

# PENN TOWNSHIP ZONING HEARING BOARD

MINUTES OF APRIL 10, 2008

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The Penn Township Zoning Hearing Board (ZHB) met on Tuesday April 10, 2008, at 7:00 p.m. in the Penn Township Municipal Building to conduct a hearing concerning the Cellco Partnership d/b/a Verizon, Docket 2008-04 and Kim Kenee, Docket 2008-03. A list of visitors is on file in the Township Office.

Present: Jonathan Bigley, Chairman  
Vince Bernhard, Member  
JoAnn Glossner, Member  
Barbara Van Horn, Alternate  
David Grow, Alternate  
Lenny Sizer – Zoning Officer  
Dennis Shatto – Zoning Solicitor  
Helen Klinepeter- Zoning Secretary

Chairman Bigley opened the meeting and asked for a moment of silence for Gerald Hirt, Jr. an alternate on the Zoning Hearing Board who had died.

### HEARINGS

The ZHB opened the hearing for Cellco Partnership at 7:05 p.m.

**Visitors Sworn In:** Helen Klinepeter  
Lenny Sizer  
Paula Leicht, Mette, Evans, & Woodside  
Howard Rohrer, Property Owner  
Bruce Stegman, Construction Engineer  
Paul Dugan, Telecommunication Engineer  
Raelene Gabriel – Structural Engineer  
Thom Casey – Duncannon Record Reporter  
Kelly Campbell – Resident 5 Burley Road  
Brent Hillbish – Resident 7 Burley Road

### Evidence Submitted:

Penn Township ZHB:

1 Proof of Publication of the legal notice in the Duncannon Record

Applicant:

- 1 Zoning Plan
2. Buildable Area Plan
3. Letter from Stegman Engineering dated April 10, 2008.
4. Mechanical Specifications of Amphenol Antel's Exclusive 3T Antenna Design for 1850-1990 MHz
5. Mechanical Specifications of Amphenol Antel's Exclusive 3T Antenna Design for 806-941 MHz
6. Letter from Millennium Engineering dated April 7, 2008.

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7. Letter from Millennium Engineering dated April 1, 2008.
8. Existing Coverage Map
9. Proposed Coverage Map
10. Letter from Millennium Engineering dated April 7, 2008 regarding FCC Compliance

Ms. Leicht explained that Cellco Partnership is under contract with Rohrer Bus for the lease of some property for the placement of a cell tower at 1515 State Road. Ms. Leicht introduced the witnesses for the applicant. Ms. Leicht called Mr. Howard Rohrer to testify.

Mr. Rohrer explained that he is a partner of Rohrer Bus Services located at 1515 State Road in Duncannon, PA 17020. Mr. Rohrer explained that there are wetlands located on the property and that the present use of the proposed location is for the parking of school buses. Mr. Rohrer offered that there is not much commercial zoning in the Township and along with size of the available buildable land that Rohrer Bus needs the flexibility to expand.

Ms. Leicht called Raelene Gabriel to testify. Ms. Gabriel offered that she is the project manager for this cell tower and listed her duties and work place. Ms. Gabriel explained that due to the unique property features and existing structures there is only sixteen point five (16.5) percent usable area for the cell tower and expansion of Rohrer Bus. Ms. Gabriel continued that there would only be vehicle trips to the site for periodic maintenance of the cell tower building. Ms. Gabriel continued to explain the different areas of the property and the uses.

Ms. Leicht called Mr. Bruce Stegman to testify. Mr. Stegman offered that he is a construction engineer and listed his qualifications. Mr. Stegman offered testimony on the structural specifications of the cell tower. Mr. Stegman offered that the cell tower is a mono-tower, which is a tubular steel tower measuring four to five feet in width at the base and fourteen to eighteen inches at the top. The structure is similar to a high mass lighting pole by PennDOT. The pole is designed to withstand ninety mph winds at the ten meter height and one hundred and six mph at the top. Mr. Stegman also explained that the tower is designed to bend in the middle not to fall at one hundred and ninety degrees. Mr. Stegman offered that the cell tower mono pole meet or exceed all industry standards.

Mr. Bernhard asked if the anchoring base is same as lighting poles. Mr. Stegman offered that a core boring would need to be done before a decision could be made.

Mr. Bigley asked if there is wind conditions with the topographic of the site would prove more difficult. Mr. Stegman explained that the new codes take topographic features into consideration.

Mr. Shatto asked if the need for guide wires is made on the type of towers used. Mr. Stegman replied yes.

Mr. Grow asked if there are radiation patterns to consider. Mr. Stegman replied that the Frequency Engineer will address those issues.

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Brent Hilbish asked is there are studies concerning the wind gusts in the area. Mr. Stegman replied that Pennsylvania has a standard wind speed of ninety mph with gusts that are controlled by terrain factors and therefore we do not get into wind speed studies. Ms. Leicht asked that if a tower failed due to wind speed what other structures would be standing. Mr. Stegman offered the standards that are used for commercial signs are less than the cell towers so that if a tower failed due to wind speed there would not be much left standing.

Ms. Leicht called Mr. Paul Dugan to testify. Mr. Dugan offered that he is telecommunication engineer and listed his qualifications. Mr. Dugan offered testimony on the structural specifications of the antennas. He explained that in rural areas larger antennas are used to cover more of the area. He continued that there would be four antennas with faces on each antenna. The antennas will be at the one hundred eighty-six foot level of the pole for the maximum efficiency of the signal. Mr. Dugan offered that the school will be less than one mile from the tower and that the size of the antenna will not increase the health risk of residents. Mr. Dugan offered that the eclectic magnet radiation from the cell tower will comply with the FCC regulations. Ms. Leicht asked if in his opinion there was a health and safety concern in relation to the electric magnet radiation. Mr. Dugan replied that in his opinion that there were no risks in relation to the cell tower.

Mr. Sizer offered his opinion on 150 foot building setback line. He offered that a building set back is a line parallel from the property line. He believes that the setbacks should be shown from the property line not in a radius around the building.

Mrs. Klinepeter asked Mr. Rohrer if the property across SR 11/15 was owned by Mr. Rohrer. Mr. Rohrer replied in the affirmative. Mrs. Klinepeter continued and asked if the buses could be parked on this lot. Mr. Rohrer offered that yes the buses could be parked there. Mrs. Klinepeter informed the ZHB by stating that the Board of Supervisors stated concerning the antennas that the Zoning Ordinance should be upheld. On the matter of the 150 control area the opinion was that the applicant has not proved the hardship by having control of the 150 foot radius and due to the limited use of the wetland they did not believe that there would be a hardship for the applicant to have control of the radius. Perhaps some type of agreement could be made for the use of the area.

Ms Leicht offered that with all due respect but that the Board of Supervisors only had the application and not any of the testimony presented here tonight.

Mr. Chairman asked Mrs. Klinepeter and Mr. Sizer if they knew rational of the of the 150 foot setback. Mrs. Klinepeter and Mr. Sizer both offered that this section was discussed before either became involved in the process.

Mr. Hillbish offered that a privacy fence should be constructed to keep vehicles from the existing onto Burley Road from any place along the property line and the entrance road that are not authorized to use the road. Mr. Hillbish continued that he also has concerns regarding the upkeep of Burley Road.

Chairman Bigley called a recess of the hearing from 9:00 p.m. until 9:30 p.m.

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After discussion, and upon a Bernhard/Glossner motion, the ZHB voted unanimously to grant the variance for from the antennae height requirement is granted as de minimums.

After discussion, and upon a Bernhard/Glossner motion, the ZHB voted unanimously to deny the variance request from the setback control requirement. The ZHB suggested to Cellco Partnership that they and the owner work out an agreement regarding the parking of the buses within the setback control area.

After discussion and upon a Bernhard/Glossner motion, the ZHB voted unanimously to close the hearing for Cellco Partnership at 9:33 p.m.

### HEARINGS

The ZHB opened the hearing for Kim Kenee at 9:35 p.m.

**Visitors Sworn In:** Helen Klinepeter  
Lenny Sizer  
Kim Kenee

### Evidence Submitted:

Penn Township ZHB:

1 Proof of Publication of the legal notice in the Duncannon Record

Mr. Kenee explained that he is requesting to have a photography studio that is now in his home be moved to a house next door that was recently purchased. He offered that there is rarely a need for employees of any kind for this studio is operated on a part time basis. He offered that the property is not being changed in any manner. Mr. Shatto asked what the acreage was. Mr. Kenee replied that the property in question is 1.3 acres. The ZHB questioned the Zoning Officer on home businesses'. Mr. Bigley asked the Zoning Officer if the photography studio in existence was in place before the Zoning Ordinance became effective. Mr. Sizer replied that yes the photography studio was in existence before zoning became effective and is considered a non-conforming use in an R-1 (Low Density Residential) District. Mr. Bigley asked if Mr. Kenee was aware of the zoning before he bought this property. Mr. Kenee replied that he was not aware at the time he bought the property and at the time did not consider using the property as a studio.

Mrs. Klinepeter informed the ZHB by stating that the Board of Supervisors stated the Zoning Ordinance should be upheld but in this instance the request should be considered by the ZHB as there are other commercial uses in the neighborhood.

Chairman Bigley called a recess of the hearing from 9:45 p.m. until 9:50 p.m.

After discussion, and upon a Bernhard/Glossner motion, the ZHB voted unanimously to deny the variance request. The ZHB suggest that the applicant considered requesting a zoning map change.

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After discussion and upon a Bernhard/Glossner motion, the ZHB voted unanimously to close the hearing for Kim Kenee at 9:55 p.m.

**MINUTES** – Secretary presented the minutes of February 21, 2008 for review. After discussion, and upon a Glossner/Bernhard motion, the ZHB voted unanimously to approve the ZHB minutes of February 21, 2008.

### OLD BUSINESS

**Berrier Appeal** - Solicitor Shatto informed the ZHB that the Berrier Appeal is on hold because Mr. Berrier went to Florida. Solicitor Shatto offered that he will research the matter and keep the ZHB up to date on the matter.

Upon the completion of all business, and upon a Bernhard/Hard motion, the ZHB voted by majority to adjourn the ZHB meeting at 10:55 p.m.

Respectfully Submitted;

Helen Klinepeter  
ZHB Secretary