



BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES JUNE 7, 2018

A meeting of the East Rutherford Zoning Board of Adjustment was held on **June 7, 2018** at 7:00pm at the Borough Hall, located at 1 Everett Place, East Rutherford. This meeting was held in compliance with the Open Public Meeting Act, N.J.S.A. 10:4-6.

ROLL CALL

- | | |
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| <input checked="" type="checkbox"/> Philip Alberta, Chairman
<input checked="" type="checkbox"/> Carmen Polifronio
<input checked="" type="checkbox"/> Al Levy
<input checked="" type="checkbox"/> John Martin
<input checked="" type="checkbox"/> Richard Krajunus, Vice-Chairman
<input checked="" type="checkbox"/> Gary Viccaro
<input checked="" type="checkbox"/> Thomas Banca
<input type="checkbox"/> Derek Sands, Alternate Member | <input checked="" type="checkbox"/> John Giancaspro, Secretary
<input checked="" type="checkbox"/> Richard Cedzidlo, Attorney
<input checked="" type="checkbox"/> Glenn Beckmeyer, Engineer
<input checked="" type="checkbox"/> Ray Tripodi, Planner |
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Denotes in Attendance

The meeting was called to order by Chairman Alberta, followed by the Pledge of Allegiance.

APPROVAL OF PREVIOUS MEETING MINUTES						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta					X	
Polifronio	X		X			
Levy		X	X			
Martin			X			
Krajunus			X			
Viccaro			X			
Banca			X			
Sands						X

RESOLUTIONS

RESOLUTION #18-002

Application for Use Variance

Robert Sumanis / Janson Associates

136 Mozart Street

Block 48, Lot 12

Resolution memorializing the Board’s action to grant variances and waivers to allow the Applicant to convert an existing two-family dwelling into a commercial office space.

APPROVAL OF PREVIOUS MEETING MINUTES						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta					X	
Polifronio			X			
Levy		X	X			
Martin			X			
Krajunus	X		X			
Viccaro			X			
Banca			X			
Sands						X

Before continuing, Mr. Cedzidlo announced that due to scheduling conflicts and the availability of the Board’s membership, the regularly scheduled meeting of July 12th would be moved to July 19th with a work session commencing at 7:00pm, followed by the public hearing at 7:30pm. He announced that the application for 367 Central Avenue would be carried to this meeting as well, and if the Applicant had already served notice, no further notice would be required.

APPLICATIONS

DOCKET #18-003

Completeness Review

Yunny Feroz

367 Central Avenue

Block 42, Lot 18

Applicant seeks to convert a two-family home to a three family home.

The application was carried to the July meeting.

DOCKET #18-005

Completeness Review

61-63 Central Ave LLC

82 Herman Street

Block 43, Lot 20

Applicant seeks to eliminate an existing commercial space and to renovate an existing apartment unit and add three (3) additional apartment units for a total of four (4) apartment units.

Mr. Beckmeyer reported that the application remains incomplete.

DOCKET #18-004

Completeness Review

Public Service Electric & Gas

233 Summer Street

Block 74, Lot 2 & 3

Applicant seeks to upgrade and expand the existing Van Winkle Substation to further advance the public utility system.

The following Exhibits were introduced in connection with this application:

- Exhibit A-1. Aerial Map dated 4/23/18
- Exhibit A-2. Substation Site Plan dated 3/21/18
- Exhibit A-3. Second page of the Substation Site Plan
- Exhibit A-4. View #1 of Van Winkle Street
- Exhibit A-5. Rendering of the proposed building, provided to the Board
- Exhibit A-6. View #2 of Van Winkle Street & Union Avenue
- Exhibit A-7. GIS Building Elevation Sheet
- Exhibit A-8. View #3 of Union Avenue
- Exhibit A-9. Fencing Material Samples
- Exhibit A-10. Elevation Sheet #2

Mr. Robert Verdibello, Attorney for the Applicant, came forward and introduced the application as upgrades to the existing PSEG Substation. He explained that the Applicant was seeking a Use Variance, Height Variance, Bulk Variances, and Design Waivers. He finished his introduction noting that public notice was sent and submitted to the Board Secretary.

