

**MINUTES
BOROUGH OF LAVALLETTE
RE-ORGANIZATION & REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, January 6, 2021 – 7:00 P.M.**

The following Board Members were re-appointed for the appropriate terms:

Alex Barletta, Alternate #2
Robert Brice, Class II
Joanne Filippone, Class III
George Shenewolf, Mayor's Designee

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 Re-Organization and Regular meeting of January 6, 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.

Re-organization:

Mr. Calderaro nominated Anthony Cataline to be Chairman for the year 2021, seconded by Mrs. Filippone. Roll call vote: Calderaro, yes; Filippone, yes; Borowski, yes; Brice, yes; Marino, yes; Palinsky, yes; Shenewolf, yes; Emery, yes; Barletta, yes.

Mrs. Filippone nominated John Borowski to be Vice Chairman for the year 2021, seconded by

Mr. Marino. Roll call vote: Filippone, yes; Marino, yes; Brice, yes; Calderaro, yes; Palinsky, yes; Shenewolf, yes; Emery, yes; Barletta, yes; Cataline, yes.

Mr. Cataline asked for a motion to appoint Joyce Deutsch as Planning Board Secretary for the year 2021. A resolution was moved by Mr. Cataline, seconded by Mr. Calderaro. Roll call vote: Cataline, yes; Calderaro, yes; Borowski, yes; Brice, yes; Filippone, yes; Marino, yes; Palinsky, yes; Shenewolf, yes; Emery, yes; Barletta, yes.

Mr. Borowski made a motion to approve a Resolution reappointing Brady & Kunz as the Planning Board Attorney for the year 2021, and O'Donnell Stanton as the Planning Board Engineer for the year 2021, seconded by Mr. Palinsky. Roll call vote: Borowski, yes; Palinsky, yes; Brice, yes; Calderaro, yes; Filippone, yes; Marino, yes; Shenewolf, yes; Emery, yes; Barletta, yes; Cataline, yes.

Chairman Cataline asked for a resolution approving the meeting dates for the year 2021. A motion to approve the dates was made by Mr. Palinsky, seconded by Mrs. Filippone. Roll call vote: Palinsky, yes; Filippone, yes; Borowski, yes; Brice, yes; Calderaro, yes; Marino, yes; Shenewolf, yes; Emery, yes; Barletta, yes; Cataline, yes.

Chairman Cataline asked for a resolution approving the Ocean Star and the Asbury Park Press as the official Planning Board newspapers for the year 2021 with all present voting in favor.

Chairman Cataline asked for a resolution approving the Planning Board Rules and Procedures with all present voting in favor.

Resolutions Memorialized:

Application # 02-2020 George Marretta – 2205 Baltimore Ave., Block 49.02, Lot 31 – Elevation and Addition to Non-conforming Use – Denial

Application # 03-2020 MGC Development, LLC/Salvatore & Allison Conte – 300 Oceanfront and Two Kerr Ave., Block 4, Lots 1, 2, & 5 – Minor Subdivision - Approval

Review & Approval of Minutes:

Mr. Borowski made a motion to accept the minutes from the Regular Planning Board meeting of December 9, seconded by Mr. Cataline with all who were present at the meeting voting in favor.

Public Hearing:

N/A

New Business:

- The Board unanimously recommended that the Annual Report be forwarded to Mayor & Council.
- Recommendations to Mayor & Council regarding proposed Verizon Wireless Facilities.

Mr. Emery sat in for Mr. Restaino who was absent.

Tonight's meeting was livestreamed via Zoom.

Chairman Cataline described the task before us was to review the Verizon applications and the Engineer Review Letter dated December 28, 2020, and make recommendations to Mayor & Council to "approve," "approve with conditions," or "deny."

The following individuals were also present via Zoom:

George D. Meese, Esq.
Anthony Rekosik, Scherer Design Group
Andrew Petersohn, PE
Tony Egidio, Verizon Technician

Mr. Meese, attorney for Verizon, reviewed the substance of the applications and pointed out that:

- None of the poles are new
- Cited the Telecommunications Act of 1996
- The 200 linear ft., the underground utilities, and the 18-inch distance from the curb line requirements do not apply to these applications.

Mr. Brice verified that our existing poles are not 200 linear ft. from each other and since the applications before us concern themselves with existing poles and/or replacements of existing poles, these criteria should not be considered.

Mr. Petersohn's, credentials as the RFE expert were accepted by the Board. He fielded questions concerning the following:

- FCC emission standards have remained the same since the 90s, however, they have been revisited over the years, and the FCC has reaffirmed the thresholds. He further stated that the proposed cell installations are below the FCC exposure limits and based on the fact that the antennas will be pointed approximately 120 degrees apart from one another, there would be negligible impact.
- Explanation that 5G delivers superior data services such as speed, lower latency and high signal quality
- Explanation of Caution sign
- Locations were determined by traffic demand and where the network needs help.
- Five additional sites are being considered.
- No post construction emissions measurements are required.
- Exposure levels (absorption rate) for seniors and children do not pose a threat.

2000 Grand Central Ave.

The following subjects were discussed:

- Abandoned poles and upgrading
- Pending approvals from the Department of Transportation
- Color of equipment to be reviewed by the town
- Training and RF monitors
- No disruption of the roadway during the installation

Mr. Barletta sat for Mr. Calderaro who left the meeting at approximately 9:10 p.m.

At approximately 9:17 p.m. Chairman Cataline opened the meeting for public comment pertaining to this application, and hearing none, it was closed at approximately 9:18 p.m.

3 Liggett Road:

The following issues were discussed:

- Exposure calculations
- Second story deck
- Placement of antenna
- Guidewires
- Width of pole and sight triangle
- Pole location and STOP sign

Chairman Cataline opened the meeting for public comment pertaining to this application at approximately 9:38 p.m.

Zoe Berg, Program Director for Americans for Responsible Technology, expressed her concerns and was not in favor of this application. Mr. Meese objected to her testimony and referred her to make a case with the FCC.

Marge LaVolpe and Greg Scarcella, 3 Liggett Rd., (Exhibit D) voiced their health, safety, and property value concerns.

Janet & Perry Piazza, 56 Pershing Boulevard, (Exhibit H) worried about placing a pole so close to residential homes.

The public portion of this segment of the meeting was closed at 9:58 p.m.

103 Brown Ave.

The following matters were discussed:

- Exposure calculations
- Existing wires will not pose a problem if repairs are required

Chairman Cataline opened this portion of the meeting for public comment at approximately 10:04 p.m.

Mary Ann Geer of 104 Brown Ave. (Exhibit E) voiced her concern about the safety and aesthetics.

Tim & Mary Ann Wilson of 101 Brown Ave. (Exhibit B & C) communicated their safety concerns.

Zoe Berg inquired about damage liability.

Skyler Streich, 1606 Oceanfront disapproves of this application.

Lisa Scobi, 101 Brown Ave. also voiced her disapproval of this application.

The public comment portion was closed at approximately 10:30 pm.

120 Washington Ave.

The following topics were discussed:

- Question the need for this pole since it is so close to the existing tower
- Discussion to bring in temporary equipment during usage uptick in July

Chairman Cataline opened this portion for public comment and hearing none, it was closed.

1704 Grand Central Ave.

The following items were discussed:

- Pending approvals from the Department of Transportation
- Pole proximity to fire hydrant
- Exposure calculations

Chairman Cataline opened this portion of the meeting for public comment at approximately 10:50 p.m.

Lorraine Barletta-Mariella of 1704 Grand Central Ave. (Exhibit I) voiced her concerns about adverse health effects.

Kathleen Milinkovich of 1704 Grand Central Ave. (Exhibit F) shared her disapproval of this application.

Mr. Brice read the e-mail from resident Joanne H. Angelides of 115 Jersey City Ave. (Exhibit G) requesting that these applications be denied.

Mrs. Filippone shared some questions submitted via e-mail by Barbara Susinno of One Pennsylvania Ave. (Exhibit A).

Answers:

- Replacement poles will be the same distance from street level
- Verizon techs will monitor for corrosion
- Repairs are done quickly by Verizon
- Availability in an emergency 24/7, 365 days

The public portion was closed at 11:00 p.m.

Mr. Palinsky verified that our purpose is to ascertain whether or not these applications meet our ordinance.

Votes for each location:

2000 Grand Central Avenue

Approval with the following conditions:

- Pending consent of the Department of Transportation
- Obtain all required UCC permits including electrical and building
- Verizon to provide color samples to be used for cabinets, etc.

- Verizon to 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

Mr. Borowski moved to approve this application with conditions, seconded by Mr. Barletta. Roll call vote: Borowski, yes; Barletta, yes; Brice, yes; Filippone, abstain; Marino, no; Palinsky, yes; Shenewolf, yes; Emery, yes; Cataline, yes.

3 Liggett Road

Approval with the following conditions:

- Obtain all required UCC permits including electrical and building
- Verizon to provide color samples to be used for cabinets, etc.
- Verizon to 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 to supply radiuses of the openings for replacement pole and mark-outs
- Verizon will be responsible for the removal of obsolete equipment
- Verizon to seek approval of the Lavallette Police Chief to resolve any site triangle issues
- Mr. Marino asked that the placement of the Antenna (out toward street) at the 3 Liggett Rd. site be shown on the plan.

The Board strongly encouraged the applicant to find an alternative location for this pole site.

Mr. Marino moved to accept this application with conditions, seconded by Mr. Barletta. Roll call vote: Marino, es; Barletta, yes; Borowski, yes; Brice, yes; Filippone, abstain, Palinsky, yes; Shenewolf, abstain; Emery, yes; Cataline, yes.

103 Brown Avenue

Approval with the following conditions:

- Obtain all required UCC permits including electrical and building
- Verizon to provide color samples to be used for cabinets, etc.
- Verizon to 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 to supply radiuses of the openings for replacement pole and mark-outs
- Verizon will be responsible for the removal of obsolete equipment

The Board strongly encourages the applicant to find an alternative location for this pole site.

A motion to accept this application with conditions was made by Mr. Barletta, seconded by Mr. Marino. Roll call vote: Barletta, yes; Marino, yes; Borowski, yes; Brice, yes; Filippone, abstain; Palinsky, yes; Shenewolf, yes; Emery, yes; Cataline, yes.

120 Washington Avenue

Approval with the following conditions:

- Obtain all required UCC permits including electrical and building
- Verizon to provide color samples to be used for cabinets, etc.
- Verizon to 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 to supply radiuses of the openings for replacement pole and mark-outs
- Verizon will be responsible for the removal of obsolete equipment
- This site will require approval from the Ocean County Road Department

A motion to approve this application with conditions was made by Mr. Borowski, seconded by Mr. Palinsky. Roll call vote: Borowski, yes; Palinsky, yes; Brice, yes; Filippone, yes; Marino, yes; Shenewolf, yes; Emery, yes; Barletta, yes; Cataline, yes.

1704 Grand Central Avenue

Approval with the following conditions:

- Obtain all required UCC permits including electrical and building
- Verizon to provide color samples to be used for cabinets, etc.
- Verizon to 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
- Applicant to seek approval of the Lavallette Fire Chief regarding the safety of the pole's proximity to existing fire hydrant

A motion to approve this application with conditions was made by Mr. Barletta, seconded by Mr. Cataline. Roll call vote: Barletta, yes; Cataline, yes; Borowski, yes; Brice, yes; Filippone, abstain; Marino, yes; Palinsky, yes; Shenewolf, yes; Emery, yes.

Mr. Brice wanted the public to know that outright denials could be overturned, and we would then not be able to ask for any conditions.

Adjourn:

Mr. Marino moved to adjourn the meeting, seconded by Mr. Palinsky. The meeting adjourned at 11:30 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary