

**TOWNSHIP OF BEDMINSTER**  
**§ 13-522**  
**Wireless Telecommunications Equipment and Facilities**

**13-522.1 Purpose.**

The purpose of this section is to regulate the location and placement of wireless telecommunications structures, antennas and equipment within the Township of Bedminster. It is also the purpose of this section to recognize that the installation of new towers to support such antennas has a negative impact on the scenic and historic character of the countryside which the Bedminster Township Master Plan seeks to protect. This section seeks to meet the mandate of the Telecommunications Act of 1996, while at the same time limiting the proliferation of wireless telecommunications towers. (Ord #97-26, §2, Ord #98-03, §3)

**13-522.2 Permitted Use/Conditional Use Treatment.**

- a. Notwithstanding anything in this Chapter XIII to the contrary, the installation of wireless telecommunications antennas on existing structures, subject to minor site plan approval under Section 13-803 of this chapter and consistent with the visual compatibility requirements of subsection 13-522 3 below, shall be a permitted use in all nonresidential zone districts and a conditional use in all residential zone districts of this Township.
- b. Notwithstanding anything in this Chapter XIII to the contrary, wireless telecommunications towers consistent with the provisions of subsection 13-522 3, a, b and c and subsection 13-522 4 shall be a conditional use within all zone districts of this Township. (Ord #97-26, §2, Ord #98-03, §3)

**13-522.3 Visual Compatibility Requirements.**

- a. Wireless telecommunications antennas on existing structures or buildings and wireless telecommunications towers shall be located, designed and screened to blend with the existing natural or built surroundings so as to minimize visual impacts through the use of color and camouflaging, architectural treatment, landscaping, and other available means, considering the need to be compatible with neighboring residences and the character of the community
- b. The wireless telecommunications equipment compound shall be enclosed within a solid wooden fence at least seven (7') feet and no more than eight (8') feet high, as approved by the Township Engineer which shall include a locking security gate. The height of the equipment building shall not exceed fifteen (15') feet.
- c. A wireless telecommunications equipment compound consisting of no more than one thousand five hundred (1,500) square feet may be erected in support of such antenna arrays provided it is:
  1. Situated behind existing structures, buildings or terrain features which will shield the wireless telecommunications compound from public view, or
  2. When a location out of public view is not possible, a landscape buffer of twenty (20') feet in width shall be provided outside the fence around the wireless telecommunications equipment compound, to shield the facility from public view. Landscaping shall include native evergreen and deciduous trees at least eight (8') feet high at the time of planting, and the number of trees shall be based on the equivalent of staggered double rows at fifteen (15') feet on center. (Ord #97-20, § 2, Ord #98-03, §3)

**TOWNSHIP OF BEDMINSTER**  
**§ 13-522**  
**Wireless Telecommunications Equipment and Facilities**

**13-522.4 Conditional Use Standards for the Location of Wireless Telecommunications Antennas or Towers.**

- a. An applicant desiring to construct wireless telecommunications antennas in residential zones or towers in any zone shall provide a sufficient showing so as to
  1. Present documentary evidence regarding the need for wireless telecommunications antennas at the proposed location. This information shall identify the wireless network layout and coverage areas to demonstrate the need for new equipment at a specific location within the Township.
  2. Provide documentary evidence that a good faith attempt has been made to locate the antennas on existing buildings or structures within the applicant's search area. Efforts to secure such locations shall be documented through correspondence by or between the wireless telecommunications provider and the property owner of the existing buildings or structures.
  3. Document the locations of all existing communications towers within the applicant's search area and provide competent testimony by a radio frequency engineer regarding the suitability of potential locations in light of the design of the wireless telecommunications network. Where a suitable location on an existing tower is found to exist, but an applicant is unable to secure an agreement to collocate its equipment on such tower, the applicant shall provide sufficient and credible written evidence of its attempt or attempts to collocate.
  4. Demonstrate efforts to site new wireless antennas, equipment or towers within the applicant's search area according to the priority schedule below. Such demonstration shall include the block and lot of any parcel for which the wireless provider has attempted to secure a lease or purchase agreement and copies of all correspondence by or between the wireless provider and the property owner.

<b>Priority</b>	<b>Zone<sup>1</sup></b>	<b>Equipment</b>	<b>Location</b>	<b>Permitted or Conditional</b>
1	Commercial/ Transportation	Antenna	Co-located with other antennas on existing building or tower within a transportation corridor	P
2	Commercial/ Transportation	Antenna	Existing building or tower within a transportation corridor	P
3	Commercial	Antenna	Co-located with other antennas on existing buildings or towers	P
4	Commercial	Antenna	Existing building or tower	P
5	Residential/ Transportation	Antenna	Co-located with other antennas on existing building or tower within a transportation corridor	C
6	Residential/ Transportation	Antenna	Existing building or tower within a transportation corridor	C
7	Residential	Antenna	Co-located with other antennas	C

<sup>1</sup> "Commercial" includes the OR, OR-V, OP, VN and VN2 zones.

"Transportation" means the lot has frontage on Route 202, 206, I-287 or I-78.

**TOWNSHIP OF BEDMINSTER**  
**§ 13-522**  
**Wireless Telecommunications Equipment and Facilities**

Priority	Zone <sup>1</sup>	Equipment	Location	Permitted or Conditional
			on existing building or tower	
8	Residential	Antenna	Existing building or tower	C
9	Commercial/ Transportation	Tower	Construct a tower within a commercial non-scenic transportation corridor	C
10	Commercial	Tower	Construct a tower in a commercial area	C
11	Residential/ Transportation	Tower	Construct a tower within a residential non-scenic transportation corridor	C
12	Residential	Tower	Construct a tower in a residential zone	C

5. Comply with the Township standard that no wireless telecommunications towers shall be permitted which would require lighting affixed thereto under FCC, FAA or any other governmental agency regulations or requirements.
- b. An applicant desiring to construct a wireless telecommunications tower who has satisfied the requirements of subsection a. above, shall also satisfy the following bulk standards, which bulk standards shall be interpreted and reviewed pursuant to N.J.S.A. 40:55D-70(c):
1. Minimum lot size. As required by the zone district in which located
  2. Minimum setback of wireless telecommunications tower from:
 

(a) Any Property Line	The zone district setback requirements or the tower height, whichever is greater.
(b) Any Existing Residence	500'
(c) Any Wireless Telecommunications Tower	2640'
  3. Minimum setback for equipment compound from any property line--The zone district setback requirements for an accessory structure.
  4. Maximum height of wireless telecommunications tower (exclusive of lightning rod) designed to accommodate:
 

3 vendors or more	140'
2 vendors	120'
Single vendor	100'
  5. Maximum height of attached antenna structure on which attached 10' beyond the edge of the building or structure on which attached

(Ord. # 97-26, 98-03, 98-10)

**13-522.5 Site Plan Application Requirements for the Installation of Wireless Telecommunications Towers .**

**TOWNSHIP OF BEDMINSTER**  
**§ 13-522**  
**Wireless Telecommunications Equipment and Facilities**

- a. All site plan details required by Section 13-804 shall be provided and shall include the site boundaries; tower location; existing and proposed structures, including accessory structures; existing and proposed ground-mounted equipment; vehicular parking and access; and uses, structures, and land use designations on the site and abutting parcels.
- b. A landscape plan drawn to scale generally showing proposed landscaping, including species type, size, spacing, other landscape features, and existing vegetation to be retained, removed or replaced.
- c. An Environmental Impact Study.
- d. A report from a qualified expert certifying that the wireless telecommunications tower and equipment facility comply with the latest structural and wind loading requirements as set forth in the Building Officials and Code Administrators (BOCA) International, Inc. Code, including a description of the number and type of antennas it is designed to accommodate.
- e. A letter of commitment by the applicant to lease excess space on the tower to other potential users at prevailing market rates and conditions. The letter of commitment shall be recorded prior to issuance of a building permit. The letter shall commit the tower owner and successors in interest.
- f. Elevations of the proposed tower and accessory building generally depicting all proposed antennas, platforms, finish materials, and all other accessory equipment .
- g. A copy of the lease (with confidential or proprietary information redacted) or deed for the property.
- h. The wireless telecommunications tower shall be designed and constructed so as to accommodate at least two (2) antenna arrays of separate telecommunication providers. (Ord #97-26, §2; Ord #98-03, §3)

**13-522.6 Antenna Modifications.**

- a. Whenever antennas are modified, operators of wireless telecommunications facilities shall provide to Bedminster Township a report from a qualified expert certifying that a wireless telecommunications tower or building or other support structure as modified complies with the latest structural and wind loading requirements as set forth in the Building Officials and Code Administrators (BOCA) International, Inc Code.
- b. Operators of wireless telecommunications facilities shall notify Bedminster Township when the use of such antennas and equipment is discontinued Facilities that are not in use for wireless telecommunications purposes for eighteen (18) months shall be removed by the provider at its cost. This removal shall occur within one hundred twenty (120) days of the end of such eighteen (18) month period. Upon removal, the site shall be cleared, restored, and re-vegetated to blend with the existing surrounding vegetation at the time of abandonment. (Ord #97-26, §2, Ord #98-03, §3)

**13-522.7 Collocation and Shared Facilities and Sites.**

- a. FCC licensed wireless telecommunications providers are encouraged to construct and site their facilities with a view toward sharing facilities with other utilities, collocating with other existing wireless facilities and accommodating the collocation of other future facilities where technically, practically, and economically feasible.

**TOWNSHIP OF BEDMINSTER**  
**§ 13-522**  
**Wireless Telecommunications Equipment and Facilities**

- b. An FCC licensed wireless telecommunications provider proposing a new wireless telecommunications facility shall demonstrate that it has made a reasonable attempt to find a collocation site acceptable to radio frequency engineering standards and that none was practically or economically feasible. Evidence demonstrating that no existing wireless telecommunications tower or building or structure can accommodate the provider's proposed antenna may consist of any one or more of the following:
1. No existing towers or structures are located within the geographic area that is necessary to meet the provider's radio frequency engineering requirements to provide reliable coverage.
  2. Existing towers or structures are not of sufficient height and cannot be made to be of sufficient height to meet the provider's radio frequency engineering requirements, or do not have sufficient structural strength to support the provider's proposed antenna and related equipment.
  3. The provider's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the provider's proposed antenna.
  4. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  5. The provider demonstrates that there are other limiting factors that render existing towers and structures unsuitable. (Ord. #97-26, §2; Ord. #98-03, §3)

**13-522.8 Application and Escrow Fees.**

Site plan application fees and escrows for wireless telecommunications installations shall be as set forth in Section 13-901 of this chapter. (Ord. #97-26, §2; Ord. #98-03, §3)

**13-523 RESIDENTIAL SITE IMPROVEMENT STANDARDS.**

- a. The New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. shall apply to all residential projects within Bedminster Township.
- b. All residential projects shall be constructed with granite block curbing.
- c. Corrugated metal pipe is not an approved material for drainage improvements in a residential project. (Ord. #97-33, §2; Ord. #97-44, §1)