

SMITHFIELD TOWNSHIP PLANNING COMMISSION  
COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA  
REGULAR MEETING OF AUGUST 13, 2020 AT 7:00 P.M.  
MEETING MINUTES

**1./2. Call to Order and Members Present:**

The meeting was called to order at 7:03 p.m. by Township Planning Commissioner Chair Attorney Scott Amori. Two (2) other Commissioners-along with the Chair-were physically present in the meeting room at the Township Municipal Building; namely, David Strunk and Douglas Schryver. Commissioner Robert Moses was present via ZOOM. Commissioner Michael Albert was absent.

In addition to the above Commissioners, the other Township officials who attended the meeting were Township Supervisors Robert Lovenheim and Jacob Pride, Township Engineer Jon S. Tresslar, PE and PLS and Township Solicitor, Ronold J. Karasek, Esquire, of the Karasek Law Offices, LLC, all of whom were all physically present in the meeting room.

The attorney for Verizon Wireless-Richard M. Williams, Esquire along with Verizon's Planning Professional-Andrew J. Miller of Rettew Associates were also physically present in the meeting room in addition to the Planning Professional and Applicant (Frank J. Smith, Jr., PLS and Nicholas G. Fredericks) for the Wyckoff Minor Subdivision/Lot Consolidation Plan.

As stated above, this meeting was also conducted remotely via ZOOM with both a video and audio transmission; and, the attorney for the Wyckoff Minor Subdivision i.e. Charles Vogt, Esquire participated by ZOOM.

**3. The Pledge of Allegiance to the Flag:** was recited.

**4. Minutes of July 30, 2020:** Upon motion of S. Amori and second by D. Strunk and on a unanimous vote of 4-0, the Meeting Minutes were approved.

**5. Public Comments:** None.

**6. Plans to Act On:**

**a) Verizon Wireless-Magick Cauldron LD Plan-Cell Tower-Land Development Plan**

This plan proposes a wireless communications cell tower on the western side of Airport Road approximately 450 Feet north of its intersection with Milford Road (Business Route 209). The property is located in the M-1 (Industrial) Zoning District. The project was accepted for review at the May 20, 2020 Planning Commission Meeting.

Initially, Commissioner Schryver commented that this is "Big Tech and Big Government telling a little town what to do" and that a "Federal Judge is intruding into

Township affairs". However and based upon the federal court decision, Commissioner Amori stated that "we are stuck with it [the cell tower project]". Also and in response to Commissioner Schryver's questions, Township Engineer Tresslar stated that his Memo of April 5, 2017, confirms that the height of the tower is within the Airport Safety Zone Regulations i.e. the safety zone is 630' and the site has a grade of 524'-525' and, with the pole at 100', the total height is 624'-625' which is under the 630' limit.

The Township Engineer prepared Comprehensive Plan Review No. 2 Correspondence (eleven-11-pages) dated August 11, 2020 outlining what items have been addressed by the Applicant and what items remain outstanding. The Applicant's Engineer responded to those outstanding review comments as follows:

- Zoning Comment No. 1-the Zoning Data for front, side and rear setbacks need to be revised. The Applicant's Engineer stated he would comply with this comment.
- Zoning Comment No. 4-an Application for Conditional Use (for construction in steep slopes) must be submitted. This was done as seen below.
- Zoning Comment No. 5-off street parking space. Since only one (1) employee will access the site approximately once or twice per month for service and/or maintenance, the Planning Commission was of the opinion that one (1) off-street parking space would be sufficient.
- Zoning Comment No. 7 and Subdivision Comment No. 26-Lighting. There shall be no motion lighting, no cameras and a single bulb light. Lighting for the equipment cabinets for use by the maintenance technicians only. No other security or other site lighting is contemplated. The Supervisors need to determine if additional lighting for security purposes is necessary.
- Zoning Comment No. 8-Compliance with the Airport Zoning Ordinance. There has been compliance as per Mr. Tresslar's Memo of April 5, 2017 (referenced above) that was submitted in the prior Conditional Use Hearing for the project.
- Zoning Comment No. 9-Non-Interference with airport navigation. This was addressed at the prior Conditional Use Hearing by the submission of a report by Applicant's Professional, A. Petersen. As per Mr. Tresslar, submission of that report into the record of this plan submission will be sufficient.
- Subdivision Comment No. 10-A SALDO waiver for the submission of both a preliminary and final plan. Mr. Tresslar has no objections to a waiver.
- Subdivision Comment No. 12-need for electronic copies and the Applicant's Engineer stated he would comply with this comment.

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- Subdivision Comment No. 16 a-Need Response Letter from the Marshalls Creek Fire Department.
- Subdivision Comment No. 16 c and No. 27 and Stormwater Mgmt. Comment No. 38-Erosion and Sedimentation Control Plan approval needed; and, as per the Applicant's Engineer, said approval was received from the Monroe County Conservation District on August 12, 2020.
- Subdivision Comment No. 16 d-The Applicant's Engineer stated he would supply a copy of the Applicant's Federal Communication Commission (FCC) license.
- Subdivision Comment No. 17-The Supervisors need to determine if a SALDO waiver should be granted for a Community Impact Analysis as this monopole on an area of 75 sq. ft. would appear to have no community impact.
- Subdivision Comment No. 18-Property lines need to close. The Applicant's Engineer stated he would comply.
- Subdivision Comment No. 19-a SALDO waiver is requested for the plan sheet size of 34" x 22". Given the scale of the project and the clarity of the plan, the Township Engineer has no objections to a waiver.
- Subdivision Comment No. 20-A Site Context map is required. An Aerial Site map has been supplied but the Township Engineer also requests topography and adjacent property owners information. The Applicant's Engineer stated he would comply.
- Subdivision Comment No. 21-Need a revised Aerial Context Map to depict property boundaries. The Applicant's Engineer stated he would comply.
- Subdivision Comment No. 22-A SALDO waiver is requested to depict water and sanitary sewer services since no such utilities are proposed for this project.
- Subdivision Comment No. 24-Are monuments and markers to be placed around the property boundaries (of 7.299 acres) or only the leased area (75 sq. ft.)? The Applicant's Engineer stated he would comply with the boundaries for the leased area.
- Subdivision Comment No. 25-Truck Turning Exhibits. Since the construction vehicles will access the site and construction will be completed within 2-3 months, the Applicant's Engineer will supply a truck turning exhibit for fire trucks.
- Subdivision Comment No. 31-Paved vs. gravel access drive and parking area. The Applicant is requesting a SALDO waiver for gravel only.
- Subdivision Comment No. 32-Need a "plant material" note to be added to the plan. The Applicant's Engineer stated he would comply.

- Subdivision Comment No. 35-Street Trees. A SALDO waiver is proposed as the existing trees are mature and established and no additional trees are proposed.
- Subdivision Comment No. 36-A Construction Cost Opinion is required and was supplied by the Applicant's Engineer for Mr. Tresslar's review.
- Miscellaneous Comment No. 46 a-The Applicant's Engineer stated he would comply with a report as to how the tower would collapse. In the meantime, a Certified Structural Design report has been filed. Also, Engineer Tresslar discussed a wind load of 113 mph with ice and/or snow on the tower. Questions were raised as to tower aesthetics (by Commissioner Schryver) and how the tower would collapse and its collapse radius. Supervisor Lovenheim asked if there was a break-away design if a skydiver would hit the tower. Mr. Lovenheim stated that he is not against the tower but its location raises concerns of safety and liability. The Applicant's Engineer stated the tower is approximately two (2) feet in diameter at its base and six (6) inches in diameter at the top of the lighting rod.
- Miscellaneous Comment No. 46 c to f-Wind & Ice Loads, Tower Lighting, Tower Location and Tower Interference with Radio, Television, Telephone Signals-While already provided by the Applicant in the prior Conditional Use Hearing, the Applicant will attempt to further comply if possible and make those reports part of the record for this plan.
- Miscellaneous Comment No. 47-Will tower also be used for private or emergency services? Space below 50 feet can be reserved for emergency providers.
- Miscellaneous Comment No. 48-Signage. The Applicant's Engineer stated he would comply with limited signage such as the name of the site, a telephone call number, "Keep Out" so forth.
- Miscellaneous Comment No. 49-Tower Removal. A Tower Removal Agreement must be entered into if tower fails or is abandoned i.e. 3-6 months, 180 days so forth.
- Miscellaneous Comment No. 50-the Tower's Finish. Non-reflecting galvanized finish works best in Northeast PA.
- Miscellaneous Comment No. 54-Color of the Chain Link Fence Fabric. The Applicant's Engineer stated he would comply.
- Plan Revision Comments 55-56-Drafting Comments as to numbering of Plan Notes, Construction Sheet ES-4 and proposed paved Loading Area; and, the Applicant's Engineer stated he would comply.

