



WEST WHITELAND TOWNSHIP
Planning Commission
Agenda
Tuesday, June 4, 2024
7:00 P.M.

[Etiquette for
hybrid meetings](#)

Meeting will be held in person and via Zoom

[Register for Zoom Meeting](#)

Call by Phone: 1-646-558-8656

Meeting ID: 873 0897 0242 Passcode: 507637

Meeting Packets can be found on the Township website

Reminder to meeting participants: Please speak clearly into the microphone.

CALL TO ORDER

REVIEW OF MEETING MINUTES

1. Approval of Meeting Minutes: May 23, 2024

PUBLIC COMMENT/CONCERNS/QUESTIONS

Comments or questions regarding issues NOT on the agenda should be raised at this time. Members of the public will have an opportunity to ask questions and comment upon agenda items during the discussion on those items.

PLANS

1. McHugh Group / Exton Express Car Wash

Site Address: 347 N. Pottstown Pk.

Fourth Review: Land Development Plan

Project Description: Demolition of existing office building and construction of a car wash.

2. ARX Wireless Infrastructure, LLC

Site Address: 200 E. Boot Rd.

First Review: Conditional Use

Project Description: Construction of a 135 ft. tall tower-based wireless communication facility (i.e., cell tower) and access drive.

NEW BUSINESS

OLD BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

Next Meeting: June 18, 2024



MEMORANDUM

TO: Planning Commission
FROM: John R. Weller, AICP
Director of Planning and Zoning
SUBJECT: 347 N. Pottstown Pk. land development plan
DATE: May 31, 2024

APPLICANT: McHugh Group RE, LP
64 Pottstown Pk., Ste. 3
Chester Springs, PA 19425

SITE ADDRESS: 347 N. Pottstown Pk.
Exton, PA 19341

TAX PARCEL: 41-2-72.1

ZONING: TC, Town Center

DESCRIPTION: Demolition of existing office building and construction of a car wash.

EXPIRES: June 26, 2024

Background

The subject property is a rectangular lot of about 1½ acres at the southeast corner of N. Pottstown Pk. and Rockland Dr. It is currently the site of a two-storey, multi-tenant office building with direct access to Pottstown Pk. The Applicant is proposing to demolish the existing building and to replace it with a car wash. The proposed car wash building will be smaller than the existing building, so the project will result in a reduction of both building coverage and overall impervious coverage. The Zoning Officer has determined that this use is permitted by right as a type of retail service, pursuant to §325-13.B(2)(d) of the West Whiteland Township Zoning Ordinance ("Zoning").

The site lies across Rockland Dr. from Township Historic Site #300.01, the John McClenahan House, now occupied by Buckman's Ski and Snowboard shop. Due to the proximity of this historic resource, the Township Historical Commission reviewed this plan on October 9, 2023, as required by §325-84.D(4) of the Zoning. During discussion, the Commission, as advised by the Township's historic preservation consultant, determined that this project would have no adverse impact upon the historic resource and unanimously passed a motion in favor of the Board of Supervisors approving the project; the motion did not include any conditions.

The Applicant presented this project to the Planning Commission as a sketch plan on April 18, 2023 and then as a land development plan on October 17, 2023 and May 14, 2024. The May

14 meeting was attended by a number of residents from the Whiteland Hills and The Reserve at Whiteland Hills communities, both of which rely on Rockland Dr. for access to Pottstown Pk. As documented in the meeting minutes, they raised various related concerns about the proposed driveway to Rockland Dr. These are discussed in greater detail in the "Staff Comment" section below. The Commission took no action but directed Staff to look into the residents' concerns and also asked the Applicant provide better renderings of the exterior of the proposed building.

Tonight is the Applicant's third presentation of the land development plan to the Planning Commission.

Consultant Reviews

Since there have been no changes to the plan drawings, the consultant reviews are the same as the ones presented at the May 14 meeting. The following summaries are substantially the same as in the Staff memorandum dated May 10, 2024.

- **Spotts, Stevens and McCoy ("SSM") review dated May 8, 2024.** Most of SSM's comments address administrative items, the need for additional details, or minor revisions or corrections. We note:
 - The Applicant should update the Commission regarding the status of the sewage facility planning module for this project (comment #5).
 - Comment #6 incorrectly states that the developer must provide permanent open space or pay a fee in lieu of such provision. The Commission will recall that the open space requirement for commercial uses is based upon the increase in floor area. Since the proposed building is smaller than the existing building, no open space is required.
 - Comments #8 through #11 note administrative items regarding the stormwater management facilities; there are no remaining design issues.
- **Theurkauf Design and Planning ("Theurkauf") review dated May 2, 2024.** Comment #1 reviews the pedestrian accommodations. While six-foot-wide sidewalks are normally required in the TC zoning district, this area is not particularly pedestrian oriented. We agreed to a five-foot-wide sidewalk for the Buckman's property on the north side of Rockland Dr., so we do not object to the five-foot width shown here. Since there is already a sidewalk along the north side of Rockland Dr., there is little to be gained by providing a sidewalk along the Rockland frontage of this site. Theurkauf agrees and suggests that the Applicant instead provide a sidewalk along the north side of Rockland to close a gap in the existing sidewalk. Staff agrees that this would be desirable, but such a sidewalk may be at least partially on the lands of the Whiteland Hills HOA and would require their approval. Even if the sidewalk were entirely within the public right-of-way for Rockland, the HOA would still be responsible for its maintenance. If the Commission wishes to pursue this, Staff suggests reaching out to the HOA before making it a condition of approval for this plan.

Staff also supports providing sidewalk along the Pottstown Pk. frontage to meet the Target driveway. Comment #5 of the Bowman review agrees, adding that the Applicant has informed them that they have not been successful in getting a response from Target

to coordinate design and construction. The Commission may wish to discuss this matter with the Applicant along with the provision of a crosswalk with decorative paving across Rockland Dr., as described in comment #1b.

Comments #2 through #6 provide a detailed analysis of the proposed landscaping. The Applicant has resolved most of the prior issues, and Theurkauf supports waivers in several cases. Comment #2b suggests alternatives for parking lot screening, and while we do not object to these, we note that such screening is most critical for large parking lots adjacent to pedestrian ways or streets. In this case, the parking lot is only three spaces, and we are concerned that the suggested fence may call attention to the area rather than mitigate its visual impact.

Staff shares the concern in comment #7 regarding the unattractive façade along Rockland Dr. While the proposed landscaping would mitigate this, we agree with Theurkauf in that it would be preferable if the building had some architectural interest consistent with the requirements of the Town Center district.

- **Bowman review dated May 9, 2024.** It appears that the most serious issues from the prior reviews have been addressed; the review also notes a variety of administrative items, including the need to secure a Highway Occupancy Permit from PennDOT for work within the Pottstown Pk. right-of-way. Staff concurs with the recommendation in comment #1 regarding revisions to the design of the deceleration area for northbound traffic on Pottstown Pk.

Comment #5 addresses the provision of a new sidewalk along Pottstown Pk. between the existing Rockland Dr. crosswalk and the Target driveway. The Applicant advises that they have not been successful in contacting Target to secure permission to build the extension.

Comment #8 notes that this site is within the Township's transportation service area and is therefore subject to payment of a traffic impact fee. Based upon information provided by the Applicant and industry standards, the fee will be \$13,041.

Carroll Engineering has advised that their only outstanding concern regarding sanitary sewerage is the administrative issue of a planning module exemption.

The Chester County Planning Commission provided comments in a review dated October 12, 2023, and Staff previously advised that the County concerns were similar to those noted by Township Staff and consultants.

Staff Comment

Staff offers the following comments in response to the concerns raised by the residents at the May 14 meeting:

- **Applicant's right to access Rockland Dr.** – One resident stated that she believed that only the paved portion of Rockland Dr. had been dedicated to the Township and that the abutting land was still the property of the Whiteland Hills HOA such that the Applicant could not have a driveway to Rockland without the permission of the HOA. Staff has confirmed that this is not correct. The attached Deed of Dedication was recorded on January 19, 2012 and – as is typical for a road dedication – dedicates to the

Township the entire strip of property including *but not limited to* the cartway. This is confirmed by the statement that the area dedicated is 82,233 sq.ft. and even more clearly by the legal metes-and-bounds description of the easement provided as "Exhibit A" and attached to the Deed. The Applicant needs permission from only the Township to access Rockland Dr.

The Commission will recall that the Applicant's first design kept the existing driveway onto Pottstown Pk. The Commission and Staff specifically directed the Applicant to relocate the driveway to Rockland Dr. as shown on the current plan. Staff remains of the opinion that this is far safer than the existing driveway onto Pottstown Pk.

- **Location of access driveway** – A number of the residents attending were concerned about the safety of the proposed driveway location directly opposite the Buckman's driveway. As already stated above, Staff remains firmly of the opinion that this location is far preferable to the existing driveway to Pottstown Pk. By eliminating the Pottstown Pk. driveway, there will be room for a longer deceleration area, thereby enhancing safety for everyone making the right turn onto Rockland Dr., since they will be able to leave the northbound travel lane sooner. This will also eliminate any possibility of a driver turning into that driveway thinking that it is Rockland Dr., which was mentioned by one resident.

Several residents suggested that the car wash driveway access the north driveway to Target. From the perspective of traffic flow, this may be preferable to the Rockland Dr. location, but the presence of stormwater management facilities and a pipeline easement make it impractical. Furthermore, the Target driveway is private property, so we cannot require this applicant to make this connection.

- **School bus stop** – Many residents expressed concern about the impact of the project upon children waiting for their school bus, which stops on Pottstown Pk. at the Rockland intersection. Given that we expect the car wash to be busiest on weekends and around the lunch hour on weekdays, it is unlikely that this business would affect this situation. However, it seems to us that the bigger question is why the School District would authorize a bus stop along one of the busiest arterial streets in the County when the bus could turn onto Rockland Dr. and pick up children at the cul-de-sac – a location which is not only safer but closer to where the children live. Township staff have already contacted School District personnel to advocate for changing the bus stop location. They have informed us that their policy is to avoid entering neighborhoods with only one entrance so that the busses are not required to turn around. While this may be suitable in most situations, we are urging the District to reconsider the policy for this location. We do not consider this issue settled, but we note that this is not an issue for the car wash operator to address, nor can we deny approval of their application on this basis.
- **Sidewalk** – Finally, the Commission still needs to provide the Applicant with clear direction regarding the extent to which sidewalks are to be required. It is the Township's practice to require sidewalks along all road frontages, pursuant to §281-31 of the S/LDO, particularly where our Official Map and the Bicycle and Pedestrian Plan show sidewalks. As we have already discussed, Staff is of the opinion that sidewalk along the Rockland frontage of this property is superfluous, given the existing sidewalk along the north side of Rockland, and we hesitate to support a requirement to connect the gap between the existing sidewalk segments along Rockland without the concurrence of the Whiteland Hills HOA, as they will be responsible for its maintenance. We agree that a

sidewalk along Pottstown Pk. should be required, and we support the provision of a sidewalk to the Target property, but this Applicant cannot be held hostage to Target's lack of response on this matter.

In response to concerns raised by the Commission, a representative of Bowman, the Township's traffic engineer, will be in attendance at tonight's meeting to provide an expert's perspective on the traffic-related issues; in addition, the Applicant has provided a color rendering of the proposed building.

Subject to resolution of the sidewalk issue, Staff would not object to Commission action on this plan. The attached draft motion for your consideration is the same as the one provided for the May 14 meeting.

Attachments

1. SSM review dated May 8, 2024.
2. Theurkauf review dated May 2, 2024.
3. Bowman review dated May 9, 2024.
4. "Dedication of Right-of-Way of Rockland Drive," recorded January 19, 2012.
5. Architectural renderings (3 pp.) prepared by By Design Architecture Consultants, Inc., dated May 24, 2023.
6. Draft motion dated May 10, 2024.
7. Plan set prepared by Edward B. Walsh & Associates, Inc., dated May 18, 2023, most recently revised February 7, 2024.

