

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, October 26, 2021
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a hearing on Tuesday, October 26, 2021. In attendance were:

Board:

Michael Twomley- Chair
Susan Buda – Vice Chair
Swamy Anantheswaran- Secretary
Mike MacNeeley
Irene Wetzel
Stefanie Rocco, Alternate
Ron McLaughlin, ZHB Solicitor

Staff

Jeff Ressler, Zoning Administrator
Summer Brown, Recording Secretary

Others in attendance were:

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order on Tuesday, October 26, 2021 at 7:00 pm.

III. CITIZEN'S INPUT

IV. PLEDGE OF ALLEGIANCE

V. INTRODUCTION OF BOARD MEMBERS

VI. APPROVAL OF MINUTES

1. September 28, 2021 minutes.

Mr. Michael Twomley called for a motion to approve the September 28, 2021 meeting minutes. MRs. Susan Buda made a motion to approve the meeting minutes, Mr.

Michael MacNeeley seconded the motion, and the motion passed unanimously.

VII. SWEARING IN OF THOSE WHO WISH TO TESTIFY

Mr. Jeff Ressler, Mr. Shawn Paul, Mr. Christopher Lash, and Mr. Steven Hilton were sworn in to testify. Todd smith

VIII. THE ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE/APPEAL

Mr. Jeff Stover solicitor went over the criteria for a variance.

IX. ZONING OFFICER EXPLAINS THE BASIS OF VARIANCE/APPEAL REQUEST

X. NEW BUSINESS

1. NEW CINGULAR WIRELESS PCS

Mr. Ressler stated that the project that is the subject of this hearing is located along the North side of the intersection with Blue Course Drive. The tax parcel number is 24-004-,200B,0000-. The property is owned by Circleville Road Partners LP a Pennsylvania limited partnership. The property is zoned Traditional Town Development (TTD). The applicant for the variance hearing is New Cingular Wireless PCS LLC d/b/a AT&T Mobility. The applicant is requesting three variances to be able to construct a telecommunications facility including a 165 foot monopole, radio equipment walk in cabinets and diesel generator surrounded by a chain link fence. The applicants are requesting variances to the following sections of the zoning ordinance.

- Chapter 27-303.3A (1)(d)
- Chapter 27-710.3.A
- Chapter 27-710.3.H.2

Mr. Christopher Lash project manager on the project. Employed by Jacobs telecom, news site build project manager. Company contract includes upgrades, new site builds, fixing. Present to represent AT&T. oversee radio frequency engineers and civil engineers. Been doing this for 14 years. Finding a candidate area for a new site. AT&T gives a serarcj ring and lash performs a site package. Works closely with at&T radio frequency engineers gives lash a area that needs service. Lash goes out and finds a solution. Trying to locate a viable site includes: google look at major tower company to co locate which is easiest thing to do, I fnot they find a land owner to rent a space to build a tower. This is a last result. This current search area was here # of years they were looking at putting a tower at a park up the street from this current location. Didn not get as far as they had hoped with that property. AT&T awarded the first net project- people opt in with first net. Law enforcement currently has this in our cars etc. first net is an amazing network and AT&T is building it out for the federal government. First net enhances public safety. The area currently looking is it adequently serviced. Lash: coverage needs improved. Lash has been to the property and noted that its not apart of any historic value and is zoned TTD. Mr. Lash explained to the Board gave some background on the lot and noted that the equipment will be located below the grading of blue course drive. The tower location has no flooding or environmental constraints. Were other propertys considered RF reviewed several locations, including water tanks, and already exisiting towers that signal was not reaching this location. Penn state is not interested in allowing them to use their water tank located on the golf course. Mr. Lash stated that a landlord has to give consent and is econimcally viable for AT&T. Pecking order, and financially. This option is the most expensive options. Circleville Road partners are a willing applicant. Mr. Lash gave an overview of what

the proposed plan will look like. 6 antennas ut 12 mounts which is the normal amount. Landscaping plan included. Lash noted the setbacks. AT&T tech visits quarterly, landscaping would be as needed to keep township residents safe. Conduits can be placed underground. Landscaping will cover from the public.

Perimeter screening 3 sides. Access road will come to the side and large trees protercted by easement is already exisiting barrier. Lash explained least disturbance as possible. Chose valley area will be blocked by trees and natural layout. Also prepared photo simulated pics. Attorney noted a different type of pole and lash stated that different types would stick out more. Any requirements township requires at&T can provide safety, removing antenna not neede REASONABLE CONDITIONS.

ZHB- board asked clarification on the setbacks to surrounding area. Mr. Twomley asked if sites were looked at on Science Park Rd which is zoned industrial/commerical. MR. Lash stated that its further away than the RF circle.

