



UPPER UWCHLAN TOWNSHIP
Planning Commission Meeting
January 9, 2014
Minutes
Approved

In Attendance:

Bob Schoenberger, Sally Winterton, Jim Dewees, Joe Stoyack, John McTear, Derald Hay,
Cary Vargo – Township Manager, Gwen Jonik – Secretary

The meeting was held in the Township Building Conference Room due to renovation activity in the Schoolhouse.

Bob Schoenberger called the meeting to order at 7:35 p.m. A quorum was present.

Reorganization

Bob Schoenberger asked Gwen Jonik to conduct the election of Chair for 2014. Jim Dewees nominated Bob Schoenberger, seconded by Joe Stoyack. Sally Winterton moved nominations be closed, seconded by John McTear. The Motion to close nominations carried unanimously, and Bob was elected Chairman 2014 by a vote of 5 in favor and 1 abstention (Bob).

Jim Dewees nominated Sally Winterton for Vice-Chair 2014, seconded by Joe Stoyack. John McTear moved, seconded by Derald Hay, to close nominations. The Motion to close nominations carried unanimously and Sally was elected Vice-Chair 2014 by a vote of 5 in favor and 1 abstention (Sally).

Jim Dewees nominated Gwen Jonik for Secretary, seconded by Derald Hay. Derald Hay moved, seconded John McTear, to close nominations. The Motion to close nominations carried unanimously and Gwen was elected Secretary 2014 unanimously.

Chester County Voice Radio Project – Introduction, Overview

Cary Vargo introduced Levin Czubaroff, with Fox Rothschild, legal counsel for Chester County regarding the Voice Radio Project. A project fact sheet and a map of communications towers were distributed. Mr. Czubaroff provided a brief description of the project, which is to update the existing 1990s-era analog emergency voice radio system, which has become deficient and inadequate to provide full communication coverage with the police, fire, and emergency medical services providers throughout the County. The upgrade also addresses the FCC's expectation of more efficient use of the radio band. The County has signed a contract (\$42M) with a Provider to design, install, test, and operationally implement a digital voice radio system, including warranty and maintenance period of 10 years. The digital system will provide 97% portable radio coverage using 25 tower sites throughout the county. The new system will be interoperable between all responders – fire, police, ambulance, mutual aid with neighboring counties, as well as interaction with other radio systems during disaster recovery situations. The County plans to utilize existing system structures and leases as much as possible but 4 new towers are needed throughout the County. The northern section of Upper Uwchlan has been selected in order to increase the coverage in Upper Uwchlan and surrounding areas. Several existing towers in Upper Uwchlan have been evaluated for potential co-location of systems, however none met the need. The proposed tower is a 300', 3-legged self-supporting

tower, with the potential location next to the Route 100 wastewater treatment plant. The tower wouldn't initially blend into the surroundings.

The Township is hoping that Toll dedicates the Route 100 WWTF property to the Township in the very near future. The Township would own the property; Chester County would own the tower.

Mr. Czubaroff advised that a Lease Agreement is necessary before moving forward with any land development / conditional use process. The schedule for the new system is as follows: lease agreements and land development approvals in place - Fall 2014; renovate existing structures and construct the 4 new structures late 2014 / early 2015; test throughout 2015; system operational early 2016. The next step with Upper Uwchlan is to introduce the Project to the Board of Supervisors at their January 14 Workshop.

Mr. Czubaroff has several suggestions to be considered as we revise our Wireless Communications Facility Ordinance, specifically as it relates to public safety communications facilities, and he'd like to participate in the Ordinance discussions this evening.

Ordinance Review, Discussion

Emergency Communications Amplification Systems

Cary Vargo explained that this Ordinance requires emergency communications amplification systems within buildings to prevent the loss of emergency radio communication coverage. This is not related to outdoor emergency communication systems. The Planning Commission had previously received a draft Ordinance provided by the County. Township Staff and Commission members provided comments as follows:

1. clarify what types of buildings are applicable: all buildings, commercial, public (i.e. schools, hospitals), residential, etc.
2. clarify what type of building construction materials are applicable: wood frame, concrete block, steel, etc.
3. who will test the amplification system?
4. who will enforce the Ordinance: The County? The Township?
5. include fines/penalties

Mr. Vargo advised the Ordinance does not apply to residences. It was written for substantive structures constructed of steel and concrete such as schools, office complexes, high-rises, etc. Fitting out buildings or correcting the amplification system (by adding *repeaters*) is the responsibility of the building's owner/developer.

Any further questions and comments should be provided to Mr. Vargo for review and inclusion in our Ordinance draft.

Wireless Communications Facilities

Cary Vargo explained that the Township's current wireless communication facilities ordinance is outdated, as far as technology is concerned, and needs to be updated to protect citizens from the possibility of communications vendors installing towers and non-tower equipment within the road right-of-way. Our Ordinance should be updated to require a permit in order to add any equipment to existing poles or installation at new locations. We need to determine whether to permit wireless communications facilities in zoning districts other than the Limited Industrial District, currently the only permitted District, such as the Commercial and/or Planned Industrial

Districts, through conditional use approval. Mr. Czubaroff suggested including language that provides for a different approval process depending on the type of facility -- commercial application vs. public safety -- such as exempting public safety radio facilities from the zoning process in certain Districts or exemption from posting of Bonds.

Further discussion included:

- The Township can benefit from commercial wireless facilities as there is potential for leasing revenue, collocation revenue;
- Perhaps the definition of "municipal use" can serve this situation of commercial versus Public safety, differentiate by use rather than by entity;
- Revise/reduce the setback requirements. The new industry standards for the towers have reduced the "fall" area necessary.

Mr. Vargo will provide these suggestions to the Solicitor to include in the draft Ordinance.

Approval of Minutes

Sally Winterton moved, seconded by Derald Hay, to approve as presented the minutes of the December 12, 2013 Planning Commission meeting. The Motion carried unanimously.

Open Session

Jim Dewees asked if it's correct that the State doesn't pay taxes on Marsh Creek State Park, or open space in general. Mr. Vargo advised that is correct and similarly, the Township doesn't pay property taxes on open space such as our Parks and wastewater treatment facilities.

Jim Dewees commented that he thought during the Conditional Use process it was determined that Toll was to provide for the extension of public water supply heading east on Little Conestoga, to include the properties between the Frame Property and Christine Drive. Mr. Vargo will research this with the Board and Toll.

Bob Schoenberger announced the next Planning Commission meeting is scheduled for February 13, 2014, 7:30 p.m.

Adjournment

Jim Dewees moved to adjourn at 9:04 p.m. So moved.

Respectfully submitted,

Gwen A. Jonik
Planning Commission Secretary