RILEY
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ATTORNEYS AT LAW

NICHOLAS A. CUCE, JR.
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Extension 214

Reply to:
EXTON OFFICE

August 17, 2010

Via Overnight Mail

Denise Miller, Secretary
East Fallowfield Township
2264 Strasburg Road
East Fallowfield, PA 19320

Re: Conditional Use Application
Metro PCS Pennsylvania, LLC
Site No. PH0728C/Coatesville South PECO
Our File No. 5146-289

PAID
AUG 18 2010
BY: Denise Miller

Dear Ms. Miller:

Our firm represents Metro PCS Pennsylvania, LLC ("Metro") with regard to the above-referenced matter. Enclosed for filing please find Metro's Conditional Use Application. Metro is proposing a collocation of a telecommunications facility on an existing PECO transmission tower on PECO property located at the intersection south of Rt. 82 (Strobe Road) and Newlinville Road, Coatesville, PA 19320, including the addition of six (6) antennas and equipment to be placed at the base of the transmission tower. Per Section 1202.1.P communications antenna may be attached to an existing structure by right, so long as they do not exceed the structure height by 15'. Metro is not exceeding the existing structure height by more than 10'.

Enclosed as part of this submission are the following documents:

1. One (1) original and twelve (12) copies of the Conditional Use Application for East Fallowfield Township and attached Addendum;

2. Thirteen (13) copies of the plan prepared by Dewberry-Goodkind, Inc. dated July 22, 2010, last revised August 5, 2010;

3. Surrounding property owner list;

4. Thirteen (13) copies of the Chester County Planning Referral Form; and

5. A check in the amount of $1,500.00 which represents the required filing fee.

Please note that additional documentation will be submitted in support of the Application at the time of hearing to meet the pertinent requirements of the East Fallowfield Township Zoning Ordinance. Please advise when this Application will be heard by the Planning Commission or any other Board. I would appreciate having an opportunity to present the merits of the Application to any Board that would be rendering an opinion on this matter.

Finally, please advise whether the Township handles public notice and posting of the property of the hearing or whether the obligation in that regard falls on the Applicant. Unless I hear from you to the contrary, I will assume the Township takes care of all forms of advertising and posting of the property.

Thank you for your attention and assistance provided in this matter. I look forward to presenting the Application before the Township. Should you require any further information, please feel free to contact my office at your convenience.

Very truly yours,

Nicholas A. Cucé, Jr.

NAC/lah
Enclosures
cc: Lee Peart (via e-mail)
Christine Johnson (via e-mail)
Tom Dymant (via e-mail)

13 complete packets and

Submit 13 Full Sets of whole application.

$1500
(Due at drop-off)

# CONDITIONAL USE APPLICATION
# EAST FALLOWFIELD TOWNSHIP
# 2264 STRASBURG ROAD
# EAST FALLOWFIELD, PA 19320
# 610-384-7144
# (f) 610-384-7143

NAME OF APPLICANTS: Metro PCS Pennsylvania, LLC

ADDRESS: 510 Virginia Drive, Fort Washington, PA 19034

TELEPHONE: 215-619-9300

TAX PARCEL NUMBER: 47-04-0084

SIZE OF ENTIRE TRACT: ± 86.31 acres

LOCATION OF PARCEL: South of the intersectin of R. 82 (Strobe Road) and Newlinville Rod

ZONING DISTRICT: MU - Multi-Use District

LEGAL OWNER OF PARCEL: PECO

PROPOSED USE OF PARCEL: Telecommunications Facility Collocation. See Addendum "A" attached hereto and incorporated by reference.

NAME AND ADDRESS OF ALL PROPERTY OWNERS ON THE SAME STREET WITHIN FIVE HUNDRED (500) FEET OF THE PARCEL AND OWNERS NOT ON THE SAME STREET WITHIN TWO HUNDRED (200) FEET OF THE PARCEL.

**See attached 1000 ft. resident list.**

(continue on additional sheets as necessary)

THE EAST FALLOWFIELD ZONING ORDINANCE, ARTICLE 1700, SECTION 1702A, CONDITIONAL USE, GENERAL STANDARDS AND CRITERIA REQUIRES A NARRATIVE REPORT WHICH MUST PROVIDE DOCUMENTATION ADDRESSING THE TWENTY (20) ITEMS LISTED IN THIS SECTION.

THIS FORM, PROPERLY COMPLETED, WITH ACCOMPANYING DOCUMENTATION AND PLOT PLANS (SEE ZONING OFFICER FOR DETAILS) AND A CHECK, PAYABLE TO EAST FALLOWFIELD TOWNSHIP IN THE AMOUNT OF **$1,500.00** SHALL BE PRESENTED TO THE ZONING OFFICER FOR PROCESSING. ANY HEARING WHICH IS CONTINUED FOLLOWING THE INTIAL HEARING SHALL REQUIRE AN ADDITIONAL ESCROW DEPOSIT OF $500.00 PRIOR TO THE OPENING OF THE CONTINUED HEARING.

## CONDITIONAL USE APPLICATION (CONT'D)

I, (we) the undersigned, do hereby submit this application for Conditional Use affecting property under my (our) ownership or the ownership of my (our) assigns or predecessors, in East Fallowfield Township.

_____ 8/17/10

Applicant (1) Signature — Date

Nicholas A. Cuce, Jr., Attorney for Applicant

Metro PCS Pennsylvania, LLC

Printed Name as Signed Above

_____ _____

Applicant (2) Signature — Date

_____

Printed Name as Signed Above

_____

Notary Signature and Seal

---

FOR OFFICIAL USE ONLY
DATE RECEIVED: _____ RECEIVED BY: _____

CLOCK DATE: _____

AMOUNT OF PAYMENT RECEIVED: _____ CHECK#: _____ CASH_____
OTHER _____

DATE GRANTED: _____ DATE DENIED: _____

REASON FOR DENIAL:

_____
_____
_____
_____

**BEFORE THE BOARD OF SUPERVISORS**
**OF EAST FALLOWFIELD TOWNSHIP**

**IN RE: CONDITIONALUSE APPLICATION OF**
**METRO PCS PENNSYLVANIA, LLC**
**SITE NO. PH0728C/COATESVILLE SOUTH PECO**

## ADDENDUM "A" TO CONDITIONAL USE APPLICATION

## I. BACKGROUND

The subject property ("Property") is owned by Philadelphia Electric Company ("PECO") and is located south of the intersection of Rt. 82 (Strobe Road) and Newlinville Road, Coatesville, Chester County, Pennsylvania. The Property is further identified as Parcel No. 47-04-0084 and is presently zoned MU – Multi Use District. The Property is roughly 86.31 acres in area, and is improved with existing PECO transmission towers.

The applicant, Metro PCS Pennsylvania, LLC ("Metro") proposes the collocation of its telecommunications facility on the most southern PECO transmission tower. The height of the existing transmission tower is 135'. Metro proposes the installation of a 145' Fort Worth mount to the existing transmission tower with six (6) antennas (two (2) per sector) to be placed at the top of the Fort Worth mount (145 ft. to the top of the antennas). Further, Metro proposes the placement of three (3) equipment cabinets at the base of the transmission tower on a 10' x 16' concrete pad. Access is proposed by an extension of the existing dirt drive. The extension will consist of a 10' wide gravel drive which will allow for access and a 10' x 18' parking space.

## II. REQUESTS FOR RELIEF

Metro requests the following:

1. Pursuant to the authorization contained within the Township of East Fallowfield Zoning Ordinance ("Zoning Ordinance"), that the Board of Supervisors grant a conditional use pursuant to Section 1733.G allowing for the collocation of Metro's wireless communications facility on the existing telecommunications facility.

