

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Monday, November 26, 2018

—MINUTES—

1. **CALL MEETING TO ORDER:**

Chairman Ronald Charles called the meeting to order at 7:00 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

2. **OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:**

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 10, 2018 proper notice was sent to the Courier Newspaper and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Planning Board policy for public hearings: no new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing Assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Department Secretary before the public meeting." However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

3. **SALUTE TO FLAG:**

There was salute to the flag.

4. **ROLL CALL:**

Stephen Rodzinak – present

James Franco – present

Chairman Ron Charles – present

Councilman Howard Norgalis – present

Tricia Casamento – present

Mayor Dan Hayes – present

Evan Lerner – present

Urvin Pandya, Alt. #1 – absent

Debra Albanese, Alt. #2 – present

Others present: Board Attorney Thomas Collins, Township Engineer David Battaglia, Board Planner Scarlett Doyle

5. **APPROVAL OF BOARD MINUTES:**

August 27, 2018- Regular Meeting

Motion by Mr. Franco; second by Mr. Rodzinak the foregoing minutes were adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Charles, Mr. Franco, Councilman Norgalis,
Mrs. Casamento, Mr. Lerner, Mayor Hayes

ABSENT: Mr. Pandya

NOT ELIGIBLE: Mrs. Albanese

September 11, 2018- Regular Meeting

Motion by Mr. Lerner; second by Mr. Rodzinak the foregoing minutes were adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Charles, Mr. Franco, Councilman Norgalis,
Mrs. Casamento, Mr. Lerner, Mayor Hayes

ABSENT: Mr. Pandya

NOT ELIGIBLE: Mrs. Albanese

6. **MEMORIALIZATION OF RESOLUTIONS:**

7. **LAND DEVELOPMENT APPLICATIONS:**

BRIDGEWATER HILLS LLC-Frontier Road & Route 22

Block 711 Lot 7

#18-003-PB- Preliminary & Final Major Site Plan w/ Variance- 2 Hotels, Restaurant, Banquet Hall & Adult Day Care

Attorney Jeff Lehrer was present for the applicant and requested the application be carried to January 8, 2019.

Board Attorney Tom Collins stated that at the applicant's request, this application will not be heard this evening. It will be carried to January 8, 2019 at 7:00 pm with no new notice required.

PSE&G-North Bridge Substation

Block 552 Lot 3

#18-029-PB Minor Site Plan-69KV-Upgrade

Motion by Mr. Hayes, second by Councilman Norgalis, the foregoing application was approved on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Charles, Mr. Franco, Councilman Norgalis, Mrs. Casamento, Mr. Lerner, Mayor Hayes

ABSENT: Mr. Pandya

NOT ELIGIBLE: Mrs. Albanese

See attached Transcription dated November 26, 2018 prepared by: Eric S. Fishman, S.R. of Fishman Court Reporting Agency, 89 Headquarters Plaza North, 4 Speedwell Avenue, Suite 1440, Morristown, NJ 07960.

R. I. HERITAGE INN OF BRIDGEWATER LLC/S.S. HERITAGE INN OF BRIDGEWATER (Thaldson Hospitality Development LLC)-Route 22 East & Adamsville Road Formerly Days Inn

Block 222 Lot 3, 4 & 5

#18-016-PB- Preliminary & Final Major Site Plan- Hotels, Restaurant, & Medical

Attorney Jeff Lehrer was present on behalf of the applicant. Mr. Lehrer stated that this was a continuation of the hearing for seeking approval for two hotels, Residence Inn and Springhill Suites and three stand alone buildings in the front of the site. All witnesses were previously sworn in for testimony at the October 9, 2018 meeting along with the Board Planner Scarlett Doyle and the Board Engineer David Battaglia.

Mr. Lehrer's witness was Gary Kliesch, he will also answer any questions regarding to hotel since Nataniel Loeffelholz was unable to attend tonight's meeting. Mr. Loeffelholz has informed Mr. Kleisch of the changes that have been made.

Mr. Kleisch stated that the three out buildings have been revised per the plans submitted dated 11/14/18. On all three buildings the roof line was raised to lower the parapet.

Mr. Lehrer submitted an exhibit that was marked into evidence as follows:

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A-7	11/26/18	Written descriptions of the Hotel
A-8	11/26/18	Architectural rendering of outbuildings and two hotels
A-9	11/26/18	Colored rendering of Revised Site Plan
A-10	11/26/18	Colored Version of the Plans
A-11	11/26/18	Aerial photo of surrounding buildings

Mr. Kliesch stated that the sign on the East side will be removed and put on the south facade of the building. So now the sign is facing Route 22 not the Chelsea. Mr. Kleisch explained the changes to the proposed architecture of the hotels. He also explained the exterior appearances of the hotels referring to the exhibit and stating that there will be a red brick on the buildings. The three outside buildings will also have the same color pallet.

Chairman Charles opened the public portion of the meeting for questions; seeing none.

Mr. Lehrer provided a brief summary of the changes that were made after the first meeting and stated that his applicant had meet with the Township professionals along with Jenifer Gould the attorney for Chelsea Village and Joseph Vince president of the homeowners association for Chelsea Village and a Professional Engineer. Mr. Lehrer stated that the changes were made and revised plans were submitted to the Township for review for his meeting.

George Folk, PE of Dave Stires Associates, returned and testified to the changes. Mr. Folk stated that the buildings were moved 25 ft forward and the hotels were moved an additional 9 ft. The Spring Hill Suites and the Residence Inn will move a total of 34 ft forward. Mr. Folk stated that the detention basin has moved forward with all the improvements. The buffer to the south along the residential zone has been increased. Mr. Folk stated they removed 14 parking spaces from the south west corner and increased the buffer. They also located the fence closer to the property on top of the detention basin berm. The fence will be a board on board 6 ft onto of the berm. Mr. Folk stated that the property line is now 155.73 ft from the rear line to the building and was 122.86 ft which is a reduction of 32.87 ft.

Mr. Lehrer had stated that Chelsea was appreciated of the changes but would like to have a 8ft fence instead of a 6ft fence. Mr. Lehrer stated that that requires a variance and would differ to the Planning Board.

Mr. Folk stated that the fire lane has been added to the rear of the Residence Inn. Throughout the property there are trash receptacles, bike racks and street furniture along with two charging stations in front of each hotel. Mr. Folk stated they reduced all the parking spaces to 9 x 18 ft with a few to 9 x 16 ½ ft that has an overhang per ordinance. The parking spaces were removed on the westerly line, which increased the overall parking from 553 spaces with 17 ADA to 579 spaces with 23 ADA as requested by the Township Engineer. The front set back has been reduced from 161.46 ft to 139.59 ft, which is a 21.51 ft difference. Mr. Folk also stated there is an emergency access to Houlihan's. Mr. Folk reviewed the reports of the Township professionals and Mr. Lehrer confirmed the Scarlett Doyle the Township Planner wanted to confirm the square footage, since the FAR was very close. Mr. Folk stated that 189,284 sq ft, which brings the FAR to 0.335. Mr. Folk confirmed no parking of overnight trucks for the delivers. Mr. Folk was unsure what F 1 and F2 lights were and in order to comply will change them as per the request of the Township Planner. Mr. Folk stated that the preexisting sign will stay where it is.

The Board questioned that the full sign package is in front of the Board, but no way finder signage. Mr. Lehrer confirmed with Mr. Folk that the way finder sign will be part of compliance. The Board may want to see the way finder signs show on the plans. The Board also mentioned that the plants along the highway are not

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compliant per the ordinance. The applicant will work with the Township Planner regarding the landscaping. The Board also mentioned the fence if it is going to be wooden board on board or vinyl. Mr. Folk stated that the last discussion was board on board fencing.

Chairman Charles opened the public portion of the meeting for questions.

Jenifer Gould attorney with Stark & Stark for Chelsea Village stated that they would like to have an 8ft high board on board fence, not the white vinyl.

The Board questioned how much higher did the berm get from the last discussion. Mr. Folk stated it did not change height it just moved away from the rear property.

Chairman Charles asked the public any more questions; seeing none.

Mr. Lehrer next witness is Gary Dean, Mr. Dean was accepted by the board as an expert witness as a traffic engineer and was sworn in at the first meeting. Mr. Dean stated that he prepared a traffic impact statement for Bridgewater Center dated September 27, 2018. Mr. Dean stated that he did traffic counts during the high peak morning and afternoon times do to the uses proposed. On May 24th the study was done when school was in session with favorable weather. Mr. Dean counted each lane of Route 22 due to the difficulty of an abutting property on the highway of the same side of the site. The traffic needs to merge and get up to the speed of the highway. Mr. Dean counted traffic at the site access and identified the amount of traffic coming in and out of Houlihan's which was the nearest driveway to count. Mr. Dean also looked at how much new traffic with the site with the two hotels and the FAR of the restaurant 15,000 sq ft and 11,000 sq ft for the medical offices, which would have different traffic patterns. In the morning the medical office will have more arrival traffic due to employees and patients. The restaurant would open later and the hotels would have exiting traffic. Then you start to see some of the reverse patterns in the evening and a little more due to the restaurants.

Mr. Dean captured about 100 vehicles entering the site in the morning peak hour and 75 leaving. At night it was about 150 vehicles entering and 115 leaving. The applicant wants to keep the driveways on the site due to the use. Each aisle has stop signs controlling the internal sections. The parking for this site for the hotel is one space per room due to the dining area not open to the public. If we eliminated the 36 spaces then the requirement would be 585 parking spaces and the applicant proposed 579 parking spaces, which is only 6 spaces short of the requirement.

The loading zone is in the middle of the area, usually the delivery truck comes in at off peak hours. It makes no sense to have a loading space that is used for 15 to 20 minutes and never used again that day or week. Since there are two entrances and the amount of uses on the site it helps the flow of traffic. The Board questioned when you go in the second entrance would the first left hand turn be a problem. Mr. Dean confirmed in front of the buildings. The Board stated yes. Mr. Dean stated he didn't and explained if you look at the depth of the parking spaces which is roughly 20 ft., we are well into the site off of the highway by at least 100 to 120 ft. The Board asked will there be a double lane or a single lane. Mr. Dean confirmed there is to be a single lane in each direction. The Board asked if traffic will backup on Route 22. Mr. Dean stated not on Route 22. The Board asked in your professional opinion the two entrances will not create confusion of people coming in. Mr. Dean stated not that he can see. Also, the shoulder is 15 ft wide on the highway.

Chairman Charles asked the public any more questions; seeing none.

Mr. Lehrer next witness is Michael Medea, Mr. Medea was accepted by the board as an expert witness as a landscape architect and was sworn in at the first meeting. Mr. Medea stated that he prepared the landscape plan for this site. Mr. Dean was present at the October 9, 2018 and is aware the site plan and architectural plans

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have been revised. Mr. Medea confirmed he worked with Mr. Folk on a revised plan for the landscaping to align with the engineering plan. Mr. Medea stated since the site was shifted forward they had more room in the back to add and enhance the landscaping. Mr. Medea stated added 150 evergreens throughout the buffer on all sides. There is a berm in the front with trees and evergreens throughout the front and along the parking lot edges as well plant bed with a mix of shrubs. Mr. Medea confirmed where the 14 parking spaces were now there is a retaining wall with a berm and a fence along with evergreens on both sides. Mr. Lehrer stated per the request from Chelsea they wanted to see the landscape done first by the detention basin so there would be a visible barrier during construction. Mr. Medea stated that his concern would be to make sure the plants were maintained and water them on a construction site. Mr. Medea stated that he will work with Scarlett Doyle the Township Planner to fulfill some of the gaps in the area and also supplement some of trees for shrubs.

The Board had a question regarding the fencing, is a brown vinyl 8ft high fence available. Mr. Medea stated he is not aware of a brown vinyl fence, just white and not sure of 8 ft. There is a composite fence that looks like wood that are available.

Chairman Charles asked the public any more questions; seeing none.

The Township Attorney Tom Collins suggested if the applicant and Chelsea Village wanted to discuss the fence. The applicant is fine with a composite fence and stated it lasts longer. Joseph Vince from Chelsea Village stated as long as the fence is not white or grey and rather they would have a brown, since they are an older community to match the wood fence. They also would rather have the 8ft fence instead of the 6ft due to security issues.

Mr. Lehrer next witness is Christine Nazzaro-Cofone, PP, Ms. Nazzaro-Cofone was accepted by the board as an expert witness as a professional planner and was sworn in. Ms. Nazzaro-Cofone explained that all the uses are permitted in the zone. The variances that the applicant is seeking have been improved due to the revised plans with the exception that the buildings and parking have been pushed closer to Route 22. Ms. Nazzaro-Cofone also explained that the parking spaces relief and the loading space relief are appropriate as per previously testified by Gary Dean the Traffic Engineer. Ms. Nazzaro-Cofone explained the benefits of the zoning would outweigh the detriments and that there will be no substantial detriment to the public good and no substantial impairment of the Zone Plan and Zoning Ordinance if the variances and the site plan exceptions are granted. Ms. Nazzaro-Cofone explained the granting of the relief will promote uses permitted in the zone and appropriate locations on this particular property, considering the surrounding residential condominium use as recommended in the Master Plan and The Master Plan Reexamination Report for this Route 22 area.

The Board questioned what the rear yard setback would be if application is approved. Ms. Nazzaro-Cofone stated it will be 155.73 ft for the buildings at its closest point and 139 ft for front yard from Route 22. The Board also questioned the minimum setback to the parking from Route 22 proposed is 71.09ft to 100 ft. Ms. Nazzaro-Cofone confirmed that is correct.

The Board had a question for Mr. Folk. Is it possible to increase the width of the berm so you can increase the height so that you can keep it to the 6ft fence instead of the 8 ft fence. Mr. Folk stated we can do that. Joseph Vince from Chelsea Village stated that they would rather have the 8ft fence do to safety concerns as previously testified and understand it is a variance. The Board wanted to have more testimony regarding the 8ft fence since the ordinance for 8ft fence is for utilities. Mr. Vince stated that he is licensed professional planner and the 8 ft fence can be granted under the C-2 Variance advance purpose of the Municipal Land Use Law by promoting public safety and desirable visual environment. Mr. Vince also stated 8 to 10 feet trees will be planted so the 8 ft fence would be appropriate. The negative is the ordinance for the buffer does mention a fence, so there wouldn't be any detriment to the zoning or the Master Plan, since the Planning board can grant

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a fence where they see fit. The Board still questioned the need for the 6ft to the 8ft fence. Mr. Vince stated that it is a lot harder to climb a 8 ft fence than a 6 ft fence. Mr. Folk stated that there is a 14 ft fence board on board behind Wegmans, Expo and Home Depot. The Board asked if they should change their opinion since there is a 14 ft fence in town. Mr. Folk stated he was just adding to the testimony and that was back in 1996. Mr. Vince stated that the fence will not be seen and will be hidden by vegetation and would separate the uses a little better.

Chairman Charles asked the public any more questions or comments.

Jenifer Gould attorney with Stark & Stark for Chelsea Village appreciate the members of the Board, Ms Doyle and Mr. Battaglia for meeting with discuss our concerns and the fence and the buffer with the plants and the gaps are filled in. Ms Gould also stated that Chelsea supports the revised plan and we appreciate the applicant working with us. Mr. Lehrer would like to put on the record that she would withdraw any legal objection to the jurisdiction of the Board. Ms. Gould stated if it is approved with the items that we discussed including the fence, buffer plants, and the gaps, then we will withdrawal our objection to the jurisdiction.

Chairman Charles opened the public portion of the meeting for questions. There were no questions or comments.

Motion by Mr. Lerner, second by Mr. Franco, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodziank, Chairman Charles, Mr. Franco, Councilman Norgalis, Mrs. Casamento,
Mr. Lerner, Mayor Hayes
ABSENT: Mr. Pandya
NOT ELIGIBLE: Mrs. Albanese

8. MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to address the Board on any matter not listed on the agenda.

9. OTHER BOARD BUSINESS:

SOMERSET RARITAN SEWERAGE AUTHORITY-Southside Avenue
Block 300 Lot 13
#17-004-PB Minor Subdivision and Capital Improvement Plan

Motion by Mr. Rodzinak, second by Councilman Norgalis, granting minor sudivison and capital improvement plan approval to construct an auxiliary sewerage treatment facility on the following roll call vote:

AFFIRMATIVE: Mr. Rodziank, Chairman Charles, Mr. Franco, Councilman Norgalis, Mrs. Casamento,
Mr. Lerner, Mayor Hayes
ABSENT: Mr. Pandya
NOT ELIGIBLE: Mrs. Albanese

10. ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at approximately 9:26 pm.

Respectfully submitted,
Jacqueline Pino,
Secretary to Municipal Services

1 BRIDGEWATER TOWNSHIP
2 PLANNING BOARD
3 MONDAY, NOVEMBER 26, 2018
4 7:00 PM

5 RE: PSEG NORTH BRIDGE STATION
6 BLOCK 552 LOT 3

9 BOARD MEMBERS:

10 RON CHARLES, Chairman
11 DANIEL J. HAYES, Mayor
12 JAMES V. FRANCO
13 HOWARD V. HORGALLIS, Councilman
14 STEPHEN RODZIMAK
15 TRICIA CASAMENTO
16 EVAN LERNER
17 JACQUELINE PINO, Secretary/Municipal Services

18 SCARLETTE DOYLE, Planner
19 DAVID A. BATTAGLIA

20 FISHMAN COURT REPORTING AGENCY
21 89 HEADQUARTERS PLAZA NORTH
22 4 SPEEDWELL AVENUE, SUITE 1440
23 MORRISTOWN, NEW JERSEY 07960
24 (973) 285-5331 - FAX -- (732) 605-9391
25

INDEX OF EXHIBITS

EXHIBIT DESCRIPTION PAGE

1 APPEARANCES:

2 WEINER LAW GROUP, ESQS.
3 BY GLENN C. KIENZ, ESQ.
4 Appearing on behalf of the Applicant

5 THOMAS COLLINS, ESQ.
6 Appearing on behalf of the Board

1 MR. KIENZ: Good evening

2 Chairman, Board members.

3 Glenn Kienz with Weiner Law Group on behalf
4 of Public Service Electric & Gas.

5 First off, I believe we were deemed complete
6 and I believe that somebody has had a chance to
7 check the service provided?

8 MR. COLLINS: Yes, the
9 application is complete and notice is adequate.
10 Go ahead.

11 I will swear in any witnesses you would like
12 to present.

13 MR. KIENZ: I think what I would
14 like to do, with some discretion of the Board,
15 all those people are mine, pretty much. I think
16 I can do this, we travel like the Mormon
17 Tabernacle Choir. I think I can do this with
18 one witness. I have people who are fact
19 witnesses.

20 We are in receipt of your reports, I kind of
21 have to go through them, all though unless there
22 is a shortcut you all know, because there are
23 things that need responses. But the application
24 itself is a minor site plan. There is no
25 variance relief. All we are doing is adding

1 another service line to the existing substation
2 that will enable us to provide more electricity
3 as part of the redevelopment, as part everything
4 else going on. This services all the
5 development that you have and an additional 2000
6 customers.

7 So with that I would like to bring up the
8 project manager. He is a licensed professional
9 engineer in the State of New Jersey and we can
10 go from there. And he would be sitting over
11 here, is that how you want to do it?

12 MR. COLLINS: That would be fine.

13 CHAIRMAN CHARLES: Name and
14 background.

15 MR. COLLINS: Please raise your
16 right hand.

17 Do you swear or affirm to tell the truth the
18 whole truth nothing but the truth so help you
19 God.

20 THE WITNESS: Yes.

21 MR. COLLINS: Thank you.

22 Please state your name and spell your name
23 and give us your business address.

24 THE WITNESS: Sunil Mital.

25 MR. COLLINS: Spell your name.

1 THE WITNESS: S-U-N-I-L
2 M-I-T-A-L.

3 MR. KIENZ: Mr. Chairman, it was
4 my bad. We have a stenographer here to provide
5 a record so that you don't have to worry about
6 minutes. We will get it to Mr. Collins and the
7 Board staff. It's one of the things we always
8 do.

9 CHAIRMAN CHARLES: Excellent.
10 Thank you.

11 Q. All right.

12 Sunil, by whom are you employed?

13 A. I am employed by PSE&G for about a year.
14 And before that I had worked on PSE&G projects
15 for about eight years as an engineering
16 consultant.

17 Q. And what's your educational background?

18 A. My educational background is a bachelor's
19 and master's degree in civil engineering and I
20 am licensed as a professional engineer for the
21 last 26 years. I have about 30 years of work
22 experience, all engineering, project management,
23 plus 15 years of just project management. Up to
24 projects of \$350 million.

25 Q. And you are a licensed professional

1 engineer in how many states?

2 A. I am licensed in ten states. New Jersey
3 for about 15 years now.

4 Q. And your license in New Jersey is valid
5 as of tonight?

6 A. Correct.

7 MR. COLLINS: Board recognizes
8 and accepts your qualifications as a
9 professional engineer and expert.

10 THE WITNESS: Thank.

11 MR. KIENZ: Thank you Mr.
12 Collins.

13 Q. You are familiar with the project we have
14 before the Board tonight?

15 A. Yes.

16 Q. And could you please explain the purpose
17 of the facility and how it integrates with other
18 substations in the area?

19 A. So the primary purpose of the substation
20 is to ensure that the residents of Bridgewater
21 and the businesses, including the town hall,
22 they have much more greater reliability than is
23 currently now. It will add resiliency and
24 redundancy to the system in case of any power
25 failures. So what we want to add is an

1 additional 69 KV power line to take care of the
2 loads.

3 Q. And at the present time there is two 69
4 KV power lines, is that correct?

5 A. Yes.

6 Q. And there are two existing transformers
7 on the site, is that correct?

8 A. Yes.

9 Q. And there is actually a footing for a
10 third transformer already on the site, is that
11 correct?

12 A. Yes.

13 Q. So all we want to do is, as part of this
14 application, is bring another 69 KV line in to
15 provide additional redundancy that you talked
16 about, is that correct?

17 A. Correct. And then we want to make sure
18 that the equipment, which is old, we are going
19 to upgrade all the equipment to the latest to
20 make sure that there is no concern. About 20
21 years ago there was a power failure starting in
22 Hawaii that affected the north east, so we want
23 to avoid that completely.

24 Q. Could you go to the board, and this was
25 submitted, this was part of the plan submitted

1 to the Board, is that correct?

2 **A. Yes.**

3 MR. KIENZ: Counsel, do you want
4 to --

5 MR. COLLINS: You don't have to
6 separately mark it.

7 **Q. Okay.**

8 Could you walk the Board around the site,
9 and this is the same as what they have in their
10 packet.

11 Where are you going to start.

12 **A. I will start at the northeast corner.**

13 **Q. Which is the upper right-hand corner.**

14 **A. The upper right-hand corner on your
15 paper.**

16 **So the substation is through our driveway
17 with a gate and we come to a control house which
18 has equipment to control all the substation
19 operations. And then we have an existing
20 foundation in the upper part of the property
21 side which has switchgear and the proposed area
22 to do construction. We are not doing any
23 construction in the upper north half of the
24 site, all our new construction is going to be in
25 the southern half primarily.**

1 **Q. Before you get there. Let's stay up
2 here. Let's talk about the construction
3 trailers. Why are they being located where they
4 are?**

5 **A. So the construction trailers are located
6 there to ensure that they do not interfere with
7 the electrical operations and equipment. Plus
8 they are sufficiently 75 feet away from the
9 setback requirements and this will ensure that
10 there is enough -- we are trying to avoid
11 traffic around the substation and all the
12 vehicles with the equipment within the control
13 house and the trailers.**

14 **Q. So these are only temporary and that's
15 only for the life of the construction project
16 which is about two years, is that correct?**

17 **A. Yes, once construction is done we will
18 move all three trailers as well as the guard
19 house.**

20 **Q. And we are putting in a guard house.
21 What are we guarding?**

22 **A. We are guarding for protection of the
23 people and as well as the equipment and
24 employees who come inside. It is going to
25 remain closed, the gate is going to remain**

1 **closed during the nighttime but then during the
2 daytime, the standard working hours for the
3 construction as per the laws of the township.**

4 **Q. So the guard house is only occupied
5 during normal construction hours, unless there
6 was an emergency or late night delivery or
7 something else, is that correct?**

8 **A. That's true.**

9 **Q. So it is our opinion then, obviously
10 subject to the Board, there is a slight
11 encroachment on the setback but it is temporary,
12 in fact if the Board determined we need a
13 variance, these are only temporary structures
14 anyway. We didn't want to keep the flow going
15 around the site, so this wouldn't interfere with
16 deliveries or anything else going on and
17 construction. The trailers would be removed,
18 correct me if I am wrong?**

19 **A. True.**

20 **Q. Once we are done with the construction
21 and got a final certificate of occupancy, is
22 that correct?**

23 **A. Yes, the construction trailers will be
24 removed.**

25 **Q. And the guard house?**

1 **A. And the guard house too.**

2 **Q. I interrupted you and you were about to
3 get into the good stuff on the site. Can you
4 please explain that?**

5 **A. So then as part of the site we are going
6 to have all new equipment as well as the new 69
7 KV line coming in. So the new equipment is
8 going to be in an opening here to the extreme
9 southern -- sorry, east and south center portion
10 of the site. And in the center portion where
11 you see boxes and lines, that represents the
12 electrical equipment, it is going to be managed
13 very slowly with the time because it is very
14 complicated construction sequencing and
15 operation project. That's why it will take
16 about one-and-a-half years just for a small
17 construction. If it was an open site we could
18 have achieved it in no time.**

19 **Q. We are going to construct this about
20 September 2019, is that correct?**

21 **A. Yes.**

22 **Q. And for a year what's going to go on?**

23 **A. So the very first year we are planning to
24 do just civil construction. Making sure that we
25 are executing the work safely because of the**

1 overhead electrical lines and then after the
2 first year we will do the electrical
3 installation and make switches in the different
4 areas in order to maintain electricity to all
5 our customers, which is very important for us.

6 Q. Is there lightning masts on the site?

7 A. So currently there are four lightning
8 masts, we are going to take out one lightning
9 mast completely that is located in the
10 southwestern corner of the property. That is
11 going to be taken out and the other three
12 lightning masts will remain. The purpose of
13 those lightning masts is to ensure that if there
14 is lightning the equipment doesn't get burned.
15 Doesn't get short circuited, because if that
16 happens the complete substation will be taken
17 out of service.

18 Q. Now, the lightning masts, are the
19 lightning masts as short as they can be?

20 A. Yes. What we have right now in design is
21 that they're at the least possible height of the
22 lightning masts, keeping the three plus one knew
23 one which is going to be on a frame.

24 Q. And there was a question about a breaker
25 on this little diagram, can you explain that so

1 everybody understands, please?

2 A. So the breaker has been put usually on
3 the H frame, which you see.

4 Q. What is an H frame?

5 A. It's shaped like an --

6 Q. A goal post.

7 A. -- H and it has clearance between the
8 incoming line from the outside as well as the
9 line which is going to the plant here. So it's
10 extremely critical that we have that elevation
11 and there should be an elevational difference to
12 the ground surface. So what we did in our
13 design, because of the congestion here, we put
14 the disconnect switch right on the H frame in
15 order to save us space and some of the setback
16 requirements.

17 Q. And how high up is that disconnect
18 switch?

19 A. The disconnect switch sits about --

20 Q. 28 feet?

21 A. -- 22 feet to the top of the disconnect
22 switch and the overall H frame is about 55 feet.

23 Q. Let's talk about lighting on the site.

24 Do we have lighting on the site?

25 A. We have lighting of the site. It's

1 provided for two purposes.

2 The first purpose of the lighting is to
3 ensure that the workers, if they come in, happen
4 to come in during the nighttime for emergency
5 operations, that there is enough light to make
6 sure that there is no, really that people don't
7 get hurt or for safety and emergency purposes.

8 The second thing is if someone else is
9 coming there they also don't come in contact
10 with the electrical equipment. So that's the
11 lighting requirement.

12 So we have two types of lights pointing
13 downward and pointing upwards.

14 Pointing upwards to facilitate the
15 verification of the equipment operation and the
16 lights can be switched on manually. So that is
17 just when if there is operations needed.
18 Whereas the downward facing lights, they are for
19 general illumination but everything is contained
20 within the fenced area of the substation. The
21 lux of the light candle, foot candle, is very,
22 very dim. Just right next to the fence and
23 there is enough buffer between Route 22 and the
24 fence that people will not be able to see the
25 light. Plus in addition we have landscaping

1 which will obscure all the lights.

2 Q. Okay.

3 Let's talk about, how do you get on the
4 site and where do you get on the site?

5 A. So in order to get to the site we use
6 Pennone here, because there is a main entrance
7 and then we are going to, during the
8 construction, have another very small gate here
9 on the north center of the site. So we are
10 going to primarily use the north center for
11 emergency purposes and generally use the
12 northeastern gate and the northeastern gate when
13 a person comes out is going to watch for the
14 traffic on both sides of the road and there is
15 enough gap that a person can stop and look both
16 sides, and based on my own personal experience
17 when I have been to the site there is nothing
18 obscuring the vision to the east side as well as
19 several hundred feet to the left, which is the
20 western side.

21 Q. So you are testifying that in your
22 opinion there is no reason to have to put a stop
23 bar and stop sign at the entrance.

24 We also have, I will ask you a combined
25 question because I think I know the answer

1 already. We have adequate sight triangle
2 distance and there is also no reason, we
3 believe, to do any additional improvement to
4 Pennone because we are not increasing the
5 traffic?

6 **A. Right. There's no additional traffic**
7 **whatsoever during the operation. And we do have**
8 **a gate here with the fence area so a person is**
9 **not simply going to go out. Once the operator**
10 **comes out and stops within that asphalt zone of**
11 **about 50 feet, parks his or her vehicle and**
12 **locks the gate and then back in the truck and**
13 **there's no traffic on Pennone, so no concern**
14 **putting an additional gate there.**

15 **Q. Do we need running water or sewer on this**
16 **site?**

17 **A. Yes. What we are doing here is this**
18 **guard house, which was already approved**
19 **previously, so what we are providing is water**
20 **and sewer to the bathroom, which was preapproved**
21 **and otherwise during construction. We are going**
22 **to take out all the trash and recyclables**
23 **appropriately. And when the substation is in**
24 **operation it is visited on average once a week,**
25 **so there is really no concern for trash and**

1 **recyclable removal because PSE&G's standard is**
2 **we take care of it either weekly or the operator**
3 **who comes in they take all the trash with them.**

4 **Q. Do you have any other testimony on this**
5 **board?**

6 **A. No, I am fine. Thank you.**

7 **MR. KIENZ: Mr. Chairman, I tried**
8 **as best I could to hit what I thought was some**
9 **of the high points, but if you can bear with me**
10 **for five, at most ten minutes. What I suggest I**
11 **try and do is just hit the highlight film and I**
12 **will start with Scarlett's report which was**
13 **dated November 11. I tried to put the testimony**
14 **in so if I am skipping things and if she thinks**
15 **I am giving her report the short shift, I have**
16 **known her long enough, she will yell at me, so**
17 **it will be okay.**

18 **I am on Page 3 of her report now.**

19 **Q. Are we willing to adhere to the**
20 **ordinances mitigation methods?**

21 **A. Yes.**

22 **Q. And if approved would we secure any**
23 **demolition permits?**

24 **A. Yes.**

25 **MR. KIENZ: I think that's all**

1 **for Scarlett's. I can go to the others, we can**
2 **come back to her, if that's all right. I think**
3 **I addressed the other issues.**

4 **I would note for the record that we have**
5 **a report from the fire marshal who indicates**
6 **that he has no fire safety or fire protection**
7 **issues. His report is dated November 19, 2018.**

8 **We have a report from the zoning officer**
9 **and in that report he indicates, "I have no**
10 **zoning concerns regarding this application."**

11 **And then we have a report dated November**
12 **21 from the township engineer and I am going to**
13 **have to go down -- I will comment on some of**
14 **these and we will see where we wind up.**

15 **First, "The applicant will be required to**
16 **provide copies of relevant approvals." Yes, we**
17 **will give you the relevant approvals as called**
18 **out in the variances as they begin to come in.**

19 **We talked about that.**

20 **Number 4, "In the engineers report it's**
21 **suggested we might enter into a Developer's**
22 **Agreement." I am not so sure that's necessary**
23 **since we are not doing any off-site work. There**
24 **is a section in the Municipal Land Use Law, I**
25 **believe Section 53D, Mr. Collins will correct me**

1 **if I misstate it, which says, we don't have to**
2 **do any guaranties because we are a public**
3 **utility and because we own the land, that we are**
4 **developers. So I don't see with the work that**
5 **we are doing on this since, it is all on site,**
6 **that we would need to do any kind of agreement**
7 **with the municipality.**

8 **MR. COLLINS: I agree. It is a**
9 **public utility and we don't expect any bonding.**
10 **That's usually when there's a Developer's**
11 **Agreement, but that's up to the Board. Up to**
12 **the Council, not the Board. We often recommend**
13 **to the Council, not require it.**

14 **MR. NORGALIS: We will not**
15 **require it.**

16 **MR. KIENZ: Thank you gentleman.**
17 **We will add that's provided -- I'm sorry.**

18 **We propose no normal parking on site. This**
19 **is an unmanned facility. We routinely don't do**
20 **that so we also don't do any kind of loading**
21 **zones. So technically I guess that's a waiver;**
22 **but I think, at least we had to state that on**
23 **the record as far as I understand.**

24 **MR. BATTAGLIA: Correct.**

25 **MR. KIENZ: We also asked for a**

1 waiver from the Environmental Impact Report,
2 which is Item 7 in the engineers report.
3 Because we thought the work is deminimis. When
4 Public Service first looked at this and began
5 meeting with your professionals there was a
6 question whether it was going to be a waiver
7 site plan, a minor site plan or preliminary and
8 final major site plan approval. We noticed
9 obviously for either a minor and preliminary
10 final. We are here, we are dressed up, we got
11 ties on, you can handle it however you deem
12 necessary and appropriate.

13 We talked about traffic, Environment Impact,
14 stormwater, no comments.

15 Lighting we took care of.

16 Hours of operation. I think we told you
17 that basically it is a switch, we have minimum
18 security lighting. But if we do repairs the up
19 lights are, so the folks actually doing the work
20 can keep the lights on.

21 Construction mitigation measures should be
22 provided. We will do that. If there is a form
23 that we are supposed to fill out or if you have
24 a form for that we will be happy to work with
25 you on that.

1 We talked about construction, outside agency
2 approvals, and I think that concludes the
3 engineers report. And, again, I am not trying
4 to short shift you, I am trying to keep it
5 moving and respond to the items.

6 Then there was a complete Magnum report, but
7 I think we have addressed the comments there but
8 as I said before, Mr. Chairman, I have all the
9 people to answer the questions. I don't like to
10 belabor things.

11 CHAIRMAN CHARLES: Okay.

12 So we will start questions from the Board.

13 The Board have any questions of this
14 witness?

15 MS. CASAMENTO: One question.

16 You might have said this already and I missed
17 it. Are the lights on the property going to be
18 on when personnel is not on site or when people
19 doing construction are not there any longer?

20 MR. KIENZ: No. There will be
21 some lighting, there is always some lighting,
22 but minimal. It is virtually not visible from
23 the outside confines but there will be minimal
24 lighting because we don't want it to be
25 completely dark.

1 MS. CASAMENTO: Additional

2 lighting than what is there today?

3 MR. KIENZ: Yeah, because there's
4 new equipment. There is only three or four new
5 lights.

6 THE WITNESS: We are removing
7 some of the equipment with the lights, so once
8 that equipment goes we will put in new
9 equipment. So the new equipment should also
10 have some lights. So we are going to put a few
11 across the lot but not a lot.

12 MR. KIENZ: We did provide Isolux
13 so that you can review it.

14 MS. CASAMENTO: Thank you.

15 MR. LERNER: Ever happen when you
16 are doing these additions that the two existing
17 lines might suffer interruption?

18 THE WITNESS: There's a remote
19 possibility it can happen. So that's the reason
20 why the government agency in Newark, and for us
21 here it is PJM, they determine the loads on the
22 subject and the northeast in our region and then
23 they say that there is probably failure
24 effecting people, so we try to avoid that.

25 MR. KIENZ: I think you missed

1 his question. I think his question was, while
2 doing the work itself is there a time when it's
3 completely shutdown or --

4 MR. LERNER: Or does it happen
5 with any frequency.

6 THE WITNESS: No, it doesn't
7 happen.

8 MR. KIENZ: That was your
9 question?

10 MR. LERNER: That was my
11 question. Thank you.

12 CHAIRMAN CHARLES: Okay.

13 MR. NORGALIS: The disconnect
14 switch, is that tamper proof so somebody can't
15 get on the property and operate the switch?

16 THE WITNESS: Yes.

17 MR. NORGALIS: It is tamper
18 proof?

19 THE WITNESS: Yeah.

20 MR. KIENZ: Tamper proof.
21 Squirrels can't do something and a wise guy
22 can't lose, the 15 year old living at my house,
23 can't get in there and hit that switch.

24 THE WITNESS: That's true.

25 Tamper proof.

1 MR. NORGALIS: Long list of
2 volunteers to operate that switch. No, I take
3 it back.
4 CHAIRMAN CHARLES: Again, 55 foot
5 in height, that's the required height, it cannot
6 be any lower than that?
7 THE WITNESS: True, it has to be
8 55 feet.
9 MR. KIENZ: For the lightning
10 mast.
11 THE WITNESS: Yeah, for the
12 lightning mast, correct.
13 CHAIRMAN CHARLES: I wanted to
14 make sure I am right on that.
15 Anything else over here?
16 MS. DOYLE: Nothing from me.
17 CHAIRMAN CHARLES: Seeing no
18 further questions from the Board. I think we
19 will open to the public.
20 I ask for the public, any person have any
21 questions or comments with regard to this
22 application, step forward and make that question
23 and comment at this time?
24 Seeing none, we will close the public
25 portion.

1 And I think we can entertain a motion.
2 MR. COLLINS: Anything further
3 you would like to add?
4 MR. KIENZ: I know when it is
5 time to be quiet.
6 MR. COLLINS: Up to the Board to
7 consider a motion to approve the minor site plan
8 discussed this evening and the temporary need
9 for the trailers and the waiver for parking and
10 a waiver of the loading space. Also
11 confirmation that no Developer's Agreement is
12 required or recommended from Council and all the
13 standard conditions explained by Mr. Kienz and
14 the witness tonight.
15 MR. HAYES: I will make a motion.
16 MR. NORGALIS: I second.
17 CHAIRMAN CHARLES: Roll call,
18 please.
19 MS. PINO: Mr. Rodzinak.
20 MR. RODZINAK: Yes.
21 MS. PINO: Chairman Charles.
22 CHAIRMAN CHARLES: Yes.
23 MS. PINO: Mr. Franco.
24 MR. FRANCO: Yes.
25 MS. PINO: Mr. Norgalis.

1 MR. NORGALIS: Yes.
2 MS. PINO: Ms. Casamento.
3 MS. CASAMENTO: Yes.
4 MS. PINO: Mr. Lerner.
5 MR. LERNER: Yes.
6 MS. PINO: Mayor Hayes.
7 MAYOR HAYES: Yes.
8 CHAIRMAN CHARLES: Thank you.
9 Approved.
10 MR. KIENZ: Thank you for your
11 time.
12 Tom, how fast will the resolution be
13 prepared?
14 MR. COLLINS: By December. You
15 want, we can make it effective this evening.
16 The Board willing to move to make this
17 approval effective this evening so they can
18 proceed immediately?
19 MAYOR HAYES: I would.
20 MR. NORGALIS: Second.
21 CHAIRMAN CHARLES: Roll call,
22 please.
23 MS. PINO: Mr. Rodzinak.
24 MR. RODZINAK: Yes.
25 MS. PINO: Chairman Charles.

1 CHAIRMAN CHARLES: Yes.
2 MS. PINO: Mr. Franco.
3 MR. FRANCO: Yes.
4 MS. PINO: Mr. Norgalis.
5 MR. NORGALIS: Yes.
6 MS. PINO: Ms. Casamento.
7 MS. CASAMENTO: Yes.
8 MS. PINO: Mr. Lerner.
9 MR. LERNER: Yes.
10 MS. PINO: Mayor Hayes.
11 MAYOR HAYES: Yes.
12 MR. KIENZ: Thank you very much
13 for your time.
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1 CERTIFICATE

2 I, ERIC S. FISHMAN, a Shorthand
3 Reporter and Notary Public of the State of New
4 Jersey do hereby certify that the foregoing is a
5 true and accurate transcript of the testimony as
6 taken stenographically by and before me at the
7 time, place and on the date hereinbefore set
8 forth, to the best of my ability.

9 I DO FURTHER CERTIFY that I am
10 neither a relative nor employee nor attorney nor
11 counsel of any of the parties to the action; and
12 that I am neither a relative nor employee of
13 such attorney or counsel; and that I am not
14 financially interested in the action.

15
16
17 -----
18 ERIC S. FISHMAN, S.R.
19
20
21

22
23 DATED: _____
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