Attorney called shaun Paul radio frequency desing consultant for AT&T took the stand. Independent contractor design to Jacobs telecom. Explained wirelesss service. Issue tonight – at&T radio frequency need. Area that is underserved and provide first net coverage to an area that is not covered. If more capacity is not added customers that are served by exisiting area will have degregated service. Expanding coverage area. Additional benefits would provide exisiting customers with new and improved coverage within their buildings. Failry residential area- def demand for in building compenant as well as expanding covereage. Location of facility . any alternative technologies that can be utilized nothing that would satisfy the needs of this area. Shaun paul explained the topography of the proposed location. Antennas need to be mounted at a certain level because of ground level. Reports showing coverage with each heighth. Sigicant difference in coverage from 160 ft to 140 ft. radio frequency engineer can't pick and choose location, need interested landlord and permitted zoning area. Public health safety welfare. This facility will operate in compliance. No adverse effects. FAA analaysis determined that this facility will not need to be lit but filed with the FAA>

Susan buda – explored places more west to removed the overlap. Smooth transiltion where coverage is best. Balancing act. Areas have a facility that he reviewed. Lash may have reviewed. Twomley – clients would be underserved. Strictly at&T. issue seems to be this is an

AT&T issue. Change a zoning ordinance for 1 provider. Mr. Paul stated that that is corrected and they are tasked with building out first net.

Todd Smith landscape architect with EIS. That was involved in the heights at state college, sizeable development. Entire thing is 206 acres. Heights itself takes up half of that. Worked with Mr. Lash with the site selection of the proposed tower. Other areas of the property that would have made the 500 foot setback no other site would meet that setback. Proposed area is the furthest away from any development.

Mr. Steven Hilton Property manager of the heights which will be 1370 citing to concern that they do not have ample coverage at their homes. Resides on Oakleaf drive. All rely on constant wireless communication. Safety and security. Spoke with law enforcement. Not an AT&T issue- residents with multiple with different carriers have issues. Things as simple as making a phone call. Steven Hilton doesn't have AT&T and doesn't work in his office. Board be aware that there is a need for it. Helped pick site that is as less offensive and out of site as possible.

Mrs. Buda asked for the specification of the conservation easement in conjunction with the monopole. Mr. Todd Smith stated that the easement is an recorded document can't do anything and is in perpetuity. Any plans to build in the north east corner. No development currently planned. Ms. Buda asked why 500 feet. Jeff doesn't know why 500 feet. Was this ordinance in place prior to when monopoles were being used. Mr. Ressler stated that done at the same time. Lash has there ever been an instance where a monopole fallen where it fell outside of 60 ft. Mr. Lash stated that he has never seen that.

Mr. Attorney stated that controlling law that is effective law order establishes every provider each has the right to develop to help make best. Material inhibits a provider should be permitted and any regulations that stand in the way the municipality can be subject to a prohibition way. Validity variance allows a zoning hearing board to look at ordinance and may be too restrictive.

Executive session at 9:11 pm – until 9:30 pm

Board asked if roof top installation could be placed on the roof tops of building. Mr. Paul stated that small cells are exactly what it is small. Static usage meaning not designed to have a subscriber driving work. Equipment not high transmit power. Monopole will distribute much better. If you wanted

to cover a football field or mall small cell would work. Need umbrella coverage to work small cells. A monopole achieves a large coverage area. Mr. Paul showed the maps that showed the difference with usage area. Today does not have adequate service in car or in building.

Macneely what other sites within the property has been investigated. Attorney met with township to go thru alternate areas. Met with manager and zoning officer. Other locations on a property and were ruled out. Closer to residential area 55 and over, with township guidance older residential community has issues with cell tower view. And has same set back and use issue. North of wooded area behind storm basin – houses on other side of blue course. Up hill and behind trees.

Had a meeting with David Meease and have exhausted all possibilities then discussed all possibilities with staff.

Mr. Shubert is the attorney.

Underlaying with utilities or stormwater basins, conservation easement, and proposed development. Same issues still applied Ressler stated use and setbacks.

Mr. Lash stated that they did all the research and exhausted all options. Buda asked if the change of proposed development to put the cell tower. Mr. Todd Smith stated that this development will be for sale homes and not rental. Proposed cell tower area is the least impacted to rental, old folks home, and Teaberry ridge. Least impact distance from existing building or proposed building. Mr. Todd Smith stated that the heights, Turnberry and Pine Hall are the only areas zoned TTD. This is a use that has evolved and the ordinance hasn't evolved.

Macneeley asked where the 500 foot number came from- Ressler stated that he's not sure where it came from Dave Pribulka did a lot of research on cell ordinance. Mr. Shubert explains that the typical ordinance is 1/3 of the height. Mr. Stover stated that Patton Township is like that.

Permitted use : Buda moved that the property located ___, tax parcel, be granted a variance to chapter 27-303.3.a(1)(d) to allow a monopole structure in a TTD, Twomley seconded, position, 1 to 2. Macneeley Twomley denied.

Find an alternate location and option – yes could get over that take care of set back or minimize set back issue.

XI. CALENDAR ITEMS

XII. ADJOURNMENT

The Zoning Hearing Board meeting was adjourned at 10:00 pm.



Swamy Anantheswaran, Secretary
For the Zoning Hearing Board