

IN RE: PETITION FOR VARIANCE

W side of York Road, 725 feet S of the
c/l of Ridgely Road
8th Election District
3rd Councilmanic District
(1726 York Road)

Betty Lou Adolph
Legal Owner

Capital Telecom Acquisition, LLC
Contract Lessee

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

* CASE NO. 2011-0169-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Betty Lou Adolph, property owner, and Capital Telecom Acquisition, LLC ("Petitioner"), lessee, through their attorney, Sean P. Hughes, Esquire. The Petitioner requests a variance from Section 426.6.A.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed wireless telecommunications tower with a setback of 134 feet from another owner's residential property line in lieu of the required 200 feet setback provided in the B.C.Z.R. The tower is proposed to be located on a portion of the property zoned B.L., a zoning classification which permits towers by right. The relief requested is more fully described on a five page site plan submitted and received into evidence as Petitioner's Exhibit 1.

Mr. Hughes appeared at the public hearing, and joining him were John McGrath, Thomas Waniewski and Safwat Issa. The biographies and curriculum vitae of these gentlemen were marked as exhibits and received into evidence as Petitioner's Exhibits 2A through 2C, respectively. No citizens or other Protestants appeared at the hearing.

The public hearing proceeded by way of a proffer by Plaintiff's counsel. Mr. McGrath is a Division Manager of Advantage Engineers, LLC which is located in Columbia MD. His firm

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Date 1-13-11

By _____

provides environmental and civil engineering services to the wireless communications industry in the mid-Atlantic region. Mr. McGrath has over 20 years experience in the engineering and construction industry, and has been involved in the location and siting of wireless telecommunication towers for the past 15 years. Mr. McGrath was prepared to testify that he had selected the proposed site for the tower in this case and that it was proposed to be 120 feet tall. Mr. McGrath, if called as a witness, would also testify that the property has a very unique shape, as reflected on the aerial bird's eye map marked and received into evidence as Petitioner's Exhibit 3. Mr. Grath was prepared to testify that strict compliance with the B.C.Z.R. would in this case prevent the Petitioner from erecting a cell tower, which is a permitted use in the B.L. zone. Finally, Mr. Grath was prepared to testify that the provision of wireless broadband communications has become crucial to the U.S. economy and has become ubiquitous throughout American society.

The Petitioner's next witness was Thomas Waniewski, who has worked in the wireless industry for nearly 13 years, specializing in site acquisition, program management and relations between landlords and vendors in this industry. Mr. Waniewski holds both an MBA and law degree from Temple University, as well as an undergraduate degree from the Wharton School at the University of Pennsylvania, as reflected on his biography received into evidence as Petitioner's Exhibit 2B. If called to testify, Mr. Waniewski would discuss and provide testimony related to Petitioner's Exhibit 4, which is a photo depicting concentric circles surrounding the proposed cell tower site. Mr. Waniewski would testify that a balloon was raised to the height of the proposed tower, and photographs were taken from various viewpoints. Petitioner's Exhibit 4 contains eight such photographs showing what the tower would look like from the various vantage points. The tower depicted in Petitioner's Exhibit 4 is grey in color, and Mr. Waniewski would testify that

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By JB

towers are often painted various colors, but that in his opinion the galvanized grey coloring would provide for the most inconspicuous appearance, and that opinion is buttressed by the photographs in Exhibit 4 which indeed do depict the proposed tower would be fairly unobtrusive.

The third and final witness for Petitioner was Safwat Issa, who is employed by Clearwire, which is the firm that would be the first tenant on the proposed cell tower. If called to testify, Mr. Issa would discuss and explain Petitioner's Exhibits 8 through 10 which were marked and admitted into evidence. On Petitioner's Exhibit 8, there is reflected a large circle depicting several other Clearwire sites in the vicinity, and Mr. Issa would testify that the proposed location (reflected as MD-BAL 0042 on Exhibit 8) was strategically positioned in the center of an area where coverage was lacking and would therefore provide much needed capacity for Clearwire's coverage. Mr. Issa, if called to testify, would explain that Petitioner's Exhibit 9 reflects that there is essentially a donut shaped area where Clearwire's coverage was extremely weak. Mr. Issa was prepared to testify further that Petitioner's Exhibit 10 reflects Clearwire's coverage area assuming the proposed tower were to be constructed, and as reflected on that exhibit the coverage would be enhanced to a red zone, which Mr. Issa was prepared to explain was far superior to the yellow and green coverage areas reflected on Exhibits 9 and 10. As such, Mr. Issa would testify that there was a great need for the coverage which would be covered by the proposed tower, and that the proposed height of the monopole (approximately 120 feet) was the minimum necessary to achieve the coverage enhancements reflected on Petitioner's Exhibit 10. Finally, Mr. Issa would testify that the radio emissions from the proposed tower would be well below those levels set by the Federal government. Also admitted into evidence was Petitioner's Exhibit 6, which was a letter from the Federal Aviation Administration, reflecting that the proposed tower did not need to be lighted, and would not pose any threat or hazard to air navigation.

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By [signature]

Admitted into evidence as Petitioner's Exhibit 5 was a letter from William R. Heiden III, a licensed Senior Project Engineer from the firm of Valmont Structures. Mr. Heiden stated that monopole cell towers, as proposed in the present case, are very strong structures, and that there are very few instances of catastrophic failure. In the event such a tower should fail, Mr. Heiden explained that the most common location would be in the middle region of the pole, causing the upper portion to remain connected and "bowing over" against the base of the pole. As such, Mr. Heiden opined that the pole proposed in this case has a theoretical break point giving it a 40 foot fall zone. Even so, as reflected on Petitioner's Exhibit 1, there are no residential structures within the 120 foot theoretical fall zone radius. Finally, Petitioner's Exhibit 7 is interoffice correspondence dated November 4, 2010, reflecting that Baltimore County's Tower Review Committee approved of the proposed tower in this case, and also determined that Petitioner's proposed tower would meet all requirements of Section 426 of the B.C.Z.R.

The Petitioner's witnesses, if called to testify, would also confirm that several other locations were considered for the tower, including the nearby Circuit City store and the Church of the Nativity, but were determined to be unsuitable for locating the monopole. In addition, these witnesses would also confirm that efforts were made to explore whether the Petitioner could locate on an existing cellular tower, but those efforts were also unavailing.

The Zoning Commissioner is permitted to grant variances pursuant to B.C.Z.R. Section 307, upon finding that special circumstances or conditions exist that are peculiar to the land or structure which is at issue, and requiring strict compliance with the Zoning Regulations would result in a practical difficulty for the Petitioner. Having heard the testimony and considered the Exhibits, I find that sufficient evidence and justification exists to grant the requested variance. I find that the requested variance relief is appropriate in this instance, given the property's unique

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By [Signature]

and irregular shape, which make it impossible for the Petitioner to comply with the setback requirements. I also find that strict compliance with the applicable Zoning Regulations would result in a practical difficulty for the Petitioner. The evidence established that the Petitioner identified a gap in its wireless coverage, and that erection of the tower in the proposed location would provide much needed and substantial increase in wireless broadband coverage throughout the vicinity. Denial of the requested variance would also prevent the Petitioner from using its property to conduct an activity that is permitted as of right in the B.L. zone, given that cell towers are permitted in the zone at a height of 200 feet yet Petitioner's proposed tower is only 120 feet, which is 40% smaller than the height permitted as of right in this zone.

Additionally, I find that the variance request can be granted in strict harmony with the spirit and intent of the Zoning Regulations, and in such a manner as to not cause injury to the public health, safety or general welfare. In the present case, the Petitioner's witnesses confirmed that the radio frequency emissions were well below the acceptable level set by the Federal government, and as noted earlier, no community protestants appeared at the public hearing. In addition, the facility will be located in a dense commercial zone and as reflected on Exhibit 4, the proposed tower would in no way be an eyesore or visual blight when viewed from the surrounding residential and commercial locations.

Therefore, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13 day of January, 2011, that Petitioner's Variance request from Section 426.6.A.1 of the Baltimore County Zoning Regulations to allow a wireless telecommunications

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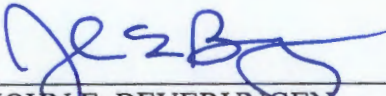
By PM

tower to be set back 134 feet from another owner's residential property line in lieu of the required 200 feet, be and is hereby **GRANTED**.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. At the public hearing, Counsel for Petitioner mentioned the comment from the Office of Planning, which indicated that it would prefer that an actual flag be flown from the top of the proposed monopole. The undersigned was remiss in not exploring this issue further, but to ensure that the zoning relief granted in this Order does not run afoul of the aesthetic concerns raised by the Office of Planning, Petitioner will be required to install a flag at the top of the proposed monopole, unless a representative of the Office of Planning indicates that such is not necessary, in which case this condition will be considered satisfied.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Deputy Zoning Commissioner
for Baltimore County

JEB:pz

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Date 1-13-11

By J2



KEVIN KAMENETZ
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 13, 2011

SEAN P. HUGHES
LAW OFFICE OF SEAN P. HUGHES
6339 TEN OAKS ROAD
CLARKSVILLE MD 21029

Re: Petition for Special Hearing and Variance
Case No. 2011-0169-A
Property: 1726 York Road

Dear Mr. Hughes:

Enclosed please find the decision rendered in the above-captioned case.

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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

- c: John McGrath, Advantage Engineers LLC, 6996 Columbia Gateway Drive, Columbia MD 21046
Thomas Waniewski, Capital Telecom Acquisition LLC, 1500 Mt. Kemble Avenue, Morristown NJ 07960
Marc Harris, Capital Telecom Acquisition LLC, 1500 Mt. Kemble Avenue, Morristown NJ 0796
Safwat Issa, 2030 Cascades Blvd., Kissamee FL 34741

John



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1726 York Rd, Lutherville, MD 21093
which is presently zoned BL

Deed Reference: 1 Tax Account # 08-0819087311

This Petition shall be filed with the Department of Permits and 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 Variance from Section(s)

426.6.A.1. BCZR

Variance to permit a proposed wireless telecommunications tower with a setback of 134' 3" feet to a residential property line in lieu of minimum required 200 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

hardship and/or practical difficulty

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/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:

Vincent Casiero

Name - Type or Print

Cellular Telecommunications, LLC

1500 Mt. Kemble Ave

Address

973-425-0606

Telephone No.

Morristown

City

NJ

State

07960

Zip Code

Attorney For Petitioner:

Sean P. Hughes

Name - Type or Print

Sean P. Hughes

Signature

Law office Sean Hughes

Company

6339 Ten Oaks Rd

Address

443 542 9008

Telephone No.

Clarksville MD

City

MD

State

21029

Zip Code

Legal Owner(s):

Betty Lou Adolph

Name - Type or Print

Betty Lou Adolph

Signature

Name - Type or Print

Signature

1726 York Rd

Address

Lutherville

City

MD

State

21093

Zip Code

Representative to be Contacted:

Bert Stern

Name

1500 Mt. Kemble #203

Address

Morristown

City

NJ

State

973-425-0606

Telephone No.

07960

Zip Code

Case No. 2011-0169-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by [Signature]

Date 11/8/10

REV 8/20/00 ORDER RECEIVED FOR FILING

Date 1-13-11

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1726 York Rd., Lutherville, MD 21093
which is presently zoned BL
Deed Reference: _____ Tax Account # 08-0819087311

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of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

hardship and/or practical difficulty to be discussed at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

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Contract Purchaser/Lessee:

Vincent Casiero
Name - Type or Print
[Signature]
Signature
1500 Mt. Tremble Ave, Suite 203
Address
Morristown NJ 07960
City State Zip Code
Telephone No. 973-425-0606

Attorney For Petitioner:

Sean P. Hughes
Name - Type or Print
[Signature]
Signature
Law office Sean Hughes
Company
6339 Ten Oaks Rd
Address
Clarksville MD 21029
City State Zip Code
Telephone No. 443-5429008

Legal Owner(s):

* Betty Lou Adolph
Name - Type or Print
[Signature]
Signature
Name - Type or Print
Signature
1726 York Rd
Address
Lutherville MD 21093
City State Zip Code
Telephone No.

Representative to be Contacted:

Bert Stern
Name
1500 Mt. Tremble #203
Address
Morristown NJ 07960
City State Zip Code
Telephone No. 973-4250606

Case No. 2011-0169-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07 ORDER RECEIVED FOR FILING

Reviewed by [Signature] Date 11/8/10

Date 1-13-11

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1726 York Rd., Lutherville, MD 21093
which is presently zoned BL

Deed Reference: -----/----- Tax Account # 08-0819087311

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Contract Purchaser/Lessee:

Vincent Casiero

Name - Type or Print

Capitol Telecom Acquisition, LLC

1500 M + Kemble Ave, Suite 203

Address

Morristown

City

NJ

State

973-425-0606

Telephone No.

07960

Zip Code

Attorney For Petitioner:

Sean P. Hughes

Name - Type or Print

Sean P. Hughes

Signature

Law office Sean Hughes

Company

6339 Ten Oaks Rd

Address

Clarksville

City

MD

State

443-542

Telephone No.

9008

21029

Zip Code

Legal Owner(s):

Betty Lou Adolph

Name - Type or Print

Betty Lou Adolph

Signature

Name - Type or Print

Signature

1726 York Rd

Address

Lutherville

City

MD

State

Telephone No.

21093

Zip Code

Representative to be Contacted:

Bert Stern

Name

1500 M + Kemble Ave. 203

Address

Morristown

City

NJ

State

973-425

Telephone No.

0606

07960

Zip Code

Case No. 2011-0169-A

ORDER RECEIVED FOR FILING

REV 8/20/07

Date 1-13-11

By [Signature]

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by [Signature]

Date 11/8/10



EXHIBIT A

DESCRIPTION OF
RAYMOND E. & BETTY LOU ADOLPH PROPERTY
TAX MAP 60, PARCEL 213

BALTIMORE COUNTY, MARYLAND

8th Election District.

3rd Councilmanic District

Being a parcel of land conveyed to RAYMOND E. & BETTY LOU ADOLPH by Special Warranty Deed from SUN REFINING AND MARKETING COMPANY, a Pennsylvania corporation dated May 09, 1984 and recorded on Jun 04, 1984, among the Land Records of Baltimore County, Maryland, at Deed Book 6722, Page 818, and being described as follows:

BEGINNING at a point on the westerly right-of-way of York Road, said point being 687+/- feet south of the centerline of Ridgely Road; thence, on bearings based upon the Maryland State Plane Coordinate Sytem,

1. S 19°14'44" E, a distance of 124.56' along said westerly right-of-way; thence,
 2. S 70°38'54" W, a distance of 315.45' to a concrete monument; thence,
 3. N 19°14'18" W, a distance of 205.13' to a concrete monument; thence,
 4. N 78°50'41" E, a distance of 11.32' to an iron pipe; thence,
 5. N 81°51'06" E, a distance of 122.82' to an iron pipe; thence,
 6. N 04°04'06" E, a distance of 22.75' to an iron pipe; thence,
 7. S 85°49'54" E, a distance of 190.37' to the point of beginning,
- containing 55,490 square feet or 1.27 acres, more or less.



Item # 0169



EXHIBIT A

DESCRIPTION OF
RAYMOND E. & BETTY LOU ADOLPH PROPERTY
TAX MAP 60, PARCEL 213
BALTIMORE COUNTY, MARYLAND

*8th Election District
3rd Councilmanic District*

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 5. N 81°51'06" E, a distance of 122.82' to an iron pipe; thence,
 6. N 04°04'06" E, a distance of 22.75' to an iron pipe; thence,
 7. S 85°49'54" E, a distance of 190.37' to the point of beginning,
- containing 55,490 square feet or 1.27 acres, more or less.



Item #0169

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0169-A

1726 York Rd.

W/s York Road, 725' S/of centerline of Ridgely Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): Betty Lou Adolph

Contract Purchaser: Vincent Caslerio

Variance: to permit a proposed wireless telecommunications tower with a setback of 134 feet to a residential property line in lieu of the minimum 200 feet.

Hearing: Friday, January 7, 2011 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/19/2010 December 23

263431

CERTIFICATE OF PUBLICATION

12/23/2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/23/2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0161-A
13200 Choptank Ave.
W/side of Choptank Avenue, 535 feet n/east of the centerline of Greenbank Road
15th Election District
6th Councilmanic District
Legal Owner(s):
Richard Robinson
Variance: to permit a lot with a 50 foot width in lieu of the required 55 feet.
Hearing: Wednesday, January 5, 2011 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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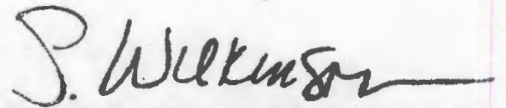
JT 12/655 Dec. 21 263336

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12/23/2010

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- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **61040**

Date: **11/8/10**

PAID RECEIPT

BUSINESS ACTION TIME TRM
 11/10/2010 11/08/2010 11:19:28 5

REC W503 WALKIN TOWNS LRD
 >>RECEIPT # 409421 11/08/2010 OFLJ

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$325.00

Dep 5 52B ZONING VERIFICATION
 REC NO. 061040
 Recpt Tot \$325.00
 \$325.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: **\$325.00**

Rec From:

For:

zoning hearing - case # 2011-0169-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property that is the subject of an upcoming zoning hearing. For those petitions that require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2011-0169-A

Petitioner: Capital Telecom Acquisition, LLC

Address or Location: ~~jkjfkldskld~~ 1726 York Rd
Lutherville, MD 21093

Please Forward Advertising Bill to:

Name: Sean Hughes

Address: 6339 Ten Oaks Rd

Suite 305

Clarksville, MD 21029

Telephone: 443 542 9008

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/21/2010

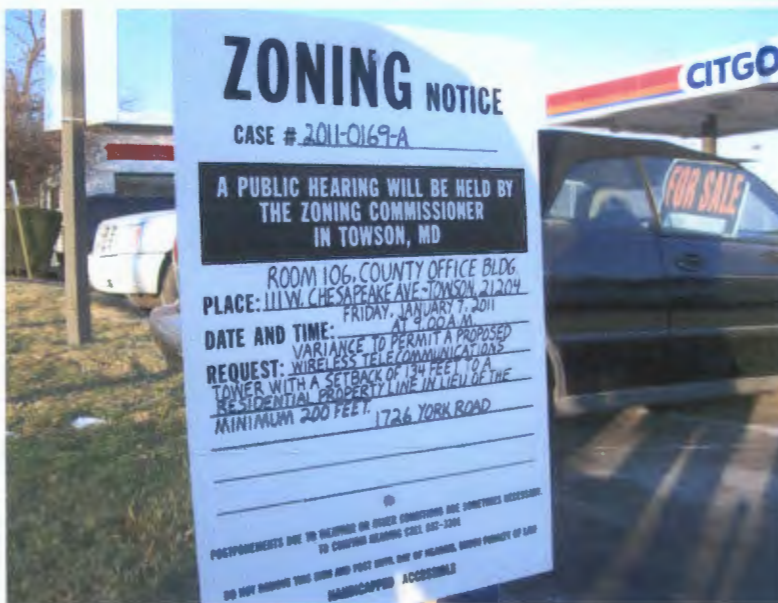
Case Number: 2011-0169-A

Petitioner / Developer: SEAN HUGHES, ESQ.~CAPITAL TELECOM
ACQUISITION,LLC

Date of Hearing (Closing): JANUARY 7, 2011

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
1726 YORK ROAD

The sign(s) were posted on: DECEMBER 21, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

December 2, 2010

NOTICE OF ZONING HEARING

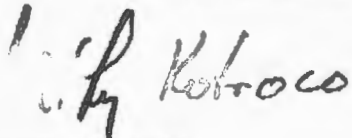
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CASE NUMBER: 2011-0169-A

1726 York Road
W/s York Road, 725' S/of centerline of Ridgely Road
8th Election District – 3rd Councilmanic District
Legal Owners: Betty Lou Adolph
Contract Purchaser: Vincent Casiero

Variance to permit a proposed wireless telecommunications tower with a setback of 134 feet to a residential property line in lieu of the minimum 200 feet.

Hearing: Friday, January 7, 2011 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:kl

C: Sean Hughes, 6339 Ten Oaks Road, Clarksville 21029
Vincent Casiero, 1500 Mt. Kemble Avenue, Morristown NJ 07960
Betty Lou Adolph, 1726 York Road, Lutherville 21093
Bert Stern, 1500 Mt. Kemble Avenue, #203, Morrison NJ 07960

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 23, 2010.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 23, 2010 Issue - Jeffersonian

Please forward billing to:

Sean Hughes
6339 Ten Oaks Road, Ste. 305
Clarksville, MD 21029

443-542-9008

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0169-A

1726 York Road
W/s York Road, 725' S/of centerline of Ridgely Road
8th Election District – 3rd Councilmanic District
Legal Owners: Betty Lou Adolph
Contract Purchaser: Vincent Casiero

Variance to permit a proposed wireless telecommunications tower with a setback of 134 feet to a residential property line in lieu of the minimum 200 feet.

Hearing: Friday, January 7, 2011 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

PETITIONER'S

EXHIBIT NO.

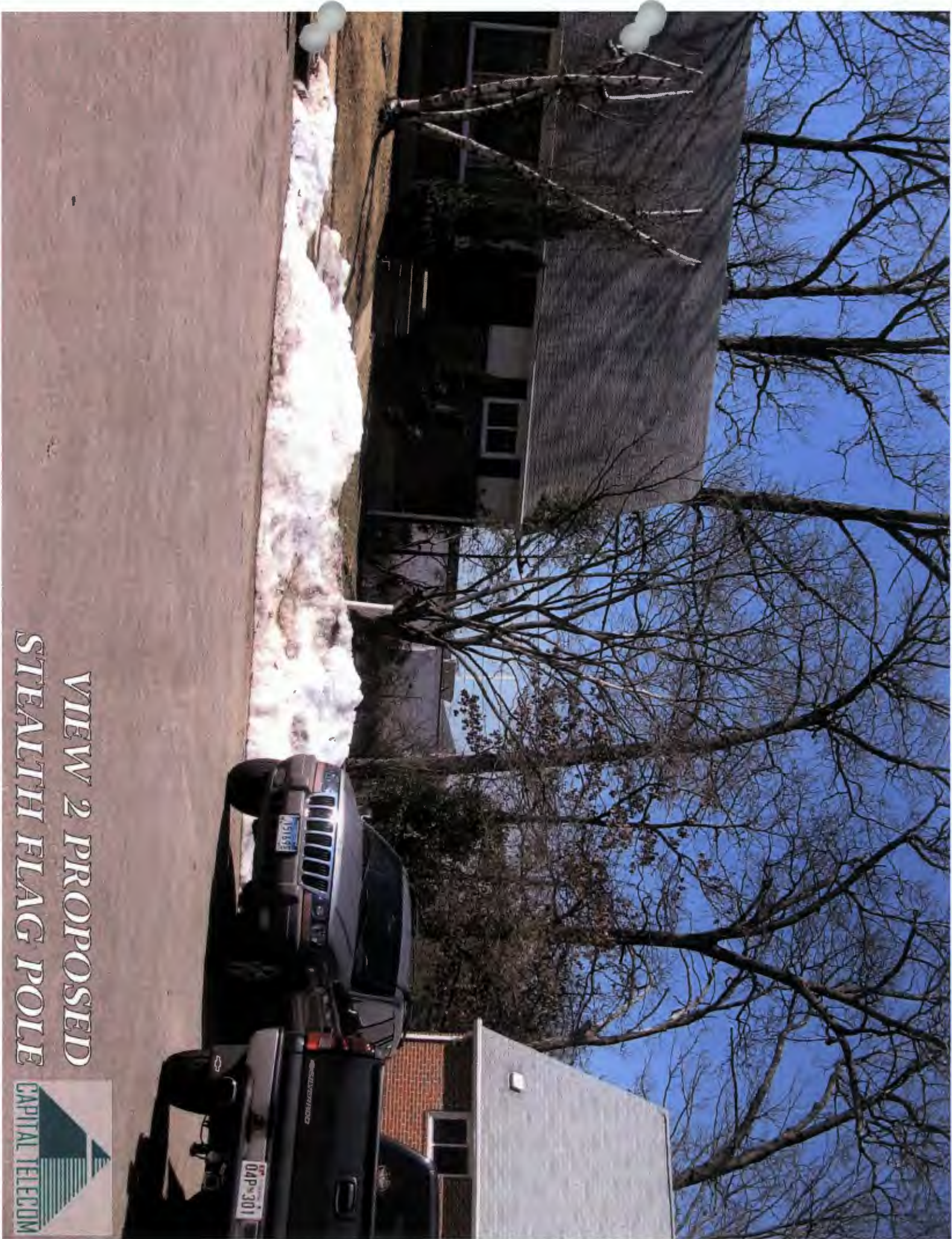
4





VIEW 1 PROPOSED
STEALTH FLAG POLE





*VIEW 2 PROPOSED
STEALTH FLAG POLE*





VIEW 3
NOT VISIBLE





VIEW 4 PROPOSED
STEALTH FLAG POLE





VIEW 5 PROPOSED
STEALTH FLAG POLE





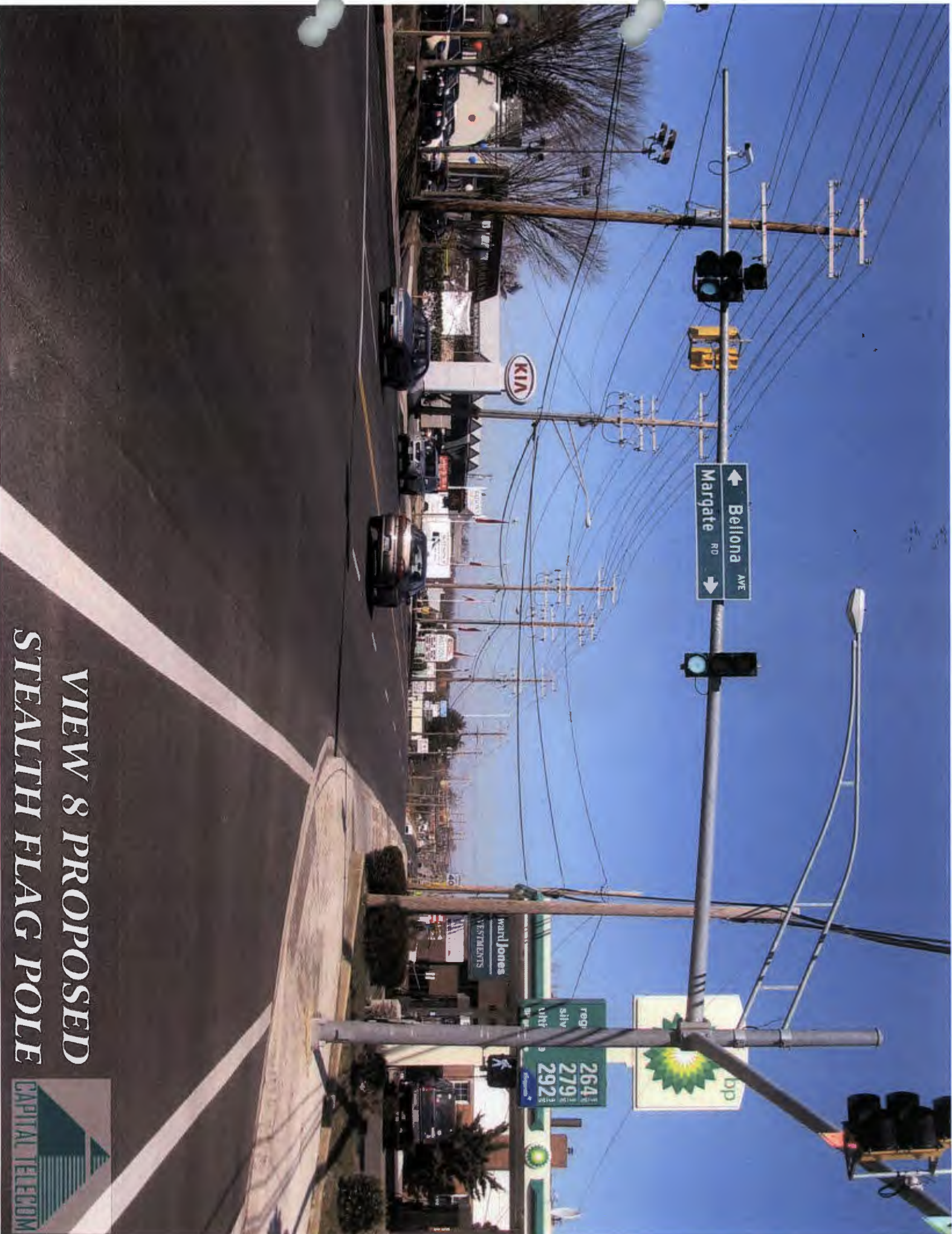
VIEW 6 PROPOSED
STEALTH FLAG POLE





VIEW 7 PROPOSED
STEALTH FLAG POLE





*VIEW 8 PROPOSED
STEALTH FLAG POLE*





October 6, 2010

Mr. Scott Von Rein
Capital Telecom, LLC
1500 Mt. Kemble, Suite 203
Morristown, NJ 07960

Reference: 120' Portable Base Pole
Site Name: Lutherville / Baltimore County
Address: 1726 York Road, Lutherville, MD 21093

Dear Mr. Von Rein:

Thank you for your inquiry concerning tower design codes and practices as they relate to your tower designs in Lutherville, MD.

Valmont has been designing and building guyed, self-supporting towers and monopoles since the early 1950's. During this time, we have sold thousands of structures ranging in height from as little as 50' high to in excess of 1400'. These structures were individually engineered to accommodate the loading requirements imparted by the design windspeed, ice considerations, antenna loading, and other factors dictated by the national code requirements existing at the time the tower was built.

The ANSI/TIA-222-G-2005 Standard represents the latest refinement of specific minimum requirements for tower engineers and manufacturers to follow to help assure that the tower structure and its foundations are designed to meet the most realistic conditions for local weather while assuring that the tower is designed to stringent factors of safety. This tower is designed to 90 MPH (no ice) and 40 MPH (3/4" ice) Basic Wind Speed per ANSI/TIA-222-G-2005 with Class II and Exposure B criteria.

The "G" version of the code incorporates an escalating wind factor based on tower height. Thus 90 mph is the basic design windspeed at the 10 meter height. This speed is then increased in stages up the tower. "Meeting the code" implies that the design quoted has all of the code requirements for safety factors intact at the windspeed specified. Thus, the ultimate survival speed would be considerably higher. Again, adding ice to the design loading also adds a further safety factor, in effect, to the final tower strength.

PETITIONER'S

EXHIBIT NO. 5



While failure is extremely rare in any kind of tower, it is especially so for monopoles and self-supporting towers. In fact, only if a monopole were subjected to a direct hit from a tornado or the severest of hurricanes would failure be predicted.

We are aware of very few instances of monopole failure. The most common mode of failure would be in the middle region of the monopole, with the upper portion of the monopole remaining connected and "bowing over" against the base of the pole. The fact that the wind is normally greater on the upper portion of the structure contributes to the likelihood of this type of failure. Thus, if a failure condition is reached, it should be reached in the upper middle region of the monopole first. This pole has a theoretical break point incorporated into the design giving it a 40' fall zone.

Needless to say, the engineering codes which govern tower and monopole designs are extremely conservative. Monopoles are designed for extreme wind conditions, and even under these extreme conditions, stringent factors of safety are required.

As Chief Engineer of the company and a registered P.E. in 47 states, I oversee all engineering and applications of our towers. Valmont Structures is an AISC approved shop.

All Valmont Structures welders are AWS qualified. Mathematical and physical tests are performed routinely on tower sections and designs as required. Our total design, engineer and build process has been quality audited by our customers including public utilities, telephone companies, government agencies and of course AISC.

We trust the above and the attached will be helpful to you. If you should need anything else, please let us know at your convenience.

Sincerely,

William R. Heiden III
Senior Project Engineer
Extension #5243





Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2010-AEA-2271-OE

Issued Date: 07/07/2010

Shannon L. Croley
Capital Telecom, LLC
1500 Mt. Kemble Avenue
Suite 203
Morristown, NJ 07960

PETITIONER'S

EXHIBIT NO. 6

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

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

Structure:	Antenna Tower (Flagpole Lutherville - Citgo)
Location:	Lutherville, MD
Latitude:	39-25-41.03N NAD 83
Longitude:	76-37-18.03W
Heights:	120 feet above ground level (AGL) 490 feet above mean sea level (AMSL)

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

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

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

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 01/07/2012 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE
ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

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

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

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

If we can be of further assistance, please contact our office at (781) 238-7522. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AEA-2271-OE.

Signature Control No: 709740-128016996

Suzanne Dempsey
Technician

(DNE)

Attachment(s)
Frequency Data

cc: FCC

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
2345	2360	MHz	2000	W

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: November 4, 2010

TO: Colleen Kelley, Development Manager
Department of Permits and Development Management

FROM: Tower Review Committee *Rubend A. Bohn*

SUBJECT: New Tower – Capital Telecom – 1726 York Rd

The Tower Review Committee (TRC) met on September 28, 2010, to discuss an application submitted by Capital Telecom on September 8, 2010. In reference to Capital Telecom's application, the committee is making the following advisory comments to the Development Review Committee (DRC) in accordance with section 426.4 of the Baltimore County Zoning Regulations, and in reference to the proposed construction of a new 120 ft telecommunications tower. The structure is to be located on property owned by Randolph E. and Betty Lou Adolph, at 1726 York Rd, Lutherville, MD, 21093, Council District #3.

- *Antennas should be placed on existing towers, buildings, and structures, including those of public utilities, where feasible.*

Findings: We, the TRC, agree that Capital Telecom has provided all requested information to the TRC to effectively demonstrate that no other co-location opportunities exists in or around their search ring that would suffice in providing the tower's anchor tenant Clearwire, the coverage they require in the intended area. The total height planned by Capital Telecom for their new monopole tower structure is 120 ft, including all appurtenances.

- *If a tower must be built, the tower should be: Constructed to accommodate at least three providers.*

Findings: Capital Telecom has shown, in supplemental drawings submitted to the TRC along with their application, that their proposed monopole tower will be constructed to support antennas for at least (2) two other wireless service providers in addition to Clearwire. Capital Telecom has informed the TRC that they are reaching out to Lightsquared, a wireless service provider who is expanding into the Baltimore market, as well as to other carriers who in order to achieve additional coverage capacity may be interested in co-locating on the proposed tower upon Capital Telecom obtaining approval to construct it.

PETITIONER' S

EXHIBIT NO. 7

Page 1 of 3

- *Erected in a medium or high intensity commercial zone when available.*

Findings: The proposed site is primarily in a BL (Business Local) zoned location, with adjacent commercial and residential property zoning. Per construction drawings, aerial photography, and other information presented to the TRC by Capital Telecom, the proposed tower does not meet the 200 ft setback rule on all sides, at a distance of 133-134 ft away from a school property zoned residential. Therefore, a hearing for special exception according to Section 502.1 standards is required.

Capital Telecom presented supplemental information regarding the design and integrity of the proposed tower structure and its foundation, stating that in the extremely rare event of failure due to severe winds, etc, there is a theoretical breakpoint incorporated into the tower's design, giving it a fall zone of 40 ft, which is significantly less than its actual height.

- *Located and designed to minimize its visibility from residential and transitional zone.*

Findings: Based on the site survey and information presented, we find that the visual impact of Capital Telecom's concealed, flagless-flagpole designed, 120 ft telecommunications tower, in the proposed location of 1726 York Road in Lutherville, will be satisfactorily minimized from the community view. The TRC suggested, however, that Capital Telecom add to its design some landscaping along the exterior fence around their compound to further screen the site for improving its appearance. Capital Telecom was also advised to contact County Landscape Architect, Avery Harding, for a review of their landscaping plan as part of their variance review.

Conclusion

Based on the above findings, the TRC agreed that the site is necessary, as a new 120 ft telecommunications tower in the proposed location would serve to improve wireless signal strength for thousands of potential Clearwire customers in the area by providing a microwave link to their surrounding sites, and may increase coverage capacity for possible future co-locating tenants. Also, the site would meet all of the requirements of Section-426, and allow for needed emergency and non-emergency communications for their customers in the area.

Therefore, by a unanimous decision, the Tower Review Committee recommends the construction of a new 120 ft Capital Telecom telecommunications tower; however, a review for variance is required.

Subject: New Wireless Tower Application
1726 York Rd (Capital Telecom-Lutherville)

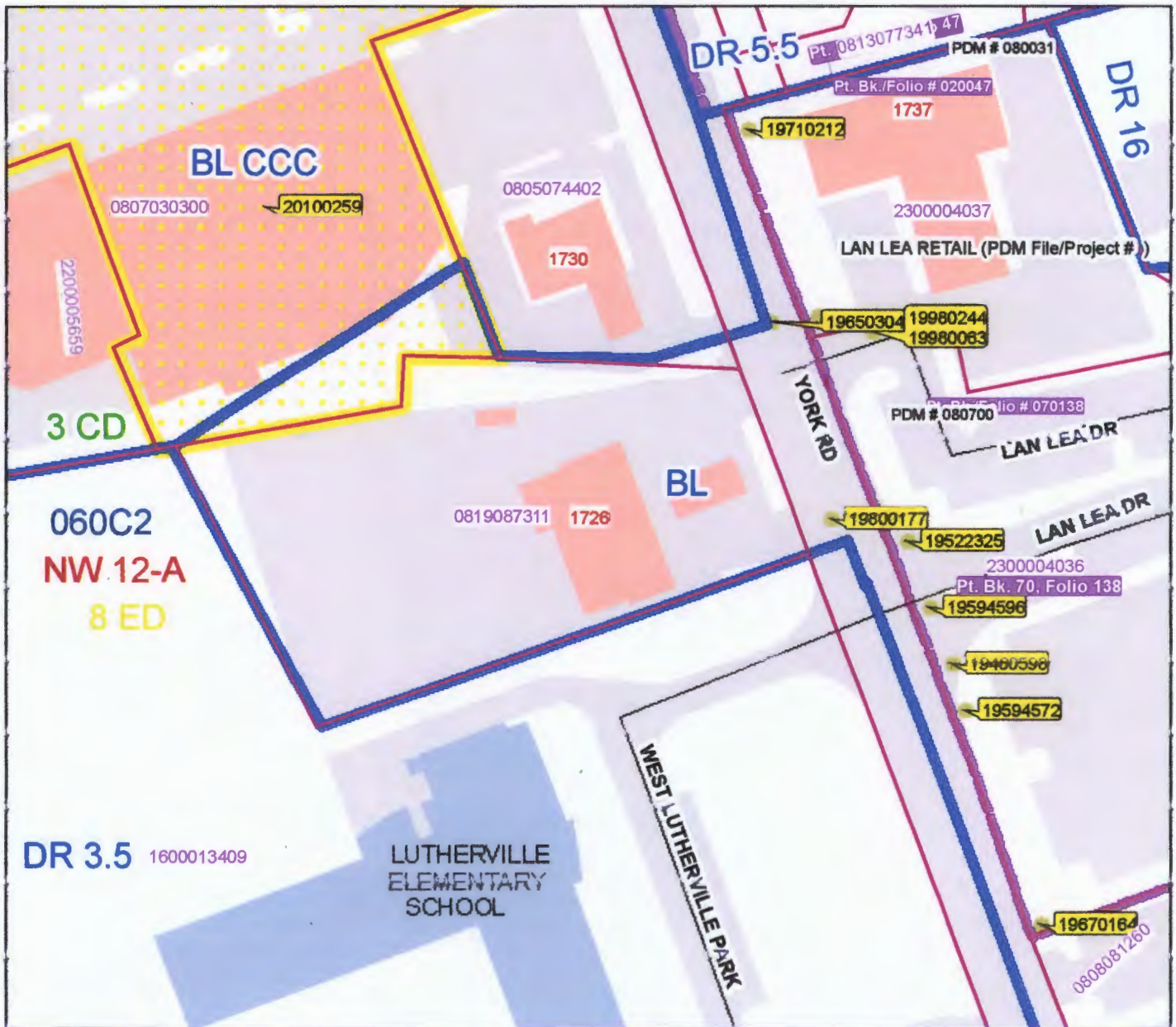
11/04/10

Tower Review Committee

Richard A. Bohn, Tower Coordinator
Curtis Murray, Office of Planning
Harry Wujek, Community Member TRC
Richard Sterba, OIT Representative

CC: Donald Rascoe, Deputy Director, Permits and Development Management
Sean Hughes, S. Hughes Law c/o Capital Telecom
Sabrina Chase, Baltimore County Office of Law
Robert Stradling, Director, Baltimore County Office of Information Technology
celltower Administrator

1726 York Road



DQ Map Notes



0 100 200 Feet

1 inch = 100 feet



Publication Date: November 05, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

Item # 0169

RE: PETITION FOR VARIANCE	*	BEFORE THE
1726 York Road; W/S of York Road,	*	ZONING COMMISSIONER
725' S of c/line of Ridgely Road	*	FOR
8 th Election & 3 rd Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Betty Lou Adolph	*	2011-169-A
Contract Purchaser(s): Capital Telecom		
Acquistions, LLC		
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

DEC 08 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2010, a copy of the foregoing Entry of Appearance was mailed to Bert Stern, 1500 Mt. Kemble, Suite 203, Morristown, NJ 07960 and Sean Hughes, Esquire, 6339 Ten Oaks Road, Clarksville, MD 21029, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

1/7 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: December 10, 2010

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

RECEIVED

SUBJECT: 1726 York Road

DEC 13 2010

INFORMATION:

ZONING COMMISSIONER

Item Number: 11-169

Petitioner: Vincent Casiero: Capital Telecom Acquisition, LLC.

Zoning: BL

Requested Action: Variance

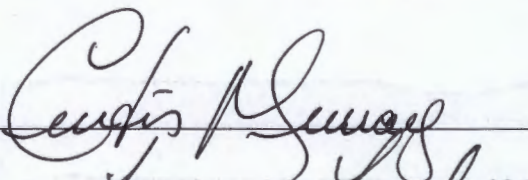
The petitioner requests a variance from Section 426.6.A.1 of the BCZR to permit a proposed wireless communication tower with a setback of 131 feet to a residential property in lieu of the minimum required 200 feet.

SUMMARY OF RECOMMENDATIONS:

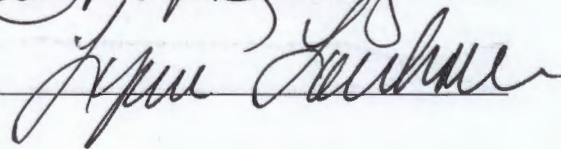
The Office of Planning does not oppose the petitioner's request for a variance from Section 426.6.A.1 of the BCZR to permit a proposed wireless communication tower with a setback of 134'3" to a residential property in lieu of the minimum required 200 feet. According to the petitioner's site plan the proposed wireless communication tower is to be a 120-foot stealth flag pole structure with internal antennas. The Office of Planning requests that a flag be actually flown from the structure to give it a more realistic appearance.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:
MJM/LL: CM



1/7 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 23 2010

ZONING COMMISSIONER

TO: Zoning Commissioner's Office

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 22, 2010

SUBJECT: Zoning Item # 11-169-A
Address 1726 York Road
(Adolph Property)

Zoning Advisory Committee Meeting of November 15, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Glenn Shaffer

Date: December 6, 2010



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

December 28, 2010

Betty Lou Adolph
1726 York Road
Lutherville, Maryland 21093

Dear Ms. Adolph:

RE: 2011-0169-A Case Number , 1726 York Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 8, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: People's Counsel
Ben Stern 1500 Mt. Kemble#203 Morristown NJ 07960
Vincent Casiero 1500 Mt. Kemble Morristown NJ 07960
Law Office Sean Hughes 6339 Ten Oaks Rd. Clarksville Md. 21029

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



V. Amine
1-7-11

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: LEAVE BLANK
SUBJECT: Zoning Item # 11-169-A
Address 1726 York Road
(Adolph Property)

Zoning Advisory Committee Meeting of November 15, 2010.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Glenn Shaffer Date: December 6, 2010



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

December 28, 2010

Betty Lou Adolph
1726 York Road
Lutherville, Maryland 21093

Dear Ms. Adolph:

RE: 2011-0169-A Case Number , 1726 York Road

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The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: People's Counsel
Ben Stern 1500 Mt. Kemble#203 Morristown NJ 07960
Vincent Casiero 1500 Mt. Kemble Morristown NJ 07960
Law Office Sean Hughes 6339 Ten Oaks Rd. Clarksville Md. 21029

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



James T. Smith, Jr., County Executive
John J. Hohman, Chief

November 24, 2010

Dept of PDM
Room 111, County Office Building
111 West Chesapeake Ave.
Towson, MD 21204
MS #1105

Attention Kristen Matthews

The Fire Marshal's office has no comment on the following zoning cases:

2011-0159-A, 2011-0160-A, 2011-0161-A, 2011-0162-A, 2011-0163-A, 2011-0163-A,
2011-0165-A, 2011-0166-A, 2011-0167-A, 2011-0168-SPH, 2011-0169-A, 2011-0170-A
2011-0171-XA, 2011-0172-A, 2011-0173-SPH, 2011-0174-A, 2011-0175-A,
2011-0176-SPH, 2011-0177-A, 2011-0178-A, 2011-0179-A.

Thank you,

Steven Judlick, Fire Marshal
Baltimore County Fire Department
Office of the Fire Marshal
410-887-4880

Visit the County's Website at www.baltimorecountyonline.info



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 24, 2010

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

RE: Baltimore County
Item No. 2011-0169-A
MD 45 (YORK ROAD)
1726 YORK ROAD
CAPITAL TELECOM ACQUISITION
VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 11/22/2010. A field inspection and internal review reveals that an entrance onto MD 45 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 1726 YORK RD, Case Number 2011-0169-A.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may email him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2010
Item Nos. 2011- 160, 161, 162, 163,
164, 165, 166, 167, 168, ~~169~~ 170,
171, 173, 174, 175, 177, 178 and 179

DATE: November 29, 2010

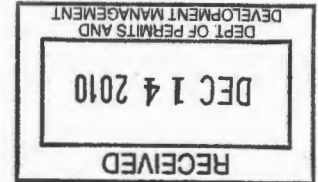
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11292010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: December 10, 2010

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 1726 York Road

INFORMATION:

Item Number: 11-169

Petitioner: Vincent Casiero: Capital Telecom Acquisition, LLC.

Zoning: BL

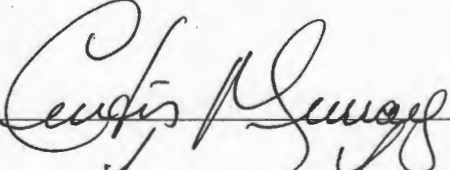
Requested Action: Variance

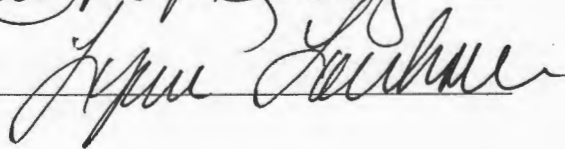
The petitioner requests a variance from Section 426.6.A.1 of the BCZR to permit a proposed wireless communication tower with a setback of 131 feet to a residential property in lieu of the minimum required 200 feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for a variance from Section 426.6.A.1 of the BCZR to permit a proposed wireless communication tower with a setback of 134'3" to a residential property in lieu of the minimum required 200 feet. According to the petitioner's site plan the proposed wireless communication tower is to be a 120-foot stealth flag pole structure with internal antennas. The Office of Planning requests that a flag be actually flown from the structure to give it a more realistic appearance.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by: 

Division Chief: 
MJM/LL: CM

CASE NAME 1226 York
CASE NUMBER 2011-169A
DATE 1-7-11

[illegible]

Case No.: 2011-169A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	(3) Bios of Witnesses 2A, 2B, 2C	
No. 3	Aerial Bird's Eye Map	
No. 4	Balloon Pictures	
No. 5	Letter - Valmont	
No. 6	FAA Letter	
No. 7	Tower Review Comm. Letter	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

John McGrath Bio

John McGrath is the Division Manager of Advantage Engineers, LLC's Columbia, MD office. Advantage Engineers, LLC provides environmental, geotechnical, civil, structural and electrical engineering and related consulting services to the wireless industry in the Mid-Atlantic region from six offices in Maryland, Pennsylvania and New Jersey.

Mr. McGrath has over 20 years experience in the engineering and construction industry and has held senior positions in large national and international engineering firms. For the past 15 years Mr. McGrath has been involved with the siting, development and construction of wireless communications facilities and networks. He has managed the design and construction of hundreds of communications towers in the Mid-Atlantic region and is familiar with building codes, zoning regulations, and construction methods.

PETITIONER' S

EXHIBIT NO. ZA

Thomas Waniewski

Thomas Waniewski, Principal, has worked in the wireless industry for close to 13 years in site acquisition, program management and executive level positions on the landlord and vendor section of the industry.

Prior to joining Capital Telecom, LLC, Thomas developed the outsourced marketing component for Capital Telecom under the Stratus Telecom name. Capital Telecom purchased Stratus in April of 2009. Prior to Stratus, Thomas was the COO of Wireless Enterprises in Baltimore, MD. Wireless Enterprises was comprised of over 100 employees engaged in site development and IT services.

Thomas holds a joint MBA/JD degree from Temple University and an undergraduate degree from the Wharton School at the University of Pennsylvania in Finance with a concentration in Real Estate. To contact Thomas directly please feel free to call Capital Telecom or email him at twaniewski@CapitalTelecomSites.com.

PETITIONER' S

EXHIBIT NO. 2B

Safwat Issa

Phone: 651-786-9847 Email: safwat.issa@clearwire.com

PROFILE *More than 10 years of experience in telecom cellular career, RF design, optimization, performance, measurement, Site acceptance and frequency planning in different projects national and international with strong hands-on experience in different technologies (GSM, CDMA and WiMAX)*

EXPERIENCE

MAR. '07 – Present, WiMAX RF design Engineer (Contractor)

4G Clearwire (CLEAR) in BAWA (Baltimore and Washington DC Market)

- RF design for Baltimore and DC Sprint WiMAX Network then Clearwire.(Clear)
- Using planning tools Planet, Capesso in WiMAX design, frequency planning, Pop count.. etc.
- Generating Clearwire weekly, monthly reports, delta maps and PreQual
- Using Google Earth, Street & Trips..etc. for coverage presentation POI layout.
- Using Clearvision database in tracking, updating and reviewing cand, site, project status.
- Working with Backhaul team, SA vendors, Construction companies to meet objective deadlines.
- Reviewing Construction Drawings and verifying if they meet RF specification.
- Site walks with all teams to square any addressed issue prior construction.
- Site acceptance after reviewing site closeouts, sweeps and RF installation.
- Working with performance team, troubleshooting and resolving customer complains.

JAN. '07 – MAR. '07, CDMA RF design Engineer (Contractor)

Cricket Communications. A66 Project (Minneapolis – Minnesota)

- Planet EV Model tuning for MSP different Morphologies before primarily design
- RF preliminary design, candidate evaluation and selection.
- Site acquisition, candidates selection, validation
- Coordination with acquisition team to acquire best candidates that meet the prim design
- Site visit, friendly candidates audit to verify available height to accommodate new antenna
- Used Planet EV coverage prediction, tuned to achieve best coverage

JUN. '06 – DEC. '06, RF Engineer (Contractor)

Aircor-Inc US different projects

- RF design lead, site acquisition and optimization for Cable & Wireless (Kingston - Jamaica)
 - RF design of new Nortel sites to meet marketing plan along with customers complains
 - Site acquisition, candidates selection, validation
 - Global cleanups and site database audits
 - Traffic analysis as a part of planning capacity sites
 - Neighbors' addition and cleanups for new sites.
- Managed 3 model tuning projects for T-Mobile in (Detroit-MI, Cleveland-OH, and Memphis-TN)
 - Specified different morphologies urban, suburban, and rural. Choose optimum CW sites.
 - Located antenna position, assigning frequencies for transmitters, receivers
 - Specified optimum drive test route prior to measurement
 - Managed drive test teams, coordinated with land-lord, crane, tower crews companies
 - Data collection and analysis after drive test, verified and reports

FEB. '06 – MAY. '06, Project Management/Coordination (Contractor)

Rogers Wireless –Largest Canadian GSM Ericsson operator (Toronto –

PETITIONER' S

EXHIBIT NO.

26

- Reviewed and processed RF, civil, installation work orders related to network expansion
- “Channel-Add” of antenna, feeders, duplexer Release Order and coordinated with contractors
- Ordered materials and responsible for tracking them and delivery
- Tracked & supervised the project progress & updated the Management with weekly/monthly status
- Coordinated with site tech and engineering team to come up with solution for problematic issues
- Participated in UMTS (HSDPA) project
- Resolved deficiency issues related with “Channel-Add”

JUN. '05 – OCT. '05, RF Planning (Leading Consultant)

Aircom International-Nokia GC project (Tehran – Iran)

- Planned Nokia new phase sites for capacity and level improvement of TCI network
- Performed RF surveys, antennas, propagation models, TSS and drive-test
- Frequency planning (SFH) new planned sites with neighbor adjustment.
- Created templates of macro, micro and indoor sites
- Initial optimization for new and surrounding sites
- Studied traffic, drive-test data, statistics and customers complains for network densification
- Created database tool to compile and easily monitor amended statistics

DEC. '04 – MAR. '05, RF Planning (Consultant)

Wataniya Telecom. (Male – Maldives)

- Planned nominal Wataniya new network allover Maldives Islands
- Performed RF and technical site surveys
- Performed drive-test and audited competitor network performance
- Frequency planned (BBH) the new network
- Developed a MS access database to control new sites plan, survey and civil work
- Trained local staff up to the satisfactory level to takeover work

APR. '04 – NOV. '04, RF Planning and Optimization Manager (Contractor)

Asia-Cell, (Kurdistan – Iraq)

- Managed, led and specified rolls of RF locals and expatriates team in AsiaCell west region
- Set-up work process, procedure and followed up to control the work flow
- Reported network progress and performance to the CTO and co-ordination with vendor
- Planned AsiaCell west region major roads and cities. Ongoing redesigned to achieve best C/I
- Performed RF surveys, site acceptance, drive-test audited and optimized cell parameters
- Implemented and tuned Non-Uniform SFH frequency plan for existing sites and new ones
- Resolved optimization troubleshoots issues such as jammers

AUG. '03 – APR. '04, RF Optimization (Contractor)

Motorola International (Karachi – Pakistan)

- Planned basic frequency plan for new sites and network Non-Uniform SFH IOS freq plans
- RF feature implementation
- Parameter and discrepancy audits
- Performed TEMS drive-test regular, occasional when requested and when new sites integration
- Evaluated, optimized, fine tuned and audited Motorola GSM cell parameters and neighbors
- Monitored and analyzed Motorola OMC-R statistics
- Coached and trained local staff to take over
- Studied traffic and recommendation of upgrade or downgrade accordingly
- Improved network main KPI's, (DCR statistics from 2.3% down to 0.7%)

JUL. '99 – JUL. '03, RF Optimization Junior/Senior Eng (Permanent)

Orange-France Telecom, MobiNil (Alexandria – Egypt)

- Redesigned antenna actions, tilted and azimuth to achieve optimum coverage

- completed different frequency plan (BBH, SFH, Non hopping techniques)
- Audited & cleaned up network parameters to improve network quality on cell, site & BSC scale
- Added, deleted and corrected different types of neighbor relations
- Analyzed traffic, blocking resulting in solutions either by antenna redesign or upgrade
- Covered special events, ceremonies and resorts from coverage and traffic prospective
- Regular and occasional "drive-test" campaigns, new sites integration, special events cover
- Monitored daily stats, filtered worst cells, analyzed, provided recommendation & follow-up
- Implemented new techniques in retrieving raw data extracted OMC
- Provided weekly progress reports (drop call, blocking, handovers health stats)

EDUCATION

SEP. '00 – MAY. '02, Higher study diploma degree in telecom, University of Alexandria, evaluated by UOT
 SEP. '92 – MAY. '97, Bachelor degree in telecommunications University of Alexandria, evaluated by UOT

TRAINING COURSES

- Technical Courses
 - SYS 102 "GPRS" By Motorola, JUL. '03
 - NET 103 "GPRS statistics" By Motorola, JUL. '03
 - Dual Band Network training By Alcatel, NOV. '02
 - Micro cellular Networks training By Alcatel, NOV. '02
 - Indoor Radio Design training By Alcatel, NOV. '02
 - SYS 03 "BSS software equipage scripts, handover course" By Motorola, SEP. '01
 - SYS 02 "Cell parameters & hardware course" By Motorola, OCT. '01
 - GSM Radio Fine Tuning By Alcatel, APR. '01
 - Programming using MS Access (Beginners & Advanced) By CAREER, FEB. & MAR. '00
 - GSM network engineering By "Telemate - France telecom", NOV. '99
 - Working on Heights and climbing tower By "Altitude Formation", AUG. '99
 - Motorola BSS & Cell parameters By "Telemate - France telecom", NOV. '99
- Management Courses
 - Creative Problem Solving Omni, AUG. '02
 - Interpersonal skills "Mercuri International", NOV. '01
 - Planning for results AMA "American Management Association", OCT. '01
 - Time management AMA "American Management Association", NOV. '99

SKILLS

- In-depth experience with different RF design, Optimization of cell parameters and features
- Different frequency planning techniques (Non hopping, BBH, NUSFH, SFH) using different tools
- Demonstrated knowledge of optimization including stats monitoring, analysis and presentation
- Self motivation and self esteem and fast learner
- Ability to work under pressure maintaining best quality of work delivery
- Proactive challenging teamwork oriented and creative problem solving

COMPUTER SKILLS/Tools

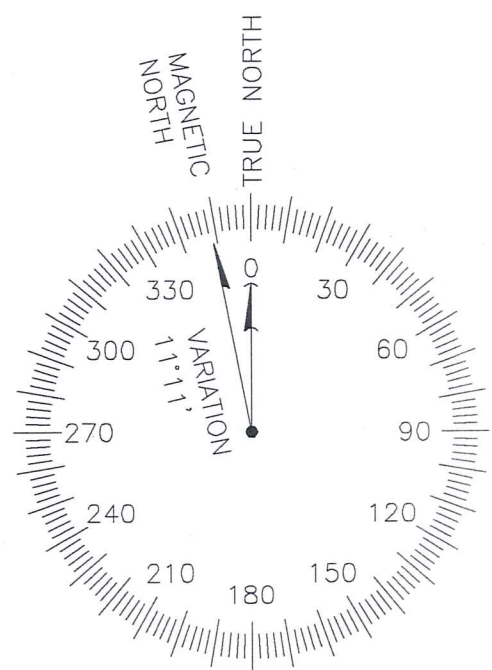
- All MS Office applications plus MS Excel macros and MS access SQL queries
- Planet EV, Mentum, ASSET 3g cellular network, frequency planning tools
- MapInfo, Mapsource, Map Basic, Streets & Trips and Google-Earth
- TEMS Investigation, Spectrum analyzer, TekTronics, Invex3G, XCAL and Neptune drive-test tools
- Motorola MARS, OMC & Optima counters statistics generating tools using different modules

1726 York Rd.
Lutherville, MD 21093

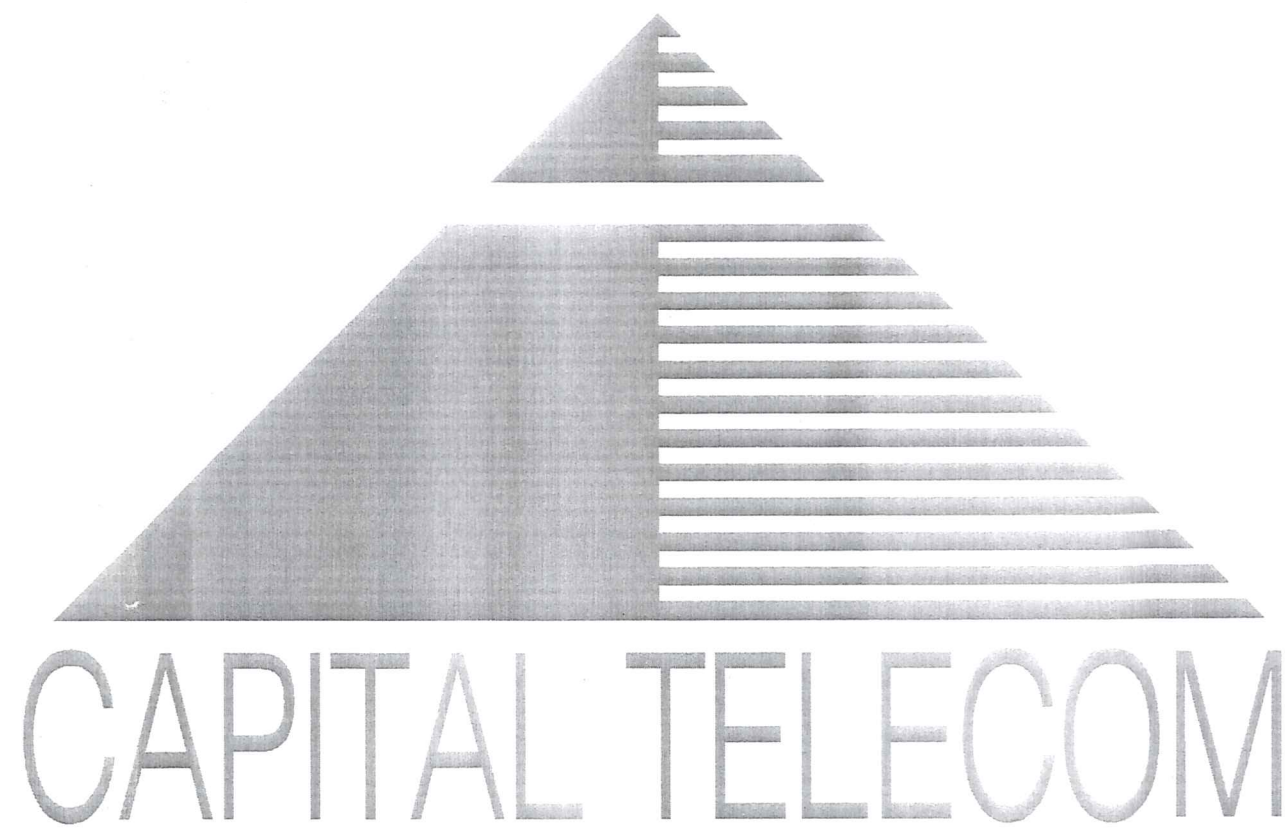
Aerial Bird's Eye Map
Pin designates location of proposed structure.

PETITIONER'S
EXHIBIT NO. 3





MAGNETIC DECLINATION



PLAN TO ACCOMPANY PETITION FOR VARIANCE

clearwire®

wireless broadband

4400 Carillon Point, Kirkland, Washington 98033

SITE NAME:

LUTHERVILLE

SITE NUMBER:

CITGO

NEW GROUND EQUIPMENT WITHIN THE
NEW FENCED COMPOUND,
AND NEW ANTENNAS IN THE NEW 120' FLAG POLE

SITE INFORMATION

SITE NAME: LUTHERVILLE
SITE NUMBER: CITGO
SITE ADDRESS: 1726 YORK ROAD
LUTHERVILLE, MARYLAND 21093
JURISDICTION: BALTIMORE COUNTY, MARYLAND
ZONING: BL
COUNCILMANIC DISTRICT: 3
ELECTION DISTRICT: 8
TAX ACCOUNT ID: 08-0819087311
MAP / PARCEL: 60 / 213
PARCEL SIZE / COMPOUND SIZE: 1.27 AC. / 2,475.3 S.F. (0.057 AC.)
SITE COORDINATES: N 39° 25' 41.65" (NAD 83)
W 76° 37' 16.79" (NAD 83)
GROUND ELEVATION: 377± (NAVD 88)
STRUCTURE TYPE: FLAG POLE
STRUCTURE HEIGHT: 120± AGL (TOP OF FLAG POLE)
GROUND LANDLORD NAME: RAYMOND E & BETTY LOU ADOLPH
GROUND LANDLORD ADDRESS: 12101 TULLAMORE COURT, SUITE 305
TIMONIUM, MARYLAND 21093-8152
LANDLORD NAME: CAPITAL TELECOM ACQUISITION, LLC
LANDLORD ADDRESS: 1500 MT. KEMBLE AVENUE, SUITE 203
MORRISTOWN, NEW JERSEY 07960
APPLICANT: CAPITAL TELECOM ACQUISITION, LLC
1500 MT. KEMBLE AVENUE, SUITE 203
MORRISTOWN, NEW JERSEY 07960
APPLICANT PHONE: (973) 425-0606
APPLICANT FAX: (973) 425-1616
CO-APPLICANT: CLEARWIRE US, LLC
4400 CARILLON POINT
KIRKLAND, WASHINGTON 98033
CO-APPLICANT PHONE: (425) 216-7600
CO-APPLICANT FAX: (425) 216-7900

CODE ANALYSIS

BUILDING CODE: IBC 2003
ELECTRICAL CODE: NEC 2008
FIRE SAFETY CODE: NFPA 101
USE GROUP: U (UTILITY)
CONSTRUCTION TYPE: IIB

PROJECT DESCRIPTION

1. NEW GROUND EQUIPMENT TO BE INSTALLED IN NEW 2,475.3 S.F. FENCED COMPOUND.
2. NEW 120'-0" NON-PENETRATING FLAG POLE TO BE INSTALLED WITHIN FENCED COMPOUND.
3. NEW ELECTRICAL SERVICE TO BE INSTALLED.
4. NEW TELEPHONE SERVICE TO BE INSTALLED.



AREA MAP

LUTHERVILLE, MARYLAND
SCALE: 1" = 1000'-0"

DIRECTIONS:

HEADING FROM BWI AIRPORT: TURN LEFT ONTO I-195 WEST. THEN AT EXIT 4A, TAKE RAMP RIGHT FOR I-95 NORTH. AT EXIT 49B, TAKE RAMP LEFT FOR I-695 NORTH. THEN AT EXIT 24, TAKE RAMP RIGHT FOR I-83 NORTH. NEXT AT EXIT 16A, TAKE RAMP RIGHT FOR TIMONIUM ROAD EAST. THEN BEAR RIGHT ONTO WEST TIMONIUM ROAD. FINALLY TURN RIGHT ONTO SR-45 / YORK ROAD.

SHEET INDEX

SHEET NO.	SHEET DESCRIPTION
T-1	TITLE SHEET
Z-1	SITE PLAN
S-1	COMPOUND PLAN
S-2	ELEVATION
S-3	CONSTRUCTION DETAILS

CAPITAL TELECOM REVIEW

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND MAY IMPOSE CHANGES OR MODIFICATIONS.

CAPITAL TELECOM R.F.: _____ DATE: _____
CAPITAL TELECOM ZONING: _____ DATE: _____
CAPITAL TELECOM S.A.: _____ DATE: _____
CAPITAL TELECOM P&T: _____ DATE: _____
CAPITAL TELECOM CONST.: _____ DATE: _____
CAPITAL TELECOM A&E MGR.: _____ DATE: _____
PROPERTY OWNER: _____ DATE: _____

PETITIONER'S

EXHIBIT NO. 1



clearwire®

wireless broadband

4400 Carillon Point, Kirkland, Washington 98033

TEL: (425) 216-7600
FAX: (425) 216-7900



6996 COLUMBIA GATEWAY DRIVE, SUITE 203
COLUMBIA, MARYLAND 21046
PHONE (443) 367-0003
FAX (443) 367-0013

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7		
6		
5		
4		
3		
2	08-17-10	ISSUED FOR ZONING (ZD'S)
1	08-12-10	ISSUED FOR 100% REVIEW (ZD'S)
0	08-02-10	ISSUED FOR 90% REVIEW (ZD'S)

DRAWN BY: SJSJ

CHECKED BY:

SCALE: NOTED

JOB NO: TMD22003

DRAWING TITLE:

TITLE
SHEET

DRAWING SHEET:

T-1

SITE NAME:

LUTHERVILLE

SITE NUMBER:

CITGO

SITE ADDRESS:

1726 YORK ROAD

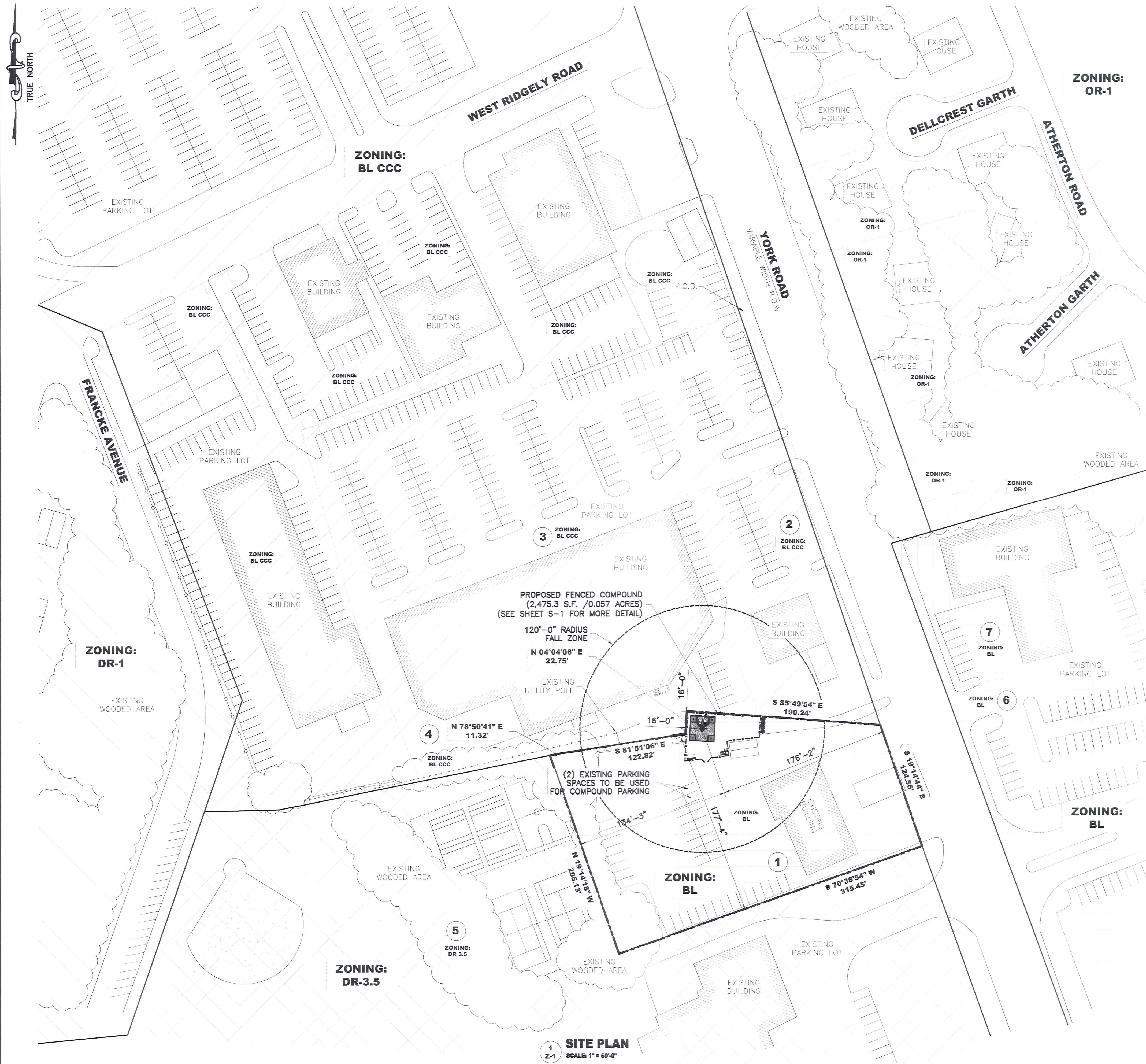
LUTHERVILLE, MARYLAND

21093

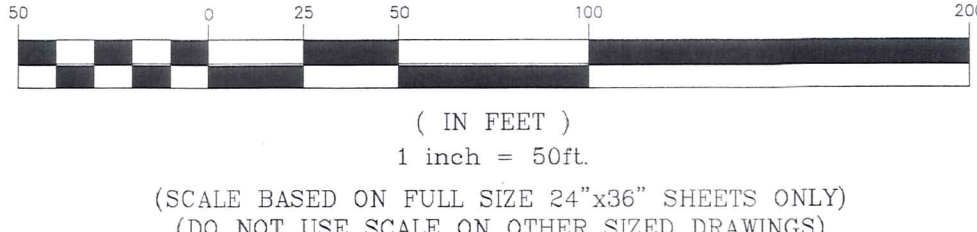
SHEET NO. 1 OF 5



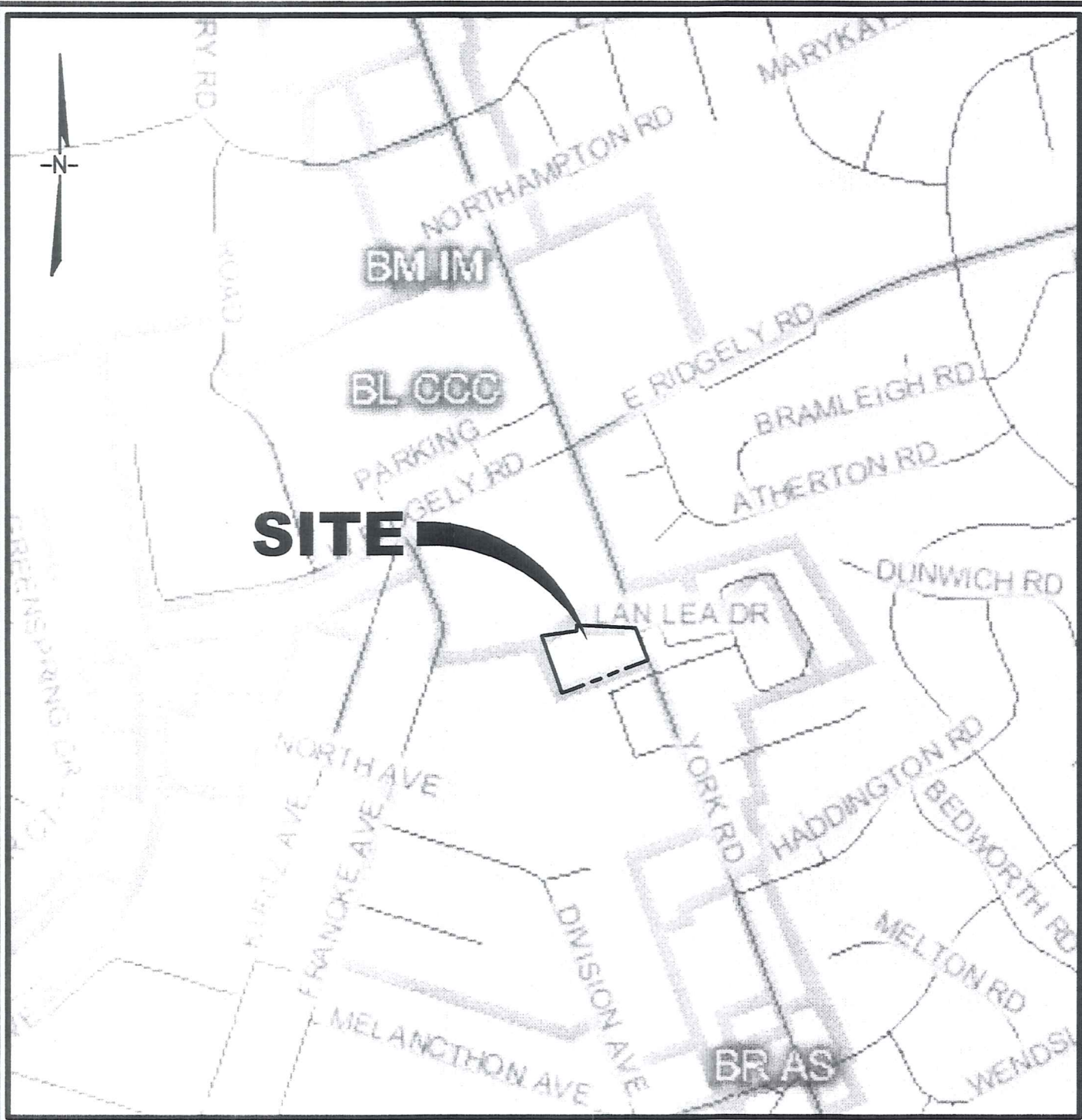
PHILIP A. BURNER, P.E.
"PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 23172, EXPIRATION DATE: 07-25-11"



DISTURBED AREA	
ACCESS ROAD	EXISTING
SITE COMPOUND	2,475 S.F. (0.057 AC.)
TURNAROUND AREA	EXISTING



SETBACKS	REQUIRED	PROPOSED	VARIANCE REQUESTED
RESIDENTIAL SETBACK (TOWER)	200'-0"	134'-3"	YES
RESIDENTIAL SETBACK (EQUIP.)	20'-0"	122'-8"	NO
BL ZONE SETBACK	NOT REGULATED	43'-4"	NO
TOWER HEIGHT	< 200'-0"	120'-0"	NO



ZONING MAP SCALE: 1"=200'

- GENERAL NOTES:**
- THIS PLAN WAS PREPARED USING A SURVEY PREPARED BY GEOMATX DATED 07-27-10 AND SHOULD NOT BE CONSTRUED AS AN ACCURATE SURVEY.
 - THE PROPOSED FACILITY WILL CAUSE "DE MINIMUS" IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
 - NO NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
 - THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. (THERE IS NO HANDICAP ACCESS REQUIRED).
 - THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
 - ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).
 - THE PROPOSED DEVELOPMENT DOES NOT INCLUDE STREET SIGNS OF ANY TYPE.
 - THE PROPOSED DEVELOPMENT DOES NOT INCLUDE OUTDOOR STORAGE OR ANY SOLID WASTE RECEPTACLES.
 - ACCORDING TO THE F.I.R.M. COMMUNITY PANEL #2400100265F, DATED 09-26-08, THE PROPOSED SITE IS NOT IN A FLOOD PLAIN.
 - BEARINGS BASED ON MARYLAND STATE PLANE COORDINATE SYSTEM.

- ADJOINER PROPERTY OWNER INFORMATION:**
- OWNER NAME: RAYMOND E. & BETTY LOU ADOLPH
PREMISES ADDRESS: 1726 YORK ROAD LUTHERVILLE, MARYLAND 21093
TAX ACCOUNT #: 08-0819087311
LAND AREA: 1.27 AC.
ZONING: BL
 - OWNER NAME: FIRST FIDELITY BANK
PREMISES ADDRESS: 1730 YORK ROAD LUTHERVILLE, MARYLAND 21093
TAX ACCOUNT #: 08-0805074402
LAND AREA: 21,344.0 S.F.
ZONING: BL CCC
 - OWNER NAME: HADDON CHARLES LIMITED PARTNERSHIP
C/O THE STOP & SHOP COMPANIES
PREMISES ADDRESS: FRANCKE AVENUE LUTHERVILLE, MARYLAND 21093
TAX ACCOUNT #: 08-0807030300
LAND AREA: 2.93 AC.
ZONING: BL CCC
 - OWNER NAME: HADDON CHARLES LIMITED PARTNERSHIP
C/O THE STOP & SHOP COMPANIES
PREMISES ADDRESS: FRANCKE AVENUE LUTHERVILLE, MARYLAND 21093
TAX ACCOUNT #: 08-2200005659
LAND AREA: 0.67 AC.
ZONING: BL CCC
 - OWNER NAME: BOARD OF EDUCATION OF BALTIMORE COUNTY
PREMISES ADDRESS: YORK ROAD LUTHERVILLE, MARYLAND 21093
TAX ACCOUNT #: 08-1600013409
LAND AREA: 1.00 AC.
ZONING: DR 3.5
 - OWNER NAME: LAN LEA LLC
PREMISES ADDRESS: 1719 YORK ROAD LUTHERVILLE, MARYLAND 21093
TAX ACCOUNT #: 08-2300004036
LAND AREA: 7.05 AC.
ZONING: BL
 - OWNER NAME: 1729 LLC
PREMISES ADDRESS: 1737 YORK ROAD LUTHERVILLE, MARYLAND 21093
TAX ACCOUNT #: 08-2300004037
LAND AREA: 36,472.0 S.F.
ZONING: BL



PROTECT YOURSELF, GIVE THREE WORKING DAYS NOTICE
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

CAPITAL TELECOM
1500 MT. KEMBLE AVENUE, SUITE 203
MORRISTOWN, NEW JERSEY 07960
PHONE: (973) 425-0606
FAX: (973) 425-1616

clearwre
wireless broadband
4400 Carillon Point, Kirkland, Washington 98033
TEL: (425) 216-7600
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ADVANTAGE ENGINEERS
telecommunications | environmental | geotechnical
6996 COLUMBIA GATEWAY DRIVE, SUITE 203
COLUMBIA, MARYLAND 21046
PHONE (443) 367-0003
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DRAWN BY:	SJS/J
CHECKED BY:	
SCALE:	NOTED
JOB NO:	TMD22003

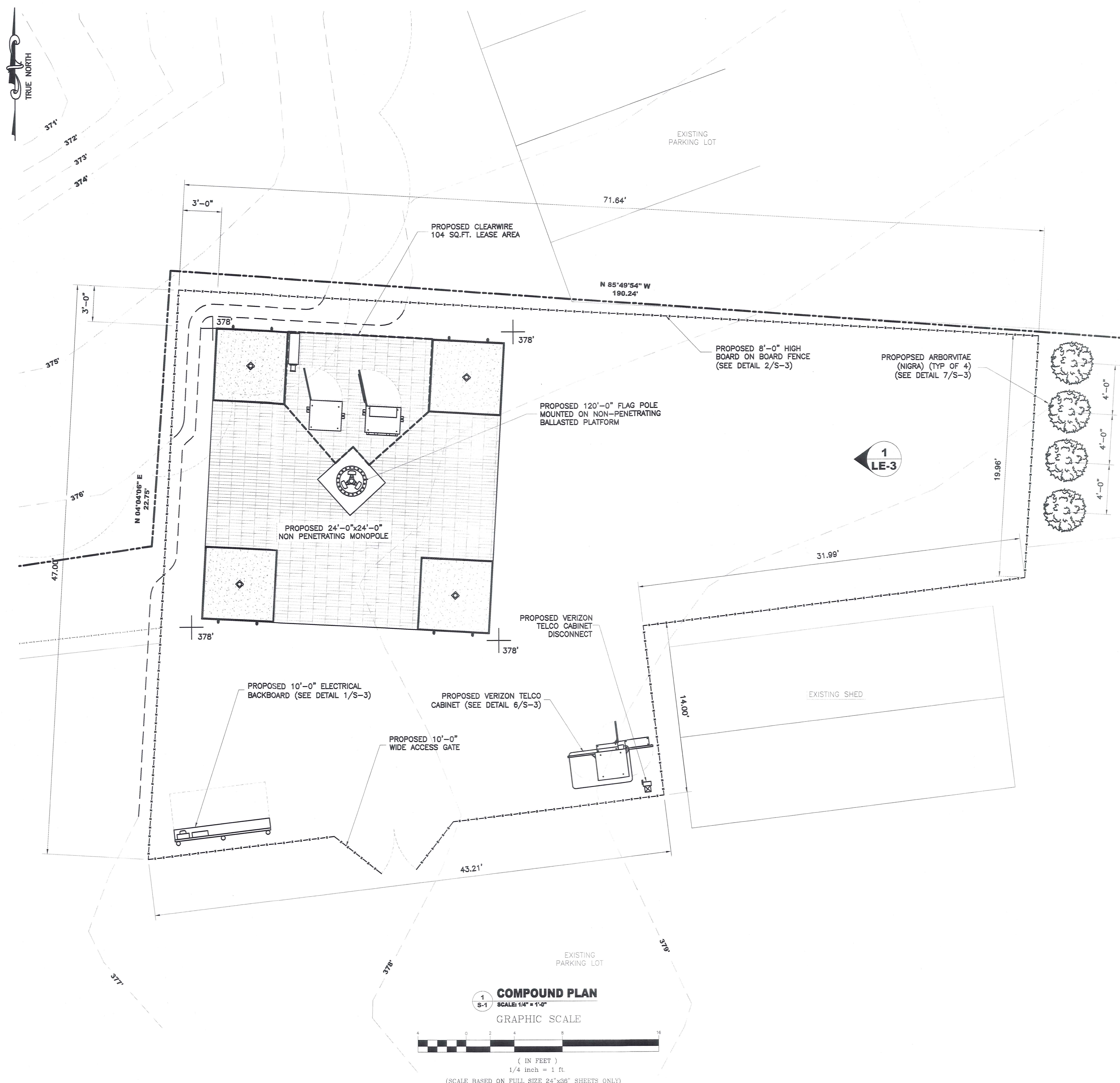
DRAWING TITLE:
SITE PLAN

DRAWING SHEET:
Z-1

SITE NAME:
LUTHERVILLE
SITE NUMBER:
CITGO
SITE ADDRESS:
1726 YORK ROAD
LUTHERVILLE, MARYLAND 21093

SHEET NO. 2 OF 5

PHILIP A. BURTNER, P.E.
"PROFESSIONAL CERTIFICATION, I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 23172, EXPIRATION DATE: 07-25-11"



GENERAL NOTES

- 1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITY COMPANIES OR OTHER PUBLIC AUTHORITIES.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
- 3. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID PROJECT IN ACCORDANCE WITH THE OVERALL INTENT OF THESE DRAWINGS.
- 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
- 5. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
- 6. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- 7. THIS PLAN WAS PREPARED USING A SURVEY PREPARED BY GEOMATX DATED 07-27-10 AND SHOULD NOT BE CONSTRUED AS AN ACCURATE SURVEY.
- 8. THE PROPOSED FACILITY WILL CAUSE ONLY A "DE MINIMUS" INCREASE IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
- 9. NO NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
- 10. THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION (THERE IS NO HANDICAP ACCESS REQUIRED).
- 11. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
- 12. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.
- 13. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
- 14. MOUNTS AND ANTENNAS ARE DESIGNED TO MEET EIA/TIA-222-G AS PER IBC 2006 REQUIREMENTS.
- 15. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
- 16. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
- 17. IF ANY PIPING EXISTS BENEATH THE SITE AREA, CONTRACTOR MUST LOCATE IT AND CONTACT OWNERS REPRESENTATIVE.
- 18. CONSTRUCTION TO COMMENCE UPON COMPLETION OF A PASSING STRUCTURAL ANALYSIS. STRUCTURAL ANALYSIS TO BE PERFORMED BY OTHERS.

LEASE AREA	
CLEARWIRE LEASE AREA	104 SF
CAPITAL TELECOM LEASE AREA	2,475.3 SF

CAPITAL TELECOM
1500 MT. KEMBLE AVENUE, SUITE 203
MORRISTOWN, NEW JERSEY 07960
PHONE: (973) 425-9606
FAX: (973) 425-1616

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DRAWN BY:	SJS/J
CHECKED BY:	
SCALE:	NOTED
JOB NO:	TMD22003

DRAWING TITLE:

COMPOUND PLAN

DRAWING SHEET:

S-1

SITE NAME:
LUTHERVILLE

SITE NUMBER:
CITGO

SITE ADDRESS:
1726 YORK ROAD
LUTHERVILLE, MARYLAND
21093

SHEET NO. 3 OF 5

PHILIP A. BURTNER, P.E.
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811
Know what's below.
Call before you dig.

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4		
3		
2	08-17-10	ISSUED FOR ZONING (ZD'S)
1	08-12-10	ISSUED FOR 100% REVIEW (ZD'S)
0	08-02-10	ISSUED FOR 90% REVIEW (ZD'S)

DRAWN BY: SJSJ

CHECKED BY:

SCALE: NOTED

JOB NO: TMD22003

DRAWING TITLE:

ELEVATION

DRAWING SHEET:

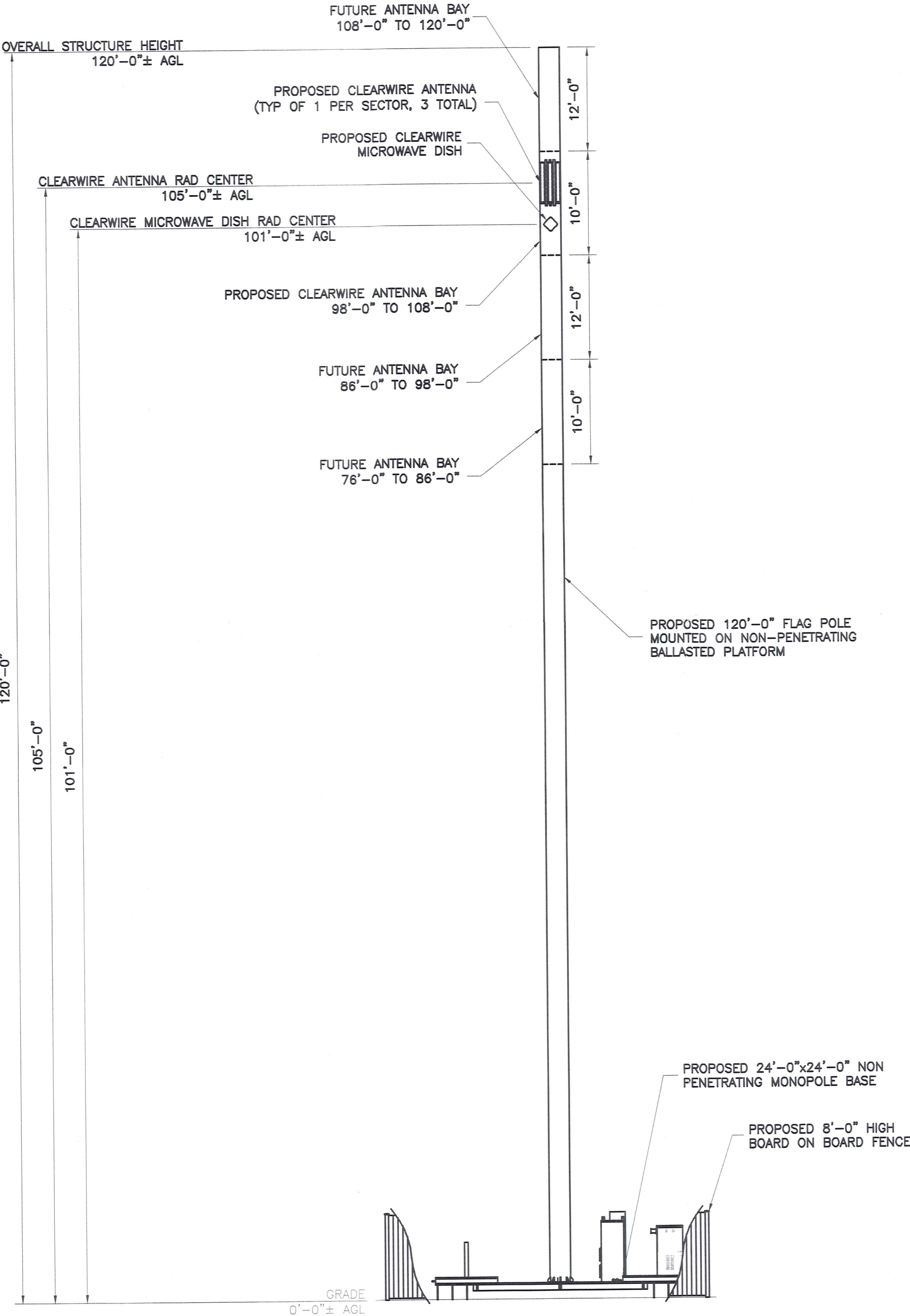
S-2

SITE NAME:
LUTHERVILLE
SITE NUMBER:
CITGO
SITE ADDRESS:
1726 YORK ROAD
LUTHERVILLE, MARYLAND
21093

SHEET NO. 4 OF 5



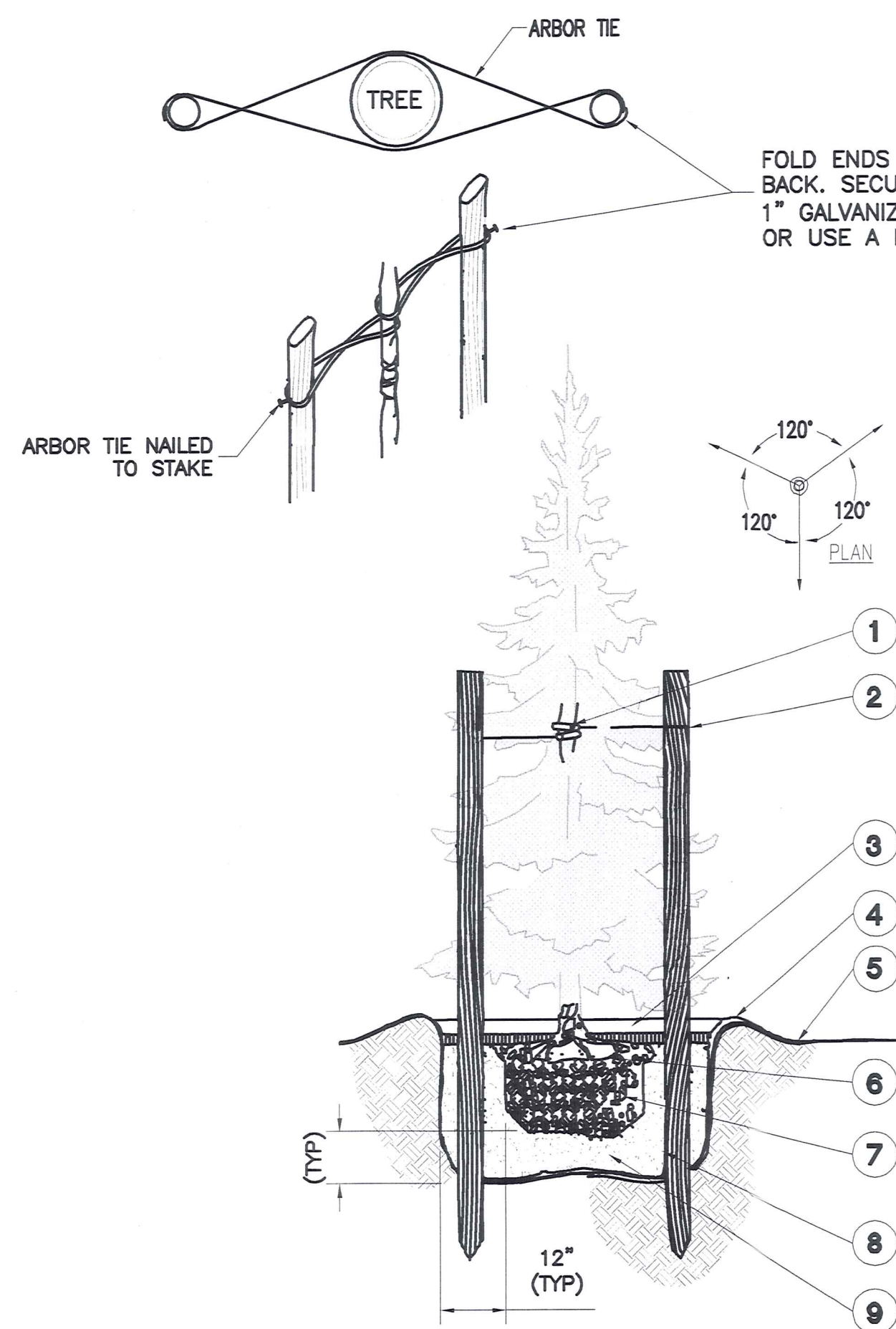
PHILIP A. BURTNER, P.E.
"PROFESSIONAL CERTIFICATION. I HEREBY
CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I
AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF
MARYLAND, LICENSE NO. 23172, EXPIRATION
DATE: 07-25-11"



1
S-2
ELEVATION
SCALE: 1/8" = 1'-0"
GRAPHIC SCALE



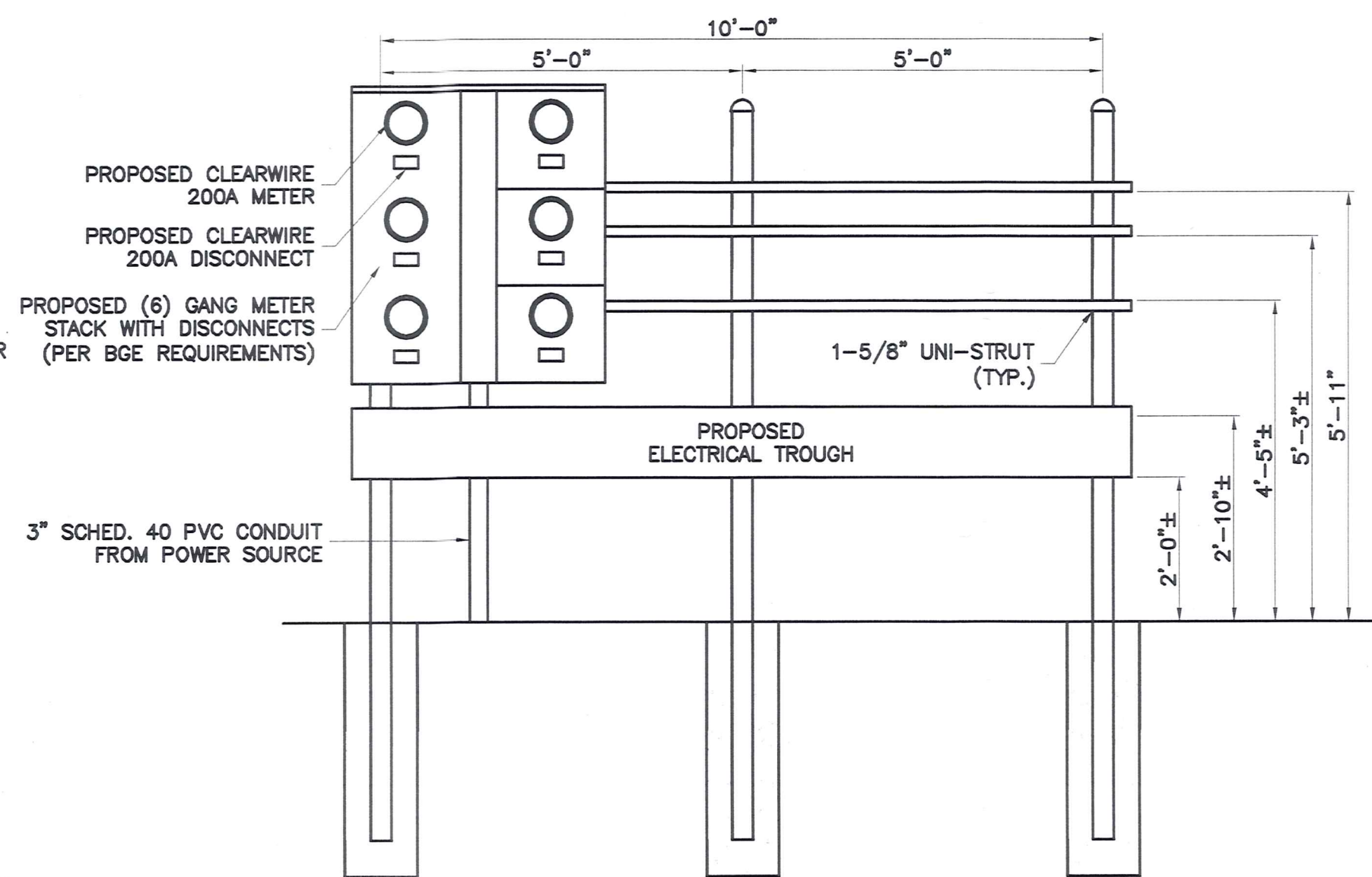
(IN FEET)
1/8 inch = 1 ft.
(SCALE BASED ON FULL SIZE 24"x36" SHEETS ONLY)
(DO NOT USE SCALE ON OTHER SIZED DRAWINGS)



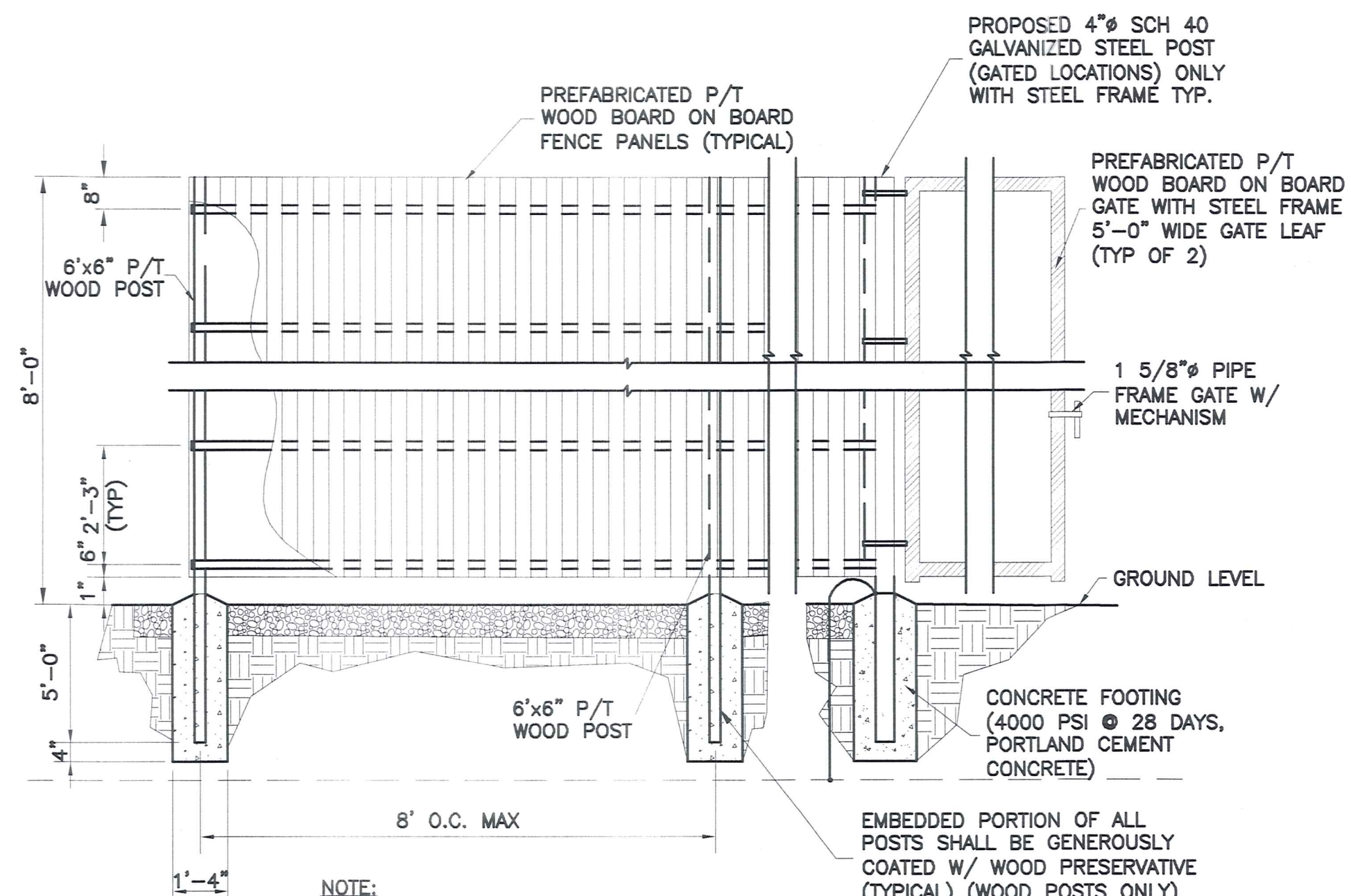
7
S-3
N.T.S.

- NOTES:
- 3/4" ARBORTIE BY DEEPROOT OR APPROVED EQUAL, (NOTE FOR MULTI-TRUCK TREES, GUY TO STRONGEST TRUNK AT CENTER).
 - THREE 2" X 8' LODGE POLES SPACE EVENLY AROUND TREE.
 - 3" MINIMUM OF EUCALYPTUS MULCH COMPACTED OR AS SPECIFIED.
 - SOIL BERM TO HOLD WATER.
 - FINISHED GRADE (SEE GRADING PLAN)
 - TOP OF ROOTBALL MIN. 1" ABOVE FINISHED GRADE
 - B & B OR CONTAINERIZED (SEE SPECIFICATIONS FOR ROOT BALL REQUIREMENTS).
 - PREPARED PLANTING SOIL AS SPECIFIED.
 - ROOTBALLS GREATER THAN 24" DIAMETER SHALL BE PLACED ON MOUND OF UNDISTURBED SOIL TO PREVENT SETTLING ROOTBALLS SMALLER THAN 24" IN DIA. MAY SIT ON COMPACTED EARTH.

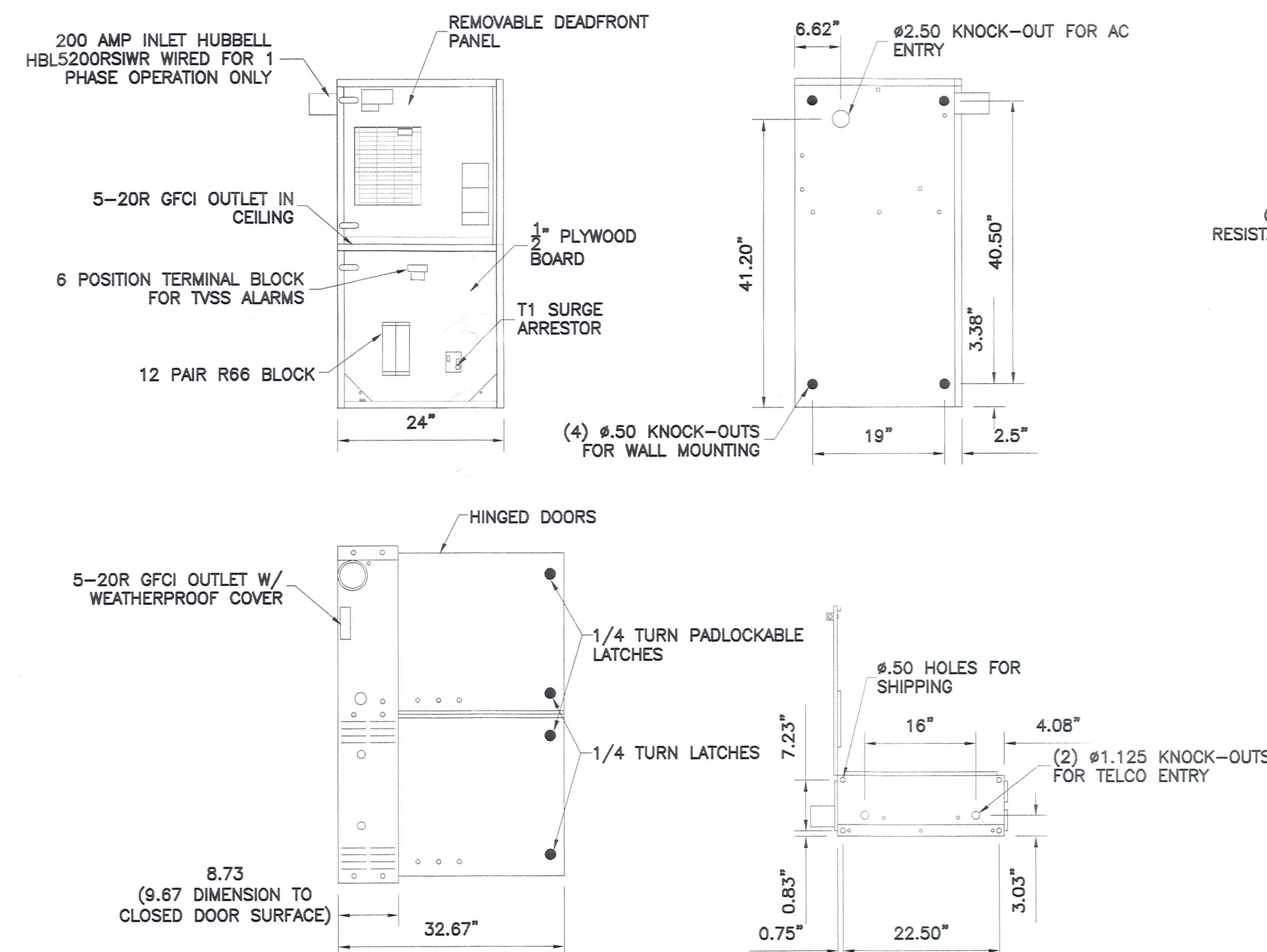
- NOTES:
- CONTRACTOR SHALL ASSURE PERCOLATION OF ALL PLANTING PITS PRIOR TO INSTALLATION.
 - FINAL TREE STAKING DETAILS AND PLACEMENT TO BE APPROVED BY OWNER.
 - "TREE SAVER" ANCHORING SYSTEM MAY BE SUBSTITUTED FOR WOOD STAKING SYSTEM UPON APPROVAL BY OWNER OR LANDSCAPE ARCHITECT.



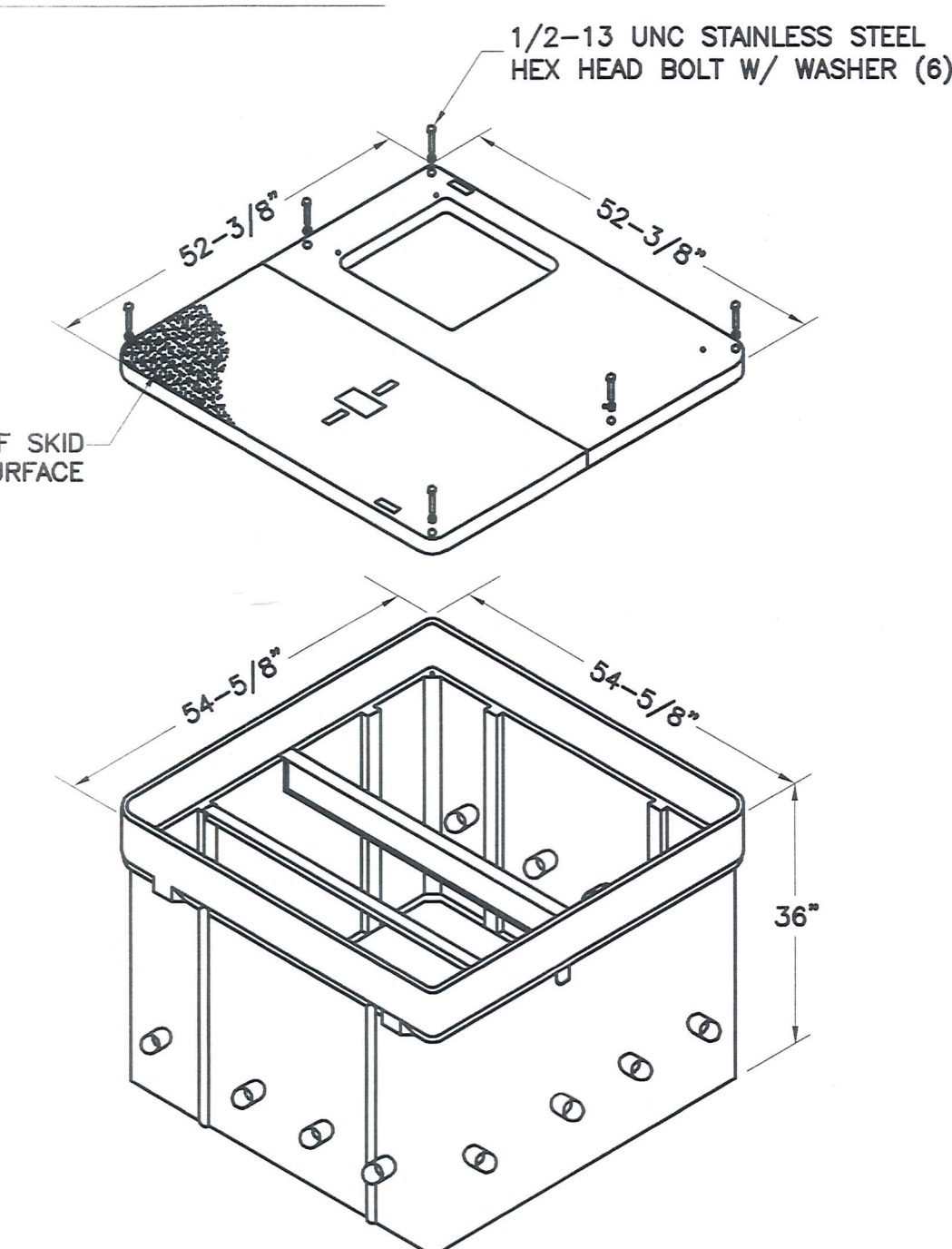
1
S-3
N.T.S.



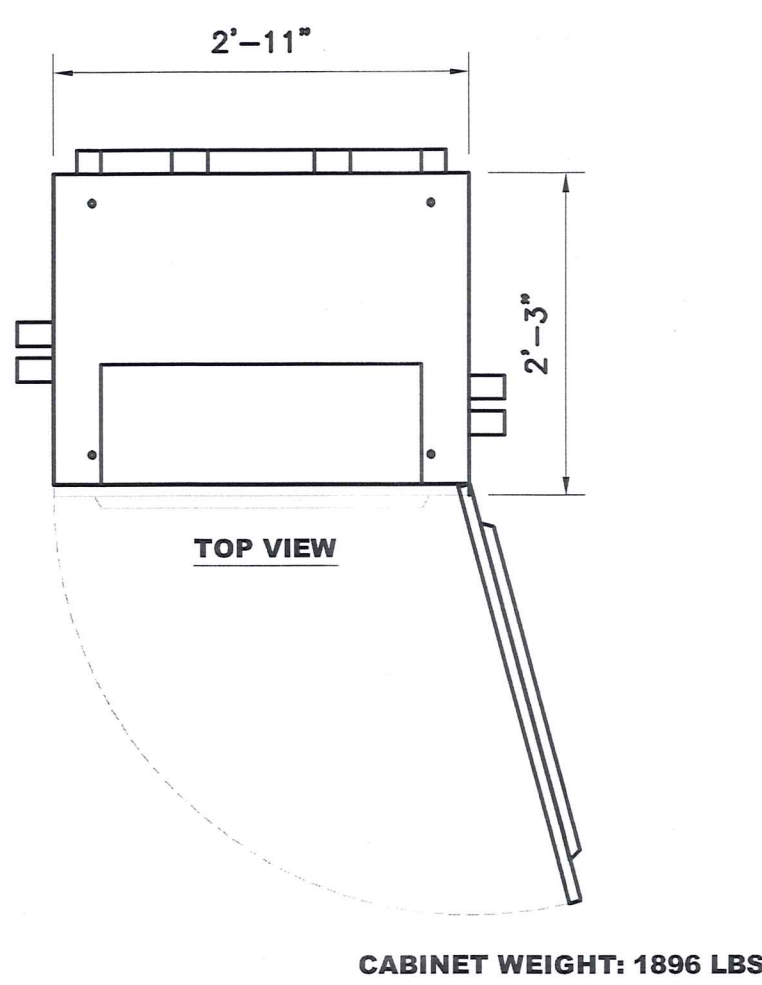
2
S-3
N.T.S.



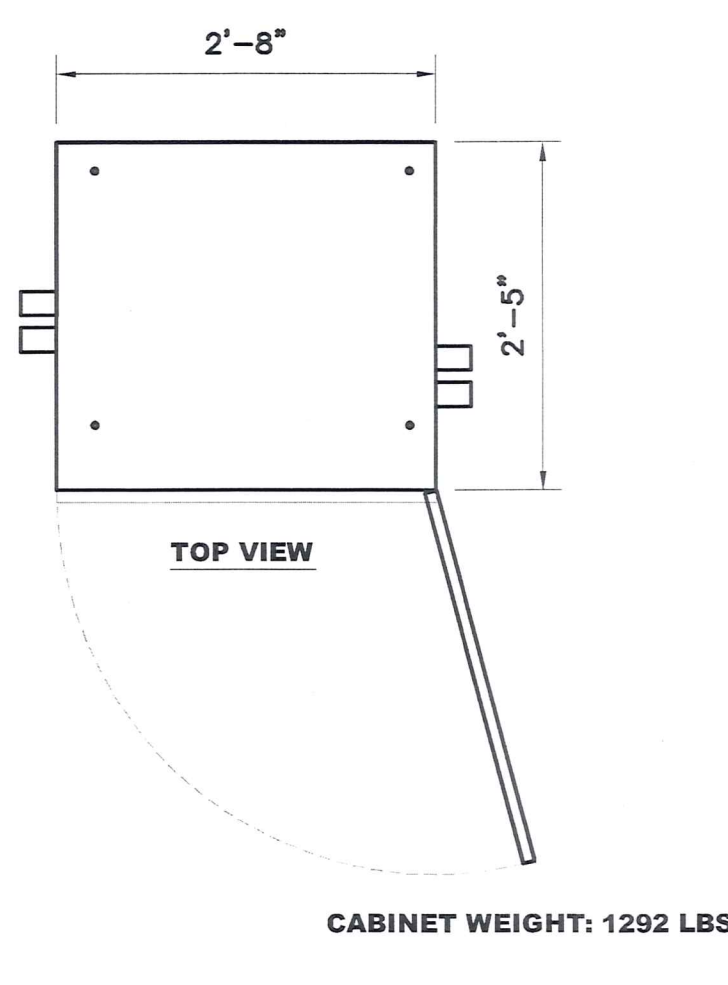
5
S-3
N.T.S.



6
S-3
N.T.S.



3
S-3
N.T.S.



4
S-3
N.T.S.

SPECIFICATIONS:
120/240 VAC, 1-PHASE, 4-WIRE, 60 HERTZ, SERIES RATED FOR 65KAIC
UL891, NEC 2002
SUITABLE FOR USE AS SERVICE ENTRANCE EQUIPMENT
MAIN BREAKERS - 200 AMP COMMERCIAL/ 200 AMP GENERATOR
CUTLER HAMMER, SERIES ED
MARCONI SLIDING LINK INTERIOR BAR
LOAD BREAKER PANEL - 200 AMP CUTLER HAMMER, 24 POSITION, TYPE CH
GFCI CONVENIENCE OUTLETS - (2) 5-20R
TVSS - AC: TRANSECTOR MCP120TA-20M
T1: TSJ48CLT
ALARMS: NC AND/OR NO. DRY CONTACTS WIRED TO A TERMINAL BLOCK
FOR AC TVSS COMPONENT FAILURE STATUS

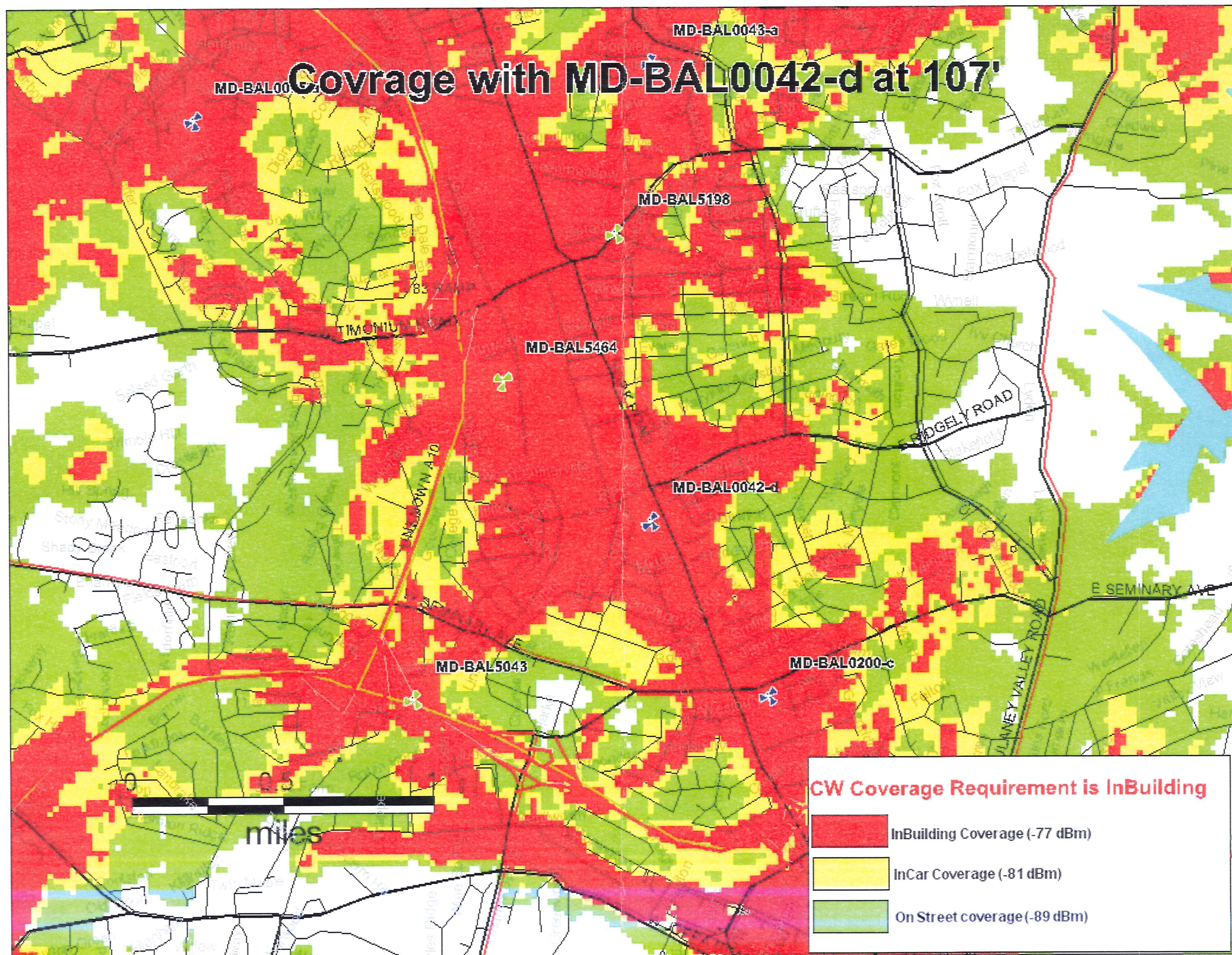
SCHEDULE OF REVISIONS		
REV. NO.	DATE	DESCRIPTION OF CHANGES
7		
6		
5		
4		
3		
2	08-17-10	ISSUED FOR ZONING (ZD'S)
1	08-12-10	ISSUED FOR 100% REVIEW (ZD'S)
0	08-02-10	ISSUED FOR 90% REVIEW (ZD'S)

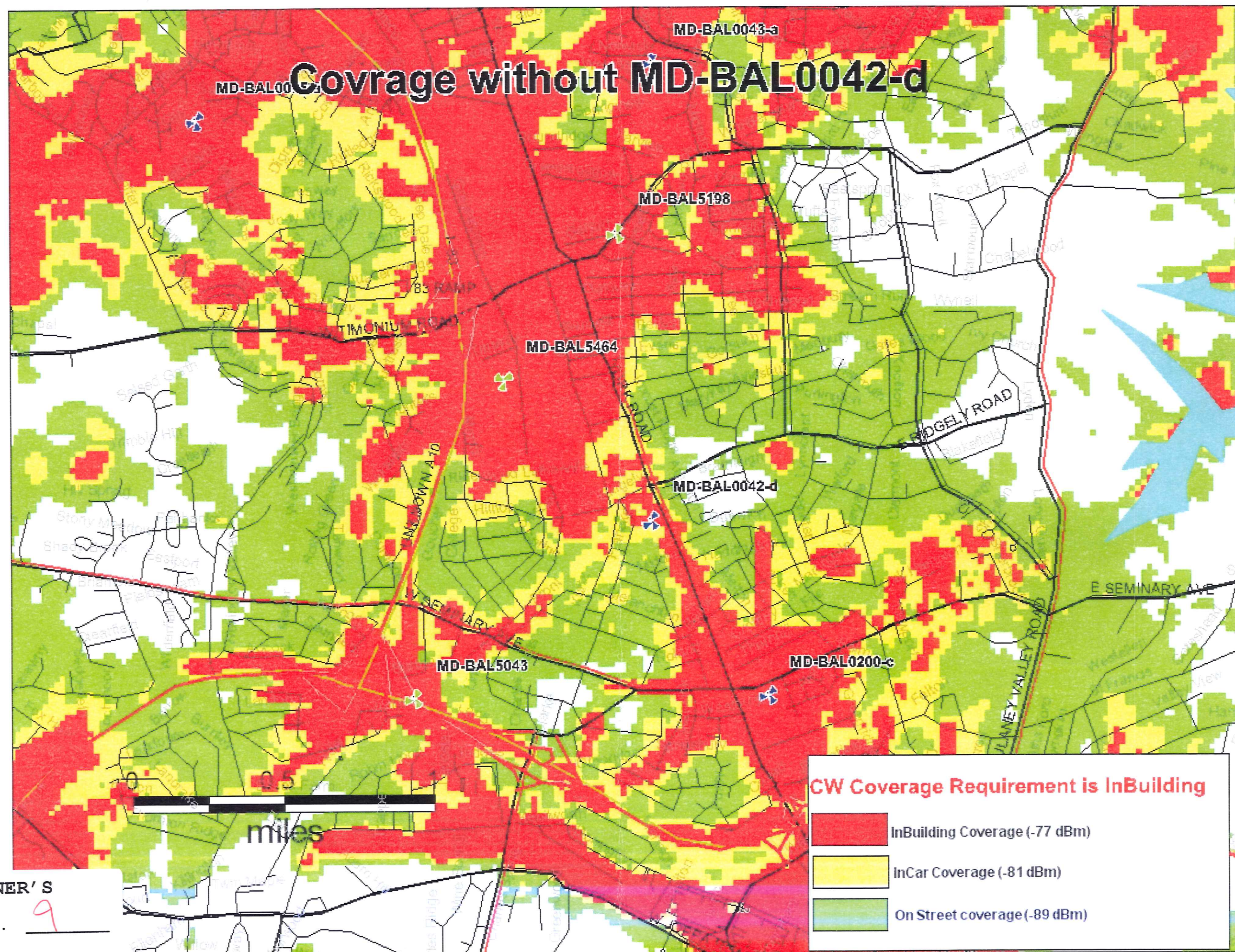
DRAWN BY:	SJSJ
CHECKED BY:	
SCALE:	NOTED
JOB NO:	TMD22003

CONSTRUCTION DETAILS

S-3

SITE NAME:
LUTHERVILLE
SITE NUMBER:
CITGO
SITE ADDRESS:
1726 YORK ROAD
LUTHERVILLE, MARYLAND
21093





PETITIONER'S

EXHIBIT NO. 9

