

June 11, 2013
Scotland, PA 17254
Public Hearing

The Greene Township Board of Supervisors held a Public Hearing on Tuesday, June 11, 2013, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA. The Public Hearing was held to gain public input regarding a Conditional Use Permit request from Cellco Partnership/Verizon Wireless for construction of cell tower on property owned by Ernest Rotz, 592 Pine Stump Road, Chambersburg.

Present:

Charles D. Jamison, Jr.
Todd E. Burns
Travis L. Brookens

Gregory Lambert
Daniel Bachman
Diann Weller
Welton J. Fischer

Visitors: See list

The Chairman called the Public Hearing to order at approximately 7:00 P. M..

The Chairman asked the Zoning Officer to present the request. The ZO read the legal notice as it appeared in the local newspaper (Public Opinion). He noted the information that had been included in the packets distributed to each Board Member for their review (copies of Application, Cellco/Verizon Narrative, screening analysis, compliance with FAA regulations ('no hazard'), Engineer's Declaration, pertinent portions of Township Code relative to request, Franklin County Planning review and comment, Township Engineer review and comments, and Township Planner review and comments). The property is located in the AR (Agriculture Residential) zoning district and located outside the "airport overlay" zone, although there is a small private airstrip nearby. The ZO stated the request had been presented to the Township Planning Commission at their meeting held Monday, June 10 (2013) and following their review and consideration, they recommended approval subject to the Engineer's comments. The ZO displayed the Plan that was provided which depicted the property, location of proposed tower, screening, fencing, and proposed height of tower. The Township Engineer stated he had reviewed the Application and found it had addressed all the requirements for a cell tower and commented on each requirement. The ZO stated the Applicant has been informed the required certified structural drawings will be provided at the time of the land development plan and they must meet the (State) Building Code. Further, the Township Code requires that if a structure is abandoned for two (2) years, it must be removed and the property returned to compliance; a note to that effect would be added to the land development plan. The ZO stated the Franklin County Planning Commission did comment after reviewing the request that it was not consistent with the strategies outlined in the County Comprehensive Plan, the proposed tower is to be located in an agricultural district and may negatively impact the agricultural character of the area surrounding the proposed use due to concerns that the landowner has applied to the County for agriculture land preservation program as well as a number of adjacent farms making application for preservation also. At this time, the Chairman asked if there were any further questions from either the Board or Township staff; none were offered so the Chairman asked if the Applicant or representative had any. Mr. Jon Andrews, Attorney for the Applicant, addressed the Board by first distributing copies of a large packet to each Board Member and other staff. He stated the proposed tower is a 195-foot tall self-supporting lattice (tower) with a 4-foot lightning rod at the top; lease area

approximately 100' x 100' with the tower to be placed in a 50' x 50' area surrounded by an 8-foot high fence with barbed wire on top, locked gate, 4-foot tall plantings (at time of planting); access drive off farm lane, underground utility lines; inside compound will be a maintenance building approximately 230 square feet, 10 feet high; meets FCC emissions requirements and non-interference with other providers (Mr. Andrews reviewed the FAA requirements at this time.). There were no further comments from the Applicant or from those in attendance at this time. The Chairman noted there were no flashing lights proposed to be placed on the tower and Mr. Andrews stated flashing lights are not required by the FAA on tower of this height. Supervisor Brookens asked the landowner if he was aware of the County Planning Commission's comment regarding their proposed request to be included in the land preservation program and the possible consequences of allowing the cell tower. Mr. Milton Rotz, son of Ernest Rotz, was in attendance on behalf of the request and stated he is aware of the matter and accepts possible consequences. The Chairman again voiced concern regarding the lack of lighting on the tower and noted the Board could impose any conditions if the request is approved and the Township Solicitor stated 'yes' and referred to the FAA requirements for their information. Supervisor Burns clarified that a soils report would be submitted at the time of land development plan and Mr. Andrews concurred at the time of land development plan or building permit issuance and noted a contractor for the project has not been chosen to date. Supervisor Burns referred to the Engineer's comment of a note being placed on the plan regarding the requirement if the facility is abandoned for a period of two (2) years and Mr. Andrews stated the note is not on the plan at present but if required by the Code they would certainly add the note. The Engineer stated it would be best to have the note placed on the land development plan and the Solicitor further stated it should preferably be on the plan and makes subsequent owners aware of the requirement; Mr. Andrews noted it would be no problem to comply. Mr. Glenn Shetter, Township resident and currently Chairman of the Township Planning Commission, commented that as a courtesy if the people who use the private airstrip would be contacted for their opinion. The Chairman noted that lights were required on a tower that was constructed on the Diller farm and voiced his concern again regarding the absence of lights especially in inclement weather. Mr. Andrews stated they are not averse to lighting but noted that once it is lit, it is in perpetuity and cannot turn them off if the lighting would become annoying; again, Mr. Andrews stated there was no problem with lighting being placed on the tower. The Board briefly discussed the condition of requiring of light for safety concerns especially with the airstrip location. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the Conditional Use Permit request from Cellco Partnership/Verizon Wireless for cell tower construction on property of Ernest Rotz, 592 Pine Stump Road, Chambersburg, be approved with conditions: (1) lighting will be placed on top of the tower; (2) soils report and engineer's certification be presented at the time of land development plan submission; and, (3) all other regulations pertinent to the construction of the cell tower be addressed and if the tower is abandoned for a two-year period, the facility must be removed.

There being no further business regarding this Public Hearing, the Chairman adjourned at approximately 7:25 P.M..

Respectfully submitted,

Secretary