

Explanation: This Ordinance amends Chapter XIII entitled “Land Development” to pennit the installation ofWireless Telecommunications Equipment and Facilities.

BEDMINSTER TOWNSHIP

ORDINANCE No. 97-26

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER XIII ENTITLED “LAND DEVELOPMENT” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSLIIP OF BEDMINSTER, 1984, AS HERETOFORE SUPPLEMENTED AND AMENDED BY PERMITTING THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS EQUIPMENT AND FACILITIES.

Section 1. Section 13-201 entitled “Definitions, Words and Descriptions” of Article 13-200 entitled “Definitions and Descriptions” of Chapter XIII entitled “Land Development” of The Revised General Ordinances of the Township of Bedniinster, 1984 as heretofore supplemented and amended (the “Revised General Ordinances”), is hereby supplemented and amended by adding the following new definitions:

Public view shall mean visible from a public thoroughfare, public lands or buildings or navigable waterways.

Wireless telecommunications equipment compound shall mean a fenced-in area which houses any combination of wireless telecommunications structures, buildings, antennas, equipment and/or towers.

Wireless telecommunications structures, antennas, equipment and/or towers shall mean buildings and/or structures and equipment for the delivery of wireless telecommunications except for satellite dish antennas which shall be regulated under Section 13-520 of this Chapter.

Wireless telecommunications tower shall mean a vertical structure used to support wireless telecommunications antennas.

Section 2. Article 13-500 entitled “General Provisions and Design Standards” of Chapter XIII entitled “Land Development” of The Revised General Ordinances is hereby supplemented and amended by adding the following new Section 13-522 entitled “Wireless Telecommunications Equipment and Facilities”:

13-522 **WIRELESS TELECOMMUNICATIONS EQUIPMENT AND FACILITIES.**

13-522.1 Purpose. The purpose of this Ordinance is to regulate the location and placement of wireless telecommunications structures, antennas and equipment within the Township of Bedminster. It is also the purpose of this Ordinance to recognize that the installation of new towers to support such antennas has a negative impact on the scenic and historic character of the countryside which the Bedminster Township Master Plan seeks to protect. This Ordinance seeks to meet the mandate of the Telecommunications Act of 1996, while at the same time limiting the proliferation of wireless telecommunications towers.

13-522.2 Permitted Use/Conditional Use Treatment.

- a. Notwithstanding anything in this Chapter XIII to the contrary, the installation of wireless telecommunications antennas on existing structures, subject to minor site plan approval under Section 13-803 of this Chapter and consistent with the Visual Compatibility Requirements of Subsection 13-522.3 below, shall be a permitted use in all non-residential zone districts and a conditional use in all residential zone districts of this Township.
- b. Notwithstanding anything in this Chapter XIII to the contrary, wireless telecommunications towers consistent with the provisions of Subsection 13-522.3, items b., c. and d. and Subsection 13-522.4 shall be a conditional use within all zone districts of this Township.

13-522.3 Visual Compatibility Requirements for the Installation of Wireless Telecommunications Antennas and Towers.

- a. Wireless telecommunications antennas may be erected on existing buildings or structures, and a wireless telecommunications equipment compound may be constructed in support of such antennas consistent with the following requirements:
 - 1. Antenna arrays may be mounted on existing buildings or structures but shall not extend beyond the overall height of any such building or structure by more than 10'.
 - 2. The wireless telecommunications equipment compound shall be enclosed within a solid wooden fence at least 7' and no more than 8' high, as approved by the Township Engineer which shall include a locking security gate. The height of the equipment building shall not exceed 15'.
 - 3. A wireless telecommunications equipment compound consisting of no more than 1,509 square feet may be erected in support of such antenna arrays provided it is:
 - (a) Situated behind existing structures, buildings or terrain features which will shield the wireless telecommunications compound from public view; or

- (b). When a location out of public view is not possible, a landscape buffer of 20' in width shall be provided outside the fence around the wireless telecommunications equipment compound, to shield the facility from public view. Landscaping shall include native evergreen and deciduous trees at least 8' high at the time of planting, and the number of trees shall be based on the equivalent of staggered double rows at 15' on center.
- 4. Antennas installed according to these provisions shall be suitably finished and/or painted so as to minimize their visual impact on the landscape. Depending on the placement of this equipment, color should be selected to be consistent with the color scheme of the building or structure on which they are mounted, in order to blend with their surroundings. When this is not possible, color selection shall be designed to minimize the visual impact of the antenna arrays.
- b. Where new wireless telecommunications towers or other antenna support structures are proposed, stealth designs shall be employed to camouflage their appearance, such as bell towers, silos, artificial trees and similar treatments.

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

- a. An applicant desiring to construct wireless telecommunications antennas in residential zones or towers in any zone shall:
 - 1. present documentary evidence regarding the need for wireless telecommunications antennas within the Township of Bedminster. This information shall identify the wireless network layout and coverage areas to demonstrate the need for new equipment at a specific location within the Township.
 - 2. provide documentary evidence that a legitimate attempt has been made to locate the antennas on existing buildings or structures. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures in the search area for such antennas. Efforts to secure such locations shall be documented through correspondence between the wireless telecommunications provider and the property owner of the existing buildings or structures.
 - 3. document the locations of all existing communications towers within Bedminster Township and surrounding areas with coverage in the Township and shall provide competent testimony by a radio frequency engineer regarding the suitability of potential locations in light of the design of the wireless telecommunications network. Where a suitable location on an existing tower is found to exist, but an applicant is unable to secure an agreement to collocate its equipment on such tower, the applicant shall provide credible written evidence of correspondence with the owner of such tower verifying that suitable space is not available on the existing tower(s).

4. document efforts to site new wireless antennas, equipment or towers according to the priority schedule below. Such documentation shall include the block and lot of any parcel for which the wireless provider has attempted to secure a lease or purchase agreement and copies of all correspondence between the wireless provider and the property owner.

Priority	Zone *	Equipment	Location	Permitted or
I	Commercial/ Transportation	Antenna	Co-located with other antennas on existing building or tower within a transportation corridor	P
2	Commercial/ Transportation	Antenna	Existing building or tower within a transportation corridor	P
3	Commercial	Antenna	Co-located with other antennas on existing buildings or towers	P
4	Commercial	Antenna	Existing building or tower	P
5	Residential/ Transportation	Antenna	Co-located with other antennas on existing buildings or tower within a transportation corridor	C
6	Residential/ Transportation	Antenna	Existing building or tower within a transportation corridor	C
7	Residential	Antenna	Co-located with other antenna on existing building or tower	C
8	Residential	Antenna	Existing building or tower	C
9	Commercial/ Transportation	Tower	Construct a tower within a commercial non-scenic transportation corridor	C
10	Commercial	Tower	Construct a tower in a commercial area	C
II	Residential/ Transportation	Tower	Construct a tower within a residential non-scenic transportation corridor	C
12	Residential	Tower	Construct a tower in a residential zone	C

* "Commercial" includes the OR, OP, VN and VN2 zones

"Transportation" means the lot has frontage on Route 202, 206, 1-287 or 1-78

- b. When an applicant desiring to construct a wireless telecommunications tower demonstrates to the satisfaction of the reviewing agency that suitable locations on existing buildings or structures either do not exist or are not available, the applicant may erect a new wireless telecommunications tower according to the following requirements, which all be interpreted as bulk standards and reviewed pursuant to N.J.S.A. § 550-70(c):

Minimum lot size	As required by the zone in which located
Minimum setback of tower from:	
any property line	10% more than the height of the tower
any existing residence	1,000'
another tower	5,280'
Minimum setback for equipment compound from any property line	As required for accessory buildings in zone in which located
Maximum tower height	
3 or more vendors	140'
2 vendors	120'
single vendor	100'

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

- a. All Site Plan details required by Section 13-804 shall be provided and shall include the site boundaries; tower location; existing and proposed structures, including accessory structures; existing and proposed ground-mounted equipment; vehicular parking and access; and uses, structures, and land use designations on the site and abutting parcels.
- b. A landscape plan drawn to scale generally showing proposed landscaping, including species type, size, spacing, other landscape features, and existing vegetation to be retained, removed or replaced.
- c. An Environmental Impact Study.
- d. A report from a qualified expert containing the following:
 - (1) A description of the tower and the technical and other reasons for the tower design and height.
 - (2) Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements and margins according to FCC requirements in their current adopted revision.
 - (3) The general capacity of the tower in terms of the number and type of antenna it is designed to accommodate.
- e. A letter of commitment by the applicant to lease excess space on the tower to other potential users at prevailing market rates and conditions. The letter of commitment shall be recorded prior to issuance of a building permit. The letter shall commit the tower owner and successors in interest.

- f. Elevations of the proposed tower and accessory building generally depicting all proposed antennas, platforms, finish materials, and all other accessory equipment.
 - g. A copy of the lease or deed for the property.
- 13-522.6 Antenna Modifications, Tower Certification and Abandonment.
- a. Operators of wireless telecommunications towers shall provide to Bedminster Township an annual report from a licensed professional engineer certifying the structural integrity of the tower, together with all antennas mounted thereon and whether they remain in use, and that they meet applicable minimum safety requirements. Such report shall also be provided whenever antenna arrays are modified, and shall include a detailed listing of all antennas and equipment so certified. Vendors shall also be required to notify Bedminster Township when the use of such antennas and equipment is discontinued.
 - b. Wireless telecommunications towers and antennas which are not in use for wireless telecommunications purposes for six months shall be removed by the facility owner at its cost. This removal shall occur within 90 days of the end of such six month period. Upon removal, the site shall be cleaned, restored, and revegetated to blend with the existing surrounding vegetation at time of abandonment. The facility owner shall post a bond to cover the costs of tower removal and site restoration prior to its removal. The amount of the bond shall be calculated to account for cost escalations.
- 13-522.7 Collocation Required. Authorization for the construction for a new wireless telecommunications tower shall be conditioned on agreement by the tower owner that other wireless telecommunications service providers will be permitted to collocate on the proposed tower within the limits of structural and radio frequency engineering requirements and at rates which reflect the fair market price for such service. As part of the application for tower approval, the applicant shall document the extent to which additional equipment could be mounted on the tower, the extent to which the height of the tower could be increased and the types of equipment which could be accommodated.
- 13-522.8 Application and Escrow Fees. Site plan application fees and escrows for wireless telecommunications installations shall be as set forth in Section 13-901 of this Chapter.

Section 13-901 entitled "Fees" of Article 13-900 entitled "Fees, Guarantees, Inspections and Off-Tract Improvements" of Chapter XIII entitled "Land Development" of the Revised General Ordinances is hereby supplemented and amended by adding the following new Subsection 13-901a.9:

9. Site Plan application fees and escrows for telecommunications installations shall be as follows:

	<i>Application Charge</i>	<i>plus</i>	<i>Escrow Account</i>
(a) If no new tower is proposed	\$1,000.00		\$2,000.00
(b) If a new tower is proposed	\$5,000.00		\$5,000.00

Section 4. This Ordinance shall take effect upon its final passage and publication according to law.

Introduced by:

Passed: August 18, 1997

Published: August 27, 1997

Adopted: September 8, 1997

AYFEST:

**BEDMINSTER TOWNSHIP
COMMITEE**

By:

**Dorothy4~.Wilkie,
Township Clerk**

RESOLUTION

RESOLUTION authorizing amendment of Resolution 97-02 to appoint John R. Mantz as Principal Public Works Manager, effective January 1, 1997, as per N.J.S.A. 40A:9-154.6g and N.J.S.A. 40A9-154.6a et. seq. (P.L. 1995, c.46). P.L/ 1995, c.46 requires a municipality to appoint a Principal Public Works Manager who must have a certificate as a Certified Public Works Manager. (copy of Local Finance Notice #MC97-2, Certificate No. 0042 and Resolution 97-02 attached).

Ma or Don Cross

Attest:


Dorothy D. Wilkie
Township Clerk

I, Dorothy D. Wilkie, Township Clerk of the Township of Bedminster, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Township Committee at a Regular Meeting held on May 19, 1997.

Dorothy
Township Clerk