R-0001-2010

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

RECEIVED FEB 0 8 2010 BY: Denise Mc

NAME OF APPLICANTS: New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility

ADDRESS: 200 N. Warner Road, King of Prussia, PA 19406

TELEPHONE: 610-995-5319

TAX PARCEL NUMBER: 47-08-23.7

SIZE OF ENTIRE TRACT: +/- 100.58 AC

LOCATION OF PARCEL: 775 Fairview Road, Coatesville, PA 19320

ZONING DISTRICT: RA - Rural Agricultural

LEGAL OWNER OF PARCEL: Richard A. & Carolyn D. Vermeil

PROPOSED USE OF PARCEL: Collocation of wireless telecom facility on existing transmission tower. See Narrative 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 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.

Authorized Agent for Applicant — February 5, 2010 Date

New Cingular Wireless, d/b/a AT&T Mobility

Christopher H. Schubert, Esquire

Printed Name as Signed Above

N/A

Applicant (2) Signature — Date

N/A

Printed Name as Signed Above

Notary Signature and Seal

FOR OFFICIAL USE ONLY

DATE RECEIVED: 2/9/10 RECEIVED BY: Denise Miller

CLOCK DATE: _____

AMOUNT OF PAYMENT RECEIVED: $1,500 CHECK#: 50297 CASH_____

OTHER _____

DATE GRANTED: _____ DATE DENIED: _____

REASON FOR DENIAL:

_____

_____

_____

_____

BEFORE THE BOARD OF SUPERVISORS
OF EAST FALLOWFIELD TOWNSHIP

IN RE: ZONING APPLICATION OF
NEW CINGULAR WIRELESS PCS, LLC, d/b/a AT&T MOBILITY
SITE NO. FA10134348

ADDENDUM "A" TO CONDITIONAL USE APPLICATION

I. BACKGROUND

Applicant is New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T"). The subject property ("Property") is owned by Dick and Carolyn Vermeil and is located at 775 Fairview Road, Coatesville, Chester County, Pennsylvania. The Property is further identified as Parcel No. 47-08-23.7 and is presently zoned RA-Rural Agricultural district. The Property is about 100.58 acres in area, and is improved by an existing 140-foot lattice tower ("Old Tower") and related radio equipment shelter. The Old Tower has become outdated. As a result, AT&T proposes to remove the Old Tower and replace it with a new lattice tower ("New Tower") of the same height and footprint dimensions as the Old Tower. AT&T will then place twelve (12) panel style antennas on the New Tower. To afford future space for collocations, AT&T will also build a new equipment shelter to resemble a horse turn-out shed at the base of the New Tower. The shelter will be contained within the existing fenced compound.

AT&T has been authorized by the owners to proceed with the present Application.

II. REQUESTS FOR RELIEF

AT&T 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.B allowing for the establishment of a wireless communications facility including antennae support structures within the RA-Rural Agricultural zoning district by conditional use.

2. To the extent that any structures and uses are considered as "non-conforming", that AT&T applies for the continuation of any existing non-conforming uses, structures and setbacks as has been established on the Property, including such modifications as are reasonably necessary to afford the ability to modernize the use to meet the dictates of the provision of current telecommunications services to the public.

3. The Applicant also applies for such other interpretations, waivers and/or variances as may ultimately be required.

III. REASONS WHY APPLICATION 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 AT&T 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 and affords collocation opportunities to other wireless providers.

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 AT&T 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, AT&T 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: February 5, 2010 By: _____

Christopher H. Schubert, Esquire
Attorney for Applicant

Name	Address	Parcel No.
Carolyn D. Vermeil	775 Fairview Road East Fallowfield, PA 19320	47-8-24
Buck Run Land & Cattle Co.	3575 Doe Run Church Road East Fallowfield, PA 19320	47-8-15.6 47-8-22 47-8-15.4 47-8-15.1 47-8-23.3A
John J. & Phyllis Hennessey	3450 Doe Run Church Road East Fallowfield, PA 19320	47-8-17.1 47-8-22.1
Joseph R. Criville	3440 Doe Run Road Coatesville, PA 19320	47-8-26
Richard A. & Carolyn D. Vermeil	775 Fairview Road East Fallowfield, PA 1930	47-8-27
Jennifer I. Nilsen Arthur DeLeo	3550 Doe Run Church Road East Fallowfield, PA 19320	47-8-15.5
William L. Elkins & Helen L. Mac and Jacob Elkins, et al.	3575 Doe Run Church Road East Fallowfield, PA 19320	47-8-23.4 47-8-23.3
Scott F. & Roberta C. Richard	P.O. Box 671 Unionville, PA 19375	47-8-23.1
Roberts Family Holdings, LLC	c/o Duane Morris, LLP 30 S. 17th Street Philadelphia, PA 19103	47-8-23
Deborah N. Rush	400 Fairview Road Coatesville, PA 19320	47-8-29.2 47-8-29.1
Manufacturers Light & Heat Co.	c/o Columbia Gas/Nisource Corp. Serv. P.O. Box 117 Tax Dept. Columbus, OH 43216	47-8-28-U
Edward P. Fitts	56 Highcroft Drive Morgantown, PA 19543	47-8-35.2

