

**EDGMONT TOWNSHIP ZONING HEARING BOARD
REGULAR MEETING MINUTES
OCTOBER 28, 2008**

1. **Open Meeting**: Thomas Lawrie called the meeting of the Zoning Hearing Board to order at 7:10 p.m. In attendance were Thomas Lawrie, chairperson; Kevin Coyne, member; Thomas Donatucci, member; Neil Wasserstein, alternate member; J. Adam Matlawski, solicitor; Samantha Reiner, Township Manager/Zoning Officer; Susan Sharp, Recording Secretary; and approximately 14 guests. The court reporter, Maria Lairdieson O'Neill, was present to transcribe the hearings.

2. **Public Comment**: There was no public comment.

3. **Meeting Minutes**: Mr. Donatucci made a motion to approve the minutes from September 23, 2008. Mr. Wasserstein seconded the motion. Mr. Coyne abstained from voting as he was not at the meeting. The motion carried unanimously without further discussion.

4. **Old Business**
 - a. **Halcyon Construction – 1058 Middletown Road** – on January 5, 2006, the applicant received a special exception to allow construction and installation of a common driveway and utilities in flood hazard areas and a special exception to allow construction and installation of a roadway and utilities in flood prone areas. On December 19, 2006, and again on January 5, 2008, they requested and received an extension of time to apply for a building permit. Due to unforeseen circumstances, this extension will run out before a building permit can be applied for. The applicant is requesting an additional extension. Joseph Barakat, of Halcyon Construction, was present. Mr. Coyne made a motion to approve the extension of time to apply for a building permit for an additional year. Mr. Donatucci seconded the motion. The motion carried unanimously without further discussion. The applicant now has until January 5, 2010 to apply for a building permit.

5. **New Business**
 - a. **NextG Networks of NY, Inc.** – The applicant has requested a variance from the requirements of section 1920 to provide wireless telecommunications services by attaching its facilities to 3 identified existing utility poles, each located within the public right-of-way. The three wooden poles are situated as follows:
 - (1) Site N148, PECO pole on Valley Road between Stackhouse Mill Road and Thornbird Way;

- (2) Site N152, Verizon pole on West Chester Pike, east of Providence Road; and
- (3) Site N155, PECO pole on Middletown Road, southeast of Farmers Lane

Sites N148 and N155 are located in the R-1 zoning district and site N152 is located in the C-2 zoning district. The applicant was represented by Christopher Sinclair, Director of Network Real Estate, Eastern Region.

The following exhibits were entered into the record:

Board's Exhibits:

- B-1: The application form ; a plan dated June 30, 2008, prepared by HP Communications Inc, sheets 1 and 2 of 2, showing the location of the PECO utility pole 4534B at 1827 Valley Road, also referred to by NextG as site N148, and the utility pole equipment profiles; a plan dated June 30, 2008, prepared by HP Communications, sheets 1 and 2 of 2, showing the location of the Verizon utility pole 26 at 4967 West Chester Pike, also referred to by NextG as site N152, and the utility pole equipment profiles; a plan dated July 3, 2008, prepared by HP Communications Inc, sheets 1 and 2 of 2, showing the location of the unnumbered PECO utility pole at 1890 Middletown Road, also referred to by NextG as site N155, and the utility pole equipment profiles; 4 pieces of informational literature from NextG; a copy of the Pennsylvania Public Utility Commission certificate, dated April 7, 2005, giving NextG Networks of NY Inc the right to begin to offer, render, furnish or supply telecommunication services as a competitive access provider to the public.
- B-2: Proof of publication – the notice was published in the Delaware County Daily Times on October 13 and October 20, 2008.
- B-3: Look-up list and certified mail receipts for the October 28, 2008 meeting.

Township's Exhibits:

- T-1: Zoning Officer Report

The Zoning Officer confirmed that the property was posted.

Mr. Sinclair explained that NextG installs their equipment in areas where there is no service from monopolies. The apparatus is installed on existing structures, usually utility poles, in the public right-of-way. He stated that NextG installs the equipment and then resells the service to a cellular carrier. In the case of the proposed sites in Edgmont Township, the service will be resold to a new provider in the area. In response to a question from Ms. Reiner, Mr. Sinclair stated

that any person that would come to service the equipment would not have any different parking needs than Verizon or PECO. Testimony was taken from three neighboring property owners: Lynmar Brock, 1800 Valley Road; Jamie Greco, 1650 Farmers Lane; and Richard Acciavatti, 1845 Middletown Road. THE COMPLETE NOTES OF TESTIMONY CAN BE FOUND IN THE TRANSCRIPT IN THE ZONING HEARING FILE FOR THIS PROPERTY. After a brief recess, Mr. Coyne made a motion to close the hearing and accept the exhibits. Mr. Donatucci seconded the motion, which carried without further discussion. Mr. Lawrie stated that the Board would announce their decision at the November 25 meeting.

- b. **David S. Jarjisian – 470 Gradyville Road** – The applicant has requested a variance from Section 402, which limits the height of structures to 35 feet, in order to permit installation of a residential windmill of 40 feet, $\frac{3}{4}$ inches in height in the R-1 zoning district. The property owner, Mr. Jarjisian was present.

The following exhibits were entered into the record:

Board's Exhibits:

- B-1: A spiral bound booklet entitled "Proposed Wind Powered Generator" for 470 Gradyville Road, Gradyville, PA 19039, dated September 24, 2008, prepared by Tackett and Company Inc. This booklet includes: a plot plan of the proposed windmill location, dated September 23, 2008, prepared by Tackett & Co Inc, labeled page A-1; site photos of the property, dated September 23, 2008, labeled page A-2; a detailed plan of the foundation for the proposed wind generator, dated September 24, 2008, sealed by Daniel M.R. Weinstein, Professional Engineer; the application form; a deed dated September 17, 2008, between David & Victoria Jarjisian , grantors, and David Jarjisian, grantee for 470 Gradyville Road; a deed dated May 12, 2008 between David & Victoria Jarjisian, grantors, and David Jarjisian, grantee for 1015 Cedar Knoll Road; technical specifications for a Skystream 33.5 ft Monopole Tower; an article from CNN.Com/technology entitled "Offshore wind farms may line US Coast"; an article from CNN.Com/technology entitled "Oil billionaire Pickens puts his money on wind power"; an article from the website The Encyclopedia of the Earth entitled "Exxon Valdez oil spill"; an article from CNN.Com/US entitled "Port chief: Oil spill costing \$274 million a day"; an article entitled "1969 Oil Spill"; and a large plot plan and site photos of the property, dated September 23, 2008, prepared by Tackett & Co Inc, labeled page A-1 and A-2, respectively

- B-2: Proof of publication – the notice was published in the Delaware County Daily Times on October 13 and October 20, 2008.
- B-3: Look-up list and certified mail receipts for the October 28, 2008 meeting.

Township's Exhibits:

- T-1: Zoning Officer Report

Applicant's Exhibits:

- A-1: Photograph taken from the Scott property
- A-2: Spiral bound book labeled "Skystream Windmill Specifications"

The Zoning Officer confirmed that the property was posted.

Ms. Reiner stated that the Township's Ordinance task force has been developing a windmill ordinance, but it may be three to six months before the Board of Supervisors adopts it, if they choose to. Mr. Jarjisian stated that under the current Zoning Ordinance, if the windmill that he is proposing to erect met the Township's height requirements, he would be able to put it up. Mr. Jarjisian explained the minimum, optimum and maximum wind speeds for the operation of the windmill. If the wind speed is too high, the windmill will shut down. Electricity produced by the windmill is not stored, but goes straight to the electrical panel. Mr. Jarjisian explained about the expected noise levels generated by the windmill blades and how fewer birds are killed by residential windmills than by some other normal residential activities. Testimony was taken from three neighbors, William & Lola Scott, 478 Gradyville Road, and Dennis Kinslow, 1001 Cedar Knoll, who primarily had concerns about the noise that might come from the windmill and the disruption of their view shed. THE COMPLETE NOTES OF TESTIMONY CAN BE FOUND IN THE TRANSCRIPT IN THE ZONING HEARING FILE FOR THIS PROPERTY. After a brief recess, Mr. Coyne made a motion to close the hearing and accept the exhibits. Mr. Donatucci seconded the motion, which carried without further discussion. Mr. Lawrie stated that the Board would announce their decision at the November 25 meeting.

6. **Adjournment:** At 9:25 p.m., Mr. Coyne made a motion to adjourn and Mr. Donatucci seconded the motion. There was no further discussion and the motion was carried unanimously.

Susan Sharp
Zoning Hearing Board Secretary