West Windsor Township Zoning Board of Adjustment

Minutes – Regular Meeting

June 6, 2019

The regular meeting of the Zoning Board of Adjustment was called to order at 7:00 p.m. on Thursday, June 6, 2019 by Chair Abbey in Meeting Room A of the Municipal Building.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, a notice of this meeting's date, time, location and agenda was mailed to the news media, posted on the Township bulletin board and filed with the Municipal Clerk as required by law.

ROLL CALL AND DECLARATION OF QUORUM

Present: Susan Abbey
John Church
Michael Garzio
Curtis Hoberman
Henry Jacobsohn
Daniel Marks
John Roeder

CHAIR'S COMMENTS & CORRESPONDENCE

Chair Abbey advised that the meetings of June 27 and July 4 will be cancelled. The next meeting will be July 25, 2019.

PUBLIC COMMENT

No comments were provided.

MINUTES

a) March 28, 2019 - Motion was made by J. Roeder and J. Church seconded the motion to approve the minutes of March 28, 2019 as amended. The vote was 5-0 in favor of those eligible to vote. Motion carried.

DISCUSSION - Variance Approvals

Edwin Schmierer, Esq., stated that he prepared a memorandum pertaining to variance approvals. Outside of the Land Use Ordinance, the general administrative section about Zoning Board review notes that any variance granted has to be acted upon within one year of the date of the resolution approval. Mr. Schmierer recommended a resolution to grant approval of all applications back to when they got their approvals and going forward we will include the one-year provision so all people know about this ahead of time. Extensions for the approval are granted if requested but this is the most appropriate way to handle this, to retroactively give these extensions where it is applicable. There may only be a handful of variances that this applies to.

J. Church recommended tabling the matter until the memorandum is prepared.

Mr. Schmierer advised that the result of this requirement is that it must be acted upon within one year of approval. He feels that 95% of the applicants proceeded with the improvement after receiving approval. It will be a lengthy process for staff to verify all of the approvals and also that that construction is complete. Mr. Schmierer confirmed that resolutions from this point on will specify that any variance that has been granted by this board must be acted on within one year of resolution approval. He advised that he will speak with the municipal attorney about the wording within the code requiring development within one year of approval.

Samuel Surtees, Land Use Manager/Zoning Officer, stated that approval for the transmission poles from PSE&G were approved over a year ago. Mr. Schmierer confirmed that an extension should be requested.

APPLICATION

ZB 18-08 PSE&G - Penn's Neck Substation Expansion
d-3; d-6 Use Variances; Preliminary/Final Site Plan with Conditional Use
Block 3, Lots 3 & 14.02
Eden Way and U.S. Route 1 South
Property Zoned: ROM-1 & E Districts
MLUL: 7/11/19

Edwin Schmierer, Esq., legal counsel for the Board, stated that proof of notice is in order and the Board has jurisdiction.

Jennifer Porter, Esq., legal counsel for the applicant, stated that the application is for site plan approval with variance and conditional use.

Chris Light, mechanical engineer PSE&G, was sworn in and presented Exhibit A-1, the existing Penns Neck Substation and stated the station was built in the early 1970s and is heavily loaded at this time. He advised that one section has feeders that feed the switch gears and others that feed the general area. Exhibit A-2 was presented showing the load circuitry for the service area and Mr. Light noted that power is also provided for the hospital. He referred to Exhibit A-1 and stated their planning department determined a problem in the bus tie-breakers and service would be removed from several lines if failure occurs. If one of the breakers fails then two-thirds of the station is lost and the third transformer will most likely trip, fortunately this has not occurred but they tend to be proactive, the equipment is old and replacement is needed.

Exhibit A-3 is the proposed site plan, Mr. Light stated the Planning Department had determined that straight stations will no longer be installed. They are proposing to build a breaker and a half substation, the existing station will remain operable during construction for no interruption of service. Once the new station is built, the new transformer will pick up the existing lines one at a time.

C. Hoberman asked if there is any interconnection between the University substation and this substation. Mr. Light confirmed that there is an interconnection, there will be a feed coming from this new breaker station into the Princeton University substation.

C. Hoberman asked if the applicant needs to access the Princeton University substation. Mr. Light stated that they do and there is a gate access. C. Hoberman noted that this was not shown on the plan. Mr. Light advised that they have an easement from the University for the substation to be on the property.

All utility lines will be installed underground for the new station, presently there are a number of overhead lines. They are hopeful to begin construction late July or early August. A small stockpile area will be on site when construction begins. He advised of the truck route from Route 1 being Eden Way to the internal station roads. The applicant was advised that vehicles cannot park on Eden Way. The residents in the area were advised of this project and prior to construction there will be website updates and a question section.

Chair Abbey asked where the residents are located. David Novak, planning consultant for the Board, was sworn in advised that page 10 of his report dated 5/28/19 notes the approximate location of those residences on Fisher Place. The applicant presented an aerial of the overall site (Exhibit A-4) dated March 2018. Mr. Light advised that security fencing will be installed along with 24/7 on site security. In addition, no excavating materials will leave the site during construction.

Timothy Holmes, project manager for the applicant, was sworn in and stated that he is prepared to give site plan testimony but he is also a professional engineer. He referenced Exhibit A-4 and advised that a permit easement from the University for this expansion has been obtained. The land is generally farmland but there are some residents along Lower Harrison Street and the nearest home from the expansion area is 1000 feet away, across Route 1, on Fisher Avenue. He referenced Exhibit A-3 and stated that access to the site will be from Eden Way with a secondary access off Route 1 southbound. The substation will be unmanned, monitoring of the station takes place off site and a mechanic visits the station once a week for inspection and cleaning purposes.

Mr. Holmes stated that regarding the Route 1 corridor improvement plans, the NJDOT issued a no interest letter for this project because the improvements have no impact to Route 1. He presented photographs of the equipment (Exhibit A-5) which were included in the packet of materials submitted for the Board, the photograph is of a 69kV three-breaker bay which is exactly what is going to be built at this location. The equipment is relatively low for electrical grounding purposes. A lightning mast at a height of 55 feet is proposed, lower than the mast shown in Exhibit A-5. He presented the photograph of 55-foot tall lightning masts (Exhibit A-6), and advised that nine (9) lightning masts are proposed as part of this expansion.

Mr. Holmes advised of one design exception, there is no pavement from the access road. Water bound macadam is used for all PSE&G properties, the macadam designates a drive path and it is economical to use. This surface does not require maintenance, excavation is easier and the grades in this area are relatively flat so there will be no issue with erosion. The macadam is also installed in the drive aisles. Electrical clearance must be maintained and the drive aisles offer this clearance. There is a pre-fabricated structure 14 feet in height that will be used as the control house, the structure is 150 feet from Route 1 and will be well screened. For storm water management, Princeton University had constructed a basin in the back of their property and the applicant advised that they received approval to use that basin to help with the 25% increase in storm water.

The applicant has received approval from the Mercer County Planning Board and DRCC review is taking place.

Mr. Holmes advised that all lighting will be on timers and the lights will be pointed downwards.

Regarding the fencing, a permanent security fence will go around the perimeter of the station along with a common fence by the University property. The applicant intends to replace all of the fencing around the existing station. In the case of an emergency, first responders must be escorted on site by PSE&G which this is standard protocol. A variance is needed for parking and he advised that this is a unmanned station so there is no designated parking area. The property is also exempt from ADA requirements. Regarding off street loading zones, there is no need for unloading since this is an unmanned station. All waste generated is removed from the site immediately.

He identified the variances associated with this proposal that are pre-existing including lot area; lot frontage; lot width; front yard setback; front yard setback, rear yard setback and landscape buffer, impervious coverage and a variance is needed for the height of the lightning masts.

Meeting recessed at 8:25 pm and resumed at 8:30 pm with all members present.

Nicholas Ginther, landscape architect for the applicant, was sworn in. He presented the landscape plan (Exhibit A-7) and stated the land adjacent to this site is for the Princeton University substation. He advised that Princeton University has planting plans for their parcel so PSE&G is focusing their landscaping for the Route 1 corridor to provide adequate screening so the substation recedes into the background. New shade trees will be mixed with existing shade trees, some of the trees on Route 1 will be replaced and the new trees will be spaced forty (40) feet apart. The height of the berm was increased to 6 to 7 feet and the soil excavated from the site will be used for the berm, there is an infiltration basin in front of the existing basin so a berm in that area would not be feasible. The applicant intends to preserve as many trees as possible in front of the existing station and new trees will be planted, no additional landscaping is proposed for the frontage on Eden Way because there is a substantial understory buffer in place.

C. Hoberman asked when the construction trailers on site will disappear. Mr. Ginther stated that the trailers will remain until the station is improved and operational, after that the trailers will be moved and the berm installed. Mr. Light confirmed that the landscaping will be installed after construction is done.

Mr. Ginther advised that Spring 2021 is the anticipated date for landscape installation, evergreen trees are proposed for the berm planting and the variety of shade trees chosen were for their color. There will be a 10 foot offset for the security fence due to the three underground lines going into the new station, no trees can be planted on top of the land bank but there will be shrubs and ornamental plantings to help buffer. If Eden Way is vacated in the future, they will get an access agreement from the University. The basin south of the Princeton substation will be used to handle the stormwater. A sediment removal system is within the basin. Mr. Ginther presented Exhibit A-8, current view and proposed view of the landscape berm from Route 1, and advised that the plantings will be installed at a height that will screen the substation. Eventually those plantings will be over 10 feet in height. Another view of the site from across Route 1 (Exhibit A-9) was presented.

David Karlebach, planning consultant for the applicant, was sworn in and stated that the site is located in two zoning districts, substations and transmission lines are permitted in both zones but the proposal must comply with conditional use requirements. The project design is compatible and in character with the neighborhood, the expansion is harmonious with surrounding lands which includes undeveloped lands and the University intends to construct a substation on lands south of this parcel. The project is in keeping with the Utility Master Plan because the areas are adequately served. The lot straddles a common boundary line resulting in a zero setback for two properties so a variance is required. There will be no activities on site, storage of materials is not permitted anywhere on site except within enclosed buildings and a variance is needed for the height of the masts.

The site is appropriate for this use and the setback variance is a technical variance because it is internal to the site. Regarding the bulk variances, the structures are located in the most practicable location and the site is large enough for all of the equipment without the need for perimeter setback variances. The negative criteria were presented, he stated that the variances can be granted because there is no substantial detriment to the public good and it is an inherently beneficial use because it involves public utilities. There are no property owners abutting the property that will be affected by this improvement, the closest property owner is a significant distance from this site. There are minimal demands on municipal services, this project does not generate any new school children or employees, it is located along a federal highway and monitoring takes place off site. Visibility has been mitigated with landscaping and they do not anticipate any storm water runoff for the expansion. There will be an increase in activity on site but this will not be a detrimental impact on the surrounding uses. There is no substantial impairment to the zone plan and no detriment to the public good. The height restriction in this zone will inhibit PSE&G from offering services to their providers and the height of the masts are necessary for the substation to operate efficiently. The masts at other substations are 55 feet tall, and the masts will not be seen from residential areas.

Fred Turek, engineering consultant for the Board, was sworn in and stated that all items in his report dated May 28, 2019 have been addressed.

Daniel Dobromilsky, landscape architect for the Board, was sworn in and stated that the applicant has covered everything in his report dated May 29, 2019 and the proposed design addresses the requirements of the code and is appropriate for screening purposes.

Mr. Novak referenced the report from Burgis Associates dated 5/28/19 and stated that the applicant has addressed all of his comments. This project guarantees energy consistency required by the State.

J. Church questioned the drainage on site. Mr. Holmes referenced Exhibit A-3 and stated that the basin located to the west of the site has been partially constructed, the first phase of development for this project is to expand the basin 25% for the additional runoff from this site. Water quality management is provided in this system which was designed by the University, it has many positive environmental features. A majority of the station takes advantage of the topography which drains from Route 1, in addition there are a small amount of inlets to cover the areas that cannot drain properly with the grading. It is a very efficient system.

The meeting was opened to the public. No one addressed the Board so J. Roeder made a motion and J. Church seconded the motion to close the public portion of the meeting. The vote was 7-0 in favor.

Motion carried.

Motion was made by J. Roeder and H. Jacobsohn seconded the motion to approve the application for ZB 18-08. Chair Abbey noted the reasons for approval as follows:

- Conditional Use is granted because it is an inherently beneficial use.
- The hardship variance is approved because the location is near an existing substation and the configuration is pre-existing.
- The sideyard setback variance is approved because it is immediately next to same use and the structure is not a large building.
- All utilities will be installed underground
- The variance for pole height is approved; poles are not considered a structure.
- The site is appropriate and can accommodate the use.
- The lights should not disturb anyone, it is located on Route 1 and at least 1000 feet away from any resident.
- The parking variance is approved because it is an unmanned operation and will not result in traffic issues near Route 1.
- There is also no need for a loading area because everything will be enclosed in the building.
- A substantial landscape is proposed to mitigate the increased development of this site.
- All staff and professional recommendations have been satisfied and the result is that West Windsor and the hospital are provided with additional energy.

The vote was 7-0 in favor. Motion Carried.

FOR: Church, Garzio, Hoberman, Jacobsohn, Marks, Roeder, Abbey
AGAINST: No one
ABSTAIN: No one

Being that there was no other business before the Board, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Kerry A. Philip
Recording Secretary