

Planning Commission
Wednesday, March 23, 2022, Meeting Minutes

The March 23, 2022 public meeting of the Upper Makefield Township Planning Commission was called to order by Chair Kathleen Pisauro at 7:00 p.m. In attendance were the following members of the Planning Commission: Chair Kathleen Pisauro, Vice Chair Phil Feig, Member Harry Barfoot, Member Ken Rubin, Member Bud Baldwin, and Member Jack Wiseman. Also in attendance were Township Solicitor Will Oetinger, Township Supervisor Dr. Ed Ford, Township Engineer John Genovesi, and Zoning Director Denise Burmester.

Public Comment: No public comment presented.

Confirmation of a Quorum: Chair Kathleen Pisauro confirmed a quorum.

Approval of Minutes:

A. January 26, 2022:

A motion was made by Mr. Rubin and seconded by Mr. Feig to approve the minutes with amendments as stated. Mr. Baldwin abstained. Motion carried by a unanimous vote.

Discussion Items:

A. Land Development:

Sunoco Pipeline LP – Oakdale Ave – Conditional Use Application

- Representing the Energy Transfer, Sunoco Pipeline were Joe Massaro - Public Affairs, Justin Stitt - Project Manager, and Mark Strauss from STV Engineering.
- Mr. Massaro gave a presentation overview of the pipeline repair to comply with Federal regulations. Mr. Strauss explained that in 1950 the pipe was changed from 8” to a 14” pipe. The pipe needs to be replaced under the river. Nothing will be visible above ground. The old pipe will be grouted (cemented) in place. Any soil that will be removed will be replaced. There will be temporary easements for workspace and 2 additional easements for the line.
- Members inquired as to what the pipeline will be carrying. Indications are jet fuel, diesel, or whatever the market indicates.
- NJ DEP and PA DEP have given approval for this project.
- Review of the plot plan showed Blue hatched area as the existing pipeline (Oakdale Avenue and River Road). The River Road pipe will be 40 feet deep in river and once into river itself, will be 70+ feet below the river. They will install new pipe then tie into existing pipeline on the PA side of the river.
- It was stated that the timeframe for the repairs will be approximately 4 months. This will impact traffic at Oakdale Avenue for 3 to 5 days at the end of the project. River Road should not be impacted.
- Members then asked, “Why this is happening?”. Mr. Massaro explained that it is needed to meet the Federal requirements to fix the exposure and erosion of the old pipe. There is no concern that the existing pipe is not intact.
- Members questioned assets of Sunoco Pipeline. Mr. Massaro explained they are owned by Energy Transfer and would be responsible if anything should go wrong. It was noted that the exposure was on the New Jersey side up to where the tie-in is located.

- The drill rig will be on the PA side. A smaller one will be on the NJ side. It will feed the pipe through then pull the old one back. It was noted that the pipe is made of steel, and the curvature was designed to be fed through. 90% of drilling will be through rock.
- Work will be completed in 6-10 hour shifts / one day equals 24 hours.
- All work will be done in the flood zone and no trees will be removed on Oakdale Ave. The pipe requires 70-feet to compensate the 14-inch steel pipe and radius to install. This uses 6-inch pipe with 12-inch bit that goes across the river using a 12-inch reamer. They want to stay below anything on the New Jersey side.
- It was confirmed that the soil is cleaned and then disposed in a fracking tank facility.
- Sunoco confirmed compliance with the Township Engineering letter dated January 14, 2022, and will provide compliance details.

The Members had additional questions for Sunoco Pipeline, LP and Sunoco will provide these as follow-up:

- Location of Pumping Station
- Map of where pipe runs through Upper Makefield Township
- Tree, shrub, and soil replacement / Township prefers tree replacement rather than monies sent to Tree Fund
- Permits needed for trees to be taken down
- Proper insurance coverage requested by Township Solicitor
- Copy of HOP Permit
- They will present to the Board of Supervisors in April and the STV response letter will be included.

A motion was made by Mr. Rubin and seconded by Mr. Baldwin to approve going forth with the pipe replacement. Mr. Barfoot abstained. Motion carried with a 4 to 0 vote.

B. Wireless Telecommunications Facilities Ordinance and Manual:

- Will Oetinger presented review of Joint Zoning Ordinance changes. The State made changes to the Zoning Laws that required the Ordinance changes.
- Upon review of design and location for Non-Tower installs with submitted permits, Members clarified that the location will be reviewed by the Township Engineers.
- Members confirmed that fees for commercial installs are for EACH placement. For example, if there are 3 commercial installs on same property, then they will be charged 3 times the fees. Members want to ensure the Township is getting compensated for use of Township resources.
- The Non-Tower facilities will be in commercial areas. They will not be able to be placed in residential areas such as CM or JM Zoning Districts.
- It was recommended that if a subdivision currently has underground utilities, the wireless company would be required to submit a waiver to the Township if they want a decorative pole installed in the subdivision.
- Mr. Oetinger stated that the Board of Supervisors was a better recommendation for a waiver, and they will make the decision. The Planning Commission will seek legal counsel on this topic.

- The Members raised concerns regarding tower placement. Towers are only allowed on one parcel in Upper Makefield Township: the Patel Farm. A variance from the Zoning Board would be required if another parcel was suggested. Dr. Ford stated that a previous consultant did a study on where the best areas to place for coverage and the Patel Farm and Fire Company were listed. However, the community objected to the placement at the Fire Company.
- Members recommended adding photographs to the design manual for Non-Tower facilities.
- Discussion continued with the following topics:
 - Indemnification of property owner
 - Pole placement in the Right-of-Way
 - Property owner having a property interest
 - Whether the Township has an Easement, like the bonding issue for legal reasons
- Ms. Pisauro stated concern for the Verizon boxes that were ajar from snow removal and had taken several months to be repaired. The Members reviewed the 'Failure to Maintain' clause (Pg. 8, P4). The Township can issue a notice for the condition to be remedied in 30 days. If there is no response, the Township can remove, with costs accessed to be paid by the owner of facility. The disrepair must be reported thru the Township.
- This issue will be carried to next month's meeting for further discussion.

Liaison Report – Dr. Ed Ford:

- Dr. Ford stated that the FAA put 5G on hold, as it interferes with the ADSB System for Airlines (both land and satellite based).
- He feels that cell towers will no longer be erected. Discussion continued. Anything over 50 feet is considered a tower.
- White and Melsky subdivisions are now in litigation.
- BOS is still working to place volunteers on Boards. Having people on multiple boards is being looked at and it has been agreed that cross board knowledge is valuable. Hopefully, placement will start in April.
- He acknowledged the importance of the Planning Commission to the Board of Supervisors.
- He suggested to watch the Board of Supervisors Meeting on the website.

Adjournment:

A motion was made by Mr. Baldwin and seconded by Mr. Barfoot to adjourn the meeting. Motion carried by a unanimous vote. The meeting adjourned at 8:50 p.m.

Approved: April 27, 2022

DLB/pyo