CHRISTOPHER H. SCHUBERT
Chriss@rrhc.com
Extension 216

RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

PLEASE RESPOND TO:
EXTON OFFICE

February 5, 2010

via First Class Mail

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

Re: **Conditional Use Application**
New Cingular Wireless PCS, LLC, d/b/a AT&T
Site #FA10134348/Doe Run
Our File No. 4029-72

Dear Ms. Miller:

Our firm represents New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility ("AT&T") with regard to the above-referenced matter. Enclosed for filing please find AT&T's Conditional Use Application. AT&T is proposing the replacement of the existing tower located on property having an address of 775 Fairview Road, Coatesville, PA 19320, and adding twelve (12) antennas and equipment on the new 140' lattice replacement tower within the existing fenced compound.

Enclosed as part of this submission are the following documents:

1. One (1) original and twelve (12) copies of the Conditional Use Application of East Fallowfield Township and attached Addendum;
2. Thirteen (13) copies of the Plan prepared by Dewberry, Project Engineers, dated January 20, 2010;
3. Surrounding property owner list;
4. Thirteen (13) copies of the Chester County Planning Commission 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 would assume that 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 this Application before the Township. If you require any further information, please feel free to contact my office at your convenience.

Very truly yours,

Christopher H. Schubert

CHS/kch
Enclosures
cc: Terry Shumate (via e-mail)
Greg DeStefano (via e-mail)
Patricia Marquis (via e-mail)

50297

RILEY RIPER HOLLIN & COLAGRECO
ATTY OPERATING ACCOUNT
P.O. BOX 1265
EXTON, PA 19341

MeridianBank
60-1882-319

2/5/2010

PAY TO THE ORDER OF EAST FALLOWFIELD TOWNSHIP $ $1,500.00

One Thousand Five Hundred and No/100 Dollars ---------- DOLLARS

EAST FALLOWFIELD TOWN
2264 STRASBURG ROAD
COATESVILLE, PA 19320

AUTHORIZED SIGNATURE

MEMO 4029-72/CONDITIONAL USE APP

Security features. Details on back.

⑈050297⑈ ⑆031918828⑆ ⑈4005468⑈

RILEY RIPER HOLLIN & COLAGRECO 50297

EAST FALLOWFIELD TOWNSHIP 2/5/2010 $1,500.00

Inv Date	Inv #	Description	Amount
02-05-2010	4029-72	4029-72/CONDITIONAL USE APP	1,500.00

Act 247 County Referral

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

To: Chester County Planning Commission

Subject: 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) East Fallowfield Township
Date: 2/9/2010
Official's Name: Denise Miller
Position: Township Secretary
Official's signature: Denise Miller

Applications with ORIGINAL signatures must be submitted to CCPC.

TO BE COMPLETED BY THE APPLICANT

Development name (if applicable): N/A Location: 775 Fairview Road, Coatesville, PA
Owner's name: Richard A. & Carolyn D. Vermeil Phone #: 215-841-5343
Owner's address: 1541 Fairview Road, Coatesville, PA 19320
Applicant's name: New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility Phone #: 610-995-5319
Applicant's address: 200 N. Warner Road, King of Prussia, PA
Architect/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 - Replace existing telecom facility at same location.

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): # 47-08-23.7
#
#

Total area (gross acres): +/- 100.58 ac

PLAN INFORMATION

Length of new roads: N/A
Number of new parking spaces: 2
Ownership of roads: ☐ Public ☐ Private N/A
Open space: ☐ Public Acres: ____ ☐ Private Acres: ____ N/A
HOA responsible for common facilities/areas: ☐ Yes ☐ No N/A
HOA documents provided: ☐ Yes ☐ No N/A
Traffic study included: N/A ☐ 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: _____

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

ZONING DISTRICT OF PROPOSAL
RA-Rural
Existing: Agricultural
Proposed: Same
Variances/ Special exception granted: No

PROPOSED UTILITIES
(Check appropriate boxes)
N/A

	Water	Sewer
Public	☐	☐
On-site	☐	☐
Package	☐	☐

No new sewage disposal or water supply proposed ☐

ADDITIONAL INFORMATION (This plan has been submitted to):
N/A

- ☐ 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