

DECISION AND ORDER

WHITPAIN TOWNSHIP ZONING HEARING BOARD

APPLICATION 1852-09

First Hearing: January 21, 2010

Appeal of Clear Wireless LLC

Decided: January 21, 2010

Property Address: 1840 Skippack Pike
(Skippack Pike near Ashford Lane)
Blue Bell, PA 19422

Copy Mailed: January 22, 2010

At a public hearing of the above application, the Zoning Hearing Board decides and orders as follows:

1. The variance from the terms of Article X, Section 160-48.A, to permit the use of a cellular antenna tower with attachment of four (4) antennae to existing steel mounts on an existing PECO transmission tower at a height of 126 ft. and placement of related ground equipment of 4 ft. by 8 ft. lunar platform within an existing fenced-in compound at the subject property is hereby GRANTED.
2. The variance from the terms of Article X, Section 160-48.B(8), to increase the maximum height of the four (4) antennae from 35 ft. to 126 ft. at the subject property is hereby GRANTED.
3. The variance from the terms of Article XVIII, Section 160-201.A, to increase the maximum height of the four (4) antennae from 35 ft. to 126 ft. at the subject property is hereby GRANTED.

APPLICATION 1852-09 - Appeal of Clear Wireless LLC

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.
2. The Applicant shall obtain a grading permit if required by the Township Engineering Department.
3. The Applicant shall comply with the terms of a buffering agreement set forth in the 1/21/10 letter from Applicant's attorney to Sal Paone, Jr. attached to this Decision and Order.
4. The Applicant shall remove the antennae and ground equipment within 60 days of the date the lease expires or use ceases whichever first occurs.
5. The Applicant shall buffer the fenced area with Arborvaeti not less than 8 foot in

height (at planting) and 10 feet on center to the approval of the Township Zoning Officer.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

Attachment to Decision

A-7

Please Reply To:**Richard J. Lemanowicz**
E-mail: rjl@lemanowiczlaw.com**Admitted to the Practice of Law
in New Jersey and Pennsylvania**

January 21, 2010

Via Electronic Mail

Sal Paone, Jr.
c/o Bernadette A. Kearney, Esq.
Hamburg, Rubin, Mullin,
Maxwell & Lupin, P.C.
375 Morris Road
Lansdale, PA 19446
E-mail: BKearney@HRMML.com

**RE: Parcel No. 66-00-06412-002
Whitpain Township, Montgomery County, Pennsylvania
Zoning Hearing Board Application 1852-09
Agreement to Install Landscape Buffer**

Dear Sal:

I am writing on behalf of my client Clear Wireless, LLC, to confirm Clear Wireless' agreement to install a landscape buffer between the property that is the subject of the above-referenced Zoning Hearing Board application and the Keystone Lands, Inc. property commonly referred to as Addison Reserve (aka Canterbury Estates). If the Whitpain Township Zoning Hearing Board approves Clear Wireless' application, Clear Wireless hereby agrees to install the proposed landscape buffer according to the following terms:

1. The proposed landscape buffer will be installed completely within the boundaries of the Keystone Lands, Inc., property known as Addison Reserve (aka Canterbury Estates);
2. The proposed landscape buffer will be installed along the northwestern property line common to the subject property and the Addison Reserve property;
3. No portion of the proposed landscape buffer will be installed within the boundaries of the property that is the subject of this application;
4. The proposed landscape buffer will consist of a total of 32 White Pine trees;
5. The White Pine trees will be at least 8' tall at the time of planting;
6. The White Pine trees will be planted at a maximum interval of 10' on center;
7. The proposed landscape buffer will be installed by a landscape contractor designated by Clear Wireless, LLC;

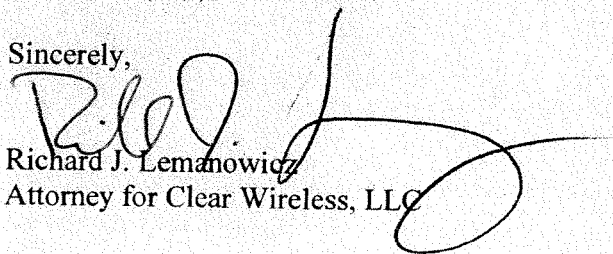
8. The proposed landscape buffer will be located within a maximum linear area of 325' along the northwestern side of the northwestern property line common to the subject property and the Addison Reserve property;
9. Final placement of the proposed landscape buffer along the northwestern property line shall be agreed upon by Keystone Lands, Inc., and/or their designated representative, and Clear Wireless, and/or their designated representative; and,
10. Clear Wireless, LLC shall not be responsible for maintenance of the proposed landscape buffer.
11. CLEAR WIRELESS WILL NOTIFY KEYSTONE LANDS, INC. PRIOR TO INSTALLATION OF THE LANDSCAPE BUFFER.

RJL
BLL

In consideration for Clear Wireless agreeing to install the proposed landscape buffer, Keystone Lands, Inc., and/or their designated representatives agree not to oppose the above-referenced Whitpain Township Zoning Hearing Board Application. Should the Whitpain Township Zoning Hearing Board act favorably on the above-referenced application, Clear Wireless will consent to this agreement as a condition of the approval by the Whitpain Township Zoning Hearing Board. Kindly acknowledge your acceptance of this agreement by signing the acceptance form located at the end of this letter.

On behalf of myself and Clear Wireless, I would like to thank you again for your professional courtesy and attention to this matter. If I may be of further assistance, I may be reached at (267) 419-8498.

Sincerely,



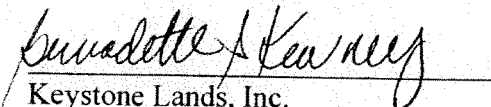
Richard J. Lemaniowicz
Attorney for Clear Wireless, LLC

RJL:tt

cc: Clear Wireless, LLC

ACCEPTANCE OF AGREEMENT

The foregoing agreement to install a landscape buffer is hereby accepted by Keystone Lands, Inc.



Keystone Lands, Inc.
By: Bernadette A. Kearney, Esq.

Date: 1-21-10