

**MOUNT JOY BOROUGH ZONING HEARING BOARD
MINUTES of March 26, 2015**

The Zoning Hearing Board met in the Council Chambers of the Mount Joy Borough Offices, 21 E. Main Street, Mount Joy, on the above date. The meeting was called to order at 7:00 p.m. by Bob Marker. Board members present included Ned Sterling, Shelby Chunko, and George Leyh. Borough officials in attendance included Stacie Gibbs, Zoning Officer. Julie Miller, Esquire with Russel, Kraft and Gruber was present. Michelle Parke, court stenographer was also present.

Minutes of the February 26, 2015, meeting of the Board were approved as amended on a Motion by Sterling and a second by Chunko which passed unanimously 4-0.

New Business:

Bob Marker read the Standard Board Procedures to all those present. There were no objections to the jurisdiction of the Zoning Hearing Board nor were there any challenges as to the personal or business interest of any member of the Board.

Stacie Gibbs, Zoning Officer was sworn in.

Case No. 1

The applicant, New Cingular Wireless PCS, LLC, 200 N. Warner Rd., King of Prussia, PA 19406, t/d/b/a AT & T Mobility, requested a Variance of §270-65(M)(1)(a) to allow for a 274 sq.ft. accessory utility building, to house an emergency back-up generator plus all communications equipment at the property located at 221 David St., Mount Joy, PA 17552. This property is located in the Medium Density Zoning District.

EXHIBITS

APPLICANTS:

- A-1 – AT & T Zoning Exhibit Plan, prepared by Dewberry Engineers.
- A-2 through A-4 – Colored photographs depicting and existing utility storage building (11 1/2' x 28' x 9') located at a site in Harrisburg.
- A-5 – Colored photograph from google maps showing 221 David Street property.
- A-6 – Zoning Hearing Board Application.
- A-7 – Narrative

On a motion by Marker and a second by Sterling, the applicant's exhibits were admitted to the record. *Motion carried 4-0.*

BOARD:

- B-1 – Legal Ad with Proof of Publication March 10th and March 17, 2015.
- B-2 - Neighbor Notification Letters mailed March 17, 2015
- B-3 - Public Hearing Posting – Borough Office and Property on March 17, 2015.

On a motion by Leyh, and a second by Marker, the Zoning Hearing Board exhibits were admitted to the record. *Motion carried 4-0.*

QUESTIONS AND TESTIMONY

1. Paula Leicht, Esquire was present on behalf of her client AT & T.
2. Cliff Shaffer and Lisa Rider were sworn in on behalf of the applicant.
3. Leicht advised that the application being requested is for a Variance to install a 274 square foot storage building on the property at 221 David Street.
4. Leicht advised that the proposed storage building is 11.5' x 22' x 9' and the Borough's Zoning Ordinance limits these utility buildings to 200 square feet.
5. Leicht advised that the co-location of antennas is permitted by right in the Medium Density Residential Zoning District, which the property is located in.
6. Cliff Shaffer, Principal Broker with Wireless Communication Consultants, Inc., advised that he is a site acquisition consultant for AT & T.
7. Leicht asked the name of the property owner of 221 David Street.
8. Shaffer advised that the Mount Joy Borough Authority co-signed the application.
9. Attorney Miller confirmed that the signature for the Borough Authority is that of John Leaman.
10. Shaffer advised that was correct, and Mr. Leaman is the Authority Manager.
11. Leicht asked the size of the lot. Shaffer advised the lot is approximately 1.388 acres.
12. Leicht asked why this property is appropriate for this use. Shaffer advised that with the existence of the water towers, they are conveniently located where they are in need of signals.
13. Leicht asked where the location of the utility building will be on the site. Shaffer advised that the building is proposed to be located in the south west corner near the existing church parking lot.
14. Leicht asked if the applicant was requesting a dimensional variance because of the size of the shelter. Shaffer advised that was correct.
15. Leicht asked why this size for the building was necessary. Shaffer advised that these utility buildings can range in size from 20' x 30' prefabricated structures, to very small cabinets. Shaffer further advised that AT & T will use this building which will have 1/3 dedicated to the back-up generator and the balance will house equipment. Shaffer advised that these buildings are used to make the equipment and generator less visible and audibly noticeable.

16. Shaffer advised that they are not the only ones located at the site. Shaffer advised that the newer water tank contains antennas and equipment for Sprint and the County. Shaffer advised that most of their equipment is inside the tank. Shaffer advised that after further discussions with the Authority, they wanted them to attach their antennas to the old tank because the new tank is getting full.
17. Shaffer advised that the utility building will contain a diesel powered generator.
18. Attorney Miller asked where the building would be located and if it would be visible from the residential neighborhood. Shaffer advised that the building will be within the existing fence area and he believes the tanks will obstruct the view of the building from the existing residential homes.
19. Liech questioned her client if the installation of the building will not detract from the quality of the neighborhood. Shaffer advised that it would not.
20. Attorney Liech asked her client if it would be difficult to meet the zoning ordinance requirements. Shaffer advised that it would be very difficult, and that they would either have to postpone the project or abandon it. Shaffer advised that there are less competitive cell carrier options for residents in the area and neighborhood.
21. Chunko questioned why the gravel footprint was so large. Shaffer advised that the under-gravel is an anti-weed barrier. Shaffer advised that it is installed for the purposes of maintaining a cleaner area as it is not maintained on a regular basis.
22. Chunko questioned how often the generator might run. Shaffer advised that the generator is exercised on a routine basis. He further advised that it is flexible when they occur and could be 1 time a week or more, but he stated that it is more likely to occur every 2-4 weeks.
23. Chunko asked how long the generator would run. Shaffer advised that the generator would run for 15 minutes.
24. Chunko advised that it appears that where the proposed spotlight is to be mounted, the property located at 301 W. Donegal Street, would get hit with the light.
25. Shaffer advised that the spotlight is timer operated, and it is not a high illuminated light. Shaffer advised that it is shielded according to manufacturer's specifications.
26. Shaffer also advised that they are required to operate within State and Federal frequency guidelines.
27. Leyh questioned if the structure was going to look the same as the structure presented in the drawing labeled A-5. Shaffer advised that it would look the same and it would be brown.
28. Leyh advised that it appears that the existing fence shields it as well.
29. Shaffer advised that the black wrought iron fence is nice.

30. Leyh questioned what the exact sound is, perhaps measured coming from the generator.
31. Shaffer advised that he does not know the exact decibels; he believes the sound is not noticeable from the residences. Shaffer advised it is like an air conditioner that sits outside a window. Shaffer advised that Verizon has an existing generator there that is much larger than the one they are proposing and it sits outside the water tank.
32. Leyh asked Gibbs if she has received any noise complaints. Gibbs advised that she has not received any noise complaints.
33. Sterling questioned the setbacks. Shaffer advised that the building would meet the required 5' setback.
34. Attorney Miller asked Gibbs if she received anything from the Authority stating that this building would affect the use of the tanks or the property. Gibbs advised that she did not receive anything.

ACTIONS BY THE BOARD

A motion was made by Sterling and seconded by Leyh, to approve the application made by New Cingular Wireless PCS, LLC, 200 N. Warner Rd., King of Prussia, PA 19406, t/d/b/a AT & T Mobility, for a Variance of §270-65(M)(1)(a) to allow for a 274 sq.ft. accessory utility building, to house an emergency back-up generator plus all communications equipment at the property located at 221 David St., Mount Joy, PA 17552. The Motion passed by a 4-0 vote with and by the Board's established standard conditions and additional condition(s) as follows:

1. The applicant shall at all times be bound by its plans and promises as presented to the Zoning Hearing Board, either in written or oral testimony, as part of the hearing and/or its application.
2. The applicant shall obtain any necessary approvals and permits as may be required by applicable laws and regulations, including but not limited to Borough Zoning/Building Permits and Water/Sewer Permits as per the Mount Joy Borough Authority Rules and Regulations.
3. Approval of the plans and execution of the written Agreement shall be approved by the Mount Joy Borough Authority.
4. A violation of any of the conditions of this decision shall constitute a violation of the Ordinance.
5. The decision shall bind the applicant, his heirs, successors, grantees and assigns.

OTHER MATTER PROPER TO COME BEFORE THE BOARD

None.

ADJOURNMENT

**On a motion by Chunko and a second by Leyh, the meeting was adjourned.
*Motion carried 4-0.***

Respectfully submitted,

Adopted this ____ day of _____, 2015

Stacie Gibbs, Zoning Officer

Ned Sterling, Secretary