

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
SEPTEMBER 27, 2016**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 7:40 p.m.

Members present: Binney, Goulet, Hammer, Haney

Members absent: Rittler

Also present: Nicholas A. Cucé, Jr., Esquire (Riley, Riper, Hollin & Colagreco) and Kenneth Farrell, P.E. (CMC Engineering) representing Cellco Partnership d/b/a Verizon Wireless

For the Township: Thomas A. Bennett, CCEO & Zoning Officer; Joseph G. Jones, P.E. (T&M Associates); Diane Beri, Recording Secretary

**Item #1: Cellco Partnership d/b/a Verizon Wireless, 149 Fallsington Tullytown Road, Levittown, PA 19054
TMP #13-013-009; Zoned: LR. Owner: LM Acres, LLC. Preliminary Land Development – New
telecommunications tower**

Nicholas Cucé, Esquire, presents the application. He represents Verizon who was granted variance relief from the Zoning Hearing Board in December 2015. In discussions with the Township, it was determined that land development was necessary for this project. They are in receipt of the various review letters from the Fire Marshal, T&M Associates, and Remington Vernick as traffic engineer. T&M Associates' review letter has two sections – one for zoning and one for SALDO (Subdivision and Land Development Ordinance). He is currently in negotiation with Mike Clarke's office regarding the zoning issues in T&M's letter. In the interest of moving this forward, we will be discussing the SALDO portion of T&M's letter.

Ken Farrell, PLS, continues, and has the following comments:

T&M Associates' Review Letter dated September 20, 2016

Zoning Ordinance

The zoning issues are being worked on with the Township solicitor.

Subdivision and Land Development Ordinance

All items are a will comply with the exception of the following:

191-18.1(L) We request a waiver of land development.

Chairman Binney asks if the ZHB decision had a condition that the applicant must go through land development.

Mr. Farrell says no. We initially submitted documentation that we didn't feel land development was appropriate; the solicitor thought otherwise, and that's why we are here.

Chairman Binney says that in Falls Township a waiver of land development exempts you from the process, not the requirements.

191-30(J) PennDOT permit – we will do that. Joe Jones came up with another idea, possibly using the main entrance as opposed to the side entrance. This would eliminate some paving. If that is the case, and we come out the main driveway and not the side driveway and can eliminate some paving, the need for PennDOT goes away.

Mr. Jones says most likely eliminates the requirement for a Highway Occupancy Permit (HOP).

191-36(D) minimum driveway width of 12 feet – we have asked for clarification of this from the solicitor. The telecommunications (telecom) ordinance is very specific – it requires a 10 ft. wide paved driveway and a 20 ft. wide easement. The driveway ordinance requires a 12 ft. wide paved driveway. We are of the opinion that because this is a telecom use, we are under the telecom portion of the ordinance; therefore, the 10 ft. would apply. The Township Engineer disagrees with me. Depending on what the solicitor says, we are willing to go to the 12 ft. wide driveway, but we feel that the use is very specific. The telecom portion is very specific in stating that a 10 ft. wide driveway should apply.

191-38 Requesting a waiver – lighting requirement – no lighting is proposed. We don't feel lighting is necessary. There are two spotlights on the equipment platform for the cell technician.

191-39(G) Requesting a waiver – sidewalk. We are not developing the property; we are putting in a 50' x 50' compound with a cell tower. We are not putting houses or buildings.

191-48(A) Requesting a waiver – street trees.

191-51(H) Requesting a waiver – refuse collection and recycling. This is an unmanned facility.

Chairman Binney asks if there is a dumpster for the current property use. When Mr. Farrell responds yes, Chairman Binney asks to show that dumpster on the record plan. Mr. Farrell agrees.

191-61(A) Requesting a waiver – sidewalks along frontage

191-62(B) Requesting a waiver – curbing along frontage

191-78(A) Requesting a waiver – reduce the scale from 60 to 50 – trying to get overall property on one plan

191-78(C)(2) Requesting a partial waiver, subject to adequate information for Township's engineer review

Stormwater Management Ordinance

Mr. Farrell states we believe we fall under the exemption because of the size of the property and the limited disturbance proposed. We are hoping that it would fall under the exemption and then we would have to provide some documentation on the water quality.

Chairman Binney states that the exemption is cumulative so if there was previous development that was exempted, then it wouldn't qualify.

Board Questions

Chairman Binney asks how far off the edge of the Rt. 13 ramp is the tower.

Mr. Farrell responds the variance we received was for 50.5 ft. from the rear setback.

Chairman Binney asks when ice falls off the tower, what is the probability that it will hit Rte. 13.

Mr. Farrell states the tower itself is 115 ft. high. The American Planning Association did a study on the radial ice and they indicated it falls approximately one-third of the tower height which would bring it to approximately 50 ft. which is right where we are at now. From the edge of the property, there is a shoulder to the white line. We are well within that area that if you have radial ice, it will not fall onto Rte. 13. There are no other studies done on this.

Chairman Binney states that he can't see the Planning Commission approving an application that has so many zoning issues. I believe they need to be worked out first. I don't like the tower being that close to the highway. If you can work out the zoning issues, fine. But I personally am not in favor of this application as it stands right now. There are too many zoning issues that need to be resolved.

Mr. Farrell states that we are trying to resolve the zoning issues with the solicitor. Our hope is that we can get those resolved.

Chairman Binney states that he cannot approve something that has zoning issues. It is not our place to grant those variances.

Atty. Cucé states that he agrees and that's why we did not discuss the zoning portion of T&M Associates' letter. So they are not on the table.

Chairman Binney disagrees and states that they are on the table because you are asking us to approve this plan in totality.

Atty. Cucé states those zoning issues are being discussed with your solicitor. We came here tonight to present to the Planning Commission the SALDO portion. Once we review with the Township solicitor's office and vet out those issues with T&M, we will be back before you to go through those issues – to the extent that any zoning issues remain. It is not my intention to seek a recommendation from this Planning Commission tonight.

Chairman Binney asks if the plan will be revised to show the tree as required by the zoning decision.

Atty. Cucé states yes.

Mr. Farrell asks with regard to their waiver requests, are there any questions or concerns.

Member Goulet asks Joe Jones if the no curbing would be an issue with the water runoff.

Mr. Jones states that it's an existing condition, so it wouldn't be exacerbated by what they are proposing. However, if you thought curbing would be a good planning element to impose, it's an opportunity to ask for it. Typically, we would waive that requirement in situations like this where the land development has no direct connection to the road. If there are existing problems, now is the opportunity to solve them, but I don't know of any along Fallsington-Tullytown Road.

Chairman Binney states that he is aware that you have obtained the use variance, but is wondering why you couldn't go on that tower over by Media Camper – it's less than a half mile away.

Mr. Farrell states that he is not a radio frequency engineer, but testimony from the radio frequency engineer was provided at the Zoning Hearing Board as to why we couldn't go onto that tower and why we needed to be at this location. We have been asked to provide that documentation and we have agreed to give our engineers a report as to the need for the new tower. We will include that letter in any future submissions.

Chairman Binney states he has Verizon coverage and he doesn't have a problem.

Mr. Farrell explains that it is not always coverage but capacity. Coverage issues are "can you hear me now". Capacity issues are everyone using at the same time which either slows down the network or precludes you from logging into the system. We will submit the report that we used with the Zoning Hearing Board to help clarify that for you.

Mr. Farrell also explains that if you collocate on a tower, you are faster to market. There is a reason why this tower was needed and why it was needed at this location – Verizon did the research.

Member Goulet makes a motion to TABLE this land development project until after the zoning issues are resolved.

Member Haney seconds the motion.

All in favor 4-0. The project is TABLED until zoning issues are resolved.

Item #2: Approval of Minutes

Motion to approve minutes from August 23, 2016.

All in favor 4-0.

Hearing adjourned 7:40 p.m.