

SENATE, No. 3788

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED OCTOBER 10, 2024

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

SYNOPSIS

Clarifies that application to collocate wireless communications equipment be reviewed by administrative officer.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the collocation of wireless communications
2 equipment, and amending P.L.1975, c.291 and P.L.2011, c.199.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 9 of P.L.1975, c.291 (C.40:55D-18) shall be amended
8 to read as follows:

9 9. Enforcement. The governing body of a municipality shall
10 enforce **[this act]** the "Municipal Land Use Law," P.L.1975, c.291
11 (C.40:55D-1 et seq.) and any ordinance or regulation made and
12 adopted hereunder. To that end, the governing body may require the
13 issuance of specified permits, certificates or authorizations as a
14 condition precedent to (1) the erection, construction, alteration, repair,
15 remodeling, conversion, removal or destruction of any building or
16 structure, (2) the use or occupancy of any building, structure or land,
17 and (3) the subdivision or resubdivision of any land; and shall require
18 the issuance of a zoning permit as a condition precedent to the
19 collocation of wireless communications equipment pursuant to section
20 1 of P.L.2011, c.199 (C.40:55D-46.2). The governing body of a
21 municipality shall establish an administrative officer and offices for
22 the purpose of issuing such permits, certificates or authorizations; and
23 may condition the issuance of such permits, certificates and
24 authorizations upon the submission of such data, materials, plans, plats
25 and information as is authorized hereunder and upon the express
26 approval of the appropriate State, county or municipal agencies; and
27 may establish reasonable fees to cover administrative costs for the
28 issuance of such permits, certificates and authorizations. The
29 administrative officer shall issue or deny a zoning permit within 10
30 business days of receipt of a request therefor; except that the
31 administrative officer shall issue or deny a zoning permit for the
32 collocation of wireless communications equipment pursuant to section
33 1 of P.L.2011, c.199 (C.40:55D-46.2) within 30 business days of
34 receipt of a request. If the administrative officer fails to grant or deny
35 a zoning permit within this period, the failure shall be deemed to be an
36 approval of the application for the zoning permit. Notwithstanding
37 any provision of law, ordinance, or regulation to the contrary, the
38 approval of a zoning permit for the collocation of wireless
39 communications equipment shall be relied upon for all other
40 applications related to the collocation of the wireless communications
41 equipment, including, but not limited to, the issuance of any building,
42 electrical, or other permit required under the "State Uniform
43 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or
44 the regulations adopted thereto. In case any building or structure is
45 erected, constructed, altered, repaired, converted, or maintained, or any

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 building, structure or land is used in violation of **[this act]** the
2 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or
3 of any ordinance or other regulation made under authority conferred
4 hereby, the proper local authorities of the municipality or an interested
5 party, in addition to other remedies, may institute any appropriate
6 action or proceedings to prevent such unlawful erection, construction,
7 reconstruction, alteration, repair, conversion, maintenance or use, to
8 restrain, correct or abate such violation, to prevent the occupancy of
9 said building, structure or land, or to prevent any illegal act, conduct,
10 business or use in or about such premises.

11 (cf: P.L.2001, c.49, s.1)

12

13 2. Section 1 of P.L.2011, c.199 (C.40:55D-46.2) is amended to
14 read as follows:

15 1. a. An application **[for development]** for a zoning permit to
16 collocate wireless communications equipment on a wireless
17 communications support structure or in an existing equipment
18 compound shall not be subject to site plan or other land use board
19 review, and shall be approved by the administrative officer pursuant to
20 section 9 of P.L.1975, c.291 (C.40:55D-18), provided the application
21 meets the following requirements:

22 (1) the wireless communications support structure shall have been
23 previously granted all necessary approvals by the appropriate
24 approving authority;

25 (2) the proposed collocation shall not increase;

26 (a) the overall height of the wireless communications support
27 structure by more than **[ten]** 10 percent of the original height of the
28 wireless communications support structure, or the height of one
29 additional antenna array with separation from the nearest existing
30 antenna, not to exceed 20 feet, whichever amount is greater; except
31 that for a proposed collocation to a wireless communications support
32 structure located in a public right-of-way, the overall height of the
33 wireless communications support structure shall not be increased by
34 more than 10 percent of the original height of the wireless
35 communications support structure or 10 feet, whichever amount is
36 greater;

37 (b) the width of the wireless communications support structure **[,**
38 **or]** by adding an appurtenance to the body of the wireless
39 communications support structure that would protrude from the edge
40 of the wireless communications support structure by more than 20 feet
41 or the width of the original wireless communications support structure
42 at the level of the appurtenance, whichever amount is greater; except
43 that for a proposed collocation to a wireless communications support
44 structure located in a public right-of-way, the width of the wireless
45 communications support structure shall not be increased by adding an
46 appurtenance to the body of the wireless communications support
47 structure that would protrude from the edge of the wireless
48 communications support structure by more than six feet; or

1 (c) the **【square】** footage of the existing equipment compound to
2 **【an area】** a length greater than **【2,500 square】** 30 feet in any
3 direction; and

4 (3) the proposed collocation complies with the final approval of
5 the wireless communications support structure and all conditions
6 attached thereto and does not create a condition for which variance
7 relief would be required pursuant to P.L.1975, c.291 (C.40:55D-1 et
8 seq.), or any other applicable law, rule or regulation , except that this
9 paragraph shall not apply to a proposed collocation if the only
10 modifications to the wireless communications support structure that
11 fail to comply with the final approval of the wireless communications
12 support structure and all conditions attached thereto, or that create a
13 condition for which variance relief would be required pursuant to
14 P.L.1975, c.291 (C.40:55D-1 et seq.), are otherwise compliant with the
15 limitations set forth in paragraphs (1) and (2) of this subsection.

16 b. For purposes of this section:

17 "Equipment compound" means an area surrounding or adjacent to
18 the base of a wireless communications support structure within which
19 is located wireless communications equipment.

20 "Collocate" means to place **【or】**, install, remove, replace, or
21 modify any wireless communications equipment on a wireless
22 communications support structure.

23 "Wireless communications equipment" means the set of equipment
24 and network components used in the provision of wireless
25 communications services: including, but not limited to, antennas,
26 transmitters, receivers, base stations, equipment shelters, cabinets,
27 emergency generators, power supply cabling, and coaxial and fiber
28 optic cable, but excluding wireless communications support structures.

29 "Wireless communications support structure" means a structure
30 that is designed to support, or is capable of supporting, wireless
31 communications equipment, including a monopole, self-supporting
32 lattice tower, guyed tower, water tower, utility pole, or building.

33 (cf: P.L.2011, c.199, s.1)

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35 3. This act shall take effect immediately.

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STATEMENT

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40 This bill clarifies current law by requiring certain applications
41 submitted under the "Municipal Land Use Law," which applications
42 concern the proposed collocation of wireless communications
43 equipment on preexisting support structures, to be processed
44 administratively and approved by permit.

45 This bill provides that the applications for the collocation of
46 wireless communications equipment are to be submitted to an
47 administrative officer for review, which officer may approve an
48 application by issuing a zoning permit, provided that the application

1 complies with certain statutory requirements. The bill provides the
2 administrative officer with 30 business days to issue or deny a zoning
3 permit for a collocation application.

4 The bill also provides that after an administrative officer has
5 approved a zoning permit for the proposed collocation of wireless
6 communications equipment, the approval is required to be relied upon
7 for all other applications related to the collocation of the wireless
8 communications equipment, including, but not limited to, the issuance
9 of any building, electrical, or other permit required under the “State
10 Uniform Construction Code Act.”

11 Additionally, the bill revises the requirements that an application
12 for the collocation of wireless communications equipment is required
13 to meet in order to receive permit approval. Under current law, a
14 proposed collocation may not increase: (1) the overall height of the
15 wireless communications support structure by more than 10 percent of
16 its original height; (2) the width of the wireless communications
17 support structure by any amount; and (3) the square footage of the
18 existing equipment compound by more than 2,500 square feet.
19 Current law also requires the wireless communications support
20 structure to which the proposed collocation would occur to have
21 previously received all necessary approvals, and requires that the
22 proposed collocation complies with the final approval of the structure,
23 including all conditions attached thereto, and does not create a
24 condition for which a variance relief is required.

25 Specifically, the bill revises the requirements for the approval of a
26 proposed collocation by: (1) increasing the maximum permitted
27 increase in the height of the wireless communications support structure
28 to the greater of: 10 percent of the original height of the structure, or
29 the height of one additional antenna array with separation from the
30 nearest existing antenna, up to 20 feet, for any structure not located on
31 a public right-of-way; or 10 percent of the original height of the
32 structure or 10 feet, for any structure located on a public right-of-way;
33 (2) increasing the maximum permitted increase in the width of the
34 wireless communications support structure to the greater of: 20 feet or
35 the width of the original structure at the level of the expansion, for any
36 structure not located on a public right-of-way; or six feet, for any
37 structure located on a public right-of-way; (3) providing that the
38 proposed collocation may not increase the footage of the existing
39 equipment compound by more than 30 feet in any direction, as
40 opposed to a maximum square footage increase of 2,500 square feet;
41 and (4) limiting the applicability of the requirement concerning the
42 proposed collocation’s compliance with the final approval of the
43 wireless communications support structure and the prohibition on
44 conditions requiring variance relief in certain cases in which the
45 proposed modifications otherwise comply with the requirements of the
46 bill.