

JULY 16 2012

The Plymouth Township Zoning Board held a public meeting at the Plymouth Township Building on Monday, July 16, 2012.

The meeting was called to order at 7:10 PM.

The following were present:

Vincent Frangiosa	Chairman
Robert Esposito	Vice Chairman
James Saring	Member
Michael Mattioni	Member
Robert Sassi	Member
Bernadette Kearney	Solicitor
Paula Meszaros	Court Reporter

The Pledge of Allegiance was recited.

Ms. Kearney advised that the application for William Peter Cross has requested a continuance to August 20, 2012. Member Saring made a motion that the continuance be granted. Member Esposito seconded the motion. Members Saring, Esposito, Mattioni, Sassi, and Frangiosa voted in favor of the motion. The motion passed by the vote of 5-0.

The Board heard the following:

GARY BERKMAN: On an application for a Variance from Plymouth Township Zoning Ordinance No. 342, as amended, Article XIX, Section 1908.D.1.

The Variance is as follows: To construct a carport in the front yard.

The property is located at 1809 Johnson Road in an "A" Residential Zoning District.

Ms. Kearney noted that a neighbor, Mary Ann Ball, 1812 Johnson Road, sent an email concerning the application of Gary Berkman. Ms. Kearney stated that Ms. Ball has inquired on whether inspectors have inspected Mr. Berkman's property. Ms. Kearney advised that Ms. Ball is concerned that the applicant already has 2 garages, a canopy tent, a hummer, a car, a large horse type trailer, and behind the house a large garden shed. Ms. Kearney stated that Ms. Ball feels that the proposed carport would add more storage to the driveway, and she feels this would have an adverse effect on their neighborhood.

Mr. Gary Berkman was sworn-in to testify.

Mr. Berkman advised that members of his family have resided at the property in question since 1953. Mr. Berkman stated that his Father passed away 2 months ago, and he brought his Father's vehicle up from Florida. Mr. Berkman advised that this is the vehicle mentioned in Ms. Ball's letter.

Mr. Berkman advised that his hummer will not fit in any of the small garages. Mr. Berkman stated that he desires to store it somewhere on his property. Mr. Berkman advised that the trailer will probably be moved to his back yard.

Mr. Berkman advised that he has a long 75' driveway with many trees along both sides. Mr. Berkman stated that he desires to have a carport to protect his vehicle. Mr. Berkman advised that a builder has been contacted, and the carport would be evergreen in color.

Member Sassi asked if the proposed carport would be 70' from the road. Mr. Berkman advised that the carport would be about 75' from the middle of the street.

Member Mattioni asked how can there be two garages when there was only one garage with a carport for a 1976 application for the property. Mr. Berkman advised that an unattractive metal shed was replaced by a carport, and the carport was eventually enclosed with aluminum siding.

Member Mattioni inquired about the height for the proposed carport. Mr. Berkman advised that the pinnacle of the structure is 12'. Member Mattioni asked how will the structure be secured to the ground. Mr. Berkman stated that it will be secured to the ground by 3' long corrugated metal spikes.

Member Mattioni asked what assurance will there be that the carport will not become an extension of the existing garage. Mr. Berkman advised that he does not plan to enclose the carport. Mr. Berkman stated that he just desires to protect his vehicle from the elements.

Member Saring asked how long has the property been the applicant's primary residence. Mr. Berkman advised that he has resided at the property since 2008. Member Saring noted that the County Plans show the garage being 25' wide. Mr. Berkman stated that this is an error. Mr. Berkman advised that the garage is 20' to the back.

Member Saring asked if the wall can be taken down in between the 2 garages. Mr. Berkman advised that this would not be practical because the aesthetics would be lost.

Member Saring asked if neighbors have been contacted concerning the proposal. Mr. Berkman advised that his immediate neighbor, Carl Smith, is in favor of the proposal.

Member Esposito asked what is currently housed in the 2 car garage. Mr. Berkman advised that 2 motorcycles are in the original garage, and storage items are in the second garage. Mr. Berkman stated that eventually he may put his Father's car in this garage. Mr. Berkman advised that his hummer will not fit in either of the garages.

Member Esposito inquired about the canopy tent. Mr. Berkman advised that this is a 10' by 10' pop up temporary tent. Mr. Berkman stated that he keeps his lawn tractor underneath this tent.

Member Esposito expressed concern that the open carport might become something else in the future. Mr. Berkman advised that he will not enclose the carport.

Ms. Kearney asked what the utility trailer will be used for. Mr. Berkman advised that he will store tools in the Utility Trailer, and it is located in his driveway.

Member Sassi stated that maybe more concrete plans can be submitted which will help the Zoning Board. Mr. Berkman stated that he can bring plans to a future meeting. Member Esposito stated that the applicant can also talk to his neighbors.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

Member Sassi made a motion that the application be continued so that the applicant can present more concrete plans and talk to his neighbors. Member Esposito seconded the motion. Members Sassi, Esposito, Mattioni, Saring, and Frangiosa voted in favor of the motion. The motion passed by the vote of 5-0.

EDWARD REESE JR./CAPITAL TELECOM ACQUISITION & NEW CINGULAR WIRELESS PCS, LLC, D/B/A AT&T MOBILITY: Ms. Kearney advised that the Board will now continue to hear testimony for the application of Capital Telecom which was opened on June 18, 2012.

Member Esposito thanked the applicant for submitting requested information to the Zoning Board Members in advance of this evening's hearing.

Christopher Schubert, Esq. was present to represent the applicant in presenting their application.

Submitted for inclusion into the record were the following:

- A1) Zoning Hearing Board Application
- A2) Letter Dated 6-15-2012 Amending Application

Mr. Schubert advised that the applicant has withdrawn their request for Special Exception. Mr. Schubert stated that testimony will show that the setbacks will not be a concern.

Mr. Brian Laslo was sworn-in to testify.

Mr. Laslo advised that he is a Site Acquisition Consultant with Vertical Realty, LLC. Mr. Laslo stated that he has assisted in the site search for the applicant. Mr. Laslo advised

that he was authorized by AT&T Mobility to testify before the Zoning Board.

Mr. Laslo advised that many sites and buildings were researched for the proposed relocation of the cell tower. Mr. Laslo stated that the best location was found to be behind the Penndot Salt Shed near Germantown Pike. Mr. Laslo advised that this site is proposed to replace the PECO site.

Mr. Laslo advised that the replacement site is located at 2221 Corsons Lane. Mr. Laslo stated that all other sites studied were found to be too short to handle the needs of the cell tower. Mr. Laslo advised that these sites are highlighted on the Map (A4) submitted. Mr. Laslo stated that rooftops and tall structures were considered. Mr. Laslo advised that some sites require building a new tower. Mr. Laslo stated that the applicant was looking to duplicate their current coverage.

Submitted for inclusion into the record was the following:

A4) Map Of Alternative Sites Considered

Mr. Laslo advised that Capital Telecom entered the picture. Mr. Laslo stated that Capital Telecom is a limited liability company that AT&T partnered with to finalize a lease agreement for the relocation of the cell tower. Mr. Laslo advised that the replacement site at 2221 Corsons Lane is about ¼ mile from the PECO Site. Mr. Laslo stated that the Corsons Lane Site is near the Blue Route Ramp, train tracks, and commercial property.

Member Esposito asked if AT&T has any antennas at the Plymouth Meeting Mall Office Building. Mr. Laslo advised that AT&T has no antennas on this building because it is too close to the high rise apartment building nearby. Mr. Laslo stated that the landlord advised that there are already too many carriers located on that building.

Mr. Scott Von Rein was sworn-in to testify.

Mr. Von Rein advised that he is a Director of Site Development for Capital Telecom. Mr. Von Rein stated that Capital Telecom is a real estate company specializing in determining feasible sites for cell towers. Mr. Von Rein advised that he personally oversees the site development process.

Mr. Von Rein advised that Capital Telecom is partnered with AT&T in finding site locations to place antennas on. Mr. Von Rein stated that AT&T currently has antennas just above the transmission lines on the PECO Site. Mr. Von Rein advised that AT&T picked up this site after their merger with Cingular Wireless. Mr. Von Rein stated that maintenance is difficult for the antennas at the PECO Site, and search began for a new site.

Mr. Von Rein advised that the cell tower is proposed to be placed at 2221 Corsons Lane. Mr. Von Rein stated that he believes this is a good site because it is in an industrial area. Mr. Von Rein advised that Capital Telecom has a lease agreement with the property owner.

Submitted for inclusion into the record was the following:

A3) Lease Agreement (Edward Reese, Jr.-Capital Telecom) (1-25-12)

Mr. Von Rein advised that the lease (A3) is in full force and effect. Mr. Von Rein stated that the lease authorizes the lessee to secure all zoning approvals needed. Mr. Von Rein advised that Capital Telecom is to abide by any reasonable conditions set forth by the Zoning Board. Mr. Von Rein stated that the site in question will be open to provide co-location to other providers. Mr. Von Rein advised that 4 or 5 carriers could be on the site.

Mr. Von Rein advised that Capital Telecom is open to having an emergency access. Mr. Von Rein stated that Capital Telecom would file a performance bond to guarantee the tower would come down if the site is no longer needed.

Submitted for inclusion into record were the following:

A20) Photo-simulation Analysis

A21) Photos-color scheme alternatives

Mr. Von Rein noted that the Plymouth Township Planning Agency wanted to see different photo-simulation and color schemes for the proposed facility. Mr. Von Rein advised that these exhibits have been presented to Township Council. Mr. Von Rein stated that balloon tests were also done at what will be the height of the tower. Mr. Von Rein advised that it was determined that the tower at the proposed site would be very difficult to see from the eight locations where it was tested to see if the tower was very visible at these locations.

Mr. Von Rein advised that brown, blue, and gray color towers are shown in the color alternatives (A21). Mr. Von Rein stated that he believes the gray galvanized pole is the best color because it blends in with the surroundings very well. Mr. Von Rein advised that the next best would probably be a brown pole. Mr. Von Rein stated that drastic colors such as blue and green would stick out too much during the wintertime.

Member Esposito noted that the location on Apollo Road for Comcast Cable is not a cell tower communication as stated in the Planners Report (Exhibit A23). Member Esposito stated that the residential view in Exhibit A20 is from Cold Point Village. Member Esposito advised that the Narcissa Road Tower is camouflage, however it can be seen through the tree line.

Member Mattioni asked if the actual option for telecommunications facility has been exercised. Mr. Von Rein advised that he does not know if this has taken place yet.

Mr. Mike Katra was sworn-in to testify.

Submitted for inclusion into the record were the following:

A5) CV of Michael Katra, RF Engineer
A6) FCC License for AT&T

Mr. Katra advised that he is a Radio Frequency Engineer with AT&T. Mr. Katra stated that he is responsible for designing and building out the network for this area. Mr. Katra advised that he has given testimony under oath many times concerning Radio Frequency.

Mr. Katra advised that AT&T is a wireless provider licensed by the Federal Communications Commission. Mr. Katra stated that AT&T has licenses for 700 megahertz, 800 megahertz, and 1900 megahertz. Mr. Katra advised that the FCC regulates these frequencies.

Mr. Katra advised that AT&T must build out to reliable coverage. Mr. Katra stated that coverage should be uninterrupted and easily accessible for voice and data.

Mr. Katra advised that AT&T is looking for a replacement site to replace a PECO Site that they have outgrown. Mr. Katra stated that PECO maintains 2 backbones for their network. Mr. Katra advised that PECO has a 220 KB System and a 500 KB System. Mr. Katra stated that the equipment on the PECO Tower only services 1900 megahertz because that is all that they are licensed for. Mr. Katra advised that it was desired to upgrade the tower, however PECO has not provided the outage in order for this update to occur.

