



Spring Lake Against 5G Towers

Public Information Session
November 12, 2024

Role of MLUL in Local Decision-Making

- Planning Board review of Verizon's application is required, including:
 - **Site Plan Review** plan review required
 - Applies to new telecommunications facilities and to addition of new telecommunications facilities to preexisting towers, buildings or other structures. (§ 225-33.D.(8))
 - **Conditional Use Variance Relief** required
 - Telecommunications facilities are a conditional use § 225-33.D.(7)
 - Any departure from the conditions requires variance relief N.J.S.A. 40:55D-70(d)(3).



Role of MLUL in Local Decision-Making (ctd)

- Verizon required to:
 - Submit site plans for the Planning Board to review;
 - Provide public notice;
 - Have the Planning Board and the Borough's professionals review Application materials; and
 - Appearing at a hearing before the Board (including public participation) ; and
- Verizon has the burden of proving:
 - The Application meets the legal requirements for site plan approval;
 - Verizon is entitled to all necessary exceptions from site plan requirements; and
 - Verizon Is entitled to variance relief from all conditional use requirements the Application does not meet (via the "Positive and Negative Criteria").



Role of MLUL in Local Decision-Making (ctd)

- Planning Board Role:

“In all requests for approval of conditional uses, the **burden of proof shall be on the applicant**. The Planning Board shall give due consideration to all reasonable elements **which could affect the public health, welfare, safety, comfort and convenience** such as, but not limited to, proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities and **building structure location(s) and orientation(s)**.” § 225-32.C (emphasis added).



Example of the Need for Site Plan Review - Tower 2

- Cell tower minimum siting requirements include:
 - “Telecommunications towers may not be located closer than 50 feet to any residential property.” 225-33.F.(1)(a)
 - “A fall zone shall be established such that the tower is set back 125% of the height of the tower from any adjoining lot line or non-appurtenant building.” 225-33.F.(1)(b).
- Tower No. 2 proposed in ROW directly in front of 2021 Ocean Avenue
 - 44’ 11” Tall (but Verizon may increase to 49’ 5”)
 - Only **~10’ from residential lot** and **~50-60’ from house**
- VERIZON MUST RECTIFY THIS CLEAR SAFETY ISSUE:
 - Distance of **only 10’** to residential lot where **61’9”** fall zone required
 - The property line and the house are both located inside the minimum required fall zone.



Property Value Impact and Land Use Appraisals

- **The Courts will consider a cell tower’s “adverse effect on property values”** where objectors present expert testimony. Cell S. Of New Jersey, Inc. v. Zoning Bd. Of Adjustment Of W. Windsor Twp., 172 N.J. 75, 80 (2002); *see also* Mesa v. Zoning Bd. of Adjustment of Lebanon Twp., A-4890-12T3, 2014 WL 6675273, at *3 (App. Div. 2014)
- “[P]roposed tower was not particularly suited to the site and [] **its negative impact on aesthetics and property values would be detrimental to the public good.**” New York SMSA Ltd. v. Twp. of Mendham Zoning Bd. of Adjustment, 366 N.J. Super. 141, 147 (App. Div. 2004).
- The applicant (Verizon) must address the effects on nearby property values and the effect of the grant of [a] variance on the master plan or zoning ordinance must be addressed through expert testimony. AWACS, Inc. v. Clemonton Zoning Bd. of Adjustment, 160 N.J. 21, 25 (1998).



Qualifications of Katherine Tantinan, MAI

Federal Appraisal LLC



- Director at Federal Appraisal LLC - Federal Appraisal has valued over 500 power plants and utilities nationwide and performed several dozen impact studies
- MAI from Appraisal Institute with 11 years of experience.
- State Certified (licensed) General Real Estate Appraiser in multiple states, including New Jersey.
- Mathematics bachelor's degree.
- Vice President of the Appraisal Institute Metro New Jersey Chapter. President for 2025 term.
- Have personally worked on impact studies related to cell towers, telecommunication lines, electric transmission lines, pipelines, solar facilities, subway tunnels and railroads.
- Focus on impact studies and just compensation, engaged by both property owners and government agencies in litigation.

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Characteristics that Affect Property Values

External obsolescence is “A type of depreciation; a diminution in value caused by negative external influences and generally incurable on the part of the owner, landlord, or tenant. The external influence may be either temporary or permanent. There are two forms of external obsolescence: economic and locational.” *Dictionary of Real Estate, 7th Edition*

- Hazardous Materials or Effects
- Odor
- Noise
- Traffic
- Stigma
- Appearance



Cell Pole and Tower Development DOES Affect

- Hazardous Materials or Effects – Health and Safety concerns
- Noise – During construction & repair periods
- Traffic – During construction & repair periods
- Stigma – Negative perceptions to public
- Appearance – Views and Aesthetic greatly affect individual properties and to neighborhood of Spring Lake



Research Performed in Impact Study

- Local broker survey/poll
- News Articles
- Appraisal Literature
- Research Papers & Studies
- Other Impact Studies
- Court cases
- Stigma perceptions on Other Development Types



Research Findings

- Local Brokers – 14 responses
 - All 14 brokers perceive negative impacts
 - Values estimated to be -2% to -35% impacted with most stating between -10% to -15% reduction to value
- Research Studies and Articles – 18 Sources
 - Impacts range from -30% to +12% impact
 - Four Sources reported 0% impact
 - One Source reported Positive impact
 - 13 Sources reported Negative Impact
 - Sources have Average of -6.73% impact and show Median of -6.86% impact
 - Proximity of Impact: Average of 1,273 feet and Median of 1,000 feet



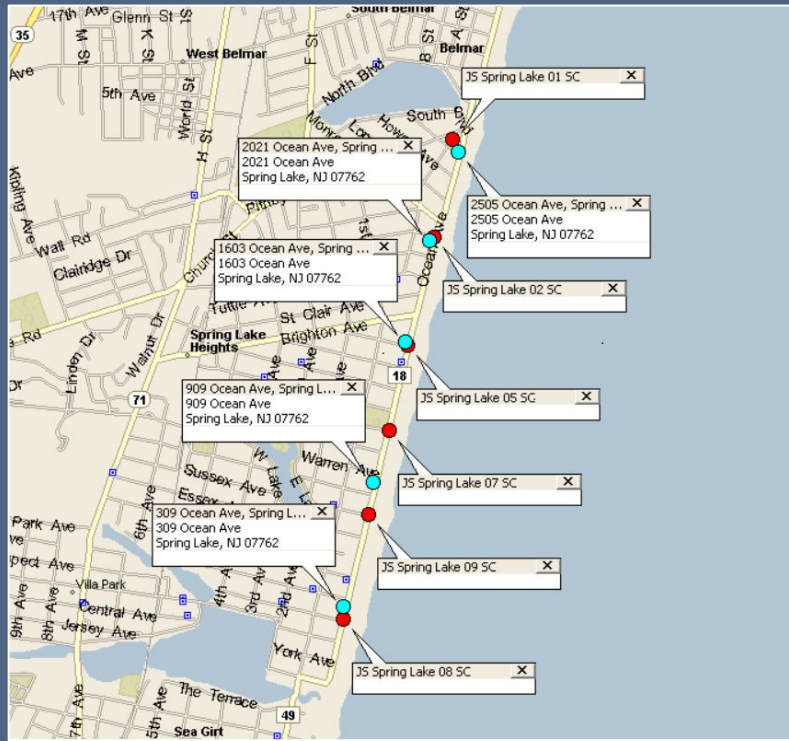
Conclusion: NEGATIVE IMPACT on Property Values

- Cell poles and related technologies remain a safety and health concern to the public, with no long-term research conducted on its effects.
- Construction and repair periods will affect noise and traffic to the area, disrupting the neighborhood's peaceful charm.
- The proposed cell poles create a negative stigma, inherently affecting property values by also increasing marketing times and adding additional risk to building and selling residential properties adjacent to the cell poles.
- Most importantly, the proposed cell poles create unsightly views, affecting the aesthetic of Spring Lake and the ocean and beachfront views of the adjacent residential properties.

We have concluded a negative 3 percent impact on residential property values within 1,000 feet of proximity to a cell pole.



Map of Proposed Cell Poles and Some Adjacent Properties





How Much Impact to Value?

Utilizing Negative 3% Impact to Value

Property Address	Distance to Nearest Pole (feet)	Assessed Market Value	Damages
309 Ocean Ave	225	\$5,252,646	-\$157,579
909 Ocean Ave	585	\$7,568,586	-\$227,058
2021 Ocean Ave	20	\$16,775,614	-\$503,268
2505 Ocean Ave	189	\$12,500,635	-\$375,019
		Total	-\$1,262,924

Federal Law and Local Control: Balancing Interests

- **Federal Law**
 - Requires access to public right of way for telecom providers.
 - Does not override local authority.
- **Local Authority**
- Communities can evaluate:
 - Safety impacts
 - Aesthetic concerns
 - Property value effects
- **Balancing Interests**
 - Local authorities can weigh in on how towers fit within the community's character.
 - Focus on maintaining Spring Lake's unique appeal and safety.



Protecting Spring Lake from the Proposed 5G Towers

- **Community Opposition**
 - Representing residents opposed to the 5G towers along boardwalk.
 - 126 letters of opposition gathered from local residents.
- **Visual and Aesthetic Impact**
 - Disrupts the natural beauty and historic charm of Spring Lake.
 - Towers would be an eyesore on the boardwalk.
- **Property Value Concerns**
 - Fears of significant financial loss (millions of dollars) due to decreased property values.
- **Community Identity and Way of Life**
 - Spring Lake is a close-knit community with a strong sense of identity.
 - The towers are incompatible with the town's character and heritage.
- **Call to Action**
 - Urging the Council to listen to the concerns of the residents.
 - Request to reject the proposal to preserve the town's beauty, character, and value for future generations.



Tower 2's Safety Hazards to 2021 Ocean Avenue

- **Noncompliance with Code**
 - The proposed location of Tower 2 violates Borough safety codes.
- **Fall Zone Requirement**
 - Tower 2's proposed height of 44'11" (up to 49'5") requires a fall zone of 61'9" – a minimum of 125% of the tower's height.
- **Unsafe Proximity**
 - The tower is located just 12 feet from the property line and 50 feet from the home at 2021 Ocean Avenue, drastically reducing the required fall zone to only 25% of what is necessary.
- **Safety Risk**
 - If the tower were to fall, it could land dangerously close to the home, putting residents at serious risk.
- **Failure to Address Hazard**
 - Verizon has not provided justification for placing the tower so close to a residential property, creating an unreasonably dangerous situation.



Closing Remarks

- **Legal Context & Local Control**
 - Federal law allows telecom access but doesn't override local authority.
 - Local officials can assess safety, aesthetics, and community impact.
- **Property Value Impact**
 - Proposed towers could cause millions of dollars in property value losses.
 - Beyond financial concerns, towers could disrupt Spring Lake's unique beauty.
- **Community Unity**
 - Residents are united in their opposition, aiming to protect the town's character and quality of life.
 - This is about preserving Spring Lake for future generations.
- **Final Appeal**
 - Urging the council to stand with the community in preserving the beauty, safety, and value of Spring Lake.

