

Subject: Cell Tower - Dines Road

From: Chuck Walder <cwalder@russelltownship.us>

Date: 12/28/2016 1:21 PM

To: 'Justin Madden' <justin.madden64@gmail.com>, Gary Gabram <gggabram@yahoo.com>, Jim Mueller <jmuellerpolysci@aol.com>, Melissa Palmer <mpalmer@russelltownship.us>

CC: Jennell Dahlhausen <JDahlhausen@RussellTownship.us>, Shane Wrench <zoning@russelltownship.us>, Brittany Milite <BMilite@RussellTownship.us>, Jen Dorka <JDorka@RussellTownship.us>, Kate Jacob <Kate.Jacob@gcpao.com>, Chuck Walder <cwalder@russelltownship.us>

Trustees:

Per your verbal requests to me to answer the cell tower proposed on Dines Road and in accordance with orc 519.211(B)(4)(a), I have attached my letter and background information.

--

Charles E. Walder

Russell Township Fiscal Officer
P.O. Box 522, 8501 Kinsman Rd.
Novelty, OH 44072
Office: (440) 338-8155
Cell: (216) 554-1094
Fax: (440) 338-1965

— Attachments:

12272016StrategisAnswer.pdf	79.5 KB
12272016StrategisObjectionFromResident.pdf	121 KB
12132016StrategisLetter.pdf	69.7 KB
orc 519.pdf	62.4 KB

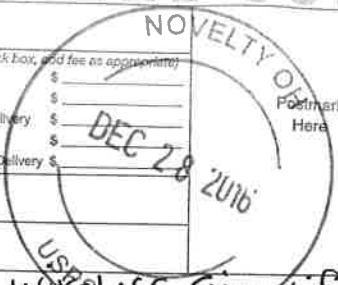
U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sender's Name	Strategis Wireless Simplified
Street and Apt. No. or P.O. Box No.	2530 Superior Ave E, Ste 303
City, State, ZIP+4	Cleveland, OH 44114

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



TOWNSHIP

Novelty, Ohio 44072

Strategis Wireless Simplified
Attn: Ryan Johnson
2530 Superior Ave E, Suite 303
Cleveland, Ohio 44114

Dear Mr. Johnson,

The township is in receipt of your letter dated December 13, 2016 (received December 20, 2016) as well as an objection notice from a property owner dated December 21, 2016 regarding your proposal for a wireless communication facility to be constructed at 8123 Dines Road (PP# 26-028770) in Russell Township.

Please be advised that this tower proposal is subject to the power conferred by and in accordance with division (B)(2) of the Ohio Revised Code section 519.211.

The property in question is zoned R-5: Residential and is not within the WTTO: Wireless Telecommunication Tower Overlay District, per section 5.9 of our Zoning Resolution. Therefore, this facility is not permitted at the 8123 Dines Road (PP# 26-028770) property.

Sincerely,

Charles Walder
Fiscal Officer

cc: Kate Jacob – GCPA
Board of Trustees
Zoning
file

Board of Trustees
(440) 338-8912

RUSSELL

8501 Kinsman Road
P.O. Box 522



TOWNSHIP

Novelty, Ohio 44072

December 27, 2016

Strategis Wireless Simplified
Attn: Ryan Johnson
2530 Superior Ave E, Suite 303
Cleveland, Ohio 44114

Dear Mr. Johnson,

The township is in receipt of your letter dated December 13, 2016 (received December 20, 2016) as well as an objection notice from a property owner dated December 21, 2016 regarding your proposal for a wireless communication facility to be constructed at 8123 Dines Road (PP# 26-028770) in Russell Township.

Please be advised that this tower proposal is subject to the power conferred by and in accordance with division (B)(2) of the Ohio Revised Code section 519.211.

The property in question is zoned R-5: Residential and is not within the WTO: Wireless Telecommunication Tower Overlay District, per section 5.9 of our Zoning Resolution. Therefore, this facility is not permitted at the 8123 Dines Road (PP# 26-028770) property.

Sincerely,

A handwritten signature in black ink, appearing to read 'CW', is written over the word 'Sincerely,'.

Charles Walder
Fiscal Officer

cc: Kate Jacob – GCPA
Board of Trustees
Zoning
file

Board of Trustees
(440) 338-8912

December 13, 2016

RECEIVED DEC 20 2016

Russell Township Board of Trustees
Po Box 522
Novelty, OH 44072

Dear Sir or Madam:

Please be advised that I serve as a consultant to Eco Site and T-Mobile.

In that regard, this correspondence serves as Eco-Site and T-Mobile's notice as required under section 519.211 of the Ohio Revised Code to construct a 190' wireless communication facility located in Russell Township.

The proposed location is along the wooded area behind the Scenic Run Equestrian Center at 8123 Dines Road, Russell Township, Ohio 44072 on parcel #26-028770. T-Mobile proposes to mount twelve (12) antennas on a 190' monopole tower, to be owned by Eco-Site, with lighting rod and related equipment cabinets on a concrete pad within an approximately 5,000 square foot fenced lease area.

