

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING  
March 18, 2014**

The West Amwell Township Planning Board meeting was called to order at 7:30 PM by Chairman Tomenchok followed by the salute to the flag.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Chairman Tomenchok: This meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice has been posted on the bulletin board at Town Hall on March 13, 2014 and has remained continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Planning Board and Township Clerk.

The following general policy statement of the Board was read into the record by Chairman Tomenchok: The Board's general policy is to end the presentation of testimony on applications by 10:30 PM and to conclude all Board business by 11:00 PM. When necessary, the Chair may permit a reasonable extension of those time limits.

The meeting was recorded via digital recording system and a copy of the CD is on file in the Office of the Planning Board.

**Attendance – Roll Call**

**Present:** Steve Bergenfeld  
George Fisher  
Art Neufeld  
Zach Rich  
Hal Shute  
Rob Tomenchok  
Bob Balaam – Alt. #1  
Jim Cally – Alt. #2  
Attorney Shurts  
Engineer Burr  
Planner McManus

**Excused:** Nella Hamtil  
John Haug  
Chester Urbanski

**Approval of Bill List**

A motion by Shute, seconded by Fisher to approve the vouchers for payment as listed on the 3/18/14 bill list was unanimously approved by roll call vote.

**Resolutions of Approval**

It was noted for the record that no resolutions were listed on the agenda for approval.

**Applications**

**Jersey Central Power & Light (JCP&L) – Preliminary and Final Major Site Plan Approval with Variances – Substation Upgrade – 7 Rocktown-Lambertville Road – Block 17 Lot 37**

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Present for the application was Attorney Guliet Hirsch, JCP&L Area Manager John Anderson and Engineer Nitin Nagrani.

Attorney Shurts explained that the Planning Board first needed to make a completeness determination on the application. Engineer Burr referred to his review memo and noted that the applicant had requested the following checklist submission waivers:

- F(3) – Deeds with metes and bounds descriptions for proposed easements
- M(2) – Wetlands report
- N – Letter of Interpretation from the New Jersey Department of Environmental Protection (NJDEP)
- 15 – Location of existing wells and septic systems
- 19(C) – Township stream corridor protection ordinance
- 20 – Landscape plan
- 22 – Appropriate details for sidewalks, curbs, paving, signs, drainage, etc.
- 27 – Finished floor elevations
- 30 – Lighting plan
- 42 – As-built plans

Engineer Burr remarked that the requested waivers were appropriate and indicated he recommended the Board deem the application complete. A motion by Fisher, seconded by Neufeld to grant the requested checklist submission waivers and deem the application complete was unanimously approved by voice vote.

Attorney Shurts addressed the matter of jurisdiction. He commented that public utilities are permitted as conditional uses in the SRPD district. Planner McManus and Engineer Burr both agreed. Attorney Shurts noted that the applicant had provided public notice in accordance with the Municipal Land Use Law (MLUL) requirements and indicated that the Board had jurisdiction to proceed with the public hearing.

The following exhibits were marked:

- Exhibit A-1:** The application
- Exhibit A-2:** Affidavit of service and public notice
- Exhibit A-3:** The 12 page site plan submitted with the application

Attorney Hirsch came forward and explained that the subject site consists of approximately 18 acres of land located on the south side of Rocktown-Lambertville Road with current access to the site being via a paved driveway off of Rocktown-Lambertville Road. She noted there is an existing electrical substation on the property and the applicant is proposing an upgrade to the site which would include new transmission lines, a new equipment compound at the rear of the property, an expansion of the existing paved driveway to allow access to the new equipment compound area and a detention basin to address the stormwater management requirements.

Attorney Hirsch noted that JCP&L is requesting approval for the following:

1. Preliminary & Final Major Site Plan Approval
2. Variance relief to allow for the proposed retaining walls to exceed 8' in height
3. Variance relief to allow for disturbance of .3 acres of steep slope areas exceeding 25% in order to construct the proposed driveway extension

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4. Variance relief to allow for disturbance of the stream corridor buffer area. It was noted that the NJDEP standard buffer is 50' where the Township requires 150' and the applicant is proposing 75'
5. Site Plan Exception/Waiver from the required conservation easement which would preclude JCP&L from future expansion of the site. It was noted that while no further expansion is proposed JCP&L did not want to limit itself to be forced into possible re-location to another site because that would have a greater impact on the Township.

The proposed subdivision of adjacent Lot 5 was briefly discussed. Attorney Hirsch commented that this property will be the subject of a future application before the Planning Board. She indicated that her client has no issue with a condition of approval in the resolution being that any improvements on Lot 5 are subject to subdivision or site plan review by the Planning Board. It was noted that Lot 5 will serve as an additional access point to the substation for ease of maintenance.

JCP&L Area Manager, John Anderson came forward and was sworn in. He explained that the subject site is currently a distribution substation with access off of Rocktown-Lambertville Road. He stated that JCP&L has been there for 20 years and their desire is to upgrade the equipment to ensure reliability of service and to provide operational flexibility, allowing for power to come from both directions rather than just from Flemington. Mr. Anderson clarified that the plan is to install a 230,000 volt line next to the substation that will allow for voltage to be stepped down to a 34,500 volt line that can feed other substations. It was noted that the 230,000 volt line will provide power to the southern portion of Hunterdon County.

Chairman Tomenchok asked if the 34,500 volt line will be separated from Lambertville. He noted the extensive power outages West Amwell suffered due to the flooding in Lambertville. Mr. Anderson said yes and explained that the 34,500 volt line will be separated to supply power in both directions of Rocktown-Lambertville Road. He added that the upgrades will also allow for power to be supplied to the distribution side of the substation at all times which was not the case in prior storms.

Mr. Anderson briefly commented on adjoining Lot 5 saying that JCP&L is currently negotiating with the property owners and he is confident they can resolve the issues.

Some Board Members asked about employees at the substation and potential noise. Mr. Anderson explained that the substation is not staffed. He indicated that there may be 1 or 2 people conducting inspections on a monthly basis. He remarked that the employees would arrive in a pick-up truck or cargo type van and likely stay for the whole day. It was noted that on occasion a larger type truck may be brought in for specific repairs. With regard to noise levels, Mr. Anderson stated that there will be no increase in the sound coming from the site than what currently exists.

Chairman Tomenchok referred to potential tree clearing on the property and asked if it was possible to make the firewood available to residents. Mr. Anderson supported the idea.

Chairman Tomenchok opened the floor to public comments or questions of Mr. Anderson.

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A woman came forward and identified herself as Gail, a non-resident, but owner of Block 17 Lot 4. She asked Mr. Anderson if there was a Plan B in place if JCP&L was not able to acquire Lot 5. Mr. Anderson said no.

Sean Pfeiffer of 74 Rocktown-Lambertville Road came forward and stated that his father had just acquired adjacent land previously owned by Claudia Morganstern. He asked if Mr. Anderson could walk the property line with him at some point. Mr. Anderson indicated that he or another JCP&L representative would likely be able to do so.

Don Pidcock of 18 Rocktown-Lambertville Road came forward and presented **Exhibit O-1** depicting photos of runoff on his property. He expressed concern with additional flooding as a result of the substation upgrade. Mr. Anderson indicated that JCP&L has prepared a stormwater plan that will address any runoff issues. Mr. Pidcock asked about a fallen tree that needs to be removed. Mr. Anderson noted the tree will be taken care of. There were additional questions concerning lighting and cell phone reception. Mr. Anderson confirmed that there will not be any additional lighting on a regular basis but noted there will be some lights installed near the new equipment compound for use only in the event of maintenance or repairs. With regard to the cell phone reception, Mr. Anderson stated that cell phones will not be affected by the substation upgrade.

Engineer Nitin Nagrani came forward and was sworn in. He reiterated the existing conditions on the subject site and then referred to Planner McManus's review memo dated 3/12/14. The following details were discussed and addressed:

1. There will be a 160' x 120' gravel area for the new equipment compound and the existing driveway will be slightly expanded to provide for a larger turning radius for vehicles accessing the site.
2. The detention basin will be constructed in accordance with all stormwater regulations. It was noted that the applicant is seeking a waiver from the groundwater recharge requirements because the drainage on the property fails to comply with the standards.
3. There will be a 7' high chain link fence with 1' of barbwire installed on top of the retaining wall around the site for security purposes. It was noted that the fence will not exceed 12'. Engineer Burr noted that the ordinance allows for security fencing to be a maximum of 8' high and commented that in an effort to save some of the woodlands, the applicant is proposing a higher security fence. **Exhibit A-4** was presented depicting two 12' tiered walls 10' apart in a stepped configuration to reduce the need for clearing and meet the Woodlands Ordinance criteria. It was noted that the site will require 9.9% woodlands clearing if the applicant acquires adjacent Lot 5. Without Lot 5 in the calculations, 10.4% of the woodlands will be cleared.

Attorney Hirsch commented that even though Lot 5 is not part of the subject application, the applicant will be back before the Planning Board regarding this lot and they will meet the 10% requirement. Attorney Shurts expressed some concern that both lots are not part of the application this evening and suggested the Board may not be able to make any approvals until Lot 5 is officially part of the proposed project. Mitigation was then suggested. JCP&L was agreeable to the proposal. Attorney Hirsch stated the applicant would prepare a mitigation plan in accordance with the Board's Professionals. Engineer Burr noted that mitigation could

take place on the subject site, off site on public land or off site on private land. Attorney Hirsch

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added that the property provides at least 50' of a natural vegetative buffer that adequately shields neighboring properties. **Exhibit A-5** was presented which depicts compliance with screening requirements for the site.

The steep slopes were discussed. Engineer Nigrani noted that they are not proposing to disturb slopes less than 25% but clarified that there will be disturbance of approximately .3 acres of land with slopes greater than 25% in order to accommodate the substation upgrade and remarked that the disturbance is *de minimis*.

Engineer Nigrani noted that the ordinance requires a 150' stream corridor buffer on both sides of the tributaries of the Swan Creek that exist on the site. He explained that the NJDEP requires a 50' riparian zone and they are proposing to construct a gravel area and driveway extension within 75' of the buffer zone. Engineer Nigrani remarked they are in compliance with the NJDEP limit but can't comply with the Township's 150' buffer.

4. No new signage will be posted. Mr. Anderson confirmed that the existing signs will be reused. It was noted that all high voltage areas will have appropriate signage and all control equipment will be secured.
5. As-built plans will be provided prior to the activation of the upgraded substation.
6. Attorney Hirsch agreed to have a noise level test performed once everything is up and running and agreed to mitigate any noise violations if any are found.
7. The transmission lines were briefly discussed. It was noted that a 60' right of way currently exists for the transmission lines. The applicant is proposing an additional 40' for a total right of way of 100'.

Engineer Burr commented that all of the items in his review memo had been addressed.

Mr. Fisher asked about monopoles on the site. **Exhibit A-6** was presented depicting the details of the height of the proposed monopoles. Mr. Anderson explained that there will be five 124' to 147' galvanized monopoles at the rear of the site located in the already cleared transmission line right of way. He noted that the 60' wooden poles that currently exist on the property will be removed.

Planner McManus asked what the height of the new equipment compound on site will be. Mr. Anderson indicated it will be between 20' to 30' high.

Chairman Tomenchok opened the floor to public comment. Sean Pfeiffer of 74 Rocktown-Lambertville Road came forward again and asked if any of the vegetation will be cleared along the adjoining Morganstern property that his father recently purchased. Engineer Nigrani said no.

Seeing no other members of the public come forward, a motion by Fisher, seconded by Rich to close to the public was unanimously approved.

Attorney Shurts suggested that the Board make a motion on each of the requested variances and approvals individually.

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A motion by Rich, seconded by Fisher to allow the retaining walls to exceed 8’ with a maximum allowed height of 12’ was unanimously approved by roll call vote.

A motion by Bergenfeld, seconded by Shute to allow .3 acres of disturbance in steep slope areas exceeding 25% was unanimously approved by roll call vote.

A motion by Fisher, seconded by Rich to allow for a 75’ stream corridor buffer where 150’ is required was unanimously approved by roll call vote.

A motion by Rich, seconded by Fisher to grant relief from the stream corridor management plan requirements in Section 109-150 (i) of the Township’s Ordinance was unanimously approved by roll call vote.

A motion by Cally, seconded by Bergenfeld to grant a waiver from the conservation easement requirement was unanimously approved by roll call vote.

A motion by Bergenfeld, seconded by Cally to grant conditional use approval was unanimously approved by roll call vote. It was noted that this application meets the specific conditions in the ordinance for public utilities.

A motion by Rich, seconded by Fisher to grant Preliminary and Final Major Site Plan approval with the condition that Lot 5 will be acquired was unanimously approved by roll call vote.

**Unfinished Business**

A motion by Rich, seconded by Bergenfeld to carry all of the Board’s unfinished business matters to the Board’s 4/15/14 agenda was unanimously approved by voice vote.

**New Business**

**Approval of Recreation and Open Space Inventory (ROSI)**

Mr. Shute commented that it is a State requirement that the ROSI be approved. He noted some updated information and some corrected data. A motion by Fisher, seconded by Rich to approve the 2014 ROSI was unanimously approved by voice vote.

**Open to the Public**

Chairman Tomenchok opened the floor to public comment. Ron Shapella of 26 Lakeview Road came forward and wanted to express some concerns with the Woodlands Ordinance. Chairman Tomenchok clarified that this discussion has been carried to the Board’s April meeting agenda and encouraged Mr. Shapella to come back next month if he wished to. Seeing no other members of the public come forward, a motion by Fisher, seconded by Bergenfeld to close the floor to public comment was unanimously approved.

**Executive Session**

Resolution PB#2014-07 authorizing the Planning Board to go into Executive Session for the purpose of discussing pending litigation was read into the record. A motion by Bergenfeld, seconded by Rich approving Resolution PB#2014-07 was unanimously approved by voice vote.

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The Board was in Executive Session from 10:21 PM – 10:28 PM.

A motion by Neufeld, seconded by Bergenfeld to return to open session was unanimously approved by voice vote.

**Approval of Minutes**

A motion by Bergenfeld, seconded by Fisher to approve the Board’s minutes from 2/18/14 with no revisions noted was unanimously approved by voice vote.

**Adjournment**

A motion by Rich, seconded by Fisher to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 10:29 PM.

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Maria Andrews, Planning Board Secretary