

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, August 25, 2021 – 7:00 P.M.**

Roll Call: Anthony Cataline - present
Robert Brice - present
John Borowski – present
Len Calderaro - present
Joanne Filippone - present
Vincent Marino - present
Joseph Palinsky - present
Thomas Restaino - absent
George Shenewolf - present

Richard Emery - present
Alex Barletta - present

Also Present: Terry Brady, Esq.
Millis Looney, PE, CME

Flag Salute: Mr. Cataline

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of August 25, 2021. Adequate notice of this meeting has been given as required by Chapter 231 Public Law 1975, commonly known as "The Sunshine Law." The date, time and place of this meeting was posted on the bulletin board located in the Borough Hall Planning Board office at 1306 Grand Central Ave., filed with the Borough Clerk, and supplied to the official Borough newspapers, the Ocean Star and the Asbury Park Press.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

Public Hearing:

Cellco Partnership (dba Verizon Wireless) applications for small cell wireless installations

Edward Purcell, Verizon attorney, was introduced to the Board and explained that he would lead the engineering review for the proposed small cell wireless installation sites. He introduced the panel of experts: Anthony Rekosik, Scherer Design Group, Andrew Petersohn, PE, Tony Egidio, Verizon Technician.

Mr. Purcell started by clarifying that these proposed sites will be using existing or replacement poles; none are new poles. Therefore, the pole location requirements covered in our ordinance do not apply. When questioned about CAFRA rules for Oceanfront locations, Mr. Purcell responded since these structures are being replaced, CAFRA permits are not required.

Anthony Rekosik, engineer with Scherer Design Group, was sworn in and his credentials were accepted. He reviewed the site plans and general notes for each of the seven (7) proposed

locations. He also addressed the issue of underground utilities by explaining that there is an 811 policy, which basically means, "call before you dig."

Tony Egidio, Verizon Real Estate Manager, was sworn in and gave a brief job description. As Real Estate Manager, he makes sure that the location works for everybody and secures the appropriate permits and licensing. He fielded questions regarding:

- Wind requirements
- Co-location agreements
- Top cap (shroud) design
- Choice of wood and fiberglass
- DOT approvals for certain sites
- Total number of poles proposed for the Borough
- Pole heights

Andrew Petersohn, PE, and Verizon emission's expert, was sworn in and gave emission ground level and eye level exposures for each of the proposed locations. He also answered questions regarding:

- 1996 FCC Emission's Study
- Direction of radio waves
- Beam forming antennas
- Difference between frequency and power
- Beam output
- Ground level and eye level exposure
- Type of antenna
- Coverage objective
- Directional antennas
- Pole height as it relates to ground level exposure

At approximately 8:20 p.m. Chairman Cataline called for a five-minute recess.

The meeting reconvened at approximately 8:35 p.m. and the Board secretary called the roll.

The following conditions were decided for all locations:

- The applicant shall comply with all terms and conditions of Borough Code Chapter 56, Article 8.
- In the event that the FCC disapproves of the 1996 RF Standards, the applicant should be required to comply with the new FCC criteria regarding RF Standards.
- The applicant shall comply with all applicable terms and conditions of the Board Engineer's 8/12/2021 review letter.
- The Borough Council should consider the options to determine whether the shroud/casing of the antennas are preferable or whether it is preferable to eliminate the shroud/casing to lower the height of the proposed structures.
- The applicant shall obtain all UCC permits including building and electrical.
- The applicant shall provide training to Borough officials and to Public Works and Electrical staff regarding repairs and provide RFE meters like the ones used by Verizon techs
- Verizon will be responsible for the removal of obsolete equipment.
- The color of the structures shall match the existing/replacement poles.
- The Board has taken into consideration the comments from members and from the public, as well as from the applicant's experts, regarding the safety of the proposed antennas and the radio frequency exposure caused by the same.

Specific recommendations:

- 76 Grand Central Avenue Site #4:
 - The Borough Council should consider whether the existing 38 ft. pole should be lowered to meet the 35 ft. limit per the Borough Code.

- 1103 Oceanfront Site #6:
 - The Council should consider whether the existing 38 ft. pole should be lowered to meet the 35 ft. limit as per Borough Code.

 - The applicant should clarify the address of the nearest residential property where the pole is positioned
 - The lighting on the pole should be positioned to illuminate the American flag at the site.
 - The electric outlet should be re-installed on the pole
 - The electric meter on the pole should be re-positioned to the north side of the pole at a level 6 ft. above ground level.

- 598 Oceanfront Site #7:
 - The applicant should clarify the address of the nearest residential property where the pole is positioned.

Chairman Cataline opened the meeting for public comment at approximately 9:20 p.m. Barbara Susinno of One Pennsylvania Avenue was sworn in and cited the US Court of Appeals for the District of Columbia Circuit No. 20-1025: Environmental Health Trust, et al, petitioners vs. Federal Communications Commission and United State of America Respondents. Her statement to the Board was that she is concerned about any side effects.

The public portion was closed at approximately 9:25 p.m.

Mr. Calderaro stated that, in his opinion, these installations have nothing of value to this town.

Mr. Purcell thanked the Board and summated that the applications are compliant. He further stated that personal feelings are fine, but the FCC says if the carrier complies with the qualifications, the application cannot be denied. He feels that Verizon has made a strong case.

A motion was made by Mr. Borowski, seconded by Mr. Palinsky to recommend approval of these applications with the stated conditions. Roll call: J. Borowski, yes; J. Palinsky, yes; R. Brice, yes; L. Calderaro, no; J. Filippone, abstained; V. Marino, yes; T. Restaino, yes; G. Shenewolf, yes; A. Cataline, yes.

The Board Secretary was directed to prepare a memo to Mayor & Council regarding the outcome of this meeting.

Review & Approval of Minutes:

A motion was made by Mr. Borowski to accept the minutes of the Regular Meeting of July 28, 2021, with all who were present at the meeting voting in favor.

Discussion:

Due to the anticipated Substantially Damaged Determination Appeals, it was agreed that an additional Planning Board Meeting be schedule for Tuesday, October 5, at 5:30 p.m.

Updates:

Mr. Brice reported to the Board that the disposition of the property at 103 Magee Ave. is still in the courts. The Borough has filed a motion of "No Position."

Adjourn:

Mr. Palinsky moved to adjourn the meeting, seconded by Mr. Calderaro. The meeting adjourned at approximately 10:00 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary