



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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Chief Planner

Date: June 21, 2017

Subject: June 30, 2017 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on June 30, 2017. We have also enclosed the following items:

- * The minutes from the Committee's April 28, 2017 meeting;
- * A draft resolution and report on Barnegat Township Ordinance 2017-012;
- * A draft resolution and report on Ocean County's amendment to the Comprehensive Public Safety Tower Plan for Pinelands; and
- * A draft resolution providing guidance to the Department of Environmental Protection concerning Wharton State Forest

/CS15

cc: All Commissioners (agenda only)



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey

June 30, 2017

9:30 a.m.

Agenda

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the April 28, 2017 CMP Policy & Implementation Committee meeting
4. **Executive Director's Reports**

Barnegat Township Ordinance 2017-12, amending Chapter 55 (Land Use) by adding condominium developments as a conditional use in the Neighborhood Commercial Zone

Ocean County's Amendment to the Comprehensive Public Safety Tower Plan for Pinelands, revising the siting policy for proposed local communications facilities

5. Off-road vehicle activities in Wharton State Forest: consideration of a resolution providing guidance to the New Jersey Department of Environmental Protection
6. Pinelands Conservation Fund: 2017 Land Acquisition Round
 - * Summary of allocation requests
 - * Closed Session: consideration of allocation requests and staff recommendations
7. Public Comment on Agenda Items

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
April 28, 2017 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Sean Earlen (Chairman), Paul E. Galletta, Ed McGlinchey, and Richard Prickett

MEMBER PRESENT BY CONFERENCE CALL: Ed Lloyd

MEMBERS ABSENT: Candace Ashmun and Robert Barr

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry L. Liggett, Susan R. Grogan, John Bunnell, Brad Lanute, Robyn A. Jeney, Paul D. Leakan and Betsy Piner. Also present (by telephone) was Mary Maples with the Governor's Authorities Unit

1. Call to Order

Chairman Earlen called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:35 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the March 24, 2017 CMP Policy & Implementation Committee meeting

Commissioner McGlinchey moved the adoption of the March 24, 2017 meeting minutes. Commissioner Prickett seconded the motion with a request that the comment attributed to him at the bottom of page 5 be changed from ..."*obvious to any intruder that he has trespassed*" to ..."*obvious to everyone that this is a special place*" as he did not feel he would have used the words as transcribed. Commissioner McGlinchey moved the adoption of the revised minutes and Commissioner Galletta seconded the motion. The minutes were adopted with all Committee members present voting in the affirmative.

4. Executive Director's Reports

Barnegat Township Ordinance 2017-05, adopting the Shoreline Sand & Gravel and Compass Point Redevelopment Plan

Ms. Grogan said that Barnegat Township Ordinance 2017-05 adopts a Redevelopment Plan for the Shoreline Sand and Gravel and Compass Point Redevelopment Area within the Township's Regional Growth Area (RGA). Mr. Leakan projected Exhibit #1 from the Executive Director's Report on the SmartBoard. Ms. Grogan provided a description of the existing conditions of the 140-acre Redevelopment Area and orientation with other land uses in the vicinity, including Ocean Acres (Barnegat) to the south and Ocean Acres (Stafford) farther to the south, a large age-restricted development to the north on the other side of West Bay Avenue and some open space on either side of the site. She said to the east is Barnegat Crossings, a mixed use project approved by the Commission about a year ago with commercial development on the ground floor and apartments above, with a mandatory PDC obligation. The project is currently under construction.

Ms. Grogan said the Redevelopment Area contains two tracts, the larger of which is the Shoreline Sand and Gravel Mixed Use Zoning District, some 113 acres of former gravel mine, and the smaller Compass Point Redevelopment Zoning District consisting of 27 acres of existing vacant lots that pre-date the Pinelands. She said the only structures on the site are the buildings associated with the Shoreline mining facility.

Ms. Grogan said the Redevelopment Plan contains detailed standards, with the Shoreline tract to be developed as either a Lifestyle Planned Community or a Planned Adult Community, the latter of which has a more limited range of residential use options. A non-residential component is included under both scenarios and the Plan requires that 10% of all residential units be made affordable to low- and moderate-income households. Pinelands Development Credits will be required on 30% of the units, excluding affordable housing units, up to the percentage required to be set-aside in the ordinance. The maximum net residential density is 7.15 units per acre, excluding lands devoted to nonresidential use and assisted living, congregate care or nursing home facilities.

She said the goal of the Compass Point District is to develop residential age-restricted single-family, detached, fee-simple homes at a maximum density of 4.3 units per acre. Like the Shoreline District, Compass Point includes an affordable housing component as well as a 30% PDC obligation.

Ms. Grogan said staff had worked with the Township to confirm that this area was appropriate for this level of intense development. She said there had been extensive threatened and endangered species studies completed and accepted for northern pine snake as part of an earlier application. There is infrastructure available. Ms. Grogan said this will be a long-term project and involves two different redevelopers, who may decide to submit a general development plan for the entire parcel. She said staff was comfortable recommending approval of this ordinance.

In response to Chairman Earlen's question if there were a builder for the project, Ms. Grogan said, yes for the Compass Point Area. She added that prior to the adoption of the ordinance by the Township, the redeveloper had held a series of community meetings and, according to the Township, had done a good job of explaining the project to the residents. She said that no one

had attended the Commission's public hearing and that one public comment had been received by the Commission.

Commissioner McGlinchey's asked if the affordable housing component were changed, would the applicant need to come back to the Commission. Ms. Grogan said that Barnegat may decide to have the affordable units built elsewhere. In that case, the redeveloper would contribute to a trust fund. Absent affordable units, more PDCs would be required in the new redevelopment area because no units would be exempt. The Township may amend the redevelopment plan in the future to make this change; however, such an amendment would not require formal Commission review and approval.

Commissioner Prickett asked if perhaps a footnote was needed in case the project changes.

Chairman Earlen responded that the Township is negotiating with the Fair Share Housing Center and probably doesn't want to tip its hand.

Commissioner McGlinchey moved the recommendation to the Commission to certify Barnegat Township Ordinance 2017-05. Commissioner Galletta seconded the motion and all voted in favor.

5. Presentation on a research proposal

Mr. Bunnell made a presentation on a research proposal the Science Office was developing in conjunction with the United States Geological Survey (USGS) (*Attachment A to these minutes and also posted on the Commission's web site at:*

<http://www.nj.gov/pinlands/home/presentations/Effects%20of%20Land%20use%20on%20water%20quality%20and%20microorganisms%20in%20natural%20ponds,%20excavated%20ponds,%20and%20stormwater%20basins.pdf>).

Mr. Bunnell said the United States Environmental Protection Agency (EPA) has released a Request for Proposal (RFP) for a new two-year round of funding. The Science Office wants to take advantage of this opportunity and is still developing a study design. He said his office has undertaken projects in the past to measure the impacts of development and agriculture at on-stream sites, such as stream sites and impoundments. Five years ago his office began to assess the effects of land use at off-stream sites, such as ponds. The EPA-funded study of natural ponds initiated in 2012 included the mapping of some 2,700 open water and herbaceous ponds of which, ultimately, 99 were selected for further study. For three years, his office monitored hydrology, pH, and specific conductance and surveyed plants, frogs and toads, fish and dragonflies and damselflies. He noted that the EPA encourages the creative use of indicators and the inclusion of dragonflies and damselflies was such an innovation.

