

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION**

**Agenda**

**Wednesday, August 5, 2009**

**7:00 PM**

- A. Call to Order / Pledge of Allegiance
- B. Review of Tracking Log / Determine need for Workshop Meeting
- C. Public Comment on Non-Agenda Items
- D. Approval of Minutes

**1. July 1, 2009**

- E. Acknowledge Receipt of New Applications
- F. Subdivision Plans

**1. Sullivan's Grove, Green Hill Road**

- G. Land Development Plans
- H. Conditional Uses and Variances

**1. T-Mobile Northeast LLC, N. Chester Rd., (V)**

- I. Ordinance Amendments
- J. Old Business

**1. Discussion of the Comp Plan Action items**

- K. New Business
- L. Any Other Matter

**1. Sample Generator Ordinance**

- N. Meetings and Dates of Importance

August 4, 2009	Board of Supervisors	7:00 PM
August 5, 2009	Planning Commission	7:00 PM
August 6, 2009	Park & Recreation	7:00 PM
August 10, 2009	Municipal Authority	7:00 PM
August 11, 2009	Board of Supervisors ws	7:00 PM
August 12, 2009	Conservancy Board	7:00 PM
August 13, 2009	Historical Commission	7:00 PM
August 17, 2009	Deer Committee	7:00 PM
August 18, 2009	Board of Supervisors	7:00 PM
August 25, 2009	Board of Supervisors ws	7:00 PM
August 27, 2009	Zoning Hearing – T-Mobile	7:30 PM

**O. Correspondence:**

- 1. F.Y.I – West Goshen Township proposed 128 unit Sr Apt Bldg./plan**
- 2. F.Y.I. - Storm Water Drainage Easement letter to Beaumont Residents**

**P. Goals**

- 1. Review the Parking Section of the Zoning Ordinance and make recommendations, if necessary.**

**Q. Adjournment**

- **Bold Items indicate that the Planning Commission has new information to review for that application.**

**REMINDER – Newsletter Article Submission Due Date:**

**Article Due Date**

August 12, 2009

November 10, 2009

**Delivery date**

October 1, 2009

January 1, 2010

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
APPLICATION HISTORY  
Wednesday, August 5, 2009  
7:00 PM**

**1. SUBDIVISION PLANS**

**Sullivan's Grove, Greenhill Road (S/D)**

February 4, 2008	E.B. Walsh - Re-submission Plans
February 8, 2008	Yerkes – Review of Pre/Final Plan
February 2008	DEP – Sewage facilities
March 27, 2008	Landscape Plans
April 15, 2008	Yerkes, Landscape Review
May 2008	Sewage Facilities Planning Module
May 29, 2008	Extension letter until 7/15/08
June 13, 2008	e-mail from Conservancy Board
June 25, 2008	Extension letter until 9/20/08
September 4, 2008	Extension letter until November 30, 2008
September 2008	Plans – Landscape
September 11, 2008	CCCD – review
September 29, 2008	DEP – Discharge for Stormwater
October 29, 2008	Yerkes – Landscape Review
November 12, 2008	Wooldridge Construction – extension
January 27, 2009	Preliminary/Final Revised Landscape plan
January 28, 2009	Wooldridge – Extension period
February 25, 2009	Yerkes – Landscape Review
May 7, 2009	Wooldridge Construction - Extension
May 11, 2009	Yerkes – Review of Preliminary/Final Plan
May 26, 2009	DEP – Planning Module for L/D
July 29, 2009	Wooldridge Construction - extension

August 5, 2009

## **2. CONDITIONAL USES/VARIANCES**

### **T-Mobile Northeast LLC, West side of North Chester Road, (V)**

May 29, 2009	Application Plan
June 15, 2009	Petrikin, Wellamn, Damico – PECO Pole 1,000' notification
June 25, 2009	Draft motion
July 26, 2009	Kenneth Foster & Assoc – Site
July 27, 2009	e-mail – PECO Energy confirming request
July 30, 2009	memo – Draft motion

## **3. ORDINANCE AMENDMENTS**

1. February 29, 2009 Interest Ordinance
2. February 26, 2009 memo – Act 39 of 2008
- 3.

## **4. ANY OTHER MATTER**

1. Ordinance titled "Zoning" specifically "annual Report"
2. Ordinance titled "Zoning" specifically "Interest on Debts"

## **5. ZONING AMENDMENTS**

August 5, 2009

Planning Commission Application Tracking Log

Application Name	Application (C,LD,O, SD,V, SE, CA)	Type (Sk, P, F)	Date Filed	Start Date	Date to Yerkes/Consultant	Date to CCPC	Date to Abutting Prop. / ABC's	Extension	PC NLT Action Date	BOS NLT Action Date	Hearing Date	Drop Dead date
Sullivan's Grove (Greenhill Rd.)	SD	P/F	9/2/05	9/7/05	9/7/05	9/7/05	9/13/05	Y	10/7/09	10/20/09	NA	10/31/09
T-Mobile	V		6/1/09	6/2/09	n/a	n/a	6/15/09	Y	8/5/09	8/18/09	8/27/09	9/29/09

Bold = New Application or PC action required

D. MINUTES  
7 pgs

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION MEETING  
July 1, 2009**

*The East Goshen Township Planning Commission held their regularly scheduled meeting on July, 2009 at the East Goshen Township building. Chairman Senya Isayeff, Vice-Chair George Martynick and members Chuck Proctor, Albert Zuccarello, Sue Carty, Megann Hedgecock and Peter Mylonas were present. Also present were Township Zoning Officer Mark Gordon, Ginnie Newlin from the Conservancy Board (CB), and Don McConathy from the Board of Supervisors (BOS).*

**WORKSHOP SESSION – 7:00pm**

New applications have been received from T-Mobile Northeast LLC and John Mummert. Also to be discussed were Metro PCS and National Bank of Malvern.

Senya discussed a possible problem of conflict of interest with regards to the National Bank of Malvern conditional use application and announced that he would turn the meeting over to George when the time came to discuss that application.

The engineer for Sullivan's Grove will be at the August meeting.

Vincent Angelini was given a 60 day extension, which pushes that decision to sometime in October, but it was mentioned that the applicants may be at this meeting looking for a recommendation. The commission decided they would not have one at this time.

Orth Rogers engineers looked at plans for the entrances to the National Bank of Malvern's parking lot. There are still concerns about allowing the left hand turn out of the parking lot onto Paoli Pike.

Mark explained that T-Mobile was re-applying because PECO had told them they could use the pole on the south end of the Boot Road and N. Chester Road intersection and then said that T-Mobile could not use it. They are back to ask to switch a 24 foot pole for a 65 foot pole. Mark said that the applicants from T-Mobile would be at the meeting to present everything.

John Mummert wants to take out an existing deck and replace it with a smaller enclosed living space. Mark informed the commission that there was never a permit for the deck when it was built.

The minutes from the June 3<sup>rd</sup> meeting were tabled because the recording secretary could not be at the meeting.

**FORMAL SESSION**

**A. Call To Order/Pledge of Allegiance**

Senya called the meeting to order at 7:30 and Al Zuccarello led those present in the Pledge of Allegiance.

**B. Public Comment on Non-Agenda Items**

**C. Approval of Minutes**

Senya announced that since the recording secretary was sick, the commission would not discuss the minutes from the June 3<sup>rd</sup> meeting.

**D. New Applications**

Senya announced the receipt of a new application by T-Mobile Northeast for a variance, and John Mummert, 1414 Center Street for a variance.

