

Public Hearing
Conditional Use –Verizon Wireless
March 27, 2008

The North Middleton Township Supervisors held a public hearing concerning proposed Conditional Use Application submitted by Cellco Partnership d/b/a Verizon Wireless on March 27, 2008 at the Township Municipal Building, 2051 Spring Road, Carlisle PA. Chairman Richard A. Bucher called the public hearing to order at 7:00 p.m. Board members present were Vice Chairman Robert H. Shearer, Supervisor Dennis Hurley, Supervisor Harry Kelso, Supervisor Robert Reisinger, Solicitor Mark Allshouse, Manager Deborah Ealer and Recording Secretary Lori A. Coleman.

Visitors: See March 27, 2008 attendance sheet.

Solicitor Allshouse stated the purpose of the application submitted by Cellco Partnership d/b/a Verizon Wireless was to attach wireless communication antennas on the existing water tank owned by North Middleton Authority located in the rear of 1821 Suncrest Drive, Carlisle, PA. Solicitor Allshouse reviewed the exhibits:

- Township Exhibit#1- application by the applicant containing three pages of application, one page of joiners.
- Township Exhibit #2-supplement to the application in letter form addressed to Richard Bucher dated February 15, 2008. Author Paula Leicht.
- Township Exhibit #3-correspondence dated February 28, 2008 addressed to Mr. Fegley of the Codes Department. Author Paula Leicht.
- Township Exhibit #4-plan submitted with the application. Caption on the plan: plan prepared by Gary Stouffer of Rettew & Associates on behalf of Cellco Partnership doing business as Verizon Wireless. It is a plan of the subject site together with some sketches, drawings and elevations of the water tower.
- Township Exhibit #5-Numerous photographs depicting the base of the cell tower, land adjoining, and access easement in for a total of seven photographs. Three aerial photographs of the subject location are included.
- Township Exhibit #6-proof of publication received by the Sentinel for publications dated the week of 3/13/08 and the week of 3/19/08.
- Township Exhibit #7-Property was posted by the Township Zoning Officer on 3/20/08. Copy of the notice was forwarded to the County Planning Commission on March 12, 2008.
- Township Exhibit #8-a copy of the public notice was provided to the surrounding property owners directly on March 13, 2008.
- Township Exhibit #9-copy of the proposed ordinance was lodged at the county law library on March 12, 2008.
- Township Exhibit #10-letter dated 2/21/08 by Mr. Fegley of the Codes Department setting forth his compliance that he personally informed those notices and postings himself.

Solicitor Allshouse reviewed the procedures for the hearing, and noted the supervisors could ask questions at any time.

Applicant

Paula Leicht representing Verizon Wireless noted they are proposing to attach 12 panel antennas at the top of the NMA water tank located at 1821 Suncrest Drive. A conditional use application was filed on February 15, 2008. Ms. Leicht preidentified her hearing exhibits. The first exhibit was Township Exhibit #4. Ms. Leicht passed out a packet. Ms. Leicht noted the zoning ordinance permits the co-location of communication antennas on structures that are owned by a municipal authority in the zoning district.

The court recorder swore in all the witnesses slated to provide testimony. Ms. Leicht introduced Gary Stouffer whom was employed by the firm of Rettew & Associates (consultants, engineers and planners) with a business address of 2500 Gettysburg Road, Camp Hill. Ms. Leicht questioned Mr. Stouffer on Township Exhibit #4 and Applicant Exhibit A1. Mr. Stouffer explained the location, attachment of the antennas, access to the site, leased area, and maintenance visits. Ms. Leicht continued to question Mr. Stouffer. Ms. Leicht asked Mr. Stouffer to describe the uses in the vicinity of the property. The utilities utilized and proposed improvements to the access site were reviewed. Exhibit A2 concerning the structural analysis was reviewed.

Supervisor Kelso inquired if a turnaround area would be provided for the vehicles. Mr. Stouffer noted the vehicles would pull up to the shelter and back around. Supervisor Shearer questioned the height of the antennas. Mr. Stouffer noted they would be 7'9". Supervisor Bucher inquired if lighting would be available and what would be stored in the building. Mr. Stouffer explained the lighting and stored items.

