

MINUTES - PLANNING BOARD

Meeting of May 18, 2016

WORKSHOP PORTION. Ms. Anderson called workshop portion of the meeting to order at 7:37 P.M.

1. COMMUNICATIONS:

None

2. MINUTES:

Motion to adopt the minutes of April 20, 2016 (as amended) was made by Ms. Feder, seconded by Deputy Mayor O'Connor and passed on voice vote.

3. RESOLUTIONS OF MEMORIALIZATION

None

4. OLD/NEW BUSINESS

Mr. Giuditta reviewed parameters of hearing tonight and process after approval.

Workshop portion adjourned at 7:55 P.M.

PUBLIC HEARING - ROOM 107

1. STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Ms. Anderson called a public meeting of the Cranford Planning Board to order on May 18, 2016 at 8:01 P.M. In Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Ms. Della Serra announced that this meeting is a regularly scheduled meeting as contained in its annual schedule adopted by the Planning Board and published in the designated newspaper as soon as possible after the Board's reorganization meeting. In accordance with the terms and conditions of the Open Public Meetings Act, adequate notice of this meeting's agenda has been provided through publication specifying the time, place and matters to be discussed/heard with the agenda having been filed with the Township Clerk and posted on the municipal bulletin board where such notices are normally posted as required. Formal action may be taken.

2. FLAG SALUTE

3. ROLL CALL

Members Present:

Ms. Anderson
Ms. Feder
Ms. Murray

Ms. Steinbach
Mr. Aschenbach
Mayor Kalnins
Deputy Mayor O'Connor
Ms. Pedde
Mr. Taylor

Members Absent:

None

Alternates Present:

Mr. Petrucci
Ms. Didzbalis

Alternates Absent:

None

Also present:

Nicholas Giuditta, Esquire; Ruthanne Della Serra, Administrator, Robert Hudak, PP, AICP/
Zoning Officer, Jacqueline Dirmann, Maser Consulting, Engineer on behalf of the Planning Board.

1. **Application #PBA-16-00002**
D. Villane Construction, LLC
104 Makatom Drive, Block 130 lot 39, R-3 Zone
Applicant is seeking Minor Subdivision approval of one lot creating two new lots that are conforming.

Mr. Kalnins recused himself. Mr. Aschenbach has signed a certification that he has reviewed the application, hearing of April 20, 2016 and although the application has been amended, is able to participate in hearing and deliberation process of the application.

John DeMassi, Esquire appeared on behalf of the applicant. Mr. DeMassi explained the applicant is seeking a minor subdivision of one lot into 2 conforming building lots of 80+ foot width. Previously appeared on April 20, 2016, after which the application was amended.

James Watson, EKA Associates, appeared and remained sworn. His credentials were presented to the Board and he was accepted as an expert in the field of professional planning and surveying.

Exhibit A-4 marked – set of minor subdivision plans with revision date of May 4, 2016. Second page marked A-5 – have taken the originally proposed 3 lot subdivision, divided the property in half resulting in two 80 X 191 lots that are fully in compliance with

zoning requirements. Easement will be moved to be over the storm water sewer as relayed in last meeting.

There were no questions posed by the Board.

Ms. Anderson opened the application to the public for questions, with no one appearing and the matter was referred back to the Board.

Testimony was concluded and Mr. DeMassi presented his summation.

Mr. Aschenbach entered on the record as to flooding in the area, recognizes Board does not have authority with respect to this application, however wished the flooding to be noted.

Ms. Anderson opened the application to the public for comments, with no one appearing and the matter was referred back to the Board.

DELIBERATION OF Application #PBA-16-00002

D. Villane Construction, LLC

104 Makatom Drive, Block 130 lot 39, R-3 Zone

Applicant is seeking Preliminary Site Plan approval to create three new lots, two of which will be 55 feet in width and one of which will be 50 feet in width (§136-30, Attachment 1, Schedule 1).

Ms. Anderson reviewed the testimony presented.

Motion to grant subdivision approval Application PBA-16-00010 was made by Ms. Feder, seconded by Deputy Mayor O'Connor with the following voting in favor of the motion: Ms. Anderson, Ms. Feder, Ms. Murray, Ms. Steinbach, Deputy Mayor O'Connor, Ms. Pedde, Mr. Taylor and Mr. Petrucci. Mr. Aschenbach abstained.

2. Applicant #PBA-15-00005:

PSE&G, Applicant

225 South Avenue East, Block 479, Lot 5, D-C Zone

As required by a condition of the Planning Board final approval for application PBA-15-00005, the applicant is seeking approval to install a 13 foot high wall/façade with a 15 foot peak section and a 12 foot high fence along the South Avenue East portion of the property where a only a six foot high fence is permitted (§ 136-23.11(2)(3) and variance relief to permit a portion of the proposed wall to encroach up to three feet into the minimum/maximum required front yard setback of five feet required in the D-C zone (§ 136-30 Sch. 1 Att. 1).

Ms. Anderson, Mr. Aschenbach and Mr. Taylor signed certifications that they have

reviewed the application, hearing of September 16, 2015 and are able to participate in hearing and deliberation process of the application.

Niall O'Brien, Esquire appeared on behalf of the applicant. The is to provide upgrade to a substation located near the train station as part of the Energy Strong Program (statewide program). PSE&G received approval to take measures to prevent down time during future weather events. Site is 1.17 acres in Downtown core and is considered a principal use. Conditions of preliminary approval granted on September 16, 2015 were:

A. A more complete rendering of the front of the property including a redesigned security/façade wall which shall be a brick wall along South Avenue with landscaping in this immediate area;

B. Applicant will comply with the items that the Cranford Police Department Traffic Division, has outlined in its August 7, 2015 memorandum from Lt. Edward R. Davenport to Chief James Wozniak;

C. An appropriate sound wall will be installed along South Avenue to screen the transformers and buffer any noise from them. The type of sound wall to be constructed will be subject to review by the Board and//or Township professionals.

PREVIOUS EXHIBITS: A1: Rendered site plan
A2: Substation Rendering
A3: Landscaping Plan
A4: Lighting Plan

NEW WXHIBITS: A-5: Revised site plan
A-6: Elevation showing new wall design
A-7: Photo rendering of center of the proposed wall
A-8: Photo rendering of portion of proposed wall
A-9: Photo rendering showing entire frontage of the site

PREVIOUS WITNESSES: Christina J. Ker, PMP, Project Manager
Daniel Butler, Civil Engineer appeared and was sworn in; and
William Bell, Electrical Engineer appeared and were sworn in.

Kenneth Kimmel, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in the field of civil engineering.

Height of fences in the rear yard - granted variance for an 8-foot fence at previous hearing and is standard for substation security. National Electric Safety Code Standard. Worked to accommodate concerns expressed by township, property owners, etc. September proposal was reviewed. At hearing preference in the wall design was expressed and has since gone thru 3 additional design changes – 2 in response to DRC prior to hearing and 3 since hearing.

Current design is for a 13-foot high wall that together with design peak will be 15 feet and fence will be 13 feet to the top of the fence. Wall design is of red brick with pillar sections, lighting fixtures and bump outs for depth. Ability to provide landscaping was lost and resulted in a request for variance due to the proposed bump outs. The gate is 10 feet wide, solid appearing fence. Constraints limit an increase in wall height beyond current proposal as it would result in more of a load on the footings and ability to handle winds during severe weather conditions. Larger the wall, larger the footings which will impact sidewalks, utilities (gas lines, sewer), etc. Not impossible, but in prudent utility design proposed is the maximum height PSE&G is willing to achieve.

Grey area to right of the brick wall is all solid fence, that will allow the wind to pass thru. Brick design will be all the way, based on meetings with property owners and the township, included a request for the fence design and the result of a collaborative effort between all interested parties. Due to litigation process, not at liberty to make settlement discussions public. Confirmed by Mr. Giuditta and can go into closed session to discuss, but is not able to relay in public. Windows were added as a request to give more of an appearance of a building – will be false windows, cannot see thru and since not a building, windows are not functioning, merely design element. Has sample of the proposed metal fence material, that becomes solid when backing is added.

Questions posed by Board members ascertained the following information:

Exhibit A-9 is a photo rendering showing entire frontage of the site and was passed around to Board members. After turn, fence becomes regular security chain link fence, along bank and river side. Equipment varies in height, buss is at 14 feet. There will be equipment visible beyond the wall as is required to be off the ground. Gate section is lower as manufacturer can only produce 10-foot high and of required length for open/closing function for both security and maintenance access. Will not be left open at all times. Wall is brick facing that is precast onto metal. Direction that was received at last meeting was for red brick, 35-feet was not an option and proposed is as high as PSE&G is willing to go. No thought to reuse of existing wall as part of the new design, application was designed at the request of the township in order to maintain the parking. Have designed to be as attractive as possible. A berm was not a direction given in September, design never came to completion as not agreed upon by the parties. Exhibits A-7 and A-9 include the landscaping detail, and since closer to the street limits, the area of available landscaping has diminished. Gate must remain on the front. Decorative white trim of false windows is an alternative product that can be securely bolted to the wall to prevent coming loose during a storm. PVC backing on the fence is designed to withstand hurricane winds. Unaware of how secured or how thick. Architect Tom DiGiorgio on behalf of the township requested more lighting, however will not be electricity in the wall, but is willing to replace the two lights with functioning lights of preference. Lighting at the gate, and one light on each side of the entry gate. Engineer will confirm water will flow around the wall and the equipment is above flood elevation. Majority of fence is 2 feet off the ground. DEP permits are in place as are by rule. Design of the substation itself was approved in preliminary

hearing. Not going to redesign the substation, as site plan was previously approved. If lighting fixtures are to be functional, cannot use those existing currently.

There were no further questions by members of the Board.

Ms. Anderson opened the application to the public for questions, with the following appearing:

Anthony DiGiovani, Riverfront Developers – he is objector, currently no settlement agreement exists, only condition is that wall be 14 feet. He received the following answers to questions: There will be no testimony from an architect, renderings were prepared by a design firm. Proposed very clear dimension, these are not to scale only renderings, but as close as possible. Cannot tell the Board on average what the height of the electric equipment is going to be. Mr. O'Brien indicated additional testimony from the electrical engineer will be provided this evening. Has been involved in other developments for PSE&G and is aware of sound and screen walls and explained other projects similar to this one that he has been involved in, however, this is very unique site. Newark McCarter highway wall is not 35 feet tall. Believes proposal is nice wall, possibly add more landscaping. Aware special conditions imposed when property is located in the downtown. Are other substations that are located in downtown areas and named several. Mr. O'Brien explained this wall is only applicable to Cranford. Does not believe will be redesigned again, as proposed goes above and beyond what is typically done.

Anthony DiGiovanni was sworn in. Exhibit O-1 entered and presented. Explained is prospective view of discussion of meetings similar to what is proposed by PSE&G in Cranford. Mr. DiGiovanni believes similar to present application. Confirmed one looks more like a façade rather than a wall. 2nd page is larger corner prospective view. 3rd view are differences.

Mr. O'Brien stated PSE&G does not typically use architects to design substations and proposal is for a wall, not a façade.

Steve Needle, owner of 4 Centennial. Asked if a solid fence be put on both sides, to allow for privacy, does not wish a chain link fence for visual aesthetics. PSE&G will put the iron fence on the side from the bank side – 12 feet high. Will see vegetation. Way to buffer both side of the property, trying to accommodate as many requests as possible. Is a side walk that runs to the parking area on bank side.

Additional Board questions/comments determined the following:

Speaking of one-foot variation in height going from 13 to 14 feet - Would have to be redesigned again with the proposed peaks elements. Will be able to see substation elements above the wall, with regard to increasing the height – need to come to a consensus of what the Board is seeking then can discuss during a five minute recess with

applicant. Would point out that there have been numerous meetings with various parties. The exhibit presented by Mr. DiGiovanni is a rendering from his architect, never reviewed or tested by PSE&G and tried to mimic to get it to meet the PSE&G standards. Has been several variations. Proposing 13 feet, originally was at 14, but was lowered to include the decorative peak element requested by Mr. DiGiovanni. Discussion of possible solutions. Mr. Giuditta advised irrelevant as to what was discussed between the parties, is up to the Board to decide what is appropriate.

