

ORDINANCE 2011 -11

**ORDINANCE OF THE TOWNSHIP OF STAFFORD,
COUNTY OF OCEAN AND STATE OF NEW JERSEY,
CREATING A NEW CHAPTER 210 OF THE TOWNSHIP
CODE OF THE TOWNSHIP OF STAFFORD, ENTITLED
"WIRELESS TELECOMMUNICATIONS TOWERS AND
FACILITIES"**

BE IT ORDAINED, by the governing body of the Township of Stafford, County of Ocean and State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Stafford is hereby amended to create a new Chapter 210 to be entitled "Wireless Telecommunications Towers and Facilities," which shall read as follows:

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

§ 210-1. Purpose and Intent.

- A. The purpose of this article is to establish guidelines for the siting of wireless telecommunications towers and antennas and ancillary facilities. The goals of this article are to:
- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - (2) Encourage the location of towers on Township-owned property where appropriate or in other nonresidential areas;
 - (3) Minimize the total number of towers throughout the community;
 - (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - (5) Encourage the use of existing buildings, telecommunications towers, light or utility poles, or water towers as opposed to construction of new telecommunications towers;



- (6) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (7) Ensure that all telecommunications facilities, including towers, antennas and ancillary facilities, are located and designed to minimize the visual impact on the immediate surroundings and throughout the community by encouraging users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
- (8) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (9) Consider the public health and safety of telecommunications towers; and
- (10) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

B. In furtherance of these purposes, the Township of Stafford shall give due consideration to the Township of Stafford's Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

§ 210-2. Definitions.

As used in this Article, the following items shall have the meanings indicated:

ALTERNATIVE TOWER STRUCTURE -- Man-made trees, clock towers, bell steeples, flag poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANCILLARY FACILITIES -- The buildings, cabinets, vaults, closures and equipment required for operation of telecommunications systems including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

ANTENNA -- Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals. Parabolic dish antennas under 30 inches used for satellite communications shall not be included within this definition.

BACKHAUL NETWORK -- The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BUFFER AREA -- The area surrounding a telecommunications tower and ancillary facilities which lies between the tower and adjacent lot lines and/or land uses.

CARRIER -- A company that provides wireless services.

COLOCATION -- When two or more receiving and/or transmitting facilities are placed together in the same location or on the same antenna support structure.

FAA -- The Federal Aviation Administration.

FCC -- The Federal Communications Commission.

FALL ZONE -- The area on the ground within a prescribed radius from the base of a wireless telecommunications tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FUNCTIONALLY EQUIVALENT SERVICES -- Cellular radio, personal communications service (PCS), enhanced specialized mobile radio, specialized mobile radio and paging, commercial land mobile radio and additional emerging technologies.

GUYED TOWER -- A tower which is supported or braced through the use of cable (guy wires) which are permanently anchored.

HEIGHT -- When referring to a tower, the vertical distance measured from the lowest finished grade at the base of the tower to the highest point on the tower, even if said highest point is an antenna.

LATTICE TOWER -- A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

MONOPOLE -- The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

MOUNT -- The structure or surface upon which antennas are mounted, including the following four types of mounts:

- A. Roof-mounted. Mounted on the roof of a building.
- B. Side-mounted. Mounted on the side of a building.
- C. Ground-mounted. Antenna support (tower) mounted on the ground.
- D. Structure-mounted. Mounted on a structure other than a building.

PERSONAL WIRELESS SERVICE FACILITY -- A facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS -- Any tower or antenna for which a building permit has been properly issued prior to the effective date of this article, including permitted towers or antennas that have been approved but have not yet been constructed so long as such approval is current and not expired.

RADIO FREQUENCY (RF) ENGINEER -- An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) -- For the purposes of this article, the emissions from personal wireless service facilities or any electromagnetic energy within the frequency range from 0.003 MHZ to 300,000 MHZ.

STEALTH DESIGN -- A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment (see "alternative tower structure").

TELECOMMUNICATIONS FACILITY -- A facility designed and used for the purpose of transmitting, receiving and relaying voice and data signals from various wireless communications devices including licensed transmission towers, antennas and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio broadcasts are not telecommunications facilities.

TELECOMMUNICATIONS OR TRANSMISSION TOWER -- The monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this section, licensed amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not transmission towers.

WIRELESS COMMUNICATIONS -- Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas, nor does it include non-cellular telephone service.

§ 210-3. Applicability.

- A. New towers and antennas. All new telecommunications towers or antennas in the Township of Stafford shall be subject to these regulations.

- B. Preexisting towers or antennas. Preexisting telecommunications towers and preexisting antennas shall not be required to meet the requirements of this article, absent any enlargement or structural modification or the addition of any antennas.
- C. District height limitations. The requirements set forth in this article shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district that are subject to FAA restrictions.
- D. Public property. Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be encouraged, provided a license or lease authorizing such antenna or tower has been approved by resolution by the governing authority.
- E. Satellite dish antennas. This article shall not govern any parabolic dish antennas that are subject to the provisions of Chapter 172.

§ 210-4. General Requirements.

- A. Principal or accessory use. Telecommunications antennas and towers may be considered either principal or accessory uses. Notwithstanding any other Township land use regulation, a different existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use.
- B. Lot size. For purposes of determining whether the installation of a tower or antenna complies with zone development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. In the Pinelands Area, all towers shall comply with the standards for local communications facilities and N.J.A.C. 7:50-5.4(c) of the Pinelands Comprehensive Management Plan. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- D. Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with manufacturer structural loading standards or greater standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association and Telecommunications Industry Association, as amended from time to time. If, upon inspection, the Township of Stafford concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- E. Nonessential services. Telecommunications towers and antennas shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities or private utilities.
- F. Colocation required. The Township of Stafford mandates that carriers colocate antennas on towers or other structures whenever possible.
- G. Conditional use. All new telecommunications towers or alternative tower structure in the Township of Stafford shall be conditional uses in accordance with N.J.S.A. 40:55D-67.
- H. Permitted use. All telecommunications antennas to be located on pre-existing towers or other structures shall be considered permitted uses, but shall be required to obtain site plan approval for the antenna and any ancillary facilities.
- I. Site plan required. Site plan approval shall be required for all new telecommunications facilities in the Township of Stafford including modifications to or addition of new telecommunications facilities to pre-existing towers, buildings or other structures.

§ **210-5. Use Regulations.**

- A. Conditional use standards. New wireless telecommunications towers may be permitted as set forth in this Chapter, provided that such towers comply with the following conditions:
 - (1) The minimum lot size on which the telecommunications tower is to be located is at least five acres in area.
 - (2) Telecommunications towers may not be located closer than 500 feet to any residential lot. Antennas located on preexisting buildings or structures are exempt from this requirement.

- (3) Outside the Pinelands Area. Telecommunications towers shall be limited to monopoles without guys designed to ultimately accommodate at least three carriers and shall meet the following height and usage criteria:
 - (a) For a single carrier, up to 100 feet in height.
 - (b) For two carriers, up to 125 feet in height.
 - (c) For three or more carriers, up to 150 feet in height.
- (4) In the Pinelands Area, telecommunications towers shall be limited to monopoles without guys unless the applicant can demonstrate that a different type of facility is necessary for the colocation of additional antennas on the tower. A maximum height of 200 feet shall be permitted, and all towers shall be designed so that their height may be increased to 200 feet if necessary to accommodate the needs of other carriers in the future.

B. Factors considered in granting conditional use approval.

- (1) In addition to the above standards, the board shall consider the following factors in determining whether to issue a conditional use approval:
 - (a) Proximity of the tower to residential structures and residential district boundaries;
 - (b) Nature and uses on adjacent and nearby properties;
 - (c) Surrounding topography;
 - (d) Surrounding tree coverage and foliage;
 - (e) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness including stealth designs which are encouraged;
 - (f) Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures;
 - (g) Availability of proposed tower to other potential carriers.
- (2) This list is to be considered to be illustrative in nature and may not include all factors to be considered.

§ 210-6. Site Design Standards.

The following site design standards shall apply to wireless telecommunications facilities:

A. New towers.

- (1) **Fall zone.** A fall zone shall be established such that the tower is set back 150% of the height of the tower from any adjoining lot line or nonappurtenant building.

- (2) Security fencing. Towers shall be enclosed by security fencing not less than eight feet in height. Towers shall also be equipped with an appropriate anticlimbing measure.
- (3) Landscaping. The following requirements shall govern the landscaping surrounding towers:
 - (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences or any other area frequented by the public. The standard buffer shall consist of a landscaped strip of at least 10 feet wide outside the perimeter of the compound. However, at a minimum, the facility should be shielded from public view by evergreen trees at least eight feet high at planting and planted in staggered double rows 15 feet on center.
 - (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced at the sole discretion of the approving authority.
 - (c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- (4) Ancillary buildings. Any proposed building enclosing related electronic equipment shall not be more than 10 feet in height nor more than 200 square feet in area, and only one such building shall be permitted on the lot for each provider of wireless telecommunications services located on the site. Such buildings must satisfy the minimum zoning district setback requirements for accessory structures.
- (5) Aesthetics. Towers and antennas shall meet the following requirements:
 - (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (6) Lighting. No lighting is permitted except as follows, which shall be subject to review and approval by the Planning Board as part of the site plan application:

- (a) The building enclosing electronic equipment may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building; and
 - (b) No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project toward adjacent and nearby properties.
 - (7) Signs. No signs are permitted except those required by the Federal Communications Commission, the Electronic Industries Association (EIA) and/or the Telecommunications Industry Association (TIA) or by law, such as warning and equipment information signs, which may be attached to a fence or building structure and shall not be larger than 18 inches by 18 inches.
- (B) Antennas mounted on existing structures or roof tops.
- (1) Antennas on existing structures. Any antenna which is not attached to a tower may be attached to any existing business, industrial, office utility or institutional structure, provided:
 - (a) Side- and roof-mounted personal wireless service facilities shall not project more than 10 feet above the height of an existing building or structure nor project more than 10 feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may locate on a building or structure that is legally nonconforming with respect to height, provided that the facilities do not project above the existing building or structure height.
 - (b) The antenna complies with applicable FCC and FAA regulations.
 - (c) The antenna complies with all applicable building codes:
 - (i) The equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 48 feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.
 - (ii) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.
 - (iii) Equipment storage building, structures or cabinets shall comply with all applicable building codes.

- (2) Aesthetics. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (C) Antennas on existing towers. An antenna may be attached to a preexisting tower in a nonresidential zone and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, colocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such colocation is accomplished in a manner consistent with the following:
- (1) A tower which is modified or reconstructed to accommodate the colocation of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed.
 - (2) An existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this article.
 - (3) On-site location.
 - (a) A tower which is being rebuilt to accommodate the colocation of an additional antenna may be moved on site within 50 feet of its existing location. After the tower is rebuilt to accommodate colocation, only one tower may remain on the site.
- (D) The Planning Board shall have the discretion to grant waivers from any of the design standards set forth in this Subsection 210-6.

§ **210-7. Colocation.**

- (A) The Township of Stafford requires that licensed carriers share personal wireless service facilities and sites where feasible and appropriate on new towers, thereby reducing the number of personal wireless service facilities that are stand-alone facilities. All applicants for site plan approval for a personal wireless service facility on a new tower shall demonstrate a good faith effort to colocate with other carriers. Such good faith effort includes:
- (1) A survey of all existing structures that may be feasible sites for collocating personal wireless service facilities;
 - (2) Notification by certified mail of intent to seek site plan approval to all the other licensed carriers for commercial mobile radio services operating in the county;
 - (3) Sharing information necessary to determine if colocation is feasible under the design configuration most accommodating to colocation; and

- (4) A copy of a proposed lease or affidavit of compliance with this section.
- (B) In the event that colocation is found to be not technically feasible, a written statement of the reasons for the infeasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to verify if colocation at the site is not feasible or is feasible given the design configuration most accommodating to the colocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny approval to an applicant that has not demonstrated a good faith effort to provide for colocation.
- (C) If the applicant intends to colocate or to permit collocation on a new tower, plans and elevations, which show the ultimate appearance and operation of the personal wireless service facility at full build-out, shall be submitted.

§ **210-8. Location priorities.**

Wireless telecommunications facilities outside the Pinelands Area shall be located and approved in accordance with the following prioritized locations:

- (A) The first priority shall be an existing tower owned by either a public or private utility within or near the Township of Stafford.
- (B) The second priority shall be new towers on lands owned by the Township of Stafford within the commercial zones or other lands owned by the Township of Stafford or other public entity.
- (C) The third priority shall be an existing building in a commercial zone.
- (D) The fourth priority shall be new towers on lands not owned by the Township of Stafford or other public entity located within the remaining zones.

§ **210-9. Location priorities in the Pinelands Area.**

Wireless telecommunications facilities in the Pinelands Area shall be located and approved in a manner which is consistent with the Pinelands' Comprehensive Management Plan. The priorities set forth in § 210-8 shall be used as a preference guide in the siting of new telecommunications facilities in the Pinelands Area, in which new telecommunications facilities shall be sited only at the following locations:

- (A) On developed publicly owned lands within 500 feet of an existing structure, provided that the tower facility will be located on previously disturbed lands that have not subsequently been restored and that no tower will be located on state, county or municipal conservation lands, state recreation lands or county and municipal lands used for low-intensity recreational purposes;

- (B) On the parcel of an approved resource extraction operation, provided that the tower facility will be located on previously disturbed lands that have not subsequently been restored;
- (C) At an existing first aid or fire station; or
- (D) On the parcel of an existing landfill, provided that the tower facility will be located on previously disturbed lands that have not subsequently been restored.

§ **210-10. Site plan submission requirements.**

In addition to the site plan submission requirements and other applicable requirements of this Chapter, the following information shall be submitted in conjunction with site plan approvals for all wireless telecommunications facilities:

- (A) Comprehensive service plan. In order to provide proper evidence that any proposed location of wireless telecommunications antennas (and any supporting tower and/or ancillary building enclosing related electronic equipment) has been planned to result in the fewest number of towers within the Township of Stafford at the time full service is provided by the applicant throughout the Township, the applicant shall submit a "comprehensive service plan." Said comprehensive service plan shall indicate how the applicant proposes to provide full service throughout the Township and, to the greatest extent possible, said service plan shall also indicate how the applicant's plan is coordinated with the needs of all other providers of telecommunications services within the Township of Stafford. The comprehensive service plan shall indicate the following:
 - (1) Whether the applicant's subscribers can receive adequate service from antennas located outside of the borders of the Township of Stafford.
 - (2) How the proposed location of the antennas relates to the location of any existing towers within and/or near the Township of Stafford.
 - (3) How the proposed location of the antennas relates to the anticipated need for additional antennas and supporting towers within and/or near the Township of Stafford by both the applicant and by other providers of telecommunications services within the Township of Stafford.
 - (4) How the proposed location of the antennas relates to the objective of collocating the antennas of different service carriers on the same tower.
 - (5) How the proposed location of the antennas relates to the overall objective of providing full telecommunications services within the Township of Stafford while, at the same time, limiting the number of towers to the fewest possible.
- (B) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), and all properties within the applicable fall zone, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structure, topography,

parking and other information deemed by the approving authority to be necessary to assess compliance with this article.

- (C) Legal description of the entire tract and leased parcel (if applicable).
- (D) The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
- (E) The separation distance from other towers and antennas.
- (F) A landscape plan showing specific landscape materials including, but not limited to species type, size, spacing and existing vegetation to be removed or retained.
- (G) Method of fencing and finished color and, if applicable, the method of camouflage.
- (H) A description of compliance with all applicable federal, state or local laws.
- (I) A notarized statement by the applicant as to whether construction of the tower will accommodate colocation of additional antennas for future users.
- (J) Identification of the entities providing the backhaul network for the tower(s) described in the application and other telecommunications sites owned or operated by the applicant in the Township.
- (K) A letter of commitment to lease excess space or other potential users at prevailing market rates and conditions. The letter of commitment shall be in form suitable for recording with the County Clerk prior to the issuance of any permit and shall commit the tower owner(s), property owner(s) and their successors in interest.
- (L) A visual impact study containing, at a minimum, a photographic simulation showing the appearance of the proposed tower, antennas and ancillary facilities from at least five points within a three-mile radius. Such points shall be chosen by the carrier with review and approval by the Planning Board planning consultant to ensure that various potential views are represented.
- (M) For applications in the Pinelands Area, a description of the relationship of the proposed tower to any comprehensive plan for local communication facilities which has been approved by the Pinelands Commission pursuant to N.J.A.C 7:50-5.4(c)

§ 210-11. Monitoring and maintenance.

- (A) After the wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the building permit, existing measurements of RFR from the

wireless telecommunications facility. Such measurements shall be signed and certified by an RF engineer, stating that RFR measurements are accurate and meet FCC guidelines as specified in the radio frequency standards section of this article.

- (B) The applicant and coapplicant shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping

§ 210-12. Abandonment or discontinuation of use.

- (A) At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the Township Clerk by certified United States mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon discontinuation of operations.

- (1) If tower lighting was required by the FAA, the tower owner shall be responsible for all violations and fines associated with its operation.

- (B) Upon abandonment or discontinuation of use, at the option of the Township, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

- (1) Removal of antennas, mount, equipment shelters and security barriers for the subject property.
 - (2) Proper disposal of the waste materials from the site in accordance with local, county and state solid waste disposal regulations.
 - (3) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

- (C) If a carrier fails to remove a personal wireless service facility in accordance with this section, the Township shall have the authority to enter the subject property and physically remove the facility. The Planning Board will require the applicant to post a bond at the time of approval to cover costs for the removal of the personal wireless service facility in the event the Township must remove the facility.

SECTION 2. All other provisions of the Township Code, except as set forth herein, shall remain unchanged.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall become effective after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the **1st** day of **February 2011**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **1st** day of **March 2011** at 7:00 PM, at the Municipal Building located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


BERNADETTE M. PARK, RMC, CMC
Township Clerk, Township of Stafford

March 1, 2011

Motion to carry Ordinance 2011-11 to the March 15, 2011 Council Meeting was made by Mr. Spodofora, seconded by Ms. Sitek. RCV: Rutkowski, Fessler, Sitek, Kusznirow, Corbett, Spodofora – all ayes, McMenamin absent.


BERNADETTE M. PARK, RMC/CMC
Township Clerk, Township of Stafford

March 15, 2011

Motion to carry Ordinance 2011-11 to the April 5, 2011 Council Meeting was made by Mr. Spodofora, seconded by Mr. Kusznirow. RCV: Rutkowski, Fessler, Sitek, Kusznirow, Corbett, Spodofora, McMenamin – all ayes.

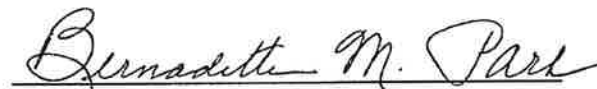

BERNADETTE M. PARK, RMC/CMC
Municipal Clerk

CERTIFICATION

I, **BERNADETTE M. PARK**, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing Ordinance was duly adopted by the Stafford Township Council at their meeting held on the 5th day of **April 2011**.


BERNADETTE M. PARK, RMC/CMC
Municipal Clerk

Motion to adopt Ordinance 2011-11 on second reading was made by John Spodofora, seconded by Mayor McMenamin. RCV: Rutkowski, Sitek, Kusznirow, Corbett, Spodofora, McMenamin – all ayes, Fessler absent.


BERNADETTE M. PARK, RMC/CMC
Municipal Clerk

April 5, 2011

MEMORIALIZATION
OF THE STAFFORD TOWNSHIP
PLANNING BOARD

WHEREAS, the Township of Stafford introduced Ordinance No. 2011- 11 at the February 1, 2011 meeting;

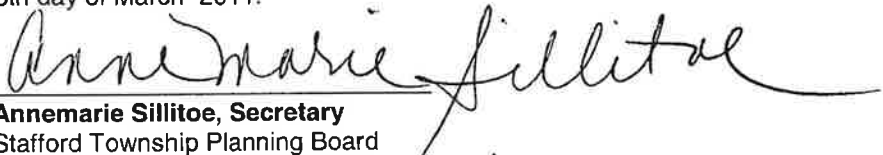
WHEREAS, pursuant to N.J.S.A. 40:55D-26 these Ordinances were presented to the Stafford Township Planning Board for their review.

NOW, THEREFORE, on the March 16, 2011 meeting, the Stafford Township Planning Board reviewed Stafford Township Ordinances and hereby recommend that the Mayor and Township Council of the Township of Stafford adopt Ordinance No. 2011 – 11. The Stafford Township Planning Board recommends adoption of these ordinances as it is consistent with the land use plan element and the housing plan element of the Stafford Township Master Plan.

Having reviewed the proposed ordinances, the Planning Board has not identified any provisions of the proposed ordinance which are inconsistent with the Master Plan and the Planning Board has no recommendations to the mayor and township Council concerning any inconsistencies with the Master Plan.

CERTIFICATION

I, **Annemarie Sillitoe, Secretary** to the Stafford Township Planning Board, do hereby certify that the above recommendation was set forth on the record by the Stafford Township Planning Board at a meeting held on the 16th day of March 2011.


Annemarie Sillitoe, Secretary
Stafford Township Planning Board

ROLL CALL

<u>Yes</u>	Brian Abbey	<u>Yes</u>	Jerry Fey	<u>Yes</u>	Thomas Kuenzler
<u>Yes</u>	Peter Slomkowski	<u>Yes</u>	Paul Marchal	<u>Yes</u>	Richard Sinopoli
<u>Absent</u>	Mark Postizzi	<u>Yes</u>	Councilman Rutkowski	<u>Yes</u>	Mayor McMenamin
<u>Absent</u>	Kenneth Reed –Alt I	<u>Absent</u>	Sherry Roth – Alt II		

MEMORANDUM

Dated: March 11, 2011

To: Stafford Township Planning Board

From: Bonnie N. Flynn, PP, AICP
Director of Community Development

RE: Ordinance 2011-11
Township Code - New Chapter 210 – Wireless Telecommunications Towers & Facilities

Pursuant to N.J.S.A. 40:55D-64, the Township Council must refer any proposed development regulation or zoning ordinance to the Planning Board for its determination that the proposed addition or amendment is consistent with the Master Plan. Pursuant to N.J.S.A. 40:55D-26, the Planning Board must report back its findings of consistency with the Master Plan as well as any other matters as the Planning Board deems appropriate within 35 days. Also, the Township Council, when considering the adoption of a development regulation or amendment, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation. Failure of the Planning Board to transmit its report within the 35-day period shall relieve the Township Council from the voting requirements of N.J.S.A. 40:55D-26.

I have reviewed the above-referenced ordinance, which was drafted by the Township Attorney, Kevin Starkey, Esq., as well as the Telecommunications Element of the 2007 Master Plan. The Telecommunications Element contains the following Recommendations (in bold) and I have included a statement as to where and how each recommendation is addressed in the proposed ordinance.

- **Adopt land use ordinances that allow municipal owned property a use by right for telecommunications facilities.**

The recommendation for permitted telecommunication facilities is being met under Section 210-4H of the proposed ordinance. Paragraph H indicates that, "All telecommunications antennas to be located on pre-existing towers or other structures shall be considered permitted uses, but shall be required to obtain site plan approval for the antenna and any ancillary facilities." Also, the priority list of locations contained in Section 210-8 further indicates the Township's preference for future facilities on existing facilities or Township owned property.

-
- **Adopt land use ordinances that allow property in chosen zoning classifications a use by right or a conditional use for wireless telecommunications facilities.**

The recommendation is being met under Section 210-4G of the proposed ordinance. Paragraph G indicates that, "All new telecommunications towers or alternative tower structure in the Township of Stafford shall be conditional uses in accordance with N.J.S.A. 40:55D-67." The conditional use standards are further detailed in Section 210-5.

From June 14, 2007 Master Plan Addendum

- **Work with NJDEP Green Acres Program to strategically locate cellular facilities on higher park structures such as flag poles and light poles in the Township. Funds generated from any potential lease agreement would be exclusively used for park maintenance and capital improvements, such as paying off bonds to construct park facilities.**

The recommendation does not pertain to potential changes to the Land Development or Zoning chapters of the code but is a suggestion for Mayor/Council and Township Administrator to explore. The recommendation does speak of including future facilities on existing facilities which are Township owned and that priority preference is addressed above.

I recommend that the Planning Board provide the Township Council with a Resolution endorsing the proposed ordinance as it is consistent with the Township's 2007 Master Plan.

ORDINANCE 2011 -11

**ORDINANCE OF THE TOWNSHIP OF STAFFORD,
COUNTY OF OCEAN AND STATE OF NEW JERSEY,
CREATING A NEW CHAPTER 210 OF THE TOWNSHIP
CODE OF THE TOWNSHIP OF STAFFORD, ENTITLED
"WIRELESS TELECOMMUNICATIONS TOWERS AND
FACILITIES"**

BE IT ORDAINED, by the governing body of the Township of Stafford, County of Ocean and State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Stafford is hereby amended to create a new Chapter 210 to be entitled "Wireless Telecommunications Towers and Facilities," which shall read as follows:

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

§ 210-1. Purpose and Intent.

- A. The purpose of this article is to establish guidelines for the siting of wireless telecommunications towers and antennas and ancillary facilities. The goals of this article are to:
- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - (2) Encourage the location of towers on Township-owned property where appropriate or in other nonresidential areas;
 - (3) Minimize the total number of towers throughout the community;
 - (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - (5) Encourage the use of existing buildings, telecommunications towers, light or utility poles, or water towers as opposed to construction of new telecommunications towers;

BACKHAUL NETWORK -- The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BUFFER AREA -- The area surrounding a telecommunications tower and ancillary facilities which lies between the tower and adjacent lot lines and/or land uses.

CARRIER -- A company that provides wireless services.

COLOCATION -- When two or more receiving and/or transmitting facilities are placed together in the same location or on the same antenna support structure.

FAA -- The Federal Aviation Administration.

FCC -- The Federal Communications Commission.

FALL ZONE -- The area on the ground within a prescribed radius from the base of a wireless telecommunications tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FUNCTIONALLY EQUIVALENT SERVICES -- Cellular radio, personal communications service (PCS), enhanced specialized mobile radio, specialized mobile radio and paging, commercial land mobile radio and additional emerging technologies.

GUYED TOWER -- A tower which is supported or braced through the use of cable (guy wires) which are permanently anchored.

HEIGHT -- When referring to a tower, the vertical distance measured from the lowest finished grade at the base of the tower to the highest point on the tower, even if said highest point is an antenna.

LATTICE TOWER -- A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

MONOPOLE -- The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

MOUNT -- The structure or surface upon which antennas are mounted, including the following four types of mounts:

- A. Roof-mounted. Mounted on the roof of a building.
- B. Side-mounted. Mounted on the side of a building.
- C. Ground-mounted. Antenna support (tower) mounted on the ground.
- D. Structure-mounted. Mounted on a structure other than a building.

- B. Preexisting towers or antennas. Preexisting telecommunications towers and preexisting antennas shall not be required to meet the requirements of this article, absent any enlargement or structural modification or the addition of any antennas.
- C. District height limitations. The requirements set forth in this article shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district that are subject to FAA restrictions.
- D. Public property. Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be encouraged, provided a license or lease authorizing such antenna or tower has been approved by resolution by the governing authority.
- E. Satellite dish antennas. This article shall not govern any parabolic dish antennas that are subject to the provisions of Chapter 172.

§ 210-4. General Requirements.

- A. Principal or accessory use. Telecommunications antennas and towers may be considered either principal or accessory uses. Notwithstanding any other Township land use regulation, a different existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use.
- B. Lot size. For purposes of determining whether the installation of a tower or antenna complies with zone development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. In the Pinelands Area, all towers shall comply with the standards for local communications facilities and N.J.A.C. 7:50-5.4(c) of the Pinelands Comprehensive Management Plan. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- (3) Outside the Pinelands Area. Telecommunications towers shall be limited to monopoles without guys designed to ultimately accommodate at least three carriers and shall meet the following height and usage criteria:
 - (a) For a single carrier, up to 100 feet in height.
 - (b) For two carriers, up to 125 feet in height.
 - (c) For three or more carriers, up to 150 feet in height.
- (4) In the Pinelands Area, telecommunications towers shall be limited to monopoles without guys unless the applicant can demonstrate that a different type of facility is necessary for the colocation of additional antennas on the tower. A maximum height of 200 feet shall be permitted, and all towers shall be designed so that their height may be increased to 200 feet if necessary to accommodate the needs of other carriers in the future.

B. Factors considered in granting conditional use approval.

- (1) In addition to the above standards, the board shall consider the following factors in determining whether to issue a conditional use approval:
 - (a) Proximity of the tower to residential structures and residential district boundaries;
 - (b) Nature and uses on adjacent and nearby properties;
 - (c) Surrounding topography;
 - (d) Surrounding tree coverage and foliage;
 - (e) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness including stealth designs which are encouraged;
 - (f) Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures;
 - (g) Availability of proposed tower to other potential carriers.
- (2) This list is to be considered to be illustrative in nature and may not include all factors to be considered.

§ 210-6. Site Design Standards.

The following site design standards shall apply to wireless telecommunications facilities:

A. New towers.

- (1) **Fall zone.** A fall zone shall be established such that the tower is set back 150% of the height of the tower from any adjoining lot line or nonappurtenant building.

- (a) The building enclosing electronic equipment may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building; and
 - (b) No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project toward adjacent and nearby properties.
 - (7) Signs. No signs are permitted except those required by the Federal Communications Commission, the Electronic Industries Association (EIA) and/or the Telecommunications Industry Association (TIA) or by law, such as warning and equipment information signs, which may be attached to a fence or building structure and shall not be larger than 18 inches by 18 inches.
- (B) Antennas mounted on existing structures or roof tops.
- (1) Antennas on existing structures. Any antenna which is not attached to a tower may be attached to any existing business, industrial, office utility or institutional structure, provided:
 - (a) Side- and roof-mounted personal wireless service facilities shall not project more than 10 feet above the height of an existing building or structure nor project more than 10 feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may locate on a building or structure that is legally nonconforming with respect to height, provided that the facilities do not project above the existing building or structure height.
 - (b) The antenna complies with applicable FCC and FAA regulations.
 - (c) The antenna complies with all applicable building codes:
 - (i) The equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 48 feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.
 - (ii) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.
 - (iii) Equipment storage building, structures or cabinets shall comply with all applicable building codes.

- (4) A copy of a proposed lease or affidavit of compliance with this section.
- (B) In the event that colocation is found to be not technically feasible, a written statement of the reasons for the infeasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to verify if colocation at the site is not feasible or is feasible given the design configuration most accommodating to the colocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny approval to an applicant that has not demonstrated a good faith effort to provide for colocation.
- (C) If the applicant intends to colocate or to permit collocation on a new tower, plans and elevations, which show the ultimate appearance and operation of the personal wireless service facility at full build-out, shall be submitted.

§ 210-8. Location priorities.

Wireless telecommunications facilities outside the Pinelands Area shall be located and approved in accordance with the following prioritized locations:

- (A) The first priority shall be an existing tower owned by either a public or private utility within or near the Township of Stafford.
- (B) The second priority shall be new towers on lands owned by the Township of Stafford within the commercial zones or other lands owned by the Township of Stafford or other public entity.
- (C) The third priority shall be an existing building in a commercial zone.
- (D) The fourth priority shall be new towers on lands not owned by the Township of Stafford or other public entity located within the remaining zones.

§ 210-9. Location priorities in the Pinelands Area.

Wireless telecommunications facilities in the Pinelands Area shall be located and approved in a manner which is consistent with the Pinelands' Comprehensive Management Plan. The priorities set forth in § 210-8 shall be used as a preference guide in the siting of new telecommunications facilities in the Pinelands Area, in which new telecommunications facilities shall be sited only at the following locations:

- (A) On developed publicly owned lands within 500 feet of an existing structure, provided that the tower facility will be located on previously disturbed lands that have not subsequently been restored and that no tower will be located on state, county or municipal conservation lands, state recreation lands or county and municipal lands used for low-intensity recreational purposes;

parking and other information deemed by the approving authority to be necessary to assess compliance with this article.

- (C) Legal description of the entire tract and leased parcel (if applicable).
- (D) The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
- (E) The separation distance from other towers and antennas.
- (F) A landscape plan showing specific landscape materials including, but not limited to species type, size, spacing and existing vegetation to be removed or retained.
- (G) Method of fencing and finished color and, if applicable, the method of camouflage.
- (H) A description of compliance with all applicable federal, state or local laws.
- (I) A notarized statement by the applicant as to whether construction of the tower will accommodate colocation of additional antennas for future users.
- (J) Identification of the entities providing the backhaul network for the tower(s) described in the application and other telecommunications sites owned or operated by the applicant in the Township.
- (K) A letter of commitment to lease excess space or other potential users at prevailing market rates and conditions. The letter of commitment shall be in form suitable for recording with the County Clerk prior to the issuance of any permit and shall commit the tower owner(s), property owner(s) and their successors in interest.
- (L) A visual impact study containing, at a minimum, a photographic simulation showing the appearance of the proposed tower, antennas and ancillary facilities from at least five points within a three-mile radius. Such points shall be chosen by the carrier with review and approval by the Planning Board planning consultant to ensure that various potential views are represented.
- (M) For applications in the Pinelands Area, a description of the relationship of the proposed tower to any comprehensive plan for local communication facilities which has been approved by the Pinelands Commission pursuant to N.J.A.C 7:50-5.4(c)

§ 210-11. Monitoring and maintenance.

- (A) After the wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the building permit, existing measurements of RFR from the

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall become effective after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the **1st day of February 2011**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **1st day of March 2011** at 7:00 PM, at the Municipal Building located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

BERNADETTE M. PARK, RMC, CMC
Township Clerk, Township of Stafford

March 1, 2011

Motion to carry Ordinance 2011-11 to the March 15, 2011 Council Meeting was made by Mr. Spodofora, seconded by Ms. Sitek. RCV: Rutkowski, Fessler, Sitek, Kusznirow, Corbett, Spodofora – all ayes, McMenamin absent.

BERNADETTE M. PARK, RMC/CMC
Township Clerk, Township of Stafford

Bernadette Park

From: Kevin Starkey [KStarkey@skbkllaw.com]
Sent: Friday, January 28, 2011 11:27 AM
To: Bernadette Park
Subject: RE: Cell Tower Ordinance

Ordinance to establish zoning regulations, including site design standards, permitted zones, height limitations, and priority of locations, for the construction of wireless communications towers and related facilities in the Township.

From: Bernadette Park [mailto:BPark@twp.stafford.nj.us]
Sent: Friday, January 28, 2011 11:24 AM
To: Kevin Starkey
Subject: RE: Cell Tower Ordinance

Kevin,

I have no idea what this ordinance is about

Can you assist me in a legal concise statement?

TY

From: Kevin Starkey [mailto:KStarkey@skbkllaw.com]
Sent: Thursday, January 27, 2011 3:52 PM
To: Jim Moran
Cc: Bernadette Park; Kathy Laggner
Subject: Cell Tower Ordinance

Jim,

Proposed ordinance regarding cell towers is attached.

I suggest that Bonnie be involved in this process, as this is primarily a zoning matter. I also remind Bernadette that this ordinance should go to the planning board for its review between first and second readings, and also should be sent to the Pinelands Commission after approval for its review.

Kevin

Kevin N. Starkey, Esq.
Starkey, Kelly, Bauer, Kenneally & Cunningham
1593 Route 88 West
Brick, NJ 08724
732-840-5900
FX: 732-840-5901
kstarkey@skbkllaw.com

1/28/2011

Bernadette Park

From: Bonnie Flynn
Sent: Monday, January 31, 2011 5:54 PM
To: Kevin Starkey; Jim Moran
Cc: Bernadette Park
Subject: FW: 2011-11 Cell Tower Ordinance
Attachments: 2011- Cell Tower Ordinance.doc

I had a chance to look at the cell tower ordinance and have a few questions/comments.

1. 210-3 E – does this conflict with current FCC rulings for ham radio operators? We may need to change another part of our code that gives an exemption on the height of such ham radio towers so in essence allowing them to just get a zoning permit and not have to go before a board. Ham radio towers can be well over 70 ft and our current code and literature I've read indicate that they are allowed to be as high as needed. Granted that is very broad but it seems that it is not something you can put a number on and there are lots of cases about it.
2. 210-3 F- we already have a satellite dish section in our code. Chapter 172. does this conflict with it?
3. 210-4 G – should we leave it open to all zones? By default and from other parts of the ordinance, it isn't permitted in residential zones but should we add that? Or just leave it "open"?
4. In 210-5 A - (1) and the first sentence in (2) are the same. Looks like you can just have #2 and that's it. Also, in #2 and elsewhere in the document (210-4 and 210-9) it refers to several zones in the Pinelands Area that are not our zones. This should be revised.
5. 210-5 B – if any of these conditions aren't met, the applicant is going to the Zoning Board. What about design standards? I assume that would stay with PB if it's just design. Paragraph C refers to the PB. Should it be left open for either board or am I splitting hairs?
6. 210-6 C (3) (a) – citation needs to be corrected. It says 109-71. it should be ???

I think that's it

Any questions, please let me know.

Bonnie

Affidavit of Publication

Publisher's Fee \$16.64 Affidavit \$25.00

State of New Jersey } SS.

Ocean County

Personally appeared

Anna Regiese

Of the **Beacons**, a newspaper printed in Freehold, New Jersey and published in Neptune, in said County and State, and of general circulation in said county, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

2/17/11

A.D. 2011

AR

Sworn and subscribed before me, this
17 day of **February**, 2011

Kathleen A Gibson

Notary Public of New Jersey

TOWNSHIP OF STAFFORD

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced on first reading by the Stafford Township Council at their meeting held on Feb 1, 2011: ORD. 2011-11. ORDINANCE OF THE TOWNSHIP OF STAFFORD, COUNTY OF OCEAN, STATE OF NEW JERSEY, CREATING A NEW CHAPTER 210 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF STAFFORD, ENTITLED "WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES". The purpose of this Ordinance is to establish zoning regulations, including site design standards, permitted zones, height limitations and priority of locations for the construction of wireless communications towers and related facilities in the Township. This Ordinance will be considered for public comment and adoption at the Council Meeting scheduled for March 1, 2011 at 7:00 pm. All Council Meetings are held at the Municipal Complex located at 260 E. Bay Ave. Manahawkin, NJ, commencing at 7:00 pm. Copies of this Ordinance are available at no charge at the Municipal Clerk's Office, Monday through Friday during the hours of 8:30 am to 4:30 pm. Bernadette M. Park, Municipal Clerk
(\$16.64) 275679

Kathleen A. Gibson
Notary Public State of New Jersey
My Commission Expires Dec. 18, 2014

Affidavit of Publication

Publisher's Fee \$8.84 Affidavit \$25.00

State of New Jersey } SS.

Ocean County

Personally appeared

Anna Pugliese

Of the **Beacons**, a newspaper printed in Freehold, New Jersey and published in Neptune, in said County and State, and of general circulation in said county, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

4/07/11

A.D. 2011

Sworn and subscribed before me, this
7 day of **April**, 2011

Kathleen A. Gibson
Notary Public of New Jersey

TOWNSHIP OF STAFFORD

NOTICE IS HEREBY GIVEN that the following Ordinance was duly adopted on second reading by the Stafford Township Governing Body at their meeting held on April 5, 2011. ORD. 2011-11 ORDINANCE OF THE TOWNSHIP OF STAFFORD, COUNTY OF OCEAN, STATE OF NEW JERSEY, CREATING A NEW CHAPTER 210 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF STAFFORD, ENTITLED "WIRELESS COMMUNICATIONS TOWERS AND FACILITIES". Bernadette M. Park, Municipal Clerk
(58.32) 308478

Kathleen A. Gibson
Notary Public State of New Jersey
My Commission Expires Dec. 18, 2014

STAFFORD TOWNSHIP RECORD OF VOTE

ORDINANCE 2011-11

FIRST READING DATE 2-1-11				SECOND READING DATE 3-1-11 4-5-11			
COUNCIL	MOTION	SECOND	VOTE	MOTION	SECOND	VOTE	
CORBETT			Yps			Yps	
FESSLER			Yps			Abst	
KUSZINKOW			Yps			Yps	
RUTKOWSKI			Yps			Yps	
SITEK		✓	Yps			Yps	
SPODOFORA	✓		Yps	✓		Yps	
MC MENAMIN			Yps		✓	Yps	
DATE ORDINANCE EFFECTIVE 4-27-11							
ADOPTED 4-5-11							
LEGAL NOTICE: 1ST PUBLICATION IN ENTIRETY							
2ND PUBLICATION TITLE ONLY: April 7, 2011 Times Beacon							

Minutes
 Bulletin Board
 Zoning Board
 Planning Board
 OC Planning Board
 Pinelands Commission

Codification
 Planning Bd
 Zoning Board
 Zoning Officer B. Ryan