

NOTICE OF ZONING HEARING BOARD HEARING

The Zoning Hearing Board of New Garden Township, Chester County, Pennsylvania will hold a Hearing on Thursday, December 14, 2017 at 7:30 p.m. at the Township Building, 299 Starr Road, Landenberg, Pennsylvania 19350 on the application of Eco-Site, Inc. for property owned by Arthur J. and Renee L. Santoro located at 1511 Yeatmans Station Road, Landenberg, Pennsylvania 19350, and further identified as Tax Parcel Number 60-7-15.1 located in the R-1 Low Density Residential Zoning District consisting of 11.8 acres more or less. Currently on the property is an agricultural use consisting of a single family detached dwelling, barn, stable and accessory structures.

Applicant proposes the installation of a personal wireless services facility for T-Mobile Northeast LLC, and seeks relief from the following provisions of the New Garden Township Zoning Ordinance; a variance from Section 200-119.B(5) to allow the use, a variance from Section 200-119.B(12) and 200-19.C maximum height limitation of 40 feet to allow the overall height of 130 feet; a variance from Sections 200-14 and 200-18 from the single use restriction to add an additional use.

Applicant challenges the validity of the New Garden Township Zoning Ordinance for the following reasons: Violates The Telecommunications Act of 1996 47 U.S.C § 332(c)(7)(B)(II) and Section 253(a); is unduly restrictive and fails to provide a fair share of use for personal wireless facilities, and is de jure exclusionary, is invalid and unconstitutional and de facto exclusionary for the height limitation of 40' and fails to adequately provide for personal wireless service facilities throughout the township. Applicant requests other relief the Zoning Hearing Board may deem necessary and appropriate.

A copy of the Application is on file in the Township Office for your review.

If you are a person with a disability and wish to attend the public meeting scheduled above and require an auxiliary aide, service or other accommodation to participate in the proceedings, please contact Tony Scheivert at (610) 268-2915 to discuss how New Garden Township may best accommodate your needs.

Winifred Moran Sebastian, Esquire
Solicitor
New Garden Township Zoning Hearing Board