

**Planning Commission**  
**Wednesday, April 27, 2022 Meeting Minutes**

The April 27, 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 Bud Baldwin, Member Ken Rubin, and Member Karin Traina. Also in attendance were Township Solicitor Will Oetinger, Township Supervisor Tom Cino, Township Supervisor Tim Thomas, and Planning & Zoning Director Denise Burmester.

**Public Comment:** No public comment presented.

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

**Approval of Minutes:**

**March 23, 2022:**

A motion was made by Mr. Baldwin and seconded by Mr. Barfoot to approve the March 23, 2022, meeting minutes. Ms. Traina abstained. Motion carried by a unanimous vote.

**Discussion Items:**

**Jointure Information**

Ms. Pisauro advised that there was a request from the Joint Planning Commission Chairperson, Chester Pogonowski, to have all the Township Supervisors and Planning Commissions from Upper Makefield, Newtown, and Wrightstown at the June 2, 2022 7:30pm meeting being held at the Wrightstown Township Building. The joint meeting is to introduce a Draft of the Jointure Comprehensive Plan that has been updated, as required every 10 years. It was stated that a lot of the content and the purpose of the Comprehensive Plan is to be a guide and directional document to set future direction and ordinances for the Jointure. It was discussed that it needed to be viewed at a high level for a future vision of 20 years out. It will serve as a legal document towards ordinance challenges.

Discussion followed with the following topics that Members thought should be included in the Comprehensive Plan:

- Traffic Planning - Discussion included maintenance of the bridges and traffic light evaluations.
- History of the Jointure - Discussion that the history needs to be understood and carried forward. The Joint Planning Commission Members had brought a draft history forward previously and it is still being worked on.

## **Ordinances:**

### **Wireless Telecommunications Facilities Ordinance and Manual**

Mr. Oetinger provided an overview of the Ordinance, with a brief explanation of the amendment to the existing wireless regulations regarding State Law and regulations on small wireless facilities (5G tubes) including access to “right of way” areas.

Discussion followed with the following topics:

- Towers: Discussion commenced regarding Towers in the Township and that they are currently located on the Patel, Makefield Township, and Gunser properties.
- Difference between utility easements and utility rights on private vs public roadways. Private roads can prohibit the addition of poles, which could require that a Public road nearby will require more poles or larger poles to provide coverage to the Private roadway that prohibits the pole. Coverage demands on the private road might further require the need for a pole larger than the 50 feet that, Federal Law allows requiring a variance that burdens the residents with properties on the public road to serve the utility needs of those properties on a private road. While there was acknowledgement that private roads tend to be short, and coverage issues may not be burdensome on the public roads for all private roads. Private roads are regulated by HOA declarations, which would be outside the Township ordinance regulations.
- Concern that if there is not an ordinance in place, the Township may have some exposure that utility companies wanting to improve coverage. The companies have right of way in utility easements and can place poles in these easements without Township approval. There was the suggestion that the committee get something “on the books” that’s agreeable then revisit to refine it.
- Several members noted that decorative poles within the Township need to be of a design to coordinate with the character of the community. It was agreed that the Township can require review of the design of the pole before approval. It was suggested that the definition of a decorative pole should be defined by the Township. It was recommended that a design guide should be prepared to give options to companies and to make them tangible based on districts in which the pole will be placed.
- Location/Placement of additional poles or the wireless communication facilities need to be thoughtfully added, utilizing existing elements, such as existing poles and/or junction boxes where underground utilities exist. Members noted the placement of poles should be better defined. Suggested placement behind a tree would be better than one placed in the middle of someone’s property. Placement of a new pole should be a last resort, and as proven necessary due to a gap in 5G coverage. Agreement that the burden of proof for placement of a new pole will need to be done by the utility company requesting the placement. A coverage map was requested to understand where there are 5G gaps. However, coverage is based on the demand. As the demand rises gaps occur making any mapping dynamic and ever changing.

- There was concern that subdivision community character could be altered or coverage diminished for subdivisions that have underground utilities. It was stated that there are some subdivisions with utility easements that run behind the subdivision and may be better served with non-tower facilities, but they are only permitted in non-residential districts.
- Members noted that some properties are large, and coverage will need to get back to the dwelling on the property and may require that a pole is placed as an accessory use, incidental to a single-family dwelling. Permitted Use is allowed by the Township ordinance, however, there is an allowance for accessory use on a SFD not customary and incidental for a residential accessory use.
- There was discussion that expected volume of additional poles may only be 5-10 poles.
- In reference to bond issues associated with Ordinance 803.I6.A6, Mr. Oetinger noted that he has contacted an attorney, to see if we could require bonds from small facilities and he is still awaiting response.

Mr. Oetinger closed the discussion noting he would make the updates noted this evening and discussion would continue at the next meeting.

**Liaison Report – Tom Cino:**

Mr. Cino provided Board of Supervisor status on the following topics:

- Committees have been fully staffed with the volunteers that have applied this year.
- The Sunoco Pipeline Conditional Use decision has not yet been rendered by the Board of Supervisors.
- The Zoning Hearing Board has denied the appeal and variances requested by the property owners at 675 Eagle Road. This decision has been appealed by the property owners. Land usage compliance has not been met by the property owners.

**Adjournment:**

A motion was made by Ms. Pisauro and seconded by Mr. Feig to adjourn the meeting at 8:37 p.m. Motion carried by a unanimous vote.

**Approved:** May 25, 2022