Submitted for inclusion into the record was the following:

A7) RF Needs Report

Mr. Katra advised that only the 1900 Megahertz exists at the PECO Property. Mr. Katra stated that now 4G is in the process of being overlay throughout the entire Philadelphia Area, and this operates on the 700 Megahertz Licenses. Mr. Katra advised that if 1 antenna malfunctions at the PECO Site the whole tower would have to be shut down.

Mr. Katra advised that because of the radio frequency needs (A7) the PECO Site needs to be shut down. Mr. Katra stated that the PECO Site has outlived itself. Mr. Katra advised that the site must be replaced so that upgrades for capacity can be filled out. Mr. Katra stated that clutter around the PECO Site makes it impossible to perform these upgrades.

Submitted for inclusion into the record was the following:

A8) Topographic Map Of Surrounding Area

Mr. Katra advised that the Topographic Map (A8) shows the changes in terrain and heights around the surrounding site. Mr. Katra stated that the apex of the surrounding area is at Walton Road, and the area to the south of the property drops off. Mr. Katra advised that the elevation gets higher when going up Germantown Pike toward Butler Pike.

Mr. Katra advised that the site in question is kind of like being at the bottom of a bowl. Mr. Katra stated that the antennas must get above the clutter. Mr. Katra advised that it is the goal to build up a decent service area. Mr. Katra stated that the replacement site at Corsons Lane satisfies this objective.

Submitted for inclusion into the record was the following:

A9) Penndot Traffic Counts

Mr. Katra advised that demand from the vehicle traffic was taken into account. Mr. Katra stated that traffic counts were taken from the Penndot Map (A9). Mr. Katra advised that 65,000 vehicles a day use the Turnpike Northeast Extension north of Route 276. Mr. Katra stated that 118,000 vehicles a day go east of the midtown Turnpike. Mr. Katra advised that 104,000 vehicles a day use Route 476 south toward Conshohocken, and 64,000 vehicles a day use the Turnpike toward King of Prussia. Mr. Katra stated that another 70,000 vehicles use the secondary roads on Germantown Pike and the Mall Area.

Mr. Katra advised that there are many businesses and residences in the area. Mr. Katra stated that this demand must be taken into account for coverage.

Submitted for inclusion into the record was the following:

A10) Map Of Busy Hour Traffic Loading On Site

Mr. Katra advised that certain times of the day are busier than other times in the day. Mr. Katra stated that AT&T desires to meet customer needs at the peak time of the day. Mr. Katra advised that additional resources can go to sites in order to handle an increased capacity. Mr. Katra stated that it is desired to keep drop calls to a minimum.

Submitted for inclusion into the record was the following:

A11) 9-1-1 Call Statistics

Mr. Katra advised that there is the need to provide for 9-1-1 Emergency Call Capability. Mr. Katra stated that it is mandated that these services be provided. Mr. Katra advised that 70% of 9-1-1 calls come from mobile telephones. Mr. Katra stated that there must be the proper capacity for these calls. Mr. Katra advised that the site in question will help provide for this capacity.

Submitted for inclusion into the record was the following:

A12) Chart Showing AT&T Capacity Trending

Mr. Katra advised that the growth demand is always studied to help determine future capacity needed. Mr. Katra stated that resources are allocated to sites to help meet the demand. Mr. Katra advised that demand often changes because of times such as the

Christmas Season or other holiday times.

Mr. Katra advised that he believes the replacement site will be better able to handle and anticipate the increasing demand. Mr. Katra stated that the new site will allow all new frequencies to be used. Mr. Katra advised that new carriers will be able to come to the site in the future.

Submitted for inclusion into the record were the following:

- A13) Map Showing Existing Coverage
- A14) Map Showing Proposed Coverage

Mr. Katra advised that the antennas are proposed to be the height of 130'. Mr. Katra stated that it was determined that a height of 150' may not be needed because of the surrounding terrain. Mr. Katra advised that more coverage with the lower height can be used for the 700 Megahertz, the 800 Megahertz, and the 1900 Megahertz.

Mr. Katra advised that the antenna at the new site will be 36' lower than what it is at the PECO Site. Mr. Katra stated that the base elevation also decreases at the new site. Mr. Katra advised that more coverage will come about with the new site because there is less surrounding clutter. Mr. Katra stated that the antenna must be high enough to clear the trees, but not high enough to cause interference with other sites.

Mr. Katra advised that existing coverage (A13) and proposed coverage (A14) are highlighted. Mr. Katra stated that AT&T desires that the proposed coverage will be very reliable to their customers. Mr. Katra advised that reliable coverage should be at 97%, and anything below becomes unreliable. Mr. Katra stated that 130' height for the antenna should be sufficient to achieve this percentage.

Mr. Katra advised that if the antenna was dropped down 10' the antenna will be about the same height as the trees. Mr. Katra stated that the reduction in coverage would be about 10% with this reduced height for the antenna. Mr. Katra advised that it is his opinion that 130' height is the minimum needed for the proper function of the antenna in the network.

Mr. Katra advised that antennas will be at the top of the tower. Mr. Katra stated that at the bottom of the tower will be a shelter to house radio equipment. Mr. Katra advised that the cables will be inside of the monopole tower. Mr. Katra stated that the antennas will be approximately 8' in length and 1' wide.

Submitted for inclusion into the record were the following:

- A15) EME Compliance Report
- A16) Non-Interference Report

Mr. Katra advised that there is a regulation established by the FCC for Electromagnetic Emissions. Mr. Katra stated that this concerns permissible levels for control and uncontrol

exposure. Mr. Katra advised that a Compliance Report (A15) was submitted. Mr. Katra stated that this compliance protects the public from any excessive radio frequency signals, and the proposal was determined to be well below the FCC acceptable level of space.

Mr. Katra advised that a Non-Interference Report (A16) was prepared. Mr. Katra stated that there must not be any interference with any other radio based technology or television. Mr. Katra advised that the tower in question will operate within the frequencies licensed by the FCC.

Submitted for inclusion into the record was the following:

A17) FAA TowAir Analysis

Mr. Katra advised that the site does not have to be registered with the Federal Aviation Administration. Mr. Katra stated that the tower will not have to be lit.

Member Esposito asked what is the proposed coverage based on. Mr. Katra advised that this is based on 850 Megahertz. Member Esposito noted that it is not known on the model submitted what can be gained or loss by moving the location to the 1900 Megahertz

Member Esposito asked what kind of frequency coverage will there be for the area to the east of Butler Pike. Mr. Katra advised that this will be for 850 Megahertz.

Member Esposito asked what would occur if the antenna is lowered to 110'. Mr. Katra advised that coverage would go through the clutter more, and the antenna would be in the trees.

Member Esposito asked if other carriers use the same frequencies that were included in the testimony this evening. Mr. Katra advised that other carriers use these frequencies. Member Esposito asked if carriers work in the same ban but in a different block. Mr. Katra advised that this is correct. Mr. Katra stated that other carriers have similar technology, and a reduction in the height of the pole would mean less coverage. Member Esposito noted that lowering of the platform means that the antenna gets into the trees, and coverage would be lost to Cold Point Village.

Member Esposito asked if there are any other physical limitations at the PECO Site to put in 850 Megahertz and 700 Megahertz. Mr. Katra advised that AT&T asked PECO if they can come out from under the high tension lines, and PECO did not allow this. Member Esposito noted that the applicant's tower is different from other carriers in that it is a single monopole with 1 platform. Mr. Katra stated that this is correct.

Member Esposito inquired about lack of access to the PECO Site. Mr. Katra advised that it has been about 7 years since maintenance has been done to the site because of the high tension wires. Member Esposito asked if there is anything in the lease with PECO that would allow a maintenance window. Mr. Schubert advised that the Master Lease Agreement does not guarantee AT&T the right to go in at any certain time.

Member Esposito asked if other sites in the Township have the specific maintenance window that may not be part of a backbone. Mr. Schubert advised that AT&T has the Master Lease Agreement dated in 1996, and this controls all of the sites that AT&T has regarding PECO. Mr. Schubert stated that each individual site has its own Site License Agreement.

Member Esposito asked if there is evidence of AT&T trying to go to PECO submitting documents stating that they need to get into the facility. Mr. Schubert advised that it is PECO's call concerning a window. Mr. Schubert stated that it happens when PECO has a shutdown, but this happens very infrequently.

Member Esposito advised that he is concern that other towers use the PECO Site, and all coverage would be lost to the Township during a power failure. Mr. Schubert advised that PECO does what they want to do concerning the scheduling of the maintenance. Mr. Katra stated that there have been other carriers who are at the mercy of PECO if they desire to go in and do maintenance.

Member Esposito asked if notification to PECO would be done by submitting a document for maintainence. Mr. Schubert advised that AT&T has notified PECO verbally, however AT&T faced the dilemma of only getting in when power is shut down by PECO. Mr. Schubert stated that there may be documents concerning these requests, but he did not do research on obtaining documents for this concern.

Member Esposito stated that he believes the location will be good for the structure. Member Esposito stated that the side to the Mall will need some camouflage. Member Esposito stated that he is concerned on what will be done with all of the other PECO sites.

Chairman Frangiosa asked what will be the upper range for the height of the tower. Mr. Von Rein advised that the tower could go as high as 150'.

Member Saring asked what would be the window for replacing the existing equipment for the tower. Mr. Katra advised that there would be about 5 days of construction. Mr. Katra stated that maintenance would take place about once a year.

Member Saring asked if everything with PECO has basically been verbal. Mr. Laslo advised that he can check to see if there is anything in writing.

Member Saring stated that he is also concerned that relocation will happen with all of the PECO cell sites throughout the Township. Member Saring stated that Township Council should try to address this concern.

Member Esposito asked if the PECO Site had no lines above it would that be a better site for the monopole for all 3 frequencies. Mr. Katra advised that this would not be a better location because of the ground elevation.

There were no questions from the audience. There was no testimony for or against the

applicant from the audience.

EDWARD REESE JR./CAPITAL TELECOM ACQUISITION & NEW CINGULAR WIRELESS PCS, LLC, D/B/A AT&T MOBILITY: Member Esposito made a motion that the Zoning Board approve the dimensional variance for the equipment shelter to allow placement within 7.87' of a side property line where a minimum of 50' is required, and within 5.93' of a rear property line where a minimum of 50' is required, and the Zoning Board approve the dimension variance for the monopole to allow placement within 42.05' where a minimum of 255' is required, and to allow placement within 30' of the side property line where a minimum of 255' is required, and to allow placement within 17.52' from the rear property where 255' is required. Member Esposito stated that the above is subject to all of the following provisions:

- 1) The applicant agrees to camouflage the monopole structure so that it blends in with the surrounding environment which includes the camouflage of antenna platforms so that it conceals the attached antennas.
- 2) The applicant limits the number of antenna platforms to a maximum of 3, one at 130' Center Line, one at 120' Center Line, one at 110' Center Line with currently planned code configurations.
- 3) Any future deployment of antenna platforms associating antennas and or equipment for this site by any other cellular carrier must be submitted and approved by Township Council.
- 4) Any interference that is deemed to come from this site will be rectified as soon as possible by the applicant at their expense.
- 5) If the monopole is no longer needed the applicant will write a performance bond guaranteed removal.
- 6) There be the co-location for emergency if the Township Council makes the request.
- 7) The monopole will be extensible up to a height of 150'

Member Mattioni seconded the motion. Members Esposito, Mattioni, Sassi, and Frangiosa voted in favor of the motion. Member Saring voted against the motion. The motion passed by the vote of 4-1.

Ms. Kearney advised that there is a change to a condition for approval granted to IMS. Ms. Kearney stated that Condition 3 should now read "The hotel shall not be permitted to use the parking lot on Lot 9". Member Saring made a motion that the Zoning Board approve this change for Condition 3. Member Esposito seconded the motion. Members Saring, Esposito, Mattioni, Sassi, and Frangiosa voted in favor of the motion. The motion passed by the vote of 5-0.

The meeting was adjourned at 9:50 PM.

Respectfully Submitted,
Richard Clifford