

RESOLUTION NO. 2021-58

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF LAVALLETTE CONDITIONALLY APPROVING AN APPLICATION
OF VERIZON/TILSON TECHNOLOGY
FOR A RIGHT OF WAY PERMIT AT 3 LIGGETT ROAD
IN THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN.**

WHEREAS, Verizon/Tilson Technology Management submitted a certain application pursuant to Borough Ordinance § 56-50, *et seq.*, seeking approval of the use of the public right of way for the replacement an existing utility pole, with a pole-mounted pole-top antenna, at 3 Liggett Road; and,

WHEREAS, the Borough Engineer, O'Donnell Stanton & Associates, has reviewed the application, deemed the application complete and reviewed the said application pursuant to Lavallette Borough Code § 56-54(f); and,

WHEREAS, Lavallette Borough Code § 56-54 provides that all applications to the Borough Council for utility poles, equipment cabinets and antennas are to be referred to the Lavallette Planning Board for its review and recommendation for approval or denial, pursuant to the Board's powers under *N.J.S.A. 40:55D-25(B)(3)*; and,

WHEREAS, O'Donnell Stanton & Associates rendered a report dated December 28, 2020 regarding the application, and the Lavallette Planning Board adopted the findings in the report and incorporated it into its Resolution by reference; and,

WHEREAS, the Lavallette Planning Board subsequently met in open session on Wednesday, January 6, 2021 to consider the said application, heard the witnesses for the applicant, Anthony Rekosik, Andrew Petersohn and Anthony Egidio, the applicant being represented by Gregory Meese, Esquire, and upon considering this application made the following findings and recommendations:

1. The site is located at 3 Liggett Road.
2. O'Donnell Stanton & Associates, Inc., the Lavallette Planning Board engineer, prepared a report to the Lavallette Planning Board dated December 28, 2020 and the Lavallette Planning Board adopted the findings in the report and incorporated it into the Resolution by reference.
3. The applicant shall obtain all required UCC permits including such electrical and building permits as may be required; and,
4. The applicant shall provide color samples to be used for the installation of the antenna and related equipment matching the specific pole location; and,

5. The applicant shall provide training to Borough Officials and the Lavallette Public Works Department and Electric Utility personnel regarding conducting repairs at the location and provide RFE meters used by applicant's technicians or similar; and,
6. The applicant shall seek approval of the Lavallette Police Chief to resolve any site triangle issues; and,
7. The applicant shall be responsible for removal of obsolete equipment; and,
8. The applicant shall supply radii of the openings for the replacement pole and mark-outs; and,
9. The applicant was strongly encouraged to find an alternative location for this antenna; and,

WHEREAS, the Lavallette Planning Board has made its recommendations to the Lavallette Borough Council pursuant to Lavallette Borough Ordinance § 56-54(e); and,

WHEREAS, the application and the Lavallette Planning Board's recommendations were reviewed by the Lavallette Borough Council on January 19, 2021 in accordance with Lavallette Borough Ordinance § 56-54(b), the Borough Council heard the witnesses for the applicant, Anthony Rekosik, Bryan Grebis and Anthony Egidio, the applicant being represented by Gregory Meese, Esquire, and public comment was heard at that time as set forth in the minutes of said meeting:

NOW, THEREFORE, be it resolved by the Borough Council of the Borough of Lavallette, Ocean County, New Jersey that the application pursuant to Borough Ordinance § 56-50, *et seq.*, for approval of the use of the public right of way for the installation of a replacement pole to install a small cell 5G antenna on the said pole at 3 Liggett Road is approved, subject to the following conditions:

1. The conditions of recommendation for approval of the Lavallette Planning Board on January 6, 2021 are hereby adopted as conditions of approval by the Borough Council of the Borough of Lavallette; and,
2. The applicant shall obtain all required UCC permits including such electrical and building permits as may be required; and,
3. The applicant shall provide color samples to be used for the installation of the antenna and related equipment matching the specific pole location; and,
4. The applicant shall provide training to Borough Officials and the Lavallette Public Works Department and Electric Utility personnel regarding conducting repairs at the location and provide RFE meters used by applicant's technicians or similar; and,
5. The applicant shall seek approval of the Lavallette Police Chief to resolve any site triangle issues; and,

6. The applicant shall be responsible for removal of obsolete equipment; and,
7. The applicant shall supply radii of the openings for the replacement pole and mark-outs; and,
8. The applicant shall obtain certification from the Federal Aviation Administration and the United States Department of Defense demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft; and,
9. This application is approved only if the applicant cannot, after due diligence, find an alternate more favorable location for the said antenna in consultation with the Borough Engineer; and,
10. The applicant is permitted no more than twenty (20) locations within the Borough of Lavallette; and,

BE IT FURTHER RESOLVED, that said conditions are conditions precedent to the installation of the said antenna and shall be verified by the Borough Engineer as completed prior to the issuance of a right-of-way permit.

CERTIFICATION

I hereby certify that I, the undersigned, am the Borough Clerk of the Borough of Lavallette and am duly authorized to certify Resolutions adopted by the Borough Council at a regular meeting on the 19TH day of January, 2021.

Donnelly Amico, RMC
Borough Clerk, Borough of Lavallette