Mr. Frank DiGiacomo, a project manager for the Applicant came forward to explain the proposed upgrades to the site. Using Exhibit A-1, Mr. DiGiacomo explained the current conditions, noting that the site was a 26kv to 4kv substation, with a vacant property adjacent to it, a commercial property across from it on Summer Street, and apartment units across Van Winkle Street. He noted that the Applicant was seeking to secure a lease with a neighboring property owner for logistical purposes during construction.

Mr. DiGiacomo continued to explain Exhibit A-2, testifying that the major component of the project was a Gas Insulated Switchgear (GIS) building that would house PSEG's switches. He further explained that the site would be enclosed with an 8' decorative fence along Van Winkle Street and Union Avenue, and non-conductive fencing along the residential site adjacent to the site.

Mr. DiGiacomo provided an overview of how the substation would operate after the proposed improvements were completed. He stated that there would be no full-time staff at the location, and once per week a representative of PSEG would conduct a weekly inspection of the site and its equipment. He explained that the GIS equipment is also monitored from a remote location and workers would be dispatched when there was a problem. He noted that site lighting would be minimal and operate on sensors.

Mr. DiGiacomo stated that a noise study was conducted of the proposed improvements and the application meets applicable codes.

Mr. DiGiacomo explained that the project would begin later in 2018 and be completed before the end of 2019. He noted some construction logistics, including the delivery of pre-fabricated equipment which would be off-loaded and set by a mobile crane. He explained that construction would take place on weekdays and Saturdays, in compliance with the Borough's work hours regulations. He noted that extended hours may be necessary in some instances, but those would be communicated and coordinated appropriately.

Mr. Robert McAlister, an Electrical Engineer, came forward to provide a detailed explanation of the proposed electrical components and the operations of the site. Using Exhibits A-2 and A-3, he explained that the proposed GIS building would replicate what is currently on-site, but modernized and enclosed within a structure. Exhibit A-4 and A-5 were also introduced to provide the Board with an understanding of what the aesthetics of the site would be.

Mr. McAlister continued by stating that lightning masts would be provided on the site, as well as incorporated into the GIS building and equipment. Using Exhibit A-6, he described the route of the power lines in and out of the station.

Mr. Polifronio asked how much noise could be expected from the improvements, to which Mr. McAlister responded that the proposed equipment would generate less noise than older equipment and be more efficient. Mr. Levy asked if any sound walls were being proposed, to which Mr. McAlister answered the solid surfaces surrounding outside equipment would contain most of the noise.

Mr. Rolando Saylo, a licensed civil engineer came forward to provide testimony regarding the proposed site plan and improvements. He explained that foundations with shallow footings on the north side of the property would be utilized to support auxiliary transformers, and a pile system would support the GIS building. Mr. Saylo explained that the grade would remain relatively the same and 6 inches of stone would be added to support drainage, however no significant stormwater impact was expected.

Mr. Saylo utilized Exhibit A-7 to explain that the building would be two stories (44 feet 11 inches) in height with a footprint of approximately 44 feet by 66 feet. He noted the building would be constructed of brick. He provided an additional view using Exhibit A-8.

Mr. Saylo continued that there are currently three driveways on Van Winkle Street, but only one would remain and an additional driveway would be added to Summer Street for a total of two. He believed that three parking spaces would be gained on Van Winkle Street as a result of the closure of the two driveways. He further explained that the application proposed to maintain the current sidewalk and curb on Union Avenue, but provide an access gate into the site using decorative fence. Mr. Beckmeyer voiced concern over leaving the existing sidewalk and placing gates on the Union Avenue side of the property, noting that it did not comply with the Borough code and was not good practice because it could provide damage to the existing sidewalk.

Mr. Beckmeyer asked for additional details for the paving material being used, as well as the details of the non-metallic / non-conductive fence being proposed. Mr. Saylo stated he would provide it.

Mr. Saylo presented Exhibit A-9 as potential options for fencing.

Mr. Saylo described the construction of the GIS building as a steel frame and constructed of non-combustible materials. Mr. McAlister offered that the majority of the equipment being installed would be placed inside the GIS building.

Mr. Polifronio asked for further explanation related to the proposed gate on Union Avenue. Mr. Saylo and Mr. Verdibello answered that the gate would be used for access for PSEG to repair/replace equipment in emergency situations. Mr. Richard Hughes of PSEG also came forward and noted that the gate would only be used under extreme situations, such as a failure of major equipment requiring the mobilization of large trucks and/or crane. He noted that it would not be used on a daily basis and PSEG would protect the curb and sidewalk through plating during such situations.

Mr. Beckmeyer noted that the detail of the pavement on site needed to be added to the plans, to which Mr. Verdibello responded the Applicant would comply.

Chairman Alberta asked why the GIS building was designed to the height proposed. Mr. McAlister responded that the height of the building was required to provide proper clearance for cables and equipment within the building. Mr. Krajunus asked if the building could be set below grade to lessen the height, to which Mr. McAlister and Mr. Hughes responded that it would complicate the installation of equipment, and PSEG sought to minimize excavation on the site due to its former use as a manufactured gas facility.

Mr. Beckmeyer asked if the height would be lower if the parapet was removed. Mr. Saylo responded it would be close to the height of the existing structure. Mr. Verdibello stated the applicant would explore lowering the height as a condition of approval, if required.

Mr. Beckmeyer stated his concern of the drainage and run-off to the neighbor's property. Mr. Saylo responded that the slope would be graded in a way to minimize impact. Mr. Verdibello stated that the Applicant would provide detailed drainage drawings.

Ms. Brandi Bartolomeo, Manager of Major Protects and Field Services for PSEG, came forward to testify regarding the condition of the site. She stated that the site was issued a No Further Action letter by NJDEP in 2000, and remains under the monitoring of a Licensed Site Remediation Professional (LSRP). She noted that the site was formerly a manufactured gas facility which created a byproduct, however, there is no anticipated environmental impact based on the grading and groundwater.

After a brief recess, Mr. Verdibello returned and stated that the Applicant believed it could reduce the parapet of the building and be consistent with the existing building. He noted that details would be provided related to decorative fencing and the solid, non-conductive fencing along the residential properties.

Ms. Kathy Herring, a professional engineer and professional planner of D.W. Smith Associates came forward to provide planning testimony. She explained that the site required a D2 variance as it was an expansion of a non-conforming use, as public utilities are not acceptable in any zone.

Ms. Herring stated that the Applicant sought a D6 variance for height conditions created by the required lightning masts, proposed GIS building height, and existing building height – where only 35 feet is permitted.

Ms. Herring continued explaining that bulk variances were required as fencing was only to be permitted at 4 feet and 6 feet, where 8 feet and 10 feet were proposed. She noted that the height of the fencing is for security purposes and would eliminate the use of wood, chain-link, and barbed wire fencing that currently exists on the site.

Ms. Herring also explained variances that were required due to consolidation of the lots and the existing conditions presented by the setbacks and size of the existing structure. She noted that the proposed GIS building would meet setback requirements.

In review of Mr. Beckmeyer's review letter, Ms. Herring provided the explanations related to the following items:

1. Sight Triangle: The proposed fence encroaches into the sight triangle, however, due to the one-way traffic permitted on Union Avenue, she did not believe it would be a detriment.
2. Gates: Gates do not meet the opacity of 75% due to security concerns.
3. Driveways: The proposed driveways were designed to accommodate the operations of the site, however, they do not comply with the required distance between property lines and other driveways.
4. R.O.W. Widening: 5 feet would be dedicated to the R.O.W.
5. Parking would not be required as the station is unmanned and no vehicles will be parked or stored on the property for an extended time.
6. No refuse area is proposed as the site is required to operate as "Carry In, Carry Out"
7. Pages 5 through 13 of the review letter could be complied with

After additional discussion, the Applicant agreed to replace the existing sidewalk on Union Avenue, in the area of the proposed gate system. The new sidewalk will be 6 inches in thickness with wire mesh for reinforcement.

Ms. Herring concluded her testimony stating that she believed that the benefits of improving the public utility outweighed any detriment to the public. He also highlighted that the acoustical report show an improvement of the noise conditions at the site with replacement of equipment and proposed site improvements.

Chairman Alberta asked for additional details related to the driveway sight triangles. Mr. Beckmeyer stated that he was not concerned with the triangle at Union Avenue as it is a one-way street, however, suggested that a right turn only be required from the Van Winkle Street driveway. Mr. Verdibello agreed to the condition.

Mr. Banca and Chairman Alberta asked if any landscape buffering would be provided, especially where the fence reached the property line. Ms. Herring stated that 20 foot by 20 foot landscape area would be provided, but given the type of site, no additional landscaping could be provided.

Mr. Beckmeyer stated that the Applicant would be required to mill and pave any street excavations in accordance with the Borough code, to which the Applicant stipulated it would.

Mr. Viccaro moved to open the meeting to the public. Mr. Martin seconded the motion and all were in favor.

Mr. Charles Flenner of the East Rutherford Fire Department came forward and asked for clarifications on the following site conditions:

1. Site Lighting and when the lighting would be on. Mr. McAlister responded that the lights would be on motion sensors, and when there was an equipment failure.
2. Generators. Mr. McAlister stated there would be no generators on site.
3. Fire Suppression System. Mr. McAlister stated there would be no suppression system on site.
4. Is there 150 feet of access to firefighters into the site. Mr. McAlister responded yes.
5. Is the second floor a true second floor? Mr. McAlister responded yes.
6. Is there a barrier to protect from falls at the roll up door on the second floor. Mr. McAlister responded yes, the barrier was inside the building.

Mr. Flenner concluded by requesting the parapet remain in place to enhance the safety of firefighters operating on the roof and providing more safe free movement.

Ms. Kim Plosia of 231 Hackensack Street came forward with concern over the potential impact to Summer Street, specific to the type and frequency of traffic. She also noted that she was concerned for the historical residence across the street from the site, on Hackensack Street. Mr. DiGiacomo stated that construction activities will have truck traffic with traffic control measures in place.

Ms. Plosia asked why the project was being done and whether it was related to the American Dream project in the Meadowlands. Mr. Hughes stated that the improvements are an upgrade to the site to increase reliability and that the project is unrelated to the American Dream.

Mr. Sergio Segalini of 39 Jane Street came forward and asked if the 69kv lines would be above ground or underground, to which Mr. McAlister explained the site would utilize the existing lines in place. Mr. Segalini followed up by asking why the improvements were not previously done and if any equipment would be visible. Mr. Hughes stated that temporary improvements were made leading up to this more permanent project. Mr. McAlister stated that a majority of the equipment would be placed in shielded racks.

Mr. Martin moved to close the hearing to the public. Mr. Viccaro seconded the motion and all were in favor.

Chairman Alberta asked if the Applicant would consider moving the fence back and additional landscaping. Mr. Hughes stated that it would not be possible to have additional vegetation in the site and Mr. Verdibello noted that moving the fence back would cause site constraints in movements.

Mr. Beckmeyer requested the plans be updated to reflect the redesign of gates and fencing and the incorporation of landscaping where previously stipulated. The Applicant agreed.

Mr. Viccaro inquired why PSEG had not sought to buy additional property surrounding the station. Mr. Verdibello responded that PSEG is not permitted to purchase "extra property."

Mr. Beckmeyer asked if any above or underground lines would be removed in the process of the project. Mr. Hughes responded that overhead lines would remain, but some underground lines would be removed. Mr. Beckmeyer asked that the plans be updated to reflect those removals. The Applicant agreed.

Mr. Krajunus moved to approve the application with the stipulations provided during the hearing. Mr. Polifronio seconded the motion.

With no further business before the Board, Mr. Banca moved to adjourn the meeting. Mr. Polifronio seconded the motion and all were in favor.

ROLL CALL						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta			X			
Polifronio		X	X			
Levy			X			
Martin			X			
Krajunus	X		X			
Viccaro			X			
Banca			X			
Sands						X

Minutes prepared by:

John Giancaspro
Secretary