



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 20

TITLE: Issuing an Order to Certify Ocean County's May 2017 Amendment to the Comprehensive Public Safety Tower Plan for Pinelands

Commissioner Lothbauer moves and Commissioner Prickett seconds the motion that:

WHEREAS, the Pinelands Commission amended the Pinelands Comprehensive Management Plan in 1995 to permit local communications facilities to exceed the height limitations set forth in N.J.A.C. 7:50-5.4 provided that, if a facility is proposed to be located in any Pinelands Management Area other than a Regional Growth Area or a Pinelands Town, then a comprehensive plan for the entire Pinelands Area must be submitted by providers of like service to the Pinelands Commission for certification; and

WHEREAS, the Comprehensive Plan for Cellular Telephone Facilities submitted by providers of cellular service was certified by the Pinelands Commission on September 11, 1998; and

WHEREAS, the Comprehensive Plan for Personal Communications Service (PCS) Communications Facilities in the Pinelands Area submitted by providers of PCS service was certified by the Pinelands Commission on January 14, 2000; and

WHEREAS, the Amendment to the Comprehensive Plans for Cellular and Personal Communications Service submitted by AT&T Wireless PCS of Philadelphia, LLC and its Affiliates was certified by the Pinelands Commission on December 12, 2003; and

WHEREAS, the Amendment to the Comprehensive Plan for PCS Communications Facilities in the Pinelands submitted by T-Mobile Northeast, LLC was certified by the Pinelands Commission on November 10, 2011; and

WHEREAS, the Amendment to the Comprehensive Plans for Cellular and Personal Communications Service Facilities submitted by Sprint Spectrum L.P. and its Affiliates was certified by the Pinelands Commission on November 8, 2013; and

WHEREAS, the Comprehensive Public Safety Tower Plan for Pinelands submitted by the public safety agencies of the seven counties within the Pinelands Area was certified by the Pinelands Commission on May 11, 2012; and

WHEREAS, each certified comprehensive plan for local communications facilities, or amendment thereof, has included a siting policy establishing procedures for the final site selection for a given proposed facility; and

WHEREAS, Ocean County submitted an amendment to the tower siting policy of the Comprehensive Public Safety Tower Plan for Pinelands (hereinafter the Amendment) that the Executive Director deemed complete for purposes of review on May 18, 2017; and

WHEREAS, a public hearing on the Amendment was duly advertised, noticed and held on June 7, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the New Jersey Office of Information Technology's Office of Emergency Telecommunications Services has reviewed the Amendment and submitted written comment supporting the Amendment given the technological characteristics of such facilities and the critical need for counties to provide emergency telecommunications services; and

WHEREAS, the Executive Director has found that the Amendment is consistent with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Pinelands Commission recommending issuance of an order to certify the Amendment; and

WHEREAS, the Pinelands Commission's CMP Policy and Implementation Committee has reviewed the Amendment and the Executive Director's report and has recommended that the Amendment be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Pinelands Commission concerning the Amendment and has reviewed the Executive Director's report; and

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

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director to approve the Amendment and hereby affirms the procedures for the siting of individual local communications facilities proposed in the Comprehensive Public Safety Tower Plan for Pinelands, as set forth in Exhibit A to her report; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Pinelands 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 Pinelands 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 Ocean County's May 2017 Amendment to the siting policy of the Comprehensive Public Safety Tower Plan for Pinelands.

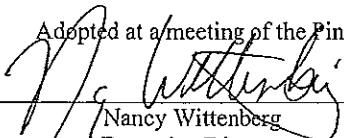
Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*					
Ashmun			X	Galletta			X	Prickett	X				
Avery			X	Jannarone	X			Quinn	X				
Barr	X			Lloyd	X			Rohan Green			X		
Brown	X			Lohbauer	X			Earlen	X				
Chila	X			McGlinchey	X								

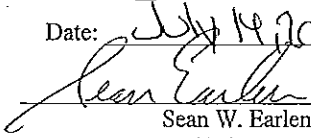
* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 14, 2017



 Nancy Wittenberg
 Executive Director



 Sean W. Earlen
 Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

REPORT ON OCEAN COUNTY'S MAY 2017 AMENDMENT TO THE SITING POLICY OF THE COMPREHENSIVE PUBLIC SAFETY TOWER PLAN FOR PINELANDS

June 30, 2017

Michael J. Fiure
Assistant County Administrator
County of Ocean
P.O. Box 2191
Toms River, New Jersey 08064

FINDINGS OF FACT

I. Background

A. Summary of Pinelands Local Communications Facility Plans

In 1995 the Pinelands Commission amended the Pinelands Comprehensive Management Plan (CMP) in recognition of the legitimate and growing need for the delivery of wireless communication services within the Pinelands Area. The amendment allowed for local communication facilities taller than thirty-five feet to be permitted in those management areas outside of Regional Growth Areas and Pinelands Towns, provided that procedures and siting standards established in the amendment were met (N.J.A.C. 7:50-5.4(c)).

These procedures required the submission, and Commission certification, of a comprehensive local communications facilities plan (LCF Plan) for the Pinelands Area. LCF Plans are to be jointly submitted by providers of the same type of wireless service and include the locations of all proposed facilities within the Pinelands Area. As outlined in Table 1 below, there have been six certified LCF plans, each incorporating and expanding upon the proposed network configuration of all preceding LCF Plans. Once an LCF Plan is certified, applications seeking to construct individual facilities proposed within a plan are then reviewed in accordance with CMP's environmental regulations, the standards for siting local communications facilities, as well as the relevant LCF Plan(s).

Table 1. Summary of Approved LCF Plans

LCF Plan	Certification Date	Participants	Service Frequency (in MHz)	Search Area Extent (in miles)
Cellular Plan	9/11/1998	Bell Atlantic Mobile, Comcast, Nextel	800	5
PCS Plan	1/14/2000	Sprint, Omnipoint	1850-1900	0.5
AT&T Plan	12/12/2003	AT&T	1850-1900	0.5
T-Mobile Plan	11/10/2011	T-Mobile	1850-1900	1
Public Safety Tower Plan	5/11/2012	Pinelands Area Counties	700	1
Sprint Plan	11/8/2013	Sprint	1850-1900	1

B. Submission of the Proposed Amendment

Ocean County is a participant of the Comprehensive Public Safety Tower Plan for Pinelands (Public Safety Tower Plan). The Public Safety Tower Plan, certified by the Pinelands Commission on May 11, 2012, includes the proposed locations of county local communications facilities needed to provide critical public safety communications coverage within the Pinelands Area. The Public Safety Tower Plan included a siting policy with a 1-mile radius search area (see Exhibit B).

The Public Safety Tower Plan includes a facility proposed by Ocean County to be located at Patriots Park in Jackson Township's Rural Development Area. Ocean County has since determined that a county-owned maintenance garage on Don Connor Boulevard in Jackson Township is a more suitable site (see Exhibit C). Patriots Park is on the state's Recreational and Open Space Inventory (ROSI). The park's inclusion on the ROSI means that, prior to any change of use other than recreation or conservation, the County would need to successfully obtain a diversion from the New Jersey Department of Environmental Protection's Green Acres Program, which is strongly discouraged by the program (N.J.A.C. 7:36-26.1). The County has also determined that construction of the tower at the garage would meet the same service needs that the Patriots Park site would provide, while requiring considerably less site disturbance and visual impact.

A new tower at the county-owned maintenance garage is not permitted because it is not within a 1-mile radius search area of a proposed site in the plan. The county-owned maintenance garage is approximately 2.5 miles from Patriots Park. Therefore, consideration of the maintenance facility as a viable site for a new public safety tower would require Ocean County to submit an amendment to the Public Safety Tower Plan. Applicants may propose amendments to an approved LCF Plan pursuant to N.J.A.C. 7:50-5.4(c)6v.

Between March and May of 2017, Commission staff, Ocean County, the New Jersey Office of Information Technology (OIT) Office of Emergency Telecommunications Services, and the other six Pinelands Area Counties worked to develop a revised siting policy for the Public Safety Tower Plan. On May 18, 2017, Ocean County submitted the proposed amendment (see Exhibit A). The amendment was deemed complete for the purposes of Commission review on May 19, 2017.

II. Comprehensive Local Communications Facilities Plans and Amendments

The following document has been submitted to the Pinelands Commission for certification:

- Ocean County's May 2017 Amendment to the siting policy of the Comprehensive Public Safety Tower Plan for Pinelands

A. Summary of the Proposed Amendment

Ocean County's May 2017 Amendment seeks to revise the siting policy of the Public Safety Tower Plan in two ways: 1) to expand the size of the search area for the final siting of a proposed facility from a 1-mile radius to a 3-mile radius; and 2) to provide greater flexibility when siting a facility on developed, publically-owned land. It is important to note that the amendment does not include any additional proposed facilities and would apply only to facilities proposed in the Public Safety Tower Plan.

The Commission has approved a siting policy with each LCF Plan to be applied during the application process for siting individual facilities. This policy acknowledges that LCF Plans are akin to master plans in that they are long-range plans based on present conditions subject to change over time. Given this uncertainty, the siting policy provides flexibility to move a proposed site within an approved vicinity known as the search area. The search area recognizes that a facility can be moved within the approved vicinity without creating the need for additional facilities.

Each siting policy also provides constraints for siting towers within search areas that cross the Pinelands Area border or multiple management areas. In these cases, applicants seeking to construct a new tower must look for sites within the search area based on a hierarchy of preferred management areas as enumerated in the policy. This hierarchy directs applicants to search in the development-oriented management areas first. It is important to note that the CMP requires the use of existing suitable structures, to the extent practicable, as a first option prior to constructing a new tower or significantly altering an existing structure. This provision is incorporated into each siting policy and is included as part of the amendment under consideration.

In discussions between Ocean County and Pinelands Commission staff, it was determined that the 1-mile radius search area approved with the Public Safety Tower plan was overly-restrictive based on the frequencies used for public safety radio communications. The Commission has established the extent of a search area on a plan-by-plan basis based on the radio frequency of the service provided (see Table 1). This acknowledges that signals transmitted at lower frequencies in the spectrum (e.g., cellular service operating at 800 MHz) propagate over much greater distances than signals transmitted at higher frequencies in the spectrum (e.g., PCS service operating at 1850-1900 MHz). Given that the County Public Safety Agencies are using the 700 MHz frequency range, there is greater siting flexibility provided by the signal propagation characteristics than currently allowed for in the siting policy.

A 3-mile radius search area was selected in discussions with Ocean County and the OIT Office of Emergency Telecommunications Services, the latter of which has submitted written testimony supporting the technical justification for the expansion of the search area (see Exhibit D). This increased flexibility will not only benefit Ocean County as it will also apply to the other Pinelands Area counties that have proposed sites in the Public Safety Tower Plan.

County representatives also highlighted the differences between providers of commercial wireless services and providers of public safety communications services. The CMP regulations regarding local

communications facilities were written primarily in response to commercial wireless providers whose networks are designed around cellular arrays requiring relatively more towers that are more likely to be constructed on leased lands. Conversely, public safety towers have more powerful transmission systems that operate on a point-to-point basis requiring relatively fewer towers that are more likely to be sited on county-owned lands for both economic and security reasons.

While the CMP is explicit that proposed facilities utilize an existing suitable structure to the extent practicable, staff found that in instances when a new tower is needed, the current siting policy's hierarchy of preferred locations may create situations where counties would be forced to purchase land even if developed public lands may be available. The counties have indicated that such situations may be cost prohibitive, ultimately rendering a project infeasible, and prolong the deployment of critical public infrastructure. The amendment therefore provides added flexibility in siting new towers on developed, publically owned lands for public safety towers only. Again, this increased flexibility will not only benefit Ocean County as it will also apply to the other Pinelands Area counties that have proposed sites in the Public Safety Tower Plan.

The amendment under consideration would apply to proposed Phase-1 and Phase-2 facilities included within the Public Safety Tower Plan. There are a total of twenty-one proposed facilities in Phase-1 and 2, six of which are proposed in the most conservation-oriented management areas and five of which are proposed in a Regional Growth Area or Pinelands Town. It's important to note that proposed Phase-3 facilities are planned to be co-located on existing towers or proposed towers included in other plans.

B. Standards for Certification

The above-referenced amendment has been reviewed to determine whether it conforms with the standards for certification of amendments to LCF Plans as set out in N.J.A.C. 7:50-5.4(c)6v of the Pinelands Comprehensive Management Plan. The various standards required to be met for certification of LCF Plans and their amendments contained in N.J.A.C. 7:50-5.4(c)6 are outlined below along with relevant findings for each standard.

- 1. The amendment shall be agreed to and submitted jointly by all providers of the same type of service, where feasible. In the event that any provider declines to participate in the amendment process, the Commission may proceed with its review of the amendment.**

On April 20, 2017, Commission staff briefed representatives of the Pinelands Area counties on the proposed amendment at the OIT Office of Emergency Telecommunications Services' regularly scheduled Statewide Regional Communications meeting.

On April 26, 2017, OIT Office of Emergency Telecommunications Services emailed representatives of the Pinelands Area counties. The correspondence included the proposed amendment, a summary of the briefing and discussion at the April 20, 2017 meeting, and a request for written comment on the proposed amendment by May 10, 2017. No comment was received from the other six Pinelands Area counties.

On May 17, 2017, OIT Office of Emergency Telecommunications Services emailed representatives of the Pinelands Area counties to inform them that no comments were received and that the Pinelands Commission was advising Ocean County to move forward with officially

submitting the amendment. No comments were received by any of the other six participating Counties during the official comment period ending June 12, 2017.

Ocean County, with the assistance of Commission staff and the OIT Office of Emergency Telecommunications Services, has offered the other six Pinelands Area counties opportunities to participate in the submission of this amendment. The Executive Director finds that the absence of response to these offers for the other Pinelands Area counties to participate or comment on the proposed amendment is recognized as their tacit decision to not formally participate in the submission of the amendment. Therefore, this standard for certification is met.

2. The amendment shall include a review of alternative technologies that may become available for use in the near future.

The certified Public Safety Tower Plan included a review of alternative technology known as Distributed Antenna Systems. The Commission accepted this review as part of its certification of the Public Safety Tower Plan. The Executive Director finds that this review continues to sufficiently address this requirement. Therefore, this standard for certification is met.

3. The amendment shall include the approximate location of all proposed facilities.

The certified Public Safety Tower Plan included the geographic coordinates of each proposed facility's location. The amendment under consideration does not include any additional proposed towers. The Executive Director finds that the Public Safety Tower Plan continues to sufficiently address this requirement. Therefore, this standard for certification is met.

4. The amendment shall include five- and ten-year horizons.

The certified Public Safety Tower Plan included three different planning phases. Phase-1 included seventeen facilities planned to be deployed within five years of certification. Phase-2 included six facilities planned to be deployed within five to ten years of certification. Phase-3 included twenty-seven facilities without a proposed timeline for deployment.

At present, only one Phase-1 facility has been built and an additional Phase-1 facility has received a public development approval from the Commission. There have been no other approved facilities. Given that the build-out of this plan has progressed more slowly than planned, the Executive Director finds that the phases within the certified plan still sufficiently provide five- and ten-year horizons. Therefore, this standard for certification is met.

5. The amendment shall demonstrate the likely consistency that for each proposed facility there is a need for the facility to serve the local communication needs of the Pinelands, including those related to public health and safety, as well as a need to locate the facility in the Pinelands in order to provide adequate service to meet these needs.

