



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-11- 38

**TITLE:** Issuing an Order to Approve the Amendment to the Comprehensive Plan for PCS Communications Facilities in the Pinelands on Behalf of T-Mobile Northeast LLC Doing Business as T-Mobile

Commissioner Hucas moves and Commissioner Earlen 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 (hereinafter T-Mobile) has submitted an amendment to the comprehensive plan, entitled Amendment to the Comprehensive Plan for PCS Communications Facilities in the Pinelands on Behalf of T-Mobile Northeast LLC Doing Business as T-Mobile (hereinafter referred to as the Amendment) which the Executive Director deemed complete for purposes of review on August 9, 2011; and

**WHEREAS**, a public hearing on the amendment was duly advertised, noticed and held on September 27, 2011 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

**WHEREAS**, the Commission'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 the Commission'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 October 28, 2011 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**, in making its recommendation, the CMP Policy and Implementation Committee emphasized that pursuant to N.J.A.C. 7:50-5.4(c)4iv, no new antenna support structures may be built within five miles of the Forked River Mountains, including Facilities 73, 75, 76, 77, 80, 81, and 83 as proposed in the T-Mobile Plan; and

**WHEREAS**, the CMP Policy and Implementation Committee further emphasized that the siting of Facility 69 must be consistent with the intent of the 2004 settlement agreement between Hovsons, Inc., the Department of Environmental Protection, and the Commission, whether or not deed restrictions have been recorded on the lands subject to that agreement; 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

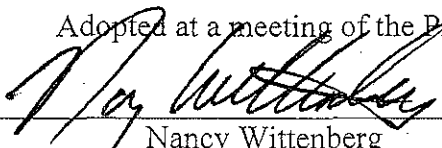
1. An Order is hereby issued to approve the Amendment to the Comprehensive Plan for PCS Communications Facilities in the Pinelands on Behalf of T-Mobile Northeast LLC Doing Business as T-Mobile, dated August 1, 2011.
2. The Pinelands Commission expressly affirms that the review of all applications for development for all of the local communications facilities within the Amendment shall be done in accordance with the Executive Director's Report, dated October 28, 2011, including its appendices, in order to be consistent with CMP requirements.

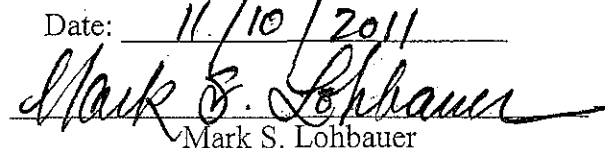
**Record of Commission Votes**

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

Adopted at a meeting of the Pinelands Commission

Date: 11/10/2011

  
 Nancy Wittenberg  
 Executive Director

  
 Mark S. Lohbauer  
 Chairperson