

Piscataway – Chapter XXI Zoning

21-1016 Wireless Telecommunications Equipment and Facilities.

21-1016.1 Definitions.

As used in this section, the following terms shall have the meanings indicated:

Antenna shall mean 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 shall mean 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.

Board shall mean the Zoning Board of Adjustment or the Planning Board of the Township of Piscataway.

BOCA shall mean Building Officials Code Administrators.

Cellular Antenna shall mean 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 shall mean the Federal Aviation Administration.

FCC shall mean the Federal Communications Commission.

Planning Board shall mean the Planning Board of the Township of Piscataway.

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

Telecommunications Act shall mean the Federal Telecommunications Act of 1996 and amendments or modifications which may be made thereto.

Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) 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.

Township shall mean the Township of Piscataway.

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

Wireless Telecommunications Structures, Antennas, Equipment and/or Towers shall mean buildings and/or structures and equipment for the delivery of wireless telecommunications, except for satellite dish antennas. Wireless telecommunications tower means a vertical structure used for wireless telecommunications antennas.

Zoning Board shall mean the Zoning Board of Adjustment of the Township of Piscataway.

(Ord. No. 06-43 § 21-1016.1; Ord. No. 08-02 § 21-1016.1)

21-1016.2 Purpose.

It is the purpose of these provisions to provide specific zoning conditions and standards for the location and operation of cellular antennas for telephone, radio, paging and other personal wireless communication services and/or telecommunications within the Township, which, while acknowledging that, at times, there may be public benefits derived from the construction and operation of such antennae, also recognized, is the need to safeguard the public good and preserve the intent and the purposes of the Piscataway Township Zone Plan. This section seeks to meet the requirements of the Telecommunications Act of 1996, while at the same time limiting the proliferation of wireless telecommunications towers. (Ord. No. 06-43; § 21-1016.2; Ord. No. 08-02 § 21-1016.2)

21-1016.3 Objectives.

The overall objective of these provisions is to enable the location within the Township of those antennas and/or towers which have been determined pursuant to the Telecommunication Act to be necessary and protected so as to provide full and seamless communication services while, at the same time, limiting the number of supporting towers to the extent reasonably practicable. Therefore, since the Telecommunications Act has recognized that the public has a right to receive cellular communication service within the Township of Piscataway, it also is an objective of these provisions that many of the different carriers locate their antennas on the same tower in order to limit the overall number of towers within the Township to the extent reasonably practicable to provide adequate buffering from residential properties and preserve real estate property values. (Ord. No. 06-43 § 21-1016.3; Ord. No. 08-02 § 21-1016.3)

21-1016.4 Conditional Use.

a. The installation of wireless telecommunications structures, antennas, equipment and/or towers shall be a principal conditional use, provided the standards in subsections 21-1016.5 through 1016.7 are met, in the following zoning districts of the Township:

1. BP-1 (Business Professional District), LI-1 (Light Industrial District), LI-5 (Light Industrial District), M-1 (industrial District) and the M-5 (Industrial District). They are prohibited in all other zoning districts as a principal conditional use.

b. The installation of wireless telecommunications structures, antennas and equipment shall be an accessory conditional use in every zoning district in the Township provided:

1. All such structures, antennas and equipment are attached to the exterior of the principal structure, or located inside the principal structure;

2. The maximum permitted height of all such structures, antennas and equipment is not more than five (5) feet greater than the height of the principal structure and does not exceed the maximum permitted height of a principal structure in the zoning district for that location;

3. Such structures, antennas and equipment meet all of the other bulk standards of the zoning district;

4. A monopole, lattice or other tower are not permitted as an accessory structure.

c. Nothing within this section shall be deemed to apply to towers owned by the Township.

(Ord. No. 06-43 § 21-1016.4; Ord. No. 08-02 § 21-1016.4; Ord. No. 2015-06)

21-1016.5 Maximum Height.

a. The maximum height of any proposed cellular antenna and any proposed new 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:

1. Singular vendor: 110 feet.

2. Two (2) vendors: 130 feet.

3. Three (3) or more vendors: 150 feet.

b. All tower footings shall be designed to permit future extensions to a maximum height of one hundred fifty (150) feet.

(Ord. No. 06-43 § 21-1016.5; Ord. No. 08-02 § 21-1016.5)

21-1016.6 Location Priorities.

If needed, in accordance with an overall comprehensive plan for the provision of full cellular communication services within the Township utilizing the fewest number of towers to the extent reasonably practicable, antennas and wireless telecommunications structures, antennas, equipment and/or towers shall be permitted as conditional uses at the following prioritized locations:

a. The first priority location shall be an existing tower, building, silo, steeple or structure or any existing or proposed water tower or water stand pipe within or near the Township in the zoning districts delineated in subsection 21-1016.4.

b. The second priority location shall be on lands owned by the Township in the zoning districts delineated in subsection 21-1016.4.

c. The third priority location shall be on lands within the Township not owned by the Township in the zoning districts delineated in subsection 21-1016.4.

(Ord. No. 06-43 § 21-1016.6; Ord. No. 08-02 § 21-1016.6)

21-1016.7 Area, Setback and Miscellaneous Requirements.

a. If the proposed antennas will be attached to an existing tower, building, silo, steeple or structure or any existing or proposed water tower or water standpipe, no land area shall be required in addition to the land area upon which the existing structure or equipment is situated; or

b. If the proposed antennas and supporting tower will be on lands owned by the Township, no variance or site plan approval need be obtained, but shall be subject to a lease agreement between the applicant and the Township.

c. If the proposed antennas and proposed new supporting tower will be on land within the Township as permitted in subsection 21-1016.4, the following minimum bulk requirements shall be met:

1. 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 formula:

(a) The total enclosure, including the tower, shall not be greater than five hundred (500) square feet for each provider of cellular communications services.

(b) The setback from the tower to the property boundaries shall adhere to the applicable zone standards, but not less than two hundred (200) feet or twice the height of the tower, whichever is greater. This section only applies to a new tower constructed after December 31, 2007.

2. Excepting for any access driveway into the property, any required landscaping and any underground utility lines reviewed and approved by the appropriate board having jurisdiction as part of the site plan submission, no building, structure and/or disturbance of land shall be permitted:

(a) Within a two hundred (200) foot setback distance from any street line.

(b) Within a distance of one thousand (1,000) feet from the property line of any existing residence.

(c) Within a distance closer than one (1) mile from another tower.

(d) Within a distance closer than two thousand (2,000) feet from a public school.

3. All utilities serving the site shall be underground where reasonably practicable.

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

(Ord. No. 06-43 § 21-1016.7; Ord. No. 08-02 § 21-1016.7; New)

21-1016.8 Overall Comprehensive Plan.

In order to provide evidence that the proposed location of the proposed wireless telecommunications structures, antennas, equipment and/or towers have been planned to result in the fewest number of tower locations within the Township at the time full service is provided by the applicant throughout the Township, the applicant shall provide an overall comprehensive plan indicating how it intends to provide full service throughout the Township and, to the extent reasonably practicable, shall indicate how its plan specifically relates to and is coordinated with the needs of all other providers of cellular communications services within the Township. The overall comprehensive plan shall indicate the following:

a. Documentary evidence regarding the need for new wireless telecommunications antennas within the Township with due consideration given to the Township population. This information shall identify the wireless network layout and coverage area to demonstrate the need for new equipment at a specific location within the Township as well as future plans for applicant's expansion to the extent reasonably foreseeable.

b. Documentary evidence that bona fide attempts have been made to locate the antennas on existing buildings or structures. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures in the search area for such antennas. Efforts to secure such locations shall be documented through correspondence between the wireless telecommunications provider and the property owner of the existing buildings or structures and statements under oath by the applicant.

c. Document the locations of all existing communication towers and/or antennas within the Township and surrounding areas with coverage in the Township and provide competent testimony by a radio frequency expert regarding the suitability of potential locations in light of the design of the wireless telecommunications network. Where a suitable location on an existing tower is found to exist in the zoning districts delineated in subsection 21-1016.4, but an applicant is unable to secure an agreement to collocate its equipment on such tower, the applicant shall provide credible written evidence of correspondence with the owner of such tower and statements under oath verifying that suitable space is not available on the existing tower.

d. Explain how the proposed location of the proposed antennas relates geographically to the location of any existing towers within and near the Township of Piscataway.

e. Explain how the proposed location of the proposed antennas relates to the anticipated need for additional antennae and supporting towers within and near the Township by the applicant and by other providers of cellular communication services within the Township to the extent such information is not proprietary and can be obtained with reasonable effort.

f. Explain how the proposed location of the proposed antennas relates to the objective of collocating the antennas of many different providers of cellular communication services on the same tower.

g. Explain how the proposed location of the proposed antennas relates to the overall objective of providing full cellular communication services within the Township while, at the same time, limiting the number of towers to the extent reasonably practicable.

(Ord. No. 06-43 § 21-1016.8; Ord. No. 08-02 § 21-1016.8)

21-1016.9 Visual Compatibility Requirements and Sound Design Standards.

a. Wireless telecommunications antennas may be erected on existing buildings or structures and a wireless telecommunications equipment compound may be constructed in support of such antennas within the zoning districts delineated in subsection 21-1016.4 consistent with the following requirements:

1. Antenna arrays may be mounted on such existing buildings or structures, but shall not extend beyond the overall height of any such building or structure by more than ten (10) feet or ten (10%) percent of the height of the building or structure whichever is less up to a total maximum height of one hundred fifty (150) feet.

2. The wireless telecommunications equipment compound shall be enclosed within a fence at least seven (7) feet and no more than eight (8) feet high as approved by the appropriate Board having jurisdiction which shall include a locking security gate.

3. A wireless telecommunications equipment compound consisting of no more than one thousand seven hundred fifty (1,750) square feet may be erected in support of such antenna arrays provided:

(a) It is situated behind existing structures, buildings or terrain features which shall shield the wireless telecommunications equipment compound from public view; or

(b) When a location out of public view is not reasonably practicable, a landscape buffer of twenty (20) feet in width shall be provided outside the fence around the wireless telecommunications equipment compound to shield the facility from public view. Landscaping shall include native evergreen and deciduous trees at least eight (8) feet high at the time of planting and the number of trees shall be based on the equivalent of staggered double rows at ten (10) feet on center.

b. 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.

c. 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 stealth designs shall depend upon the specifics of the site involved so as to provide the most appropriate designs under the circumstances presented.

d. All facilities shall comply with NJDEP noise regulations as set forth in N.J.A.C. 7:29.

(Ord. No. 06-43 § 21-1016.9; Ord. No. 08-02 § 21-1016.9)

21-1016.10 Design Standards.

a. Any proposed building enclosing related electronic equipment shall not be more than fifteen (15) feet in height nor more than two hundred fifty (250) square feet in area and only one (1) such building shall be permitted on the lot for each provider of cellular communications services located on the site.

b. Any proposed new tower shall be a monopole unless the applicant can demonstrate and the appropriate Board having jurisdiction agrees that a different type pole is necessary for the collocation of additional antennas on the tower.

c. No antenna shall be located on any tower in order to provide non-cellular 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.

d. 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.

e. 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 (2) square feet.

f. No lighting is permitted, except as follows, which shall be subject to review and approval by the appropriate Board having jurisdiction as part of the site plan application:

1. The building enclosing electronic equipment may have one (1) 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

2. 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.

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

h. 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.

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

j. 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 seven (7) feet and

eight (8) feet high, determined by the appropriate Board having jurisdiction. The fence shall be bordered by a landscape buffer pursuant to subsection 21-1016.a,3 (b).

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

l. 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 twenty (20) feet deep shall be provided in accordance with the following:

1. 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.

2. Any newly planted evergreen trees shall be at least eight (8) feet high at time of planting and any newly planted deciduous trees shall be a minimum caliper of two and one-half (2 1/2) inches to three (3) inches at time of planting.

m. Towers and antennas shall meet the following requirements:

1. 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.

2. 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.

3. 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.

(Ord. No. 06-43 § 21-1016.10; Ord. No. 08-02 § 21-1016.10)

21-1016.11 Site Plan Submission and Approval Requirements.

a. Wireless telecommunications structures, antennas, equipment and/or towers and cellular antennas for telephone, radio, paging and/or television communication shall require major site plan review and approval in accordance with the various sections of this chapter and the Piscataway Township Site Plan Review Ordinance; codified as Chapter XXIV.

b. In addition to the applicable documentation and items of information required for major site plan approval, the following additional documentation and items of information specific to wireless telecommunications are required to be submitted to the appropriate Board having jurisdiction, for review and approval as part of the site plan submission:

1. Documentation by a qualified professional engineer expert in structural engineering regarding the capacity for the proposed tower for the number and type of antennas.

2. Documentation by a qualified professional engineer expert in structural engineering that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future collocated antennas and that the structural standard developed for antennae by the Electronic Industry Association (EIA) and/or the Telecommunications Industry Association (TIA) have been met.

3. A letter of intent by the applicant in a form which is reviewed and approved by the Township Planning Board Attorney or Zoning Board of Adjustment Attorney indicating that the applicant will share the use of any tower with other approved cellular communication services and that the cost to achieve collocation to other carriers shall not exceed fair market value. This collocation requirement shall be a condition of approval.

4. A visual site distance analysis, graphically simulating the appearance of any proposed tower and indicating its view from at least five (5) locations around and within one (1) mile of the proposed tower where the tower will be most visible.

c. Proof that the applicant meets FCC standards as to radiation emissions shall be required.

d. A report from a qualified expert containing the following:

1. A description of the tower and the technical and other reasons for the tower design and height.

2. Documentation by a professional engineer to establish that the tower has sufficient structural integrity for the proposed uses of the proposed location and meets the minimum safety requirement margins according to the FCC requirements and their current adopted revision as well as BOCA requirements.

3. The general capacity of the tower in terms of the number and type of antenna it is designed to accommodate.

e. A letter of commitment by the applicant to lease excess space on the tower to other potential users at prevailing market rates and conditions. The letter of commitment shall be recorded prior to issuance of a building permit. This letter shall then commit the tower owner and successors in interest.

f. Elevations of the proposed tower and accessory building generally depicting all proposed antennas, platforms, finish materials and all other accessory equipment.

g. A copy of the lease or deed for the property, redacted so as to protect proprietary and confidentiality interests.

h. The site plan shall also provide the following information:

1. Legal description of the parent tract and lease parcel.

2. The setback distance between the proposed tower and the nearest residential unit, planned residentially zoned properties and unplatted residentially zoned properties.

3. The separation distance from other towers described in the inventory of existing sites submitted. The applicant shall also identify the type of construction of the existing tower and owner/operator of the existing tower if known.

4. A landscape plan showing specific landscape materials.

5. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.

6. Identification of the entities providing the backhaul network for the tower described in the application and other cellular sites owned or operated by the applicant in the municipality and surrounding competitor sites, to the extent reasonably obtainable.

7. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(Ord. No. 06-43 § 21-1016.11; Ord. No. 08-02 § 21-1016.11)

21-1016.12 Antenna Modifications.

Operators of wireless telecommunications towers shall provide to Piscataway Township a report every three (3) 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 Piscataway 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 subsection. (Ord. No. 06-43 § 21-1016.12; Ord. No. 08-02 § 21-1016.12)

21-1016.13 Collocation Required.

Authorization for the construction for a new wireless telecommunications tower shall be conditioned on agreement by the tower owner that other wireless telecommunication service providers will be permitted to collocate 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. (Ord. No. 06-43 § 21-1016.13; Ord. No. 08-02 § 21-1016.13)

21-1016.14 Application and Escrow Fees.

Site plan application fees and escrow for wireless telecommunications installations shall be as follows:

a. If no new tower is proposed, application charge is one thousand (\$1,000.00) dollars plus three thousand five hundred (\$3,500.00) dollars for an escrow account.

b. If a new tower is proposed, five thousand (\$5,000.00) dollars application charge plus five thousand (\$5,000.00) dollars for an escrow account.

(Ord. No. 06-43 § 21-1016.14; Ord. No. 08-02 § 21-1016.14; New)

21-1016.15 Restoration Provisions.

The applicant shall provide a performance bond and/or other assurances satisfactory to the appropriate Board having jurisdiction 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 antennae are no longer operative. Any communication facility not used for its intended and approved purpose for a period of twelve (12) months shall be considered no longer operative and abandoned and shall be removed by the applicant or their assigns within sixty (60) days thereof. If the use of the tower is ten (10%) percent or less of its maximum permitted capacity, it shall be considered no longer operative and therefore abandoned. (Ord. No. 06-43 § 21-1016.15; Ord. No. 08-02 § 21-1016.15)