Plans\DEF\Exton Exp\PC memo - 240531



MEMORANDUM

TO: Planning Commission
FROM: John R. Weller, AICP
Director of Planning and Zoning

SUBJECT: Draft motion for the 347 N. Pottstown Pike land development plan

DATE: May 10, 2024

To recommend that the Board of Supervisors approve the land development plan entitled "347 N. Pottstown Pike," an 11-sheet plan set prepared by Edward B. Walsh & Associates, dated May 18, 2023 and most recently revised February 7, 2024 (the "Plan"), with the **NUMBER** following waivers and conditions:

1. The Plan is approved as a Final Plan pursuant to §281-10.D of the West Whiteland Township Subdivision and Land Development Ordinance ("S/LDO").
2. Waiver of §281-69.C(1) of the S/LDO such that the sidewalks may be not less than five feet wide rather than six feet as required by this section.
3. Waiver of §281-35.F of the S/LDO to allow the perimeter buffers around the stormwater basins as shown on the Plan (i.e., not less than fifteen feet wide) pursuant to comment #3 of the Theurkauf Design and Planning ("Theurkauf") review dated May 2, 2024.
4. Waiver of §281-35.G of the S/LDO such that no landscaped site element screen is required for the three employee parking spaces.
5. Waiver of §281-37.D of the S/LDO to allow the building façade landscaping as shown on the Plan, pursuant to comment #4 of the Theurkauf review dated May 2, 2024.
6. Sidewalks shall be provided as agreed to in the course of discussion at tonight's meeting, including decorative elements in compliance with §281-69.C(4) of the S/LDO. *[Staff recommends including details here in the interest of clarity.]* If the Applicant is unable to secure permission from the property owner to construct sidewalk along the Pottstown Pk. frontage from their southern property line to the driveway serving the adjacent Dayton Hudson Corporation property, then the Township agrees to accept a donation to the Sidewalk Fund equivalent to the construction cost of that segment of sidewalk. The amount of such donation shall be confirmed by Township Engineer Spotts, Stevens and McCoy ("SSM") and shall be paid in full prior to issuance of a Use & Occupancy Permit for the car wash facility.
7. As required by §325-13.D of the West Whiteland Township Zoning Ordinance, no Building Permit shall be issued until the Applicant has provided building elevation drawings documenting compliance with the Architectural Design Standards for the Town Center provided in §281-67 of the S/LDO.
8. The Pottstown Pk. frontage shall be revised to provide a deceleration area as described in comment #1 of the Bowman review dated May 9, 2024.

9. Pursuant to Township Ordinance 461 and comment #8 of the Bowman review dated May 9, 2024, a traffic impact fee of \$13,041.00 shall be paid to the Township prior to the issuance of any Building Permit for this project.
10. All remaining consultant and Staff concerns shall be resolved to the satisfaction of the Township.
11. Execution and recording of the Township's Stormwater Facilities Maintenance Agreement and Landscaping Restrictive Covenant, pursuant to Township practice. If the Applicant makes no material revisions or additions to the standard form of the said documents, then the Township Manager should be authorized to sign these forms on behalf of the Township.
12. Execution of a Developer Agreement and a Financial Security Agreement pursuant to Township practice. The amount of such security shall be based upon construction cost estimates for the site improvements, including landscaping, to be provided by the Applicant, which shall be reviewed and deemed sufficient by SSM and Theurkauf. If the Applicant makes no material revisions or additions to the standard form of the said agreements, then the Township Manager should be authorized to sign these forms on behalf of the Township.
13. Payment of all outstanding Township invoices within 45 days of the date of Final Plan approval by the Board.

Plans\DEF\Exton Exp\PC DRAFT motion - 240510



May 8, 2024

Mr. John R. Weller, AICP
Director of Planning and Zoning
West Whiteland Township
101 Commerce Drive
Exton, PA 19341

RE: Exton Express Car Wash
Preliminary / Final Land Development Application
SSM File 101008.0379

Dear Mr. Weller:

We have reviewed the above-referenced submission consisting of the following:

- Preliminary / Final Land Development Plans for 347 N. Pottstown Pike (11 sheets), prepared by Edward B. Walsh & Associates, Inc. (EBW), dated May 18, 2023, most recently revised February 7, 2024; and
- Post-Construction Stormwater Management Report, prepared by EBW, dated April 9, 2024.

McHugh Group, RE LP is proposing to demolish an existing office building (the former HTA Medicare & Long Term Care Insurance Building) and construct a car wash located at 347 N. Pottstown Pike, referred to as tax parcel number 41-2-72.1. The 1.48 acre property contains the existing office building, off-street parking spaces and an existing above ground detention basin. Existing access is from N. Pottstown Pike (SR 0100).

The proposed redevelopment consists of a 4,600 square foot car wash building, 14 off-street parking spaces, landscaping, lighting and an above ground infiltration basin. The N. Pottstown Pike site entrance is proposed to be eliminated such that future access will be from Rockland Drive. The site is Zoned TC Town Center Mixed Use District and is bound by N. Pottstown Pike (SR 0100) to the west, Rockland Drive to the north, and the Target Shopping Plaza to the east and south.

Issues regarding landscaping and buffering, and traffic will be addressed by Theurkauf Design and Planning and Bowman, respectively.

We have the following comments.

COMPLIANCE WITH ZONING ORDINANCE

1. The required front, rear and side yard setbacks are 25 feet each. However, in accordance with Section 315-13.C.5(a)[2], for all public streets except PA Route 100 and U.S. Business Route 30, buildings and portions of buildings with a height of 30 feet or less shall be set back at least 15 feet from the right-of-way line. Therefore, the required setback from Rockland Drive is 15 feet. The Zoning Table on sheet 1 shall clearly identify this.
2. The project is located within the Carbonate Area District as defined by Article XV of Section 325, Zoning. This shall be noted at the beginning of General Note 18 and the note shall state the presence or absence of every item listed in Section 325-78.A(2)(b). Also, as previously noted a sinkhole remediation detail shall be added to the plans.



COMPLIANCE WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

3. Evidence of a will serve letter from Aqua PA shall be provided for the proposed water line connection, Sections 281-12 and 281-41.
4. Evidence of a will serve letter from West Whiteland Township shall be provided for the proposed sanitary sewer connection, Sections 281-12 and 281-42.
5. A Planning Module, proof of paid tapping fees, and proof of purchase of the necessary EDU's are required, Section 281-16.D(5).
6. For commercial developments, the developer shall either set aside 500 square feet of open space for each 1,000 square feet of floor area on the first floor; or offer the equivalent required open space fee-in-lieu, Section 281-47.C. The plans shall clarify how open space is being addressed.
7. An improvements agreement and guarantee will be required, Section 281-54. An Engineer's Probable Cost Opinion shall be provided for consideration.

COMPLIANCE WITH STORMWATER MANAGEMENT ORDINANCE

8. The applicant shall provide the Township with the "letter of adequacy" from the Chester County Conservation District (CCCD) for the E&S Plan prior to the Township endorsing the plan, Section 270-17.A(1)(a).
9. The applicant statement of Section 270-32.A(3) shall be signed prior to the Township endorsing the plan.
10. The design engineer signature block of Section 270-32.A(4) shall be signed, dated and sealed prior to the Township endorsing the plan.
11. The O&M plan shall note the requirements of Section 270-45.D.

GENERAL

12. The plans should clarify how the reclaim tanks and oil separator tank connect to the building.
13. Any man-door entrances to the building should be indicated on the plan.
14. The proposed subbase stone shown on the Parking and Drive Concrete Area (#5 clean stone) detail should be either No.57 stone or compacted stone subbase such as 2A stone.
15. We recommend the sidewalk from the building line up with the pay station island sidewalk across the By-pass lane.

If you have any questions please feel free to call me.

Sincerely,
Spotts, Stevens and McCoy

A handwritten signature in blue ink, appearing to read "Kent D. Morey", is written over the typed name.

Kent D. Morey, P.E., CBLP
Senior Engineer
kent.morey@ssmgroup.com

cc: Mark Stabolepszy, P.E.



MEMORANDUM

TO: John Weller, AICP, West Whiteland Township Director of Planning and Zoning
Patrick Gorman, AICP, Assistant Township Planner
Francis X. Digian, RLA, EB Walsh & Associates, Inc.
Adam J. Brower, P.E., EB Walsh & Associates, Inc.

FROM: Edward A. Theurkauf, RLA, ASLA, APA

DATE: May 2, 2024

SUBJECT: **REVIEW COMMENTS – EXTON EXPRESS CAR WASH
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN DATED 2-7-24**

Please note our review comments pertaining to the following documents that we received on 4-22-24, and a site visit on 8-18-23:

- Land Development Plan consisting of 11 sheets; and
- Response letter from Adam Brower dated 4-10-24.

Issues that have been addressed are so noted. New comments are in **bold**.

**REVIEW COMMENTS – EXTON EXPRESS CAR WASH
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN DATED 2-7-24**

May 2, 2024

1. Pedestrian Accessibility – Section 325-13.A.1 of the zoning ordinance (ZO) establishes the Town Center District as a pedestrian-oriented central area. The Township Bicycle and Pedestrian Plan proposes sidewalks along Route 100 and across this development. Section 281-31.A of the subdivision and land development ordinance (SLDO) requires sidewalks along all streets and drives, and section 281-69.C (SLDO) specifies required pedestrian infrastructure in the Town Center, including sidewalks on both sides of all streets and drives.

The plan lacks required pedestrian facilities as follows:

- a. Sidewalks – Section 281-69.C (SLDO) requires minimum 6-foot-wide sidewalks along the Route 100 and Rockland Drive frontages. The plan indicates a 5-foot sidewalk along Route 100, but none along Rockland Drive.

Because the proposed use is dedicated to motor vehicle use only, and because there is an existing sidewalk on the north side of Rockland Drive, a sidewalk on the south side of Rockland may not be necessary. In lieu of the required sidewalk for the 480 feet of frontage on Rockland Drive, **sidewalk could be installed off site to connect** the 385 foot gap on the sidewalk connecting to Whiteland Hills Townhouses and the 35 foot gap across to the Target driveway. (See attached plan)

The plan shall be revised to widen sidewalk along Route 100 from 5 feet to 6 feet. The Township shall decide whether to require the offsite sidewalk extensions in lieu of the required sidewalk along Rockland Drive, or if a fee in lieu would be more appropriate.

- b. Decorative Sidewalks – Section 281-69.C.4 (SLDO) requires 20% of sidewalks to have decorative surface treatments. The plan does not indicate decorative surface treatments and shall be revised to provide minimum 20% decorative sidewalks with accompanying details and specifications.
2. Site Element Screens – Section 281-70.A (SLDO) requires site element screens as follows:
 - a. Route 100 Site Element Screen – This issue is resolved.
 - b. Parking Lot Screen – Section 281-35.G (SLDO) requires low screens of small evergreen or dense deciduous shrubs around parking lots and vehicular stacking lanes. No site element screen is proposed along the south side of proposed parking.

The pipeline easement does not allow for shrub plantings. However, a fence could be added along the employee spaces to provide the required site element screen. The plan should be revised accordingly.

**REVIEW COMMENTS – EXTON EXPRESS CAR WASH
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN DATED 2-7-24**

May 2, 2024

c. Trash Enclosure Screen – This issue is resolved.

3. Basin Buffer – Section 281-35.F (SLDO) requires 25 foot wide planted perimeter buffers around stormwater basins. The proposed basin buffers are under-width at 15 feet along Rockland Drive and 15-20 feet wide on the proposed driveway side. The plan indicates native landscaping within the basin and the required perimeter buffer plantings.

Because the plan indicates perimeter buffer plantings and naturalistic landscaping within, I have no objection to a waiver on buffer width.

4. Building Façade Landscaping – Section 281-37.D (SLDO) requires landscaping between building façades and parking. Landscaping is required and proposed as follows:

<u>Façade/Length</u>	<u>Plant Type</u>	<u>Required Qty.</u>	<u>Proposed Qty.</u>
South/140 LF	Shade Tree	3	0
	Small Shrubs	14	0

* In lieu of the 14 small shrubs, 140 herbaceous perennials could be planted.

