

EAST BERLIN BOROUGH COUNCIL
128 Water Street
East Berlin, PA 17316

Continuation of Conditional Use Hearing - Chesapeake Towers

March 27, 2013

A Conditional Use Hearing continued from February 25, 2013, was held before the East Berlin Borough Council on March 27, 2013, at the East Berlin Borough Hall. The Hearing was opened at 6:00 PM.

Members Present: James LeVan; Roberta Teal; Charles Eisenhart; Richard Cashman; Donald Dixon; and Andrew Raymond

Members Absent: President Charles Krall

Also Present: Secretary/Treasurer Darlene McArthur; Suzie Myers; Ralph Myers; Loy Elliott; Tom Burger; Perry Shearer; Debbie Shearer; David Richards; and James Strong, Attorney for Chesapeake Towers, LLC (the Applicant)

Vice President James LeVan announced that this evening's Hearing is a continuation of the public comment period on the Conditional Use Application from Chesapeake Towers for anyone who was unable to comment at the previous session on February 25, 2013. Solicitor Battersby submitted the proof of publication for this evening's hearing as Borough Exhibit #3, notices to adjoining property owners dated February 22, 2013 as Borough Exhibit #4, and notices to adjoining property owners dated March 11, 2013 as Borough Exhibit #5. Solicitor Battersby invited comment from anyone in the audience who was unable to attend the previous session.

David Richards stated that he would verbally review his written comments submitted to Council. Regarding Mr. Richards' comments provided at the previous session, Solicitor Battersby advised that only new comments would be accepted and noted that any discussion of the lease agreement is a separate matter from the Conditional Use Hearing before Council. Mr. Richards discussed the possible negative impact of the visual or safety aspects of the proposed cell tower, Chesapeake's lack of demonstration of alternate tower heights, and his concern of structural failure.

Attorney James Strong resubmitted the nine (9) exhibits introduced at the previous session. Regarding the comments raised by Mr. Richards, Attorney Strong stated that the exhibits and testimony provided at the previous session addressed each of the specific requirements of Section 901.B of the Zoning Ordinance, and requested that Council grant the Conditional Use based on the testimony and exhibits provided.

In response to Vice President LeVan's request for any additional comments, none were received. Solicitor Battersby reminded Council to provide a response to the applicant within forty-five (45) days as required by the Conditional Use Application process. The Hearing closed at 6:09 PM.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council