

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2025-06

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, AND
STATE OF NEW JERSEY ADDING A NEW SUBSECTION 185-73D(25) CONTAINING
CONDITIONAL USE REQUIREMENTS FOR WIRELESS TELECOMMUNICATION
FACILITIES AS RECOMMENDED IN THE MASTER PLAN REEXAMINATION
REPORT**

BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey as follows:

SECTION 1. This section adds conditional use requirements for Wireless Telecommunication Facilities as follows.

(25) Wireless telecommunication equipment and facilities on municipal property.

(a) Terms and definitions. As used in this section, the following terms shall have the meanings indicated:

Antenna — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

Backhaul Network — Lines that connect a providers' towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Cellular Antenna — Antennas which are used for the transmission and reception of wave frequencies for the purposes of telephone, radio, paging and/or television communication and which are permitted as "conditional uses" in accordance with the specific zoning conditions and standards for their location and operation within this section. For the purposes of this section "cellular

antennas," as referred to in the 1996 Federal Telecommunications Act, shall not be considered to be a public utility.

FAA — The Federal Aviation Administration.

FCC — the Federal Communications Commission.

Public View — Visible from a public thoroughfare, public lands or buildings or navigable waterways.

Telecommunications Act — Federal Telecommunications Act of 1996 and amendments or modifications which may be made thereto.

Tower — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

Wireless Telecommunications Equipment Compound — 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 — Buildings and/or structures and equipment for the delivery of wireless telecommunications, except for satellite dish antennas. Wireless telecommunications tower means a vertical structure used for wireless telecommunications antennas.

- (b) Conditional use. Notwithstanding anything in Chapter 185 Zoning Ordinances of the Township of Dennis to the contrary, the installation of wireless telecommunications structures, antennas, equipment and/or towers and their respective locations shall be a conditional use on all properties and facilities owned by the Township of Dennis regardless of zoning district designation. They are prohibited at all other locations.
- (c) Maximum height. The maximum height of any proposed cellular antenna and any proposed new cellular tower shall be demonstrated by the applicant to be the

minimum height necessary for the proposed installation to satisfactorily operate, but in no event in excess of the following standards for height, exclusive of lightning rods:

- [i] Single vendor: 120 feet.
- [ii] Two vendors: 120 feet.
- [iii] Three or more vendors: 120 feet.

All tower footings shall be designed to permit future extensions to a maximum height of 120 feet.

(d) Area, setback and miscellaneous requirements

- [i] If the proposed antennas will be attached to an existing tower or to an existing water tower or water stand pipe or other structure or building, no land area shall be required in addition to the land area upon which the existing structure or equipment is situated
- [ii] The land area required to accommodate all telecommunication antenna, structures and equipment shall be approved by the Planning Board with consideration given to existing site conditions and surrounding land uses and shall be subject to a lease agreement between the applicant and the Township of Dennis.
- [iii] The proposed antennas and proposed supporting tower and ancillary building enclosing related electronic equipment shall be located on a lot size in accordance with the following standards:
 - [a] The total enclosure, including the footprint, shall not be greater than 50 feet by 50 feet.
 - [b] The setback from the footprint to the property boundaries shall adhere to the applicable zone standards.
- [iv] Excepting for any access driveway into the property, any required landscaping and any underground utility lines reviewed and approved by the Planning Board as part of the site plan submission, no building, structure and/or disturbance of land shall be permitted:
 - [a] Within a distance of 100 feet from the property line of any existing residence.
 - [b] Within a distance closer than 2,500 feet from another tower.
 - [c] Within a distance closer than 200 feet from a school property line.
 - [d] All utilities serving the site shall be underground where reasonably practicable.

[e] A wireless telecommunications equipment compound shall be unoccupied other than purposes of repair, maintenance and/or construction.

(e) Visual compatibility requirements (sound?).

[i] Wireless telecommunications antennas erected on existing buildings or structures, and wireless telecommunications compounds constructed in support of such antennas shall comply with the following requirements:

[a] Antenna arrays mounted on such existing buildings or structures, shall not extend beyond the overall height of any such building or structure by more than 10 feet.

[b] Wireless telecommunications equipment compounds shall be enclosed within a fence at least six feet to eight feet in height as approved by the Township Engineer which shall include a locking security gate.

[c] A wireless telecommunications equipment compound consisting of no more than 1,000 square feet may be erected in support of such antenna arrays provided:

- i. It is situated behind existing structures, buildings or terrain features which shall shield the wireless telecommunications equipment compound from public view; or
- ii. When a location out of public view is not reasonably practicable, a landscape buffer shall be provided outside the fence around the wireless telecommunications equipment compound to screen the facility from public view.
- iii. Landscaping shall include native evergreen and deciduous trees at least eight feet high at the time of planting.

[d] 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 shall 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 reasonable or practicable, color selection shall be designed to minimize the visual impact of the antenna arrays.

[e] Where new wireless telecommunications towers or other antennas support structures are proposed, stealth designs where reasonably practicable shall be employed to camouflage their appearance, such as bell towers, silos, artificial trees and similar treatments. The degree and nature of such stealth designs shall depend upon the specifics of the site involved so as to provide the most appropriate designs under the circumstances presented.

(f) Design standards

[i] Any proposed building enclosing related electronic equipment shall not be more than 12 feet in height nor more than 300 square feet in area and only one such building shall be permitted on the lot for each provider of cellular communications services located on the site.

[ii] Any proposed new tower shall be a monopole unless the applicant can demonstrate and the Planning Board agrees, that a different type pole is necessary for the co-location of additional antennas on the tower.

[iii] No antenna shall be located on any tower in order to provide noncellular telephone service; such service shall be provided via existing telephone lines if available to the site, or by the underground extension of telephone lines to the site if necessary.

[iv] All proposed antennas, any proposed new tower and any proposed building enclosing related electronic equipment shall be colored to best blend with the surroundings, including any site vistas.

[v] Other than typical "warning," "emergency" and equipment information signs, no signs are permitted. Emergency signs shall be on plates attached to the tower or building and shall not exceed two square feet.

[vi] 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 of 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. This shall be exclusive of lights equipped with motion detectors. To the extent these requirements are inconsistent with BOCA requirements, the BOCA requirements shall apply; and

[b] No lighting is permitted on a tower except lighting that is specifically as required by the 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.

[ii] No cellular antenna and/or its related electronic equipment shall interfere with any public safety communications subject to FCC rules and regulations.

[iii] All equipment shall be designed and automated to the greatest extent possible in order to reduce the need for on-site maintenance and thereby, minimize the need for vehicular trips to and from the site.

[iv] Minimal off-street parking shall be permitted as needed and as approved by the appropriate Board having jurisdiction.

[v] All towers shall be designed with anti-climbing devices in order to prevent unauthorized access. Additionally, any tower supporting the cellular antennas and

any building enclosing related electronic equipment shall be surrounded by a fence between six feet and eight feet in height. The fence shall be screened by a landscape buffer pursuant to Subsection (e).

[vi] Additional safety devices shall be permitted as needed and as approved by the appropriate Board having jurisdiction.

[vi] Between any existing or zoned residential property bordering the proposed lot and the location of any proposed new tower or any proposed building enclosing related electronic equipment, a landscaped buffer at least 20 feet deep shall be provided in accordance with the following:

[a] The landscaped buffer shall consist of a combination of existing and/or newly planted evergreen and deciduous trees of sufficient density to screen the view of the tower and building from the surrounding properties to the maximum extent possible.

[b] Any newly planted evergreen trees shall be at least eight feet high at time of planting and any newly planted deciduous trees shall be a minimum caliper of 2.5 inches at time of planting.

[vii] Towers and antennas shall meet the following requirements:

[a] Towers shall be subject to any applicable standards of the FAA and, to the extent reasonably practicable, 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.

[c] 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 such as sky blue 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 reasonably practicable.

[d] The applicant shall submit a report from a qualified expert certifying that the wireless telecommunications antenna and equipment facility comply with the latest structural and wind-loading requirements as established by applicable building and electrical codes. The applicant shall provide a description of the number and type of antennas that may be accommodated and the effect on structural integrity.

(g) Antenna modifications. Operators of wireless telecommunications towers shall provide to the Township of Dennis a report every three years 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 detail listing of all antennas and equipment so certified. Vendors shall also be required to notify the Township when the use of such antennas and equipment is discontinued. A satisfactory insurance company inspection report shall be deemed to meet the requirements of this section.

(h) Co-location required.

Authorization for the construction of a new wireless telecommunications tower shall be conditioned on agreement by the tower owner that other wireless telecommunication service providers will be permitted to co-locate on a proposed tower within the limits of structural and radio frequency engineering requirements and at rates which reflect a 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 type of equipment which could be accommodated.

(i) Restoration provisions.

The applicant shall provide a performance bond and/or other assurances satisfactory to the Planning Board in a form approved by the Township Attorney that will cause the antennas, the supporting tower, the ancillary building enclosing related electronic equipment and all other related improvements to the land to be removed at no cost to the Township, when the antennas are no longer operative. Any communication facility not used for its intended and approved purpose for a period of 12 months shall be considered no longer operative and abandoned and shall be removed by the applicant or their assigns within 60 days thereof. If the use of the tower is 10% or less of its maximum permitted capacity, it shall be considered no longer operative and therefore abandoned.

(j) Applicability.

[i] All new towers or antennas shall be subject to this article and to the jurisdiction of the Planning Board except as provided in Subsection iii hereinbelow.

[ii] Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this article, but shall be required to meet the requirements of all state and federal regulations on the subject including FCC, FAA and BOCA requirements. However, at time of submission of any application for site plan approval, such towers and antennas shall be brought into conformance with this ordinance where reasonably practicable.

[iii] Expansion of existing antennas, structures, towers or wireless telecommunications equipment compounds shall require variance approval pursuant to N.J.S.A. 40:55D-70(d)(2).

(k) Other requirements.

[i] All antennas, structures, towers, or wireless telecommunications equipment compounds shall be insured with liability coverage a minimum of \$1,000,000 with the Township named as co-insured. Evidence of such insurance coverage shall be submitted to the Township Attorney or his designee at the time of approval and each succeeding year by the anniversary date of the approval.

[ii] All other applicable requirements of this article contrary to the specific conditions and standards specified herein shall be met, but waivers and/or variances of all applicable requirements of this article may be granted by the Planning Board or Zoning Board of Adjustment.

(l) Additional Requirements within the Pinelands Area

[i] Any proposed communications antenna shall utilize an existing communications tower or other suitable structure, to the extent practicable.

[ii] The location of any new tower proposed within the Pinelands Area portion of the Township shall be consistent with a site identified in a comprehensive local communication facilities plan approved by the Pinelands Commission and shall be designed to accommodate the needs of any other local communications provider which has identified a need to locate a facility with an overlapping service area.

[iii] Any new tower shall be located such that it:

[a] Meets technical operating requirements;

[b] Minimizes visual impacts as viewed from publicly dedicated roads and highways and from other areas frequented by the public by, in order of decreasing priority:

i. Avoiding, to the maximum extent practicable, any direct line of sight from low intensive recreation facilities and campgrounds; and

ii. Minimizing the length of time that an antenna structure is visible from publicly dedicated roads and highways;

[c] Avoids, to the maximum extent practicable, visual impacts as viewed from the segments of the Dennis Creek and West Creek outlined at N.J.A.C. 7:50-6.105(a);

[d] If proposed in the PF8, PF25, or PR Zones, is located in one of the following areas:

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

ii. On the parcel of an existing first aid or fire station; or

iii. On the parcel of an existing landfill, provided that the facility will be located on previously disturbed lands that have not subsequently been restored.

[e] Should there be more than one location which meets the requirements set forth in [d]i. through iii. above, the antenna and any necessary supporting structure shall be sited at that location which will have the least visual impact on those uses and resources described in [b] and [c] above.

SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. This Ordinance shall become effective immediately upon passage and publication according to law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas Van Artsdalen, III, Committee Member

Matthew Cox, Committee Member

Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on May 13, 2025. Publication will be held on May 21, 2025 and a Public Hearing will be held at a meeting of the said Township Committee to be held on June 10, 2025 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

Jacqueline B. Justice, RMC/Clerk