



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC-4-00-06

TITLE: Issuing an Order to Approve the Comprehensive Plan for PCS Communication Facilities in the Pinelands

Commissioner Lee moves and Commissioner Kowalski
seconds the motion that:

WHEREAS, the Pinelands Commission adopted amendments to the 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, provided that a comprehensive plan is first prepared and approved by the Pinelands Commission; and

WHEREAS, Sprint Spectrum LP and Omnipoint PCS Entrepreneurs, Inc., submitted a plan titled *Comprehensive Plan for PCS Communications Facilities in the Pinelands* (hereinafter referred to as the Plan) which the Acting Executive Director deemed complete for purposes of review on October 28, 1999; and

WHEREAS, the Plan was reviewed by the public from November 5, 1999 through November 22, 1999 and then extended to December 17, 1999, during which a public hearing was duly noticed and held; and

WHEREAS, the Commission's technical consultants reviewed the Plan and submitted a report of their findings to the Commission; and

WHEREAS, the Acting Executive Director has reviewed the Plan and the Commission's technical consultants' report; and

WHEREAS, the Acting Executive Director has considered the oral and written comments received about the Plan; and

WHEREAS, the Acting Executive Director has submitted a December 29, 1999 report of his findings to the Commission; and

WHEREAS, the Acting Executive Director has found that the Plan is consistent with N.J.A.C. 7:50-5.4(c)6, the standard which requires that a plan identify approximate locations, if the recommended procedure described in Appendix D of his report is followed when final facility siting decisions are made; and

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

WHEREAS, the Acting Executive Director has found that the Plan incorporates to the extent technically feasible the facility locations identified in the *Comprehensive Plan for Wireless Communications Facilities in the Pinelands*, which was approved by the Commission on September 11, 1998 and, furthermore, that the Plan effectively serves to amend and expand upon said cellular plan for the purpose of providing PCS service; and

WHEREAS, the Commission has reviewed the Plan, the Acting Executive Director's Report, the Commission technical consultants' report and the other appendices to the Acting Executive Director's Report; and

WHEREAS, the Commission has duly considered all public comment on the Plan; and

WHEREAS, the Commission finds that the Plan 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 a comprehensive plan for local

communications facilities; and

WHEREAS, the Commission expressly recognizes that approval of this Plan establishes a framework for siting facilities but does not serve to approve any specific development application to construct a communications facility and the Commission further recognizes that some of the pending development applications may have to be modified to be consistent with this Plan and to meet the site specific development requirements of N.J.A.C. 7:50-5.4; and

WHEREAS, the Commission also recognizes that this Plan may be amended pursuant to N.J.A.C. 7:50-5.4 and that the Acting 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 Acting Executive Director to approve the Plan and affirm the recommended procedures for final facility siting decisions.

NOW, THEREFORE, BE IT RESOLVED that:

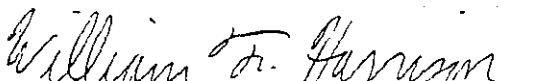
1. An order is hereby issued to approve the *Comprehensive Plan for PCS Communication Facilities in the Pinelands*, dated October 25, 1999.
2. The Pinelands Commission expressly affirms that the review of the development applications for individual sites needs to be done in accordance with this report, including the appendices, in order to be consistent with CMP requirements.

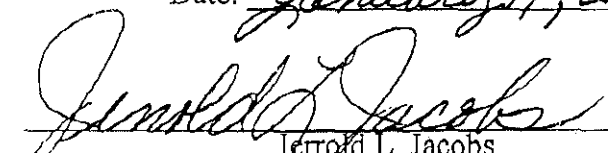
Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun	✓				Ficcaglia	✓				Mounier	✓			
Avery	✓				Gordon	✓				Ontko			✓	
Brown	✓				Kowalski	✓				Pritchard	✓			
					Lee	✓				Tomasello	✓			
Eckenhoff	✓				McIntosh	✓				Jacobs	✓			

Adopted at a meeting of the Pinelands Commission

Date: January 14, 2000


 William F. Harrison
 Acting Executive Director


 Jerrold L. Jacobs
 Chairman