

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
CONDITIONAL USE HEARING FOR CINGULAR WIRELESS
Monday, July 26, 2004
7:00PM**

The Conditional Use Hearing for Cingular Wireless was called to order by Hilltown Township Board of Supervisors Chairperson Kenneth B. Bennington at 7:02PM.

Also present were: George C. Egly, Jr. – Vice-Chairperson
Richard J. Manfredi – Supervisor
Francis X. Grabowski – Township Solicitor
C. Robert Wynn – Township Engineer
Lynda S. Seimes – Township Secretary

Solicitor Grabowski advised that this Conditional Use Hearing is being held before the Board of Supervisors of Hilltown Township to hear the application of Cingular Wireless LLC of King of Prussia. A legal notice appeared in the Doylestown Intelligencer on July 9, 2004 and July 16, 2004, indicating that this hearing would be held this evening. The application has been on file at the Township office since its receipt, and the applicant has supplied the required listing of residents in the general vicinity of the property, who also received a legal notice via regular mail by correspondence dated July 15, 2004.

A. PROPOSAL: The Township received a Conditional Use Application to reduce the height of the Cingular Wireless tower located at 30 Broad Street within the Rural Residential Zoning District. Use F6, Communication Towers and Cellular Telecommunication Facilities, are permitted as conditional uses within the RR Zoning District, subject to standards contained within Section 406.F6. Currently, there is a 360 ft. tall tower and two existing equipment shelters, located on the site. The plan proposes to reduce the height of the tower to 190 ft., remove one equipment shelter and replace the equipment shelter with an 11 ft. 5 in. X 38 ft. Cingular equipment shelter enclosed by an eight ft. high chain link fence.

Mr. Ed Wild, the applicant's legal counsel was in attendance along with Mr. Brock Riffel, Radio Frequency Engineer, Mr. John Tallman, Project Representative for Cingular, and Mr. Philip Burtner, the applicant's engineer, to present the plan.

B. EVIDENCE SUBMITTED:

- Exhibit T-1 – Proof of Publication
- Exhibit T-2 - Affidavit of Service by Mailing
- Exhibit T-3 – Correspondence of July 12, 2004 from C. Robert Wynn Associates addressed to the Hilltown Township Planning Commission.
- Exhibit A-1 – Conditional Use Application and accompanying data
- Exhibit A-2 – Plans of Daniano Long dated November 11, 2003, now last revised June 1, 2004.

- Exhibits A-3 and A-3a - Edited/Redacted Lease Agreements with Property Owners.
- Exhibit A-4 – Certification from Damiano Long dated February 26, 2004, confirming resistance to wind gusts of 100 mph.
- Exhibit A-5 – Structural Report of the Tower
- Exhibit A-6 – FCC License of Cingular Wireless
- Exhibit A-7 – Correspondence from Millennium Engineering confirming that the electromagnetic energy generated from the site will be within FCC guidelines.
- Exhibit A-8 – Two sheets of Propagation Plots
- Exhibit A-9 – Correspondence dated July 26, 2004 from Damiano Long noting that if three additional co-locators were added at 10 ft. intervals below Cingular Wireless proposed antennae; the tower would still be in compliance with any structural concerns.
- Exhibit A-10 – Correspondence from Mr. Edward Wild, Esquire, to Francis X. Grabowski dated July 23, 2004 asserting the lack of need for a land development, or alternatively, asking for a land development.

C. DISCUSSION: Mr. Wild advised that the 7.5 acre site is located near the intersection of Broad Street and Callowhill Road, and is presently improved with a gravel driveway, a fenced compound area, and 360 ft. tall lattice-type tower with guide wires attached. Cingular Wireless is proposing to acquire the tower, and use it as an F6 wireless communications facility, thereby reducing the height of the tower from its present height of 360 ft. to approximately 195 ft. in height. There will be a platform erected with antennas attached to the top, very similar to the tower located behind this municipal building. The fenced compound is proposed to be slightly enlarged to 50 ft. by 50 ft.. The existing buildings would be removed, and a new, unmanned, prefabricated telecommunications building 11 ft. 5 in. by 28 ft. in size would be constructed inside that fenced compound. Mr. Wild views this proposal as a complying application in terms of the Conditional Use criteria or considered a pre-existing non-conforming condition that is in fact being abated or lessened.