## E. Subdivision Plans

### **Vincent Angelini, 957 Cornwallis Drive (S/D)**

*Dennis O'Neill was present for the Applicant along with Herbert MacCombie with Consulting Engineers Surveyors, Inc.*

Mr. O'Neill reported that the Applicant is seeking to subdivide two existing lots into three lots for the construction of single family homes. The Applicant received letters from Yerkes with suggestions and made changes to the plans accordingly. Mr. O'Neill was there on behalf of the Applicant looking for a recommendation to move forward to the Board of Supervisors.

The chair moved to recommend to the Board of Supervisors to approve the application for subdivision for Mr. Angelini with respect to the plans last revised on June 24, 2009 with the condition that the comments from Yerkes on June 30, 2009 be effectuated. Al seconded the motion, and with no public comment, the motion passed unanimously.

## F. Conditional Uses & Variances

### **Metro PCS, LLC, 1201 N. Chester Road (C/U)**

*Attorney, Debra Shulski, was present for the applicant.*

Mr. Shubert explained that the Applicant had revised their plans to address the comments received from Yerkes. She also stated that the Applicant has agreed to commission a sound study, which was still being finalized at the time of the meeting. She did present a copy of the results of a sound study from Metro PCS's other site. She assured the commission that due to the fact that there are fewer providers at the new site and they are at least ninety feet from the nearest residential property line that they would most likely be well below the noise levels of the first study.

Senya addressed an issue of disagreement from a previous meeting regarding the sound study. He wanted to assure Ms. Shulski that no ill will was meant by the comments and that it was agreed to by other members of her group that they would do the sound study. She replied that she did not find anywhere in the minutes that the sound study would be a requirement. She said it may have been a misunderstanding. Al believed that the commission had every right to ask for the sound study before submitting a recommendation to the Board of Supervisors. Ms. Shulski assured the commission that the Applicant was willing to do whatever they required, but stated that there is no ordinance requirement for the sound study. Senya said that they can't make a recommendation to the Board of Supervisors without factual information that the equipment will meet the noise requirements. Ms. Shulski said that the letter they received addressed the noise impact of the maintenance, but that there is no noise impact associated with the maintenance. Don said that the letter addressed the noise level at the property limits and that the concern was the noise levels at the property line from the two pieces of equipment there.

### **Public Comment:**

*Don McConathy – BOS* - Don sited that in a letter from Dr. Foster, it was suggested that appropriate signage be posted to assure that exposure levels in the steeple be kept below FCC limits and to alert anyone that goes into the steeple that there is an energy issue. He suggested that the commission include that in the ordinance.

After some discussion, George moved that the commission recommend that the Board of Supervisors approve the conditional use application for Metro PCS for installation of a new wireless communications facility within the United Church of Christ steeple located at 1201 N. Chester Road, TPN 53-2-41.1 as indicated on the plans as outlined in 240-30.C.3H of the Township zoning ordinance property of 1201 N. Chester Road with the following conditions: 1. The proposed plans for screening be approved by the Conservancy Board, 2. Installation be carried out in strict conformity to the plan unless revisions are resubmitted for review and approved by the Township, 3. the Applicant will follow all applicable federal,

state and local ordinances and secure all proper permits prior to installation of the facility, 4. the Applicant shall provide the Township with pre- and post-installation noise study to determine the impact of the noise from mechanical equipment in accordance with the Township noise ordinance standard, and 5. Appropriate signage or other measures are recommended to ensure that RF exposure levels to personnel working on the steeple are kept below FCC limits.

Sue seconded the motion, and with no further comment or discussion, it passed unanimously.

**National Bank of Malvern (C/U)**

*Tom Adams was present for the applicant, along with Patrick McKenna, Bill Anderson and Chuck Olivo.*

Senya discussed an issue of conflict of interest that was brought up by a resident at a previous meeting. He stated for the record that he is a member of the YMCA board and there were concerns of conflict of interest regarding the National Bank of Malvern because of that. He pointed out that he has always recused himself from any discussions regarding the YMCA. The Township solicitor determined that there is no conflict of interest in this case. Despite that determination, Senya recused himself from the discussion and turned the meeting over to the vice chair, George Martynick.

Mr. Adams informed the commission that since their last meeting, Mr. Olivo modified the plans in minor ways consistent with the discussion the commission had. Mr. Olivo stated that they revised the plans as advised by the Township engineer. The plans show the location of the dumpster and that it is accessible through the drive-thru. The plans also show that the parking lot will be right turn in, right turn out only. There are 103 parking spaces to the north and 32 with the bank. The plans show the directional arrows in the parking lot. There is two-way traffic flow in all places except the drive-thru, where it is one-way and the one-way out. The plans also show a monument sign five feet by four feet that will be on a two foot pedestal that is four feet high. There will also be a sign on the building which is expected to be less than the seventy-two foot maximum. The plans show the sidewalk along Airport Road.

Mr. Adams reviewed a letter from Yerkes. Mr. Adams said that the fourth item in the letter regarding right-of-way was not an issue. Mr. Olivo said that the bank agreed to save as many trees as possible, with regards to item five of the letter. Mr. Olivo spoke about a waiver request and paving.

Mr. Anderson discussed a letter the Applicant received from Orth Rogers. He explained to the commission that he used the seventh edition of the Trip Generation manual from the Institute of Transportation Engineers. He said that it would be to the bank's benefit to use the eighth edition, but both show that the traffic is not a problem for the bank. He noted that one benefit of their plan is to ease traffic going from Airport Road to the YMCA by enabling people to enter from Paoli Pike. It also allows people leaving the YMCA to make a right directly onto Paoli Pike instead of the left onto Airport Road and then the right onto Paoli Pike. Mr. Adams asked about the traffic signal timing. Mr. Anderson said it would be beneficial to have access to Paoli Pike for the timing of the signal. Mr. Adams asked if there would be issues of the west-most driveway affecting the Penn Liberty Bank driveway. Mr. Anderson said that he did not think that there would be a problem. Mr. Adams asked if the west-most driveway was moved, would it assist in the drive-thru teller traffic. Mr. Anderson said that people would have to drive through the whole parking lot to get out if the driveway was moved. He said there should not be any issue with the Penn Liberty Bank driveway.

***Public Comment:***

*Ginnie Newlin – CB* – Ginnie was concerned about the flood planes and putting in more impervious coverage than needed by the business.

Don asked how the traffic created by the additional use of the parking lots by YMCA customers would affect the bank customers. Mr. Anderson answered that walk-in bank activity has decreased because of increases in online banking, so it should not be a problem.

Don asked if the Applicant would be getting land development approval in order to do the parking lots. He asked how the bank plans to keep people who are going to the YMCA from using the bank parking spaces. Mr. Adams said that the bank had not proposed to do that, but if it is a condition set forth by the commission the bank would comply.

Mr. Adams stated that the YMCA has an easement over the bank property and a driveway across the bank property to the YMCA is a requirement.

Peter asked about the Orth Rogers report and what PennDOT's response will be to the west-most right-turn only. Mr. Olivo said that based on past experiences with PennDOT, he does not see there being any problems.

Chuck asked if anyone has addressed the issue of landscaping immediately to the west of the YMCA parking lot. Mr. Olivo said they would be doing the full landscaping plans at the land development stage of the process. He also responded to Ginnie's concern, stating that the bank will not be in the flood plane.

George asked if everyone would be ok with extending the sidewalk on the YMCA side of Airport Road, with respect to item nine in the letter from Yerkes. Mr. Olivo said that the bank is planning sidewalks, but there is not a connection to the YMCA sidewalks.

*Sheryl O'Connell – 603 Marydell Dr.* – Sheryl asked if anyone had address the issue of students using the cut-through and possible accidents associated with it. Chuck said that he also had concerns about that and adding more complication to an already busy intersection. He said that they should discuss installing speed bumps. Sue voiced concerns about students walking in the area and also agreed with Ginnie's earlier comments. Mr. Adams said that he did not believe that it was the bank's responsibility to police the activities of the students. After further discussion, Sheryl stated that she was offended by the bank's disregard for the safety of students travelling from the high school to the YMCA. Mr. Adams said that it should be a combined effort between the school, the bank and the township to address these issues. He is going to urge the YMCA to construct sidewalks to connect their property to the bank's for pedestrian access.

A discussion began about issues with YMCA patrons and staff using the bank's 32 parking spaces. Senya said that it is the bank's prerogative to decide who can and cannot use the spaces.

After a lengthy discussion about how the motion should be worded and what requirements should be included, Al submitted a motion that the commission recommend to the Board of Supervisors to approve the conditional use application from the National Bank of Malvern to construct a bank with additional shared parking in accordance with section 240-31 of the Township zoning ordinance with the following conditions: 1. pedestrian walkways shall be provided on the plan to be installed at a later date if determined necessary by the Township, 2. the shared parking agreement between the YMCA and the Applicant shall be reviewed and approved by the Township solicitor prior to the land development approval. Megann seconded the motion. There was no discussion or public comment. The motion passed 4-2, with Charles and Peter opposed and Senya abstaining.

#### **T-Mobile Northeast LLC, N. Chester Rd. (V)**

*Donald Petrosa, Esq. was present for the Applicant.*

The Applicant is applying for variance on an existing PECO pole. There was a discussion about the logistics and aesthetics of putting in a new pole for T-Mobile's use. Senya asked if there was a way to use an existing pole for the project, as opposed to installing a new 65 foot pole. Mr. Petrosa said that PECO will not allow the company to do that. Senya asked if that decision was available in writing so the commission could have it for the record.



Mr. Baptista explained that the location they are proposing is at N. Chester Road and Boot Road near an existing 24 foot guide pole. The Applicant wants to set a 65 foot utility pole in close proximity to the existing pole and transfer the existing wires to the new pole. They propose to chain-mount the boxes to the bottom of the utility pole and chain mount the antennas to the top of the utility pole. Mr. Baptista pointed out that at this location the closest residence is the apartment building across the street. He passed out copies of a photo simulation to show what the pole would look like at this location. The commission discussed the size and placement of the boxes on the pole.

Senya was concerned with the aesthetics of the poles. He asked again if there is any way for the Applicant to take advantage of an existing structure to avoid adding another pole. Mr. Petrosa said again that PECO will not allow it. Al asked if it is possible to put the boxes on the ground and landscape around them. Mr. Petrosa said that they are in a PECO right-of-way as well as a state right-of-way. Chuck asked if it would be possible for them to share existing facilities with other wireless carriers. Mr. Petrosa does not think PECO would allow it on the proposed type of pole.

Mrs. O'Connell commented that she did not like the idea of the pole being at the proposed location and had concerns about the radio frequency emissions and the residents' health. Mr. Petrosa told her that the Applicant submitted a report that shows that the emissions are 0.1% of the FCC limits.

*Don McConathy – BOS* - Don cited the section of the ordinance that specifies height for these projects and asked why the commission would allow T-Mobile to exceed those limits. He said that as a Board of Supervisors member that he could not support this decision based on the height of the proposed pole.

Senya asked if there was a way to come up with a plan that would be more aesthetically pleasing for the residents. Peter asked if the plan would still be feasible if the Applicant were restricted to a 50 foot pole. Bassem Iskander explained that in order for the equipment to work correctly, the pole needs to clear the tops of the trees surrounding it. If it is less than 65 feet, it will be shorter than the trees and not function properly. Senya asked if it would be possible to pick a location further south, where the elevation is higher. Mr. Iskander said that there were no locations further south that were available to him. Senya suggested putting the pole at the PECO substation at the southeast corner of N. Chester Road and Strasburg Road. After a short discussion, Senya said that the Applicant needs to do more research. He also informed the Applicant that he and other members of the committee had come up with a list of reasons not to allow the pole at the proposed location.

*Connie Bain – 724 N. Chester Road* – Connie asked if the Township currently supports other wireless carriers. Mark responded that they did. Connie then asked if the commission had had this problem before, with the other carriers. Don said that they had not come across this particular problem before.

Ms. O'Connell restated that she is opposed to the pole being near her house and asked if it was necessary for it to be 65 feet. She also asked if it was possible for T-Mobile to share an existing pole with another carrier. Mr. Iskander explained that moving to a pole further south would be ideal for T-Mobile, but PECO will not allow it. Senya explained that the commission does not have an issue with the equipment, but with the height of the pole. Al asked if there is an appeals process with PECO, where the Township could appeal to PECO on T-Mobile's behalf. Mr. Petrosa said that he thinks that PECO's issue with the project is a safety issue with 34kb wire.

Don said that they would grant the Applicant a 60 day extension.

#### **John Mummert, 1417 Center Street (V)**

Mr. Mummert explained that he has a corner lot with about 35 feet of rear yard. He currently has a 12 foot deck across the back of the house and proposes to put an addition on the house where the deck is. The deck is currently 32 feet wide, whereas the addition would only be 27 feet wide. With the addition being 12 feet off the house, he would need a 7 foot variance. The proposed addition is a single story

addition. Senya asked if Mr. Mummert already had a variance for the deck. Mr. Mummert said that he had variance for the deck years before. Mark said that the Township has no variance on record for the deck. Mr. Mummert explained that 10 years ago when he put an addition on the side of the house, the deck was included in those plans. Mark said that he needed to get a separate permit for the deck.

Peter asked if the addition would be heated or if it would be seasonal. Mr. Mummert said that it would be heated. Peter asked if it would be built on the existing posts from the deck. Mr. Mummert said that it would be on a block foundation. Peter asked if it would impact any trees. Mr. Mummert said no. Peter asked what part of the house the addition would connect onto. Mr. Mummert explained that it would connect to the kitchen and the rear part of the living room and dining room. Peter asked if he had gotten any written approval from any of his neighbors. Mr. Mummert said that he had not, but had spoken to one neighbor. Peter suggested that he have that neighbor appear in front of the Zoning Hearing Board to testify in support of the application for variance.

Senya asked if Mr. Mummert was going to submit any drawings from an engineer. Mr. Mummert said that he had already submitted some drawings.

Peter asked about the shed, its construction and if it can be moved. Mr. Mummert said that it was a Waterloo shed that could be moved. Peter asked how long it had been there. Mr. Mummert said that it had been there for about six years. Peter asked what would need to be done to move it so that it is in compliance with the setback requirements. Mr. Mummert explained that he has future plans to build a garage off to the left side of the house and lose the shed and the garage on the other side of the house. Mark asked if moving the shed 10 feet inward to conform with the setback would be possible. Mr. Mummert said that he did not think it would be a problem for him, but it might be an issue with the neighbors.

Sue moved to recommend that the Board of Supervisors support the zoning variance application of John Mummert, who is requesting relief of 7 feet from the required 30 foot rear yard setback requirement set forth in section 240-10G of the Township zoning ordinance. Al seconded and with no public comment or discussion, the motion passed unanimously.

#### **G. Ordinance Amendments**

Mark reported that the interest ordinance was review and revised by the Township solicitor. After discussion about what the ordinance requires, and the minor wording changes, Sue moved to approve the ordinance. Peter seconded, and with no comment or further discussion the motion passed unanimously.

#### **H. Old**

1. Comp Plan Action Items – Senya clarified that the action items were turned over to the Board of Supervisors after the last meeting.

#### **I. New**

1. Senya announced that the Township Planning Association's Municipal Planners Educational Seminar will be in Chester County on Saturday, September 19 from 8:30 to 1 p.m.
2. Megann informed the commission that the Christ Memorial Church is applying for variance in Willistown Township to expand their facility and parking lots to support the increase in congregation size. It has been presented to the Willistown Township Zoning Hearing Board. She asked if the commission should be involved in this process because of the proximity to East Goshen Township residences. There was a discussion about the intersection and the reforestation efforts there, as well as the effects on traffic in the area.

#### **J. Any Other Matter**

- 707
1. Generators – Senya thanked Al for his work on the generators. Al said that he had a presentation about the information he has found, but suggested they leave it for the next meeting. He informed the commission that the only place he has found ordinances for generators is Florida. He said that they would need to discuss how to propose an ordinance about generators.

**K. Adjournment**

Motion to adjourn the meeting was made by Megann and seconded by Sue. The meeting adjourned at 10:56 p.m.

Respectfully submitted, \_\_\_\_\_  
*Stephanie Witt, Recording Secretary*



## WOOLDRIDGE CONSTRUCTION OF PA., INC.

1389 East Boot Road  
West Chester, PA 19380  
(610) 436-8900 Phone  
(610) 436-5162 Fax

July 29, 2009

East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

**Attn:** Mr. Louis F. Smith, Jr., Township Manager  
**RE:** Sullivan's Grove – Extension period

Dear Rick:

Please accept this letter as the grant by Wooldridge Construction of PA, Inc. of an extension for the review period of the subdivision plans for Sullivan's Grove out to and through October 31, 2009.

I believe all the engineering issues are resolved. We need to amend the landscape plan to show a golf cart easement defined by shrubs. The revised HOA document was sent to you on July 7<sup>th</sup>.

Thank you for your usual cooperation and consideration.

Sincerely,

Edward E. McFalls  
Vice President

H. T-Mobile  
4 pgs

# Kenneth R. Foster & Associates

*Electromagnetic Safety Consulting*

July 26, 2009

Douglas C. Cowan, AICP, PP, RLA  
Professional Planning Consultant  
T-Mobile, USA  
400 Street Road  
Bensalem PA 19020

Re: T-Mobile Site 1CH6551N (PECO at Kent Apartments)

Dear Mr. Cowan:

This is in response to your request for an analysis of the levels of radiofrequency (RF) electromagnetic energy associated with a proposed T-Mobile radio installation with antennas to be mounted on a modified PECO electric utility pole located at 300 New Kent Drive, West Chester, PA. I provide an opinion concerning the compliance of the facility with FCC limits for human exposure to RF energy.

**Summary of Findings** The maximum level of public exposure at any place of public access from the T-Mobile base station will be far below the relevant FCC exposure limit. The proposed T-Mobile installation will meet FCC regulations related to RF energy exposure as stipulated in Part 24 of the FCC Rules and compliance has been evaluated based on methods prescribed by the FCC (as contained in FCC Document OET Bulletin 65). Additional transmitting antennas could be located on the structure without exceeding FCC limits for human exposure to RF energy.

**Technical Data** My report is based on engineering data for the site that were provided to me on 6/16/09 by Mr. Bassem Iskander, radiofrequency engineer for this project. In addition I used information about the T-Mobile system that I have obtained on several occasions from the company itself.

The proposed T-Mobile installation will include three panel antennas (RFS APXV18-206516 or equivalent) mounted on an existing utility pole at a height of 63 ft. above grade. The antennas will be organized in three sectors with one antenna in each sector. I base my analysis on the highest operating level that the company indicates would be considered for the site, corresponding to an effective radiated power (ERP) of 1000 W in each sector. Sometimes T-Mobile changes the configuration of the antennas, for example by varying the number of antennas or substituting equivalent models of a different manufacturer. Such variations would not affect the conclusions of this report.

**Environmental Levels of RF Energy** I have calculated the power densities of RF energy from the T-Mobile base station, at ground level and at an elevation of 26 ft, at all distances from the base station.<sup>1</sup> The calculations are based on upper-limit assumptions: that the base station is broadcasting at maximum power, and that there is constructive interference as the wave reflects from the ground. In practice there is also substantial attenuation of the energy as it passes through buildings, which I do not take into account in my calculations. I assume that the antennas are oriented 5 degrees below the horizon (5 degree downtilt), a conservative assumption. Therefore, my calculations represent upper-limit values. The actual levels of RF signals near the cell site will be below my calculated values.

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<sup>1</sup> Calculations were done in accordance with FCC Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", Washington DC 1997.

2004

Mr. Douglas Cowan  
 July 26, 2009  
 Page 2 of 4  
 T-Mobile Site 1CH6551N (PECO at Kent Apartments)

The result of my analysis is in the table below:

**Calculated RF Exposure Levels From the Proposed T-Mobile Base Station Installation**

Distance from Base of Utility Pole, ft	Height Above Ground, Ft. (Assuming Level Terrain)	Power Density, $\mu\text{W}/\text{cm}^2$ From T-Mobile Base Station
Any distance	Ground level	< 2 (<0.2% FCC limit)
Any distance	26 ft. above ground (representative of top of roof of two story building)	< 3.5 (<0.35% FCC limit)
More than 300 ft from antennas	Any distance above ground (including in the direct beam of the antenna)	< 4 (<0.4% FCC limit)
<b>FCC exposure limit, general public, PCS frequencies (1.95 GHz)*</b>		<b>1000</b>

\*FCC exposure limits for the general population are  $1000 \mu\text{W}/\text{cm}^2$  at PCS frequencies. Signal levels are calculated on the basis of the maximum foreseeable buildout on the site, not on present design information. Exposure limits apply to any member of the population, for exposures of any duration.

**Comparison With Standards** As shown in the table above, the exposure levels from the T-Mobile base station will be very far below FCC exposure limits for the general population at any place of public access.

**Co-Location of Multiple Transmitting Antennas on a Structure** To minimize the visual impact of communications systems on the community, it has become standard practice to co-locate multiple transmitters on the same structure. When multiple transmitters are present, FCC regulations stipulate that the RF signal levels from each transmitter should be added, as a fraction of FCC limits at the respective frequency. If the cumulative exposure is below 100% of the FCC limits, the site is deemed to be in compliance. Given the low power levels at which typical communications transmitters operate, several sets of transmitting antennas could be located on the utility pole and the combined RF signal level would remain far below RF exposure limits. I have not considered other transmitting antennas that might be located on the structure, however.

I conclude that the site will be in compliance with FCC exposure limits at any place of public access. That conclusion would not be changed with any reasonable variation in the design parameters of the facility.

Mr. Douglas Cowan  
July 26, 2009  
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T-Mobile Site ICH6551N (PECO at Kent Apartments)

**Location on Utility Pole** No special electromagnetic field exposure issues are created by locating radiofrequency antennas on an electric utility pole. There are obvious electrical safety issues for workers installing the equipment, which can be managed by a qualified construction firm.

**Discussion** In summary, I find that the levels of RF exposure from the proposed base station will be very far below FCC exposure limits at any place of public access.

To put matters in perspective, base stations from communications systems, including those of T-Mobile, operate at low power levels that are comparable to those from many other communications facilities, such as police, fire, ambulance, and other municipal communications systems. These power levels are far below those of commercial broadcast stations such as AM, FM, or television, which may transmit many thousands of watts.

The biological effects of RF energy have been extensively studied, and there are several thousand reports in the scientific literature on this subject. These reports have been critically reviewed by numerous independent panels and standards setting organizations, most recently the IEEE (formerly Institute of Electrical and Electronics Engineers) and the International Commission on Nonionizing Radiation Protection. These groups have developed limits for human exposure to RF energy that are broadly similar to the FCC limits cited in the table above.

**National Telecommunications Act of 1996** This Act provides that "no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications] commission's regulations concerning such emissions." The levels of radiofrequency exposure from the proposed base station are far below the FCC limits.

**For Further Information** The Federal Communications Commission (FCC) maintains a World Wide Web site at <http://www.fcc.gov>. A general information sheet about possible health and safety issues regarding radiofrequency energy is at: <http://www.fcc.gov/oet/rfsafety/cellpcs.html>.

Sincerely yours,

*Kenneth R. Foster*

Kenneth R. Foster, Ph.D., P.E.

Mr. Douglas Cowan  
 July 26, 2009  
 Page 4 of 4  
 T-Mobile Site 1CH6551N (PECO at Kent Apartments)

# SUMMARY RESUME

NAME Kenneth R. Foster

DATE/PLACE OF BIRTH July 21, 1945  
 Baltimore, Maryland

NATIONALITY United States Citizen

EDUCATION 1967 B.S.(Honors) Physics  
 Michigan State University  
 1971 Ph.D. (Physics)  
 Indiana University  
 Professional Engineer in the State of Pennsylvania  
 (Certificate Number: PE-030018-E).

EMPLOYMENT  
 Lieutenant, Medical Service Corps, USNR 1971-6  
 Department of Bioengineering  
 University of Pennsylvania 1976-present  
 Postdoctoral Fellow (1976-7)  
 Assistant Professor (1977-83)  
 Associate Professor (1983-present)  
 Professor (1999-)

HONORS/DISTINCTIONS  
 Indiana University Physics Department Award for Excellence in Teaching, 1970.  
 Defense Nuclear Agency Certificate of Achievement, 1976.  
 Fellow, Institute of Electrical and Electronics Engineers, 1988.  
 Fellow, American Institute of Medical and Biological Engineering, 1991

PROFESSIONAL SERVICE  
 AdCom, IEEE Engineering in Medicine and Biology Society, 1984-6, 1988-  
 Associate Editor, IEEE Transactions on Biomedical Engineering, 1985-1989  
 Program Chair, 1987 IEEE EMBS Annual Meeting (1200 papers presented)  
 Conference Chair, 13th Annual Northeast Bioengineering Conference, 1987  
 Chair, IEEE Committee on Man and Radiation 1997-9  
 Chair, IEEE EMBS Ethics and Professional Responsibility Committee, 1989-1993  
 President, IEEE Society on Social Implications of Technology 1996-8  
 President, Philadelphia Society for Risk Analysis 1996-7  
 President, IEEE Society on Social Implications of Technology, 1996-8  
 Member, IEEE/ANSI C95.1 (sets exposure standards for RF energy) 1998-  
 Member, National Council on Radiation Protection and Measurements 2000 - 2004

## RESEARCH EXPERIENCE AND DIRECTION

Since receipt of the Ph.D. in 1971, Dr. Foster has been engaged in studies on the interaction of nonionizing radiation and biological systems, with more than 100 papers in peer-reviewed journals on topics including biophysical mechanisms of interaction, electrical properties of biological materials, and medical applications. In addition he has written widely about the public controversy surrounding these issues. He is coauthor or coeditor of two books on risk assessment and the law.



H. T-Mobile  
4 pgs

**Gordon, Mark**

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**From:** Donald T. Petrosa [dp@petrikin.com]  
**Sent:** Monday, July 27, 2009 10:30 AM  
**To:** Mark Gordon  
**Cc:** Rick Smith; Douglas C. Cowan  
**Subject:** FW: T-Mobile Standard for PECO Poles  
**Attachments:** TMobile S-1362-B.pdf

Mark,

Please see the email from Brendan Ryan of PECO Energy confirming that any request to attach to a pole with a higher voltage than 13kv will be denied by PECO. This was requested by the Township Planning Commission. Kindly distribute this to the members of the Planning Commission.

Thank you.

Don

Donald T. Petrosa  
Petrikin, Wellman, Damico, Brown & Petrosa  
William Penn Building  
109 Chesley Drive  
Media, PA 19063  
610-565-2670  
610-892-1858 (direct)  
610-565-0178 (fax)  
[dp@petrikin.com](mailto:dp@petrikin.com)

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**From:** Brendan.Ryan@exeloncorp.com [mailto:Brendan.Ryan@exeloncorp.com]  
**Sent:** Monday, July 27, 2009 7:51 AM  
**To:** ajteglar@sasiwireless.com  
**Cc:** dcowan@sasiwireless.com; Donald T. Petrosa  
**Subject:** T-Mobile Standard for PECO Poles

AJ,

I have attached a copy of the standard which states that only poles with 13kv and below systems can be used for your antennas. Any request to attach to a pole with a higher voltage will be denied by PECO. Feel free to forward this e-mail to any municipality requiring clarification on which poles may be used for your antennas.

Thanks.

Brendan Ryan  
Joint Use Coordinator  
PECO Energy Company  
2301 Market Street, N3-3  
Philadelphia, PA 19103  
(215) 841-5393 Direct  
(215) 841-5419 Fax

204

S-1362-B

PAGE 1 OF 3

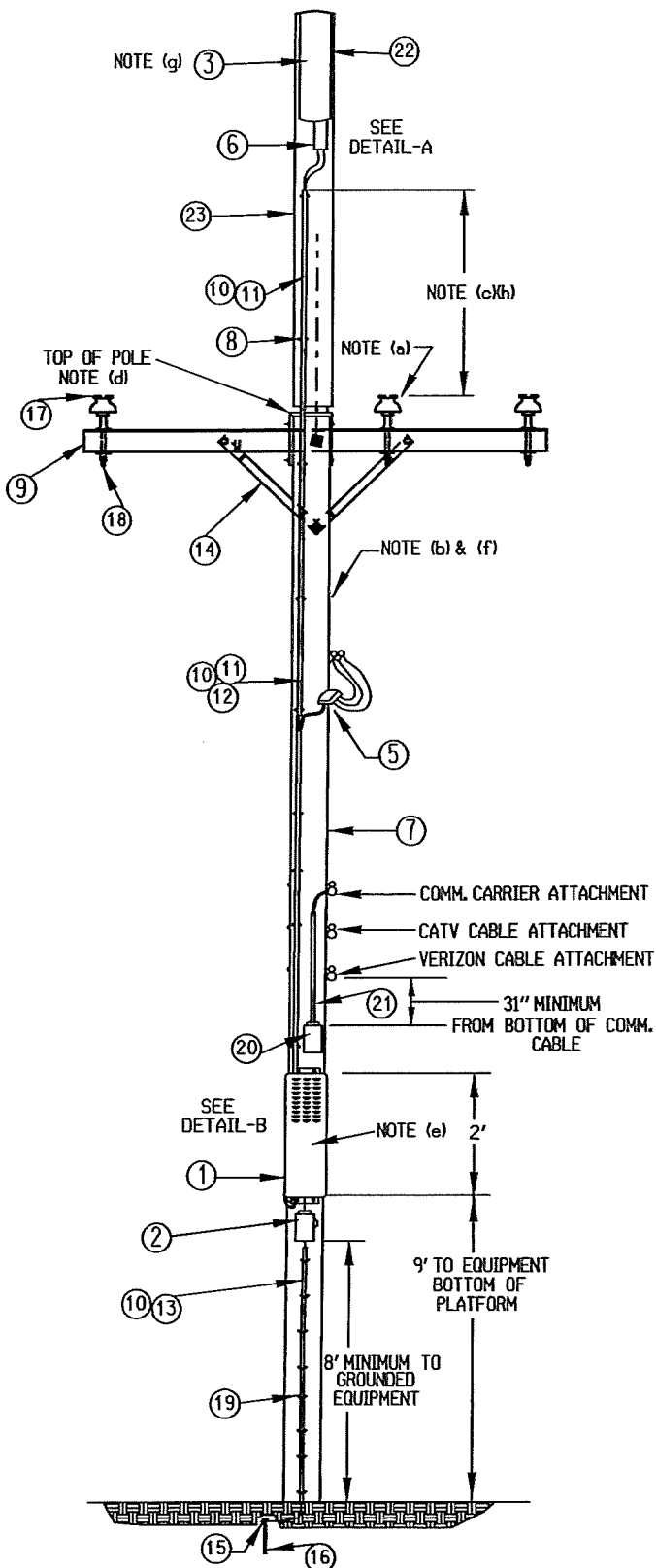


S-1362-B

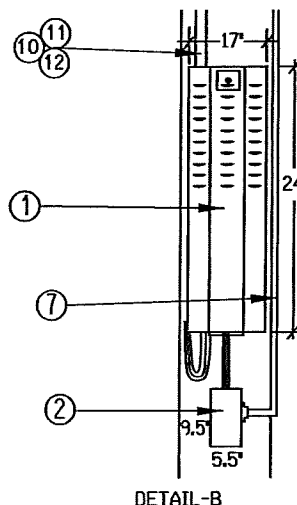
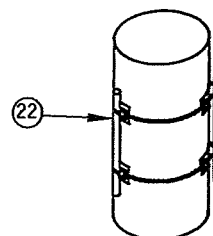
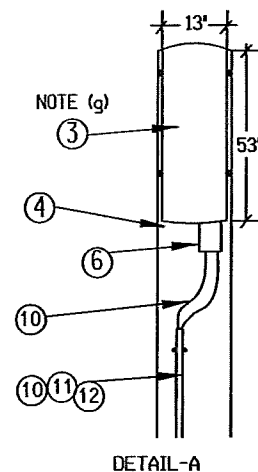
PAGE 1 OF 3

# INSTALLATION OF T-MOBILE POLE MOUNTED ANTENNA - 13KV & BELOW SYSTEMS

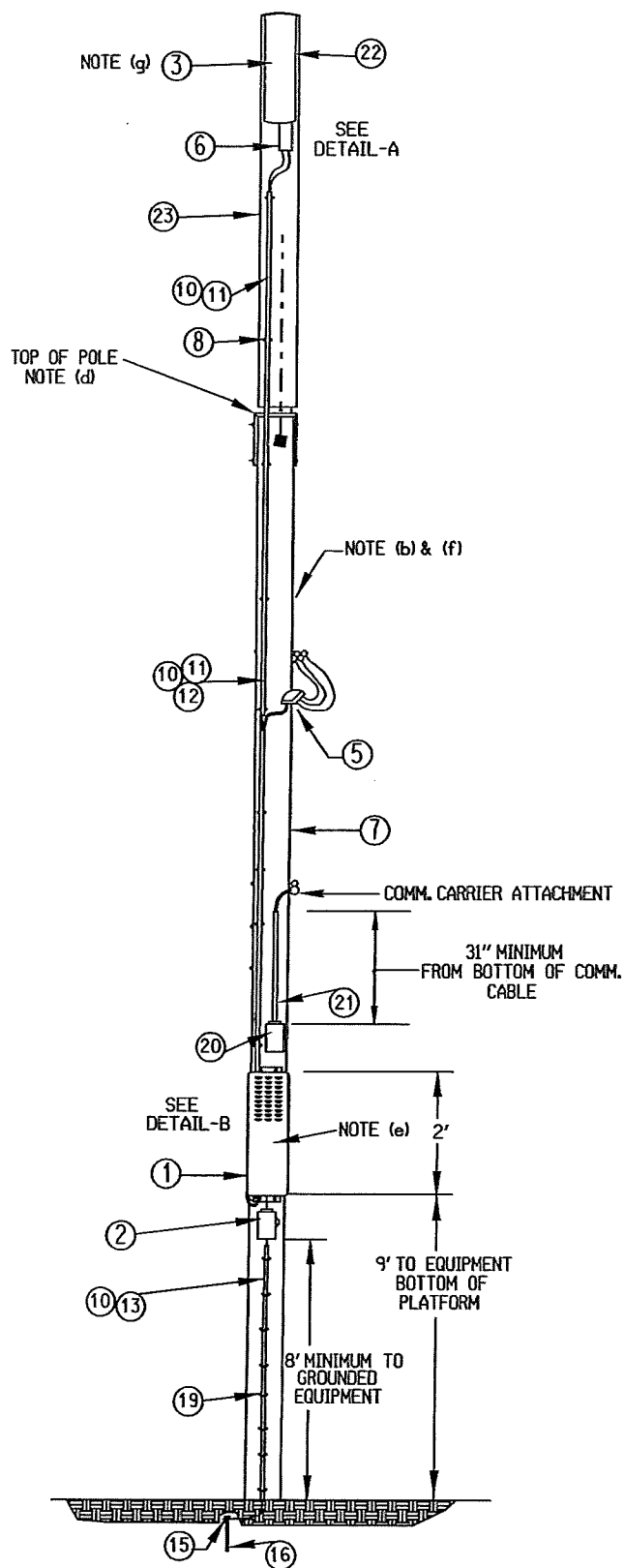
REV.NO.	EC*	DATE	DESCRIPTION
0	121641	04/17/09	NEW STANDARD



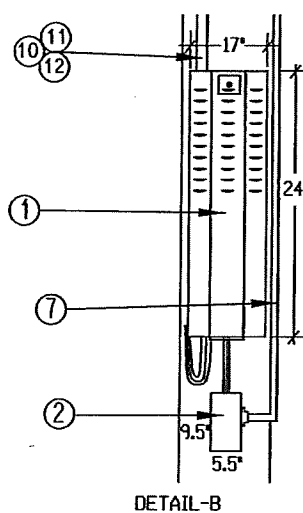
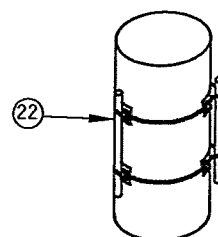
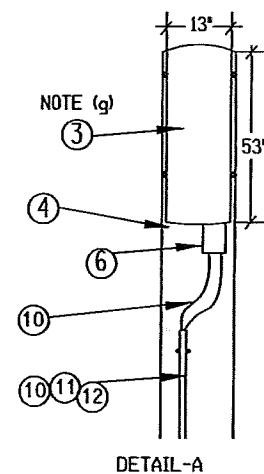
## ANTENNA AND EQUIPMENT MOUNTING DETAIL



394



ANTENNA AND  
EQUIPMENT MOUNTING  
DETAIL



**NOTES**

- A) ANY B-PHASE PRIMARY UNDERBUILD LOCATED ON A POLETOP RIDGEPIN INSULATOR SHALL BE RELOCATED TO THE CROSSARM AS SHOWN.
- B) THE POLE SHALL NOT HAVE ANY OF THE FOLLOWING EQUIPMENT INSTALLED ON THE PRIMARY UNDERBUILD;
- \* NO RECLOSERS/SECTIONALIZERS
  - \* NO TRANSFORMERS
  - \* NO CAPACITOR BANKS
  - \* NO TERMINAL POLES
  - \* NO CUTOOTS OR DISCONNECTS
  - \* NO GANG-OPERATED SWITCHES
  - \* NO COMMUNICATIONS EQUIPMENT SUCH AS A.M.R.,AIR-DMACS,ETC.
  - \* NO LIGHTNING ARRESTORS
- C) TOP OF U-GUARD ON POLETOP EXTENSION MUST EXTEND AT LEAST 48" ABOVE PRIMARY WIRES.
- D) TOP SECTION OF WOOD POLE MUST BE INSPECTED PRIOR TO THE ANTENNA INSTALLATION TO ASSURE THAT IT IS SOUND WITH NO ROT AND FREE OF ANY LARGE CRACKS OR POCKETS.
- E) "T-MOBLE" EQUIPMENT CABINET AND ACCESSORIES SHALL BE INSTALLED FACING AWAY FROM TRAFFIC.
- F) INSTALLATION OF THIS STANDARD SHALL ONLY BE PERMITTED ON CLASS 2 OR HEAVIER POLES.
- G) "T-MOBLE" ANTENNA INSTALLATIONS SHALL BE PLACED IN LOCATIONS THAT WILL MINIMIZE NEGATIVE CUSTOMER IMPACT.
- H) FOR ANTENNAS MOUNTED ON WOOD POLES CONTAINING SECONDARY VOLTAGE ONLY, A 48" VERTICAL CLEARANCE BETWEEN THE TOP (HIGHEST) OF SECONDARY FACILITIES AND THE BOTTOM OF ANTENNA [ITEM #6 (SPLITTER)] SHALL BE MAINTAINED.

**REFERENCES**

FRAMING FOR TANGENT AND ANGLE DISTRIBUTION STRUCTURE INSTALLATION  
GROUNDING INSTALLATIONS AT WOOD POLES.

S-0130  
S-1131

**BILL OF MATERIALS**

ITEM NO.	CODE NO.	DESCRIPTION	QUANTITY
1	---	T-MOBLE EQUIPMENT CABINET(RBS2109)	3
2	---	DISCONNECT SWITCH	1
3	---	OMNI ANTENNA, 13' X 53"	3
4	---	JUMPERS, 6"	*
5	---	WEATHERHEAD	1
6	---	TMA, 2-3 WAY	1
7	---	CONDUIT, PVC, 1"	*
8	---	SCREW, SELF-TAPPING	*
9	132-00686	CROSSARM, #8	1
10	135-79839	WIRE, #4 SOL. CU COVERED SD	*
11	132-44748	MOLDING, 6" WD X 8' LG	*
12	132-91437	SCREW, LAG, 3/8" DIA., 2 1/2" LG, HEX HEAD	*
13	132-44750	MOLDING, WIRE, 1/2" ID X 8' LG.	*
14	132-05960	BRACE, CROSSARM, WOOD, 30"	2
15	138-12500	CLAMP, 5/8" GROUND ROD	1
16	138-52501	ROD, GROUND, 5/8" X 8' LG CU. POINTED	1
17	137-36627	INSULATOR, PIN, 1" THREAD, 13KV	3
18	132-52035	PIN, INSULATOR, 1 3/4", 1" THREAD	3
19	138-65605	STAPLE, 1/2" X 2", GALV.	*
20	---	TELCO BOX	1
21	---	CONDUIT, PVC, 3/4"	*
22	---	CHAIN MOUNT(ANDREW PART "CM-30T-B)	1
23	132-23417	EXTENSION, POLETOP, FIBERGLASS, 72"	1

JK T-Mobile  
1 pg.

## **MEMO**

**East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380**

Voice 610-692-7171

Fax 610-692-8950

E-mail [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

Date: July 30, 2009

To: Planning Commission

From: Mark Gordon, Township Zoning Officer

Re: Draft Motion / T-Mobile (V)



Dear Commissioners,

We have a fairly light agenda for your meeting this month. T-mobile has not provided the Township with any significant material since the June Meeting and the Hearing has been opened and continued to Aug 27, 2009. The Commission needs to make a recommendation to the Board for their review on Aug 18<sup>th</sup>. I have provided draft motions that support and oppose the application.

### **T-Mobile (V):**

#### **SUPPORT**

I move that we recommend that the Board of Supervisors support the Zoning Variance Application for T-Mobile, who is seeking relief from the Zoning Ordinance to erect a Wireless Communication Facility on a utility pole within the right of way along N. Chester Rd. just north of the Boot Road and N. Chester Road adjacent to the New Kent Apartment community, with the following conditions:

#### **OPPOSE**

I move that we recommend that the Board of Supervisors oppose the Zoning Variance Application for T-Mobile, who is seeking relief from the Zoning Ordinance to erect a Wireless Communication Facility on a utility pole within the right of way along N. Chester Rd. just north of the Boot Road and N. Chester Road adjacent to the New Kent Apartment community. The applicant has not provided sufficient evidence to support a hardship and the Planning Commission believes the relief sought will alter the essential character of the neighborhood.

**BOARD OF SUPERVISORS**  
**EAST GOSHEN TOWNSHIP**

CHESTER COUNTY  
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

O. CORRESPONDENCE

1.  
one pg

July 29, 2009

Dear Property Owner:

The purpose of this letter is to inform you that East Goshen Township has been notified that West Goshen Township has received a Conditional Use application for a 128 unit senior apartment building which is proposed to be developed on the parcel next to the Goshen Fire Station on Boot road and Greenhill Road.

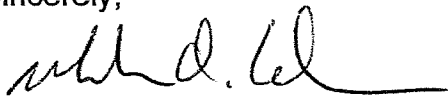
The West Goshen Township meetings for this application are:

**Aug 17, 2009** (7 pm) - Planning Commission (Make a Recommendation to the Board of Supervisors)

**August 19, 2009** (4 pm) - Board of Supervisors (Conditional Use Hearing)

Pursuant to East Goshen Township policy, property owners and residents within 1000 feet of the subject property are informed of these applications. I have provided the public advertisement on the back of this letter for your information. For more information contact West Goshen Township 610-696-5266.

Sincerely,



Mark A. Gordon  
Township Zoning Officer

Cc: All East Goshen Township Authorities, Boards and Commissions  
Casey LaLonde, Township Manager, West Goshen Township

O. CORRESPONDENCE  
FYI 5 pgs

**BOARD OF SUPERVISORS**  
**EAST GOSHEN TOWNSHIP**

CHESTER COUNTY  
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

July 1, 2009

Ms. Joy Heffernan  
424 Beaumont Circle, **LOT 12**, 53-4Q-123  
West Chester PA 19380

Mr. Shi X. and Mrs. Zhou Wei W. Yang  
426 Beaumont Circle, **LOT 13**, 53-4Q-124  
West Chester, PA 19380

Mr. Joseph F. Gallagher  
428 Beaumont Circle, **LOT 14**, 53-4Q-125  
West Chester, PA 19380

**Re: Storm Water Drainage Easement**

Dear Residents,

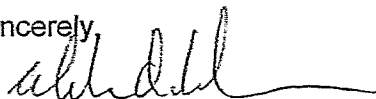
Recently I was asked to look into a stormwater drainage issue along the rear property line of your properties. It appears that there is some ponding of stormwater occurring along the rear of your properties. Pursuant to my sight visit and review of the approved plans for the Bow Tree development it appears that the standing water is a result of some landscaping features that have been constructed in the easement which restrict the drainage, causing stormwater to pond in some areas.