No later than fifteen days after the date of mailing of the notice, written notice may be provided to the Russell Township Board of Trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower.

If you have any questions please feel free to contact me at 440-241-8273 or ryan.johnson@strategisllc.com.

Sincerely,



Ryan Johnson

Novelty, on December 21, 2016

To the attention of the Russell Township Trustees
8501 Kinsman Rd, Novelty, OH 44072

Dear Russell Township Trustees,

I just received a registered letter from Strategis, signed by Ryan Johnson, regarding the potential building of a cellular tower on the parcel #26--028770 at 8123 at Dines Rd at Scenic Run Equestrian center. The letter stated that this company was bound, by Ohio revised code, to notify neighboring or bordering properties about the 190' tower.

Therefore, I called Ryan Johnson to ask questions, as per recommended by the letter from Strategis letter. Ryan Johnson, though polite, was very evasive about this project, and more specifically about the exact location of the tower. He told me that the trees would hide the 190' structure. From the vague description Ryan gave me, the structure could possibly be 300 feet or less from my home. I do not understand why Ryan would not disclose the exact location of the tower. After continuous questioning by me, Ryan finally said it was in the landfill area where some trailers get parked. This area, which Ryan Johnson referred to has been a landfill project of the property owner for at least the past 3 years, mostly happening in the middle of the night, between 1-3 am, and including manure!

Apparently, not all of the other residents on Dines Rd. are aware of the proposed building of this cellular tower. In any case, I am, and all those neighbors, who have or have not (?) received the letter from Strategis and whom I have contacted are, very concerned about the effects and the harmful consequences of the proximity of towers to residences causing severe health issues, such as cancer. The towers at the polo field are set away from homes. This one is going up less than 200 meters from my home.

Subsidiarily, this will also affect significantly the property values for the reasons exposed above (health danger, environment, aesthetics...).

This is why I am adamantly opposed to this cellular tower being built so close to my home.

Sincerely,


Ardis BILLEY

December 13, 2016

Ardis & Patrick Billey
8281 Dines Rd
Novelty, OH 44072

Dear Sir or Madam:

Please be advised that I serve as a consultant to Eco Site and T-Mobile.

In that regard, this correspondence serves as Eco-Site and T-Mobile's notice as required under section 519.211 of the Ohio Revised Code to construct a 190' wireless communication facility located in Russell Township.

The proposed location is along the wooded area behind the Scenic Run Equestrian Center at 8123 Dines Road, Russell Township, Ohio 44072 on parcel #26-028770. T-Mobile proposes to mount twelve (12) antennas on a 190' monopole tower, to be owned by Eco-Site, with lighting rod and related equipment cabinets on a concrete pad within an approximately 5,000 square foot fenced lease area.

No later than fifteen days after the date of mailing of the notice, written notice may be provided to the Russell Township Board of Trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower.

If you have any questions please feel free to contact me at 440-241-8273 or ryan.johnson@strategisllc.com.

Sincerely,



Ryan Johnson

December 13, 2016

Lynn Kriessler
8054 Dines Rd
Novelty, OH 44072

Dear Sir or Madam:

Please be advised that I serve as a consultant to Eco Site and T-Mobile.

In that regard, this correspondence serves as Eco-Site and T-Mobile's notice as required under section 519.211 of the Ohio Revised Code to construct a 190' wireless communication facility located in Russell Township.

The proposed location is along the wooded area behind the Scenic Run Equestrian Center at 8123 Dines Road, Russell Township, Ohio 44072 on parcel #26-028770. T-Mobile proposes to mount twelve (12) antennas on a 190' monopole tower, to be owned by Eco-Site, with lightning rod and related equipment cabinets on a concrete pad within an approximately 5,000 square foot fenced lease area.

No later than fifteen days after the date of mailing of the notice, written notice may be provided to the Russell Township Board of Trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower.

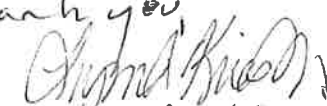
If you have any questions please feel free to contact me at 440-241-8273 or ryan.johnson@strategisllc.com.

Sincerely,



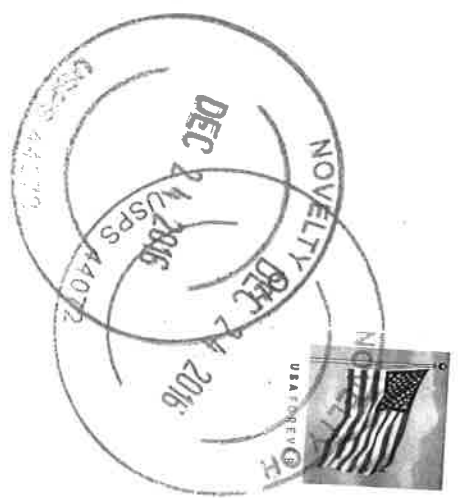
Ryan Johnson

Please apply sections 519.02 + 519.25
of the Revised Code to the tower
noted in this notification