During the review of the Public Safety Tower Plan in 2012, the OIT Office of Emergency Communication Services, in its technical capacity, found that there was a critical public safety need for each of the facilities proposed in the plan. They noted that, wherever possible, sites outside of the Pinelands Area were selected to fulfill this critical public safety need. To further

support this demonstration, a consulting firm, V-COMM, analyzed data provided by the participating public agencies. This analysis resulted in signal propagation maps depicting both the existing coverage within the area of each proposed facility as well as the expected level of coverage post-installation. This analysis demonstrated the need for each of the proposed facilities to serve the communications needs of the plan participants, and V-COMM affirmed that the only way to provide adequate service was to locate the proposed facilities within the Pinelands Area.

Ocean County's May 2017 Amendment does not include any additional proposed towers. There has been no change in the radio frequency to be used by the proposed facilities within the certified Public Safety Tower Plan. The analysis described above conducted by the OIT Office of Emergency Communications Services and V-COMM was done independent of the siting policy approved for the plan and would be impacted only if new towers were proposed or if different radio frequencies would be used by the proposed facilities. The Executive Director finds that the analysis conducted by the OIT Office of Emergency Communication Services and V-COMM is still valid and continues to sufficiently demonstrate the stated need as required by the CMP. Therefore, this standard for certification is met.

- 6. The amendment shall demonstrate that the facilities to be located in the Preservation Area District, the Forest Area, the Special Agricultural Production Area and the seventeen Pinelands Villages enumerated in N.J.A.C. 7:50-5.4(c)6 are the least number necessary to provide adequate service, taking into consideration the location of facilities outside the Pinelands.**

During the review of the Public Safety Tower Plan in 2012, the OIT Office of Emergency Communication Services, in its technical capacity, and with support of a consulting firm V-COMM, demonstrated consistency with this standard based on the analysis described above. V-COMM demonstrated via signal propagation maps that, taking into account the location of facilities outside the Pinelands Area, the new facilities proposed in conservation-oriented management areas are the least number necessary to provide adequate service.

Ocean County's May 2017 Amendment does not include any additional proposed towers. There has been no change in the radio frequency to be used by the proposed facilities within the Public Safety Tower Plan. The analysis described above conducted by the OIT Office of Emergency Communications Services and V-COMM was done independent of the siting policy approved for the plan and would be impacted only if new towers were proposed or if different radio frequencies would be used by the proposed facilities. Furthermore, Ocean County's May 2017 Amendment includes provisions describing a hierarchy of preferred siting locations. These provisions ensure that movement of the final siting of a proposed facility within a given search area does not result in relocation of a facility to a more conservation-oriented management area, unless there are no viable sites available within the less-restrictive management areas or outside the Pinelands Area. The Executive Director finds that the analysis described above is still valid and continues to sufficiently demonstrate the stated need as required by the CMP. Therefore, this standard for certification is met.

- 7. The amendment shall demonstrate the likely consistency, and note the need to demonstrate consistency during the application process for siting individual facilities, that existing communications or other suitable structures have been used to the extent practicable.**

The certified Public Safety Tower Plan sufficiently demonstrated the likely consistency that existing communications structures or other suitable structures will be used. Furthermore, the siting policy adopted with the plan noted the need to demonstrate this during the application process for siting individual facilities.

Ocean County's May 2017 Amendment does not include any additional towers. The amendment maintains the siting policy provision that requires applicants to use existing suitable structures, to the extent practicable, prior to the construction of a new tower. Therefore, this standard for certification is met.

- 8. The amendment shall demonstrate the likely consistency, and note the need to demonstrate consistency during the application process for siting individual facilities, that if an existing communications structure or other suitable structure cannot be used, then the antenna and any necessary supporting structure is located to meet the siting criteria contained in N.J.A.C. 7:50-5.4(c)4.**

During the review of the Public Safety Tower Plan in 2012, Commission staff conducted an analysis of the 1-mile radius search area surrounding each of the proposed facilities included in the plan to determine the likely consistency that a tower could be sited within the search area consistent the CMP. The result of the analysis demonstrated a likely consistency that each proposed facility could be sited consistent with the CMP with the exception of two sites proposed by Burlington County. The consistency issues for these two sites were discussed at length in the 2012 Executive Director's report that reviewed Public Safety Tower Plan. The report concluded that this standard had been met, provided that the inconsistencies with the two sites were remedied at the time of application.

Ocean County's May 2017 Amendment expands the search area from a 1-mile radius to a 3-mile radius. An expanded search is not expected to decrease the likelihood for any of the proposed facilities to be sited consistent with the standards of the CMP. In fact, the expanded search area should provide more opportunities to search for permissible locations in the event that a new tower is necessary. The proposed amendment may in fact help with the siting of the two proposed facilities discussed above. However, if it is not possible to meet the CMP's siting criteria for these two facilities, or any other proposed facility included in an LCF Plan, the CMP includes provisions for these cases that would allow the Commission to require the implementation of alternative sites or tower designs that will result in the greatest avoidance or minimization of visual impacts. Therefore, this standard for certification is met.

- 9. The amendment shall note the need to demonstrate during the application process for siting individual facilities that support structures are designed to accommodate the needs of any other local communications provider that has identified a need to locate a facility within an overlapping service area and that the antenna and supporting structure does not exceed 200 feet in height, but if of a lesser height, can be increased to 200 feet to accommodate other local communications facilities in the future. The amendment shall also provide for the joint construction and use of the least number of facilities that will provide adequate service by all providers for the local communication system intended.**

The certified Public Safety Tower Plan acknowledged that, with respect to non-plan participants, all sites within the Public Safety Tower Plan are subject to the same co-location and design

policies as are incorporated into the four previous plans submitted by the commercial wireless providers. The amendment under consideration does not alter co-location or design policies incorporated in the Public Safety Tower Plan. Therefore, this standard for certification is met.

10. The amendment shall include a plan for shared services, unless precluded by Federal law or regulation, if it reduces the number of facilities to be developed.

The certified Public Safety Tower Plan did not include a plan for shared services. The purpose of this standard is to encourage wireless communications providers to consider the possibility of single server coverage. None of the certified LCF Plans have included a plan for shared services on the grounds that it is precluded by federal law. The amendment under consideration maintains this stated position and does not include any provisions related to shared services. Therefore, this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Ocean County's application for certification of its May 2017 Amendment to the Comprehensive Public Safety Tower Plan for Pinelands siting policy was duly advertised, noticed and held on June 7, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing at which the following testimony was received:

Michael Fiure, Assistant County Administrator, Ocean County stated that the County is upgrading its 500 MHz public radio system to a 700 MHz system due to existing radio interference. In the approved plan, Ocean County has a tower site located in Patriots Park. The County has a roads garage in Jackson that has been in existence for decades. The County would like to move the tower from the park. In order to build the tower in the park, the County would need to do clearing and cut trees down. The County does not want to site a public safety tower in a natural area. The County felt that the existing garage was a better location given that it is already developed land. The issue that the County encountered was that the garage is outside of the 1-mile search area of the Patriots Park site, which is what led the County to propose the amendment. This tower would be the last tower that would need to be built. All other Ocean County public safety towers are either constructed or in the permitting phase.

Katherine Smith, Policy Advocate, Pinelands Preservation Alliance provided testimony that was also submitted in writing (Exhibit D).

David McKeon, Planning Director, Ocean County testified in support of the proposed amendment. He stated that in the County's recent experience, they found no difference in how privately-owned towers and publicly-owned towers are treated by the Pinelands regulations. He stated that public safety towers are required for the safety of everybody including residents of the Pinelands, and they need to be in certain locations. The plan that was developed several years ago made an attempt to provide adequate coverage. However, it lacked consideration of developed versus undeveloped sites. The County agrees with the intent of the plan to minimize the visual impacts to the Pinelands, where possible, and that is what this amendment seeks to do.

He stated that the original location that was chosen was Patriots Park. It is a County park. While it does have an active component, the majority of the property is natural. It is also surrounded by thousands of acres of county-owned natural lands and state-owned forested areas. The County no longer desires to place the tower at this site, and it prefers to relocate the site to the County roads garage in Jackson. The garage is within 3miles of Patriots Park and is a fully developed site. The tower that the county proposes to construct works adequately in that area, and would not degrade the visual aesthetics of the area given current development.

He stated that Ocean County did meet with other counties in the area. This is not a problem unique to Ocean County. We need to be flexible with Public Safety Towers. The original plan's intent was to prevent the proliferation of many towers, most of those from private interests. These towers are publically-owned and have different needs, and in some cases publically-owned land is the only realistic location where these towers can be developed.

Written comments on Ocean County's application for certification of the May 2017 amendment were accepted through June 12, 2017 and were received from the following parties and included in Exhibit E:

Katherine Smith, Policy Advocate, Pinelands Preservation Alliance

Lizzi Schippert

Sarah B. Dougan

Jody Vaughn

Jean Public

EXECUTIVE DIRECTOR'S RESPONSE

Ms. Smith, on behalf of the Pinelands Preservation Alliance, stated her concerns that: (1) the siting policy no longer maintains an initial presumption that a tower will be sited in the immediate area of the proposed location in the plan; and that the revisions to the hierarchy of preferred locations for new towers would (2) allow for more towers than necessary in the most conservation-oriented management areas and (3) not prevent or discourage the use of public recreation or conservation lands in Regional Growth Areas and Pinelands Towns as future tower sites.

With regard to (1) above, Ms. Smith is correct that Ocean County's May 2017 Amendment does not include a presumption that the final siting of a proposed facility will be located in the immediate area (as defined as within the municipality and management area of the proposed location). This change should in fact be recognized as helping to protect the conservation-oriented areas and undeveloped sites of the Pinelands from visual impacts. For example, in instances where the proposed location is in a conservation-oriented management area, the immediate area provision would lock proposed sites within the management area and municipality proposed unless there is not a feasible site within that area. With this presumption removed, the hierarchy policy would direct the siting to preferred locations within a larger search area that may include less sensitive developed sites or management areas. It is also important to note that development applications for individual facilities receive a greater degree of scrutiny than during the LCF Plan review process. Therefore, there should be no concern that individual applications are not adequately vetted.

With regard to (2) above, Ms. Smith's concern should be allayed by the demonstrations that were provided by the OIT Office of Telecommunications Services and V-COMM as described in II.B.6 above. In the certification of the Public Safety Tower Plan, the Commission affirmed the demonstration that the least number of towers necessary to provide adequate service were located in the most conservation-oriented areas. Ms. Smith correctly notes that there may be limited instances where a site proposed in a conservation-oriented management area may be moved to a different management area and still meet the coverage needs. However, the flexibility provided to the County Public Safety Agencies is limited to developed, publically owned sites and only for those sites already proposed in the most conservation-oriented management areas. In no case does the Amendment allow for the siting of a new tower in a more restrictive management area, although it may result in siting in an equally- or less-restrictive management area. This added flexibility is in recognition that public communications facilities face different constraints than commercial facilities and provide a critical public safety need.

With regard to (3) above, we respectfully disagree with Ms. Smith. Regional Growth Areas and Pinelands Towns are not subject to CMP height limitations. As such, CMP local communication facilities regulations do not apply to the siting of towers in these management areas. They need only comply with the minimum environmental standards included in Subchapter 6 of the CMP. To the extent that a publically-owned property in a Regional Growth Area, Pinelands Town or any other management area is deed restricted or otherwise reserved for recreation and/or open space, the development of a new tower would not be permitted unless a diversion were approved (as discussed in Section I.B above). The Amendment does not facilitate the development of new towers on deed restricted open space, conservation or recreation lands. If, however, a publically-owned property in the Regional Growth Area is not preserved as open space or subject to a deed restriction, the Amendment does indeed encourage a new tower to be sited there, whether or not the property is vacant. This is wholly in keeping with the primary objective of N.J.A.C. 7:50-5.4(c)6, which is to minimize the need for new towers in other more conservation-oriented portions of the Pinelands Area.

While we appreciate the other written comments received from the above stated parties, their expressed concerns are not germane to the particular provisions of the amendment currently under consideration.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ocean County's May 2017 Amendment complies with Comprehensive Management Plan standards for the certification of an amendment to a certified comprehensive local communications facilities plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ocean County's May 2017 Amendment to the Comprehensive Public Safety Tower Plan for Pinelands siting policy.

LLL/SRG/DBL/
Attachments

**Comprehensive Public Safety Tower Plan for Pinelands
Proposed-Tower Siting Policy**

1. For each proposed site identified in the Comprehensive Public Safety Tower Plan for Pinelands (herein, the Plan), as further defined by the geographic coordinates of Table 1 of the Plan, there will be a general presumption that a facility's final location will be within a search area consistent with the service need for the facility and in conformity with other appropriate technical considerations, but in no case will that area extend beyond a three-mile radius.
2. Within that search area, consideration will first be given to locating the needed antenna on an existing, suitable structure that does not require a change in mass or height that significantly alters its appearance. The existing suitable structure may be located in any Pinelands Management Area.
3. If it is infeasible to site the proposed facility on an existing suitable structure within the search area, then consideration will be given to either the use of other existing structures that require a significant change in mass or height or land suitable for a new support structure, provided that:
 - a. Only those existing structures or sites within the search area will be considered; and
 - b. Only those existing structures or sites that meet the requirements of N.J.A.C. 7:50-5.4(c)4 and other applicable CMP standards will be eligible sites; and
 - c. The County will need to provide confirmation that the selected site meets the needs of other parties to this Plan, or previously approved local communications facilities plans, who have proposed to share the proposed facility; and
 - d. If the search area crosses the boundaries of the Pinelands Area or multiple Pinelands Management Areas, the County will consider existing structures that require a significant change in mass or height or land suitable for a new support structure in accordance with the following hierarchy of preference, from most preferred to least preferred:
 - i. At the option of the County, publicly-owned land, provided that:
 - (a) If the site proposed in the Plan is located in a Pinelands Regional Growth Area, Pinelands Town, Garden State Parkway Overlay District, or the developed portion of a Military and Federal Installation Area, only publicly-owned sites within these management areas shall be considered.
 - (b) If the site proposed in the Plan is located in a Pinelands Rural Development Area, Agricultural Production Area, undeveloped portion of a Military and Federal Installation Area or Pinelands Village other than those expressly identified in N.J.A.C. 7:50-5.4(c)6, only developed, publicly-owned sites within these management areas, as well as those of (a) above, shall be considered.
 - (c) If the site proposed in the Plan is located in the Pinelands Preservation Area District, Special Agricultural Production Area, Forest Area or a Pinelands Village expressly identified in N.J.A.C. 7:50-5.5(c)6, only developed, publicly-owned

sites within these management areas as well as, those of (a) and (b) above, shall be considered.

- ii.** Any other land in the following order of preference, from most preferred to least preferred:
 - (a)** Outside the Pinelands;
 - (b)** Pinelands Regional Growth Areas, Pinelands Towns, Garden State Parkway Overlay District and the developed portions of Military and Federal Installation Areas;
 - (c)** Pinelands Rural Development Areas, Agricultural Production Areas, undeveloped portions of Military and Federal Installation Areas and Pinelands Villages other than those expressly identified in N.J.A.C. 7:50-5.4(c)6; and
 - (d)** Pinelands Preservation Area District, Special Agricultural Production Areas, Forest Areas and the Pinelands Villages expressly identified in N.J.A.C. 7:50-5.4(c)6, provided that the resulting site does not result in an increase in the number of new towers identified in the Plan for this management area group.

- 4.** If no feasible structures or sites are found, the County will consult with Pinelands Commission staff to identify other possible mechanisms to find a site consistent with N.J.A.C. 7:50-1.1 et seq., including the potential for an amendment to the Plan, siting flexibility pursuant to N.J.A.C. 7:50-5.4(c)6, or a waiver of strict compliance.

Appendix E – Hierarchical Policy for Siting Individual Wireless Communications Facilities

The Plan incorporates a one-mile radius around every proposed facility's approximate location. To properly apply the CMP's standards within the context of this Plan, if approved, the following procedure will be used when the companies seek to finalize these approximate locations.

1. Except as otherwise specifically noted in this report, there will be a general presumption that a facility's final location will be within the immediate area of the location proposed in this Plan, i.e., the Pinelands management area group and municipality described in the Plan as further defined using the geographic coordinates prepared by the Commission's staff. If it proves to be infeasible to site the facility on an existing, suitable structure (i.e., one that does not require a change in mass or height which significantly alters its appearance), the use of other structures or, as appropriate, eligible sites which meet the standards in N.J.A.C. 7:50-5.4(c)4 will be considered. The company's feasibility assessment will need to include confirmation from other parties to this Plan who are slated to share the facility that the selected site meets their needs.
2. If siting of the facility within the immediate area of the Plan location is infeasible, the company will broaden its search area consistent with the service need for the facility and in conformity with other appropriate technical considerations, but in no case will that area extend beyond a one-mile radius. This will require consultation with other parties to this Plan who are slated to share the facility to ensure that any new location meets their needs.
3. Within that broader search area, consideration will first be given to locating the needed antenna on an existing, suitable structure if that structure does not require a change in mass or height that significantly alters its appearance.
4. Failing that, the use of other existing structures that may require a significant change in mass or height (if appropriate in view of the CMP's standards, including those related to visual impacts) or sites for a new structure within the search area will be evaluated. Only those structures or sites which meet the requirements of N.J.A.C. 7:50-5.4(c)4 and other applicable CMP standards will be selected. If that broader search area crosses the boundaries of the Pinelands Area or its management areas, the company will seek to site the facility in the following order of preference:
 - a. Outside of the Pinelands;
 - b. Pinelands Regional Growth Areas, Pinelands Towns and the developed portions of Military and Federal Installation Areas;
 - c. Pinelands Rural Development Areas, Agricultural Production Areas, undeveloped portions of Military and Federal Installation Areas and Pinelands Villages other than those expressly identified in N.J.A.C. 7:50-5.4(c)6; and,
 - d. Pinelands Preservation Area District, Special Agricultural Production Areas, Forest Areas and the Pinelands Villages expressly identified in N.J.A.C. 7:50-5.5(c)6.

5. If no feasible structures or sites are found, the company should reexamine the surrounding facility network and propose an amendment to this Plan which conforms to CMP standards. Of course, the company retains its right to seek a waiver of strict compliance from the standards of the CMP, although the Executive Director notes that the tests will be difficult to meet.



Patriots County Park

Open Play Field

Bowman Rd.

Entrance

Legend	
	Park Boundary
	Fitness Trail
	Employees Only

Legend	
	Covered Picnic Area
	Parking Area
	Overflow Parking Area
	Basketball Court
	Playground
	Restrooms

Fields	
A-F	Soccer Fields
1&2	Softball Fields

Proposed Tower location (60'x60')



Government Owned Land

- Municipal
- Federal
- County
- State

2 County Owned
 3 Leased

OCEAN COUNTY FACILITIES MANAGEMENT
 JACKSON GARAGE
 JACKSON TWP

1 OCEAN RIDE BUS STOPS
 2 LAKEWOOD TWP "1" BUS STOPS
 3 OCEAN RIDE BUS ROUTES
 4 N TRANSIT BUS ROUTES



Proposed Location of Tower



State of New Jersey

Office of Information Technology
P.O. Box 212
Trenton, New Jersey 08625-0212

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DAVE WEINSTEIN
Chief Technology Officer

May 23, 2017

Larry L. Liggett, Director
Land Use and Technology
New Jersey Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08604

RE: Amendment to Comprehensive Public Safety Tower Plan

Dear Mr. Liggett

The New Jersey Office of Information Technology (OIT) through the Office of Emergency Telecommunications Service (OETS) has reviewed Ocean County proposed amendment to the Tower Siting Police of the Public Safety Tower Plan and is in full support. This amendment will permit counties the flexibility in siting towers for critical public safety communications within a three mile radius as well as the ability to utilize developed publicly owned land where appropriate.

As you are aware the current Plan was developed with input from the counties in 2012. Changes in technology and impending FCC requirements since then has mandated the transition the 700 MHz public safety spectrum. With this 700 MHz transition, the locations identified in 2012 are more tolerant to change and the three mile flexibility would not adversely affect system performance while permitting the counties in some cases to construct on developed publicly owned land.

The tower locations identified in 2012 were chosen after much deliberation and effort was expended trying to locate sites outside of the Pinelands to serve the critical Public Safety needs. As counties now begin construction of their systems difficulty developing the initial locations in some cases has become problematic. This amendment maintains the mission of the Pinelands Commission while expediting the construction of several public safety radio systems and potentially saving tax payer dollars.

In the event there are any questions please contact me at 609 777-3698.

Sincerely


Craig A. Reiner, Director
Office of Emergency Telecommunications Services



Pinelands Preservation Alliance

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton NJ ♦ 08088
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

Protecting the Pinelands
since 1989

Printed on recycled paper
with linseed ink.

Dear Mr. Liggett, Mr. Lanute, and Pinelands Commission staff,

I am writing to express our concerns regarding the amendments to particularly the tower siting hierarchy. Several of the proposed changes reduce the ability of the Commission to lessen visual and construction impacts on the Pinelands from radio towers.

The existing siting policy states: "Except as otherwise specifically noted in this report, there will be a general presumption that a facility's final location will be within the immediate area of the location proposed in this Plan, i.e., the Pinelands management area group and municipality described in the Plan as further defined using the geographic coordinates prepared by the Commission's staff." It is troubling that the proposed amendment does not include the presumption that the radio tower be sited in the immediate area of the location indicated within the plan. Rather, the amendment immediately jumps to the three-mile search radius. The presumption that the radio tower be sited per the plan is essential, as the plan, and locations therein, were already vetted and approved by the Commission. If there is an opportunity for the tower to be sited in a less damaging site, that would be beneficial, but that is not included in the amendment language.

Other than the expansion of the search radius, none of the changes are required to actually site any of the towers. There is no expansion of eligible sites, just a change in how they are ranked. Thus, the only portion of the amendment that increases public safety is the change in search radius. The change to the siting hierarchy actually does a disservice to the safeguards set up in the original plan.

The siting policy then enters the hierarchy of siting preferences. After co-location, public lands are all treated equally, as long as the location is not in a more restrictive area than that proposed within the plan. This is concerning; if the Preservation Area, Special Agricultural Production Area, Forest Area, and Pinelands Villages are to be truly the least number regions as per the plan, any chance to move towers outside of these areas must be taken. The public lands must be subject to the same hierarchy as all other lands.

The new hierarchy also lists all publicly-owned land in regional growth areas, Pinelands Towns, and in the Garden State Parkway Overlay District as preferred sites, over all other non-publicly owned land. This preference does not separate out whether the publicly-owned land is developed. It is especially concerning that publicly owned land that may be held for recreation or conservation within these areas would be a preferred site for tower construction. While the Pinelands Commission may not have the authority under the CMP to ban construction on these sites, it can certainly *discourage* it as compared to other sites, and for the public interest it is compelled to do so.

Sincerely,

Katherine Smith
Policy Advocate

Pinelands Preservation Alliance

From: "Lizzi Schippert" <openingyoureyes@verizon.net>
To: <comments@njpines.state.nj.us>
Date: 6/5/2017 7:50 PM
Subject: comment on Radio Towers

The need for reliable wireless communication must be balanced with the protection of the fragile Pine Barrens ecosystem. Radio towers range in size from 150 to 250 ft.

Dear Decision Makers -

One must always balance 'progress' with the needs of the ecosystem. I live in Island Heights and two summers ago two MacMansions were built near us, one on the adjoining property and one behind us, across the lane. The Code Enforcement in this town did little or nothing to protect the already existing tree ordinance, construction trucks dug up the asphalt street behind our house, the construction men left their truck engines running, sometimes for the entire day, two years later there are still bits of insulation debris landing in my yard which have been carried by the wind - etc etc.

My point is that even if there are rules in place which should protect the environment, the contractors themselves, and their machines, seem to run wild with the 'importance' of their construction and it is the neighbors and environment, which suffer. In this case the neighbors are wild creatures dependent upon that environment and its integrity.

Please have ecological supervisors on hand so that if and where these towers are constructed there will be a clear voice to minimize collateral damage to the surroundings, including any temporary roadways which are made to access the site. It is essential that construction debris be removed completely.

Thank you for keeping the integrity of the environment foremost- don't indulge in careless destruction, and clean up after yourselves.

Lizzi Schippert

PO Box

Island Hts.,NJ 08732

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

From: sally dougan <saldougan@aol.com>
To: <comments@njpines.state.nj.us>
Date: 6/5/2017 10:35 PM
Subject: Please do not amend the existing plan

Please do not amend the existing plan. To do so would endanger the few protections and certainty that we have for the treasured Pinelands. This shouldn't be toyed with!

It would be irresponsible and show lack of concern for the integrity of the important Pinelands area.

Thank you,

Sarah B. Dougan
25 McCatharn Road
Lebanon, NJ 08833

From: Jody <jodylynn123@comcast.net>
To: <comments@njpines.state.nj.us>
Date: 6/7/2017 4:17 PM
Subject: radio towers

Dear Pinelands Committttee members,

I knew as soon as you allowed soccer tournaments and gas pipelines in the Pinelands, it would be just the start of further encroachment in this valuable asset of New Jersey and the world. Pretty soon, it will look like Trenton, Hoboken, or any other inhabited area of New Jersey. Please think and be very careful about where you allow these radio towers to be built. Thank your for your consideration.

Jody Vaughn

From: Jean Public <jeanpublic1@yahoo.com>
To: "COMMENTS@NJPINES.STATE.NJ.US" <COMMENTS@NJPINES.STATE.NJ.US>
Date: 6/8/2017 3:05 PM
Subject: Re: Public Hearing on Radio Towers

MY COMMENT FOR THE RECORD IS TO INSTALL RADIO TOWERS OUTSIDE OF THE PINELANDS PRESERVATION AREA.I AM CERTAIN IN THESE TIMES OF TECHNOLOGICAL ACHIEVEMENTS, THAT SUCH SITES CAN BE INSTALLED OUTSIDE THE PRESERVED PINELANDS AREA AND STILL SERVE THE INTERESTS OF ALL. WE DO NOT NEED AND SHOULD NOT ALLOWENDLESS UTILITY USE OF THE PINELANDS AREA. FAR TOO MUCH HAS DESTROYED WITHINT TH EPINELANDS ALREADY. THE ASSAULT ON NATURE BY NJ CORRPT GOVT IS EXTENSIVE. JEAN PUBLIEE JEANPUBLIC1@GMAIL.COM

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