

EAST FALLOWFIELD TOWNSHIP
PLANNING COMMISSION MINUTES
Approved April 6, 2009

P/C MEETING CALLED TO ORDER AT 7:30 PM BY CHAIRPERSON DEBORAH RUSH.

In Attendance: Deborah Rush; Chairperson, Bernie Beegle; Vice Chairman, Members, Jim Durborow, Jim Weeks, Ryan Ray, Vince Lyons and Arlene Miles-Eubanks (Secretary) were in attendance. John Schwab was absent

Minutes: Ms. Rush made a motion to accept Planning Commission Minutes from January 12, 2009 as amended with one correction to wording. Mr. Durborow 2nd, all in favor. There were no February Meeting Minutes due to tape malfunction.

Comprehensive Plan Proposals (decision): Ms. Rush explained that there were 3 Comprehensive Plan Presentations at the last Planning Commission workshop by Ray Ott, Thomas Committa & Advanced Geo Services. Mr. Beegle is abstaining from the decision process because he is employed with Advanced Geo Services. Both Ray Ott and Thomas Committa are very experienced with Comprehensive Plans and have done Comprehensive Plans for various Counties; however this would be Advanced Geo Services' first Comp Plan. After receipt of the grant from the County the prices are as follows ...

Tom Committa \$16,000.00

Ray Ott \$9,835.00

Advanced Geo Services \$9,450.00

After some deliberation the Planning Commission came to a decision to recommend Ray Ott for the revamping of the Comprehensive Plan. Ms. Rush made a recommendation to the Board of Supervisors that Ray Ott & Company be hired for the \$9,835.00(after County gift) revamping of the Townships Comprehensive Plan. Mr. Lyons 2nd – Mr. Beegle Abstained- all others in favor.

Richard & Carolyn Vermeil 775 Fairview Rd (Cell Phone Tower Presentation): Ms Rush stepped down as chairperson on this case because she is directly involved, therefore Mr. Beegle was acting Chairman. Brendon Burke representative for Richard & Carolyn Vermeil who wanted to explained why they are asking for conditional use approval. In section 1504 of the 1998 Zoning Ordinance which is not the current ordinance, but a ordinance in existence at this time that allowed the commonwealth of Pa to co-located some antenna on the existing tower on the King Ranch facility (775 Fairview Rd.) Mr. Beegle asked what year this happened and Mr. Burke stated that this agreement may have taken place in 2003-2004, however Mr. John Naly is a representative of the Department of Public Safety Radio Services for commonwealth of PA who could help you understand why those antenna were attached to the tower, what services they provide and what they look like, with Mr. Naly is counsel of The Commonwealth of PA, Mr. John Ryan.

Mr. Burke goes on to explain that in 2003 The Commonwealth approached the Vermeils saying that there land is an ideal location for the western service area to fill a large hole in our state police radio coverage, the Vermeils agreed to the co-location of the antenna at this time. They were not aware of any process that had to be done through the East Fallowfield Twp. in order to have this public radio service. It was brought to the Vermeils attention in September of 2008 that there was a violation zoning notice that stated that there were some changes done to the tower. Since 1996 AT&T has been using the Tower legally and is “grandfathered” non-conforming. They need conditional use approval on the 1998 ordinance which is for the antenna itself that was installed without Twp. approval in 2003-2004. The antenna was attached to existing Tower in 2003. Mr. Burke is now trying to find out what needs to be reasonably done to continue this service. Mr. Burke states that there will be no additions added to the tower.

The Vermeils are the owner of the Tower, the antenna is owned by The Commonwealth of PA. There is a lease in place for the antenna. The Commonwealth of Pa did consult with Tower Economics (Tower consulting co. NJ) management company who to this day manages the AT&T functions on the tower. The management co. should have been the ones who obtained the appropriate permits and made The Vermeils aware of any regulations/requirements. They never mentioned anything about permits that would be necessary through The Township or they (commonwealth of Pa) would have taken the necessary steps then instead of now. There was mention that the consulting firm could be liable for any penalties/fines that are a result of the non-compliance of this tower. Mr. Naly uses coverage maps to better explain their presentation. Mr. Burke sums up the reason they have come and that is to get some feedback from the Planning Commission what can be done for them to meet as many requirements of the conditional use that is required and then how it will be allocated between us as the owner of the Tower and Commonwealth as for the beneficiary since there is a monthly payment of \$400.00 a month.

Ms. Rush who is now a part of the public asked to speak because she believes that the tower has changed over the past 9 years in height and wanted to know why the Township was not aware of these changes and why was the changes that she observed not properly approved to have done through the townships ordinances/permit requirements. The commonwealth stated that they have had pictures surveyed and there were no changes. After further discussion back and forth between Ms. Rush, Mr. Naly and Mr. Burke, The Planning Commission decided to refrain from making a decision because Mr. Burke and the commonwealth reps. were not equip to answer or provide the information needed to make a recommendation. Mr. Beegle states that there are 2 separate issues that have to be dealt with separately, non-conformance from 2003-present and the other is the conditional use in reference to moving forward. The Planning Commission needs to know who is liable for 7 years of non-compliance and why the Township has not been aware nor compensated. Mr. Beegle asks for any questions or comments from the public...Mr. Amentas Planning Commission Liaison speaks on behalf of the Board Of Supervisors and advises Mr. Burke, that if they want the Board to entertain granting this application and/or forgiving what has transpired in the past they are going to need to see a lot more actual evidence of what was there in 2002, what was there in 1996, 1998 from Comcast/AT&T etc.

Mr. Amentas goes on to say that anytime there were any addition or changes made to this tower, he has to assume that there were some sort of plans, records or photographs that are in somebody's possession. If the Vermeils don't have it, then maybe their planning company does, if they don't then maybe the state does and so forth and so on somebody has to have records of what was there at certain points in time. The Board Of Supervisors are going to want to know what's actually there, what's been added and what you are actually seeking approval for in addition to, on top of what has allegedly been out there predating this ordinance. The Board of Supervisor's is going to want as much information about this tower as they can so that they will know what is going on and how to preside in this matter. Mr. Beegle closed this session and advised them to reschedule with the Planning Commission once all information needed is obtained to move forward. No recommendation needed at this time.

After discussion for the Vermeils ended, Ms. Rush resumes as Chairperson of the Planning Commission and takes charge of the rest of tonight's agenda events.

South Brandywine Middle School (Conceptual Sketch Plan): *Brian Bingeman of K&W Engineers representing Coatesville School District for South Brandywine Middle School Project. Mr. Bingeman has been before the Planning Commission for about the last 1½ years looking into different options and variances and different request and after all of that the District has decided to try a different approach to solving the issues there at South Brandywine by demolishing the existing school and replacing it with a new school. This approach is more economical and better building altogether. The existing building can function while new building is under construction, which will cut down the construction time down by a least a year. Every applicable comment that was made at previous meeting with regards to landscaping, safety and parking that the Planning Commission made will be incorporated into the new site.*

Mr. Bingeman is going to address all issues with regards to Mr. Della Penna's letter of March 30, 2009 which mentioned the concerns about where the track is placed and making sure that it is which in the front yard setbacks and some of the members had concerns as well about the track being so close to the road, but being as though this is just a sketch plan, Ms. Rush wanted Mr. Bingeman to make note of these concerns before submitting the actual plans. After talks concerning possible public water extension request especially for the school, safety, landscaping, proposed locations of activity sites and site distance studies, Mr. Bingeman made it clear that he just wanted to communicate this proposed change with the Planning Commission and make them aware of what the School District has in mind for the South Brandywine Middle School. No Recommendation needed at this time.

John Pia (Sketch Plan): *John Pia's representative just wanted to come in front of the Planning Commission to communicate and to submit new plans to the Planning Commission before meeting with the Zoning Hearing Board Meeting. No recommendation needed at this time.*

End of Meeting Discussions, Concerns & Updates:

Absenteeism: *F.Y.I... Ms. Rush stated that it was the Planning Commissions original agreement that if any member missed more than 3 meetings without notification within 24hours before or after the meeting as to why you didn't come, Ms. Rush will go to the Board of supervisors and ask that the member missing more than 3 meetings be removed as a member. All members were reminded and in agreement with the original agreement.*

Meeting ended: *Ms. Rush makes motion to end meeting Mr. Durborow 2nd – all in favor*

Submitted by,

*Arlene Miles-Eubanks
P/C Secretary*