

Dover Township
Planning Commission Minutes
June 5, 2019

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:00 p.m. Members present: Anthony Pinto, Carol Kauffman, alternate Justin Bigham. Absent with prior notice: Eric Harlacher, Brian Kimball, and alternate Michael Curley. Also present: Solicitor Charles Rausch, Zoning Officer John McLucas, Recording Secretary, and one citizen.

Mr. Hoffman noted that Mr. Bigham will be a voting member tonight

I. **Minutes**

Motion by Bigham, second by Hoffman, to approve the minutes of the meeting of April 2019. All members voted aye; motion carried.

II. **Zoning Cases**

None this month.

Mr. McLucas reported that the April Zoning Hearing Board cases were both approved.

III. **Plans**

None this month.

IV. **Other Business**

Samuel F. Meisenhelder property request

Attorney Stephanie Kogut, 137 East Philadelphia Street, representing Attorneys Miller, Poole, and Bortner, was present on behalf of the applicant. This request is to rezone this 104-acre property to R1, as it's surrounded by R1 properties now. Currently this property is zoned Agricultural. Mr. Rausch noted that if parcel 57A is rezoned to R1, then parcel 57C (in the middle of parcel 57A) should be rezoned as well, otherwise there will be a tiny bit of Ag zone in the middle of the R1 parcel.

The last Comprehensive Plan discussion included this parcel, centering on the fact that Dover Township might just have enough residential area. Plus, this would be the farthest point for the sewer line to be extended. Does the sewer plant have enough capacity to include this area if it's developed? Mrs. Kogut noted that this parcel is included in the future growth area, so it might make sense to extend the R1 zone.

From a planning perspective, consider whether this rezoning makes sense.

Mr. Pinto feels this makes sense, as the parcel is surrounded by residential use now. Mr. Rausch noted that the Board of Supervisors considered a shopping center for this site. It was also noted that this parcel backs to R3 and R4 housing areas. Currently, it is believed that this parcel is being farmed. Is the school at capacity? Good question.

Mr. Pinto noted that his understanding is that the Township must provide ample residential area for each zone. Is Dover saturated with residential properties? What is actually available for housing in the residential zone? If this property is zoned R1, what if a developer feels that it's not a viable option, will the land continue to be farmed? Likely. Then what's the point of re-zoning? The applicant would, of course, like to

market it as Residential as opposed to Agricultural. Mr. Bigham wondered about the wisdom of letting developers come to the Township and build it all up, stretching the schools and resources.

It's definitely better for this parcel to be R1 than R3 or R4. Mr. Hoffman asked, "but why change it to residential in the first place?"

The applicant is looking for a favorable recommendation to be considered in the negotiations for the proposed Comp Plan. Since this parcel is in the future growth area, that would happen in 2030; the applicant is wanting to have this process accomplished sooner than that. Are they asking for the rezoning right now? No, the applicant has not actually presented an application for rezoning. Mr. Hoffman feels that the parcel is saleable right now, as an Ag property. He feels that any potential purchaser will be looking into the feasibility of running the sewer lines to the parcel or parcels, if subdivided. It's possible that the running of the sewer will not be feasible and there the parcel will be, unused. If it's zoned R1, farming will be possible, but that would be a non-conforming use. If it's R1, the use for farming would be rather limited, because it would be in a residential zone.

There's no consent or input from the property owner of parcel 57C, the property in the center of the applicant's parcel on being rezoning.

Recommendation: Pinto and Kauffman are okay with the request; Bigham, stick with the current comp plan determination, but look closely at this property and the request in the planning for the new comp plan. It was noted that no rezoning will occur as a result of the comp plan changes; the applicant will need to present a formal rezoning request. The comp plan might change the growth boundary; then the applicant will have an easier time of requesting a zoning change.

Wireless Communications Facilities Ordinance (draft)

Mr. Rausch reported that a firm in Pittsburgh deals solely with communications ordinance language. This proposed Ordinance was drafted by that firm to deal with the issue of needing additional antennae systems to increase cell phone reception. If the municipality mandates underground utility lines, there are fewer poles for the cell phone companies to use for placement of their receivers. In such areas, the companies need to erect poles on which to place its receivers. That's the impetus behind this proposed Ordinance. It has been ruled that wireless communications companies are not a public utility and cannot be regulated as such. Currently, the Township has no ordinance in place to govern this type of activity (the current one addresses the large systems, not the smaller ones that are becoming more and more necessary and prevalent). This proposed Ordinance would permit the Township to be aware of the plan to put up a pole, to charge a permit fee, and to regulate the placement a bit. Federal regulations provide some guidelines and prohibitions.

Question: does the current ordinance mention these smaller towers or poles? Ordinance was checked – it says that large systems are prohibited in certain areas. The smaller poles are not prohibited in any zone, per the federal regulations. Yes, the proposed Ordinance is much larger than the current one, in order to cover all the bases and provide some degree of regulation.

It was noted that this hasn't been a problem in the Township yet, but it's likely that it will become one in the near future.

Will the terminology be useless in the future, requiring a new Ordinance or amendment? Possibly. This is the way of life now. Mr. Hoffman is in favor of merely adding a reference to the small facilities to the current ordinance and keep the whole thing simple. Mr. Rausch asserted that this is indeed what is proposed, essentially.

What prompted this new and improved Ordinance? The preparers of the document suggested it to the Board of Supervisors to be up to date and to be prepared for future complications.

After a lengthy discussion, the Planning Commission members weren't entirely sold on the necessity for this new Ordinance.

Motion by Bigham, second by Pinto, to *table* the recommendation on this Wireless Communication Facilities Ordinance proposal to the next meeting, to permit the rest of the Planning Commission members to review the proposal and to participate in a discussion. All members voted aye; motion carried.

The next meeting is set for Wednesday, July 3, 7 p.m.

Motion by Kauffman, second by Pinto, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary