



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC-4-03- 120

TITLE: Issuing an Order to Approve AT&T and Its Affiliates' Amendment to the Comprehensive Plans for Local Communication Facilities in the Pinelands

Commissioner Fucignia moves and Commissioner Tomassello seconds the motion that:

WHEREAS, the Pinelands Commission adopted amendments to the Comprehensive Management Plan in 1995 to permit local communications facilities to exceed the 35 foot height limitation set forth in N.J.A.C. 7:50-5.4, if providers of the same type of service prepare a comprehensive plan that is approved by the Pinelands Commission; and

WHEREAS, providers of cellular service and PCS service submitted comprehensive plans that were approved by the Pinelands Commission on September 11, 1998 and January 14, 2000, respectively; and

WHEREAS, AT&T Wireless PCS of Philadelphia, LLC and its Affiliates did not initially choose to participate in the preparation and submission of either of the adopted plans; and

WHEREAS, AT&T and its Affiliates have submitted an amendment to the previously adopted plans titled, *Amendment to the Comprehensive Plans for Cellular and Personal Communications Service to include AT&T Wireless PCS of Philadelphia, LLC and its Affiliates for Wireless Communications Facilities in the Pinelands* (hereinafter referred to as the Amendment) which the Executive Director deemed complete for purposes of review on August 13, 2003; and

WHEREAS, a public hearing on the Amendment was duly advertised, noticed and held on October 1, 2003 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 7:00 p.m.; and

WHEREAS, a revised version of the Amendment, dated October 28, 2003, was submitted by AT&T on October 30, 2003; and

WHEREAS, a public hearing on the October 28, 2003 Amendment was duly advertised, noticed and held on November 10, 2003 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 4:00 p.m.; and

WHEREAS, the Commission's technical consultant reviewed the Amendment and submitted a report of his findings to the Commission; and

WHEREAS, the Executive Director has reviewed the Amendment and the Commission's technical consultant's report; and

WHEREAS, the Executive Director has considered the oral and written comments received on the Amendment; and

WHEREAS, the Executive Director has submitted a November 21, 2003 report of his findings to the Commission; and

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

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

WHEREAS, the Executive Director has found that the Amendment incorporates to the extent technically feasible the facility locations identified in both the *Comprehensive Plan for Wireless Communications*

Facilities in the Pinelands (i.e., the cellular plan) and the *Comprehensive Plan for PCS Communications Facilities in the Pinelands* (i.e., the PCS plan) and, furthermore, that the Amendment effectively serves to amend and expand upon said cellular and PCS plans for the purpose of providing service at the frequencies used by each industry; and

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

WHEREAS, the Commission has reviewed the Amendment, the Executive Director's Report, the Commission technical consultant's report and the other appendices to the Executive Director's Report; and

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

WHEREAS, the Commission finds that the Amendment is consistent with the standards of N.J.A.C. 7:50-5.4 insofar as those standards apply to the preparation and approval of an amendment to a comprehensive plan for local communications facilities; and

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

WHEREAS, the Commission also recognizes that this Amendment may be further amended pursuant to N.J.A.C. 7:50-5.4 and that the Executive Director shall advise the Commission of the need for amendments as specific conditions arise consistent with the advice of the Attorney General's office; and

WHEREAS, the Commission accepts the recommendation of the Executive Director to approve the Amendment and affirm the recommended procedures for final facility siting decisions; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that:

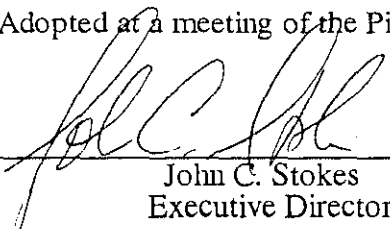
1. An order is hereby issued to approve the *Amendment to the Comprehensive Plans for Cellular and Personal Communications Service to include AT&T Wireless PCS of Philadelphia, LLC and its affiliates for Wireless Communication Facilities in the Pinelands*, dated October 28, 2003.
2. The Pinelands Commission expressly affirms that the review of the development applications for individual sites needs to be done in accordance with this report, including the appendices, in order to be consistent with CMP requirements.

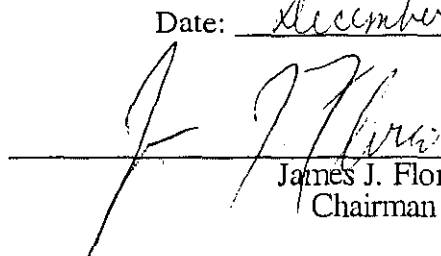
Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun	✓				Hagaman	✓				Tomasello	✓			
Avery	✓				Kowalski	✓				Westergaard	✓			
Brown			✓		Lee	✓				Wilson	✓			
Campbell	✓				Lloyd	✓				Wuillermin	✓			
Ficcaglia	✓				McIntosh	✓				Florio	✓			

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2003


 John C. Stokes
 Executive Director


 James J. Florio
 Chairman