The approved plan for the Bow Tree development delineates a 20 foot wide "Drainage Easement" along the rear of your properties. This easement area was designed and originally graded lower than the rest of the rear yard areas, to carry stormwater runoff.

These drainage easements are to remain clear of all structures and modifications so as to not disturb the flow of stormwater. I encourage the property owner's to work together in order to determine and implement a solution. The berms and modifications that have been installed within the drainage easement area of your properties need to be removed, returning the easement area to the unobstructed condition in which it was designed.

I have enclosed sections of the approved plan showing the 20' wide drainage easement and a copy of the section of the township code which regulates the modification of stormwater management facilities. I'd be happy to discuss this with all affected parties at your earliest convenience. Please inform me on how you decide to move forward to correct this issue.

Sincerely,



Mark A. Gordon  
Township Zoning Officer

Enclosures

copy

205

**CODE OF THE TOWNSHIP OF EAST GOSHEN PENNSYLVANIA, v53 Updated  
05-15-2009 / PART II GENERAL LEGISLATION / Chapter 131, EROSION AND  
SEDIMENT CONTROL / § 131-3. Activities regulated.**

**§ 131-3. Activities regulated.**

Whenever the topography and vegetation are to be disturbed, a plan for the control of erosion and sediment is required. The following regulations shall apply to any person engaging in activities which disturb the topography and vegetation of land:

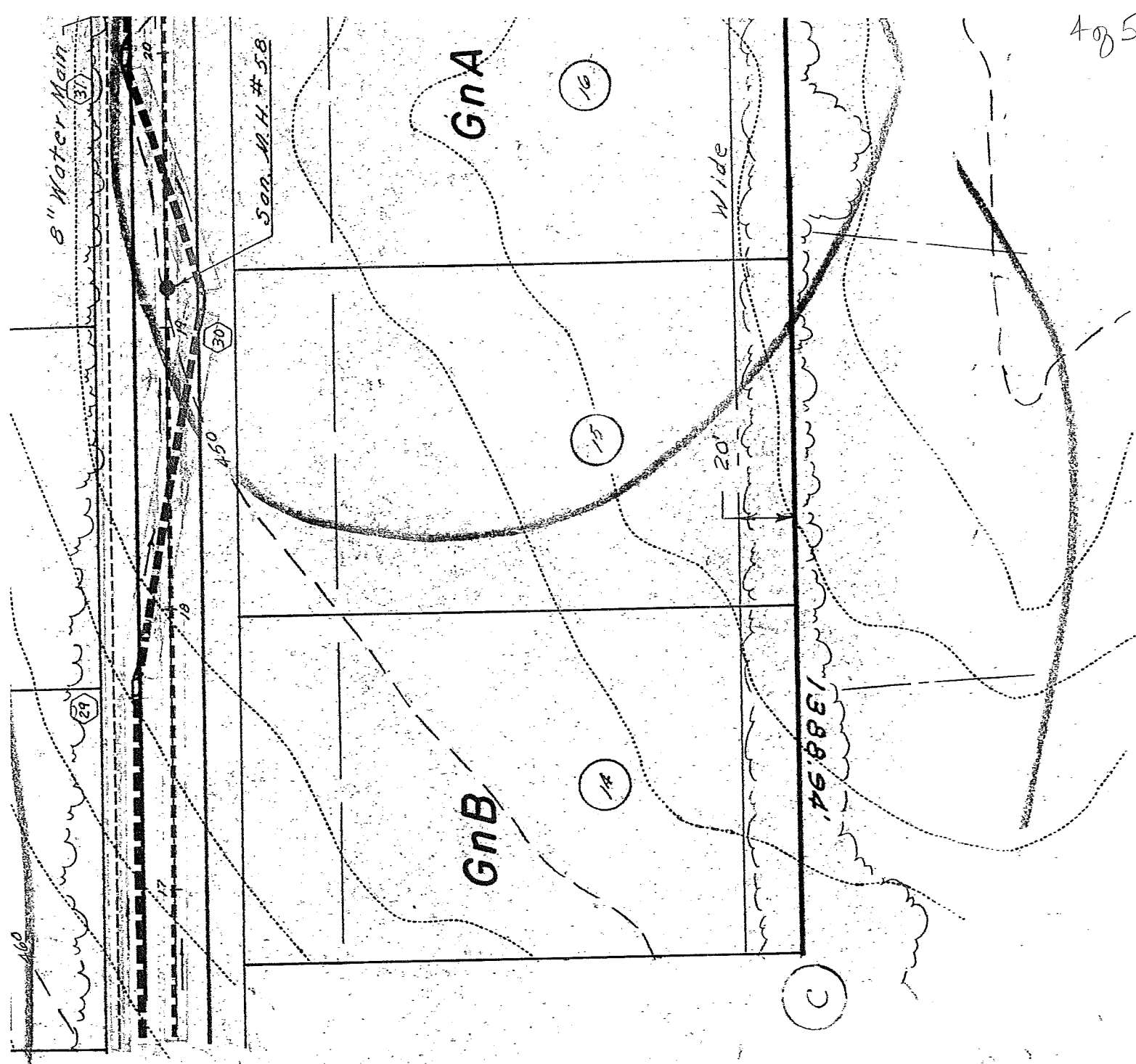
- A. It shall be unlawful for any person to do any site work in conjunction with development, including but not limited to stripping, grading, earthmoving, filling and establishment of open-pit mines or borrow pits for any purpose without first securing a grading permit.
- B. It shall be unlawful for any person to pave, fill, strip or change the existing grade of any land within the Township without first securing a grading permit.
- C. It shall be unlawful for any person to disturb, modify, block, divert or affect the natural overland or subsurface flow of stormwater within the Township without first securing a permit.
- D. It shall be unlawful for any person to construct, erect or install any dam, ditch, culvert, drain pipe, bridge or any other structure of obstruction affecting the drainage of any premises in the Township without first securing a permit.
- E. Whenever the topography or vegetation is to be disturbed and the proposal involves less than one acre, a permit shall be required, subject to Subsection F, but no fee shall be payable.
- F. No permit shall be required hereunder for:
  - (1) Any activity for which a permit must be obtained from any agency of the Commonwealth of Pennsylvania.
  - (2) Normal agricultural operations.
  - (3) Any developed residential lot where the following conditions are met:
    - (a) The aggregate area stripped at one time does not exceed 5,000 square feet and the grade change does not exceed six inches.
    - (b) All bare earth is promptly seeded, sodded or otherwise effectively protected from erosion.
    - (c) The earthmoving does not involve a quantity of material in excess of 100 cubic



yards.

- (4) Earthmoving incident to construction of individual wells and sewage disposal systems.

495



DRIVE

FIRE  
HYDRANT

BBG

500 Mr. #5.9

Discharge

5 67° 48' 43" N  
138° 08' 54" W

52701737

4630