

TOWNSHIP OF BERNARDS

PLANNING BOARD

MINUTES v3

REGULAR SESSION

May 4, 2021

Chairwoman Piedici called the meeting to order at 7:33 PM.

FLAG SALUTE

OPEN MEETING STATEMENT

Chairwoman Piedici read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this 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 mailed to the Bernardsville News, Whippany, and to the Courier News, Bridgewater on January 20, 2021 and was electronically mailed to all 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 p.m. and no new witnesses or testimony heard after 10:30 PM."

ROLL CALL:

Members Present: Asay, Baumann, Crane, Eorio, Esposito, Fields, Mastrangelo, Piedici
Members Absent: Damurjian, McNally, Manduke
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP; Board Engineer, Larry Plevier, PE, CME;
Board Secretary, Cyndi Kiefer

Moved by Mr. Crane, seconded by Ms. Asay, all eligible in favor and carried, that the absences of Mr. Damurjian, Mr. McNally and Ms. Manduke be excused.

APPROVAL OF MINUTES

April 20, 2021 - Regular Session - On motion made by Ms. Mastrangelo and seconded by Deputy Mayor Esposito, all eligible in favor and carried, the minutes were adopted as drafted. Abstention for Mr. Baumann (absence).

ORDINANCE REFERRAL

Ordinance #2472 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Chapter 21, "Land Development ," to Add Licensed Cannabis Businesses as Prohibited Uses in All Zones Within the Township.

Referring to his memo dated 05/05/2021, Mr. Banisch provided testimony to support a finding that proposed Ordinance #2472 *is not inconsistent* with the Township's Master Plan.

Moved by Ms. Asay and seconded by Mr. Eorio that proposed Ordinance #2472 be deemed *not inconsistent* with the Master Plan.

Roll call: Aye: Asay, Baumann, Crane, Eorio, Esposito, Fields, Mastrangelo, Piedici
Nay: NONE

Motion carried.

Mr. Crane recused himself and left the room.

COMPLETENESS HEARING

Fairmount Cemetery Association of Newark and Somerset Hills; Block 2301, Lot 12.01; 95 Mt. Airy Road; Preliminary/Final Site Plan; PB21-003

Present: Michael Osterman, Esq., Attorney for the Applicant

Mr. Schley referred to his completeness review memo dated 04/15/2021 and advised the Board that only Item #2, a Letter of Interpretation (LOI) issued by the NJDEP verifying the wetlands delineation, remained outstanding.

Michael Osterman, Esq., attorney with the firm of *Osterman Law LLC*, Somerville, NJ, entered his appearance on behalf of the Applicant. He stated that the wetlands delineation shown on the plans submitted with this application was verified in an LOI issued by the NJDEP in 2002 at which time, a conservation easement was deeded to the Township based on that delineation. In 2019, a report by John Peel, Environmental Specialist, which confirmed that the delineation was still accurate, was submitted to this Board with an application for a new accessory structure. In connection with this application, a letter from Mr. Peel confirmed that the proposed building addition will be located in an area that is presently paved and not in a wetlands or wetlands transition area. Based on that, Mr. Osterman asked that a waiver for a new LOI be granted.

Ms. Mastrangelo moved to grant the checklist submission waiver and to deem the application complete. Ms. Asay seconded.

Roll Call: Aye: Asay, Baumann, Eorio, Esposito, Fields, Mastrangelo, Piedici
Nay: NONE

Motion carried.

Mr. Crane returned to the dais. Mr. Baumann recused himself and left the meeting.

PUBLIC HEARING

Distributed Solar Development LLC (on behalf of Verizon Corporate Services Group Inc.); Block 804, Lots 2.01 & 16; 295 North Maple Avenue; Preliminary/Final Major Site Plan; PB21-001

Present: Gerald R. Salerno, Esq., Attorney for the Applicant
Michael Sandford, Manager for Verizon Corporate Services Group, Inc.
Robert C. Moschello, PE, Site Engineer for the Applicant
Brian Cuff, Architect for the Applicant
John McDonough, PP, AICP, Planner for the Applicant

Gerald R. Salerno, Esq., attorney with the firm of *Aronsohn, Weiner, Salerno & Kaufman PC*, Hackensack, NJ, advised that he was present to represent the Applicant who was acting on behalf of Verizon Corporate Services Group Inc. He stated that the Applicant sought preliminary and final site plan approval to allow installation of a solar canopy system on top of an existing four-level parking garage. The project also required variance relief for minimum setback from a residential zone and maximum fence height. Finally, exceptions for maximum height of parking lot lighting both within and not within 250' of a residential zone and for maximum average illumination in vehicular areas were required.

Mr. Drill stated that notice was sufficient and timely therefore the Board had jurisdiction to hear this application. He noted that although the request for variance relief for fence height was not specifically mentioned in the public notice, it was covered under the catch all phrase included in the notice. The Applicant's professionals and the Board's professionals were duly sworn.

Exhibit A-1, a paper copy and CD of a 30-slide power point presentation was entered into evidence.

After outlining the company's renewable energy goals, Michael Sandford, Manager, Global Real Estate, Energy and Sustainability for Verizon Corporate Services Group Inc., testified that the proposed project will significantly expand the operational headquarters' on-site ability to generate renewable energy.

Hearing no questions from the Board or its professionals, Chairwoman Piedici opened the hearing to the public either present or via telephone, for questions of the witness. Hearing none, that portion of the hearing was closed.

Ms. Mastrangelo stated that she had visited the site as a member of the Zoning Board of Adjustment during Verizon's application for the parking garage.

Robert C. Moschello, PE, Director of Engineering with the firm of *Gladstone Design Inc.*, Gladstone, NJ, was accepted by the Board as an expert in the field of civil engineering. After giving a brief description of the project, he testified that the proposed solar canopy will overhang the existing deck of the garage and will be no higher than the existing stair towers. He stated that since the garage and canopy are attached to the principal structure, they are considered extensions of a principal structure and require a variance for minimum allowable distance from the nearest residential zone line. He noted that the properties affected by this project are owned by Verizon and that if the canopy did not extend beyond the existing parking deck, this variance would not be required. He then testified that a concrete pad for the electrical equipment will be constructed, adding that the Applicant will install landscaping to buffer the pad and equipment. In order to meet safety requirements, a 7-foot high fence will be installed around the pad, requiring variance relief for maximum allowable fence height. Finally, Mr. Moschello testified that no vegetation will be removed and none of the landscaping recently installed in conjunction with previous approvals will be disturbed.

Mr. Moschello testified that a gutter system to collect runoff from the panels will tie into the existing stormwater management system and that the existing drainage patterns in that area will not change.

Referring to the design exception requests for exceeding the maximum allowable height of parking lot lighting both within and not within 250' of a residential zone, Mr. Moschello testified that when the parking deck was originally approved in 2017, those exceptions were granted for the pole lights located on the top of the deck. He opined that even though the proposed lights will be higher than the existing lights they are replacing, they will be less noticeable because they will be located under the canopy and inward from the perimeter of the deck as opposed to the current lighting which is open air. Finally, he noted that in the 2017 approval, an exception was granted to exceed the maximum allowable illumination levels in vehicular areas for the interior lights in the three (3) lower levels of the parking deck. The Applicant is requesting similar relief for the new lighting under the canopy in order to provide additional security for employees. In response to a question from the Board, Mr. Moschello opined that lighting from the office building will seem more prominent than that from the parking deck and canopy.

Utilizing Slides #11 through #16 entitled "View Shed Study" from **Exhibit A-1**, Mr. Moschello testified that the solar canopy will be very difficult to see from outside of the site and that within the site itself, the parking deck and canopy will appear lower than the existing office building.

Mr. Moschello reviewed the memos from Mr. Schley (04/20/2021), Mr. Banisch (04/30/2021) and Mr. Plevier (04/27/2021) to their satisfaction and stipulated to, as conditions of approval, those items that were under his purview. He then discussed the status of the required third party approvals. Noting that due to current covid conditions the office building is virtually unoccupied, he stated that the Applicant hoped to begin construction as soon as possible so that the project could be completed before the office building is populated again.

Mr. Salerno stipulated that delivery of large construction materials will occur during off-peak hours and that the vehicles will only use the North Maple Avenue site entrance, adding that the materials for this installation will not require delivery by oversized trucks as was needed with the construction of the parking deck itself.

The Board entertained significant discussion as to whether to require "deed notices" for Lots 3.01 and 4.01, adjacent residential properties owned by Verizon, to notify prospective buyers (should Verizon decide to sell those properties) that there is an approval of a project with variances that could adversely affect those properties. A straw poll indicated that the Board was not in favor of imposing that as a condition of approval.

Hearing no further questions from the Board, Chairwoman Piedici opened the hearing to the public either present or via telephone, for questions of this witness. Hearing none, that portion of the hearing was closed.

Brian Cuff, architect with the firm of *Parasol Structures*, Irvington, NY, advised the Board that although his architect's license in New York is current, he does not hold a New Jersey license. The Board accepted him as a solar design expert. He gave a brief history of the development of solar canopy technology and provided testimony about the components and structure of the canopy for this particular project.

In response to a comment made by Chief Peter von der Linde on behalf of the Basking Ridge Fire Company in a memo dated 04/22/2021, Mr. Cuff stated that because a sprinkler system is not required and was not installed in the parking garage when it was built, none will be installed with this project. He stipulated to the request for signage in Fire Official Mark Sylvester's memo dated 03/31/2021.

Mr. Cuff responded to general questions from the Board, stating that repairs are usually minimal and that the electrical system itself will require monitoring and maintenance. Finally, he testified that each of the solar panels is replaceable and stipulated that the Applicant will maintain the same schedule for the lighting under the solar canopy as exists in the other three (3) levels of the parking deck.

Hearing no further questions from the Board, Chairwoman Piedici opened the hearing to the public either present or via telephone, for questions of this witness. Hearing none, she closed that portion of the hearing.

John McDonough, PP, AICP, professional planner with the firm of *John McDonough Associates LLC*, Morris Plains, NJ, was accepted by the Board as an expert in the field of planning. He listed the variances and exceptions requested by the Applicant and provided testimony to satisfy the statutory requirements for the Board to grant the requested relief.

Hearing no further questions from the Board, Chairwoman Piedici opened the hearing to the public either present or via telephone, for questions of this witness. Hearing none, she closed that portion of the hearing.

Mr. Salerno gave a brief summation of the application.

Chairwoman Piedici opened the hearing to the public either present or via telephone for comments. Hearing none, she closed that portion of the hearing.

After the Board completed its deliberations, Deputy Mayor Esposito moved to direct the Board Attorney to draft a resolution memorializing the Board's decision to grant Preliminary and Final Site Plan approval along with approval of the variances and design exception requested subject to the conditions stipulated to by the Applicant and as stated during deliberations. Mayor Fields seconded.

Roll call: Aye: Asay, Crane, Eorio, Esposito, Fields, Mastrangelo, Piedici
 Nay: NONE

Motion carried.

COMMENTS FROM MEMBERS OR STAFF

Deputy Mayor Esposito advised the Board that he was resigning from all roles with the Township at the end of the month since he and his family are relocating. The Board thanked him for his service and wished him luck.

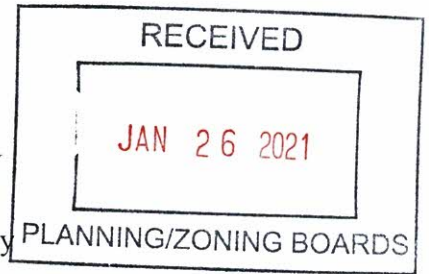
Chairwoman Piedici announced that since the next Master Plan element scheduled for discussion requires information from other sources and is not available yet, the 05/18/2021 meeting will be cancelled.

ADJOURN

Moved by Ms. Asay, seconded by Mr. Crane, all eligible in favor and carried, the meeting was adjourned at 10:04 PM.

Respectfully submitted,

**TOWNSHIP OF BERNARDS
2021 PLANNING BOARD APPLICATION**



| | |
|--|---|
| <input type="checkbox"/> Minor Subdivision | <input checked="" type="checkbox"/> Site Plan - Preliminary |
| <input type="checkbox"/> Major Subdivision - Preliminary | <input checked="" type="checkbox"/> Site Plan - Final |
| <input type="checkbox"/> Major Subdivision - Final | <input type="checkbox"/> Informal Review |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Other (specify): |

1. APPLICANT: Distributed Solar Development, LLC on behalf of Verizon Corporate Services Group, Inc.

Address: 2690 Balltown Road, Building 610, Niskayuna, N.Y. 12309

Phone: (home) _____ (work) 1 609 575 8772 (mobile) _____ Email *(will be used for official notifications)*: dennis.breza@dsdrenewables.com

