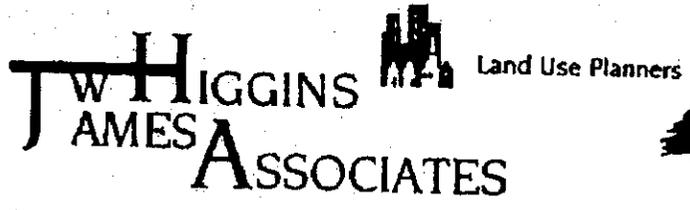


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To: Township of Ocean Mayor, Council and Manager

From: James W. Higgins Associates - Planning Consultant

Subject: Proposed Police Radio Tower Replacement

Location: Municipal Building Parking Lot

Zone: R-2 Residential

Date: November 4, 2009

Application

The Township Police Department has requested permission to replace an existing 60' tall lattice style communications tower with a new 120' tall lattice style communications tower. The location of the new tower will be in the police parking lot directly opposite the location of the existing tower, about 30' northwest of the existing tower. The reason for the replacement is that the existing tower is too old, rusted and short to support additional antennas that will be necessary to accommodate the new police communication system and for future use by the Police Department, EMS, Fire Department or for other necessary public safety reasons.

Analysis

Section 21-51.33.q of the Land Development Ordinance permits antennas and towers on Township property in any zone, and states that the Township Council shall consider the criteria set forth in Section 21-51.33 prior to approving the location of any tower or antennas on Township Property.

In my opinion, the following pertinent criteria in Section 21-51.33 should be considered:

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Subsection d. Aesthetics.

The Ordinance recommends that the tower have a galvanized steel finish or be painted a neutral color (subject to FAA standards) so as to reduce visual obtrusiveness. Council may want to consider requiring the tower to be painted a muted blue/gray if FAA regulations permit. The only concern with this is that any painting of the tower would likely increase maintenance costs in the future, and this should be balanced against the aesthetic benefit. Otherwise, the tower should be galvanized as indicated on the plan prepared by Churchill Consulting Engineers and dated 2/22/08.

Subsection e. Lighting

The Ordinance recommends that no lighting, except that which is required by the FAA, be used. The plan does not indicate any artificial lighting, so the tower would comply with this requirement.

Subsection g. Maximum Height

The Ordinance limits the height of a tower to 90' for one user, 120' for 2 users, and 150' for 3 users. This requirement is clearly geared towards conventional cell towers, rather than lattice towers. Considering the fact that this tower will contain multiple antennas, and will be a lattice type tower, the proposed height of 120' is appropriate. Its location at a low point in the center of the site, and the significant vegetative screening on the perimeter of the site also mitigate any visual impact.

In addition, the Police Department's communications consultants have recommended that the height of the tower be 110' to 120' in order for the tower to function adequately in the future. Consequently, there is a public welfare and safety concern that relates to the height of the tower.

Subsection h. Additional Information

Subsection h. requires applicants for a cell tower to provide additional information regarding the site, surrounding uses, distance of the tower from adjacent residences, a landscape plan, fencing, and alternative locations. Most of these requirements are intended for commercial mobile phone towers, which are much more imposing than the proposed tower.

The important consideration that should be given to Subsection h. is the separation from adjacent residences, which is over 2 times the height of the proposed tower. Consequently, there is no potential for the new tower to collapse on an adjacent residence. In addition, lattice towers are typically designed to collapse upon themselves, rather than topple, so that there is no risk to adjacent properties.

Given the location of the tower, I see no need for fencing or landscaping.

Subsection I. Availability of existing Towers, other Structures or Alternative Technology

A report from Lt. Resetar indicates that the Police Department considered Joe Palaia Park as a potential alternative location for a new tower, but rejected that location for a number of reasons, including for both security and financial reasons. In reviewing that report, I concur that the most suitable site for the new tower is adjacent to the municipal building as proposed. This location will provide better security, and therefore advance the health, safety and general welfare as stated in the purposes of the Municipal Land Use Law. It will also result in significant cost savings, both in regard to initial installation and long term maintenance, which will promote purpose "f" of the Municipal Land Use Law, which is "to encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies."

Paragraph 7 of this subsection i. also requires the tower be set back a minimum of 100% of the height of the tower from any lot line. It appears that the tower will be slightly less than 120' from the northern lot line, however the plans do not provide that information. There are 2 reasons for this required setback. The first is safety and addresses the concern that a tower could topple onto an adjacent property. As discussed earlier in this report, the tower will likely collapse on itself rather than topple, so that a setback of slightly less than the tower height would not likely result in the tower falling onto an adjacent property. The second concern is aesthetic. The Ordinance is geared towards a worst-case scenario, which is a typical monopole cell tower with multiple antennas on the top. The proposed tower is a lattice tower with smaller antennas and will not have as significant a visual impact. In addition, the land to the north is heavily wooded, so that the tower would not be readily visible.

Subsection J. Minimum Separation Between Uses

This section deals with distances between towers and distance to adjacent residential dwelling units. No information has been provided regarding distances between towers, however, there are no nearby towers that I am aware of that would have any physical or functional relationship to the proposed tower.

The Ordinance requires that towers be a minimum of 200' or 3 times the tower height (360') from adjacent dwellings. The nearest dwellings are to the immediate west and to the immediate east across Monmouth Rd. Specific information regarding the location of these residences has not been provided, but it appears that these residences are approximately equidistant from the proposed location, which appears to be between 300' and 330'. There is no public safety reason that I am aware of that would require this tower to be 360' from the nearby residences, and it does not appear that there is any other location on the Municipal Building site that would provide the 360' separation.

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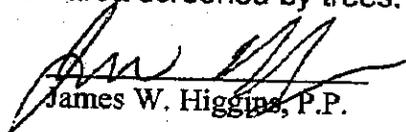
Subsections k. and l. Security Fencing and Landscaping.

These subsections require security fencing and landscaping for towers and tower facilities. These regulations are geared towards commercial cellular towers located on leased portions of commercial sites. Given the location of this tower there is no need for fencing or landscaping.

Summary and Conclusion

Based on the information provided by the Police Department and the above analysis, it is my opinion that the proposed location of the tower is the best location of the tower, and that the Governing Body can approve the tower as proposed, with the possible exception that the tower could be painted a muted color as discussed above.

Location of the tower as proposed would provide significant security and cost benefits, as well as provide adequate radio communications to all locations in the Township. While the tower will be 2 times the height of the existing tower, visual impact would be mitigated by the lattice nature of the tower, and its location behind the municipal building and in an area screened by trees.



James W. Higgins, P.P.