Due to the proposed development configuration, it is not possible to place façade plantings between the building and parking. However, plantings in the parking islands and near the front façade include:

- 2 shade trees
- 1 understory tree
- 37 small shrubs

In light of the narrow site configuration and the supplemental plantings in excess of requirements, I do not object to a waiver on the location of façade landscaping.

5. Parking Lot Landscaping – This issue has been resolved.
6. Street Trees - This issue has been resolved.
7. Architecture – Section 325-13.D.3 (ZO) requires documentation demonstrating compliance with the architectural standards of section 281-67 (SLDO), specifically with regard to:

- Façade articulation and fenestration
- Building entrance definition
- Roof line variation
- Building materials and colors

**REVIEW COMMENTS – EXTON EXPRESS CAR WASH
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN DATED 2-7-24**

May 2, 2024

In addition, section 281-33.C.8 (SLDO) requires building elevations showing the relationship between façade treatments and proposed landscaping. Since it is not possible to provide façade landscaping on the parking lot side, I do not object to a waiver from this requirement.

The previously presented architectural drawings showed the Rockland Drive building façade lacking any of the required architectural treatments and presenting a monolithic and unattractive appearance to a residential street and the historic resource on the opposite side (John McClenahan House, Buckman’s). Because the lot configuration presents obstacles with regard to horizontal offsets, it is of even higher importance that variations in materials, glazing, and surface ornamentation be employed to make the facility aesthetically consistent with surroundings and compliant with Town Center District standards. It is recognized that the applicant proposes to conceal this façade behind an evergreen hedge. In my opinion, this approach is less preferable than striving for architectural consistency, and a waiver is not warranted.

The response letter states that revised architectural plans will be submitted for comment.

8. Tree Removal and Compensatory Trees – The plan is compliant.
9. Site Furnishings – Section 281-68 (SLDO) requires site furnishings as follows:
 - 1 bench for the 4,310 SF gross leasable area
 - 1 decorative trash can for the 4,310 SF gross leasable area
 - Street lights shall meet the Exton Town Center Standard

If the proposed use will have self-service attributes (e.g. vacuums), additional trash cans will be required. The plan indicates no furnishings and shall be revised accordingly.

10. General Landscaping Standards – **This issue is resolved.**
11. Cost Estimate – A landscape cost estimate will be required upon approval of the final plan in accordance with section 281-33.C.6.i (SLDO).
12. **Conclusion** – **The requested waivers shall be considered and remaining issues addressed prior to approval.**

Please contact this office with any questions.



COUNTY OF CHESTER
PENNSYLVANIA



← Ped Connection Needed →

Map Created:
Monday, September 18, 2023

County of Chester



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May 9, 2024

Mr. John R. Weller, AICP
Director of Planning & Zoning / Zoning Officer
West Whiteland Township
101 Commerce Drive
Exton, PA 19341

RE: Traffic Engineering Review
Exton Express Carwash (347 N. Pottstown Pike) – Land Development Plan
West Whiteland Township, Chester County, PA
Project Number 313696-01-001

Dear Mr. Weller:

Bowman completed a traffic review of the proposed car wash located on the south side of Rockland Drive just east of Pottstown Pike (S.R. 0100). The site currently contains a two-story commercial building with direct access to Pottstown Pike (S.R. 0100). The plan proposes to remove the existing building and the Pottstown Pike access for construction of a new 4,310 square-foot carwash with one bay and a new full-movement access along Rockland Drive. Our traffic review is based on the following documents.

- *Land Development Plan for 347 N. Pottstown Pike*, prepared by Edward B. Walsh & Associates, Inc., revised February 7, 2024.
- *Drawings for Construction of 347 N. Pottstown Pike*, prepared by Edward B. Walsh & Associates, Inc., dated July 19, 2023.
- *Traffic Impact Analysis of a Proposed Exton Express Car Wash*, prepared by F. Tavani and Associates, Inc., dated February 29, 2024.

Based on our review of the above documents, we offer the following comments for consideration.

1. ZO Section 325-42 – Based on the results of the traffic study, the intersection of Pottstown Pike and Rockland Drive warrants a 150-foot long northbound right-turn lane. However, due to the spacing of Rockland Drive with the existing access for Target just to the south (approximately 200 feet centerline to centerline), it is not possible to accommodate a 150-foot full-width right-turn lane with an appropriate bay taper. As such, the applicant proposes an 85-foot deceleration taper for traffic entering Rockland Road. Subject to PennDOT review approval, we recommend consideration to extend the length of the deceleration taper by striping a white edge line between the end of the curbed taper and the Route 100 through travel lane and removal of some of the gore hatching in this area.
2. ZO Section 325-42 – The Institute of Transportation Engineers does not provide pass-by data for the Automated Car Wash (ITE Land Use Code 948) land use. However, it is our opinion that it is logical and appropriate to assume a portion of the trips generated by the car wash will include

pass-by trips based on the convenience nature of the land use. Furthermore, PennDOT also agrees with this approach, and PennDOT has approved the use of a 50% pass-by rate for car washes. As such, we would support the use of a 50% pass-by rate for the site. It is not necessary to update the traffic study to reflect this pass-by rate; however, our office adjusted the trip generation estimate that will be subject to the Township's Transportation Impact Fee to reflect the 50% pass-by rate.

3. SALDO Section 281-28.E – The available sight distance for traffic exiting the driveway looking to the left along Rockland Drive does not meet the sight distance requirement shown on the plan, which appears to be based on PennDOT's desirable sight distance requirement for 25 miles per hour. The plans should be revised to use the PennDOT safe stopping sight distance criteria for this movement, as well as the sight distance note (General Note 16) on Sheet 1.
4. The proposed one-way sign on the west side of the entrance to the carwash tunnel should be rotated 90 degrees clockwise.
5. SALDO Section 281-31 – The applicant's engineer has indicated that they have attempted to contact a representative of Target to discuss the possibility of extending the Route 100 sidewalk south to the Target driveway and providing a new ADA accessible curb ramp at this location, but they have not been successful in gaining authorization from Target to install this sidewalk. Please discuss the details of this coordination with Target with the Township, and to the extent possible, please continue efforts to contact Target regarding the sidewalk extension. As an alternative, a contribution to fund this sidewalk should be considered, in the event Target agrees to allow the sidewalk extension in the future.
6. SALDO Section 281-31.B – The applicant and the applicant's engineer should ensure that all proposed pedestrian facilities within the site (including curb ramps and pedestrian access routes) satisfy current ADA requirements. A detailed design of the curb ramp on the corner of the Pottstown Pike/Target driveway intersection should be provided if permission to construct this sidewalk is received, including separate grading details (with spot elevations at all proposed grade breaks), and all dimensions for construction, including widths, lengths, and all slopes.
7. The removal of the existing Pottstown Pike (S.R. 0100) driveway will require a Highway Occupancy Permit from PennDOT since construction will be required with the State right-of-way. Please continue to copy the Township on all correspondence with PennDOT.
8. Chapter 295-12 – The subject development is located within the Township's Act 209 Transportation Service Area, and as such, is subject to the Township's Transportation Impact Fee which is equal to \$1,449.00 per new weekday afternoon peak hour trip. Based on the traffic study, the car wash will generate a total of 61 weekday afternoon peak hour trips. However, with application of a 50 percent pass-by rate (30 trips) and a credit for the existing office building on the site (22 trips), results in **nine new trips** which are subject to the Township's Transportation Impact Fee, and the resultant Transportation Impact Fee for the site is **\$13,041**.

Upon resubmission, the applicant's engineer should compose a response letter that describes how each comment has been addressed and where any revisions are located. Additional comments may follow upon receipt of future submissions.

If there are any questions or if additional information is requested, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Christopher J. Williams". The signature is written in a cursive style with a large initial "C".

Christopher J. Williams, P.E.
Vice President & Regional Manager – Mid-Atlantic

Q:\PA-EXTO-MC\mcm\eng\WESTWHI1\313696 - Exton Express\Reviews\2024-01-16 Review (LD)\Review\2024-01-16 Exton Express Review .docx



8

RETURN TO

RETURN TO:
Lamb McErlane PC
24 East Market Street, Box 565
West Chester, PA 19381-0565

UPI NO. ROADBED - NO UP req.

RH

**DEDICATION OF RIGHT-OF-WAY OF
ROCKLAND DRIVE**

BAKER RESIDENTIAL OF PENNSYLVANIA, LLC
("Grantor")

TOWNSHIP OF WEST WHITELAND
("Grantee")



Prepared by and Return to:
Fronefield Crawford, Jr., Esquire
220 West Gay Street
West Chester, PA 19380

UPI Not Needed - Roadbeds

DEDICATION OF RIGHT-OF-WAY OF ROCKLAND DRIVE

THIS INDENTURE, made the ^{24TH} day of *October*, 2011 between Baker Residential of Pennsylvania, LLC, a limited liability company, of the one part (hereinafter called the "Grantor"), and the Township of West Whiteland, Chester County, Pennsylvania, of the other part (hereinafter called the "Grantee").

WITNESSETH: That the said Grantor, for and in consideration of the advantage to it accruing, as well as for divers other considerations affecting the public welfare which it seeks to advance, has granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its successors and assigns.

ALL THAT CERTAIN parcel or strip of land consisting of the bed of Rockland Drive (variable width) in the Township of West Whiteland, Chester County, Pennsylvania, as more particularly described in Exhibit A, attached hereto.

BEING a part of property conveyed to Baker Residential of Pennsylvania, LLC by Fortress Pennsylvania, LLC by deed dated February 28, 2002 and recorded in the Chester County Recorder of Deeds Office in Book 5221, page 2361, et seq.

CONTAINING 82,233 square feet or 1.9108 acres, +/-.

TO HAVE AND TO HOLD the said parcel or strip of ground above described unto the said Grantee, to and for the only proper use and behoof of said Grantee, its successors and assigns forever, as and for a public street or highway, curbs, sidewalks, utilities and associated improvements, and their installation, maintenance, repair and replacement, and for no other use or purpose whatsoever, and to the same extent and with the same effect as if the said street had been opened by a Decree of the Court of Common Pleas for the County of Chester, after



proceedings duly had for that purpose under and in pursuance of the Road Laws of the Commonwealth of Pennsylvania.

And the said Grantor, for itself, its successors and assigns, by these presents covenants, promises and agrees to and with the said Grantee, its successors and assigns, that neither the Grantor, nor its successors or assigns, shall or will at any time hereafter ask, demand, or recover or receive of or from the said Grantee, or its successors, any sum or sums of money as and for damages for or by reasons of the physical grading of said street to the grade as now established by the Grantee, and if such grade shall not be established at the day of the date of these presents that neither the said Grantor, nor its successors and assigns, shall or will at any time thereafter ask, demand, recover or receive any such damage by reason of the physical grading of said street to conform to the grade as first thereafter established or confirmed by the Grantee.

And the said Grantor, itself, its successors and assigns does by these presents further covenant, promise and agree to and with said Grantee, its successors and assigns, that the said parcel or strip of ground above described conveyed unto the said Grantee, its successors and assigns, against it, the said Grantor, its successors or assigns, and against all and any person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, it or them or any of them shall and will warrant and forever defend.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed the day and year first above written.

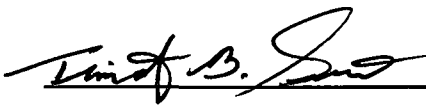
GRANTOR:

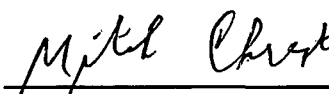
BAKER RESIDENTIAL OF PENNSYLVANIA, LLC

By: Baker Companies, Inc.

its managing general partner

Attest:



By: 

Mitch Chrest, Division Manager

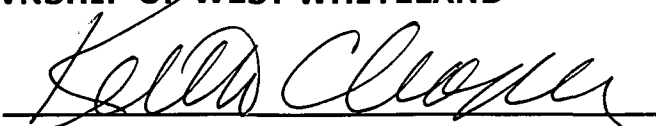
ACCEPTED BY THE TOWNSHIP OF WEST WHITELAND, GRANTEE, THIS DAY OF _____, 2011.

TOWNSHIP OF WEST WHITELAND

Attest:

Secretary



By: 



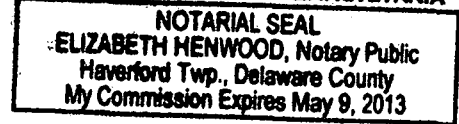
COMMONWEALTH OF PENNSYLVANIA :
:SS
COUNTY OF CHESTER :

On this 24th day of October, 2011 before me, the undersigned officer, personally appeared Mitch Chrest, who acknowledged himself to be the Division Manager of Baker Residential of Pennsylvania, LLC, and that he, as such officer, being authorized to do so, executed the foregoing instrument, for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Elizabeth Henwood
Notary Public COMMONWEALTH OF PENNSYLVANIA

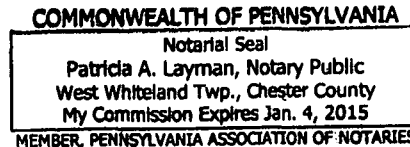
COMMONWEALTH OF PENNSYLVANIA :
:SS
COUNTY OF CHESTER :



On this 10 day of November, 2011, before me, the undersigned officer, personally appeared Keith Choper, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he is the Chairman of Board of Supervisors of West Whiteland Township, and that he, as such Chairman, being authorized to do so, executed the foregoing instrument, for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

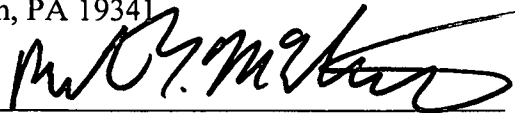
Patricia A. Layman
Notary Public



The address of the above named Grantee is:

West Whiteland Township
101 Commerce Drive
Exton, PA 19341

By:



Robert T. McClintock, Esquire
Solicitor



Wilkinson & Associates, Inc.

Surveying - Engineering
1220 Valley Forge Road
The Commons at Valley Forge, Unit 25
P.O. Box 987
Valley Forge, PA 19482

April 9, 2002
Rev. June 12, 2002
Rev. April 17, 2003

METES AND BOUNDS DESCRIPTION
VARIABLE WIDTH ACCESS BASEMENT - ROCKLAND DRIVE
PART OF TP 41-2-74
TOWNSHIP OF WEST WHITELAND
CHESTER COUNTY, PENNSYLVANIA

BEGINNING AT A CONCRETE MONUMENT SET ON THE EASTERLY RIGHT OF WAY LINE OF POTTSTOWN PIKE (SR 0100) WHERE SAID RIGHT OF WAY IS INTERSECTED BY THE NORTHERLY LINE OF TP 41-2-72.1, LANDS N/F R.P. INVESTORS, INC, AND FROM SAID BEGINNING POINT RUNNING THENCE;

1. ALONG THE EASTERLY RIGHT OF WAY LINE OF POTTSTOWN PIKE, NORTH 28 DEGREES 24 MINUTES 14 SECONDS WEST A DISTANCE OF 72.49 FEET TO A CONCRETE MONUMENT SET, THENCE
 2. LEAVING SAID RIGHT OF WAY AND RUNNING ALONG LANDS OF TP 41-2-73.1, LANDS N/F MARK BEARD, NORTH 62 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 317.68 FEET TO A CONCRETE MONUMENT SET, THENCE
- RUNNING THE FOLLOWING COURSES AND DISTANCES THROUGH LANDS OF TP 41-2-74:
3. SOUTH 28 DEGREES 33 MINUTES 16 SECONDS EAST A DISTANCE OF 5.00 FEET TO A POINT, THENCE
 4. NORTH 61 DEGREES 26 MINUTES 44 SECONDS EAST A DISTANCE OF 287.79 FEET TO A POINT, THENCE
 5. NORTH 59 DEGREES 58 MINUTES 07 SECONDS EAST A DISTANCE OF 358.26 FEET TO A POINT, THENCE
 6. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, TURNING A CENTRAL ANGLE OF 120 DEGREES 00 MINUTES 00 SECONDS FOR AN ARC LENGTH OF 104.72 FEET, THE CHORD OF SAID ARC BEARING NORTH 59 DEGREES 58 MINUTES 07 SECONDS EAST A DISTANCE OF 86.60 FEET TO A POINT, THENCE
 7. NORTH 59 DEGREES 58 MINUTES 07 SECONDS EAST A DISTANCE OF 17.68 FEET TO A POINT, THENCE
 8. ALONG THE WESTERLY LINE OF LANDS OF SWEDES FORD CHASE, FORMERLY CHURCH FARM SCHOOL, SOUTH 28 DEGREES 50 MINUTES 00

(810) 415-1220 * Fax (810) 415-1224 * e-mail: jshoemaker@wilkinsonassoc.com

EXHIBIT A



LAMB MCERLANE

01/19/2012 12:14P

11152798
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B-8340 P-963

Wilkinson & Associates, Inc.

Surveying - Engineering
1220 Valley Forge Road
The Commons at Valley Forge, Unit 25
P.O. Box 987
Valley Forge, PA 19482

- SECONDS EAST A DISTANCE OF 92.79 FEET TO A CONCRETE MONUMENT SET, THENCE
9. ALONG THE NORTHERLY LINE OF TP 41-2-72, LANDS N/F ROUSE AND ASSOCIATES AND ALONG LANDS OF THE ABOVE MENTIONED R.P. INVESTORS, SOUTH 62 DEGREES 26 MINUTES 00 SECONDS WEST A DISTANCE OF 1068.61 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 83,233 S.F. OR 1.9108 AC.

THIS DESCRIPTION IS WRITTEN WITH REFERENCE TO A MAP ENTITLED "RECORD PLAN, PROPOSED PRD FOR MR. FRED V. SCHUBERT, WEST WHITELAND TWP., CHESTER CO., PA" PREPARED BY MEDVECZKY ASSOCIATES, SHEET 1 OF 9, LAST REVISED JANUARY 21, 1999. CORRECTIONS HAVE BEEN MADE TO THIS DESCRIPTION TO FORM A MATHEMATICALLY CLOSED FIGURE AND TO REFLECT CONDITIONS FOUND BY A BOUNDARY SURVEY PERFORMED BY WILKINSON & ASSOCIATES, INC. REFERENCE IS ALSO MADE TO A PLAN ENTITLED "UTILITY & STORMWATER AS-BUILT SURVEY, FORTRESS, FAIRVIEW DEVELOPMENT - ROCKLAND DRIVE, TAX PARCELS 41-2-74 & 41-2-75, WEST WHITELAND TWP., CHESTER CO., PA" PREPARED BY WILKINSON & ASSOCIATES, INC, DRAWING NO. 2002015AB DATED 3-18-2002.



(610) 415-1220 • Fax (610) 415-1224 • jshoemaker@WilkinsonAssoc.com



11152798
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B-8340 P-963



MEMORANDUM

DATE: May 31, 2024
TO: Planning Commission
FROM: John R. Weller, AICP
Director of Planning and Zoning

SUBJECT: ARX Wireless Infrastructure, LLC
Conditional use application

APPLICANT: ARX Wireless Infrastructure, LLC
110 Washington Ave.
North Haven, CT 06473

SITE ADDRESS: 200 E. Boot Rd.
West Chester, PA 19380

TAX PARCEL: 41-5-284

ZONING: R-2, Residential

DESCRIPTION: Construction of a 135 ft. tall tower-based wireless communication facility (i.e., cell tower) and access drive. Conditional use review is required pursuant to §325-136.C of the Zoning Ordinance.

Background

The subject property is the premises of the West Chester Gun Club, a roughly triangular tract covering 22.19 acres along the south side of E. Boot Rd. east of the PA Route 100 expressway in the R-2 Residential zoning district. The property is used as an outdoor shooting range, so it is largely open with several small accessory structures and wooded areas around its perimeter. The lot has an average slope of about 4% down from its high point along E. Boot Rd. at its western end to its southeastern tip along the PA Route 100 expressway. There is a FEMA-designated flood hazard area of about half an acre at the southeastern end of the lot, but it is not affected by this application or the Gun Club operations generally. The nearest historic resources are on the adjacent Devereux School campus, but none of them are close enough to the project site to warrant review of this application by the Township Historical Commission.

The Applicant is proposing to construct a wireless communication facility ("WCF") tower that will be 135 feet tall at the northwest end of the property, near its highest point, along with an access drive. WCF towers are not permitted in the R-2 zoning district; furthermore, the Gun Club use will continue, independently of the WCF, so there will be more than one primary use on this lot, which is also not permitted in the R-2 district. Finally, the proposed tower will be taller than the maximum of 120 feet allowed by the WCF regulations in Article XXII of the West Whiteland Township Zoning Ordinance ("Zoning"). Due to these aspects of non-compliance,

the Applicant appealed to the Township Zoning Hearing Board ("ZHB") for relief from these provisions to the extent necessary to allow the project as shown here. The ZHB granted all the relief as requested following a hearing on April 25, 2024.

Conditional use review is required for this project pursuant to §325-136.C of the Zoning, which states that tower-based WCF's are permitted only by conditional use.

Tonight is the first presentation of the conditional use application to the Planning Commission.

Criteria for approval of a Conditional Use

The criteria for Conditional Use approval are found in §325-124.C(1) of the Zoning:

- (a) The proposed use shall meet all of the specific standards and regulations for eligibility which appear in the section of the Zoning Ordinance authorizing the proposed conditional use.

As noted above, the ZHB has already granted relief to the Applicant to allow the proposed WCF tower at this location. Additional standards for WCF towers are found in §325-136.C of the Zoning:

- 1. The Applicant must demonstrate that they cannot adequately extend or infill their system by using other (i.e., not tower-based) equipment mounted on existing structures, such as utility poles and other available tall structures.**
- 2. The Applicant must demonstrate that the tower must be at the proposed location in order to serve their service area and that no viable alternative location exists.**
- 3. The application must include a propagation study showing the need for the proposed tower.**
- 4. The Applicant must demonstrate that the proposed tower will comply with all state and federal laws concerning aviation safety.**
- 5. Where the tower is to be located on a property with another principal use, the Applicant must present documentation that the owner of the property has granted an easement for the tower and that vehicular access will be provided.**

While the preceding standards are specifically named as conditional use requirements, the Zoning has other requirements for WCF towers. The Applicant has addressed all of these – including the five items listed above – in the "Application Narrative" included with their submission; they are also described in the attached review from Spotts, Stevens and McCoy ("SSM"), the Township Engineer. Upon review of the Application Narrative, Staff concludes that the first three of the items listed above (all of which concern demonstrating the need for the tower) are issues that the Planning Commission and the Board will need to decide following discussion with the Applicant.

Regarding item 4, the Applicant has provided a "Determination of No Hazard to Air Navigation" dated December 1, 2023 from the Federal Aviation Administration.

Regarding item 5, the site plan for the project shows that there will be an access drive to the tower, completely separate from the Gun Club driveway, and there will be an easement for both the access drive and the tower enclosure.

The Applicant has addressed all these criteria in their application, but the Board, as advised by the Planning Commission, will need to determine whether the first three have been met. Items 4 and 5 are objective standards that have been met.

- (b) The size, scope, extent, and character of the exception desired is consistent with the plan for future land use in West Whiteland, and with the spirit, purpose, and intent of the Zoning Ordinance.

The Land Use Plan in the Township Comprehensive Plan includes the Gun Club property in the "LDR Low Density Residential" category; the adjacent PECO corridor is in the "OS/U Open Space / Utilities" category. Staff notes that the Plan (soon to be updated) was written prior to the wide-spread use of wireless technology; furthermore, we suggest that the proposed WCF tower is more similar to a utility installation than a typical land use. While the Plan text includes¹ a "Utilities Plan," it addresses only sewage disposal and water supply. We therefore find the Comprehensive Plan to be silent on the matter of WCF towers, making this a moot point.

The Gun Club property is in the R-2 Residential zoning district, which is consistent with the LDR designation in the Comprehensive Plan. The Zoning does not have a separate zoning district for open space or utilities. While this project does not comply with the R-2 district regulations or with the location restrictions for WCF towers in §325-137.A of the Zoning, the ZHB approved the Zoning relief necessary to allow this project.

Staff is of the opinion that the matter of compliance with the plan for future land use is a moot issue, and that the matter of being consistent with the "spirit, purpose, and intent" of the Zoning has been resolved by the action of the ZHB.

- (c) The suitability of the property for the use desired and the new or expanded use, if approved, will be susceptible of regulation or restriction by appropriate conditions and safeguards.

The Board of Supervisors has the right to attach reasonable conditions to any conditional use application and to make provisions for the enforcement of those conditions. This criterion has been met.

- (d) The public interest in, or the need for, the proposed use or change, and the proposal will serve the best interest of the Township, the convenience of the community (where applicable), and the public health, safety, morals, and general welfare.

It is our practice to define "the best interest of the Township" as compliance with the Township Comprehensive Plan and Zoning; however, this practice is difficult to apply in this case, as explained above in (a) and (b). We suggest that access to high capacity, reliable wireless technology is very much in the best interest of the Township and is conducive to the convenience of the community and general welfare.

¹ Section 8 of Chapter 3, "Growth Management Plan."

To the extent that the Applicant is able to demonstrate that this project is necessary to meet the demand for wireless communication services, Staff is satisfied that this criterion has been met.

- (e) Where pertinent, the effects of the proposal with respect to congestion on the roads or highways; the most appropriate use of land; conserving the value of buildings; safety from fire, panic, and other dangers; adequacy of light and air; the prevention of overcrowding of land, congestion of population, and adequacy of public and community services will not have a substantially adverse effect thereon.

Due to the nature of this use, this project will have no impact upon road congestion, the value of buildings, overcrowding of land, adequacy of light and air, or congestion of population. To the extent that the new facility will support or enhance wireless communication, it will promote public safety and community services.

Staff is satisfied that these criteria have been met.

- (f) The proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities including, but not limited to, public water, sewers, police and fire protection, transportation, and public schools.

The proposed tower will not require any of these services but will support the providers of these services by enhancing wireless communication.

Staff is satisfied that these criteria have been met.

- (g) The natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation; that the management of stormwater, the provision of water and/or sewer service, and any other alterations to the site's predevelopment conditions shall be consistent with Township goals, practices, and plans in these regards and that demand for water and energy by the proposed use shall be minimized to the optimal extent.

The property is already developed and is therefore not now in a natural condition. The project will be required to comply with our Stormwater Management Ordinance, which will be evaluated in detail during the land development review; for conditional use applications we require only that applicants demonstrate the feasibility of compliance with this Ordinance. The attached review from SSM advises that the project is *not* exempt from stormwater requirements and that the Applicant has not provided any information about how they intend to manage stormwater.

The facility will not connect to public sewerage or water supply.

Until the Applicant has satisfactorily addressed the issue of stormwater management, these criteria have not all been met.

- (h) The character and type of development in the area surrounding the location for which the request is made and the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.

The Gun Club property is largely open and does not include any residential use. Properties immediately surrounding the project site consist of the PA Route 100 expressway, a self-storage facility, and a PECO transmission corridor, with two large support structures and WCF towers directly across from this site. Staff is satisfied that the proposed use is appropriate for

this location and is consistent with the character of the neighborhood; we cannot discern any way in which this project would injure or detract from the use of surrounding property.

Staff is satisfied that these criteria have been met.

- (i) Development of highway frontage insofar as possible has been designed so as to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of buildings on parallel marginal access roads or on roads perpendicular to the highway.

The project includes one new access drive, which will intersect Boot Rd. directly across from the King Rd. intersection. No on-street parking is proposed or needed. Due to the nature of the project the orientation of buildings is a moot issue.

Staff is satisfied that these criteria have been met.

- (j) The probable effects of proposed development on highway congestion have been considered, and adequate access arrangements are provided in order to protect major highways from undue congestion and hazard.

The Application Narrative states that the facility will be fully automated. It will not be attended on a daily basis and will be unattended except for routine maintenance and emergency repairs. There will be no discernible impact upon traffic and congestion.

These criteria have been met.

- (k) The impact upon on-site and adjacent historic resources of the Township has been mitigated.

There are no designated Township Historic Resources within 300 feet of the project site.

This is a moot issue.

- (l) Where the property or a portion of the property that is the subject of the application is improved at the time of the conditional use application, the Township may require that any existing development and/or uses on the property comply with all previous conditions of approval of a land development, subdivision, conditional use, special exception, zoning variance, or waiver of any provision of Chapter 281, Subdivision and Land Development, previously granted for the property.

The Gun Club use predates both the Zoning and Subdivision and Land Development Ordinance. However, on April 28, 2022 the ZHB granted relief to the Club from various Zoning provisions to allow the construction of an accessory building. Upon review of the ZHB decision, Staff has determined that the conditions of approval of said relief have been met.

This criterion has been met.

Consultant Reviews

Due to the nature of the proposed improvements, Staff did not request reviews from our traffic engineer or our sewage facilities engineer. The Director of the Township Codes Department

has no concerns other than to state that the Applicant will need to secure appropriate building and electrical permits prior to construction.

- **SSM review dated May 28, 2024.** SSM notes the variance relief granted by the ZHB, reviews the conditional use criteria, and lists the Zoning requirements unique to WCF facilities. Comment #17 notes that the project is subject to the provisions of the Stormwater Management Ordinance since the area of proposed impervious cover exceeds 1,000 sq.ft. Comments #18 through #21 describe additional information to be provided and direct minor corrections.
- **Theurkauf Design and Planning (“Theurkauf”) review dated May 22, 2024.** Detailed landscaping plans are not required for conditional use applications, but the Applicant must show that it is possible to accommodate all required landscaping. Comment #2 notes that a site element screen will be required, and comment #3 states that it appears that some existing mature trees will need to be removed, triggering the need for compensatory plantings. Tree protection measures will be required for trees immediately surrounding the area to be disturbed.

It appears that the plan can accommodate the required landscaping, but the Commission should confirm with the Applicant their willingness to do so.

Staff Comment

The Commission should review the conditional use criteria with the Applicant to determine if §325-124.C(1)(a) and (d) have been addressed. Please note that this project will be reviewed again as a land development plan, since the Applicant is proposing more than 2,000 sq.ft.² of impervious cover. Details of the stormwater management plan and the landscaping will be required at that time. If the Applicant is agreeable to resolving the concerns raised by SSM and Theurkauf, and if the Commission is satisfied with the Applicant’s responses regarding the need for this facility, then Staff would not object to Commission action on the application tonight. Conditions to be recommended to the Board could include providing stormwater management facilities acceptable to SSM and landscaping satisfactory to Theurkauf along with compliance with the WCF requirements in §325-136 of the Zoning.

Attachments

1. SSM review dated May 28, 2024.
2. Theurkauf review dated May 22, 2024.
3. “Application Narrative” provided by the Applicant, undated.
4. “Determination of No Hazard to Air Navigation,” from the Federal Aviation Administration, dated December 1, 2023.
5. Plan set prepared by Howell Engineering, dated May 2, 2024, no revision date.

Plans\ABC\ARX\PC memo - 240531

² As per part “D” of the definition of “land development” in §325-8 of the Zoning. Sheet 2 of the plan set indicates that the proposed increase in impervious cover is 5,738 sq.ft.



May 28, 2024

Mr. John R. Weller, AICP
Director of Planning and Zoning
West Whiteland Township
101 Commerce Drive
Exton, PA 19341

RE: ARX Wireless - Monopole Tower
Conditional Use Application
SSM File 101008.0389

Dear Mr. Weller:

We have reviewed the above-referenced submission consisting of the following:

- Conditional Use Plans (7 sheets), prepared by Howell Engineering, dated May 2, 2024;
- Application Narrative and Code Compliance Summary;
- T-Mobile Service Coverage Comparison Slides (2 slides), prepared by ARX Wireless.

ARX Wireless Infrastructure, LLC (ARX Wireless) is proposing to construct a 135 foot tall wireless communication facility (WCF) within a leased easement area on the West Chester Gun Club and Athletic Association (WCGC) property located at 200 E. Boot Road. The WCF is proposed to be a monopole support structure with a lightning rod. The base of the WCF is proposed to be surrounded by a 60' x 60' gravel area fenced in with an 8 foot tall vinyl privacy fence. Access is proposed by a 12-ft wide driveway (some portions paved, some portions gravel) from Boot Road (SR 2020).

Issues regarding landscaping and buffering and traffic will be addressed by Theurkauf Design and Planning and Bowman, respectively.

We have the following comments.

VARIANCES (GRANTED)

1. The following variances were formally granted at the April 25, 2024 Zoning Hearing Board meeting:
 - a. 325-10.B – To permit more than one Use of the property within the R-2 Residential District.
 - b. Section 325-136.K – To permit the max height of the WCF to be 135 feet.
 - c. Section 325-137.A(1)(a) – To permit the use of a WCF outside of the Township's right-of-way within the R-2 Residential District.
2. The plans shall be updated to contain a copy of the Decision and Order once it's available from the Zoning Hearing Board.



COMPLIANCE WITH CONDITIONAL USE STANDARDS

3. No applicant shall have the right to erect a tower to the maximum height specified unless it proves the necessity for such height. The applicant shall demonstrate that the WCF is the minimum height necessary for the service area, Section 325-136.C. In order to prove such tower height is necessary, a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, shall be submitted, Section 325-136.C(2).
4. A Conditional Use application shall be accompanied by information in graphic and/or narrative form to demonstrate to the satisfaction of the Township the technical and economic feasibility of compliance with all applicable standards, Section 325-124.A(3). The following items shall be addressed:
 - a. Screening, buffering, and landscape requirements (Theurkauf Design and Planning to comment).
 - b. A stormwater management feasibility study shall submitted for review. The stormwater analysis shall include stormwater infiltration testing results, as applicable.
 - c. Architectural Plans shall provide information with regard to the wireless provider lease areas (equipment heights, etc.).
 - d. The plans shall clarify if potable water or sewer is proposed. If neither are proposed, the plans shall note the same.
5. The Board of Supervisors may impose additional conditions that are reasonably necessary to assure that the intent of the Zoning Ordinance is complied with, Section 325-124.C(2).

COMPLIANCE WITH ZONING ORDINANCE

6. The applicant shall submit certification from a Pennsylvania professional engineer that the proposed telecommunication tower will be designed and constructed in accordance with the current Structural Standards for Steel antenna Towers and antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the West Whiteland Building Code, Sections 325-136.D, 325-136.J and 325-137.C. In order to ensure compliance with these sections, the plans shall be updated to contain an engineer's certification and signature block which states that the design meets the above noted requirements.
7. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended, Section 325-136.O. The plans shall note the same.
8. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility, Section 325-136.Z.
9. Each person that owns or operates a tower-based WCF greater than 40 feet in height shall provide the Township at the time of application a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in



the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF, Section 325-136.BB.