Ms. Leicht called Cliff Shaffer of 3817 Linglestown Road, Harrisburg, Pa to testify. Mr. Shaffer stated his company was Wireless Communication Consultants Incorporated, and he was the vice president of the firm. Ms. Leicht questioned Mr. Shaffer on the location, and land uses of the proposed site. Mr. Shaffer reviewed exhibit A5 A through D.

Supervisor Shearer questioned if batteries would remain on site. Mr. Shaffer described the shelter and discussed the use and decibel level of the generator. Applicant's Exhibit A10 was reviewed. Mr. Stouffer reviewed the noise study.

Supervisor Reisinger asked if any outstanding issues existed with the agreement with NMA. Mr. Shaffer noted NMA was presented with their drawings which were reviewed by their consulting firm prior to making the application.

Ms. Leicht called Dale Brubaker whom stated he was a network real estate manager for Verizon Wireless at 4642 Jonestown Road, Harrisburg. Ms. Leicht reviewed applicant's exhibit A6. Mr. Brubaker noted they have a responsibility to the customers, and to have a license to provide the coverage.

Ms. Leicht called Michael Fischer of Millennium Engineering PC to provide testimony. Mr. Fisher stated his business address was 303 Valley Hunt Drive, Phoenixville, PA 19460. Mr. Fisher noted he was a wireless consultant for Millennium Engineering in which they provide a variety of radio system designs as well as regulatory services for the wireless industry. Mr.

Fischer reviewed the antennas to be installed on top of the tank, improvements and coverage areas. Mr. Fischer reviewed applicants exhibit A8. Supervisor Kelso questioned the area coverage as depicted on the exhibit. Mr. Fischer explained the coverage area, and mentioned the increased area of coverage. Supervisor Bucher inquired about the use of the antennas by other service providers. Mr. Brubaker noted the service would only be provided by Verizon.

Mr. Koch noted he was available to answer any questions of the board. Mr. Koch noted the agreement states they cannot sublease the antennas. Mr. Koch reviewed details of the agreement in reference to access of the antennas or emergency issues.

Public Comment

No public comment was offered.

Admission of Exhibits

Solicitor Allshouse noted the Applicants Exhibits 1 through 10 were admitted to the record.

Evidentiary Closing

The evidentiary portion of the meeting was closed.

Supervisor's Questions / Comments

Supervisor Kelso questioned Ms. Leicht on what she had to prove for the conditional use. Ms. Leicht noted they had to prove they meet the specific conditions of the zoning ordinance. She reviewed the conditions.

Supervisor Reisinger mentioned rectifying any issues with the noise of the generator if they occur.

Supervisor Shearer felt clarification on the height of the antennas should be addressed. Solicitor Allshouse suggested the board could make a condition for the applicant to use the property consistent with the testimony provided at the hearing tonight with the exception of the height that shall remain under the current NMT ordinance.

After some discussion, Solicitor Allshouse reviewed the condition that the applicant agrees to make good on any noise issues as to the generator at the facility if complaints are received by the Township. He asked Ms. Leicht if her client would accept the condition. Ms. Leicht replied yes.

Action

Supervisor Shearer moved to approve the conditional use application for Cellco Partnership d/b/a Verizon Wireless with the condition as previously mention. Supervisor Reisinger seconded the motion and the motion carried with a 5-0 vote.

Ms. Leicht noted Township Exhibit #3 was presented as an exhibit as a request to waiver a land development plan. She explained the request. Supervisor Bucher recommended the issue be addressed at next week's meeting, and Solicitor Allshouse agreed since it was not part of the hearing.

Closing

The hearing was closed at 8:00 p.m.

Special Note:

A complete transcript of the public hearing is available at the Township Municipal Building.

Respectfully submitted,

Deborah Ealer
Township Secretary

Lori A. Coleman
Recording Secretary