Borough of Jefferson Hills Public Hearing of Council Wednesday, March 6, 2024

The public hearing of Council was called to order by Vice President Budd at 6:00 p.m. in the Municipal Centers, 925 Old Clairton Road. Councilman Bentz, Vice President Budd, Councilman Montgomery, Councilman Polick, and Mayor McCaffrey answered to roll call. Borough Manager Stinner, Solicitor McPeak Cromer, and Borough Engineer Glister were also present. Councilwoman Mares arrived at 6:35 p.m. Councilman Lynch, and President Steffey were absent.

SUMMARY OF PROPOSED APPLICATION

Applicant name: TowerCo

Applicant is wishing to construct a Wireless Communication Facility pursuant to Article 300, Section 4.A (Table of permitted uses), Article 400Section 4.B.10 (Conditional Use Criteria) at 310 Old Clairton Road.

The property is located in an R-1 Low Density Residential District, where a Communication Tower is a Conditional Use.

As part of the Conditional Use approval process, the applicant must meet the requirement outlined in Article 400.4.A (General Standards) and Article 400.4.B.10 (Communications Towers) of the Jefferson Hills Borough Zoning Ordinance No. 891.

The applicant applied for and was granted variance approval through Borough Zoning Hearing Board for Article 400.4.B.10.J.4.a (height of tower) and Article 400.4.B.10.J.4.e (setback from adjoining residentially zoned property).

ADJOURNMENT OF CONDITIONAL USE HEARING

Vice President Budd adjourned the public hearing at 6:54 p.m. on a motion by Mr. Bentz, seconded by Mr. Montgomery, and carried unanimously.

John P. Stinner Secretary/Borough Manager

Transcript of the hearing was taken by:

Sargent's Court Reporting Service, Inc. Brady Building 225 Ross Street Pittsburgh, PA 15219 (412) 232-3882

BOROUGH OF JEFFERSON HILLS, PENNSYLVANIA

* * * * * * * * *

IN RE: APPLICATION OF TOWERCO FOR

CONDITIONAL USE APPROVAL FOR A

WIRELESS COMMUNICATIONS FACILITY

PURSUANT TO ARTICLE 300, SECTION 4A

AND ARTICLE 400, SECTION 4.B.10 OF THE

JEFFERSON HILLS BOROUGH ZONING

ORDINANCE

* * * * * * * *

BEFORE: CARRIE MCCAFFREY, Mayor

HILLARY BUDD, Member

DAVID BENTZ, Member

JOHN STINNER, Member

HEARING: Wednesday, March 6, 2024

6:30 p.m.

LOCATION: Jefferson Hills Municipal

Center

925 Old Clairton Road,

Jefferson Hills, PA 15025

WITNESSES: NONE OFFERED

Reporter: Amber Garbinski

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1		E X H I B I T S	
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3		Page	
4	Number	<u>Description</u> <u>Offered</u>	
5	1	Curriculum Vitae of	
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7	2	Zoning Drawings 12	
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25		EXHIBITS NOT ATTACHED	

MR. STINNER:

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2 Notice is hereby given 3 that the Borough Council of Jefferson 4 Hills, Allegheny county, will hold a 5 public hearing at 6:30 p.m. on Wednesday, March 6, 2024, in Council 6 7 Chambers at the Municipal Center, 925 8 Clairton Road, Jefferson Hills, 9 Pennsylvania 15025, regarding an 10 application filed by TowerCo for the 11 conditional use approval of a wireless 12 communication facility pursuant to 13 Article 300, Section 4.A and Article 14 400, Section 4.B.10 of the Jefferson 15 Hills Borough Zoning Ordinance. 16 subject property is owned by the West 17 Jefferson Hills School District and is 18 located at 310 Old Clairton Road, 19 Jefferson Hills, Pennsylvania 15025, 20 Allegheny County Tax Parcel 661-M-398. 21 The subject property is located 22 in the R-1 Low Density Zoning 23 District. 24 Council will consider 25 testimony and evidence from the

applicant at the hearing in support of the application. Interested parties are invited to attend.

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A copy of the application is on file and may be reviewed by the public at the Jefferson Hills Borough Municipal Building, 925 Old Clairton Road, Jefferson Hills, Pennsylvania 15025 during regular business hours.

Any person requiring special accommodations is requested to contact the Borough at (412) 655-7760 at least three working days prior to the date of the hearing.

Thank you.

MS. BUDD:

18 Thank you. Item five,

overview of application for

20 conditional use by Borough Code

Enforcement Zoning Officer.

MR. GLISTER:

Okay.

So I'm going to be

25 | speaking for the Borough Code

Enforcement Zoning Officer. I'm the Borough Engineer. So the matter at hand is initial use application CU-1-2024 to build a wireless communication facility on property owned by the West Jefferson Hills School District.

The borough received the application filed by TowerCo on January 26th. And the review period extends through March 11th. The applicant must meet both the general standard requirements of the zoning ordinance outlined in Article 300.4.A, as well as the requirements specific to communication towers in Section 400.4.B.10.

The School District property where the tower facility is proposed to be located is 17 and a half acres. The proposed monopole tower will be 130 feet high and will include all related equipment and antennas and will be situated within a 2,200 square foot, fenced-in area.

The applicant submitted

supplemental narratives that explain how their proposal addresses the standard and communication tower specific zoning requirements. The applicant previously received variance approval on the height of the tower and on the setback from adjoining residential zone property requirements of the zoning ordinance.

The zoning officer

concurs that the proposal addressed

the general standard requirements, but

noted in his report that some

additional clarification was needed as

it relates to the specific

communication power requirements

section, specifically Section J.

We had a good discussion about this at the planning commission meeting. It seems there's a bit of a formatting issue within our zoning ordinance that led it to be a little more confusing than it needed to be.

The Planning Commission recommended approval subject to the

applicant submitting an annual structural engineering inspection report in compliance with Zoning Ordinance section 400.4.B.10Q. In reality, it actually --- that should be 400.4.B.10.J.4.Q.

If the hearing cannot be concluded tonight, then an additional hearing will need to be scheduled so that can be completed along with an extension request being granted by the applicant.

The applicant does have some representatives here if you want to come up and move along with the next item on the agenda.

MS. BUDD:

Presentation comments by applicant and/or applicant representatives.

ATTORNEY GRAB:

Thank you.

Good evening, Council members. My name is Mike Grab. The last name is G-R-A-B. I'm legal

Counsel for TowerCo, representing the applicant here this evening.

You've already received a pretty good summary of what the application is. It's an application for a wireless communication facility, a relatively standard facility. It's going to be located on the School District property, which is approximately 17.5 acres located in the R-1 zoning district. And the use is permitted by conditional use, which means that it is a permitted use as long as the applicant demonstrates compliance with the specific objective criteria in the ordinance.

In order to do that, the applicant has already met with the Zoning Hearing Board and obtained some dimensional variances that are necessary to allow the tower at this location at the proposed height and at the proposed setback.

And then we also note that the Planning Commission went

through everything with them and did receive a recommendation for approval from the Planning Commission.

I've already handed out to the Borough Council members pre-marked exhibits. And I'd just like to kind of go through those for the record. And hopefully you have those in front of you there. So it's a packet. And there's an index right on the front. And the first item is a CV or résumé for our site engineer, who is Colin Camp. He's here this evening.

There's a set of zoning drawings that are attached as Exhibit 2 --- and let me back up for the record.

Exhibit 1 is the CV or résumé for Colin camp. Exhibit 2 are the set of zoning drawings that were submitted with the application that show the proposed location of the tower, access to the site, and other relevant site information.

13 1 2 (Whereupon, Applicant's 3 Exhibit 1, Curriculum 4 Vitae of Colin Camp, was 5 marked for identification.) 6 7 (Whereupon, Applicant's 8 Exhibit 2, Zoning 9 Drawings, was marked for 10 identification.) 11 12 ATTORNEY GRAB: 13 Exhibit 3 is a copy of 14 the lease agreement between the School 15 District and TowerCo for the tower. 16 Exhibit 4 is called the Sayber Design 17 Report, which is a report that details 18 how the tower will be designed and 19 that it will comply with design 20 criteria for wind loading, ice 21 loading, and for foundation design. 22 23 (Whereupon, Applicant's 24 Exhibit 3, Lease 25 Agreement, was marked

for identification.) 1 2 (Whereupon, Applicant's 3 Exhibit 4, Sayber Design 4 Report, was marked for 5 identification.) 6 7 ATTORNEY GRAB: 8 Exhibit 5 is an FAA 9 report that indicates that the tower, 10 according to FAA regulations, does not 11 need to be lighted or marked in any 12 way, so there's no lights proposed for 13 the tower. 14 15 (Whereupon, Applicant's 16 Exhibit 5, FAA Report, was marked for 17 18 identification.) 19 20 ATTORNEY GRAB: 21 Exhibit 6 is a radio 22 frequency report prepared by Verizon. 23 Verizon is going to be the wireless 24 communication carrier that's going to 25 be located on the tower. And we have

our radio frequency engineer here this evening, Shreyas Patel, in case the Council has any questions with regard to radio frequency issues.

(Whereupon, Applicant's Exhibit 6, Radio Frequency Report, was marked for

identification.)

ATTORNEY GRAB:

And then the last item, item seven, is called a photo simulation. And that's required by the ordinance. And what it does is it shows a view shed of various locations around the location of the tower. And it shows you whether the tower will be visible once it's constructed from those locations. And you'll see in that exhibit there's a cover map. And then behind that, various view shed pictures that show whether or not you can see the tower from those

16 1 locations. 2 (Whereupon, Applicant's 3 4 Exhibit 7, Photo 5 Simulation, was marked for identification.) 6 7 8 ATTORNEY GRAB: 9 So with that as preface 10 and introduction of exhibits, what I 11 would customarily do is present some 12 testimony, but I don't want to overly 13 burden the Council. If you feel you 14 have sufficient information based on 15 the submittals that we've made and 16 based upon an explanation of the 17 exhibits, we're happy to answer 18 questions you may have. 19 Or conversely, if you'd 20 like us to present detailed testimony, we certainly can. 21 22 MR. MONTGOMERY: 23

I have a question.

MS. BUDD:

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We can move on to

questions and comments by Borough
council and staff. And if they do
want testimony, we'll incorporate that
in it as well.

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ATTORNEY GRAB:

Yeah, we'll be happy to present whatever testimony you would like to have. We do think the exhibits and the information we've presented is relatively comprehensive, but again, we want to make sure you have the info you need to make a decision.

MS. BUDD:

Thank you.

Councilman Montgomery.

MR. MONTGOMERY:

Yeah, I have a question.

Mike, maybe this is for you. The

letter J they said it wasn't clear.

21 But I read through it. And it seemed

22 | to me that it was all clear.

What --- is there a

24 | specific concern that he has, I know

25 | it's not you, but the zoning officer

1 has?

8

14

2 MR. GLISTER:

Well, we sort of went

4 through this at the Planning

5 Commission meeting. If everybody

6 looks at Section J, you'll see it goes

7 from section J. Then there's items 1,

2, 3, 4. Then under item four,

9 | there's Subsection A through - and it

10 goes on for a couple of pages through

11 X. So some of the things under this

12 | section, a lot of it's clarification,

13 | a lot of it's acknowledgment, a lot of

it's things that they've already

15 provided.

16 So after hearing all

17 | this at the Planning Commission

18 | meeting and having the discussion

19 there, I'm comfortable. The only

20 | thing that I think in preparing for

21 tonight, the recommendation from the

22 | Planning Commission that the applicant

23 | submit the annual structural

24 engineering reports per section Q

25 underneath J, in addition to Q, I

think it should be sections Q, R, S, W and X. And a lot of that's just - W is a little paragraph. I can go through them real quick if you don't have those in front of you.

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MR. MONTGOMERY:

I do, yeah.

MR. GLISTER:

So Q, that's already the structural inspection that was already the recommendation of the Planning Commission. R deals with what happens if operations are ceased and basically says that you have six months to take the tower out. So I think that's more of an acknowledgment as part of the conditions. Section S, it just talks about maintaining the parcel on which the tower is located. Now, this is on School District property and it's in the parking lot. So I think a lot of that parking lot is going to be maintained by the School District. So your footprint to maintain within that fenced-in area is pretty limited. I'm

sure it's going to be maintained as well. We still would like that to be acknowledged.

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is a little repetitive to O. There's four items under W that says in January of each year, the Applicant shall provide a copy of the current FCC license, the name, address, and emergency telephone number for the operator of the communications tower, copy of certificate of insurance at a level of coverage acceptable to the Borough solicitor, naming the Borough as an additional insured, copy of the annual inspection report and updated maintenance program. That is repetitive.

And then X below there is just saying that if anytime throughout the year there's an amended license, you should submit that to the borough.

So there's really nothing that needs to be changed.

These are all, I think,
acknowledgements. I think they're
reasonable in going through there.

So we didn't talk about this specifically at the Planning Commission meeting, but just in going through here one last time and looking at the recommendation, that was sort of my thoughts. Some of the other items under J, some of the things we talked about the Planning Commission were is there any climbing devices, which was addressed. There's not going to be any ladders or steps for I think you said 10 feet.

MR. MONTGOMERY:

Correct.

ATTORNEY GLISTER:

Ten (10) feet. We talked about the - there's a provision in here for potentially requiring landscaping. We talked about how that wouldn't be in align with the rest of the parking lot, so there'd be no sense in doing landscaping.

So we sort of touched on all of that. And from my perspective, and even talking to the Zoning Officer after the Planning Commission meeting about that conversation, we're sort of --- we're comfortable, I think those things we want to have acknowledged and make sure we get that data on annual basis.

ATTORNEY GRAB:

Thank you. I do have those provisions in front of me. And just for the record, TowerCo is the applicant agrees to comply with those requirements that the Borough Engineer just recited. And those would be subsections Q through X. So all those ones that the engineer just referenced, those reporting items, those post-approval if Council approves the application, reporting requirements, removal of the tower if it's no longer in operation for a period of six months, that's actually in the lease agreement that's required

between the applicant and the School
District in any event.

But again we would agree, for the record, to comply with all the rules and requirements.

MR. GLISTER:

And also some of that is addressed in your narrative, your supplemental narrative as well. So they've already addressed some of these. I just want to make sure that's crystal clear in our approval.

And one of the other
things we talked about, too, that I
think is worth mentioning that we
touched on in the Planning Commission
meeting is should the School District
sell that property or something, I
think you said your lease will
continue. It will survive.

Right?

ATTORNEY GRAB:

Correct. The lease would survive any change in use of the property or sale of the property to a

24 1 third party. 2 MR. MONTGOMERY: 3 One other question. Wе 4 did talk about this earlier about the 5 fencing. I'd like to see barbed wire 6 on top of the fence. 7 ATTORNEY GRAB: 8 Yeah, that's in the 9 plan. So Colin, you've been sworn. 10 Can you confirm the 11 height of the fence and whether 12 there's barbed wire top? 13 MR. CAMP: 14 Yes, it's an eight-foot 15 fence with three-strand barbed wire on 16 top. 17 ATTORNEY GRAB: 18 So total of 10 feet 19 height with barbed wire on top of the 20 eight foot high fence. 21 MR. CAMP: 22 Correct. 23 MR. GLISTER: 24 I have a question. What 25 are the effects while you're

constructing this? I don't know how
this thing is built, but does it come
in like pieces, you just like stack it
up.

ATTORNEY GRAB:

That's pretty much it.

It's a monopole tower. So there's no guy wires or anything like that. It would look like my pen looks, like any kind of monopole tower. Very similar to the light standards that are already there on the athletic field property. But it literally is mounted in sections. So in sections it gets put up. It's not overly burdensome or disruptive from a construction standpoint.

MR. GLISTER:

Thank you.

MR. MONTGOMERY:

So if it would collapse,

just so I make sure, it would just

collapse in itself.

Right?

ATTORNEY GRAB:

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1	Correct. In fact, the
2	Sayber tower report that you have as
3	part of the exhibit confirms that in
4	the highly unlikely event of
5	catastrophic collapse, it's going to
6	fall within this property line. It's
7	not going to cross property line. It
8	will be specifically designed that
9	way.
10	MR. MONTGOMERY:
11	0 k a y .
12	MS. BUDD:
13	Are there any other
14	questions or requests for further
15	testimony? No.
16	ATTORNEY GRAB:
17	Thank you.
18	Again, we're happy to
19	answer any questions. I don't know if
20	anybody else that's in attendance has
21	any questions.
22	MS. BUDD:
23	Yeah, we're going to
24	move on to citizen comments. and I
25	have two of them. The first one is

from Cindy Calket, 1424 High Road,
regarding - her nature of business, CU
Address.

MS. CALKET:

Hi, everybody. Cindy Calket, 1424 High Road, Jefferson Hills. I just had a clarification question regarding -.

MS. COMER:

Can I just interrupt in for one second. Were you sworn in, ma'am? I'm sorry, just because it's a public hearing, so anyone that speaks should have been sworn in, and I didn't think that you. So if you want to be sworn in and anyone else that has anything to say should be sworn in.

_ _ _

WITNESSES SWORN EN MASSE

- - -

MS. CALKET:

My question is just a clarification question about the address, because I noticed that,

unfortunately, I was not able to attend the Planning Commission meeting that was on February the 27th.

But I noticed on there
that it has to consider the
recommendation to Council for the
conditional use of this. And it has
it located at 830 Old Clairton Road.
And the parcel is 661-M-398. And when
I look at the public hearing
information, it has an address of 310
Old Clairton Road. So I was just
curious at that time, when I was
reading this, was it two sites or one
site and which is the correct site
address?

MS. BUDD:

That's the address.

One's the address of the landowner and one's the address of the property. I think that's what's - so the 830 Old Clairton Road, that's the address of the landowner. The address of the property where it's going, is 310 Old Clairton Road. So the school

district's address is the 830, who owns that land.

MS. CALKET:

Okay. Thank you for that clarification. That was all I had.

MS. BUDD:

Second public comment,
Laura Williams, 2000 Laurel Ridge
Drive, cell tower question.

MS. WILLIAMS:

Yes. I went to the Municipal Building because I wanted to see where this thing was going to be built just out of curiosity because I live right across the street from a parking lot with a bowl. So I don't know if that's the place that you're planning to build, but I just wanted to know where it was. And I went and I was shown this kind tiny little map.

And then when the person went back to find somebody to talk to

me by 2:00 p.m. she came back and said

oh, they're all at lunch. And then

she took my phone number and no one called me back.

So I got some detail.

So we pay a lot of money for these houses. And I'm a widow and at some point I'm going to have to sell mine because my kids are going to grow up and I'm going to have to downsize.

Where exactly - which parking lot is this thing going in?

ATTORNEY GRAB:

So it's going to be in the parking lot next to the football stadium where the big wall is.

MS. WILLIAMS:

The lower senior lot, what used to be the senior lot. It's going right across the street from my house.

ATTORNEY GRAB:

Yeah. And it's going to stand up between the two existing light towers. But since the base of the pole is in the parking lot, the top of the pole won't really be much

higher than the existing light towers 1 2 that are there. 3 MS. WILLIAMS: 4 Is it going back against 5 the wall or in the middle of the 6 parking lot? 7 ATTORNEY GRAB: 8 It's going to be up 9 against the wall. 10 MS. WILLIAMS: 11 And you're going to put 12 a fence around it and some barbed wire 13 and a small amount of landscaping and 14 that's going to be nice? 15 ATTORNEY GRAB: 16 There's not going to be 17 landscaping. 18 MS. WILLIAMS:

Yeah. Even better. Yeah,
this is great. It's going to be 130ft
high. Yeah, this is great. Thanks.

22

MS. BUDD:

There's no other

comments received, so I believe we're

ready for adjournment.

Correct?

MS. BOWERS:

I had a question, but I think it's answered. I'm concerned about the umbrella effect from a cellular tower because I have to work from home and I can't have my -

MS. BUDD:

Excuse me, ma'am, one second. Can you say your name for the record and be sworn in, please? Anyone that speaks at the public hearing needs to bethe court reporter is trying to take everything down.

MS. BOWERS:

I'm Laurie Bowers, I
live at 108 Lincoln Road. I'm just
worried about the umbrella effect from
a cell tower. But if it's going to be
over on the senior lot side, I don't
think I'll be affected. But that's a
concern for people that have to have
cellular service if it could be
blocked.

ATTORNEY GRAB:

that. I mean to answer that question, if the Council has any questions on that, but generally speaking, I don't know who your current service provider is. Okay. Well, but the emissions from these antennas operate on a frequency different than the emissions from other carriers. So there is no interference between the emissions from these antennas and emissions from your carrier.

And Shreyas Patel was already sworn. He's our radio frequency engineer. Shreyas, can you confirm that?

MR. PATEL:

So how this - FCC has given certain licenses to operators.

So to maintain the license - they are completely separate from each other.

So they don't interfere with each other. So it will not affect any of your ---.

	34
1	MS. BOWERS:
2	It might not affect me,
3	but what about the people that have
4	Verizon in that area?
5	MR. PATEL:
6	It will enhance the
7	coverage but it will not degrade the
8	coverage.
9	MS. BOWERS:
10	The umbrella effect
11	won't take place?
12	MR. PATEL:
13	It won't. It will
14	enhance the coverage.
15	ATTORNEY GRAB:
16	So it will improve the
17	coverage. That's the idea.
18	MS. BOWERS:
19	0 k a y .
20	Well I just want to make
21	note of this because if we do as a
22	borough start to have problems with
23	this, whether it happens or not, we're
24	going to have residents that live over
25	in those areas that we're going to

	35
1	have to deal with. So I just wanted
2	to bring that to everybody's
3	attention.
4	Thank you.
5	ATTORNEY GRAB:
6	And I just want to
7	clarify that for the Borough if I
8	could. So Shreyas, if you don't mind
9	just confirming the entire purpose of
10	this site is to improve the coverage
11	for Verizon customers in the area.
12	Is that right?
13	MR. PATEL:
14	That is correct.
15	ATTORNEY GRAB:
16	And there won't be any
17	diminution or reduction in coverage
18	for anybody living at, under or near
19	this tower.
20	Is that correct?
21	MR. PATEL:
22	That is correct.
23	MS. BUDD:
24	I think with that
25	there's no other testimony. We're

CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true

and accurate record to the best of my ability.

Dated the 28 day of March, 2024

Amber Garbinski,

Court Reporter