2. Metro also applies for such other interpretations, waivers and/or relief as may ultimately be required.

## III. REASONS WHY CONDITIONAL USE SHOULD BE GRANTED

The proposed use is suitable for the Property and is in the best interests of the community and the requested relief should be granted for the following reasons:

1. The proposed facility is necessary in order for Metro to provide telecommunications service in accordance with its Federal Communications commission license and the Telecommunications Act of 1996.

2. The addition of a telecommunication facility, a passive communications use, is a suitable and appropriate use of the Property. The proposed use is consistent with the spirit, purpose and intent of the Ordinance the use is permitted by right in the MU – Multi District when attached to existing stuctures.

3. The proposed use will not substantially injure or detract from the use of neighboring properties or from the character of the neighborhood and the use of the properties adjacent to the Property will be adequately safeguarded.

4. The proposed use will serve the best interest of the Township, the convenience of the community, and the public welfare by making wireless telecommunications service available and will foster competition among the other approved wireless providers.

5. The proposed use will be entirely consistent with the logical, efficient and economical extension of public services and facilities within the Township including police and fire protection.

6. The proposed facility will be designed in accordance with all applicable safety and industry standards, and will not endanger the safety of persons or property.

7. The proposed use will not over crowd the land or create an undue concentration of population.

8. The proposed use will not impair an adequate supply of light and air to adjacent property.

9. The proposed facility will be fully automated and unattended on a daily basis and will be visited only for periodic maintenance or emergency repair.

10. The proposed use will not adversely affect transportation or unduly burden public facilities.

11. A hardship is created by the limited height of the existing structures, the rolling topography of the Township, and the limitations of the radio technology by which radio signals are propagated. Cell sites need to be relatively close, since the hills and valleys create "holes" in coverage along the principal areas of coverage, including the major roads through the Township.

12. The relief, if authorized, will represent the minimum relief necessary in order for Metro to provide wireless telecommunications services and will represent the least modification possible of the regulation in issue. The height of the telecommunications facility is the minimum height necessary to perform its function.

13. The telecommunications facility complies with all applicable standards established by the Federal Communications Commission.

14. The telecommunications facility shall not cause radio frequency interference with other communications facilities located in the Township.

15. The applicant is licensed by the Federal Communications Commission to operate the telecommunications facility.

16. The telecommunications facility shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation Regulations.

17. The surrounding neighborhood will not be subjected to objectionable noise, lighting, glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances by the proposed use or change. No signs or lights will be mounted on the telecommunications facility.

18. The telecommunications facility will be maintained in a safe manner in accordance with the requirements of the Township's Building Code.

For all of the reasons stated above, Metro requests the above referenced relief and any other relief the Board deems necessary.

Detailed Plans of the proposed use have been submitted to the Township, to be incorporated by reference herein, for consideration before the Board of Supervisors.

Respectfully submitted,

RILEY RIPER HOLLIN & COLAGRECO

Date: August 17, 2010 By: _____

Nicholas A. Cucé, Jr., Esquire
Attorney for Applicant

# Act 247 County Referral

eturn to: Chester County Planning Commission
601 Westtown Road–Suite 270
P.O. Box 2747
West Chester, PA 19380-0990

o: Chester County Planning Commission

ubject: Request for review of a subdivision, land development proposal, or ordinances pursuant to the Pennsylvania Municipalities Planning Code, Act 247. This application must be completed by the applicant, and submitted by the municipality to the above address, along with one (1) complete set of plans and accompanying documents and the required fee for review (see reverse side)

**TO BE COMPLETED BY THE MUNICIPALITY**

From: (Municipality) _____

Date: _____

Official's Name: _____

Position: _____

Official's signature: _____

**Applications with ORIGINAL signatures must be submitted to CCPC.**

**TO BE COMPLETED BY THE APPLICANT**

)evelopment name (if applicable): Coatesville South PECO/PH0728C Location: South of the intersection of Rt. 82 (Strobe Road) and Newlinville Road, Coatesville, PA 19320

