

Manor Township Zoning Hearing Board Minutes

Wednesday, September 4, 2019

Time: 7:00 p.m.

Chairman, Bradley Singer called the Manor Township Zoning Hearing Board meeting to order in the Manor Township Municipal Building located at 950 West Fairway Drive, Lancaster, PA 17603 on September 4, 2019 at 7:00 p.m. Chairman Singer led those in attendance in the Pledge of Allegiance and introduced the Board.

Members Present: Bradley Singer, Dennis Funk, Missy Charles, and Scott Ream

Staff Present: Nate Taggart and Michelle Smith

Township Solicitor: James McManus

Visitors: See Attached Sign In Sheet

Previous Month Minutes – Missy Charles made a motion to accept the June 25, 2019 meeting minutes as they have been submitted. Dennis Funk seconded and the motion carried unanimously.

New Business

Case #4-2019: Cellco Partnership d/b/a Verizon Wireless, 180 Washington Valley Road, Bedminster, New Jersey 07921. The applicant is requesting a Special Exception to section 425-61.B and a Variance to Section 425-61.B(4)(b) (Tower Setback Variance) and 425-122.K (Extension of Timeframes). The applicant is requesting approval to permit the construction and operation of a wireless communications tower facility, including antennas, tower and equipment (the "Facility"), on the property located at 1730 Prospect Road, Washington Boro, Pennsylvania 17603, Tax ID Number 410-12441-0-0000. The property is located in the Agricultural (A) Zone.

James McManus requested that Nate Taggart, Zoning Officer of Manor Township, be sworn in. In that capacity, Mr. Taggart administers and reviews the applications that come before the Zoning Hearing Board. Mr. Taggart received the application from Cellco Partnership, indexed at #4-2019. The application was submitted on a standard Township form. Accompanying the application was a ten page narrative, a listing of adjoining property owners, and a set of plans consisting of five sheets. The plans included a title sheet, an overall site plan, two partial site plans, and a compound plan elevation. Each of the Board members received a copy of the application. A notice of the time, date, place, and subject matter of this hearing was published in Lancaster Newspaper on August 20, 2019 and August 27, 2019. Mr. Taggart received proof of publication for these advertisements. Additionally, Mr. Taggart posted the property, which is the subject of this application, with a notice of the time, date, place, and subject matter of this hearing on August 28, 2019. The same notice was placed in the lobby of the Manor Township Municipal Building on August 28, 2019. All notices contained substantially the same information. The notice was mailed to adjoining property owners as well. The application was

marked as Exhibit #1, the proof of publication was marked as Exhibit #2, and the list of adjoining property owners was marked as Exhibit #3.

Mr. McManus verified that the applicant was present through council and individually. James Strong, Attorney for Cellco Partnership d/b/a Verizon Wireless, introduced himself and the consultants for Verizon Wireless. In attendance were Consultants Deb Baker, Joe Ruiz, Gary Lucas and one of the property owners, Jim Breneman. All five of these individuals were sworn in. There were no other visitors in attendance that had an interest in this application. Mr. Strong is an Attorney for McNees Wallace & Nurick in Harrisburg, PA. He is representing the applicant.

Mr. Strong gave a brief overview of the proposed facility. He reviewed a drawing of the overall farm property and identified the proposed tower location. The tower will be constructed on the southern side of the property. Verizon Wireless is leasing a 100' x 100' area. Mr. Strong explained that access to the leased area is from Prospect Road and will utilize the existing gravel road that is presently on the property. A short extension will be added to connect the proposed communication tower facility with the existing gravel road. There is a 20' wide access easement that provides access to the facility from Prospect Road. All utilities to the facility will be located underground. The only required utilities are electric and telephone. Within the 100' x 100' lease area, Verizon Wireless will construct a 50' x 50' fenced compound. Located within the compound will be the tower itself and the equipment needed to support the proposed facility. The proposed extension will be a 12' wide gravel access road. There will be two parking spaces provided. The tower is a 120' monopole. The antennas will be attached at the top of the tower at 120' elevation. There will be a six foot lightning rod installed, making the overall height of the structure 126'. Surrounding the fenced area will be the required landscape screening that is set by the zoning ordinance. Mr. Strong stated that this type of use is permitted in the Agriculture Zone as stated in Section 425-61.B of the ordinance. His client has met all of the criteria of the ordinance except the setback requirement. They are requesting a variance from the setback requirement so the tower can be located at the proposed site on the property. The ordinance requires the tower to be set back 126' from all property lines. At the proposed site, the base of the tower will be 52' from the closest property line. The third part of their application is a request to extend the timeframes in Section 425-122.K. The existing timeframes are six months to secure a permit and begin work and twelve months to complete all of the work. The penalty if you fail to comply with these timeframes is your approval is automatically rescinded and goes away. The ordinance does provide that you can ask for a twelve month extension of those time periods and that is what they are requesting. They are requesting 18 months to secure a permit and begin work and 24 months to complete the work. That gives them the opportunity to go through all of the other regulatory approvals, outside agency approvals and land development approvals. The Board was provided with copies of the applicants exhibits.

Deb Baker is a site acquisition consultant and contractor for NB&C. NB&C is a contractor to Verizon Wireless and they are tasked with finding sites for cellular towers or locating antennas on existing structures, completing leasing, zoning and permitting and sometimes construction

management on the sites. Verizon Wireless requested that Ms. Baker's firm locate a communications tower site in this area to provide service to Manor Township. Ms. Baker went on to discuss what the process looks like. She explained that Verizon's radio frequency engineers determine that there is a hole in the system or the existing cellular sites in the system are becoming overloaded and a new site is needed. When there is a need for a new site she gets involved. Ms. Baker is provided with a latitude and longitude point and must search for something as close to the coordinates as possible to locate new antennas on an existing structure or find a location where a new tower could be built. She first obtains copies of the zoning ordinance and zoning maps. She drives the site and surrounding area to see if there is an existing structure where the antennas could be placed. This could be an existing cellular tower, a tall silo on high ground, or building rooftops. In this case, there were not any existing structures so she had to search for a site for new construction. Ms. Baker located the property at 1730 Prospect Road and identified them as a candidate for a proposed tower facility. The property is owned by James and Nelson Breneman. Mr. Strong reviewed applicants Exhibit #A1, which is an authorization from the property owners to file any necessary applications for approvals, permits, etc. for the proposed facility. He went on to review applicants Exhibit #A2. This is the plan that was submitted to the Township when the application came in. This plan has a 120' proposed monopole with an antenna center line at 116'. Applicants Exhibit #A3 is the revised zoning plan that was submitted to the Township subsequent to filing the zoning application. This plan is identical to the original, except it is a 120' monopole with the antennas moved to the top from 116' to 120'.

Ms. Baker described the property in greater detail. She identified Franklin Road, which runs east to west, and Prospect Road, which runs north to south. The property is a dairy farm and consists of multiple structures including a house and numerous barns and outbuildings. There is an existing gravel road on the property. The proposed location of the cellular tower site is in the corner of the property. The open land on the property is pastures and farm fields. The corner location was selected in order to preserve as much farm land as possible and maximize the amount of land that can still be planted and harvested. Ms. Baker went on to describe what is proposed to be constructed on the property. The improvements include a 50' x 50' fenced compound. The fence will be seven feet high with one foot of barbed wire on top of it. There will be 12' wide double access gate and a 120' monopole located in the northeast corner of the compound. Also included will be two concrete pads, one of which contains equipment cabinets and the other contains a generator. Electric and fiber will be run to the site underground. The tower will be designed in such a way that it could accommodate the antennas of other wireless service providers or emergency management service providers. The site will be unmanned and fully automated. The gate will be kept locked at all times, with the exception of maintenance service personnel accessing the site once or twice a month. The equipment cabinets will also be kept locked. There will not be a business office, a maintenance depot or vehicle storage at the site. The maintenance personnel that visit the site will drive an SUV or pickup truck and use the existing access to get to site. Ms. Baker went over applicants Exhibit #A4. This exhibit is a Google Earth with the property line overlaid and the location of the proposed leased area, fenced compound and tower identified on the property. The Google Earth depicts the surrounding uses which are primarily agricultural. The zoning ordinance

requires an applicant proposing a new communications tower facility to confirm that they will remove the facility in the event that it becomes functionally obsolete or is no longer in use. Verizon Wireless will comply with this ordinance requirement and remove the facility within three months of the date Verizon ceases use of the facility or the facility becomes obsolete. Mr. Strong reviewed applicant's Exhibit #A5 which is a letter, dated August 5, 2019, from Verizon Wireless confirming their plan for removal of the facility and compliance with the ordinance requirements. When the tower is removed, the equipment, conduit, fence and other fixtures will be removed and the property would be restored to its original condition. Ms. Baker confirmed that with the exception of the setback request, the application otherwise complies with all of the specific requirements for new tower facilities set forth in Section 425-61.B of the Zoning Ordinance. It also complies with the general standards for all special exceptions set forth in Section 425-123.C(2) of the Zoning Ordinance. Ms. Baker stated that there is a lot of due diligence that goes into siting cellular towers and obtaining approvals, not only local approvals but also state and federal approvals. The following are required: FAA approval, environmental studies, state historical preservation approval and Indian tribe approval. This approval process can take a lot of time, which is why they are requesting the twelve month extension. Ms. Baker confirmed that the application complies with the relevant general standards for variances set forth in Section 425-123.D of the Zoning Ordinance.

Brad Singer asked what the longevity of a tower is? Mr. Strong responded by stating that leases are typically for approximately 30 years. The tower would be located at the property for a minimum of 30 years. If the need for the tower still exists, the parties can negotiate to extend this. The life of the tower is going to be dictated by technology as opposed to the useful life of the structure itself. He reiterated that the tower would be removed within three months if it no longer being used. Dennis Funk asked about the lower driveway that is proposed on Z-3. Mr. Strong confirmed that they will not be using this driveway, but rather utilize the existing driveway located to the north. Their easement is located on the existing, more centrally located driveway. Mr. Funk asked if 100' x 100' is the typical size of their leased areas? Ms. Baker confirmed that this a very typical lease size. Mr. Funk asked if the location of the tower had anything to do with the hill or elevation of the property? Ms. Baker stated that the tower will be located at almost the highest point on the property. It is not at the highest point because it would have moved the tower out of the corner into the usable area. Ms. Baker was trying to keep the tower as high as possible while also trying to lessen the impact on the land. Mr. McManus asked what the acreage of farm is and if the farm is devoted exclusively to dairy use? Ms. Baker stated that it is approximately 60 acres and it is used for dairy farming. Mr. McManus asked Ms. Baker to review how the variance requirements have been met by virtue of this proposal. Ms. Baker referred to a letter from the tower manufacturer saying that should the tower collapse it will not collapse outside the 52' fall zone. She believes that the location is not going to be a detriment to the Township or to the neighbors due to the fall zone. It is going to be beneficial to keep the tower in the corner of the property where it is not impacting as much farm land. Mr. McManus asked if the tower could be sited 126' from any property line on the tract and still be effective with the proposed use? Ms. Baker responded by saying that if the tower is moved in, it will need to be taller. She did not know where the tower could be located to meet the setback requirements and at what height the tower would need to be. She was

