

PENN TOWNSHIP BOARD OF SUPERVISORS
100 Municipal Building Road
Duncannon, PA 17020-1100

Henry A. Holman, Jr., Chairman

Randy Plummer, Vice-Chairman

Lucinda (CeCe) Novinger, Supervisor

MINUTES OF MAY 28, 2008
Cellco Conditional Use Hearing

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The Penn Township Board of Supervisors (PTS) met on Wednesday, May 28 at 6:00 p.m. in the Municipal Building to conduct a Conditional Use Hearing for Cellco Partnership (doing business as Verizon Wireless). Chairman Henry Holman, Jr., Vice-Chairman Randy Plummer, and Supervisor CeCe Novinger were in attendance. Other personnel present were Helen Klinepeter (Secretary), Susan Long (Treasurer), Rich Wagner (Solicitor), Max Shradley (Engineer), and John Madden (Zoning Officer). A stenographer was present to transcribe the hearing. The official transcript is available in the office. The list of visitors is also on file in the office.

BACKGROUND

Cellco Partnership has submitted a Conditional Use application for installation of a communications tower in a Commercially Zoned District at 1515 State Road, Duncannon, PA. According to the Penn Township Zoning Ordinance, Article VIII, Commercial District, Section 805, commercial communications towers may be permitted by Conditional Use approval. This approval requires a public hearing in front of the Board of Supervisors.

CONDITIONAL USE HEARING FOR CELLCO PARTNERSHIP

Chairman Holman convened the hearing, announced that it was being recorded to aid in preparation of the minutes, and then turned it over to Solicitor Wagner.

The Solicitor entered into exhibit the legal notices of May 8 and May 15, 2008 setting forth the date and time of the conditional use hearing, as well as Cellco Partnership's Conditional Use application.

The Solicitor noted that a zoning variance application had been made to the Penn Township Zoning Hearing Board (ZHB), which decided on May 1, 2008 to grant the request for a height requirement as de minimis, and to deny the request from setback control requirements.

The Solicitor reported that Chairman Holman will recuse himself for personal reasons from participation in the decision-making process of this hearing.

After ascertaining that Brent Hilbish, 7 Burley Road, was the only visitor who wished to speak during the hearing, the Solicitor turned the hearing over to Ms. Paula Leicht, counsel for the applicant.

Ms. Leicht called Cellco's engineer, John Shambaugh, as a witness. Mr. Shambaugh explained the plan site at 1515 State Road. He also stated that a note requiring a driveway permit was added to the plan at the request of the Penn Township Planning Commission. Ms. Leicht then went through the list of requirements for communications towers as listed in Section 1637 of the Zoning Ordinance, asking Mr. Shambaugh if each requirement was met.

Ms. Leicht then called Dale Brubaker as a witness. Mr. Brubaker testified that the necessary insurance certificates and FCC licenses had been obtained. He then stated that part of his job is to find suitable locations for communications towers and offered his testimony why he felt that this site was the best one for Cellco and why it was preferable to co-locating on another communications tower.

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Ms. Leicht then called Cliff Shaffer as a witness. Mr. Shaffer testified that the parcel is not located in any state or federal historic district, nor is it within 1,000 feet from another communications tower.

Ms. Leicht then called Paul Dugan as a witness. Mr. Dugan testified that the radio frequency design report for the parcel is in compliance with all electromagnetic radiation and non-interference requirements. Mr. Dugan also provided testimony on the reasons he felt that Cellco could not co-locate on any existing communication towers in the area.

Robert Shaffer, 20 Cove Road

Mr. Shaffer applauded the PTS's concern over the proliferation of communication towers. He asked if Cellco would be willing to let other companies co-locate on this tower, if the conditional use is granted. He also asked if Cellco had looked into a property closer to Susquenita School District that is owned by the Township. Mr. Dugan responded to the first question by stating that Cellco is committed to co-location and offers available space on their structures. He responded to the second question by stating that site acquisition is based on the zoning ordinance and he did not consider that other location.

Brent Hilbish, 7 Burley Road

Mr. Hilbish offered his concern about the amount of traffic from Roher Bus Service that would use the communications tower's driveway as access to Burley Road. He requested that Cellco install a privacy fence along Burley Road to control that traffic. Ms. Leicht replied that Cellco will only have control over a leased 75 x 75 foot parcel and will not have control over anything outside that parcel. The Solicitor explained to Mr. Hilbish that this was a hearing to consider approval for a conditional use. Issues such as fencing, highway occupancy permits and driveways would be addressed in a land development plan that would be submitted if conditional use approval is granted by the PTS.

John Madden, Township Zoning Officer

Upon questioning by the Solicitor, Mr. Madden stated that he had no comments to add concerning the application.

Max Shradley, Township Engineer

Upon questioning by the Solicitor, Mr. Shradley stated that he had no comments to add concerning the application.

CLOSING REMARKS

The Solicitor closed the hearing at 7:50 p.m. with the note that the PTS had forty-five days from today's date to render a decision.

Submitted,

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Susan E. Long
Recording Secretary