

**Penn Township
Planning Commission Regular Meeting
July 25, 2016**

Members present included: Dan Kuruna, Ken Herman Jr., Jonetta Ulmer and Jim Wentzel.

Members Excused: Cornelius Heeren, Derek Straub, Kevin Cook and Tim Moyer

Also Present: Attorney James Bathgate, Zoning Officer Ray Cerezo and Secretary Brenda Moyer

Members of the Public: Joe Perotti, Debbie Baker, Jim Grose, Lizzie Klingler, Joshua Ulmer, Jan Ritter, and Jon Payne.

The July 25, 2016 regular meeting was called to order at 7:03 pm by Dan Kuruna.

On motion by Jim Wentzel, second Ken Herman Jr., and acclamation, the June 27, 2016 regular meeting minutes were approved as presented.

On motion by Ken Herman Jr., second Jonetta Ulmer and acclamation, the July 11, 2016 regular meeting minutes were approved as presented.

Public Comment – n/a

Person Present to be Heard –

Attorney Joseph Perotti Jr., was present representing Horvath Communications and Limitless Mobile and a Conditional Use application. Deb Baker, a Site Acquisition Consultant was also present representing Horvath. Horvath seeking approval to build a 150' communications tower to provide expanded wireless services. Proposed location is a 50' X 50' fenced area on lands owned by the VFW, 940 US Route 522, HC (Highway Commercial) zone and Tax Map PN 13-08-154. Approval is subject to Section 809 (Communication or Cell Towers) of the PT Zoning Ordinance 2005-01. Perotti provided and walked Planning Commission through a detailed narrative outlining how Horvath will meet the requirements of Section 809 to support this application. Concerns were discussed that included, what benefit this tower is to Penn Twp, whether it is or will be an eyesore, shock the FAA does not require lighting (Perotti stated lighting is only required on structures 200' or taller), amount of RF produced by tower (this will be addressed at hearing and certification provided), why this location (applicant explained taller location not always better - this site is "center of the bowl") and (other nearby locations were ruled out for attachment, i.e. St Pius, Wesley United Methodist and the smoke stack at Selinsgrove Center), life expectancy of tower and the maintenance thereof (will be addressed at hearing), # of years Horvath has been in operation (since 1996), have neighboring landowners been contacted (Perotti noted Dr Gift has been contacted) also note (surrounding properties will be contacted by mail and the Notice of Hearing will be published in the Daily Item, SC Times and posted on Twp website). After review and discussion, **on motion by Jim Wentzel, second by Ken Herman Jr. and acclamation, the Penn Township Planning Commission does recommend the Board of Supervisors grant the Conditional Use request by Horvath with the following items provided and addressed before the Board of Supervisors at the Conditional Use hearing scheduled for Wednesday, August 17, 2016 at 6:00pm.**

1. Updated lease agreement with the VFW
2. FAA documentation with decision as the result of Form 7460-1 being submitted to the FAA
3. 809(H) – Horvath shall provide a removal plan for the facility
4. A maintenance agreement / plan shall be required
5. Tower engineer shall provide certification of tower and construction thereof, consistent with Telecommunications Industry Association Standards ANS/TIA-222-G (Structural Standards for Antenna Supporting Structures or Antennas)
6. An affidavit shall be provided to certify RF frequency
7. Cost estimates for removal and a bond covering these costs shall be provided for review
8. Applicant shall comply with all local, state and federal regulations

Jim Grose was present representing the John A. Klingler and Gene Klinger subdivision plan. This proposed one lot subdivision is located in the RR (Rural Residential) zoning district, Tax Map and PN 13-02-099, total acreage 37.72. Proposed Lot 1 = 14.61 ac and residual lot = 23.11 ac. DW Permit # 16-03 has been issued and an On-Lot Sewage Permit Application #Z-158325 is in the works. The perc test results will be supplied to be included with the SFPM (Sewage Facilities Planning Module) in the process of being reviewed by SEO Dan Page. Plan has been submitted to SCPC and review will be forthcoming. Two motions were made w/ regard to the Klingler Subdivision Plan:

On motion by Jim Wentzel, second by Ken Herman Jr., and acclamation the commission directs Planning Commission Chairman, Dan Kuruna to review and complete the PC portion of Sewage Facilities Planning Module. Perc tests results should be included when packet is reviewed. This module shall be presented to Supervisors on August 3, 2016 for review and signatures.

On motion by Ken Herman Jr., second by Jonetta Ulmer and acclamation the Planning Commission does recommend Final Plan approval by the Supervisors at the August 3, 2016 meeting with the following conditions met:

1. Plan is certified by the owner
2. Any comments by SCPC are addressed
3. Section added to the Plan for Planning Commission signatures

New Business –

- Selinsgrove Center Water Distribution Project. After review of proposal it was determined neither a Conditional Use nor a Zoning Variance would be required by the Selinsgrove Center. The current water treatment center has been in existence for 25-30 years and this proposal is the replacement thereof. Is a legal non-conforming and grandfathered. However a Land Development Plan shall be submitted for review and LDG will be the firm to review the Plan for Penn Township.

Old Business –

- Mobilitie, LLC recently submitted a permit application to Penn Township. This application for a new utility infrastructure facility in Penn Twp; specifically for a new "small cell" (pole) structure. Company provided PA PUC certification. Proposal refers to 247 18th Street; this location shown on construction plans to be between Seals Ave and Intermediate School Circle, and the R2 Zoning District. Penn Twp is required to respond/act with 150 days (@Nov 15th). Pole total height is proposed 78' 3" utilizing an 85' Douglas fir utility pole. A number of items were discussed i.e. Penn Twp Ord 74-2, an application to FAA (airport hazard clearance), nearby school and development, structural detail, hazardous exposure, and meeting other requirements of the zoning ordinance. Planning Commission did previously table any action pending further research and a formal response to Mobilitie prepared by Solicitor Bathgate and Zoning Officer Cerezo.
- Ordinance corrections and verifications were provided for Kevin Cook – p/u next meeting.

Solicitor –

- The DW Permit Ordinance 88-02 is being reviewed by Solicitor Bathgate, to be discussed at the next Planning Work Session.

FYI –

- Provided, noted or reviewed with all:
 1. SC Subdivision Land Development Ordinance and Fee Schedule
 2. PSATS Legal Defense Newsletter
 3. DDR Conditional Use Approved w/ conditions
 4. Longacre Lot-Addition Approved
 5. NO PC WS in August

Adjournment –

On motion by Jim Wentzel second by Jonetta Ulmer and acclamation, the 7.25.2016 regular meeting of the Planning Commission was adjourned at 8:48 pm.

Respectfully Submitted,

Brenda Moyer
Planning Commission Secretary