10. Each person that owns or operates a tower-based WCF shall execute an indemnification agreement with the Township, agreeing to, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of tower-based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification, Section 325-136.CC. A draft of the hold harmless agreement shall be provided for review.
11. All plans and drawings for a tower and antenna shall be signed and sealed by a structural engineer licensed in the Commonwealth of Pennsylvania, Section 325-136.DD. We recommend that a statement be added near the seal attesting the structural integrity of the proposed monopole structure to be adequate and based on sound engineering practices.
12. Prior to receipt of a zoning permit for the construction or placement of a tower-based WCF, the applicant shall provide to the Township financial security sufficient to guarantee the removal of the tower-based WCF. Said financial security shall remain in place until the tower-based WCF is removed, Section 325-136.EE. The plans shall note this requirement. A draft cost estimate with regard to this value of the financial security shall be submitted.
13. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be a street number sign and signage as may be required by the FCC or any other federal or state agency, Section 325-136.Q. A sign detail and location shall be clearly identified on the plans.
14. Information regarding the height of future equipment within the Wireless Communication Provider Lease Areas shall be provided in order to determine if the proposed fence height of 8 feet is sufficient, Section 325-137.D(1).
15. Written documentation shall be provided to the Township clearly indicating that the WCGC has granted an easement for the proposed facility, Sections 325-136.C(4) and 325-137.F. The draft easement with associated legal description shall be provided to the Township.
16. The plans shall note that the Township and/or its agents shall have the authority to enter the property at any time, upon reasonable notice to the operator, to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Township Code or state or federal law, Section 325-137.H.



COMPLIANCE WITH STORMWATER MANAGEMENT ORDINANCE

17. More than 1,000-sf of impervious surface is proposed, therefore, this project is not exempt from stormwater requirements, Section 270-6.B. A stormwater management study shall be provided which demonstrates that water quality, volume control, infiltration requirements, stream channel protection, and peak rate control can be adequately addressed per the Township's Stormwater Management Ordinance, Chapter 270.

GENERAL COMMENTS

18. It appears the applicants official name is "ARX Wireless Infrastructure, LLC". The applicant name on the title sheet shall be updated accordingly.
19. The plans propose the relocation of two signs along Boot Road. Additional information shall be provided in regard to their proposed relocation.
20. The monopole detail on sheet 6 shall be expanded to show the lightning rod and a maximum height of 135 feet.
21. The plans shall be updated to indicate the location of all proposed underground utility lines to the Monopole and their estimated depths.

If you have any questions please feel free to call me.

Sincerely,
Spotts, Stevens and McCoy

A handwritten signature in blue ink, appearing to read "Kent D. Morey", is written over a light blue horizontal line.

Kent D. Morey, P.E., CBLP
Senior Engineer
kent.morey@ssmgroup.com

cc: Mark Stabolepszy, P.E.



MEMORANDUM

TO: John Weller, AICP, West Whiteland Township Planning Director and Zoning Officer
Patrick Gorman, AICP, Township Assistant Planner
James Strong, Esq., McNees Wallace & Nurick

FROM: Edward A. Theurkauf, RLA, ASLA, APA
Isabelle Rocca, ASLA

DATE: May 22, 2024

SUBJECT: **REVIEW COMMENTS – ARX WIRELESS INFRASTRUCTURE LLC 200 BOOT RD
CONDITIONAL USE PLAN DATED 5-2-24**

Please note our review comments pertaining to the following documents received on 5-15-24, and to a site visit on 5-20-24:

- Conditional Use Site Plan by Howell Engineering, consisting of 7 sheets and;
- Conditional Use Application Narrative

**REVIEW COMMENTS – ARX WIRELESS INFRASTRUCTURE LLC 200 BOOT RD
CONDITIONAL USE PLAN DATED 5-2-24**

May 22, 2024

1. Conditional Use Requirements – Section 325-124.A of the zoning ordinance (ZO) requires that the conditional use plan demonstrate feasibility of compliance with all pertinent requirements, including buffering, screening, and landscaping. Further, the following specific standards apply:
 - a) Section 325-124.C.1.h (ZO) requires that the proposed development shall not substantially injure or detract from the character of the neighborhood. Vegetative screening from Boot Road is required per comment 2.
 - b) Section 325-124.C.1.g (ZO) requires that the natural features on the site shall not suffer unmitigated degradation. The plan requires revision to demonstrate feasible compliance with compensatory planting requirements (comment 3).
2. Site Element Screens - Section 325-137.D(2) (ZO) requires landscaping to screen as much of a newly constructed tower-based WCF as possible. Section 281-35.G(1)(c) (SLDO) requires yard screens around utility towers. In addition, section 281-35.B.3 (SLDO) states that fences shall be used in conjunction with required landscaping, not to replace it.

For effective screening from Boot Rd. and recreational use on the property section 281-35.G(5) requires a yard screen comprised of:

- Evergreen trees 15' on center, in a double staggered row to allow for growth
- Large shrubs 4' on center along the outer perimeter of the evergreen trees.

The plan should be revised to show a yard screen of evergreen trees and shrubs where the proposed compound and fence will be in direct view of Boot Rd. and the West Chester Gun Club parking lot. The screen shall be planted beyond the area of disturbance to maximize buffering impact.

3. Tree Removal and Compensatory Plantings – Section 281-34.D(1) (SLDO) requires that every effort be made to preserve mature trees and other significant existing vegetation. Compensatory plantings per section 281-34.G (SLDO) are required for mature trees that are removed. The site has wooded edges that buffer the site from Boot Rd. and Rt. 100. Some mature trees in this wooded edge will be cleared for this development.
 - a) The plan should be revised to show the area of area of disturbance within existing woodland areas.
 - b) All trees 12" or larger within the area of disturbance and 25 feet beyond shall be inventoried by species and size so that tree removal impact and feasibility of meeting the compensatory tree planting requirement can be determined.

4. Tree Protection Standards – Section 281-34.D(2) establishes a critical root zone extending from the tree trunk a distance equal to 12 times the trunk diameter, or to the tree's dripline,

**REVIEW COMMENTS – ARX WIRELESS INFRASTRUCTURE LLC 200 BOOT RD
CONDITIONAL USE PLAN DATED 5-2-24**

May 22, 2024

whichever distance is greater. Thus, a two-foot DBH tree would have a circular critical root zone with a minimum radius of 24 feet. Sensitive or historically significant trees will have larger critical root zones that should be established by an experienced arborist. The critical root zone shall be kept free of disturbance for any tree to be disturbed and protected with fencing as specified in section 281-34.D.4.a (SLDO).

The plan does not show any tree protection measures and shall be revised accordingly.

5. Landscape Plan –A landscape plan prepared by a registered landscape architect per section 281-33.C.7 will be required to demonstrate compliance with screening, compensatory tree, and tree protection standards.
6. Conclusion – The following shall be resolved prior to conditional use approval:
 - Vegetated screen plantings
 - Compensatory tree planting

Please contact this office with any questions.

**APPLICATION NARRATIVE
ARX WIRELESS INFRASTRUCTURE LLC
WEST WHITELAND**

I. INTRODUCTION

ARX Wireless Infrastructure LLC (the “Applicant”) intends to construct a tower-based wireless communications facility (“WCF”, the “Facility”) on property located at 200 East Boot Road, West Chester, Pennsylvania identified as Tax Parcel No. 4105 02840000 (the “Property”) in West Whiteland Township (the “Township”) in order for T-Mobile to relocate its antennas. The Property is located in the Township’s R-2 Residential District (the “R-2 District”). Pursuant to Section 325-137.A(1)(a) of the Township’s Zoning Ordinance (the “Zoning Ordinance”), a tower-based WCF that is located outside of the right-of-way is only permitted in the I-1 Limited Industrial District (the “I-1 District”) and the I-2 General Industrial District (the “I-2 District”) by conditional use approval. Although a tower-based WCF is not permitted in the R-2 District, on April 25, 2024, the Township Zoning Hearing Board (the “Zoning Hearing Board”) held a hearing and, at the conclusion of the hearing, it granted a variance from Section 325-137.A(1)(a) of the Zoning Ordinance, to permit the Facility on the Property in the R-2 District.¹

The proposed Facility includes construction of an approximately one hundred thirty (130’) foot tall monopole support structure (i.e., tower) topped with a five (5’) foot tall lightning rod, for a total overall structure height of one hundred thirty-five (135’) feet. The Applicant intends to have T-Mobile install its antennas on the tower at a centerline elevation of one hundred thirty (130’) feet above ground level. The Facility is designed to include an equipment compound that is enclosed by an approximately eight (8’) foot tall commercial grade vinyl fence and a gate. The Applicant intends to construct an approximately twelve (12’) foot wide combination paved/gravel access driveway within a twenty-five (25’) foot wide access easement to access the Facility from East Boot Road (SR 2020). A zoning plan that depicts the proposed Facility is enclosed (the “Plan”).

II. BACKGROUND

The Property is located southeast of land located at 51 East Boot Road and identified as Tax Parcel No. 4105 0270000U that is owned by Philadelphia Electric Company (the “PECO Land”). The PECO Land includes two (2) existing High Voltage Transmission Towers (“HVTT”) with sets of overhead electric transmission lines. Additionally, attached to the HVTTs are four (4) tower-based WCFs that are designed and constructed as Power Mount Poles (i.e., Fort Worth Towers). Power Mount Poles are erected alongside and attached to the HVTTs. The tops of the tower-based WCFs extend above the tops of the HVTTs, as do the antennas. In fact, the antennas extend above the overhead electric transmission lines. Finally, ground mounted equipment that is part of the

¹ Additionally, as further described in this Narrative, as part of the same approval on April 25, 2024, the Zoning Hearing Board granted variances from: (i) Section 325-10.B of the Zoning Ordinance, to permit more than one (1) use on the Property in the R-2 District; and (ii) Section 325-136.K of the Zoning Ordinance, to permit the height of the proposed tower to be one hundred thirty-five (135’) feet.

tower-based WCFs is located at the bases of these HVTTs. The PECO Land is located in the R-3 Residential District (the “R-3 District”). Pursuant to the Zoning Ordinance, tower-based WCFs that are located outside the rights-of-way are not permitted in the R-3 District.

T-Mobile is one (1) of the three wireless communications service providers that have antennas and equipment attached to one (1) of the Power Mount Poles attached to one (1) of the HVTTs (“HVTT Cell Site”). T-Mobile has identified several inherent risks and issues caused by the current design and configuration of the HVTT Cell Site and its antennas. First, the current Power Mount Pole is inadequate to handle T-Mobile’s equipment and network upgrades that are necessary to provide for the efficient operation of its system and adequate and reliable wireless communications service to the area of the Township surrounding the PECO Land and the Property. Second, the current design and configuration of the HVTT Cell Site makes it unsafe for T-Mobile’s service technicians to work around the overhead, high voltage electric transmission lines. Next, in order for T-Mobile’s service technicians to perform any service or maintenance activities at the current HVTT Cell Site, T-Mobile must coordinate with PECO to schedule planned power outages. Because of several factors, PECO typically postpones, or outright cancels scheduled power outages. For the same reasons, in the event of storms and equipment failures at its HVTT Cell Site, T-Mobile typically experiences lengthy delays in urgent troubleshooting and servicing. This results in inefficiencies in the operation of its system and inadequate and unreliable wireless communications service (including 911) to the area of the Township surrounding the PECO Land and the Property for extended periods of time.

Therefore, the Applicant proposes to construct the Facility as a new tower-based WCF on the Property across East Boot Road from the PECO Land. The requested relief, if granted, will enable construction of the Applicant’s Facility and allow T-Mobile to decommission its HVTT Cell Site and relocate to the Facility on the Property, so as to help eliminate: (i) unsafe high voltage working conditions; (ii) power outages; and (iii) lengthy troubleshooting and servicing delays. If the requested relief is granted, it will enable construction of the Facility that is able to accommodate all necessary equipment and enhancements to provide for the efficient operation of T-Mobile’s system and adequate and reliable wireless communications service to the area of the Township surrounding the PECO Land and the Property.

III. REQUEST FOR RELIEF – CONDITIONAL USE APPROVAL

A. Conditional Use Approval to Permit the Facility on the Property in the R-2 District (Section 325-137.A(1)(a))

Pursuant to Section 325-137.A(1)(a) of the Zoning Ordinance, a tower-based WCF that is located outside of the right-of-way is permitted only in the I-1 District and the I-2 District by conditional use approval. Although a tower-based WCF is not permitted in the R-2 District, on April 25, 2024, the Zoning Hearing Board held a hearing and, at the conclusion of the hearing, it granted a variance from Section 325-137.A(1)(a) of the Zoning Ordinance, to permit the Facility on the Property in the R-2 District. Therefore, the Applicant requests that the Board grant conditional use approval pursuant to Section 325-137.A(1)(a)

of the Zoning Ordinance, to permit the construction of the Facility on the Property in the R-2 District in order for T-Mobile to relocate its antennas. The specific requirements that apply to a tower-based WCF that is located outside of the right-of-way are set forth in Section 325-136, Section 325-137 and Section 325-139 of the Zoning Ordinance. The applicable requirements are reproduced (or summarized) in bold below. A brief discussion follows each requirement.