2. OWNER (if different from applicant): 295 North Maple LLC

Address: c/o Andra Foster, Director, Net Lease Capital Advisors
10 Tara Blvd/Suite 501 Nashua, NH 03062

Phone: (603) 546-2511 Email *(will be used for official notifications)*: afoster@netleasecapital.com

3. ATTORNEY: Gerald R. Salerno, Esq.

Address: 21 Main Street, Suite 100, Hackensack, N.J. 07601 Phone: (201) 487-4747 extension 102

Email *(will be used for official notifications)*: gsalerno@aronsohnweiner.com

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: Robert C. Moschello, P.E. Gladstone Inc. Profession: Engineer

Address: 265 Main Street, P.O. Box 400, Gladstone, New Jersey 07934

Phone: (908) 234-0309, ext. 30, Email: rmoschello@gladstonedesign.com

5. PROPERTY INFORMATION: Block(s): 804 Lot(s): 2.01 & 16, also Block 46 Lot 14 in Harding
Township Zone: E-1 Office Zone; Street Address: 295 North Maple Avenue, aka 1 Verizon Way,
Total Area (square feet/acres): 139.4 acres

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☐ No ☒ Yes *(if yes, explain or attach Board*

resolution: yes: In 2009, the Planning Board granted preliminary and final site plan approval permitting the use of solar panels on the Property; on March 8, 2018 the Board of Adjustment granted preliminary and final site plan approval permitting the construction of a 4 level parking deck on the Property; on July 12, 2018, the Zoning Board of Adjustment granted preliminary and final site plan approval permitting construction of 132 parking spaces, reconfiguration of existing athletic fields and construction of a basketball court; and on April 21, 2020, the Planning Board granted preliminary and final site plan approval permitting the installation of 16 antennas on the Property.

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No, not to the applicant's knowledge ☐ Yes *(if yes, explain)*

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

☐ No ☒ Yes *(if yes, explain and attach copy)* there are numerous easements as depicted on the site plan, none of which are impacted by the proposed project.

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:

The Property consists of 3 contiguous lots totaling 139.4 acres, containing the Verizon Operations Center and various associated improvements, including a four-level parking deck. The Applicant is requesting amended preliminary and final site plan approval to permit the installation of a solar canopy to the parking deck

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS *(include Ordinance section no.)*:

A design exception is requested from Section 21.42 to permit a light mounting height of 47 feet where a maximum of 12 feet is permitted within 250 feet of a residential zone and where a maximum height of 20 feet is allowed beyond 250 feet of a residential zone; a design exception is also requested from Section 21-43 to permit a maximum average illumination of 2.9 foot-candles in vehicular areas (under solar canopy) where a maximum average of 0.9 foot-candles is permitted.

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:

Good Cause exists for granting preliminary and final site plan approval. The application promotes the purposes of the Municipal Land Use Law, specifically by the utilization of renewable energy resources. Any design exceptions requested are reasonable and within the general purpose and intent of the provisions for site plan review and approval of the site plan ordinance, and the literal enforcement of the cited provisions of the ordinance is impracticable. In addition, the Applicant reserves the right to present testimony and evidence in support of the Application and requested exceptions at the time of hearing.

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN);

APPLICANT(S) SIGN HERE:

I, Nichole Coulter, Manager of Distributed Solar Development, LLC, hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant: Nichole Coulter Distributed Solar Development, LLC

By: Nichole Coulter, V.P. of Development

Sworn and subscribed before me, this 22nd day of January 2021.

Gerald R. Salerno, Attorney At
Law State of New Jersey

notarized remotely in accordance with A-3903

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

We, _____ the owner(s) of the property described in this application,

hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____ 20__.

Notary

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN);

APPLICANT(S) SIGN HERE:

We, _____ and _____ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): _____ and _____

Sworn and subscribed before me, this _____ day of _____ 20__.

Notary

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

We, 295 NORTH MAPLE DST the owner(s) of the property described in this application, hereby authorize VERIZON CORPORATE SERVICES to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

295 North Maple DST, a Delaware Statutory Trust*

By: NLC Trustee Servicing 2 LLC, Signatory Trustee

By: Net Lease Capital Advisors, Inc., Member

By: [Signature]
Name: Douglas F. Blough
Title: Chief Financial Officer

Sworn and subscribed before me, this 19 day of January 2021

[Signature]
Notary

ANDRA M FOSTER
Notary Public - New Hampshire
My Commission Expires Dec 7, 2021