



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 11, 2002

S. Leonard Rottman
Adelberg, Rudow, Dorf & Hendler, LLC
600 Mercantile Bank & Trust Building
2 Hopkins Plaza, Baltimore, MD 21201

Dear Mr. Rottman,

RE: 28 Allegheny Avenue Telecommunication Facility
Spirit and Intent Case No. 97-130-X, 9th Election District

Your letter addressed to Mr. Jablon, dated April 1, 2002 has been referred to me for reply. After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

The proposed additional equipment cabinet is considered to be within the "spirit and intent" of Zoning Case No. 97-130-X. You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

Please prepare and submit to this office an amended version of the site plan submitted in Zoning Case No. 97-130-X clearly showing the addition and other collateral changes, including a signature block titled:

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE
PLAN AND ORDER IN ZONING CASE No. 97-130-X

Signed By

Date

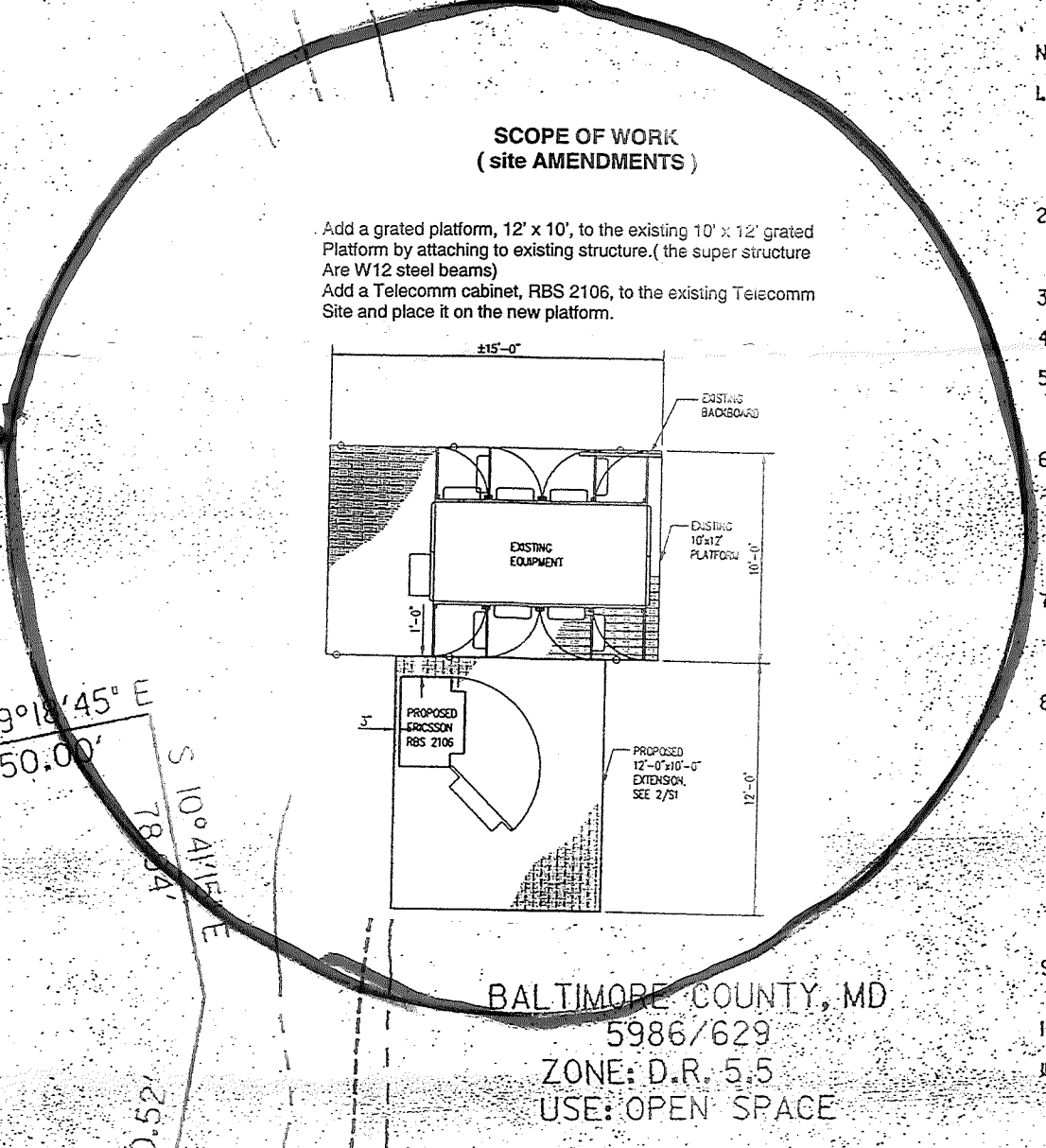
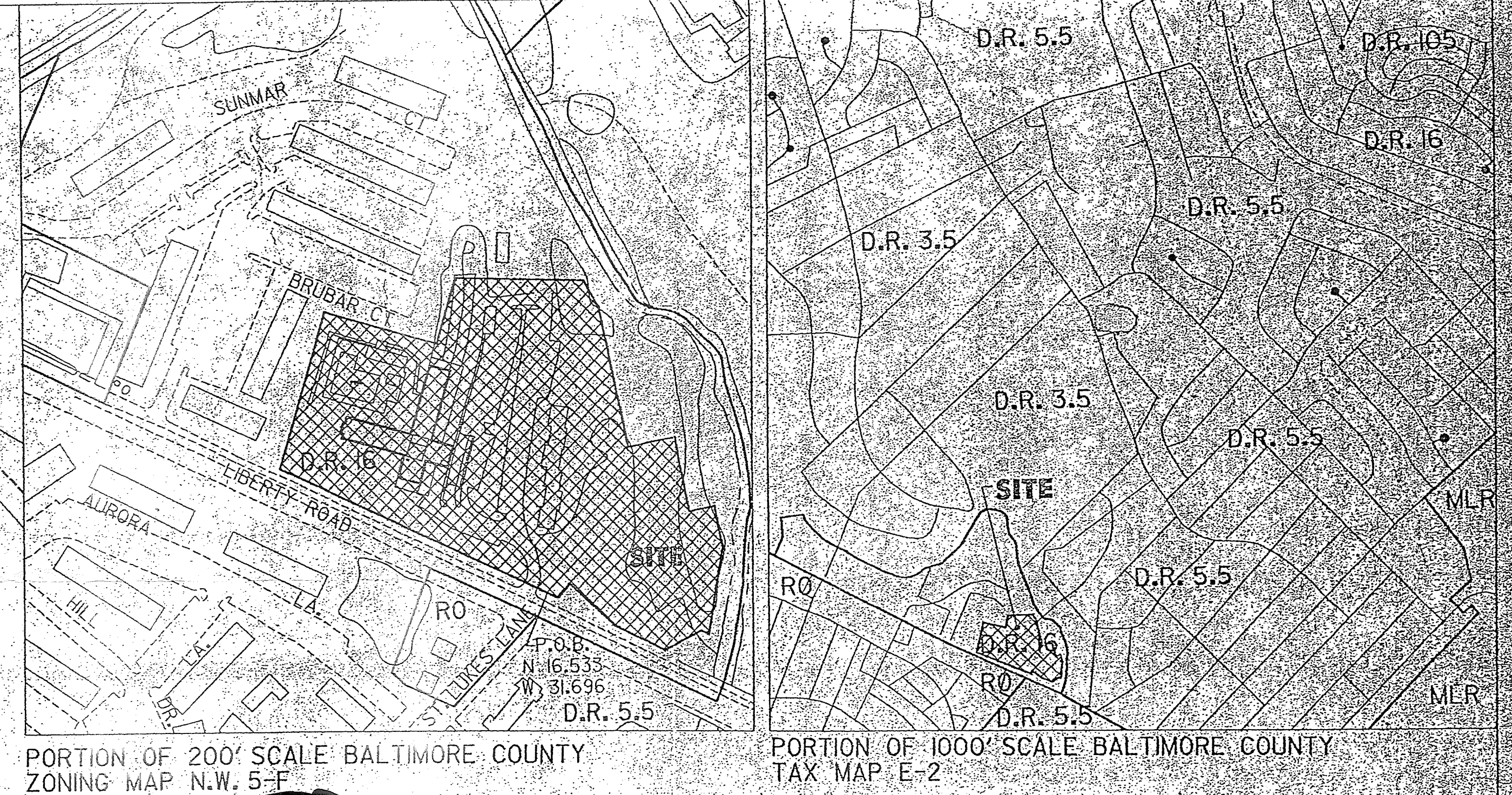
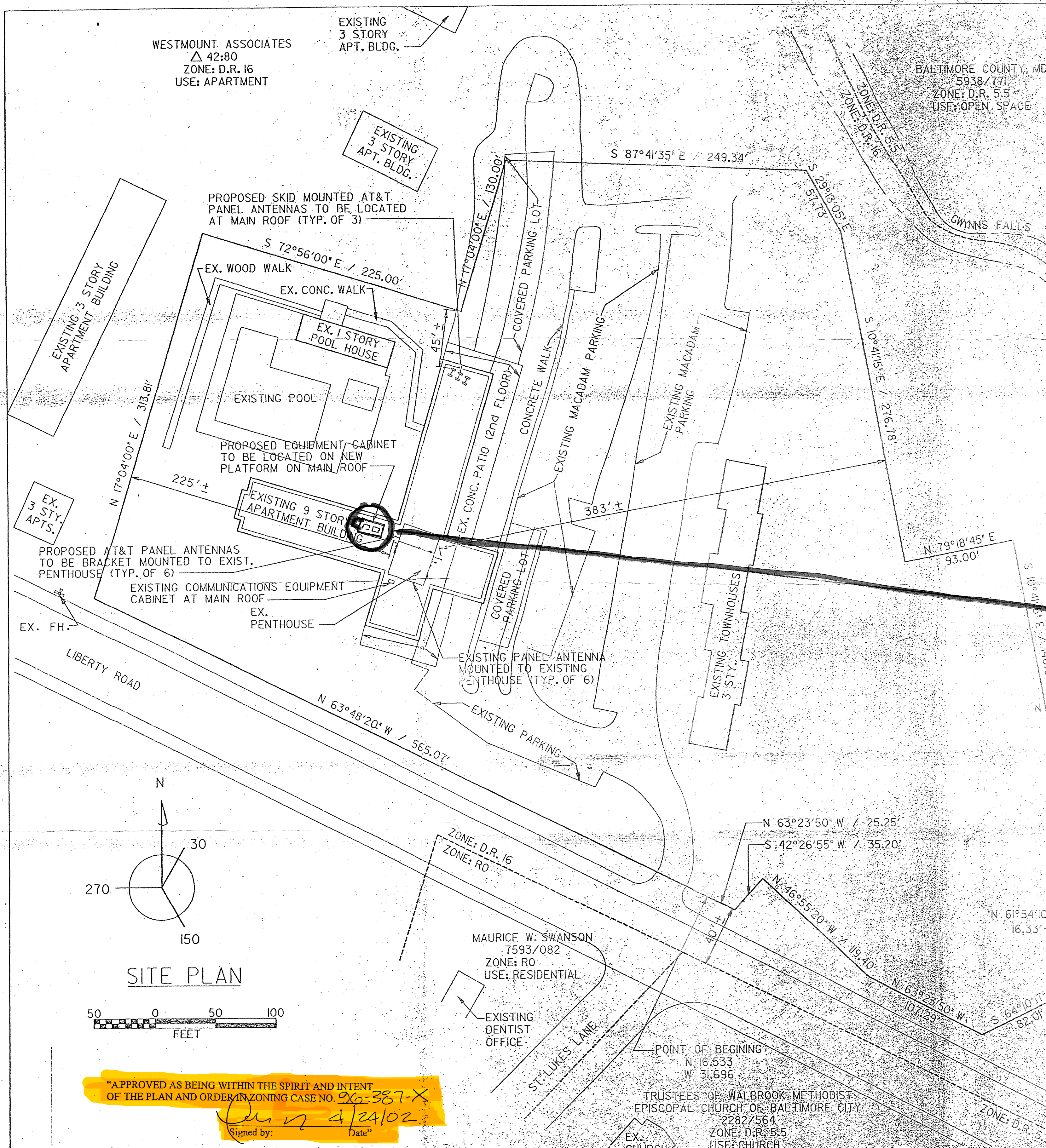
This amended plan will be included in the zoning case file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley".

Lloyd T. Moxley
Planner II, Zoning Review

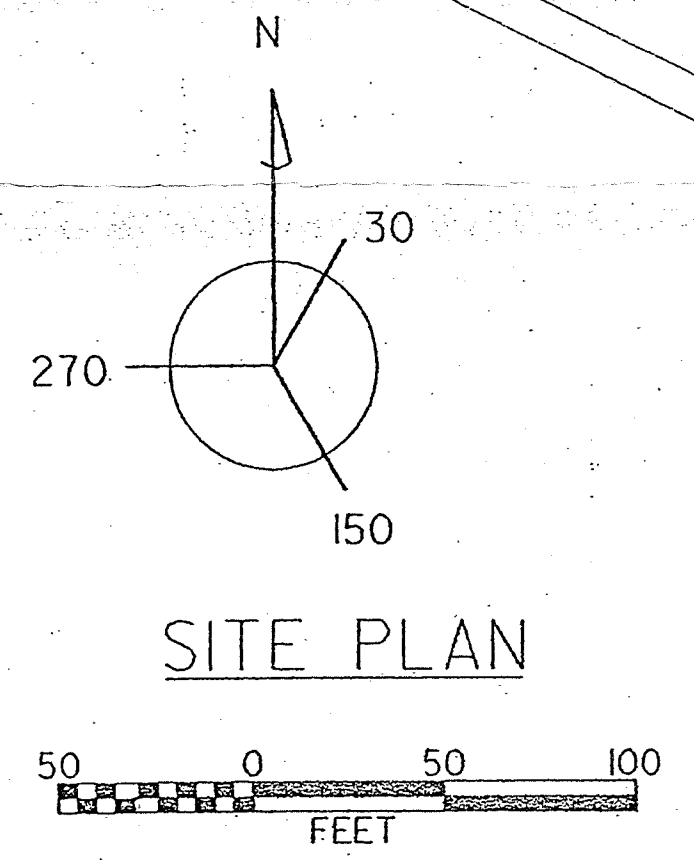


- NOTES:
- Current owner and street address: City Partners LTD-DLW, 6800 Liberty Road, Baltimore, MD 21207
 - Contractor/Installer: AT&T Wireless Services, Inc., 9403 Collesville Road, 10th Floor, Silver Spring, MD 20910
 - Site area: 812 Ac +/-
 - Existing use: Apartment Building
 - Street Address: 6800 Liberty Road, Baltimore, MD 21207
 - Site data: Tax Map 89, Block 2, Parcel 51, Based Reference No. 0347448, Tax Account No. 02-800002452, Zoning: D.R. 5.5, Direction: District 2, Councilmanic District 2
 - The proposed wireless transmitting and receiving facility will consist of (1) 5.375' high x 5.1/2' wide pole mounted panel antennas attached to the existing penthouse (2) 5.375' x 5.1/2' wide pole mounted antennas located on the main building roof, one of equipment cabinets if future measuring 5.0' wide x 5.1/2' high x 3'-6" deep, installed on a new platform on the main building roof.
 - Setbacks: Non-residential principal structure in a D.R. 5.5 zone pursuant to Paragraph B&C.2.C.1.6

	Required to Wireless Facility	Provided to Wireless Facility
Front:	10'	N/A
Side (each):	25'	225' +/-
Rear:	30'	45' +/-

 Existing maximum height of building: 140' +/-
 Proposed maximum height: 140' +/-
 - No new or additional water or sanitary utilities are required for the proposed wireless transmitting and receiving facility.
 - Environmental protection agency standards and guidelines relating to radiation emissions shall not be violated.
 - This site was the subject of Zoning Reconsideration Case Number 308 which requested the reconsideration from 'Residential to Business Local'. On September 15, 1955, the Zoning Commission denied the request on the ground that a proposed shopping center at the location would increase the traffic hazard on Liberty Road. On June 1, 1956, the Board of Zoning Appeals reviewed the petition and reversed the Zoning Commission's prior order granting the Zoning Reconsideration from 'Residential to Business Local'. On December 27, 1956, a writ of certiorari was filed in the Circuit Court for Baltimore County concerning the decision of the Board of Zoning Appeals for Baltimore County which granted a reconsideration from 'Residential to Business Local'. After proving that there was just cause for concern about the increase of traffic on Liberty Road, the Board's decision was reversed by the Circuit Court of Baltimore County, ordering the subject property remain 'Residential'. The site was also the subject of Zoning Case Number 68-233-A which requested a variance to permit a sign area of 22 square feet instead of permitted 15 square feet. On June 11, 1968, the Zoning Commission of Baltimore County granted the variance.
 - There are no signs proposed for this facility.
 - No lights are proposed for the wireless transmitting and receiving facility.
 - Previous Commercial Permits:

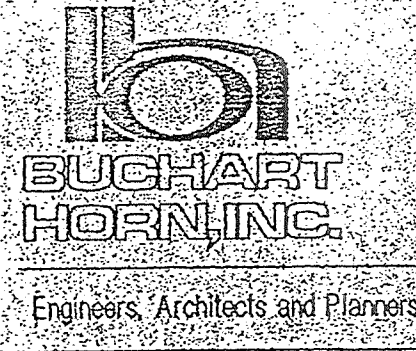
19-65	Alteration
24-65	Alteration
25-65	Alteration
60-64	Alteration
 - Amenity open space: N/A
 - Parking Existing Spaces: 272 +/-
Proposed New Spaces: 0
 - The proposed wireless transmitting and receiving facilities would block or affect any existing parking spaces.
 - When the use is terminated, the structure shall be removed.
 - An environmental impact statement as defined in Section 401 of the Baltimore County Zoning Ordinance shall be submitted to the Zoning Commission.
 - The information and boundary location shown herein is taken from a site plan as prepared by Darr McNamee, dated 10-20-96. Any previous variance for this site was granted on 10/22/96. This site is not subject to the provisions of the exception regulation by a previous petitioner (case #36-54) and is assumed to be accurate.
- REQUESTED ZONING ACTION
- Special Exception pursuant to Baltimore County Zoning Regulations (BZC) Paragraph B&C.2.C.16 to permit a wireless transmitting and receiving facility in D.R. 5.5 zone.
- (Pursuant to Paragraph 502.201 the site is exempt from subparagraphs 502.201.2.3.1 and 5 of the BZC.)



"APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN ZONING CASE NO. 20-387-X
 Signed by: *[Signature]* Date: 4/24/02

ENGR/ARCH.	DESIGN BY	DRAWN BY	CHECK BY	DATE
				03/21/96

REVISIONS			
NO.	DESCRIPTION	BY	DATE



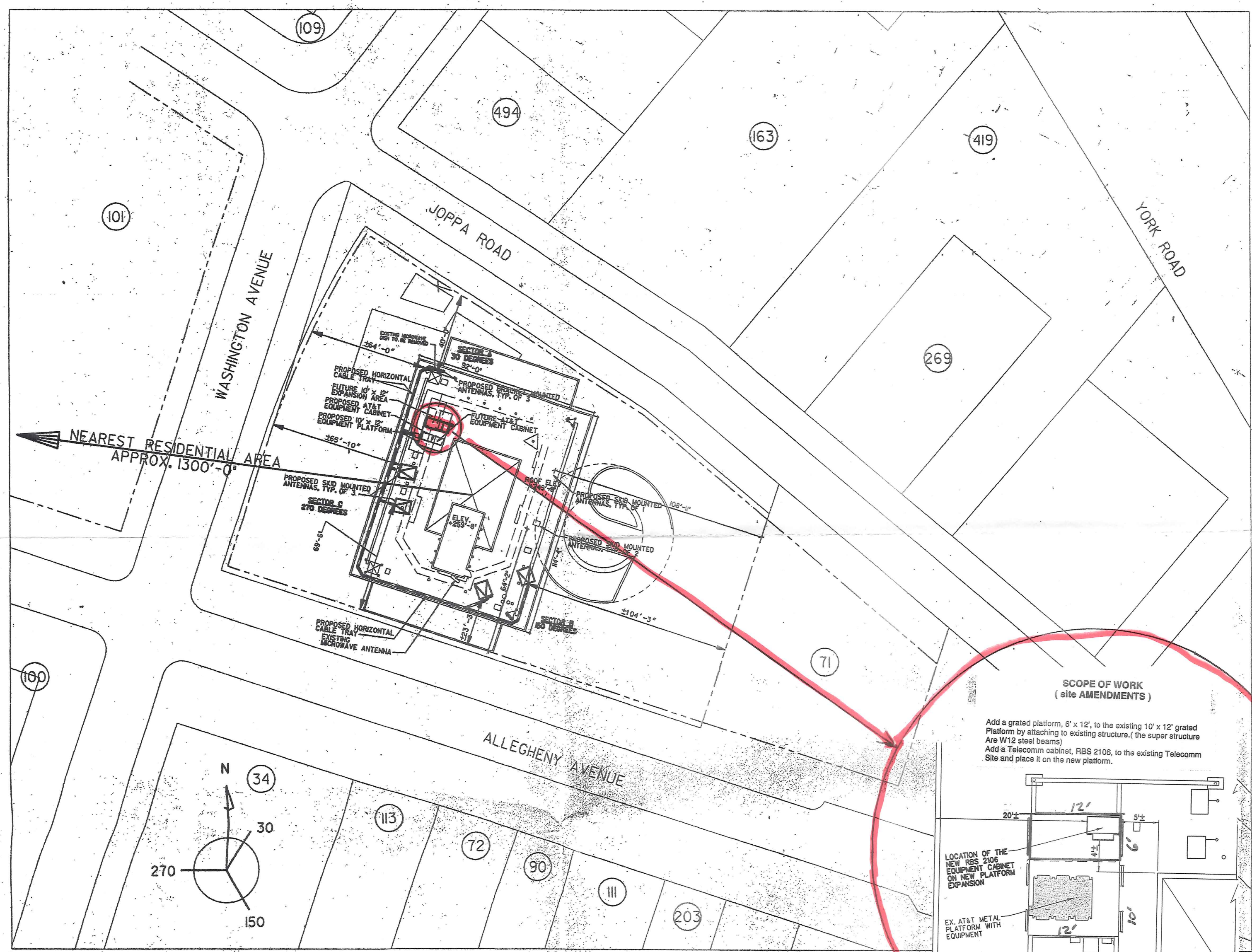
AT&T WIRELESS SERVICE
 PROPOSED EQUIPMENT LOCATION
 SITE NUMBER: B0471-274
 SITE NAME: BALMORAL TOWERS
 SITE ADDRESS: 6800 LIBERTY RD. BALTIMORE MD, 21207

SITE PLAN
[Signature]
 Special Exception

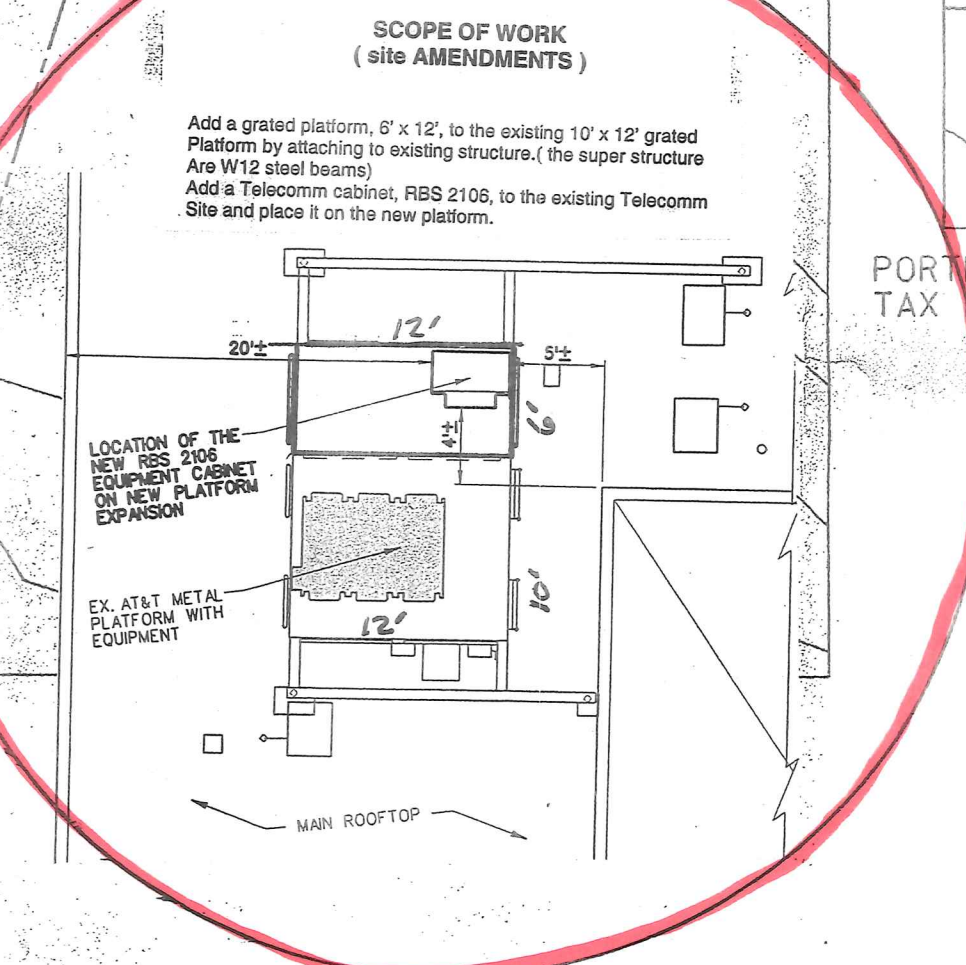
DRAWING NO.	1
SHEET NO.	1 OF 1
PROJECT NO.	71833

DCB-0647

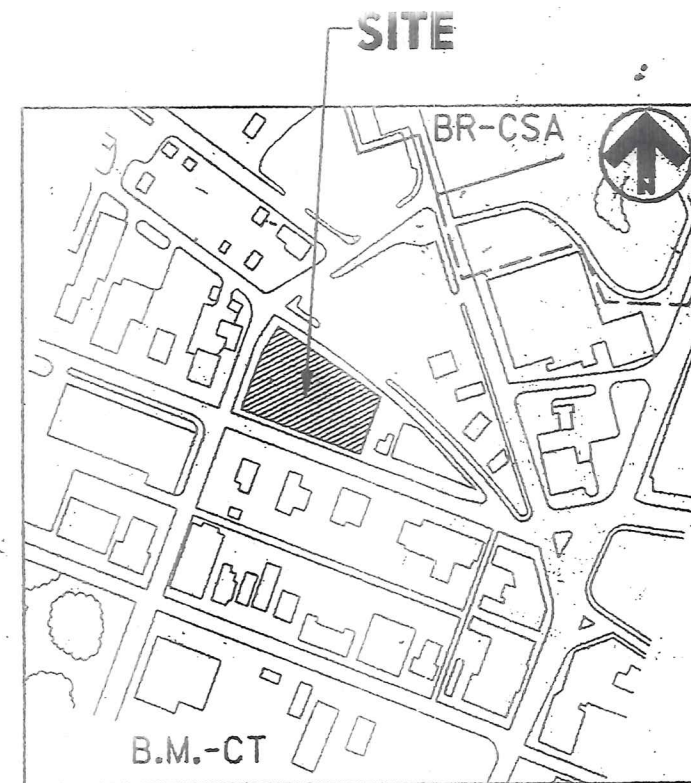
1996-0387-X



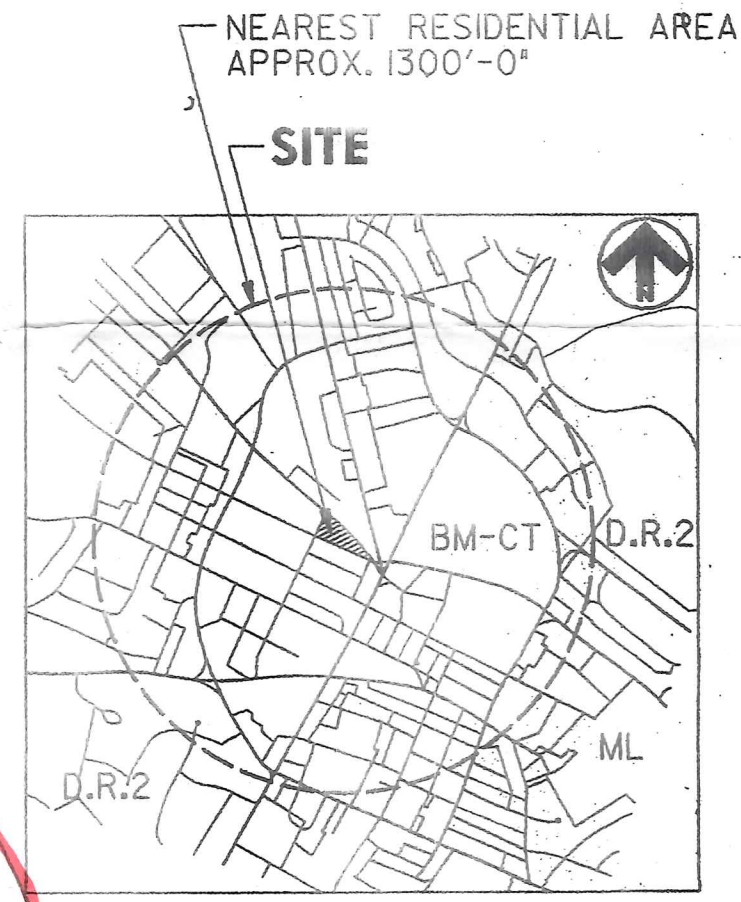
SITE PLAN
Scale: 1"=40'-0"



PORTION OF 1000' SCALE BALTIMORE COUNTY TAX MAP G-2, 4-E



PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP S.E. 4-E



SITE No.	ADDRESS	OWNER	DEED/REF. Nos.	TAX ACCT. No.
34	37 ALLEGHENY AVENUE	NOTTINGHAM PROPERTIES, INC.	6077/833	0920000240
71	22 ALLEGHENY AVENUE	ARTHUR F. WOOD	9622/445	0913754120
72	31 ALLEGHENY AVENUE	IRVIN TRUPP, ET. AL.	4524/345	0920662110
90	29 ALLEGHENY AVENUE	ANNE N. FISCHER	5852/535	0902650333
100	502 WASHINGTON AVENUE	NOTTINGHAM ASSOCIATES LTD. PARTNERSHIP	6533/581	1900010604
101	600 WASHINGTON AVENUE	ALLEGHENY CENTER LIMITED PARTNERSHIP		2100001551
109	706 WASHINGTON AVENUE	706 WASHINGTON AVENUE JOINT VENTURE	6077/833	0920000240
III	27 ALLEGHENY AVENUE	RALPH D. ROCKS, THOMAS G. MARTIN	6832/354	0912591661
113	35 ALLEGHENY AVENUE	ROBERT T. PARKER & HELEN S. PARKER	8328/842	0916001031
163	621 JOPPA ROAD	NOTTINGHAM PROPERTIES, INC.	4910/636	0914652924
203	25 ALLEGHENY AVENUE	MICHAEL A. ABRAMS & MARIE S. ABRAMS	1786/484	0901020080
269	14 JOPPA ROAD	DIANE POLLAND WILLIAMS	7072/63	0916600375
419	204 WASHINGTON AVENUE	JAMES E. OMEARA JR & MARY H. OMEARA	4087/315	0915520580
494	JOPPA ROAD	NOTTINGHAM PROPERTIES, INC.	4901/367	0914652921

"APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN ZONING CASE NO. 27-130-X"
Signed by: [Signature] Date: 4/10/02

NOTES:

- Current owner and street address: Michael M. Agostinelli, 2921 Knoll Acres Dr., Baltimore, MD 21234
- Contract lessee/ Petitioner: AT&T Wireless Services, Inc., 8403 Colesville Road, 10th Floor, Silver Spring, MD 20910
- Site area: .84 acres
- Existing use: Residential
- Street Address: Penthouse Condo, 28 Allegheny Avenue, Towson, MD 21204
- Site data: Tax map 70A, grid 7, parcel 31, Deed Reference No.: 10981/51, Tax Account No.: 1700006776, Zoning: BM-CT, Election District: 09
- The proposed wireless transmitting and receiving facility will consist of (3) 54' high x 6.1' wide pole mounted panel antennas attached to the existing stub tower, (6) 54' x 6.1' wide skid mounted antennas located at the main building roof, and (2) equipment cabinets (1 future) measuring 5'-0" wide x 6'-11 1/2" high x 3'-6" deep, installed on a new platform on the main building roof.
- Setbacks: Non-residential principal structure in a D.R. 16 zone pursuant to Paragraph 1801.2.C.1.a

	Required to wireless Trans. & rec. facility	Provided to wireless Trans. & rec. facility
Front: SOUTH	30'	23'-3" +/-
Side: WEST	25'	64'-0" +/-
Side: EAST	25'	104'-3" +/-
Rear: NORTH	30'	40'-0" +/-

Existing maximum height of building = +/- 270'-0"
Proposed maximum height = +/- 270'-0"

- No new or additional water or sanitary utilities are required for the proposed wireless transmitting and receiving facility.
- Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
- This site was the subject of a petition for special exception request for a wireless transmitting and receiving antenna structures on the roof. On October 3, 1975, the Zoning Commissioner granted the request. This site was also the subject of a petition for variance to permit a total of 313 off-street parking spaces in lieu of the required 455 spaces. On January 12, 1979, the Zoning Commissioner denied the request.
- There are no signs proposed for this facility.
- No lights are proposed for the wireless transmitting and receiving facility.
- Previous Commercial Permits:
P00119 - Plumbing Permit
P095163 - Plumbing Permit
E174345 - Electrical Permit
E097272 - Electrical Permit
E141002 - Electrical Permit
P141001 - Plumbing Permit
P152569 - Plumbing Permit
B094863 - Building Permit
- Amenity open space: N/A
- Parking: Existing Spaces: 313 +/-, Proposed New Spaces: 0

The proposed wireless transmitting and receiving facilities will not block or affect any existing parking spaces.

17. When the use is terminated, the structure shall be removed.

18. An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Ordinance, shall be submitted to the Zoning Commissioner.

19. The information and boundary location shown hereon is taken from a site plan, as obtained from the property owner and is assumed to be accurate.

REQUESTED ZONING ACTION

Special Exception pursuant to Section 233.4 for a wireless transmitting and receiving facility in a BM-CT zone not permitted by Section 426. (Pursuant to Section 426, the maximum height above grade level, including all antennae and platforms, shall be 200 feet). The proposed facility is approximately 270 feet above grade.

REVISIONS	NO.	DESCRIPTION	DATE	BY
	1	ZONING SUBMITTAL	10/20/01	

ENG/ARCH: M.A.V.
DESIGN: M.A.V.
DRAWN: P.S.B.
CHECKED: D.R.A.
DATE: 08/20/01

BUCHART HOPKINS
Engineers, Architects and Planners

STATE OF MARYLAND
DEPARTMENT OF GENERAL SERVICES
PROFESSIONAL ENGINEERS

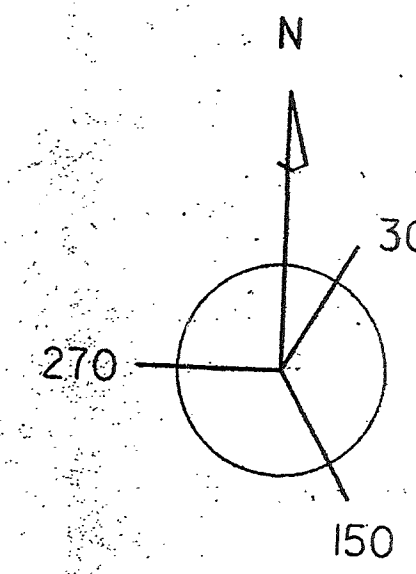
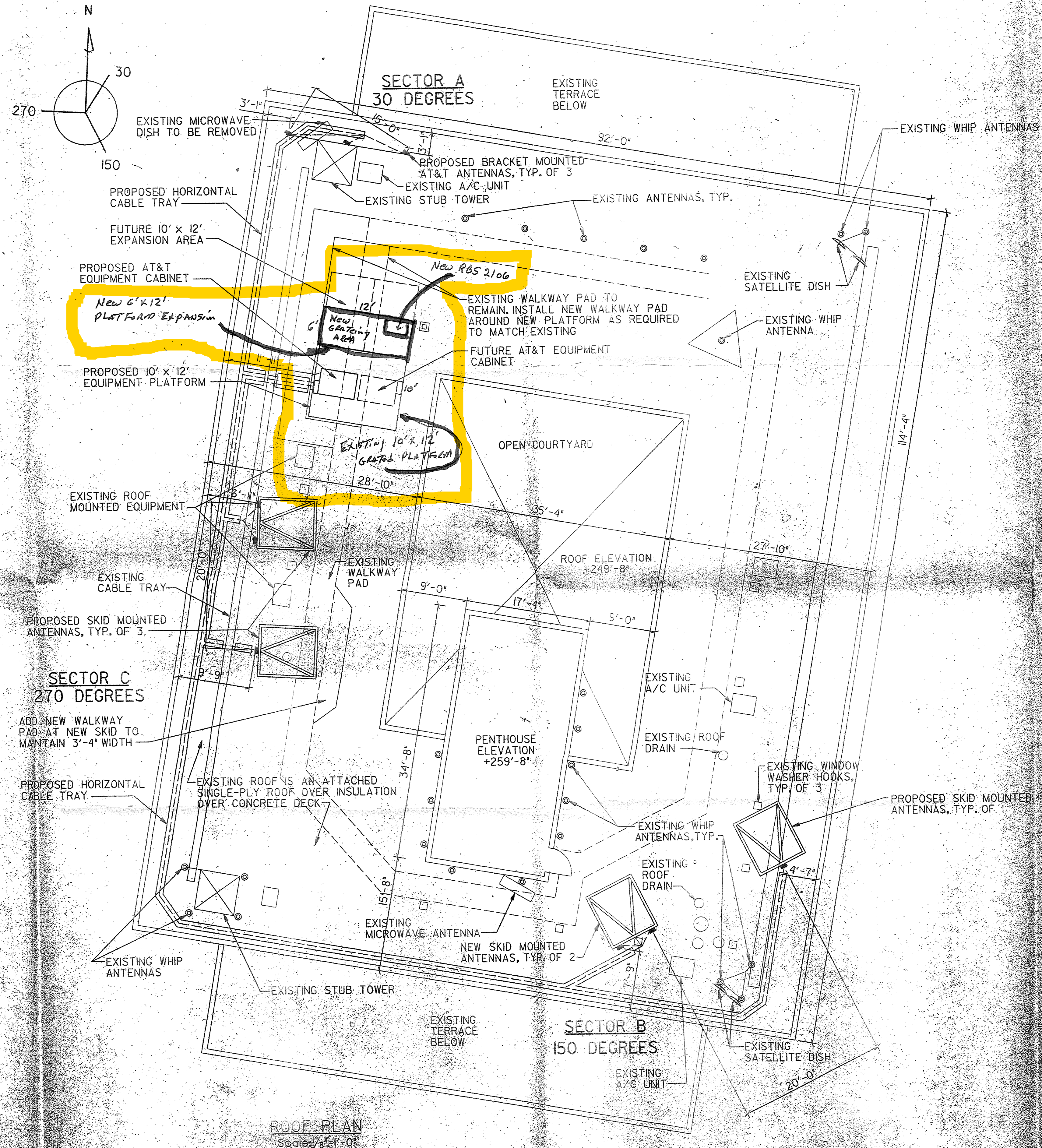
AT&T PROPOSED UNMANNED WIRELESS SITE
PROPOSED EQUIPMENT LOCATION
SITE NUMBER: B033.13
SITE NAME: THE PENTHOUSE
SITE ADDRESS: 28 ALLEGHENY AVENUE, TOWSON, MD 21204

SITE PLAN

DRAWING NO. | SHEET NO. 1 OF 3 | PROJECT NO. 72097

633

1997-0130-X



ROOF PLAN
Scale: 1/8" = 1'-0"

ENGRABOR: W.A.V. DESIGN: J.M.A.V. DRAWN: P.S.B. CHECK: D.A.R. DATE: 09/20/08	
DRAWING INTENT IS TO INDICATE GENERAL ARRANGEMENT, DESIGN AND INTENT OF WORK AND IS PARTLY DIAGNOSTIC. DRAWING SHALL NOT BE SCALED. © Buchart-Horning, Inc.	
NO.	DATE
1	09/20/08
REVISIONS DESCRIPTION ZONING SUBMITTAL	
AT&T PROPOSED UNMANNED WIRELESS SITE PROPOSED EQUIPMENT LOCATION SITE NUMBER: B033.3 SITE NAME: THE PENTHOUSE SITE ADDRESS: 28 ALLECHENY AVENUE TOWSON, MD 21204	
ROOF PLAN	
DRAWING NO. 2	
SHEET NO. 2 OF 3	
PROJECT NO. 72097	

1997-0130-X

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NEC Washington & Allegheny Aves.
(The Penthouse Condominium * ZONING COMMISSIONER
28 Allegheny Avenue
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
Legal Owner:Sub Carrier Commun. * Case No. 97-130-X
Lessee: AT&T Wireless Communications
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 28 Allegheny Avenue in Towson. The Petition seeks approval of a roof top radio link for wireless personal communication services (wireless transmitting and receiving structure), pursuant to Section 426.1 of the Baltimore County Zoning Regulations (BCZR), so as to allow a building height of 259 ft., including all antennas and platforms, in lieu of the required 200 ft. The Petition is filed by Sub Carrier Communications, Inc., on behalf of the property owner, and AT&T Wireless Services, Lessee. AT&T Wireless Services is the owner of the subject antenna and platforms and has leased roof top space for its equipment.

Appearing at the public hearing held for this case was Frances Kingsbury, Site Acquisition Coordinator for AT&T Wireless Services. Also appearing on behalf of the Petition was Todd Baker. The Petitioner was represented by Paul Dorf, Esquire. Appearing as interested persons/-Protestants were several owners of individual condominiums within the subject building. These owners who appeared included Julio T. Gonzalez, Donald Talbott, Patricia D. Moore-Ott and Dave Ott.

The subject property is well known to this Zoning Commissioner and is located in Towson a short distance from the Courthouse and seat of County government. The subject property is .84 acres, zoned B.M.-C.T. The property is located on the northeast corner of the intersection of Allegheny and

MICROFILMED

ORDER RECEIVED FOR FILING
Date 11/12/96
By M. Spade

Washington Avenues. The property is improved with a multi-story condominium building which fronts Allegheny Avenue. Actually, the lot and building face three public streets, Allegheny Avenue to the south, Washington Avenue to the west and Joppa Road to the north. The condominium building is known as the Penthouse and is composed of a number of units, some used as residences and others used as offices.

An initial issue raised at the public hearing held for this case related to the Petitioners' authority to file the Petition. Specifically, as noted above, the Petition is filed by AT&T Wireless Services identified as lessee and Sub Carrier Communications, identified as a representative of the legal owner. Several of the citizens who appeared questioned the propriety of these entities on the Petition. As I indicated at the hearing, the Zoning Commissioner has limited authority. I am not empowered with the authority of a Judge of either the Circuit or District Court for Baltimore County and can resolve no questions of ownership or title. Rather, my role is to interpret and implement the applicable provisions of the Baltimore County Zoning Regulations.

Those regulations do require that any Petition for Special Exception be presented by the owner or contract lessee/purchaser of the property at issue. In this case, it was explained that although the building is owned by the Condominium Association comprised of individual condominium owners, an entity known as Sub Carrier Communications, had been contracted to coordinate leases of roof space. An examination of photos of the roof show that a number of antennas and similar equipment exists thereon. Apparently, the leases for these communication providers are negotiated through Sub Carrier Communications, on behalf of the owners of the building. I make no judgment as to the propriety of this arrangement, whether leases should be negotiated, the terms thereof, etc. In my judgment, the Petition is proper-

ORDER RECEIVED FOR FILING

Date 11/12/96
By M. G. [Signature]

MICROFILMED

ly brought, in terms of the zoning requirements for the Petition. I believe that the Petitioners have the requisite authority to file the Petition. If individual condominium owners have differences about these issues, they should pursue either directly with their condominium association, Sub Carrier Communications, or seek relief through a court of law.

In any event, turning to the zoning regulations, Section 233.1 of the BCZR states that all uses permitted by right in a B.L. zone, are also permitted by right in the B.M. zone. Turning to the B.L. regulations, Section 230.9 provides that wireless transmitting and receiving structures 200 ft. or less in height above grade level are permitted by right. However, in this case, the height of the building and antenna together is 259 ft. Section 233.4 of the BCZR states clearly that any wireless transmitting and receiving structures in excess of the 200 ft. allowed are permitted only by special exception. Thus, the Petitioner bears the burden that the special exception use should be allowed under the criteria set forth in Section 502.1 of the BCZR.

That section lists numerous considerations which must be applied to any special exception use. Essentially, the Petitioner must show that the use can be conducted without any detriment to the health, safety or general welfare of the locale. In this case, I am persuaded that the Petitioner has met its burden. The testimony and evidence offered, including the environmental impact statement, (Petitioner's Exhibit No. 2) was persuasive that this use can be carried out at this location without any detriment to the public or surrounding property owners. As noted above, numerous antennas already exist on the roof of the building. There was no evidence that these existing antennas caused detriment to the public health, safety or welfare and the proposed installation of additional equipment by this Petitioner is consistent with the existing uses.

ORDER RECEIVED FOR FILING

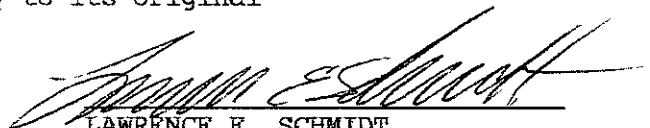
Date 11/27/96
By Sm. Hood

Testimony and evidence offered, on behalf of the Petitioner as to the impact of the equipment proposed, was persuasive. Thus, the Petition for Special Exception shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of November 1996 that, pursuant to the Petition for Special Exception, approval of a roof top radio link for wireless personal communication services (wireless transmitting and receiving structure), so as to allow a building height of 259 ft., including all antennas and platforms in lieu of the required 200 ft., pursuant to Section 426.1 of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:man

ORDER RECEIVED FOR FILING

Date

By

11/29/96
M. Dorak

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 12, 1996

Paul Dorf, Esquire
Leonard Rottman, Esquire
Adelberg, Rudow, Dorf, etc.
600 Mercantile Bank and Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201

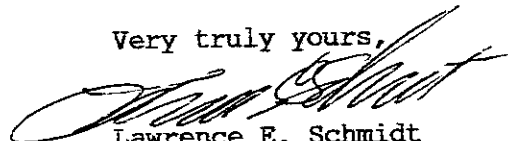
RE: Petition for Special Exception
Case No. 97-130-X
Lessee: AT&T Wireless Services
Legal Owner: Sub Carrier Communications

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,



Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

- c: Frances Kingsbury, Site Acquisition Coordinator, AT&T Wireless Services, 8403 Colesville Road, 16th floor, Silver Spring, Md. 20910
- c: Mr. and Mrs. Dave Ott, 28 Allegheny Avenue, Suite 1602, Towson, Maryland 21204
- c: Mr. Donald Talbot, 712 Hickory Lot Road, Towson, Md. 21286
- c: Mr. Julio T. Gonzalez, 28 Allegheny Avenue, Suite 2701, Towson, Md. 21204

MICROFILMED

Penthouse Condos
Towson, Md



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 28 Allegheny Avenue, Towson, Maryland 21204

97-130-X

which is presently zoned EM CT

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Roof Top Radio Link for Wireless Personal Communications Services (Wireless Transmitting and Receiving Structure). AT&T Wireless Services is seeking a Special Exception from Section 426.1 for a building height of 259', including all antennas and platforms, in lieu of the required 200'

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

AT&T Wireless Services, Frances Kingsbury
(Type or Print Name) *Site Acquisition Coordinator*
[Signature]
Signature

8403 Colesville RD, 16th Fl.
Address

Silver Spring Maryland 20910
City State Zipcode

Attorney for Petitioner:

Leonard Rottman, Esquire
(Type or Print Name)
[Signature]
Signature

2 Hopkins Plaza (410) 539 5195
Address Phone No.

Baltimore Maryland 21201
City State Zipcode

Legal Owner(s):

Sub Carrier Communications
(Type or Print Name)
[Signature]
Signature

Susan Clark, Managing Agent
(Type or Print Name)

[Signature]
Signature

One Industrial Way West, Bldg B, Suite N (908) 544 1044
Address Phone No.

Eatontown New Jersey 07724
City State Zipcode
Name, Address and phone number of representative to be contacted.

Susan Clark
Name

One Industrial Way, Eatontown, NJ (908) 544 1040
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
available for hearing

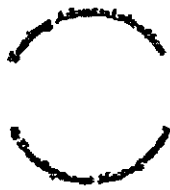
the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



131



MICROFILMED

FILED BY JUN FERNANDO
9/23/96
1 HR HRNG TIME.



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

97-130-X

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

 ARNOLD JABLON, DIRECTOR

 For newspaper advertising:

Item No.: 131 Petitioner: AT&T Wireless Services

Location: 28 Allegheny Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Leonard Rottman, Esquire

ADDRESS: 600 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza Baltimore, MD 21201

PHONE NUMBER: (410) 539-5195

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 028809

JWF #131

DATE 9-23-96 ACCOUNT R-001-615

AMOUNT \$ 335.00

RECEIVED FROM: Adelberg, Rudaw, Dorf, Hendler - Sametti
OSO -- Special Exception -- 300
OSO - Sign ----- 35
FOR: 335

RECORDED 3 11-96
BY 70-115-100115-1
\$ 335.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 024831

97-103

DATE 9-3-96 ACCOUNT R-001-6150

AMOUNT \$ 370.00

RECEIVED FROM: CELLULAR ONE **SPX+**
OSO SPECIAL EXCEPTION 300 **2 SIGNS**
OSO 2 SIGNS 70
FOR: MPM 370

RECORDED 11 10-96 \$370.00
BY 70-115-100115-1

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

103 SPD

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein, in Room 106 of the County Office Building, 111 W. ~~Chesapeake~~ Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-130-X
(Item 131)

28 Allegheny Avenue - The Parhouse
NEC Washington and Allegheny Avenues
9th Election District
4th Councilmanic

Legal Owner(s):
Sub Carrier Communications Contract Purchaser(s):
AT&T Wireless Services

Special Exception: for a rooftop radio link for wireless personal communications services (wireless transmitting and receiving structure) with a building height of 259', including all antennas and platorms, in lieu of the required 200 feet. Hearing: Tuesday, October 29, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations please call 887-3353.
(2) For information concerning the file and/or Hearing, please call 887-3391.

10/130 Oct. 10 C89800

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/10, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/10, 1996.

THE JEFFERSONIAN,

A. H. Williams
TOWSON, MD.

MICROFILMED

CERTIFICATE OF POSTING

RE: Case No.: 97-130-X

Petitioner/Developer: _____

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 28 Allegheny Ave
Towson, MD 21204

The sign(s) were posted on 10/11/96
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster and Date)

Todd Baker

(Printed Name)

225 Schilling Circle

(Address)

Cockeysville, MD, 21030

(City/State, Zip Code)

(410) 584-6517

(Telephone Number)

TO: PUTUMENT PUBLISHING COMPANY
October 10, 1996 Issue - Jeffersonian

Please forward billing to:

Leonard Rottman, Esq.
600 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Baltimore, MD 21201
539-5195

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-130-X (Item 131)
28 Allegheny Avenue - The Penthouse
NEC Washington and Allegheny Avenues
9th Election District - 4th Councilmanic
Legal Owner(s): Sub Carrier Communications
Contract Purchaser(s): AT&T Wireless Services

Special Exception for a roof top radio link for wireless personal communications services (wireless transmitting and receiving structure) with a building height of 259', including all antennas and platforms, in lieu of the required 200 feet.

HEARING: TUESDAY, OCTOBER 29, 1996 at 9:00 a.m in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 3, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-130-X (Item 131)
28 Allegheny Avenue - The Penthouse
NEC Washington and Allegheny Avenues
9th Election District - 4th Councilmanic
Legal Owner(s): Sub-Carrier Communications
Contract Purchaser(s): AT&T Wireless Services

Special Exception for a roof top radio link for wireless personal communications services (wireless transmitting and receiving structure) with a building height of 259', including all antennas and platforms, in lieu of the required 200 feet.

HEARING: TUESDAY, OCTOBER 29, 1996 at 9:00 a.m in Room 118, Old Courthouse.

A handwritten signature in black ink that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Sub Carrier Communications
AT&T Wireless Services
Leonard Rottman, Esq.

- NOTES: (1) THE ZONING NOTICE SIGN MUST BE POSTED ON THE PROPERTY BY OCTOBER 14, 1996.
(2) HEARINGS ARE HANDICAPPED-ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 14, 1996

Leonard Rottman, Esquire
2 Hopkins Plaza
Baltimore, MD 21201

RE: Item No.: 131
Case No.: 97-130-X
Petitioner: Susan Clark

Dear Mr. Rottman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 9, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: October 17, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for October 15, 1996
Revised Item #84 (on 9/25/96)
and
Item Nos. 131, 132, 133, 135, 136,
137, 138, 140, 142, 144, 146,
& 147

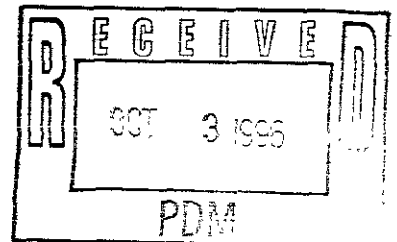
The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE31

MICROFILMED



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 10/2/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: OCT. 7, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	130	135	147
	131	136	148
	132	142	
	133	146	

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/07/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 131, 132, 133, 134, 135, 136,
137, 138, 139, 140, 141, 142, 146 AND 147.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

10/7/96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 131 (JLL/JRF)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 4, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 131, 132, 133, 134, 135, 138, 140, 141, 142, 146, and 147

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Dary L. Kerns

PK/JL

PETITION PROBLEMS

#130 --- JCM

1. No telephone number for legal owner.

#131 --- JLL

1. No review information on petition form.
2. Who signed for attorney? Need authorization.

#132 --- JLL

1. Who signed for attorney on variance petition? Need authorization.
2. Not original signature for contract purchaser on special exception form.
3. Not original signature for legal owner on special exception form.

#134 --- RT

1. No receipt in file. Did they pay????
2. No section number or wording on petition form.

#136 --- JCM

1. No telephone number for legal owner.

MICROFILMED

#137 --- JCM

1. No telephone number for legal owner.

#138 --- MJK

1. No telephone number for legal owner.

#140 --- JRA

1. Petition says zoning is R.C.-2; folder says D.R.-1.

#141 --- JRA

1. No telephone number for legal owner.

#145 --- JLL/JCM

1. No attorney signature on the variance form.

#146 --- CAM

1. No signature for either legal owner on form.
2. No telephone number for legal owner.
3. No description for property on folder.

#147 --- JCM

1. No item number on petition forms.
2. No review information on petition forms.

RE: PETITION FOR SPECIAL EXCEPTION *
28 Allegheny Avenue (The Penthouse Condo- *
minium), NEC Washington & Allegheny Aves. *
9th Election District, 4th Councilmanic *
Legal Owner(s): Sub Carrier Communications *
Contract Purchaser(s): AT&T Wireless Services *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-130-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Leonard Rottman, Esq., 2 Hopkins Plaza, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Judge Paul Dorf, Adelberg Rudow
Francis Kingsbury, ATT
Todd Baker, Lucent

2 Hopkins Plaza Baltimore 21201.
8403 Colesville Rd. ~~Baltimore~~ Silver Spring MD 20910
225 Schilling Circle Cockeysville, MD 21030

ADELBERG
RUDOW
DORF
HENDLER
& SAMETH, LLC

J. JOSEPH CURRAN, III
ATTORNEY AT LAW

600 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201

410-539-5195
FAX 410-539-5834



NAME

ADDRESS

Dave Ott

28 Allegheny Ave #1602

JULIO T. GONZALEZ

Towson, MD 21204

28 ALLEGHENY AVE.

APTS. 2701

1212

1403 AND

1405

TOWSON, M.D. 21202

PATRICIA D. MOORE-OTT

29 Allegheny

TOWSON 21204 #1602

~~Talbot~~
Donald Talbot

~~28 #~~

712 Hickory Lot Rd

TOWSON 21286



MICROFILMED

Agreement to Provide Antenna Space
Between:

The Penthouse Condominium Association

Towson, Maryland

and

SubCarrier Communications Inc.

Roseland, New Jersey

WALTER'S

No 1

Post-it® Fax Note	7671	Date	10-29-96	# of pages	5
To	Mr. Schmidt	From			
Co./Dept.		Co.	SubCarrier		
Phone #		Phone #	908-544-1040		
Fax #	410-887-3468	Fax #	908-544-0040		

MICROFILMED

This Agreement, dated November 1, 1992 by and between The Penthouse Condominium Association, (Lessor) and SubCarrier Inc. a New Jersey Corporation, (Lessee).

Lessor is the owner of The Penthouse Condominiums, located at 28 Allegheny Avenue, Towson, Maryland, 21204. Lessee desires to use approximately 30 (thirty) square feet of interior space at the penthouse level as well as a portion of the building's roof-top space for the purpose of installing, maintaining, and operating its antennas thereon. All costs for improvements shall be the responsibility of Lessee.

IT IS, THEREFORE AGREED AS FOLLOWS:

1. Right to Use Facilities.

On the terms and conditions set forth below, Lessee is hereby granted the exclusive right to procure customers and maintain its antennas and related equipment on and adjacent to the Building and the right to use Lessor's facilities at the Building site. In connection with the antennas, associated transmission line, and transmitters, the associated equipment shall be as follows:

- (a) One (1) Transmit Antenna, Cellwave PD220-4
- (b) One (1) Receive Antenna, Decibel Products DB498K
- (c) Associated transmission lines: (7/8" cable for transmit) and (1/2" cable for receive)
- (d) One (1) Motorola Transmitter/Receiver B93J2B1101B, approximately 6 ft. 2' X 2'.

So long as Lessee is not in default under this Agreement, it shall be provided twenty-four hours access thereto upon proper notification of the security staff. In advance of any installment, Lessee shall submit detailed plans and specifications to Lessor for its proposed installation. Such plans and specifications shall be annexed to this agreement and shall constitute the equipment which Lessee shall be permitted to install hereunder. Lessee shall not change its installation without the prior written approval of the Lessor.

2. TERM

This Agreement shall be in effect for a term of 5 (five) years commencing November 1, 1992 and terminating October 31, 1997 with 2 (two) consecutive five year renewal options effective after the first term. Lessee shall additionally be granted the

right to install and maintain additional transmitter/antennae units at an additional cost of \$250.00 each per month at terms contained in this Agreement, subject to Lessor's prior approval.

3. FEES, UTILITIES.

For the first unit, Lessee shall pay Lessor the sum of \$3,300 (Three Thousand Three Dollars) annually, as fee for this lease, for and during the term hereof, payable in equal monthly installments of ~~\$275.00~~ ^{\$330.00} inclusive of energy costs, the first of which shall be paid on the date of the execution of this lease, and monthly thereafter during the term hereof, in advance. Upon commencement of the second five year term, a 15% increase shall be made upon the total number of units operated by SubCarrier. Upon commencement of the third five year term, an additional 15% increase will shall be made upon the total number of units operated by SubCarrier.

4. INSURANCE

During the term of this Agreement, Lessees assigns shall maintain and keep in full force and effect general public liability insurance in an amount not less than \$1,000,000 (One Million) combined single limit coverage. This policy shall name Lessee as an additional named insured, however the name and address of the property insured will be clearly written on the Certificate of Insurance. A copy of the Certificate of Insurance will be provided to the Lessor within 20 days.

5. REMOVAL OF EQUIPMENT.

If the Lessor so requests either at the expiration of this Agreement or at its earliest termination for any cause permitted under this Agreement, Lessee shall, within thirty (30) days after such expiration or termination, under the supervision and direction of the Lessor, remove from the Lessors premises all of the Lessees equipment placed thereon, and Lessee shall restore the premises to its original condition, reasonable wear and tear expected.

6. ASSIGNMENT AND SUBLEASING.

Lessee shall have the right at any time to assign this lease or to sublet the assigned premises, or any part thereof. Lessee shall, in any event, remain primarily responsible for fully performing its obligations hereunder.

7. TECHNICAL AND ENGINEERING FEASIBILITY.

If for technical reasons the leased premises becomes unsuitable for transmissions due to (a) Lessee not being able to maintain or obtain any licence, permit, or other approval necessary for the construction or operation of the communications facility or; (b) interference or other technical causes which would result in

the inability of the site to function properly, lessee shall have the right to remove its equipment and cease payment of rentals. Lessee shall, pursuant with this clause give detailed and specific information outlining such causes and give lessor a 30 day period to cure said interference.

8. COMPLIANCE WITH RULES, NO INTERFERENCE.

All the equipment of the Lessee used in connection with the undertakings contemplated by this Agreement shall be designed, constructed, installed, maintained,, and operated in compliance with all applicable rules and regulations of the Federal Communications Commission, the F.A.A., and all other applicable governmental construction and electrical codes and good engineering practices. Any future antenna/transmitting related installation at this location must be site coordinated by SubCarrier. SubCarrier is hereby granted the responsibility to approve such additional users. Such approval shall not be unreasonably withheld. Any damage to the Building or Lessors other property caused by Lessee shall be promptly repaired at Lessees expense. Lessee shall not cause interference to the equipment or television reception of Lessor. In the even such interference is detected, Lessee shall immediately eliminate such interference through all reasonable means.

9. DEFAULT.

If Lessee shall be in default in its payment of its fees hereunder or by failing to perform any of its other obligations hereunder, Owner shall give Lessee ten (10) days written notice thereof. If Lessee shall fail to cure such default within such period, Lessor may terminate this Agreement in which case Lessee shall have no further rights hereunder.

10. ENTIRE AGREEMENT, GOVERNING LAW.

This Agreement constitutes the entire agreement of the parties hereto. It shall supersede all prior offers, negotiations, and agreements. No revision of this Agreement shall be valid unless made in writing and signed by the parties hereto. This Agreement shall be governed by the substantive law of Maryland.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

Lessor:

The Penthouse Condominium Association
28 Allegheny Avenue
Towson, Maryland 21204

By: *Paul J. [Signature]*

Title: *President*

Lessee:

SUBCARRIER INC.
101 Eisenhower Parkway, 4th Floor
Roseland, New Jersey 07068

By: *Dona L. Day*

Title: Dona L. Day Site Manager

135631 78591

THE PENTHOUSE
CONDOMINIUM DECLARATION

THIS CONDOMINIUM DECLARATION is made this ^{5th} day of
^{MAY}, 1976, by John Clemson and Saul H. Bernstein, Trustees
for PENTHOUSE JOINT VENTURE, having their principal office in
Baltimore County, Maryland (herein collectively called the Grantor),
pursuant to the provisions of Sections 11-101, et seq., of the Real
Property Article of the Annotated Code of Maryland (1974 Ed., 1975 Supp.)

FIRST

The Grantor, pursuant to the aforesaid provisions of the
Annotated Code of Maryland, does hereby expressly declare its
desire to, and does hereby, submit the property hereinbelow described
to the regime established pursuant to such provisions, and there is
hereby established a condominium regime as therein provided, to be
known as the "Penthouse Condominium". The said condominium regime
is established with respect to the Grantor's fee simple interest
in its property, located in Towson, Ninth Election District of
Baltimore County, State of Maryland, and more particularly described
as follows:

BEGINNING for the same at the northeast corner of
Alleghany and Washington Avenues, and proceeding there-
from the following courses and distances:

- (1) North 7°07'38" East 85.00 feet, binding on
the East side of Washington Avenue, to a point; thence
- (2) North by an arc curving to the right, having a
radius of 289.00 feet, and subtending a chord bearing
North 16°32'51" East 94.60 feet, a distance of 95.03
feet, binding on the East side of Washington Avenue as
relocated or proposed to be relocated; thence
- (3) South 68°17'34" East 242.31 feet, binding on
the South side of Joppa Road as relocated or proposed to
be relocated; thence

CLERK'S NOTATION
Document submitted for record
in a condition not permitting sat-
isfactory photographic reproduc-
tion.

TRANSFER TAX NOT REQUIRED

Walter R. Richardson
Director of Taxes

Walter R. Richardson
Authorized Signature
Director of Taxes

MICROFILMED

131

15631 4502

(4) South $7^{\circ}07'38''$ West 117.32 feet, to the South side of Joppa Road as relocated or proposed to be relocated; thence

(5) North $82^{\circ}52'22''$ West 250 feet, binding on the North side of Alleghany Avenue; to the place of beginning.

BEING the property which, by deed dated January 10, 1973, and recorded among the Land Records of Baltimore County in Liber EHK No. 5328, Folio 147, was granted and conveyed by Clamson Properties, Inc. unto the Grantor herein.

THE CONDOMINIUM HEREIN CREATED to have and to hold said tract and the improvements thereon and appurtenances thereto unto and to the use of the said Condominium, and the owners of the units thereof, and its and their heirs, successors and assigns, in fee simple forever, subject to the aforesaid provisions of the Annotated Code of Maryland and of this Declaration.

SECOND

The Condominium hereby established shall consist of the tract of land above described and improvements thereto as follows, all of which improvements have been constructed, or are in process of construction, and are more fully described in the Condominium Plats attached hereto filed among the Plat Records of Baltimore County, Maryland, simultaneously with the recording hereof, consisting of fourteen (14) sheets designated Site Plan & Vicinity Map (Sheet 1), Sectional Elevation Plan and Condominium Schedule (Sheet 2), Levels 1 through 7 (Sheets 3 through 9), Residential Level Plans (Sheets 10 through 13), and Roof Plan (Sheet 14), and being considered a part hereof as if set forth in full herein:

1. A building, consisting of 28 floor levels, 26 of which are above ground level, and two of which are below ground level.

44-5631-593

The building shall be located as shown on the Site Plan (Sheet 1), such building containing 222 Condominium Units as hereinafter described, 211 of which are Residential Apartment Units, with nine (9) Business Units, one (1) Parking Unit and one (1) Transmission Room Unit.

2. The said premises shall also be improved by a swimming pool, walkways, lobbies, elevators, entrance driveways and parking areas, utilities and other appurtenant facilities.

THIRD

(a) Business Condominium Units 1 through 9 are shown on the Third, Fourth, Fifth and Sixth Level Plans (Sheets 5 through 8). The units designated as Business Units 1 and 2 are located at the Third Level (Sheet 5) west of the Lobby on that level. The units designated as Business Units 3 and 4 are located at the same level east of the Lobby on that level. The unit designated as Business Unit 5 is located on the Fourth Level (Sheet 6), west and north of the elevator lobby corridor and ramp at that level. The units designated as Business Units 6 and 7 are located at the Fourth Level (Sheet 6) east of the elevator lobby at that level. Business Unit 8 is located on the fifth level (Sheet 7). The unit designated as Business Unit 9 is located on the Sixth Level (Sheet 8). Each Business Unit shall consist of the area designated for that Unit as shown on the respective level plans to, but not including, the structural portions of walls enclosing such Unit and to the centerline of non-structural partitions enclosing such Unit. Business Units 1, 2, 3, and 4 shall consist of horizontal properties described by the area shown for such units extending from the respective elevation shown for each of such units on the Third Level Plan (Sheet 5) to but not including the bottom of the structural slab supporting the fourth level, and south of the edge of the fourth level slab, that additional area shown for each unit extending from the fourth level to, but not including, the

bottom of the structural slab supporting the fifth level. Business Units 5, 6, and 7 shall consist of horizontal properties described by the area shown for such units extending from the elevation at the fourth level as shown on the Fourth Level Plan (Sheet 6) to but not including the structural slab supporting the Fifth Level. Business Unit 8 shall consist of horizontal property described by the area shown for such unit extending from the elevation at the fifth level as shown on the Fifth Level Plan (Sheet 7) and as shown on the Condominium Schedule of Elevations (Sheet 2) to, but not including, the structural slab supporting the sixth level. Business Unit 9 shall consist of a horizontal property described by the area shown for such unit extending from the elevation at the sixth level as shown on the Sixth Level Plan (Sheet 8) to but not including the structural slab supporting the seventh level. Business Unit 8 is subject to an unlocated easement of access exercisable by the Council of Unit Owners, acting through the Board of Directors or its duly authorized agents, to the storage room and mechanical room located on Level 5 as shown on Sheet 7 of the Condominium Plat, such easement to permit access to those areas as required for normal maintenance and operation. Business Unit 9 is subject to an unlocated easement of access, exercisable by the Council of Unit Owners acting through the Board of Directors or its duly authorized agents, to the filter room located on Level 6 as shown on Sheet 8 of the Condominium Plat, such easement to permit access to that room as required for normal maintenance and operation.

(b) The Condominium Unit designated as Parking Unit is shown on the First, Second, Third, Fourth, Fifth and Sixth Level Plans (Sheets 1 through 8), and consists of the area designated for such Parking Unit on those Plans, to but not including the structural portion of walls enclosing that unit on each such level. At each of the six levels indicated the Parking Unit shall consist

of a horizontal property extending from the elevation shown for that level, to but not including the structural slab supporting the level above. The Parking Unit shall include the circular ramps in the central portion of the building (excluding, however, the structural parts of the building supporting such ramps) from the first level elevation to but not including the level of the structural slab supporting the seventh level. The Parking Unit is subject to the following easements:

(i) An easement of access for ingress and egress by passenger motor vehicles for all owners of units in the Condominium and their invitees, from the two access points, one on the west side and one on the southeast corner of the building, to the seventh level of the building, such easement to be located as shown on First, Second, Third, Fourth, Fifth, Sixth and Seventh Level Plans (Sheets 3 through 9); provided, however, that such right of entry to the building shall be for an interval of no more than ten (10) minutes for any one vehicle to remain in the building at one time, except by leave of the owner of the Parking Unit.

(ii) An unlocated easement of access for ingress and egress by motor vehicle (of a size adaptable to the spaces and turning areas within the Parking Unit) for the Condominium, exercisable by the Council of Unit Owners, acting through the Board of Directors or its duly authorized agents. Such easement shall permit access from each of the two vehicular entrances into the Parking Unit to the doors between the Parking Unit area and the building service spaces, mechanical rooms and electrical rooms, on the north side of the building on the third and sixth levels, the building service space and common area corridor adjacent thereto east of the south stair on the fifth level, and any other mechanical, electrical, or service areas or general common element to which access is required by the Council of Unit Owners to operate, maintain or improve the condominium. Such easement shall be exercisable

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over such route as may be designated by the Parking Unit owner, and except for emergency purposes, shall be exercisable only on 24 hours advance notice as to access at any designated floor and only for a period of not more than eight hours at a time.

(iii) The right of the Council of Unit Owners to purchase parking privileges within the Parking Unit as more fully set forth in the By-Laws attached to this Declaration and recorded herewith.

(c) The Unit designated as Business Condominium Unit (T) is located on Level 28 (Sheet 13). Business Unit (T) shall consist of the area shown for such unit to, but not including, the structural portions of the walls surrounding that unit and to the centerline of any nonstructural wall enclosing that unit, and shall extend from the elevation at the 28th Level, as shown on Sheet 2 of the Condominium Plat, to, but not including the structural slab supporting the 29th Level roof and elevator machine room. Business Unit (T) shall include as an appurtenance thereto an easement to install and permanently maintain within the

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common area of the Condominium transceiver antennas (and their cable connection) of the vertical cantilevered pole type and of the parabolic disk type, such antennas to be located at the 29th Level. Vertical cantilevered antennas installed pursuant to such easement shall not extend more than 25 feet above the roof of the said elevator machine room. Disk antennas installed pursuant to such easement shall not exceed 15 feet in height. Equipment installed pursuant to such easement and the operation thereof must be certified safe and bonded for liability in an amount not less than \$1,000,000.00 against all risks, and certified by a professional electronic engineer not to interfere with the normal operation of the Condominium electrical and electronic systems. Transceivers other than those installed and operated by Baltimore County, Maryland, are subject to prior approval by Baltimore County for compatibility. All transceivers and accessory equipment are subject to prior Federal Communication Commission approval.

(d) Levels 8 to 28, inclusive, include all residential Condominium Units; in addition to Business Unit (T). The size, configuration and location of the building at each of those levels, and the division of space between condominium unit area and common area on each of those levels, are shown on the Floor Plans (Sheets 10 through 13) by means of typical floor plans as follows: Levels 12, 13, 22, 23 and 24 are identical and described as Floor Plan A; level 14 is described as Floor Plan B; levels 8, 10, 17 and 21 are identical and described as Floor Plan C; levels 9, 11, 15, 16, 18, 19, 20 and 25 are identical and described as Floor Plan D. Levels 26, 27 and 28 are each separately described as Floor Plans E, F and G, respectively. Level 28 consists of the second floors of the units located at Level 27.

(e) Each residential unit is constructed in accordance with one of nineteen unit types. The types of units located on each floor level, and the relative locations of each, are indicated on the residential unit floor plans comprising Sheets 10 through 13 of the Condominium Plat. Each unit in which the suffix "R" follows the unit type designation, is identical to the unit type indicated, except that it is reversed as a mirror image of that type. Each of the Residential Condominium Units is designated by a three or four digit number. The first digit (or first two digits of a four digit number) is the number of the level on which the unit is located. The last two digits are the number designation for that unit based on the location of that unit on the applicable Residential Unit Plan (Sheets 10 through 13); (E.g. Unit 1102 is the unit located on the 11th level designated on Typical Floor D as Unit-02, which is a type 2A unit.) Each of the eight units located on the 27th level is a two story unit and extends through the 28th level. Each residential Condominium Unit shall consist of the area, including terrace or balcony area where applicable, shown for that unit on the residential unit floor plans (Sheets 10 through 13). The Condominium Unit area for each unit shall extend to, but not include the structural elements of that unit's structural perimeter walls and shall extend to the center line of non-structural perimeter walls. All glass windows and doors that serve a unit shall be the responsibility of the owner of that unit.

(f) Each residential Condominium Unit on levels 8 to 26 inclusive shall consist of a horizontal property extending from the level of the building on which designated, which level shall be at the elevation shown on the Condominium Schedule (Sheet 2) to, but not including, the structural slab supporting the level above.

Each unit

shall be

constructed

in accordance

with the

plans and

specifications

Each such unit on level 27 shall include also space on level 28 and consist of a horizontal property extending from the 27th level of the building at the elevation shown on the Condominium Schedule (Sheet 2) to, but not including, the level of the structural slab supporting the roof of the building; (excluding, however, the structural slab supporting the 28th level); in addition, each unit on level 27 shall include the terrace area shown for such unit at the 28th level, the horizontal property of which shall extend from the 28th level of the building, at the elevation shown on the Condominium Schedule (Sheet 2), to the upper limit of such unit's space.

(g) Subject to the easements applicable to the Parking Unit as described in subparagraph (b) above, the easements applicable to Business Units 8 and 9 as described in subparagraph (a) above, and the terms and conditions of this Declaration and the By-Laws recorded herewith, each unit shall include exclusive right to all space and facilities located within the area above described for such unit (except such elements as hereinafter described as general common elements), including but not limited to partitions, doors, and windows, sprinkler systems in the Business and Parking Units, ventilating system in the Parking Unit, and plumbing, heating, electric and other facilities located in each unit, and, as to the units on level 27, and Business Units 3, 4, 6 and 7, the interior stairways located therein. However, there shall be excluded from each unit such electrical wiring, pipes, chases, and conduits as pass through the area of such Unit and which are designated as common elements by item FOURTH below.

To the extent that any one unit may encroach on or be encroached on by any common area or other unit, the encroachment shall be deemed to be mutual easements between the units and/or common area involved. That portion of each condominium unit located

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between the upper surface of the dropped ceiling of such unit and the upper limit of the space of that unit shall be subject to an easement in favor of the Council of Unit Owners, acting through its Board of Directors or duly authorized agents, for the installation and maintenance of pipes, ducts, horizontal chases, conduits, and wiring to serve other condominium units or the common areas. The easement described in the preceding sentence shall be exercisable only upon reasonable notice to the owner or occupant of the unit in which work is to be performed, except that such notice shall not be required in event of emergency.

(h) All Business Units and the Parking Unit may be used for any use not prohibited by the zoning laws of Baltimore County. Except as otherwise provided in the By-Laws, all residential Units shall be utilized for residential purposes only, provided however, that no more than ten residential units may be used by Grantor as model apartments until October 30, 1976, and provided further that any Units on the twelfth level may be used as professional offices

FOURTH

The general common elements of the condominium shall be as follows:

1. All of the land in the premises above described in Item FIRST hereof, including all appurtenant rights thereof, shall be general common elements. All facilities located underground, other than the first and second level area designated as Parking Unit, shall be general common elements.
2. At the ground level, and extending from there upwards, all of the area of the said premises not included in the condominium

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units as described in Item THREE hereof, and all facilities located in that area shall be general common elements. Particularly such common elements shall include those areas designated as common area on Sheets 3 through 14 of the Condominium Plat, as indicated by the shading for common area. Common elements include the seventh level office and lounge space and all facilities related thereto, the swimming pool and saunas at the seventh level, and facilities related thereto, the open space (Patio and pool deck) on the seventh level and all areas within the condominium property, but outside the building (excluding patios, balconies and terraces included within individual condominium units).

3. Any lighting facilities, equipment and wiring installed to illuminate the general common elements, and heating, air conditioning, electric, plumbing and all other facilities located in the general common elements, shall also be general common elements.

4. The following shall also be general common elements: all structural parts of the building, including the roof, girders and floor joists; outside walls of the building (not including glass except at lobbies and other common areas); supporting columns throughout the building; structural parts of dividing walls between Condominium Units; elevators and machinery and equipment appurtenant thereto; stairways (except the interior stairways in units on the 27th-28th levels, and Business Units 1, 2, 3 and 4), hallways, lobbies, service rooms and service areas, chutes, machinery and equipment for operation of the building.

5. Water supply lines to the individual Condominium Units, vent lines and other plumbing facilities outside individual Condominium Units, and sanitary sewage lines, including waste pipes from individual Condominium Units, shall all be general common elements. Any plumbing and heating pipes and vents and any electrical wiring and conduits which pass through an individual condominium unit, but which provide plumbing, heating or electrical services for another condominium

unit or units or which provide any of such services to the common elements, shall also be general common elements. Electric service to individual meters shall be a general common element; individual unit meters and electric service from meters to each individual unit shall be a facility of that unit and, as such, shall be maintained by and at the expense of the owner of such unit.

FIFTH

The percentage interest of each Condominium Unit in the common elements, profits and expenses of the Condominium, and the number of votes to which the respective unit owners are entitled in all matters pertaining to the condominium, are as follows:

Units	Each Unit %	% All Such Units	Votes Each Unit
<u>Business Units</u>			
1	.6706	.670	670
2	.965	.965	965
3	.955	.955	955
4	.956	.956	956
5	5.062	5.062	5062
6	.482	.482	482
7	.345	.345	345
8	3.034	3.034	3034
9	2.171	2.171	2171
T	.350	.350	350
<u>Parking Unit</u>	7.807	7.807	7807

Units	Each Unit	All Such Units	Votes Each Unit
Eighth Level:			
Unit 800.....	.286	.286	286
Units 801,802..	.421	.842	421
Units 803,804,805, 806,810.....	.299	1.495	299
Units 807,808...	.286	.572	286
Unit 812.....	.285	.285	285
Ninth Level:			
Unit 900.....	.289	.289	289
Units 901,902...	.425	.850	425
Units 903,904... 905,906...	.300	1.200	300
Units 907,908...	.288	.576	288
Unit 912	.287	.287	287
Unit 910	.302	.302	302
Tenth Level:			
Unit 1000.....	.291	.291	291
Units 1001,1002...	.428	.856	428
Units 1003,1004,1005, 1006,1010.....	.304	1.520	304
Units 1007,1008..	.290	.580	290
Unit 1012.....	.289	.289	289
Eleventh Level:			
Units 1100.....	.293	.293	293
Units 1101,1102..	.432	.864	432
Units 1103,1104,1105, 1106.....	.305	1.220	305
Units 1107,1108...	.292	.584	292
Units 1112.....	.292	.292	292
Units 1110.....	.306	.306	306
Twelfth Level:			
Unit 1200.....	.295	.295	295
Units 1201,1202...	.421	.842	421
Units 1203,1204,1205, 1206.....	.219	.876	219
Units 1207, 1208...	.474	.948	474
Unit 1212.....	.294	.294	294
Unit 1210.....	.308	.308	308
Thirteenth Level:			
Unit 1300.....	.297	.297	297
Units 1301, 1302....	.424	.848	424
Units 1303, 1304, 1305, 1306.....	.221	.884	221
Units 1307, 1308....	.478	.956	478
Unit 1312.....	.296	.296	296
Unit 1310.....	.310	.310	310
Fourteenth Level:			
Unit 1400.....	.543	.543	543
Units 1401, 1403 1404,1406.....	.223	.892	223
Unit 1402	.548	.548	548
Units 1405, 1408...	.482	.964	482
Unit 1407.....	.298	.298	298
Unit 1410.....	.313	.313	313
Fifteenth Level:			
Unit 1500.....	.302	.302	302
Units 1501,1502....	.447	.894	447
Units 1503,1504 1505,1506.....	.313	1.252	313
Units 1507,1508...	.301	.602	301
Unit 1512.....	.301	.301	301
Unit 1510.....	.315	.315	315
Sixteenth Level:			
Unit 1600.....	.305	.305	305
Units 1601,1602....	.451	.902	451
Units 1603,1604 1605,1606.....	.316	1.264	316
Units 1607,1608....	.304	.608	304
Unit 1612.....	.303	.303	303
Unit 1610.....	.317	.317	317
Seventeenth Level:			
Unit 1700.....	.307	.307	307
Units 1701,1702....	.455	.910	455

Units 1703, 1704			
1735, 1706, 1710	.320	1.600	320
Units 1707, 1708	.306	.612	306
Unit 1712	.305	.305	305
Eighteenth Level:			
Unit 1800	.309	.309	309
Units 1801, 1902	.459	.918	459
Units 1803, 1804			
1805, 1806	.320	1.280	320
Units 1807, 1808	.308	.616	308
Unit 1812	.308	.308	308
Unit 1810	.322	.322	322
Nineteenth Level:			
Unit 1900	.311	.311	311
Units 1901, 1902	.462	.924	462
Units 1903, 1904			
1905, 1906	.323	1.292	323
Units 1907, 1908	.312	.624	312
Unit 1912	.310	.310	310
Unit 1910	.324	.324	324
Twentieth Level:			
Unit 2000	.314	.314	314
Units 2001, 2002	.466	.932	466
Units 2003, 2004			
2005, 2006	.325	1.300	325
Units 2007, 2008	.313	.626	313
Unit 2012	.312	.312	312
Unit 2010	.326	.326	326
Twenty-First Level:			
Unit 2100	.328	1.345	328
Units 2102, 2103	.470	.940	470
Units 2103, 2104			
2105, 2106, 2110	.329	.658	329
Units 2107, 2108	.315	.630	315
Unit 2112	.314	.314	314
Twenty-Second Level:			
Unit 2200	.318	.318	318
Units 2201, 2202	.459	.918	459
Units 2203, 2204			
2205, 2206	.341	.964	341
Units 2207, 2208	.317	1.021	317
Unit 2212	.317	.317	317
Unit 2210	.331	.331	331
Twenty-Third Level:			
Unit 2300	.320	.320	320
Units 2301, 2302	.462	.924	462
Units 2303, 2304			
2305, 2306	.344	.976	344
Units 2307, 2308	.319	1.032	319
Unit 2312	.333	.333	333
Unit 2310			
Twenty-Fourth Level:			
Unit 2400	.323	.323	323
Units 2401, 2402	.466	.932	466
Units 2403, 2404			
2405, 2406	.326	.984	326
Units 2407, 2408	.321	1.040	321
Unit 2412	.335	.335	335
Unit 2410			
Twenty-Fifth Level:			
Unit 2500	.325	.325	325
Units 2501, 2502	.474	.948	474
Units 2503, 2504			
2505, 2506	.326	1.344	326
Units 2507, 2508	.324	.648	324
Unit 2512	.323	.323	323
Unit 2510	.338	.338	338
Twenty-Sixth Level:			
Unit 2600	.363	.363	363
Units 2601, 2602			
2603, 2604	.720	2.880	720
Unit 2612	.428	.428	428
Unit 2610	.818	.818	818
Unit 2700			
Units 2701, 2703	.389	1.556	389
2704, 2706	.326	.652	326
Unit 2702	.322	.322	322
Unit 2703	.322	.322	322
Unit 2720	.303	.303	303
	100,000	100,000	

SIXTH

The condominium hereby created, and the rights, duties and liabilities of each Condominium Unit Owner, shall be governed by the provisions of this Declaration and by the provisions of Sections 11-101, et seq., of the Real Property Article of the Annotated Code of Maryland (1974 Ed., 1975 Supp.) and, to the extent not inconsistent with such statutory or declaration provisions, by the By-Laws of Penthouse Condominium, in the form attached hereto as a part hereof, as such By-Laws may be amended from time to time by the members of the condominium. The owner or owners of each Condominium Unit shall be entitled to the number of votes indicated for that Unit in Item FIFTH above in all matters pertaining to the government or management of the condominium, subject to the provisions of Item NINTH hereof.

SEVENTH

The owner of each Condominium Unit shall maintain the same in good repair. The Board of Directors of the Council of Unit Owners (the "Board" or "Board of Directors"), or any agent, representative or manager designated by such Board, shall have the right at all reasonable times, to enter any Condominium Unit to ascertain compliance with such obligation. In the event of failure of a Condominium Unit owner to comply with such obligation, the Council of Unit Owners, acting through its Board of Directors or any designated agent, representative or manager, shall after ten days' prior written notice to the owner, and failure on the owner's part to make the repairs set forth in such notice, have the right to make the repairs and assess the cost thereof to such owner, in the same manner as such owner is assessed his share of common element costs. The Board of Directors, or any agent, representative or manager designated by such Board shall also have the right at all reasonable times, and upon reasonable prior notice to the owner or occupant of the unit involved, to enter any condominium Unit to the extent necessary for purposes of repairing, maintaining or inspecting any of the common elements. In the event of emergency, the notice aforesaid shall not be

required prior to the Council making repairs to a unit or to the common elements, if, in the absence of such repairs it is reasonable to assume structural damage to the building or damage to any other Condominium Unit or general common element, or personal injury, would result.

EIGHTH

All charges against any Condominium Unit arising from maintenance and operation of general common elements, from repairs to the unit made pursuant to Item SEVENTH hereof, from the maintenance of fire, liability or other insurance on behalf of the condominium, from management fees, or from other expenses incurred by the condominium pursuant to the By-Laws, shall be levied and assessed at the beginning of each fiscal year, shall become due and payable as the By-Laws shall provide, and shall, upon recording of a "Statement of Condominium Lien" pursuant to Section 11-110 of the Real Property Article of the Annotated Code of Maryland (1974 Ed., 1975 Supp) or upon compliance with such other requirement as may be imposed by law from time to time, become a lien upon said Condominium Unit.

NINTH

Subject to the prior approval of the Board of Directors of the Council, and subject to such restrictions as may be imposed by the By-Laws, each Condominium Unit may be leased or rented by the owner thereof for such term or terms as may be specified in the lease or rental agreement describing the same, except that no unit may be leased for hotel or transient purposes, and each lease must be in writing and contain a provision stating that (i) it is subject in all respects to the provisions of this Declaration and the By-Laws of Penthouse Condominium and (ii) any failure by the Lessee to comply with the terms of said Declaration or By-Laws is a default under the lease. Each Condominium Unit is also subject to alienation, mortgage, pledge, transfer, gift or conveyance in any other manner. Any mortgage or other security transfer shall not be considered as a change of ownership for purposes of voting or holding office in the management of the condominium or for purposes of assessment of charges of

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the condominium as aforesaid. Each Condominium Unit shall continue to remain subject to the provisions of this Declaration, the By-Laws of the Condominium, and the management of the condominium by its Board of Directors however the same may be leased, mortgaged, granted, conveyed or otherwise alienated by the owner, his heirs, successors or assigns.

TENTH

An owner who mortgages his Unit shall notify the President of the Board of Directors of the name and address of his mortgagee; and the Council shall maintain such information in a book entitled "Mortgagees of Units". If such owner or mortgagee so requests, copies of all notices to the owner will also be sent to his mortgagee. Any first mortgagee shall have the right (i) upon reasonable notice to the Council of Unit Owners and during normal business hours, to examine the books and records of the Council, (ii) upon request to the Council of Unit Owners, to receive a copy of the Condominium's annual financial statement for any fiscal year, (iii) to designate a representative to attend all meetings of the Council of Unit Owners, (iv) to receive notice of any condemnation proceedings against the common elements or any portion thereof or against the unit on which such mortgagee possesses a lien, (v) to prompt notice of any substantial damage to, or destruction of, the common elements or any portion thereof or the unit on which such mortgagee possesses a lien, and (vi) upon request, to written notification of any default in the performance by the owner of the unit upon which such mortgagee possesses a lien of any obligation under this Declaration or the By-Laws which is not cured within sixty days.

ELEVENTH

Grantor hereby affirms under penalty of perjury that the notice requirements of Section 11-102.1 of the Real Property Article of the Annotated Code of Maryland (1974 Ed., 1975 Supp.) have, to the extent applicable, been complied with

IN WITNESS WHEREOF, the Grantor has caused the premises to be duly executed on its behalf and its seal hereunto affixed, the day and year first above written.

DN5631 44608

WITNESS:

PENTHOUSE JOINT VENTURE

[Signature]

John Clemson
John Clemson, Trustee

WITNESS:

[Signature]

Saul H. Bernstein
Saul H. Bernstein, Trustee

STATE OF MARYLAND
CITY OF BALTIMORE SS:

County of Carroll

I HEREBY CERTIFY that on this 5 day of May 1976, before me, the subscriber, a Notary Public in and for the State of Maryland, personally appeared JOHN CLEMON, Trustee of Penthouse Joint Venture, who made oath that he was duly authorized to execute this instrument on behalf of said JOINT VENTURE, and that as such Trustee, he acknowledged the same to be the act and deed of the said JOINT VENTURE.

AS WITNESS, my hand and Notarial Seal.

Vernon A. Lissner
Notary Public

My Commission expires: 7/78

STATE OF MARYLAND
CITY OF BALTIMORE SS:

County of Carroll

I HEREBY CERTIFY that on this 5 day of May 1976, before me, the subscriber, a Notary Public in and for the State of Maryland, personally appeared Saul H. Bernstein, Trustee of Penthouse Joint Venture, who made oath that he was duly authorized to execute this instrument on behalf of said JOINT VENTURE, and that, as such Trustee, he acknowledged the same to be the act and deed of the said JOINT VENTURE.

AS WITNESS, my hand and Notarial Seal.

John Liddle Vernon A. Lissner
Notary Public

My Commission expires: 7/78

Environmental Impact Statement

AT&T Wireless Services, Inc. *The Penthouse Site*

B033.3

October 1996

Project No. 96035.17

Prepared for:

AT&T Wireless Services, Inc.
8403 Colesville Road, 10th Floor
Silver Spring, MD 20910

PETITIONER'S
EXHIBIT 2



Max Kantzer 10.3.96

DMW

Prepared by:
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

APPROVED

I. INTRODUCTION

This Environmental Impact Statement (EIS) has been prepared to meet the requirements of § 502.7.C.10 of the Baltimore County Zoning Regulations, pursuant to a Petition for Special Exception for the development of a wireless transmitting and receiving facility at *The Penthouse* condominium building in Towson. The facility will be operated by a contract lessee, AT&T Wireless Services, Inc. (AT&T), 8403 Colesville Road, Silver Spring, MD 20910.

II. PROJECT SUMMARY

The proposed project will consist of the construction and operation of a wireless transmitting and receiving facility for use as a Personal Communications Service (PCS) station. The facility will consist of nine panel antennas (54"± high x 6±" wide x 3±" deep). Three of the antennas will be mounted to an existing stub tower on the northwest corner of the main roof and six of the antennas will be skid mounted on the southeast and west sides of the main roof of the existing high-rise condominium building. A pair of equipment cabinets (7±' high x 5±' wide x 3.5±' deep) will be installed on a platform on the main roof. The station will be a component of the PCS system being constructed by AT&T to serve the Baltimore-Washington area.

The facility will be constructed on land owned by Michael M. Agostinelli located at 28 Allegheny Avenue in Towson. The facility will be wholly contained within the boundary of the 0.84-acre property which is improved with the high-rise building known as *The Penthouse*. The existing building occupies virtually the entire site. The high-rise portion of the building upon which the subject antennas will be mounted rises roughly in the center of the building and the parcel.

The subject property is zoned BM-CT. Lands surrounding the property are likewise zoned BM-CT with a mix of business, office and parking uses associated with downtown Towson.

The proposed facility can be constructed at this location with no land disturbance. The proposed facility will be served by electric and telephone utilities only. No sanitary sewer, water, or natural gas facilities are needed for the operation of the facility. The facility is designed for unmanned operation, but will be subject to regular periodic maintenance visits.

III. PROBABLE ENVIRONMENTAL IMPACT

Site Clearing and Grading: The facility will be installed on an existing structure and will not require earth work or grading of any kind.

Site Drainage and Runoff: The facility will be installed atop an existing structure and will not create any new impervious area. There are no materials proposed to be used that could cause any chemical contamination of either runoff or ground water.

Wildlife Habitat: The site was visited by a Natural Resources Specialist on October 2, 1996. No significant plant or wildlife resources were found in the immediate vicinity of the proposed facility. The facility will be installed atop an existing structure, therefore no significant habitats will be disturbed.

The effects of radio broadcast towers on free ranging wildlife are largely unknown. However, studies on confined individuals indicate that to have any measurable effect, non-ionizing radiation levels must be several orders of magnitude greater than those which can be expected from this type of facility (see Page 3, *Acute short term exposures*). Wildlife studies on the effects of radio frequency radiation similar to that which will be emitted by the proposed AT&T facility are unwarranted due to the extremely low levels of radiation.

Numerous studies have been conducted examining the long term migration patterns and habits of migratory birds. It is generally assumed that these birds use astronomical, magnetic, and landscape cues to compliment inherited genetic abilities to migrate. Significant landscape features such as cities, rivers, and mountain ranges are widely considered to be the features utilized by birds. More localized features such as towns, creeks, and wood lots are learned as more precise locator cues. It is unlikely that waterfowl and other species of birds which may migrate through the Towson area could be confused by the addition of this facility.

Noise: The proposed facility will not generate any audible noise on a routine operating basis.

RF Radiation:

Background - Energy associated with electromagnetic radiation depends on its frequency (or wavelength). The higher the frequency, the greater the energy. X-ray and gamma radiation are at the far end of the high-frequency radio spectrum and thus possess relatively large amounts of energy. Electromagnetic waves associated with this energy level are referred to as ionizing radiation which can alter biological molecules by stripping electrons from the atoms. It is important not to confuse the terms "ionizing" and "non-ionizing" when referring to electromagnetic radiation since their mechanisms of biological effects are quite different. The AT&T PCS system operates in a radio frequency (RF) radiation spectrum of 1950 to 1965 Megahertz (MHz). This frequency of RF radiation is within the range of non-ionizing energy. This means that the energy level is not sufficient to alter biological molecules.

Typical radiated power from an AT&T PCS transmitter is about 500 watts (W). With all six proposed transmitters operating simultaneously at full power, the entire facility will have an effective radiated power not

exceeding 3,000 watts. By contrast, television and radio broadcasting facilities operate at 50,000 to 200,000 watts. When compared to power levels presented by television and radio broadcasting, one finds the PCS system power levels orders of magnitude less.

Potential Health Effects - There is an extensive body of literature published concerning the biological effects of RF radiation. These effects are dependent upon the electromagnetic frequency, the power (energy level), and the duration of exposure. It has been known for some time that high intensity doses of RF radiation can be harmful by the effect of heating biological tissue. Tissue damage can result primarily because of the body's inability to dissipate the excessive heat. These "thermal" effects are the same principles that are applied by microwave ovens and diathermy machines used in the therapeutic deep tissue treatment procedures.

a. **Acute (short-term exposures)**

Short-term, high intensity (100-200 mW/cm² [milliwatts per square centimeter]) RF radiation exposures to rabbits have demonstrated eye tissue changes due to thermal effects. Such effects have not been demonstrated at low level (less than 10 mW/cm²) power densities. Alterations in sperm production have also been reported and are related to thermal effects. The eyes and the testicles are particularly inefficient at dissipating heat and thus are more susceptible to temperature related effects. It is important to note that the power densities required to produce thermal effects from short-term exposures are 150,000 to 1,500,000 times greater than the levels which can be expected at the base of the AT&T installation.

b. **Chronic (long-term exposures)**

The evidence of harmful biological effects at energy levels lower than those known to produce significant, measurable tissue heating has been controversial. The literature reports a wide range of potential non-thermal effects. These effects include behavioral modifications, reproductive, immunological and blood-forming effects, irritability, fatigue, and cardiovascular changes.

Human studies have not demonstrated significant differences between RF radiation exposed and unexposed populations. While various hypotheses have been formed to explain non-thermal effects, there is insufficient information to change currently accepted exposure level guidelines.

Standards and Guidelines:

a. **ANSI/IEEE C95.1 - 1992:**

Standards for maximum permissible RF radiation exposure levels were established by the American National Standards Institute (ANSI) in 1992, as ANSI/IEEE C95.1-1992. This standard was subsequently adopted by the Federal Communications Commission on September 19, 1994.

The maximum permissible exposure power densities designated by ANSI/IEEE C95.1-1992 were decreased by a factor of five from a 1982 ANSI standard for "uncontrolled" environments. The formula to calculate exposure limits at the frequencies used by the PCS system is:

$$f [\text{frequency (MHz)}] / 1500$$

Substituting AT&T's frequencies in the formula, the maximum permissible power density exposure limits for 1950 to 1965 MHz are 1.30 to 1.31 mW/cm², respectively. The permissible exposure is weighted over a 30-minute time period verses a six-minute period used in the previous 1982 ANSI guidelines.

At less than 0.001 mW/cm², the likely power densities at the base of the proposed PCS facility will be more than 1,200 times less than the maximum permissible exposure levels set by the ANSI guidelines.

b. Other Guidelines

The National Council on Radiation Protection and Measurements (NCRPM) specifies a fixed level of 1 mW/cm² as the acceptable exposure level for the general public. The International Radiation Protection Association's (IRPA) guidelines for public exposure also recommend 1 mW/cm².

<u>Summary</u>	<u>Power Density (mW/cm²)</u>
ANSI/IEEE Maximum Permissible	1.30
NCRPM and IRPA Guidelines	1
Maximum Exposure Level at the base of a PCS Installation	<.001

Power Densities:

a. PCS Systems

A recent safety analysis by Bell Laboratories (October 12, 1995), indicates that "in all normally accessible areas in the neighborhood surrounding a typical PCS installation, the maximum levels of RF energy associated with operation of the antennas will be 1,200 times below the exposure limits of the 1992 ANSI/IEEE C95.1 safety guideline." The full report of this study which includes more details of the characteristics of facilities like the proposed and their relationship to the published standards and guidelines is included as Appendix A.

b. Radio and Television

Radio and television stations transmit at frequencies between 550 kHz and 800 MHz. These stations transmit using radiated power in the tens of thousands watts. When compared to the 3,000 watts, or less, from the proposed PCS facility, one can readily see that PCS systems do not significantly contribute to the public's overall environmental exposures to RF radiation.

Environmental measurements of RF radiation by the Environmental Protection Agency and the FCC typically find levels well below exposure guidelines. In cases where levels have exceeded guidelines, there were unusual circumstances that placed the public too close to an antenna.

IV. DISCUSSION OF UNAVOIDABLE ADVERSE EFFECTS

Based on the above observations, the unavoidable adverse effects can be reduced to one item: the visibility of the antennas. This facility will be installed among several existing antennas using panel antennas, the addition of which will not significantly detract from the building's existing appearance.

V. ALTERNATIVES TO THE PROPOSED ACTION

Should approval for the proposed project be denied, it would be necessary to seek an alternative site within 0.25 to 0.5 mile of the present location. A tower of at least 200 feet in height and the associated equipment cabinets would have to be constructed. Approval of the proposed plan will eliminate the need for a potentially freestanding monopole or tower facility.

VI. ASSESSMENT OF LONG-TERM EFFECTS

The long-term effects are limited to the presence of the proposed roof top antennas. No environmental degradation will result from placing this facility at this previously developed site.

VII. COMMITMENT OF RESOURCES

The proposed project does not require any unusual materials or resources. Approval of the project will negate the need for an additional nearby station.

VIII. CONCLUSIONS

The proposed project will cause little or no impact to the environment and will result in a benefit to the public by providing improved Personal Communication Systems service in Baltimore County.

Appendix A



**Safety Analysis of the Electromagnetic Environment in the
Vicinity of a Personal Communication Services (PCS) Base Station**

Radiation Protection and Product Safety Department
AT&T Bell Laboratories
Murray Hill, New Jersey 07974-0636

Summary

This report is a safety analysis of the radiofrequency (RF) electromagnetic environment in the vicinity of a typical AT&T Wireless Services PCS radio base station. The analysis utilizes engineering data provided by AT&T Wireless, together with well-established analytical techniques for calculating the RF electromagnetic fields associated with PCS antennas. Worst-case assumptions were used to ensure safe-side estimates, i.e., the actual values will be significantly lower than the corresponding analytical values. The analysis indicates that the maximum level of RF energy to which the public may be exposed is below all applicable health and safety limits.

Specifically, in all normally accessible areas in the neighborhood surrounding a typical PCS installation, the maximum levels of RF energy associated with operation of the antennas will be 1,200 times below the exposure limits of the 1992 ANSI/IEEE C95.1 safety guideline.

Prepared for
AT&T Wireless Services
15 E. Midland Avenue
Paramus, New Jersey 07652

October 12, 1995

I. Introduction

This report was prepared in response to a request from AT&T Wireless Services for a safety analysis of the radiofrequency (RF) electromagnetic environment in the vicinity of a typical personal communication services (PCS) base station, and an opinion regarding the concern for public health associated with long-term exposure in the environment surrounding such an installation.

Z. Technical Data

PCS base station antennas transmit at frequencies between 1930 and 1965 million hertz (MHz). Like antennas used for cellular radio, PCS antennas might be mounted on a lattice tower, monopole-type structure or on a building rooftop.

Based on information provided by AT&T Wireless Services, the radiated power per transmitter (channel) for a PCS base station would be less than 10 watts, and the radiated power per sector would be less than 240 watts (assuming the maximum number of transmitters are installed and operate simultaneously). This is an extremely low power system when compared with other familiar radio systems, such as AM, FM and television broadcast, which operate upwards of 50,000 watts. Figure 1 is a diagram of the electromagnetic spectrum which also lists common uses of RF energy. Table 1 below lists engineering specifications for a PCS base station.

**Table 1
Engineering Specifications for a Typical PCS Radio System**

Site Specifications	
antenna centerline height above grade.....	98 ft
number of transmit antennas per sector.....	1
number of receive antennas per sector.....	2
number of transmitters (channels) per sector.....	24
antenna manufacturer.....	DAPA
model number.....	5800U
gain.....	17.15 dBi
down tilt.....	0°
maximum ERP† per channel.....	120 watts
maximum radiated power per channel.....	4 watts
maximum radiated power per sector‡.....	96 watts

† ERP - Effective Radiated Power: ERP is a measure of how well an antenna concentrates RF energy; it is not the power radiated from the antenna. To illustrate the difference, compare the brightness of an ordinary 100 watt light bulb with that from a 100 watt spot-light. Even though both are 100 watts, the spot-light appears brighter because it concentrates the light in one direction. In this direction, the spot-light effectively appears to be emitting more than 100 watts. In other directions, there is almost no light emitted by the spot-light and it effectively appears to be much less than 100 watts.

‡ Assumes the maximum number of transmitters per sector, 24, are operating continuously.

3. Environmental Levels of RF Energy

The antenna pattern from a PCS antenna is such that the energy is propagated in a relatively narrow beam (in the vertical plane) which is directed toward the horizon. The reason for this is to provide uniform coverage. Hence, levels of RF energy directly under the antennas will not be remarkably different from the levels at points more distant.

For a PCS base station, the maximum potential exposure level associated with operation of the antennas can be readily calculated at any point in a plane at any height above grade. Based on the information provided by AT&T Wireless, and assuming that the maximum number of radio channels operates continuously, the power density at any point in a horizontal plane 6 ft above grade will be less than 1.0 millionth of a watt per centimeter squared ($1.0 \mu\text{W}/\text{cm}^2$), and also will be less than $1.3 \mu\text{W}/\text{cm}^2$ at any point in a corresponding plane 16 ft above grade. The latter is representative of the maximum power density immediately outside of the second floor of nearby residences (assuming level terrain).

The above levels are theoretical maxima that could occur and are not typical values. The calculations include the effect of field reinforcement from in-phase reflections, and the assumption was made that the maximum number of transmitters operates simultaneously and at maximum output power. Although the above values are obtained analytically, experience has shown that the technique used is extremely conservative. That is, the measured power density levels have always been found to be smaller than the corresponding calculated levels¹. Furthermore, levels inside nearby homes and buildings will be lower than those immediately outside because of the high attenuation of common building materials at these frequencies and, hence, will not be significantly different from normal ambient levels.

4. Comparison with Standards

Table 2 below shows the calculated maximal RF power density levels in the vicinity of a base station. Table 3 shows the pertinent federal, state and consensus exposure limits for human exposure to RF energy. The various exposure limits range from $1,000 \mu\text{W}/\text{cm}^2$ (public exposure) to $10,000 \mu\text{W}/\text{cm}^2$ (occupational exposure), while the corresponding calculated maximum power density levels in the environment surrounding a PCS installation from operation of the antennas would be less than $1.0 \mu\text{W}/\text{cm}^2$ (at 6 ft above grade) and $1.3 \mu\text{W}/\text{cm}^2$ (at 16 ft above grade). The power density in the main beam of the antenna will be less than $10 \mu\text{W}/\text{cm}^2$ at any distance greater than 200 ft from the antennas.

Table 2
Calculated Maximal RF Power Density Levels
for a Typical PCS Base Station

Location	Power Density ($\mu\text{W}/\text{cm}^2$)
6 ft above grade	<1.0
16 ft above grade	<1.3
In the main beam, 200 ft from the antennas	<10.0

1. Petersen, R.C. and Tesagrossa, P.A., Radiofrequency Fields Associated with Cellular Radio Cell-Site Antennas. *Bioelectromagnetics*, Vol. 13, No. 6 (1992).

Table 3
Summary of State, Federal and Consensus Guidelines
for Exposure to Radiofrequency Energy at Frequencies
Used for PCS

<u>Organization/Government Agency</u>	<u>Exposure Population</u>	<u>Exposure Limit ($\mu\text{W}/\text{cm}^2$)</u>
Occupational Safety & Health Administration (OSHA - 29 CFR 1910.97)	Occupational	10,000
American National Standards Institute (ANSI C95.1 - 1982)	Occupational Public	5,000 5,000
Institute of Electrical and Electronic Engineers [*] (ANSI/IEEE C95.1 - 1992)	Occupational Public	6,000 1,200
National Council on Radiation Protection & Measurements (NCRP Report 86 - 1986)	Occupational Public	5,000 1,000
U.S. Federal Communications Commission (requires PCS licensees to comply with ANSIC95.1 - 1992)	Occupational Public	6,000 1,200
New Jersey Administrative Code (NIAC 7:28-42)	Public	5,000
Massachusetts Department of Health (105 CMR 122)	Public	1,000
New York State Department of Health (follows NCRP Report 86)	Public	1,000

^{*} Latest revision of ANSI C95.1 - 1982.

5. Discussion of Health Standards

Recently, press coverage has suggested an association between health effects and exposure to magnetic fields from electric-power distribution lines, and from the use of hand-held cellular telephones. This press coverage has heightened concern among some members of the public about the possibility that health effects may be associated with *any* exposure to electromagnetic energy. Many people feel uneasy about new or unfamiliar technology and often want absolute proof that something is safe. Such absolute guarantees are not possible since it is virtually impossible to prove that something does *not* exist. However, sound judgments can be made as to the safety of a physical agent based on the weight of the pertinent scientific evidence. This is exactly how safety guidelines are developed.

The overwhelming weight of scientific evidence unequivocally indicates that biological effects associated with exposure to RF energy are threshold effects, i.e., unless the exposure level is sufficiently high the effect will not occur regardless of exposure duration. (Unlike ionizing radiation, e.g., X-rays and nuclear radiation, repeated exposures to low level RF radiation, or nonionizing radiation, are not cumulative.) Thus, it is relatively straightforward to derive safety limits. By adding safety factors to the threshold level at which the most sensitive effect occurs, conservative exposure guidelines have been developed to ensure safety.

At present, there are more than 10,000 reports in the scientific literature which address the subject of RF bioeffects. These reports, most of which describe the results of epidemiological studies and animal studies, have been critically reviewed by leading researchers in the field and all new studies are continuously being reviewed by various groups and organizations whose interest is developing health standards. These include the U.S. Environmental Protection Agency, the National Institute for Occupational Safety and Health, the National Council on Radiation Protection and Measurements, the

standards committees sponsored by the Institute of Electrical and Electronics Engineers, the International Radiation Protection Association under the sponsorship of the World Health Organization, and the National Radiological Protection Board of the UK. All of these groups have recently either reaffirmed existing health standards, developed and adopted new health standards, or proposed health standards for exposure to RF energy.

For example, in 1986, the National Council on Radiation Protection and Measurements (NCRP) published recommended limits for occupational and public exposure². These recommendations were based on the results of an extensive critical review of the scientific literature by a committee of the leading researchers in the field of bioelectromagnetics. The literature selected included many controversial studies reporting effects at low levels. The results of all studies were weighed, analyzed and a consensus obtained establishing a conservative threshold upon which safety guidelines should be based. This threshold corresponds to the level at which the most sensitive, reproducible effects were reported in the scientific literature. Safety factors were incorporated to ensure that the resulting guidelines would be at least ten to fifty times lower than the established threshold, even under worst-case exposure conditions. The NCRP recommended that continuous occupational exposure to PCS radio frequencies should not exceed approximately 5,000 $\mu\text{W}/\text{cm}^2$, and continuous exposure of the public should not exceed 1,000 $\mu\text{W}/\text{cm}^2$.

In July of 1986, the Environmental Protection Agency published a notice in the *Federal Register*, calling for public comment on recommended federal guidance for exposure of the public³ to RF energy. As of 1987 the EPA abandoned its efforts and failed to adopt official federal RF exposure guidelines. However, in 1993 the EPA, in commenting on the Federal Communications Commission's (FCC) Notice of Proposed Rule-Making⁴, recommended adoption of the 1986 NCRP limits.

Further, the maximum permissible exposure limits proposed by the Institute of Electrical and Electronics Engineers Standards Coordinating Committee SCC-28 (formerly ANSI Committee C95), were approved by the IEEE Standards Board on September 26, 1991⁵, and approved by ANSI on November 18, 1992. This 1992 ANSI/IEEE C95.1 guideline resulted from an extensive critical review of the scientific literature and recommend a limit of 6,000 $\mu\text{W}/\text{cm}^2$ for continuous occupational exposure and 1,200 $\mu\text{W}/\text{cm}^2$ for continuous exposure of the public to PCS radio frequencies. (Although there are no federal safety limits, *per se*, in order to fulfill its obligations under the National Environmental Policy Act, the FCC requires that PCS licensees comply with the limits of the 1992 ANSI/IEEE C95.1 safety guideline⁶.)

More recently, the World Health Organization's International Commission on Non-ionizing Radiation Protection⁷ and the National Radiological Protection Board in the United Kingdom⁸ independently developed and published guidelines similar to those of ANSI/IEEE. Finally, what was formerly the USSR, which traditionally had the lowest exposure guides, twice has revised upward its limits for public exposure. Thus, there is a converging consensus of the world's scientific community as to what constitutes safe levels of exposure.

2. *Biological Effects and Exposure Criteria for Radio Frequency Electromagnetic Fields*, NCRP Report No. 86, National Council on Radiation Protection and Measurements, Bethesda, MD, (1986).

3. *Federal Register*, Vol. 51, No. 146, Wednesday, July 30, 1986.

4. Notice of Proposed Rule-Making, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, August 13, 1993, ET Docket No. 93-62.

5. *IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz*, ANSI/IEEE C95.1-1992, Institute of Electrical and Electronics Engineers, Piscataway, NJ.

6. *Code of Federal Regulations*, 47 CFR 24.52, 1994.

7. *Electromagnetic Fields (300 Hz to 300 GHz), Environmental Health Criteria*, 137, World Health Organization, Geneva, Switzerland (1993).

8. *Board Statement on Restrictions on Human Exposure to Static and Time Varying Electromagnetic Fields and Radiation*, Documents of the NRPB, Vol. 4, No. 5, National Radiological Protection Board, Chilton, United Kingdom (1993).

With respect to the proposed PCS radio antennas, be assured that *actual* exposure levels in the vicinity of a typical base station will be below any health standard used anywhere in the world and literally thousands of times below any level reported to be associated with any verifiable functional change in humans or laboratory animals. This holds true even when all transmitters operate simultaneously and continuously. Power density levels of this magnitude are not even a subject of speculation with regard to an association with adverse health effects.

6. For Further Information

Anyone interested can obtain additional information about the environmental impact of land mobile services, including PCS, from:

Dr. Robert Cleveland, Jr.
Federal Communications Commission
Office of Engineering and Technology
Room 7002
1919 M Street NW
Washington, DC 20554
(202) 653-8169

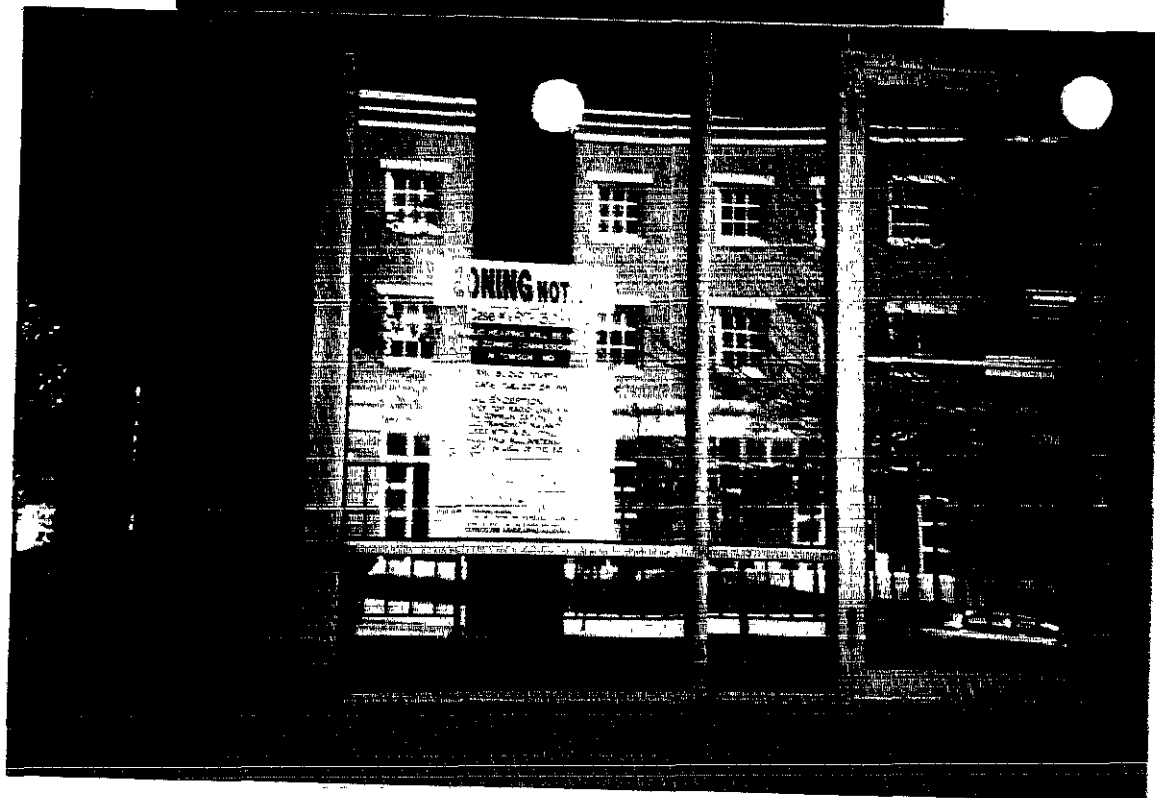
7. Conclusion

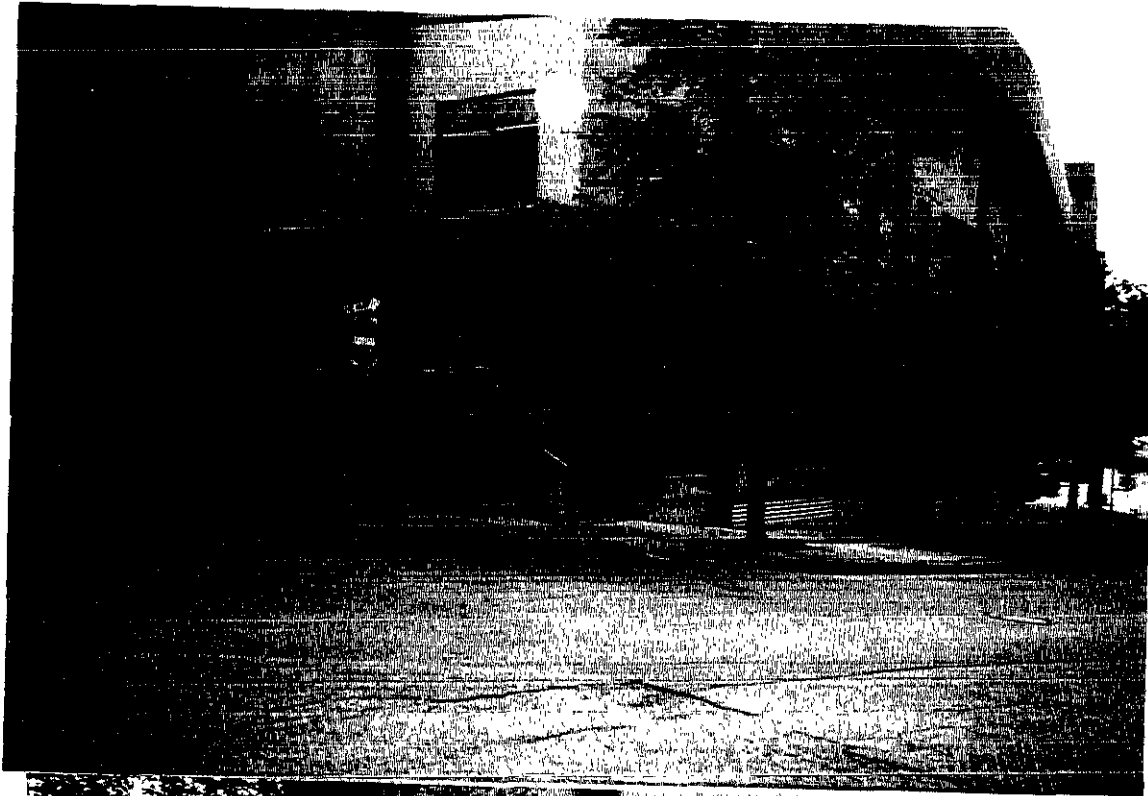
A safety analysis has been performed with respect to potential public exposure to RF energy in the environment surrounding a typical PCS base station. The analysis utilized engineering data provided by AT&T Wireless Services together with well-established analytical techniques for estimating the environmental levels of RF energy associated with PCS antennas. Worst-case assumptions were used to ensure safe-side estimates, i.e., the actual values will be significantly lower than the corresponding analytical values. The analysis indicates that the maximum level of RF energy to which the public may be exposed will meet all applicable health and safety limits.

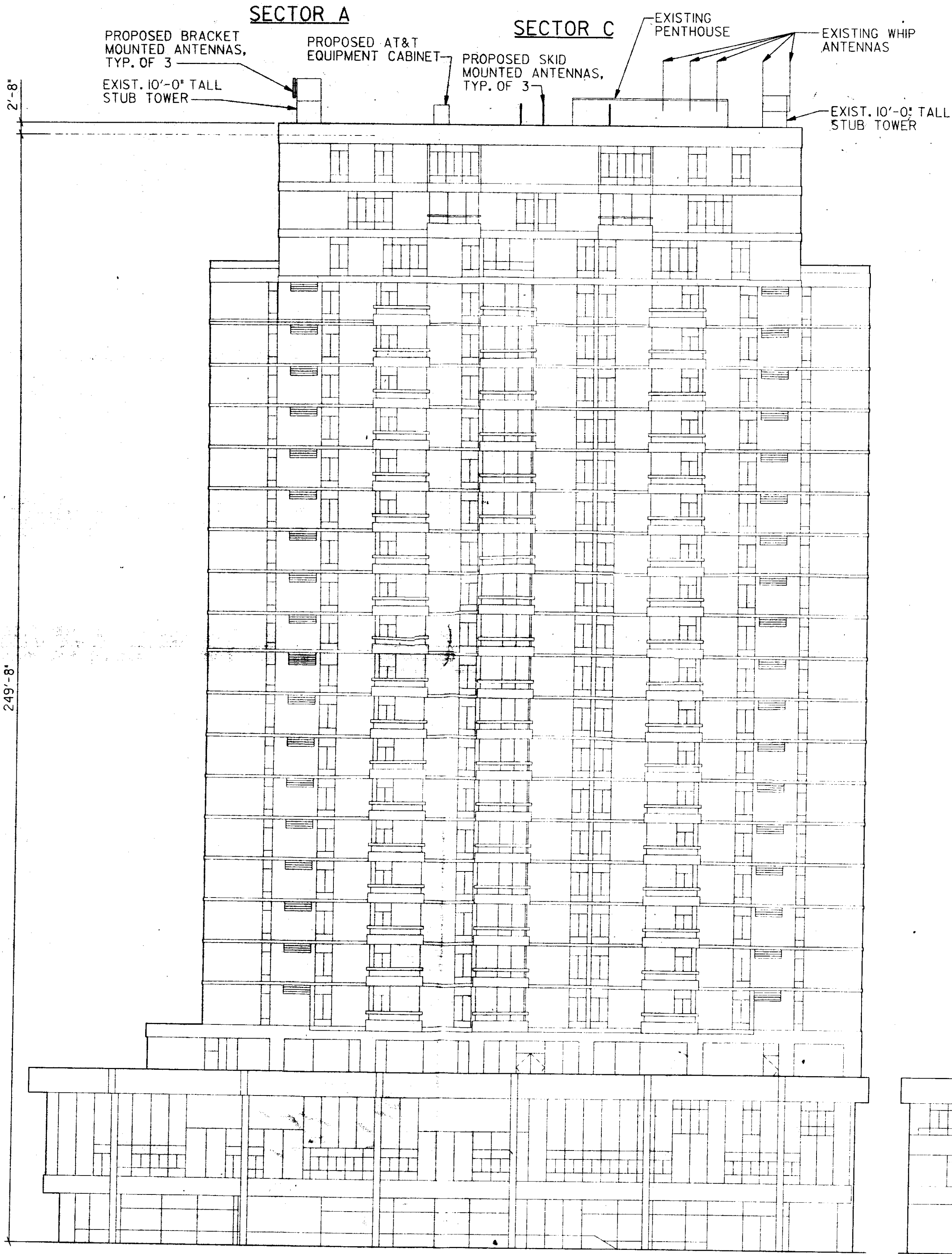
Specifically, in all normally accessible areas surrounding a typical PCS installation, the maximum levels of RF energy associated with operation of the antennas will be 1,200 times below the public exposure limits of the 1992 ANSI/IEEE C95.1 safety guideline.

