

**COLLEGE TOWNSHIP COUNCIL  
SPECIAL MEETING MINUTES**

**Thursday, July 14, 2016  
1481 E. College Avenue  
State College, Pennsylvania**

**ATTENDED BY:**

**COUNCIL:**

D. Richard Francke, Chair  
Carla Stilson, Vice Chair (delayed arrival, 6:10 PM)  
L. Eric Bernier  
Steven J. Lyncha  
Anthony Fragola

**STAFF:**

Adam T. Brumbaugh, Township Manager/Secretary  
Kent Baker, Township Engineer  
Mark Gabrovsek, Zoning Officer  
Mark Holdren, CRPA Sr. Planner  
Mary E. Wilson, Asst. Township Secretary

**CALL TO ORDER**

On July 14, 2016, Chair Francke called to order at 6:10 PM a duly advertised Special Council Meeting, called for the purpose of Council's continued review of the Wireless Communications Facilities (WCF) Ordinance Amendment.

**OLD BUSINESS:**

No *Old Business* was presented.

**NEW BUSINESS:**

**NB-1 Ordinance O-16-09, Wireless Communications Facilities (WCF) Ordinance Amendment; Review and Comment**

In correspondence to Council, dated July 8, 2016, Mr. Holdren, CRPA Sr. Planner, reported that proposed Ordinance O-16-09, Wireless Communications Facilities Ordinance Amendment, 1) offers for Council's review a revised definition for Non-Tower-Based WCFs, now renamed as "Attached WCFs;" 2) relocates the definition of "Substantial Change" into the general requirements section; 3) includes a requirement for proof of easement for WCFs; 4) defines what is meant by a right of way having overhead utility lines; 5) prohibits an attached WCF from being located within a distance equal to 110% of the WCF's height to existing dwellings; 6) adds additional design requirements for related equipment when located on roofs and within 200 feet of most dwellings; 7) clarifies how height is measured for WCFs attached to utility poles in the ROW; 8) creates a new section that dictates how camouflaging of antennas is to be achieved when stealth design is required; and, 9) adds a provision that requires that any structure being replaced for the purposes of mounting an antenna must remain

the same horizontal and vertical dimensions. These revisions are a combination of those offered by staff and contracted legal counsel, Cohen Law Group, Pittsburgh.

In response to Council inquiry, staff advised that the Federal Communications Commission (FCC) wants to see an increase in cell antennas to address the need for more complete cellular coverage. Additionally, the Pennsylvania Wireless Broadband Act prohibits requiring justification or need for a new WCF when the WCF is being located on an existing structure or tower. Proof of need can be required when an application for a tower-based WCF is made.

Staff clarified that, in reviewing applications for such installations, College Township would require a letter from the property owner stating that the WCF applicant has permission to place such a facility on their property.

Council comments/revisions included the following.

- Change all references from “tower-based” to “attached.”
- Regarding percentages of heights, confirm that the metrics match and place the onus on the applicant to prove what can and cannot be done, according to case law.
- Line 82, describe “indistinguishable” from what, such as, “the structure upon which it is located.”
- Remove lines 235 through 239 as repetitious.
- Line 277, change to say, “See below.”
- Line 284, change language for clarity, Cohen Law Group to approve.
- Line 297, change language for clarity.
- Line 467, consider listing the Township’s zone location preferences.
- Add text that requires stealth conditions to be maintained.
- Line 660, clarify that the 40-foot height restriction is measured from the ground.
- Business-to-business satellite dishes should be exempt from this ordinance.
- Line 704, clarify the overall diameter of the antennas and concealment is no greater in diameter than 150% of the pole diameter.

Council offered numerous changes, including those above, before directing staff to incorporate Council’s comments and requesting Cohen Law Group’s review of, and comment on, that latest revision. The next version will return to Council at a future meeting.

Ms. Elizabeth Betts, Cortland Drive, inquired about 1) Verizon’s recent legal action against College Township; 2) the draft ordinance’s lack of providing College Township the authority to deny a plan based on safety; and 3) placing a hierarchy of zoning that would state that residential zones are the least desirable zones for WCFs. In response to correspondence to staff from Ms. Betts, Mr. Holdren clarified that “existing uses” could be moved over to the “General” section; the definition of “Tower” could replace “wireless support structure;” “Substantially Changed” is moved over to “Regulations.”

Mr. Nick Roberts, Cortland Drive, requested clarity on the definition of “Pole” and suggested a definition be added for “alternate communication structure.”

Prior to Council action, Ms. Stilson requested clarification that a motion sending Ordinance O-16-09 to public hearing would solely be amended from its presented version to include restricting a non-tower-based structure from being placed no closer than 110% of the lot line of a single-family residence, and Council offered its affirmation. The other, above-listed revision comments would be incorporated into a separate WCF ordinance amendment, which will be presented to Council at an upcoming meeting for review and action.

**Mr. Lyncha moved to schedule a September 15, 2016, public hearing on proposed Ordinance O-16-09, amended solely to include restricting a non-tower-based structure from being placed no closer than 110% of a lot line of a single-family residence. Ms. Stilson seconded the motion. Motion carried unanimously.**

**COUNCIL/STAFF OTHER MATTERS:**

1. Mr. Bernier reported that the COG Executive Committee met to set the agenda for the next General Forum Meeting, which would review the Penn State long-term capital plan. Chair requested Council's comments on this plan. Council suggested a future bike and sidewalk master plan and a parking generation study.
2. Chair urged Council members to provide their COG committee reports to staff by Monday at noon for inclusion in Council agenda packets.

**ADJOURNMENT:**

Hearing of no other business, Chair Francke called for a motion to adjourn. Motion was made by Ms. Stilson, and the Chair adjourned the July 14, 2016, Special Council Meeting at 8:41 PM.

Respectfully submitted,

*Adam T. Brumbaugh*  
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Township Manager/Secretary