

FERGUSON TOWNSHIP ZONING HEARING BOARD

Regular Meeting
Tuesday, April 28, 2015
7:00 pm

I. ATTENDANCE

The Zoning Hearing Board held its regular meeting on Tuesday, April 28, 2015 at the Ferguson Township Municipal Building. In attendance were:

Board: Matthew Patch, Chairman	Staff: Jeffrey Ressler, Zoning Administrator
George Pytel, Vice Chair	Jeffrey Stover, ZHB Solicitor
Charles Farrell	
Scott Petryshak	
Swamy Anatheswaran	

Other in attendance included: Heather Bird, Recording Secretary; Rich Williams, Verizon Wireless; Eric Brinser, Verizon Wireless; Melissa Haluszczak, Verizon Wireless; Scott Devlin, Verizon Wireless; Herb Hungerman, Verizon Wireless; Bill Keough and Lance Cooper

II. CALL TO ORDER

Mr. Patch called the Tuesday, April 28, 2015 regular Zoning Hearing Board meeting to order at 7:00 pm.

III. SWEARING IN OF THOSE WHO WISH TO TESTIFY

Seven individuals stood to be sworn in.

IV. CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS – VARIANCE REQUEST

Mr. Ressler stated the variance request submitted by Cellco Partnership d/b/a Verizon Wireless is for property located at 5521 West Whitehall Road, tax parcel number 24-006-025. The property is owned by J & M Kocher Family Limited Partnership II. The applicant proposed installing a 190' Monopole Tower and related equipment on the property. The applicant requested a variance to Chapter 27-209 (IV) and Chapter 27-209 (IV)(iii) to permit the tower and equipment to be placed closer to the property boundary than the required 500' from the adjacent property boundary lines. The requested placement is for the tower to be 100' from the NE and 100' from the NW property line. The applicant requested a variance to the landscaping requirement of Chapter 27-209 (IV)(h)(ii)(i) which requires landscaping along the perimeter of the security fencing around the Wireless Communication Facility (WCF) site. The applicant requested a variance to Chapter 27-801(B) to allow portions of the 20' access road within a floodplain. The Zoning Ordinance in Chapter 27-801.J list requirements for variances granted to floodplain regulations. Chapter 27-801.J.(4) states that no variance may be granted for any construction, development, use or activity within the floodplain area that would together with all other existing and anticipated development, increase the 100 year flood elevation by more than one foot. There have been no other variances granted for this property.

Mr. Rich Williams, Verizon Wireless attorney, stated the applicant requested three variances in order to construct the communications facility proposed in the Township. Specifically due to the layout of the property and that it is an existing agricultural use Verizon Wireless is attempting to locate the facility in an area with minimum impact on the agricultural use of the property. As a result of that the applicant is requesting variances in regards to setback of the newly adopted telecommunications ordinance. Secondly the location of the facility within the property is located approximately 2,500 feet from West Whitehall Road and is near a significantly wooded area so as a result of that the applicant has also requested a variance for landscaping on two sides of the equipment compound. Finally

there is an existing road accessing the property which Verizon Wireless intends to utilize and will be adding gravel and grading it as required by the Township ordinance. There is a provision in the ordinance which requires a variance because the roadway will be passing through a floodplain.

Mr. Eric Brinser, Rettew Associates, was questioned by Mr. Williams. Mr. Brinser stated the property is located on West Whitehall Road. The owner of the property owns several farm parcels adjacent to the parcel where the proposed facility will be located. The existing property is farm with some woodland. The property is zoned Rural Agricultural (RA). The plan proposes using an existing farm lane which splits two properties as access to the site. The plan proposed widening the lane to 12 feet with minimum grading. The lease area is 125 feet by 125 feet and within that space is a 50 foot by 50 foot is a fenced in compound area with an 8 foot fence and barbed wire. This compound will include a steel 190 monopole tower with a 9 foot lightning rod for a total of 199 feet. The tower will be 5 to 8 feet in diameter at the bottom and taper to 2-3 feet at the top. An 11 ½ feet by 30 foot equipment shelter will also be located in the compound. There will be lighting on the tower. The tower includes additional locations on the tower for additional carriers. Once the tower is constructed the site can expect to see approximately one or two visits per month for maintenance. The edge of the lease area is located 100 feet from the rear property line and 100 feet from the eastern property line. The tower itself is located 160 feet from the eastern property line and 165 feet from the northern property line. To the west the closest property is 1,556 feet away. From West Whitehall Road, south of the tower, it is 2,378 feet from the tower. The location was determined in part by the land owner and the elevation of the property, allowing for a lower tower. There is also a small airfield to the east of the property along West Whitehall Road, the tower in other locations would interfere with the flight path of this airfield. The location was also selected to minimize the effect on the land that is currently farmed. The property to the north is heavily wooded. Within 1,000 feet from the tower structure there are no other structures or residential structures. This facility would not be located within 200 feet of any historic structures. Verizon Wireless proposed to landscape the compound on two sides, south and west due to the distance from Whitehall Road and the heavily wooded area in the rear (north) of the property. A variance was requested for access through a floodplain. Two areas will be impacted with approximately 200 feet impacted in the center of the property and 100 feet in the front of the property. Mr. Brinser prepared Exhibit #1 showing the floodplains on the property. This floodplain is several hundred feet from West Whitehall Road and the other section is along West Whitehall Road, neither is connected to any streams. Verizon is proposing to improve the existing roadway that will assist with stormwater controls.

