

MARYSVILLE BOROUGH PLANNING COMMISSION  
WORK SESSION  
SEPTEMBER 28, 2010

**1. Zoning Ordinance Proofreading review**

Ms. Hardman reviewed Article 9 – Administration with Mrs. Simonetti.

**2. Discussion of the Norfolk Southern Railroad Communication Tower**

Discussion was held with Dan Boyer and the Planning Commission regarding the Norfolk Southern Railroad Communication Tower and Shenandoah’s Personal Wireless Service Facility Antennas that are proposed to be added to the tower as a conditional use.

Ms. Hardman stated that a conditional use is a permitted use with conditions. The Planning Commission must determine that all the conditions of the ordinance have been met in Section 27-1114. The Planning Commission may attach additional conditions on the approval.

Ms. Brock stated that there is a lease agreement in the packet for a term of five years.

Mrs. Stoner stated that 27-1114C.2. states that the applicant must show that the location is the best site for a Personal Wireless Service Facility Antenna.

(For the record, Mr. Shearer arrived at 7:20 pm)

MARYSVILLE BOROUGH PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 28, 2010

**CALL TO ORDER.** The meeting was called to order at 7:34 pm

**ROLL CALL:**

**1. MEMBERS PRESENT**

Jennifer Brock, Chairman  
Stephanie Stoner  
Monte Shearer  
Shawn Vaccaro

**STAFF PRESENT:**

Janet Hardman, Code Enforcement Officer

**OTHERS PRESENT:**

Dan Boyer, Sr., 137 N. Main Street, Marysville  
Ann Simonetti  
Deb Baker, Shentel  
Allen Metzger  
Tony Metzger  
James Strong, 100 Pine Street, Harrisburg  
M. Colleen Canovas, Donohue and Stearns, Lessburg, VA

## **2. MINUTES:**

### **a. August 24, 2010 Minutes**

MOTION: Mr. Vaccaro moved, seconded by Mrs. Stoner to approve the minutes as submitted. The motion passed with Mr. Shearer abstaining because he was absent.

## **3. PUBLIC COMMENT.**

Mrs. Simonetti announced the training seminar will be held three consecutive Thursdays starting Thursday September 30, 2010 at the senior center. There are 35 people registered. The instructor is Stan Lembeck.

## **4. OLD BUSINESS.**

### **a. Article 4 Subdivision Amendment - Plan Specifications and Procedures**

Ms. Brock stated that Article 4 review has been completed.

### **b. Article 5 Design and Improvement Standards.**

Ms. Brock stated that Streets, Access Drives and Driveways from Article 8, 9 and 10 of the Lancaster County Model SALDO are being reviewed. The workshop meeting was not held in August. Planning Commission members should plan to attend the workshop meeting for October 13, 2010.

### **c. Well Ordinance.**

Ms. Brock stated that the last discussion was regarding how long a well is permitted to remain open.

Mrs. Stoner stated that at the last meeting it was decided that a well was to be closed right away. A five day period was decided upon.

## **5. NEW BUSINESS.**

### **A. Shenandoah Personal Communication Company – Conditional Use request in order to install Personal Wireless Service Facilities on an existing communication tower located in a GI-General Industrial zoning district. ZHB Decision #2010.01**

Ms. Brock stated that the conditional use request was provided in the packet along with a report from Shenandoah Personal Communication Company.

Mrs. Canovas, from the law firm of Donahue & Stearns was present to represent Shenandoah Personal Communication Company along with Mrs. Baker, an employee of Shentel.

Ms. Brock stated that there was some information in the packet that disturbed her when she reviewed it. Mrs. Brock asked if the date of May 11, 2009 was the correct date in the lease agreement.

Mrs. Baker stated that May 19, 2009 is the date of the lease agreement.

Ms. Brock stated that the date of May 19, 2009 was prior to approval of the tower for Norfolk Southern Railroad. The lease predates the application. The Norfolk Southern Railroad application states that they proposed two antennas for their use and one for emergency services. The application makes no reference for another antenna yet there is a lease.

Mrs. Baker stated that they have been researching the area for approximately five years for a tower site. They were anticipating working with Norfolk Southern Railroad for a co-location on the tower. Norfolk Southern Railroad made it clear to them that it was their job to obtain approval from the Borough for antenna co-location.

Ms. Brock stated that she feels the Norfolk Southern Railroad obscured the facts of the use of the tower for Personal Wireless Service Facilities being added in the future.

Mrs. Canovas stated that it was not their intention to obscure facts. They were not a party to the Norfolk Southern Railroad application.

Mrs. Brock stated that the process seems deceptive. Why were additional antennas not mentioned in the Norfolk Southern's Zoning Hearing Board application and why did they agree to a condition that no more antennas would be placed on the tower.

Mrs. Canovas stated that they were not present at the Zoning Hearing Board meeting.

Mrs. Stoner stated that there is a time issue on the review process.

Ms. Brock stated that the ordinance requires that the application is reviewed within 60 days of the date of the application. The application is dated September 1, 2010. Therefore, the review process must be completed by November 1, 2010. In order to meet legal notice publication requirements for hearings, the next meeting of the Borough Council will be November 8, 2010. The applicant must, therefore, provide a time extension to extend the review period.

Ms. Brock stated that the conditions of Section 27-1114 must be met in order for the Planning Commission to make a favorable recommendation. The following is the complete ordinance:

§27-1114. **Personal Wireless Service Facilities.**

Personal wireless service facilities may be installed, erected and maintained when allowed as a Conditional Use as hereinafter set forth:

A. **Purpose.** In recognition of the quasi-public nature of personal wireless service facilities, the purpose of this Section is as follows:

- (1) To accommodate the need for personal wireless service antennas while regulating their location and number in the Borough.
- (2) To minimize adverse visual impact and effects of personal wireless service antennas and antenna support structures through proper design, siting and vegetative screening.
- (3) To avoid potential damage to adjacent properties from antenna support structure failure and falling ice or debris, through engineering and proper siting of antenna support structures.
- (4) To encourage the joint use of any new and existing antenna support structures to reduce the number of such structures needed in the future.
- (5) To ensure that the location and number of personal wireless facilities are in the best interest of the health, safety, welfare and morals of the residents of the Borough.

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- (6) To minimize any adverse effects of location and design of personal wireless facilities on residential property values.

B. **Definitions.** The following words and phrases when used in this Section shall have the meaning given to them in them in this subsection, unless the context clearly indicates otherwise:

**ANTENNA** - any structure or device used to collect or radiate electromagnetic waves, including both directional antennas (such as panels) and omnidirectional antennas (such as wips) but not including satellite earth stations.

**ALTERNATIVE TOWER STRUCTURE** - manmade trees, clock towers, tall steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas on towers.

**ANTENNA HEIGHT** - the vertical distance measured from the base of the antenna support structure at existing grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**ANTENNA SUPPORT STRUCTURE** - any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

**BOROUGH COUNCIL** - the Borough Council of the Borough of Marysville, Perry County, Pennsylvania.

**COMMERCIAL MOBILE SERVICE** - any mobile service (as defined in §153 of the Federal Communications Act of 1934, as amended) that is provided for profit and makes interconnected services available to public or to such classes of eligible users as to be effectively available to a substantial portion of the public. It includes, but is not limited to, personal communications services (PCS), cellular radiotelephone service and paging.

**COMMON CARRIER** - any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio, or in interstate or foreign radio transmission of energy, but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

**EQUIPMENT BUILDING** - a structure enclosed within exterior walls, built, erected and framed of component, structural parts designed and used for the housing, shelter, enclosure or support of equipment necessary for the functioning of the wireless service facility and which may not exceed 250 square feet.

**EXCHANGE ACCESS** - that offering of access to telephone exchange services or facilities for the purpose of the originator or terminator of telephone toll services.

**MONOPOLE** - an antenna support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

**PERSONAL WIRELESS SERVICE** - includes commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

**PERSONAL WIRELESS SERVICE FACILITIES** - facilities for the provision of personal wireless services.

**PERSONAL WIRELESS SERVICES SITE** - a tract or parcel of land that contains a personal wireless service antenna as the principal use, its support structure, accessory building(s), parking and may include other uses and equipment associated with an ancillary to telecommunications signal transmission or processing.

**PUBLIC UTILITY TRANSMISSION TOWER** - a structure, owned and operated by a public utility electric company regulated by the Public Utility Commission, designed and used to support overhead electric transmission lines.

**UNLICENSED WIRELESS SERVICE** - the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct exchange satellite services.

- C. A personal wireless service facility with antenna, whether or not attached to a pre-existing personal wireless facility, smoke stack, water tower or any other tall structure, is permitted as a conditional use in the C-2 District. The Borough Council may grant a conditional use after review of the Planning Commission and a public hearing before the Borough Council. The applicant must provide and establish the following criteria:
- (1) That there is not suitable space on existing personal wireless service facilities or other personal wireless service facility site or on other sufficient tall structures where the intended personal wireless service facility can be accommodated and functions as required by its construction permit or license without unreasonable modification.
  - (2) Presenting technical evidence that the personal wireless facility must be located at the proposed site in order to satisfy its function in the grid system and the providing of the quality of service required by law.

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- (3) A full site plan which shall include:
- (a) Written authorization from the property owner of the proposed tower site.
  - (b) A site plan:
    - 1) Drawn to a scale of not smaller than 100 feet to 1 inch.
    - 2) Showing the property boundaries.
    - 3) Showing any tower guy wire anchors and other apparatus.
    - 4) Existing and proposed structures.
    - 5) Scaled elevation view of proposed structures.
    - 6) Access road(s), rights-of-way location and design standards as set forth in the Marysville Borough Subdivision and Land Development Ordinance [Chapter 22].
    - 7) Parking area.
    - 8) Fences in accordance with the requirements of this Section.
    - 9) Location and content of (any or warning) signs.
    - 10) Exterior lighting specifications.
    - 11) Landscaping plan in accordance with this Section.
    - 12) Land elevation contours at vertical intervals as required by Borough Council.
    - 13) Existing land uses surrounding the site.
    - 14) Equipment building and/or other accessory uses with detail including:
      - a) Elevations.
      - b) Proposed use.

- (c) A written report including:
- a) Information describing the tower height and design.
  - b) A cross-section of the structure.
  - c) Engineering specifications detailing construction of tower, base and guy wire anchorage.
  - d) Information describing the proposed painting and lighting schemes.
  - e) Information describing the towers's capacity, including the number and type of antennas that it can accommodate.
  - f) Radio frequency coverage.
  - g) All tower structures and building information to be certified by a licensed professional engineer.
  - h) Inventory of existing antenna support structures within a 2 mile radius of the proposed site and information discussing unavailability of such sites for one or more of the following reasons:
    - i) Refusal by current tower owner.
    - ii) Topographic limitations.
    - iii) Adjacent impediments blocking transmission.
    - iv) Site limitations to tower construction.
    - v) Technical limitations of the system.
    - vi) Equipment exceeds structure
    - vii) No space on existing facility or tower.
    - viii) Other limiting factors rendering existing facilities or towers unusable.
    - ix) An update of capacity on an existing tower.

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- (d) Written certification by the applicant that written notification has been given and received by all property owners adjoining the site where the proposed antenna facility and/or tower is proposed to be located.
  - (e) Written confirmation that the electromagnetic fields and radio frequency interferences comply with Federal Communication Commission regulations concerning such omissions, as well as an estimated Non-ionizing Electromagnetic Radiation (NIER) level from the proposed antennas, when added to existing levels, that does not exceed applicable Federal standards.
  - (f) A "zone of visibility map" provided to determine locations where the tower, antenna or facility may be seen as well as "before and after" pictorial representations setting forth views from key viewpoints within the Borough.
- (4) Liability insurance in such amounts and limits as may be determined by Borough Council.
- D. If the applicant proposes to build an antenna support structure (as opposed to mounting the antenna on an existing structure, it is required to demonstrate that it contacted the owners of tall structures within a 1 mile radius of the site proposed. "Tall structures" include smokestacks, water towers, tall buildings, antenna support structures of other personal wireless service companies, other communications towers (fire, police, etc.) and other tall structures. The Borough Council may deny any application to construct a new antenna support structure if the applicant has not made a good faith effort to mount the antenna on an existing structure. A good faith effort shall require that all owners of potentially suitable structures within the radius hereinabove set forth of the proposed antenna support structure be contacted and that one or more of the following reasons for not selecting such structure apply:
- (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  - (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
  - (3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its function.

- (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - (5) A commercially reasonable agreement could not be reached with the owners of such structures.
- E. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the personal wireless service facilities site unless otherwise permitted in the C-2 District in which the personal wireless service facilities site is located.
- F. **Standards of Approval of All Personal Wireless Service Facilities.**
- (1) **Antenna Height.** In no case shall an antenna support structure and antenna together extend beyond 100 feet in height. [*Ord. 508A*]
  - (2) **Setback from Base of Antenna Support Structure.** If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line right-of-way line shall be the largest of the following:
    - (a) Thirty percent of antenna height.
    - (b) Forty feet.

Except as hereinafter provided, in all cases, monopole antenna support structure shall be preferred. The Borough Council may grant use of guy wire, free standing or any other type of antenna support structure after review by the Planning Commission and a public hearing before the Borough Council. The applicant must establish the following for approval:

- (a) Cost of erecting a monopole would preclude the provision of adequate service to the public or erection of a safe antenna support structure.
- (b) The proposed antenna structure would have the least practical adverse visual impact on the environment and closely resembles a monopole.

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- (3) **Antenna Support Structure Safety.** The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/IEEE C95-1-1992) as amended, with respect to radio frequency emissions.
- (4) **Fencing.** A fence shall be required around the antenna support structure, accessory building(s) and other equipment unless the antenna is mounted on an existing structure. The fence shall be a minimum of 6 feet in height and a maximum of 8 feet in height, shall completely enclose the antenna, support structure and related facilities, shall not contain openings greater than 9 square inches and shall contain, at all entrances, gates which shall be locked except during such times as the site is manned by authorized operations or maintenance personnel.
- (5) **Equipment Building.** One equipment building only shall be permitted. Said equipment building shall not exceed 250 square feet.
- (6) **Accessory Use.** An antenna support structure shall not be considered an accessory use and may not be established on a parcel of ground with any other use without first complying with the requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22].
- (7) **Landscaping.** The following landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the support structure and any other ground level features (such as a building) and in general soften the appearance of the personal wireless service facility site. The Borough Council may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.
- (a) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting and shall grow to a minimum of 15 feet at maturity.
- (b) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

- (8) **License Required.** The applicant company must demonstrate that the user of the structure is licensed or shall be licensed by the Federal Communications Commission.
- (9) **Required Parking.** If the personal wireless service site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people onsite at the largest shift.
- (10) **Visual Impact.** Antenna support structures shall be painted in a color that best allows it to blend into the surroundings unless otherwise required by the Federal Aviation Administration (FAA) regulation. The use of grays, blues and greens may be appropriate; however, each case should be evaluated individually. No antenna support structure may be artificially lighted except when required by the FAA.
- (11) **Minimum Visual Impact Requirements.** Personal wireless service facilities shall result in a minimal visual impact for those residents in the immediate area and for those in the larger community who view these facilities from a distance. Minimal visual impact shall include the following:
  - (a) For facilities located in highly developed portions of the Borough, buildings may be used to accomplish the screening noted above.
  - (b) It is acknowledged that large, multi-use towers located within major use transmission areas cannot be effectively screened. In order to minimize the visual impact, such new facilities should be located in close proximity to other comparable structures. Accompanying buildings, ground-mounted antennas and other equipment and structures should be subject to screening recommendations.
  - (c) FAA requirements for coloring and lighting of towers supersedes Borough requirements for visual minimum impact.
  - (d) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

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- (12) **Signs.** No portion of any antenna or antenna support structure shall be used for a sign or other advertising purpose including, but not limited to, company name and telephone number and no banners, streamers or any other objects or items not essential to the function or support of the antenna or antenna support structure shall be attached to or displaced from same.
- (13) **Bonding.** The Borough Council, at its sole discretion, may require the applicant or owner to establish, as a condition of approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance and/or construction of the antenna, antenna support structures and accessory structures of buildings during its/their lifetime and in an amount sufficient to remove the antenna support structure if said structure is no longer in use for its original communication purpose. The amount required shall be determined at the sole discretion of Borough Council based upon the unique characteristics of the antenna, support structure and accessory structures or buildings.
- (14) **As-Built Plans.** Within 60 days of completion of the initial construction and any additional construction, applicant shall furnish two complete sets of plans, drawn to scale and certified to the Borough as accurately depicting the location of personal wireless service facility constructed pursuant to the building permit.
- (15) **Inspection.** Beginning in December of the 10<sup>th</sup> year after the construction of any antenna support structure and by December of each even numbered year thereafter, and at any time an new carrier antenna is added, the antenna support structure shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of antenna support structures. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of said inspection report shall be provided to the Borough. At the time said report is provided to the Borough, applicant shall pay a fee in the amount of \$25 in an amount to be established, from time to time, by resolution of Borough Council or such other amount as the Borough Council shall, from time to time, set forth in a resolution. [A.O.]

- (16) **Removal.** Any antenna support structure that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the Borough with a copy of the notice to the FCC of intent to cease operations and shall be given 12 months from the date of ceasing operations to remove the obsolete antenna structure and accessory structure. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations.

*(Ord. 462, 8/14/1994; as added by Ord. 503, 9/13/1999, §2; as amended by Ord. 507B, 8/14/2000; by Ord. 508A, 8/14/2000; and by A.O.*

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Ms. Hardman read Section 27-1114.C.1.

Mrs. Baker stated that she surveyed the area and found that there are no other existing tall structures to co-locate antennas and there are no locations within the permitted zoning district to construct a tower within the Borough.

Mrs. Stoner asked the applicant to describe what the antenna's look like.

Mrs. Baker stated that page 3; Sheet S-2 of the plans shows the antennas. They are 54.6" tall x 6.9" wide.

Ms. Brock questioned the visual impact of the mount.

Mrs. Baker stated that the mount is to allow additional applications in the future.

Ms. Brock asked if it were their intention to come back for more antennas.

Mrs. Baker stated that they do not intend to add more antennas in the future. They can install a flush mount that will install the antennas tighter to the tower. The drawing shows a typical standard mount.

Ms. Brock stated that Marysville Borough is sensitive about the view to the river. Right now all you can see is the tower.

Mrs. Stoner asked if there was anything that could be done to the bottom of the tower.

Mrs. Baker stated that the existing pole is not proposed to be changed. Shentel's equipment will be installed on a pad which is a wave guide bridge that runs to the radio cabinet and the tower.

Ms. Brock asked about the equipment.

Mrs. Baker stated that sheet S-6 of the plan shows the equipment to be installed on the pad.

Ms. Brock stated that she cannot see the base of the tower from where she lives but the people who live on Main Street can see the railroad. Is the fence visible?

Mr. Boyer stated that the fence and electric cabinet are visible.

Ms. Brock asked if a vegetative fence could be installed.

Mrs. Baker stated that the area is surrounded by gravel so it would be difficult to have any type of vegetative cover.

Mrs. Stoner asked if the cabinets could be sunk into the ground.

Mrs. Baker stated that the cabinets could not be sunk into the ground. She would recommend green or brown slats in the fence instead of landscaping.

Mr. Boyer stated that if the tower was not silver, it would be better. He feels that the town was deceived from the beginning. If you drive north or south, the tower is what you see. Marysville is a small town in the valley. Now there is a tower because the railroad needed it. The tower was to be for the railroad's use, not commercial uses.

Ms. Brock stated that they need to figure out how the tower can be made less obtrusive.

Mr. Boyer stated that the tower does not blend into the area. Adding antennas to it will make it bigger. The tower was to be for the railroad and emergency service use. Again, he feels the town was deceived with the information provided to the Zoning Hearing Board.

Ms. Brock stated that the diagram showing the antennas looks like the size of the antenna will triple the width of the tower.

Mrs. Baker stated that the flush mount will reduce the width.

Mrs. Stoner asked if a different location was considered.

Mrs. Canovas stated that the location is limited by the zoning ordinance. A tower is not permitted in a residential district.

Mr. Boyer stated that based on the lease, installing a Personal Wireless Facility was anticipated in Marysville.

Mrs. Baker stated that Shentel has been trying to find a location in Maryville for about five years. The ordinance is limiting them in their pursue of a site. They anticipated locating on the T-Mobile tower on the fire department property, but the application was withdrawn.

Mr. Boyer stated that the railroad never mentioned commercial antennas on the tower at the Zoning Hearing Board meeting. The railroad agreed to move the tower further north so it would not be so obtrusive. The commercial antennas are not a good thing for Marysville. The residents of Marysville are upset.

Mrs. Baker stated that there are existing coverage maps in the packet that will address Section 27-1114.C.(2).

Ms. Brock asked where the existing tower locations are.

Mrs. Baker stated that the existing towers are labeled on the coverage map as 412A, 178E, 236J and 536A.

Ms. Brock asked how the coverage was established.

Mrs. Baker stated that Shentel engineers used a propagation tool which predicts coverage and drive tests were done with equipment.

Mrs. Stoner asked what 510C coverage with neighbors mean.

Ms. Brock stated that the white area does not have coverage.

Mrs. Baker went over the coverage based on the maps provided-Existing Coverage, 510C Coverage, 510C Coverage with neighbors, Existing Coverage Blow Up, 510C Coverage with Neighbors Blow Up (green is in-vehicle coverage, yellow is in-building coverage, white is poor to no coverage. The white area does have coverage because it is a high point. The

antennas will be turning the green into yellow because of the buildings. The antennas will make the biggest difference south of Valley Street. They will be adding coverage on Ridgeview Drive and the south side of Route 850. The railroad site is low and there are a lot of elevation changes. There probably will never be coverage every where.

Mr. Boyer stated that the antenna's will add coverage to other areas not just Marysville. The antennas are pointing out.

Mrs. Baker stated that the coverage added will not just be in Marysville. Coverage will be added across the river.

Mrs. Canovas stated that there is a bounce reflection factor because of the river.

Mr. Boyer stated that the antennas are a commercial use. More customers will be added which are outside of Marysville.

Mrs. Stoner stated that in a perfect world you would think the coverage will be better higher on the mountain.

Mrs. Baker stated that sites need to be closer together. She gave an example of a flashlight to compare the area served. Service is based on the number of people using the phone. The Susquehanna River is huge. A tower on the other side of the river would not serve the people in Marysville.

Mr. Shearer stated he does not get good service because his house is on the side of the mountain.

Ms. Brock referenced Section 27-1114.C(3)(a) requires written authorization from the property owner. The lease is for five years. What will happen after 5 years?

Mrs. Baker stated that the lease will automatically renew for five years.

Ms. Hardman read Section 27-1114.C(3)(b) Site plan requirements.

Mrs. Stoner referred to sheet S1 compound plan. She questioned what is existing and what is proposed. The drawing is showing an existing utility board.

Mr. Boyer stated that the cabinet is for the tower. It feeds into the tower and is even with the fence in height.

Mrs. Baker stated there will be a board with electric meters.

Ms. Brock stated that the new antennas will draw more power.

Mrs. Baker stated that the antennas will require a 200 amp electric service

Mr. Boyer asked how the wires will be run to the antennas.

Mrs. Baker stated that the electric is already there. She is not sure if the electric to the tower was above ground or under ground.

Mr. Shearer asked if the tower is functional now.

Mr. Boyer stated that there is nothing on the outside of the tower. The equipment is inside the tower.

Ms. Brock stated that in the past dealings with the railroad, it is difficult to get authorization to cross their property. How will Shentel access the property?

Mrs. Baker stated that there is only one access to the site. There is an existing access road off Jacob Street which is gated.

Ms. Hardman read Section 27-1114.C(3)(b)(11) landscaping plan.

Mrs. Canovas stated that there will be no landscaping provided.

Ms. Brock asked if there will be any night lighting per Section 27-1114.C.(3)(b)10).

Mrs. Baker stated sheet S-3 shows a work light detail for Shentel cabinets in case employee need to work on the equipment at night. There are no lights on the tower. The work light is 500 watts.

Ms. Brock suggested a condition that there is no lighting except for equipment maintenance.

Ms. Brock questioned the access road details on page S-5.

Mrs. Canovas stated that the access road will not be changed.

Mrs. Baker stated that the details on sheet S-5 are typical.

Ms. Hardman stated that the existing access road does not meet the standards of the Marysville Borough's Subdivision and Land Development ordinance per Section 27-1114.C.(3)(b)(6).

Mr. Shearer stated that the railroad will not bring the road up to standards.

Ms. Brock asked what the fencing landscaping requirements were.

Ms. Hardman referred to Section 27-1114.F.(4)-fencing and (7)-landscaping are on page 27-108.

Mrs. Canovas recommends a screened fence with no landscaping.

Ms. Hardman asked if it would be beneficial to have landscaping.

Ms. Brock stated that the whole area is gravel.

Mrs. Stoner stated that fencing may be a better option.

Mrs. Canovas stated that the fence is 7' in height.

Mrs. Baker read Section 27-1114.C.(3)(c) written report. The plan provides information describing the tower height, design and cross section of the structure. A structural report was provided to address c) and e). There is no lighting or painting to describe per d).

Ms. Hardman stated that there are four slots on the tower for antennas. What will occupy the four antenna slots?

Ms. Brock stated that there will be two antennas for Norfolk Southern Railroad and one for Marysville Borough emergency services

Mrs. Baker stated that three are plots on the plans addressing Section 24-1114.C.(3)c).f) Radio frequency coverage. g) The plans are signed and sealed by a licensed professional engineer. h) Since they are not proposing a new structure, therefore, an inventory was not done.

Mrs. Canovas stated that certified letters will be mailed out for the hearing on November 8, 2010 to meet the requirement of Section 27-1114C(3)(d).

Ms. Hardman stated that the Borough can provide the list of abutting property owners that were prepared for the Zoning Hearing Board meeting.

Mrs. Baker stated that there is an FCC/LSGAC Checklist for Local Government to Determine Whether a Facility is Categorically Excluded in the packet addressing Section 27-1114.C(3)(e)-written confirmation that the electromagnetic fields and radio frequency interferences comply with FCC regulations.

Mr. Boyer asked if the lowest point of the antenna was measured from the ground level.

Mrs. Baker stated that it is measured from the height of ground.

Mr. Boyer stated that they should be looking at the horizontal level because people are living at the level of the road.

Mrs. Baker stated that there are people living hundreds of feet away at the same elevation as the antenna.

Ms. Brock stated that the bulk of the frequency will not go 360 degrees. What are the FCC requirements on distribution between antenna and the nearest occupied building?

Mrs. Baker stated that if the antenna is located on a building it can be excluded.

Mrs. Canovas stated that the study is showing when the antenna is attached to a building.

Ms. Brock stated that frequency above ground is the main issue; but if you are talking about people living in vicinity, it is another issue.

Mrs. Baker stated that in cities, antennas are located on buildings where people are living.

Ms. Brock stated that she recognizes that the exclusion is based on where people are living versus flat ground. What is the frequency from the tower to the nearest residence? What is the signal strength at nearest location?

Mrs. Canovas stated that the distance to nearest residence is not the determining factor for the FCC guidelines. If you measure from the tower to the nearest home, it will not answer the question.

Ms. Hardman read Section 27-1114.C.(4). Liability insurance.

Mrs. Baker stated she will provide of a copy of the certificate of insurance.

Ms. Hardman read Section 27-1114.D and E. Both sections refer to the tower not antennas which is not applicable in this case.

Ms. Hardman read Section 27-1114.F (1) Antenna Height. The Zoning Hearing Board granted a variance to this section.

Ms. Hardman read Section 27-1114.F(2) Setback from Base of Antenna Support Structure – not applicable.

Ms. Hardman read Section 27-1114.F(3) Antenna Support Structure Safety.

Mrs. Baker stated that a structure design was submitted.

Ms. Brock stated that radio frequency must also comply with ANSI (American National Standard Institute). What is exposure going to be?

Mr. Boyer stated he would like to know the radio frequency exposure at his residence at 137 N. Main Street.

Mrs. Canovas stated that she can have Shentel's Engineers speak to Borough Council regarding homes on North Main Street.

Ms. Brock stated that homes between Myrtle Avenue and Maple Avenue and Sylvan to Spruce should also be addressed.

Ms. Hardman read Section 27-1114.F.(4) Fencing. This has been discussed.

Ms. Hardman read Section 27-1114.F(5) Equipment Building.

Mrs. Stoner stated that since there is more than one equipment building, a waiver should be requested.

Mrs. Baker stated that they do not have a building. There is a pad that is 10' x 16' or 160 square feet.

Mrs. Canovas stated that Shentel will have an equipment board.

Mr. Boyer stated that the plan shows buildings.

Mrs. Canovas stated the plan shows cabinets which are not considered buildings per the definitions.

Mrs. Stoner stated that if Shentel is occupying 160 square feet, that will only leave 90 square feet for the next company that wants to occupy the tower.

Mrs. Canovas stated that fenced areas are partitioned off for each carrier.

Ms. Brock stated that the ordinance does address impervious coverage.

Ms. Hardman stated that the intent of the ordinance is that the 250 square feet is for each conditional use application.

Ms. Brock stated that Section 27-1114.F. (5) pertains to the site.

Ms. Hardman read Section 27-1114.F.(6) Accessory use – not applicable.

Ms. Hardman read Section 27-1114.F.(7) Landscaping. This has been discussed.

Ms. Hardman read Section 27-1114.F.(8) License Required. A copy of the license was in the packet.

Ms. Hardman read Section 27-1114.F.(9) Required parking – Not applicable.

Ms. Hardman read Section 27-1114.F.(10) Visual Impact.

Mrs. Canovas stated that the antennas will be adding minimal visual impact.

Ms. Brock stated that the visual impact is not minimal for people who live there. A solid fence will help, but it would be helpful for visual impact if the bottom of the tower could be painted.

Mrs. Stoner stated that the visual impact is different for the people looking down than for the people looking up.

Ms. Brock asked how high up the tower would need to be painted to help the visual impact.

Mrs. Baker stated that visual impact has a different perspective for everyone.

Ms. Brock stated that the people living in the Myrtle Avenue and Maple Avenue area at the top, only see the top part of the tower.

Mr. Boyer stated that the tower is silver and is bright at night.

Mrs. Canovas stated that they would have to get permission from the tower owner to paint the tower.

Mrs. Stoner asked what color it should be painted.

Mr. Boyer stated that a brown pole would bend in better than silver.

Mrs. Canovas stated that brown is normally used in the forest. Blue goes with the sky.

Ms. Brock stated that she would suggest that at least 30 feet from the ground be painted a neutral color such as brown or green.

Mr. Boyer stated that the antennas are white.

Ms. Brock stated that if a blue or gray color is used for the tower it would blend into the sky.

Mrs. Baker stated that the Wertzville Road tower is blackish brown.

Mrs. Stoner asked Mrs. Baker and Mrs. Canovas to provide a color to the Borough Council that will blend.

Mrs. Baker stated that she can provide pictures of existing towers.

Mrs. Canovas stated that they will provide the Borough Council with some color options.

Ms. Hardman read Section 27-1114.D.(12) Signs. No signs will be provided.

Ms. Hardman read Section 27-1114.D(13) Bonding. Not applicable.

Ms. Hardman read Section 27-1114.D(14) As-Built Plans.

Ms. Brock stated that the proposal indicates that as-built plans will be provided.

Ms. Hardman read Section 27-1114.D(15) Inspections.

Mrs. Baker stated that typically inspections are a requirement of the building permit application.

Mrs. Stoner stated that the inspection would be done after the antennas are installed.

Mrs. Baker stated that a report will be provided.

Ms. Hardman read Section 27-1114.D.(16) Removal.

Mrs. Canovas stated that removal is typically done within 90 days.

Mr. Boyer asked if there is anything in the lease that would give Marysville Borough funds. Marysville Borough is a small town.

Mrs. Canovas stated that a private owner can charge what they want. The tower owner gets the rent. Mrs. Canovas stated it is worth discussing with the tower owner.

MOTION: Mr. Vaccaro moved, seconded by Mr. Shearer to recommend approval of the Shenandoah Communications conditional use #2010.01 for personal wireless service facilities with the following conditions:

1. Liability insurance is provided to the Borough in accordance with Section 27-1114.C.(4)
2. At no time shall the number of antennas height exceed three.
3. The antennas shall be connected at 185' on the tower.
4. The antennas are installed with flush mounts.
5. The existing fence is modified to contain a material to minimize visual impact.
6. No lighting shall be permitted except during maintenance activities.
7. Technical information on signal strength relative to FCC exposure guidelines at the most exposed house considering absolute distance both east and west is provided to Borough Council.
8. The first 30 feet of the tower be painted a neutral color such as but not limited to green or brown to minimize visual impact. The applicant shall provide the Borough Council with information to determine the color of the tower.
9. A time extension is provided by the applicant on or before October 11, 2010 meeting of the Borough Council.
10. The three antennas be a neutral color, such as but not limited to a dull gray or blue. The applicant shall provide the Borough Council with information to determine the antenna color.
11. A waiver to the road improvement requirement of Section 27-1114.C.3.(b).6.

## **6. GENERAL ANNOUNCEMENTS.**

Ms. Brock stated a seminar is being held by the PA Municipal Planning Institute on Monday, October 1, 8 and 15 to review subdivision and land development ordinances in York.

## **7. REPORT ON BOROUGH COUNCIL MEETING (Next Council Meeting 10/13/10).**

None

## **8. ADJOURNMENT/NEXT SPECIAL MEETING DATE 10/13 /10 @ 6:30pm/NEXT REGULAR MEETING 10/26/10 @ 7:30 pm, WORK SESSION @ 6:30 pm.**

MOTION: Mr. Shearer moved, seconded by Mrs. Stoner to adjourn the meeting at 10:15 pm.

Respectfully Submitted,

Janet Hardman,  
Code Enforcement Officer