

EDGEWORTH BOROUGH PLANNING COMMISSION  
REGULAR MONTHLY MEETING  
March 10, 2021

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MEETING was called to order at 7:00 p.m. with Chairperson Keane presiding and the following members of the Commission and officials of the Borough present: Mr. Patrick Keane, Mr. Timothy Corcoran, Mr. David Aloe, Mr. David Martin, Mrs. Mary Ferris, and Mr. John Schwend, Borough Manager.

MINUTES of the Regular Meetings held on December 9, 2020 and January 13, 2021 were presented to the Commission. After some discussion, a motion was made by Mr. Corcoran with a second from Mr. Aloe to approve the December 9, 2020 and January 13, 2021 Regular Meeting Minutes as presented. All present voted in favor of the motion.

The following visitors were present:

Ms. Gail Murray	605 Maple Lane
Mr. Hugh St. Martin	609 Maple Lane
Ms. Robin Martin	Food and Water Watch
Michael Roberts	Cohen Law Group

NEW BUSINESS:

Mr. Keane explained that due to time constraints, the agenda would be modified to allow discussion of wireless communication facilities first.

REVIEW OF PROPOSED ORDINANCE 555: AN ORDINANCE AMENDING THE PROVISIONS OF THE BOROUGH OF EDGEWORTH ZONING ORDINANCE RELATING TO WIRELESS COMMUNICATION FACILITIES: Mr. Schwend stated that the initial ordinance related to wireless communication facilities must be updated due to recent court rulings and the expansion of 5G small cell technology in the region. The Borough recently retained Cohen Law Group, who specializes in wireless communication regulations, to review and revise the ordinance.

Mr. Michael Roberts from Cohen Law Group stated that the recent regulatory and legal decisions from the Federal Communication Commission (FCC) and Pennsylvania State Supreme Court allow for wireless small cell communication facilities to be placed in public rights-of-way. These facilities are typically used to increase 5G cellular service. In order to be fully effective, small cell towers are typically placed about 250 feet apart in distance. Regulations define small cell communication facilities by their size and capacity, as three cubic feet or less in volume, and fifty feet or less in height. Mr. Roberts explained that municipalities are permitted to institute presumptively reasonable fees for facilities being installed on existing utility poles, or for the installation of new utility poles in the right-of-way. Municipalities may also require companies to comply with reasonable design and aesthetic standards for the small cell facilities. Mr. Roberts detailed the draft Design Manual included with the proposed ordinance to further explain design standards. Finally, FCC regulations state that municipalities must follow a specific time frame to review and approve applications for small cell facilities. Mr. Roberts explained in depth updates to definitions in the existing ordinance, and proposed changes related to other forms of communications facilities regulations. He also stated that the proposed changes to the ordinance protect the health, safety and welfare of the Borough without being exclusionary to small cell facilities companies.

Mr. Martin asked if companies could install utility poles and small cell facilities on streets that currently have all wires located underground. Mr. Roberts explained that the company submitting the application could either run facilities underground, or seek a variance to install new utility poles. Ms. Gail Murray asked whether health impacts could be considered during the review process of any new application. Mr. Roberts stated that the Borough has no ability to regulate radio frequency emissions, and that any company installing a small cell facility must comply with federally enforced emissions levels. Mrs. Ferris asked whether there is a master plan of facilities that could be installed in the future, due to the nature of how close the facilities must be in relation to one another for full effectiveness. Mr. Schwend stated that one small cell tower has been installed, and no additional applications or inquiries have been received by the Borough. Mrs. Ferris also asked whether multiple towers could be installed on the same utility pole. Mr. Roberts explained that three providers can typically utilize one tower simultaneously. Mr. Schwend explained that the proposed ordinance complies with current regulations and laws, and includes further protections for the Borough and its residents. After further discussion, a motion was made by Mr. Aloe with a second from Mr. Corcoran to recommend approval to Borough Council of proposed Ordinance 555: An Ordinance Amending the Provisions of the Borough of Edgeworth Zoning Ordinance Related to Wireless Communication Facilities. All present voted in favor of the motion.

REVIEW OF PROPOSED ORDINANCE 554: AN ORDINANCE AMENDING THE PROVISIONS OF THE BOROUGH OF EDGEWORTH ZONING ORDINANCE RELATING TO GAS RESOURCES DEVELOPMENT: Mr. Schwend explained that the Planning Commission reviewed changes to the zoning ordinance related to gas resources development in October of 2019. Since then, further changes have been proposed and discussed, and Borough Council has reviewed all recommendation changes. The current draft ordinance has been agreed upon by concerned residents, the Property Committee, and Council. Mr. Schwend stated that Council feels as though the proposed changes are protective of the Borough and residents, yet not exclusionary from a legal perspective. Mr. Schwend reviewed some of the changes in the draft ordinance, including requiring a ten-year master plan, matching setback requirements to state statutes, establishing gas resources development as a conditional use, and updated quality standards.

Mrs. Ferris asked for clarification regarding multiple aspects of the draft ordinance, including vehicle spillage, proof of insurance requirements, and air quality standards. Mr. Schwend highlighted sections of the ordinance that address these concerns, and explained that the changes were reviewed by the Borough Solicitor. Mrs. Gail Murray stated that the updates made to the ordinance are beneficial for all residents and community members. Mr. Keane noted a typographical error in the lettering sequence of the draft, and Mr. Schwend stated that the error will be corrected prior to advertising. Upon further discussion, a motion was made by Mr. Aloe with a second from Mrs. Ferris to recommend approval to Borough Council with the proposed modifications as necessary to Ordinance 554: An Ordinance Amending the Provisions of the Borough of Edgeworth Zoning Ordinance Relating to Gas Resources Development. All present voted in favor of the motion.

There being no further business, the meeting on motion duly made was adjourned at 8:28 p.m.  
-John F. Schwend, Secretary