

# EAST COCALICO TOWNSHIP

100 Hill Road, Denver, PA 17517  
717-336-1720 • www.eastcocalicotownship.com

## ZONING HEARING BOARD APPLICATION

1. **APPLICANT:** Valore, LLC T- Mobile  
3304 Wesley Avenue 510 Virginia Avenue  
Ocean City, NJ 08226 Ft. Washington, PA 19034  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: (856) 912-0707 Cell: \_\_\_\_\_ Email: \_\_\_\_\_
2. **OWNER (if other than applicant):**  
Name: Neil C. Strause & Mary Elizabeth Wike  
Address: 125 Wikes Trail, Reinholds, PA 17569  
Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_
3. **APPLICANT'S ATTORNEY/REPRESENTATIVE, IF APPLICABLE:**  
Name: James M. Strong, Esq.  
Address: McNeese Wallace & Nurick LLC, PO Box 1166, Harrisburg, PA 17108-1166  
Phone: (717) 237-5200 Cell: \_\_\_\_\_ Email: jstrong@mcneese-law.com
4. **PROPERTY INFORMATION:**  
Address/Location: 125 Wikes Trail  
Lot Size: Appx. 32.85 Width: > 150' @ street line Depth: > 2,000'  
Zoning District: Conservation Zone Tax ID No. 080-47340-0-0000  
Present Use: Residential  
Proposed Use/Purpose for Which Hearing is Sought: Communication tower and equipment facility  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. **APPLICATION IS MADE FOR:**  
☒ A. Variance from Requirement(s) of the Zoning Ordinance - see page 2 - \*To the extent necessary.  
☒ B. Special Exception under the Zoning Ordinance - see page 3  
☐ C. Appeal Zoning Officer Determination or Enforcement Notice - see page 3  
☐ D. Other Type of Appeal, as provided for by the PA Municipalities Planning Code - see page 3

### FOR TOWNSHIP USE

ZHB Case No. 24-783 Date Complete Application Received: 1/25/24  
Zoning Hearing Board Hearing Date(s): \_\_\_\_\_  
Date of Zoning Hearing Board Decision: \_\_\_\_\_  
Date of Written Decision: \_\_\_\_\_  
Date Decision Mailed to Applicant(s): \_\_\_\_\_

**A. VARIANCES** – The following information shall be provided for variance applications:

1. Include:

- (a) The Zoning Ordinance section(s) from which relief is sought: to the extent necessary, 220-82.C(2)(a)[3][b]
- (b) A written description of the requested variance, along with a description of the hardship that is being alleged, and reasons why the variance should be granted, and
- (c) A site plan with sufficient detail and accuracy so as to present the nature of the request and the unique site conditions that create hardship to strict compliance with the Zoning Ordinance.
- (d) Names and addresses of adjoining property owners, including properties directly across a public right-of-way. - See attached narrative, zoning plan and adjoining property owner information.

2. Describe the unique physical circumstances or conditions of the property, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions, that create an unnecessary hardship that prevents it from being used in a manner that is consistent with the Ordinance: See attached narrative.

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3. Describe how because of such unique physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the Ordinance, and therefore the granting of a variance is necessary to enable the reasonable use of the property: See attached narrative.

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4. Explain why the unnecessary hardship has not been created by the applicant: See attached narrative.

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5. Explain why the variance, if granted, will not alter the character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare: See attached narrative.

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6. Describe how the variance, if granted, will represent the minimum variance that will afford relief, and will represent the least modification possible of the relevant Ordinance provision(s): See attached narrative.

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*(attach additional sheets of paper if necessary)*

**B. SPECIAL EXCEPTIONS** – An application for a special exception must demonstrate compliance with the general requirements of Section 220-142.C(2) below, as well as any use-specific requirements.

1. Include:

- (a) Ground floor plans and elevations of proposed structures,
- (b) Names and addresses of adjoining property owners, including properties directly across a public right-of-way,
- (c) A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Zoning Ordinance, <sup>See attached narrative.</sup> and
- (d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of the Zoning Ordinance.

- 2. The proposed use shall be consistent with the purpose and intent of this chapter;
- 3. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- 4. The proposed use will not substantially change the character of the subject property's neighborhood;
- 5. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, solid waste disposal, vehicular access, etc.)
- 6. The proposed use shall comply with those criteria specifically attached to it. In addition, the proposed use must comply with all other applicable regulations contained in this chapter;
- 7. The traffic generated by the proposed use shall be safely and adequately accommodated during peak and nonpeak periods, or improvements made by the applicant shall be made in order to effect the same;
- 8. The proposed use shall be in and of itself properly designed with regard to internal circulation, parking, buffering, screening, and all other elements of proper design, as required by this chapter and any other federal, state or local ordinance, law or regulation;
- 9. The proposed use will not have deleterious impact on adjoining properties or the neighborhood, due to impacts and/or by-products of the proposed use, such as noise, dust, odor, smoke, litter, glare, heat, radiation, electromagnetic interference, etc.;
- 10. The proposed use will not substantially impair the integrity of the Comprehensive Plan; and
- 11. For development within the Floodplain Zone, the application shall comply with those requirements listed in § 220-19 of this chapter.

- See zoning plan, adjoining property owner information and narrative.

**C. APPEAL OF ZONING OFFICER DETERMINATION OR ENFORCEMENT NOTICE** – These include, but are not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot. Attach copies of enforcement notices or other relevant documentation.

- N/A

**D. OTHER TYPE OF APPEAL** – The PA Municipalities Code gives municipal Zoning Hearing Boards the jurisdiction to hear appeals and render decisions on the following matters:

- 1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 (landowner curative amendments) and 916.1(a)(2) (validity of ordinance).

2. Appeals from a determination by a Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
3. Appeals from the determination or any officer or agency charged with the administration of any transfers of development rights (TDRs) or performance density provisions of the Zoning Ordinance.
4. Appeals from the Zoning Officer's preliminary determination (MPC Section 916.2).
5. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management not relating to land development or planned residential development.

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Please submit seven (7) copies of the application, plans, list of adjoining property owners, photographs, all other supporting documentation, and the correct application fee to the East Cocalico Township Office. Note the Township must receive a complete application package and correct fee to be scheduled for a hearing.

The Zoning Hearing Board generally meets on the second Wednesday of each month. Applications to the Zoning Hearing Board must be received at the Township Building no later than the first business day of the month prior to the month of the hearing (*read: about six weeks before the meeting*).

**THIS IS A LEGAL PROCEEDING; YOU MAY WANT TO CONSIDER HAVING AN ATTORNEY REPRESENT YOU AT THE HEARING.**

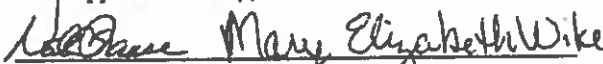
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To the best of my/our knowledge and belief, all information submitted herein is true and complete.  
NOTE: The application MAY NOT be signed by an agent, but MUST be signed by the applicant(s) and/or owner(s).

  
Applicant Signature(s)

12.7.2023  
Date

FRANK DEGENOVA  
Print Applicant Name(s)

  
Owner Signature(s)

12.6.2023  
Date

Mary Elizabeth Wike  
Print Owner Name(s)

**ZONING APPLICATION NARRATIVE  
VALORE, LLC / T-MOBILE**

**I. INTRODUCTION**

Valore, LLC, together with T-Mobile (collectively, the "Applicant"), is proposing to construct and operate a tower-based wireless communications facility ("WCF"), including antennas and equipment (collectively, the "Facility") on property located at 125 Wikes Trail, Reinholds, Pennsylvania, identified as Property Identification No. 080-47340-0-0000 (the "Property"), in East Cocalico Township (the "Township"). The Property is located in the Township's Conservation Zone (the "C Zone"). Pursuant to Section 220-13.C(6) of the Township's Zoning Ordinance (the "Zoning Ordinance"), communications towers and equipment facilities are permitted in the C Zone by special exception.

The proposed Facility is designed to include a one hundred fifty (150') foot tall self-supporting monopole (i.e., tower) with a five (5') foot tall lightning rod, for a total overall structure height of one hundred fifty-five (155') feet. The Applicant proposes to install antennas on the proposed tower at a centerline elevation of one hundred fifty (150') feet above ground level. The Applicant proposes to install equipment cabinets and a backup generator on a concrete pad (10' x 15') within the proposed Facility. The Facility is designed to be enclosed by an eight (8') foot tall chain link fence topped with barbed wire and a gate. The Applicant intends to utilize an existing gravel driveway and install an approximately twelve (12') foot wide gravel access driveway from the edge of the existing driveway to the Facility, within a fifteen (15') foot wide joint access/utility easement to access the Facility from Violet Drive (T-932). The proposed utilities for the Facility are to be installed within the joint access/utility easement. A zoning plan that depicts the proposed Facility is enclosed (the "Plan").

In connection with the construction and operation of the proposed Facility, the Applicant requests the following relief:

A. Special exception approval pursuant to Section 220-13.C(6) of the Zoning Ordinance to permit the Facility as a communications tower and equipment facility on the Property in the C Zone;

B. A determination that the required two hundred fifty (250') foot setback distance from the base of the tower to the nearest adjoining lot with a residential use set forth in Section 220-82.C(2)(a)[5][c] of the Zoning Ordinance applies over the required five hundred (500') foot setback distance from the Facility to the nearest property line of an existing residence set forth in Section 220-82.C(2)(a)[3][b];

C. In the alternative, and to the extent necessary, a dimensional variance from Section 220-82.C(2)(a)[3][b] of the Zoning Ordinance, so as to permit the Facility to be set back a distance less than five hundred (500') feet from the nearest lot line of an existing residence; and

D. An extension of the time limit for obtaining the necessary permit and commencing and completing construction authorized by the Zoning Hearing Board approval, pursuant to Section 220-144.A of the Zoning Ordinance.

## **II. REQUESTED RELIEF – SPECIAL EXCEPTION**

### **A. Special Exception Approval to Permit the Facility as a Communications Tower and Equipment Use on the Property in the C Zone (Section 220-13.C(6))**

Pursuant to Section 220-13.C(6) of the Zoning Ordinance, communications towers and equipment facilities are permitted in the C Zone by special exception approval. The Applicant requests that the Zoning Hearing Board grant special exception approval to permit the construction and operation of the Facility on the Property in the C Zone. The specific requirements that apply to communications towers and equipment facilities (i.e., tower-based WCFs) are set forth in Section 220-82.C of the Zoning Ordinance. The applicable parts of those requirements are reproduced (or summarized) in bold below. A brief discussion follows each requirement.

#### **Section 220-82.C**

**General and specific requirements for all tower-based wireless communications facilities.**

#### **Section 220-82.C(1)**

**The following regulations shall apply to all tower-based wireless communications facilities:**

#### **Section 220-82.C(1)(a)**

**Standard of care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most-recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.**

At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the Facility is designed and proposed to be constructed in compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. If the Application is approved, the Applicant agrees to operate, maintain, repair, modify and/or remove, as applicable, the Facility in accordance with the applicable requirements of Section 220-82.C(1)(a) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(b)**

**Notice. Upon submission of an application for a tower-based WCF and the scheduling of the public hearing upon the application, the WCF applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The WCF applicant shall provide proof of the notification to the Township.**

At the hearing, the Applicant will present testimony and documentation demonstrating that the Applicant mailed notice of the public hearing on the Application to the owners of every property within five hundred (500') feet of the proposed Facility in compliance with the applicable notice requirements of Section 220-82.C(1)(b) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(c)**

**Special exception authorization required. Tower-based WCFs are permitted in certain zoning districts by special exception and at a height necessary to satisfy their function in the WCF applicant's wireless communications system. No WCF applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF applicant shall demonstrate that the tower-based WCF is the minimum height necessary for the service area.**

As depicted on the Plan, the height of the proposed tower is designed to be approximately one hundred fifty (150') feet with a five (5') foot tall lightning rod, for a total overall structure height of one hundred fifty-five (155') feet. The Applicant proposes to install antennas on the proposed tower at a centerline elevation of one hundred fifty (150') feet above ground level. At the hearing, the Applicant will present testimony and supporting documentation from a radio frequency design engineer demonstrating that the heights of the proposed

antennas and tower are the minimum necessary for the Applicant to provide for the efficient operation of its network, and adequate and reliable wireless communications service to the area of the Township surrounding the Property. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(c)[1]**

**Prior to the Board's approval of a special exception authorizing the construction and installation of a tower-based WCF, it shall be incumbent upon the WCF applicant for such special exception approval to prove to the reasonable satisfaction of the Board that the WCF applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF applicant shall further demonstrate that the proposed tower-based WCF must be located where it is proposed in order to serve the WCF applicant's service area and that no other viable alternative location exists.**

At the hearing, the Applicant will present testimony and supporting documentation from a radio frequency design engineer demonstrating that: (i) the Applicant cannot adequately extend or infill its wireless communications system by the use of equipment such as radomes, repeaters, antenna(s) and other similar equipment installed on existing structures; (ii) the proposed Facility must be located where it is proposed in order to serve its service; and (iii) no other viable alternative location exists in order to provide for the efficient operation of its network, and adequate and reliable wireless communications service to the area of the Township surrounding the Property. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(c)[2]**

**The special exception application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communications facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF applicant, the power in watts at which the WCF applicant transmits, and any relevant related tests conducted by the WCF applicant**



**in determining the need for the proposed site and installation.**

Enclosed is a radio frequency design report prepared by Andrew Petersohn, P.E. of dBm Engineering, P.C. that includes propagation studies evidencing the need for the proposed Facility. Additionally, the radio frequency design report includes a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the Applicant, the power in watts at which the Applicant transmits and other applicable tests conducted by the Applicant in determining the need for the proposed site and installation. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(c)[3]**

**The special exception application shall be accompanied by documentation demonstrating that the proposed tower-based WCF complies with all state and federal laws and regulations concerning aviation safety.**

Enclosed are copies of the PennDOT AV-57 Form and the response from the PennDOT Bureau of Aviation as well as and Federal Aviation Administration ("FAA") reviews, demonstrating that the Facility complies with all applicable federal and state laws and regulations concerning aviation safety. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(c)[4]**

**Where the tower-based WCF is located on a property with another principal use, a land development plan approval is required. Additionally, the WCF applicant and owner must enter into a written easement with the proposed WCF with vehicular access to the facility.**

As depicted on the Plan, the proposed Facility is designed to be located on the Property that includes an existing residential dwelling, a principal use. The Applicant intends to utilize the existing gravel driveway and install an approximately twelve (12') foot wide gravel access driveway from the edge of the existing driveway to the Facility, within a fifteen (15') foot wide joint access/utility easement granted to the Applicant by the Property owner, so as to access the Facility from Violet Drive. If the Application is approved, the Applicant agrees to comply with the applicable plan approval requirements of the Township's Subdivision and Land Development Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(c)[5]**

**The special exception application shall be accompanied by documentation demonstrating that the proposed tower-based**

**WCF complies with all applicable provisions in this section.**

This Narrative is written documentation demonstrating that the Facility complies with all the applicable tower-based WCF requirements of Section 220-82.C of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(d)**

**Engineer inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a tower-based WCF, the applicant shall employ a structural engineer registered in Pennsylvania to issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunications Industry Association. Such engineer shall certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the hearings, or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.**

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the applicable engineering inspection requirements of Section 220-82.C(1)(d) of the Zoning Ordinance as part of the subsequent permit approval process. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(e)**

**Visual appearance and land use compatibility. Tower-based WCFs shall employ stealth technology, which may include the tower portion being painted silver or another color approved by the Township or having a galvanized finish. All tower-based WCFs and related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Township shall consider whether its decision upon the subject application will promote the**

**harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.**

As depicted on the Plan, the Facility is designed to include a self-supporting monopole (i.e., tower) that does not require any guy wires. The tower is designed to have a non-reflecting, galvanized finish that is weathered gray in color. At the hearing, the Applicant will present testimony confirming that it is the Applicant's experience that the proposed weathered, galvanized gray color blends in best with different backgrounds, including the existing surroundings. See responses to Sections 220-82.C(1)(f), 220-82.C(2)(c)[1], 220-82.C(2)(d)[2], 220-82.C(2)(d)[2][a] and 220-82.C(2)(e) of the Zoning Ordinance describing the required and proposed landscaping treatments, including preserving existing mature vegetation and trees that help to screen the base of the Facility from public view. Given the foregoing, the Application compiles with this requirement.

**Section 220-82.C(1)(f)**

**Landscaping. An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six feet at planting and shall grow to a minimum of 15 feet at maturity.**

As depicted on the Plan, the base of the Facility is designed so as to be surrounded by landscape screening along all sides, including new evergreen plantings and preserved mature vegetation. The evergreen plantings are designed to have a height of at least six (6') feet at the time of planting and a height of at least fifteen (15') feet at maturity. See response to Section 220-82.C(2)(d)[2][a] of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(g)**

**Co-location and siting. An application for a new tower-based WCF shall demonstrate that the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building or sited on land owned and maintained by East Cocalico Township. The Township may deny an application to construct a new tower-based WCF if the WCF applicant has not made a good-faith**

effort to mount its antenna(s) on an existing structure. The WCF applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one-fourth-mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

- [1] The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
- [2] The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower, and the interference cannot be prevented at a reasonable cost.
- [3] Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- [4] A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

At the hearing, the Applicant will present testimony and supporting documentation from a radio frequency design engineer addressing the co-location and siting requirements of Section 220-82.C(1)(g) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(h)**

**Permit required for modifications. To the extent permissible under applicable state and federal law, any WCF applicant proposing the modification of an existing tower-based WCF, which increases the overall height of such WCF, shall first obtain a permit from the Township. Nonroutine modifications shall be prohibited without a permit.**

The Application proposes construction and operation of the Facility as a new communications tower and equipment facility in accordance with the applicable tower-based WCF requirements. No modification of an existing tower-based WCF is proposed by the Application. Therefore, this requirement is not applicable.

**Section 220-82.C(1)(i)**

**Gap in coverage.** A WCF applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of a tower-based WCF.

At the hearing, the Applicant will present testimony and supporting documentation from a radio frequency design engineer demonstrating that the proposed Facility is the least-intrusive means to fill an existing gap. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(j)**

**Additional antennas.** As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible. To the extent permissible under state and federal law, the owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Township.

At the hearing, the Applicant will present testimony and documentation demonstrating that the Applicant agrees to permit other service providers to co-locate antennas on the Facility in instances where such is technically and economically feasible. If the Application is approved, the Applicant agrees to comply with the applicable approval requirements of Section 220-82.C(1)(j) of the Zoning Ordinance in instances where additional antennas are proposed to be installed in the future. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(k)**

**Wind.** Any tower-based WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and

**Telecommunications Industry Association  
(ANSI/EIA/TIA-222, as amended).**

At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the Facility is designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E, as amended). Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(l)**

**Height. Any tower-based WCF shall be designed at the minimum functional height and shall not exceed 200 feet vertically from the base of the WCF to the top of the original wireless support structure. An existing tower may be modified or extended to a height not to exceed 215 feet, in order to accommodate the co-location of additional communications antennas.**

As depicted on the Plan, the height of the proposed tower is designed to be approximately one hundred fifty (150') feet topped with a five (5') foot tall lightning rod, for an overall height of one hundred fifty-five (155') feet. The Applicant proposes to install antennas on the proposed tower at a centerline elevation of one hundred fifty (150') feet above ground level. At the hearing, the Applicant will present testimony and supporting documentation from a radio frequency design engineer demonstrating that the height of the proposed antennas and tower are the minimum functional heights necessary for the Applicant to provide for the efficient operation of its network, and adequate and reliable wireless communications service to the area of the Township surrounding the Property. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(m)**

**Related equipment. Either one single-story wireless communications equipment building not exceeding 500 square feet in area, or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment, may be located on the site for each unrelated company sharing commercial communications antenna(s) space on the tower-based wireless communications facility.**

As depicted on the Plan, the Applicant proposes to install equipment cabinets and backup generator on a concrete pad (10' x 15') within the proposed Facility. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(n)**

**Public safety communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.**

At the hearing, the Applicant will present testimony and supporting documentation from a radio frequency design engineer demonstrating that the proposed Facility will not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(o)**

**Maintenance. The following maintenance requirements shall apply:**

- (1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.**
- (2) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents, and utilize the best available technology for preventing failures and accidents.**

As depicted on the Plan, the proposed Facility is designed and intended to be fully automated. At the hearing, the Applicant will present testimony confirming that the Facility generally is to remain unattended on a daily basis and visited only for routine maintenance and emergency repairs. If the Application is approved, the Applicant agrees to comply with the applicable maintenance requirements of Section 220-82.C(1)(o) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(p)**

**Radio frequency emissions. A tower-based WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.**

At the hearing, the Applicant will present testimony and supporting documentation from a radio frequency design engineer demonstrating that the proposed Facility is designed and intended to be operated so as to not generate radio frequency emissions in excess of the standards and regulations of the FCC. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(q)**

**Historic buildings or districts. A tower-based WCF shall not be located upon a property and/or on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places.**

At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the Property upon which the Facility is to be located does not contain a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(r)**

**Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be that required by the FCC or any other federal or state agency.**

As depicted on the Plan, the Facility is designed to include a sign identifying the name and phone number of a party to contact in the event of an emergency. At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to post the sign in a readily visible location. Except as for any required street number sign and signage as may be required by the FCC or any other federal or state agency, no other signage is proposed by the Application. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(s)**

**Lighting. No tower-based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.**



At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the proposed tower is not required to be lighted. Unless otherwise required, the Applicant does not propose to light the Facility. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(t)**

**Noise.** Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the noise requirements of Section 220-82.C(1)(t) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(u)**

**Aviation safety.** Tower-based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

See response to Section 220-82.C(1)(c)[3] of the Zoning Ordinance confirming the Facility complies with all applicable federal and state laws and regulations concerning aviation safety. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(v)**

**Retention of experts.** The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

Acknowledged. No response required.

**Section 220-82.C(1)(w)**

**Timing of approval.** Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Township, the

Township shall notify the WCF applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF, and the Township shall advise the WCF applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF applicant to provide the information shall not be counted toward the one-hundred-fifty-day review period.

Acknowledged. No response required.

**Section 220-82.C(1)(x)**

**Nonconforming uses.** Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section.

Acknowledged. No response required.

**Section 220-82.C(1)(y)**

**Removal.** In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Special exception authorization automatically lapses after 12 continuous months of disuse or abandonment. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

- [1]** All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Township.
- [2]** If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory

facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

- [3] Any unused portions of tower-based WCFs, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the removal requirements of Section 220-82.C(1)(y) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(z)**

**Permit fees.** The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring, and related costs.

Acknowledged. No response required.

**Section 220-82.C(1)(aa)**

**FCC license.** Each person that owns or operates a tower based WCF over 40 feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

At the hearing, the Applicant will submit copies of its current FCC license(s) to provide service in this area and the required operator information set forth in Section 220-82.C(1)(aa) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(bb)**

**Insurance.** Each person that owns or operates a tower-based WCF greater than 40 feet in height shall provide the Township with a certificate of insurance evidencing and maintaining general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF

and \$10,000,000 aggregate coverage. The certificate shall name East Cocalico Township as an additional insured. Each person that owns or operates a tower-based WCF 40 feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF and \$2,000,000 aggregate coverage. The certificate shall name East Cocalico Township as an additional insured.

At the hearing, the Applicant will submit a copy of a certificate of insurance evidencing compliance with the applicable provisions of Section 220-82.C(1)(bb) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(cc)**

**Indemnification.** Each person that owns or operates a tower-based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a tower-based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the applicable indemnification requirements of Section 220-82.C(1)(cc) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(dd)**

**Engineer signature. All plans and drawings for a tower-based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.**

The Plan that depicts the tower and antennas includes the seal and signature of Roger Johnson, PE, a professional structural engineer licensed in the Commonwealth of Pennsylvania. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(1)(ee)**

**Financial security. Prior to receipt of a building permit for the construction or placement of a tower-based WCF, the WCF applicant shall provide to the Township financial security sufficient to guarantee the removal of the tower-based WCF. Said financial security shall remain in place until the tower-based WCF is removed.**

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the applicable financial security requirements of Section 220-82.C(1)(ee) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)**

**The following regulations shall apply to tower-based wireless communications facilities located outside the public rights-of-way:**

**Section 220-82.C(2)(a)**

**Development regulations.**

**Section 220-82.C(2)(a)[1]**

**Tower-based WCFs shall not be located in, or within 100 feet of, any area in which utilities are primarily located underground.**

As depicted on the Plan, the tower will be set back distances of at least 100 feet from areas in which utilities are primarily located underground. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(a)[2]**

**Tower-based WCFs are permitted outside the public rights-of-way in the following zoning districts by special exception, subject to the above prohibition:**

- [a] A Agricultural Zone**
- [b] C Conservation Zone**
- [c] I-1 Light Industrial Zone**
- [d] I-2 Heavy Industrial Zone.**

The Application proposes construction and operation of the Facility as a communications tower and equipment facility (i.e., tower-based WCF) on the Property in the C Zone. Pursuant to Section 220-13.C(6) of the Zoning Ordinance, the Applicant requests that the Zoning Hearing Board grant special exception approval to permit the construction and operation of the Facility on the Property in the C Zone. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(a)[3]**

**No site shall be located within 500 feet of:**

- [a] Any land within the R, R-1, R-2, R-3, MHP, MR, or VO Zones;**
- [b] The nearest property line of any existing residence;**
- [c] The nearest property line of any approved lot that has been subdivided during the last five years for residential purposes, which has not yet been constructed;**
- [d] The nearest property line of any lot proposed for residential purposes which has been submitted for preliminary or final subdivision approval.**

As depicted on the Plan, the Facility is designed to be set back a distance of at least five hundred (500') feet from any land within the R, R-1, R-2, R-3, MHP, MR, or VO Zones. Additionally, the Facility is designed to be set back a distance of at least five hundred (500') feet from the nearest property line of any approved lot that has been subdivided during the last five years for residential purposes, which has not yet been constructed. Further, the Facility is designed to be set back a distance of at least five hundred (500') feet from the nearest property line of any lot proposed for residential purposes which has been submitted for preliminary or final subdivision approval. As discussed in Section III.A of this Narrative, the Application requests a determination that the setback requirement in Section 220-82.C(2)(a)[5][c] of the Zoning (i.e., a minimum two hundred fifty (250') foot setback distance from the base of the tower to the nearest adjoining lot with a residential use) applies over the minimum five hundred (500') foot setback distance from the site to the nearest lot line of any existing residence set forth in Section 220-82.C(2)(a)[3][b]. Except for any necessary relief requested as discussed in Section III.B of this Narrative, the Application complies with all other applicable setback requirements.

**Section 220-82.C(2)(a)[4]**

**Sole use on a lot. A tower-based WCF shall be permitted as a sole use on a lot, provided**

that the lot meets the minimum lot requirements in the underlying zoning district. The minimum distance between the base of a tower-based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed WCF structure height.

The proposed Facility would be located on the Property which also includes an existing residential dwelling. The Facility is not intended to be the sole use of the Property. Therefore, this requirement is not applicable.

**Section 220-82.C(2)(a)[5]**

**Combined with another use.** A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, subject to the following conditions:

**Section 220-82.C(2)(a)[5][a]**

The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.

As depicted on the Plan, the Facility is designed to be located on the Property which also includes an existing residential dwelling. Pursuant to Section 220-13.B(7) of the Zoning Ordinance, residential uses are permitted in the C Zone. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(a)[5][b]**

**Minimum lot area.** The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than 40 feet in height.

As depicted on the Plan, the Facility is designed to be located within a 75' x 75' (approx. 5,625 SF) lease area/ fenced compound upon the approximately 32.85-acre Property. The Property complies with the applicable requirements of the C Zone. The Property is large enough to accommodate the Facility. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(a)[5][c]**

**Minimum setbacks.** The minimum distance between the base of a tower-based WCF and any adjoining property line or street right-of-way line shall be equal to the total height of the tower-based WCF plus 50 feet or the minimum setback of the underlying zoning district, whichever is greater. Where the site

on which a tower-based WCF is proposed to be located is contiguous to an educational use, child day-care facility, or residential use, the minimum distance between the base of a tower-based WCF and any such adjoining uses shall equal 250 feet, regardless of the height of the tower-based WCF, unless it is demonstrated to the reasonable satisfaction of the Board that, in the event of failure, the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

As depicted on the Plan, the total overall height of the tower is designed to be approximately one hundred fifty-five (155') feet. Accordingly, the base of the tower must be set back a minimum distance of at least two hundred five (205') feet from the nearest Property line. As depicted on the Plan, the base tower is designed to be set back approximately two hundred fifty (250') feet from all Property lines, including the nearest lot line with an existing residential use. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(b)**

**Design regulations.**

**Section 220-82.C(2)(b)[1]**

The WCF shall employ the most-current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

See response to Section 220-82.C(1)(e) of the Zoning Ordinance describing the Facility's proposed type, design, materials, colors and screening treatments. At the hearing, the Applicant will present testimony and documentation demonstrating that the Facility is designed to blend with the surrounding environment and minimize aesthetic impact. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(b)[2]**

To the extent permissible by law, any height extensions to an existing tower-based WCF shall require prior approval of the Township.

Acknowledged. No response required.

**Section 220-82.C(2)(b)[3]**

Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF



**applicant's antennas and comparable antennas for future users.**

As depicted on the Plan, the Facility is designed to accommodate the Applicant's antennas and the antennas of other providers. At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the Facility is designed structurally, electrically and in all other applicable respects to accommodate both the Applicant's antennas and comparable antennas for future users. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(b)[4]**

**Any tower-based WCF over 40 feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.**

As depicted on the Plan, the tower is designed to include anticlimbing devices, as approved by the manufacturer. At the hearing, the Applicant will present testimony and documentation describing and demonstrating that the tower is designed to include the required anticlimbing devices. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(c)**

**Surrounding environs.**

**Section 220-82.C(2)(c)[1]**

**The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.**

As depicted on the Plan, the Applicant intends to utilize an existing gravel driveway to access the Facility from Violet Drive. The twelve (12') foot wide gravel access driveway extension is designed to be located on a previously developed (i.e., disturbed and graded) portion of the Property. Also, the Facility is designed to be located within a 75' x 75' (approx. 5,625 SF) lease area/fenced compound upon the approximately 32.85-acre Property. As designed, the lease area/fenced compound is approximately 0.4% of the size of the Property. The proposed small size and location of the Facility help to minimize the amount of earth disturbance and removal of existing mature vegetation and trees. The Facility is designed so that existing mature vegetation and trees within proximity to the Facility are preserved to the extent possible. See response to Sections 220-82.C(1)(e) and 220-82.C(2)(d)[2] of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(c)[2]**

**The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the tower-**

**based WCF, and anchors for guy wires, if used.**

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to submit a soil report as part of the subsequent permit application process for the proposed Facility as required by Section 220-82.C(2)(c)[2] of the Zoning Ordinance. The soil report will document and verify the design specifications of the foundation of the tower. No guy wires are required or proposed. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(d)**

**Fence/screen.**

**Section 220-82.C(2)(d)[1]**

**A security fence with a minimum height of eight feet and a self-locking gate shall completely surround any tower-based WCF greater than 40 feet in height, as well as guy wires, or any building housing WCF equipment.**

As depicted on the Plan, the base of the Facility, including equipment, is designed so as to be surrounded by an eight (8') foot tall chain link fence topped with barbed wire and a gate. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(d)[2]**

**Landscaping shall be required to screen as much of a newly constructed tower-based WCF as possible. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if, in the discretion of the Board, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.**

As depicted on the Plan, the base of the Facility is designed so as to be surrounded by landscape screening along all sides, including new evergreen plantings and preserved mature vegetation. See responses to Sections 220-82.C(1)(f), 220-82.C(2)(c)[1] and 220-82.C(2)(d)[2][a] of the Zoning Ordinance. The Facility is designed to be set back approximately two hundred twelve (212') feet from all Property lines and surrounded along all sides by vegetation. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(d)[2][a]**

**An evergreen screen shall be required to surround the site. The screen can either be a hedge (planted three feet from center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height**

**of six feet at planting and shall grow to a minimum of 15 feet at maturity.**

As depicted on the Plan, the base of the Facility is designed so as to be surrounded by landscape screening along all sides, including new evergreen plantings and preserved mature vegetation. The evergreen plantings are designed to have a height of at least six (6') feet at the time of planting and a height of at least fifteen (15') feet at maturity, planted a distance not less than ten (10') feet on center. See response to Section 220-82.C(1)(f) of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(e)**

**Accessory equipment.**

**Section 220-82.C(2)(e)[1]**

**Ground-mounted related equipment associated to, or connected with, a tower-based WCF shall be placed underground or screened from public view using stealth technologies, as described above.**

See responses to Sections 220-82.C(2)(d)[1], 220-82.C(2)(d)[2] and 220-82.C(2)(d)[2][a] of the Zoning Ordinance describing the required and proposed landscape screening treatments designed to surround the base of the Facility. Therefore, the proposed equipment at the base of the Facility is designed so as to be screened from public view by these treatments. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(e)[2]**

**All related equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.**

As depicted on the Plan, the proposed equipment and accessory structures are designed so as to blend into the surrounding environment and comply with the applicable accessory setback requirements of the C Zone. See response to Section 220-82.C(2)(e)[1] of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(f)**

**Access road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCFs. The access road shall be a dust-free, all-weather surface for its entire length. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the**

**WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.**

As depicted on the Plan, the Applicant intends to utilize the existing gravel driveway and install an approximately twelve (12') foot wide gravel (i.e., all weather surface) access driveway from the edge of the existing driveway to the Facility, within a fifteen (15') foot wide joint access/utility easement so as to access the Facility from Violet Drive, a public street. The proposed access driveway and parking are designed with a turnaround space in order to provide adequate emergency and service access to the Facility. The proposed access driveway is designed in compliance with the applicable provisions of Section 220-82.C(2)(f) of the Zoning Ordinance. See response to Section 220-82.C(2)(g) of the Zoning Ordinance describing the proposed parking. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(g)**

**Parking. For each tower-based WCF greater than 40 feet in height, there shall be two off-street parking spaces.**

As depicted on the Plan, two (2) off-street parking spaces are required and designed to serve the Facility. Given the foregoing, the Application complies with this requirement.

