

Mr. DeRochi stepped down.

Michael O'Grodnick, Esquire and Kevin Hayes represented the applicant. Notice was found to be order. The application is for amended subdivision for phasing into five phases. The project consists of 54 residential lots. All major infrastructure improvements will be completed prior to Phase I including gas mains, electric, retention basin, sewer pump station, sanitary sewer mains, storm sewers, roads, curbs and open space. The phasing will be for the completion of landscaping, sidewalk, sidewalk aprons and final grading and seeding.

W. Kevin Hayes was sworn in. American Water will begin the installation of the water mains and hydrants and should take approximately two weeks. Once completed PSE & G will install the crossings and under drains. Paving will probably begin within the next three to four weeks. The detention basins are in place and those basins act as sediment basins until the applicant is informed they can go forward by the Somerset Union Soil Conservation District. Mr. Hayes updated the Board on the progress of the pump station. The pre-fab building will probably be set in the next three or four weeks. Mr. Hayes has reached agreement on all the issues raised in the Coppola memo.

As a condition of approval, Ms. Elliott recommended that the bond estimates should be standalone estimates per phase with the exception of the final top paving of the road in Phase I. The language of the easement needs to be submitted for review by the Township Engineer, Board Engineer and Board Planner. The Construction Sequence Agreement and draft sewer agreement need to be revised.

Mr. Hayes said he has agreed not to top the Phase I roads until all the other phases are completed because they carry the bulk of the traffic. There will be a blanket easement through the other phases until such time as they are filed for the sanitary and storm sewers.

Mr. Bartolone said the phasing will continue without the landscaping which will be done on a lot by lot basis. The buffer behind the lots will be included in the phase work.

Chairman Some opened the meeting to the public.

Dan Dunzik, 370 Burnt Hill Road, was sworn in. Mr. Dunzik asked about the landscaping. Mr. Hayes said the landscaping in each phase will be bonded as part of that phase. The landscaping behind Mr. Dunzik's house will be done during Phase IV and timing for construction is market driven. Mr. Dunzik said the topsoil has been stripped away and there is a 2' cut and drop off the back of the property. He asked if the landscaping buffer could be done as part of Phase I. Mr. Dunzik said he is concerned about loss of property, soil erosion and the amount of soil that has been stripped out. If there is no stabilization or landscaping installed there will be further soil damage. The cut is right along the property line and there is no buffer.

Mayor Trzaska said it looks like Phase I addresses the residents on Sunset Road but the residents on Burnt Hill it would be Phase IV which is open ended on when that would happen. Mr. Dunzik suggested continuing Phase I along the rear of the properties along Burnt Hill Road.

Mr. Hayes said the proposed buffering along those properties is evergreen trees to fill in gaps of the existing wooded areas. There have been no trees taken off Mr. Dunzik's property.

Mr. Bartolone said when the applicant cleared in accordance with the limits of disturbance, there was no trees left where the buffer is shown. Some of the existing residents cleared the wooded areas on their lots.

Mr. Dunzik said he is concerned about the soil erosion. Mr. Hayes said he can stabilize the soil now and keep a continual eye on it to make sure it stays in place. He will have it seeded for grass. It will be subject to Richard Bartolone's approval. Mr. Dunzik said the stabilization is his main concern but it would be nice if the applicant installed the buffer.

Mayor Trzaska asked why the buffer could not go in sooner than Phase IV. Mr. Hayes said it would be difficult because he would have to maintain and be responsible for it until he goes off the bond. He will meet with Rich Bartolone on site and will do what needs to be done to grade and stabilize the area.

There being no further public comment the public hearing was closed on the following voice call vote: Ayes (8) Nays (0) Abstentions (0)

Mayor Trzaska said the unwillingness of the applicant to plant the landscaping along the rear of the existing residents makes him somewhat unwilling to support the application. Mr. Willson agreed with Mayor Trzaska.

Mr. Wilson was concerned with the drop off and would like the grading and stabilization done. It was his recollection that the Board wanted to preserve as much of the buffer as possible. He would look more favorably on the application if the applicant helped the residents along Sunset by planting a buffer.

Chairman Some suggested the hearing be carried to the next meeting to give Mr. Bartolone an opportunity to meet with Mr. Hayes and the neighbors on the site.

The hearing was continued to the May 7, 2012 Planning Board meeting. Mr. Hayes agreed to an extension through May 31, 2012. No further notice will be sent.

Case PB-09-11

Applicant: Public Service Electric and Gas Co.

Block 34001 Lots 63, 65 & 70

Submission Waivers, Preliminary and Final Major Site Plan with Variances, Conditional Use and Soil Removal

Expiration Date – 120 Days from Submission Waiver Approval

Affidavit of Notification and Publication Required

Kevin Moore, Esquire represented the applicant. Mr. Linnus discussed a letter that was received from an attorney representing a neighbor who had an issue with the notice. If the Board proceeds with the application and the neighbor decides to file a lawsuit challenging the notice, the Planning Board would be a co-defendant in the litigation. Mr. Moore said the work to be done on the neighboring property is a guy wire and it is not part of the application that is before the Board. The Board would not be granting an approval of what the neighbor is referencing. The electric lines from the substation will go across the street to an interconnect pole in the public right-of-way. To stabilize that pole it needs a guy wire and the applicant is negotiating with the neighbor for an easement for the guy wire.

Mr. Cline said he visited the property and asked if the existing pole is to remain.

Charles Tkachuk, 744 Broad Street, was sworn in. Mr. Tkachuk is the project manager for the project. The utility poles are normally put in the utility right-of-way which does not require Municipal approval. If the pole is not installed within the right-of-way they will need to get permission from the property owner.

Mr. Linnus said if the Board decides to proceed they could condition the approval on the applicant obtaining an appropriate easement from the property owner. Mr. Moore said his preference would be that the condition be that if it requires site plan approval under the MLUL and the Township Ordinances the applicant would come back for a separate site plan approval for the pole connection and guy wire.

The Board agreed to proceed with the application.

Mr. Moore said the subject property is approximately 13.8 acres and has frontage on Route 206 and on Cherry Valley Road. It is located within the REO-3 and HC zones. Most of the property is currently undeveloped except for the southwestern portion which has a pre-existing non-conforming single family dwelling and a number of sheds and outbuildings with access to Cherry Valley Road. There are intermediate resource wetlands located in the northwestern and eastern portions of the property on Lot 70. A proposed Master Plan Connector Road will run through the property that will connect Route 206 to a Master Plan Road that is proposed on the adjacent property. At the request of the Township an easement is being granted for the right-of-way and PSE & G will permit, design and construct the Master Plan Road. The Township will be the applicant for the permits. All work to be done will be reviewed by the Township Engineer prior to any submission of any applications. The road will be designed as soon as approvals are granted and will start construction as soon as it is approved and permitted. It will be bonded as soon as it is designed sufficiently to be bonded but the applicant will be able to go ahead with the construction of the substation. The construction of the substation will be in two phases. The initial phase of the substation may begin with the understanding that the road will be completed prior to any construction starting on the ultimate phase. PSE & G has granted an easement from the Master Plan Road to the adjoining proposed mixed use development. The existing buildings will be razed and cleaned up at the time that site work begins with the exception of the single family dwelling and a shed that is used by the car dealership. The person who lives in the dwelling has a life time license to live there. When the person no longer lives in the dwelling the house will be razed. The lots will be consolidated through a deed of consolidation which will be reviewed and approved by the Board Attorney and Engineer. The initial phase of the project is a three unit substation with 19' high sound walls, a control house, fenced and gated gravel compound, a detention basin with retaining walls, a grave service drive and a gravel access driveway running between Route 206 and Cherry Valley Road. In the ultimate phase the transformers will be placed with three unit substations and two switch clear enclosures will be added.

Mr. Noel Rivera, 80 Park Plaza, was sworn in. Mr. Rivera described his position with PSE & G. He explained the need for the substation. This project will provide improved reliability of service. The existing Rocky Hill substation will be decommissioned. The proposed facility will originally serve Montgomery only and as part of the ultimate phase will be expanded to accommodate the needs of the area. The station will ultimately serve Montgomery and Hopewell.

Mr. Tkachuk discussed the Rocky Hill Substation property. When the new substation is up and running the equipment at the Rocky Hill Substation will be removed and the property will be reseeded and regraded. It will then get turned over to Corporate Properties Organization who usually gets rid of the property. The proposed station will have three 69 lines when it is completely built out. Two of the lines will go past the airport and into the station off of Route 206. The third line will go out to Cherry Valley Road and then head toward Rocky Hill. The routes will use existing poles although more poles may be installed.

Mr. Matthews asked about the Ordinance requirement for underground wiring. Mr. Moore said there is a case when transmission lines are being provided, the utility company is exempt from local ordinances. However, the applicant will be providing testimony regarding a waiver from that requirement. Mr. Linnus agreed and said his reading of the case is that it applies if more than one municipality is being served by the station.

William P. Brackmann, 9400 Ward Parkway, was sworn in. Mr. Brackmann gave his qualifications and was accepted as an expert. Mr. Brackmann described the existing site conditions and the proposed application. The following exhibits were marked: A-1, existing conditions drawing, A-2, initial phase site plan, A-3, ultimate site plan, A-4, Phase I, A-5, Phase II, A-6 ultimate phase.

Mr. Brackmann discussed the existing conditions of the site. Mr. Brackmann referenced Exhibit A-4 which shows the initial installation. Everything has been shown on this drawing including the areas to be removed. A gravel access drive will be installed along the Master Plan Road easement and then down the sixty nine line to Cherry Valley. The sixty nine lines and the landscaping are shown on this plan. Mr. Brackmann next discussed Exhibit A-5. The Master Plan road will be installed in Phase II from Route 206 to the property line. The landscaping for the Master Plan road has been included in Phase II. Exhibit A-6 shows the ultimate plan where the additional 13kb switchgear in the yard and bring the 13kb feeders out along the Master Plan road. The lights will be installed and may illuminate outside of the fenced area but there will be a 0 footcandle at the property line and at the Master Plan road. The lights that would normally be on will be on a photocell and will also have shields. Light 1 which is in the unit sub and transformer area mounted on the isolation walls will be angled outward however it will be inside the U-shaped isolation walls and shielded from the Master Plan road. Light type 2 are aimed upward and are on a switch timer and are used for maintenance. Those are required so the maintenance operators can physically see that the equipment is operating properly. The timers can be set for 6 hours maximum but will be set for however long the operators need to complete the work. A sound study has been provided that was prepared by Osguard Accoustical. The report states that the noise ordinances for the town and state are met. Figure 4 is no longer relevant and both the initial and ultimate installations noise are on Figure 5. The U-shaped isolation walls will be installed in the initial phase and remain for the ultimate. The fencing for the yard will be 8' with no barbed wire with a 1" mesh with the top foot angles outward at a 45. The substation grounding will connect to the fence. The plans will be submitted to the NJDCA and the Township for construction permit. The lightning masts are installed for the safety of both the equipment and workers. The lightning masts will not be illuminated. Bar gates off of Route 206 and Cherry Valley Road will be provided for the initial phase when there are gravel drives. PSE & G has worked with the Fire Department and Police Department to discuss locks for the gates. Pieces of the initial phase stormwater that cross under the Master Plan Road where not shown on the phase II or ultimate because they will need to be modified with the development of the Master Plan Road. All of the stormwater that is currently flowing into the initial phase plus the water from the Master Plan Road will flow into the detention pond and the detention pond is sized for that under the initial phase. There were two soil erosion plans; one for the demo of the existing facilities and the next revision was for the installation of the sub but at the request of the Site Plan Committee was condensed down to one revision for the entire site. PSE & G will cut 4200 yards and fill 9300 yards for about 5000 yards of net fill. However, they will need to import about 6300 yards because they will have to export 1200 yards of topsoil since topsoil is not suitable structurally. Emergency contact signs will be provided as requested. Solid waste will be handled on the site from PSE & G's resource recovery group as their ongoing maintenance. Other permits that are necessary include building permits, Somerset County, Somerset Union Soil Conservation, NJDEP and DRCC.

Mr. Thomas Voorhees, 100 Eagle Rock Ave., was sworn in. Mr. Voorhees is the project landscape architect. Mr. Voorhees gave the Board his qualifications and was accepted as an expert. The landscape plan was marked as Exhibit A-7. The site is partially wooded. There will be a total of 63 trees removed for this application. Those trees will be replaced pursuant to the Township's ordinance on a 1:1 basis. An evergreen buffer will be provided along the Montgomery Five property line. A buffer will be installed around the substation, the

detention basin and in the front section to ameliorate views from the Master Plan Road. Some landscaping will be planted in the field areas and along the driveway. The Shade Tree Committee requested a hedgerow planting along the frontage of Cherry Valley Road. All plantings on site will be native and adaptive species. The six street trees along the Master Plan Road will be planted during the second phase once the road is established. The rest of the landscaping will be installed during the initial phase.

Mr. Tkachuk gave the basis for the waiver for the installation of the overhead lines. There is not enough room in the road to install that many lines, it is not physically possible. Underground lines are avoided whenever possible for reliability purposes. Underground lines take much longer to restore in the event of a failure compared to an overhead line.

Mr. Willson asked who provides the fire protection for the transformers. Mr. Tkachuk said it could be broken down to spills, fire protection and explosion. When the facilities are built for spill protection there is 100% containment for each power transformer which includes the volume of the unit and an additional 6" of rainwater. Around the transformers are firewalls. It is common practice that fire departments and other safety professionals have training in SOP's on how to approach a substation. If more information is needed PSE & G would provide it.

David McInerney, 67B Mountain Boulevard Extension, was sworn in. Mr. McInerney gave the Board his qualifications and was accepted as an expert. The application meets all the conditional use standards for a public utility. The proposed 24' x 41' and 11.5' tall control house is sited in the interior portion of the site and will be 240' from the nearest property line. A security fence and other safety devices are included in the substation design. Landscaping will be provided and maintained. The proposed substation will be unmanned so no off street parking is required. Bulk variances are needed for a front yard setback of 77.3' where 125' is required for Lot 65, a side yard setback of 46.2' where 60' is required for Lot 65, a rear yard setback of 16.2' where 60' is required for Lot 65, frontage of 318' on Cherry Valley where a minimum of 400' is required for Lots 65 and 70, a frontage of 130' on Route 206 where a minimum of 150' is required for Lot 63, lot width of 318' where a minimum of 400' is required for Lots 65 & 70, lot width of 130' where a minimum of 150' is required for Lot 63 and for permission to disturb critical hydric soils, wetlands and wetland transition areas where no development of critical areas is permitted.

Mr. McInerney noted that the purposes of the MLUL will be advanced by the deviations and listed the goals of the MLUL that the proposed development furthers. The variances can be granted without substantial detriment to the public good. The substation will enhance electric system reliability and promote the general welfare by supporting the operation of businesses and the comfort and security of residences. The associated landscaping will provide appropriate visual screening, the associated lighting will have measure to prevent glare impacts and the substation will incorporate appropriate sound attenuation measures. The amount of critical area being disturbed is minor compared to the total amount of critical area on the property. The substation will be constructed in accordance with the requirements of the pending NJDEP wetlands general permits. The substation will allow for the construction of the Master Plan Road. The benefits of the deviation would substantially outweigh any potential detriment. The variances will not substantially impair the intent and purpose of the zone plan and the zoning ordinance. Design waivers are being requested because they are impracticable for the operation of the proposed electric substation. The waivers are from the requirement to plant 14 trees per acre, various lighting requirements and the requirement to install underground utility lines.

Edward M. Clark, 200 Executive Drive, was sworn in. Mr. Clark gave his qualifications and was accepted as an expert. Exhibit A-8 is entitled Ultimate Plan Sound Emissions which is Figure 5 from the sound report that has been submitted to the Board. Mr. Clark described the exhibit. The highest noise level on the north property line at worse case will contribute 45 dBA. In the other directions it is predicted to be lower. With the U shaped sound isolation walls the contribution of noise from this station is a non-issue acoustically in any direction.

Mr. Moore discussed the professional's reports. The Master Plan Road will be within an easement. As soon as the Master Plan Road is designed the performance bond will be posted. The lighting cannot be installed under the canopy as suggested by Mr. Cline. The standards for the Master Plan Road cannot be added to the plans at this time since the Master Plan Road has not been designed yet but it will be done when the road is designed. No heavy equipment will be used.

Mr. Bartolone indicated that the applicant has agreed to all his comments and has agreed to work with him to address the Shade Tree Committee's comments.

Chairman Some opened the meeting to the public.

Jack McCarthy, 353 Nassau Street, was sworn in. Mr. McCarthy owns the neighboring property. Mr. McCarthy asked if the Master Plan Road has been engineered so that it meets the portion of the Master Plan Road on his property. Mr. Moore said that part of the conditions will be that they will be coordinating their line with his. Mr. McCarthy said that it is important that they align. Mr. Moore said PSE & G has agreed to design the road on the Township's behalf and they will work with the Township Engineer and all the Township professionals to make sure the alignments match.

Chairman Some said there was discussion at the Site Plan Committee about Township representatives sitting down with Mr. McCarthy regarding the road and discussing his plans. PSE & G has agreed to construct, finance and design their portion of the road.

Mr. McCarthy asked if the utilities (electric and sanitary sewer) are coming in from Route 206. Someone answered that everything is coming from Route 206. Mr. McCarthy asked if there were any trees along his common property line. Mr. Voorhees said there is existing vegetation that will remain and there is no supplemental proposed. There will be an opening where the road will go through but other than that it will be the existing natural vegetation. Mr. McCarthy asked if it will shield the view between the two properties. Mr. Voorhees said there will be buffering ameliorating some views into the substation.

Mr. Wilson read from the Coppola memo where it states that the owner of Lot 64 will have to rectify the alignment of the Master Plan Road to be consistent with the Menlo plans. Mr. Moore replied that the Township will need to coordinate with the adjoining property owner and PSE & G will follow the Township's instruction.

Chairman Some suggested Ms. Savron reach out to Mr. McCarthy to set up a meeting to discuss the Master Plan Road with the Chairman, Mayor and Mr. Conforti.

Mr. Wilson said the memo goes on to say that the construction design should be subject to the review and approval of the Township Engineer. He wanted to make sure that the resolution is clear that the Board does not want Mr. McCarthy to redo his plans and that PSE & G will make their road align with the neighboring property. Mr. Cline noted that the memo was written prior to the last Site Plan Committee meeting and that the issue was resolved at the meeting.

There being no further public comment, the public hearing was closed.

A motion to approve the applications subject to conditions was made by Mayor Trzaska, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Dyer, Matthews, Trzaska, Willson, Wilson and Some

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.