

**Minutes of the Regular Meeting of the  
PALMYRA BOROUGH PLANNING COMMISSION**

Wednesday September 2, 2015

Jim Hartman called the meeting to order at 7:00 p.m. in the Council Chambers of the Palmyra Municipal Building, 325 S. Railroad Street, Palmyra, PA, 17078.

**Attendance:** Jim Hartman, Steve Ricker, Mark Smith, Joe Templin, and Gretchen Van Scyoc were present. Borough Manager Roger Powl and Frank Chlebnikow of Rettew Associates were also present.

**Approval of Minutes:**

A **Motion** was made by Gretchen Van Scyoc, seconded by Joe Templin, to approve the August 5, 2015 meeting minutes as written. **Motion Carried.**

**Public Comment:** None

**Action & Discussion Items:**

1. **ShadowStone – Spruce Street Entrance Plan:** Mr. Hartman reviewed the following decision made by the Zoning Hearing Board concerning this plan:

- Special Exception for Section 220.C.12, pertaining to “offices”
- Special Exception for Section 220.Q.1. A-C pertaining to design standards
- Variance of Section 220.E, pertaining to 35-foot rear yard setback and off-street parking setback
- Variance of Section 301.C and 303.A, pertaining to clear sight triangles
- Variance of Section 306.A – more than one principal use on a single lot
- Variance of Section 321.D, pertaining to required perimeter screening
- Variance of Section 322.F.5, 322.F.7, and 322.E.7, pertaining to signage

Additional conditions of approval:

- The two parcels must be consolidated into one.
- No further subdivision allowed.
- The applicant shall work with the Borough regarding the stormwater project
- Existing sales/property management office shall be terminated upon opening of new office.
- Upon termination of selling houses and property management services, the proposed building shall revert to a residence.
- All walls are not to exceed 4’ in height.
- Perimeter screening shall be shown as is on the plan submitted with the ZHB proposal.

2. **Stormwater Management Ordinance – Amendment:**

Mr. Powl explained that Borough Council has already reviewed the proposed language changes to give approval power to the Borough Engineer and signature power on recording documents to the Borough Manager for small stormwater management plans submitted that are not associated with a subdivision & land development plan and were generally in agreement to include as part of the re-codification project for the entire Palmyra Code of Ordinances. Mr. Powl explained that if the Planning Commission desires any changes, there is still enough time to submit minor tweaks that can be included with the re-codification. Mr. Chlebnikow explained that Rettew stormwater specialists reviewed the language and confirmed that nothing technical was being changed to the stormwater management ordinance, only the procedural changes outlined by Mr. Powl. Ms. Van Scyoc explained that in Section 310-20.F an application is required to be reviewed and returned to the applicant within seven (7) days of being approved and she asked if seven days was an adequate time period. Mr. Powl explained that he discussed this with the Borough Solicitor and agreed to the seven day time period. Mr. Powl explained that the Assistant Borough Manager would be able to sign in the event that he would not be available within the seven day period.

A **Motion** was made by Gretchen Van Scyoc, seconded by Steve Ricker, to make a recommendation to Borough Council to incorporate the language revisions into the Stormwater Management Ordinance as proposed. **Motion carried.**

3. Wireless Communications Facilities Ordinance for “Distributed Antenna Systems”:

Mr. Chlebnikow explained that the documents provided to the Planning Commission members were for the purposes of setting the stage for discussion at next month’s meeting. He explained the copy of the Palmyra Zoning Map he prepared to show that free-standing towers are permitted as a Special Exception in the Heavy Industrial (HI) District and co-location of antennas is permitted in the Light Industrial (LI) District. He also searched for existing towers within a 3-mile radius of the Borough and plotted the approximate locations for the eight existing towers and one pending tower on the zoning map for reference. Mr. Chlebnikow explained that growth, development, and increased need for data streaming is draining the capacity of the existing cellular networks that were established with the construction of standard 250-foot tall cell towers. Therefore, cellular companies are looking to add smaller 120-foot towers, or add co-located antennas onto the large towers, and are now looking to the small 40-foot Distributed Antenna System towers or poles with a transmitter relaying to the larger towers to increase the capacity of these existing networks as driven by the demand of a specific area. Mr. Chlebnikow mentioned that The Cohen Law Group from Pittsburgh has been working with several municipalities to analyze their ordinances and recommending amendments, or complete re-writes, in order to address the new mini-tower technology, protect residential neighborhoods, incorporate recent FCC legislative mandates, and allow for new fees to be charged to the cell companies for the use of the public right-of-way when installing new mini-towers. Mr. Chlebnikow provided and explained a copy of a 22-page Highspire Borough ordinance as a sample of an ordinance that is currently being reviewed and explained that the Planning Commission should be focusing their future discussions on whether they feel a complete re-write of the Palmyra regulations are needed, or just a focused approach by adding language for the mini-tower facilities and where they should be located within the Borough. Mr. Chlebnikow provided photographs of examples of a new single pole type small tower and a small cell transmitter that was adapted to an existing grandstand post at the Bloomsburg Fairgrounds. Mr. Ricker asked if the small cells are coming to Boroughs, or, are Boroughs seeking out the small cell towers, and Mr. Chlebnikow explained that it is driven by the signal models for the existing towers and whether an existing antenna is nearing exhaustion in capacity according to the model, which will determine if the company needs to engage their site acquisition people to find a suitable property to locate a new tower on, or, if small systems could be placed within public right-of-ways where they are considered as a utility. Mr. Ricker asked how many companies are currently installing these types of small systems and Mr. Chlebnikow said he knows of three small independent companies that are currently installing these systems and leasing them back to the large cell companies like Sprint, Verizon, AT&T, etc. Mr. Ricker asked if these small companies could be installing these small systems in the Borough with the Borough not being aware of it and Mr. Chlebnikow explained that that scenario is not likely due to permits needed from the Borough or PennDot to install items within the right-of-way that each entity controls. Ms. Van Scyoc mentioned that she thinks there may be one of the small systems located on top of a light pole along West Maple St one block west of the football stadium. Mr. Hartman explained that it seems to make perfect sense for these systems to be bolstered so that 9-1-1 calls are not dropped, etc., however, he also feels that these small facilities should not be located anywhere and everywhere so, some regulation seems warranted. He further explained that most of the public right-of-ways in the Borough are curb face to curb face so, the utility poles are located outside of the right-of-way on private property, therefore, private property owners should be contacted, however, the utility companies assume easements over their facilities and probably would not communicate with the property owner anyway. Mr. Chlebnikow explained that consulting with the Cohen Law Group may not be a bad idea since they could also handle negotiations with the small cell companies if that becomes necessary, however, he mentioned that he has

now seen four new ordinances drafted by Cohen for four different municipalities and they are all very similar except for locations, district names, etc. Mr. Ricker asked if it was known what an approximate cost Cohen charges and Mr. Chlebnikow said he believed the cost was somewhere around \$4,700 for a major re-write but, he said the Planning Commission will need to determine if that is direction they want to pursue and end up with a new 22-page ordinance, or, if the goal would be to do as much as possible in-house with guidance provided by Rettew. Mr. Ricker asked if the small cell units could be placed on residential dwellings and if the units would all look the same regardless of the company installing them, and Mr. Chlebnikow responded that due to the microwave radiation concerns he did not believe these small systems would be placed on houses. He also explained that he is sure each company is using equipment and parts from different tech companies, therefore, he would expect each small system to be similar in nature as to how they would be mounted to the top of a streetlight pole, or traffic signal pole, or on a new small pole placed in a right-of-way, however, the equipment itself would not necessarily look identical in style, appearance, size, etc. Mr. Templin expressed that he thought in looking at the Highspire draft ordinance that everything that the Borough would need is contained in the sample ordinance and could be fairly easily adapted to Palmyra's needs. He also explained that he understands that Hummelstown Borough pursued the small cell tower companies as a means to generate revenue and to identify the locations where small cell facilities could be located. Ms. Van Scyoc asked if there were any dangers of copyright infringement by using the sample ordinance to work from and Mr. Chlebnikow explained that as soon as an ordinance is enacted it becomes public record, and similar ordinances have already been enacted by Hampden Township & East Pennsboro Township so, there should not be any copyright issues. Mr. Ricker asked if it can be dictated in the ordinance as to where these small cell tower facilities are allowed to be located and Mr. Chlebnikow explained that he has seen in the ordinances a hierarchy listing where the small cell companies would first be required to seek Borough owned locations, and if none then School District locations, and if none then major shopping center locations, etc., etc. Mr. Ricker asked Mr. Powl to seek the Solicitor's opinion on the question of whether all revenue generated by a small cell site could be directed to the Borough. Mr. Hartman asked the Planning Commission members to read through the material provided by Mr. Chlebnikow to be better prepared for discussion on this issue at the October meeting.

**Communications:** None.

**Other Business:**

1. Ms. Van Scyoc asked about the information Mr. Powl provided regarding the possible privatization of refuse & recycling collection services currently conducted by Borough employees and equipment. Mr. Powl provided an explanation as to why privatization was being considered, how the current operation is conducted by the Borough, why the separate Refuse Fund was created, and that Borough Council will be making the decision on the bids received at their Workshop meeting to be held next Tuesday 9/8/15.

**Adjournment:**

A **Motion** was made by Steve Ricker, seconded by Gretchen Van Scyoc, to adjourn the meeting at 7:50 p.m.  
**Motion carried.**

Respectfully Submitted,

Roger E. Powl  
Borough Manager