

Approved
10.13.15

**New Milford Zoning Board of Adjustment
Work Session
September 8, 2015**

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:32 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Adelung	Present (7:50)
Ms. DeBari-Vice Chairwoman	Present
Mr. Denis	Absent
Mr. Joseph	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Weisbrot	Absent
Mr. Schaffenberger-Chairman	Present
Mr. Sproviero - Attorney	Present
Ms. Batistic – Engineer	Present

OLD BUSINESS

**15-02 TOP STONE CHURCH – 435 River Road – Block 1115 Lot 1.01
Child Care Center / Nursery School**

The Chairman noted there are three applications on the agenda but only two applications would be heard at this meeting. The Board Attorney stated that the Top Stone application would not be heard tonight. The Board received today a report dated 9/4/15 from Stonefield Engineering setting forth their pick up/drop off plan which was given to the police department. At 4 pm, a meeting took place between the applicant, the traffic consultant and the police officers in charge of traffic safety at the site. The Board Attorney received a call from Lt. Jones confirming that the meeting took place. Since there was no time for a report or for Lt Jones to testify at this meeting as to what his opinion was, it was determined by everyone that they could not proceed unless they have that evidence. The applicant requested that the application be carried to the October 13, 2015 meeting.

The Chairman stated there was the PSEG application and Hettinger application. The Board would hear the Hettinger application first.

REVIEW OF MINUTES

The Board Members reviewed the minutes for August 11, 2105 and there were no changes.

NEW BUSINESS

15-04 PSEG – 182 Henley Avenue – Block 501 Lots 15 and 17

The Chairman asked the Board Attorney if this application was considered inherently beneficial. The Board Attorney did not offer his opinion at this time but would hear what the applicant had to say regarding the matter.

**15-05 Hettinger – 261 Milford Avenue – block 1316 Lot 15
Deck and porch – building coverage/front yard setback**

The Chairman noted the applicant was present and there were no questions or comments from the Board members.

**New Milford Zoning Board of Adjustment
Public Session
September 8, 2015**

Chairman Schaffenberger called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:46 pm and read the Open Public Meeting Act

ROLL CALL

Mr. Adelung	Present (7:50)
Ms. DeBari- Vice Chairwoman	Present
Mr. Denis	Absent
Mr. Joseph	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Weisbrot	Absent
Mr. Schaffenberger-Chairman	Present
Mr. Sproviero - Attorney	Present
Ms. Batistic – Engineer	Present
Mr. Grygiel – Planner	Present (8:15)

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK SESSION – August 11, 2015

Motion to accept the minutes were made by Mr. Stokes, seconded by Mr. Loonam and carried by all.

OFFICIAL MINUTES OF THE PUBLIC SESSION – August 11, 2015

Motion to accept the minutes were made by Mr. Stokes, seconded by Mr. Loonam and carried by all.

OLD BUSINESS

**15-02 TOP STONE CHURCH – 435 River Road – Block 1115 Lot 1.01
Child Care Center / Nursery School**

The Board Attorney stated at the request of the applicant, Top Stone Church would not be heard tonight. He explained again that the Board received today their revised traffic analysis and had no written response from the police department with respect to the proposed plan. The applicant requested the application be carried to October 13, 2015 and the Board would not require any new written notice mailed to property owners. The Board Attorney stated the applicant authorized him to place upon the record that the applicant would extend the time that the Board has to determine this application thru the October 13, 2015 meeting. Those representations would be set forth in correspondence tomorrow by the applicant’s counsel, said the Board Attorney.

The Chairman thought that if they heard the Hettinger application first they could devote the rest of the meeting to the PSEG application.

The attorney representing the PSEG application had no objection with the Board hearing the other application first.

NEW BUSINESS

15-05 Hettinger – 261 Milford Avenue – Block 1316 Lot 15 Deck and porch – Building coverage/front yard setback

Neil and Linda Hettinger from 261 Milford Avenue was sworn in by the Board Attorney

The Chairman asked the applicant to explain to the Board what they were proposing and why the Board should grant the variances.

Mr. Hettinger was proposing to construct a rear deck and add another 16 sf to the front porch and cover it.

The applicant submitted drawings of their home which were marked as exhibits:
Drawing of front porch and deck detail (not to scale) marked as Exhibit A-1 dated 9/8/15.
Drawing of the renovations of the home showing the rear deck marked as Exhibit A-2 dated 9/8/15. The applicant prepared the drawings.

The Board Attorney asked what variances they were seeking. The applicant was seeking variances for building coverage and front yard setback. The applicant explained their building lot coverage would be approximately 1,916 sf where a maximum of 20% or 1,500 sf was required. They were proposing 12.5' where 16.5' was the required front setback.

The Chairman asked what their current lot coverage was. Mr. Hettinger stated their total existing was 1,600 sf. Ms. Hettinger explained that there was an existing porch and detached garage which already put them over their allowable coverage. The Chairman clarified when they moved into the house they already had an existing building coverage of 1,600 sf where they were allowed 1,500 sf. The applicants agreed. Mr. Hettinger stated the front porch was 4' in depth and they wanted to make it 4' x 8'. Ms. Hettinger stated they had a flat faced house with steps and a landing. They were proposing to expand the landing and cover it. Mr. Hettinger said his porch was in line with the next door neighbor's porch.

The Chairman thought if the steps were moved to the side it would eliminate part of the encroachment. Ms. Batistic said the setback was to the platform. The Board Attorney clarified that moving the steps would not affect the intensity of the front yard setback. Mr. Stokes asked the resident if the proposed platform would be encroaching more to the front than what was existing. The resident said no. Mr. Stokes clarified that they wanted to construct a roof over it. The resident said yes.

The Chairman asked if the rear deck was wooden and would it be built along the whole back of the house. Mr. Hettinger said yes. The Chairman asked what the setback was from the rear of the

deck to the rear property line. Mr. Hettinger said his lot was 150' deep and the house to the property line was 83.5'. Ms. Hettinger stated that it would be 75.5' after the deck was built. The Chairman asked if there would be pilings. The homeowner said there would be pilings and railings.

The Chairman asked if he was expanding the detached garage or knocking it down. Mr. Hettinger said no.

Ms. DeBari asked if they were planning to make the covered porch a room. The resident said no.

The Board Attorney asked for the dimensions and percentages for the proposed lot coverage. Ms. Batistic said the proposed was 25.5 and the existing was 21.3. The Chairman asked the engineer if she agreed with the total existing 1,600 sf. Ms. Batistic said that was the number supplied by the applicant and the applicant indicated the proposed building coverage was 1,912 sf.

Mr. Loonam said regarding the front yard setback it says existing 16.5 and proposed 12.5. He asked if it was 12.5 or 16.5. Ms. Batistic answered that it was 12.5' because the common setback was to the main building wall. She stated once they make a porch with the roof it becomes part of the structure and they were not changing the steps. The homeowner stated the steps were staying where they were but he would be making new steps. The Chairman clarified that the landing would be wider but the steps would be in the exact same place. Mr. Hettinger agreed.

Motion to open to the public was made by Ms. DeBari, seconded by Mr. Loonam and carried by all.

No one wished to comment on this application.

Motion to close to the public was made by Ms. DeBari, seconded by Mr. Stokes and carried by all.

Mr. Stokes said the applicant testified that the steps and platform lined up with the neighbors. Mr. Hettinger said the house to the right was in line with them. Mr. Stokes wanted a condition that the platform with roof would not be enclosed. The resident said there would be no windows or siding. There would be just two posts on both corners that would carry the weight of the roof. The Board Attorney said the condition would read an approval limited to roof overhang only over the platform of the stairs and the applicant expressly recognizes that there shall not be now or any time in the future any enclosing of such stoop with sidewalls of any kind.

Mr. Loonam commented that the homes in that area face the challenge with having very narrow and long lots. The deck in the rear did not bother him because the applicant had proposed 75.5' rear yard setback. Mr. Loonam added they had a lot coverage issue because the house and property was so narrow. He had a concern that the front steps were moving closer to the street but his concerns were ameliorated by the fact that the steps would not be moving closer to the street.

The Chairman agreed that any issues they had were imposed by the size and shape of the lot. He had no issue with the rear deck because they had a narrow but large back yard. They were not

changing where the front steps were located but he agreed with the condition of not enclosing the landing.

A motion was made by Mr. Stokes, seconded by Ms. DeBari to grant the variances for a front yard setback of 12.5' and lot coverage of 25.5 percent with the condition that any approval was conditioned upon the erection of a roof overhang only on the platform of the stairs. The platform of the stairs shall not now or at any time in the future be enclosed with side or front walls.

The motion passed on a roll call vote as follows:

For the motion: Members Stokes, DeBari, Loonam, Rebsch, Joseph, Adelong, Schaffenberger
Approved 7-0

15-04 PSEG – 182 Henley Avenue-Block 501 Lots 15 and 17

Renovate and upgrade substation

D variance – height –Existing nonconformities front yard/side yard

Mr. Glen Kienz, attorney from the law firm of Weiner Lesniak, representing PSEG stated they have been deemed complete, provided notice, the copy of the affidavit, certification and newspaper notice. The Board Attorney agreed. Mr. Kienz stated they brought a court stenographer because it seems to be an easier process for counsel to draft a resolution.

Mr. Kienz stated this application was part of a series of applications that PSEG was doing across the state. He stated PSEG has received approvals from the appropriate higher level of authorities and doing an Energy Strong and Transmission Hardening Program to upgrade their site so the flooding does not happen again.

Mr. Kienz, in response to the question posed by the Chairman regarding whether or not this application was inherently beneficial, said there have been a number of boards that have found it to be so. He could not hold up a case that said it has been litigated and clearly inherently beneficial. Mr. Sproviero stated that he did not know of any specific case that identifies a power substations but he has dealt with cases that identify similar public utilities. Mr. Sproviero asked if use was implicated by this application. Mr. Kienz did not believe use was but he believed it was triggered in the height. He believed all the variances were subsumed.

Mr. Kienz pointed out that the Board Members were probably all PSEG customers. The Board Attorney asked the members knowing they were PSEG customers, if they believe they were in any way unable to make a fair, unprejudiced determination in regard to the application. No members had any conflict.

Michael Vincent, 325 County Avenue, Secaucus, NJ, was sworn in by the Board Attorney.

Mr. Vincent was employed by PSEG and was the assistant planner within the division. He gave his educational background and his PSEG responsibilities. The Board accepted Mr. Vincent for his educational background and his expertise. The Board Attorney clarified that his testimony offered would be fact testimony as opposed to opinion testimony. Mr. Kienz agreed.

Mr. Stokes asked Mr. Vincent if he was part of the design phase and what the building would be used for. Mr. Vincent said they have made recommendations from other substations within their division. Mr. Kienz said all of the applications that they were doing had a GIS station.

Mr. Kienz marked into exhibit:

A-1 Packet titled New Milford Energy Strong and Transmission Hardening Projects 9/8/15.

Mr. Vincent said the goal of the Transmission Hardening Projects was to strengthen, bolster the transmission. The energy strong part of the project was the distribution part. They both serve to raise the stations within the existing yard. They were designed to withstand any type of water event because in most cases they would be raised more than 1' above the largest flood water observed. He added, it would be done in a way that allows future expansion and growth. Mr. Vincent said in the event that a storm occurred one of the benefits of all these efforts was to be able to recover much more quickly because of the design.

Mr. Kienz asked what does "inside plant" mean. Mr. Vincent answered it meant within the fence. Mr. Kienz asked if all the work being done on this application was inside. Mr. Vincent agreed it was inside the fence. Mr. Kienz asked what was being done inside the station. Mr. Vincent said all the gear would be raised and any of the critical components would be raised to a point that it would not be impacted by a "Hurricane Irene" event. Mr. Kienz asked with an approval of this application, would they be able to expand their service in the future.

Mr. Vincent discussed some of the high level customers impacted by the New Milford substation. He added that the substation serves approximately 33,000 accounts who will all benefit from what they were doing.

The Chairman asked if some of the equipment have already been raised. Mr. Vincent said the transformers were raised in 2009 but not to a point to withstand the amount of flood water experienced during Hurricane Irene. He added the switch gear were not raised which was the underlying problem of the whole thing.

Mr. Vincent reviewed photos of the station during flood events in New Milford.

Mr. Loonam noted that his exhibit on page 4 referred to 32,764 customers and page 6 referred to 40,338 customers. He asked if the 40,000 customers were all PSEG customers or this substation. Mr. Vincent said since there was another substation in Bergenfield where they rearranged the grids and designed an equal loop.

Mr. Loonam asked if this was approved would there be a disruption in service. Mr. Vincent said it was his job that no disruption took place.

Ms. DeBari asked how they planned to raise the equipment. Mr. Vincent said an alternate site would be built within the property in an elevated fashion. He said they would use concrete pilings which would be a foundation that was designed to be at that elevation. Mr. Kienz asked if they would be bringing additional fill onto the site. Mr. Vincent said yes but most of the new equipment would be up on footings, piers or pilings to get it up the additional 4'. Ms. DeBari

asked if the surrounding area establishments would be effected by the proposal. Mr. Vincent said they were not taking the 10 acre site and raising it 4'. It was the small areas where the switch gear were located and the critical facilities that helps service the switchgear. Ms. DeBari assumed there would be proper drainage for the area. Mr. Kienz asked Mr. Vincent if there was a complete stormwater management plan subject to the engineer review. Mr. Vincent agreed. The Chairman asked if the area would stay gravel. Mr. Vincent said yes.

Mr. Loonam asked if building this would help service towns not listed or would it be for the customer base they were speaking about. Mr. Vincent said it was for this general area.

Mr. Adelung asked if they could do the project without the building. Mr. Vincent said no. Mr. Kienz said they could do it without the building but they were not doing any sites anymore without the building. They were doing all GIS buildings because it was safer, more reliable and more efficient. Mr. Adelung had concerns with any explosions regarding an existing 230 kV line and a new 345 kV line. Mr. Vincent said the engineer would show them that it was a safer environment for that type of equipment. He said it was possible it could become 345 but said right now there were focusing on the 230 voltage and expanding it into the distribution part where they could supply their customers. Mr. Vincent stated that the inside plant is typically built with 345 kV equipment but he did not know if that was being selected for this project. Mr. Adelung asked if there was anything outside the fence that needed to be increased like transmission structures, fences or pole lines. Mr. Vincent said the transmission structures would follow the normal right-of-ways. Any pole or wire that occurs because of other circuits would usually stay with the same pole line. Mr. Vincent said what was being proposed was primarily for inside the fence. Mr. Adelung asked if that could happen. Mr. Vincent said yes for more poles. Mr. Adelung said everyone wants their power. He wanted to make sure he votes correctly. He clarified they were proposed inside the station and had concerns that in a year there would be transmission structures that could be seen from River Road. Mr. Kienz said the plant stays inside the fence but if they have to put up new poles outside the fence it would be regulated by Board of Public Utilities and not by the municipalities. Mr. Adelung wanted to know the impact of this application and what the future would be. Mr. Vincent said the 230 lines that feed New Milford facility are now all underground and rise up at the particular stations that they supply power from and it was very unlikely to have an over head light.

Mr. Stokes asked about the V-2222 underground T-Line reconductor and asked if the were changing the 230 kV underground transmission line and putting in a new conductor so they could increase the voltage. Mr. Vincent believed that the V-2222 pipe was limited to 230 voltage.

Motion to open to the public was made by Ms. DeBari, seconded by Mr. Stokes and carried by all.

John Rutledge, 335 River Road, asked about the additional plans for the flood mitigation and impacts on the existing river. He asked if there were plans to do anything with the River. Mr. Vincent said that was not built into this project they were focusing everything inside the fence and strengthening the system.

Motion to close was made by Ms. DeBari, seconded by Mr. Adelung and carried by all.

Mr. Andrew Franklin Martin, Black & Veatch, 1000 Regency Parkway, Cary, North Carolina was sworn in by the Board Attorney.

The Board Members accepted Mr. Martin as a licensed professional engineer in North Carolina and NJ.

The Chairman asked how he ended up in North Carolina and NJ. Mr. Martin said PSEG was one of his company's largest clients. The Chairman asked if he testified before any Boards. Mr. Martin said he has provided support but has not testified.

Mr. Martin wanted to clarify there would not be any additional fill brought to the site but in the areas that they reuse foundations they would bring in steel structures, move the equipment off that foundation and place the structure on it. They would put the new equipment back on the same structure. He added that was how they got the 4' elevation. In the areas that they provide new foundations, those foundations would be installed with a 4' reveal which is the distance from current grade to the elevation required.

The Chairman asked if water would be able to go under the platforms if it floods. Mr. Martin answered that it was specific to the equipment. The GIS hall would not allow water to pass under it. He added that the smaller auxiliary equipment such as the switchgear and breakers would be designed that they optimize the available amount of concrete used. If they could produce voids within it and have acceptable strengths they would do that, said the engineer. Mr. Martin said that would cut down on construction costs and time.

The Engineer said there are three pieces to this project. The first piece was the V-2222 which is the reconductor of the existing line for Hillsdale and New Milford which is being done now. There is minimal site work and they were pulling new cable thru the existing tube that houses the existing cable.

The next portion was the transmission hardening which is the backbone of the system within this area. They are reinforcing it so they can transmit 230 V more reliable across the area in NJ.

The third part was the Energy Strong portion that was switchgear and associated equipment. That portion is what directly impacts customers and increases the reliability to the community, said Mr. Martin.

Mr. Kienz marked as **Exhibit A-2** site plan 6/4/15. He noted there was an error where the map was marked as preliminary but the plans the board had address final.

Exhibit A-3 Panel New Milford Switching Station
261306A-24 dated 6/11/14

Exhibit A-4 Panel New Milford Switching Station
261306A-25P dated 6/5/15

Mr. Martin discussed the existing site plan. He stated the V-2222 project was currently ongoing but because of hot weather construction has been delayed. He showed on the map the terminal of the line to Hillsdale would be moved west of the existing location. Mr. Martin said part of the project would be adding a pump house and demolishing the existing pump house structures at the far south. That project would finish later this year and by December the line should be back in service. The engineer noted that this has freed up a lot of area in the center of the yard. The next step of the project was to demolish the existing 26 KD yard. He stated that as part of this project they would be removing the 350 sf control house which was 18' from the property line to the north.

Mr. Martin said they would be constructing two transformers and the switchgear. He hoped it would take place in the spring and summer of next year. He explained that after the transformers were installed they would install a temporary bypass from the bus section along the southern part of the yard. He explained a bus was an aluminum pipe that carries electricity to various locations. Mr. Martin said there was an existing bus running over thru the center of the yard which would be removed so they could clean up the area. The engineer said the GIS building would be located in the center of the yard. Mr. Kleinz clarified that the bypass was temporary. Mr. Martin agreed it would be installed March/April of next year thru March/April 2017. After installing the bypass they remove the existing conductor and begin installation of the GIS hall. The Board Attorney asked what the GIS hall was. Mr. Martin explained the gear in the building was gas insulated switchgear. The gas insulated switchgear was more compact and it was the latest technology. He stated the switchgear was sized for 345 kV so if some point in the future there was a 345 kV backbone in the area they could use the gear without having to replace it. He stated there were no plans currently for that installation.

Mr. Martin said they would build the GIS hall which is the open room where the GIS is housed. West of the GIS hall is the control room and inside that room were all of the relays, computers and annunciators. The engineer stated that they can see what is going on inside from a remote area so they don't need to send people there when they receive alarms. He added that it automatically makes decisions based on the system configuration. Mr. Martin said the footprint for the 230k yard was 100x150 where the existing yard took the entire southern half of the station. This was a more compact design, less stuff to see and it was just in a building, said Mr. Martin. The key point, said Mr. Martin, was the building was 4' above the existing elevation so if waters rise in this area everything in the building would be dry.

In the northern portion of the yard, they will install two transformers. He stated there were existing transformers that were on the site with one being relocated and the other would be reused on the existing foundation.

Using exhibit A-2, Mr. Martin showed the locations of switchgears 1 and 2. He stated those buildings were currently placed on the 30' setback and not shown was a platform that went around it for personnel access. He stated if the platform was 6' it took them 6' beyond the setback. Mr. Martin explained that the underground utilities were constraining the placement of the building to the north and to the south so there was a small window that could actually be placed without taking the circuits out of service. The engineer said that was the reason for the placement of those buildings.

Ms. Batistic asked if there would be a cantilever or to the ground. Mr. Martin said they have not finalized the design and thought it could go either way. He said it could be cantilevered off the face of foundation or it could have individual piers with smaller legs that go down to the ground. He thought a simpler design would be straight to the ground and a more elegant design would be cantilevered off the foundation. Mr. Martin said if the Board had preferences they might be able to accommodate either way.

The engineer said in the north of the yard they need to bump out the fence. They need to extend the fence to accommodate switchgear 2. They were planning to replace the entire northern fence so there would be a new fence across the front of the site. Mr. Martin said as part of that they had to remove a couple of trees. They were proposing some heavy landscaping within the northern portion of the front yard. The Chairman clarified that the landscaping would be outside the fence. Mr. Martin agreed and said they frown upon any vegetation within the fence because it created issues with maintenance.

Mr. Martin clarified that there was an existing building that would remain on site. He stated along the eastern fence line they would be moving the construction trailers out of the setback. The yard along the eastern portion provided enough space for construction lay down and construction parking.

The engineer stated within the switch yard and on the plans provided, they identified the quantity and height of lightning masts. He stated currently there were 55' structures and the plan was to have eight 75' lightning masts. These would protect the equipment at a lower elevation, explained the engineer. He added they could reduce the height of the lightning masts but then they would need more. The Board Attorney clarified that the 75' lightning masts on top of the GIS building were "lightning" masts as opposed to "lighting" masts. Mr. Martin agreed and clarified that the ones on the GIS roof were only 20'. There were eight stand-alone masts and nine shorter masts on the roof and two masts that would be on top of A framed structures. Mr. Martin said currently there were twelve 55' structures in the yard and all but two would be removed. The two structures remaining would be at the southern part of the yard. Two additional structures would be added in the center of the yard.

Mr. Kienz marked as **Exhibit –A-5** Elevation AAA8P dated 6/5/15.

Mr. Martin said this exhibit showed a section cut of the whole yard. He stated that part of the changes associated with this project was they optimized the GIS itself. He stated their vendor has provided an alternative to what they proposed as a 22' for all of the bus runs. He explained in the northern portion of the yard their bus runs will be at 14' and 12' which would reduce the overall height of the equipment around the transformers. He stated that six of the pothead structures would be less than 30'. Mr. Martin explained that once all of the equipment was installed they would demolish the existing AIS yard which takes up the south portion of the yard. He stated that everything in the south would be removed and everything to the northern half of the yard was what was being installed.

Mr. Kienz asked if they would have lights. Mr. Martin stated they have conducted a lighting analysis and in general there would be no glare beyond the fence line. They were only lighting

certain equipment for safety and maintenance. They would not be creating any light pollution for any neighbors, said Mr. Martin. Mr. Martin said they also prepared a sound study and analysis. They comply as the site existed today and with the changes proposed. He added that all of the noisy equipment were moved further north away from the population that lives in a specific area. Mr. Kienz said a condition could be that after they were operational; there could be additional sound studies submitted so if there were issues it could be fixed.

Mr. Kienz asked if this was a manned facility. Mr. Martin said usually no but the facility does require maintenance which would be a couple of PSEG employees walking thru the area once a week. He stated there was currently a 230/13 kV house which will be maintained and be a facility in the field where people could go to in an emergency situation. He stated it would allow for outages in this area to be restored quicker.

Mr. Rebsch was concerned about parked trailers. Mr. Martin did not believe they would need any mobile transformers as part of this work. Mr. Kienz added that everything would be in the fence. Mr. Martin added that they were installing a bypass so they keep the existing transformers in service. Mr. Rebsch had concerns about removing concrete. Mr. Martin said the whole lot within the fence was gravel and when the project was done the southern portion of the yard would be a clean gravel lot. Mr. Rebsch asked if there would be large equipment. Mr. Martin answered that there would be very large cranes while erecting the GIS hall which he added that construction would take place for about 60 days. He added there would also be back hoes, dumpsters and trucks.

Mr. Joseph asked how they plan to monitor the facility if something goes wrong with the system. Mr. Martin said it was communicated back to a centralized area and from the substation they would get a general alarm. Mr. Martin said they could make a decision remotely and all the equipment could be controlled remotely thru a system called ESAW.

Mr. Joseph asked how long it would take someone to get to the facility if they need to take care of a problem. Mr. Vincent said the information goes back to Secaucus and there was a group to identify the problems. He said a typical response time was less than an hour.

Mr. Rebsch asked the hours for construction. Mr. Keinz said they would adhere to construction standards for hours of operation in the town. He stated there might be a time where there will be emergency situations.

Ms. DeBari asked if the facility would be manned. Mr. Vincent said only in emergency situations.

Mr. Stokes wanted clarification on how many 55' structures were being taken down and how many replaced. Mr. Martin said there were 12 existing, 2 remain and 2 additional to manage the wires. Mr. Stokes commented that the renditions of the building look nice and asked what the outside construction of the building would be. Mr. Martin said the planner would address that but this building was a prefabricated concrete building. He stated the building was brick and looked very nice. Mr. Stokes asked what shade the brick would be for the façade. Mr. Keinz thought it would be red. Mr. Martin described the façade of the building. Mr. Keinz said the façade was

adjustable. Mr. Stokes stated it shows a nice picture of the building with red brick and questioned if that is what would be built. Mr. Martin said if any adjustments were to be made they need to do that sooner rather than later.

Mr. Loonam questioned why the bus runs were proposed at 22' and now the height was 14'. Mr. Martin said the building floor was 4' above current grade and the equipment inside the building would be roughly 5' above the floor to 17-18' above the floor. Their initial thought was to minimize costs and construction time and maintain the heights inside and outside the building. After discussing this with the vendor, said Mr. Martin, they alleviated any concerns of construction duration so they could reduce the height. The final solution was the bus next to the building would drop down to about 12' above grade. He added this was a change and they were optimizing the design.

Mr. Martin said they did an initial analysis of the AC system within the site and the existing emergency diesel generator was sufficient. They would be reusing that equipment and not need the proposed gas generator. He also said they would be moving the station light power transformers that supply lights and power to the building closer to switchgear 1 and 2.

Mr. Kienz stated they received the DPW report dated 8/14/15 and they were satisfied with their responses. There was a Fire Department Advisory Committee memo dated 8/3/15 indicating no objections to the work. Mr. Kienz said there was a Boswell McClave Engineering letter dated 8/28/15 which he believed the issues were addressed but if they missed something. He added they had no difficulties with anything in the report. Mr. Martin agreed. The attorney said their planner would address Mr. Grygiel's report. There was a police department report dated 8/24/15 which said everything was okay. He added that they responded to the Bergen County Soil Conservation District and approval by the County Planning Board would not be required.

The Chairman asked what the percentage of impervious was on this lot now and what it would be when done. Mr. Keinz stated that in the Boswell report the engineer indicated that the proposed improvements result in an increase of impervious area of approximately 0.5 acres. He added they have generated a stormwater management report to address that issue.

The Chairman asked when the construction would be done and how long would it take. Mr. Martin said they would start in March 2016 thru October 2017. They could not take the timeframe and apply it to any time. He added they cannot take outages during the summer because it was peak load session. The GIS hall would be built during the summer.

Mr. Sproviero asked counsel for testimony regarding the variance being requested relating to fencing and the barbed wire aspect of that fencing. Mr. Martin said the PSEG standard for fencing was 7' with an additional foot of barbed wire. Mr. Sproviero clarified that it was angled as opposed to rolled. Mr. Martin agreed. Mr. Martin hoped that would be accepted and it would match the rest of the perimeter of fence. Mr. Sproviero asked if it would be constrained to the north run as opposed to the entirety of the property. Mr. Martin said the entirety existed today so that would remain unchanged.

Motion to open to the public was made by Ms. DeBari, seconded by Mr. Loonam and carried by all.

Mayor Subrizi, 619 McCarthy Drive, asked what the setback was for the fence along Henley Avenue. Mr. Martin showed on the plans where the fence would be located. He added that the fence was not parallel to the road but the run in the northeast was the same place it was today. Mayor Subrizi had concerns with landscaping for the neighbors.

Mr. Kienz suggested a recess.

Mayor Subrizi clarified that two trees would be removed and noted that the Shade Tree Committee would ask for them to be replaced. The Mayor wanted more information on the landscaping and hoped that they would see that from the planner's renderings. The Mayor noted that Mr. Kienz said the Police Department was satisfied with the plan but asked about the security for the lot and how many gates did the site have. Mr. Martin believed the site had two or three gates which were always locked and you need to be authorized to enter the site. He added that during construction, they would have a security person on site patrolling. The engineer said after construction, the site would return to the same condition as it was today. Mr. Martin said the all the doors for GIS hall were monitored and when a door was opened an indication would be sent that the door was opened. The Mayor asked if there was an indication if someone opened the gate. Mr. Martin answered no. He stated that was protocol for critical infrastructure sites and this was not a critical construction site but they were putting in provisions for it. Mayor Subrizi asked for more detail regarding the diesel generator at the site. Mr. Martin said it was only there if the site had a blackout. The Mayor asked what height the generator would be at. Mr. Martin said 4' above grade.

Anna Leone, 505 Boulevard, asked why PSEG had not embraced GIS and was there disadvantages with that system which lead them not to have it. Mr. Martin said it was a subjective answer but in the utility atmosphere, they were typically opposed to change. He said as things are progressing they were getting engineers that were younger and more open to different solutions. He stated not only PSEG but all utilities were embracing this technology across the nation. Mr. Martin said in terms of reliability this product was more reliable.

Motion to close was made by Mr. Rebsch, seconded by Mr. Adelung and carried by all.

Ms. DeBari asked what the surrounding fence height was at the site. Mr. Martin believed it was 7' with a 1' barbed wire section at an angle. Ms. DeBari asked if there would be cameras at the facility. Mr. Martin said no because PSEG rates there substations and this substation has been rated a low site in terms of security issues.

Mr. Paul Ricci, 10 Georgian Drive, Clark, NJ was sworn in by the Board Attorney.

The Board accepted Mr. Ricci as a licensed professional planner.

Mr. Keinz marked as **Exhibit A-6** three pages titled PSEG New Milford Station (exhibit 1) dated 9/8/15.

Mr. Ricci discussed the exhibits explaining that the southern property was outlined in orange and what was marked in blue were contour integral lines showing elevation change at a 10' interval received from United States Geological Survey. The map was prepared in a GIS system. He pointed out what was in green was what the NJDEP shows as wetlands. Mr. Ricci said this was more of a conceptual map to orient the board to the area and existing conditions. He stated it is in a light industrial park district and the site was heavily oversized for the zone. The zone calls for a minimum lot size of 30,000 sf and their 12 acre site was 22x larger than the minimum lot size. Surrounding the property was an office/commercial building, a racquetball club, Woodcrest nursing home, Dorchester Apartments and the Shop Rite Facility.

Mr. Ricci said this exhibit shows the extent of equipment that currently exists on this property. He stated that the area in question was about 2.3 acres of the site where they would have the equipment relocated into a contained building. Mr. Ricci said the pictures 1-4 of the exhibit were views of the station showing there were many tall structures that were a minimum of 55' with 20 now on site and reduced to four as testified. He stated there was an unusual large green area in the front yard. He stated initially the applicant proposed 267 plantings and they were increased to about 700 total plantings in the front yard area with 30 mature evergreens trees – 15 trees would have a minimum of 6' and 15 would have be 8'. The planner showed a photo of a well-established existing buffer separating Dorchester Manor from the site. He stated from Dorchester's perspective this was an application of betterment because the existing transmission equipment would be relocated and housed inside the building with the exception of two new ones proposed. There was also a photo of the existing fence. Mr. Ricci stated the applicant was seeking a variance for the fence but would not need to replace the full fence but match the existing the fence. Mr. Ricci's opinion was that it did not portray a negative visual impact. The planner discussed photos of properties in the surrounding areas. He added there were some existing taller buildings in the areas with one having a roofline that was comparable or higher than the proposed roofline in this application.

Mr. Ricci stated that these facilities from a planning perspective to be an inherently beneficial use when it is clear that it was tied to meeting a public purpose/ public improvement and public safety. He stated that the land use law defines inherently beneficial as "a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare..." The planner said it goes on to list certain uses but does not specifically list public utilities. His opinion was that this was one of the most critical and essential services that were being provided to residents today. He commented on what happens to towns when power is out for a length of time. Mr. Ricci felt strongly in this context that the facility that would help harden and improve the resiliency at this station would serve the public good was clearly an inherently beneficial use.

Mr. Ricci stated the applicant was seeking a D6 height variance to permit a GIS building 54.58' high and two overhead transmission structures 66', 8 masts 75'. He added that the lightning masts were 18" in width and taper at the top to 6" and the 33 Potheads were 35' or less. The planner said the applicant was also seeking a front yard setback variance currently 18.1'. They were seeking a variance to allow the switchgear platform that would encroach 6' into the front yard so they were seeking a variance 24'. They were requesting a variance to remove and keep

the existing style of fencing that exists on the property that would be partially replaced on the frontage. The fence was 7' with a 1' angled barbed wire.

The planner said regarding the positives, whether or not this was inherently beneficial, this was not an issue of an individual or developer looking to maximize profit associated with additional height. The height was intrinsically tied to the building of a system to function so if they did not have the requisite height they would not have the ability to harden this facility. He added that was why it was so critical to have the increased height. The planner said it could operate but not with the latest technology, it would not be housed inside the building or allow them to move structures from the southern part of the site. Mr. Ricci saw this application as something that was repurposing this facility in a beneficial manner. From a planning standpoint, Mr. Ricci would rather see equipment inside a building and thought it was a better way to operate.

Mr. Ricci said the GIS building would be 250' from the front yard, 230' from the side yard and to the west it was mostly undeveloped and approximately 480' from the closest Dorchester Manor building. The planner pointed out that today there were buildings as close as 90' from Dorchester Manor. The generators would also be moved away from Dorchester Manor. The amount of impervious coverage would be increased at Dorchester Manor, said the planner. Mr. Ricci said based on these reasons this would be a prudent land use relationship between this facility and the adjoining residential properties. He said from the zoning perspective the height requirements in this context provided adequate light, air and open space to adjoining properties. The planner's opinion was there was an industrial character look of an outdoor station and now there would be a more finished look of taking materials to the inside. Mr. Keinz added that there would be lightning masts. Mr. Ricci said the lightning masts were so narrow that they do not create mass or a negative visual. He stated the benefits associated with arming and protecting the station far outweigh any local visual impact associated with the masts.

Mr. Keinz marked as **Exhibit A-7** - Existing view #1 8/14/15 Proposed view 9/14/15
Exhibit A-8 - View 2 Henley Ave/Yale Street 8/14/15

Mr. Ricci stated because the building was setback so far from the front yard property line, the proportionality of the site worked well and did not give an appearance of a large oversized building. Mr. Keinz said the existing view showed existing A-frames that would no longer be present if the application was approved. Mr. Ricci agreed and the proposed building was clad with brick of high quality building material on all four building sides. Mr. Keinz said for the record the façade that is proposed was what they intend to construct. He added if the board looked favorable upon the application they could tie that into a condition. Mr. Ricci stated that the two new transmission structures would be located to the rear of the building opposite Henley.

Mr. Keinz asked the planner if this site was unique. Mr. Ricci stated the site was unique in this zone because it was 22x larger than the minimum lot size. He believed the way this application was presented was the least obstructive means that this type of facility could be introduced into this environment.

The planner pointed out that the building was 21,000 sf on a 12 acre site which represented 3.1% of the site. He stated a very small percent of the site would be occupied by this building where 40% of the site was permitted. The planner summarized what differentiated this project from

other sites was the size of the property, the distance of the building from the property line and its inherently beneficial nature of the project. He added that the site was somewhat in a lower valley bowl and surrounding properties were upward to 15-25'. Mr. Ricci said the lightning masts were accessory in nature. The potheads would be conforming to the height requirements. Mr. Ricci said the front yard setback was de minimis in nature and the fact that they were improving the existing front yard setback promotes the purposes of zoning. The planner said the main portion of the structure was conforming to the setback and provided an open air access way. Mr. Ricci said in terms of the purpose of the MLUL for reasons mentioned as part of the positive testimony several purposes under section 40:55D-2 *the purpose of the act* this application clearly promotes general welfare, it provides appropriate locations and it promotes a desirable visual environment. He noted that this also related to the New Milford Zoning Ordinance 30-20.2 - the purpose was promoting the health, safety, morals and general welfare, securing safety from fire, panic and other dangers and facilitating adequate provision of transportation, water, sewerage, schools, and other public requirements.

The planner stated he reviewed the 2014 and 2004 master plan and certain amendments regarding height requirements. He noted that the garden apartments zone where Dorchester and Brookchester apartments were located, permitted a base height of 48'. New Milford also permits an additional 20' when the building is setback 150' from a RA zone. He commented that Dorchester Apartments that adjoin their property could be 68" in height. Mr. Ricci thought the key was that in terms of not being largely inconsistent with New Milford's zone plan was that the master plan found that allowing increased height of larger properties with increased setbacks when a public benefit is being provided. He added this was what this application was about. The planner said the ordinance requires 150' setback in the RC zone to recognize a height of 68' and they were proposing setbacks that far exceed the 150 setback. Mr. Ricci stated that the ordinance does recognize the appropriateness of the increased height when appropriate setbacks are being required.

Mr. Ricci thought that this application showed it was well proportioned and consistent with the theme of New Milford's ordinance when it is appropriate to allow increased height elsewhere in town. He added there was no traffic being generated with the exception of weekly maintenance visits. Mr. Ricci said the aesthetics of the project were compatible with the area and would be an improvement over the existing appearance of the site and they were reducing the footprint of disturbance on the site.

Mr. Ricci noted that there would be no impact to the community facilities or schools. They would adhere to all the performance standards and would do any additional noise testing necessary.

The planner believed this application meets the requirement for variance relief in accordance with the MLUL provisions. Mr. Keinz asked if it was his position that it met the criteria D6 putting the C2 on all the testimony for all variances they were seeking. Mr. Ricci agreed and thought all the height variances were intrinsically tied together.

Mr. Keinz asked the planner if he reviewed Mr. Grygiel's report dated August 28th and if he addressed his comments. Mr. Ricci said he did and the engineer did. He said the only

outstanding issue was the barbed wire. The applicant relocated the trailers and side yard setback. They talked about the existing inconsistency with the height and would defer to Mr. Grygiel.

The Chairman questioned his previous testimony that the impervious would be decreased. He thought the impervious would be increased. The planner stood corrected and thought it would be decreased by 0.5 acres.

The Chairman asked if it was possible to hang satellite dishes or something like that on the lightning masts. Mr. Kienz said no.

Mr. Loonam asked what the total impervious coverage was. Mr. Ricci did not know that calculation.

Mr. Grygiel said the requirement in the industrial zone, as far as his letter, has been addressed. Mr. Ricci provided testimony required for the variances. He did mention the issue of the barbed wire was still outstanding. Mr. Grygiel said the standards cited allowed for other means of dealing with security. He added that was up to the board and applicant to try to figure out what was appropriate.

Ms. Batistic asked if they were going to have a site engineer testify. Mr. Kienz said they did not intend to but if they have a specific question they would see if they could answer their concerns. Ms. Batistic said in her letter they mentioned if the applicant would talk about the construction and truck traffic. Mr. Kienz said they put testimony in through their first and second witnesses. Ms. Batistic said there was testimony about crushing stone and taking materials out of the site. Her concern was with traffic going thru the residential streets.

Mr. Keinz said they normally would have a 48 hour preconstruction meeting to do construction sequencing, work out with the engineer and the construction official to make sure truck routes and everything else was satisfactory to this municipality. He understood the concern but thought that would be another condition.

Ms. Batistic said the Board Members mentioned the impervious area and the concerns about flooding and said the site was in the flood zone. She added that the site was all gravel and the additional impervious area would be .5 acres. Ms. Batistic would be concerned with more runoff if the site was a different surface but because the site was gravel and if there was no building the gravel would absorb it. She added now there is a building, it will go around it and the gravel will absorb it. The engineer stated there would not be more volume, it will just go to different routes into the existing gravel. Ms. Batistic said if this was a different site somewhere else, and not in the flood zone and near the wetland area there would be some concern about additional runoff. She added because it was building there was no concern with the water quality because it was not a parking lot. The water quality and the water quantity was addressed by the site itself, said Ms. Batistic.

The Chairman asked if there was any plumbing in the building. Mr. Keinz answered they are putting one bathroom to have it on site. He added they were taking off a building that had a

bathroom and just replacing so they were not increasing. The Chairman asked if it was hooked up to the sewer. Mr. Kienz said yes.

Ms. DeBari asked if there were any drainage pits on the property. Ms. Batistic said there were catch basins.

Motion to open to the public was made by Ms. DeBari, seconded by Mr. Loonam and carried by all.

No one wished to be heard.

Motion to close to the public was made by Mr. Loonam, seconded by Mr. Stokes and carried by all.

Mr. Sproviero suggested that before they open for final comments and any questions from the Board and before they hear the closing statement from the applicant, this would not be a bad time to adjourn. He would then have the opportunity to discuss with their professionals and with the applicants counsel reasonable conditions that should be included in any motion for an approval of this application. The Board Attorney stated he has a potential seven conditions thus far and would like the opportunity to go thru those with our professionals as well as the applicants counsel. The Chairman agreed.

Ms. DeBari asked if they passed over the landscaping because she did not think it was discussed in any length. The Chairman said not in any length but it could be a condition.

Mr. Kienz thought that was a great idea but he would rather not have to bring up his professionals from North Carolina. He thought his planner also had a conflict for the next hearing.

Mr. Sproviero said they could talk in the interim period and the next scheduled meeting is October 13th.

The Chairman asked who would discuss the landscaping plan.

Mr. Kienz thought they kind of did it already. He could have somebody who prepared it, discuss it. He said they did jump from about 225 or 250 trees up to 700 and his statement was as a condition they would respond to anything that the boards engineer or planner came up with.

Ms. DeBari thought they said most of those sites did not have greenery inside.

Mr. Kienz said that was correct and there was nothing in there.

Ms. DeBari said there was a few things inside but all this is outside. Mr. Kienz said yes.

The Chairman said there seems to be an issue about the barbed wire. Mr. Kienz said they would like to keep the barbed wire, but if the Board did not want that they could put a different type of fence that would not have barbs on it. He added it already exists and they want to continue with

it. They want to ask for relief because we do use it on sites like this because it makes it a little less user intrusive.

Mr. Kienz requested permission for the Board Attorney to meet with him to go over this. Mr. Kienz carried the application to the October 13th meeting and no further public notice required.

As there was no further business to discuss, a motion was made by Ms. DeBari, seconded by Mr. Loonam and carried by all.

Respectfully submitted,
Maureen Oppelaar