

MEMBERS PRESENT

EDWARD BARZESKI
ROY SHAFFER
ROBERT AMISTADI
WILLIAM HUSTON
SCOTT HUNT

OTHERS

KEN MESKO, ENGINEER
MARY KAY MAHER, TWP. SECRETARY

OTHERS – L. William Lonsinger, John Onufro, Dave Mills

CHAIRMAN CALLED THE MEETING TO ORDER AT 7:10 P.M. WITH THE PLEDGE OF ALLEGIANCE

CELL TOWER REGULATIONS

Bill Lonsinger, speaking on behalf of the Zoning Hearing Board, explained that the Chairman, William Burns could not attend and that he would fill in for him.

One item of concern was the amount of fee to be charged so that the Township would not be out any funds, should future problems occur. The permit fee should cover expenses such as certifications. A suggestion of a \$1,000 fee was submitted to cover costs along with a one-million dollar liability bond that would be required for the life of the tower. Even though the tower is set far enough back that it wouldn't hurt anyone should it fall, there are other hazards that should be covered that could occur; such as, high winds or accidents. The liability bond would cover any losses to life, limb or property, should a catastrophic event happen. Roy suggested having the structure re-inspected every two years to ensure it is structurally sound. Bill noted that the bond would not cover any legal expenses, should the tower go to court, that is why the \$1,000 fee is suggested – so that the Township would not have high expenses involved. Bill Huston suggested the owner provide proof of insurance/bond for every two year interval. Dave Mills informed the Board that Richland requires a one million dollar liability insurance bond. Richland Township is finding out that the cell towers that are erected are signing a lease with the landowner for 20 years. After 20 years, the cell tower is turned over to the landowner and left standing. Then they fall into disrepair. Richland Township requires the cell tower operator to set up a bond and after 20 years if they don't take the tower down, then the Township takes the bond and uses it to remove the tower. After 20 years most cell tower companies want to change the technology; but there have been instances where they just walk away from them and the landowner is left with the tower and no lease payment. Once they walk away, there is no liability insurance anymore. This involves more work on the office staff in keeping track of the bonds/insurance to make sure they don't expire. If they expire, they don't have to apply for a new one. This issue – who will dismantle the tower when it is no longer able to function, will have to be addressed.

Currently, the Township's zoning ordinances does not allow any towers. The Board isn't trying to deny them, only regulate them. The appeal hearing by the Pegasus Tower Company has not been heard yet. Should they win the appeal, they will have to approach the Township to obtain a permit. The amended restrictions should be in place prior to this time.

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Ken stated the Township regards these leased lots as minor subdivisions and the burden is on the user, not the owner. Dave Mills stated the property owner may not be able to get the insurance coverage, but the user can. The company that operates it, controls it, so the Township should control the operator, not the owner. Bill Lonsinger stated these are just recommendations, whenever the Board starts to establish fees and specific regulations

Dave Mills informed the Board that Richland Township had a request for a windmill installation. This will be a test case. Ken has seen windmills mounted at the bottom of roof lines and expects more requests will be coming. It was pointed out that satellite dishes are permitted. The Zoning Officer can also deny the request and send it to the Zoning Hearing Board for determination.

ILLUMINATED SIGNAGE

Dave Mills pointed out a deficiency in the definition of signs in the Richland Zoning Ordinance. The ordinance states Non-Flashing, Non-Illuminated, Non-animated – but failed to include No Videos on the sign. Videos are not considered the same as animated signs. He recommended the Board include “No Videos” in the regulations for signs – should they wish.

Ken was concerned with the amount of signage that could possibly occur within a two block area of Goucher Street, should they be allowed. There is a concern the signs could be a big distraction for the motorists along Goucher Street even though they may not scroll, but they still change every 8 seconds. Goucher Street is designated a C-1 and C-2 district. If one sign is allowed, then others will follow, as the Board cannot discriminate in permitting them; however, they can regulate them by restricting the size and illumination. The size of the St. Andrews Church sign was adequate and could be considered the same size along Goucher Street. Richland allows signs up to 60 Sq. Ft. for their areas. Goucher Street area is a small corridor compared with the expanse of Richland Township. The previous question was raised: Does Upper Yoder wish to allow these types of signs? The signs could be restricted to only the Manufacturing District along Ferndale Avenue.