The Commission would like to see at the next meeting (Thursday, September 9, 2020) the Non-Interference Analysis Report, the FCC License, the Radio Frequency Analysis, the Structural Design Report and the Collapse Report.

As a result of the items that need to be addressed (and based upon the Solicitor's comment that the Applicant's Attorney has provided the Township with an extension of time to take official action to October 7, 2020), on motion of Commissioner S. Amori and second by Commissioner D. Strunk (and on unanimous vote of 4-0), the Commission tabled the plan for further review.

#### **b) Wyckoff Minor Subdivision and Lot Line Adjustment Plan**

The properties are located in the R-1 (Low Density Residential) Zoning District. The plan involves the existing Wyckoff property situate along Valley Terrace (6.096 acres with a single family dwelling on it with garage and driveway and on-lot well) and the existing Fredericks property also located along Valley Terrace (0.845 acres with a single family dwelling on it with garage and driveway and on-lot well and sanitary sewage disposal system). The plan proposes that the Wyckoff property be subdivided into two (2) lots i.e. Lot No. 1-5.436 acres and Lot No. 2-0.660 acres. Lot No. 2 will be consolidated with the Fredericks property increasing its acreage to 1.505 acres.

Mr. Tresslar prepared a Review Letter (Review No. 2) dated August 11, 2020. A review and discussion of that letter by Mr. Tresslar and the Commissioners indicated that almost all (if not all) Engineer comments were addressed including Mr. Tresslar's comment that the lot lines were to be re-designed so that the common driveway would be located entirely on Lot No. 2.

Accordingly and after signature by the Applicant's Representative to the Agreement for Conditional Plan Approval form and on motion by D. Strunk and second by D. Schryver, the plan was recommended for conditional preliminary and final plan approval. Vote 4-0.

#### **c) Verizon Wireless Conditional Use Application**

The application was filed to allow construction activities on steep slopes i.e. a monopole wireless tower with driveway access from an existing driveway off of Airport Road. See Number 6, subsection a) above.

Under the Township Zoning Ordinance, a conditional use is required as the project will disturb very steep slopes (25% or greater). Township Engineer Tresslar prepared a Review Letter dated August 11, 2020 (Review No. 1) which was discussed.

The main issue seemed to be a difference between the amount of steep slope square foot/% of disturbance i.e. the Applicant's Attorney Pre-Hearing Statement recites

28,989 sq. ft. of very steep slopes with 627 sq. ft. or 2.20% to be disturbed vs. the LD Plan which recites 18,457 sq. ft. of very steep slopes with 627 sq. ft. or 3.39% of disturbance. Either way, the disturbance is allowed as the Ordinance allows up to ten (10%) percent of disturbance on very steep slopes.

As a result of this slight difference and that the total leased area is only 75 square feet, Commissioner Amori made a motion (with a second by Commissioner Moses) to recommend the conditional use application provided the amount of disturbance in the steep slopes does not exceed five (5%) percent. Vote 3-1 (Schryver-nay).

**7. Unfinished Business:** Supervisor Lovenheim reminded all of the Joint Supervisors and Planning Commission meeting on Wednesday, August 19, 2020 at 4:30 pm (after the Supervisors Work Session to be held at 4 pm) to address the Township Signage Ordinance.

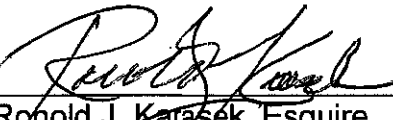
**8. New Business:** None

**9. Public Comment:** None

**10. Adjournment:**

There being no other business coming before the Commission and on motion by Commissioner Chair S. Amori, seconded by Commissioner R. Moses and on a unanimous vote of 4-0, the meeting was adjourned at 8:15 p.m.

Karasek Law Offices, LLC

By:   
Ronald J. Karasek, Esquire  
PA I.D. No. 23233  
Solicitor to Smithfield Township