

# **BERNARDS TOWNSHIP**

## **PLANNING BOARD**

### **MINUTES** v2

Reorganization and Regular Meeting  
January 7, 2020

Ms. Kiefer called the meeting to order at 7:31 PM.

### **FLAG SALUTE**

### **OPEN PUBLIC MEETING STATEMENT**

Ms. Kiefer read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this regular meeting of the Planning Board of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, NJ; was sent to the Bernardsville News, Whippany, NJ, and to the Courier News, Bridgewater, NJ, on January 9, 2019; and was electronically mailed to those people who have requested individual notice.

The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 PM and no new witnesses or testimony heard after 10:30 PM.

## **REORGANIZATION MEETING**

### **OATHS OF OFFICE**

The following members were duly sworn:

- Joseph Esposito, Class I Member, one-year term expiring 12/31/20
- John Crane, Class II Member, one-year term expiring 12/31/20
- Joan Harris, Class III Member, one-year term expiring 12/31/20
- Lauren Manduke, Class IV Member, filling unexpired term of Crane expiring 12/31/20

Continuing Board Members: Asay, Hurley, McNally, Mastrangelo, Piedici, Zaidel

### **ROLL CALL:**

Members Present: Asay, Crane, Esposito, Harris, Hurley, Manduke, Mastrangelo, Piedici, Zaidel  
Members Absent: Damurjian, McNally  
Also Present: Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP; Planner, David Banisch, PP, AICP; Secretary, Cyndi Kiefer

Moved by Ms. Mastrangelo, seconded by Mr. Hurley, all in favor and carried, that Mr. McNally's absence be excused.

### **NOMINATIONS FOR CHAIRMAN**

Ms. Kiefer called for nominations for Chairman of the Board for 2020. Mr. Zaidel nominated Ms. Piedici and Ms. Asay seconded the nomination.

All in favor and carried that Ms. Piedici be elected as Chairwoman for the year 2020.

### **NOMINATIONS FOR VICE CHAIRMAN**

Chairwoman Piedici called for nominations for Vice Chairman of the Board for 2020. Mr. Zaidel nominated Mr. Hurley and Ms. Mastrangelo seconded the nomination.

All in favor and carried that Mr. Hurley be elected as Vice Chairman for the year 2020.

**NOMINATIONS FOR VICE CHAIRMAN PRO TEMP**

Chairwoman Piedici called for nominations for Vice Chairman Pro Temp of the Board for 2020. Chairwoman Piedici nominated Ms. Asay and Mr. Crane seconded the nomination.

All in favor and carried that Ms. Asay be elected as Vice Chairman Pro Temp for the year 2020.

**APPOINTMENTS FOR PROFESSIONALS FOR THE BOARD****Appointment of Engineer for the Board**

Chairwoman Piedici called for nominations for Engineers for the Board for the year 2020. Ms. Mastrangelo nominated Cathleen Marcelli, PE and Larry Plevier, PE and Committeewoman Harris seconded the nomination.

Motion by Ms. Mastrangelo to adopt [Resolution #20-01 Professional Services Contract for 2020 Planning Board Engineers](#) and to appoint Cathleen Marcelli, PE and Larry Plevier, PE as Engineers for the Board for the year 2020. Committeewoman Harris seconded the motion.

Roll call:

|          |   |
|----------|---|
| Aye:     | Asay, Esposito, Harris, Hurley, Manduke, Mastrangelo, Piedici, Zaidel |
| Nay:     | NONE  |
| Abstain: | Crane   |

Motion carried.

**Appointment of Planner for the Board**

Chairwoman Piedici called for nominations for Planners for the Board for the year 2020. Mr. Hurley nominated David J. Banisch, PP, AICP and Francis J. Banisch, PP, AICP and Ms. Manduke seconded the nomination.

Motion by Mr. Hurley to adopt [Resolution #20-02 Professional Services Contract for 2020 Planning Board Planners](#) and to appoint Francis J. Banisch, PP/AICP and David J. Banisch, PP/AICP as Planners for the Board for the year 2020. Second by Ms. Manduke.

Roll call:

|          |   |
|----------|---|
| Aye:     | Asay, Esposito, Harris, Hurley, Manduke, Mastrangelo, Piedici, Zaidel |
| Nay:     | NONE  |
| Abstain: | Crane   |

Motion carried.

**Appointment of Secretary for the Board**

Chairwoman Piedici called for appointments for the office of Secretary for the Board for the year 2020.

Moved by Committeewoman Harris and seconded by Ms. Asay, all in favor and carried, that Cyndi Kiefer be appointed.

**Appointment of Legal Counsel for the Board**

Chairwoman Piedici called for appointments for Legal Counsel for the Board for the year 2020. Ms. Manduke nominated Mr. Drill and Committeewoman Harris seconded the nomination.

Motion by Ms. Manduke to adopt [Resolution #20-03 Professional Services Contract for 2020 Planning Board Attorney](#) and to appoint Jonathan E. Drill, Esq. as Legal Counsel for the Board for the year 2020. Second by Committeewoman Harris.

Roll call:

|      |  |
|------|--|
| Aye: | Asay, Crane, Esposito, Harris, Hurley, Manduke, Mastrangelo, Piedici, Zaidel |
| Nay: | NONE   |

Motion carried.

**ADOPTION OF OFFICIAL NEWSPAPERS**

Chairwoman Piedici called for a motion to designate the official newspapers for all advertisements and notices required by law to be published by the Board.

Moved by Mr. Hurley to designate the Bernardsville News, Whippany, NJ and the Courier News, Bridgewater, NJ as the official newspapers for the year 2020. The Daily Record of Morristown, NJ and the Star Ledger of Newark, NJ are designated newspapers which may be given notice by the Secretary when the publication schedule of the Bernardsville News or the Courier News does not enable it to publish advance notice of special or rescheduled meetings. Seconded by Ms. Asay.

All in favor and carried that the Bernardsville News and the Courier News be designated as the official newspapers of the township for the year 2020.

**ADOPTION OF MEETING DATES**

Chairwoman Piedici called for the adoption of the meeting schedule for regular meeting dates for the year 2020. Motion by Ms. Asay to adopt [Resolution #20-04 Schedule of Meetings for the Year 2020](#). Second by Mr. Zaidel.

Roll call:

Aye: Asay, Crane, Esposito, Harris, Hurley, Manduke, Mastrangelo, Piedici, Zaidel

Nay: NONE

Motion carried.

**ADOPTION OF RULES AND REGULATIONS OF THE BOARD**

Chairwoman Piedici called for a motion to adopt the 2020 Planning Board Rules and Regulations.

Motion by Ms. Mastrangelo to adopt [Resolution #20-05 Rules and Regulations for the Year 2020](#). Mr. Crane seconded.

Roll call:

Aye: Asay, Crane, Esposito, Harris, Hurley, Manduke, Mastrangelo, Piedici, Zaidel

Nay: NONE

Motion carried.

**ADJOURNMENT**

Moved by Mr. Crane and seconded by Mr. Zaidel, all in favor and carried, to close the reorganization meeting and open the regular meeting at 7:39 PM.

**REGULAR MEETING****COMPLETENESS HEARING**

Moye, William & Carol; Block 11401, Lot 11; 11 Mountain Road; Minor Subdivision, Bulk Variances, #PB17-001

Referring to his memo dated December 27, 2019, Mr. Schley advised the board that all applicable items had been submitted.

Mr. Crane moved to deem the application complete. Ms. Asay seconded.

Roll call:

Aye: Asay, Crane, Esposito, Harris, Hurley, Manduke, Mastrangelo, Piedici, Zaidel

Nay: NONE

Motion carried.

**PUBLIC HEARING**

[NY SMSA LP d/b/a Verizon Wireless](#); Block 804, Lots 2.01 & 16; One Verizon Way; Preliminary/Final Site Plan, Bulk Variances; #PB19-004

Present: Richard L. Schneider, Esq., Attorney for the Applicant

David K. Stern, PE, Radio Frequency Engineer for the Applicant  
Frank Colasurdo, RA, Architect for the Applicant  
Christopher Lanna, Environmental Consultant for the Applicant  
William F. Masters, Jr., PP, Planner for the Applicant

Richard L. Schneider, Esq., attorney with *Vogel, Chait, Collins & Schneider PC*, Morristown, NJ, advised the board that he was present on behalf of the applicant, NY SMSA LP d/b/a Verizon Wireless ("Verizon"). He explained that the township had previously granted the applicant a permit to install, on a temporary basis, multiple 5G test nodes on Lot 2.01 of the subject property with the stipulation that the applicant obtain Planning Board approval within 180 days for any nodes they want to keep on a permanent basis. Noting that the applicant now proposes to install a total of 16 test nodes, he stated that since these nodes are for the purpose of conducting tests and research, they are considered a permitted accessory use to the subject property's principal use of scientific or research laboratory. Mr. Schneider said that the nodes will be attached to existing structures and that the project as presented, requires four (4) bulk variances and one (1) Zone Two waiver.

Mr. Drill explained that previous applications for this site by Verizon in 2017 and 2018 had been heard by the Zoning Board of Adjustment ("ZBOA") since they required "d" variances which only that board can grant. In addition, the ZBOA did not specifically retain jurisdiction for any further site plan applications at that time. Because the current application requires site plan approval for permitted accessory structures and does not in any way request changes or relief from that which was previously granted by the ZBOA, he opined that the Planning Board had jurisdiction to hear the application.

The professionals for both the board and the applicant were duly sworn by Mr. Drill.

Mr. Crane noted that he had visited the site.

David K. Stern, PE, vice president of the firm, *V-Comm Telecommunication Engineering*, Cranbury, NJ, was accepted by the board as an expert in the field of radio frequency engineering. He gave a brief history of how telecommunication technology has developed from 1G to 5G. Noting that 5G technology can address far more devices and carry far more information, all on a real time basis, he testified that the signal from each of these test nodes would cover much less area than 4G installations and will not penetrate through trees, buildings, etc. The test nodes will be positioned to provide coverage for the entire Lot 2.01 property and will test all aspects such as load and mobility in order to eliminate any negative issues prior to introducing 5G into the network for public use.

**Exhibit A-1**, an aerial photo location plan consisting of 11 pages, prepared by *Frank Colasurdo Architects Inc.*, last revised 01/02/2020, showing the location of all 16 nodes, was entered into evidence.

**Exhibit A-2**, an aerial photo from Google Earth, dated 2018, prepared by Mr. Stern, showing the 5G coverage throughout the subject property, was entered into evidence.

In response to questions from the board, Mr. Stern testified that if it was determined that more than 16 nodes were needed for adequate testing, Verizon would return to the board. He then gave a brief description of the physical aspects of the nodes and discussed safety issues and precautions.

Mr. Schneider agreed, as a stipulation of approval, to provide an FCC compliance report showing that all nodes comply with state and federal safety requirements.

Mr. Banisch opined that the test nodes were appropriately accessory to the site.

Hearing no further questions from the board or its professionals, Chairwoman Piedici opened the meeting to the public for questions.

Jaroslav Chorazykiewicz, 195 Madisonville Road, asked if there would be any detrimental effects to his property. Mr. Stern responded that there would be no measurable energy from the nodes on his property.

Todd Edelstein, 172 Riverside Drive, asked if there would be any safety signage on the nodes. Mr. Stern responded that it would not be needed since the nodes would be installed in such a way to ensure the safety of anyone in their vicinity.

Hearing no further questions from the public, that portion of the hearing was closed.

Frank Colasurdo, RA, principal with *Frank Colasurdo Architects*, Mount Olive, NJ, was accepted by the board as an expert in the field of architecture. He testified that he had prepared the site plan and that all conduits for power and fiber at the Verizon site would be underground. He then reviewed the location details of Nodes 7, 9, 18 and 36 and why each required variance relief. Finally, he addressed the Zone Two waiver request for Node 20 by stating that the node will be located across the street from the stream in the exact same location as an existing light pole which will be replaced by another pole. The only differences would be that the replacement pole will be higher and require a larger foundation.

Referring to **Exhibit A-1**, Mr. Crane asked if Nodes 24 and 25 could be colored to blend in with the environment. Mr. Colasurdo advised that it was possible, but he didn't feel it was necessary. Mr. Crane then referred to Node 18 which is located on the roof of the guard house at the main site entrance off North Maple Avenue and asked if that node along with the other equipment located on the roof could be similarly camouflaged to eliminate the "industrial look" that he felt currently existed. Mr. Schneider responded that the node and post could be colored but he was unsure about whether or not the remaining equipment could be touched.

Christopher Lanna, environmental consultant with the firm of *E2 Project Management LLC*, Rockaway, NJ, was accepted by the board as an environmental expert in land use permits. He testified that the applicant will apply to the New Jersey Department of Environmental Protection (NJDEP) for a redevelopment waiver to extend the foundation for Node 7. If the node is moved to conform to the side yard setback requirement of 100 feet, it would involve a more complex application to the NJDEP.

Hearing no further questions from the board or its professionals, the hearing was opened to the public for questions.

In response to a question from Kathleen Mastriano, 233 Madisonville Road, Mr. Colasurdo stated that there were no nodes proposed for the Madisonville Road guard house.

Hearing no further questions, that portion of the hearing was closed.

William F. Masters, Jr., PP, planner with a business address of 19 Ironwood Drive, Morris Plains, NJ, was accepted by the board as an expert in the field of professional planning.

**Exhibit A-3**, compendium of 15 photos showing views of the nodes requiring variance relief from various locations and dated November 16, 2019, was entered into evidence.

Mr. Masters testified that he had taken the photos contained in **Exhibit A-3**. Using the exhibit, he reviewed each of the variances requested and provided testimony to satisfy both the positive and negative criteria for a "c-2" or "benefits outweigh detriments" variance for each.

Mr. Drill asked if the security cameras and mushroom fan on the roof of the North Maple Avenue guard house required approval. Mr. Schley stated that the guard house itself had been approved (accessory structure in a front yard) but that there had been no approvals given for the other equipment on the roof. Mr. Drill suggested that the application be amended to request relief for accessory structures in a front yard for the security cameras and mushroom fan.

Mr. Crane asked that all the equipment on the guard house be camouflaged. A straw poll supported the request to amend the application and to have the applicant paint the poles for the node and cameras, too, if possible, a dark color to be selected by Mr. Banisch and Mr. Masters. Mr. Schneider agreed.

Hearing no further questions from the board or its professionals, the hearing was opened to the public for questions. Hearing none, that portion was closed.

Mr. Schneider gave a brief summation.

The meeting was opened to the public for comments. Hearing none, that portion was closed.

After deliberations, Ms. Mastrangelo moved to grant the variance relief and waiver sought by the applicant subject to the conditions stipulated to by the applicant during testimony and as stated during deliberations. Committeewoman Harris seconded.

Roll call:

|      |  |
|------|--|
| Aye: | Asay, Crane, Esposito, Harris, Hurley, Manduke, Mastrangelo, Piedici, Zaidel |
| Nay: | NONE   |

Motion carried.

Mr. Schneider asked that the applicant be allowed to apply for construction permits pending compliance with the conditions as stated, prior to the adoption of the memorializing resolution. The board supported the request and Mr. Drill explained that Mr. Schley would advise the construction department and zoning officer.

Noting that Mr. Damurjian had planned to attend the meeting but was unexpectedly delayed, Chairwoman Piedici asked for a motion to excuse his absence. Moved by Ms. Asay, seconded by Mr. Hurley, all in favor and carried, that Mr. Damurjian's absence be excused.

**COMMENTS FROM STAFF OR BOARD MEMBERS** - None

**ADJOURN**

At 10:58 PM, Mr. Zaidel moved to adjourn. Ms. Asay seconded, all in favor and carried.

Respectfully submitted,

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Cyndi Kiefer, Secretary  
Township of Bernards  
Planning Board

*Adopted as drafted 02/04/2020*

01/21/2020 dskpjd