

**MAYWOOD PLANNING BOARD  
MINUTES  
June 6, 2019**

A regular meeting of the Maywood Planning Board was held on Thursday, June 6, 2019 in the Council Chambers of the John A. Steuert, Jr. Municipal Complex, 15 Park Avenue, Maywood, New Jersey at 7:30pm. “This meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was published in the Our Town and The Record newspapers on or about November 22, 2018. In addition, copies of this notice were posted on the bulletin board in the Maywood Municipal Building at 15 Park Avenue, filed with the Borough Clerk and distributed to all persons, if any, requesting copies of the same pursuant to said act. This meeting is a judicial proceeding, any questions or comments must be limited to the issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.”

**Flag Salute**

**Call to Order**

The meeting was called to order at 7:30pm with the following members present: Chairman Frank Lichtenberger, Vice Chairperson Charlotte Panny, Councilman Richard Bolan (left @ 8:55pm), Gary Neumann, Paul Kuhn, Harry Hillenius, Rick DeHeer, Peter Cicarelli, Secretary Anthony Klymenko and John Gargagliano. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski, Board Engineer Tom Lemanowicz and Board Planner Michael Kauker were also present.

**Correspondence**

- 5/31/19 memorandum from Board Planner Michael Kauker Re: PSE&G Substation Expansion
- 6/4/19 letter from New Jersey Future Re: Development of Aging-Friendly Land Use Assessments
- 6/5/19 letter from Board Engineer Tom Lemanowicz Re: Empire Real Estate Holdings NJDEP Clarification
- 6/6/19 email from Chris Squazzo of NJDEP Re: Empire Real Estate Holdings

**Hearing #1**

**Pleasant Avenue Dental, LLC**  
141-148 West Pleasant Avenue  
Block 70, Lot 18  
**Calendar #2019-08**  
**Sign Application**

Dr. Aneta D’Amico is the applicant for Pleasant Avenue Dental, LLC and she was sworn in. She is proposing installing a light box with an acrylic panel and vinyl lettering in the windows for her dental practice on West Pleasant Avenue:

- One wall sign which measures 2’ high x 18’ wide (36 square feet)
  - Wall Signage is 2 colors; blue and white which conforms to the Borough code
  - Illumination hours will comply to the Borough code

- Four vinyl stickers window signs where each vinyl sticker is 0.5’ high x 5’ wide (2.5 square feet) or 10 square feet for all four
- Total signage measures 46 square feet where 120 square feet is permitted (façade is 15’ high x 80’ wide or 1,200 square feet)
  - Dr. D’Amico is leasing a portion of the building to a speech therapist who will submit a separate sign application
    - The combined sign square footage must not exceed 120 square feet

No members of the public came forward to comment on the application.

Harry Hillenius made a motion to approve the application as proposed. Paul Kuhn seconded the motion. All eligible members present voted in favor of the motion.

Councilman Bolan stepped down from the dais.

**Hearing #2**

**PSE&G Substation Expansion**

186 West Central Avenue

Block 124, Lots 80-91

**Calendar #2019-06**

**Variance & Site Plan Applications**

Glenn Kienz of the Weiner Law Group represents the applicant, PSE&G. Board Engineer Tom Lemanowicz recommended that there are several completeness waivers that the Board must approve before the hearing may proceed. Paul Kuhn made a motion to grant the completeness waivers and Vice Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor on the motion. Mr. Kienz confirmed with Board Recording Secretary Grunstra that the notice was complete. Proximity homeowner Denise Fontanez of 126 West Central Avenue stated that her notice was delivered today. A short pause was taken at 7:42pm while Board Attorney Kaczynski reviewed the certified mail receipts. The meeting resumed at 7:43pm and all Board members were present. Board Attorney Kaczynski confirmed that the homeowner was included on the 200-foot proximity list and the certified mail notices were posted on May 23, 2019. As such, she determined that notice was satisfactory and the Board had jurisdiction.

Mr. Kienz explained that the applicant is seeking preliminary and final site plan approval and a use variance. The applicant has purchased 4 homes on West Central Avenue in order to expand the substation. The facility has been operating in Maywood since 1973. The total area including the 4 lots recently purchased would measure 3.23 acres. The applicant is proposing to modernize and upgrade the substation which will allow it to convert 230 kilovolts to 69 kilovolts. Mr. Kienz added that the facility is a non-conforming use so the applicant is seeking relief to expand a non-conforming use. The application and ancillary submissions were marked as Exhibit #A-1. Board Engineer Tom Lemanowicz’s 5/28/19 completeness review was marked as Exhibit #B-1 and Board Planner Michael Kauker’s 5/31/19 report was marked as Exhibit #B-2. Mr. Kienz invoked the Rule of Necessity since the Board members are customers of PSE&G.

The applicant's first witness was Thomas Mullarney who is a Project Manager for PSE&G. He was sworn in and accepted as a fact witness. As a project manager, Mr. Mullarney explained that he manages the construction of PSE&G facilities including licensing, permitting, scheduling, budgeting and ensuring the safety of the construction projects. He stated that the substation expansion, specifically adding the third circuit, is mandated by PJM which oversees electric providers in Pennsylvania, New Jersey and Maryland. PJM issued a violation to PSE&G requiring them to upgrade and expand the substation. Rick DeHeer confirmed that the substation cannot be upgraded without expanding. Mr. Mullarney added that the electricity produced is for the immediate area. Peter Cicarelli clarified that there are currently 2 230 feeds coming into the substation. Mr. Mullarney said that the applicant is proposing adding a 3<sup>rd</sup> feed that will be delivered through overhead lines on poles. The applicant marked Exhibit #A-2, PSE&G Maywood Substation Project Aerial Exhibit NJOIT 2015, 186 West Central Avenue prepared by DW Smith dated 6/3/19. Mr. Mullarney detailed the uses surrounding the site as mostly residential and pointed out the 4 homes that will be demolished. The Site Plan revised on 5/14/19 was marked as Exhibit #A-3. Mr. Mullarney detailed where the GIS Hall & Control Room and the new transformer would be located. He explained that the proposed generator is required for emergency purposes and runs on natural gas. There is a bathroom in the building which requires water and sewer lines. The proposed lighting will be designed in accordance with Borough ordinances. A sound study was conducted and complies the State of New Jersey sound standards. Mr. Mullarney agreed to have postoperative sound testing as a condition of approval. When asked by Mr. Cicarelli, Mr. Mullarney stated that the substation will remain unmanned but staff will visit the site weekly usually during the daytime hours unless there was an emergency at night. Mr. Cicarelli confirmed that the 5 trailers on the site plan would be there during construction and will be removed once construction is complete. Temporary mobile transformers will be needed during construction. Construction workers will park in the Maywood Municipal Pool parking lot and walk to the site. Mr. Mullarney believes that should the applicant receive approval; work could begin in late summer and be complete by 2022. Construction hours would adhere to the Borough ordinance.

Board Engineer Tom Lemanowicz asked about the construction fencing. Mr. Mullarney answered that although the site plan indicates that the construction fence will be 5 feet from the curb, the applicant is seeking Bergen County permission to fence up to the curb thereby closing the sidewalk. He added that the applicant plans to replace the sidewalk. Board Engineer Lemanowicz questioned if the gate entrance will block the drivers' view of oncoming traffic when exiting the location. Mr. Mullarney answered that traffic spotters are a standard safety precaution. He described the fence as a 12' high cyclone fence with visual barriers in certain areas and acoustical sound attenuation in other areas. Board Engineer Lemanowicz noted that there is existing barbed wire fencing along the side adjacent to railroad tracks.

Chairman Lichtenberger invited the public to ask questions of Mr. Mullarney. Denise Fontanez of 126 West Central Avenue is concerned that the 15' high decorative wall that borders her property may block her view when driving out onto West Central Avenue. Mr. Mullarney noted the wall will be set back by 16.5' so that she will have an unobstructed view of the roadway. He added that the applicant's planner will discuss the wall in detail and provide renderings.

Kevin Kelly of Kelly, Kelly, Marotta & Tuchman represents the Seibert family that resides at 127 West Central Avenue. Mr. Kelly disclosed that he has represented Mr. Cicarelli recently. In the interest of caution, Mr. Cicarelli recused himself from the hearing and stepped down from the dais. Mr. Kelly questioned the motorized gate that is proposed across the street from his client's property. Mr. Mullarney answered that the gate is quiet with only a quarter horsepower motor. He expects that the gate would be opened and closed once or twice a week. Mr. Kelly asked about the roofing material used on the precast concrete GIS building. Mr. Mullarney replied that the roof would be bituminous Hypalon steel and renderings will be discussed by another witness. Mr. Kelly asked if the proposed driveway could be relocated. After some discussion, Mr. Kienz suggested that the next witness could respond to this request. Mr. Kelly asked about the mandate requiring the substation to upgrade. Mr. Mullarney discussed the PJM regulatory agency. Mr. Kelly asked if the substation could be expanded on the opposite side of the existing facility. Mr. Mullarney answered that it could not as the brook that runs through that area. Mr. Kelly confirmed that the noise level would not increase.

Denise Fontanez of 126 West Central Avenue asked if the substation could be expanded on the other side of the brook given that the area is more commercial. Mr. Mullarney replied that the expansion must be in the direction proposed because the circuits are feeding from that direction.

Leonardo Hernandez of 122 West Central Avenue asked if work has begun already since he witnessed a backhoe digging holes on the 4 lots that were purchased by PSE&G. Mr. Mullarney answered that an auger was used for soil testing but no other work has taken place. Mr. Hernandez wanted to know if there will be additional utility poles installed and Mr. Mullarney replied that some utility poles may be replaced but additional poles are not expected.

Rick DeHeer confirmed that the expansion has to be contiguous with the existing substation and the brook prevents expanding to the west. Harry Hillenius asked if PSE&G will maintain the 16.5' property outside of the decorative wall. Mr. Mullarney confirmed that PSE&G will maintain the landscaping including trees, bushes, shrubs and grass.

The applicant's next witness is Richard Hughes who is a Senior Project Manager for PSE&G. He was sworn in and accepted as a fact witness and an expert on construction management and electrical engineering. Mr. Hughes explained the PJM mandate in further detail. John Gargagliano asked where the new feed is originating from. Mr. Hughes answered that they would be tapping into an existing line. Chairman Lichtenberger asked when Mr. Hughes would expect that the PJM would require new improvements after this project was complete. Mr. Hughes estimated 5-10 years. Board Attorney Kaczynski inquired if PJM needed to approve changes made during the course of the application. Mr. Hughes replied that PJM approves the high-level scope of the project and not the small details that may be changed during the hearings. Vice Chairperson Charlotte Panny asked if this substation serves Hackensack as well as Maywood given that Hackensack has a significant amount of development at the moment. Mr. Hughes said that PJM is also requiring an upgrade of the Hackensack substation. Mr. Hughes offered to recommend to his asset management group that the new easternmost gate be utilized as an emergency access only in order to lessen the impact on the neighbors.

Chairman Lichtenberger invited the public to ask questions of Mr. Hughes. Denise Fontanez of 126 West Central Avenue asked about the purchase costs of the 4 homes on West Central Avenue. Mr. Hughes answered that the total cost to acquire the lots and prepare them for construction was \$3 million-\$4 million. Ms. Fontanez confirmed that the lots will be tested since there was a history of soil contamination. She then asked if the police and fire department will be training prior to the 4 homes being demolished. Mr. Hughes stated that Mr. Mullarney has been in contact with municipal emergency services to accommodate training. Ms. Fontanez confirmed that a professional exterminator will be contracted during the demolition and construction since she is concerned about vermin. She is concerned about damage to her home during demotion and construction. Mr. Hughes answered that PSE&G will have a claims adjuster to take pictures prior to demolition and offered to include that as a condition of approval. He added that any damages would go through PSE&G and not her homeowners' insurance.

Kevin Kelly of Kelly, Kelly, Marotta & Tuchman represents the Seibert family that resides at 127 West Central Avenue. Mr. Kelly asked if there will be dynamic compaction, drilling or pounding as part of the construction but Mr. Hughes deferred to his civil engineer on this issue.

Harry Hillenius asked how this project would compare to a project done in Bergenfield several years ago. Mr. Hughes answered that the project was similar in that it was 69 KV into a 230 KV substation but did not have the PJM higher voltage and reliability violation.

The applicant's next witness is Kyle King who is an electrical engineer. He was sworn in, qualified and accepted. Rick DeHeer had a question about electromagnetic fields (EMF). Mr. King answered that the new 69 KV feed is a low amount of current similar to a home. As such, the magnetic field is low. He added that the expansion area is designed to minimize the magnetic field.

Chairman Lichtenberger invited the public to ask questions of Mr. King. Denise Fontanez of 126 West Central Avenue cited the Valuation Guidelines for Properties with Electrical Transmission Lines. Mr. King believes that the document is related to real estate valuation which he cannot speak to. Ms. Fontanez explained that there is a public fear of EMF. Mr. King did not read the whole article but believes it to be concerned with stray voltage and not EMF.

Leonardo Hernandez of 122 West Central Avenue asked if power plants have ever exploded. Mr. King does not believe so but explained that there have been transformer fires in the past. He stated that the transformers are monitored closely and they are taken off-line as soon as a problem is detected. When asked, he detailed that the transformers' temperature, pressures and internal gas and cooling are monitored. Mr. Hughes came forward to state that the applicant has no history of a transformer fire at a 69 KV facility. They use mineral oil as a coolant. Paul Kuhn questioned if the Maywood Fire Department needs to do anything different if there were to be a fire at this location. Both Chairman Lichtenberger and Mr. Hughes agreed that the fire department has been directed to not enter the site if a fire should occur. PSE&G will management the fire containment.

The hearing was adjourned until the 8/1/19 meeting without obligation to re-notify the public.

**Closed Session**                      None

**Informal Hearing**                      None

**Old Business**

- Board Planner Michael Kauker updated the Board on the Housing Element & Fair Share Plan
  - The plan was presented to the Court at the Fairness Hearing and was approved
    - A final appearance before the Court is scheduled 5 months from now
  - The plan must be presented as part of the Master Plan at a Planning Board public meeting
  - In 5 months, the Court should approve the plan at a Compliance Hearing
  - The plan is effective until 2025
  - As part of the process, the Mayor and Council will designate an area in need of redevelopment
    - This will be presented to the Board at the next meeting on 6/27/19
- Board Engineer Tom Lemanowicz updated the Board on the NJDEP clarification for the Empire Real Estate Holdings property
  - Chris Squazzo of the NJDEP confirmed that there is a violation on Lot 16.01 because the riparian buffer was cleared without approval
    - The applicant can either submit an application or restore the riparian buffer to the previous condition
  - Personal observations from Board members indicate that the tenant is exceeding the number of parking spaces approved
  - Board Attorney Kara Kaczynski suggested issuing a letter to the property owner stating that the conditions of the resolution are not being met

**New Business**                      None

**Open Meeting to the Public**

**Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. Paul Kuhn seconded the motion. The meeting was adjourned at 10:27pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary