

September 4, 2001

THESE NOTES ARE ONLY A SUMMARY OF PROCEEDINGS HELD AT A CONDITIONAL USE HEARING AND ARE NOT A TRANSCRIPT OF ANY STATEMENT OR TESTIMONY PRESENTED AT THE HEARING.

The Board of Supervisors of Strasburg Township held a conditional use hearing at its regular meeting on Tuesday evening, September 4, 2001, at 8:00, at the Township Municipal Building. Present were Ruth Ann Harnish, Daniel Herr, Thomas Willig, and a court reporter.

Application of Sprint Spectrum LLP, 1 International Boulevard, Mahwah, NJ, to erect a 130-foot telecommunications tower on property belonging to Dale R. and Rosemary Hess, located at 212 Krantz Mill Road, New Providence, PA, in the Agriculture zone.

Keith Retallack, 1702 Beaver Valley Pike, Strasburg, PA, requested and was granted party status.

John Mahoney, attorney representing the applicant, requested that Dale and Rosemary Hess be recognized as co-applicants. This was granted.

Mahoney introduced Applicant's Exhibit #1, a PCS site agreement, a lease signed by the Hesses, providing standing to the applicant. It is not signed by Sprint yet, pending the outcome of required National Environmental and Historic Preservation reviews. These are scheduled to be completed a few weeks from now.

Dale Hess testified that he is the owner of subject property at the corner of Krantz Mill Road and Route 222 and that he joins in the application seeking approval for the siting of a telecommunications tower for the purpose of transmitting radio signals for communications.

John Bosco, professional engineer with URS Corp, employed by Sprint Spectrum for site development and to plan structural service, testified that the Hess property is 12.5 acres; the monopole would be in the middle of the land, 130-foot high with 9 telecommunications antennas. On the ground would be a 60'x60' fenced area with a concrete slab foundation. Applicant's Exhibit #2 - drawing C-1 includes a chart with zoning data for the Agriculture district showing a proposed lot coverage of 2.4%; no change in the lot size or width; a front yard setback for the tower of 402.4'; rear yard setback of 451.1'; side yard setback of 296.8'; height of 130'.

Applicant's Exhibit #3 - site plan of 60'x60' enclosure and elevation of the monopole structure, showing services into the compound. There will be no sewage or water needed since the site is unmanned. Telecommunications towers are permitted in the Agriculture zone with a conditional use. It meets the dimensional requirements.

Section 307 of the Zoning Ordinance allows for more than one principal use provided it meets all requirements. Sprint is not seeking subdivision or land development, therefore they do not need such approval.

Applicant's Exhibit #4 - URS design to demonstrate compliance with front yard setbacks if property were to be subdivided.

Applicant's Exhibit #5 - drawing demonstrating another means of complying with Section 307, meeting setback requirements if subdivided.

Section 416.5 requires expert testimony regarding construction measures to prevent toppling of structure or ice blowing onto adjacent properties and roads.

Bosco testified that TIA/EIA sets national standards for every county in the United States. In this area, the minimum required wind speed to be provided for 33' above grade is 70 mph. The top of the monopole at 130' is 110 mph. This also complies with the 1999 BOCA building code. At the proposed location of the structure in the middle of the property, the structure is more than two times its height from the property line and from the nearest existing structure which is a barn. Security measures are provided so unauthorized people are not able to enter the compound. There would be a 7-foot fence with three strands of barbed wire above it and a self-locking gate. The fence could be 8 feet if the Township required. There will be no ground-mounted satellite dishes.

Applicant's Exhibit #6 - cover of the TIA/EIA Structural standards for Steel Antenna Towers and Antenna Supporting Equipment.

These standards have been adopted by the BOCA building code.

The tower will be capable of accommodating co-location of at least one more antenna array.

Nine panels form an array. There must be 10 vertical feet between displays. The tower is capable of being extended upwards to 160' to accommodate additional users. There are six licensed providers in this area. Sprint checked into co-location.

Phil Haymon, site acquisition consultant for Sprint, said that they looked for possible locations for telecommunication tower for one year. They had a "search ring" within which they looked for sites. The spec tower in New Providence is being used as well.

Retallack asked if the tower will have aviation lights. Bosco said it is not high enough to require them. The antennas will be in a triangular display 4' high. The ground elevation at the proposed site is 410' above sea level. There were 4 candidates for the site, but no other property was as well suited. Retallack said that the tower will be the view from his house.

Arif Malik, radio frequency engineer with LCC International, employed by Sprint to evaluate sites. They had a search ring of 1/2 mile radius because Sprint has no coverage along Route 222 at that site. They wish to expand coverage.

Applicant's Exhibit #7 - colored map showing Sprint's wireless coverage without the Hessdale site, green showing reliable coverage, blue showing coverage outside or in a car, and white showing gaps in coverage. With the Hessdale site, they will be able to provide continuous coverage. A "drive test" shows with 90-95% accuracy what will happen. If a tower is within sight, there is a signal; if no tower is within sight, signal is lost.

Applicant's Exhibit #8 - colored map showing coverage with Hessdale sight; the gaps along Route 222 are filled in. It is necessary for Sprint to provide seamless and continuous coverage. Their license depends on this. FCC keeps records of whether they improve their coverage. The Hessdale site had more acreage and is therefore more "zoneable" for a tower. They must have a tower every 2.5 to 4 miles. Sprint is co-locating on three spec towers in the vicinity as well. The tower's height and strength determines the number of co-locations. This tower is planned for more than one array. With Sprint's 9-antenna array, it will handle double or triple the present traffic.

Tom Long, Zoning Officer, asked if they had considered the existing tower at the top of the hill

south of Hessdale. Malik was not aware of the tower on top of a utility pole, but he said it was a different frequency and will not interfere, but it is not a suitable tower for their array. The panel antennas can be expanded and give a greater range.

Retallack asked if the tower could be moved 300' south. The proposed tower is 300' from the property line.

Willig cited Section 445 of the Zoning Ordinance regarding Public Utility Structures.

Applicant's Exhibit #9 - letter from Ernest Savoy, property specialist attorney for Sprint, citing court decisions that the PUC does not regulate wireless telecommunications. Willig asked if it is possible to move the structure to 500' from residential property. Mahoney did not know but said it is not a public utility structure as defined in the Zoning Ordinance because it cannot be regulated by the PUC. He cited a decision from March 29, 2001, finding that the provider of wireless communications is not a public utility.

Applicant's Exhibit #10 - letter Kenneth R. Foster, safety consultant, stating the effected radiated power. Herr said this looks like hearsay unless an opinion could be given. Mahoney said that he is not an expert, but that his understanding is that the radio frequency energy, non-ionizing radiation (no heat) is below FCC standards with an exposure of less than 0.5.

Mahoney moved exhibits into the record.

Herr asked how soon the environmental and historic reviews would be completed so that the lease could be signed by Sprint. Mahoney indicated that the review should be done by next month. He would not object if the record is kept open until the second meeting in October (10/15), and the 45-day decision period would start after that. The Supervisors agreed. He will confirm this in writing.

The hearing was concluded at 10:00 p.m.

Caroline D. Herr
Township Secretary