

Planning Commission
Wednesday, January 26, 2022 Meeting Minutes

The January 26, 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, and Member Ken Rubin. Also, in attendance were Township Supervisors Tim Thomas and Ben Weldon, Township Solicitor Will Oetinger, and Zoning Director Denise Burmester.

Public Comment: No public comment presented.

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

Planning Commission 2022 Reorganization:

- A. Mr. Barfoot made a motion nominating Kathleen Pisauro as Chair for 2022. Mr. Rubin seconded. Motion carried by a unanimous vote.
- B. Ms. Pisauro made a motion nominating Phil Feig as Vice Chair for 2022. Mr. Rubin seconded. Motion carried by a unanimous vote.

Approval of Minutes:

A. October 27, 2021:

Mr. Barfoot made a motion to approve the minutes of October 27, 2021. Mr. Feig seconded. Motion carried by a unanimous vote.

Discussion Items:

A. Wireless Telecommunications Facilities Ordinance and Manual

Ms. Pisauro stated she attended the Joint Municipal Planning Commission and the Ordinance for review today. The Joint Planning Commission reviewed the ordinance over 8 meeting sessions. The concern was that there are a number of communities in the Jointure that have all of their electrical and communications wiring underground, where the requirement of the Wireless Telecommunications Facilities is placement on top of exiting telephone poles.

Discussion of Planning Commission Members included the following:

- Agreement that residents of the communities do want the service but do not want the equipment to support the service.
- §803.I.4.c.1 The Non-Tower Wireless Communication Facilities (WCF) must be 15 ft. above existing structures. The Wireless providers are looking to use telephone poles because they are in the Right of Way (ROW) and will not require payment to a private property owner to put them on their building roofs. Members expressed concern that 15 feet higher is quite a bit higher than anything that exists today.
- §803.I.5.b.2 lists a property that is exempt from the WCF exclusively in the ROW. Members asked for clarification and the following was explained by the Township Solicitor: This exemption is to allow new towers to be erected on the identified 20 parcels and only these properties. The properties were identified when the prior Wireless Communications Ordinance was published, around 2019. Wireless Companies do not have ROW on these parcels, and would require Land Development to add the tower to the property. Any WCF over 50ft. is considered a Tower.

- The members requested a map of the parcels that were identified, so they can be sure distribution is appropriate. The Township Solicitor explained that if the members deemed that a property is no longer appropriate for a tower, they can recommend the change as they would any other change to the draft ordinance. Taking the property off the list in §803.I.5.b.2 does not eliminate a defined property Use, but must be careful not to entirely exclude the Use in the Municipality by eliminating all properties in this section.
- Members asked if any property owner could volunteer their property for a Wireless Tower. The Township Solicitor clarified that the Towers are structures over 50 feet high, and as such there are conditions to the property they can be placed on and limited to a list of parcels.
- Township is concerned regarding the residential districts, and it was confirmed that Non-Tower WCFs will only be allowed in commercial districts. The members acknowledged a concern that Washington Crossing is a commercial district and as such there is potential that the WCFs could be placed there. The Township Solicitor noted use aesthetics to camouflage the WCF in certain districts and defined in the design manual.
- Members asked how this Ordinance was originally drafted. The Township Solicitor explained that the Ordinance was drafted by Cowan Law Firm, a law firm that has specialty understanding of Telecommunications Law. Cowan drew on Federal and State Telecommunications law from Act50.2021 to draft the ordinance.
- Members were concerned that they did not see any bonding requirements for the Township for the owners of the WCF to ensure compliance. The Township Solicitor agreed to further research this item.
- There was explanation that if a neighborhood only has underground utilities, the Wireless Communication companies have the right to put up poles no higher than 50 feet in the ROW to support the WCF. It was stated that most developments in Upper Makefield are private and have private roads so NO antenna would be allowed.
- §803.I.3. refers only to the indemnification of the Township, not a specific homeowner. The members suggested that indemnification should be added to cover the property owner as well.
- Members discussed that a map of Right of Ways in the Township would be valuable in providing visibility into the utility Right of Way and where WCFs could be placed. Members acknowledged that any public roadway does have a defined Right of Way.
- In order to ensure 5G coverage pole placement requires close proximity to another pole. Any public road will be eligible to have these poles placed. It is understood that the Township will have little authority to refuse the installation of WCFs. Members noted that existing telephone poles should be utilized prior to installation of new WCFs poles. A co-location requirement is in the manual on page one (1) item 3, that requires the existing poles are utilized first. The Wireless Provider must technically demonstrate that they cannot utilize an existing pole prior to putting up a new pole.
- Discussed the need for 5G access for the residents and that ensuring 5G coverage is available for not only the residents, but also to support emergency response. There is agreement that the service is needed, but do not want the visual impact of the WCF's and possibly solar panel to power. The manual is to be reviewed further by the Planning Commission Members to determine if there are any recommendations to design and aesthetics to improve the look in the community.

- Discussed the power source needed to supply the WCFs. Upper Makefield Township has an ordinance regulating solar panels for residential install, which may conflict with the mandate to install solar power for the WCSs. There is no Federal regulation on utility companies and there will be no regulation if the utilities remain in the Right of Way. Revisiting the Solar Ordinance and State regulations on solar was suggested.
- Mr. Oetinger will track changes with redline and send out to the Planning Commission Members for the next meeting. He did not anticipate any changes to the Manual and will check for Solar reference. He stated the need to color code the Tax parcels on a map for reference.
- The conversation will continue at the next Planning Commission Meeting.

B. History of Jointure:

- Ms. Pisauro suggested adding the article “History of the Jointure”, authored by Jointure Members, to the Upper Makefield Township website. The Jointure authors will finalize the document and post to the Jointure website. When posted to the Jointure website, the Planning Commission will recommend that the Upper Makefield Township Board of Supervisors approves a link to the document from Upper Makefield Website.
- Members appreciated how the article reminded the community of the intent of the Jointure and how each of the participating municipalities were to serve the Jointure. The Planning Commission Members agreed that they need to keep this history in mind when evaluating changes and ensure the benefits of the Jointure for each municipality remains mutually beneficial. Residents are asking about this information and the Planning Commission Members feel it is important to educate the community of the Jointure.
- Ms. Pisauro made a motion to pass the “History of the Jointure” article to the Upper Makefield Board of Supervisor and have the Board of Supervisors request that the Jointure authors finalize the article and distribute for education of the residents in the municipalities participating in the Jointure. This was seconded by Mr. Barfoot. Motion carried by unanimous approval.

Liaison Report:

Mr. Thomas thanked the Planning Commission Members for ALL they do and recognized how important the work is for the community.

Adjournment:

A motion was made by Mr. Rubin to adjourn the meeting and was seconded by Mr. Barfoot. Motion carried by a unanimous vote. The meeting adjourned at 8:00 p.m.

Approved: March 23, 2022