

MEETING MINUTES
LANCASTER TOWNSHIP
ZONING HEARING BOARD

February 26, 2019

Chairperson John W. Metzger called the meeting to order at 7:00 P.M. The following members were present: John W. Metzger, Elizabeth W. Bamford, Peggy D. Hall, and alternate member Joseph C. LoCurto. Also in attendance was Thomas L. Goodman, Esq., Zoning Hearing Board Solicitor, Thomas P. Daniels, Assistant Township Manager and Zoning Officer, and Cheryl Hansberry, Court Reporter.

OLD BUSINESS

1. The application of Gary Price was continued from the January 22, 2019 meeting. The applicant is seeking a Variance pursuant to Chapter 280-602 for 1750 Wabank Road, Lancaster, PA 17603 to allow for the use of the property as a Self-Storage Facility in accordance with Section 280-1534. Additionally, the applicant is seeking a dimensional variance from Section 280-1534. Mr. Metzger noted that the applicant had submitted additional materials. The applicant's representative, Mr. Derek P. Dissinger, Esq. summarized the new material stating that the challenges to developing the property were due to a third of the property being either in a floodplain or steeply sloped. A stream also goes through the property. Other allowed uses would therefore have required many more variances.

Mr. Metzger moved to deny the applicant's request for a use variance pursuant to Section 280-602 and for dimensional variances pursuant to Section 280-1534. Ms. Bamford seconded the motion, which carried unanimously.

NEW BUSINESS

1. New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, has applied for a Special Exception pursuant to Chapter 280-703.3 for 900 East King St., Lancaster, PA 17602 to allow for the installation of a communications tower in the public right-of-way adjacent to this property. They have also applied for Variances pursuant to Chapter 280-1604.4, 280-1604.6, 280-1604.7, and 280-1604.13. Mr. Daniels was sworn in and testified that the notice and publication requirements had been met.

Mr. Christopher H. Schubert, Esq. represented the applicant. He stated that the applicant was granted a Special Exception and Variances at the August 28, 2018 meeting for a small cell antenna placed on a decorative light pole. Unfortunately, the applicant was unable to secure a lease agreement with HUD for this light pole. A utility pole has recently been placed by Verizon for a fiber feed. The applicant is desirous of placing the small cell antenna on this utility pole.

Mr. Ron Wolesslagle, a Site Acquisition consultant, was sworn in and testified that AT&T already has a leasing agreement with Verizon which would allow the co-location of an antenna, and that the new site is on a public right-of-way which would not require federal agreement. Mr. Joseph Ruiz, a Radio Frequency expert, was deemed qualified to testify and stated that the purpose of this small cell antenna was to offset capacity of the Grandview Heights tower. It is anticipated that maximum coverage will be reached by the end of this year, necessitating this antenna. Mr. Ruiz reviewed the requirements, stating that no other area structure could be used because they are all too high to accommodate this low input antenna. The antenna would be at 15 feet, the shroud at 10 feet, the disconnect switch at 8 feet and the meter at 5 feet. Mr. Dale Kellman, NB & C Engineering Services, testified that the equipment would weigh a total of 70 to 80 pounds. A fence or enclosure would not be necessary and would prove to be unsightly. He stated that he was aware of the previous Zoning Board Decision which required a lock on the disconnect switch and said that they were working out a system to accommodate emergency responders.

In appeal of the Zoning Officer's decision, Mr. Schubert argued that this was not a telecommunication tower. In the alternative, he argued that the requirements for a Special Exception and the Variance have been met. In response to a question from a neighboring property owner, Mr. Roger Thompson, it was stated that this was addressing only the issue of capacity and that his service, though in another coverage area, could benefit.

Mr. Daniels testified that the Township recognizes the need for additional capacity. He is of the opinion that the utility pole is not a "tall structure" envisioned in Section 1603. Mr. Ruiz noted that the small cell antenna can't be placed on anything taller in order for it to work. The applicant is agreeable to a condition to remove the structure when no longer in use.

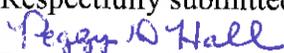
Mr. Metzger requested that the applicant provide a memorandum on the pertinent issues, which memorandum is due in two weeks. Mr. Metzger made a motion to keep the record open and continue the matter until the March 26, 2019 meeting. Ms. Bamford seconded the motion, which carried unanimously.

MINUTES

On a motion, the minutes from the January 22, 2019 meeting of the Lancaster Township Zoning Hearing Board were approved as written.

ADJOURNMENT

There being no further matters before the Board, Mr. Metzger adjourned the meeting at 8:30 P.M. The next regularly scheduled meeting is on Tuesday, March 26, 2019 at 7:00 P.M.

Respectfully submitted,

Peggy D. Hall, Secretary