WHITEMARSH TOWNSHIP PLANNING COMMISSION
MEETING OF FEBRUARY 25, 2020 7:00 PM

DAMBMAN ___ DORAN ___ CORNOG ___ GLANTZ-PATCHEN ___ QUITEL ___
SHAW-FINK ___ SHULA ___
MANUELE (BOS) ___ GUTTENPLAN ___ HERSH ___ SANDER ___

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1. **CALL TO ORDER**

2. **ANNOUNCEMENTS & CORRESPONDENCE**

   - Special Meeting to be held on Saturday, February 29, 2020 at 9:30 A.M. to tour 901 Washington Street.

3. **APPROVAL OF MINUTES**

   - February 11, 2020

4. **ZONING HEARING BOARD APPEALS**

   - Review ZHB#2020-06 Crown Castle / 400 Stenton Avenue, Plymouth Meeting, PA
     replace existing 80'-6"unipole with an 88' unipole

5. **CONDITIONAL USE APPLICATIONS**

6. **SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS**

7. **OLD BUSINESS**

   - Comprehensive Plan Selective Update – Continued review of draft document

8. **NEW BUSINESS**

9. **PLANNING COMMISSION MEMBER COMMENTS**

10. **PUBLIC COMMENT FOR NON-AGENDA ITEMS**

11. **ADJOURNMENT**

NEXT MEETING
February 29, 2020 at 9:30 AM (Special Meeting)

Projected Agenda (anticipated items at this time):

- Review (continued) SLD #05-14; 901 Washington Partners, LP/901 Washington Street
  Revised Preliminary Plan; 62 Townhomes; Tour of Property on site

PUBLIC PARTICIPATION INFORMATION

1. Public meetings of the Commission shall follow a prescribed agenda, which will be available to the general public no later than the Friday preceding the meeting.
2. If members of the public wish the Commission to address a specific item at a public meeting, a written request to the Staff Liaison shall be submitted at least one week before the meeting. The written request shall specify the item or items the individual desires to be addressed.
3. The Commission may consider other matters for the agenda as they see fit.
4. The Commission will entertain Public Comment at the conclusion of the discussion of the item and prior to specific action on the item during the meeting, at the discretion of the Chair. Individuals must advise the Chair of their desire to offer such comment.
5. A Public Comment period will be provided at the conclusion of a meeting for input on any new subject.
6. The Commission Chair shall preside over Public Comments and may within their discretion:
    a. Recognize individuals wishing to offer comment.
    b. Require identification of such persons.
    c. Allocate total available Public Comment time among all individuals wishing to comment.
    d. Allocate up to a five (5) minute maximum for each individual to offer Public Comment at a meeting, Township Staff shall time comments and shall announce, "one minute remaining" and "time expired" to the Chair.
    e. Rule out of order scandalous, impertinent and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting including the questioning of, or polling of, or debating with, individual members of the Commission.

WHITEMARSH TOWNSHIP

TO:	PLANNING COMMISSION
FROM:	**Charles L. Guttenplan, AICP, Director of Planning and Zoning**
SUBJECT:	MATERIAL FOR FEBRUARY 25, 2020 MEETING
DATE:	FEBRUARY 21, 2020
CC:	Vincent Manuele, BOS Liaison Richard L. Mellor, Jr., Township Manager James Hersh, PE, Township Engineer Dave Sander, Esq., Township Solicitor

In addition to the minutes from the February 11, 2020 meeting, there are two agenda items for the February 25th meeting.

The first agenda item is ZHB #2020-06, Zoning Hearing Board application for Crown Castle for property at 400 Stenton Avenue (Joshua House property). Crown Castle owns a 80'-6" unipole at this location, outside of the existing fenced equipment compound. Cellco Partnership d/b/a Verizon Wireless ("Verizon") has coverage/capacity issues in this area of the Township. In order to meet Verizon's objectives and not propose an additional pole, Crown proposes to remove its 80'-6" unipole and foundation and replace it with an 88' unipole. Additionally, the proposed unipole will be relocated within the fenced equipment compound, which will not be expanded. In order to proceed with this proposal, several variances are required (see enclosed application). This is on the agenda for the Planning Commission to make a recommendation to the Zoning Hearing Board; the Board will be holding a public hearing at their March 11, 2020 meeting.

The second agenda item is a continued review of the Comprehensive Plan Selective Update. The Planning Commission completed its review of the Future Land Use Plan; all the requested changes have been made and I have enclosed the resultant 'Final Draft' version. The Commission has also completed its review and changes to the Action Plan. The remaining item to finalize is the Vision Statement (page 23 of the Draft Plan; copy enclosed). Edits have been suggested to reflect the challenge posed by climate change and to address the environmental underpinnings of the Plan Update. Several members had some specific thoughts on language to add; Steve Kaufman also had some suggested language in a handout from last September (enclosed). Assuming we can complete these changes on Tuesday, I will seek authorization to send all of the text edits to the consultant to incorporate into a final draft document.

If you have any questions prior to the meeting, please feel free to get in touch with me (cguttenplan@whitemarshtwp.org or 484-594-2625). If any member is unable to attend the meeting, please send an e-mail to Bob Dambman (rdambman@gmail.com) and copy me. I look forward to seeing you all at the meeting.

Enclosures

G:/Planning Commission/Meeting Cover Memo's/2020/Cover Memo 2.25.20 Mtg.doc

Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer
616 Germantown Pike
Lafayette Hill, PA 19444
Phone: 484-594-2625 Fax: 610-825-6252
Email: cguttenplan@whitemarshtwp.org

MINUTES
PLANNING COMMISSION MEETING FEBRUARY 11, 2020

Attendees: Dave Shula, Sherri Glantz-Patchen, Bob Dambman, Peter Cornog, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning and Zoning, Jacy Toll (BOS Liaison), Jim Hersh (Township Engineer), and Dave Sander, Esq. (Township Solicitor)

1. **CALL TO ORDER:** 7:00 PM by Chair Dambman

2. **ANNOUNCEMENTS & CORRESPONDENCE**

Announcements:

- Montgomery County Planning Commission / Planning Smarter Montco 2020 Courses and Events (provided in packet). Mr. Guttenplan highlighted Course in Community Planning coming up in late March and April and recommended it as a good introductory course for various aspects of planning that the Commission may be involved in.
- The entire packets that are provided to the Planning Commission are now available on the website; this is now the case for all of the various boards and commissions.
- All active Subdivision/Land Development applications will be located under the 2020 Subdivision/Land Development link on the website, regardless of the year they originated.

3. **APPROVAL OF MINUTES**

- On a motion by Mr. Shula, seconded by Mr. Cornog, the Planning Commission approved the January 28, 2020 meeting minutes with amendments made by Ms. Patchen. Vote 5-0.

4. **ZONING HEARING BOARD APPEALS:** None

5. **CONDITIONAL USE APPLICATIONS:**

- Review CU#02-20; Anusa Nail Studio, LLC/428 Germantown Pike
  Personal Service Shop in VC-1 District

Attendees: Dave Ennis, Esquire, the applicant's representative and Xine Huynh, the applicant and owner

The applicant is seeking approval to open a personal service shop pursuant to Section 116-290.C.(2) of the Zoning Code. The applicant is proposing to lease space within the strip shopping center located at 428 Germantown Pike. There are 8 code criteria for conditional use approval; many of which do not apply for shopping centers. The floor plan was reviewed showing 4 manicure stations and 4 pedicure stations; ventilation will be installed for fumes associated with the nail polish; they are starting out with 2 technicians with a potential of 4; hours of operation are Monday-Friday 10:00 AM-7:00 PM and Saturday 9:00 AM-6:00 PM; mostly by appointment only with a minimal number of walk-ins; customer parking will be in the existing parking lot as well as on Germantown Pike and the lease requires all employees to park behind the WAWA. Ms. Patchen stated she doesn't see anything stopping them from filling all stations at the same time (there are only 4 technician chairs so only 4 customers can be serviced at a time; manicures and pedicures aren't each done on 4 different people).

No Public Comment

Motion: On a motion by Mr. Quitel, seconded by Mr. Shula, the Planning Commission recommended granting approval of the conditional use application. Vote 5-0.

6. **SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS**

- Review (continued) SLD#05-14; 901 Washington Partners, LP/901 Washington Street
  Revised Preliminary Plan; 62 Townhomes

Attendees: Jim Vesey, one of the owners of the property at 901 Washington Street Partners; his partner Gary Cole; Jim Bannon, Engineer from Nave Newell; Sarah Peck, developer/partner from Progressive New Homes and her associate Justin Moody were present.

Mr. Cornog wanted to know the basis for the request of the variances from the Zoning Hearing Board regarding the reduction of the open space along the river bed from 150' to 45' (the hardship was the irregular shape of the lot and the narrowing on the east side, they were not able to provide the proper buffer). Mr. Quitel stated he feels they should start the project with an overlay and then fit the footprint of the development behind that. Mr. Bannon stated this is a much better condition; the impervious coverage is going to be reduced from 92% to 63%. Ms. Peck stated the setback allowed is actually 100' not 150' with 2 public amenities, which they are providing (it was confirmed there is a 49' easternmost setback and 145' westernmost setback).

Ms. Peck presented a PowerPoint hitting some of the things that were addressed since the first meeting. There were some issues raised by the Commission members and staff which they took to heart and made some revisions to the plan. The plan changed to show all units have riverfront views and roof decks on all homes or the option to have one; all units have two car garages and a third parking spot was added; they improved connectivity, changed trail along the river from the Boardwalk back to a red shale macadam trail because it is a zoning requirement; a 5' retaining wall will be built to maximize stormwater management; avoided removal of heritage trees by changing placement of the trail; the basin was changed to increase the capacity while not increasing the area; road widths were changed to 25'; pedestrian access was discussed with SEPTA and David's Bridal and they are working on concepts with them; they are talking to SEPTA about a potential guide rail, future handicap accessibility and also having a separation from the car;

Mr. Cornog asked how do you access the trail and who is responsible for maintaining the public access (there are stairs that connect to the trail; and public access will be maintained by the Home Owners Association if the Township won't take it); questioned the proposed size of Washington Street and that no section of the right-of-way be less than 40 ft. (due to site constraints the new street will not meet Township standards; they are proposing a 30' cartway which is more than adequate and it is identical to their former approved office plan); he stated the Township needs to think about alternate roads to Hector Street for future planning.

Mr. Bannon discussed flooding issues that were brought up at the last meeting. They are considering a flooding event at this site elevation 56 ½' which is 1' above the garage floor of the lowest units, so our thinking being below that you are okay, above that you will need to move your car; there have been 4 flooding events since 1999 that are considered a 10 year storm and only 1 of them got to that elevation; it was pointed out that the 100 year storm is 6 feet above the pad and the living spaces are 9 feet above the pad. Mr. Vesey stated there are 10 items that can trigger an evacuation. They met with Nick Weaver, Fire Marshal, who had some good additions to the emergency evacuation plan which they revised and he also recommended the residents downloading an app so they be warned when to take appropriate action. Mr. Cornog asked if there are any guidelines as to when you can return (it was not addressed, that would be dictated by the Township and safety precautions as to when); Ms. Peck stated a public offering statement is required and will be given to a perspective owner or renter with the rules and they will have 7 days to back out. Mr. Bannon explained the 10 year and 100 year floods: the 10 year storm is about the elevation of the pad, the 50 year storm is about 3 ½' above that. The Schuylkill River in this location has never reached that elevation since they installed the gauge at the Fairmount Dam. He explained that for the 4 storm events they looked at the peak of the storm to river crest; the shortest was less than 7 hours, the average was 9 ½ hours and the highest was 12 ½ hours; it took Floyd 9 hours to crest at this location.

Sara Peck stated they tried to make the development as open as possible but they just couldn't make it work; they already cut the number of units back from 75 to 62; and by moving the units back the views will be of David's Bridal and the loading docks. Ms. Peck offered to walk the site with anyone that is interested to show what is there and to appreciate what is there and how nice it is going to be.

Public Comment: Linda Doll, Fairway Road; Sydelle Zove, Harts Ridge Road. Ms. Doll commented if the public has access to the red shale trail how do they get to it, where do you park (come down Lee street and park on Washington Street); doesn't feel the trail is a trail, it is not connected to anything (the Planning Commission stated this is just the first step; it is the same as the sidewalk issues; this is the start of the future development of a longer trail); didn't understand how parking was added (39 spaces were added, there is ample parking for visitors and public parking for those with no driveways); where are the trash cans kept (in garages until collection day then will be placed in front of the units); and concerned about the narrow roads (will add no parking signs. Ms. Zove agreed that the 36' road width was too wide for residential, but suggested not going below 26'; perpendicular parking and backing into a road way is a safety issue; concerned with the proximity of the sidewalk in proximity to the tracks; she explained her observations on how the Zoning Hearing Board decided to grant the variance for the setback reduction from the riverbank; and she stated that the 24' street width is traffic calming but the motive behind this waiver is to put in more units. Debra Harris, Pilgrim Road, stated that cars parked on streets make it safer; 24' wide streets with parking on both sides tends to slow down vehicles; trash trucks are able to get through, and wider roads are more dangerous.

Planning Commission Final Comments: Mr. Quitel stated it is not the street width, it is the open space (or reduction) that drives the number of units; they fought for reduced green space width but didn't fight for an alternative to the red shale trail; asked if they had to meet the 150' setback would they still build (not sure but it is not economically feasible for less units).

Ms. Peck stated they received a lot of feedback on design issues; the landscape architect is very excited about this opportunity in helping restore the riverbank and improving its environment.

Ms. Patchen and the other members would like to take up the applicant's offer to walk the site; this will be advertised as a public meeting once a day and time are set.

7. OLD BUSINESS: None.

8. NEW BUSINESS: None.

9. PLANNING COMMISSION MEMBERS COMMENTS: None.

10. PUBLIC COMMENT FOR NON AGENDA ITEMS

- Chair Dambman reiterated on the Montgomery County Planning Commission / Planning Smarter Montco 2020 Courses and Events for those who were not present at the beginning of the meeting.

11. ADJOURNMENT

- On a motion by Mr. Cornog, seconded by Mr. Shula, the meeting was adjourned at 9:40 PM.

Respectfully submitted,

_____

Charles L. Guttenplan, AICP, Director of Planning & Zoning

The Planning Commission is appointed as an advisory group to the Board of Supervisors and the Zoning Hearing Board with respect to comprehensive land use planning, existing land use, and various land use and zoning applications in Whitemarsh Township. No formal decisions are rendered by the Planning Commission. Formal decisions are rendered by the Board of Supervisors or Zoning Hearing Board, as prescribed by law, based on the type of application.

G:PLANNING COMMISSION/PC Minutes/2020/2.12.2020

DRAFT

ZHB APPEAL #2020-06
SUMMARY

APPLICANT: Crown Castle

PROPERTY LOCATION: Parcel #65-00-06370-50-4
Block 052, Unit 009
400 Stenton Avenue
Plymouth Meeting, PA 19462

ZONING DISTRICT: AA-Residential District

SUMMARY OF RELIEF REQUEST:

Crown Castle owns a 80'-6" unipole at the property location, outside of the existing fenced equipment compound. Cellco Partnership d/b/a Verizon Wireless ("Verizon") has coverage/capacity issues in this area of the Township. In order to meet Verizon's objectives and not propose an additional pole, Crown proposes to remove its 80'-6" unipole and foundation and replace it with an 88' unipole which would house the existing T-Mobile antennas and the proposed Verizon antennas. Additionally, the proposed unipole will be relocated within the fenced equipment compound, which will not be expanded.

The following relief is requested:

1. **Variance from Section 116-48.** (Permitted Uses in the AA-Residential District) to allow the placement of the wireless telecommunications facility in an AA Residential District.
2. **Variance from Section 116-302.A.(l)** to allow for the relocation of a wireless telecommunications facility within the AA-Residential District and within 500 feet of a lot in residential use/district boundary.
3. **Variance from Section 116-302.A.(4)(c)** to allow the relocated telecommunications facility to be within 500 ft. of a lot in residential use or residential district boundary.
4. **Variance from Section 116-302.G.(1)** to allow the installation of ground-mounted equipment above ground.

PRIOR DECISIONS:

ZHB #2005-38 (Flagpole/Public Utility Facility)--Withdrawn
Settlement Agreement 10.1.1998 of case ZHB #97-34 (Proposed Cell Tower)

Respectfully Submitted,

Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO: 2020-06

Applicant/Appellant: Crown Castle

Address: 6325 Ardrey Kell Road, Suite 600, Charlotte, NC 28277

Phone #: _____ **Cell Number:** _____ **E-Mail:** _____

Owner: Joshua House Associates

Address: 400 Stenton Avenue, Plymouth Meeting, PA 19462

Phone #: _____ **Cell Number:** _____ **E-Mail:** _____

Location of the Property Involved: South of the intersection of Joshua Road & Stenton Avenue

Block #: 52 **Unit #:** 9 **Parcel #:** 65-00-06370-50-4

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):

Relocation of a wireless telecommunications facility already existing on the property with additional carrier. See Exhibit "A" attached hereto and incorporated by reference.

GROUNDS FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):
****Attach additional sheets if necessary**

See Exhibit "A" attached hereto and incorporated by reference.

Legal Counsel (if represented): Nicholas A. Cuce, Jr., Esquire

Address: 717 Constitution Drive, Suite 201, Exton, PA 19341

Phone #: 610-458-4400 **E-Mail:** nickc@rrhc.com

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

RECEIVED
JAN 27 2020
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING

I am (We are)

- ☐ **Owner(s) of Legal Title**
- ☐ **Owner(s) of Equitable Title**
- ☒ **Tenant(s) with permission of Owner(s) of Title (Enclose letter attesting to same)**

Date: 1/24/2020

Signature of Applicant/Appellant:

Signature of Applicant/Appellant:

BEFORE THE ZONING HEARING BOARD
OF WHITEMARSH TOWNSHIP

IN RE: ZONING HEARING BOARD APPLICATION OF
CROWN CASTLE
JOSHUA HOUSE
400 Stenton Avenue

ADDENDUM "A" TO ZONING APPLICATION

I. *BACKGROUND*

The subject property is owned by Joshua House Associates and is located at 400 Stenton Avenue, Whitemarsh Township, Montgomery County, Pennsylvania. The property is further identified as Tax Parcel No. 65-00-06370-50-4 and is presently zoned AA Residential District. The property is roughly 3.07 acres in area and is improved by an existing building, parking lot and wireless telecommunications facility.

Crown Castle ("Crown") currently owns and maintains a wireless telecommunications facility on the property consisting of a 80'-6" unipole that sits outside the existing fenced equipment compound – both of which are located at the E/SE corner of the parking lot.

By way of history, Omnipoint Communications Enterprises, Inc. (Now T-Mobile) in or about 1998 was denied zoning relief by the Whitemarsh Township Zoning Hearing Board to place the above-referenced facility on the subject property. The zoning Hearing Board Decision was appealed to the U.S. District Court for the Eastern District of Pennsylvania. At that point, the parties (Applicant and Township) entered into a Settlement Agreement and the facility as described above was constructed and has remained for over 20 years.

Cellco Partnership d/b/a Verizon Wireless ("Verizon") has coverage/capacity issues in this area of the Township. In order to meet its objectives and not propose an additional pole in this area of the Township, Verizon seeks to utilize this existing facility. To that end, Crown proposes to remove its 80'-6" unipole and foundation and replace it with an 88' unipole which would house the existing T-Mobile antennas at 73' (centerline) and the proposed Verizon antennas at 83' (centerline). The current unipole is 1'-3" (at the pole) and 2'-3" (at the T-Mobile antenna shroud). The proposed unipole will be 4' in width. All antennas will remain inside the unipole and screened from view. Additionally, the proposed unipole will be relocated within a fenced compound offering additional security and assisting with the health, safety and welfare of the community. Verizon's equipment and standby generator will be housed within the fenced compound. There will be no expansion of the compound.

II. REQUEST FOR RELIEF

Applicant requests the following:

1. The grant of a variance from Section 116-48 (Permitted Uses) of the Whitemarsh Township Zoning Ordinance, as amended, (the "Ordinance") to allow for the placement of the wireless telecommunications facility in an AA Residential District.

2. The grant of a variance from Section 116-302(A)(1) to allow for the relocation of a wireless telecommunications facility within the AA Residential District and within 500 feet of a lot in residential use/district boundary.

3. The grant of a variance from Section 116-302(A)(4)(c) of the Ordinance to allow the relocated telecommunications facility to be within 500 ft. of a lot in residential use or residential district boundary.

4. The grant of a variance from Section 116-302(G)(1) to allow the installation of ground-mounted equipment above ground.

5. Applicant requests any and all additional variances, relief or waivers as may be determined by the Zoning Hearing Board.

III. REASONS WHY ZONING RELIEF SHOULD BE GRANTED

The proposed use is suitable for the Property and is in the best interests of the community and the requested relief should be granted for the following reasons:

1. The proposed facility is necessary in order for Applicant to provide telecommunications service in accordance with its Federal Communications commission license and the Telecommunications Act of 1996.

2. The proposed use will not substantially injure or detract from the use of neighboring properties or from the character of the neighborhood and the use of the properties adjacent to the Property will be adequately safeguarded.

3. The proposed use will serve the best interest of the Township, the convenience of the community, and the public welfare by making wireless telecommunications service available and will foster competition among the other approved wireless providers.

4. The proposed use will be entirely consistent with the logical, efficient and economical extension of public services and facilities within the Township including police and fire protection.

5. The proposed facility will be designed in accordance with all applicable safety and industry standards, and will not endanger the safety of persons or property.

6. The proposed use will not over crowd the land or create an undue concentration of population.

7. The proposed use will not impair an adequate supply of light and air to adjacent property.

8. The proposed facility will be fully automated and unattended on a daily basis and will be visited only for periodic maintenance or emergency repair.

9. The proposed use will not adversely affect transportation or unduly burden public facilities.

10. The relief, if authorized, will represent the minimum relief necessary in order for Applicant to provide wireless telecommunications services and will represent the least modification possible of the regulation in issue. The height of the telecommunications facility is the minimum height necessary to perform its function.

11. The telecommunications facility complies with all applicable standards established by the Federal Communications Commission.

12. The telecommunications facility shall not cause radio frequency interference with other communications facilities located in the Township.

13. The applicant is licensed by the Federal Communications Commission to operate the telecommunications facility.

14. The telecommunications facility shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation Regulations.

15. The surrounding neighborhood will not be subjected to objectionable noise, lighting, glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances by the proposed use or change. No signs or lights will be mounted on the telecommunications facility.

16. The telecommunications facility will be maintained in a safe manner in accordance with the requirements of the Township's Building Code.

ADDENDUM "A"

For all of the reasons stated above, Applicant requests the above referenced relief and any other relief the Board deems necessary.

Detailed Plans of the proposed use have been submitted to the Zoning Officer, to be incorporated by reference herein, for consideration before the Zoning Hearing Board.

Respectfully submitted,

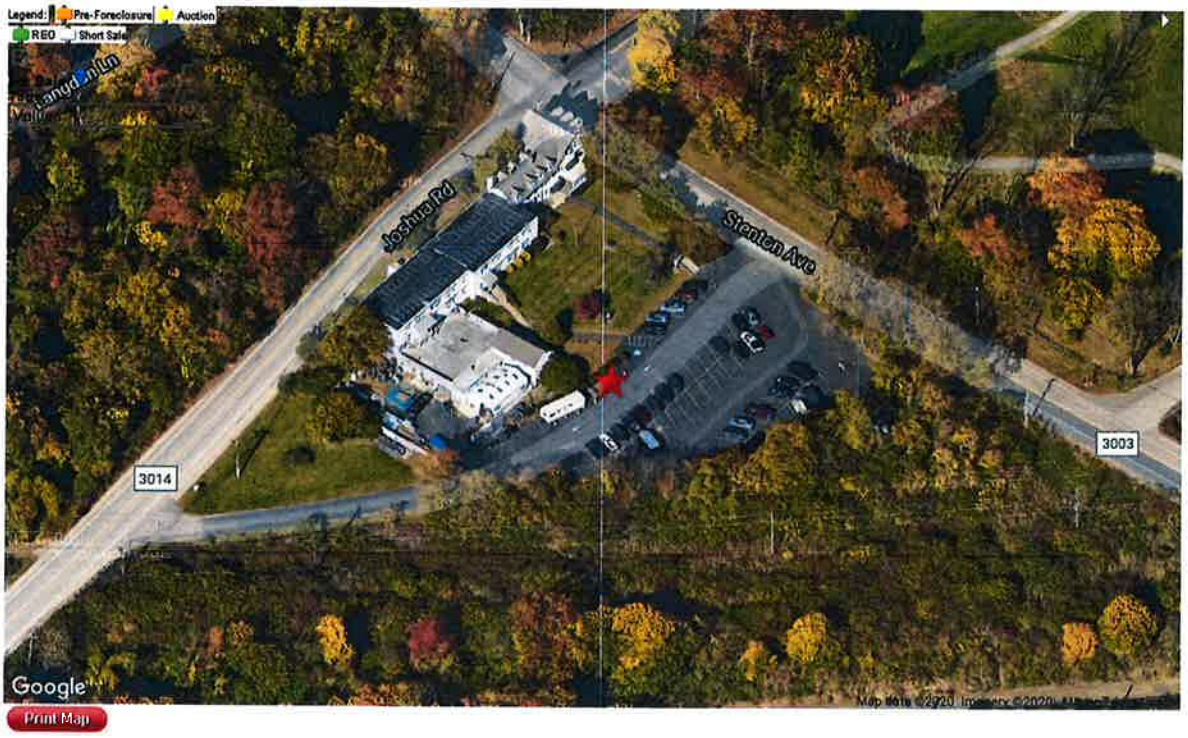
RILEY RIPER HOLLIN & COLAGRECO

Date: 1/24/2020

By: _____

Nicholas A. Cucé, Jr., Esquire
Attorney for Applicant

ADDENDUM "A"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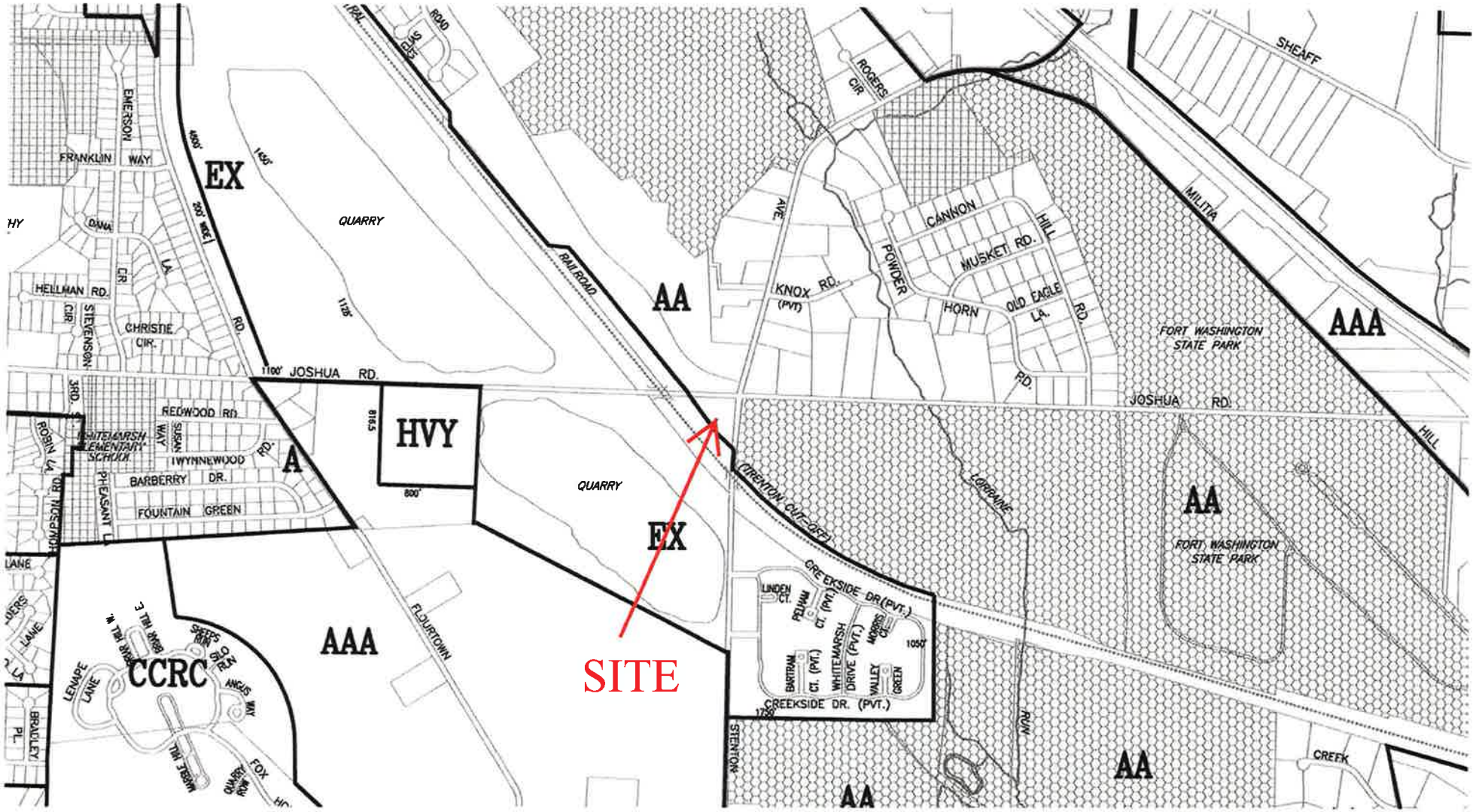
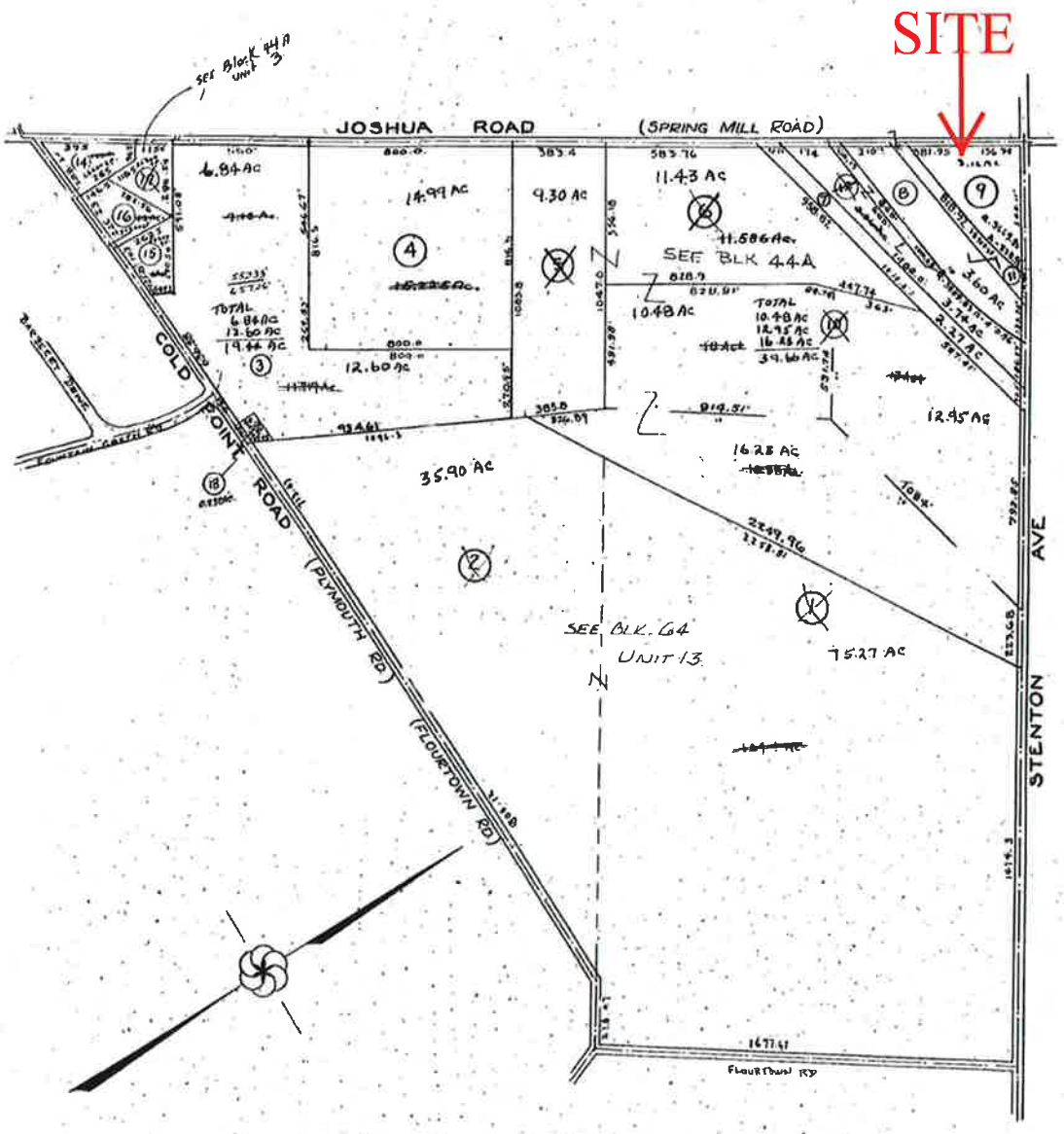
REO Short Sale
Joshua Rd
Stenten Ave
3014
3003
Google
Print Map



SITE
EX
HVY
AA
AAA
CCRC
QUARRY
JOSHUA RD.
FRANKLIN WAY
EMERSON
HELLMAN RD.
CHRISTIE CIR.
REDWOOD RD.
WYNNEWOOD
BARBERRY DR.
FOUNTAIN GREEN
WHITEMARSH ELEMENTARY SCHOOL
RAILROAD
KNOX RD. (PVT)
CANNON
MUSKET RD.
HORN
OLD EAGLE LA.
POWDER
HILL
ROGERS CIR
SHEAFF
MILITIA
FORT WASHINGTON STATE PARK
LORRAINE
(TRENTON CUT-OFF)
CREEKSIDE DR. (PVT.)
LINDEN CT.
PELHAM CT. (PVT.)
BARTRAM CT. (PVT.)
WHITEMARSH DRIVE (PVT.)
VALLEY GREEN
MORRIS CT.
FLOURTOWN
STENTON
RUN
CREEK
LENAPE LANE
ANGUS WAY
BRADLEY PL.
HOMPSON RD.
PHEASANT LA.
ROBIN LA.