confident that the tower would be taller and the antennas would have to stay at the same elevation, but she did not have specific details. Mr. McManus asked if there were any impediments with respect to the property, buildings, and other structures that would interfere with the location of the pole in the vicinity of the desired location? Ms. Baker was not aware of any impediments. Mr. McManus asked if it was possible to erect a pole with the required setback distance somewhere in the southern portion of the tract and still satisfy the needs of Verizon with respect to antenna height and other requirements with respect to how the antenna will function. Ms. Baker thought that it would be possible if the landowners would allow it. Mr. McManus asked if it was a matter of how large the lease area would be in trying to meet the requirements of the zoning ordinance? Ms. Baker responded by saying that the leased area would remain the same size; however, the interruption of the farm field could not be avoided if the tower was moved to accommodate the requirements. There would be a perimeter of land around the leased tract if the tower was moved to a different location. Dennis Funk asked why they wouldn't lease a 150' x 150' tract of land and place the tower in the corner to meet the requirements? Ms. Baker said that they would still lease a 100' x 100' area and the compound would be moved into the cornfield where they can't farm around edge. They could lease 150' x 150', but why would they? Mr. Funk asked if they still use guide wires on the new towers? Ms. Baker stated they are only used if they build a guide tower, but this particular tower is a self-support model.

Gary Lucas, project engineer for Network Building + Consulting, reviewed the site improvements that are proposed by Verizon Wireless. He explained that access to the leased area will be through the existing driveway off Prospect Road. The 50' x 50' compound will be surrounded by evergreen trees. The trees that are planted will be six feet tall and grow to a minimum height of fifteen feet at full maturity. The compound will be surrounded by a seven foot chain-link fence with one foot barbed wire located at the top. There will be gate that will remain locked at all times, except when maintenance personnel are at the site. There will be two parking spaces with a new gravel drive extension. The extension will be twelve feet wide and sixteen feet long. The proposed utilities will be along the existing gravel drive and there will be an easement along that location. The monopole will be located inside the compound approximately 52' from the south property line and 72' from the westerly property line. Also inside, will be a concrete pad for the generator and a concrete pad for Verizon equipment cabinets. Along with the cabinets there will be an ice bridge that will carry the cable trays from the cabinets to the antennas. There will be a utility backboard inside the compound. The required utilities are telephone and electric. The applicant will replace any evergreen tree that should die with a like kind evergreen planting. Mr. Lucas verified that the total height of the tower, including the lightning rod, is 126' and the distance to the closest property line is 52'. Mr. Lucas stated that the property located immediately to the south and to the west of the proposed tower facility is agriculture fields. There are not any occupied structures or rights-of-way located within close proximity of that common property line. Sabre Industries, manufacturer of the tower, provided a letter documenting that the tower will be designed and constructed in accordance with current industry standards. Mr. Lucas gave more information about the letter by saying that the tower will meet all construction requirements set by the international building code. The tower base will be oversized to meet the fall zone. The

monopole is constructed of three 40' sections. The base will be installed, the second piece will slip over the first piece and top will be placed over that. The tower is designed to kink at the desired stress point, which is 50' from the top. Mr. Lucas does not believe that there would be an occurrence where this would ever happen; however, if it were to happen, this would be the stress point where the tower would twist over like a straw. Mr. Lucas verified that the lower 70' feet of the tower would be overdesigned as opposed to creating a weak point on the tower. In his opinion, Mr. Lucas feels that the tower will be designed, constructed and maintained so that the tower and antennas will be safe and the surrounding areas will not be negatively affected by tower failure, falling ice or other debris. The letter from the tower manufacturer confirms that in the hypothetical event of tower failure, the fall zone of the tower will be less than or equal to 50'. Missy Charles wanted to verify the overdesigned tower base. She asked for clarity on the dimensions of the tower that will be over structured. Mr. Lucas responded by saying that it will most likely be 80' of the tower being stronger than the 40' top. Mr. McManus asked how many structures will be within the leased area, apart from the monopole itself? Mr. Lucas responded by saying that there will be a generator, two cabinets, a backboard for utilities and a mason cabinet. The backboard will be six feet tall and the cabinet will be approximately six feet tall by three feet wide. Brad Singer asked how the generator will be powered? Mr. Lucas stated that it will be powered by diesel, but he did not have specifics on the number of gallons that the tank would hold. It will be small enough that there will not be a need for fuel containment or environmental requirements. Mr. Lucas verified that the utilities and structures that he testified to will all be setback from property lines in accordance with the provisions of the zoning ordinance. Missy Charles asked if the fence would be posted with No Trespassing signs? The gates would be locked and signs would be posted on the chain-link fence saying who owns the site, but they would not put No Trespassing signs unless it is required by the Board. There would be a FCC identification posted.

Joe Ruiz, RF Services, stated that he was hired to look at the application, review the original objective that the engineer was trying to achieve, look at potential candidates and review the lay of the land. Mr. Ruiz reviewed the radio frequency design analysis. He discussed the existing coverage in the area and highlighted what type of coverage is provided. Verizon provides in building service and on street coverage. Verizon engineers look at the performance of all sites in the network and they can tell where calls and data sessions are dropped. Currently, there is a lack of in building coverage provided in the area, even at the on street level. It is mostly because of the topography of the land. There is a lack of coverage, even for calls to emergency services. There is a substantial number of 911 calls made on mobile devices. More and more households are moving to wireless only households, so the demand for cellular services is increasing and there is a need for better coverage. Mr. Ruiz went on to review the anticipated coverage from this proposed tower if it is approved and constructed at the location. There would be heavier in building coverage and additional on street coverage provided. In his opinion, Mr. Ruiz stated that the tower facility must go where it is proposed in order to address the applicant's network objectives. It is located on the ridge and the height is exactly what it needs to be. He could not identify any potentially suitable tall structures located within a ¼ mile radius of the proposed tower location where antennas could be attached to such a structure and meet the objectives for the site. Mr. Ruiz verified that the applicant is licensed by

the Federal Communications Commission and copies of the license were provided to the Board. The proposed facility has a maximum electromagnetic exposure level of two percent. The allowable limit is 100 percent. Mr. Ruiz confirmed that there will not be any harmful radio frequency interference because Verizon is licensed within their own frequency band. If an issue would arise, the problem would be resolved quickly so coverage would be restored as soon as possible. As detailed in applicant's Exhibit #A10, the Federal Aviation Administration would not require artificial lighting or marking of the tower. Verizon will not voluntarily propose to light the tower. Mr. Ruiz read a statement from Justin Palmer, PA Aviation Specialist for the Pennsylvania Bureau of Aviation. The facility has been deemed not an obstruction under PA Aviation Code. In summary, the tower will comply with all applicable FAA and Commonwealth Bureau of Aviation regulations. Mr. McManus asked Mr. Ruiz if the proposed location of the monopole is the only location on the property that could satisfy all of the requirements for the purposes of transmission within the frequency band that he has described? He responded by stating that when the site is moved, you will begin to lose elevation and there will be a change required to the antennas. If the antenna is moved further from the ridgeline, you will start to shadow the other side. On the north side there is a need for additional in building coverage and the proposed location will provide this. If you move the site, additional analyses would be required to provide accurate coverage projections. At this point, additional analyses have not been run. This concluded the testimony for the evening and Mr. Strong requested that applicant's Exhibits #A1 - #A12 be made part of the record.

Mr. Singer explained how the Board will proceed. Each member will evaluate what was presented this evening. There will be no discussion among the Board. Each member will give their opinion to the Solicitor and he will compile a Decision. The Decision will be rendered at the next meeting which will be held on October 2, 2019 at 7:00 p.m. Mr. Singer commented that with no further business to discuss the meeting will close. Dennis Funk made a motion to adjourn the meeting. Missy Charles seconded and the meeting adjourned at 8:23 p.m.

Respectfully Submitted,

Dennis Funk
Secretary

Recording Secretary
Michelle Smith