



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-13- 41

TITLE: Issuing an Order to Approve the Amendment to the Comprehensive Plans for Cellular and Personal Communications Service (PCS) Facilities on behalf of Sprint Spectrum L.P. and its Affiliates for Wireless Communications Facilities in the Pinelands

Commissioner McGinchey moves and Commissioner Jackson
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 submitted an amendment to the comprehensive plan that was approved by the Commission on May 11, 2012; and

WHEREAS, Sprint Spectrum L.P. and its Affiliates (hereinafter Sprint) has submitted an amendment to the comprehensive plan, entitled Amendment to the Comprehensive Plans for Cellular and Personal Communications Service (PCS) Facilities on behalf of Sprint Spectrum L.P. and its Affiliates for Wireless Communications Facilities in the Pinelands (hereinafter referred to as the Amendment) which the Executive Director deemed complete for purposes of review on August 27, 2013; and

WHEREAS, a public hearing on the amendment was duly advertised, noticed and held on September 10, 2013 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has reviewed the Amendment; and

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

WHEREAS, the Executive Director has submitted an October 23, 2013 report of her findings to the Commission; and

WHEREAS, the Executive Director has found that the Amendment is consistent with the standards of the N.J.A.C. 7:50-5.4; 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; and

WHEREAS, the Commission finds that the Amendment is consistent with the standards of N.J.A.C. 7:50-5.4 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 and affirm the recommended procedures for the siting of individual wireless communications facilities, as set forth in Appendix D 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 Amendment to the Comprehensive Plans for Cellular and Personal Communications Service (PCS) Facilities on behalf of Sprint Spectrum L.P. and its Affiliates for Wireless Communications Facilities in the Pinelands, dated June 17, 2013.
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 October 23, 2013, including its appendices, in order to be consistent with CMP requirements.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: Nov. 8, 2013

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
Chairman