

Pledge of Allegiance

Present:

In the absence of the Chairman, Ms. Hoy conducted the meeting. Present at the meeting: Ryan Lemke, Jayne Hoy, Ed Patrick, James Olszewski, Chris Kerns, and Anthony Livecchi. Also in attendance were Council Liaison Carl Stepanovich and Chief Administrator Jim Morrison.

Absent: Bob Mitall

Minutes: Mr. Lemke noted one correction to the May 19, 2020 minutes. Mr. Patrick moved to approve the minutes as corrected. Mr. Lemke seconded. All present voted aye. Motion approved.

Public Comment: None.

PUBLIC HEARING

A public hearing on a proposed ordinance adopting regulations for wireless (small cell towers) facility development in the public right-of-way.

A public hearing on a proposed ordinance adopting regulations for wireless facility development in the public right-of-way began at 7:02 p.m. There were no residents in attendance that wished to speak to the Commission and no one on Zoom. Mr. Morrison introduced Mr. Cortese, who explained that Mr. Morrison requested that he prepare a small cell tower ordinance to comply with the FCC's order of September 2018, which has been in effect since January 2019. He briefly explained the FCC's order for the benefit of the two new Commission members. The ordinance that he drafted adopts the FCC's order to a certain degree and still maintains standards for the Municipality to protect the health, safety and welfare of the constituents, while still allowing the infrastructure providers for wireless carriers to provide coverage to Murrysville. He explained that there is quite a bit of content in the ordinance: flexibility to staff as it relates to design guidelines; aesthetic requirements that the carriers will have to comply with; administrative review, plus another layer of review. He further advised that this is not part of the zoning ordinance, but is part of the right-of-way ordinance. When the FCC issued the order, it removed the barriers which were bogged down in zoning. The Municipality will have to comply with the order, while still giving it some flexibility as it relates to location, co-location, infrastructure, etc. Included in the proposed ordinance are guidelines related to new developments and subdivisions that don't have existing infrastructure. He discussed the changes in technology since wireless first started in the late 80s.

Mr. Cortese explained that, with 4G and 5G, users are predominately working from home so facilities will be located in residential corridors and business area, because that's where the users are. He added that 61% of today's homes are wireless and people are moving away from landlines. He said 4G and 5G are focused on traffic; the sites for the facilities basically

cover anywhere from 200' to 1,000' feet – very small footprints for each site and there are height limitations associated with it. The FCC order was designed to meet the growing demand of the wireless consumer.

Mr. Cortese said that it is important to note that the proposed ordinance complies with Federal and State law. He said that in many jurisdictions that his firm works in, the states that have adopted ordinances have removed from the municipalities the ability to regulate; Pennsylvania hasn't done that. He believes it's better for the municipalities to control it, rather than the state.

Mr. Patrick had a concern that most of the residential areas will need to have an above-ground station or antenna to broadcast into the areas and asked how that could be controlled. Mr. Cortese said the stations could be limited and, with respect to the existing subdivisions, coverage will have to be provided from outside of those areas. There are mechanisms within the ordinance where the municipality can control new structures. He said to keep in mind that 5G technology already exists and this will be in addition to that for better coverage. With respect to providing access to carriers, the idea and concept is to utilize the existing infrastructure. Mr. Patrick still had a concern that service may not be available in large developments because of certain constraints. Mr. Cortese said there are ways to do it aesthetically and the design portion of the ordinance gives staff a lot of flexibility to work with the carriers.

There was discussion on utilizing existing poles and the fact that some companies may not want to pay to rent space on those poles and, therefore, would want to place a second pole in the same area. Mr. Cortese said that most existing poles aren't substantial enough to hold that equipment, so they would have to be replaced, which will be a challenge depending on who owns the pole. Mr. Morrison asked what happens if the municipality doesn't own the pole in the right-of-way, but it's in the state right-of-way and asked if the municipality should entertain the application if it's in the state right-of-way. Mr. Cortese said it's up to the municipality and it may want to get PennDOT approval before considering the application. Mr. Morrison said there are 5 applications from Verizon – 3 on the highway, 1 on Old William Penn and 1 on Cline Hollow -but nothing is being done with them yet pending the ordinance. Mr. Lemke asked if there was anything in the Federal regulations regarding the amount of time to act once the application is received. (Response garbled but I believe the response was 60 days). Mr. Morrison said he didn't believe the ordinance would be in place in time. Ms. Hoy asked what the next step is after the public hearing. Mr. Morrison said it will go to Council on June 17, with another public hearing scheduled.

There was discussion on articles and information members had found regarding 5G, infrastructure, technology, the influence on GPS and transportation. There being no further questions or discussion, Mr. Patrick moved to close the public hearing. Mr. Olszewski seconded. All present voted aye. The public hearing was closed at 7:18 p.m. and Mr. Cortese was excused from the meeting.

Old Business:

A discussion pertaining to the development of an ordinance regulating Senior Independent Housing.

Ms. Hoy noted that, at the last meeting, members were instructed to forward to Mr. Morrison comments and thoughts on the direction to be taken in developing the ordinance.

Mr. Morrison said he read all the comments and also talked to Mr. Schwartz (his name is familiar from the comprehensive plan), who has worked on a number of these types of developments. Mr. Swartz will be sending a copy of an ordinance from Silver Springs in central Pennsylvania, which has had some success with retirement facilities. He also spoke with Bruce Corna of Kacin Development about lot size and density. Mr. Corna indicated that he sees minimum lot size as the driving force (around 6,500 sf), but because people want some square footage in the home, there is a minimum front dimension of 50 feet (for detached homes). Mr. Corna also said that townhouses are 8 units/acre, apartments are 12-16/acre, quads are 10/acre, and single-family family lots are 6/acre (again with 50' widths).

Mr. Morrison said that A.J. commented that, rather than using PRD guidelines, there is another zoning plan called a TND (Traditional Neighborhood Development). In that type of development, a developer would have a piece of ground and would decide how he wants to develop it. Essentially, it would end up being a small town concept where there are homes on narrow streets, there are alleys for access to garbage, garages, possibly a drug store and similar commercial activities. That type of development is a lot less restrictive than a PRD because it directs the developer into a plan and more towards letting the developer have a free hand in saying that is what he sees the market will support and this is what the ground will allow him to do. Mr. Morrison said to keep in mind what the Commission is dealing with in terms of acreage and availability. Ms. Hoy asked how many acres would be needed to develop something like a TND. Mr. Lemke said one is being developed in Penn Township on the former Kistler driving range property, which will also have some commercial activities (possible ice cream shop, convenience store); there are aspects of recreational, commercial and residential. Mr. Lemke said he would ask the developer if he could share the site plan with the members. Mr. Patrick suggested that this type of development would be for all age groups, not just seniors. Mr. Morrison said it is for active adults. Mr. Morrison said he wasn't sure how zoning would work for a TND – whether the property would have to be re-zoned. Mr. Lemke said it would be similar to a PRD (overlay and amend zoning). Mr. Morrison said he would think that there would be some rules or guidelines and that the Municipality and the developer would enter into some type of good faith negotiation.

Discussing the proposed ordinance that Mr. Morrison has been developing and the comments from the members, Ms. Hoy said she believes residents in the R-R and R-1 Districts would be opposed to this type of housing and asked if those two Districts could be eliminated. Mr. Lemke agreed. Ms. Hoy asked if there would be any legal ramifications if that were done. Mr. Morrison said it is set up that way now – single-family homes are permitted in R-R and R-1. Mr. Olszewski said he did not do a drive-by on the 4 locations but did a Google search and looked at them on satellite. Two developed and two under development are near R-1 but

not there – and there is a big buffer (woods) by the one that was close to R-1. He did not know what the zoning was for those facilities. He continued by saying that one appeared to be a business plaza-type and might be similar to the TND which Mr. Morrison discussed and said it might be the one in Greensburg. He said it was interesting that none were in an R-1 District. Mr. Kerns asked if they were apartment buildings (response was yes) and he said that is what he was driving at and that apartment buildings shouldn't be allowed in R-R and R-1 Districts under any circumstances. Mr. Morrison re-capped and noted that R-R and R-1 would include single-family/two-family; R-2 would be single-family/two-family/triplex/fourplex/townhouse. Ms. Hoy said when she thinks of a townhouse, she thinks of a 3-story building and asked if the others thought the same. She said that if 55 and over housing is the consideration she doesn't think those people would want steps. If a developer comes in and wants to market to that demographic, the less steps the better. Mr. Morrison noted a development on Northern Pike in Monroeville that are two-over-two (2 units over 2 units) and have elevators. Ms. Hoy again stated that, in her opinion, a townhouse doesn't belong in a 55 and over development. Mr. Morrison said townhouses could be eliminated from the R-2 and R-3 Districts and allow garden apartments if it is to be 55-plus housing. There was discussion on multi-family homes and terminology and Mr. Kerns said it would depend on what the market wants. Mr. Kerns suggested that, instead of designating categories, the developer is not going to put a product out there that no one is going to buy. Ms. Hoy said townhouse with elevator is ok – she didn't want to be restrictive – but doesn't want a townhouse.

Mr. Kerns said that two-family dwellings, triplexes, fourplexes and townhouses are all the same and can clearly be combined. Mr. Morrison said he believes those are defined in the ordinance and he would struggle with defining multi-family unless all of those are lumped into multi-family units. Mr. Kerns asked if there is a current definition in the ordinance. Mr. Morrison didn't find a definition but then read the definition of a TND: “The objectives with traditional neighborhood development are to establish a community which is best oriented with a number of housing types with public amenities within two or more major streets, a community building for meetings and recreational activities, to minimize traffic congestion, to make public transportation a viable alternative... and to urge community oriented functions. Ms. Hoy said she believes that would be a great addition to the community and there are a few parcels in Murrysville that would be well suited for that type of development. Mr. Patrick said it depends on topography and if there is a desire for seniors to be able to walk, he doesn't think that will happen.

Ms. Hoy said that density is something that she is struggling with and asked for suggestions on how to address this issue. Mr. Kerns suggested eliminating it from R-R or possibly limiting it to patio homes and adding buffering restrictions. Mr. Morrison provided a map indicating the R-1, R-2, R-3 and R-R districts. There was discussion on types of housing to be eliminated from some districts and allowed in others. Mr. Morrison said he would like to explore the traditional neighborhood development more and will come up with density suggestions based on the comments received at tonight's meeting. He will keep multi-family, two-family, tri-family and fourplex in R-2 and R-3. Mr. Lemke suggested putting in the ordinance a requirement for the developer to submit draft Association documents (rules and regulations) to make sure they will be in compliance with HOPA. Mr. Morrison said that,

typically, those documents are to be submitted to the Solicitor, and approval by the Solicitor is a condition for approval of the plan. There were no additional comments or discussion.

New Business: Mr. Morrison said a lot of new developments are coming in (Kacin, Magam Group, Fusting, First Summit Bank). The next meeting will be held July 7.

Adjournment:

Mr. Patrick: Moved to adjourn at 7:53 p.m.

Mr. Lemke: Seconded

Motion Approved: 6-0