WHITEMARSH TOWNSHIP

BLOCK NO. 52

Scale - 1" = 300'

CROWN BUSINESS UNIT #824932
SITE NAME: JOSHUA HOUSE

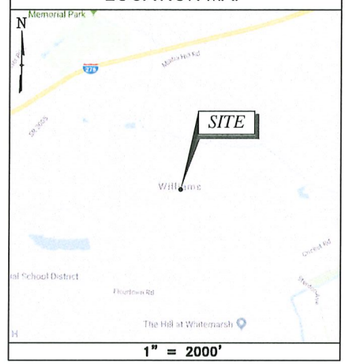
SITE INFORMATION

OWNER:	JOSHUA HOUSE ASSOCIATES 400 STENTON AVENUE, PLYMOUTH MEETING, PA 19462
SITE MANAGER:	CROWN CASTLE 6325 ARDREY KELL ROAD SUITE 600 CHARLOTTE, NC 28277 SARAH BROWN (704) 405-6623
APPLICANT:	CROWN CASTLE 2000 CORPORATE DRIVE, CANONSBURG, PA 15317
BUSINESS UNIT #:	824932
SITE ADDRESS:	400 STENTON AVENUE PLMOUTH MEETING, PA 19462
COUNTY:	MONTGOMERY
TOWNSHIP:	PLYMOUTH, WHITEMARSH
PARCEL ID#:	65-00-06370-50-4
LOT ACREAGE:	3.07 ACRES±
LAND USE:	C – OFFICE: MULTI-STORY 15000-50000 SF
LATITUDE:	40° 06' 34.308" N
LONGITUDE:	75° 14' 36.204" W
ELEVATION:	210'± AMSL (PER GOOGLE EARTH)
ENGINEER:	TECTONIC ENGINEERING & SURVEYING CONSULTANTS P.C. 1279 ROUTE 300 NEWBURGH, NY 12550 PHONE: (845) 567-6656 FAX: (845) 567-8703

CONTACT INFORMATION

ENGINEER:	TECTONIC ENGINEERING & SURVEYING CONSULTANTS P.C. 1279 ROUTE 300 NEWBURGH, NY 12550
CONTACT:	RITU SALOT
PHONE:	(845) 567-6656 (EXT. 2817)

LOCATION MAP

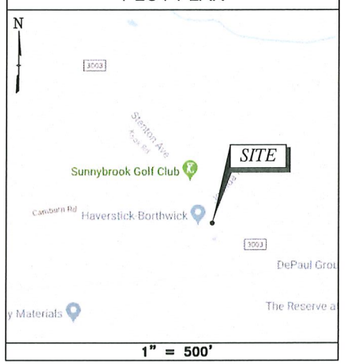


1" = 2000'

GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE EXISTING BUILDING CODE OF PENNSYLVANIA STATE.
2. INSTALLATION SHALL BE IN ACCORDANCE WITH CROWN CASTLE STANDARDS.
3. PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A/10-BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF THE WORK AREA DURING CONSTRUCTION.
4. THESE PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ISSUANCE OF A BUILDING PERMIT AND ALL SHEETS HAVE BEEN ISSUED "FOR CONSTRUCTION".

PLOT PLAN



1" = 500'

DRAWING INDEX

SHEET NO.	SHEET TITLE	REV.	DATE
T-1	TITLE SHEET	0	01/13/20
C-1	SITE PLAN	0	01/13/20
C-2	SITE DETAIL PLAN	0	01/13/20
C-3	ELEVATION & DETAILS	0	01/13/20
G-1	GROUNDING DETAILS	0	01/13/20

DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED FOR 24"X36". OTHER SIZED VERSIONS ARE NOT PRINTED TO THE SCALE SHOWN. CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

STRUCTURAL STEEL NOTES

1. ALL STEEL WORK SHALL BE HOT-DIP GALVANIZED IN ACCORDANCE WITH ASTM A123 AND IN ACCORDANCE WITH THE DESIGN AND CONSTRUCTION SPECIFICATIONS.
2. STEEL PIPE SHALL CONFORM TO ASTM A53 PIPE, STEEL BLACK AND HOT DIPPED ZINC-COATED WELDED AND SEAMLESS, GRADE B (ALL SIZES SHOWN ARE NOMINAL).
3. BOLTED CONNECTIONS SHALL USE BEARING TYPE ASTM A325 BOLTS (3/4" DIA) AND SHALL HAVE MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.
4. CONCRETE EXPANSION ANCHORS AND EPOXY ANCHORS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS. SPECIAL INSPECTIONS, REQUIRED BY GOVERNING CODES, SHALL BE PERFORMED IN ORDER TO MAINTAIN MANUFACTURER'S MAXIMUM ALLOWABLE LOADS. MANUFACTURER'S MINIMUM CONCRETE EDGE DISTANCE SHALL BE MAINTAINED DURING INSTALLATION.
5. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE DESIGN AND CONSTRUCTION SPECIFICATIONS.
6. ALL HOLES TO BE ADDED IN THE FIELD SHALL BE PUNCHED OR DRILLED. NO HOLE BURNING SHALL BE ALLOWED. RE-PAINT OR COLD GALVANIZE EXIST STEEL MEMBERS WHERE DISTURBED.

SITE NOTES

1. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS.
2. RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
3. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY ENGINEERS. EXTREME CAUTION SHOULD BE USED BY THE CONTRACTOR WHEN EXCAVATING OR PIER DRILLING AROUND OR NEAR UTILITIES.
4. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF ENGINEERING.
5. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE PENNSYLVANIA STATE STANDARDS AND SPECIFICATIONS FOR SEDIMENT AND EROSION CONTROL.
6. ALL RESTORATION ISSUES SHALL BE COMPLETED WITHIN 72 HOURS OF THE COMPLETION OF THE WORK ACTIVITY OR WITHIN A REASONABLE AMOUNT OF TIME AS DIRECTED BY THE CONSTRUCTION MANAGER/ENGINEER.
7. ALL AREAS DISTURBED BY THE CONTRACTOR WITHOUT AUTHORIZATION SHALL BE RESTORED BY THE CONTRACTOR.
8. IN THE EVENT THE CONTRACTOR DAMAGES AN EXISTING UTILITY SERVICE CAUSING AN INTERRUPTION IN SAID SERVICE, HE SHALL IMMEDIATELY COMMENCE WORK TO RESTORE SERVICE AND MAY NOT CONTINUE HIS WORK OPERATION UNTIL SERVICE IS RESTORED.

DRIVING DIRECTIONS

DIRECTIONS FROM CANONSBURG, PA:
GET ON I-79 S FROM CORPORATE DR. HEAD WEST. TURN LEFT TOWARD CORPORATE DR. TURN RIGHT ONTO CORPORATE DR. TURN LEFT ONTO SOUTHPOINTE BLVD. TURN RIGHT TO MERGE ONTO I-79 S. TAKE I-76 E TO PLYMOUTH RD IN PLYMOUTH MEETING. TAKE EXIT 333 FROM I-276 E. MERGE ONTO I-79 S. KEEP LEFT TO STAY ON I-79 S, FOLLOW SIGNS FOR INTERSTATE 70 E/INTERSTATE 79 S/NEW STANTON/MORGANTOWN. CONTINUE ONTO I-70 E. TAKE THE EXIT ONTO I-70 E/I-76 E TOWARD HARRISBURG. CONTINUE TO FOLLOW I-76 E. CONTINUE ONTO I-276 E. TAKE EXIT 333 TOWARD NORRISTOWN. TAKE FLOURTOWN RD AND JOSHUA RD TO STENTON AVE IN WHITEMARSH TOWNSHIP. TURN RIGHT ONTO PLYMOUTH RD. CONTINUE ONTO FLOURTOWN RD. TURN LEFT ONTO JOSHUA RD. TURN RIGHT ONTO STENTON AVECONFIDENTIAL . DESTINATION WILL BE ON THE RIGHT