Mr. Petryshak asked how many square feet of road will be in the floodplain. Mr. Brinser stated approximately 2,400 square feet.

Mr. Shiraz Patel, radio frequency engineer for Verizon Wireless. Mr. Williams questioned Mr. Patel. Mr. Patel stated Verizon Wireless is currently experiencing a lack of service in Ferguson Township and they are required to meet a certain minimum level of service. Mr. Patel reviewed the coverage area on maps of the area.

Mr. Pytel questioned the reason a variance should be granted. Mr. Williams stated the location of the towers location on the property was to have minimum impacts on the farmland and to be out of the glide path for the Homan airport path as well as the heavily wooded lot in the rear and the owner of the east property being the same.

Mr. Herb Hungerman, real estate department Verizon Wireless, stated they had contact with the Pennsylvania Department of Aviation regarding the neighboring property airstrip and the location of the tower. Mr. Patch asked if the tower location was required by the PA Department of Aviation. Mr. Hungerman responded that it was not required.

Mr. Bill Keough, 3560 Tadpole Road – representing the Pauline Cooper Estate, began by stating that he is in favor of the cell tower because the area needs coverage. He has concern with two of the variances. The property to the north is the Cooper property and is zoned Rural Residential (RR). This zoning would allow for housing to be built. The lot was heavily wooded but recently it has been clear cut, although the owners at this time do not have the intention of building on the land, in the future development may occur. The RR setback is 30 feet. He is also concerned with the variance for landscaping. He stated he would like to also see the northern side of the compound should be landscaped because the land neighboring that side is RR. He requested the north side setback not be granted as well as require landscaping on the northern side of the compound.

Mr. Patch asked Mr. Keough how many feet would the executors be comfortable with. Mr. Keough stated a minimum of the tower height but if a home was constructed there the 500 feet in the ordinance would be best.

Mr. Pytel commented that once a variance is granted the variance stays with the land and will last forever/

Ms. Peggy Deibler, resident, stated that the residents in the area are desperately in need of cell service.

Mr. Williams stated the applicant would be willing to withdraw the variance for landscaping.

Mr. Patch questioned the economic factors and stated the main factor is the effect to the landowner.

The Board adjourned to an Executive Session at 8:21 pm and returned at 8:30 pm.

Mr. Pytel made a motion to APPROVE the variance to Chapter 27-209(IV) and Chapter 27-209(IV)(iii) to permit the tower and equipment to be placed closer to the property boundary than the required 500 feet from the adjacent property boundary line with the requested placement of the tower to be 100 feet from the northeast and 100 feet from the northwest property line. Mr. Anatheswaran seconded the motion. The motion was denied by unanimous vote.

Mr. Anatheswaran made a motion to APPROVE the variance to Chapter 27-801(B) for property located at 5521 West Whitehall Road, tax parcel 24-006-025, allowing portions of the 20 foot access road to be located within a floodplain. Mr. Pytel seconded the motion. The motion was denied by a vote of 3-2. Mr. Patch, Mr. Pytel and Mr. Farrell voted against the variance and Mr. Petryshak and Mr. Anatheswaran vote in favor.

V. ADJOURNMENT

Mr. Anatheswaran made a motion to adjourn the meeting. With no further business to come before the Ferguson Township Zoning Hearing Board, Mr. Patch adjourned the regular meeting at 8:34 pm.

RESPECTFULLY SUBMITTED,



Karen English, Secretary
For the Zoning Hearing Board

Date approved by the Board: _____