Dave Mills noted that there are older signs in Richland that do not meet the current regulations; however, any new signs installed must be certified and meet the current regulations. There was a ruling by the solicitor that the older less-expensive sign owners cannot be forced to change or upgrade their signs as they have been grandfathered in. These older signs cannot be adjusted with their brightness and times of day. The newer signs have sensors that can dim the brightness, but should they fail, Dave makes the owner place the sign on a timer until the sensor can be repaired.

Bill Lonsinger stated the Township needs an independent, certified inspector to go out and check on these newer signs after they have been installed and the Township should not have to pay for it. The

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inspections should be paid in advance by the sign owner. If they are found later to be in violation and it isn't corrected, then they will receive a Cease and Desist Order. Make it less attractive for the sign owners for any violations by these inspections. The inspections should not be paid with Township funds. The signs can only be checked at night and must be by a certified inspector with specific equipment which could run into several thousand dollars if a company has to be engaged.

Dave noted that he believes the eight second change is too short. It could create a visual look like a Los Vega strip by constant flashing. The time between changes should be a longer time span, but if you make it too long, then the sign owner could challenge it in court. He also suggested restricting how much white background is used as that is what causes the brightness. He suggested contacting several local sign companies to bring out samples of their signs on flatbed trucks so that the brightness at different levels could be observed at night for the Board.

The Zoning Map of the Township was pulled and reviewed for all areas designated as a C-1 or C-2 district. There is an area at the lower end of Sell Street that is also designated as a C-1 district, most likely due to small grocery stores that were in that area long ago.

Bill Lonsinger suggested the time of dimming the lights or turning them off could be from 11:00 p.m. to 7:00 a.m.

Dave Mills also added that Richland restricts the kind of advertising to their own business only, other than local public announcements. There are no third party advertising permitted. He also pointed out there are smaller sign companies that cannot regulate the brightness of their signs as the signs would become too expensive. The larger companies such as Minahan Signs and Lamar are able to handle the larger signs and regulate their brightness. Discussion ensued on the size of the signs that would be applicable to the different zoned areas. The Manufacturing district along Ferndale Avenue could have larger signs than that along Goucher Street. Ken pointed out the amount of signs one business owns cannot exceed the total amount of signage allowable per the Zoning Ordinance. The maximum signage allowance could also be reduced to help regulate the size of the signs. Ken suggested 60 square feet as an appropriate signage limit. Dave stated Richland Township is thinking of a total signage of 50 square feet. The approved sign at St. Andrews was discussed as to the size of the illuminated sign, not including the structure surrounding the sign, as a reasonable size for consideration for the Goucher Street businesses. Richland Township charges a fee of \$22.00 per every \$1,000 cost of the sign. Bill Lonsinger suggested Upper Yoder should have a flat fee anywhere from \$250 to 500 to cover all future inspections and/or costs involved in view of the fact that Upper Yoder does not have a certified engineer/truck on hand for inspections.

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Dave Mills stated Richland requires the developer or owner or "host" to place a deposit with the Township for future inspection fees. When the fee is used up, then they are required to repost another deposit with the Township. This method involves a lot of accounting to keep track of the funds and when they are being charged and used; however, it does place the cost of the inspections on the owner. They are not anxious to use up their deposit on unnecessary inspections. Dave stated they have found the owners are more willing to cooperate, because it costs them more money if they don't. If he receives a complaint, they are charged if there is a violation and they are found guilty. Violations require several inspections until they are found to be back in compliance.

Dave Mills cautioned the Board to make sure in the new language, that the Township does not allow temporary, digital signs. The software to run the sign is on the sign itself, and it was found that the owner/operator begins to tweak up the brightness, length of time of the message over time. Richland Township solved this problem by banning them altogether. The signs obtained from the larger companies regulate their software and they are usually no problem, but the temporary, digital signs can be altered very easily.

All information that was discussed and formulated for the signs and cell towers this evening will be submitted to the Township Solicitor, Robert Shahade, for review and further discussion at the next Township meeting.

TOWNSHIP REGULAR BUSINESS CONDUCTED 8:10 P.M.

ROAD SUPERVISOR/ZONING OFFICER/CODES ENFORCEMENT RESIGNATION

Reese Nicolas Bailey had turned in his resignation of employment to the Supervisors with his last day of employment as of May 28, 2014. As of this day, Mr. Bailey was entitled to three days of wages, unused paid time off days, and unused vacation days.

Bob moved, Scott seconded to approve payment for the time due to Mr. Bailey in view of his last day of employment. MOTION CARRIED 5/0

SUNRAY DRIVE RENOVATIONS

CONTRACTOR INVOICES/PAYMENTS

Bob informed the Board that C.J. Kist has completed all work under his quote in replacing the ceiling tiles and lighting at the Sunray Drive building. The Board had withheld 10% of his quote, pending completion.

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Bill moved, Roy seconded to approve payment of the 10% withheld to C.J. Kist for his invoice of 4/14/14 in the amount of \$298.60. MOTION CARRIED 5/0

Bob also informed the Board that Becker Building and Remodeling has completed all work as outlined in his proposal dated 3/19/14. The Board had paid one-half of his proposal, withholding one-half until completion.

Bill moved, Scott seconded to approve payment of the balance due to Becker Building and Remodeling in the amount of \$7,977.00 for work completed on the Sunray Drive building. MOTION CARRIED 5/0

ROAD SUPERVISOR

Discussion ensued on the qualifications needed by an applicant that would be required to direct and manage the Road Department personnel and work load. Issue tabled until next Township meeting.

ZONING OFFICER/CODES ENFORCEMENT OFFICER

Bob moved, Bill seconded to engage Mark Walker of Walker Consulting as the Township's Zoning Officer and Codes Enforcement Officer per his submitted proposal and with the tentative fee schedule being negotiable upon further review and revision by the Board to follow. MOTION CARRIED 5/0

RESOLUTION NO. 900 PERMIT FEES

Roy moved, Bob seconded to adopt Resolution no. 900 to establish the Zoning and Code Enforcement fee schedule as submitted and attached. MOTION CARRIED 5/0

AMERICAN MINING INSURANCE COMPANY

AMIC has informed the Board they have reduced their square footage of their rental office and as of June 1, 2014, they will be paying rent accordingly. The Township will commence with the installation of the wall that will separate the Insurance Company offices from the rear of the building.

SUNRAY DRIVE MOVE

Secretary informed the Board the phone system is almost complete and two quotes have been received from two moving companies to move the file cabinets, safes and larger items. Quotes received are under \$2,000. One item of concern is the map room. The pigeon hole cabinet that stores the Township's maps dating back to the 1900's was built inside the current storage room in the Elim Street basement. The cabinet may have to be dismantled to remove it or a new one built at the new Sunray Drive Location. All maps are numbered and itemized. Board inquired if the maps can be scanned and digitized to save space. Ken stated some companies can do that, they would have to have a scanner and

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plotter and a printer large enough to reprint the maps. This may be an avenue in the long run, but at present, many of these maps are historical records of the Township and have to be retained.

CHAIRMAN ANNOUNCED THAT AN EXECUTIVE SESSION WAS HELD ON MAY 20, 2014 AT 7:00 P.M. WITH THE BOARD AND SOLICITOR TO REVIEW PENDING LITIGATION. NO ACTION WAS TAKEN.

RECREATION COMMISSION LITIGATION

Scott moved, Ed seconded to authorize the Solicitor to continue litigation proceedings concerning the Westmont Recreation Commission as authorized at a previous Township meeting of April 17, 2014. MOTION CARRIED 5/0

ADJOURNMENT – Motion by Bill, seconded by Roy to adjourn. Motion Carried. 5/0

ADJOURNED – 8:36 P.M.

Respectfully submitted,



Mary Kay Maher
Twp. Secretary

THE NEXT SCHEDULED MEETING WILL BE ON JUNE 19, 2014 – AT 7:00 P.M. FOR THE TOWNSHIP SUPERVISORS MEETING