DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE PUBLIC HEARING ON DRAFT REGULATION FOR WIRELESS COMMUNICATION TOWERS

TIME: 7:40 P.M. - 8:45 P.M.
DATE: Wednesday, April 26, 2000
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Mr. Torpey, Ms. Armstrong, Ms. Goodspeed and Mrs. Nash
STAFF: Mr. Amon and Ms. Holms
GUESTS: Barbara Ross, D&R Canal Watch
Robert Von Zumbusch
Jan ten Broek, Millstone Valley Preservation Coalition
Vincent Mangini, Law Offices of Alan Zublatt
Marilyn Kulik, Citizens to Preserve Griggstown
Linda Barth, Citizens to Preserve Griggstown, CSNJ
Robert H. Barth, Canal Society of New Jersey
Barbara ten Broeke, Millstone Valley Preservation Coalition
Mark Barry

Mr. Torpey began the meeting by thanking all those who came to listen and offer suggestions about the proposed draft regulation for wireless communications. Mr. Amon said that he had collected and researched municipal ordinances around the country, and used these models in creating the proposed draft. He began the discussion by reviewing the draft. The jurisdiction of regulating cell towers would apply only within the "A" review zone. Under "Submission Requirements," it was proposed that in item D (the requirement of a drawing showing sight lines for the tower from one point upstream and one point downstream), distance should be specified. Mr. von Zumbusch felt that each site was unique, and that the sight lines should be directed by Canal Commission staff. Mr. ten Broek said that with regard to item E, (color photographs), photographs can be taken to show a biased viewpoint. Mr. Barth suggested that photos also be taken at the direction of the Commission's staff. Ms. Kulik suggested that the photos be taken in winter. Mr. Amon said that this requirement may delay the review process beyond the Commission's 45-day limit. Mr. Barth asked about towers that had a harmful visual impact on the Canal Park beyond the "A" review zone (1,000 feet).

Mr. ten Broek suggested that the Commission prohibit all wireless communication towers in the "A" Zone. Mr. Torpey questioned the legality of a blanket prohibition. The issue of co-location (several antennas on one tower) was discussed. Mr. von Zumbusch felt that making the

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distinction of prohibiting towers higher than 75 feet only in the historic district was unclear. He felt that towers should be prohibited not only in the canal historic district but any other historic district within the entire review zone. Mr. Amon said that his aim in drafting the regulation was to be protective of the Canal Park while being fair to applicants as well, and that since the Historic Preservation Office has jurisdiction over all historic districts, Commission review of other historic districts could be a duplicative, and therefore unfair, review.

More discussion about the issue of co-location and the proliferation of towers ensued. Mr. Barth suggested that the regulation stipulate that the right of another company to co-locate on a proposed tower cannot be unreasonably withheld.

Mr. Barth also offered a further suggestion regarding submission requirements. Item G, the requirement of a map showing other towers in the adjoining area owned or operated by the applicant, should have the phrase "and by other tower owners" added to it.

"Review Standards" was then discussed. Mr. Amon said that he chose the height limitation of 75 feet because this was a normal height of native trees. Ms. Barth suggested prohibiting towers in the historic district. Mr. Amon said that there could be occasion where towers could be affixed to existing utility poles, which would not create a harmful visual impact. Mr. ten Broek said that even if shorter poles are used, a taller tower is still necessary every few miles. Mr. von Zumbusch suggested prohibiting towers within the historic district and using the 75-foot height limit for the remaining "A" zone. He said that a waiver could still be given for public health and safety reasons.

Several people then reiterated their opinion that all wireless communication towers should be prohibited in the "A" review zone. Ms. Kulik said that towers can be prohibited without prohibiting wireless facilities. Mr. Barth said that it was important to preserve the region's heritage. Mr. von Zumbusch said that many of the historic districts were designated as a result of the Canal Commission.

Mr. Amon summarized the discussion by saying that there was a consensus that wireless communication towers should not be allowed in the "A" review zone. Mr. Mangini said he was not part of that consensus, but that he was there solely to collect information. Mr. Amon said he would talk to the Commission's Deputy Attorney General and Ms. Guzzo, the Historic Preservation Office Administrator, about revising the draft regulation to reflect the consensus.

The meeting adjourned at 8:45 PM.

Respectfully submitted,

James C. Amon