Pennsylvania 811

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Phone: (845) 567-8658

CROWN CASTLE

CROWN CASTLE
LANDLORD
LEASING
RF
CONSTRUCTION

PROJECT NUMBER	DRAWN BY
8446.JOSHUAHOUSE	GT

NO.	DATE	ISSUE
1	01/13/20	ISSUED FOR COMMENTS

RELEASED BY: DATE:
REGISTERED
PROFESSIONAL
ANTONIO A. GUALTIERI
ENGINEER
PE045164-E
PENNSYLVANIA
SITE INFORMATION

CROWN BUN: 824932
JOSHUA HOUSE
400 STENTON AVENUE
PLYMOUTH MEETING,
PA 19462

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1

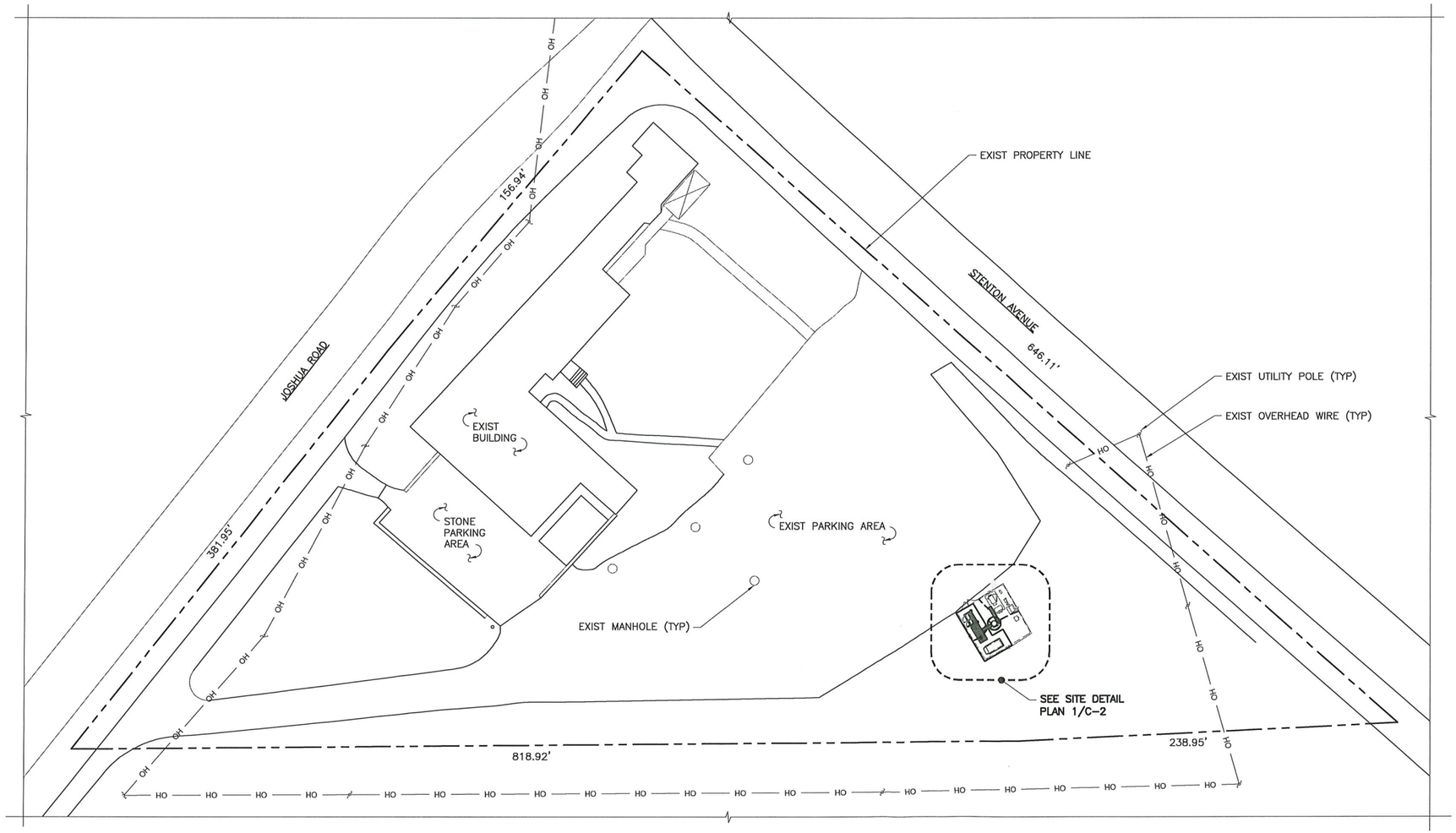
N

TRUE

NORTH NOTE:
NORTH IS APPROXIMATE.
VERIFY TRUE NORTH PRIOR TO INSTALLATION OF ANTENNAS.

GENERAL NOTES

1. EXISTING SITE FEATURES AND PROPERTY LINES BASED ON A DRAWING BY OMNI POINT COMMUNICATIONS ENTERPRISES, L.P., DATED JULY 07, 1997, A FIELD INSPECTION COMPLETED BY TECTONIC ENGINEERING & SURVEYING CONSULTANTS P.C. DATED 01/03/20, & THE ONLINE MONTGOMERY COUNTY PA GIS DATABASE.
2. TRUE NORTH DETERMINED AS REFERENCED IN NOTE #1 (APPROXIMATE).
3. THE EXISTING FACILITY IS UNMANNED, AND THEREFORE DOES NOT REQUIRE A MEANS OF WATER SUPPLY OR SEWAGE DISPOSAL.
4. THE EXISTING FACILITY IS MINIMAL, AND WILL CREATE NO ADDITIONAL STORM WATER RUNOFF AND WILL THEREFORE NOT IMPACT THE EXISTING STORM WATER DRAINAGE SYSTEM.
5. THE EXISTING FACILITY DOES NOT INCLUDE OUTDOOR STORAGE OR ANY SOLID WASTE RECEPTACLES.
6. DESIGN AND CONSTRUCTION OF ANTENNA SUPPORTS SHALL CONFORM TO ANSI/TIA-222-H "STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES". DESIGN WIND SPEED = 115 MPH. (40 MPH IN CONJUNCTION WITH 2 INCHES RADIAL ICE)
7. THE FACILITY INCLUDES SIGNS IN ACCORDANCE WITH FCC RULES ON RADIO FREQUENCY EMISSIONS 47 CFR 1.1307(B) AND EMERGENCY CONTACTS.
8. THE EXISTING UNMANNED FACILITY WILL REQUIRE MAINTENANCE VISITS OF APPROXIMATELY ONCE PER MONTH FOR GENERALLY AN HOUR AT A TIME. ADEQUATE PARKING EXISTS FOR THESE MAINTENANCE.
9. NO COMMERCIAL OR RETAIL SIGNS ARE PROPOSED.
10. NO TOWN-REGULATED STEEP SLOPES ARE PROPOSED TO BE DISTURBED.



1 / C-1 SITE PLAN
SCALE: 1" = 30'

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COMMONWEALTH OF PENNSYLVANIA
REGISTERED PROFESSIONAL
ANTONIO A. GUALTIER
ENGINEER
PE045164-E

SITE INFORMATION

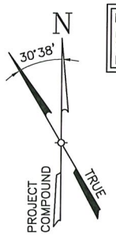
CROWN BUN: 824932
JOSHUA HOUSE
400 STENTON AVENUE
PLYMOUTH MEETING,
PA 19462

SHEET TITLE

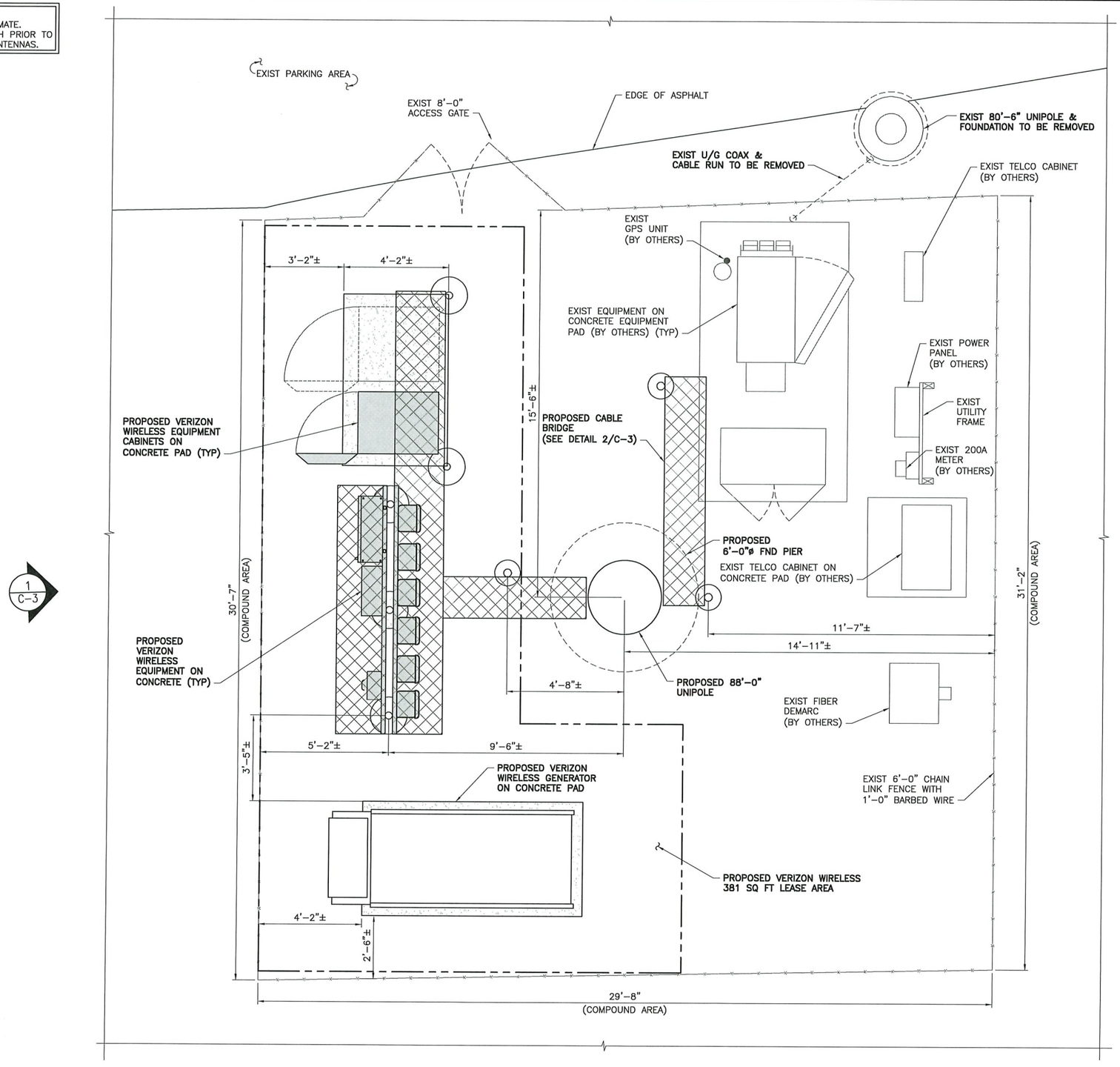
SITE PLAN

SHEET NUMBER

C-1



NORTH NOTE:
NORTH IS APPROXIMATE.
VERIFY TRUE NORTH PRIOR TO INSTALLATION OF ANTENNAS.



1 C-3

1 C-2 SITE DETAIL PLAN
SCALE: 1" = 2'

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CROWN CASTLE

CROWN CASTLE
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LEASING
RF
CONSTRUCTION

PROJECT NUMBER	DRAWN BY
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NO.	DATE	ISSUE
0	01/13/20	ISSUED FOR COMMENTS

RELEASED BY	DATE
JMQ	1/13/20

SITE INFORMATION
CROWN BUN: 824932
JOSHUA HOUSE
400 STENTON AVENUE
PLYMOUTH MEETING,
PA 19462

SHEET TITLE
SITE DETAIL PLAN

SHEET NUMBER
C-2

COMMONWEALTH OF PENNSYLVANIA
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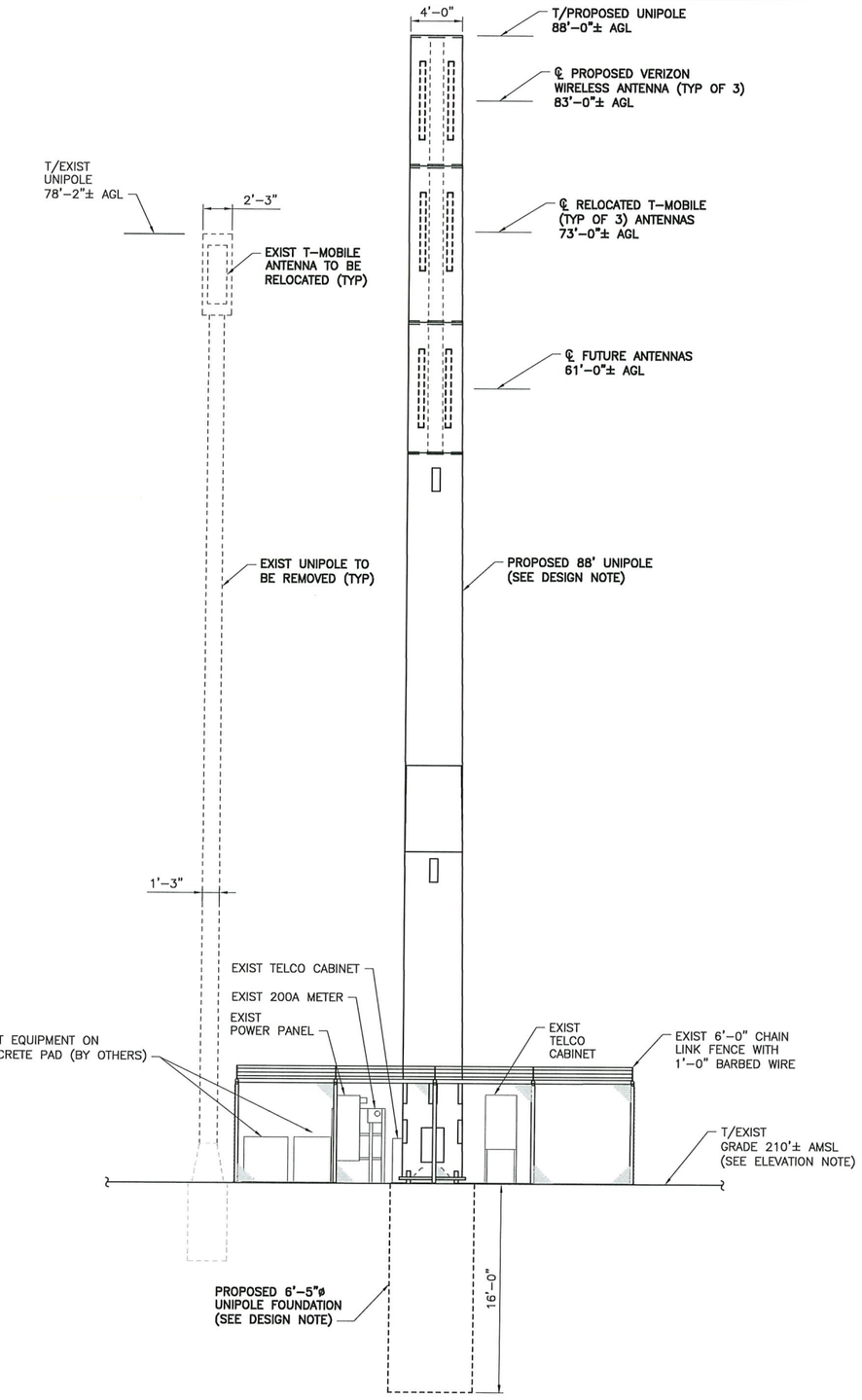
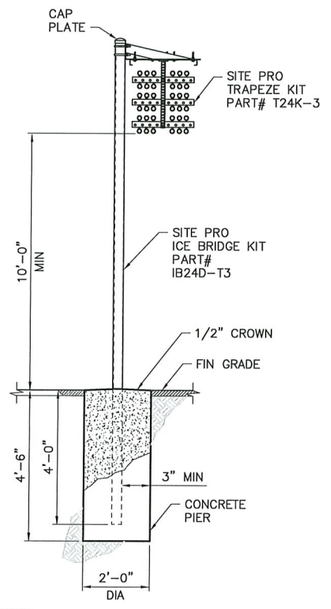


1 / C-3 ELEVATION

SCALE: 1" = 4'



NOTE:
CABLE BRIDGE TO BE STRUCTURALLY ANALYZED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK

2 / C-4 CABLE BRIDGE DETAIL

SCALE: 1/2" = 1'-0"

ELEVATION NOTE:
ELEVATION OF PROPOSED MONOPOLE HAS BEEN ASSIGNED AS EL 298'±. THIS IS APPROXIMATELY 88.0'± ABOVE GRADE LEVEL WHICH WAS DETERMINED AS EL 210'± BASED ON GOOGLE EARTH.

DESIGN NOTE:
THE PROPOSED UNIPOLE & FOUNDATION DESIGN IS BASED UPON A STRUCTURAL ANALYSIS PREPARED BY LARSON DATED, 12/10/19 & DRAWINGS PREPARED BY LARSON DATED 12/11/19.

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CROWN CASTLE

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SITE INFORMATION

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JOSHUA HOUSE
400 STENTON AVENUE
PLYMOUTH MEETING,
PA 19462

SHEET TITLE

ELEVATION & DETAILS

SHEET NUMBER

C-3

COMMONWEALTH OF PENNSYLVANIA
REGISTERED PROFESSIONAL
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ENGINEER
PE045164-E

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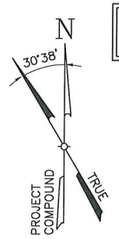

NORTH NOTE:
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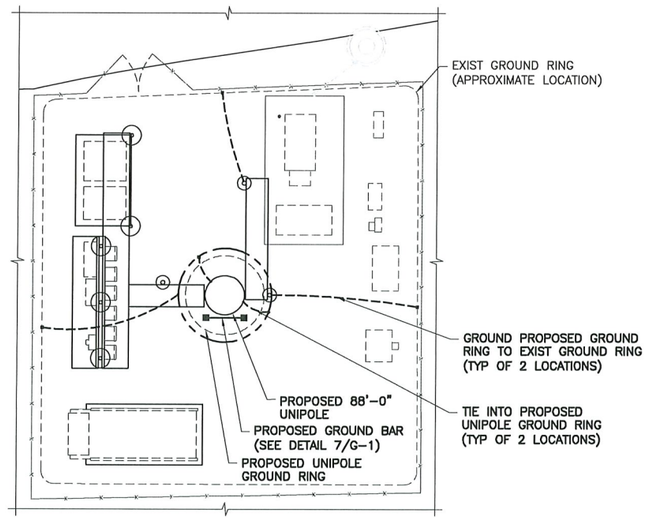
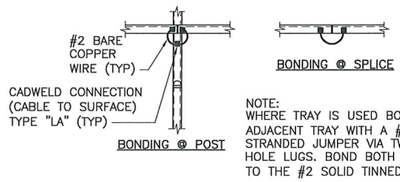


1/G-1 GRONDING PLAN

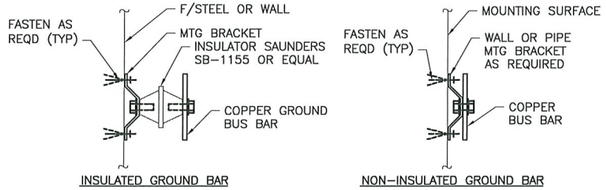
SCALE: 1" = 2'



NOTE:
WHERE TRAY IS USED BOND ADJACENT TRAY WITH A #6 STRANDED JUMPER VIA TWO HOLE LUGS. BOND BOTH ENDS TO THE #2 SOLID TINNED WIRE.

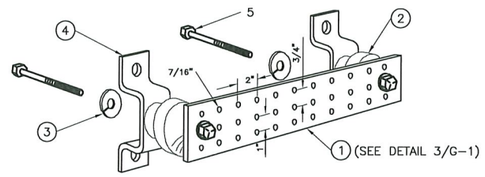
2/G-1 COAX BRIDGE BONDING DETIAL

SCALE: NTS



3/G-1 SECTION

SCALE: 3" = 1'-0"



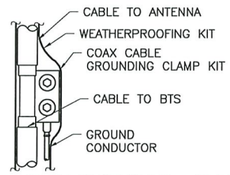
LEGEND

1- COPPER GROUND BAR, 1/4"x 4"x20 HOLE CENTERS TO MATCH NEMA DOUBLE LUG CONFIGURATION
2- INSULATORS
3- 5/8" LOCK WASHERS
4- WALL MOUNTING BRACKET
5- 5/8-11 x 1" H.H.C.S.BOLTS

NOTE: FOR GROUNDING PLAN SEE DETAIL 1/G-1.

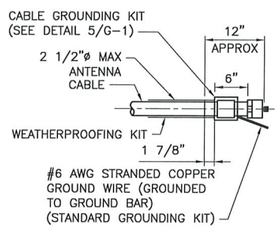
4/G-1 GROUNDING BAR DETAIL

SCALE: NTS



5/G-1 CABLE GROUNDING DETAIL

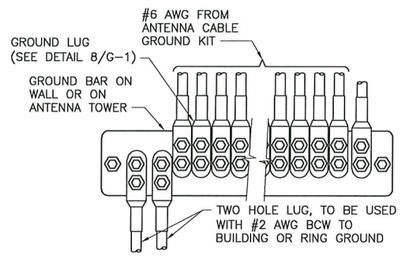
SCALE: N.T.S.



NOTE:
DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO GROUND KIT.

6/G-1 CABLE GROUND KIT DETAIL

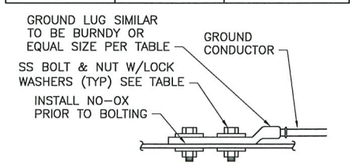
SCALE: 1" = 1'-0"



7/G-1 GROUNDING DETAIL

SCALE: NTS

TABLE		
WIRE SIZE	LUG #	BOLT DIA
#2	YA2CL-2TC14	1/4"
#2/0	YA25-2LN	1/2"



INSTALL NO-OX PRIOR TO BOLTING CONNECTIONS.

8/G-1 LUG GROUND CONNECTION

SCALE: N.T.S.

GROUNDING NOTES

1. INTERIOR GROUNDING TO BE PROVIDED BY CONTRACTOR.
2. ALL ABOVE GROUND CONNECTIONS SHALL BE CADWELD, BOLT CLAMP, OR SPLIT BOLT CONNECTORS. CRIMP CONNECTORS SHALL NOT BE USED ON SOLID CONDUCTORS. CLAMPS MUST BE USED FOR FENCE AND HANDRAIL CONNECTION.
3. ALL GROUNDING CONNECTIONS TO THE GROUND BAR/ROD OR GROUND PLATE, INTAKE AND EXHAUST LOUVERS AND A/C UNIT SHALL BE MADE WITH TWO-HOLE, LONG-BARREL TYPE COMPRESSION LUGS, (BURNDY OR EQUAL). ALL LUGS ATTACHED TO BUSSES USING BOLTS, NUTS, AND LOCK WASHERS.
4. ALL WIRE CONNECTORS SHALL BE THREE-CRIMP C TAP COMPRESSION, THOMAS & BETTS #54740, ORANGE.
5. ALL CONNECTORS SHALL BE CRIMPED USING HYDRAULIC CRIMPING TOOLS, T&B #TBM 8 OR EQUIVALENT.
6. ALL CONNECTIONS SHALL BE MADE TO BARE METAL. ALL PAINTED SURFACES SHALL BE FILED TO ENSURE PROPER CONTACT. NO WASHERS ARE ALLOWED BETWEEN ITEMS BEING GROUNDED. ALL CONNECTIONS ARE TO HAVE AN ANTI-OXIDIZING AGENT APPLIED PRIOR TO INSTALLATION.
7. WHERE ANY GROUNDING CONDUCTOR PASSES THROUGH METAL CONDUIT, BOTH ENDS OF CONDUIT SHALL BE GROUNDED.
8. ALL BENDS SHALL BE AS SHALLOW AS POSSIBLE, WITH NO TURNS SHORTER THAN AN 8-INCH NOMINAL RADIUS.
9. GROUNDING SYSTEM RESISTANCE SHALL NOT EXCEED 5 OHMS. IF THE RESISTANCE VALUE IS EXCEEDED, NOTIFY VERIZON FOR FURTHER INSTRUCTION ON METHODS FOR REDUCING THE RESISTANCE VALUE.
10. GROUND CONNECTORS TO ANTENNA MAST SHALL BE MADE WITH HEAVY DUTY GROUND CLAMPS SIMILAR TO THOMAS & BETTS OR APPROVED EQUAL.
11. ANTENNA CABLE INSTALLER TO PROVIDE GROUND ROD AT TOP & BOTTOM OF TOWER FOR ANTENNA CABLE GROUNDING. DOWNWARD LEADS FROM GROUNDING KITS MUST BE USED. GROUND KIT SHALL BE SIMILAR TO DETAIL 6/G-1.
12. CABLE BRIDGES ARE TO BE GROUNDED TO THE GROUND ROD WITH #6 SOLID WIRE. CONNECTIONS ARE DOUBLE LUG-BOLTED, SCREWED MECHANICAL CONNECTIONS WITH STAR WASHERS AND NO-OX GREASE.
13. GROUNDING CLAMPS SHALL BE BURNDY GAR-TC OR EQUAL. PREPARE SURFACE PER BURNDY SPECIFICATIONS.
14. AVOID DISRUPTION OF EXISTING GROUNDING SYSTEM, REPAIR ANY DAMAGE TO THE SATISFACTION OF OWNER.
15. CONTRACTOR SHALL INSTALL ALL GROUNDING IN ACCORDANCE WITH VERIZON'S SITE GROUNDING SPECIFICATIONS, LATEST EDITION.
16. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY ALL APPLICABLE CODES.
17. GPS ANTENNA MOUNTS GROUNDED TO ANTENNA 'BAR NONE SOLUTION' WITH ONE #6 WIRE EACH. GPS CABLE SHALL HAVE ONE GROUND KIT INSTALLED AT THE EQUIPMENT FRAME AND ATTACH CONDUCTORS TO THE 'BAR NONE SOLUTION'.
18. ALL ANTENNA MOUNTS SHALL BE GROUNDED WITH A #2 GROUND WIRE CONNECTED TOGETHER AND SUBSEQUENTLY CONNECTED TO THE 'BAR NONE SOLUTION' AT THE EQUIPMENT FRAME. ALL CONNECTIONS ARE TO BE CAD-WELDED IF POSSIBLE.
19. PLUG ALL LB'S WITH ELECTRICAL CEMENT. PACK EPOXY AROUND ALL BOLTED LUGS. INSTALL ANTI-CORROSIVE GREASE ON ALL GROUNDING ATTACHMENTS.
20. UPON COMPLETION OF WORK, CONDUCT CONTINUITY, SHORT CIRCUIT, AND FALL OF POTENTIAL GROUNDING TESTS FOR APPROVAL. SUBMIT TEST REPORTS TO VERIZON.

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CROWN CASTLE

CROWN CASTLE _____
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RF _____
CONSTRUCTION _____

PROJECT NUMBER	DRAWN BY
8446.JOSHUAHOUSE	GT

NO.	DATE	ISSUE
1	01/13/20	ISSUED FOR COMMENTS

RELEASED BY: [illegible] DATE: 4/13/20

COMMONWEALTH OF PENNSYLVANIA
REGISTERED PROFESSIONAL
ANTONIO A. GUALTIERI
ENGINEER
PE045164-E

SITE INFORMATION
CROWN BUILT 324932
JOSHUA HOUSE
400 STENTON AVENUE
PLYMOUTH MEETING,
PA 19462

SHEET TITLE
GROUNDING PLAN

SHEET NUMBER
G-1

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OMNIPOINT COMMUNICATIONS ENTERPRISES, INC.	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 98 - CV - 690
v.	:	
	:	
ZONING HEARING BOARD OF WHITEMARSH TOWNSHIP	:	
	:	
Defendant.	:	

SETTLEMENT AGREEMENT

This Settlement Agreement is made as of this 8th day of October, 1998 by and among Omnipoint Communications Enterprises, L.P., formerly known as Omnipoint Communications Enterprises, Inc. ("Omnipoint"), the Zoning Hearing Board of Whitemarsh Township (the "ZHB") and the Township of Whitemarsh (the "Township").

WITNESSETH:

WHEREAS, Omnipoint initiated a litigation by filing a complaint captioned Omnipoint Communications Enterprises, Inc. v. Zoning Hearing Board of Whitemarsh Township, in the United States District Court for the Eastern District of Pennsylvania at docket number 98 - CV - 690 (the "Lawsuit") pursuant to which Omnipoint sought to reverse the ZHB's decision denying the application of Omnipoint to construct a tower supporting several radio antennas and install equipment for its digital personal communications system (a "PCS cell site") on a parcel of

real property at the rear of 400 Stenton Avenue in the Township (the "Joshua House Property"); and

WHEREAS, Omnipoint also initiated a litigation by filing a protective notice of land use appeal captioned Omnipoint Communications Enterprises, Inc. v. Zoning Hearing Board of Whitemarsh Township, in the Court of Common Pleas of Montgomery County, Pennsylvania at docket number 9803007 (the "Appeal") pursuant to which Omnipoint sought to reverse the ZHB's decision denying the application of Omnipoint to construct the PCS cell site at the Joshua House Property (the Lawsuit and the Appeal are sometimes herein collectively referred to as the "Litigations"); and

WHEREAS, the Joshua House Property is located in the "AA Residential" Zoning District of the Township where "Public Utility Facilities", as defined in the Whitemarsh Township Zoning Ordinance ("Zoning Ordinance"), are permitted uses by special exception pursuant to Section 116-35(C)(1) of the Zoning Ordinance; and

WHEREAS, the Joshua House Property consists of approximately 3.5 acres of land and is identified as Tax Parcel # Block 52, Lot 9. The present improvements on the Joshua House Property consist of an historic structure which has been converted to business offices (the "Joshua House"); a commercial parking lot and a heavily landscaped and wooded area to the rear of the property; and

WHEREAS, Omnipoint proposed to erect a PCS cell site with an 80 foot high unlighted tower, without any associated building or office to the rear of the landscaped area which separates the Joshua House from an adjacent quarry operation (the "Original Site"); and

WHEREAS, Omnipoint filed an application for a hearing to the ZHB requesting a special exception and certain variances to install the PCS cell site at the Original Site; and

WHEREAS, at the conclusion of the hearing, the ZHB rendered an oral determination that Omnipoint's proposed use constituted a Public Utility Facility under the Zoning Ordinance but denied Omnipoint's requests for a special exception and variances to construct the PCS cell site; and

WHEREAS, after initiating the Litigations, Omnipoint entered into further negotiations with the owner of the Joshua House Property to install and operate a PCS cell site on another portion of the Joshua House Property; and

WHEREAS, Omnipoint submitted to the Township an amended site plan prepared by Edwards and Kelcey Wireless, L.L.C., dated July 24, 1997 and last revised June 15, 1998 (the "Amended Plan"), for an Omnipoint PCS cell site consisting of a 78 foot high unlighted unipole, without any associated building or office at a point on the Joshua House Property closer to the Joshua House than was the Original Site (the "Alternate Site"); and

WHEREAS, the Amended Plan and the unipole design have been reviewed by the Township for compliance with the Zoning Ordinance and the Subdivision and Land Development Ordinance of the Township and the applicable provisions of Municipalities Planning Code, 53 Pa.C.S.A. § 10100 *et seq.* (the "MPC"); and

WHEREAS, Omnipoint believes that an Omnipoint PCS cell site at the Alternate Site will adequately serve substantially the same area and potential personal wireless service

customers in the Township as would be served by an Omnipoint PCS cell site at the Original Site; and

WHEREAS, the Township prefers the location of a unipole and PCS cell site at the Alternate Site rather than at the Original Site; and

WHEREAS, all of the parties to this Settlement Agreement, without making or implying any admissions or concessions as to their respective positions, desire to resolve their differences amicably in order to avoid the risks, burden and expense of continued litigation;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, receipt of which is hereby acknowledged, Omnipoint, ZHB and Township agree as follows:

1. The Township and ZHB both agree and hereby certify that the installation and operation of an Omnipoint PCS cell site constitutes a Public Utility Facility and is a use permitted by special exception pursuant to Section 116-35(C)(1) of the Zoning Ordinance.

2. The Township and ZHB both agree and hereby certify that the installation and operation of an Omnipoint PCS cell site at the Alternate Site consisting of a 78 foot unipole of substantially the same design as that depicted in the photograph attached hereto as Exhibit "A", and installed substantially where and as depicted on the Amended Plan attached hereto as Exhibit "B", shall be permitted pursuant to the following:

a) ZHB hereby grants a special exception under Section 116-35(C)(1) of the Zoning Ordinance;

b) ZHB hereby grants a variance from Section 116-49(F) of the

Zoning Ordinance; and

c) Township hereby grants a waiver of the requirement for Omnipoint to obtain land development approval.

3. Omnipoint shall file for a building permit for its PCS cell site at the Alternate Site no later than September 1, 1999.

4. Upon the filing by Omnipoint for a building permit for its PCS cell site at the Alternate Site, the Township shall, upon presentation of an application and plans by Omnipoint evidencing compliance with the Building Code, if any, of the Township, use its best efforts to issue a building permit promptly and within all legal time limits and, thereafter, will take no action which would limit and/or revoke the permit or otherwise support any challenge to the permit so long as Omnipoint complies with Township ordinances and regulations. Omnipoint's sole requirement for issuance of the building permit for its PCS cell site at the Alternate Site shall be compliance with construction standards contained in the Township's Building Code, if any.

5. In express reliance upon the representations and actions mentioned in premises and paragraphs 1, 2 and 4 of this Settlement Agreement and within five (5) business days of the execution of this Settlement Agreement by all parties, Omnipoint shall take the steps necessary, along with ZHB, to cause the Litigations to be dismissed with prejudice by requesting the Court in the Lawsuit to enter this Settlement Agreement as an Order and by filing a Praecipe to Mark Case Settled, Discontinued and Ended in the Appeal.

6. Upon execution of this Settlement Agreement and except for any rights, duties or obligations created by this Settlement Agreement, Omnipoint does hereby remise, release and forever discharge ZHB and Township and each of their past and present, officers, agents, attorneys and employees from any and all manner of actions, causes of action, suits, debts, accounts, contracts, agreements, controversies, judgments, damages, claims, liabilities and demands of any nature whatsoever which Omnipoint ever had, now has, or hereafter can, shall or may have for, upon or by reason of any act, transaction, practice, conduct, matter, cause or thing of any kind whatsoever that arose or occurred prior to the date hereof and arose out of, related to or is based upon, in whole or in part:

a) the Lawsuit; or

b) the Appeal; or

c) ZHB's decision to deny the application to construct a PCS cell Site at the Original Site.

7. Upon execution of this Settlement Agreement and except for any rights, duties or obligations created by this Settlement Agreement, ZHB and Township do hereby remise, release and forever discharge Omnipoint and each of its past and present divisions, subsidiaries, parents, affiliates, partners, limited partners, stockholders, directors, officers, agents, attorneys and employees from any and all manner of actions, causes of action, suits, debts, accounts, contracts, agreements, controversies, judgments, damages, claims, liabilities and demands of any nature whatsoever which ZHB and Township ever had, now have, or hereafter can, shall or may have for, upon or by reason of any act, transaction, practice, conduct, matter,

cause or thing of any kind whatsoever that arose or occurred prior to the date hereof and arose out of, related to or is based upon, in whole or in part:

a) the Lawsuit; or

b) the Appeal; or

c) ZHB's decision to deny the application to construct a PCS cell Site at the Original Site.

8. The Court shall retain jurisdiction with regard to the enforcement of any terms of this Settlement Agreement.

9. Each of the parties hereto represents and warrants that each has not sold, assigned, transferred, or conveyed any claim, demand or cause of action relating to any matter covered by this Settlement Agreement.

10. This Settlement Agreement shall inure to the benefit of each of the parties hereto and their respective heirs, executors, administrators, predecessors, successors and assigns and shall be binding upon each of the parties and their heirs, executors, administrators, predecessors, successors and assigns.

11. Each of the signatories below represents and warrants that he or she has the power and authority to bind the party for whom he or she is signing this Settlement Agreement.

12. This Settlement Agreement constitutes the sole and complete record of the understandings and agreements of the parties hereto with respect to the matters covered herein,

supersedes any prior agreement between the parties, and may not be modified except in a writing signed by the parties.

IN WITNESS WHEREOF, each of the parties to this Settlement Agreement, intending to be legally bound hereby, has executed this Settlement Agreement as of the day and date indicated above.

ZONING HEARING BOARD OF WHITEMARSH TOWNSHIP

Secretary

Chairman (Acting)

BOARD OF SUPERVISORS OF WHITEMARSH TOWNSHIP

Secretary

Chairman

Vice Chairman

Member

Approved as to form:

Solicitor, Zoning Hearing Board

Solicitor, Board of Supervisors

OMNIPOINT COMMUNICATIONS ENTERPRISES, L.P., on behalf of itself and as successor in interest to Omnipoint Communications Enterprises, Inc.:

By: _____
Name: Charles Johnston
Title: Chief Operating Officer
OPCS PHILADELPHIA HOLDINGS, General Partner of OMNIPOINT COMMUNICATIONS ENTERPRISES, L.P.

This case is hereby DISMISSED pursuant to the agreement of the parties set forth above, each party to bear its own costs.

SO ORDERED:

_____

Anita B. Brody, J.

EXHIBIT "A"

Photograph of 78 Foot Unipole

EXHIBIT "B"

Amended Site Plan Prepared By Edwards and Kelcey Wireless, L.L.C.,
Dated July 24, 1997 and Last Revised June 15, 1998

GENERAL INFORMATION
GENERAL NOTES
BULK REQUIREMENTS
DETAILED SITE PLAN
SITE PLAN
"JOSHUA ROAD"
"STENTON AVENUE"
WIRELESS, LLC
OMNIPOINT
COMMUNICATIONS
ENTERPRISES, L.P.
SITE 1238DC
JOSHUA
100 STENTON ROAD
PLYMOUTH MEETING, PA
DESIGN TYPE
NEW UNIPOLE
SHEET TITLE
SITE PLAN AND
DETAILED SITE PLAN
SHEET NUMBER
Z-1
REV.
3

DECISION AND ORDER

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

APPLICATION 97-34
Omnipoint Communications Enterprises, Inc. First Hearing 11/10/97 Decided 1/12/98 Copy Mailed 1/13/98

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

1. The Board decides that the monopole with communications antenna and equipment cabinet proposed to be located on a portion of the property at 400 Stanton Avenue is a public utility facility in accordance with Section 116-11 of the Whitemarsh Township Code.

2. The Special Exception in accordance with Section 116-35.C(1) necessary to allow the proposed public facility use in a residential district is hereby [redacted] / denied.

3. The variance from Section 116- 49.F necessary to allow the pole to be 83 feet high is hereby [redacted] / denied.

4. The Variance from Section 116-49.E of the Code necessary to allow the pole and equipment structure to invade the rear yard by 30 feet is hereby [redacted] / denied.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.

RICHARD KLINE (absent)

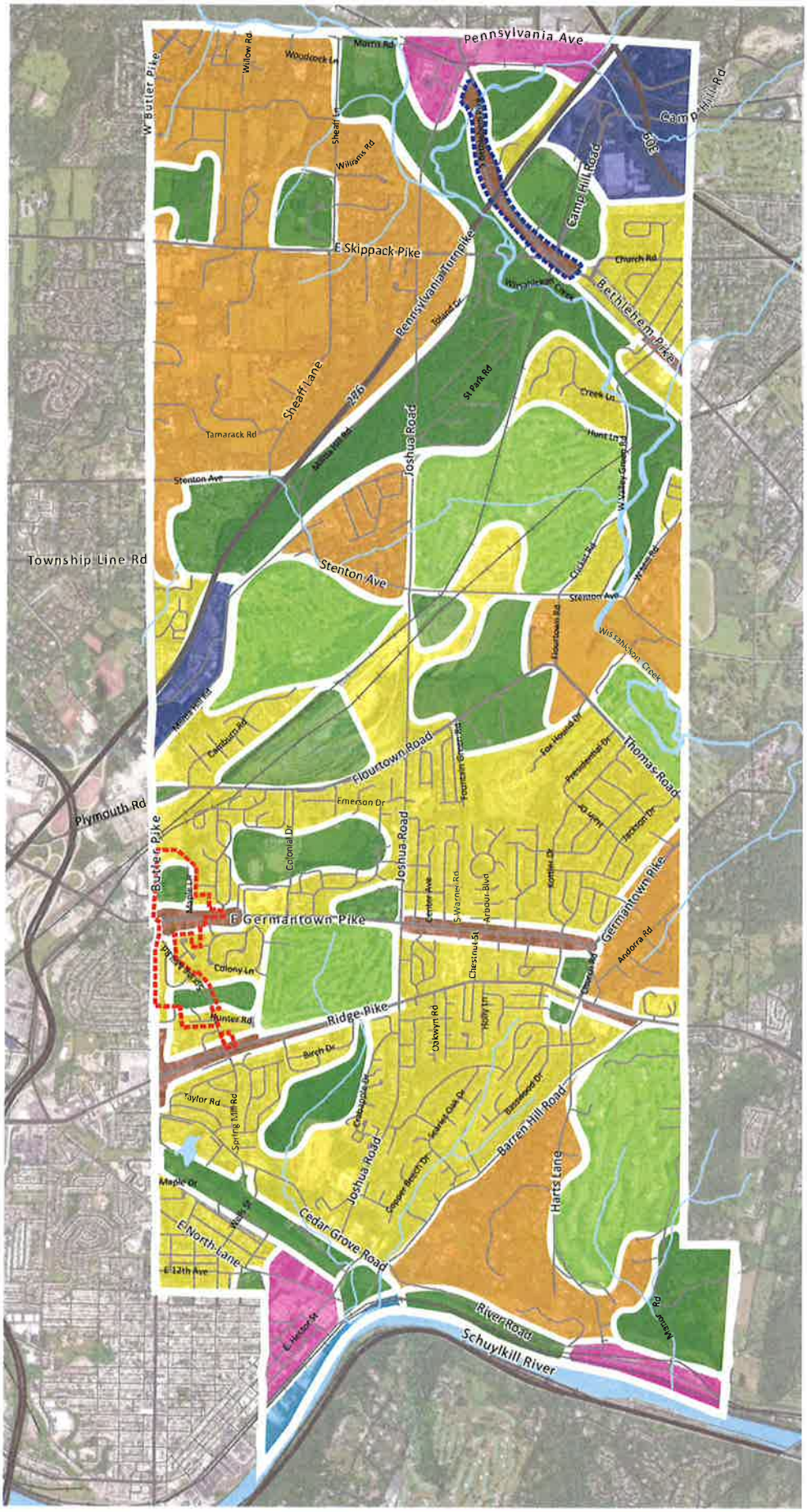
This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within 30 days following the copy mailing date set out above.

Section 116-223 of the Whitemarsh Township Code provides that all applications granted by the Board shall automatically expire 365 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to an Appellate Court, if, during that time, the applicant has not acted upon the granted application by obtaining the granted permit and paying the required fee for same. Any request for an extension must be submitted in writing to the Board at least thirty (30) days prior to the expiration date.

1/15/98 CC: BOS/ZHB/PC

Comprehensive Plan
Selective Update

FUTURE LAND USE PLAN



LEGEND

- Parks and Open Space
- Conservation District Residential
- Residential
- Golf Course
- Mixed-Use Corridors
- Mixed-Use Nodes
- Waterfront District
- Research and Development / Business
- Historic District
- Historic Overlay

FINAL DRAFT

Vision

The foundation for the Whitemarsh Township Selective Comprehensive Plan Update is a vision statement, as it informs each of the goals, policies, and actions. As part of this plan update, the vision was reviewed and refined based on input from the Steering Committee as well as residents and stakeholders who attended the public visioning session.

Whitemarsh Township boasts a unique combination of small town character and urban amenities. Whitemarsh will continue to celebrate our natural beauty and heritage, while encouraging thoughtful growth that promotes vibrancy, diversity and walkability, resulting in welcoming neighborhoods, active mixed-use corridors and connected open spaces.

Goals

Four key goals form the organizational framework and basis for policies and actions. These were identified based on key themes which emerged through outreach with the Township, stakeholders and larger community.

- **Land Use** - **Maintain and enhance Whitemarsh's character and quality of life by managing future growth and development.**

- **Housing** - **Encourage diversification of housing stock that will meet the needs of existing and future residents, while preserving the character and value of existing neighborhoods.**

- **Circulation** - **Develop a balanced and efficient transportation system that provides choices, supports the Township's land use goals, protects neighborhoods from adverse transportation impacts, and reinforces livability.**

- **Quality of Life** - **Promote healthy living opportunities and preserve the Township's unique sense of place through open space preservation and sustainable development practices.**

To be added to the introductory paragraph of "Goals" on Page 23.

Climate change is a clear and present challenge to achieving these goals. As stated by the Delaware Regional Planning Commission (DVPRC) in its guide (Guide) for local governments entitled, *Municipal Managing in a Changing Climate(July 2018),*

> **Slow changes[to the climate] are difficult to address- responses and preparation can always be postponed another year, to the next budget cycle, after the next election. Municipalities that base today's decisions with an eye toward tomorrow's conditions will protect and serve their residents better than those that assume that tomorrow will be like today.**

The Guide lists specific actions that municipalities should take in the face of worsening climate change, including upgrading storm water systems, maintaining and expanding tree cover, and updating regulations. These actions are grounded in the extensive data about increasing temperatures and violent storms set forth in the Guide. Similarly, this Plan's implementation steps regarding the strengthening and enforcement of Whitemarsh Township's many ordinances affecting land use are grounded in the solid facts of climate change.

Steve Kaufman September 2019