

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
July 22, 2026**

CALL TO ORDER

Meeting was called to order by Vice Chairman Whitaker at 7:00 p.m.

STATEMENT OF COMPLIANCE:

Pursuant to the Open Public Meetings Act, adequate notice of this Regular Meeting has been provided to the public and the press on February 3, 2026, by delivering to the press such notice and posting same at the Municipal Building.

SALUTE TO THE FLAG

Vice Chairman Whitaker led the assemblage of the Flag.

ROLL CALL

Mayor's Designee John Auberger	NP
Natalie Buccieri	NP
Councilmember William Higgins	NP
Martin Theobald	NP
Richard Spoerl	P
Willard McPeck	NP
Andrea Cocula	P
Michael Whitaker	P
Paul Mele	P
Jodi White-Bearstler Alt #1	P
Mark Vizzini Alt #2	NP
Marissa-Groenendaal-Poteete Alt #3	P
Richard Wengenroth Alt #4	P

Also Present:

Glenn Kienz, Board Attorney
Cory Stoner, Board Engineer
Jessica Caldwell, Board Planner
Kimberley Decker, Board Secretary

Vice Chairman Whitaker stated that Ms. Bucceri notified the Board of her absence. Mr. Higgins and Auberger notified Board of absence due to inability hear use Variance application.

PUBLIC HEARINGS

LU# 4-26-5 – **Wireless EDGE Towers II, LLC**, - Block 308, Lot 2, - Preliminary & Final Site Plan with Use, Height and Bulk Variances for a proposed 146 ft. monopole and related equipment within a 2,500 s.f. fenced compound

Mr. Christopher Quinn, Esq. from firm of Pinilis Halpern came forward on behalf of the applicant to request approval for Preliminary and Final Site plan with Use Variance for proposed monopole on site of Block 308 Lot 2 located in the R-2 zone. Site is owned by the Vernon Board of Education(BOE) and currently has a community dog park and solar field. The BOE accepted bids for the proposed 146 ' monopole inside a 2500 sq. ft fenced compound with utilities and driveway improvements. The winner of bid was Verizon who entered into a lease with the BOE due to the longstanding service deficiency in the area. He explained that the Township Ordinance only permits this use on municipally owned lands causing need for a Use Variance by applicant. Facility will be located towards rear of property at a higher elevation clearing behind the existing solar field. Attorney Kienz questioned whether Mr. Quinn and applicant agree with all variances in Board Engineer and Board Planner reports and will adhere to all conditions in those reports. Mr. Quinn acknowledged receipt

and agreed to all conditions and all variances noted in said reports. In order for Vernon Land Use Board to hear application, Attorney Kienz invoked the Rule of Necessity due to fact that Verizon is a primary provider in Vernon used by majority of Board Members. Mr. Quinn and applicant understood need for Rule of Necessity.

Nicolas Barile, licensed Civil Engineer, owner of Elevated Engineering, was sworn in to testify on behalf of applicant and accepted as expert for installation of cell tower poles. Mr. Barile testified the applicant is proposing to install a 146' tall monopole within fenced in compound for wireless telecom service to fill gap in area coverage. Being a large 46-acre lot, an improved access drive will be installed from existing dog park area to highest part of site to an existing clearing for ease of construction and for least amount of impact. Proposed tower rear setbacks will be 90' 9" in northeast and 137' 9" in the northwest where 75' is the minimum. Neighboring property is also owned by the BOE. Variance would be needed for setback to the residential property from the compound which is 291' where 438 is the minimum. Proposed is also small gravel parking area adjacent to compound with small area needing NJDEP approval for wetlands encroachment. The proposed compound will be 2500 sq ft., 50' x 50', with 8' chain link fence, and noted that size is needed due to future potential colocations on site. Variances needed included size of compound, elevation, height of fence. Within compound will be a 10' x25' concrete pad to set three Verizon cabinets with steel structure canopy with backup diesel generator. Generator will be tested once midweek for few minutes and will meet NJDEP sound restrictions. An 11' high cable bridge will be installed that leads from pad to bring conduit and cables to tower. The tower height at 146' will require variance relief where 85' is the maximum allowed. The triangular platform with three sides will allow space to accommodate municipal police and first responder antennas at no cost to the town. Attorney Kienz confirmed with applicant that proposed tower is for four additional on top of the whip antennas, and 4 additional allocations lower for potential future colocation. Mr. Barile explained tower is 146' in height with the possibility of future antennas of up to 20' in antennas bringing height to 166 ft. He added the site will not generate additional traffic, as technician visits are limited to once every six to eight weeks. Site will not generate smoke, dust, or noise above the NJDEP standards. Cabinets will have minimal lighting downward facing. Tower will be constructed in accordance with all applicable building codes, federal, state, county and local standards. Mr. Basile acknowledged engineering plans with 10 sheets, presented with revisions dated 6/1/2026 and labeled as Exhibit A-1 for application. Revised plans and transcript of Public Hearing will be provided to Land Use Board Secretary for application file.

Mr. Andrew PeterSohn, licensed Radio Frequency Design Engineer, was sworn in and accepted as expert to testify on behalf of Applicant. He stated that Verizon is a licensed FCC carrier and is required to provide adequate service in the area. There was found to be a lack of reliable coverage in and around the area of the site per presented Exhibit A-2 containing 4 pages. Exhibit was generated by industry standard propagation modeling tool called Atoll to see existing wireless coverage as well as scenarios for improvements. Map shows nearby roadways, terrain, municipal boundaries of water. Target shaped icons show existing Verizon facilities with three levels of coverage(color-coded): in building threshold in green; in car in yellow and on street in red. The map shows in the valley area a lack of reliable coverage in all three levels which is the main goal of this application to address. The applicant prioritized searching for any existing structures or municipal properties to satisfy the deficiency, but none were found to be adequate. The BOE site was found to comply with all federal and emissions standards. PierCon Solutions completed a valuation of radiofrequency environment for the proposed facility and Mr. Petersohn agreed proposed facility will comply with federal guidelines for electromagnetic emissions. He added that there are no improvements available to already existing towers that will provide more coverage, they are maxed out.

Mr. Stoner questioned reason for the height of proposed tower and have there been talks with other carriers. Mr. PeterSohn explained the height is needed to optimize the handoff to the other Vernon

sites and interest by other carriers to collocate would be for Verizon to decide. The model results are fine-tuned through drive test functionality per industry standard not generally based on customer complaints. Board members discussed options to raise existing towers to improve coverage but due to terrain based on study, Mr. PeterSohn stated that it would not solve the issues.

Mr. Paul Ricci licensed Professional Planner was sworn in to testify on behalf of the Applicant. Mr. Ricci explained application is seeking several variances that the Board will subsume all together under the D(1) use Variance. The ordinance prefers that telecom facilities be located on municipal properties, but preferred site is Board of Education owned which is similar per Land Use Law but still requires variance. The large 46-acre site is predominantly wooded with a clearing optimal for the proposed tower with limited negative impact. Planning proofs need to show there is no substantial detriment to the zoning plan and the public good. Increase in coverage will promote the general welfare by improved access for cell phones for daily form of communication. The BOE will ultimately obtain revenue while increasing the much-needed coverage. The height of the proposed tower is tied to the use, without the height, the tower will not provide the services needed. Mr. Ricci reiterated that the BOE property use is operating similarly as a municipally owned property with the dog park and community garden amenities but noted that only goal that is not met per the ordinance is the co-location. The application does meet the positive criteria under the Municipal Land Use Law, largely for promotion of the general welfare. To balance any negative criteria there is the four-part balancing test which will identify benefits of public interest and identify potential negative impacts. The only potential negative impact is visual impact to nearby locations which has been detailed in the 65-page document submitted in application. Mr. Ricci presented condensed version of it labeled Exhibit A-3, which utilized photo simulation and Lidar analysis using visual light technology. He summarized from the document, that year-round visibility of tower is very limited due to existing vegetation and topography with examples from Bethel Court, BOE schools, Holderness Drive, Sammis Road and Dorfred Terrace. He explained the greatest visual impact is from West Gate Drive where application is seeking variance relief for 210 ft setback, but location of tower is better zoning alternative. Mr. Ricci opined that based on a very thorough visual assessment, that visual impacts are extremely localized associated with the proposed application.

The third part of the test asks if anything can be done to mitigate the application to make it better. Applicant has proposed a brown painted pole to blend in with deciduous trees year-round but will listen to any Board recommendations. The fourth part of test is to balance the benefits vs. detriments with only visibility being a potential detriment. Mr. Ricci opined that the benefits of this application promotion of the general welfare greatly outweigh the detriments while meeting the burden of proof for the use variance relief.

Board questioned about color options, ongoing maintenance of painted pole and if painted on site. Mr. Ricci explained brown will be more appropriate color to blend in with local surroundings and the tower will be maintained as needed. Mr. Stoner questioned if pole will be painted on site and what color the antennas will be.

Mr. John Arthur, President, Wireless Edge Towers, came forward and explained the poles are factory painted, galvanized for long term protection and over-coated with brown paint. Antennas, brackets, and mounts will be painted onsite to match the brown color. Mr. Arthur explained color is Sherwin Williams Turkish Coffee and submitted sample paint chip to Board, so labeled Exhibit A-4.

Ms. Caldwell questioned how this location was chosen as best for the proposed tower and how site can meet the criteria and is beneficial. Mr. Ricci explained numerous locations were evaluated based on size, elevation, and availability with a clearing to limit negative impact. Should another lower site be chosen, the pole would need to be higher to increase service coverage to the area. He added only alternative to the pole would be a faux pine tree model that are generally not natural looking. Board

Member questioned how proposed pole may affect migratory birds. Mr. Arthur stated bird studies on other towers have been done to find birds fly much higher than the towers.

Mr. Ricci agreed in terms of criteria, testimony is based on caselaw that identifies when there is a gap in service, it essentially becomes not an inherently beneficial use but similar to. Mr. Quinn stated applicant will comply to all provisions in ordinance with respect to removal provisions and requirements. Mr. Ricci added footprint of 2500 sq ft is larger than other towers, but it is larger area to be more efficient for potential of more carrier. Board Attorney added if application is approved, the height of the tower will be set so any future carriers would be lower on pole. Mr. Quinn explained timeframe to complete project will depend on getting all the approvals and permits in place.

Mr. Stoner stated any future carriers to this pole will only be required to obtain approval by zoning permit application. Mr. Barile confirmed that DEP application has been submitted and that 20 ft wide access easement will need to be filed which can be added as a condition of approval. Mr. Quinn acknowledged compliance with annual reporting requirements per the Ordinance. Mr. Arthur answered Board's question that painted galvanized pole has about a 70 -year lifespan with touch-ups done as needed. Ms. Caldwell reiterated maximum height requested for tower with antennas is 166 ft.

Vice Chairman Whitaker opened the Hearing to the Public.

Kirk Stephens was sworn in and expressed concern as an adjacent property owner that access easement will create uneven distributions across the site and impede agriculture from happening in that area. Mr. Quinn explained that the 20 ft wide access easement is stated in the lease agreement with the BOE and will not be recorded. Mr. Stephens expressed concern about installation of power lines and questioned if they can be underground to improve the visual impact of the open space. Mr. Quinn stated proposal is for above ground utilities which will require less disturbance to ground and trees on site and will have minimal visual impact. Mr. Stephens opined that the BOE could possibly use the acreage for potential agricultural use and the addition of access road and utility lines through the middle would hinder that uses. Attorney Kienz explained that the usage of the site should be addressed to the owner, which is the Board of Education. Mr. Stoner added that the Land Use Board's jurisdiction is to review the proposed application and determine needed approvals and permits for applicant.

Cynthia Monico, adjacent property owner to site, questioned if the BOE has to ask adjacent property owners if they can add this.

Mr. Quinn opined that he does not think there is anything the BOE must do as the owner of this property. The BOE is required to follow Sunshine Act obligations to notice meetings agendas and publicly accepted the bid and lease agreement for this project which has been going on for over two years now. Ms. Monico expressed concern that she has not been made aware of this proposal before tonight.

Seeing no one further wishing to come forward, Vice Chairman Whitaker closed the hearing to the public.

Mr. Stoner questioned if gravel drive and parking area near compound would accommodate emergency vehicles. Mr. Barile stated the compound area will be large enough for four-wheel drive emergency trucks to maneuver but not very large ladder trucks. Condition of approval will be to larger area to vehicle to turn around at compound. Board questioned location of wetlands on site. Mr. Stoner explained it is right withing that vicinity between the dog park and solar field. Should DEP not approve application as proposed, alternate design will need to be done. Alternate route from school property on Sammis Road is not feasible due to steep slopes as well as disturbing school operations.

Motion: A motion to approve Application as proposed subject to all conditions as discussed and to Board Professional reports was made by Ms. Cocula and was seconded by Mr. Mele.

ROLL CALL: SPOERL: Y; COCULA: Y; MELE: Y; WHITE-BEARSTLER: N; POTEETE: N; WENGENROTH: Y; WHITAKER: Y.

Ms. Poteete voted in the negative due to brown color of pole and potential impact to wetlands.

Motion Passed.

PUBLIC PARTICIPATION

Vice Chairman Whitaker opened the meeting to the Public. Seeing no one wishing to come forward, Meeting was closed.

MINUTES

- June 10, 2026 – Regular Meeting Minutes (Rossi, Higgins, Spoerl, McPeck, Cocula, Whitaker, Mele, Bearstler, Theobald)

Motion: A motion to approve Regular Minutes of June 10, 2026 was made by Ms. Cocula and was seconded by Mr. Spoerl.

ROLL CALL: SPOERL: Y; COCULA: Y; WHITAKER: Y; MELE: Y; WHITE-BEARSTLER: Y.
Motion Passed

APPENDIX A – ESCROWS, BOARD FEES, BOND REDUCTIONS AND ESCROW CLOSURE

ESCROWS, BOARD FEES AND BOND REDUCTIONS

A. Board Fees

- 1. Board Attorney** – Glenn Kienz, Weiner Law Group LLP
 - Land Use Board Business – Services Through 5/28/26 (\$288.00)
 - Land Use Board Business – Services Through 2/25/26 (\$90.00)
 - Land Use Board Business – Services Through 6/11/26 (1,116.00)
 - Legends Mgmt. Company – LU# 2-26-2 – Services Through 5/26/26 (\$216.00)
 - Mountain Creek Resort – PB# 2-91-4 – Services Through 5/1/26 (\$180.00)
 - R&R Commerce – LU# 3-26-4 - Services Through 6/16/26 (\$72.00)
 - FW Webb – LU# 2-23-2 – Services Through 6/11/12 (\$72.00)
- 2. Board Planner** – Jessica Caldwell, J. Caldwell & Associates
 - Land Use Board Business – Services Through 5/19/26 (\$1,157.50)
 - Land Use Board Business – Services Through 6/15/26 (\$1,672.50)
 - Wireless Edge Towers – LU# 4-26-5 – Services Through 4/29/26 (\$1,792.50)
 - Wireless Edge Towers – LU# 4-26-5 – Services Through 5/5/26 (\$150.00)
 - Red Hand LLC – LU# 2-25-1 – Services Through 5/7/26 (\$465.00)
 - 23 Old Rude Town Rd LLC – LU#6-26-6 – Services Through 6/30/26 (\$542.50)

3. Board Engineer – Cory Stoner, Harold E. Pellow & Associates

- Land Use Board Business – Services Through (\$0)
- Farm 94 LLC – LU# 9-20-6 – Services Through 4/15/26 (\$587.50)
- R&R Commerce – LU# 3-26-4 Services Through 3/31/26 (\$150.00)
- CR 515 Vernon LLC- LU# 3-26-3 – Services Through 3/31/26 (\$150.00)
- Veolia Water NJ, Inc – LU# 11-23-17 – Services Through 5/13/26 (\$118.50)
- Veolia Water NJ, Inc – LU# 8-22-8 – Services Through 5/13/26 (\$118.50)
- Red Hand LLC – LU# 2-25-1 – Services Through 5/15/26 (\$125.00)
- Legends Mgmt. Company – LU# 2-26-2 – Services Through 5/12/26 (\$675.00)
- Wireless Edge Towers – LU# 4-26-5 – Services Through 5/13/26 (\$380.00)
- Farm 94 LLC – LU# 9-20-6 – Services Through 5/20/26 (\$218.75)
- Waheguru Gas -LU# 3-22-2 – Services Through 5/11/26 (\$62.00)

4. Board Recording Secretary – Irene Mills (\$100.00)

Motion: A motion to Approve all Board Fees was made by Ms. Cocula and was seconded by Ms. White-Bearstler. All Members voted in Favor. Motion Passed

ADJOURNMENT

Having no more board business, a motion was made to adjourn the Regular meeting by Ms. White-Bearstler and was seconded by Ms. Poteete. All members were in favor.

Meeting was adjourned at 8:41 p.m.

Respectfully Submitted

Irene Mills, Recording Secretary