

**MINUTES OF THE SPECIAL PLANNING BOARD MEETING**  
**Thursday, August 25, 2022**

**Present:**

Chairperson Jessica Pearson

Mayor Alex Roman

Mr. Tim Camuti

Mr. Jeremy Katzeff

Ashley Neale, Planning Board Secretary

Vice Chairman David Freschi

Councilman Jack McEvoy

Mr. Al DeOld

Mr. Greg Mascera, Planning Board Attorney

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Meeting called to order at 7:33 PM by Chair Pearson. In addition, John Jahr and Aaron Schrager from Brightview Engineering are also present.

**Pledge of Allegiance:**

Chair Pearson reads Open Public Meetings Act Statement.

**Public Hearing**

Chair Pearson asks if anyone from the public would like to address the board on topics not on this meeting's agenda. Robert Blitz from 12 Stonewood Parkway asks about the 48-hour notice requirement and why the meeting is not available on ZOOM. There is discussion regarding noticing laws. Chair Pearson notes the meeting room is not equipped with the technology to hold a hybrid meeting.

**Minutes**

Chair Pearson asks for a motion to approve the minutes from a Special meeting held on July 21, 2022. Mr. Camuti makes the motion and Vice Chairman Freschi seconds. All present vote in favor.

**Resolutions**

Chair Pearson asks for a motion to approve resolution 2022-10 Approving a Minor Subdivision for 19 Parkhurst Place. Councilman McEvoy makes the motion, Mr. Camuti seconds. Councilman McEvoy, Mr. DeOld and Mr. Camuti all vote in favor to approve the resolution.

**Ordinance Review 2022-22**

AN ORDINANCE TO PROVIDE FOR THE AMENDMENT OF THE CODE OF THE TOWNSHIP OF VERONA WITH THE ADDITION OF A NEW SECTION TITLED CHAPTER 150 ZONING ARTICLE XXIV "WIRELESS TELECOMMUNICATIONS FACILITIES"

Peter Lupo introduces himself, notes he is a Telecommunications lawyer, and assisted the Township Council in drafting this ordinance, and is here on behalf of the Township to answer any questions the Board may have. Mr. Mascera swear in Mr. Lupo for the record. Mr. Lupo continues by giving the Board a history on telecommunication regulatory laws from the FCC. He notes one regarding 5G and another regarding small cell towers. Mayor Roman comments that there are already some cellular facilities operating in the Township and there are no current regulations in place, and they have been submitting applications to the Board of Adjustment. He notes that the goal of this ordinance is have regulations in place and they would come before the Planning Board for approval. He continues by explaining how all

wireless carriers need to be treated the same and some installation requirements that have to be adhered to. There is conversation regarding the difference between 4G and 5G and small cell and large cells. Vice Chair Freschi asks if there was a requirement for the leasee to remove obsolete equipment. Mr. Lupo notes there is a requirement, and Mayor Roman adds that the tower owner is required to take down such equipment. Mr. Camuti asks what the Board should expect moving forward once this ordinance is in place. Mayor Roman notes that they would submit a site plan application for the Board to review. There is discussion regarding how the ordinance would affect any height restrictions the Township has in place. Chair Pearson asks for clarification on "unlawfully existing telecommunication towers." Mr. Lupo explains that it could be one that was abandoned, or does not comply with the ordinance once it is enacted. Chair Pearson notes that there are some inconsistencies throughout the ordinance on who the reviewing Board should be. Mr. Lupo notes that it should be the Planning Board throughout. There is discussion on height restrictions and what would be considered de minimis. Chair Pearson suggests adding definitions to be more consistent with Township and state laws. She specifically notes the definition of "open space" and encumbered property. Mr. Camuti asks what the adverse impacts for telecommunication facilities are. Mr. Lupo notes most of those concerns are governed by the FCC, but the ordinance is written to require compliance with all their regulations. There is some conversation regarding obsolescence and what the outcome would be if a wireless company went bankrupt. Mr. Lupo notes that the ordinance is meant to protect against that by requiring the property owners to remove any out of service equipment. Councilman McEvoy asks Mr. Lupo how many additional 4 G poles he thinks may come forward, considering 5G is expanding. Mr. Lupo notes in his opinion they will be minimal. Chair Pearson asks what kind of noise is emitted from these types of towers. Mr. Lupo notes it is a humming or buzzing noise similar to that of a laptop compressor sound.

Mr. Mascera explains that tonight the Board should determine if there are any inconsistencies between the ordinance and the Master Plan, then they should make any recommendations to the Council regarding the inconsistencies. Chair Pearson notes an inconsistency would be to allow an installation to go on any open space.

Chair Pearson asks what recommendations the Board would like to suggest to the Council regarding this ordinance. Mr. Freschi recommends that there be more consistency regarding the language on if the Planning Board or Board of Adjustment would be reviewing applications. Mayor Roman suggests adding a recommendation to include a maximum height limit.

Chair Pearson asks if anyone from the public has any comments or questions regarding the ordinance discussion. Robert Blitz from 12 Stonewood Parkway asks about how many existing non-compliances there are if the new regulations were enforceable, and if equipment was upgraded would they still be grandfathered. He suggests defining de minimis to clarify what would be permitted, and an annual self-certification to ensure future compliance.

