

PUBLIC NOTICE

BOROUGH OF TENAFLY

ORDINANCE NO. 96-29

"AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF
BOROUGH OF TENAFLY ZONING ORDINANCE NO. 1217"

WHEREAS, the Federal Communications Commission issued an Order on March 18, 1996, which provides, in relevant part, as follows:

State and Local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities are pre-empted unless such regulations:

- (a) Have reasonable and clearly defined health, safety or aesthetic objective; and
- (b) Do not operate to impose unreasonable limitations on, or prevent, reception of satellite delivered signals by receive-only antennas or to impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of the equipment.

WHEREAS, the Mayor and Council of the Borough of Tenafly is desirous of regulating antennas consistent with the restrictions of the Federal Communications Commission Order; and

WHEREAS, the popularity of cellular phones and satellite television have created an increase in the demand for antennas capable of sending and receiving signals from same; and

WHEREAS, there is a corresponding rise in concern over the health, safety and aesthetic effects that such antennas capable of sending and receiving cellular phone and television signals will have on the community as a whole; and

WHEREAS, the Mayor and Council of the Borough of Tenafly are especially concerned about the effects of so-called "commercial antennas" and the health, safety and aesthetic concerns which are attendant with their use and are desirous of maximizing the usefulness of the antenna while minimizing the negative impact created by same.

NOW THEREFORE BE IT ORDAINED by the Borough of Tenafly, County of Bergen, State of New Jersey, as follows:

Section 1. ARTICLE 19A is hereby created and incorporated into Zoning Ordinance No. 1217 to be known as "CA-C" Commercial Antenna-Compost District.

The Mayor and Council has examined the entire Borough of Tenafly for areas that would be conducive for the placement of commercial antennas. After examining the entire Borough, the Mayor and Council has determined that the site commonly known as Block 88, Lot 2.03 and Block 89, Lot 1.01, located at the end of Grove Street, is the most desirable location within the Borough for this purpose.

Zoning Ordinance No. 1217 is hereby amended to prohibit the erection of any commercial antenna throughout the Borough of Tenafly except for the area as designated in Block 88, Lot 2.03 and Block 89, Lot 1.01.

SECTION 1900A. Defined

A commercial antenna is any form of apparatus which is designed for the purpose of sending or receiving television, radio, microwave, satellite, cellular phone or similar signals and is intended to be used in connection with the production of income or which is designed to be used by third parties other than those residing on the property on which the antenna is located.

Expressly omitted from this section are those antennas intended for personal private use.

SECTION 1910A. Objective

The objective of this ARTICLE 19A is to regulate commercial antennas for health, safety and aesthetic reasons.

(1) Commercial antennas may cause a safety hazard if not positioned and secured properly.

(2) Commercial antennas may cause health problems as the long term effects of their use have not been satisfactorily proven and this concern is addressed by regulating the number, location and placement so as to minimize any possible adverse effects. This is especially true of commercial antennas because of the higher radiated power levels of activity connected with same.

Commercial antennas may be aesthetically undesirable because they tend to be large in size and/or more numerous. This concern is addressed by regulating the number, location and placement of commercial antennas so as to minimize the visual disturbance associated with their use.

The conditions set forth in this ARTICLE 19A are intended to address these health, safety and aesthetic concerns.

SECTION 1920A. Requirements

Any individual, partnership, corporation or other entity desiring to construct, erect or install a commercial antenna is hereby required to obtain site plan approval by the Tenafly Planning Board in accordance with Borough of Tenafly Ordinance No. 1133.

SECTION 1930A. Dimension Restrictions

Any antenna erected pursuant to this ARTICLE 9A shall be subject to the following:

(a) the height of the antenna from ground level inclusive of its mounting device commonly known as a tower shall be no greater than 100 ft.

(b) The antenna shall be located in an area that in the event of a tower "fall down", the tower would not strike any streets, buildings or any other structures.

SECTION 1940A. Density Restriction

Only one (1) tower shall be located on this site. The Mayor and Council has determined that the site is desirable for one

multiple user tower. If a tower is erected on the site, the one tower will be made available for multiple commercial users.

SECTION 1950A. **Screening**

Any antenna erected or altered pursuant to ARTICLE 19A shall be adequately screened so as to prevent same from interfering with the general character of the surrounding lands.

The screening is required only to the extent that it will not interfere with the operation of the antenna.

The tower and the antennas shall be properly screened to blend into the surrounding area and skyline. Screening methods shall include but not be limited to painting, landscaping, selection of antenna materials and design.

Security fencing should be placed around the base of the antenna and its mounting device.

Section 2. **Repealer**

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and

Section 3. **Severability**

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The Mayor and Council of the Borough of Tenafly declares that it would have passed the ordinance and each section and

subsection thereof, irrespective of the fact that any one or more of the subsections, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date

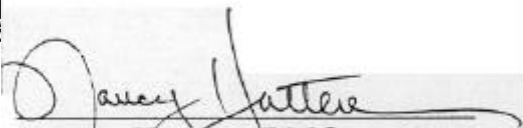
This ordinance shall take effect immediately upon passage and publication according to law.

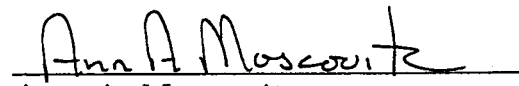
INTRODUCED: December 4, 1996

ADOPTED: December 17, 1996

ATTEST:

APPROVED:


Nancy Hatten, RMC
Municipal Clerk


Ann A. Moscovitz
Mayor

I hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of the Borough of Tenafly, N.J. on 12-17-96


Borough Clerk