

**MONTVILLE TOWNSHIP  
BOARD OF ZONING APPEALS MEETING  
September 19, 2011**

**PRESENT**

Sally Albrecht, Vice Chairperson  
Terry Hughes  
Ron Tanski  
Bill Tuchek

**ALSO PRESENT**

P. Jeffers, Field Assistant  
B. Schwehm, Zoning Secretary  
C. Craig      C. Philip  
P. Lafferty    M. Pitchure  
M. Newsome

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**HANDOUTS:**    None

- AGENDA:**
1. Approval of Minutes – August 15, 2011
  2. Motion to Elect Chairperson Pro Tempore
  3. Public Hearing
    - A. Conditional Amendment #2/Lexington Ridge Cell Tower/Newsome
    - B. Conditional Amendment #3/Lexington Ridge Cell Tower/Philip

The September 19, 2011 meeting of the Montville Township Board of Zoning Appeals was called to order by Vice Chairperson, Ms. Sally Albrecht, who served as Chairperson for the meeting until a Chairperson Pro Tempore was elected.

ROLL CALL: Mr. Ron Tanski – “here”; Mr. Terry Hughes – “here”; Mr. Bill Tuchek – “present”; Ms. Sally Albrecht – “present.”

Board Chairperson Albrecht asked, “Has the meeting been properly advertised in the newspaper?”

Field Assistant Jeffers responded, “Yes.”

Board Chairperson Albrecht asked, “Have the contiguous property owners been notified?”

Field Assistant Jeffers responded, “Correct.”

Commission Chairperson Albrecht said, “If there is anyone here who wishes to speak on the subjects in question tonight, please sign the witness sheet in the foyer, if you have not already done so. Anyone who wishes to speak will be sworn in before their testimony is heard. The official minutes of the meeting are taped; therefore, it is important to state your name and address clearly, prior to testimony. The Board of Zoning Appeals is a quasi-judicial body who bases their decisions on facts and not opinions; therefore, we ask that your testimony be based on facts and not personal opinion. The written/typed transcripts (minutes) are the official documentation of the proceedings.”

**1. Approval of Minutes**

August 15, 2011

**MOTION:** Board Member Tuchek moved to approve the August 15, 2011 meeting minutes as written.

**SECOND:** Board Member Tanski

**ROLL CALL:** Mr. Terry Hughes – “approve”; Mr. Bill Tuchek – “approve”; Mr. Ron Tanski – “approve”; Ms. Sally Albrecht – “I vote to approve.”

**2. Motion to Elect Chairperson Pro Tempore**

Board Chairperson Albrecht requested a motion to nominate a Chairperson Pro Tempore because she would be recusing herself for the public hearings since she had a conflict of interest with Lexington Ridge.

**MOTION:** Board Member Tuchek moved to elect Mr. Ron Tanski as temporary chairperson.

**SECOND:** Board Member Hughes

**ROLL CALL:** Mr. Ron Tanski – “Yes, I accept.”; Mr. Terry Hughes – “approve”; Mr. Bill Tuchek – “yes.”

Chairperson Pro Tempore Tanski served as Chairperson for the remainder of the meeting.

**3. Public Hearing**

Board Chairperson Tanski stated that there were only three members of the Board of Zoning Appeals present to hear the conditional amendment requests. He informed the applicants that they could request to table their item to be heard by a full, five-member Board.

Board Chairperson Tanski swore in applicants, Mr. Matt Newsome and Mr. Chris Philip; representatives, Mr. Charlie Craig, Ms. Pat Lafferty, and Mr. Mike Pitchure; along with Field Assistant Jeffers.

Ms. Lafferty, Planner, Craig and Associates, 2697 Hinkle Lane, Shelbyville, Kentucky 40065 said she was asked by Verizon Wireless to attend the meeting and speak on their behalf. She asked if the three-member Board was considered a quorum.

Board Chairperson Tanski responded, “Yes.”

Ms. Lafferty accepted to have the conditional amendment applications heard by a three-member Board.

**A. Conditional Amendment #2 (Application #08-11-028)**

**Lexington Ridge Cell Tower 5825 Churchill Way**

**Applicant: Matt Newsome, FMHC Corporation, 3333 Lake Road West,  
Ashtabula, OH 44004**

Board Chairperson Tanski introduced the agenda item and read the following into the record:

- Application #08-11-028

- Letter dated August 22, 2011 from Ms. Brooke Bergstresser, Crown Castle GT Company LLC, granting Verizon Wireless and its Agents, authorization to act as their Agent.
- Memo dated September 12, 2011 from Zoning Inspector Emrick regarding “Conditional Use Amendment 5825 Churchill Way” (with photographs attached).
- Letter dated August 19, 2011 from Mr. Matt Newsome, Site Acquisition Consultant, FMHC Corporation.

Ms. Lafferty said the existing tower (built in 2004) was a 189-foot monopole tower. There were currently two carriers located on the tower – Verizon Wireless at 187 feet and Sprint at 176 feet. Sprint also had a four-foot microwave antenna located at 109 feet. The compound dimensions were seventy feet by seventy feet. There were currently two mechanical structures inside the compound. There was a fence around the entire compound and evergreen screening (approximately five feet tall).

Ms. Lafferty said that the primary facility and conditions (height, compound size and appearance, number of mechanical structures inside compound, and number of carriers) would remain the same. The number of antennas on the top array would change. Technology had changed (texting, internet maps, web search engines, number of callers, etc.) and the capacity of the site was limited. The proposed changes would take the existing tower from a cellular A bandwidth and bring it into conformance with the new technology to be a Cellular A, Cellular B, PSC, and LTE, which allowed more information to be received by the tower.

Ms. Lafferty said that the nine old antennas would be taken down and replaced with twelve new antennas at the same height. The change would allow Verizon to offer better, faster, more comprehensive service to the people of Montville Township and Medina County.

Ms. Lafferty said that the proposed changes conformed to the zoning regulations of Montville Township. The existing tower was a monopole. They were proposing co-location/reutilization of an existing tower to make the service better and broader. She believed that they met all of the objectives of the Comprehensive Plan and Zoning Resolution. Ms. Lafferty asked if the Board had any questions regarding the proposed amendment.

As far as customer service was concerned, Board Chairman Tanski asked by what percentage or number of calls the capacity of the traffic on the tower would be increased.

Mr. Charlie Craig, 635 Harrison Avenue, Louisville, Kentucky 40217 said that the addition of the new antennas was not to increase the volume of voice data. The new antennas would bring more data networks for text messaging, emails, and web surfing which would unclog the voice portion of the service site. The existing antennas currently served both voice and data transfer.

To summarize, Board Chairman Tanski said that the voice portion would remain the same. The new data technology would be handled by the three additional antennas.

Mr. Craig said that was correct. LTE technology was more about non-voice related information.

Board Chairman Tanski said it sounded as though every tower was being updated.

Mr. Craig acknowledged that was true and was being done across the country.

Board Chairman Tanski thought there would be electrical work on the ground for the antennas to be able to handle the new equipment.

Mr. Craig said that if any equipment was added, it would happen within the existing buildings.

Board Chairman Tanski asked how the old antennas would be removed and new antennas brought up. He assumed a crane would be necessary.

Mr. Mike Pitchure, Structural Engineer, Site Quest Ltd., 3867 W. Market Street, Akron, Ohio, 44333, said that the antennas did not weigh much (approximately twenty to thirty pounds). Hand rigging, not a crane, would typically be used to move the antennas up and down.

Board Chairman Tanski asked for confirmation that the antennas would be installed without the use of a crane.

To his knowledge, Mr. Pitchure did not believe a crane would be required for the job. If the Board preferred, a notation could be made indicating that hand rigging was required.

Board Chairman Tanski said that many complaints had been voiced by residents of Lexington Ridge regarding the cell tower property. He feared a crane would leave footprints that would generate complaints.

Mr. Pitchure said that they would do their best to minimize any disturbance. He reiterated that they could put in the notes that hand rigging was required.

Board Chairman Tanski asked if the work on the tower would be completed during daylight hours.

Mr. Pitchure believed the answer to that question was “yes.” It was not safe to climb a tower at night.

Board Member Hughes asked for confirmation that only the antennas were being replaced – not the triangular antenna platform.

Mr. Pitchure said that was correct. He said that some of the supports may be rotated which may require more than just hand rigging to accomplish. It would depend upon the contractor.

Board Member Tuchek said that he had been on the Board of Zoning Appeals for about eighteen years. He was on the Board when cell towers initially appeared in the Township. At that time, each company wanted their own tower. From the very beginning, the Board encouraged co-location. It was nice to see that companies had embraced that concept.

Mr. Pitchure said that the company was trying to make use of existing structures when possible; but when there was an uncooperative land or tower owner or when an existing structure did not fit the radio plan, other business related decisions had to be made. Fortunately, in this case, the tower owner was more than agreeable to work with Verizon to make the project happen.

Board Chairperson Tanski visited the site and said it appeared the trees/shrubbery around the property were beginning to grow through the fence.

Field Assistant Jeffers said the shrubbery was installed by Crown Castle, the owner of the tower. The homeowners wanted something around the fence to screen the view and noise.

Ms. Lafferty said that maintenance crews typically mowed the grass. The maintenance crew could be asked to trim the trees.

Field Assistant Jeffers asked that the trees not be thinned. The double row was planted to provide appropriate screening.

Ms. Lafferty said that the trees would not be thinned or topped, only trimmed.

Board Chairperson Tanski noted that no one from Lexington Ridge Subdivision was in attendance to voice any concerns or objections regarding the proposal.

Field Assistant Jeffers stated that the homeowner to the east of the cell tower site was contacted by Zoning Inspector Emrick. She advised the homeowner that the water/drainage issue was the responsibility of the homeowners association (HOA). A site review revealed that water was not draining from the area between the cell tower site and the property to the east. When the HOA installed the pipe to alleviate the drainage issue, the angle of the swale was not continued the way that it should have been and was not functioning properly.

Board Member Hughes said that when he visited the site, it was evident that the water was directed away from the catch basin. The structure of the hill needed to be changed to correct the problem. The hill drained to the house to the east of the cell tower site.

Board Member Tucheck confirmed that the water/drainage issue was a HOA issue and did not need to be added as a condition to the amendment.

Field Assistant Jeffers confirmed the issue was the responsibility of the HOA. The slope coming off of the cell tower was proper. Unfortunately, when the HOA buried the pipe to drain the swale between the two properties, the swale was not properly configured.

Board Chairperson Tanski opened the public hearing to the public. There was no one from the public in attendance. The public portion of the public hearing was closed.

The Board discussed possibly including a notation in the motion regarding the use of a crane.

Mr. Pitchure said that once a decision had been made regarding the contractor, they would find out if the contractor planned to use a crane. The Board of Zoning Appeals would be notified (by the Zoning Inspector) regarding the schedule for performing the work and the way in which the work would be done. Even though the work should mean only a slight disturbance to the neighborhood, he thought it may be something that the HOA would appreciate receiving notice about. Mr. Pitchure thought communication was an important part of the project. No one liked surprises.

Board Chairperson Tanski said that it would probably be a good idea to let the homeowners association know what was happening.

The Board agreed that specific conditions related to the crane or schedule did not need to be included in the motion.

The Board identified the owner of the cell tower as Crown Castle. The applicant for the Conditional Amendment was Mr. Matt Newsome, FMHC Corporation.

**MOTION:** Board Member Tuchek moved that Amendment #2 be granted to Crown Castle of 2000 Corporate Drive, Canonsburg, PA 15317, owner of an existing cell tower at 5825 Churchill Way, Medina, Ohio 44256. Said amendment shall allow the number of antenna to increase from the current 9 to a new amount being 12 antenna.

**SECOND:** Board Member Hughes

**ROLL CALL:** Mr. Terry Hughes – “Yes, approve.”  
Mr. Bill Tuchek – “I vote to approve Amendment #2.”  
Mr. Ron Tanski – “I approve Amendment #2.”

**B. Conditional Amendment #3 (Application #09-11-029)**

**Lexington Ridge Cell Tower 5825 Churchill Way**

**Applicant: Mr. Chris Philip, 122 Kerr Road, New Kensington, PA 15068**

Board Chairperson Tanski introduced the agenda item and read the following into the record:

- Application #09-11-029
- Letter dated September 6, 2011 from Mr. Chris Philip, SBA Network Services, to Ms. Judy Emrick.
- Letter dated August 22, 2011 from Ms. Brooke Bergstresser, Crown Castle GT Company LLC, granting Verizon Wireless and its Agents, authorization to act as their Agent.
- Memo dated September 12, 2011 from Zoning Inspector Emrick regarding “Conditional Use Amendment 5825 Churchill Way.”

Ms. Lafferty, Planner, Craig and Associates, 2697 Hinkle Lane, Shelbyville, Kentucky 40065 said she was acting at the request of Verizon Wireless to speak on their behalf before the Board of Zoning Appeals. She introduced Mr. Charlie Craig, Mr. Matt Newsome, Mr. Chris Philip, and Mr. Mike Pitchure.

Ms. Lafferty said that the conditional amendment application was to allow a microwave antenna to be placed at 130 feet on the existing cell tower. It would be approximately twenty-one feet above the existing Sprint microwave antenna.

Ms. Lafferty presented a copy of the structural report for the tower which stated that the new antennas and microwave dish would be sustained by the existing tower. A synopsis of the report was provided to each Board member, and the full report was given to Field Assistant Jeffers for the file.

Mr. Mike Pitchure, Structural Engineer, Site Quest Ltd., 3867 W. Market Street, Akron, Ohio, 44333, said the amendment proposed to locate a four-foot microwave dish approximately two-thirds of the way up on the existing tower. The microwave dish would serve as a point-to-point communication link with another tower that had

the necessary trunking to connect to the rest of the world. It was a key element for the additional antennas.

Mr. Pitchure said a Stinger (small, truck-mounted crane) would likely be needed to lift the mount into place and to attach the microwave dish. They wanted to put the cable from the shelter to the microwave dish inside the tower. There was an opening at the bottom of the tower for the cable; however, there was not a port at the proposed location of the microwave dish to bring the cable out of the tower. A man in a basket would probably be needed to cut a hole in the shell of the tower and weld a connection to get the cable from the inside of the tower to the outside of the tower.

Mr. Pitchure said the cable could be located on the outside of the tower; but in a residential area, it was not desirable since the cable detracted from the slenderness and uniformity of the structure.

Board Member Tucheck asked if the microwave dish would be located at a height of 130 feet.

Mr. Pitchure confirmed that the microwave dish would be located at 130 feet.

Board Chairperson Tanski referred to the crane that would be necessary to install the microwave dish. He expressed concern regarding the footprints the crane would make given the wet soil conditions in the vicinity of the cell tower site. Weather could be a significant factor to consider when scheduling the installation. He thought the easement stated that they would have to repair any damage that the crane may cause.

Board Chairperson Tanski expressed concern about welding at 130 feet on a windy day in the vicinity of residential homes.

Mr. Pitchure said tower climbing was forbidden by OSHA when winds exceeded twenty miles-per-hour. Given the proximity of the homes and potential sparks, he thought special care needed to be taken in this situation.

Board Member Hughes said the site photograph showed a concrete driveway with a double-open gate leading into the tower compound. He wondered if a crane would fit through the opening.

Mr. Pitchure was not sure. It would be to the contractor's advantage to enter the compound and get the crane as close as possible to the tower. However, it would depend upon the contractor that was selected to perform the work. Once a contractor was chosen, it would be possible to let the Township know when the work would be scheduled and what equipment would be used.

Board Chairperson Tanski asked approximately how many days the work would take to complete.

Depending upon material availability, Mr. Pitchure said the antenna replacements should take one-half day to one day. The microwave dish would take two days, and possibly a little longer. Cutting, welding, and testing would take one day. It would take another day to get the microwave dish in place and positioned, and it may take another day or two (depending upon difficulties) to aim the dish into place to link with the other dish.

Mr. Pitchure did not know the projected timeframe for completing the work, but Ms. Lafferty indicated that the intent was to complete the work this year.

Mr. Pitchure said that the antenna exchange and microwave dish were two separate projects. One may happen before the other, or they both may occur at the same time.

For the record, Ms. Lafferty presented a map (prepared by Mr. Philip) that showed the point-to-point microwave contact previously referred to by Mr. Pitchure.

Mr. Philip, SBA Network Services, said the other tower was located at 7079 Wooster Pike (near Paradise Road and Wooster Pike). The tower was zoning exempt.

Field Assistant Jeffers referred to the analysis report for load capacity and asked for clarification regarding the maximum percentage allowed.

Mr. Pitchure said that the maximum allowed was 105 percent. It was more of a wind load capacity than a load capacity. Wind load on the structure – not the physical weight of the antennas or the tower – controlled the tower's design. The codes had changed several times over the past twenty to thirty years, but an international code was adopted by most states in the United States (including Ohio) about five years ago. Within the last two years, the standards had changed; and the wind load slightly increased. The analysis reflected the new code and new requirements.

Board Member Hughes said there would be a lot more wind resistance with the addition of a four-foot microwave dish. He did not believe the dish would be proposed if it was not structurally sound.

Mr. Pitchure said that two different criteria had to be looked at for microwave dishes. In addition to the stress associated with that additional wind load, it was also necessary to consider that under wind load the dish would move around a little. It was necessary to control the amount of deflection to ensure that the microwave communication path was not lost. The analysis was not only a stress analysis, but a deflection analysis to ensure that the deflection criteria were not exceeded and the microwave dish would work properly.

Board Member Tucheck wondered how much the pole swayed at the top.

Mr. Pitchure said a 190-foot pole would typically sway about six inches under an eighty to ninety mile-per-hour wind load. Poles in this area were designed for a three-second gust with a ninety mile-per-hour wind load. He said that under high wind load, a tower did not necessarily fail, but lost all of its appendages.

Board Chairman Tanski said the proposed microwave dish was pointed to the southwest, which was not a favorable direction in this area.

Ms. Lafferty stated that the microwave dish was co-locating on an existing tower which kept with the Township's regulations, goals, and objectives.

Board Chairman Tanski asked how often a stress analysis was conducted on cell towers. Everything began to fail at some point.

Mr. Pitchure said the only time a rigorous stress analysis was done on a tower was when there was a change of some type, such as the proposed changes. There was an annual inspection on most towers which looked at the level of corrosion and any

other damages. Most of the structural related problems Mr. Pitchure had seen were on towers that were more than fifty years old; however, most towers were less than thirty years old.

Board Chairman Tanski opened the meeting for public comment, but no one from the public was in attendance. The public portion of the public hearing was closed.

Without additional comments or questions, Board Chairman Tanski asked for a motion.

**MOTION:** Board Member Tucheck moved that Amendment #3 be granted to Crown Castle of 2000 Corporate Drive, Canonsburg, PA 15317 – owner of an existing cell tower at 5825 Churchill Way, Medina, Ohio 44256. Said amendment shall allow for the installation of (1) new microwave dish on the existing tower at the 130 foot level. No changes to existing ground equipment.

**SECOND:** Board Member Hughes

**ROLL CALL:** Mr. Bill Tucheck – “I vote yes to Amendment #3.”  
Mr. Terry Hughes – “Approve Amendment #3.”  
Mr. Ron Tanski – “I approve Amendment #3.”

Board Chairperson Tanski asked when the Safety Services Center would be completed. Field Assistant Jeffers said that the scheduled date was October 7<sup>th</sup>, with a move-in date to follow. Field Assistant Jeffers said a room would be available in the new Safety Services Center for the community to rent. The Board of Zoning Appeals thought it would be nice to have an open house for the community to tour the new building.

**MOTION:** Commission Member Hughes moved to adjourn the meeting.

**SECOND:** Commission Member Tucheck

A collective oral vote was taken with all Board members stating “aye.” (There were no objections.) The September 19, 2011 Board of Zoning Appeals meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Bonnie Schwehm

Signature \_\_\_\_\_  
Chairperson

Date \_\_\_\_\_