

WEST VINCENT TOWNSHIP  
PLANNING COMMISSION

October 19, 2017

7:30 PM

Attendance: George Martin, Sara Shick, Bill Dietrich, Gil Lappano, Ted Otteni, Township Engineer Bryan Kulakowsky and Township Manager Erica Batdorf and Township Secretary Tammy Swavely.

Chairman Martin called the meeting to order at 7:30 PM.

**ADMINISTRATIVE:**

**APPROVAL OF MINUTES:** The minutes of September 21, 2017 were unanimously approved on a motion from Ms. Shick and a second from Mr. Lappano.

**CORRESPONDENCE:** The Zoning Officer, Tom Wargo, Cedarville Engineering submitted a memo requesting the Planning Commission consider adding a requirement for a Zoning Permit for all fences in the Right of Way. There is no permit required at this time unless the fence is over 6'. There was a discussion as to why this would be necessary. They felt it may hinder the residents for all types of fences, including those inside their lot and even a farmer who needed to put one around a field. Mr. Kulakowsky stated that this is not to repair a fence, just to install a new one. The Township has been dealing with many fences constructed in the Right of Way and this would help address it. There are also fences constructed over easements. The Planning Commission did not want residents to have more fees or permits. Staff is concerned only with new fences in the Right of Way. After a discussion, all members will think about the request and see if wording can be made that satisfies everyone. Ms. Batdorf shared that the Township is considering a Right of Way Ordinance which would be all encompassing, this memo was to do something that could be done quickly and address staff's concerns.

**OLD BUSINESS:**

VGK-1 Subdivision: Vince Kling was present to discuss his subdivision for VGK-1. The Township Engineer letter of October 13, 2017 was discussed. Mr. Kling revised his plan, but the Planning Commission was unhappy that he had three parallel driveways that get to the interior lots. They feel a shared driveway would be more attractive. Since the lots are 70' across, they do not meet the flag lot description. Mr. Kling stated that it will not be bad since they will be landscaped. The Greenway Management Plan was discussed. Mr. Kling stated that each lot owner will be responsible for maintaining their own greenway. A note will be put on the plan. The commission suggested that Mr. Kling refer to Article 19, Section 1905 B.4 and 1905. D and prepare a document/wording from those suggestions. Mr. Kling will comply with all the comments in Mr. Kulakowsky's letter. He will revise the plan and send it back to the Township.

**NEW BUSINESS:**

Sixteen Years, LLC Subdivision: A new subdivision plan was acknowledged as received from Sixteen Years, LLC. This is for a 4-lot subdivision on Tax Parcels 25-4-111 and 25-4-182. No one was present for the applicant.

Hill Subdivision: A new subdivision was acknowledged as received from Bridgit and Glenn Hill. This is for a 3-lot subdivision including a land swap on Tax Parcels 25-4-102, 25-4-101.2, 25-4-127. No one was present for the applicant.

**ZONING ORDINANCE REVISIONS:**

John Walko, from the Solicitor's office came to discuss how to change the Zoning Ordinance for data towers. Mr. Walko stated that the Zoning Ordinance should be changed so that these EAS facilities can be regulated. Usually they can go on top of telephone poles which are then made higher to accommodate the canister. This is to provide better data for cell phones. Companies are working throughout the country and putting these in communities. It is the future of the electronic industry. A lot of ordinances only consider the large 150' towers, not the small 40' towers. These companies are also trying to be considered a Public Utility. Legislation has been introduced to do this but at this time they have not been approved as such. Now is the time to act to regulate them through Zoning Ordinance. Mr. Kulakowsky shared the building permit that was attempted by Mobilite, LLC which was turned down only because they did not provide their Penn DOT approvals. Mr. Walko stated that there are 4 divisions that can be set up to regulate these. He has had experience in crafting some ordinances for these towers already and knows what will work the best in West Vincent Township. At this time, a telecommunication tower can be put up in anyone's yard and all that they need to obtain would be a Road Occupancy Permit for the Right of Way. These should be treated as Towers and Non-Towers. Towers would be a new tower and the non-towers would be something added to an existing building or existing structure. Then the zoning districts should be considered. A Conditional Use would be a good thing to require. That way residents would have a voice on where they could go. The Zoning Ordinance could also prohibit them as to where they should go, for example a historic property. A Conditional Use should not be for every district. These companies usually come in with 10-15 poles at a time. They need a network to make it work. Many municipalities Zoning Ordinances have been challenged. Some towers can be permitted by-right. Size also is something to consider. The first step would be for the commission to determine where they want them and where you want to prohibit them. Mr. Walko stated that he has been working with this in other Townships and they have not been challenged yet. The commission wants to move this forward and appreciates Mr. Walko's knowledge to craft an ordinance for West Vincent. Ms. Batdorf will inform the Board about the commission's request. Ms. Shick made the motion that the Planning Commission recommend to the Board of Supervisors that the Board take the necessary steps to move forward with a Data Tower Ordinance. Mr. Otteni seconded the motion which carried unanimously. Mr. Walko will work with staff in preparing a draft ordinance.

Ms. Shick stated asked if staff was able to find out from the solicitor about removing the PRD from the Zoning Ordinance. Mr. McGrory told staff that it would not be recommended as this would be considered a taking.

Meeting adjourned 9:40 PM.