The Board discusses and agrees to add a recommendation regarding periodic self-certification of ordinance compliance. Chair Pearson asks for a motion to approve the recommendations as stated. Mr. Katzeff makes the motion, Mr. DeOld seconds, and all present vote in favor.

Chair Pearson calls for a break at 9:04 PM. The meeting is called back to order at 9:15 PM.

### **Ordinance Review 2022-27**

2022-27 AN ORDINANCE AMENDING SECTION §150, THE ZONING ORDINANCE OF THE CODE OF THE TOWNSHIP OF VERONA, BY ESTABLISHING THE A NEW SECTION §150-17.14A, CREATING A TOWN CENTER MIXED USE ZONING DISTRICT PERMITTING RESIDENTIAL USES WITH AN AFFORDABLE HOUSING ELEMENT AND ALSO AMENDING THE ZONING MAP OF THE TOWNSHIP OF VERONA

Chair Pearson and Councilman McEvoy note for the record they will be recusing themselves from this discussion because they own property within the proposed zone. Vice Chairman Freschi will chair this portion of the meeting. Jamie Placek from Decotiis, FitzPatrick, Cole and Giblin introduces himself and notes they are acting as affordable housing counsel on behalf of the Township. He also notes that Dan Hauben from DMR Architects is here as the planner and Mr. Mascera swears him in. Mr. Placek notes this ordinance would create an overlay zone with the



purpose of assisting the Township with their affordable housing obligations. Mr. Placek notes there was one revision since the ordinance was introduced by the Township Council, and that would allow egress and ingress along Bloomfield Avenue, which was originally prohibited.

Mr. Katzeff asks why the egress and ingress prohibition was removed. Mr. Placek notes that the Council requested it. Mr. Katzeff proposes a recommendation that there should be a minimum apartment size because the three bedroom units seem small. Mr. Hauben notes the proposed ordinance states that no unit shall be greater than 1,200 square feet. Mr. Hauben gives a brief background and explanation on overlay zones and what would be required from the Board should an application come forward. Mr. Placek clarifies that this is not an Area in Need of Redevelopment and the ordinance falls under traditional zoning. Mr. Camuti asks for the differences between the overlay zone and the current Town Center zoning requirements. Mr. Hauben explains that the ordinance permits mixed use with residential units at least 50 feet from Bloomfield Avenue on the ground level with a minimum of 1.5 spaces per residential unit, and a maximum density of approximately 22 units an acres but not more than 70 in the total overlay zone. There is discussion regarding the setbacks in the overlay zone, specifically along Bloomfield Avenue and the possibility and length of landscape buffers in the zone. Mayor Roman notes that the ordinance does note that there is a 15-foot minimum landscaped buffer along residential boundary or house of worship. There is discussion regarding proximity requirements concerning the long-term parking leases mentioned in number 15. There is some discussion regarding heights of accessory structures. Mr. Hauben notes that the ordinance states structured parking can go up to 28 feet, and any other accessory structure would be limited to 15 feet. Mr. Placek notes that the Board is entitled to make recommendations concerning this ordinance but if they are not signed off by Fair Share Housing or the Special Master they will not be incorporated.

Mr. Mascera reiterates the suggested recommendations as follows:

- Three bedroom units have a minimum square footage listed, larger than 900 square feet if possible
- Reduce the amount of the rear yard setback so that it would not affect the footprint of the building and have an adequate side yard setback if possible
- Examine the possibility of limiting offsite parking leases to approximately 1,000 feet diameter from the footprint

Vice Chairman Freschi asks if anyone from the public has any comments or questions regarding the discussion of this ordinance. Kevin Ryan from 92 Elmwood Road gives a background on the Township's affordable housing obligations. Robert Blitz from 12 Stonewood Parkway asks about mixed use and retail being incorporated at the 1 Sunset property. Mayor Roman notes that that site is separate and does not contemplate mixed use.

Vice Chairman Freschi asks for a motion to approve the recommendations as discussed. Mr. Camuti makes the motion, Mr. Katzeff seconds, and all present vote in favor.

Chair Pearson and Councilman McEvoy rejoin the meeting.

### **Hearing of Application 2022-04 Preliminary and Final Site Plan Approval for 1 Sunset Avenue**

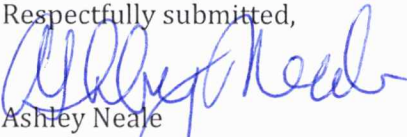
John Inglesino introduces himself as the applicant's attorney. Chair Pearson comments that due to the late hour this application would have to be heard at a later. There was discussion regarding in person, online and hybrid meetings. All Board members expressed their preference and comments regarding meeting locations.

It is decided that the application will be continued in person at the next Board meeting. Mr. Inglesino consents on behalf of the applicant to carry the application to Thursday, September 22, 2022 at the Verona Community Center at 7:30 PM, with no further notice being required from the applicant.

**Adjourn**

After a motion made by Mayor Roman and seconded by Mr. Katzeff, there was a unanimous vote to adjourn at 10:19 PM.

Respectfully submitted,



Ashley Neale

Planning Board Secretary

*PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-4777.*