Thank you,

Lynn A. Kriessler
12/18/16

6054 Vine Rd
Novelty, OH 44072

Russell Township Trustees
PO Box 522
Novelty OH 44072



Subject: Another objection to cell tower..
From: Brittany Milite <BMilite@RussellTownship.us>
Date: 12/29/2016 4:13 PM
To: Chuck Walder <cwalder@russelltownship.us>, Gary Gabram <gggabram@yahoo.com>, Justin Madden <Justin.madden64@gmail.com>, James Mueller <jmuellerpolysci@aol.com>, "mpalmer@russelltownship.us" <mpalmer@russelltownship.us>, Russell Township Zoning <zoning@russelltownship.us>
CC: Jennell Dahlhausen <JDahlhausen@RussellTownship.us>, Jen Dorka <JDorka@RussellTownship.us>

Hi all,

Attached is another objection to the cell tower for Dines Road that I just received. Ms. Holmes wanted me to make you aware that she just received this letter, dated on the 13th, this afternoon. She indicated that she will be at the first January trustee meeting to discuss the cell tower as well. Just an FYI.

Thanks,

Brittany Milite
Assistant to the Fiscal Officer
Russell Township
440-338-7783 (phone)
440-338-1965 (fax)

----- Forwarded Message -----

Subject: Attached Image
Date: Thu, 29 Dec 2016 17:13:45 -0500
From: copier@russelltownship.us
To: Brittany <Bmilite@russelltownship.us>

— Attachments: —

1801_001.pdf

93.9 KB

STRATEGIS

2530 Superior Avenue E | Suite 303 | Cleveland, OH 44114

WIRELESS. SIMPLIFIED. *O:* 216.862.4380 *F:* 216.803.0803 *W:* www.StrategisLLC.com

December 13, 2016

Denise Holmes
8220 Whispering Pines Dr
Novelty, OH 44072

Dear Sir or Madam:

Please be advised that I serve as a consultant to Eco Site and T-Mobile.

In that regard, this correspondence serves as Eco-Site and T-Mobile's notice as required under section 519.211 of the Ohio Revised Code to construct a 190' wireless communication facility located in Russell Township.

The proposed location is along the wooded area behind the Scenic Run Equestrian Center at 8123 Dines Road, Russell Township, Ohio 44072 on parcel #26-028770. T-Mobile proposes to mount twelve (12) antennas on a 190' monopole tower, to be owned by Eco-Site, with lighting rod and related equipment cabinets on a concrete pad within an approximately 5,000 square foot fenced lease area.

No later than fifteen days after the date of mailing of the notice, written notice may be provided to the Russell Township Board of Trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower.

If you have any questions please feel free to contact me at 440-241-8273 or ryan.johnson@strategisllc.com.

Sincerely,



Ryan Johnson

as per sec. 519.02-519.25
Letter dated 12/13/2016
I object to the construction of this cell tower.
Denise Holmes

519.211 Limits on township zoning power - telecommunications towers.

(A) Except as otherwise provided in division (B) or (C) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any board of township trustees or board of zoning appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. As used in this division, "public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, that has been issued a permit under Chapter 3734. of the Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714. of the Revised Code.

(B)

(1) As used in this division, "telecommunications tower" means any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

(a) The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.

(b) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

(c) The free-standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.

(d)

(i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

(ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

(e) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

(2) Sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height. However, the power so conferred shall apply to a particular telecommunications

tower only upon the provision of a notice, in accordance with division (B)(4)(a) of this section, to the person proposing to construct the tower.

(3) Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall provide both of the following by certified mail:

(a) Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:

(i) The person's intent to construct the tower;

(ii) A description of the property sufficient to identify the proposed location;

(iii) That, no later than fifteen days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower as provided under division (B)(4)(a) of this section.

If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

(b) Written notice to the board of township trustees of the information specified in divisions (B)(3)(a)(i) and (ii) of this section. The notice to the board also shall include verification that the person has complied with division (B)(3)(a) of this section.

(4)

(a) If the board of township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent under division (B)(3)(b) of this section, the board shall request that the fiscal officer of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, sections 519.02 to 519.25 of the Revised Code shall apply to the tower.

(b) If the board of township trustees receives no notice under division (B)(3)(a)(iii) of this section within the time prescribed by that division or no board member has an objection as provided under division (B)(4)(a) of this section within the time prescribed by that division, division (A) of this section shall apply to the tower without exception.

(C) Sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909., 4921., and 4923. of the Revised Code. However, this division confers no power on a board of township trustees or

(519.211 (4)(b))

board of zoning appeals with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants.

(D) Sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

(E)

(1) Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

(2) As used in division (E) of this section:

(a) "Residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence.

(b) "Telecommunications tower" has the same meaning as in division (B)(1) of this section, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

Effective Date: 09-30-1998; 09-16-2004; 12-20-2005; 2008 HB562 09-22-2008