

**BENNER TOWNSHIP PLANNING COMMISSION**  
**MINUTES**  
June 14, 2001

**CALL TO ORDER**

Regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:05 p.m. by Chairman Joe Shultz at the Benner Township Municipal Building.

**ATTENDANCE**

Members present: Genny Robine, Joe Shultz, Dave Breon, and Fred Gay. Also attending was: Renee McGowan, Zoning Officer, Scott Tutor of Mid Penn Engineering, Larry Lahr of Nextel Partner, Inc. and Gerald Rogers, Benner Township resident. Members absent were: Chris Berenty and Tim Robinson, and Rob Fugate.

It was noted that Mr. Steve Porter has officially resigned from the Commission, and that Genny Robine has been officially appointed by the Supervisors. The Commission gave a warm welcome to Mrs. Robine who has been a resident of Benner Township for many years.

**MINUTES**

Planning Commission received the meeting minutes of May 10th, 2001, for their review and approval. Several corrections were made with voting. Mr. Gay moved the minutes be accepted. Mr. Shultz seconded the motion.

Vote:	Mr. Berenty: absent	Mr. Fugate: absent	Mrs. Robine: yes	Mr. Shultz: yes
	Mr. Breon: yes	Mr. Gay: yes	Mr. Robinson: absent	

**PERSONS TO ADDRESS THE BOARD**

Penn Skates Plan: Scott Tutor from Mid Penn Engineering, Inc. presented the Penn Skates Land Development plan once again to the Commission for signatures. The plan was previously approved by the Commission. Signatures now need affixed. Commission affixed its signatures.

Conditional Use Request for Nextel Partners, Inc.: Nextel Partner's Inc. requests to place a 180 ft. tower with associated equipment shelter and fence on Clair Stem's property on Purdue Mountain. Property Code being 12-002 -018. The equipment shelter is to be 9 ft. x 16 ft. The entire leased area will be fenced. Mr. Larry Lahr gave a presentation to the Commission regarding the request. Nextel is developing approximately 153 sites throughout Pennsylvania. Mr. Lahr explained that co-location is impossible for all other tower sites in the area are fully occupied, or do not permit any more antennas to be located on their towers. The tower proposed will be able to house three additional carriers. Nextel tries to co-locate as much as possible on existing structures and towers. Mr. Lahr showed pictures of towers on Purdue Mountain showing the "over capacity" of the existing towers. Mr. Lahr talked about 911 Emergency Communication Tower will not permit any tower to locate on its facility. Mr. Lahr gave the Commission a memo dated June 14<sup>th</sup> which "item by item" addressed the criteria set forth in Article V, Section 12.

Mr. Lahr gave the Commission the following information to review:

1. Certificate of electromagnetic radiation compliance
2. Earth Engineering, Inc., dated April 11, 2001, addressing Pennsylvania Historical & Museum Commission.

3. Option and Ground Lease Agreement between Clair Stem & Nextel Partners, Inc.
4. Amendment of Easement between Clair Stem and Cellular Plus.
5. Propagation Analysis Without, and With Tower Location, PA758P, Unvionville, dated 6/13/01.
6. NEPA Screen Fish & Wildlife Addendum, dated, May 4, 2001.
7. United State Department of Interior, threatened species letter date, April 26, 2001.
8. Site Plan for Nextel Partners, Inc., April 30, 2001.

Ms. McGowan questioned the setbacks as shown on the site plan which appears to not meet the zoning district requirements. Mr. Lahr noted a court decision, and his company contends they do not have to address setbacks.

Ms. McGowan asked if the company has addressed airport hazards zones and submitted their request in writing to the Federal Aviation Administration. Mr. Lahr indicated that has not yet been done. With no other questions from the Commission, Mr. Gay moved to recommend the Supervisors to accept the tower request from Nextel Partners, with the following conditions:

1. Written documentation from FAA be received regarding the towers penetration into airport hazard zones; and
2. Setback requirements be addressed with the Supervisors.

Mr. Shultz seconded the motion.

Vote: Mr. Berenty: absent      Mr. Fugate: absent      Mr. Porter: absent      Mr. Shultz: yes  
        Mr. Breon: yes                Mr. Gay: yes                Mr. Robinson: absent

**OLD BUSINESS**

I-99 Overlay District Ordinance: Discussion continued with the I-99 Ordinance. The corridor of ¼ mile versus 1/8 mile was discussed. Mrs. McGowan is to contact the other Townships to see what is being used. Mr. Rogers state the 100 ft. setback seems excessive along Shiloh Road since Penn DOT is placing a fence along the roadway. The Commission discussed the Tree Preservation section of the ordinance. The consensus of the group was to leave the section alone. Mrs. Robine wanted to study the section in more detail.

Road access points were discussed. The distance of 800 ft. may seem too great, stated Mr. Rogers. His property cannot meet the requirement. The Commission wondered what the rationale behind the 800 ft. requirement was. Additionally, it was questioned what "vehicle access meant?" Is a farm access, a vehicle access? The Commission will continue discussing the ordinance at its next meeting.

**NEW BUSINESS**

**CORRESPONDENCE**

**NOTES**

**ADJOURN**

With all business complete, the meeting adjourned.

Respectfully submitted by,  
*Renee McGowan*  
 Renee McGowan, Zoning Officer