

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
CONDITIONAL USE HEARING FOR  
AT&T WIRELESS PCS  
Monday, November 25, 2002  
7:00PM**

The advertised Conditional Use Hearing for AT&T Wireless PCS was called to order by Chairperson John S. Bender at 7:00PM.

Also present were: Kenneth B. Bennington, Vice-Chairperson  
Betty P. Snyder, Supervisor  
Francis X. Grabowski, Township Solicitor  
Lynda S. Seimes, Township Secretary

Solicitor Grabowski explained that this is an advertised Public Hearing by the Hilltown Township Board of Supervisors concerning the application of AT&T Wireless PCS seeking conditional use approval to place telecommunication antennas on an existing water tank owned by the Hilltown Township Water and Sewer Authority along with a related equipment cabinet at the base of said water tank. The site is located on Rt. 152 in Hilltown Township; and is more particularly identified as Bucks County Tax Parcel Number 15-28-136 (the "Property"). The Property is located in the Village Center Zoning District; and the proposed use requires conditional use authorization pursuant to the Hilltown Township Zoning Ordinance of 1995, as amended.

A. PUBLIC COMMENT: None.

B. DISCUSSION: Solicitor Grabowski advised that the Supervisors have the application for Conditional Use in front of them, as well as the recommendation for approval by the Hilltown Township Planning Commission. Rather than going through all of the applicant's witnesses, the Supervisors agreed to consider an offer of proof for the application.

Ms. Catherine E. Naughton Durso, the applicant's legal counsel, along with Mr. Cliff Shaffer and Mr. Amid Faddah, representing AT&T Wireless were in attendance to present the application. Multiple exhibits (A-1 through A-8) were introduced by the applicant, including the Lease Agreement between Hilltown Township and the Hilltown Township Water and Sewer Authority; the Lease Agreement between AT&T Wireless and the Hilltown Township Water and Sewer Authority; AT&T Wireless's PCS FCC License; an antenna specification sheet; a PE structural certification and analysis; AT&T radio frequency engineer's propagation analysis showing coverage without the site; AT&T radio frequency engineer's propagation analysis showing coverage with the site; and an EMF Compliance Report. Additionally, the application, site plan and all exhibits were introduced by the Applicant and were accepted into the record of the matter. The Supervisors also accepted an offer of proof by Ms. Naughton Durso of the testimony to

be presented. Mr. Shaffer swore and affirmed that the above noted documents are true and correct copies of said documents. Mr. Shaffer and Mr. Faddah, were both available for testimony, but were not required to since there was no opposition to the proposal or questions for them.

The location of the equipment cabinets is proposed at the base of the facility within the existing fenced compound within a 7 ft by 8 ft. leased area. Since the equipment cabinets are proposed to be located in the rear portion of the fenced compound, which currently has vegetation around it, the applicant is proposing to allow the existing vegetation to remain in its current state, and is not proposing any additional buffer materials.

As per the Ordinance, AT&T Wireless would also be responsible for removal of equipment if it remains unused for the appropriate 12-month period. No signs or lighting is proposed at the site. The facility will be in compliance with the FCC/FAA and other Federal regulations.

Solicitor Grabowski asked if the applicant would agree to a condition that, should the Board allow for the conditional use, the Township would be permitted to install any municipal telecommunication equipment on the tower, as long as it did not interfere with the applicant's signals, and at no charge to the Township. Ms. Naughton Durso replied that the applicant has no control over the water tank, however they are not opposed to the Authority or the Township doing whatever they feel is necessary. Supervisor Bennington was pleased that the applicant used an existing tower, rather than proposing to construct a new facility.

C. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road asked if there are any harmful effects from the antennas emitting some sort of radiation, and also asked how many antennas are permitted before an unsafe limit is reached. Ms. Naughton Durso replied that the wireless antennas proposed by AT&T Wireless are 2,000 times lower than the maximum permitted by the Federal Government. The amount of antennas in addition to those proposed would be dependent by the output on an antenna-by-antenna basis. Conceivably, there could be at least five more wireless carriers on that water tank, while still being well below the Federal requirements. Discussion took place.

Mrs. Teed asked what color the equipment cabinets will be. Ms. Naughton Durso replied that they will be similar to the existing cabinets on the site, a grayish-brown color, which blends in with the surroundings.

AT&T Wireless Conditional Use Hearing  
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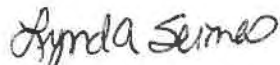
D. CONCLUSION: The Hilltown Township Board of Supervisors reviewed the various exhibits presented and the testimony given through the offer of proof and has determined that the proposed conditional use is not adverse in and of itself. Under the Hilltown Township Zoning Ordinance of 1995, as amended, an F-6 cellular telecommunications facility is permitted as a conditional use in each zoning district. The parcel of property subject to this hearing is currently zoned VC under the current Zoning Ordinance, and the proposed use is permitted as a conditional use in this district. The evidence given and the exhibits accepted indicate that the appropriate and applicable conditions of the Zoning Ordinance of 1995 have been met. Access to the site is safe and no traffic improvements are necessary. The evidence indicates that there are no safety problems that need to be addressed.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant Conditional Use Approval to the AT&T Wireless request to install six attached wireless telecommunication antennas to the Hilltown Township Water and Sewer Authority water tank with the condition as specified to permit Township use of the antenna, and to place equipment cabinets at the base of the water tank, as noted above; and to grant waiver of Land Development submission for same. There was no public comment.

Solicitor Grabowski explained that according to the Township Zoning Ordinance, there is 45 days to issue a written decision based upon this evening's action. He anticipates having the written decision completed within the next week or two, and it will then be available for the Board's signature at their worksession meeting of December 9, 2002.

E. ADJOURNMENT: The advertised Conditional Use Hearing for AT&T Wireless was adjourned at 7:10PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary