

LYCOMING COUNTY ZONING HEARING BOARD MEETING MINUTES

Executive Plaza Building

1st Floor Commissioner’s Board Room

February 24, 2021

6:00pm

1. CALL TO ORDER

Chairman Bill Klein called the meeting to order at 6:00pm.

1. ROLL CALL (Members & Alternates)

**Members Present**: Bill Klein, David Hines, Rom Andraka, Chris Logue, Dan Clark

**Members Present via Conference Call:**

**Members Absent:** Leslie Whitehill

1. MINUTES OF PREVIOUS MEETING

The January 27, 2021 meeting minutes were approved as presented. David Hines motioned to approve, Dan Clark second motion. Motion carried.

1. **OLD BUSINESS**

Fred Holland informed the board they had an executive meeting via zoon, on February 17, 2021 regarding Zachary Mauck case. The order reads as follows:

 “*Upon consideration it is hereby ordered and directed that the application for Variance shall be and hereby is denied. The appeal from the Zoning officer decision shall be and is hereby denied. This order is the final determination of the Lycoming County Zoning Hearing Board”.*

Fred asked for a motion to approve the decision. David Hines made motion to approve, Bill Klein second motion. Motion carried.

1. NEW BUSINESS
2. **ZHB Case 2021-001**

**Lycoming County DPS**

**(Den Edwards)**

 **Piatt Township**

 **Special Exception – Communication Tower**

 **Seated Members:** Bill Klein, David Hines, Dan Clark, Chris Logue, Rom Andraka

David Hubbard presented to the Zoning Hearing Board case number 2021-001, located in Piatt Township. The applicant is requesting special exception approval to permit the construction for a 250-foot tall private communication tower with two 12’ by 20’ (approximately 240 square foot) radio equipment shelters. A 6-foot high chain link fence topped with 1 foot of barbed wire will enclose a 60 foot by 60-foot compound site. A complete description of the proposed site can be found in the supplemental statement provided by the applicant. Communication towers are permitted by special exception in the Countryside (CS) zoning district.

The subject property of tax parcel #45-366-155 contains approximately 89 acres, and is located in the Countryside (CS) Zoning District in Piatt Township. The property contains a single-family dwelling with agricultural outbuildings. The parcel is currently utilized as farmland.

General Standards for Special Exception are listed in the Lycoming County Zoning Ordinance, Section 10310.A-C.

David Hubbard reviewed the following communications:

1. Zoning Permit Application received 12/16/2020
2. Special Exception Application 12/21/2020
3. Notices sent to interested parties: Lycoming County Planning Commission, Lycoming County Commissioners, Piatt Township Supervisors, Applicant, R. Santulli and the Zoning Hearing Board.
4. Legal notice published in Sun-Gazette 2/9/2021, 2/16/2021.
5. Property posted 2/10/2021.

The Zoning Hearing Board packet containing the Zoning permit application, Special Exception application, Copy of LCPC comments from Shannon Rossman, Overhead GIS sight plan view, Sketch plan, Supplemental Statement of Project Description, Legal posting Sun-Gazette, Property posting

The following are exhibits presented by David Hubbard:

Z#1 – ZHB packet including letter from Shannon Rossman

Z#2 – Proposed Decommissioning Agreement between DPS and Commissioners

Z#3 – Legal posting Sun-Gazette

Z#4 – Property posting

 Jeff Hutchins, Director of Public Safety, stated the Agreement is to be presented to the

 Commissioners at the next Commissioners meeting.

 David Hines asked if asked if other providers are allowed on the tower.

 David Hubbard response was, it was his understanding that they can. When a tower is abutting

 another property the ordinance reads,

“*The tower is to be positioned in such a manner that it cannot collapse onto an adjacent property or create a safety hazard, the adjacent property to include land of others with or without buildings and streets in a hold harmless agreement shall be filed to holds municipalities harmless of the liability due to unforeseen collapse onto adjacent property. Certification of the collapse of the tower complies with the above section by a professional engineer shall be provided, towers must be certified to collapse within the property fencing of the site.”*

When the engineer certifies the tower has a collapse point on it, it cannot fall outside of that 66 x 60 compound that it is going to be within.

David Hines asked if the county was going to allow other providers to locate on the tower.

David Hubbard stated under his understanding, no but is not aware in any communication.

Jeff Hutchins noted they currently have no agreements, they recognize that throughout the county the need for infrastructures such as broadband, it is open for discussion.

David Hines stated, that is one of the requirements in the ordinance.

David Hubbard noted, if the tower company is putting up a tower, they have to have had at least one lease agreement for the tower to go up. When the tower company is putting a tower up, they are doing it for somebody. All the towers that he has done has had somebody lease a spot on that tower. We require them to hold enough antennas for at least one other person on the tower.

Bill Klein stated, five but not less than four antennas.

David Hubbard noted, the only way around that is to show that they have exhausted co-existing options with the existing communication towers, existing buildings and structures to place an antenna. The co-existing operation does not require a special exception. Once built they are designed to hold the extra antenna on the structure*.*

Ryan Frenya spoke on behalf of PennCore Consulting, they are the engineering firm responsible for the land development plan associated with the proposed public safety tower. To date they submitted land development plans to the county planning commission, which is on hold until they get zoning approval complete. They also submitted to DEP for an NPDS permit associated with the construction activities that is currently under review with the PA Department of Environmental Protection. They received engineer comments from the county engineer, they resubmitted the response to those comments and the county engineer has approved their response and comments. To date they have all engineering concerns addressed associated with the land development in terms of the access road, conveyance channels, stormwater management, best management practices and the 60 x 60 compound area that the proposed communication tower will be placed on. Also representing the county is MCM who is in charge of the actual tower and compound. Ryan will answer any of the land development questions.

Chris Logue asked if they have gotten FAA approval.

Ryan Frenya stated he believes MCM has submitted all the applications for the FAA. He said existing there today is farm access road that leads from Hesker Hill Road up to the landowner’s area that he keeps hay bales on. They are utilizing the exact same alignment from Hesker Hill Road up to the compound area, except the improvements will be to put subbase down instead of a dirt road.

Mike Creal, MCM Consulting Group stated the approvals have not come back yet.

Jeff Hutchins noted in addition to the documents to sign in reference to the bond issue, there is a lease agreement with the land owner, the lease agreement does call that if they abandon the tower they would be responsible to remove everything. This one tower site, which is part of a larger project that Lycoming County is undertaking, will be going from eight to sixteen tower sites in the county. The location was chosen because of the access needed in certain areas. Some areas have a gap on 220 and 287 by the old Don Breon. This is a very busy area for Tiaghdaton Police with limited communication up 287 Mifflin Township and almost no communication for police or fire to talk back into in Salladasburg. This will also give coverage into Jersey Shore. They looked all over the county for different sites, this one was the best to cover those areas.

David Hines asked if the broadband would allow them to assist in this manner.

Per Jeff Hutchins, yes, while there is currently no agreements with any agency for that type of service throughout the county, they are open to get the access out to the residents. They acknowledge that is a big issue they have that commercial vendors are contacting them for their other sites.

Fred Holland spoke on behalf of the board, the Special Exception will be granted under normal conditions.

1. The tower be constructed in substantial compliance with the plans that are submitted in the future.
2. The tower be constructed with all land development plans as approved.
3. The applicant to allow other entities to use the tower in return for reasonable compensation after verifying structural integrity of the tower permitted.

Chris Logue made a motion to approve, David Hines second motion. Motion carried.

1. **ZHB Case 2021-002**

**Robin Gardner**

**Cascade Township**

**Special Exception – Mobile Home**

**Seated Members:** Bill Klein, David Hines, Chris Logue, Rom Andraka

Christopher Hodges presented the Zoning Hearing Board case # 2021-002, located in Cascade Township. The applicant Robin Gardner is requesting a special exception to create a residential use for a Singlewide mobile home at 2061 Slacks Run Road, PA 17771, Cascade Township. The property fronts a local road. Table 3120 of the Lycoming County Zoning Ordinance provides standards that govern the use of the singlewide mobile homes. Residential Singlewide mobile home uses are permitted in the Resource Protection (RP) Zoning District by Special Exception

The subject property, tax parcel # 06-211-156. The property contains approximately 1.09 acres and is located in the Resource Protection (RP) Zoning District in Cascade Township. Well and septic are on site.

General Standards for Special Exception uses are specified in Section 10310 of the Lycoming County Zoning Ordinance.

Christopher Hodges reviewed the following communications:

1. Zoning Permit Application received December 21, 2020
2. Special Exception Application received December 28, 2020
3. Notices sent to interested parties: Lycoming County Planning Commission, Lycoming county Commissioners, Cascade Township Supervisors, adjoining residences, and the Zoning Hearing Board.
4. Legal notice published in Sun-Gazette 2/9/2021 and 2/16/2021.
5. Property posted 2/10/2021.

The Zoning Hearing Board packet contains the Zoning permit application, Special Exception application, Copy of LCPC comments from Shannon Rossman, Overhead GIS sight plan view, Sketch plan.

The following are exhibits presented by Christopher Hodges:

Z#1 – ZHB packet w/letter from Shannon Rossman

Z#2 – Legal posting Sun-Gazette

Z#3 – Property posting

 Z#4 – Letter Testing requirements on Septic system by Nate Kremzer from Kremzer, LLC –

 stating the septic system is working as should be, recommending a filter on system.

 Ms. Gardner spoke on her behalf of her project. She is looking to replace the trailer that was

 there which had burnt. Other family members have stayed there, but she is looking to move

 there to retire. She stated she is putting up in a smaller mobile home than what was there before,

 with only two bedroom the previous one had three bedrooms and 10 feet shorter then previous

 trailer. She is the only one living there, the septic system was tested for four. The old mobile

 home has been removed from the site.

 Gary Grouse owns the property above Robin Gardner, his only concern is the pond it has an

 overflow. He has been there 51 years and it has never been an issue but wanted to mention it.

 The pond drains out the overflow down along the edge of the property, he didn’t want them to

 build anything in that zone that could get washed away. He wanted to make sure they are aware

 of it.

 Robin Gardner noted there is a ditch, they had the ditch cleaned out in September.

 Fred Holland spoke on behalf of the board, the Special Exception will be granted and will be

 granted with the condition:

1. The letter from Mr. Kremzer be submitted to the township, SEO Officer and to be

 compliant with the county ordinance.

 David Hines made a motion to approve, Chris Logue second motion. Motion carried.

1. **ZHB Case 2021-003**

**Scientel Town Properties**

**Limestone Township**

**Special Exception – Communication Tower**

**Seated Members:**  Bill Klein, Rom Andraka, David Hines, Chris Logue, Dan Clark

David Hubbard presented to the Zoning Hearing Board case number 2021-003, located off SR 44 Highway, Summit Trail, Williamsport, PA, in the Resource Protection (RP) Zoning District. The proposed installation includes a 150’ self-supporting lattice tower, on a concrete foundation, within a 10,000 square foot leased area. The wireless telecommunications compound will be up to a 100’-0” – 100’-0” fenced facility. The site will be used to install, modify, maintain, and operate a commercial wireless telecommunications facility. A permanent generator is not proposed; however, a cam-lock will be utilized for power outages. The entire facility will be enclosed within a 6’ chain link fence, with 1’ of barbed wire along the top. According to Table 3120 Permitted Uses, a Communication Tower is permitted by Special Exception in the Resource Protection Zoning District.

The property is owned by The Williamsport Municipal Water Authority, Tax Parcel # 02-409-122, in the Resource Protection (RP) Zoning District with 10,053.58 acres. There is an existing access off of State Route 44 that will be used to access site with a 30-foot right of way. That is a DCNR road that access off Route 44.

General Standards for Special Exception are listed in the Lycoming County Zoning Ordinance, Section 10310.A-C.

David Hubbard reviewed the following communications:

1. Zoning Permit Application received 12/22/2020
2. Special Exception Application received 12/22/2020
3. Notices sent to interested parties: Lycoming County Planning Commission, Lycoming county Commissioners, Limestone Township Supervisors, Washington Township Supervisors, Applicant and the Zoning Hearing Board.
4. Legal notice published in Sun-Gazette 2/9/2021 and 2/16/2021.
5. Property posted 2/10/2021.

The Zoning Hearing Board packet contains the Zoning permit application, Special Exception application, Copy of LCPC comments from Shannon Rossman, Overhead GIS sight plan view, Sketch plan.

The following are exhibits presented by David Hubbard:

Z#1 – ZHB packet w/letter from Shannon Rossman, note incorrect case #

Z#2 – Legal posting Sun-Gazette

Z#3 – Latest revision of tower zoning drawing from Scientel

 David stated to the board it was his understanding that Scientel was trying to work with DCNR

 to get access into the area that they are proposing to put the tower. They had met

 everything within the ordinance that they usually get on the performance bond. The only

 question is how Miss Hoffman made out with the New Line Tower co-locating there is a tower

 within one-foot area, besides the PA State Police tower, they weren’t going to let them go on the

 tower.

 Roxanna Hoffman, from Scientel stated, communication has still been unsuccessful as far as

 phone calls to try to even get someone to talk to them. With the lack of communication they had

 to move on with zoning and putting up a site that takes some time so they had to make a

 decision to move on with the zoning process.

 David Hubbard stated, he tried to get someone from Jump Trade who is leasing that part of the

 tower from the New Line Tower. He could not get a hold of anyone, Scientel has also tried to

 contact them, he received a number to get no response from number. Once the tower people are

 done with it, it goes to the people who are located and leasing the spot.

 David Hines noted, so the tower that we approved years ago is being non-responsive to anyone

 that they are asking to co-locate on. Safe to say we made a condition on approval that they be

 open to co-location.

 David Hubbard stated, absolutely was a condition, at this time they are in violation. It is

 his obligation to figure out why we are in this situation. The tower is 989 feet to the other tower.

 Roxanna Hoffman stated, they are working with the landowner Williamsport Municipal Water

 authority and DCNR to come up with an agreement. They are on good terms that if it has to be

 a condition of this approval, they are fine with that. They are very comfortable to be able to get

 an easement from them.

 Dale Winters, Limestone Township Supervisor spoke on behalf of the township. The township

 has no objections to this, at this time he does have some concerns of what was stated about the

 other tower not letting anyone else on it. As of now, they have no objections.

 David stated, it’s not the fact they won’t let body on it, no one has been able to get ahold of them

 to give anybody the opportunity to lease on that tower, which is what they agreed to when they

 agreed to the special exception.

 Roxanna Hoffman briefed the board about Scientel Towers. Their headquarters are located

 located outside of Chicago in Aurora. They are here to apply for a special exception on a

 proposed 150 ft. triple tower. They are FCC licensed they call themselves the universal

 integrator. They provide a wide array of services, which includes Broadband, Wireless,

 Network monitoring for system security. They work with customers who are in healthcare,

 education industry and some work in public safety. The services they provide are done thru a

 network of tower structures like the one they are proposing here. They work with licensed

 engineers to propose the construction drawings, zoning drawings as well as designing the

 towers. They address the safety of the towers and provide construction bond. They have a

 letter from the tower manufacturer addressing the safety of the tower. Also posting a

 performance bond would tie them into if for some reason the tower blows up, they would be

 asked to remove it. It is a 10,000 square feet leased area, the owner is Williamsport Municipal

 Water Authority. They do not see any issues with the area as far as risk and safety are

 concerned they feel it is a good piece of land that they can develop.

 Chris Logue asked what types of communications would be on the tower, will it be microwave,

 cellular.

 Roxanna Hoffman stated, for the time being the first project will be for a point-to-point

 microwave link. They are open to co-location they don’t have any other need for the tower. The

 tower is designed for 5 co-locators that is how they design them all.

 David Hubbard stated, Scientel is aware that if the use is approved they will be working in

 coordination with Land Development in getting that process started, once the use is approved as

 it should be.

 Bill Klein asked Roxanna if the company is in favor of a co-location of a new line tower.

 Roxanne stated that they put in a lot of time and money into designing this tower, they

 entered into a lease with the landowner, after weeks and weeks of attempting to make

 contact with the other tower. She would have to talk with her executive director but they may

 abandon the project all together at this point, if they have to go back to square one.

 Fred Holland spoke on behalf of the board, the Special Exception will be granted and will be

 granted with normal conditions which are in compliance with all land development plans and

 provisions of the ordinance

1. The facility to allow for co-location from other entities.
2. Easement from DCNR and/or whomever is necessary to provide access to the tower site.

 Chris Logue made a motion to approve, David Hines second motion. Motion carried.

1. ADJOURNMENT

Meeting adjourned at 7:28 pm.

Respectfully submitted,

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Heather George, Recording Secretary Bill Klein, Chairman

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