Section 325-136

General requirements for all tower-based wireless communications facilities. The following regulations shall apply to all tower-based wireless communications facilities in the Township:

Section 325-136.A

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

At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the Facility is designed and proposed to be constructed in compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. If the Application is approved, the Applicant agrees to operate, maintain, repair, modify and/or remove, as applicable, the Facility in accordance with the applicable requirements of Section 325-136.A of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-136.B

Notice. Upon submission of an application for a tower-based WCF and the scheduling of the public hearing upon the application, the

applicant shall mail notice to all owners of every property within 300 feet of the proposed facility and otherwise comply with the notice provisions of § 325-124B(6). The applicant shall provide proof of the notification to the Township.

At the hearing, the Applicant will present testimony and documentation demonstrating that the Applicant mailed notices of the public hearing on the Application to the owners of every property within three hundred (300') feet of the proposed Facility in compliance with the applicable notice requirements of Section 325-136.B of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-136.C

Conditional use authorization required. Tower-based WCFs are permitted in certain zoning districts and along certain public rights-of-way by conditional use and only in such location within such districts and at a height necessary to satisfy their function in the applicant's wireless communications system. No applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The applicant shall demonstrate that the antenna/tower/pole for the tower-based WCF is the minimum height necessary for the service area.

As described in this Narrative, on April 25, 2024, the Zoning Hearing Board held a hearing and, at the conclusion of the hearing, it granted a variance from Section 325-137.A(1)(a) of the Zoning Ordinance, to permit the Facility on the Property in the R-2 District. As depicted on the Plan, the height of the proposed tower is designed to be approximately one hundred thirty (130') feet with a five (5') foot tall lightning rod, for a total overall structure height of one hundred thirty-five (135') feet. T-Mobile proposes to install antennas on the proposed tower at a centerline elevation of one hundred thirty (130') feet above ground level. At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the height of the proposed antennas and tower are the minimum necessary for T-Mobile to satisfy the objectives for this site in the service area. Given the foregoing, the Application complies with this requirement.

Section 325-136.C(1)

Prior to the Board's approval of a conditional use authorizing the construction and installation of tower-based WCF in a zoning district where the same is a permitted conditional use, it shall be incumbent upon

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

At the hearing, the Applicant will present testimony and supporting documentation demonstrating that: (i) T-Mobile cannot adequately extend or infill its communications system by the use of equipment such as radomes, repeaters, antenna(s) and other similar equipment installed on existing structures; (ii) the proposed Facility must be located where it is proposed in order to serve the service area; and (iii) no other viable alternative location exists to satisfy its objectives for this site in the service area. Given the foregoing, the Application complies with this requirement.

Section 325-136.C(2)

The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment.

Enclosed are propagation studies evidencing the need for the proposed Facility. At the hearing, Applicant will present testimony and supporting documentation further evidencing the need for the proposed Facility. Given the foregoing, the Application complies with this requirement.

Section 325-136.C(3)

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

Enclosed are copies of the PennDOT Bureau of Aviation and Federal Aviation Administration ("FAA") determinations, demonstrating that the Facility complies with all applicable federal and state laws and regulations concerning aviation safety. Given the foregoing, the Application complies with this requirement.

Section 325-136.C(4)

Where the tower-based WCF is located on a property with another principal use, the applicant shall present documentation to the Board that the owner of the property has granted an easement for the proposed WTF and that vehicular access will be provided to the facility.

As depicted on the Plan, the proposed Facility is designed to be located on the Property which includes the existing West Chester Gun Club (the "WCGC"), a principal use. The Applicant intends to construct a twelve (12') foot wide combination paved/gravel access driveway within a twenty-five (25') foot wide access easement granted to the Applicant by the Property owner, so as to access the Facility from East Boot Road. Given the foregoing, the Application complies with this requirement.

Section 325-136.D

Engineer inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a tower-based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the applicable engineering inspection requirements of Section 325-136.D of the Zoning Ordinance, as part of the subsequent permit approval process. Given the foregoing, the Application complies with this requirement.

Section 325-136.E

Visual appearance and compatibility with surroundings. Tower-based WCFs shall employ stealth technology. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. In evaluating applications, the Board of Supervisors shall consider whether

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

As depicted on the Plan, the Facility is designed to include a self-supporting monopole (i.e., tower) that does not require any guy wires. The tower is designed to have a non-reflecting, galvanized finish that is weathered gray in color. At the hearing, the Applicant will present testimony describing that it is the Applicant's experience that the proposed weathered, galvanized gray color blends in best with different backgrounds, including the existing surroundings. See responses to Sections 325-137.D and 325-137.E of the Zoning Ordinance describing the required and proposed fencing and landscaping treatments that help to screen the equipment from public view, including preservation of the existing mature trees that are to the north, south and west of the Facility to the maximum extent possible. Given the foregoing, the Application complies with this requirement.

Section 325-136.F

Co-location and siting. An application for a new tower-based WCF shall not be approved unless the Township finds that the antenna and related equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building, or on Township property. The Board of Supervisors may deny an application to construct a new tower-based WCF if the applicant has not made a good faith effort to mount the antenna(s) on an existing structure as set forth in this section. The applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a 1/4 of a mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

- (1) The proposed antenna and related equipment would exceed the structural**

capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

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

At the hearing, the Applicant will present testimony and supporting documentation addressing the co-location and siting requirements of Section 325-136.F of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-136.G

Permit required for modifications. To the extent permissible under applicable state and federal law, any applicant proposing the modification of an existing tower-based WCF, which increases the overall height of such WCF, shall first obtain a permit from the Township Zoning Officer. Modifications that do not fall under the Pennsylvania WBCA shall be prohibited without a zoning permit.

Acknowledged. No response necessary.

Section 325-136.H

Gap in coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the

Township's decision on an application for approval of tower-based WCFs.

At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the proposed Facility is the least-intrusive means to fill the gap in wireless coverage. Given the foregoing, the Application complies with this requirement.

Section 325-136.I

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

At the hearing, the Applicant will present testimony and documentation confirming that if the Application is approved, the Applicant will permit other service providers to co-locate antennas on the Facility in instances where technically and economically feasible. Given the foregoing, the Application complies with this requirement.

Section 325-136.J

Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E, as amended).

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

Section 325-136.K

Height. Any tower-based WCF shall be designed at the minimum functional height. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any tower-based WCF, which is not located in the public ROW, shall not

exceed 120 feet, as measured vertically from the ground level, including any base pad, to the highest point on the structure, including antennas and subsequent alterations. Should the applicant prove that another provider of wireless communications services has agreed to co-locate antennas on the applicant's tower-based WCF and requires a greater tower height to provide satisfactory service for wireless communications than is required by the applicant, the total height of such tower-based WCF may exceed 120 feet if authorized by the Board of Supervisors; however, in no event shall the tower-based WCF exceed 150 feet.

As depicted on the Plan, the height of the proposed tower is designed to be approximately one hundred thirty-five (135') feet as measured to the highest point of the structure (i.e., the lightning rod) and to accommodate the antennas of T-Mobile and three (3) future carriers. While Section 325-136.K of the Zoning Ordinance generally limits the heights of towers to not more one hundred twenty (120') feet, this section includes express language permitting tower heights of up to one hundred fifty (150') feet under certain circumstances. On April 25, 2024, the Zoning Hearing Board held a hearing and, at the conclusion of the hearing, it granted a variance from Section 325-136.K of the Zoning Ordinance, to permit the height of the proposed tower to be one hundred thirty-five (135') feet as measured to the highest point. At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the location of the proposed Facility and the height of the proposed antennas and tower are the minimum necessary for T-Mobile to satisfy the objectives for this site in the service area. Given the foregoing, the Application complies with this requirement.

Section 325-136.L

Related equipment building. Any building or other structure housing related equipment shall comply with the required yard and height requirement of the applicable zoning district for an accessory structure.

At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the equipment is required and designed to comply with the applicable yard and height requirements for accessory structures in the R-2 District. Given the foregoing, the Application complies with this requirement.

Section 325-136.M

Public safety communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other

communication services enjoyed by occupants of nearby properties.

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

Section 325-136.N

Maintenance. The following maintenance requirements shall apply:

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

As depicted on the Plan, the proposed Facility is designed and intended to be fully automated. At the hearing, the Applicant will present testimony confirming that the Facility is to remain unattended on a daily basis and visited only for routine maintenance and emergency repairs. If the Application is approved, the Applicant agrees to comply with the applicable maintenance requirements of Section 325-136.N of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-136.O

Radio frequency emissions. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

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

Section 325-136.P

Historic buildings or districts. No tower-based WCF may be located on a lot

containing a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, a historic structure, a historic resource or is included in or adjacent to a certified historic district.

At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the Property upon which the Facility is to be located does not contain a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, a historic structure, a historic resource or is included in or adjacent to a certified historic district². Given the foregoing, the Application complies with this requirement.

Section 325-136.Q

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

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

Section 325-136.R

Lighting. Lighting shall be in accordance with § 281-48 of Chapter 281, Subdivision and Land Development, of the Code of the Township of West Whiteland.

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

Section 325-136.S

Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in

² Certified historic districts are depicted on the Historic Resources Map referenced in Section 325-93.A(1) of the Zoning Ordinance.

excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the noise requirements of Section 325-136.S of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-136.T

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

See response to Section 325-136.C(3) of the Zoning Ordinance confirming the Facility complies with all applicable federal and state laws and regulations concerning aviation safety. Given the foregoing, the Application complies with this requirement.

Section 325-136.U

Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities in accordance with § 325-126, Review fees for professional consultants, of the Zoning Ordinance.

Acknowledged. No response required.

Section 325-136.V

Timing of approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a

fully completed application for the approval of such tower-based WCF and the Township shall advise the applicant, in writing, of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one-hundred-fifty-day review period.

Acknowledged. No response required.

Section 325-136.W

Nonconforming uses. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this article. Co-located non-tower WCFs shall be permitted on nonconforming tower-based WCFs and other nonconforming structures.

Acknowledged. No response required.

Section 325-136.X

Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

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

of removal assessed against the owner of the WCF.

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

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the removal requirements of Section 325-136.X of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-136.Y

Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring, and related costs. Such fees shall be adopted and adjusted by annual Resolution of the West Whiteland Township Board.

Acknowledged. No response required.

Section 325-136.Z

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

At the hearing, the Applicant will submit copies of the current FCC licenses issued to T-Mobile to provide service in this area, as well as the required information set forth in Section 325-136.Z of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-136.AA

Reservation of rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any non-tower WCF for numerous factors, including but are not limited to, visual impact, design, and safety standards.

Acknowledged. No response required.

Section 325-136.BB

Insurance. Each person that owns or operates a tower-based WCF greater than 40 feet in height shall provide the Township at the time of application a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF. Each person that owns or operates a tower-based WCF 40 feet or less in height shall provide the Township at the time of application a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.

Enclosed is a certificate of insurance evidencing general liability coverage in accordance with the requirements of Section 325-136.BB of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-136.CC

Indemnification. Each person that owns or operates a tower-based WCF shall execute an indemnification agreement with the Township, agreeing to, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was

caused by the construction, installation, operation, maintenance or removal of tower-based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the indemnification requirements of Section 325-136.CC of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-136.DD

Engineer signature. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer licensed in the Commonwealth of Pennsylvania.

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

Section 325-136.EE

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

At the hearing, the Applicant will present testimony confirming that if the Application is approved, the Applicant agrees to comply with the financial security requirements of Section 325-136.EE of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-137

Tower-based facilities outside rights-of-way. The following additional regulations shall apply to tower-based wireless communications facilities located outside the rights-of-way:

Section 325-137.A

Development regulations.

Section 325-137.A(1)

Location.

Section 325-137.A(1)(a)

Such tower-based WCFs may be located in the following zoning districts by conditional use:

- [1] I-1 Limited Industrial District.**
- [2] I-2 General Industrial District.**

As depicted on the Plan, the Facility is designed to be located on the Property in the R-2 District. Although a tower-based WCF is not permitted in the R-2 District the Zoning Hearing Board granted a variance from Section 325-137.A(1)(a) of the Zoning Ordinance to permit the Facility on the Property in the R-2 District. Further, the Applicant requests that the Board grant conditional use approval pursuant to Section 325-137.A(1)(a) of the Zoning Ordinance, to permit the construction of the Facility on the Property in the R-2 District.

Section 325-137.A(1)(b)

Such tower-based WCFs shall not be located within 75 feet of any underground utility.

As depicted on the Plan, the tower is required and designed to be set back distances at least seventy-five (75') feet from underground utility lines. Given the foregoing, the Application complies with this requirement.

Section 325-137.A(2)

Sole use on a lot. A tower-based WCF shall be permitted as a sole use on a lot. The lot shall meet the minimum lot area of the district in which it is located. The minimum distance between the base of a tower-based WCF and any adjoining property line or street right-of-way line shall equal 40% of the proposed WCF structure height.

As depicted on the Plan, the proposed Facility is designed to be located on the Property which includes the WCGC, an existing recreational use. The Facility is not intended to be the sole use of a vacant lot. Therefore, this requirement is not applicable.

Section 325-137.A(3)

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

Section 325-137.A(3)(a)

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

As depicted on the Plan, the Facility is designed to be located on the Property which includes the WCGC, an existing recreational use. Pursuant to Section 325-10.B(3) of the Zoning Ordinance, recreational uses are permitted in the R-2 District. Given the foregoing, the Application complies with this requirement.

Section 325-137.A(3)(b)

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

As depicted on the Plan, the Facility is designed to include a 60' x 60' (approx. 3,600 SF) fenced compound within a 75' x 75' lease area (approx. 5,625 SF) upon the approximately 22.187-acre (gross) Property. The Property complies with the applicable requirements of the R-2 District. The Property is large enough to accommodate the Facility. Given the foregoing, the Application complies with this requirement.

Section 325-137.A(3)(c)

Minimum setbacks. The foundation of the tower-based WCF shall be set back from a residential property line (not lease line) by at least 100 feet and shall be set back from any other property line (not lease line) by at least 75 feet.

As depicted on the Plan, the foundation of the tower is required and designed to be set back distances at least: (i) 100 feet from the nearest residential lot line; and (ii) 75 feet from all other lot lines. Given the foregoing, the Application complies with this requirement.

Section 325-137.B

Design regulations.

Section 325-137.B(1)

The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. In addition to the design requirements enumerated in this article, the application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

See response to Section 325-136.E of the Zoning Ordinance describing the Facility's proposed type, design, materials, colors and screening treatments. At the hearing, the Applicant will present testimony and documentation demonstrating that the Facility is

designed to blend with the surrounding environment and minimize aesthetic impact. Given the foregoing, the Application complies with this requirement.

Section 325-137.B(2)

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

Acknowledged. No response required.

Section 325-137.B(3)

Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.

As depicted on the Plan, the Facility is designed to accommodate T-Mobile's antennas and the antennas of three (3) other providers. At the hearing, the Applicant will present testimony and supporting documentation demonstrating that the Facility is designed structurally, electrically and in all other applicable respects to accommodate both T-Mobile's antennas and comparable antennas for future users. Given the foregoing, the Application complies with this requirement.

Section 325-137.B(4)

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

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

Section 325-137.C

Surrounding environs. The applicant shall submit certification from a Pennsylvania-registered professional engineer that the proposed telecommunication tower will be designed and constructed in accordance with the current Structural Standards for Steel antenna Towers and antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the West Whiteland Building Code.

At the hearing, the Applicant will present testimony and documentation demonstrating that the tower is designed and proposed to be constructed in accordance with the applicable standards of the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and the applicable requirements of the Township Building Code. Given the foregoing, the Application complies with this requirement.

Section 325-137.D

Fence/screen.

Section 325-137.D(1)

A security fence having a minimum height of six feet and a maximum height of 12 feet shall completely surround any tower-based WCF greater than 40 feet in height, as well as guy wires, or any building housing WCF equipment. Such fence shall be of board-on-board construction or another completely opaque type acceptable to the Township. The fence opacity limit established in § 325-29A shall not apply to fences erected pursuant to this § 325-137A(4)(a).

As depicted on the Plan, the base of the Facility is designed so as to be surrounded by an approximately eight (8) foot tall commercial grade vinyl fence (i.e., opaque) and a gate. Given the foregoing, the Application complies with this requirement.

Section 325-137.D(2)

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

As depicted on the Plan, the base of the Facility is designed so as to be surrounded by an approximately eight (8') foot tall commercial grade vinyl fence (i.e., opaque) and a gate to screen the base of the Facility. Further, to the maximum extent possible, the Applicant intends to preserve existing mature trees that are to the north, south and west of the Facility so as to screen the base of the Facility. Given the foregoing, the Application complies with this requirement.

Section 325-137.E

Accessory equipment.

Section 325-137.E(1)

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

See responses to Sections 325-137.D(1) and 325-137.D(2) of the Zoning Ordinance describing the required and proposed fencing and landscape screening treatments designed to surround the base of the Facility. Therefore, the proposed equipment is designed so as to be screened from public view by these treatments. Given the foregoing, the Application complies with this requirement.

Section 325-137.E(2)

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

At the hearing, the Applicant will present testimony and documentation demonstrating that the proposed accessory structures will be designed so as to blend into the surrounding environment and comply with the applicable accessory setback requirements of the R-2 District. Given the foregoing, the Application complies with this requirement.

Section 325-137.F

Access road. An access road of at least nine feet in width, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

As depicted on the Plan, access to the Facility from East Boot Road is designed to be provided via an approximately twelve (12') foot wide combination paved/gravel access driveway within a twenty-five (25') foot wide access easement. The proposed access driveway and parking are designed with turnaround space in order to provide adequate emergency and service access to the tower-based WCF. The proposed access driveway is

designed in compliance with the applicable provisions of Section 325-137.F of the Zoning Ordinance. Given the foregoing, the Application complies with this requirement.

Section 325-137.G

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

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

Section 325-137.H

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

Acknowledged. No response required.

Section 325-139

Police powers. The Township, by granting any permit or taking any other action pursuant to this article, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.

Acknowledged. No response required.

B. General Standards for Conditional Uses (Section 325-124.C(1))

The general standards for conditional uses are set forth in Section 325-124.C(1) of the Zoning Ordinance. In order to provide for the efficient operation of T-Mobile's system and adequate and reliable wireless communications service to the area of the Township surrounding the PECO Land and the Property, it is necessary to construct the Facility on a portion of the Property in the R-2 District.

The proposed Facility is a low-impact, low-intensity use designed to be located within a small leased area on an underutilized portion of the larger Property which also includes the WCGC, a permitted non-residential use. The Zoning Ordinance contemplates the Facility on the Property, as Section 325-137.A(3) of the Zoning Ordinance includes express language stating that a tower-based WCF is permitted to be located on a property

with an existing non-residential use. Additionally, Section 325-136.C(4) of the Zoning Ordinance includes language regarding a tower-based WCF located on a property with another use. In fact, on April 25, 2024, the Zoning Hearing Board granted two (2) variances from the Zoning Ordinance, to permit the Facility on the Property in the R-2 District, including: (i) Section 325-137.A(1)(a) to permit the Facility on the Property in the R-2 District; and (ii) Section 325-10.B to permit more than one (1) use on the Property in the R-2 District.

The Facility is designed to be located on an underutilized portion of the Property owned and operated by the WCGC, so as to minimize the impacts on the existing on-site operations and the amount of earth disturbance, mature vegetation removal, impervious surface, stormwater runoff and length of utility service extensions. Further, the proposed Facility is designed to be located on the northwestern portion of the Property as to avoid on-site features, including the recreational facilities and overhead electric service lines that are located to the east. Construction of the Facility on the Property will also provide financial assistance to the WCGC.

The Facility is designed to be located so that the existing mature vegetation is to be preserved to the maximum extent possible and the proposed fence serve as screening treatments. Further, the proposed Facility is a low-impact use and will generate minimal traffic on the existing, nearby roads. The Facility is designed to be unmanned and therefore not require connection to sewer or water services. The proposed Facility will be served by electric and telephone utilities. T-Mobile's technician will visit the Facility semi-monthly (i.e., 1-2 times per month) to test and maintain the equipment and facilities. The technician will access the site in a SUV or light-duty truck via an approximately twelve (12') foot wide combination paved/gravel access driveway within a twenty-five (25') foot wide access easement connecting to East Boot Road. No access is proposed to Route 100 which adjoins the Property.

The size, location and nature of the operation of the Facility are less intensive than other uses currently existing or permitted in the R-2 District and the neighborhood, in that the Facility is a low-impact, low-intensity use, requiring or generating significantly less land area, lot coverage, stormwater runoff, vehicle trips, and utility services than other uses currently existing or permitted in the R-2 District and the neighborhood. Certainly, there are other tower-based WCFs and HVTTs with overhead electric transmission lines located on the PECO Land that is located northwest of the Property, directly across East Boot Road. The size, location, and nature of the operation of the Facility will not overcrowd the Property or the Facility, and the Property and the Facility are each adequately sized, designed and located to accommodate the existing and proposed uses and operations.

As demonstrated in the Application, the Facility is designed and is proposed to be operated in compliance with all applicable specific requirements that apply to a tower-based WCF that is located outside of the right-of-way set forth in Section 325-136, Section 325-137 and Section 325-139 of the Zoning Ordinance. The proposed Facility is designed and proposed to be operated in a manner generally consistent and compatible with elements of

the Township's land use planning, as well as the spirit, purpose and intent of the Zoning Ordinance (see Section 325-2).

The Facility is designed and proposed to be operated so as to support and further the public interest, convenience health, safety, morals and general welfare. The Facility and the Property are suitability sized and located so as to accommodate the proposed Facility. The Facility is an appropriate use of the Property and an appropriate use in the area around the Property. The Facility will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood. The Facility is designed and proposed to be operated so as to not cause unmitigated degradation of existing on-site and adjacent natural features and historic resources.

The Facility is designed so as to limit the total number of access points and reduce the need for on-street parking. The proposed Facility is designed and proposed to be operated so as to not have substantially adverse effects relating to congestion on the roads or highways, public safety relating to fire, panic and other dangers, adequacy of light and air, overcrowding of land, and adequacy of public and community services. The proposed Facility is an appropriate use of land and is reasonable in terms of the logical, efficient and economical extension of public services and facilities, including, but not limited to police and fire protection and transportation. The Facility will not generate impacts on public water, public sewers or schools.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Board grant the requested conditional use approval.



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2023-AEA-14752-OE

Issued Date: 12/01/2023

Keith Drucker
 Arx Wireless Infrastructure, LLC
 110 Washington Avenue
 North Haven, CT 06473

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole PA0305 West Whiteland
 Location: West Chester, PA
 Latitude: 40-00-32.80N NAD 83
 Longitude: 75-36-47.20W
 Heights: 539 feet site elevation (SE)
 150 feet above ground level (AGL)
 689 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 06/01/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Scott Desmarais, at (404) 305-6429, or roger.s-ctr.desmarais@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AEA-14752-OE.

Signature Control No: 603387651-606014392

(DNE)

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Case Description

Frequency Data

Map(s)

cc: FCC

Case Description for ASN 2023-AEA-14752-OE

Proposing to install a monopole structure within a leased space for future carrier colocations.

Frequency Data for ASN 2023-AEA-14752-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