No one else appeared and the matter was referred back to the Board.

William Bell, Appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of electrical engineering.

Questions posed by the Board ascertained the following:

Relating to the site plan, right side building - on top of the building would be a HVAC unit, it is crucial to the building which must be a controlled environment. Building is open inside. Can the unit be placed at the rear of the building - would have to review the configuration of the inside of the building. Does not believe any other roof elements will be able to be seen. Three symmetrical transformers, #2 rear most with a lot of space behind the unit, but cannot go further back as must maintain access of the transformers as per standards. Very tight area to fit all that is required to meet standards for the substation. No wires that connect the transformers. There is lightening protection designs included in the substation and everything has been brought up to required codes including the lightening masts. Visible components wires at 25 feet, 23.6 - explained what will be visible above the wall and fence in detail.

There were no further questions by members of the Board.

Ms. Anderson opened the application to the public for questions, with the following

Anthony DiGovanni, appeared. Asked if another plan was created and if it was presented to the township. Mr. O'Brien objected, site plan submitted and was already approved, and here tonight for the wall only. Mr. DiGiovanni believed asking the Board to approve something not to scale was inappropriate. Mr. Giuditta ruled reference is permitted to be made. Mr. DiGiovanni continued: Without the wall, what would be seen? Confirmed top view is the substation equipment elevation from South Avenue. Elevations relayed and described the equipment as to measurements. Majority of equipment is 16 to 22 feet except for lightening masts. Buss rails reviewed and are 22 feet off concrete with 16-foot drive aisle. Witness did not prepare the schematics, only the electrical portion. Believe sufficient information has been provided to reach conclusion as to the wall. Isolation walls described for benefit of the Board. An isolation wall was added at Township's request since last time.

No one else appeared and the matter was referred back to the Board.

John Mele, Appeared and remained sworn in as an expert witness in the field of professional planner.

Provided testimony at previous hearing and characterized the substation as an inherently beneficial use as promotes general welfare and public good. Upgrades are in line with this use. Variance is for wall and fence to exceed maximum allowable of 4 feet, and variance to allow the decorative wall bump out to be at 3 feet where 5 is required.

Reviewed upgrade benefits presented at the September 16, 2015 hearing. With modified designs, decorative wall will be 13 feet high and at 15 feet with decorative peak which enhances the aesthetics of site. Went thru several meetings with township, members of the public and Board. Need to comply with PSE&G security standards as well as federal standards and to ensure those proposed. In his opinion, 3.5 for bump out enhances the aesthetics rather than creating a monolithic appearance, provides screening while taking into consideration of building constraints although some elements will remain visible. Negative/positive criteria relayed in detail – enhance security, replaced 8-foot fence with pleasing façade or wall as well a decorative fencing and landscaping. Not any impairment to zoning plan or Master Plan, previous fence was visible from the street post, improvements are very effective.

Questions posed by the Board ascertained the following:

The street trees when initially planted are as noted on the plan, however landscaper present tonight to respond to those types of questions, however landscaping has been limited due to less space being available. Has worked with substations that have been located in downtown areas - Gloucester, Ewing, North Bergen. Substation was constructed in 1910 and looking to improve the facility. Brick wall is fairly consistent with bank next door and newly constructed development in the area. Common place is 7-foot fence with one foot of barbed wire. Believes at street level a majority of the facility will be screened. Part of previous testimony was that the municipality wished to keep the parking and was reviewed.

There were no further questions by members of the Board.

Ms. Anderson opened the application to the public for questions, with the following appearing:

Vic Berry, appeared. Member of Historic Preservation Committee. Saw initial presentation, recollection was that PSE&G asked the town if it was important to maintain the parking spaces, submission was given to the committee to review. Interested in seeing the shell preserved, was built in 1902 as a trolley station and then converted to a substation. He asked if the spaces were given up, could the substation be located behind the current shell and the building used as a screen? Mr. O'Brien responded that it cannot as, unfortunately, the structure has fallen into disrepair.

Anthony DiGiovanni – From a planning prospective does it make more sense to have a structure that will cover the substation in the downtown or a wall that will be at half-mast and not cover the only equipment? Rephrased - If blank sheet, would you try to design a project where less equipment visually scene? Cannot go 50 feet high. Has never seen a facility that hides every piece of equipment. This site there are 50-foot lightening masts, could not be covered. Would be serious design conflicts to construct a wall of that height, utilities, gas lines, sewer, closing of the roadways for extensive period, not purely financial. 25-foot sound walls can be constructed along state highways, but not usually in downtown areas, footings can be up to 10 feet wide. Team has made great effort to limit the number of variances being requested and any further height would make the relief being requested greater. In his experience, equipment decorative walls and landscaping are owned by PSE&G and would not want those extending into other properties. Believes what is being proposed heavily outweighs any negative detriments. Believes positives heavily outweighs the negatives, to keep the property and equipment from experiencing flooding and great number of benefits that are being proposed.

No one else appeared and the matter was referred back to the Board.

Roy Dunn, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of landscaping architecture

He described the landscaping plan and constraints across the front of the property, maximum of 7 feet and minimum of 3.6 feet to work with. Trying to soften what is between the wall and the street. Primarily looking at something that would not grow and encroach on the sidewalk. Skyrocket juniper that has approximately a height of 20 feet to accept corners along the wall and to add color roses. Along the fence increased the number of sky rockets and along the base perennial plantings to provide solid low row of color. Entire fence has an aesthetic plan not a buffer plan. Existing street trees have to be removed as the roots will require cutting and if left would then fall into the street. No room exists to replace and poses security issues where the branches could provide entrance method into the facility. Never plant anything that will grow over and above a substation.

Questions posed by the Board ascertained the following:

Holly has been replaced, however numbers shown are correct and does believe rendering matches plan which is what will be used. No space to plant along the fence on bank side of the property. Sky rockets only have a certain height they will grow, chosen because it is narrower, no other species available due to minimal space available. Existing vegetation is essentially deciduous and native to the area, very little ornamental quality however, provides good screen.

There were no further questions by members of the Board.

Ms. Anderson opened the application to the public for questions, with the following appearing:

Anthony DiGiovanni – Concern of shade trees too close to the wall, could shade trees be used if they were closer to the road and obtained permission from the municipality? Only way would agree, would be to plant into the side walk and that would be a plumber tree that grows to 30 feet and only about 10 feet wide, very limited and must take into consideration utilities. Landscaping is only meant to be ornamental not screening. Shade tree into the township's right of way more beneficial? Yes and no, not planting 10 feet apart although will be of greater height will still see between the trees as not planting side by side. Will block and soften, not screen. Won't completely screen the light masts as it will not be full coverage plantings. Discussion on other options to cover more of the equipment thru use of shade trees. No problem putting in if permitted to plant by the curb on South Avenue.

No one else appeared and the matter was referred back to the Board.

Follow up question for William Bell – plan was prepared 12/18/2015, clarified could not have been presented at 9/16/2015 meeting.

Claudia Rocco – general elevations were submitted to professionals with original submission. Mr. O'Brien did not believe it was used as an exhibit at the hearing

Mr. O'Brien advised wall can go to 14 feet, but bump outs and elements would have to be removed. If not willing to accept, must rethink whether to go forward with the project and to proceed with the existing litigation.

Motion made to continue the hearing to the next meeting by Ms. Murray, seconded by Ms. Steinbach and passed by unanimous voice vote. Matter was carried to June 1, 2016 meeting. Applicant will research possibility of street trees, but do not believe it is feasible.

5. PUBLIC PORTION

NONE

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:02 P.M.

Ann Steinbach, Alternate Secretary