**Section 220-82.C(2)(h)**

**Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.**

Acknowledged. No response required.

**B. General Criteria for Special Exceptions (Section 220-142.C(2))**

The general standards for special exceptions are set forth in Section 220-142.C(2) of the Zoning Ordinance. In order to provide for the efficient operation of the network, and adequate and reliable wireless communications service to the area of the Township surrounding the Property, it is necessary to construct and operate the proposed Facility on a portion of the Property in the C Zone. Indeed, communications towers and equipment facilities are permitted in the C Zone. Therefore, the proposed Facility is an appropriate, compatible and permitted use of the existing Property and is consistent with purpose statements of the Zoning Ordinance set forth in Section 220-2, including promoting and

protecting the public health, safety, general welfare, and coordinated and practical community development.

As demonstrated in the Application, the low impact nature of the proposed Facility, along with the surrounding preserved mature vegetation and trees, proposed new landscape screening and large setbacks from nearby streets, lot lines and residential dwellings, combined with the purpose, intent, required setbacks and types of uses permitted in the C Zone, will not detract from the use and enjoyment of adjoining or nearby lots, nor cause a substantial change in the character of the Property's neighborhood or the C Zone.

The proposed Facility is a low-impact, low-intensity use designed to be located within a small leased area on the larger Property. The Facility is designed to be unmanned and therefore not require connection to sewer or water services. The Applicant's technician will visit the Facility semi-monthly (i.e., 1-2 times per month) to test and maintain the equipment and facilities. The technician will access the site in a SUV or light-duty truck. The Applicant intends to utilize an existing gravel driveway and install an approximately twelve (12') foot wide gravel access driveway from the edge of the existing driveway to the Facility, within a fifteen (15') foot wide joint access/utility easement to access the Facility from Violet Drive. Since the proposed Facility is a low-impact use, the Facility will generate minimal traffic on the existing, nearby roads. Therefore, the traffic generated by the proposed Facility will be safely and adequately accommodated during peak and nonpeak periods.

The proposed Facility will be served by electric and telephone utilities. The proposed utilities for the Facility are to be installed within the joint access/utility easement. The existing emergency services are adequate to service the proposed Facility. Emergency service providers can access the proposed Facility from Violet Drive. Therefore, there are adequate public facilities (e.g., fire, police and ambulance protection, utilities, and vehicular access, etc.) currently existing or available to serve the proposed Facility. The Facility will not generate impacts on schools, parks or solid waste disposal services.

Fourth, as discussed in Section II.A of this Narrative, except as may be necessary for the requested dimensional variance as discussed in Section III.B of this Narrative, the proposed Facility complies with the applicable specific requirements for communications towers and equipment facilities (i.e., tower-bases WCFs) that are set forth in Section 220-82.C of the Zoning Ordinance, as all other applicable regulations contained in the Zoning Ordinance, for communications towers and equipment facilities. Additionally, the proposed Facility is not located in the Floodplain Zone ("F Zone"), and therefore, the F Zone regulations set forth in Section 220-19 of the Zoning Ordinance do not apply.

The proposed Facility is designed properly with regard to internal circulation, parking, buffering, screening, and all other elements of proper design, as required by the Zoning Ordinance and any other federal, state or local ordinance, law or regulation. The proposed Facility is designed and proposed to be operated so as to not have a deleterious impact on adjoining properties or the neighborhood as it relates to noise, dust, odor, smoke, litter, glare, heat, radiation and electromagnetic interference.

As the Applicant has a policy offering tower space to emergency service providers for collocating their communication antennas and equipment, the Facility could potentially enhance emergency services communication and response times. The proposed Facility could potentially lead to cost savings to emergency service providers, the Township, businesses and residents. Therefore, the proposed Facility will not substantially impair the integrity of the most recent version of the Township's Comprehensive Plan.

Finally, the fact that a use is permitted as a special exception evidences a legislative decision that the particular type of use (in this case, a communications tower and equipment facility) is consistent with the zoning plan and presumptively consistent with the health, safety and welfare of the community. *Id.*; *Northampton Area Sch. Dist. v. East Allen Twp. Bd. of Supervisors*, 824 A.2d 372, 376 (Pa. Commw. 2003); *Abbey v. Zoning Hearing Bd. of East Stroudsburg*, 559 A.2d 107, 109 (Pa. Commw. 1989); *Warren Cty. Probation Ass'n v. Warren Cty. Zoning Hearing Bd.*, 414 A.2d 398, 399 (Pa. Commw. 1980); *Foster Grading Co. v. Venango Twp. Zoning Hearing Bd.*, 412 A.2d 647, 629 (Pa. Commw. 1980).

Therefore, a special exception application that satisfies objective standards of the Zoning Ordinance must be granted unless the opponents present sufficient evidence that the use will generate adverse impacts not normally generated by this type of use and that these impacts will pose a substantial threat to the health and safety of the community. *Greaton Props., Inc. v. Lower Merion Twp.*, 796 A.2d 1038, 1045 (Pa. Commw. 2002); *In re Cutler Group, Inc.*, 880 A.2d 39, 43 (Pa. Commw. 2003). Such evidence cannot consist of mere speculation, bald assertions, or personal opinions and perceptions of the effect of the use on the community. *Id.* Rather, opponents must demonstrate that there is a *high degree of probability* that the use will cause a substantial harm that is not normally associated with the proposed use. *Id.*; *Ruddy v. Lower Southampton Twp. Zoning Hearing Bd.*, 669 A.2d 1051, 1057 (Pa. Commw. 1995).

### **III. REQUESTED RELIEF – DETERMINATION OR VARIANCE IN THE ALTERNATIVE**

- A. Determination that the Required Two Hundred Fifty (250') Foot Setback Distance from Base of the Tower to the Nearest Adjoining Lot with a Residential Use set forth in Section 220-82.C(2)(a)[5][c] of the Zoning Ordinance Applies over the Required Five Hundred (500') Foot Setback Distance from the Facility to the Nearest Property Line of an Existing Residence set forth in Section 220-82.C(2)(a)[3][b]**

The Zoning Ordinance provides two different and conflicting setback requirements for tower-based WCFs. First, Section 220-82.C(2)(a)[3][b] of the Zoning Ordinance states that no site shall be located within five hundred (500') feet of the nearest property line of any existing residence. The term "site" means the fenced compound that is required to surround the tower.<sup>1</sup> This requirement means that the entire required fenced compound

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<sup>1</sup> Section 220-82.C(2)(d)[1] of the Zoning Ordinance requires all tower-based WCFs to be enclosed completely by a security fence.

within which the tower must be located, must be set back five hundred (500') feet from the nearest residential lot line.

However, Section 220-82.C(2)(a)[5][c] states that where the site (i.e., fenced compound) is located contiguous to a residential use, the distance between the base of the tower and such adjoining residential use shall be at least two hundred fifty (250') feet.<sup>2</sup> This means that only the tower, but not the entire fenced compound within which the tower must be located, is permitted to be set back from the nearest residential lot line a distance less than one-half (i.e., 250') of the required distance that the entire fenced compound must be set back (i.e., 500').

Section 220-4.A of the Zoning Ordinance states that "[i]n interpreting and applying the provisions of this chapter [i.e., Zoning Ordinance], they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township." This means that in interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the least or smallest requirements necessary. When two (2) tower based-WCF setback requirements are read together, it is clear that the two hundred fifty (250') foot set back requirement of Section 220-82.C(2)(a)[5][c] of the Zoning Ordinance is the minimum (i.e., smallest or least) requirement necessary as compared to the five hundred (500') foot setback requirement of Section 220-82.C(2)(a)[3][b]. Given the foregoing, the two hundred fifty (250') foot setback requirement of Section 220-82.C(2)(a)[5][c] of the Zoning Ordinance applies over the five hundred (500') foot setback distance of Section 220-82.C(2)(a)[3][b].

Further, when read together, the two (2) setback requirements lead to irrational and absurd results. Where a residential lot is located within five hundred (500') feet of a tower-based WCF site, the five hundred (500') foot setback of Section 220-82.C(2)(a)[3][b] of the Zoning Ordinance makes it impossible for the two hundred fifty (250') foot setback requirement of Section 220-82.C(2)(a)[5][c] to apply. In these instances, the two hundred fifty (250') foot setback requirement of Section 220-82.C(2)(a)[5][c] of the Zoning Ordinance never will apply, as the tower that is required to be located within fenced compound always will be set back a greater distance from the residential lot than the required fencing surrounding the tower (i.e., the fence must always be located between the adjoining lot line and the tower).

Finally, where a residential lot is located within five hundred (500') feet of a tower-based WCF site, the five hundred (500') foot setback of Section 220-82.C(2)(a)[3][b] of the Zoning Ordinance actually means the tower must be set back a distance greater than five hundred (500') feet. While the required fencing that surrounds the tower must be set back

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<sup>2</sup> Section 220-82.C(2)(a)[5][c] of the Zoning Ordinance contemplates a tower being set back a distance less than two hundred fifty (250') feet from the nearest residential lot line. This Section includes express language stating that when an applicant can demonstrate to the reasonable satisfaction of the Zoning Hearing Board that, in the event of failure, the tower is designed to collapse upon itself within a setback area less than the required minimum setback [i.e., 250'] without endangering such adjoining uses and their occupants, the tower is permitted to be set back a distance less than two hundred fifty (250') feet from the nearest residential lot line.

five hundred (500') feet from the nearest residential lot line, the required fencing always will be located closer to that adjoining lot line than the tower, as there is no way for a tower to be located closer to that adjoining lot line than the required fencing surrounding the tower. Given the foregoing, the two hundred fifty (250') foot setback requirement of Section 220-82.C(2)(a)[5][c] of the Zoning Ordinance applies over the five hundred (500') foot setback distance of Section 220-82.C(2)(a)[3][b].

