The Ordinance published herewith was introduced and passed on first reading at a regular meeting of the Mayor and Borough Council of the Borough of Spring Lake on October 13, 2026 and will be further considered for final passage after public hearing at a meeting of said Mayor and Borough Council to be held at the Borough of Spring Lake, 423 Warren Avenue, Spring Lake, New Jersey on Tuesday, October 27, 2026 beginning at 7:00 P.M. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to member of the General Public who shall request such copies.

BOROUGH OF SPRING LAKE **ORDINANCE NO. 2026-010**
COUNTY OF MONMOUTH

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 225, LAND DEVELOPMENT, ARTICLE VI. EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES AND SECTION 33 WIRELESS TELECOMMUNCATIONS TOWERS AND FACILITIIES.

WHEREAS, Chapter 225 governs Land Development; and

WHEREAS, Section 330 governs wireless telecommunications towers and facilities: and

WHEREAS, the Mayor and Borough Council wish to facilitate and expressly permit the location of all telecommunication towers, alternative tower structures and ancillary facilities on sites and property owned and/or controlled by the Borough, when the Mayor and Borough Council, acting in their sole and absolute discretion, determines that the leasing of Borough property for such uses is appropriate.

WHEREAS, the Mayor and Borough Council wish to have exclusive control and review authority concerning all telecommunication towers, alternative tower structures and ancillary facilities on sites and property owned and/or controlled by the Borough via its authority to lease public property pursuant to N.J.S.A. 40A:12-14, et seq.

WHEREAS, the Mayor and Borough Council believe it is in the best interest of the Borough that wireless telecommunications towers, alternative tower structures and ancillary facilities sited on Borough owned property not be subject to or require any variances or site plan approval, and that the decision to approve sites on Borough property rest solely and absolutely within the discretion of the Mayor and Borough Council.

WHEREAS, Chapter 225 is amended and supplemented with deletions reflected in ~~strikethrough~~ and additions reflected in <u>underline</u>; and

NOW, THEREFORE, BE IT ORDAINDED, by the Mayor and Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

§ 225-33. Wireless telecommunications towers and facilities.

A. Purpose and intent. The purpose of this section is to establish guidelines for the siting of wireless telecommunications towers, alternative tower structures and antennas and ancillary facilities through the Borough's land use code when the property proposed is not owned or controlled by the Borough. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) to ~~encourage~~ permit the location of towers, alternative tower structures, and antennas and ancillary facilities ~~where appropriate or~~ on Borough owned property in the Borough's sole and absolute discretion ~~(2)~~(3) to encourage the location of towers ~~on Borough owned property where appropriate or in~~ in other nonresidential areas; ~~(3)~~(4) minimize the total number of towers throughout the community; ~~(4)~~ ~~(~~5) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; ~~(5)~~ (6) encourage the use of existing buildings, telecommunication towers, light or utility poles, or water towers as opposed to construction of new telecommunication towers; ~~(6)~~ (7) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; ~~(7~~)(8) ensure that all telecommunication facilities, including towers, alternative tower structures, antennas and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community by encouraging users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; ~~(8)~~ (9) enhance the ability of the providers of ~~telecommunications~~personal wireless services to provide such services to the community quickly, effectively, and efficiently; ~~(9)~~ (10) consider the public health and safety of telecommunication towers and alternative tower structures; ~~and~~ (1~~0~~1) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and (12) clarify that the Borough will follow its land use regulatory codes and regulations when a proposed wireless site is not on property owned or controlled by the Borough and that the Borough will act solely in its proprietary capacity when determining if and how personal wireless service facilities are proposed on properties owned or controlled by the Borough. In furtherance of these purposes, the Borough of Spring Lake shall give due consideration to the Borough of Spring Lake's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. Definitions. As used in this section the following items shall have the meanings indicated:

ALTERNATIVE TOWER STRUCTURE — Manmade trees, clock towers, bell steeples, flagpoles, street lights and other utility poles and similar alternative-design mounting structures that camouflage or conceal the presence of ~~antennas or towers~~wireless communications structures and facilities.

ANCILLARY FACILITIES — The buildings, cabinets, vaults, closures and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

ANTENNA — Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. Parabolic dish antennas used for satellite communications shall not be included within this definition.

BACKHAUL NETWORK — The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

BUFFER AREA — The area surrounding a telecommunications tower and ancillary facilities which lies between the tower and adjacent lot lines and/or land uses.

CARRIER — A company that provides wireless services.

COLLOCATION — When two or more receiving and/or transmitting facilities are placed together in the same location or on the same antenna support structure.

FAA — The Federal Aviation Administration.

FALL ZONE — The area on the ground within a prescribed radius from the base of a wireless telecommunications tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FCC — The Federal Communications Commission.

FUNCTIONALLY EQUIPMENT SERVICES — Cellular radio, personal communication service (PCS), enhanced specialized mobile radio, specialized mobile radio and paging, commercial land mobile radio and additional emerging technologies.

GUYED TOWER — A tower, which is supported or braced through the use of cables (guy wires) which are permanently anchored.

HEIGHT — When referring to a tower or alternative tower structure, the vertical distance measured from the lowest finished grade at the base of the tower to the highest point on the tower, even if said highest point is an antenna.

LATTICE TOWER — A type of mount that is self-supporting with multiple legs and crossbracing of structural steel.

MONOPOLE — The type of mount that is self-supporting with a single shaft of wood, steel, or concrete and a platform (or racks) for panel antennas arrayed at the upper portions of pole.

MOUNT — The structure or surface upon which antennas are mounted, including the following four types of mounts:

(1) ROOF-MOUNTED — Mounted on the roof of a building.

(2) SIDE-MOUNTED — Mounted on the side of a building.

(3) GROUND-MOUNTED — Antenna support (tower mounted on the ground).

(4) STRUCTURE-MOUNTED — Mounted on a structure other than a building.

PERSONAL WIRELESS SERVICE FACILITY — A facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996.

PREEXISTING TOWERS and PREEXISTING ANTENNAS — Any tower or antenna for which a building permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have been approved but have not yet been constructed so long as such approval is current and not expired.

RADIO FREQUENCY RADIATION (RFR) — The emissions from personal wireless service facilities or any electromagnetic energy within the frequency range from 0.003 MHZ to 300,000 MHZ. RADIO

RADIO FREQUENCY (RF) ENGINEER — An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

STEALTH DESIGN — A telecommunication facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment. (See "Alternative Tower Structure.")

TELECOMMUNICATION FACILITY — A facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices including transmission towers, antennas and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio broadcasts are not telecommunication facilities.

TELECOMMUNICATIONS or TRANSMISSION TOWER — The monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not transmission towers.

WIRELESS COMMUNICATIONS — Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas, nor does it include noncellular telephone service.

C. Applicability.

(1) New towers, Alternative Tower Structures and antennas. All new ~~telecommunications towers~~Telecommunications Towers, Alternative Tower Structures or antennas in the Borough of Spring Lake shall be subject to these regulations.

(2) Preexisting towers or antennas. Preexisting telecommunications towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of Subsections J and K absent any enlargement or structural modification or the addition of any antennas.

(3) District height limitations. The requirements set forth in this section shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district.

(4) Public property. Except for personal wireless facilities in public rights of way, ~~A~~antennas ~~or~~, towers and alternative tower structures located on property owned, leased or otherwise controlled by the ~~governing authority~~ Borough of Spring Lake shall, in the sole and absolute discretion of the Mayor and Borough Council, be permitted without conditional use approval or variance of any kind or any other approvals from the Planning Board or Zoning Board of Appeals ~~encouraged,~~ provided a license or lease authorizing such antenna ~~or~~, tower or alternative tower structure has been authorized and approved by ordinance or resolution, as applicable, in accordance with applicable law, by the Mayor and Council of the ~~governing authority~~ Borough of Spring Lake. ~~Said approved publicly owned site utilized for the purposes of constructing towers and/or antennas shall be treated as engaging in a conditional use under this section.~~ Any decision by the Mayor and Borough Council is made in its proprietary capacity and not based upon specific land use regulations of the Code.

(5) Amateur radio station operators/receive only antennas. This section shall not govern any tower, or the installation of any antenna, that is under 50 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

(6) Satellite dish antennas. This section shall not govern any parabolic dish antennas used for transmission or reception of radio signals associated with satellites.

(7) No towers shall be permitted in Borough owned rights of way. Within Borough rights of way, only alternative tower structures proposed on existing or replacement utility poles owned by third parties or by a personal wireless service provider may be approved in accordance with ~~-~~Article VII, Small Wireless Facilities in the Right of Way, Sections 330-69 to 330-75 of the Borough Code.

D. General requirements.

(1) Principal or accessory use. Telecommunications antennas, and towers and alternative tower structures may be considered either principal or accessory uses. Notwithstanding any other Borough land use regulation, a different existing structure on the same lot shall not preclude the installation of an antenna ~~or~~, tower or alternative tower structure on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use.

(2) Lot size. For purposes of determining whether the installation of a tower, alternative tower structure or antenna on non-Borough owned property complies with zone development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas ~~or~~, towers or alternative tower structures may be located on leased parcels within such lot.

(3) State or federal requirements. All towers and alternative tower structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers, alternative tower structures and antennas. If such standards and regulations are changed, then the owners of the towers, alternative tower structures and antennas governed by this section shall bring such towers, alternative tower structures and antennas into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers, alternative tower structures and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower, alternative tower structure or antenna at the owner's expense.

(4) Building codes: safety standards. To ensure the structural integrity of towers and alternative tower structures, the owner of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable state or local Building Codes and the applicable standards for towers that are published by the Electronic Industries Association and Telecommunications Industry Association, as amended from time to time. Owner shall provide a certification from a structural engineer, licensed by the State of New Jersey, certifying the structural integrity of the tower or alternative tower structure not less than every two years. If, upon inspection, the Borough of Spring Lake concludes that a tower or alternative tower structure fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower or alternative tower structure, the owner shall have 30 days to bring such tower or alternative tower structure into compliance with such standards. Failure to bring such tower or alternative tower structure into compliance within said 30 days shall constitute grounds for the removal of the tower, alternative tower structure or antenna at the owner's expense.

(5) No essential services. Telecommunications towers, alternative tower structure and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(6) Collocation required. The Borough of Spring Lake mandates that carriers collocate antennas on towers, alternative tower structure and other structures whenever possible. See Subsection G for collocation requirements.

(7) Conditional use. Except those telecommunications on Borough owned property, which are permitted uses subject to authorization and approval in the sole and absolute discretion by the Borough in accordance with Section (C) (4) above , a~~A~~ll telecommunications facilities shall be conditional uses in accordance with N.J.S.A. 40:55D-67.

(8) Site plan required. Except those on Borough owned property, which shall only require a construction permit under the Uniform Construction Code, site plan approval shall be required for all new telecommunications facilities in the Borough of Spring Lake including modifications to or addition of new telecommunications facilities to preexisting towers, alternative tower structures, buildings or other structures.

E. Use regulations.

(1) Conditional use. Except those on Borough owned property in any zoning district, which are permitted subject to the Borough's~~-~~ authorization and approval in its absolute and sole discretion in accordance with subsection (C)(4) above, wireless telecommunications facilities are permitted as conditional uses i~~I~~n the GC Zoning District.

~~(a) On lands owned by Spring Lake Borough or any other public entity within the Borough of Spring Lake.~~

~~(b)~~

(2) Conditional use standard. Wireless telecommunications facilities may be permitted on non-Borough owned property in the GC Zoning District, provided that:

(a) The minimum lot size on which the telecommunications facility is to be located is at least 1/2 acre in area.

(b) Lattice towers and any type of guyed tower are prohibited.

(c) Telecommunications towers shall be limited to ~~monopolies~~monopoles without guys designed to ultimately accommodate at least three carriers and shall meet the following height and usage criteria:

[1] For a single carrier, up to 75 feet in height;

[2] For two or more carriers, up to 100 feet in height; and

(3) Factors considered in granting conditional use permits.

(a) In addition to the above standards, the Planning Board shall consider the following factors in determining whether to issue a conditional use permit:

[1] Proximity of the tower or alternative tower structure to residential structures and residential district boundaries;

[2] Nature of uses on adjacent and nearby properties;

[3] Surrounding topography;

[4] Surrounding tree coverage and foliage;

[5] Design of the tower or alternative tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness including stealth designs which are encouraged;

[6] Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures;

[7] Availability of proposed tower or alternative tower structure to other potential carriers.

(b) This list is considered to be illustrative in nature and may not include all factors to be considered.

F. Site design standards. The following site design standards shall apply to wireless telecommunications facilities on non-Borough owned property:

(1) New towers:

(a) Telecommunications towers may not be located closer than 50 feet to any residential property. Antennas located on preexisting buildings or structures are exempt from this requirement.

(b) Fall zone. 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.

(c) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height. Towers shall also be equipped with appropriate anti-climbing measures.

(d) Landscaping. The following requirements shall govern the landscaping surrounding towers:

[1] Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences or any other area frequented by the public. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. However, at a minimum, the facility should be shielded from public view by evergreen trees at least eight feet high at planting and planted in staggered double rows 15 feet on center.

[2] In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced at the sole discretion of the approving authority.

[3] Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

(e) Ancillary buildings. Any proposed building enclosing related electronic equipment shall not be more than 10 feet in height nor more than 200 square feet in area, and only one such building shall be permitted on the lot for each provider of wireless telecommunication services located on the site. Such buildings must satisfy the minimum zoning district setback requirements for accessory structures.

(f) Aesthetic. Towers and antennas shall meet the following requirements:

[1] Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

[2] At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(g) Lighting. No lighting is permitted except as follows, which shall be subject to review and approval by the Planning Board as part of the site plan application:

[1] The building enclosing electronic equipment may have one light at the entrance to the building, provided that the light is attached to the building,

is focused downward, properly shielded and is switched so that the light is turned on only when workers are at the building; and

[2] No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties.

(h) Signs. No signs are permitted except those required by the Federal Communications Commission, the Electronic Industries Association (ELIA) and and/or the Telecommunication Industry Association (TIA) or by law, such as warning and equipment information signs.

(i) All ground-mounted telecommunication towers or alternative tower structures shall be self-supported monopoles and must be capable of withstanding hurricane-force winds of 140 miles per hour.

(2) Antennas mounted on existing structures or roof tops.

(a) Antennas on existing structures. Any antenna which is not attached to a tower may be attached to any existing business, industrial, office, utility or institutional structure in the GC Zoning District, provided that:

[1] Side- and roof-mounted personal wireless service facilities shall not project more than 10 feet above the height of an existing building or structure nor project more than 10 feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may locate on a building or structure that is legally nonconforming with respect to height, provided that the facilities do not project above the existing building or structure height.

[2] The antenna complies with all applicable FCC and FAA regulations.

[3] The antenna complies with all applicable Building Codes.

[4] The equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 40 feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.

[a] If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.

[b Equipment storage buildings, structures or cabinets shall comply with all applicable Building Codes.

(b) Aesthetics. If an antenna is installed on a structure other than a tower or alternative tower structure, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(3) Antennas on existing towers. An antenna may be attached to a preexisting tower and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided that such collocation is accomplished in a manner consistent with the following:

(a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed.

(b) An existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this section.

(c) On-site location.

[1] A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within 50 feet of its existing location, subject to conformance with setback requirements.

[2] After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(4) Noise standards. Noise attenuation measures shall be included to reduce noise levels at the facility to a maximum exterior level of 60 decibels. Backup generators may only be operated during power outages and for testing and maintenance purposes.

G. Collocation.

(1) The Borough of Spring Lake requires that licensed carriers share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless service facilities that are stand-alone facilities. All applicants for site plan approval for an individual wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

(a) A survey of all existing structures that may be feasible sites for collocating personal wireless service facilities;

(b) Notification by certified mail of intent to seek site plan approval to all the other licensed carriers for commercial mobile radio services operating in the County; applicant shall provide proof of notification to the Planning Board; and

(c) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

(2) In the event that collocation is found to be not technically feasible, a written statement of the reasons for the infeasibility shall be submitted to the Borough Clerk and the Planning Board. The Borough may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Borough may deny approval to an applicant that has not demonstrated a good faith effort to provide for collocation.

(3) If the applicant does intend to collocate or to permit collocation, plans and elevations, which show the ultimate appearance and operation of the personal wireless service facility at full build-out shall be submitted.

H. Location priorities. Wireless telecommunication facilities shall be located and approved in accordance with the following prioritized locations:

(1) The first priority shall be an existing tower or building or alternative tower structure, or an existing or proposed water tower or standpipe owned by the Borough of Spring Lake or any other public or private utility within or near the Borough of Spring Lake.

(2) The second priority shall be new towers on lands owned by the Borough of Spring Lake or other public entity.

(3) The third priority shall be an existing building in the GC Zoning District.

(4) The fourth priority shall be new towers on lands not owned by the Borough of Spring Lake or other public entity located within the GC Zoning District.

I. Site plan submission requirements. In addition to the site plan submission requirements, the following information shall be submitted in conjunction with site plan approvals for all wireless telecommunication facilities except those located on Borough owned property:

(1) Comprehensive service plan. In order to provide proper evidence that any proposed location of wireless telecommunications antennas (and any supporting tower and/or ancillary building enclosing related electronic equipment) has been planned to result in the fewest number of towers within the Borough of Spring Lake at the time full service is provided by the applicant throughout the Borough, the applicant shall submit a comprehensive service plan. Said comprehensive service plan shall indicate how the applicant proposes to provide full service throughout the Borough and, to the greatest extent possible, said service plan shall also indicate how the applicant's plan is

coordinated with the needs of all other providers of telecommunication services within the Borough of Spring Lake. The comprehensive service plan shall indicate the following:

(a) Whether the applicant's subscribers can receive adequate service from antennas located outside of the borders of the Borough of Spring Lake.

(b) How the proposed location of the antennas relates to the location of any existing wireless telecommunications facility within and/or near the Borough of Spring Lake.

(c) How the proposed location of the antennas relates to the anticipated need for additional antennas and supporting towers within and/or near the Borough of Spring Lake by both the applicant and by other providers of telecommunication services within the Borough of Spring Lake.

(d) How the proposed location of the antennas relates to the objective of collocating the antennas of different service carriers on the same facility.

(e) How the proposed location of the antennas relates to the overall objective of providing full telecommunication services within the Borough of Spring Lake while, at the same time, limiting the number of towers to the fewest possible.

(2) A scaled site plan clearly indicating the location, type and height of the proposed tower or alternative tower structure, on-site land uses, structures and zoning, adjacent land uses, structures and zoning (including when adjacent to other municipalities), and all properties within the applicable fall zone, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structure, topography, parking and other information deemed by the Planning Board and Borough Engineer to be necessary to assess compliance with this section.

(3) Legal description of the entire tract and leased parcel (if applicable).

(4) The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.

(5) The separation distance from other towers, alternative tower structure and antennas.

(6) A landscape plan showing specific landscape materials including, but not limited to, species type, size, spacing and existing vegetation to be removed or retained.

(7) Method of fencing and finished color and, if applicable, the method of camouflage.

(8) A description of compliance with all applicable federal, state or local laws.

(9) A notarized statement by the applicant as to whether construction of the tower or alternative tower structure will accommodate collocation of additional antennas for future users.

(10) Identification of the entities providing the backhaul network for the tower(s) or alternative tower structure described in the application and other telecommunication sites owned or operated by the applicant in the immediate area of the Borough.

(11) A letter of commitment to lease excess space to other potential users at prevailing market rates and conditions. The letter of commitment shall be in form suitable for recording with the County Clerk prior to the issuance of any permit and shall commit the tower owner(s), property owner(s) and their successors in interest.

(12) A visual impact study containing, at a minimum, a photographic simulation showing the appearance of the proposed tower, alternative tower structure, antennas, and ancillary facilities from at least five points within a 1/2 mile radius. Such points shall be chosen by the carrier with review and approval by the Planning Board and their consultant to ensure that various potential views are represented.

(13) An analysis of the RFR levels at the facility as a means of assessing compliance with the FCC RF safety criteria. This analysis shall:

(a) Take into consideration all collocated radio transmitting antennas and/or nearby antennas that could contribute to RFR levels at the facility.

(b) Be performed by a RF engineer, health physicist or similar knowledgeable individual.

(c) Follow current methods recommended by the FCC for performing such analyses.

J. Monitoring and maintenance.

(1) After the wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations, and anytime that the carrier performs a modification to the facility that requires zoning approval, existing measurements of RFR from the wireless telecommunications facility. Such measurements shall be signed and certified by an RF engineer, stating that RFR measurements are accurate and meet FCC guidelines as specified in the radio frequency standards of this section[1].

(2) The applicant and co-applicant shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting,

structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping, fencing and parking areas, etc.

K. Abandonment or discontinuation of use.

(1) At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the Borough Clerk by certified United States mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon discontinuation of operations.

(2) Upon abandonment or discontinuation of use, at the option of the Borough, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(a) Removal of antennas, mount, equipment shelters and security barriers for the subject property.

(b) Proper disposal of the waste materials from the site in accordance with local, county and state solid waste disposal regulations.

(c) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(3) If a carrier fails to remove a personal wireless service facility in accordance with this section, the Borough shall have the authority to enter the subject property and physically remove the facility. The Planning Board will require the applicant to post a bond at the time of approval to cover costs for the removal of the individual wireless service facility and site restoration in the event the Borough must remove the facility.