

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
CONDITIONAL USE HEARING OF
HAINES AND KIBBLEHOUSE INCORPORATED
Monday, June 14, 1999
7:30PM**

The Conditional Use Hearing was called to order by Chairman William H. Bennett, Jr. at 7:40PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
John S. Bender, Supervisor
Bruce G. Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
Henry Budenz, Haines and Kibblehouse Representative
Richard Manfredi, Haines and Kibblehouse Representative

Solicitor Grabowski explained the purpose of this hearing is to consider the application of Haines and Kibblehouse, Incorporated, who filed a Conditional Use application on April 26, 1999. The applicant is seeking authorization to install a 150-ft. private transmission tower on their property located at 300 Skunk Hollow Road. This Conditional Use Hearing requires that there be a transcript prepared of any testimony given. To that end, the Township has retained the services of Ms. Vicky Haines, Court Stenographer.

In addition to the application, there were two exhibits presented for public review, including an aerial diagram and an aerial depiction of the entire property showing the existing quarry.

Upon receipt of the application, it was submitted to the Hilltown Township Planning Commission for review as per Zoning Ordinance requirements. The Hilltown Planning Commission, via correspondence dated June 8, 1999, recommended that the Board of Supervisors strictly follow the Zoning Ordinance and also to require that the applicant contact the owner of the microwave tower currently located on Callowhill Road to determine if they can "piggyback" on that particular tower.

A. ENTRIES OF APPEARANCE: Solicitor Grabowski advised the following individuals have requested an opportunity to speak and cross examine the witnesses presented by the applicant at this hearing:

1. Mr. Walter B. Helhowski, 134 Broad Street, Hilltown, PA
2. Mr. Leslie Keers, 529 Skunk Hollow Road, Chalfont, PA
3. Mr. John L. Snyder, 2018 Mill Road, Perkasie, PA – representing Hilltown Township Volunteer Fire Company
4. Peter and Susan Peterson, PO Box 258, Hilltown, PA

Solicitor Grabowski explained the Township did provide notice of this hearing to the property owners deemed adjacent to the site, by the Zoning Officer. Those property

owners include: Mr. and Mrs. Hersh, Ms. Lois Gordon, Mr. Donald Strauss, Mr. and Mrs. Paul Schultz, Mr. and Mrs. Richard Rittenauer, Mr. Anthony Quartz, Mr. and Mrs. Peter Peterson, Ms. Barbara Walsh, Mr. and Mrs. Joseph Brady, Ms. Loretta Payne Nelson, Philadelphia Electric Company, Mr. Francis DiCondina, and Ms. Janet Baroni.

B. APPLICANT TESTIMONY: Mr. Harry Budenz and Mr. Richard Manfredi, representing Haines and Kibblehouse, were sworn in by Ms. Haines for testimony at this hearing.

1. Mr. Budenz stated the quarry is presently utilizing a tower located in the Township and owned by Bux-Mont Communications of 324 Fairhill Road, and has been since 1969, however, the owner of Bux-Mont Communications intends to retire and give up his business in the near future. The antenna for Haines and Kibblehouse is side-mounted on the tower, along with Blooming Glen Contractors and one other vendor. The elevation of the quarry's current antennae is approximately 625 feet. The issue of height is most important in order to avoid "dead spots" in the Township. An area on the Haines and Kibblehouse property has been chosen for construction of the proposed 150-ft. tower, which will allow for at least two sides of the tower to be basically hidden from general view. The applicant is proposing to place their own antennae on the very top of the 150-ft. tower, which would provide for maximum communications availability throughout Bucks County. Two other firms, Blooming Glen Contractors, and Rahns Concrete, intend to have antennae side-mounted on the proposed tower. The tower will be self-supporting, and a 10' by 10' ft. block building to house the equipment will be constructed in conjunction with the tower. This building will be air conditioned, heated and rodent-proof.

Supervisor Bennington asked what use classification this proposal is being submitted under. Discussion took place.

2. Mr. Manfredi contacted IXC Communications, who owns the tower presently located on Broad Street, approximately two months ago to determine whether Haines and Kibblehouse could place antennas on their microwave tower. The request was to place one low band antennae (Omni-directional, 20-ft. high, side mount); two high band antennas (Omni-directional, 20-ft. high, side mount); two point-to-point antennas; and one 450 repeater (Omni-directional, 20-ft. high, side mount) on their tower. There was also a requirement that they be at least 150-ft. in height and that each would have a separate base station that are housed separately. As of this evening, Mr. Manfredi was advised by IXC Communications that they would have space on their tower and would consider allowing Haines and Kibblehouse to piggyback on their 360-ft. microwave tower. Because Mr. Manfredi had difficulties initially establishing contact with IXC Communications, they were not able to review H & K's proposal to provide a firm estimate prior to this hearing. IXC Communications indicated that for a tower with the

same number of antennas in a similar metropolitan area, the cost for leasing tower space would be approximately \$25,000.00 per year, which Mr. Manfredi advised is not feasible.

Mr. Manfredi noted the proposed tower would not be placed anywhere on the site where it could fall outside the applicant's property, and therefore would be located well within the fall zone requirements. It is also buffered by approximately 50 ft. of trees on three sides, with the only exposed area being toward H & K property. The trees are approximately 75 ft. in height.

The Conditional Use Hearing was reconvened following a five-minute recess.

Mr. Manfredi advised the application is being submitted under Section F6.2 Communication Towers and Cellular Telecommunication Facilities, which is permitted as a Conditional Use in a Non-Residential District including Quarry, Planned Commercial-1, Light Industrial, Heavy Industrial, and Village Center. Mr. Manfredi referred to Sections F6.1, 2, 3, and 4 of the Zoning Ordinance for discussion.

C. CROSS EXAMINATION:

1. Supervisor Bender questioned the applicant with regard to the following: whether they had considered any locations other than Hilltown Township; if a study had been conducted to ascertain the minimum height of the tower; the anticipated appearance of the proposed tower; and whether or not the applicant plans to accommodate any other users on the proposed tower. Discussion took place.

2. Supervisor Bennington asked what other occupants might make use of the proposed tower and if the quoted \$25,000.00 lease fee could be divided among the present users. Discussion took place.

3. Discussion took place concerning the relationship between H & K Quarry, Rahns Concrete, and Blooming Glen Contractors; how far the applicant's trucks could travel to still receive signals from the proposed radio tower; and where the dispatcher would be located.

4. Solicitor Grabowski questioned the ground elevation as proposed. Mr. Budenz advised ground elevation at the existing location at Bux-Mont Communications is 570 ft.. The ground elevation at the proposed site at the H & K Quarry property is 625 ft..

5. Mr. John Snyder, Vice-President of Hilltown Fire Company asked if there will be space on the proposed tower for use by emergency services, including the fire company, ambulance and police. Mr. Budenz advised that there would be.

6. Mrs. Susan Peterson of Broad Street in Hilltown expressed concern about interference with her phone line, which happens at present. Further, the issue of the maintenance of the existing quarry fence was discussed.

7. Mr. Peter Peterson of 211 Broad Street asked if the existing tower at the quarry would be removed and Mr. Budenz replied that it would.

8. Ms. Leslie Keers of 529 Skunk Hollow Road also expressed concern about "bleed over" into regular phone lines and questioned what type of lighting would be proposed for aviation safety purposes.

D. ADJOURNMENT: Solicitor Grabowski advised that the transcript of this evening's hearing would be available by the end of June. The applicant allowed the Board of Supervisors an additional 30 days from the time the transcript is received to make a decision at its July 26, 1999 regularly scheduled Board of Supervisors meeting.

The Conditional Use Hearing for Haines and Kibblehouse Incorporated was adjourned at approximately 9:45 PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

*These minutes are a brief summary transcribed from tape recordings taken by Mr. Bruce G. Horrocks, Township Manager. These minutes are in no way an approval or denial of the said Conditional Use Hearing. A complete and official transcription taken by Ms. Vicky Haines, Court Stenographer, is on file at the Township office.