

December 3, 2007

Zoning Board of Adjustments
Frelinghuysen Township
Chairman and Members
P. O. Box 417
Johnsonburg, New Jersey 07846-0417

Dear Sir/Madam:

Evidently, there has been a question raised by a Frelinghuysen Township Zoning Officer concerning the status of certain pre-existing amateur radio towers on Mr. Gottfried's property. With respect to the above question, I have reviewed the submissions of the applicant, Mr. Gottfried, including a pamphlet entitled "Supplemental Information For An Amateur Radio Facility," hereinafter referred to as "S.I."

The S.I. prepared by Fred Hopengarten, Esq. is thorough in its content and well argued. He outlines the arguments that Mr. Gottfried is an Amateur Radio operator who presently has a number of antennas on his property. He argues that amateur radio antennas are exempt from local zoning ordinances due to the fact that the local regulations are preempted by Federal regulations.

Mr. Hopengarten cites certain case law from New Jersey which support this argument.

I believe that Mr. Hopengarten is correct and, under the present circumstances, the antennae are exempt from local authority. This, of course, presupposes that the antennae are within proper setbacks. The towers were erected in the early part of the 1990's and have been there ever since.

If there are any questions, please do not hesitate to call.

Very truly yours,

J. Edward Palmer