An EPA funded study of created wetlands was initiated in 2013 for which some 1,700 excavated ponds and 1,400 stormwater basins were mapped. He said 52 excavated ponds and 46 stormwater basins were selected for three years of monitoring of hydrology, pH, and specific conductance and surveying of plants, frogs and toads, and fish.

Mr. Bunnell said a component of the second study was the examination of pesticides and pathogens in amphibians. He introduced, from the audience, Ms. Kelley Smalling (with the USGS), with whom his office had partnered on this project. This study had sampled water, sediment, tadpole food, and tadpoles for pesticides in eight natural ponds, eight excavated ponds and eight stormwater basins from both high and low surrounding land use intensity. Tadpoles were also swabbed for amphibian pathogens.

Mr. Bunnell reviewed some draft results of these studies highlighting the following: the mapping had resulted in an increase in the number of wetlands known in the Pinelands; there is a strong relationship between land use and pH among all wetlands types; basins displayed the highest pH values and were sites where introduced species were found mostly; both natural and excavated ponds displayed good water quality; ponds and excavated ponds contained fewer chemicals than stormwater basins; and, more pesticides were found at degraded vs. reference sites.

Mr. Bunnell said the new proposed study, *Effects of land use on water quality and microorganisms in natural ponds, excavated ponds, and stormwater basins* would use the existing pool of 197 sites from which would be selected a number of natural ponds, excavated ponds and stormwater basins. He said Ms. Smalling would partner on this project. Mr. Bunnell discussed the water quality monitoring that would be done, including that of Chloride (a byproduct of the use of road salt), metals and pesticides in the water (and possibly in sediments although this is a more costly endeavor). He said from a selection of the various natural and excavated ponds and stormwater basins, the study will involve sampling microorganisms and aquatic invertebrates. Mr. Bunnell said the New Jersey Department of Environmental Protection is also interested in partnering on the study. Mr. Bunnell reviewed the proposed schedule, cost and products and said that he would be seeking support from various entities.

Mr. Bunnell said he was asking for the Committee's support before proceeding with the considerable work required to submit the proposal.

In response to Commissioner Galletta's question as to the distinction between natural ponds and excavated ponds, Mr. Bunnell said that natural ponds were formed tens of thousands of years ago and excavated ponds are those dug by humans. He added that the excavated ponds mapped were those about the size or smaller than the natural ponds and the large excavation associated with sand and gravel operations were avoided. Excavated ponds tend to have a higher pH than natural ponds probably because of the lack of Sphagnum moss in the excavated ponds.

Mr. Bunnell says the Science Office will seek letters of support from other agencies and the Commission's own Science Advisory Committee which, he said, has met rarely in recent years. He said the Committee includes Rick Lathrop (Rutgers University Grant F. Walton Center for Remote Sensing & Spatial Analysis), John Dighton (the Rutgers Pinelands Field Station) Peter Oudemans (Rutgers Marucci Blueberry and Cranberry Research and Extension Center), Tim Reilly (USGS) and Walter Bien (Drexel University).

In response to Chairman Earlen's question if there were funds available for the Commission's 25% match, Ms. Wittenberg confirmed there were.

In response to questions from Commissioner Prickett regarding heavy metals and pesticides, Mr. Bunnell said the data from the 24 sites that had been studied over the past three years will be analyzed in 2017. He said no one has measured metals but the Science Office has looked at 98 pesticides in the 24 sites.

From the audience, Ms. Smalling said USGS now analyzes for some 115 to 120 pesticides.

Mr. Bunnell said that there are reference sites in the middle of Brendan Byrne State Forest where DDT remains persistent.

Commissioner Prickett said plants are good indicators of water quality and now the study of microorganisms might help in the remediation of poor conditions in order to keep out the invasive species. He said this was great science.

The Committee indicated its support for Mr. Bunnell to pursue the grant application.

6. Review of local communications facilities regulations and approved comprehensive plans for the Pinelands Area

Mr. Lanute provided an overview of the CMP's local communications facilities (LCF) regulations as well as a history of their implementation followed by Mr. Liggett's presentation of current proposals for new technologies and potential amendments to previous cell tower plans (*See Attachment B to these minutes and also posted on the Commission's web site at: <http://www.nj.gov/pinelands/home/presentations/LCF%20Regulations%20Review%20-%20P&I%20Meeting%204.28.pdf>*).

Mr. Lanute noted that the CMP seeks to protect significant scenic resources of the Pinelands by limiting the height of structures to 35 feet outside of the Pinelands Regional Growth Area (RGA) and Pinelands Towns (PT). He noted that this had precluded the development of new communications towers in approximately 89% of the Pinelands Area. Mr. Lanute provided background on emerging cellular technology in the early 1990s and provided an illustration of how towers are sited geographically in order to provide service coverage. He then provided a timeline of events that led to the adoption of the CMPs LCF regulations in 1995.

Mr. Lanute reviewed the key principles of the adopted LCF regulations. He said that they were designed to minimize the number of towers in the Pinelands Area's most ecologically-sensitive areas as well as to ensure that when new towers are sited outside the RGA and PT, they minimize visual impact. He described the demonstrations that wireless providers must provide in order to site a new tower outside the RGA and PT, including the development of a comprehensive plan for such facilities by providers of like service. He noted the elements required to be included in these comprehensive plans and discussed the process of amending such plans. In particular, he described how amendments build upon the siting arrays of previously approved plans. Mr. Lanute projected a map of the Pinelands Area illustrating the sites that were described as existing or proposed within the original tower plan approved in 1998. He then reviewed the process for siting individual towers proposed within the plan, including

details on the siting policy in regards to search areas and the hierarchy of preferred management area locations.

Mr. Lanute briefly reviewed the six approved comprehensive plans, noting again that each subsequent plan builds upon the siting arrays approved in all previously approved plans. He then provided a brief summary of the build-out of the proposed LCF's included within the approved plans. He noted that the total number of on-air facilities does not necessarily translate to the total number of communications towers as facilities can collocate on buildings, electric transmission lines and other suitable structures.

Mr. Liggett discussed the emerging wireless technologies of the present. He described the data-intensive nature of new wireless devices and said that additional network capacity is required to compensate for additional demands for service.

Mr. Liggett discussed a request from the Pinelands counties participating in the Comprehensive Public Safety Tower Plan, referred to as the OIT Plan, to increase their agreed-upon search area from a one-mile radius to a three-mile radius. He also described their request for additional siting flexibility on publically-owned land. He said that an amendment to the OIT plan will be before this Committee within the next few months.

In response to Chairman Earlen's question, Mr. Liggett said the Counties may not place LCFs on deed restricted lands.

Mr. Liggett also noted that the larger proposed search area will not apply to commercial providers as they are included in different comprehensive plans and are fundamentally different in both technology and siting preferences.

Mr. Liggett described Verizon's proposal to deploy Small Network Nodes in order to improve network capacity in high-demand areas. These are antennas placed on existing or new utility poles within the public right of way and will complement, not substitute for, existing towers. He projected photos of installed small network nodes. He said, for the Commission, a new utility pole is considered development but it might not raise any CMP issues. However, if dozens of new poles are proposed along one road, it might be a concern. For the municipalities and counties, there may be aesthetic and safety issues. Staff is awaiting further information requested from Verizon regarding their deployment efforts.

Mr. Liggett then described the efforts of Mobilitie, LLC, a wireless infrastructure builder working with Sprint, to deploy wireless facilities in public rights of way. He stated that their proposal involves two types of towers: small cell facilities ranging between 35' and 75' in height and transport facilities approximately 125' in height. He projected illustrations of each type of facility as well as photos of existing facilities provided by Mobilitie. He noted that these are built in the right-of way, not on private land, very close to the road and very visible. Mr. Liggett said Mobilitie has proposed 25 of these new towers in the Pinelands, 12 of which are in the height restricted area. Mr. Liggett said staff may be asking Mobilitie to move some of those towers outside the Pinelands Area.

In response to a comment from Chairman Earlen regarding whether the health risks of radiation from small node facilities have been studied, Mr. Liggett said the Federal Communications Commission has studied health impacts from cellular facilities and declared it not to be an issue. He said he was not aware if a similar finding had been made for the small node facilities. He also noted that these small node facilities have very little power.

In response to questions from Commissioner Galletta, Mr. Liggett said the small node structures are sited on traffic light poles, wooden utility poles, etc. and whether or not they need guard rails is a public safety issue outside the Commission's purview.

Mr. Lanute said the Commission has received an ordinance from Monroe Township dealing with small node technology and staff anticipates seeing more such ordinances.

Mr. Liggett said Verizon and Mobilitie are asking for blanket approvals for their plans. He noted that, in New Jersey, municipalities cannot charge rent for use of a right-of-way.

In response to a question from Commissioner Prickett if there were any opportunity for the Commission to obtain more money for processing ordinances, Mr. Liggett said the Commission can ask for an escrow for the review of a tower plan amendment, as when a radiofrequency engineer is needed to provide input. For the development application for a tower, there is an application fee.

Ms. Grogan said the CMP does not authorize the Commission to charge a fee for ordinance review.

7. Public Comment

Ms. Marianne Clemente, a resident of Barnegat Township, said that she had arrived too late to hear the Barnegat presentation. *Chairman Earlen responded that a copy would be provided to her; a copy of the draft resolution and Executive Director's Report were given to her immediately following the conclusion of this meeting.* She also noted that she has a pond on her property and invited the Science Office to study it if they choose to do so. Finally she asked if the EPA funding would be awarded prior to the potential dissolution of the EPA.

Ms. Katie Smith, with the Pinelands Preservation Alliance, commended the Science Office on this excellent proposal and thanked the P&I Committee for supporting this endeavor.

There being no other items of interest, the meeting adjourned at 11:00 a.m. (moved by Commissioner Prickett and seconded by Commissioner McGlinchey.)

Certified as true and correct:



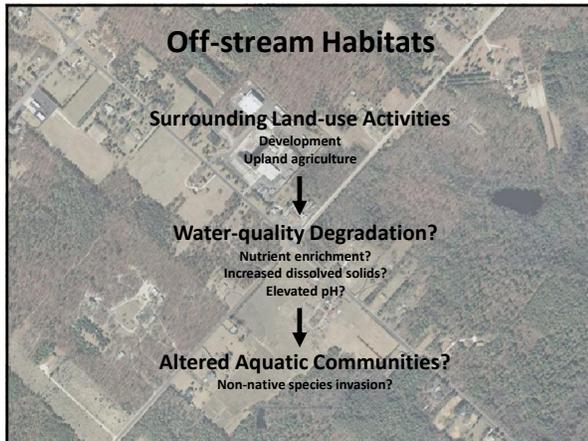
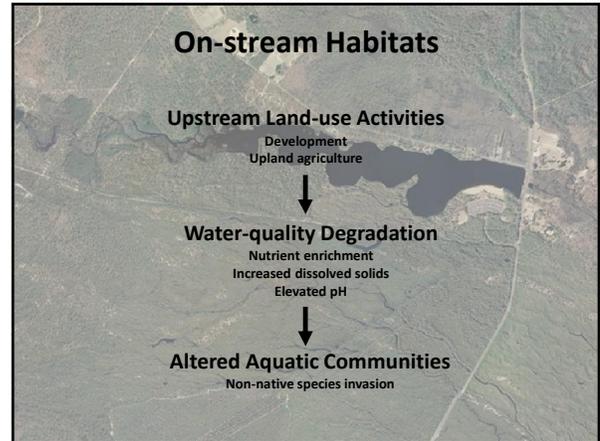
Betsy Piner,
Principal Planning Assistant

Date: May 11, 2017



NEW GRANT OPPORTUNITY
EPA Wetland Program Development Grants

Policy and Implementation Committee
April 28, 2017



Natural Ponds

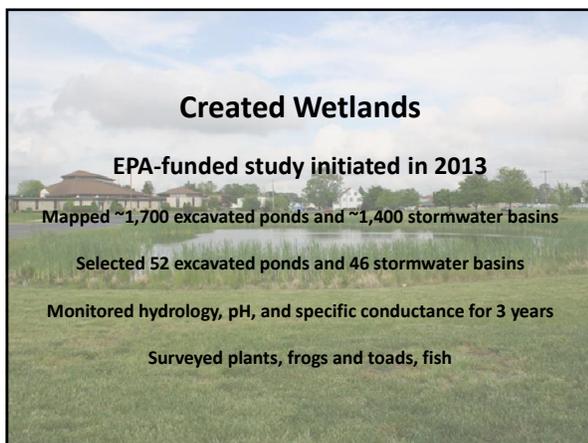
EPA-funded study initiated in 2012

Mapped ~2,700 open water and herbaceous ponds

Selected 99 ponds for further study

Monitored hydrology, pH, and specific conductance for 3 years

Surveyed plants, frog and toads, fish, and dragonflies and damselflies



Created Wetlands

EPA-funded study initiated in 2013

Mapped ~1,700 excavated ponds and ~1,400 stormwater basins

Selected 52 excavated ponds and 46 stormwater basins

Monitored hydrology, pH, and specific conductance for 3 years

Surveyed plants, frogs and toads, fish



Pesticides and Pathogens

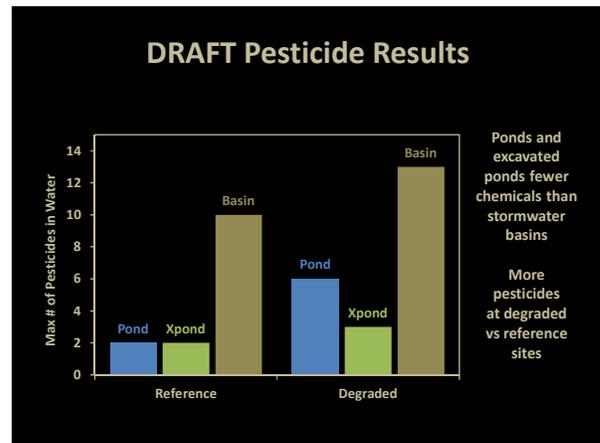
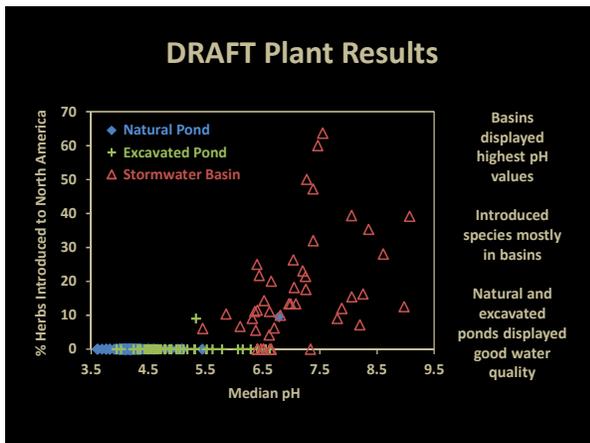
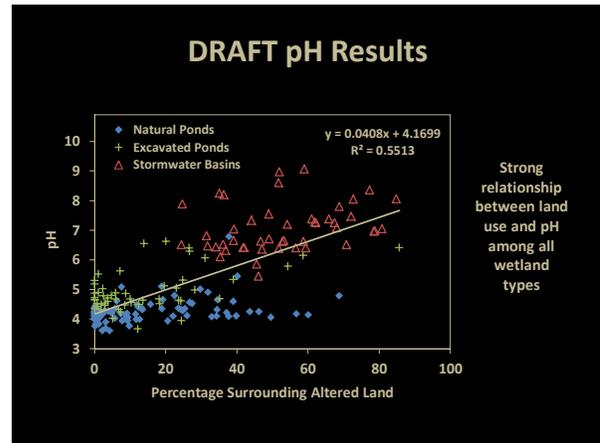
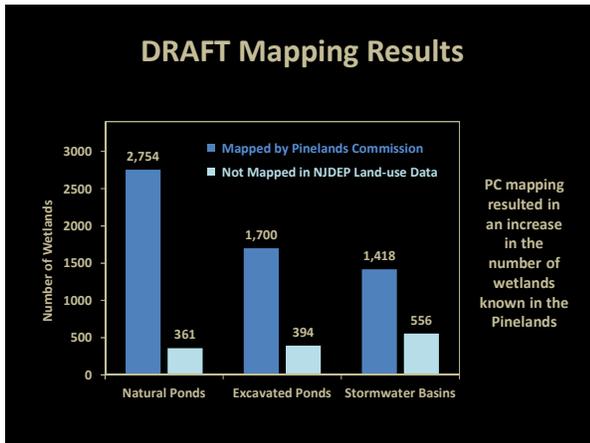
Partnered with Kelly Smalling from USGS

8 natural ponds, 8 excavated ponds, and 8 stormwater basins

High and low surrounding land use intensity

Sampled water, sediment, tadpole food, and tadpoles for pesticides

Swabbed tadpoles for amphibian pathogens



New Proposed Study

“Effects of land use on water quality and microorganisms in natural ponds, excavated ponds, and stormwater basins”

Wetland Mapping

Mapped stormwater basins throughout the Pinelands using 2007 aerial photography

Update mapping using 2012 aerial photography

Most recent aerial photography served by NJDEP



Site Selection and Water Quality

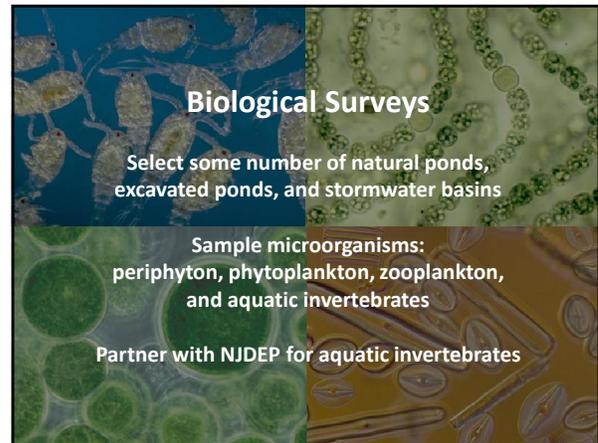
Use the existing pool of 197 sites and hydrology data

Select some number of natural ponds, excavated ponds, and stormwater basins

Partner with Kelly Smalling from USGS

Monitor pH, SC, DO, Cl, NO₂+NO₃, NH₄ (maybe PO₄) in the water

Sample metals and pesticides in water and maybe sediments



Biological Surveys

Select some number of natural ponds, excavated ponds, and stormwater basins

Sample microorganisms: periphyton, phytoplankton, zooplankton, and aquatic invertebrates

Partner with NJDEP for aquatic invertebrates



Timeline and Cost

Three years of field work (2018 - 2020)
One year to analyze data and write report (2021)

Maximum total cost ~\$433,000
\$325,000 from EPA (maximum provided)
\$108,000 (25% Commission match)
PCF Fund - Science and Research
Maybe some USGS salary also



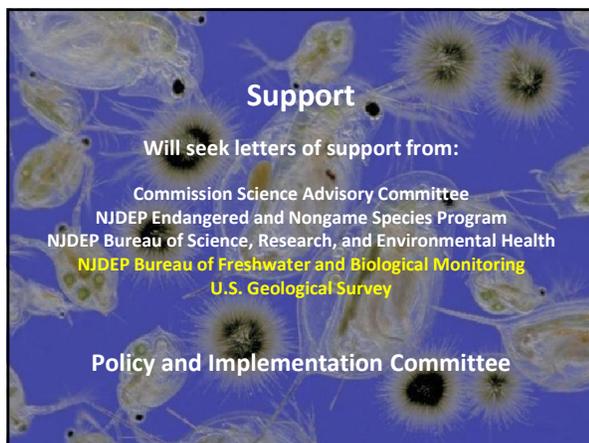
Products

Updated GIS layer of stormwater basins

Better define relationship between land use and basic WQ conditions in the three types of wetlands

Nutrient, metal, and pesticide inputs to each wetland type

Explore the use of microorganisms as indicators of ecological integrity in off-stream wetlands



Support

Will seek letters of support from:

- Commission Science Advisory Committee
- NJDEP Endangered and Nongame Species Program
- NJDEP Bureau of Science, Research, and Environmental Health
- NJDEP Bureau of Freshwater and Biological Monitoring
- U.S. Geological Survey

Policy and Implementation Committee

Local Communications Facilities & The CMP

Policy & Implementation Committee
April 28, 2017



Overview

Why are we discussing this now?

- Pinelands Area Counties EMS
- Verizon Wireless/Tilson
- Mobilitie

Discussion on these developments to follow the review

Why is it beneficial to review?

- Complex
- History matters



Background

CMP Height Regulations 1981-1995

Purpose:

- Protect the significant scenic resources of the Pinelands Area

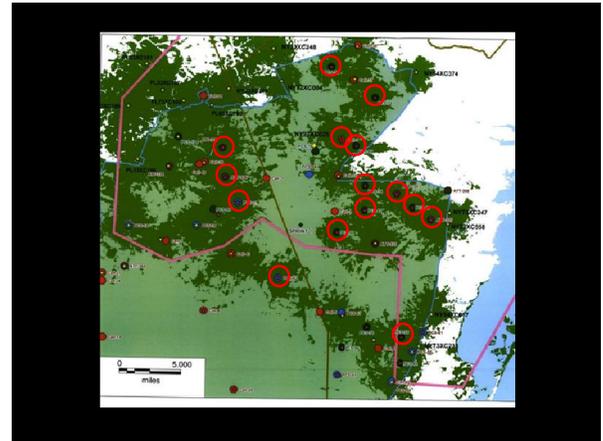
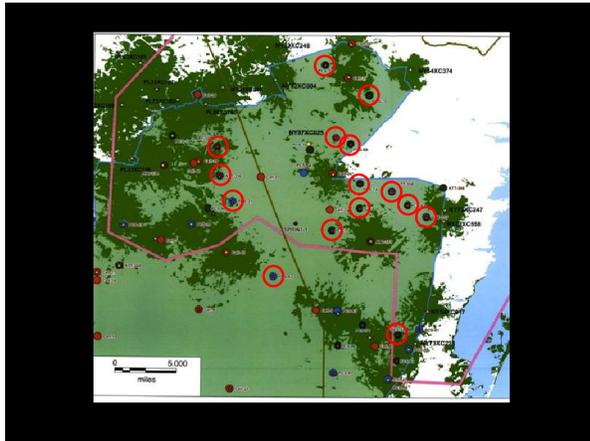
Height Limits:

- Regional Growth Area, Pinelands Towns = No limit
- Everywhere else = 35 foot limit
 - Some exemptions included
 - ...But not communications towers
 - 89% of the Pinelands Area



New Technology (c. 1994)





1995 CMP Amendment

1994 - 2nd Plan Review implementation

- Cellular industry representatives raise concerns with height limitations
- Pinelands Commission recognized legitimate need/federal regulations
- Balance network coverage & protecting scenic resources

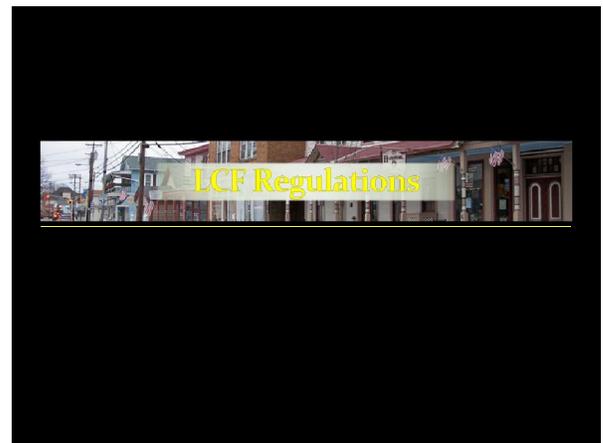
1994 - Plan Review Committee

- Deliberate over revised regulations - multiple meetings

1995 - Rules adopted, effective August 21, 1995

- Local Communications Facilities (LCF)

May be first ever regional tower siting program



Key principles

RGA and Pinelands Towns no height limits

Everywhere else - LCF can build up to 200 feet, provided that:

- Demonstrate need
- Colocation on existing suitable structures
- Design towers to accommodate other providers
- Siting standards for new towers
- Comprehensive planning
 - Applications for individual applications after

Comprehensive Planning

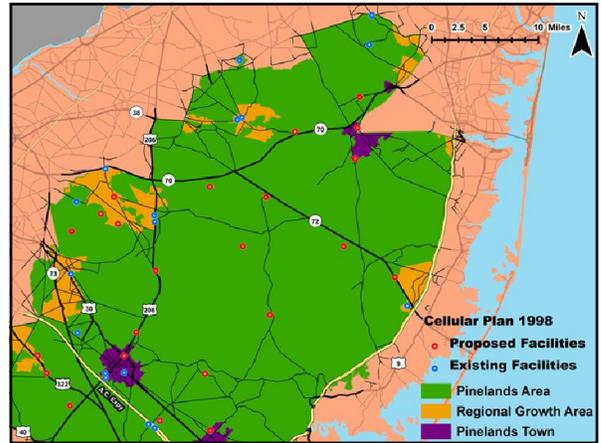
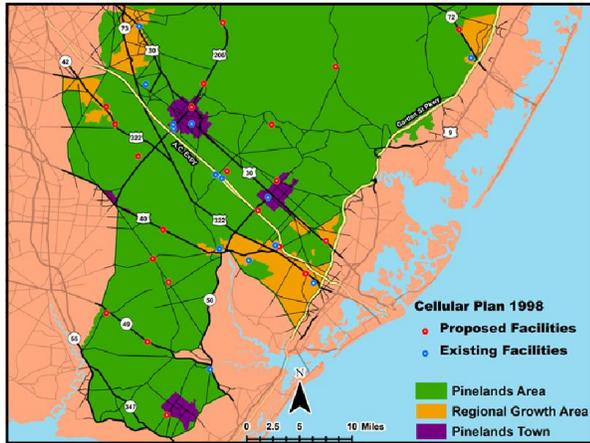
Plan submitted by providers of like service

- 5 and 10 year plan horizons
- Approximate location of all facilities
- Demonstrate least number of facilities necessary in:
 - PAD, FA, SAPA, select Villages
- Demonstrate likely consistency with LCF regulations

Requires certification from Commission

Amendments

- Builds upon planned network array of previous plans to ensure least number in PAD, FA, SAPA, and some Villages



Individual Applications

RGA and Pinelands Towns

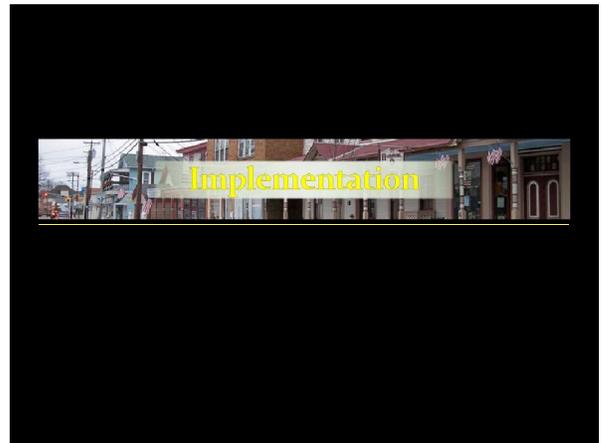
- CMP environmental standards

Everywhere else –must be consistent with

- CMP environmental standards
- CMP LCF standards
- approved plan
- approved siting policy

Siting policy

- Provides flexibility in final siting
- Ensures least number in PAD, FA, SAPA, and select Villages
- Search area – based on technical considerations (typically 1 mile)
 - Hierarchy of preferred management areas



Summary of Comprehensive Plans

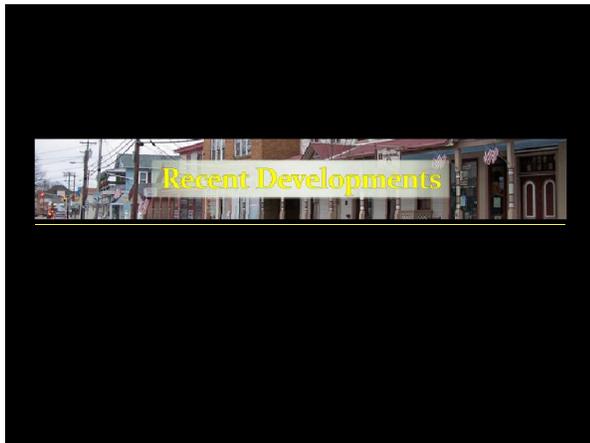
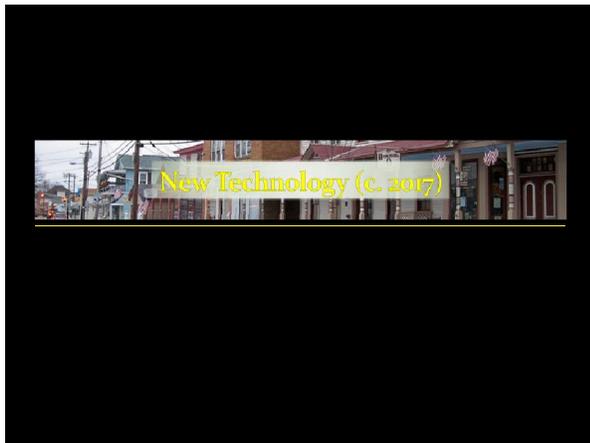
Plan	Certified	Participants
Cellular Plan	9/11/1998	Bell Atlantic Mobile; Comcast/Cellular One; Nextel
PCS Plan	1/14/2000	Sprint; Omnipoint
AT&T Plan	12/12/2003	AT&T
T-Mobile Plan	11/10/2011	T-Mobile
Sprint Plan	11/8/2013	Sprint
County Public Safety Tower Plan	5/11/2012	Pinelands Counties

Original Provider	Succeeded by
Bell Atlantic Mobile	Verizon
Comcast	Cingular Wireless -> AT&T
Nextel	Sprint
Omnipoint	T-Mobile

Summary of Build-Out

LCF Planned Locations	On-Air	Not On-Air	Total
Commercial Wireless Carriers	105	58	167
RGA/Town	52	20	72
RDA/APA/MF/Select Villages	25	15	40
PAD/FA/SAPA/Select Villages	29	23	52
County Public Safety Tower Plan	25	21	46
RGA/Town	12	5	17
RDA/APA/MF/Select Villages	7	10	17
PAD/FA/SAPA/Select Villages	6	6	12

*Not all "on-air" locations are new towers
 **Planned locations typically have multiple carriers



County Public Safety Tower Plan

Siting Policy Amendment

- Expand search area - 3 mile radius
- Consider developed, publically-owned lands

Timeline

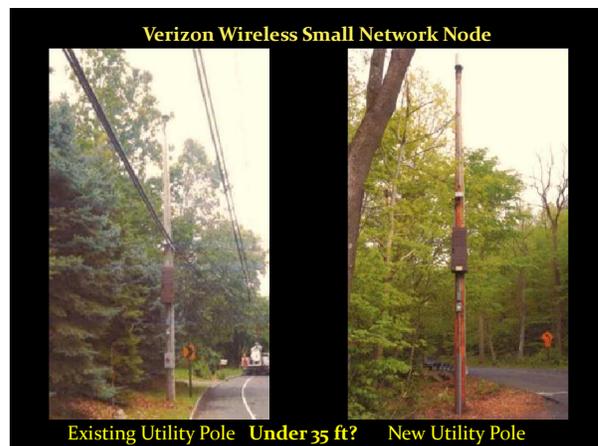
- Official submittal late May
- June P&I Review
- July Commission Review

Verizon Wireless/Tilson

Small Network Node Deployment

- Also known as oDAS
- Weaker signal range than towers (500 - 1,000 feet)
- Complementary not substitute for towers
- Improves network capacity

- Public R-O-Ws on Utility Poles
- Minimal issues for Pinelands Commission
- Municipalities and Counties?



Mobilitie

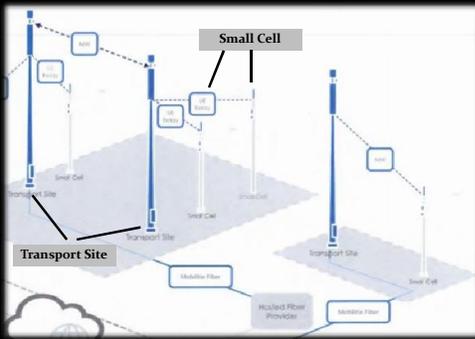
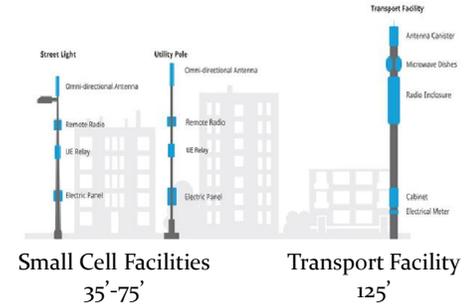
Neutral Host Provider

Working with Sprint in N.J.

Small Cell and Transport Facility Deployment

- **Small Cell Facility (weak range; capacity)**
 - Public R-O-Ws on utility poles
- **Transport Facility (stronger range; coverage)**
 - Public R-O-Ws

Mobilitie Facilities



Transport Facility



Small Cell Facility



Summary

Public Safety Tower Plan

- Siting Policy Amendment in development
- June P&I review

Verizon Small Network Node Deployment

- Awaiting more information from Verizon
- Working with municipalities regarding ordinances

Mobility Small Cell and Transport Facility Deployment

- Applications are beginning to come in
- Potential plan amendments if not aligned with approved plans



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Issuing an Order to Certify Ordinance 2017-12, Amending Chapter 55 (Land Use) of the Code of Barnegat Township

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on April 8, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Barnegat Township; and

WHEREAS, Resolution #PC4-83-29 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-29 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on April 4, 2017, Barnegat Township adopted Ordinance 2017-12, amending Chapter 55 (Land Use) of the Township's Code by adding condominium development as a conditional use in that portion of the C-N (Neighborhood Commercial) Zone located in the Pinelands Regional Growth Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2017-12 on April 17, 2014; and

WHEREAS, by letter dated April 25, 2017, the Executive Director notified the Township that Ordinance 2017-12 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2017-12 was duly advertised, noticed and held on May 10, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 2017-12 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2017-12 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinances 2017-12 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2017-12 and has reviewed the Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; 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 certify that Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Barnegat Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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 ORDINANCE 2017-12, AMENDING CHAPTER 55
 (LAND USE) OF THE CODE OF BARNEGAT TOWNSHIP**

June 30, 2017

Barnegat Township
 900 West Bay Avenue
 Barnegat, NJ 08005

FINDINGS OF FACT

I. Background

The Township of Barnegat is located in southern Ocean County, in the eastern portion of the Pinelands Area. Pinelands municipalities that abut Barnegat Township include the Townships of Lacey, Ocean, Stafford and Little Egg Harbor in Ocean County, and Bass River and Woodland Townships in Burlington County.

On April 8, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Barnegat Township.

On April 4, 2017, Barnegat Township adopted Ordinance 2017-12, amending Chapter 55 (Land Use) of the Township's Code by adding condominium developments as a conditional use in that portion of the C-N (Neighborhood Commercial) Zone located in the Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 2017-12 on April 17, 2017.

By letter dated April 25, 2017, the Executive Director notified the Township that Ordinance 2017-12 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, introduced on March 7, 2017 and adopted on April 4, 2017.

This amendment has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50 3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50 3.39.

1. Natural Resource Inventory

Not applicable.

2. Required Provisions of Land Use Ordinance Relating to Development Standards

Ordinance 2017-12 amends Chapter 55 (Land Use) of the Code of Barnegat Township by adding condominium developments as a conditional use in the C-N (Neighborhood Commercial) Zone. Prior to the adoption of Ordinance 2017-12, permitted uses in the C-N Zone were limited to various retail and service uses, professional offices, self-storage facilities, churches, libraries, nursing homes and other institutional uses. According to the standards adopted by Ordinance 2017-12, condominium developments must be located on property directly accessed by a county road. All units must be age-restricted and limited to one- and two-bedroom units. Maximum residential density is 15 units per acre, and Pinelands Development Credits must be purchased and redeemed for 25% of all units in a condominium development. In order to qualify for the new conditional use, properties must be at least nine acres in size. Finally, Ordinance 2017-12 makes clear that condominium developments are permitted only on properties in the C-N Zone that are located within a Pinelands Regional Growth Area.

The C-N Zone in the Regional Growth Area is located along West Bay Avenue, immediately to the north of Ocean Acres (see Exhibit #1). Based on the Township's analysis, there is one approximately 10-acre parcel in the C-N Zone that could satisfy the new conditional use standards for condominium developments. Ordinance 2017-12 therefore creates the potential for approximately 148 new units in the C-N Zone. The purchase of PDCs would be necessary for 25 percent, or 37, of these potential units.

The standards adopted by Ordinance 2017-12 for condominium developments are appropriate for a Regional Growth Area. In addition, the ordinance provides a new opportunity for residential development within Barnegat's Regional Growth Area in a manner that achieves an appropriate balance between "base" units and those requiring the use of Pinelands Development Credits. Therefore, Ordinance 2017-12 is consistent with the land use and development standards of the Comprehensive Management Plan and this standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinance 2017-12 amends Chapter 55 (Land Use) of Barnegat Township's Code by adding condominium developments as a conditional use in the Regional Growth Area portion of the C-N (Neighborhood Commercial) Zone. Based on the standards adopted by Ordinance 2017-12, condominium developments must be comprised of age-restricted, one- and two-bedroom units, at a maximum density of 15 units per acre. The use of Pinelands Development Credits is required for 25 percent of all units.

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits as provided for in N.J.A.C. 7:50-5.28(a)3. By allowing condominium developments as a conditional use in the C-N (Neighborhood Commercial) Zone, Ordinance 2017-12 increases the amount of land available for residential development in Barnegat Township's Regional Growth Area by approximately 10 acres. In order to comply with N.J.A.C. 7:50-5.28(a)3, Ordinance 2017-12 requires that PDCs be acquired and redeemed for 25 percent of all residential units in any condominium development in the C-N Zone (one right for every four units). Based on the 15 unit per acre maximum density established for the new conditional use, the PDC requirements adopted by Ordinance 2017-12 will result in an opportunity for the use of 37 rights (9.25 full Credits).

While the 25 percent requirement for condominium developments in the C-N Zone is not as high a number as would be provided through the more traditional zoning approach where PDCs would account for 33 percent of the total number of permitted units, it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 2017-12 *guarantees* that PDCs will be purchased and redeemed as part of the approval of any

condominium development within the C-N Zone, regardless of the density or number of units which are ultimately built. Given the greater certainty provided by this approach, the Executive Director believes that the 25 percent PDC requirement adopted by Ordinance 2017-12 should be viewed as being consistent with Comprehensive Management Plan standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is consistent with standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Barnegat Township's application for certification of Ordinance 2017-12 was duly advertised, noticed and held on May 10, 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 no testimony was received.

Written comments on Ordinance 2017-12 were accepted through May 12, 2017; however, none were received.

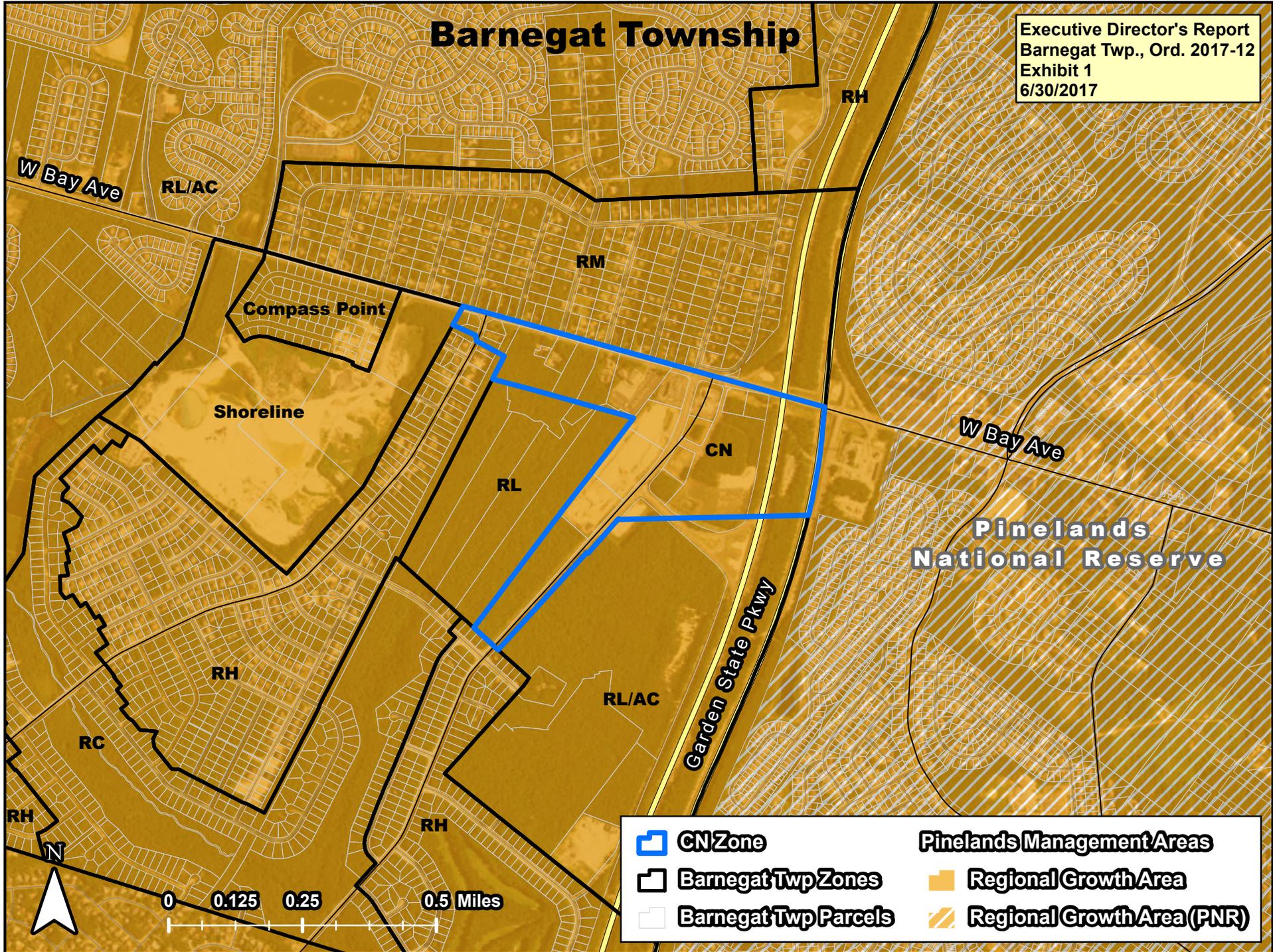
CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 2017-12 of Barnegat Township.

SRG/CBA
Attachment

Barnegat Township

Executive Director's Report
Barnegat Twp., Ord. 2017-12
Exhibit 1
6/30/2017



- CN Zone
- Barnegat Twp Zones
- Barnegat Twp Parcels

- Pinelands Management Areas**
- Regional Growth Area
- Regional Growth Area (PNR)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

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

Commissioner _____ moves and Commissioner _____ 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					Galletta					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Brown					Lohbauer					Earlen				
Chila					McGlinchey									

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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 Public Safety Tower 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.



Proposed Tower location (60'x60')





Fixed Asset Key

Dimension: 100 Feet
 Color: 100 Feet
 Category: 100 Feet
 Value: 100 Feet
 Unit: 100 Feet

Government Owned Land

- Municipal
- Federal
- County
- State

2 County Owned
 3 Leased

OCEAN COUNTY FACILITIES MANAGEMENT
 JACKSON GARAGE
 JACKSON TWP

- OCEAN RIDE BUS STOPS
- LAKEWOOD TWP "1" BUS STOPS
- OCEAN RIDE BUS ROUTES
- NJ TRANSIT BUS ROUTES

0 50 100 Feet

NORTH
 PREPARED BY THE COUNTY OF OCEAN
 PLANNING AND ZONING DEPARTMENT
 1000 EAST BAYVIEW BLVD., SUITE 200
 OCEAN COUNTY, NJ 08226
 PHONE: 908.825.2000
 FAX: 908.825.2001
 WWW.OCEANCOUNTY.NJ.GOV



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

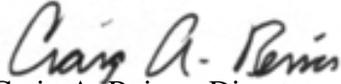
The New Jersey Office of Information Technology (OIT) through the Office of Emergency Telecommunications Service (OETS) has reviewed Ocean County proposed amendment to the Tower Siting Police of the Public Safety Tower Plan and is in full support. This amendment will permit counties the flexibility in 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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RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Identifying Roads within Wharton State Forest that are Appropriate for Recreational Use by Motor Vehicles.

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, Wharton State Forest consists of approximately 125,000 acres of state-owned land within the Pinelands Preservation Area, the most ecologically sensitive portion of the Pinelands National Reserve; and

WHEREAS, Wharton State Forest provides extensive public recreational opportunities, including canoeing, hiking, biking, horseback riding, camping, hunting and motorized vehicle recreation; and

WHEREAS, the Comprehensive Management Plan (“CMP”) at N.J.A.C. 7:50-6.143(a)(2) allows for the use of motor vehicles on public lands for recreational purposes; and

WHEREAS, in accordance with N.J.A.C. 7:50-6.143(a)3, the Pinelands Commission may, from time to time, designate areas on public lands, that are inappropriate for use of motor vehicles; and

WHEREAS, N.J.A.C. 7:50-6.143(a)3 also provides that such designation shall be done in consultation with the New Jersey Department of Environmental Protection; and

WHEREAS, from January 15, 2016 through May 12, 2017, the Commission heard extensive public comment concerning the damage being done to ecologically sensitive areas within Wharton State Forest as a result of motorized vehicles being operated off-road within the forest and the need to preserve these areas; and

WHEREAS, these concerns were expressed by the various users of Wharton State Forest including, but not limited to, environmental groups, hikers, hunters, enduro groups and off-road vehicle riders; and

WHEREAS, the Commission also heard public comment concerning the importance of having a map of Wharton State Forest that depicts the roads located therein for use by emergency responders, law enforcement officials and the public; and

WHEREAS, based on the public comment it has received, the Commission recognizes that the use of motorized vehicles off-road within Wharton State Forest is resulting in significant damage to the ecological and cultural resources of the Pinelands; and

WHEREAS, from October 2016 through May 2017, Commission staff has provided information to the Department of Environmental Protection concerning sites within Wharton State Forest that have been damaged by off-road motor vehicle use and met with the Department to discuss the development of guidance to identify areas where recreational motor vehicle use would be appropriate; and

WHEREAS, after consideration of the extensive public comment and review of available mapped information, the Commission has assembled sections of various USGS Topological maps from 1972, 1981, 1995 and 1997 in order to establish a map depicting the existing roads located within Wharton State Forest; and

WHEREAS, the Commission believes the above-described USGS map will be an important tool by which the Department of Environmental Protection may identify areas within Wharton State Forest that are appropriate for recreational use by motor vehicles; and

WHEREAS, the CMP provides in Section 7:50-6.143(a)(3)(i-ix) that among the considerations that the Pinelands Commission may base such designation upon are, *inter alia*,

- i. A need to protect a scientific study area;
- ii. A need to protect the location of threatened or endangered plant or animal species;
- iii. A need to provide a wilderness recreational area;
- iv. A need to prevent conflicts with adjoining intensively used recreational areas;
- v. A need to protect historic or archaeological sites;
- vi. A need to protect critical wildlife habitats;
- vii. A need to address a situation of public health and safety;
- viii. A need to protect extensively disturbed areas from further impact; and
- ix. The extent to which such road closure would substantially impair recreation access to and uses of surrounding resources.

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) The Pinelands Commission hereby designates pursuant to CMP section 7:50-6.143(a)(3)(i-ix) as appropriate for use of motor vehicles any and all roads in Wharton State Forest depicted on the assembled USGS Topographical maps, attached hereto as Exhibit A and incorporated herein by reference; and
- (2) The Pinelands Commission finds that recreational use of motor vehicles in Wharton State Forest should be limited to the roads marked on the attached USGS Topographical maps. From time to time, the Pinelands Commission may identify any of these or other roads unsuitable for motor vehicle passage based on the criteria set forth in the CMP at N.J.A.C.7:50-6.143(a)3. Any future changes shall be the subject of consultation between the Pinelands Commission and the NJDEP.
- (3) The Executive Director shall forward this Resolution to the New Jersey Department of Environmental Protection and to consult with the Department regarding the areas designated in Paragraph (1) above.
- (4) The Executive Director, shall update the Commission on the use of the USGS Topographical Maps and other efforts to protect Wharton State Forest from further off-road motorized vehicle damage on an ongoing basis.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman