

BOROUGH OF FAIR HAVEN

LAND DIVERSION APPLICATION
FOR FAIR HAVEN FIELDS



SUBMITTED TO
DEPARTMENT OF ENVIRONMENTAL
PROTECTION (DEP)
STATE OF NEW JERSEY

Background

- Fair Haven is asking the DEP to approve a proposal for a land diversion that would ultimately permit the Borough to locate a Cell Tower in Fair Haven Fields:
 - The Borough is proposing to swap a larger piece of land that is adjacent to Fair Haven Fields and near the “old” Chipping Site.
 - The Borough is proposing to remediate the swapped property and the “old” Chipping Site and integrate with Fair Haven Fields.
 - The Borough is proposing that all funds generated from a cell tower located in Fair Haven Fields would be dedicated to recreation and park maintenance in the Borough.

Background (continued)

- Fair Haven Borough Officials met with the State Department of Environmental Protection (DEP) last in September 2006. Since that time the Borough has:
 - Reviewed all possible sites in Fair Haven for possible location of Cell Tower.
 - Engaged the services of two land planning firms (Dennis W. Hudacsko and T&M) to evaluate alternatives and to aid in preparing the application.
 - Reached out to residents of the Borough for feedback and support.

Why there are Special Circumstances

- ❑ Fair Haven is a densely populated small community, just 1.7 square miles in area.
- ❑ The cellular carriers claim that there are “gaps in service” and a Cell Tower is required. Our legal investigation indicates that the Federal Telecommunications Act of 1996 allows a municipality to control the placement of a Cell Tower, but **prohibits** an outright ban.
- ❑ Commercial areas blend with residential zones in Fair Haven and all of the sites under consideration for a Cell Tower put the proposed Cell Tower within immediate proximity of residences and schools – only a few feet away from residential homes where children grow up.
- ❑ None of the residents near each of these locations want the Cell Tower near them. They are very concerned with health issues, reduction in property values, and the unsightliness of a tower.
- ❑ The bottom line is that the *only* location in Fair Haven that would put a Cell Tower sufficiently distant from residences and schools is in Fair Haven Fields.

Issue of Health Concerns

- ❑ Telecommunications Act of 1996 doesn't permit a denial of a Cell Tower location because of potential health issues.
- ❑ FCC claims "no demonstrated harms"
- ❑ Research by experts significantly cautions us to the potential dangers. (See Cell Towers: Wireless Convenience? Or Environmental Hazard? Edited by B. Blake Levitt)
- ❑ Upshot is that there is *not enough experience with this technology to clearly have a final opinion*
- ❑ People have been naïve in the past about the dangers of asbestos, smoking, and air quality in at Ground Zero following 9/11
- ❑ **Simple thing that history should teach us is to error on the side of caution**

Current Situation

- ❑ Application by Verizon/Omnipoint for Nativity Church site proceeding before Zoning Board of Adjustment
- ❑ **If the Borough of Fair Haven does nothing, at least one Cell Tower will be built in Fair Haven, maybe two.**
- ❑ **If the Borough takes no other action to site a Cell Tower, the Verizon Application will eventually prevail.**
- ❑ If that is the case, the Borough will lose forty trees that are part of an environmentally sensitive area that borders Fair Haven Fields; a *permanent visual and recreational impact on the surrounding parkland* will occur; and the specter of a potential health hazard will exist among our residential neighborhoods.
- ❑ This is not acceptable to the Borough and its residents.

Site Analysis by Borough

Borough-Owned Sites	Private Sites
Department of Public Works (DPW)	Jersey Central Power & Light (JCP&L) Substation
Police Station	Nativity Church
Fisk Street	Christ Methodist Church
Fire House	
Fair Haven Fields (3 Sites)	
Battin Road Boat Ramp	
Bi-Centennial Hall	
Borough Hall	
Municipal Dock	
Harding Bird Sanctuary	
McCarter Park	
William/Hendrickson (near "Old Chipping Site")	

Summary of Recommendations of Land Planner

- Dennis W. Hudacsko*

- All of the acceptable sites are park properties. **None of the non-park sites are without substantial adverse impacts.** The acceptable sites include Fair Haven Fields and Meadow Ridge Park in Rumson.
- A number of suitable locations within each site are feasible. **The most preferable sites are furthest to the east where a single tower can provide coverage without building a second tower in the residential area to the east.**

* Note: For completeness, Mr. Hudacsko also considered some additional sites in Little Silver and Rumson.

Primary Selected Site

Recommendation: Fair Haven Fields Natural Area - located in a clearing in a wooded area

- Planner's Report concludes that the best site from a coverage standpoint is in the vicinity of this site.
 - Closest to the topographic area that is **best** for infill of the cell coverage and would fill in gaps in coverage in both the western and eastern parts of Fair Haven
 - Near the highest point along Ridge Road which would permit the cell tower height to be minimized.
- One of the locations that is furthest away from any residential neighborhoods or schools in Fair Haven
- Would most hide Cell Tower from the surrounding areas
- Would require the removal of some mature trees

Proposal to DEP

- ❑ The Borough proposes to provide the DEP with four otherwise buildable lots near the intersection of William Street and Hendrickson Place that border on the “Old Chipping Site,” which is part of preserved land in the Borough.
- ❑ The Borough further proposes to revert both these lots and the “Old Chipping Site” back to their original natural state, and incorporate them into the Fair Haven Fields parkland. The result of the swap (which includes the preserving of the “Old Chipping Site” which is part of the Fair Haven Fields) would provide over 1.3 acres to the Fair Haven Fields parkland.
- ❑ The smaller parcel of land (approximately 1/10th of an acre) in Fair Haven Fields that the Borough proposes to receive in return is intended to be used as the site for a cell tower in Fair Haven.
- ❑ The Borough also proposes that all funds generated from a cell tower located in Fair Haven Fields would be dedicated to recreation and park maintenance in the Borough.
- ❑ The Borough would require that the contractor selected to install the cell tower and associated equipment be mindful of the preserved land setting in selection of the buildings, fencing, and antenna structure.

Public Support

- ❑ Fair Haven Borough Council has encouraged Borough residents to contact the DEP
- ❑ Independent group of residents, “Residents for the Future of Fair Haven,” set up a web site to provide additional information to all of our residents: <http://www.fair-haven.com/celltower>
- ❑ Significant public support to locate the cell tower in Fair Haven Fields. Many residents have sent letters (over 100)* of support of this application through this website and by other means prior to its submittal.
- ❑ Application contains petitions* to support this proposal signed by numerous residents (almost 400)
- ❑ After the application was submitted, additional emails sent in direct support of this application number over 200.

*Some residents both sent in letters and signed the petition.

Proposal is Strong Win for Open Space

- ❑ Adds a “net” of over 1.3 acres more parkland to open space.
- ❑ Reverts the four lots that the Borough is offering as part of the Land Diversion and the “Old Chipping Site” that they border on back to their original natural state incorporating them into the Fair Haven Fields parkland.
- ❑ Commits that all funds generated from a cell tower located in Fair Haven Fields would be dedicated to recreation and park maintenance.

Conclusion

- ❑ Respectfully request approval by DEP of the proposed Land Diversion
- ❑ Satisfied the required criteria
- ❑ Shown that the situation in Fair Haven is truly “unique”
- ❑ Demonstrated that there is more to be gained by the residents of the Borough and the State for the cause of preserved land in Fair Haven – **additional land and additional funding** - if the application is approved