

Conditional Use Hearing
March 29, 2017
APC Towers, LLC

Members Present: Douglas Baker, Mayor
Jane Dlugos
James Johnson
Samuel Lyons
James Marshall
Ryan Rudegeair

Members Excused: Donna Fletcher, Deputy Mayor

In Attendance: Tracy Jamieson, City Manager
Brian Spaid, Esq., City Solicitor
Charles Gibbons, Code Enforcement/Zoning Officer
George Frances, Wireless Resources, APC Towers
Scott & Summer Graham, 251 Bully Hill Road
Ed Quinn, 1543 Woodland Avenue
Shreyas Patel, Verizon Wireless Representative
William Sandoval, Verizon Wireless Representative
Jim Pyle & Nancy Storm, 399 Transylvan Drive

Mayor Baker opened the hearing at 7:00 PM by advising the public of the rules of conduct for this type of hearing and proceeded to swear in those who planned to offer testimony. Mr. Spaid then asked Mr. Gibbons to begin his testimony.

Mr. Gibbons explained that the request was for a "Conditional Use" under the City of Franklin Zoning Ordinance. He then proceeded to enter into evidence the following exhibits:

- Exhibit #1 - Zoning Hearing Application, received on February 15, 2017, from the City of Franklin, requesting a "Conditional Use Permit" under the requirements of the Franklin Zoning Ordinance from APC Towers, LLC. If a conditional use is granted, the applicant would be permitted to construct a "Telecommunications Tower" on a property located at 247 Bully Hill Road, Franklin, PA, Map #10127006, which is zoned R-1 Low Density Residential. The property is owned by the City of Franklin and would be permitted as a conditional use as defined in the City of Franklin Zoning Ordinance
- Exhibit #2 - Zoning Table 1303.06A, R-1 Single-family Residential District, showing cellular antenna towers as Conditional Uses in this use district.

During the March 6, 2017 Council meeting, a hearing was scheduled for March 29,

2017 @ 7 PM.

- Exhibit #3 - A copy of the letter sent to all parties.
- Exhibit #4 - Postcards advising adjacent property owners of the hearing mailed out on March 10, 2017.
- Exhibit #5 - Mailing list of the adjacent property owners.
- Exhibit #6 - Legal Ad advertising the Conditional Use Hearing, which was published on March 13 & March 20, 2017 in The News-Herald, and the Proof of Publication.
- Exhibit #7 - Notice of Hearing, which was posted at the easterly berm of said property on March 20, 2017.
- Exhibit #8 - Letter from the Planning & Zoning Commission Chairperson. Mr. Gibbons further testified that on March 21, 2017, the application was presented to the Franklin Planning and Zoning Commission for review and comment. During the meeting, the Commission approved the request by a unanimous vote.

Mr. Gibbons continued by informing the Council that all requirements have been met by the applicant.

Mayor Baker asked if all the proper steps were followed. Mr. Gibbons assured him that they were. Mayor Baker asked how far out Mr. Gibbons went to notify property owners. Mr. Gibbons noted that he went out further than 500 feet, including into Sandycreek Township.

Mr. Marshall questioned if all approved safety concerns, relative to the possibility the pole should fall, were in place. He was assured that they were and that Mr. Frances would address those shortly. Mr. Marshall asked who would be responsible for any damage that occurred. Mr. Spaid informed him it would be APC Towers.

Mr. Frances informed the Council that the tower will be over 1000 feet from the nearest property line. The monopole is designed to collapse upon itself should an accident happen. Verizon vans will check the tower every three months and should a power outage occur, a diesel truck with a generator will be sent.

Mr. Patel advised that their focus is to improve signal strength into commercial structures and extend the coverage area. He showed a map which depicted both the existing coverage and the proposed coverage area.

Mr. Frances also reported that they have received preliminary FAA approval depending upon approval from the City. The FAA regulations are between 145-165. The monopole will be 150 feet with a 5-foot lightning rod, for a total of 155 feet. It will also be registered within the FAA database and does not appear to be a concern for the local airport. He then showed photo simulations of what the tower will look like.

In response to Mr. Gibbons' questions:

- The monopole is designed for at least three additional carriers.
- FAA will determine whether the pole will need a top light.
- It will be enclosed by an 8-foot high, barb wired fence, with a lock for each carrier.
- The only signage will be FCC required on the fence and generator.

In response to Mr. Spaid's questions:

- They are already co-locating and there was no better site to place the pole.
- They have no other towers in Venango County; however, they do in other areas of Western Pennsylvania.
- Will accommodate at least two additional carriers.
- It is a monopole.
- The total height will be 155 feet, which will include a 5-foot lightning pole.

Mr. Scott Graham, owner of the property that uses the same easement for his driveway that the company will use for their access was concerned about damage to his driveway. Mr. Frances suggested he take videotape of his driveway before the construction and after. APC will take care of any damage. He asked if they would be accessing his other easement to his spring and holding tanks. They replied that they would not. He ascertained their proposed start date would be 2018. He asked if he would need permission to drive his ATV in this area. He will not. Should he need to get in touch with the company, he should contact City personnel Tracy Jamieson or Chuck Gibbons.

Mr. Quinn asked if the tower will be lit. It will be dependant of the FAA. Should they require it, the light will be lit full-time and it will flash UP not out. He asked about any noise that may come from the generator. He was informed it will only be turned on for 20 minutes weekly, or in case of an emergency. Should it be too loud, he should contact City representatives and the company will install a better muffler on it.

Resolution No. 40 - There being no further questions from the Council or the public, Mr. Marshall moved and Mr. Lyons seconded a motion to approve the request. Motion passed unanimously.

The hearing was adjourned at 7:55 AM