



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-12- 15

TITLE: Issuing an Order to Approve the Comprehensive Public Safety Tower Plan for Pinelands

Commissioner Bohanbeen moves and Commissioner Hees seconds the motion that:

WHEREAS, the Pinelands Commission adopted amendment to the Pinelands Comprehensive Management Plan in 1995 to permit local communications facilities to exceed the 35 foot height limitation set forth in N.J.A.C. 7:50-5.4, if a comprehensive plan for all of a provider's proposed local communications facilities throughout the Pinelands Area is approved by the Pinelands Commission; and

WHEREAS, providers of cellular service submitted a comprehensive plan that was approved by the Pinelands Commission on September 11, 1998; and

WHEREAS, providers of PCS service submitted an amendment to the comprehensive plan that was approved by the Pinelands Commission on January 14, 2000; and

WHEREAS, AT&T Wireless of PCS of Philadelphia, LLC and its Affiliates submitted an amendment to the comprehensive plan that was approved by the Pinelands Commission on December 12, 2003; and

WHEREAS, T-Mobile Northeast LLC doing business as T-Mobile submitted an amendment to the comprehensive plan that was approved by the Commission on November 10, 2011; and

WHEREAS, the State of New Jersey's Office of Information Technology has submitted an amendment to the comprehensive plan, entitled Comprehensive Public Safety Tower Plan for Pinelands (hereinafter referred to as the Amendment) which the Executive Director deemed complete for purposes of review on December 16, 2011; and

WHEREAS, a public hearing on the amendment was duly advertised, noticed and held on February 21, 2012 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the OIT's technical consultant reviewed the Amendment and submitted a report of its finding to the Commission; and

WHEREAS, the Executive Director has reviewed the Amendment and OIT's technical consultant's report; and

WHEREAS, the Executive Director has considered all public comments received on the Amendment; and

WHEREAS, the Executive Director has submitted a April 27, 2012 report of her findings to the Commission; and

WHEREAS, the Executive Director has found that the Amendment is consistent with the Pinelands Comprehensive Management Plan's "need" test and, except for proposed facilities 19 and 21, with all of the standards of N.J.A.C. 7:50-5.4; and,

WHEREAS, proposed facilities 19 and 21 are currently inconsistent with the standards of N.J.A.C. 7:50-5.4(c)4vi; and

WHEREAS, proposed facilities 19 and 21 can be made consistent with the standards of N.J.A.C. 7:50-5.4(c)4vi, if facility 19 is sited at an appropriate location, if facility 21 is appropriately reduced in height, as a result of the heightened scrutiny provided for in N.J.A.C. 7:50-5.4(c)6, if the Commission grants an appropriate waiver, or if the Commission executes an appropriate Memorandum of Agreement; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Amendment and the Executive Director's report and has recommended that the Amendment be approved, provided that prior to construction of proposed facility 21, the Commission grants a Waiver of Strict Compliance or enters into a Memorandum of Agreement; and

WHEREAS, the Commission finds that the Amendment is consistent with the standards of N.J.A.C. 7:50-5.4, provided that prior to construction of proposed facility 21, the Commission grants a Waiver of Strict Compliance or enters into a Memorandum of Agreement, insofar as those standards apply to the preparation and approval of an amendment to a comprehensive plan for local communications facilities; and

WHEREAS, the Commission expressly recognizes that approval of this Amendment establishes a framework for siting local communications facilities but does not approve any specific application for development for any local communications facility; and

WHEREAS, the Commission also recognizes that this Amendment may be further amended pursuant to N.J.A.C. 7:50-5.4 and that the Executive Director shall advise the Commission of the need for amendments as specific conditions arise consistent with the advice of the Attorney General's office; and

WHEREAS, the Commission accepts the recommendation of the Executive Director to approve the Amendment, provided that prior to construction of proposed facility 21, the Commission grants a Waiver of Strict Compliance or enters into a Memorandum of Agreement, and hereby affirms the recommended procedures for the siting of individual wireless communications facilities, as set forth in Appendix E to her report; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

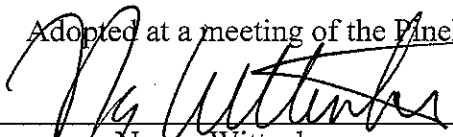
1. An Order is hereby issued to approve the Comprehensive Public Safety Tower Plan for Pinelands, dated August 23, 2011, and revised November 3, 2011.
2. The Pinelands Commission expressly affirms that the review of all applications for development for all of the local communications facilities within the Amendment shall be done in accordance with the Executive Director's Report, dated April 27, 2012, including its appendices, in order to be consistent with CMP requirements.
3. Proposed facilities 19 and 21 will be subject to heightened scrutiny, at the time an application for development is submitted for either, if they are proposed at sites or heights, respectively, that are inconsistent with the standards of N.J.A.C. 7:50-5.4(c)vi.

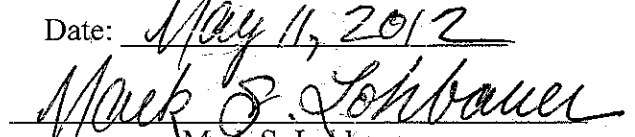
Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS						
Ashmun		X			Haas	X				Prickett	X			
Brown	X		X		Harris			X		Quinn	X			
Earlen	X				Jackson	X				Rohan Green	X			
Ficcaglia	X				Lloyd	X				Witt	X			
Galletta	X				McGlinchey	X				Lohbauer	X			

Adopted at a meeting of the Pinelands Commission

Date: May 11, 2012


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman