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Report on the First Amendment to the 2003 AT&T Plan, Submitted by New Cingular Wireless PCS, LLC d/b/a AT&T

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Findings of Fact

I. Background

In 1995, the Pinelands Commission amended the Pinelands Comprehensive Management Plan (CMP) to address the growing need for wireless communication services within the Pinelands Area. The amendment established a framework for permitting local communications facilities (i.e., wireless communication towers or cell towers) exceeding thirty-five feet in height in management areas outside Regional Growth Areas and Pinelands Towns.

Under this framework, wireless service providers must submit a comprehensive Local Communications Facilities Plan (LCF Plan) identifying all existing facilities within the Pinelands and the approximate vicinity of proposed facilities. The CMP establishes standards governing the Commission's certification of an LCF Plan. Once certified, development of any individual facility included in the plan requires submission of a development application to the Commission. At that time, the applicant must demonstrate that the proposed development satisfies the CMP's minimum environmental standards, complies with the siting standards at N.J.A.C. 7:50-5.4(c), and, when located outside a Regional Growth Area or Pinelands Town, is consistent with a site identified in a certified LCF Plan. To date, six LCF Plans have been certified, as summarized in Table 1 below.

The First Amendment to the 2003 AT&T Plan originated from a 2020 development application (App # 1981-0162.002) for a 120-foot local communications tower proposed as an accessory use to the Woodland Volunteer Fire & EMS Station in the Pinelands Village of Chatsworth, Woodland Township. The tower was intended to provide FirstNet emergency communications service to the station. A Certificate of Filing was issued on July 27, 2020, and municipal approvals were first granted on September 15, 2020.

Table 1. Summary of Approved LCF Plans

LCF Plan	Certification Date	Participants	Search Area Extent (in miles)
Cellular Plan	9/11/1998	Bell Atlantic Mobile, Comcast, Nextel	5
PCS Plan	1/14/2000	Sprint, Omnipoint	0.5
AT&T Plan	12/12/2003	AT&T	0.5
T-Mobile Plan	11/10/2011	T-Mobile	1
Public Safety Tower Plan	5/11/2012	Pinelands Area Counties	3*
Sprint Plan	11/8/2013	Sprint	1

*The search area extent for the Public Safety Tower Plan was amended from 1 mile to 3 miles on July 14, 2017.

During Commission review, a substantial issue arose as to whether the proposed facility qualified as an “accessory structure or use” under the CMP. Since the FirstNet public safety network also transmits commercial wireless service in addition to its priority use for first responders, the proposed tower did not meet the CMP definition of an accessory use. Additionally, no previously certified LCF Plan identified a facility within the Village of Chatsworth. Accordingly, AT&T elected to pursue an amendment to the 2003 AT&T Plan to propose a site within the Village of Chatsworth.

Beginning in 2023, AT&T engaged in discussions with Commission staff regarding an LCF Plan amendment. On June 29, 2023, staff provided preliminary comments on two potential sites and outlined the demonstrations required by the CMP for inclusion in any amendment. On June 18, 2024, AT&T submitted a draft amendment proposing one site in the Village of Chatsworth. On October 29, 2024, Commission staff responded that additional analyses were necessary to demonstrate compliance with CMP standards. A revised draft was submitted on October 3, 2025, and additional staff comments were provided on October 28, 2025. A final draft was submitted on November 26, 2025 (see Exhibit A), and deemed complete on December 1, 2025.

II. Comprehensive Local Communications Facilities (LCF) Plan Amendment

The following document has been submitted to the Pinelands Commission for certification:

- The First Amendment to the 2003 AT&T Plan, submitted by New Cingular Wireless PCS, LLC d/b/a AT&T

A. Summary of the First Amendment to the 2003 AT&T Plan

The proposed amendment to AT&T’s previously certified LCF Plan seeks approval to modify the company’s wireless network configuration within the Pinelands Area by replacing an authorized but unbuilt facility (Site 041) with a new search area identified as proposed Site 400. The search area is centered on Block 4914, Lot 2, located in the Pinelands Village of Chatsworth, Woodland Township. The amendment incorporates all other previously authorized AT&T facilities and does not expand AT&T’s overall tower configuration within the Pinelands. Instead, it substitutes proposed Site 400 for previously authorized Site 041. Consistent with the hierarchical siting policy established as part of the certification of the 2003 AT&T Plan (see Exhibit B), the proposed Site 400 maintains a one-half mile

search area radius. Mapping exhibits, propagation studies, and related documentation support the amendment.

B. Standards for Certification

The proposed amendment has been reviewed to determine whether it conforms to the standards for certification of an amendment to an LCF Plan set forth at N.J.A.C. 7:50-5.4(c)6v. The applicable standards and findings are outlined below.

1. Joint Submission by Providers of the Same Type of Service

N.J.A.C. 7:50-5.4(c)6v requires that a proposed LCF Plan amendment be sent by certified mail to all local communications providers offering the same type of service or holding a franchise within the Pinelands Area for review and comment. AT&T provided proof that notice of the proposed amendment was sent via certified mail to T-Mobile and Verizon, the other wireless providers operating within the Pinelands Area. Both providers are participants of other previously certified LCF Plans. The CMP authorizes the Commission to proceed with review of a proposed LCF amendment if other providers decline to participate. Neither T-Mobile nor Verizon has objected to, or requested to participate in, the current amendment process.

Accordingly, this standard for certification is met.

2. Review of Alternative Technologies

N.J.A.C. 7:50-5.4(c)6 requires that LCF Plan amendments include a review of alternative technologies that may become available for use in the near future. The amendment evaluates Distributed Antenna Systems (DAS), small cell installations, and modifications to existing nearby facilities. It explains that while such technologies may be appropriate in dense or urbanized environments, they are not technically capable of providing the wide-area, macro-cell coverage necessary to serve Chatsworth Village and its surrounding rural road network. In particular, federal requirements associated with the FirstNet public safety network require reliable coverage across broader geographic areas, including heavily forested and sparsely developed portions of the Pinelands.

Accordingly, this standard for certification is met.

3. Approximate Location of All Existing and Proposed Facilities

N.J.A.C. 7:50-5.4(c)6 requires that LCF Plan amendments identify the approximate location of all existing and proposed facilities. The amendment identifies all existing on-air AT&T facilities within the Pinelands and incorporates by reference the previously authorized but unbuilt sites included in the 2003 AT&T Plan, except Site 041. Staff verified that the on-air sites correspond to those listed in the 2003 AT&T Plan. The amendment removes previously authorized but unconstructed Site 041, which was centered on Block 2201, Lot 6 in Tabernacle Township, which is located within Wharton State Forest in the Preservation Area District. The amendment adds proposed Site 400, a one-half mile search area centered on Block 4914, Lot 2 in the Pinelands Village of Chatsworth, Woodland Township.

Accordingly, this standard for certification is met.

4. Five- and Ten-Year Planning Horizons

N.J.A.C. 7:50-5.4(c)6 requires that LCF Plan amendments include five- and ten-year planning horizons. The amendment includes a planning horizon statement indicating that AT&T intends to rely on its existing and previously approved facilities, together with proposed Site 400, to provide commercial wireless and FirstNet emergency communications service over the next ten years. No additional tower sites within the Pinelands Area are proposed beyond proposed Site 400 and those previously authorized under the 2003 AT&T Plan.

Accordingly, this standard for certification is met.

5. Demonstrated Need to Serve Local Communication Needs of the Pinelands

N.J.A.C. 7:50-5.4(c)6 requires that LCF Plan amendments demonstrate *likely consistency* with the requirement that there is a demonstrated need for each proposed facility to serve the local communication needs of the Pinelands, including those related to public health and safety, as well as a need to locate the facility in the Pinelands in order to provide adequate service to meet these needs.

The amendment includes propagation analyses and mapping demonstrating that reliable service at the -95 dBm threshold is not currently available in significant areas of Chatsworth Village and surrounding roadways, and that neither Site 041 nor adjacent facilities can provide adequate coverage to meet the identified need. This coverage is necessary for emergency services operating within and in proximity to the Village of Chatsworth. It should also be noted that the Village of Chatsworth is located far from the boundaries of the Pinelands Area, and, therefore, it is not feasible to provide adequate service to the identified coverage gap from outside of the Pinelands Area.

The Commission's independent radiofrequency consultant reviewed the submitted analyses and concurs that there is demonstrated need for the facility based on a gap in coverage in the Village of Chatsworth that cannot be addressed by existing authorized sites or nearby facilities, and that the proposed Site 400 would satisfy that coverage gap (see Exhibit C).

Accordingly, this standard for certification is met.

6. Least Number of Facilities Necessary

N.J.A.C. 7:50-5.4(c)6 requires that LCF Plan amendments demonstrate that the facilities to be located in the Preservation Area District, the Forest Area, the Special Agricultural Production Area and the seventeen Pinelands Villages enumerated in N.J.A.C. 7:50-5.4(c)6 are the least number necessary to provide adequate service, taking into consideration the location of facilities outside the Pinelands. The Pinelands Village of Chatsworth is among the enumerated Pinelands Villages.

The amendment does not increase the number of AT&T's facilities within the Pinelands. Instead, it eliminates previously approved Site 041 and replaces it with proposed Site 400, which more effectively addresses the gap in coverage that exists in Chatsworth. It is also important to recognize that Site 041 is located in Wharton State Forest in an area that is far removed from the

population that needs to be served and where a host of factors would likely preclude the development of a new tower and the necessary infrastructure to support it. The removal of Site 041 is not anticipated to create a new coverage gap requiring an additional tower.

Accordingly, this standard for certification is met.

7. Use of Existing Communications or Suitable Structures

N.J.A.C. 7:50-5.4(c)6 requires that LCF Plan amendments demonstrate *likely consistency*, and note the need to demonstrate consistency during individual development applications, that existing suitable structures be used to the extent practicable. The amendment documents the evaluation of nearby telecommunications towers and other tall structures. Technical analyses indicate that available structures either lack sufficient height, are at capacity, or would not resolve the identified coverage gap even if modified. The Commission's radiofrequency consultant reviewed these analyses and agreed that co-location on existing structures would not provide adequate reliable coverage in Chatsworth Village (See Exhibit C). It is important to note that any application for the siting of a new tower at proposed Site 400 will require a reevaluation of suitable structures within the one-half mile search area.

Accordingly, this standard for certification is met.

8. Consistency with Siting Criteria for New Structures

N.J.A.C. 7:50-5.4(c)6 requires that LCF Plan amendments demonstrate *likely consistency*, and note the need to demonstrate consistency during individual development applications, that if an existing communications structure or other suitable structure cannot be used, then the antenna and any necessary supporting structure is located to meet the siting criteria contained in N.J.A.C. 7:50-5.4(c)4. Those siting criteria include requirements to minimize visual impacts to certain uses, structures, and specified areas. Additional restrictive siting criteria are provided for sites located outside of Regional Growth Area, Pinelands Towns and Pinelands Villages.

The proposed search area is centered within the Pinelands Village of Chatsworth, which is surrounded by lands within the Preservation Area District and Special Agricultural Production Areas. Areas outside the Village of Chatsworth contain extensive tracts of preserved land, areas of environmental constraints, limited to no lands that meet the siting requirements. However, the amendment identifies sites within the Village of Chatsworth where a tower is likely consistent with CMP siting criteria. The amendment also includes photographic inventory and simulations documenting the visual impacts of a tower proposed on Block 4914, Lot 2.

It is noted that approval of the plan amendment does not constitute approval of a specific tower location or development proposal. Full compliance with the detailed siting hierarchy, visual impact standards, and minimum environmental standards of the CMP must be demonstrated through a subsequent application for development. At the plan level, however, the Commission finds that the amendment demonstrates likely consistency with the siting criteria of N.J.A.C. 7:50-5.4(c)4.

Accordingly, this standard for certification is met.

9. Co-Location, Height Limits, and Joint Construction

N.J.A.C. 7:50-5.4(c)6 requires that LCF Plan amendments acknowledge that support structures must be designed to accommodate other providers with overlapping service areas and must not exceed 200 feet in height. The amendment acknowledges these requirements and indicates that the proposed monopole will be designed to accommodate co-location consistent with CMP standards. The structure will not exceed the 200-foot maximum height and will be capable of accommodating additional carriers where technically feasible.

Accordingly, this standard for certification is met.

10. Plan for Shared Services

N.J.A.C. 7:50-5.4(c)6 requires that LCF Plan amendments include a plan for shared services, unless precluded by federal law or regulation, where such sharing would reduce the number of facilities. The amendment does not include a shared services plan. As stated in the previously certified 2003 AT&T Plan, AT&T maintains that shared services are precluded by federal law. No previously certified LCF Plan has included a shared services plan due to that legal interpretation.

Accordingly, this standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning the First Amendment to the 2003 AT&T Plan was duly advertised, noticed and remotely conducted on January 14, 2026, at 9:30 a.m., with a live broadcast on the Pinelands Commission's public YouTube channel and an opportunity for the public to call in during the broadcast. Mr. Lanute conducted the hearing, which was held remotely and broadcast live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call in during the public hearing to provide testimony. No testimony was provided.

Written comments on the First Amendment to the 2003 AT&T Plan were accepted through January 16, 2026. No written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Executive Director has concluded that the First Amendment to the 2003 AT&T Plan complies with Comprehensive Management Plan standards for the certification of an amendment to a certified comprehensive local communications facilities plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify the First Amendment to the 2003 AT&T Plan.

SRG/DBL
Attachments