

# YORK TOWNSHIP

190 Oak Road, Dallastown, Pennsylvania 17313  
Phone (717)741-3861 Fax (717)741-5009

York Township Zoning Hearing Board  
Tuesday, September 23, 2008  
6:00 p.m.

The September meeting of the York Township Zoning Hearing Board was called to order by Teri Hollway, Chair.

Those in attendance were:

Teri Hollway, Chair  
John Wimbley, Member  
Carl Dallmeyer, Member  
Shirley Sterner, Alternate Member  
Lisa Frye, Zoning Officer  
Jeffrey Rehmeier, II, Esq., Solicitor

## MINUTES AND DECISIONS OF AUGUST 26, 2008

The Zoning Hearing Board minutes and decisions made at the August 26, 2008, meeting were approved.

## CORRESPONDENCE

Request for 6 month extension from Attorney Stacey MacNeal, Katherman, Heim & Perry, for Appl. 2007-34

Present: Stacey MacNeal  
Marian Anderson  
Cynthia Dixon

Information on the request was presented and after discussion the request was approved, pending a written decision.

York Township Zoning Hearing Board  
Tuesday, September 23, 2008  
Page 2

MOTION MADE BY: John Wimbley  
SECONDED BY: Carl Dallmeyer  
MOTION PASSED UNANIMOUSLY

**HEARINGS**

Appl.2008-32: Dallastown-Yoe Water Authority requests an amendment to Special Exception 2008-12 establishing Essential Services (communications tower) on property located along Glenn Avenue in a Residential-High Density (RH9) zone, to move the communications tower ten feet south from the originally proposed location.

Present: Peter Solymos  
Connie Stokes  
David Hagan, Jr.

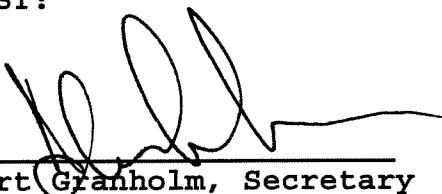
Information on the application was presented and after discussion the application was approved, pending a written decision.

MOTION MADE BY: Carl Dallmeyer  
SECONDED BY: John Wimbley  
MOTION PASSED UNANIMOUSLY

**ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

ATTEST:

  
\_\_\_\_\_  
Albert Granholm, Secretary

# DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

**Application Number:** 2008-32

**Hearing Date:** September 23, 2008

**Applicant:** Dallastown-Yoe Water Authority (the “Authority”)

**Property Owner:** Pierce J. Streavig

**Property:** Glenn Avenue, Dallastown, PA 17313

**Existing Zoning District:** Residential- High Density (RH9)

**Relief Requested-** Special Exception (Amendment) under the York Township Zoning Ordinance of 1996, as amended (the “Ordinance”) and pursuant to Section 265-100 thereof.

---

## FINDINGS OF FACT

- 1) The foregoing information and the Application, including its attachments, are incorporated by reference.
- 2) The Applicant was represented Peter Solymos, Solicitor, Connie Stokes of the Authority and Dallastown Borough Manager, and Dave Hagan (referenced in Decisions 2008-10 and 2008-11 as Dave Higgs), CEO of Double Dog.
- 3) Solicitor Solymos provided some introductory information and statements regarding the communication tower/antenna (the “Tower”) that is the subject of the Application, as follows:
  - a) This Application continues beyond the prior Applications and Decisions regarding the Tower, numbered 2008-10 and 2008-11.
  - b) In Decision 2008-10, the Applicant was required to confirm construction code compliance of the Tower and its related structures.
  - c) Since the base for the Tower was installed prior to the rendering of that Decision, the Applicant was faced with the choice of expensive testing to confirm that construction of the base of the Tower was done in compliance with applicable regulations and codes or, in the alternative, the Applicant could construct a new base, which could be inspected during construction.
  - d) The installation of a new base is the more cost effective option.
  - e) Accordingly, the Applicant is proposing to install a new base for the Tower approximately 10 feet south of the location of the present base for the Tower, which location was approved in Decision 2008-10.
  - f) Other than a change in location of the base, all of the information and evidence presented in the prior hearings under Applications 2008-10 and 2008-11 remains unchanged.
  - g) The Tower continues to meet all requirements for the Special Exception.

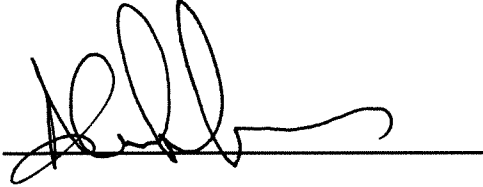
- 4) Solicitor Solymos presented Applicant's Exhibit 1, which included a drawing showing the new Tower location and photographs showing the existing and proposed Tower locations.
- 5) Solicitor Solymos asked that the evidence, testimony, Findings of Fact, and Conclusions of Law presented pursuant to Applications 2008-10 and 2008-11 be incorporated by reference into this matter.
- 6) In response to questions, the Applicant answered as follows:
  - a) The chain-link fence around the Tower was not to be installed until the location of the Tower is finalized, which will follow the Decision on this Application, 2008-32.
  - b) Pursuant to this Application the Tower will be located approximately 40 feet to the south of the intersection of Glenn Avenue and Green Meadows Drive.
  - c) The Applicant is willing to install barriers or poles to prevent accidental vehicular impacts with the Tower.
  - d) The Tower has and continues to be monitored by an alarm system and cameras in case of trespass.
  - e) The Tower can be moved from the present base to the new base safely.
  - f) There will be no appreciable difference in the elevation of the Tower at the new base location.
  - g) The current foundation and stub legs will remain, and the stub legs will stick up a few inches above the cement base if they are not cut off.
  - h) Nothing else relative to the Tower and its related equipment needs to be located.
  - i) Both bases and all equipment for the Tower will be inside the chain-link fence.
- 7) Lisa Frye, York Township Zoning Officer, indicated that she has no problems with the pending Application.
- 8) Keith Lutz, York Township Building Inspector, indicated that barriers to prevent collisions with the Tower are described with specificity in the applicable codes.
- 9) Nobody spoke in favor of or against the Application.

## **CONCLUSIONS OF LAW**

- 1) The Board incorporates the prior evidence and Decisions, including the Findings of Fact and Conclusions of Law, from Applications 2008-10 and 2008-11, except as modified herein.
- 2) The Board believes that the specific criteria for the Special Exception continue to be met, even with the new base location, and thus the Special Exception (amendment) can be approved.
- 3) The Board believes that the grant of the Amended Special Exception should be subject to certain additional, reasonable conditions, in addition to those previously imposed in Application 2008-10, as follows:
  - a) The fence surrounding the Tower, its bases, and related equipment shall be installed promptly after the new base location is installed and the Tower is moved onto it.
  - b) Barriers will be installed around the Tower, the fence, and/or the related equipment in accordance with the applicable codes if, when, and as required by the York Township Engineer.  
(Collectively the "Additional Conditions")

Accordingly, Carl Dallmeyer moved, and John Wimbley seconded, to grant the special exception (amendment) pursuant to Application 2008-32, subject to the continued imposition of the prior Conditions, and with the imposition of the Additional Conditions, and that no other portion of the Ordinance be waived or other relief be granted. The motion passed with a vote of 4-0, with all members voting in favor.

WITNESS/ATTEST



YORK TOWNSHIP  
ZONING HEARING BOARD

By:   
Teri L. Hollway, Chair

10.28.08  
Date

The zoning relief granted herein is valid for a period of six (6) months from the date of its authorization (which authorization is deemed to be granted on the date that the Zoning Hearing Board rendered a decision at a hearing or in writing, whichever comes first) pursuant to Sections 265-145 (3) and 265-146 of the Ordinance, unless the Applicant has proceeded to obtain a building permit or submit a land development plan.