Mr. Wynn's engineering review dated July 12, 2004 notes that Section 406.F6.3 provides regulations for a Telecommunication Facility when permitted as a Conditional Use within the Rural Residential Zoning District. They include the following:

- Tower and equipment building shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.
- Minimum lot area shall be 10 acres (The site is currently non-conforming with respect to Section 406.F6.3.2(c)).

- Vehicular access to the equipment building shall (whenever feasible) be provided along the circulation driveways of the existing use. In this case, there is no other use on the site, and the driveway access to the tower and equipment buildings exists.
- Maximum height of the tower shall be 150 ft. Current tower is non-conforming at 360 ft. Proposed reduction in height to 195 ft. reduces the extent of the non-conforming height.

Mr. Wynn recommends approval of the Conditional Use application subject to the following:

- The applicant shall demonstrate that the tower is the minimum height necessary for the area served and that the tower facility must be located on the subject lot to serve the intended purpose.
- The applicant shall demonstrate that any newly constructed equipment building is the minimum height necessary to house the equipment for the facility.
- The applicant shall document that the tower is designed in accordance with standards included within the Zoning Ordinance.
- The applicant shall demonstrate that the proposed tower complies with all state and federal laws and regulations concerning aviation safety.
- Grant of Conditional Use is conditioned upon the agreement by the applicant to co-location of at least three other communication companies' equipment on the tower upon payment to the applicant of a commercially responsible fee by the other companies and upon consideration by the applicant of the request for co-location within a reasonable time.
- Grant of Conditional Use is conditioned upon the agreement by the applicant to the prompt removal of the tower and facilities should it cease to be used for receiving or transferring telecommunications.
- The applicant meets requirements of the Hilltown Township Stormwater Management Ordinance dated September 23, 2004 or verifies the site qualifies for an exemption pursuant to Section 105 of the Ordinance. In the event the exemption criteria are met, the applicant must pay the fee established by Resolution of the Board of Supervisors to the Municipal Stormwater Management Capital Fund.

- Applicant submits, or receives a waiver from submission of a land development plan for the non-residential structure proposed to contain the Cingular Wireless equipment.

Mr. Wild advised that the applicant does not consider this proposal as a “land development,” however the applicant would be willing to provide a contribution to the Township’s Park and Recreation fund in the amount of \$3,500.00 for a waiver of the land development process. Supervisor Manfredi asked if the proposed donation would be specific to the Park and Recreation fund. Mr. Wild replied that the monetary donation would not be restricted in any way, and the Township could certainly use that donation as they see fit.

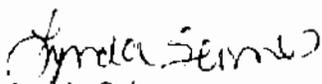
Mr. Wild noted that the tower at the proposed height of 195 ft. would work with various carriers systems and that there is more than sufficient space and opportunity for other carriers to locate on the reduced height tower. Discussion took place.

D. PUBLIC COMMENT: Nonc.

E. DECISION: Motion was made by Supervisor Manfredi, seconded by Supervisor Egly, and carried unanimously to grant Conditional Use approval to Cingular Wireless based upon the testimony this evening, and conditioned upon satisfactory completion of all outstanding items as noted in Mr. Wynn’s July 12, 2004 review, subject to the pre-existing non-conformities that are intended to remain, and to grant a waiver of land development with a monetary donation to Hilltown Township as noted above. There was no public comment.

F. ADJOURNMENT: The advertised Conditional Use Hearing for Cingular Wireless was adjourned at 7:22PM.

Respectfully submitted,


Lynda Seimes
Township Secretary