Enclosures

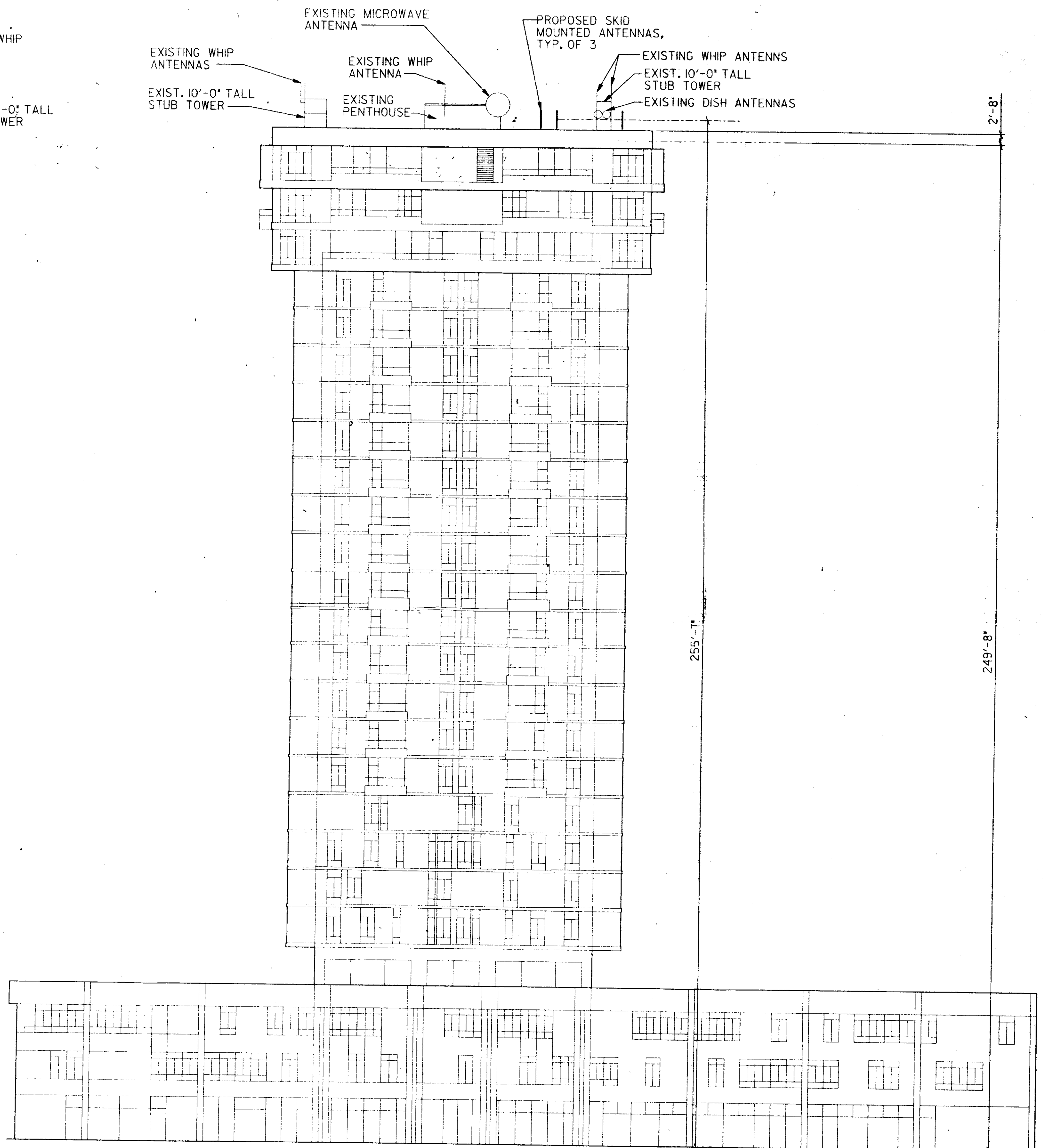
Figure 1 - Electromagnetic Spectrum







WEST ELEVATION
Scale: 1/16" = 1'-0"



SOUTH ELEVATION
Scale: 1/16" = 1'-0"

ENGINEER	M.A.V.
DESIGN	M.A.V.
DRAWN	P.S.B.
CHECK	D.R.A.
DATE	08/20/95

DRAWING INTENT IS TO INDICATE GENERAL ARRANGEMENT, DESIGN AND INTENT OF WORK AND IS PARTLY DIAGRAMMATIC. DRAWING SHALL NOT BE SCALED.

NO.	REVISIONS	DATE
1	ZONING SUBMITTAL	08/20/95

BUCHART HORNIG
Engineers, Architects and Planners

STATE OF MARYLAND
PROFESSIONAL REGISTERED ENGINEER
No. 10000

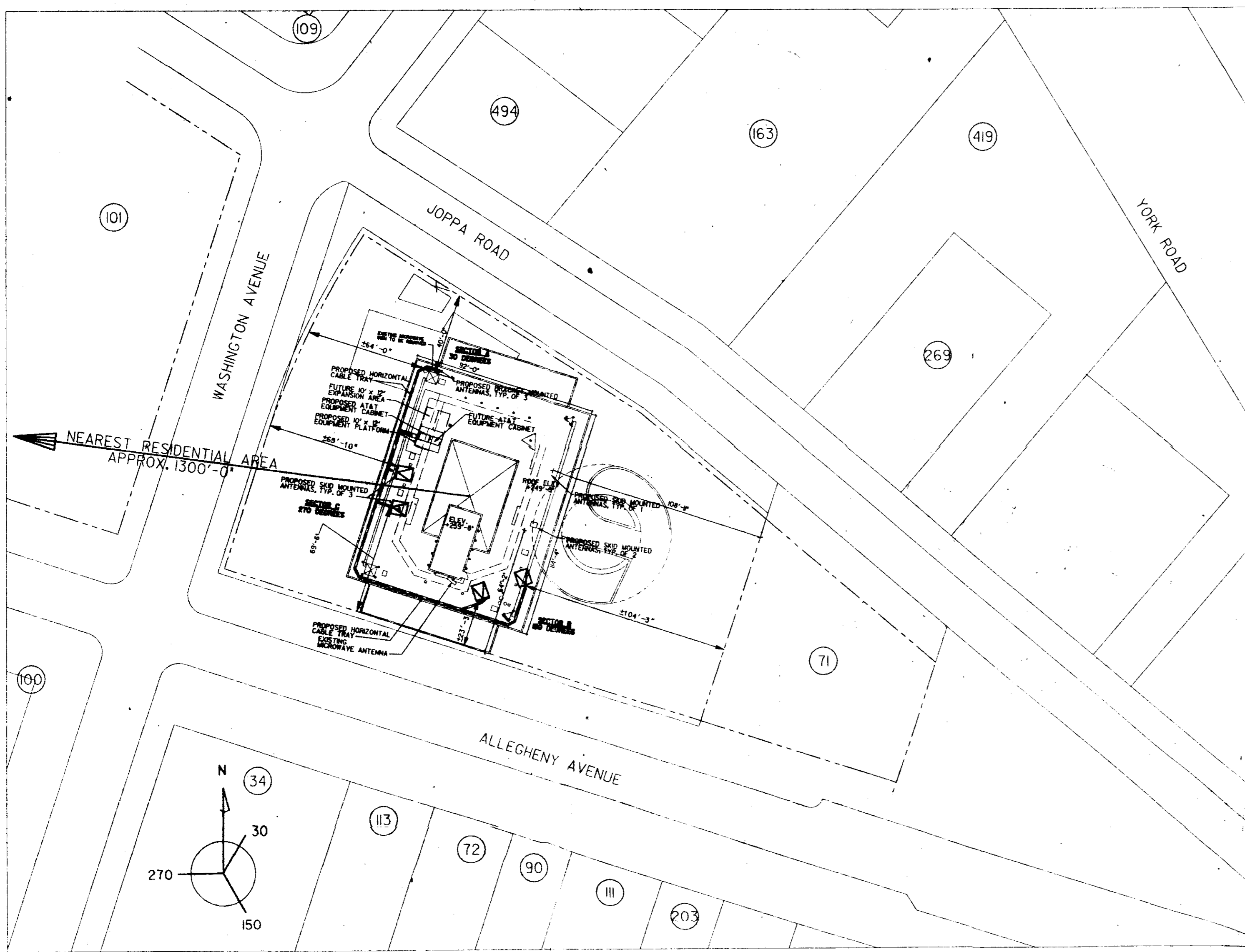
AT&T PROPOSED UNMANNED WIRELESS SITE
PROPOSED EQUIPMENT LOCATION
SITE NUMBER: B033.3
SITE NAME: THE PENTHOUSE
SITE ADDRESS: 28 ALLEGHENY AVENUE
TOWSON, MD 21204

BUILDING ELEVATIONS

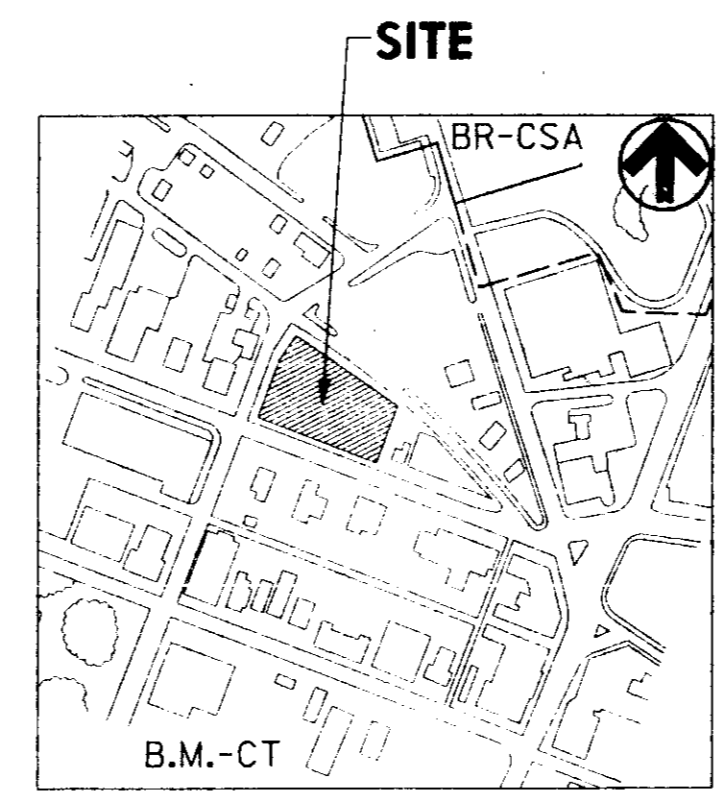
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3

SHEET NO.
3 OF 3

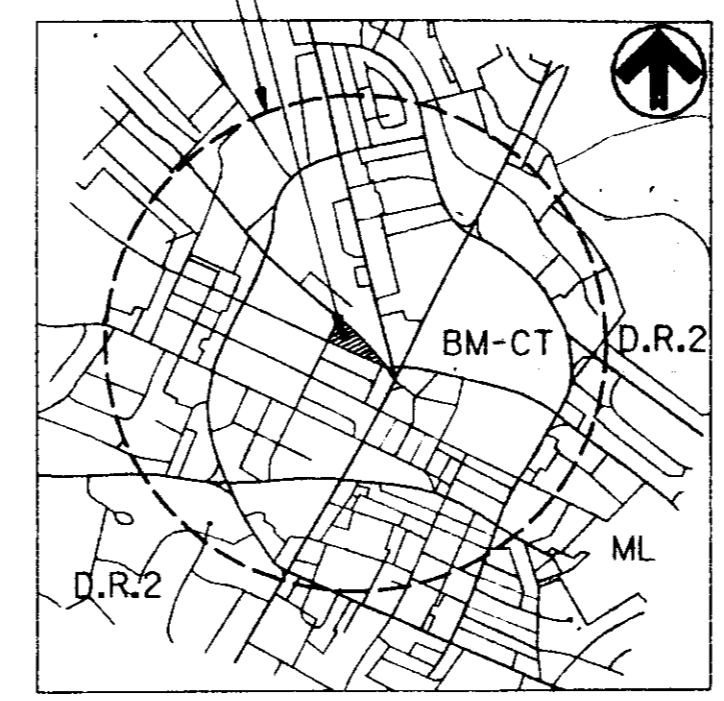
PROJECT NO.
72097



SITE PLAN
Scale: 1"=40'-0"



PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP S-4 NE 10 A
NEAREST RESIDENTIAL AREA APPROX. 1300'-0"



PORTION OF 1000' SCALE BALTIMORE COUNTY TAX MAP G-2, 4-E

NOTES:

- Current owner and street address:
Michael M Agostinelli
2921 Knoll Acres Dr.
Baltimore, MD 21234
- Contract lessee/
Petitioner: AT&T Wireless Services, Inc.
8403 Colesville Road, 10th Floor
Silver Spring, MD 20910
- Site area: .84 acres
- Existing use: Residential
- Street Address: Penthouse Condo
28 Allegheny Avenue
Towson, MD 21204
- Site data: Tax map 70A, grid 7, parcel 31
Deed Reference No.: 10981/51
Tax Account No.: 1700006776
Zoning: BMCT
Election District: 09
- The proposed wireless transmitting and receiving facility will consist of (3) 54' high x 6.1' wide pole mounted panel antennas attached to the existing stub tower, (6) 54' x 6.1' wide skid mounted antennas located at the main building roof, and (2) equipment cabinets (future) measuring 5'-0" wide x 6'-11 1/2" high x 3'-6" deep, installed on a new platform on the main building roof.
- Setbacks:
Non-residential principal structure in a D.R.16 zone pursuant to Paragraph 1B01.2.C.1.a

	Required to wireless Trans. & Rec. facility	Provided to wireless Trans. & Rec. facility
Front: SOUTH	30'	23'-3" +/-
Side : WEST	25'	64'-0" +/-
Side : EAST	25'	104'-3" +/-
Rear: NORTH	30'	40'-0" +/-

Existing maximum height of building = +/- 270'-0"
Proposed maximum height = +/- 270'-0"
- No new or additional water or sanitary utilities are required for the proposed wireless transmitting and receiving facility.
- Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
- This site was the subject of a petition for special exception request for wireless transmitting and receiving antenna structures on the roof. On October 3, 1975, the Zoning Commissioner granted the request.
- This site was also the subject of a petition for variance to permit a total of 313 off-street parking spaces in lieu of the required 455 spaces. On January 12, 1979 the Zoning Commissioner denied the request.
- There are no signs proposed for this facility.
- No lights are proposed for the wireless transmitting and receiving facility.
- Previous Commercial Permits:
P00119 - Plumbing Permit
P095163 - Plumbing Permit
E174345 - Electrical Permit
E091272 - Electrical Permit
E141002 - Electrical Permit
P141001 - Plumbing Permit
P152569 - Plumbing Permit
B094863 - Building Permit
- Amenity open space: N/A
- Parking: Existing Spaces: 313 +/-
Proposed New Spaces: 0

The proposed wireless transmitting and receiving facilities will not block or affect any existing parking spaces.
- When the use is terminated, the structure shall be removed.
- An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Ordinance shall be submitted to the Zoning Commissioner.
- The information and boundary location shown hereon is taken from a site plan, as obtained from the property owner and is assumed to be accurate.

REQUESTED ZONING ACTION

Special Exception pursuant to Section 233.4 for a wireless transmitting and receiving facility in a BM CT zone not permitted by Section 426. (Pursuant to Section 426.) the maximum height above grade level, including all antennae and platforms, shall be 200 feet). The proposed facility is approximately 270 feet above grade.

97-1301

SITE No.	ADDRESS	OWNER	DEED/REF. Nos.	TAX ACCT. No.
34	37 ALLEGHENY AVENUE	NOTTINGHAM PROPERTIES, INC.	6077/833	0920000240
71	22 ALLEGHENY AVENUE	ARTHUR F. WOOD	9622/445	0913754120
72	31 ALLEGHENY AVENUE	IRVIN TRUPP, ET. AL.	4524/345	0920662110
90	29 ALLEGHENY AVENUE	ANNE N. FISCHER	5852/535	0902650333
100	502 WASHINGTON AVENUE	NOTTINGHAM ASSOCIATES LTD. PARTNERSHIP	6533/581	1900010604
101	600 WASHINGTON AVENUE	ALLEGHENY CENTER LIMITED PARTNERSHIP		2100001551
109	706 WASHINGTON AVENUE	706 WASHINGTON AVENUE JOINT VENTURE	6077/833	0920000240
111	27 ALLEGHENY AVENUE	RALPH D. ROCKS, THOMAS G. MARTIN	6832/354	0912591661
113	35 ALLEGHENY AVENUE	ROBERT T. PARKER & HELEN S. PARKER	8328/842	0916001031
163	621 JOPPA ROAD	NOTTINGHAM PROPERTIES, INC.	4910/636	0914652924
203	25 ALLEGHENY AVENUE	MICHAEL A. ABRAMS & MARIE S. ABRAMS	1786/484	0901020080
269	14 JOPPA ROAD	DIANE POLLAND WILLIAMS	7072/63	0916600375
419	204 WASHINGTON AVENUE	JAMES E. OMEARA JR & MARY H. OMEARA	4087/315	0915520580
494	JOPPA ROAD	NOTTINGHAM PROPERTIES, INC.	4901/367	0914652921

ENGINEER M.A.V.	DESIGN M.A.V.	DRAWN P.S.B.	CHECK D.R.A.	DATE 08/20/98
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©Buehrt-Hornung, Inc.				
NO.	REVISIONS	DATE	BY	DESCRIPTION
 BUEHRT-HORNUNG Engineers, Architects and Planners				
AT&T PROPOSED UNMANNED WIRELESS SITE PROPOSED EQUIPMENT LOCATION SITE NUMBER: B033.3 SITE NAME: THE PENTHOUSE SITE ADDRESS: 28 ALLEGHENY AVENUE TOWSON, MD 21204				
SITE PLAN				
DRAWING NO. 1				
SHEET NO. 1 OF 3				
PROJECT NO. 72097				

MICROFILMED.