)wner's name: Philadelphia Electric Co. (PECO) Phone #: _____

)wner's address: 2301 Market Street, Philadelphia, PA 19301

\pplicant's name: Metro PCS Pennsylvania, LLC Phone #: 215-619-9300

\pplicant's address: 510 Virginia Drive, Fort Washington, PA 19034

\rchitect/Engineer/Surveyor name: Dewberry-Goodkind, Inc. Phone #: 856-802-0843

**TYPE OF REVIEW REQUESTED**
(Check all appropriate boxes)

- ☐ Unofficial sketch plan **(no fee)**
- ☐ Subdivision plan
- ☐ Land development plan
- ☐ Planned residential development
- ☐ Zoning ordinance **(no fee)**
- ☐ Curative amendment **(no fee)**
- ☐ Subdivision ordinance **(no fee)**
- ☐ Comprehensive plan **(no fee)**
- ☒ Other Telecom Facility (conditonal use)

**REVIEW FEE**
(Fee schedule on other side)

- ☐ Attached $ _____
- ☒ Not applicable

**TYPE OF PLAN**

- ☐ Unofficial sketch
- ☐ Preliminary
- ☒ Final

**TYPE OF SUBMISSION**

- ☒ New proposal
- ☐ Revision to a prior proposal
- ☐ Phase of a prior proposal
- ☐ Amendment/Revision to recorded plan is a new proposal

Tax parcel(s): # 47-04-0084
# _____
# _____

Total area (gross acres): ± 86.31 acres

**PLAN INFORMATION**

.ength of new roads: N/A

\lumber of new parking spaces: 1

)wnership of roads: ☐ Public ☐ Private N/A

)pen space: ☐ Public ☐ Private N/A
Acres: _____ Acres: _____

HOA responsible for common facilities/areas: ☐ Yes ☐ No N/A

HOA documents provided: ☐ Yes ☐ No N/A

Traffic study included: ☐ Yes ☐ No ☒ Not conducted

*Information to be filled in for **Commercial, Industrial or Institutional** land use **ONLY**

*Total square footage of addition to existing building: N/A

*Total structure(s) sq. footage: 160 sf concrete pad to house telecom equipment

| | LAND USE | Number of lots/units |
|---|---|---|
| | Agriculture | |
| | Single family | |
| | Townhouses | |
| | Twin units | |
| | Apartments | |
| | Mobile homes | |
| X | * Commercial | 1 |
| | * Industrial | |
| | * Institutional | |
| | Other | |

**ZONING DISTRICT OF PROPOSAL**

Existing: MU - Multi-Use District

Proposed: Same

Variances/ Special exception granted: Not to Applicant's knowledge

**PROPOSED UTILITIES**
(Check appropriate boxes)

| | Water | Sewer |
|---|---|---|
| Public | ☐ | ☐ N/A |
| On-site | ☐ | ☐ N/A |
| Package | ☐ | ☐ N/A |

No new sewage disposal or water supply proposed ☒

**ADDITIONAL INFORMATION** (This plan has been submitted to):

- ☐ County Health Department Date _____
- ☐ PennDOT Date _____
- ☐ DEP Date _____
- ☐ Other Date _____

**THE TERM "LOTS"**

The term "**Lots**" includes conveyance, tracts or parcels of land for the purpose, whether immediate or future, of lease, transfer of ownership or building or development, as well as residue parcels, annexations, or the correction of lot lines.

Revised 01/19/07

# FEE SCHEDULE

he following fees shall apply to each land subdivision or land development submitted to the Chester County Planning Commission for review accordance with Article V, Section 502, Pennsylvania Municipalities Planning Code, Act 247, as amended.

ees shall be levied depending on whether the proposal is for a subdivision or a land development and whether it is for esidential or non-residential use.

## CATEGORY I RESIDENTIAL SUBDIVISION FOR LAND DEVELOPMENT

These fees apply to residential projects for sale, condominium ownership, or rental; any type of buildings, either as a subdivision or single tract land development; or an agricultural subdivision (except for guidelines in Article I, Section 107, Subdivision, Pennsylvania Municipal Planning Code, Act 247, as amended).

| Number of lots and dwelling units | Base fees | Fees for each lot and/or unit |
|---|---|---|
| 1 lot land development | $25.00 | None |
| 1–5 lots/units | $75.00 | Plus $10.00/lot/unit |
| 6–15 lots/units | $100.00 | Plus $10.00/lot/unit |
| Over 15 lots/units | $100.00 | Plus $10.00/lot/unit |

## CATEGORY II NON-RESIDENTIAL SUBDIVISIONS

These fees apply to applications for subdivision and conveyance of land for non-residential uses, not proposed for land development as defined in Section 107 of the Planning Code.

| Number of lots and dwelling units | Base fees | Fees for each lot and/or unit |
|---|---|---|
| 1–5 lots/units | $150.00 | Plus $30.00/lot/unit |
| Over 5 lots | $200.00 | Plus $25.00/lot/unit |
| Financial subdivisions | $75.00 | Plus $25.00/lot/unit |

## CATEGORY III NON-RESIDENTIAL LAND DEVELOPMENT

These fees apply to all projects or sections of mixed projects which are for non-residential use for sale, condominium, lease or rent in any type of building on a single tract of land.

| Number of developed acres | Base fees | Fees for gross floor area |
|---|---|---|
| 1 building under 250 sq. ft. | $25.00 | None |
| Under 5 acres | $250.00 | Plus $30.00/1,000 sq. ft. of gross floor area |
| 5–49.99 acres | $300.00 | Plus $30.00/1,000 sq. ft. of gross floor area |
| 50–99.99 acres | $300.00 | Plus $20.00/1,000 sq. ft. of gross floor area |
| Over 100 acres | $300.00 | Plus $20.00/1,000 sq. ft. of gross floor area |

## CATEGORY IV SECOND REVIEWS

These fees apply to each review conducted after the first review (within a three (3) year period of the initial review) and only if requested by the municipality.

- Flat fee of $100.00 for residential subdivisions/land developments
- Flat fee of $150.00 for non-residential subdivisions/land developments

**CHECKS OR MONEY ORDERS SHOULD BE PAYABLE TO: County of Chester** (cash will not be accepted) All fees are to be submitted to the Chester County Planning Commission (CCPC) through the appropriate township or borough at the time of application; and in accordance with the administrative guidelines established by CCPC.

**INFORMAL REVIEWS AND ADDITIONAL WORK:** An informal review request to CCPC (such as meetings and discussions prior to the formal development application) shall be free of charge if said written request is from the municipality, or from an applicant with the knowledge and written consent of the municipality. In no case will informal review by CCPC replace the need for a formal review which would include the submission of the required fee listed above pursuant to the Municipalities Planning Code.

**TIME LIMITATIONS:** The review time period will begin from the date of receipt by CCPC of the application requesting a review by CCPC. CCPC has thirty (30) days within which to review subdivision and land development applications and submit review comments. The review period may be extended if requested by the applicant or a time extension has been granted by the municipality with the concurrence of the applicant. When the time period has been stopped due to an incomplete application package, incorrect fee or other reasons, the time period will continue from the day in which the application package is complete. CCPC has thirty (30) days within which to review ordinance amendments, and forty-five (45) days within which to review comprehensive plans, official maps, and complete ordinances.

Parcels within 1000' of site of telecommunications facility on 47-4-84:

| | | |
|---|---|---|
| 09-6-01 | Timothy J. & Kimberly Castetter | 756 N. Sandy Hill Road<br>Honey Brook, PA 19344-9038 |
| 09-6-02.U | Philadelphia Electric Co. | c/o Real Estate & Facilities N3-3<br>2301 Market Street<br>Philadelphia, PA 19103 |
| 09-6-03 | ISG Plate, Inc. | 3250 Interstate Drive<br>Richfield, OH 44286 |
| 09-6-06 | PA American Water. | 800 W. Hershey Park Drive<br>Hershey, PA 17033-2400 |