Even if the Zoning Hearing Board does not agree that the Zoning Ordinance clearly provides that the two hundred fifty (250') foot setback requirement of Section 220-82.C(2)(a)[5][c] of the Zoning Ordinance applies over the five hundred (500') foot setback distance of Section 220-82.C(2)(a)[3][b], it must at least acknowledge that the sections above are ambiguous, if not conflicting. Therefore, to the extent the Zoning Ordinance is not clear as to issues identified above, Section 220-4.B of the Zoning Ordinance states that "[i]n interpreting the language of this chapter [i.e., Zoning Ordinance] to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction." This rule is further supported by Section 603.1 of the Pennsylvania Municipalities Planning Code which requires that zoning ordinances "shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction." 53 P.S. § 10603.1. Therefore, the proper interpretation is that the two hundred fifty (250') foot setback requirement of Section 220-82.C(2)(a)[5][c] of the Zoning Ordinance applies rather than the five hundred (500') foot setback distance of Section 220-82.C(2)(a)[3][b].

**B. In the Alternative and to the Extent Necessary, a Dimensional Variance to Permit the Facility to be Set Back a Distance Less than Five Hundred (500') Feet from the Nearest Lot line of an Existing Residence (Section 220-82.C(2)(a)[3][b])**

Section 220-82.C(2)(a)[3][b] of the Zoning Ordinance states that no site shall be located within five hundred (500') feet of the nearest property line of any existing residence. As depicted on the Plan, the proposed Facility is designed to be set back approximately two hundred twelve (212') feet from the nearest lot line of an existing residential use. Therefore, the Applicant requests a dimensional variance from Section 220-82.C(2)(a)[3][b] of the Zoning Ordinance to permit the Facility to be located a distance less than five hundred (500') feet from the nearest lot line of an existing residence.

As depicted on the Plan, the proposed Facility is designed to be set back approximately two hundred twelve (212') feet from the nearest lot line of an existing residential use. While the total overall height of the tower is designed to be approximately one hundred fifty-five (155') feet, the tower is designed to be set back from the nearest lot line of an existing residential use a distance (approx. 250') equal to its height (155') plus an additional ninety-five (95') feet.



When the two hundred fifty (250') set back is combined with the 50-foot rear yard setback requirement for the C Zone, the tower is designed to be set back a distance at least three hundred (300') feet from any portion of an adjoining lot where a new dwelling could be constructed. Further, the tower is designed to be set back a distance approximately three hundred thirty-two (332') feet from the nearest existing dwelling. While the Facility is designed so as to be surrounded by landscape screening, including new evergreen plantings along all sides, the majority of the area within the proposed set back distance from the nearest lot line is intended to include preserved existing mature vegetation and trees to the extent possible.

At the hearing, the Applicant will present testimony and supporting documentation from a radio frequency design engineer demonstrating that the proposed location of the Facility is necessary for the Applicant to provide for the efficient operation of its network, and adequate and reliable wireless communications service to the area of the Township surrounding the Property. Further, the radio frequency design engineer will present testimony and supporting documentation demonstrating that the height of the proposed antennas and tower are the minimum functional heights necessary for the Applicant to provide for the efficient operation of its network, and adequate and reliable wireless communications service to the area of the Township surrounding the Property.

Additionally, the Applicant will present testimony and supporting documentation from a registered professional structural engineer demonstrating that the Facility is designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E, as amended). Further, the registered professional structural engineer will present testimony and supporting documentation demonstrating that the tower is designed and proposed to be constructed in accordance with all other current industry standards and applicable requirements of the most recent version of the International Building Code as referenced in the Pennsylvania Uniform Construction Code. In addition, the registered professional structural engineer will present testimony and supporting documentation regarding the construction method that will be used to ensure that the proposed tower will be safe, and that adjacent properties and dwellings (and their occupants) will not be endangered or negatively affected in the event of tower failure.

The requested dimensional variance, if granted, will not alter the essential character of the neighborhood or the C Zone, or substantially or permanently impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

Finally, as the Pennsylvania Supreme Court stated in *Hertzberg v. Zoning Bd. of Adj. of the City of Pittsburgh*, 721 A.2d at 47, "[w]hen seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations." The Court declared in that case that a lesser quantum of proof is required for dimensional variances. Given the character of the Applicant's request and the lesser quantum of proof in an instance such as this, it is appropriate to grant the requested dimensional variance.

### **C. General Variance Standards (Section 220-142.D(2))**

The relief requested above complies with the general standards applicable to all variance requests, as set forth in Section 910.2(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10910.2(a) and Section 220-142.D(2) of the Zoning Ordinance. In order to provide for the efficient operation of the network, and adequate and reliable wireless communications service to the area of the Township surrounding the Property, it is necessary to construct and operate the proposed Facility on a portion of the Property in the C Zone. Indeed, communications towers and equipment facilities are permitted by special exception approval in the C Zone. As discussed above, there are no viable structures within a one-quarter (1/4) mile radius surrounding the Property on which antennas could be co-located and provide for the efficient operation of the network, and adequate and reliable wireless communications service to the area of the Township surrounding the Property.

The Property is an irregularly and uniquely dimensioned lot. The northwestern portion of the Property is traversed by a one hundred (100') foot right-of-way that includes PPL's high-voltage towers and overhead electric transmission lines. The Facility is designed to be located on an underutilized portion of the Property and use the existing logging trail and driveway, so as to minimize the impacts on the existing on-site operations and the amount of earth disturbance, impervious surface and stormwater runoff. Further, there are no viable structures within a one-quarter (1/4) mile radius surrounding the Property on which antennas could be co-located and provide for the efficient operation of the network, and adequate and reliable wireless communications service to the area of the Township surrounding the Property. Therefore, the unnecessary hardship is due to the Property's unique and irregular physical circumstances and other conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or C Zone in which the Property is located.

This hardship is not financial in nature and has not been created by the Applicant, as the Applicant intends to lease a portion of the Property. The requested variance, which is necessary for the Facility to be constructed, will not alter the essential character of the neighborhood in which the Property is located or the C Zone. The variance, if granted, will not substantially or permanently impair the appropriate use or development of the Property or adjacent properties in conformance with the C Zone requirements, and will not be detrimental to the public welfare. The requested variance represents the minimum variance that will afford relief and represent the least possible modification of the regulation at issue.

### **IV. REQUEST FOR TIME EXTENSION**

Section 220-144.A of the Zoning Ordinance requires applicants to obtain the necessary permit and begin the work authorized by the Zoning Hearing Board approval within two (2) years of the date of such approval and complete all work within four (4) years of such approval. There are occasions where unforeseen circumstances arise during the permitting process or construction phases that can add unforeseen delays. Accordingly, to provide adequate time for the Applicant to work through any unforeseen network and

system related logistical and operational issues that may arise and obtain any necessary municipal approvals and required outside agency approvals, the Applicant is requesting the Zoning Hearing Board approval to extend the time period to obtain the necessary permit and begin work towards completion from two (2) years to three (3) years, and to extend the time period to complete the authorized work from four (4) years to five (5) years.

## **V. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Zoning Hearing Board grant the requested relief.



**WILL CAUSE ONLY A "DE MINIMIS" INCREASE IN**

- [illegible]

**THE UNIVERSITY OF CHICAGO PRESS**

EXISTING INFORMATION IS BASED ON PLANS TITLED "TERRACE FLATFLOORS"  
PLP VOLUME #1011A, SHEET TRAP, P.L.P. CDS-73-3496-8-0007  
BY CALHOUN & ASSOCIATES, INC. DATED 07/31/2023 ALR 06/25/2023

THE FOLLOWING NOTES ARE TAKEN FROM THE ABOVE MENTIONED PLAN:

1. PROPERTY HEREIN AS WAS PARCEL #888-3420073-3496-8-0007 AS SHOWN ON THE MAP OF THE TOWNSHIP OF EAST COCONA COUNTY OF LAKECOUNTY, ILLINOIS OF FOURTH QUARTER.

- [illegible]

ALL CONTRACTORS WORKING ON THIS PROJECT SHALL VERIFY LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES/ACTIVITIES PRIOR TO THE START OF WORK AND SMALL COUNTY HAS THE RESPONSIBILITY OF P.L. 832, MD. 287 OCTOBER 19, 1974 AS LAST AMENDED ON APRIL 24, 2010, PENNSYLVANIA ACT 50.

SMALL COUNTY REQUESTS:

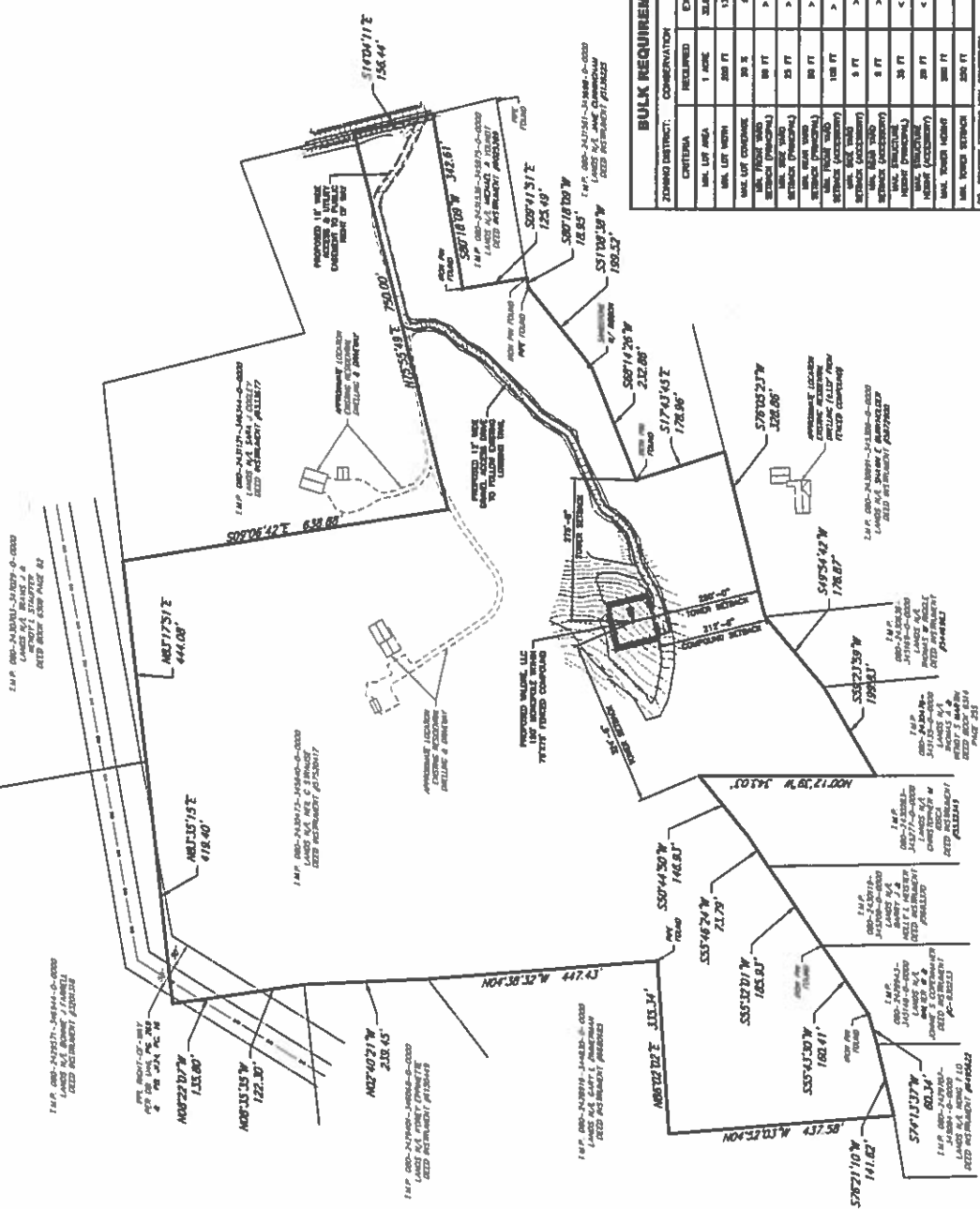
[illegible][illegible]

PRISONERS ARE RELEASED  
DURING MORNING DAYS AFTER PRISON  
TO NEW FATHERS BEING ACTING

[illegible]

**OVERALL  
SITE PLAN**

2



ZONING DISTRICT:	BULK REQUIREMENTS		
	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	1 ACRE	35.00 ACRES	NO CHANGE
MIN. LOT WIDTH	200 FT	130 FT	NO CHANGE
MIN. LOT DEPTH	30 FT	5 FT	NO CHANGE
MIN. LOT COVERAGE	100 FT	> 100 FT	NO CHANGE
MIN. LOT FRONT SETBACK (FEET)	25 FT	> 25 FT	NO CHANGE
MIN. LOT SIDE SETBACK (FEET)	50 FT	> 50 FT	NO CHANGE
MIN. LOT REAR SETBACK (FEET)	150 FT	> 150 FT	NO CHANGE
MIN. LOT FRONT YARD SETBACK (FEET)	5 FT	> 5 FT	NO CHANGE
MIN. LOT SIDE YARD SETBACK (FEET)	5 FT	> 5 FT	NO CHANGE
MIN. LOT REAR YARD SETBACK (FEET)	5 FT	> 5 FT	NO CHANGE
MIN. LOT FRONT SETBACK (FEET)	50 FT	< 20 FT	NO CHANGE
MIN. LOT SIDE SETBACK (FEET)	50 FT	< 20 FT	NO CHANGE
MIN. LOT REAR SETBACK (FEET)	50 FT	N/A	NO CHANGE
MIN. LOT FRONT SETBACK (FEET)	50 FT	N/A	NO CHANGE
MIN. LOT SIDE SETBACK (FEET)	50 FT	N/A	NO CHANGE
MIN. LOT REAR SETBACK (FEET)	50 FT	N/A	NO CHANGE

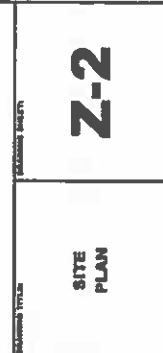
Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																																																																																																																																																																																		
Population (millions)	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8	10.9	11.0	11.1	11.2	11.3	11.4	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4	13.5	13.6	13.7	13.8	13.9	14.0	14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8	14.9	15.0	15.1	15.2	15.3	15.4	15.5	15.6	15.7	15.8	15.9	16.0	16.1	16.2	16.3	16.4	16.5	16.6	16.7	16.8	16.9	17.0	17.1	17.2	17.3	17.4	17.5	17.6	17.7	17.8	17.9	18.0	18.1	18.2	18.3	18.4	18.5	18.6	18.7	18.8	18.9	19.0	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	20.0	20.1	20.2	20.3	20.4	20.5	20.6	20.7	20.8	20.9	21.0	21.1	21.2	21.3	21.4	21.5	21.6	21.7	21.8	21.9	22.0	22.1	22.2	22.3	22.4	22.5	22.6	22.7	22.8	22.9	23.0	23.1	23.2	23.3	23.4	23.5	23.6	23.7	23.8	23.9	24.0	24.1	24.2	24.3	24.4	24.5	24.6	24.7	24.8	24.9	25.0	25.1	25.2	25.3	25.4	25.5	25.6	25.7	25.8	25.9	26.0	26.1	26.2	26.3	26.4	26.5	26.6	26.7	26.8	26.9	27.0	27.1	27.2	27.3	27.4	27.5	27.6	27.7	27.8	27.9	28.0	28.1	28.2	28.3	28.4	28.5	28.6	28.7	28.8	28.9	29.0	29.1	29.2	29.3	29.4	29.5	29.6	29.7	29.8	29.9	30.0	30.1	30.2	30.3	30.4	30.5	30.6	30.7	30.8	30.9	31.0	31.1	31.2	31.3	31.4	31.5

[illegible]

valore. Ilc

PA0101A  
REINHOLDS  
PARCEL ID: 060-2430473-348940-0-0000  
128 WIKES TRAIL  
REINHOLDS, PA 17569  
EAST COCALIGO TOWNSHIP  
LANCASTER COUNTY

**valore, llc**  
2100 Whiting Avenue  
Overland Park, KS 66206  
Phone: (816) 711-5767



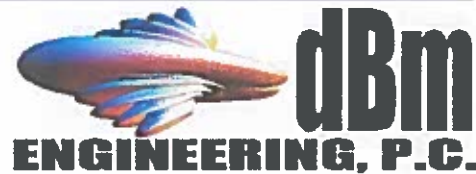
**valore, ilc**  
1304 Bradley Avenue  
Chico, CA 95926  
Phone (916) 913-9991







PO Box 165  
Fairview Village, PA 19409  
Phone: 610.304.2024  
Fax: 610.584.5387  
[info@dBmEng.com](mailto:info@dBmEng.com)



January 23, 2024  
Frank DeGenova  
Valore, LLC  
3304 Wesley Avenue  
Ocean City, NJ 08226

**Subject: Radio Frequency Design Analysis**  
**"PA0101A - REINHOLDS"**  
**125 WIKES TRAIL**  
**REINHOLDS, PA 17569**  
**Latitude: N 40° 16' 13.365" (NAD 83)**  
**Longitude: W 76° 05' 37.317" (NAD 83)**  
**Ground Elevation: 666.40'± AMSL (NAVD 88)**

Mr. DeGenova:

I have received and executed the request that I perform an independent evaluation and design review for the T-Mobile telecommunications facility upgrade proposed at the above referenced address. The intention of this study is to provide an objective, professional opinion regarding the proposed upgrade from a Radio Frequency design perspective. Specifically, how the site improvement complements the existing network and what coverage and capacity objectives it fulfills. As a registered Professional Engineer, I am bound by a code of ethics to hold paramount the safety, health, and welfare of the public. All statements and calculations offered herein are made in an objective and truthful manner pursuant to that code.

#### Summary of Findings

In my professional opinion, the proposed facility is necessary to improve the wireless service in the geography surrounding the proposed "Reinholds" site. Without the planned facility there will remain a significant lack of reliable T-Mobile coverage that would impair service for T-Mobile subscribers in northeastern East Cocalico Township. The design, location, and proposed antenna height is the least intrusive means of providing adequate service for T-Mobile subscribers in the targeted geography.

Sincerely,

Andrew M. Petersohn, P.E.  
Registered Professional Engineer  
Pennsylvania license number 073239



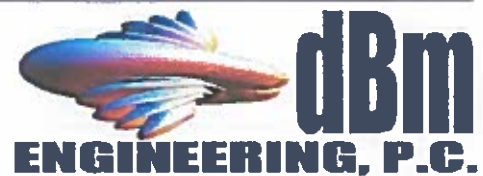
**Existing T-Mobile Service**

Currently, T-Mobile has three (3) existing macro sites in the area immediately surrounding the proposed facility. These sites are the first-tier neighbors for the subject facility.

SITE ID	ADDRESS	STRUCTURE TYPE	ANT. HEIGHT (FT)
2LA3228A	180 Adamstown Rd	Lattice Tower	191
2LA4770A	645 Swamp Church Road	Guyed Tower	215
2LA8748A	Horseshoe Trail Rd	Lattice Tower	247

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PO Box 165  
Fairview Village, PA 19409  
Phone: 610.304.2024  
Fax: 610.584.5387  
[info@dBmEng.com](mailto:info@dBmEng.com)



### Coverage Considerations

The reliable in-building coverage from the existing facilities is illustrated below in figure 1. Without the planned facility, there will remain a significant gap in reliable coverage in the geography on and around a roughly two (2) mile stretch of North Ridge Road, a roughly one (1) mile stretch of Holtzman Road, portions of Black Horse Road and the geography bounded within. T-Mobile service in the mainly agricultural and residential uses therein will remain unreliable if left unaddressed.

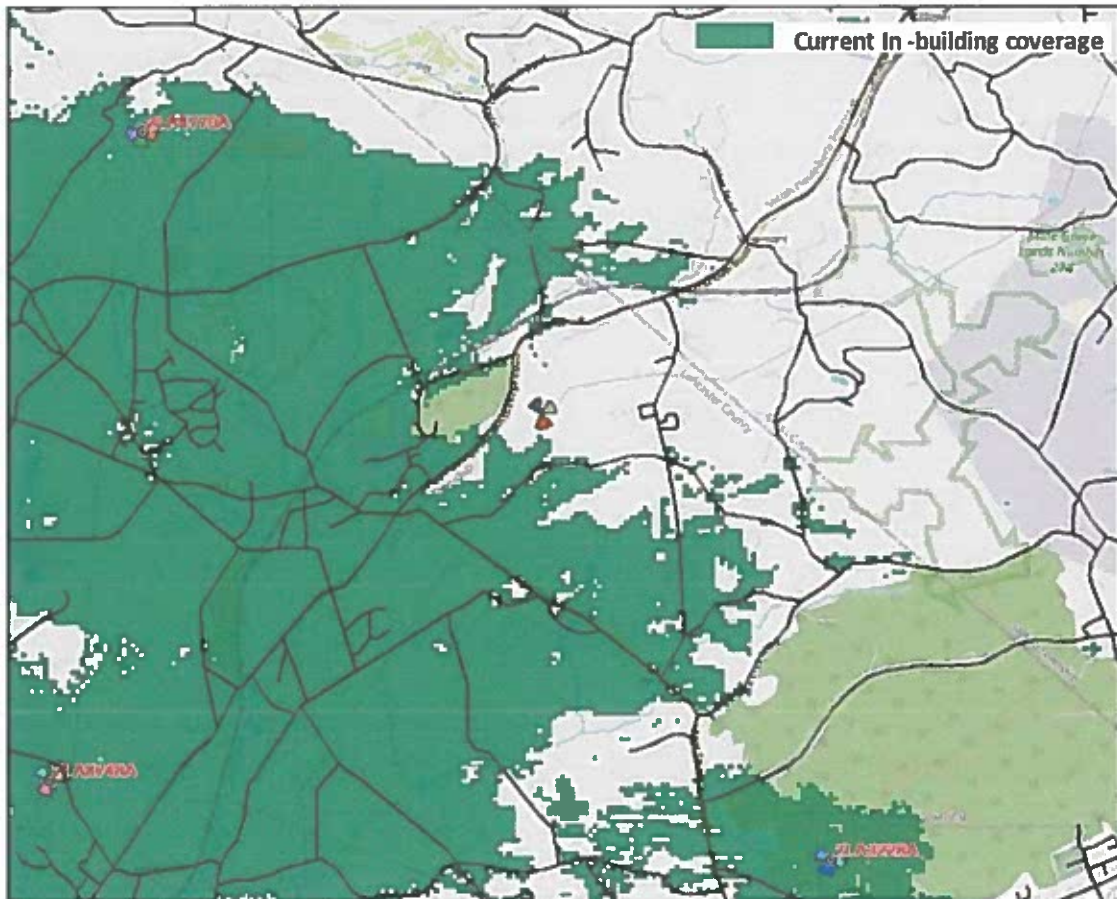


Figure 1 – Existing Coverage

### Proposed T-Mobile Coverage

Figure 2 below illustrates the T-Mobile anticipated reliable coverage should the proposed facility be constructed as planned. The new coverage from the proposed facility will address the vast majority of the areas where service is currently lacking. After the installation is complete, T-Mobile subscribers will experience contiguous coverage in the newly shaded areas.

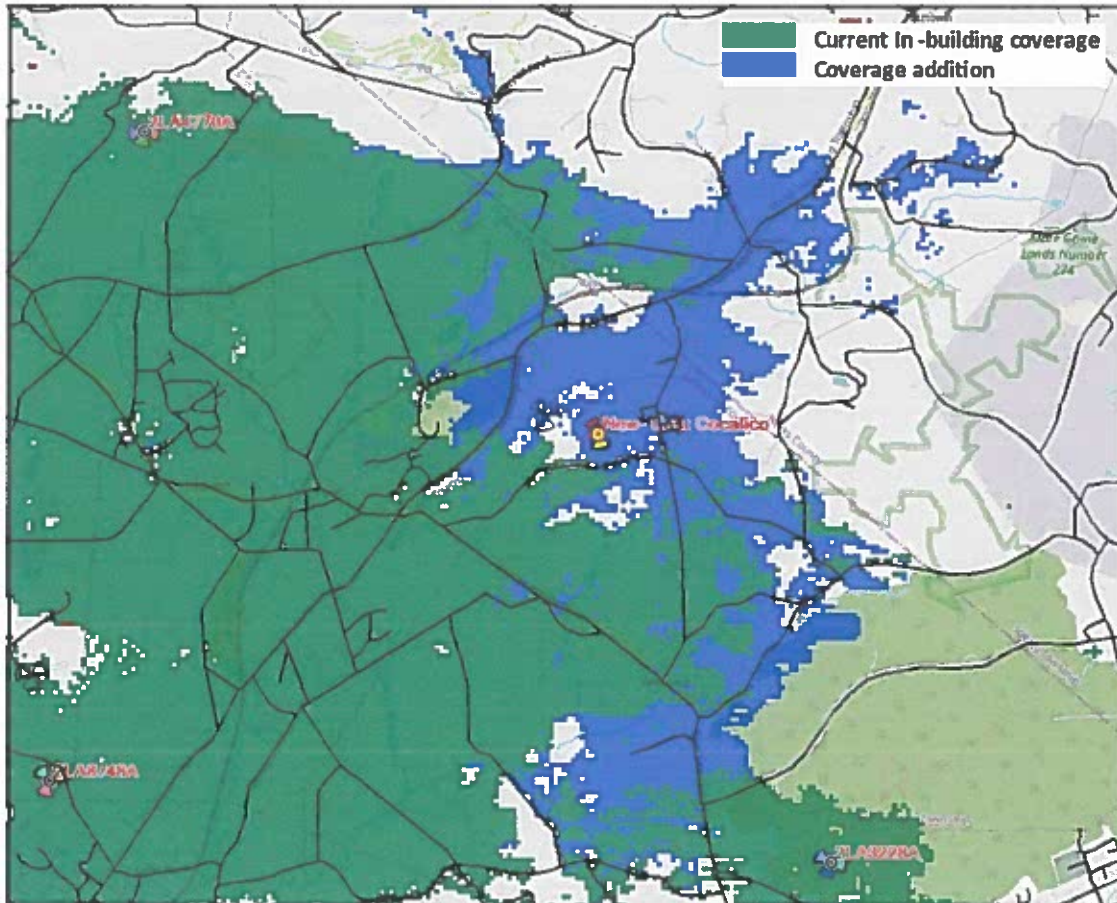


Figure 2 – Proposed Coverage



### **Reliable Service**

The term “reliable” is used to describe areas where a T-Mobile subscriber has the ability to place, receive, and maintain a phone call. Additionally, the concept of reliable service extends beyond just voice communication; access to the data network with a high probability of success and adequate throughput is now a pre-requisite to reliable service. Without adequate capacity, there cannot be reliable service as users attempting to access the network through an overburdened facility will be rejected until such time that resources become available. When the network is not dimensioned properly, delays in network availability become as detrimental to the user experience as coverage gaps as both will result in a denial of service to the customer. Reliable service provided from a facility is affected by many factors including surrounding topography, clutter types, foliage, and subscriber loading during the site’s hour of heaviest use, its “busy hour”. Because the network must maintain reliability under all conditions, these factors are taken into consideration when designing a new facility. The addition of service to the area will bolster the overall capacity of the T-Mobile network in the site’s service area and beyond by alleviating the load on the neighboring T-Mobile facilities.

### **Wireless Substitution**

According to the CDC<sup>1</sup> 72.6% of adults and 81.9% of children lived in wireless-only households during the second half of 2022. The increase in the prevalence of adults living in wireless-only households is a continuation of the increasing trend that has been seen over time. Demographic subgroups with the highest percentages of wireless-only adults include adults aged 25–29 (87.6%) and 30-34 (88.4%), and adults renting their homes (85.3%) As wireless substitution continues to spread, availability of in-building wireless service, both data and voice, becomes increasingly important.

### **Emergency Services Implications**

Wireless devices are widely used by municipal emergency services for voice and data services including those that impact public safety. Additionally enhanced 911 (E911) services, which allow a mobile caller to be located by the dispatch center, are dependent on an adequate service level to provide help in an emergency. It is estimated that approximately 70% of 911 calls originate from mobile devices<sup>2</sup>. In the service challenged areas, an unreliable level of wireless service could, in many cases, negatively affect the ability of an individual in need of emergency services who is dialing 911.

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<sup>1</sup> <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202305.pdf>

<sup>2</sup> <https://transition.fcc.gov/cgb/consumerfacts/wireless911srvc.pdf>

### **Technical Parameters of Consideration**

According to the configuration information furnished by its representatives, T-Mobile plans to add nine (9) new panel-style arranged in three (3) arrays of three (3) antennas per array. Each of the three (3) arrays will have one (1) APXVAALL24\_43-U-NA20 manufactured by RFS, one (1) APXVLL19P\_43-C-A20 manufactured by RFS, and one (1) AIR 6419 B41 manufactured by Ericsson. The antenna centerline height will be 150' above grade with sector azimuths evenly spaced in the horizontal plane with respect to true north. The three (3) Ericsson 4480 and three (3) Ericsson 4460 radios on the tower will be transmitting through these antennas with be up four (4) LTE transmit paths in the 700 MHz band (per sector) at a cumulative maximum of 160 watts (per sector), up to four (4) LTE or 5GNR transmit paths in the 600 MHz band (per sector) at a cumulative maximum of 160 watts (per sector), up to sixty-four (64) LTE transmit paths in the 2100 MHz band (per sector) at a cumulative maximum of 120 watts (per sector), up to four (4) LTE transmit paths in the 1900 MHz band (per sector) at a cumulative maximum of 120 watts (per sector) and up to sixty-four (64) LTE and 5GNR transmit paths in the 2500 MHz band (per sector) at a cumulative maximum of 120 watts (per sector). The base station equipment on the ground will be enclosed in an Ericsson 6160 Cabinet with Ericsson RAN Processor 6651 and Nokia CSR IXRe V2 (Gen2) Transport System. Three (3) hybrid cables shall be extended from the base station to the radios and antennas via hyberflex trunk lines 6/24 4AWG.

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**Phone: 610.304.2024**  
**Fax: 610.584.5387**  
**[info@dBmEng.com](mailto:info@dBmEng.com)**



## DECLARATION OF ENGINEER

Andrew M. Petersohn, P.E., hereby states that he is a graduate telecommunications consulting engineer possessing Master and Bachelor Degrees in Electrical Engineering from Lehigh University (2005 and 1999, respectively). His corporation, dBm Engineering, P.C., has been retained by representatives of Valore, LLC to perform a radio frequency design analysis for a proposed telecommunications facility.

Mr. Petersohn also asserts that the calculations and/or measurements described in this report were made personally and in a truthful and objective manner. Mr. Petersohn is a Registered Professional Engineer licensed in Pennsylvania, Delaware, Maryland, Virginia, New York, Florida and New Jersey. He has over two decades of engineering experience in the field of wireless communications. Mr. Petersohn is an active member of the National Society of Professional Engineers (NSPE) and the Pennsylvania Society of Professional Engineers (PSPE). Mr. Petersohn further states that all facts and statements contained in the foregoing document are true and accurate to the best of his knowledge. He believes, under penalty of perjury, the foregoing to be correct.

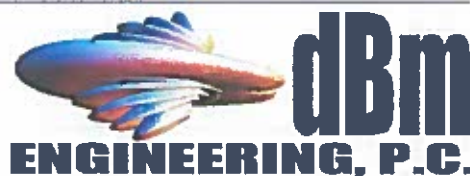


Andrew M. Petersohn, P.E.  
Registered Professional Engineer  
New Jersey license number GE49376

Executed this the 23<sup>rd</sup> day of January, 2024

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PO Box 165  
Fairview Village, PA 19409  
Phone: 610.304.2024  
Fax: 610.584.5387  
[info@dBmEng.com](mailto:info@dBmEng.com)





**pennsylvania**  
DEPARTMENT OF TRANSPORTATION  
www.penndot.gov

# NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

PLEASE TYPE OR PRINT ALL INFORMATION IN BLUE OR BLACK INK

DATE: 01/22/2024

## SPONSOR INFORMATION

NAME OF SPONSOR Valore, LLC		SPONSOR'S REPRESENTATIVE (If different than Sponsor)	
DAYTIME PHONE NUMBER (856) 912-0707	EMAIL OR FAX NUMBER fdegenova@valorellc.co	DAYTIME PHONE NUMBER	EMAIL OR FAX NUMBER
STREET ADDRESS/P.O. BOX 3304 Wesley Avenue		STREET ADDRESS/P.O. BOX	
CITY Ocean City	STATE NJ	ZIP CODE 8226	CITY STATE ZIP CODE

## NATURE OF PROPOSAL

<b>A. NOTICE OF:</b> <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration		<b>B. DURATION:</b> <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (____ months, ____ days)		<b>C. WORK SCHEDULE DATES:</b> Beginning <u>8/1/2024</u> End <u>10/1/202</u>	
<b>D. DESCRIPTION OF PROPOSAL</b> Include sketches, diagrams and/or maps as necessary to depict the location or structures. <input checked="" type="checkbox"/> Antenna Tower <input type="checkbox"/> Crane <input type="checkbox"/> Building <input type="checkbox"/> Landfill <input type="checkbox"/> Wind Turbine <input type="checkbox"/> Pole <input type="checkbox"/> MET Tower <input type="checkbox"/> Other _____					

## LOCATION OF STRUCTURE

## HEIGHT & ELEVATION (Complete to nearest foot)

<b>A. Coordinates:</b> (To nearest second) 40° 16' 13.37" N 76° 5' 37.32" W		<b>B. Nearest City or Town, and State:</b> East Cocalico Twp., PA		<b>C. Name of nearest airport, heliport or seaplane base:</b> Reading Regional Airport		<b>A. ELEVATION OF SITE:</b> (above mean sea level) 666	
<b>D. County:</b> Lancaster County, PA		<b>Distance from C:</b> 10.1 miles		<b>B. HEIGHT OF STRUCTURE:</b> Including all appurtenances and lighting (if any) above ground level. 155		<b>C. OVERALL HEIGHT:</b> (above mean sea level (A + B)) 821	

## CERTIFICATION

I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking and lighting standards if necessary.

DATE: 01/22/2024	NAME/TITLE OF PERSON FILING NOTICE (Print): Frank DeGenova - Managing Member Valore, LLC	SIGNATURE: 
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## FOR BUREAU OF AVIATION USE ONLY

### THE PROPOSAL:

- ☐ IS NOT IDENTIFIED AS AN OBSTRUCTION under any standard of FAR Part 77, Subpart C and PA Aviation Code, Act 1984-164.
- ☐ IS IDENTIFIED AS AN OBSTRUCTION under the standards of FAR Part 77, Subpart C and PA Aviation Code, Act 1984-164.
- ☐ Should be obstruction ☐ marked, ☐ lighted per FAA Advisory Circular 70/7460-1, Chapter(s) 3 & 4.
- ☐ Obstruction marking and lighting are not necessary.
- ☐ Proposal was determined to be a NON-COMPATIBLE LAND USE in accordance with Pennsylvania Airport Land Use Compatibility Guidelines.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



## NOTICE OF PROPOSED DEVELOPMENT OR ALTERATION (AV-57)

### PURPOSE:

A person who plans to erect a new structure, to add to an existing structure, or to erect or maintain any object (natural or man-made), as defined in 14 Code of Federal Regulations Part 77.9 (as amended or replaced, shall first obtain approval from the Department by submitting a written notice (Form AV-57) to the Department at least thirty (30) days prior to commencement thereof.

Developers who do not meet the notification requirements of FAR Part 77 may use this form to voluntarily notify the Bureau of Aviation of the existence, or proposed erection of Meteorological Towers (MET), and/or other tall structures. Structures will be added to the State's tower database and depicted electronically on the Bureau's website for flight hazard awareness.

### REFERENCES:

A. Department of Transportation Aviation Regulations, Chapter 479, Title 67, PA Consolidated Statutes.  
Sec. 479.4. AIRPORT OBSTRUCTIONS

B. Federal Air Regulation, Part 77 and Part 157

#### **§77.9 CONSTRUCTION OR ALTERATION REQUIRING NOTICE**

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

- (a) Any construction or alteration of more than 200 feet in height above the ground level at its site.
- (b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
  - (1) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport described in subparagraph (d) of this paragraph with at least one runway more than 3,200 feet in actual length.
  - (2) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport described in subparagraph (d) of this paragraph with its longest runway no more than 3,200 feet in actual length.
  - (3) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest point of the nearest landing and takeoff area of each heliport described in subparagraph (d) of this paragraph.
- (c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (a) or (b) of this paragraph.
- (d) Any construction or alteration on any of the following airports (and heliports):
  - (1) A public use airport listed in the Airport/Facility Directory or Chart Supplement of the U.S. Government Flight Information Publications;
  - (2) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that that airport will be available for public use;
  - (3) An airport that is operated by a Federal agency or the Department of Defense;
  - (4) An airport or heliport with at least one FAA-approved instrument approach procedures.

### INSTRUCTIONS:

1. Complete all applicable sections of the form:

- a. Sponsor Information (and point of contact if different than sponsor).
- b. Nature of Proposal. List type of notice, duration of proposal, work dates, and full description of the proposal (include sketches, diagrams and/or maps, as necessary to depict the location of the structures.)
- c. Location of Structure. Enter exact latitude/longitudinal coordinates of the structure(s). Indicate County, nearest city or town, and proximity to nearest airport (public or private).
- d. Height & based elevation: Enter the base elevation of the site, the height of the structure, and the overall height projected above mean sea level – to the nearest foot.
- e. Certification: Owner/authorized agent must sign and date.

Please mail the completed notice to: PA Department of Transportation  
Bureau of Aviation  
P.O. Box 3151  
Harrisburg, PA 17105

**Barker, Lisa**

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**From:** Burns, Alexander <alburns@pa.gov>  
**Sent:** Tuesday, January 23, 2024 11:08 AM  
**To:** Lori DeGenova  
**Subject:** AV-57 Submitted

Good morning,

I would like to thank you for submitting the AV-57 form for the Antenna Tower being erected. No further notification is required for this project.

Have a great day,

**Drake Burns** | Aviation Specialist  
PA Department of Transportation | Bureau of Aviation  
400 North Street | Harrisburg PA 17120  
Phone: 717.705.1249  
[www.penndot.pa.gov](http://www.penndot.pa.gov)



## Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V\_2018 2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc.) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

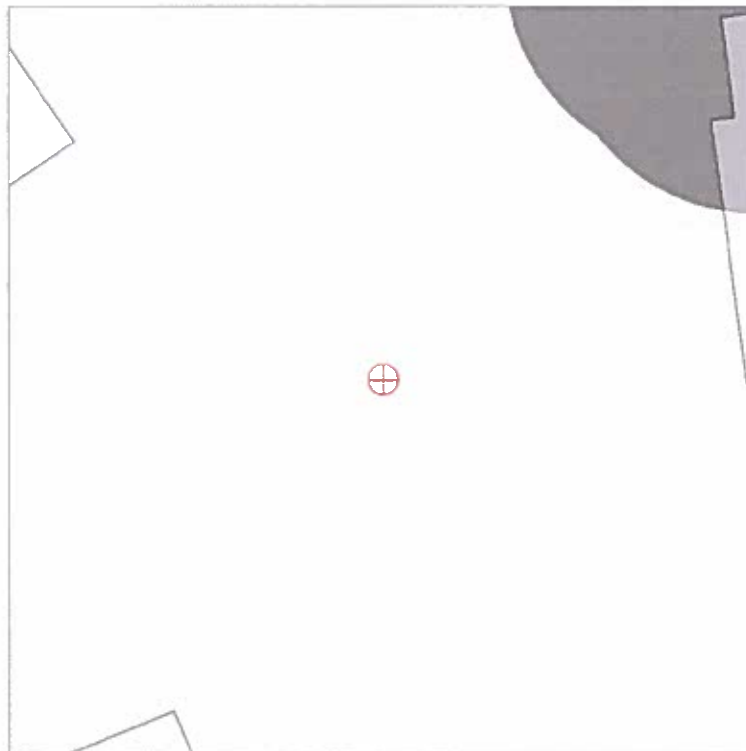
If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

* Structure Type:	POLE   Monopole <input checked="" type="checkbox"/>					
	Please select structure type and complete location point information					
Latitude:	40	Deg	16	M	13.37	S <input checked="" type="checkbox"/>
Longitude:	76	Deg	5	M	37.32	S <input checked="" type="checkbox"/>
Horizontal Datum:	NAD83 <input checked="" type="checkbox"/>					
Site Elevation (SE):	866 (nearest foot)					
Structure Height :	150 (nearest foot)					
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes					

### Results

You do not exceed Notice Criteria



ADJOINING PARCEL LIST

PIN	PARCEL ADDRESS	PARCEL OWNER (1)	MAILING ADDRESS - PARCEL OWNER (1)	PARCEL OWNER (2)	MAILING ADDRESS - PARCEL OWNER (2)
080-2430473-345940-0-0000	125 WIKES TRL	STRAUSE NEIL C	125 WIKES TRL, REINHOLDS, PA 17569	WIKE MARY ELIZABETH	125 FAUST DR, REINHOLDS, PA 17569
080-2431121-346344-0-0000	65 WIKES TRAIL	COGLEY, SARA J	65 WIKES TRAIL, REINHOLDS, PA 17569		
080-2430703-347029-0-0000	50 BRIAR LANE	STAUFFER TRAVIS J & WENDY L	50 BRIAR LANE, REINHOLDS, PA 17569		
080-2429571-346944-0-0000	400 N RIDGE RD	FARRELL BONNIE J,	410 TREMONT AVE, MONTROSE MANOR, READING, PA 19607		
PPL RIGHT-OF-WAY					
080-2429401-346068-0-0000	310 N RIDGE RD	EPPINETTE, KOREY	310 N RIDGE RD, REINHOLDS, PA 17569	EPPINETTE, AMY	310 N RIDGE RD, REINHOLDS, PA 17569
080-2428916-344830-0-0000	110 BLACK HORSE RD	ZIMMERMAN, GARY L	200 S COCALICO RD, DENVER, PA 17517		
080-2429707-345084-0-0000	224 BLACK HORSE RD	LO, T NONG	224 BLACK HORSE RD, REINHOLDS, PA 17569	LO, PANG	224 BLACK HORSE RD, REINHOLDS, PA 17569
080-2429943-345148-0-0000	246 BLACK HORSE RD	COPENHAVER WALTER W & JONNIE S,	246 BLACK HORSE RD, REINHOLDS, PA 17569		
080-2430119-345709-0-0000	260 BLACK HORSE RD	HEISTER BARRY J & HOLLY L,	260 BLACK HORSE RD, REINHOLDS, PA 17569		
080-2430283-345777-0-0000	270 BLACK HORSE RD	IOSCA CHRISTOPHER M,	270 BLACK HORSE RD, REINHOLDS, PA 17569	IOSCA CAROLYN S,	270 BLACK HORSE RD, REINHOLDS, PA 17569
080-2430476-345135-0-0000	282 BLACK HORSE RD	MARTIN THOMAS A & WENDY S,	300 BLACK HORSE RD, REINHOLDS, PA 17569		
080-2430636-345169-0-0000	300 BLACK HORSE RD	RKGGLE THOMAS W,	300 BLACK HORSE RD, REINHOLDS, PA 17569	RKGGLE AUDREY J,	300 BLACK HORSE RD, REINHOLDS, PA 17569
080-2430991-345309-0-0000	343 BLACK HORSE RD	BURKHOLDER, SHAWN E	343 BLACK HORSE RD, REINHOLDS, PA 17569	BURKHOLDER, ROSALIE R	343 BLACK HORSE RD, REINHOLDS, PA 17569
080-2431561-345698-0-0000	450 HOLTZMAN RD	CUNNINGHAM JANE,	531 HOLTZMAN RD, REINHOLDS, PA 17569		
080-2431536-345975-0-0000	6 FAUST DR	YOUNDT, MICHAEL A	6 FAUST DRIVE, REINHOLDS, PA 1756		
080-2431688-346361-0-0000	5 FAUST DRIVE	BLANK, JEFFREY L	5 FAUST DRIVE, REINHOLDS, PA 17569	BLANK, MARIAN L	5 FAUST DRIVE, REINHOLDS, PA 17569
080-2431660-346267-0-0000	6 DENNIS DRIVE	STONER, TRAVIS J	6 DENNIS DRIVE, REINHOLDS, PA 17569		