

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – DECEMBER 10, 2007

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on December 10, 2007. Chairman Dickson called the meeting to order at 7:35 p.m.

Those present:

Planning Commission:        Dean Dickson, Chairman  
   Tony Bush, Vice Chairman  
   Karen Friedman, Secretary  
   Richard Cylinder, Member  
   John Pazdera, Member

Others:                            Nancy Frick, Director Zoning, Inspection, and Planning  
   John Donaghy, Township Solicitor  
   James Majewski, Township Engineer

Absent:                            Grace Godshalk, Supervisor Liaison

**#584 – A – SPRINT/NEXTEL (STONY HILL ROAD) CONDITIONAL USE  
APPLICATION AND RECOMMENDATION FOR APPROVAL**

Edward Wild, Attorney, was present on behalf of Sprint/Nextel along with Anna Marie Mean, the site acquisition representative, and John Wolstenholme, project engineer.

Mr. Donaghy stated the function of the Planning Commission on these types of Applications is to provide an advisory opinion to the Board of Supervisors who will review the case on its merits.

Mr. Wild stated they are present on an Application filed as a Conditional Use which is scheduled for a Hearing before the Board of Supervisors on December 19, 2007. He stated the subject property is at Stony Hill Road and the Newtown By-Pass in the Corporate Center including a parcel where there is an approved compound which is a small fenced area with an existing monopole tower. In July, 2001 Sprint appeared on a Conditional Use to be a user of the tower, and this Application was granted. Since 2001 Sprint has been using the site and has some small equipment cabinets within the fenced compound and an antenna array at 110' on the 120' tall tower. He stated Sprint would like to modify its use. He stated they were approved for nine antennas and have installed six. They would like to upgrade the site and have a total of twelve antenna. This will necessitate some modification to the compound and the addition of an equipment cabinet. No changes are proposed outside of the fenced compound.

Mr. Wild stated they have reviewed the 12/5/07 letter from the Township engineer, and they will comply with all items. Mr. Wild stated he has reviewed the Township file and compiled the prior Approvals, secured a structural report which is favorable and shows that the additional antenna will pose no difficulty for the tower, and that even with the addition of the antenna requested, the tower will only be at 64% capacity. He stated they have also provided an emissions report prepared by a Penn Professor indicating that they fall within the FCC criteria. He distributed this packet of information to the Planning Commission this evening.

Mr. Cylinder asked if the other companies who have antenna on this tower are at capacity, and Mr. Wild stated he does not know; but the tower, even with these proposed antenna, will still only be at 64% capacity. He stated the Township Ordinance does call for co-location. Mr. Cylinder asked if the other users are aware of this Conditional Use Hearing. He also asked who owns the tower. Ms. Mean stated it is owned by American Tower, and they are aware of the Conditional Use Hearing. Ms. Frick stated the property has been posted. Mr. Cylinder asked if they are using capacity that they feel the other users may be entitled to; and Ms. Frick stated if they wanted to add something, they would have to come in for a Conditional Use as well.

Ms. Friedman asked if it is “first come-first served,” and Ms. Frick stated this is correct. She stated the users get approval for a certain amount, and if they need more, they have to come back. Mr. Majewski stated there are currently six antenna array on the tower so there is ample capacity to add several more.

Ms. Frick asked why they need the increase in antenna, and Mr. Wild stated there are new users and technology upgrades since 2001. The antennas will remain at 110’.

Ms. Friedman asked if the Planning Commission should be concerned with the positioning of additional antenna and the future users so that everyone can have fair use of the area, and Mr. Majewski stated ultimately this is a decision for American Tower to make as they are renting out the space.

Mr. Pazdera stated every time this tower comes in, the structural report and the drawings are not consistent. Mr. Wild agreed to make note of this.

Mr. Pazdera moved, Mr. Cylinder seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Conditional Use subject to compliance with the CMX comments in their letter dated 12/5/07 and comments by the Planning Commission regarding coordination of drawings and the structural reports.

#585-A – METRO PCS (EDGEWOOD ROAD) CONDITIONAL USE APPLICATION

Michael Malloy, attorney, was present on behalf of Metro PCS which he noted is a new phone carrier. Also present was Anna Marie Mean, site acquisition representative. Mr. Malloy stated Metro will be coming in on several Applications. Their philosophy is to do a launch on the East Coast searching for co-location sites in order to establish their network. He stated a new carrier will bring increased competition and hopefully better rates for the users. He stated they do not require Contracts other than month to month, and there will be flat fee plans.

Mr. Malloy stated the tower is behind the Township Building. It is a 190' tower, and Metro is coming in at 90'. He stated they received a review letter from the Township engineer, and they will comply with all comments. They will provide documentation indicating that the tower design and antenna will meet the standards. They have prepared a structural report, but it was noted that there are some discrepancies similar to those noted previously by Mr. Pazdera. Ms. Mean stated Metro changed their antenna from what was shown on the structural report. A copy of the structural report was provided to the Planning Commission this evening, and Mr. Malloy stated the Township engineer will receive an updated copy prior to the Hearing before the Board of Supervisors on 12/19/07.

Mr. Cylinder asked the Township's ownership interest. Mr. Malloy stated the Township is the owner of the underlying property. He stated SBA is the owner of the tower itself.

Mr. Pazdera asked the height of the proposed equipment cabinet, and Mr. Malloy stated they are asking for three cabinets, two for now and one for the future. Mr. Malloy was not sure of the height but stated he would assume that they are of a normal size, and he would be willing to accept a Condition that they present this information as testimony at the Hearing. Mr. Pazdera asked how the height of the cable bridge compares to those that are already there. Ms. Mean stated they are the same height. Mr. Pazdera stated the drawings indicate 12' which is above the fence. Mr. Pazdera asked the height of the steel platform, and Mr. Malloy stated he believes it will be just above grade. Mr. Pazdera suggested that they bring details on this to the Hearing, and Mr. Malloy agreed to do so. He stated the engineer will also be available to testify at the Hearing.

Mr. Pazdera moved, Mr. Bush seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Conditional Use Application subject to compliance with the CMX letter dated 12/5/07. It is recommended that the Applicant provide more detail on the cabinets, steel platform, and the relation of the cable bridge height to the other cable bridges on site.

OTHER BUSINESS

Mr. Cylinder stated he contacted Mr. Carter VanDyke to get further clarification on a discussion regarding Edgewood Village reflected in the 9/10/07 Minutes. He stated the issue had to do with the Overlay Zoning District. He stated the Minutes indicate: “Mr. VanDyke stated it has previously been five acres regarding Conditional Use composition, and the Historic Commission asked that the minimum lot size be reduced to 2.5 acres as they had some concern that the Day Care which only has a ten year Lease may come before the Township at some point and they wanted to make sure that it would not only become commercial.” Mr. Cylinder stated what this means is that it was originally recommended that it be five acres but there was concern for a mixed use as the minimum. Mr. VanDyke changed it to 2.5 acres in order to avoid people coming in with properties between 2.5 and 5 acres for just a commercial use rather than a mixed use so they will require mixed uses on properties between 2.5 and 5 acres. Mr. Cylinder stated Mr. VanDyke stated there are some properties in the District which fit this description, and the intent on the part of the Historical Condition was to avoid having strictly commercial properties between 2.5 and five acres.

Mr. Cylinder stated in the 9/24/07 Minutes, Mr. VanDyke had indicated that signs would not be permitted in the rights-of-way, but he also stated later that there would be signs over walkways so Mr. Cylinder’s interpretation was that he would allow signs over walkways as long as the walkway was not within a public right-of-way; and Mr. VanDyke indicated that this was correct.

It was noted the next meeting of the Planning Commission will be January 14, 2008.

Mr. Dickson stated Pennsbury School District is planning to expand Makefield Elementary, and there seems to be a misguided belief on the part of people in the School District that the Township has already reviewed the Plans which is incorrect. Ms. Frick stated at the Open Forum that the Board of Supervisors held in March when someone from the audience indicated that the Township had approved such Plans, Ms. Frick advised that this was incorrect and no Plans had been submitted or approved. Mr. Dickson stated his understanding is that the School District plans to break ground in June. Mr. Majewski stated he did observe their surveyors at the School a few weeks ago. Mr. Majewski stated they will be required to have an approved Land Development Plan and Permits.

There being no further business, Mr. Pazdera moved, Ms. Friedman seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Karen Friedman, Secretary