

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 10-13

RESOLUTION GRANTING A SPECIAL USE PERMIT AND EXEMPTION FROM SITE PLAN APPROVAL

RE: BLOCK 34, LOT 22 (265 Quinton-Marlboro Road)

WHEREAS, an application was made to the Quinton Township Planning Board (the "Planning Board" or the "Board") by **New Cingular Wireless PCS, LLC d/b/a AT&T Mobility**, whose address is 200 North Warner Road, King of Prussia, PA 19406, for a Special Use Permit and Exemption from Site Plan Approval to allow for the expansion of an existing telecommunications tower to allow one additional antenna on three separate existing sectors which are located 160 feet from ground level on a 350 foot monopole tower within a P-BR Zoning District, and more particularly known as Block 34, Lot 22 on the Official Tax Map of Quinton Township (the "Property") and depicted and described in a Plan prepared by Jay S. Kruse, P.E. (license number 41356) of Dewberry-Goodkind, Inc., Eastgate Business Center, 133 Gaither Drive, Suite F, Mt. Laurel, New Jersey 08054, dated April 8, 2010 and in any other plans and materials filed with the application, all of which are incorporated by reference herein; and

WHEREAS, the Board determined that it has jurisdiction to hear the application, and that same is complete and in conformity with the Ordinance and the Municipal Land Use Law except for any matters that must be resolved as conditions of this approval; and

WHEREAS, at its August 10, 2010 meeting, the application was deemed complete; and

WHEREAS, at its August 10, 2010 meeting, the Board heard testimony and representations from the applicant's Civil Engineer, Craig Zeidman, the applicant's RF Engineer, Brock Riffell, and the applicant's attorney, Warren Stillwell, Esq. and provided an opportunity for interested persons to make statements or ask questions about the application; and

WHEREAS, Craig Zeidman ("Zeidman") was qualified as a civil engineer. Zeidman testified that the applicant currently has 6 antennas at the Property which are situated in groups of two. Zeidman further stated that they wish to add one antenna to each group for a total of three new antennas. Each antenna is 4' tall, by 12" wide x 6" deep. The additional three antennas are needed for new technologies that are being developed. Furthermore, Zeidman stated that the tower is 200' from a public road, the tower is enclosed by an 8 foot high fence with barbed wire at the top and that an existing 2 story building is used to house the necessary electronics; and

WHEREAS, Brock Riffel ("Riffel") was qualified as an RF Engineer. Riffel testified that the applicant is adding 3G network to this facility which requires the additional antennas. Riffel further stated that there is no gap in coverage, but that the antennas are needed to expand new technology. In addition, Riffel stated that the tower is owned by American Tower and the applicant leases space. The new antennas will not cause any interference; and

WHEREAS, Joe Elwell, a member of the public, asked whether or not the applicant has paid all necessary fees; and

WHEREAS, the Planning Board Engineer and Planner reviewed the application and prepared a report dated August 9, 2010; and

WHEREAS, after hearing the above testimony and representations, reviewing all application materials, considering the Planning Board Engineer's review correspondence, and discussing the application with the Planning Board Engineer, Planner and Solicitor, the Board made the following findings and conclusions:


- a. The property is located in a P-BR zoning district.
- b. The applicant proposes to install 1 antenna on three separate sectors at 160 feet for a total of 3 antennas.
- c. The site is secured by an 8 foot high fence with barbed wire at the top.
- d. The proposed improvements are minimal in nature and will only require routine maintenance/inspection on a regular basis.
- e. The application is in keeping with the Quinton Township Ordinance §85-1 et seq. and more particularly §85-10 which provides in pertinent part that "It is the policy of Quinton Township to encourage the use of existing structures and collocation."
- f. The applicant has otherwise met the applicable provisions of §85-1 et seq. and that the minimal nature of the proposed improvements being located within the existing fenced area justifies exemption from Site Plan Approval.
- g. The visual impact of the proposed use will not be negative/deleterious due to the location of the tower and the fact that the applicant will be collocating on an existing tower with existing antennas.

NOW, THEREFORE, BE IT RESOLVED by the Quinton Township Planning Board that for the reasons set forth above, the applicant's special use permit and site plan waiver application is hereby granted subject to the following conditions:

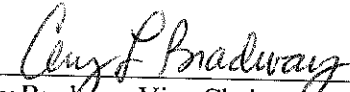
1. The applicant must pay any and all required fees and escrow replenishment amounts that are due or may become due to the Township within seven (7) days notice thereof.
2. The applicant must comply with all representations made through any representative during the course of its presentation to the Board and in all documents filed with the application.
3. The applicant must provide proof that there is a valid special use permit issued by Quinton Township with respect to the Tower.
4. The applicant must obtain approvals or letters of inapplicability from all other agencies having jurisdiction over the applicant's proposed development.

The undersigned, Chairman of the Quinton Township Planning Board, hereby certifies that the above is a true copy of a resolution adopted by said Board on August 10, 2010 to memorialize action taken on September 14, 2010.

Attest:



Bonita Bell, Secretary
Quinton Township Planning Board



Amy Bradway, Vice-Chairperson
Quinton Township Planning Board

VOTE:

ayes 9 _____
nays 0 _____
other 0 _____

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