

<b>IN RE: APPEAL OF ECO-SITE, LLC, AND T- MOBILE NORTHEAST, LLC, RELATIVE TO A PROPERTY LOCATED AT 1001 HAMPDEN BOULEVARD, CITY OF READING, BERKS COUNTY, PENNSYLVANIA</b>	<b>: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2018-18 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION</b>
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**DECISION OF THE ZONING HEARING  
BOARD OF THE CITY OF READING**

AND NOW, this 11th day of July, 2018, a hearing having been held on June 13, 2018, upon the application of Eco-Site, LLC, and T-Mobile Northeast, LLC, notice of such hearing having first been sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the "Zoning Board") renders the following decision:

**FINDINGS OF FACT**

The Zoning Board finds the following facts:

1. Applicant is Eco-Site, LLC, and T-Mobile Northeast, LLC, having a mailing address c/o Riley Riper Hollin & Colagreco, P.O. Box 1265, Exton, PA 19341 (hereinafter referred to as the "Applicant").
2. The Applicant has a leasehold interest in the property located at 1001 Hampden Boulevard, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the "Subject Property").
3. The fee simple owner of the Subject Property, City of Reading, has granted Applicant permission to seek the requested zoning relief.
4. The Subject Property is located in the P-Preservation Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the "Zoning Ordinance").

5. Applicant has requested the following
  - a. a use variance from the provisions of Section 600-608.A and 600-813.B. of the Zoning Ordinance to allow a Tower-based Wireless Communications Facility in the P-Preservation Zoning District;
  - b. a de minimis variance to allow the tower to extend to one hundred fifty-five feet (155’);
  - c. a variance to allow the tower and its pertinent structures as proposed in the Application;
  - d. a variance from Section 600-1503.C. with respect to the requirements for a driveway;
  - e. a variance from Section 600-1602.F. with respect to the proposed parking area – proposed parking will be thirty-two feet (32’) rather than the required eight feet (8’);
  - f. a dimensional variance from Section 600-2103.A.(1)(a) and 600-2103.A.(1)(d)[3] – structure to be five hundred feet (500’) from residential property as proposed structure will be two hundred seventy-five feet (275’) from residential property;
  - g. a variance from Section 600-819.F.(4) regarding construction and steep slopes;and
  - h. a dimensional variance from Section 600-819.F.(5)(c) regarding driveway grade.

6. Applicant was represented by Christopher H. Schubert, Esquire, of Riley, Riper, Hollin & Colagreco, Exton, Pennsylvania.

7. Co-Applicant Eco-Site, LLC, proposes the installation of a personal wireless services facility for the use and benefits of its sub-tenant, T-Mobile Northeast, LLC.

8. T-Mobile is a provider of personal wireless services licensed by the Federal Communications Commission as a commercial mobile service provider.

9. Applicant testified the facility will consist of a 150’ stealth “monopine” with 5’ lightning rod, twelve (12) T-Mobile antennas (4 per sector) and support platform. The facility will also

include a 10' x 15' concrete pad on which T-Mobile radio-equipment cabinets will be placed, a board-on-board fence surrounding the facility, and a cable bridge.

10. Applicant testified a 12' gravel access drive, a turnaround/parking area, and 7'-0" wide (two) access gates is also proposed.

11. Applicant testified the site will allow co-location by other providers.

12. Applicant stated the proposed facility is necessary in order to provide telecommunications service in accordance with its Federal Communications Commission License and the Telecommunications Act of 1996.

13. Applicant stated the telecommunication facility, a passive communications use, is a suitable and appropriate use of the Subject Property.

14. Applicant stated 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 Subject Property will be adequately safeguarded.

15. Applicant stated the proposed use will serve the best interest of the City of Reading, the convenience of the community, and the public welfare by making wireless telecommunications service available and will foster competition among other approved wireless providers.

16. Applicant stated the proposed use will be entirely consistent with the logical, efficient and economical extension of public services and facilities within the City of Reading, including police and fire protection.

17. Applicant stated 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.

18. Applicant stated the proposed use will not overcrowd the land or create an undue concentration of population.

19. Applicant stated the proposed facility will be fully automated and unattended on a daily basis and will be visited only for periodic maintenance or emergency repair.

20. Applicant stated the proposed use will not adversely affect transportation or unduly burden public facilities.

21. Applicant stated the requested relief is the minimum relief necessary in order for Applicant to provide wireless telecommunication 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.

22. Applicant stated the telecommunications facility complies with all applicable standards established by the Federal Communications Commission.

23. Applicant stated the telecommunications facility will not cause radio frequency interference with other communication facilities located in the City of Reading.

24. Applicant stated it is licensed by the Federal Communications Commission to operate the telecommunications facility.

25. Applicant stated the telecommunications facility shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation regulations.

26. Applicant stated 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.

27. Applicant stated the telecommunications facility will be maintained in a safe manner in accordance with the requirements of the City of Reading Building Code.

28. The Zoning Board finds as a fact the proposed telecommunications facility and requested variances are in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of neighboring property owners or property values.

29. The proposed relief is the minimum necessary to provide adequate telecommunications within the City of Reading.

30. Topography and usage has created the necessity for this tower, its location and variances.

31. Several objectors raised concerns regarding aesthetic issues of the monopole being placed in the Preservation District.

### **DISCUSSION**

Applicant is seeking variances and/or special exceptions to install a telecommunications facility at the Subject Property. The Zoning Board finds as a fact the proposed use is necessary to provide communications for residents of the City of Reading and neighboring municipalities. The proposed location of the telecommunications facility is appropriate and will not be detrimental to the health, safety and welfare of neighboring property owners or decrease property values.

### **CONCLUSIONS OF LAW**

1. Applicant is Eco-Site, LLC, and T-Mobile Northeast, LLC.
2. The Subject Property is located in the P – Preservation Zoning District.
3. Applicant seeks relief to install a telecommunications facility on the Subject Property.
4. The Zoning Board is permitted to grant applications for variances and/or special exceptions as set forth under the relevant sections of the Zoning Ordinance.
5. In order to grant the requested relief and variances, the Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
6. After reviewing the Applicant's request in detail, the Zoning Board enters the following decision:
  - a. Applicant is granted relief to install the monopole and all related facilities as set forth in the findings of fact.
  - b. Applicant shall attend a One Stop Shop meeting with the building and fire inspectors to ensure compliance with all applicable building and fire code requirements.
  - c. The relief granted herein is conditioned upon the Applicant complying with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board including any conditions Applicant agreed to on the record which are incorporated herein by reference.

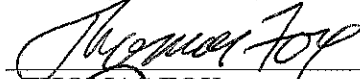
d. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistent with the contents of this Decision without making application requesting further relief from the Zoning Board.

e. Failure to comply with any of these conditions shall mean the immediate revocation of the relief granted herein.

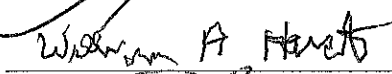
The decision of this Board is by a vote of 5 to 0.


**ZONING HEARING BOARD OF THE CITY  
OF READING**

  
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PHILIP RABENA, CHAIRMAN

  
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THOMAS FOX

  
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JEFFREY GATTONE

  
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WILLIAM HARST

  
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JARED BARCZ