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Ocean City, New Jersey 08226
(609) 399-6900
Attorneys for the Ocean City Planning Board**

IN THE MATTER OF THE APPLICATION
OF CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS FOR
MINOR SITE PLAN AND
CONDITIONAL USE APPROVALS
AND WAIVERS FOR
BLOCK 3207, LOT 23.01

OCEAN CITY PLANNING BOARD

APPLICATION NO. PBA 26-003

DECISION AND RESOLUTION

BACKGROUND OF DECISION AND RESOLUTION

1. CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS ["Applicant"] is the tenant of certain lands and premises located in the City of Ocean City known as Block 3207, Lot 23.01 as shown on the current official tax map for the City of Ocean City, New Jersey commonly known as 3308 Bay Avenue, Ocean City, New Jersey ["Property"].

2. The Applicant has made application to the Ocean City Planning Board for **minor site plan approval and conditional use approval** to construct a new 115 foot monopole (125 foot with lightning rod) and associated equipment within a thirty-eight (38) foot by sixty-two and a half (62.5) foot chain linked fenced enclosure. Equipment cabinets within the enclosure are to be mounted on a ten (10) foot by nineteen (19) foot raised platform. A ten (10) foot by ten (10) foot area at the northeast corner of the enclosure is reserved for City of Ocean City communication equipment. The Applicant

also seeks completeness waivers from the plat requirements of the Ocean City Zoning and Land Development Ordinance as follows: General Requirement for (i) § 25-1500.13.2 a.1 The minor site plan shall be based upon a current boundary survey prepared in accordance with N.J.A.C. 13:40-5.1, Preparation of Land Surveys, certified to the owner and prepared or recertified not more than twelve (12) months prior to the date of application. If more than twelve (12) months has passed since the date of (or date of last recertification) of the survey, it shall be recertified and, if necessary, brought up to date; Title Block information for (ii) § 25-1500.13.2 b. 3. Tax map sheet, block and lot designation; Detailed Information for (iii) § 25-1500.13.2 c. 5 (g) Square footage and percentage of the site retained in unoccupied open space; (iv) § 25-1500.13.2 15 (g) Cross section(s) showing the composition of pavement areas, curbs and sidewalks; (v) § 25-1500.13.2 c. .15 (q) Soil erosion and sediment Control plan. In addition, the Applicant seeks waivers for (vi) § 25-1700.38.12 Specifications and Standards (a.16) Automated drip irrigation for trees shall be provided for all new developments containing three or more trees; (vii) 17-2.4d and 17-2.5d of the Municipal Code requiring new curb and sidewalks along the frontages of all new residential or commercial development. The Property is located in the Residential Lagoon 1 Family-50 (RL-1-50) Zone.

3. City of Ocean City Resolution No. 25-62-433 has authorized execution of a Land Lease Agreement with CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS for the Property. The Land Lease Agreement was entered into consistent with a Stipulation of Settlement and Consent Order in the United States District Court for the

District of New Jersey in the matter of CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS v. THE CITY OF OCEAN CITY et als. Docket No. 1:23-cv-04370.

4. The application to the Ocean City Planning Board as aforesaid was deemed complete and a public hearing in respect of the aforesaid application was held before the Ocean City Planning Board on April 8, 2026.

WITNESSETH

NOW, THEREFORE, the Ocean City Planning Board based upon the exhibits submitted and the analysis by the Planner for the Ocean City Planning Board, Randall E. Scheule, A.I.C.P. & P.P. [“Planner”] and the Engineer for the Ocean City Planning Board, David S. Scheidegg, P.E., P.P., C.M.E. [“Engineer”] and the testimony presented makes the following findings of fact:

1. Paragraphs 1 through 3 set forth above in the Background of Decision and Resolution are incorporated by this reference as if specifically set forth herein at length; all appropriate applications have been filed; all required application fees have been (or will be) paid; and all notices required by law have been given.

2. The Applicant has submitted and the Planner and Engineer have reviewed the plans and documents identified and delineated by the Planner in the Planner’s Report dated March 18, 2026 [“Planner’s Report”] all of which are incorporated by this reference as if specifically listed herein at this place and identified and delineated by the Engineer in the Engineer’s Report dated March 19, 2026 [“Engineer’s Report”] all of which are incorporated by this reference as if specifically listed herein at this place. The Planner’s Report is attached to this Decision and Resolution as Exhibit A and expressly

made a part hereof and the Engineer's Report is attached to this Decision and Resolution as Exhibit B and expressly made a part hereof. The dBm Engineering Report of Andrew M. Petersohn, P.E. is attached to this Decision and Resolution as Exhibit C and expressly made a part hereof.

3. The Applicant was represented by Michael R. Beck, Esquire at the time of public hearing. Mr. Beck presented the Applicant's application for minor site plan approval, conditional use approval and checklist waivers in respect of the Property. The Property is located in the Residential Lagoon 1 Family-50 (RL-1-50) Zone and is identified as Block 3207, Lot 23.01 as shown on the current official tax map for the City of Ocean City, New Jersey. The street address of the Property is 3308 Bay Avenue, Ocean City, New Jersey. Mr. Beck indicated that it was the Applicant's intention to construct a new 115 foot monopole (125 foot with lightning rod) and associated equipment within a thirty-eight (38) foot by sixty-two and a half (62.5) foot fenced enclosure. Equipment cabinets within the enclosure are to be mounted on a ten (10) foot by nineteen (19) foot raised platform. A ten (10) foot by ten (10) foot area at the northeast corner of the enclosure is reserved for City of Ocean City communication equipment. Impervious coverage will be reduced from 73.5% to 54.8%. The Property is currently an unimproved gravel lot and is owned by the City of Ocean City. Wireless Communication Facilities are a permitted conditional use on lands owned by the City of Ocean City. No variances are requested or required for the project development.

Andrew M. Petersohn, P.E. was the first witness to testify in respect of the application. Mr. Petersohn is a professional engineer employed by dBm Engineering and, upon providing his professional credentials, was recognized by the Ocean City

Planning Board as an expert. Mr. Petersohn submitted for consideration an Electromagnetic Exposure Analysis report dated March 24, 2026 which was marked for identification as Exhibit A-1. He is an electrical/radio engineer and provided details about radio-frequency emission levels for the proposed facility and its compliance with FCC regulations and guidelines for human exposure limits. He opined that using upper limit assumptions the cumulative radio-frequency levels would be 0.13% of applicable FCC standards at all ground level locations of public access. Based upon his analysis the communications site will be fully compliant with FCC limitations and guidelines. The radio-frequency emission levels will be 769 times below FCC limits using upper limit assumptions. A total of nine antennas will be installed. The antennas which will be installed will have an antenna centerline of one hundred seven (107) feet. The facility will allow for increased wireless coverage for the summer population.

Peter Albano, P.E. was the next witness to testify in respect of the application. Mr. Albano is a professional engineer employed by Colliers Engineering & Design and, upon providing his professional credentials, was recognized by the Ocean City Planning Board as an expert. He is a structural engineer and he provided details about the proposed new 115 foot monopole (125 foot with lightning rod) at the Property. A full structural report and analysis will be submitted when application is made for a building permit. He testified that ground equipment will be installed on a raised platform. The equipment cabinets will be monitored remotely on a 24 hour/ 7 day basis. The site is visited by a technician every four (4) to six (6) weeks. Work lighting will be focused on equipment and will only be on when a technician is present and the light will also be on a timer. The lightning rod will dissipate a lightning strike into the ground. The

proposed location of the monopole will be dependent upon a pending New Jersey Department of Environmental Protection (NJDEP) application. The location of the monopole is dictated by required set-backs for wetlands. If the buffer amounts are reduced by the NJDEP the Applicant will center the monopole on the lot as much as possible.

Paul Ricci, P.P., A.I.C.P. was the next witness to testify in respect of the application. Mr. Ricci is a professional planner employed by Ricci Planning and, upon providing his professional credentials, was recognized by the Ocean City Planning Board as an expert. He is a professional planner and he provided details about the Conditional use standards and the minor site plan. He opined that the proposed facility will be compliant with and satisfy all conditional use standards contained in the Ocean City Land Use Ordinance. He testified that no variances are required. He opined that the wireless communication facility will promote the public good and general welfare. Less than twenty (20%) percent of households have a landline. The wireless communication facility will enhance the ability to make emergency calls through 911.

During and upon completion of the presentation made by Mr. Beck on behalf of the Applicant, questions from Ocean City Planning Board Members were addressed.

4. Comments from the Planner were received consistent with Planner's Report. The Planner's Report was received by the Ocean City Planning Board. Comments from the Engineer were received consistent with the Engineer's Report. The Engineer's Report was received by the Ocean City Planning Board. The completeness waivers were identified. The Applicant will comply with (i) the Planner's Report and (ii) the Engineer's Report, to the extent as agreed by Applicant's counsel, Mr. Beck. If

necessary, the site plan will be revised to show all changes thereto consistent with the foregoing and all the representations and agreements placed on the record by the Applicant's counsel and the Applicant at the public hearing on April 8, 2026.

5. Upon completion of Mr. Beck's presentation on behalf of the Applicant, receipt of the Planner's Report and the Engineer's Report, and receipt of comments by the Planner and the Engineer, the meeting was then opened to the public. The following members of the public testified or offered comments in respect of the application on April 8, 2026:

1. Mary Ann Brewer, 308 6th Street—Questions concerning parking.

6. Upon conclusion and closing of the public portion of the meeting, there was further discussion and deliberation by the Ocean City Planning Board.

NOW, THEREFORE, the Ocean City Planning Board hereby makes the following conclusions of law based upon the foregoing findings of fact. The Applicant has made application to the Ocean City Planning Board for **minor site plan approval, conditional use approval and waivers** to construct a new 115 foot monopole (125 foot with lightning rod) and associated equipment within a thirty-eight (38) foot by sixty-two and a half (62.5) foot fenced enclosure. Equipment cabinets within the enclosure are to be mounted on a ten (10) foot by nineteen (19) foot raised platform. A ten (10) foot by ten (10) foot area at the northeast corner of the enclosure is reserved for Ocean City equipment at the Property. The Applicant also seeks completeness waivers from the plat requirements of the Ocean City Zoning and Land Development Ordinance as follows: General Requirement for (i) § 25-1500.13.2 a.1 The minor site plan shall be based upon a current boundary survey prepared in accordance with N.J.A.C. 13:40-5.1,

Preparation of Land Surveys, certified to the owner and prepared or recertified not more than twelve (12) months prior to the date of application. If more than twelve (12) months has passed since the date of (or date of last recertification) of the survey, it shall be recertified and, if necessary, brought up to date; Title Block information for **(ii) § 25-1500.13.2 b. 3.** Tax map sheet, block and lot designation; Detailed Information for **(iii) § 25-1500.13.2 c. 5 (g)** Square footage and percentage of the site retained in unoccupied open space; **(iv) § 25-1500.13.2 15 (g)** Cross section(s) showing the composition of pavement areas, curbs and sidewalks; and **(v) § 25-1500.13.2 c. .15 (q)** Soil erosion and sediment Control plan. In addition, the Applicant seeks waivers for **(vi) § 25-1700.38.12** Specifications and Standards (a.16) Automated drip irrigation for trees shall be provided for all new developments containing three or more trees; **(vii) 17-2.4d** and **17-2.5d** of the Municipal Code requiring new curb and sidewalks along the frontages of all new residential or commercial development.

Based upon the application, plans and documents, reports, and testimony, including the expert opinions furnished by Mr. Petersohn, Mr. Albano, and Mr. Ricci, and the testimony and comments from the public, the Ocean City Planning Board finds that the Applicant **has met** the minimum requirements of the Municipal Land Use Law, case law and the Ocean City Zoning and Land Development Ordinance so as to grant the relief requested.

NOW, THEREFORE, BE IT RESOLVED by the Ocean City Planning Board on April 8, 2026 that the application made by the Applicant, CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS requesting land use approvals is determined as follows:
(i) minor site plan approval and conditional use approval to construct a new 115 foot

monopole (125 foot with lightning rod) and associated equipment within a thirty-eight (38) foot by sixty-two and a half (62.5) foot fenced enclosure with equipment cabinets within the enclosure to be mounted on a ten (10) foot by nineteen (19) foot raised platform and a ten (10) foot by ten (10) foot area at the northeast corner of the enclosure reserved for Ocean City communication equipment at the Property is **APPROVED AND GRANTED** and completeness waivers for (i) § 25-1500.13.2 a.1 The minor site plan shall be based upon a current boundary survey prepared in accordance with N.J.A.C. 13:40-5.1, Preparation of Land Surveys, certified to the owner and prepared or recertified not more than twelve (12) months prior to the date of application. If more than twelve (12) months has passed since the date of (or date of last recertification) of the survey, it shall be recertified and, if necessary, brought up to date; Title Block information for (ii) § 25-1500.13.2 b. 3. Tax map sheet, block and lot designation; Detailed Information for (iii) § 25-1500.13.2 c. 5 (g) Square footage and percentage of the site retained in unoccupied open space; (iv) § 25-1500.13.2 15 (g) Cross section(s) showing the composition of pavement areas, curbs and sidewalks; and (v) § 25-1500.13.2 c. .15 (q) Soil erosion and sediment Control plan are **APPROVED AND GRANTED**. In addition, waivers for (vi) § 25-1700.38.12 Specifications and Standards (a.16) Automated drip irrigation for trees shall be provided for all new developments containing three or more trees; (vii) 17-2.4d and 17-2.5d of the Municipal Code requiring new curb and sidewalks along the frontages of all new residential or commercial development are **APPROVED AND GRANTED**.

IT IS FURTHER RESOLVED that the above approvals all as aforesaid are **GRANTED** with and subject to the following terms and conditions:

A. Prior to the issuance of any construction permit, reimburse the City of Ocean City for all professional fees and other expenses incurred by the City of Ocean City as a result of processing Applicant's application in accordance with the Ocean City Zoning and Land Development Ordinance.

B. With the exception of a waiver granted for Review Comment Number 2 in the Planner's Report and waiver granted for Technical Comment 3 in the Engineer's Report the Applicant will comply with the Planner's Report and the Engineer's Report.

C. The Applicant shall comply with all the representations and agreements placed on the record by the Applicant's counsel, professionals, and/or other representatives at the time of public hearing on April 8, 2026 including the specific conditions that: (1) the chain link fencing for the enclosure be black vinyl coated; (2) in lieu of Arborvitae, a mix of Eastern Red Cedar, Leyland Cypress, American Holly and Inkberry Holly shall be planted; (3) any additional antennas will not be installed on the monopole below one hundred and seven (107) feet of centerline; and (4) no other wireless communication provider may install antennas on the monopole without obtaining Ocean City Planning Board approval.

D. The Applicant shall obtain the approval of all other municipal, county, state or federal agencies or boards having jurisdiction over the proposed site plan in respect of the Property, including but not limited to approval from the Cape-Atlantic Soil Conservation District, if necessary and in addition shall provide New Jersey Department of Environmental Protection, Cape May County and Federal Aviation Agency approvals.

E. The Applicant shall cause all plans and documents to be revised consistent with the above referenced conditions and all of the representations and

agreements placed on the record by the Applicant's counsel, professionals, and/or other representatives at the time of public hearing on April 8, 2026 including providing security lighting details, revised landscaping/plantings, a corrected zoning schedule, site grading plans and an engineer's cost estimate.

F. The Applicant shall comply with Article 1600 of the Ocean City Zoning and Land Development Ordinance in respect of Guarantees and Improvement Procedures.

G. The checklist waivers identified in the Planner's Report and the Engineer's Report are granted.

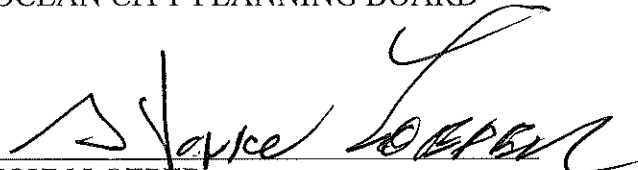
H. The Applicant shall comply with all provisions of the Ocean City Zoning and Land Development Ordinance, including **without limitation § 25-1500.13.3** thereof, and any and all other municipal, county, state, or federal laws or regulations relating or applicable to the proposed project development at the Property.

I. Applicant (or subsequent owners) shall pay Residential Development Fees as required by **§ 25-1900.5** of the City Code.

This Decision and Resolution was adopted upon a motion, to be considered in the affirmative to approve the Applicant's request for land use approvals as aforesaid, made by Ocean City Planning Board Member Adams and seconded by Ocean City Planning Board Member Sheppard on April 8, 2026 ["Adams Motion"]. The vote on the Adams Motion was eight (8) in favor of and zero (0) against with Ocean City Planning Board Members, Birch, Sheppard, Stell, Allegretto, Barnes, Bekier, Adams, and Loeper all voting in the affirmative.


OCEAN CITY PLANNING BOARD

Dated May 13, 2026



JOHN LOEPER,
CHAIRPERSON
CERTIFICATION

I, JAIME M. FELKER, Secretary to the Ocean City Planning Board, do hereby certify that the foregoing Decision and Resolution was duly adopted at the meeting of the Ocean City Planning Board held on April 8, 2026 memorialized herein pursuant to N.J.S. 40:55D-10 g. (2) on May 13, 2026. This resolution has been filed in the office of the Board and is available for inspection upon request.



JAIME M. FELKER,
Secretary, Ocean City Planning Board



Schaeffer Nassar Scheidegg Consulting Engineers, LLC

David S. Scheidegg, PE, PP, CME, CPWM, CFM
Andrew F. Schaeffer, PE, PP
Rami N. Nassar, PE, PP, CME
Howard A. Transue, PLS

Engineers Surveyors Planners Environmental Specialists Municipal Consultants

March 19, 2026

Mr. John Loeper, Chairman
and Planning Board Members
c/o Mrs. Jaime Felker, Secretary
Ocean City Planning Board
115 12th Street
Ocean City, NJ 08226

Re: **Minor Site Plan-Conditional Use**
Applicant-Cellco Partnership, DBA Verizon Wireless
Owner- City of Ocean City
Block 3207, Lot 23.01
3308 Bay Ave
City of Ocean City, Cape May County, NJ
PBA26-003 (Our File No. OC16-233)

Dear Chairman Loeper and Planning Board Members:

The following plans and documents have been reviewed for this application:

1. Boundary and Topographic Survey, as prepared by Colliers Engineering & Design Inc., signed by Robert W. Telschow, Jr, dated 01/21/25
2. Minor Site Plan as prepared by Colliers engineering & Design Inc., signed by Stephanie L. Mulhern, consisting of the following:
 - T1 Title Sheet, dated 10/27/25, last revised 02/10/26
 - Z-1 Zoning Information, dated 10/27/25, last revised 02/10/26
 - Z-2 Aerial Maps, dated 10/27/25, last revised 02/10/26
 - Z-3 Abutters Plan, dated 10/27/25, last revised 02/10/26
 - Z-4 Abutters List, dated 10/27/25, last revised 02/10/26
 - Z-5 Site Plan and Notes, dated 10/27/25, last revised 02/10/26
 - Z-6 Compound Plan and Elevation View, dated 10/27/25, last revised 02/10/26
 - A-1 Construction Details, dated 10/27/25, last revised 02/10/26
 - A-2 Construction Details, dated 10/27/25, last revised 02/10/26
 - A-3 Construction Details, dated 10/27/25, last revised 02/10/26
 - A-4 Construction Details, dated 10/27/25, last revised 02/10/26
 - A-5 Construction Details, dated 10/27/25, last revised 02/10/26
3. Transmittal to Ocean City Planning Board from Michael R. Beck. dated 02/20/26
4. City of Ocean City Decision and Resolution for application no. PBA21-008
5. City of Ocean City Planner's and Engineer's reviews for PBA21-008
6. City of Ocean City Development Application Part II
7. City of Ocean City Development Application Part III – Administrative Completeness
8. City of Ocean City Development Application Part VI – Confirmation of Taxes Paid, dated 12/01/25
9. Plat Requirements – Minor Site Plan
10. Memorandum of Land Lease Agreement, dated 10/28/25
11. Statement of Principal Points, dated 02/18/26
12. Ocean City Planning Board Resolution Approving Settlement of Litigation, dated 04/02/25
13. Stipulation of Settlement and Consent Order, Dated 05/09/25
14. City of Ocean City Resolution No. 25-62-433, dated 06/26/25

Phone: 609-625-7400 Web: snsce.com
1425 Cantillon Boulevard Mays Landing New Jersey 08330

- 15. 200-foot property owners list dated 12/02/25
- 16. Copy of payment to City of Ocean City
- 17. Site Plan Application Form, dated 02/20/26

I. Description:

The applicant proposes installation of a 125' monopole with a lightning rod surrounded by a 6' high chain link fence and landscaping. A 10'x 19' raised platform is also proposed for equipment cabinets. A 10' x 10' ground space inside the fenced area will be reserved for the City's communication equipment.

This parcel is located within the Residential Lagoon 1 Family / 50 Neighborhood (RL1-50) Zone.

II. Completeness:

Our office has reviewed the submitted documents for conformance with the Minor Site Plan checklist. The following items, which are labeled in accordance with the published checklists, do not meet the checklist requirements:

25-1500.13.2 Minor Site Plan Plat Requirements.

a.1.-The minor site plan shall be based upon a current boundary survey prepared in accordance with N.J.A.C. 13:40-5.1, Preparation of Land Surveys, certified to the owner and prepared or recertified not more than twelve (12) months prior to the date of application. If more than twelve (12) months has passed since the date of (or date of last recertification) of the survey, it shall be recertified and, if necessary, brought up-to-date. Waiver

15(g) Cross-sections showing composition of pavement areas, curbs and sidewalks. Waiver

15(q) Soil erosion and Sediment control Plan. Waiver.

Subject to the requested waivers, the application may be deemed complete.

III. Zoning:

Based upon our review, we offer the following comments:

The plans indicate that the proposed development is to occur within the Residential Lagoon, 1 Family/50 (RL-1-50) district as shown on the current Ocean City zoning map. Essential Services is listed as a permitted use in the zone. §25-208.2.6.2 Wireless Communication Facilities are permitted conditional uses on lands owned by Ocean City.

Residential RL-1-50 Zone (§25-204.4.5)

| | Required | Existing | Proposed | Variance Required |
|--------------------------------|----------|-----------|-----------|-------------------|
| <u>Min. Lot Area</u> | 4,500 SF | 11,100 SF | 11,100 SF | No |
| <u>Min. Lot Width/Frontage</u> | 50' | 120' +/- | 120' +/- | No |
| <u>Min. Lot Depth</u> | 100' | 92.5' +/- | 92.5' +/- | No |

| | | | | |
|--|-----------------------------|-------|------------|----|
| <u>Min. Front Yard Setback</u> | 10' | N/A | 34.4' | No |
| <u>Min. Rear Yard Setback</u> | 20% of lot Depth (18.5') | N/A | 22' | No |
| <u>Min. Side Yard Setback</u> | 7'/24' | N/A | 18.8'/>24' | No |
| <u>Max. Building Coverage</u> | 35% | N/A | N/A | No |
| <u>Max. Impervious Coverage</u> | 55% | 73.5% | 54.8% | No |

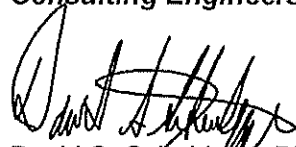
IV. Technical Comments:

1. Proposed site grading shall be provided.
2. The proposed treatment of the ground surface shall be identified.
3. Sections 17-2.4d and 17-2.5d of the Municipal Code, require new curb and sidewalk along the frontages of all new residential or commercial development. Given the condition of the curb, sidewalk and driveway apron, removal and replacement is suggested. Proposed grades shall be provided.
4. All areas of vehicular traffic shall have a minimum concrete thickness of 6" with reinforcement. All proposed sidewalks shall not exceed 2% cross slope.
5. Bay Avenue is a county road and improvements within the right-of-way are subject to their review and approval.
6. All mechanical equipment shall conform with the applicable flood elevation requirements.
7. Signage, landscaping and lighting comments shall be provided by the Board Planner.
8. The applicant shall provide an Engineer's cost estimate, performance and maintenance guarantees as required by the City Code.
9. Applicant shall obtain all permits and or approvals from the City of Ocean City, Cape May County Planning, NJDEP wetlands, CAFRA and other entities having jurisdiction, as applicable.

Any Planning Board approval should be contingent upon approval from all other governmental agencies having jurisdiction. We reserve the right to review any additional information submitted for this matter.

Should you have any questions or require any additional information, please do not hesitate to contact our office.

Sincerely,
Schaeffer Nassar Scheidegg
Consulting Engineers, LLC



David S. Scheidegg, PE, PP, CME, CPWM, CFM
 Planning Board Engineer

Cc: *Jaime M. Felker, (via e-mail)*
Gary Griffith, Esq. (via e-mail)
Randall Scheule, PP/AICP (via e-mail)
Cellco Partnership dba Verizon Wireless, Applicant (robert.czarniawski1@verizonwireless.com)
Michael R Beck, Esq, Applicant Attorney (via e-mail)
Matthew E. Graubart, PE, Applicant Professional Engineer (via e-mail)
Andrew Petersohn, PE, Applicant Radiofrequency Engineer (via e-mail)
Christopher Lanna, Applicant Natural Resources (via e-mail)
James Kyle, PP, Applicant Professional Planner (via e-mail)





Planner's Report

To: City of Ocean City
Planning Board Members

From: Randall Scheule, PP/AICP
Planning Board Planner

Date: March 18, 2026

Zone: Residential Lagoon-1-50 Zone

RE: **PBA 26-003, Cellco Partnership dba Verizon Wireless**
Property Owner: City of Ocean City
Block 3207, Lot 23.01 - 3308 Bay Avenue
Public Hearing - Conditional Use, Minor Site Plan

Introduction.

This Report is provided to assist the members of the Ocean City Planning Board in their review and consideration of the above referenced application and is limited to planning issues. Engineering and legal issues shall be reviewed by the Board Engineer and Board Solicitor, respectively. The comments and recommendations contained herein are based on my review of the information provided to date including the development application, the Redevelopment Plan, the Zoning and Development Code and such other sources as may be noted.

Any resubmission addressing the issues identified in this report shall be accompanied by a point-by-point letter responding to all items, with revisions on the plans *clouded or highlighted* to indicate changes.

Plans and Documents.

The following plans and documents constituting the above development application have been reviewed and provide the basis for the comments and recommendations, which follow.

- Transmittal to Planning Board from Michael Beck, February 20, 2026
- City of Ocean City Development Application, February 18, 2026
- Statement of Principal Points
- Minor Site Plan Checklist

*PBA 26-003, Cellco Partnership dba Verizon Wireless
Block 3207, Lot 23.01 – 3308 Bay Avenue*

- Ocean City Planning Board Decision and Resolution (PBA 21-008), August 11, 2021
- Memorandum of Land Lease Agreement, November 13, 2025
- Ocean City Planning Board Resolution Approving Settlement Agreement, April 2, 2025
- Stipulation of Settlement and Consent Order
- Boundary and Topographic Survey, Colliers Engineering, January 21, 2025
- Minor Site Plan (12 sheets), Colliers Engineering, October 27, 2025, last revised February 10, 2026
- Ocean City Construction Office report, March 4, 2026
- Ocean City Zoning Officer report, March 5, 2026
- Ocean City Police report, March 17, 2026

Development Proposal.

The subject site is owned by Ocean City and is located at 3308 Bay Avenue, and was created via a 3-lot minor subdivision approved by the Planning Board July 14, 2021. By virtue of the Lease Agreement, Settlement Agreement and Stipulation referenced above, Verizon Wireless has entered into a lease agreement with Ocean City for a portion of the property.

Applicant proposes construction of an unmanned wireless communication facility including a 115' monopole (125' with lightning rod), and associated equipment within 38' x 62.5' fenced enclosure. Equipment cabinets within the enclosure are to be mounted on 10' x 19' raised platform. A 10' x 10' area at the northeast corner of the enclosure is reserved for Ocean City equipment.¹ Vehicular access to the site is proposed from Bay Avenue via an existing gravel driveway.

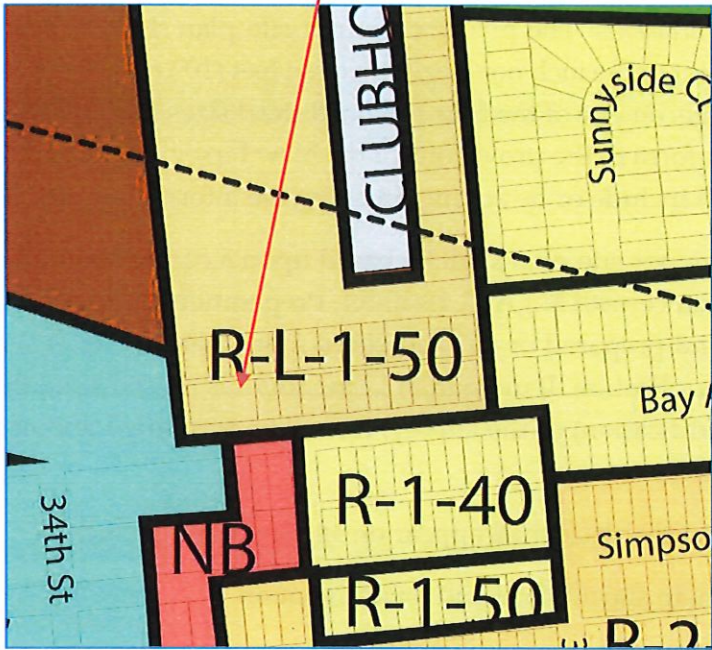
Applicant is requesting minor site plan and conditional use approvals. The Stipulation of Settlement and Consent Order (Condition 4) indicates that, "The Bay Avenue Facility and Temporary Facility at the Bay Avenue Property are deemed in compliance with §25-208.2.6.2 of the City Code, and that the Bay Avenue Facility and Temporary Facility are a permitted conditional use and meet the requirements of §25-208.2.6.2 of the City Code, and no variances are required."

All conditional uses are required to obtain site plan approval (§25-208.1.c). In conjunction with the site plan, applicant proposes to add landscaping and reduce impervious coverage from 73.5% to 54.8%.

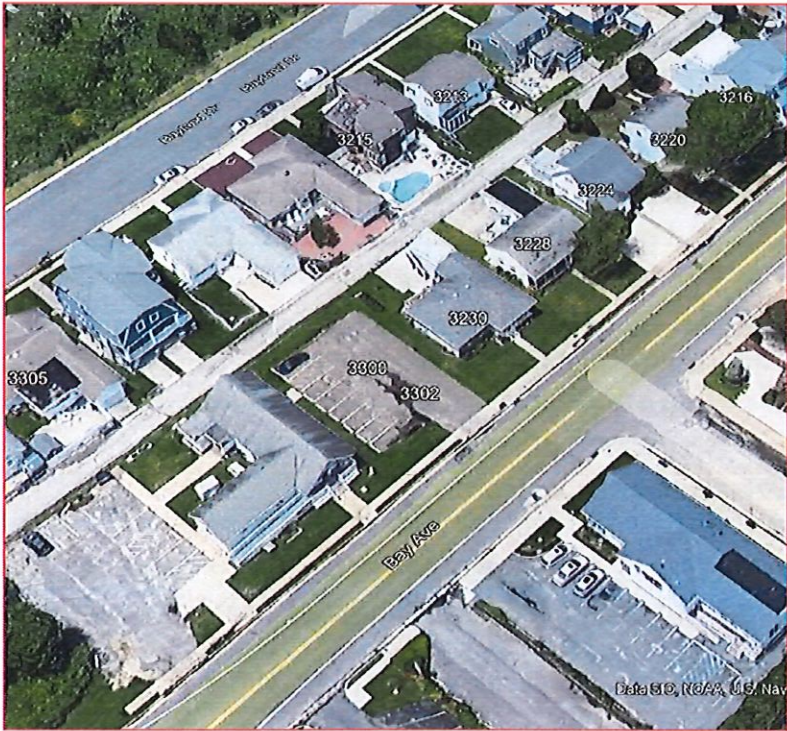
¹ Refer to Page 7 of the Stipulation of Settlement and Consent Order for details

PBA 26-003, Cellco Partnership dba Verizon Wireless
Block 3207, Lot 23.01 - 3308 Bay Avenue

3308 Bay Avenue (Approx.)



Aerial Image



Completeness. (Minor Site Plan (§25-1500.13.2 Plat Requirements))

a. *General Requirements.* The plan for a minor site plan shall be drawn at a scale of not less than fifty (50) feet to the inch nor larger than ten feet (10') to the inch, with North oriented to the top of the page, on one of the four standard sheet sizes (8.5" x 14", 15" x 21", 24" x 36", 30" x 42"), shall conform to the provisions of the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq., and shall include or be accompanied by the information specified below:

1. The minor site plan shall be based upon a current boundary survey prepared in accordance with N.J.A.C. 13:40-5.1, Preparation of Land Surveys, certified to the owner and prepared or recertified not more than twelve (12) months prior to the date of application. If more than 12 months has passed since the date of (or date of last recertification) of the survey, it shall be recertified and, if necessary, brought up-to-date. W

b. *Title Block.* A title block shall appear on all sheets and include:

3. Tax map sheet, block and lot designation. NP

c. *Detailed Information.*

3. A portion of the current Ocean City Zoning Map showing the subject parcel and zone district boundaries, existing easements, watercourses, floodways and flood hazard areas within two hundred feet (200'), and the width of the right-of-way of each street within two hundred feet (200') of the subject parcel. NP

5. A schedule shall be placed on the site plan indicating:

b) The floor area (and floor area ratio where appropriate) of the existing and proposed building (listed separately). NP

g) Square footage and percentage of the site retained in unoccupied open space. NP

h) Square footage and percentage of the site considered as Building Coverage. NP

NP" denotes information not provided

"W" denotes waiver requested

This application may be deemed complete subject to the above checklist items being addressed.

Zoning Conformance.

Residential Lagoon-1-50 Zone

| Zone Standard | Zoning Requirement | Proposed Condition | Variance Required? |
|-------------------------------------|--------------------|---|--------------------|
| Use | Utility | Wireless Communication Facility | No ² |
| Minimum Lot Area | 4,500 SF | 11,100 SF | No |
| Minimum Lot Frontage | 50 FT | 120 FT | No |
| Minimum Lot Width | 50 FT | 120 FT | No |
| Minimum Lot Depth | 100 FT | 92.5 FT | No |
| Minimum Front Setback | 10 FT | Antennas 34.4 FT Monopole 36.3 FT Equipment 47 FT | No No No |
| Minimum Side Setback | 7 FT | Antennas 18.8 FT Monopole 21 FT Equipment 30.7 FT | No No No |
| Minimum Side Yard Aggregate | 24 FT | > 24 FT | No |
| Minimum Rear Setback | 18.50 FT | Antennas 42.5 FT Monopole 46.2 FT Equipment 22 FT | No No No |
| Maximum Building Ht. (1' above BFE) | 32 FT | Antennas - Monopole 125 FT ³ Equipment 18.1 FT | - No No |
| Max. Total Stories | 2.4 | 1 | No |
| Max. Floor Area Ratio | 80 | NA | |
| Maximum Building Coverage | 35% | NA | No |
| Maximum Impervious Coverage | 55% | 54.8% | No |

² Stipulation of Settlement and Consent Order

³ Ibid

Wireless Communication Towers and Antennas (§25-208.26.2)

| Zone Standard | Proposed Condition | Comment |
|--|---|--|
| <p>All towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.</p> | <p>No lighting proposed</p> | <p>The need for security lighting should be addressed.</p> |
| <p>The maximum height of the tower shall be 125 feet above existing grade, including the lightning rod atop the tower; the maximum height of accessory structures and equipment shall be 19 feet above existing grade.</p> | <p>Tower height 125' Accessory structures 18.1'</p> | <p>NA</p> |
| <p>The tower, equipment platform and other related equipment shall be surrounded by a 6-foot-high fence and green landscaping which provides year-round screening of the fence and accessory</p> | <p>The proposed wire mesh on the fence is galvanized steel. The proposed American Arborvitae are not ideal for Ocean City's environment.</p> | <p>Black vinyl coating or similar treatment is recommended. In lieu of American Arborvitae, a mix of the following plant materials should be considered for the</p> |

*PBA 26-003, Cellco Partnership dba Verizon Wireless
Block 3207, Lot 23.01 - 3308 Bay Avenue*

| | | |
|--|---|--|
| <p>structures and equipment.</p> | | <p>screen planting: Eastern Red Cedar (<i>Juniperus virginiana</i>), Leyland Cypress (<i>Cupressocyparis leylandii</i>), American Holly (<i>Ilex opaca</i>), and Inkberry Holly.</p> |
| <p>The fence area surrounding the tower, equipment platform and other related equipment shall be centrally located on the lot relative to the front and rear property lines, approximately equidistant from the front and rear property line; and as far as possible from residential development, taking into consideration any wetlands and buffers.</p> | <p>The fence is 10' from the front line and approximately 20' from the rear line.</p> | <p>Please address and revise plan as necessary.</p> |
| <p>Impervious coverage shall be limited to the fenced area and an access drive of no more than 12 feet in width.</p> | <p>The width of the driveway is not indicated.</p> | <p>Please address and revise plan as necessary.</p> |

Review Comments.

1. Condition 5 of the Stipulation of Settlement and Consent Order requires Verizon to obtain site plan approval from the Planning Board.

The applicant shall verify that the “Bay Avenue Facility and Temporary Facility” referenced in the Settlement Agreement is the same as that illustrated on the Minor Site Plan (12 sheets), by Colliers Engineering, October 27, 2025.

2. §25-1700.38.12 Specifications and Standards (a.16). Automated drip irrigation for trees shall be provided for all new developments containing three (3) or more trees.
3. A reinforced concrete apron is required between the curb and sidewalk in accordance with Section 17-2 of the City Code.
4. The Zoning Schedule on Z-5 should be revised to note a 24’ Minimum Aggregate Side Yard, 18.5’ Minimum Rear Yard Setback and 32’ Maximum Building Height.
5. Review of site grading, stormwater, utilities and drainage is deferred to the Board Engineer.

Conditions of Approval.

1. Prior to approval, applicant shall provide revised plans as required by the Planning Board and/or its professionals.
2. Applicant (or subsequent owners) shall pay Residential Development Fees as required by Section 25-1900.5 of the City Code.
3. Prior to approval, applicant shall provide confirmation of service availability from all utilities.
4. Prior to approval, applicant shall provide an Engineer’s cost estimate and performance guarantee as required by the City Code.

C: Gary Griffith
Cellco Partnership

Richard Carlucci
Michael Beck

David Scheidegg
Matthew Graubart

A1
mf 4/8/21



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March 24, 2026
Robert Czarniawski
Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921

**Subject: Electromagnetic Exposure Analysis
"OC CLUBHOUSE LAGOON"
Block 3207, Lot 23.01
3308 Bay Ave
Ocean City, NJ 08226**

Mr. Czarniawski:

I have received and executed your request that I perform an independent evaluation and certification of the anticipated radio-frequency emission levels for the Verizon Wireless telecommunications facility proposed at the above-referenced coordinates. The intention of this study is to verify compliance with Federal Communications Commission (hereafter "FCC") guidelines for human exposure limits to radio-frequency electromagnetic fields as per FCC Code of Federal Regulation 47 CFR 1.1307 and 1.1310 which incorporate ANSI standards C95.3. As a registered Professional Engineer, I am bound by a code of ethics to hold paramount the safety, health, and welfare of the public. All statements and calculations offered herein are made in an objective and truthful manner pursuant to that code.

Summary of Findings

The maximum exposure to radio-frequency emissions from the Verizon equipment will be complaint with FCC exposure limits. **Using upper limit assumptions for the Verizon Wireless equipment configuration, the cumulative radio-frequency exposure levels would be 0.13 % of the applicable FCC standard at all ground level locations of public access.** The following charts specifically illustrate the anticipated exposure levels in areas surrounding the facility. All exposure limits have been calculated using the methods prescribed in FCC Office of Engineering and Technology (OET) Bulletin 65 "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio-frequency Electromagnetic Fields". The upper-limit conditions include maximum traffic loading, significant antenna down-tilt, simultaneous maximum pattern gain for all transmitting antennas, and constructive interference from ground reflection. Verizon Wireless will remain within their FCC governed limits for output power but for worst-case analysis purposes, the equipment theoretical output power is considered in this analysis. Additionally, signal attenuation due to environmental clutter such as buildings, trees, and roadways has been ignored which will overestimate actual power densities. Continuous

exposure below 100% of FCC limit is considered by the scientific community to be just as safe as continuous exposure at 1% of FCC limit.

Applicability of the National Telecommunications Act of 1996

This Act states that “no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio-frequency emissions to the extent that such facilities comply with the (Federal Communications) Commission’s regulations concerning such emissions”. As indicated above, this proposed facility will be in full compliance with the FCC’s emissions standards and as such is beyond regulation in that regard.

Technical Parameters of Consideration

The calculation results presented are based on the equipment configuration information furnished by representatives of Verizon Wireless. Specifically, for this installation, Verizon Wireless plans to add nine (9) new panel-style antennas with an antenna centerline of 107’. The antennas are anticipated to be organized in three (3) arrays of three (3) antenna positions per array with sector azimuths at 30°, 130° and 270° in the horizontal plane with respect to true north. Transmitting through these antennas will be four (4) LTE transmit paths in the 700 MHz band (per sector) at a cumulative maximum of 160 watts, up to four (4) LTE and / or 5G NR transmit paths in the 850 MHz band (per sector) at a cumulative maximum of 160 watts, four (4) LTE transmit paths in the 1900 MHz band (per sector) at a cumulative maximum of 160 watts, four (4) LTE transmit paths in the 2100 MHz band (per sector) at a cumulative maximum of 160 watts, and up to sixty-four (64) 5G NR transmit paths in the 3700 MHz band (per sector) at a cumulative maximum of 320 watts.

Co-location of Other Wireless Providers

In an attempt to halt the proliferation of telecommunications structures and preserve as much of their natural landscape as possible many municipalities have adopted telecommunications ordinances that specifically require structures to accommodate additional wireless providers from a structural standpoint. **From the standpoint of radio-frequency exposure**, the Verizon Wireless equipment would in no way preclude the use of this facility by other providers.

Background Information

In 1985, the FCC first adopted guidelines to be used for evaluating human exposure to RF emissions. The FCC revised and updated these guidelines on August 1, 1996, as a result of a rule-making proceeding initiated in 1993. The new guidelines incorporate limits for Maximum Permissible Exposure (MPE) in terms of electric and magnetic field strength and power density for transmitters operating at frequencies between 300 kHz and 100 GHz.



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The FCC's MPE limits are based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits were developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC's limits, and the NCRP and ANSI/IEEE limits on which they are based, are derived from exposure criteria quantified in terms of specific absorption rate (SAR). The basis for these limits is a whole-body averaged SAR threshold level of 4 watts per kilogram (4 W/kg), as averaged over the entire mass of the body, above which expert organizations have determined that potentially hazardous exposures may occur. The MPE limits are derived by incorporating safety factors that lead, in some cases, to limits that are more conservative than the limits originally adopted by the FCC in 1985. Where more conservative limits exist, they do not arise from a fundamental change in the RF safety criteria for whole-body averaged SAR, but from a precautionary desire to protect subgroups of the general population who, potentially, may be more at risk.

The FCC exposure limits are also based on data showing that the human body absorbs RF energy at some frequencies more efficiently than at others. The most restrictive limits occur in the frequency range of 30-300 MHz where whole-body absorption of RF energy by human beings is most efficient. At other frequencies, whole-body absorption is less efficient, and consequently, the MPE limits are less restrictive.

MPE limits are defined in terms of power density (units of milliwatts per centimeter squared: mW/cm^2), electric field strength (units of volts per meter: V/m) and magnetic field strength (units of amperes per meter: A/m). The far-field of a transmitting antenna is where the electric field vector (E), the magnetic field vector (H), and the direction of propagation can be considered to be all mutually orthogonal ("plane-wave" conditions).

Occupational / controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits, as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General population / uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise



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control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area. **In the case of this study, the general population exposure limits have been applied as they are the more conservative set of standards.**



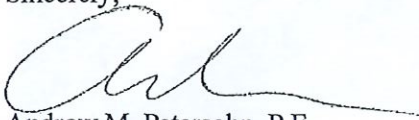
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Additional Remarks

The radio-frequency emission levels from Verizon Wireless and other PCS and Cellular communications base stations are similar to that of other two-way communications systems like those used by police, fire and ambulance personnel. In contrast, commercial broadcast systems like television and radio often transmit at power levels ten times greater or more than the systems discussed above.

The biological effects on humans of non-ionizing radio-frequency exposure have been studied extensively now for decades. There have been thousands of reports produced by government agencies, universities, and private research groups that support the standards adopted by the FCC. **To date, there have been no credible studies conducted whose results showed evidence of any adverse health effects at the above exposure limits.**

Sincerely,



Andrew M. Petersohn, P.E.
Registered Professional Engineer
New Jersey license number GE49376



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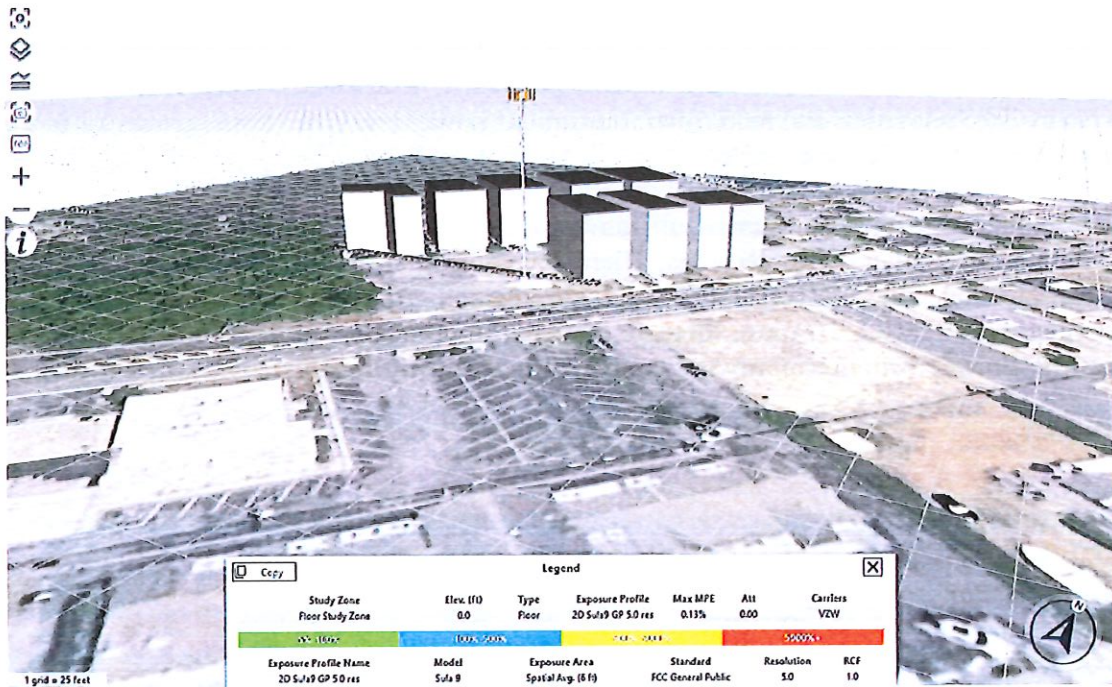


Figure-1 – modeled ground level cumulative exposure surrounding the proposed telecommunications facility expressed in percentage of the applicable FCC standard



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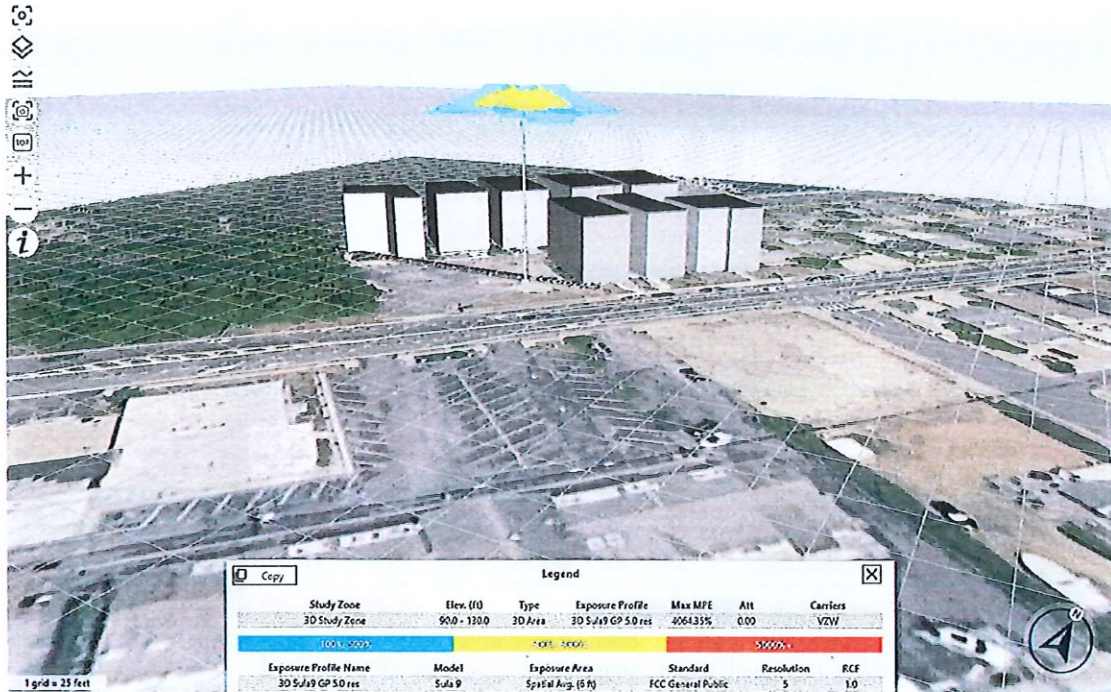


Figure-2 – 3D modeled cumulative exposure surrounding the proposed telecommunications facility expressed in percentage of the applicable FCC standard



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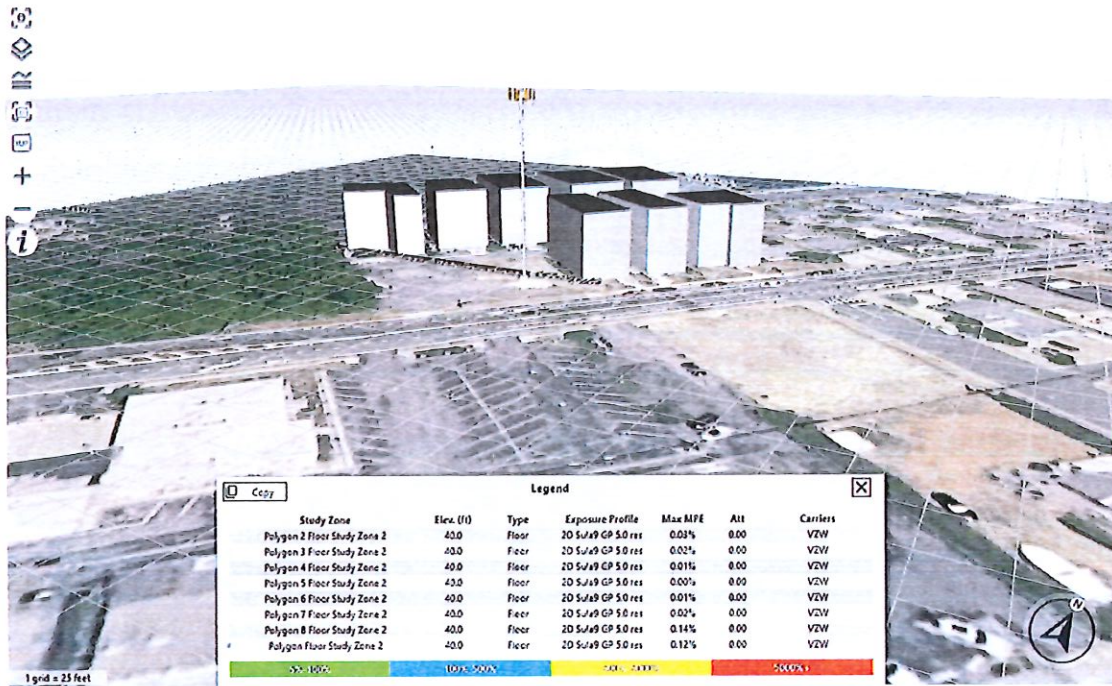


Figure-3 – modeled adjacent rooftop level cumulative exposure surrounding the proposed telecommunications facility expressed in percentage of the applicable FCC standard



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DECLARATION OF ENGINEER

Andrew M. Petersohn, P.E., hereby states that he is a graduate telecommunications consulting engineer possessing Master and Bachelor Degrees in Electrical Engineering from Lehigh University (2005 and 1999, respectively). He has been retained by representatives of Verizon Wireless to perform an electromagnetic exposure analysis for a proposed telecommunications facility.

Mr. Petersohn asserts that the calculations and/or measurements described in this report were made personally and in a truthful and objective manner. Mr. Petersohn is a Registered Professional Engineer licensed in Pennsylvania, Delaware, Maryland, Virginia, New York, Florida and New Jersey. He has over two decades of engineering experience in the field of wireless communications. Mr. Petersohn is an active member of the National Society of Professional Engineers (NSPE) and the Pennsylvania Society of Professional Engineers (PSPE). Mr. Petersohn further states that all facts and statements contained in the foregoing document are true and accurate to the best of his knowledge.



Andrew M. Petersohn, P.E.
Registered Professional Engineer
New Jersey license number GE49376

Executed this the 24th day of March, 2026.



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