Township owned right-of -way, not in a Homeowner's Association or a PennDot right-of-way. Ms. Ryan asks why only one parcel is referenced in this ordinance when there is already a few towers in the township. Mr. Kuhns references the parcel that had a tower prior to the ordinance being enacted. Ms. Traina suggests the Historic Commission could provide a list of historic homes by the next meeting for discussion. Ms. Traina reminds the Planning Commission of the motion made earlier by Mr. Wydro to approve the ordinance which is amended to read: approve the ordinance conditionally providing some information substantiates the financial information stated within the ordinance with the knowledge a separate and distinct historic list will be provided. Motion second and passed. A recommendation is made by Ms. Traina a for the next Planning Commission meeting to review and discuss the Right-of-Way Ordinance. The Township Solicitor will review and report to the Planning Commission if the Wireless Communication Ordinance currently or has had issue in the Court system.

C. Corrections Ordinance, JMZO.

This ordinance is mostly drafted by the Bucks County Planning Commission for corrections to the JMZO. Does not change policy, it is administrative correction , meant to be passed as-is. Motion made to approve, motion second and passed.

V. **Liaison Report: Presented by Mary Ryan.**

Ms. Ryan reports of Ms. Carol Finlan, Public Works Secretary passing. The Financial Committee has been given the task to look into the projection of EIT (Earned Income Tax). Board majority has directed the Township Manager to develop request for proposals for all professional services. During the survey for the Zimmerman Open Space acquisition with the County, has revealed a shed that did not belong to the homeowner that will have to be demolished before the land acquisition. The Board of Supervisors is abandoning all of the previously considered alternatives for the 537 plan and going with an on-lot solution only. Ms. Traina commented many of the questions Board members had were already answered by the Planning Commission extensive review of the 537 Plan. The Board should remember the Planning Commission as a resource for information, that is why this commission is here. Once the revised 537 draft is made it will be reviewed by the Planning Commission.

VI. **Public Comment.**

VII. **Adjournment.** Ms. Traina mentions to the Planning Commission that Board of Supervisor minutes previously included in the Planning Commission packets are available online and will not be included in further Planning Commission Packets. The Motion to adjourn at 8:15. Motion second. All in favor.

Minutes approved at the August 27, 2014 meeting