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ATTORNEYS AT LAW

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September 1, 2016

TRANSMITTED VIA FEDERAL EXPRESS

Diane Hollenbach
Township Manager
Maidencreek Township
P.O. Box 319
Blandon, PA 19510

Re: 1 Quarry Road – Proposed Cell Tower
Maidencreek Township, Berks County, PA

Dear Diane:

Enclosed for submission for review by the Maidencreek Township Zoning Hearing Board are the following:

1. Three (3) original and two (2) copies of a Zoning Hearing Board Notice of Appeal or Application;
2. One list of property owners within 1,000 feet;
3. An original and five (5) copies of the Supplemental Statement;
4. Six (6) Zoning Plans; and
5. A check in the amount of $1,500.00 representing the required application fee.

Cellco Partnership d/b/a Verizon Wireless ("Applicant") is proposing to construct a wireless communications facility on property owned by Maidencreek Township at 1 Quarry Road in the I (Industrial) Zoning District. Applicant requests conditional use approval pursuant to Ordinance § 220-48 to permit the use. Applicant also requests variances from the setback and landscape requirements of Ordinance Sections 220-48(6) and (16). Please see the Supplemental Statement for further detail.

Pursuant to our e-mails, although the use is permitted as a conditional use in the I Zone, since the Township owns the property, the Board of Supervisors has determined that the Zoning Hearing Board should review the application similar to what was done in 1998 with Conestoga Wireless. Please have the Zoning Hearing Board Hearing scheduled at the Township's earliest convenience and advise of proposed hearing dates in advance so that I can make sure the necessary witnesses are available to attend.

* Also admitted in New Jersey
≠ Registered Patent Attorney
† Also admitted in New York

If you have any questions or require additional information, please feel free to give me a call.

Very truly yours,

Catherine E. N. Durso

CEND:nmr
Enclosures

cc: Verizon Wireless (w/att. - via e-mail only)

MAIDENCREEK TOWNSHIP ZONING HEARING BOARD

NOTICE OF APPEAL OR APPLICATION
(To be filed in triplicate with plot plan attached.)

APPEAL NO. _____

DATE: September 1, 2016

Appeal is hereby made by the undersigned (check one)

( ) from the action of the Zoning Officer in refusing my application for a Zoning Permit on _____, 2016.

(✓) for a Variance from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Special Exception from the terms of the Zoning Ordinance of Maidencreek Township.

(✓) for a Conditional Use from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Rezoning from the terms of the Zoning Ordinance of Maidencreek Township.

( ) from the action of the Building Inspector in refusing my application for a Building Permit on _____, 2015.

Name of Property Owner Maidencreek Township

Name of Applicant Cellco Partnership d/b/a Verizon Wireless

Location of Property 1 Quarry Road

Address of Applicant c/o Catherine E. N. Durso, Esquire, Fitzpatrick Lentz & Bubba, PC, 4001 Schoolhouse Lane, Center Valley, PA 18034

Interest of Applicant in property if not owner (agent, lessee, equitable, etc.) Lessee

Attorney (if any) Catherine E. N. Durso, Esquire

1. Application relates to:
   Use (✓) Lot Area ( ) Yards ( ) Height ( ) Existing Building ( )
   Proposed Building ( ) Area Classification ( )
   Other (✓) Tower setback and landscaping

2. Description of Real Property and Location: 1 Quarry Road
   See site plans.

   (a) Lot Size – **20 x 50 fenced compound**
   (b) Present Use – **Municipal Use**
   (c) Present Zoning Classification – **I-Industrial**
   (d) Present Existing Improvements – **See Plans**

3. Date Building Inspector or Zoning Officer made his determination No

Statement of alleged error or Building or Zoning Officer Not Applicable

4. Action desired by Applicant Schedule Zoning Hearing Board Hearing for consideration of use approval and variances.

5. **Reasons applicant believes the Board should approve the desired action (ei. To section or sections of the ordinance under which you believe the desired action may be allowed, and note specifically whether or not a hardship is being claimed)** See Supplemental Statement Section 220-48

6. Has a previous appeal been filed in connection with these premises? Yes - by Conestoga Wireless Company in 1998

7. List names and addresses of all adjoining property owners and all property owners and/or residents within 1000 feet of the location of applicant's property. See attached.

8. Attach 3 scale copies of a plot plan of the real estate affected and in question here, indicating its location, North point, scale, adjoining owners, distances, lot size, size and location of improvements now existing and the size and location of proposed improvements, show site location insert, and indicate any other changes desired or information required by the Zoning Hearing Board.

9. The undersigned being the legal or equitable owner of certain real estate, which is the subject of a zoning application which is being submitted to the Township of Maidencreek simultaneously herewith, in consideration of the Township of Maidencreek processing the aforesaid plan, agree to pay to the aforesaid Township, within thirty (30) days from the date of the Township invoice, all costs that the Township has incurred, in processing the said zoning application.

I hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith are true and correct to the best of my knowledge, information and belief.

Date September 1, 2016

Applicant - **Catherine E. N. Durso, Esquire, Attorney and Authorized Agent for Applicant**

Witness:

Nadine M. Romanyshyn

THIS APPLICATION MUST BE ACCOMPANIED WITH A CHECK IN THE AMOUNT OF **$1,500.00**, MADE PAYABLE TO: MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS.

BEFORE THE ZONING HEARING BOARD OF MAIDENCREEK TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

IN RE: REQUEST OF CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

SUPPLEMENTAL STATEMENT

I. BACKGROUND

Cellco Partnership d/b/a Verizon Wireless ("Applicant") is proposing to construct a wireless communications facility on property owned by Maidencreek Township at 1 Quarry Road in the I (Industrial) Zoning District. Applicant requests conditional use approval pursuant to Ordinance Section 220-48. Applicant also requests variances from the setback and landscape requirements of Ordinance Sections 220-48(6) and (16). Applicant's facility should be approved as set forth below.

II. REQUESTED RELIEF

The Applicant is proposing to construct a freestanding wireless communications facility on municipally owned property. The Zoning Ordinance permits wireless communication facilities as conditional uses in the I Zone pursuant to Ordinance Sections 220-48. Although the facility is permitted by conditional use, since the Township owns the property, the Board of Supervisors has requested that the Zoning Hearing Board review the application similar to what was done in 1998 with Conestoga Wireless.

The proposed improvements will consist of a 125 foot high monopole (130' to top of lightning rod), and an equipment cabinets on concrete piers and a generator on an equipment skid and a propane tank within a 20' x 50' fenced compound. The property currently contains the municipal building, parking, tennis courts and an existing wireless tower facility. The existing wireless facility was approved in 1998 and constructed in the late 1990's. The existing tower cannot structurally support the Applicant's antennas. Accordingly, a new tower is proposed for the Applicant's equipment. The Applicant is proposing to place twelve (12) panel antennas at the 120 foot elevation. The fence for the compound will be seven (7') feet in height topped with barbed wire. The proposed location has been determined by Applicant's radio frequency engineers to be necessary to provide efficient wireless service to the public, the neighborhood, the Township of Maidencreek and to individuals traveling in the area, including emergency, police and fire users. The location and height of the antennas is dictated by communication engineering principles. Applicant's engineers have determined that the proposed location and height are necessary to satisfy its function in its grid system.

Applicant is licensed by the FCC to provide communications services in Berks County and the surrounding area. No radio frequency interference will occur as a result of installation of the facility. The proposed facility will be unmanned and requires only visits every 4-6 weeks for maintenance and repairs by a sport utility-type vehicle. Applicant is proposing to access the site

off Quarry Road from Lake Shore Drive (Rt. 73), using the existing paved access drive. Two off-street parking spaces for the monthly maintenance vehicle are available within the existing parking lot. The improvements will not generate any noise, fumes, smoke, odors, etc. so as to constitute a nuisance.

The Applicant meets the height requirements of the Ordinance as the minimum height necessary is proposed and the height does not exceed 200 feet. The monopole will be designed and constructed in accordance with the industry's structural design standards (EIA/TIA-222) as verified by a professional engineer. These standards take into account wind and ice loading of an area. The monopole design will include accommodations for collocation. The subject property is +/- 5.92 acres in size. The location of the facility on the property was chosen so that the facility would not interfere with existing municipal operations and be adjacent to the building. The monopole will be setback at least 100% of its height from all street right-of-way and property lines, but for the southern property line. The monopole will be setback 170 feet from the eastern property line; 188 feet from Quarry Road, over 200 feet from Lake Shore Drive; and 42 feet from the southern property line. Accordingly, the Applicant requests a setback variance to permit the monopole to be less than 130 feet from the southern property line. The proposed monopole will be setback 8 feet further from the southern property line than the existing tower which is 34 feet from the property line. Based on the design of the monopole, a 130 foot setback is not necessary for safety reasons and granting the variance will not adversely impact surrounding properties. Accordingly, a setback variance should be granted. The shelter and monopole meet the setback requirements of the I District. The monopole will have a galvanized finish as required by the Ordinance. The facility will be removed in the event the use is abandoned.

Applicant requests a variance from providing a landscape screen around the fenced compound as per Ordinance Section 220-48(6). The existing wireless facility is not surrounded by landscaping and the proposed fenced compound will be located up against the existing building and adjacent to the existing access drive. The existing building will block the view of the base of the facility from Lake Shore Drive. The property to the south is zoned Industrial and contains the Redner facility. Landscaping cannot be placed around the fenced compound because it is located adjacent to the building and given the location of the access drive. Granting a variance to not require landscaping will not adversely impact adjacent properties.

Applicant must construct its communications facility at this location so that adequate wireless service will be provided to the area. The site was chosen because it is owned by the Township and would have the least visual impact on the community. The facility will comply with all FCC standards governing human electromagnetic radiation. In fact, the facility will operate well below the permitted levels. The improvements will be designed and located so that public health, safety, welfare and convenience are protected. The use will comply with all applicable regulations of the FCC, FAA and other State and Federal regulations. The facility meets the specific and general conditional use requirements. The use is appropriate to the site and will not adversely impact public utilities. No undue traffic congestion or hazards will result from this use. The proposed facility will not adversely impact surrounding properties.

III. CONCLUSION

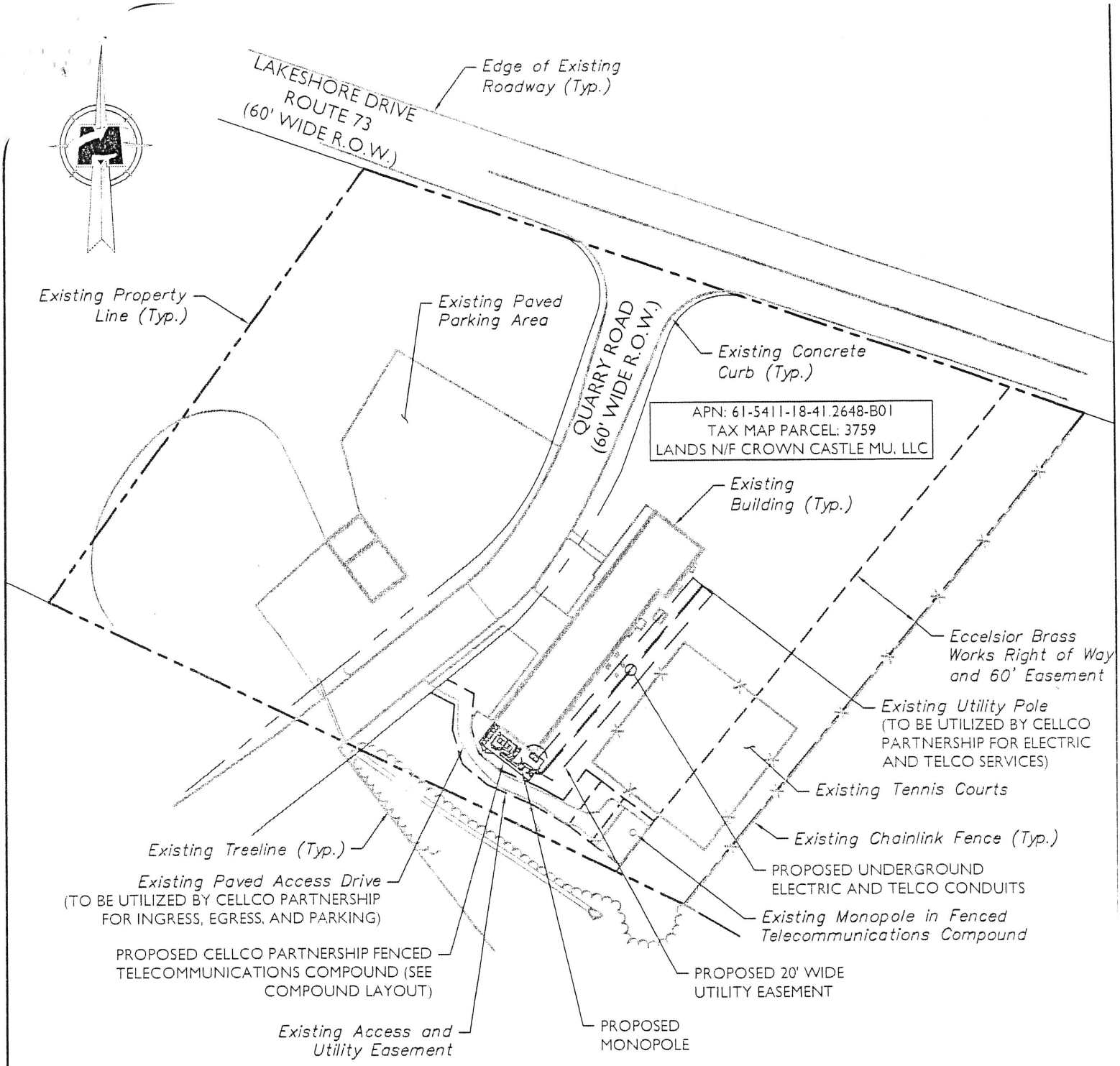
For the aforementioned reasons, Applicant should be permitted to use the property for its wireless communications facility and the requested relief should be granted.

Respectfully submitted,
FITZPATRICK LENTZ & BUBBA, P.C.

By: _____

Catherine E. N. Durso, Esquire
Attorneys for Applicant
4001 Schoolhouse Lane
P.O. Box 219
Center Valley, PA 18034-0219
(610) 797-9000

Date: September 1, 2016



SITE PLAN

NOT TO SCALE

NOTE:
THE PURPOSE OF THIS DRAWING IS FOR CONCEPT ONLY. ALL DIMENSIONS AND/OR LOCATIONS SHOWN ARE APPROXIMATE AND SUBJECT TO REGULATORY AGENCY REVIEW.

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CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS

512 TOWNSHIP LINE ROAD
BUILDING 2, FLOOR 3
BLUE BELL, PA 19422

SITE NAME:

RDG BLANDON
1 QUARRY ROAD
BERKS COUNTY
READING, PA 19605

MT. LAUREL OFFICE
2000 Midlantic Drive
Suite 100
Mount Laurel, NJ 08054
Phone 856.797.0412
Fax 856.722.1120

REV	DATE	DESCRIPTION
I	08/02/16	ISSUED FOR LEASING
G	09/01/15	ISSUED FOR LEASING
F	08/27/15	ISSUED FOR LEASING
E	08/24/15	ISSUED FOR LEASING

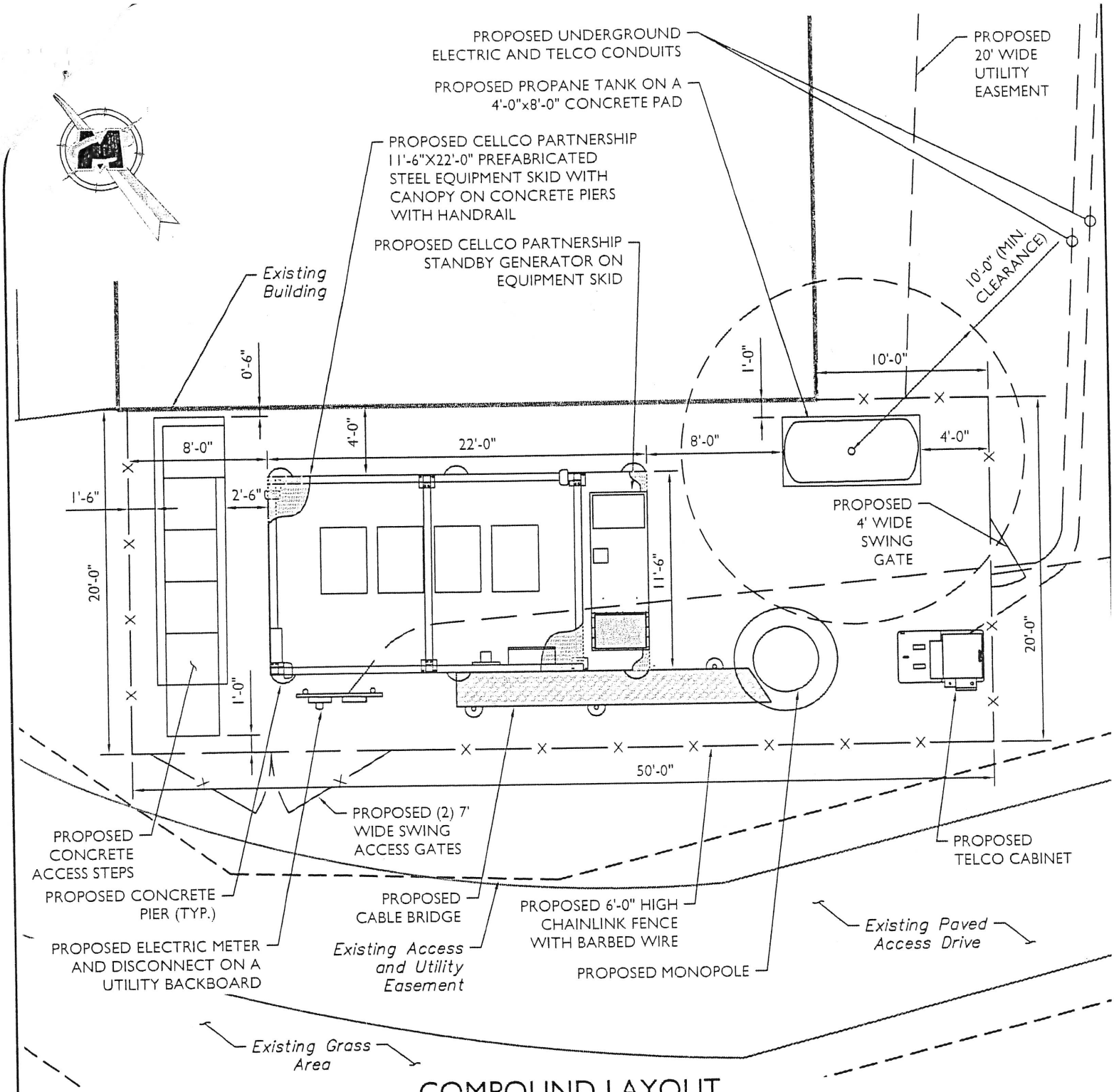
JOB NUMBER: 15960045A

SCALE: AS SHOWN

DRAWN BY	DESIGN BY	CHECKED BY
AF	MEG	MPC

SHEET TITLE: SITE PLAN

SHEET NUMBER: LE-1



COMPOUND LAYOUT

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CELLCO PARTNERSHIP d b a
VERIZON WIRELESS

512 TOWNSHIP LINE ROAD
BUILDING 2, FLOOR 3
BLUE BELL, PA 19422

SITE NAME:

RDG BLANDON
1 QUARRY ROAD
BERKS COUNTY
READING, PA 19605

MT. LAUREL OFFICE
2000 Midlands Drive
Suite 100
Mount Laurel, NJ 08054
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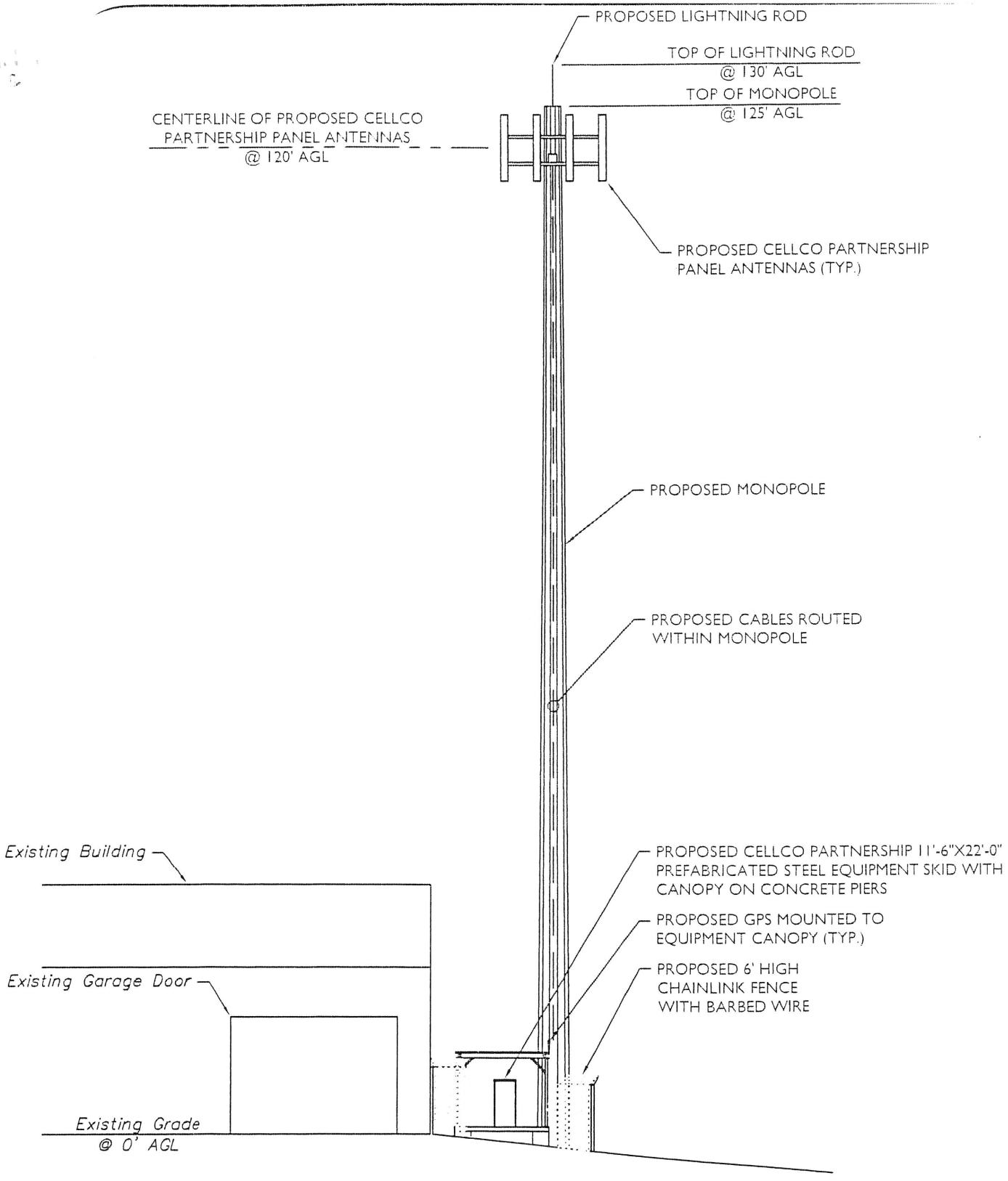
JOB NUMBER: 15960045A

SCALE: AS SHOWN

DRAWN BY	DESIGN BY	CHECKED BY
AF	MEG	MPC

SHEET TITLE: COMPOUND LAYOUT

SHEET NUMBER: LE-2



ELEVATION VIEW

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CELLCO PARTNERSHIP d b a
VERIZON WIRELESS

512 TOWNSHIP LINE ROAD
BUILDING 2, FLOOR 3
BLUE BELL, PA 19422

SITE NAME:

RDG BLANDON
1 QUARRY ROAD
BERKS COUNTY
READING, PA 19605

MASER CONSULTING P.A.
MT. LAUREL OFFICE
[illegible]

REV	DATE	DESCRIPTION
I	08/02/16	ISSUED FOR LEASING
G	09/01/15	ISSUED FOR LEASING
F	08/27/15	ISSUED FOR LEASING
E	08/24/15	ISSUED FOR LEASING

JOB NUMBER	DRAWN BY	DESIGN BY	CHECKED BY
159600454	AF	MEG	MPC
SCALE: AS SHOWN	SHEET TITLE: ELEVATION VIEW		SHEET NUMBER: LE-3