

TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT

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IN THE MATTER OF:

CASE NO. ZB-24-06

TRANSCRIPT

PUBLIC SERVICE ELECTRIC AND

OF

GAS COMPANY

PROCEEDINGS

35 Mount Pleasant Avenue

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Thursday, September 12, 2024
Zoom Remote Videoconference
Commencing at 8:06 p.m.

BOARD MEMBERS PRESENT:

PHILIP D. NEUER, CHAIRMAN (until 8:48 p.m.)
IRV SCHWARZBAUM, Vice/Acting Chairman
JEROME EBEN
BRENT DRAPER SCOTT
WILLIAM MICHAEL BARBEE
PETER T. RICCI
MICHAEL DANNEMILLER
MARK SUSSMAN

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SAVO, SCHALK, CORSINI, WARNER.
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Attorneys for the Applicant.

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1 A L S O P R E S E N T :

2

3 KEVIN MALANGA, ESQUIRE, Pro Se

4

5 DIANA CHANDLER, Board Secretary

6 JOHN HESS, Board Consulting Engineer

7 ZAYIBETH CARBALLO, Municipal Engineer

8 ERIK DeLINE, PP, Nishuane Group, LLC

9 MEGAN BRILL, Meeting Moderator

10 GEORGE WHEATLE WILLIAMS, Town Planner

11

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1 CHAIRMAN NEUER: We have but one
2 application on the agenda tonight. We're talking
3 about Application ZB-24-06, Public Service Electric
4 and Gas Company, with property designated as 325
5 Mount Pleasant Avenue. This application was
6 commenced before the Board on August 15th and
7 tonight is the continuation of the application.

8 Counsel, may we have your appearance for
9 the record?

10 MS. PORTER: Yes, Mr. Chairman. Jennifer
11 Porter of CSG Law here on behalf of PSE&G.

12 CHAIRMAN NEUER: We started the last time
13 and, as my notes reflect, you presented a witness
14 named Miguel Briones.

15 MS. PORTER: Correct.

16 CHAIRMAN NEUER: And we got through one --
17 three members of the public. I will open the floor
18 to members of the public for further questioning in
19 case some members did not get reached who wished to
20 ask questions.

21 I also want to go over one element with
22 you. I presented to you a request from our Township
23 historian --

24 MS. PORTER: Yes.

25 CHAIRMAN NEUER: -- Mr. Fagan, concerning

1 a plaque that is on one of the brick pillars in
2 connection with the fence. Mr. Fagan has indicated
3 that it's circa 1929 or '30 and it's an historic
4 part of the Township.

5 Has the applicant been able to make
6 arrangements to keep it as part of the property, if,
7 as, and when the application is approved?

8 MS. PORTER: So the answer to that
9 question is yes, Mr. Chairman. I did discuss the
10 plaque with the applicant and they have the
11 intention of keeping the plaque and reutilizing it
12 in connection with the site. So it will remain and
13 it will be -- continue to be shown as part of the
14 site features.

15 CHAIRMAN NEUER: I'm making a note. If
16 this application is approved, we can include a
17 condition with the consent of the applicant to
18 maintain the plaque on the property.

19 MS. PORTER: That -- that is acceptable to
20 the applicant.

21 CHAIRMAN NEUER: Good. Thank you.

22 Do you agree that we should commence
23 with further -- unless you want to make some
24 statement?

25 MS. PORTER: Actually, if I may, right,

1 Mr. Chairman, I just wanted to do a very brief recap
2 just to kind of bring us back in terms of, again,
3 very briefly, what was discussed at the last
4 meeting.

5 And, also, I just wanted to note for the
6 record that because this special meeting was
7 scheduled after we adjourned the last hearing on
8 August 15th, the applicant did renotice. And we
9 submitted a copy of our affidavit of publication and
10 mailing in accordance with the MLUL, so we believe
11 that the Board does continue to have jurisdiction to
12 proceed in connection with this proceeding.

13 CHAIRMAN NEUER: Mr. Fisher, can you
14 verify that?

15 MR. FISHER: Yes, the Board does continue
16 to have jurisdiction. It was properly noticed.

17 CHAIRMAN NEUER: Okay.

18 MS. PORTER: So then again -- oh, sure, go
19 ahead.

20 CHAIRMAN NEUER: You did say "very
21 briefly" twice, so please --

22 MS. PORTER: I'll keep it brief. Sure.

23 So before we go back and open it back up
24 to the public, I just wanted to note, as
25 Mr. Chairman indicated, we did begin the last

1 meeting in connection with PSE&G's application. I
2 just wanted to remind the Board and the public that
3 we're here seeking preliminary and final major site
4 plan approval in connection with various use and
5 bulk variances that were described in further detail
6 at the last meeting.

7 This application is specifically for
8 upgrades to remove and replace outdated equipment at
9 the existing West Orange switching station. There
10 are a number of stations in that vicinity. This
11 application concerns only the West Orange switching
12 station which, as Mr. Chairman indicated, is 325
13 Mount Pleasant Avenue.

14 Also as was noted, Mr. Briones, our first
15 witness, who is a fact witness and the project
16 manager for PSE&G, gave a brief overview in terms of
17 the nature and scope of the work that's going to
18 take place at the station in terms of the removal of
19 various existing buildings, the installation of a
20 new one-story 26 kV switchgear enclosure that will
21 house the new addition of the 26 kV switchgear, and
22 feeder reactors.

23 As was also discussed and will be
24 discussed in great detail this evening from our
25 other expert witnesses, the application includes the

1 realignment of the access road along Mount Pleasant
2 Avenue, a new drive path, as well as the removal
3 of the existing perimeter fence. We do intend to
4 give more specific details with respect to that
5 fence removal, as well as the nature of the
6 materials in connection with the new proposed
7 Ameristar fence.

8 In addition, we will talk more
9 specifically -- our civil engineer will address
10 the small bioretention basins that are proposed
11 and our electrical engineer will hit upon the
12 lightning masts that are being proposed in addition
13 to the existing lightning masts to remain at this
14 site.

15 So all of those were specific items that
16 did come up in the context of the previous
17 testimony. There were some questions which were
18 deferred to other witnesses. All of those witnesses
19 are present this evening. And so, hopefully, we can
20 get as far as possible in terms of the nature of our
21 application and then build into that testimony
22 answers to as many of those questions that remain
23 open as possible.

24 We concluded, as Mr. Chairman indicated,
25 with the Board and public questions for Mr. Briones.

1 I believe we finished the questioning by Mr. Malanga
2 and at that point we concluded the hearing but did
3 leave it open if there were other members of the
4 public who did have any questions for him.

5 We do intend on calling however many
6 witnesses we can get through this evening. We do
7 have four present. We have our civil engineer,
8 Michael Blake, who will testify first after we get
9 done with the public comment -- or public questions,
10 rather, for Mr. Briones.

11 After Michael Blake we intend to call our
12 electrical engineer who will specifically discuss
13 lighting at this site, the electrical aspects of the
14 nature of the proposed improvements, as well as the
15 lightening masts feature of this site design.

16 Next we will have John Futey. He is a
17 landscape architect. He will get into the very
18 specific details in terms of our tree removals as
19 well as our proposed landscaping plan. And we do
20 have a colored rendering that we can provide to
21 fully walk the Board through both the removal as
22 well as the significant amount of restoration that
23 will be occurring at the site.

24 And then, lastly, we, of course, have our
25 planner who also was responsible for preparing the

1 EIS memorandum.

2 And so I just wanted to note that since
3 the last meeting on August 15th, we did do a
4 resubmission. It included some updated landscaping
5 plans, including updated removal plans, as well as
6 details and updated landscaping plans and details.

7 And then we also submitted an EIS
8 memorandum. That was in accordance with the
9 comments raised by Chairman Neuer at the beginning
10 of the last meeting. We met with the planning
11 director, acting planning director, and did, in
12 accordance with that meeting, prepare the
13 memorandum, as well as a response letter to prior
14 comments that were received.

15 In addition to that and since that time,
16 we've received an updated report from the Board
17 engineer and we also received comments back from the
18 township forester indicating that the applicant does
19 comply with not only the existing but the new tree
20 ordinance, which is an important consideration for
21 the testimony you'll hear this evening.

22 And so with that, I'd like to go back to
23 the public portion of the hearing as it relates to
24 Mr. Briones' testimony.

25 CHAIRMAN NEUER: Thank you.

1 Mr. Briones, I know you were sworn. But,
2 Mr. Fisher, please readminister the oath for
3 tonight's hearing.

4 MR. FISHER: Please raise your hand.

5 M I G U E L B R I O N E S, having
6 been previously duly sworn, remained under oath and
7 was examined and testified as follows:

8 THE WITNESS: Yes.

9 MR. FISHER: Okay. You continue to be
10 sworn.

11 THE WITNESS: Thank you.

12 CHAIRMAN NEUER: I'm scanning.

13 Mr. Malanga, are you here?

14 MEETING MODERATOR: Yes. He's listed
15 under -- there's -- there's Kevin. If you want,
16 I'll promote him right now.

17 CHAIRMAN NEUER: Please. And when he gets
18 on, I'll promote him.

19 MEETING MODERATOR: He's coming in now.

20 CHAIRMAN NEUER: Mr. Malanga, when you get
21 on, please say something so we know you're here. It
22 looks like you're here. Mr. Malanga, there you are.

23 MR. MALANGA: I am here.

24 MEETING MODERATOR: There you go.

25 CHAIRMAN NEUER: Can you turn on your

1 video?

2 MR. MALANGA: I did that -- let me see --
3 then it went off. Try again.

4 CHAIRMAN NEUER: There it is. Oops. It
5 keeps kicking you off. What a shame.

6 MR. MALANGA: Some people wouldn't think
7 so.

8 CHAIRMAN NEUER: I wasn't talking to --

9 MR. MALANGA: Good evening, Mr. Chairman,
10 members of the Board.

11 CHAIRMAN NEUER: Mr. Malanga, you've
12 indicated that you've retained an expert witness for
13 this proceeding.

14 My question for you is: Are you appearing
15 pro se or are you an attorney representing clients?

16 MR. MALANGA: Pro se, Mr. Chairman.

17 CHAIRMAN NEUER: Okay. So you're not
18 representing any other individual or organization?

19 MR. MALANGA: No.

20 CHAIRMAN NEUER: Okay. And is your -- is
21 your proposed expert witness with us?

22 MR. MALANGA: Yes, she is.

23 Ms. Paist-Goldman, would you please raise
24 your hand?

25 CHAIRMAN NEUER: I don't see her.

1 MEETING MODERATOR: She's coming in right
2 now.

3 CHAIRMAN NEUER: Okay. Thank you, Megan.
4 Okay. I see her.

5 Welcome aboard, Ms. Paist-Goldman.

6 MS. PAIST-GOLDMAN: Thank you.

7 CHAIRMAN NEUER: Okay. The record will
8 reflect that Kevin Malanga, who is a citizen of the
9 community, has indicated that he wishes to
10 participate in this application. So I have removed
11 him from the public portion and placed him into the
12 field so that he can ask his questions of the
13 witnesses and present, when the time comes, his
14 expert witness.

15 Okay. So that takes care of the
16 housekeeping.

17 With respect to Mr. Briones, does any
18 member of the public have additional questions for
19 Mr. Briones based upon the testimony that he
20 presented to us on August the 15th? We've already
21 had questioning from someone named Khademi,
22 Mr. Malanga, and a landscape architect.

23 Does anybody other than those three
24 individuals have questions for Mr. Briones? Please
25 raise your hand so that Ms. Brill can admit you for

1 purposes of asking your questions.

2 MEETING MODERATOR: Yes. We have Sally
3 Malanga ready to go.

4 Please state your name and address for the
5 record.

6 MS. MALANGA: Sally Malanga, Ridge Road.

7 CHAIRMAN NEUER: Thank you. Welcome,
8 Ms. Malanga. This is the time for you to ask
9 questions, not to present evidence or testimony.

10 MS. MALANGA: Yes. Thank you.

11 Mr. Briones, when the facilities are
12 updated with new equipment, will the old equipment
13 be removed?

14 THE WITNESS: Yes, that is correct. The
15 old equipment will be removed.

16 MS. MALANGA: And how does that affect the
17 footprint of the equipment?

18 THE WITNESS: So we will be removing -- so
19 for us to install the next portion of our equipment
20 to power up our switchgear, we'll be removing the
21 existing equipment that's currently on-site as a way
22 for us to create the next part of the
23 infrastructure.

24 So we're basically reusing that same
25 footprint that's existing with the old equipment.

1 We're going to be demoing it and we're going to be
2 constructing new 26 kV equipment on top of that in
3 order to properly feed the switch station or the
4 switchgear itself.

5 MS. MALANGA: Thank you.

6 And one other question. As project
7 manager, did you instruct your team to preserve as
8 many trees as possible?

9 THE WITNESS: As project manager, I've
10 taken the time to reach out to the team to give me
11 the best possible preservation of trees and design
12 in terms of doing the best way for us to install the
13 following substation.

14 This is our current design and our plan,
15 and based on the recommended design and part of our
16 infrastructure for this new equipment, we did put
17 that into consideration. And the following results
18 based on the further testimony that will be
19 presented further later on today with the
20 landscaping architect will cover that answer as
21 well.

22 MS. MALANGA: Thank you. No further
23 questions.

24 CHAIRMAN NEUER: Thank you, Ms. Malanga.

25 Anyone else raising their hand, please?

1 MEETING MODERATOR: Yes. We have Anthony
2 Longo.

3 Please state your name and address for the
4 record.

5 MR. LONGO: My name is Anthony Longo. I
6 live in Wayne, New Jersey, and I am the CPA of two
7 medical practices on each side of the PSE&G
8 switching station.

9 And my question is that, Mr. Briones, are
10 you aware that there are two surgery centers on each
11 side of the -- of the PSE&G switching station right
12 on Mount Pleasant Avenue and on Prospect Avenue?
13 Are you aware of that?

14 THE WITNESS: I believe there are medical
15 facilities, but a surgery center, like I mentioned
16 before, I'm not too aware of that.

17 MR. LONGO: Yeah. So I just want to note,
18 just wanted to bring that to your attention,
19 especially if there's any kind of --

20 CHAIRMAN NEUER: Mr. Longo. Mr. Longo, I
21 know you're not an attorney and I'm giving you
22 leeway because you should not be representing anyone
23 but yourself.

24 MR. LONGO: Okay.

25 CHAIRMAN NEUER: Even though you are not a

1 resident of this community, you are entitled to
2 appear before this Board. However, this is the time
3 for you to ask questions, not to make statements,
4 not to give testimony. So please limit yourself to
5 questioning.

6 MR. LONGO: Okay. So that was my
7 question. Are you aware of the surgery centers on
8 each side of the switching station?

9 THE WITNESS: We have identified that
10 there are medical facilities around the station
11 itself like you mentioned before. I wasn't too
12 clear on the specifics of the surgery center, but
13 now that you've noted it, thank you for letting me
14 know where and I'll take a look more when I visit
15 the site.

16 MR. LONGO: Right. Thank you very much.
17 Thank you.

18 THE WITNESS: Appreciate the question.

19 CHAIRMAN NEUER: Thank you, Mr. Longo.

20 Ms. Brill?

21 MEETING MODERATOR: I'm not seeing any
22 other hands.

23 CHAIRMAN NEUER: Public questioning
24 portion is at an end.

25 Let's go back full screen, please. Thank

1 you.

2 Let me turn this back over to Ms. Porter.

3 Please continue.

4 MS. PORTER: Sure. So as our next witness
5 for this evening, I'd like to call Mr. Michael
6 Blake.

7 MR. FISHER: Please raise your right
8 hand.

9 MR. BLAKE: I have my camera turned on.

10 M I C H A E L B L A K E, having been
11 duly sworn, was examined and testified as
12 follows:

13 THE WITNESS: Yes.

14 MR. FISHER: You are sworn.

15 THE WITNESS: Thank you.

16 MS. PORTER: Thank you.

17 DIRECT-EXAMINATION

18 BY MS. PORTER:

19 Q. Mr. Blake, could you please give your full
20 name and business address for the record?

21 A. Yes. So my name is Michael Blake. I am a
22 civil engineer with Burns & McDonnell Engineering
23 Company. Address is 4900 Ward Parkway, Kansas City,
24 Missouri 64114.

25 Q. Thank you.

1 And how long have you been employed by
2 Burns & McDonnell Engineering Company?

3 A. Going on close to five and a half years.

4 Q. Great. Thank you.

5 And could you briefly describe your
6 educational background for the benefit of the
7 Board?

8 A. Yes. So I graduated with a bachelor of
9 science in civil engineering in 2002 from the
10 University of Missouri in Columbia.

11 Q. Great. Thank you.

12 And could you briefly describe your
13 professional background?

14 A. Yeah. So since graduating I've worked at
15 a couple of consulting firms that spanned over 20
16 years. That's included -- a lot of my work has been
17 in the power industry. I've done multiple
18 electrical substations and power-generation
19 facilities for numerous clients ranging from
20 investor-owned utilities to municipal cooperatives.

21 And then since 2019, when I joined Burns &
22 McDonnell, I immediately started working on PSE&G
23 projects and in the State of New Jersey.

24 Q. All right. Thank you.

25 And you hold a professional civil

1 engineering license in the State of New Jersey?

2 A. I do. My original license was in Kansas
3 in 2009, and my New Jersey license I got in 2019
4 through reciprocity and it is currently active.

5 Q. Great. Thank you.

6 And what specifically is your current
7 title and the nature of your present employment?

8 A. I'm an associate civil engineer in the
9 Burns & McDonnell transmission and distribution
10 group. And my main responsibilities are overseeing
11 the civil site team for development projects here in
12 our Kansas City office and in some of our regional
13 offices as well, mainly focused on site development,
14 stormwater grading, drainage, utility updates, et
15 cetera.

16 Q. Thank you.

17 And, lastly, have you previously
18 testified before land use boards in the State of New
19 Jersey?

20 A. Yes, I have. Borough -- the most recent
21 ones are Borough of Englewood Cliffs, City of Orange
22 Township, City of Camden, Borough of Roseland,
23 Edison Township, and the City of Bayonne.

24 Q. Thank you.

25 MS. PORTER: I would respectfully request

1 that the Board deem Mr. Blake an expert in the field
2 of civil engineering.

3 CHAIRMAN NEUER: Does any member of the
4 Board have questions with regard to credentials?

5 Seeing none, I will happily recognize
6 Mr. Blake as an expert in the field of civil
7 engineering.

8 MS. PORTER: Great. Thank you,
9 Mr. Chairman.

10 THE WITNESS: Thank you.

11 BY MS. PORTER:

12 Q. Now, Mr. Blake, could you begin by
13 explaining what your role has been with respect to
14 the application that's currently before the Board
15 and if you are fully familiar with the application
16 that is the subject of tonight's hearing?

17 A. Yes. I oversaw the design for the
18 stormwater grading and drainage, site development
19 package, and I was also the engineer of record. I'm
20 fully aware of the aspects of the project and I --
21 what was the last question you asked?

22 Q. And specifically if you're fully familiar
23 with the application.

24 A. Okay. Yes, I'm fully familiar with the
25 application.

1 Q. Great.

2 So could you please begin by describing
3 the existing conditions of the site?

4 A. Yes. First I'd like to start presenting
5 an exhibit, M-1, which is the boundary and
6 topographic survey. Let me share my screen.

7 Q. And in sharing, if we could just provide
8 the name and title of that plan and date. And I
9 believe that this was part of our prior submission
10 package to the town. So this is not a new exhibit
11 that would need to be marked.

12 CHAIRMAN NEUER: Correct.

13 THE WITNESS: Are you able to see the
14 drawing on the screen? Because it's not showing the
15 red square. That's why I'm wondering.

16 CHAIRMAN NEUER: I can see it. I don't
17 know about anybody else.

18 COMMISSIONER DANNEMILLER: It looks fine.
19 I can see it.

20 THE WITNESS: Okay. Good deal. Thank
21 you.

22 Okay. So --

23 CHAIRMAN NEUER: The name of the drawing
24 and the latest revision date, please?

25 THE WITNESS: Yes. Well, it's Exhibit

1 M-1, but it's a boundary and topographic survey and
2 it's dated May 2nd, 2024.

3 CHAIRMAN NEUER: Thank you.

4 A. So the existing conditions. The West
5 Orange switching station is located at the
6 northwestern intersection of Mount Pleasant and
7 Prospect Avenue. There's two sheets to the plan,
8 because it's a rather large site. So there's a
9 match line at the -- here in the middle, kind of
10 right across from Marcella Avenue. So all you see
11 right now is Prospect Avenue, which is the northern
12 half of the station.

13 The parcel is identified as Block 155, Lot
14 26.01 and, on the West Orange tax map, 88, and it is
15 approximately 23.4 acres in area. The existing 26
16 kV station consists of crushed rock surfacing,
17 several concrete foundations, dry paths. On top of
18 the foundations is miscellaneous electrical
19 equipment.

20 In addition, there's a lot of underground
21 electrical duct banks and utilities that crisscross
22 throughout the site.

23 There's also an existing control house
24 which is kind of the yellowish-orange structure
25 right in the middle. That's existing as well.

1 And then we're going to go to Sheet 3 of
2 this exhibit, which is just the bottom half. You
3 can see the match line here as well.

4 Q. Could you just read the title block and
5 the date of that?

6 A. Oh, sorry. This is "Boundary and
7 Topographic Survey." It's also May 2nd, 2024.
8 And then in the bottom right you can see "Sheet 3 of
9 3."

10 Q. Great. Thank you.

11 CHAIRMAN NEUER: I'm sorry. I apologize
12 to everyone. I have a personal emergency that just
13 came in. I need to take a ten-minute recess. I
14 apologize to everyone, but it's unavoidable to me.
15 So please turn off your videos. Turn off your
16 microphones.

17 MEETING MODERATOR: Can you unshare the
18 map?

19 THE WITNESS: Oh, yeah. Sorry.

20 MEETING MODERATOR: No, that's fine.
21 Thank you.

22 THE WITNESS: I forgot that part.

23 (Whereupon, a recess is taken.)

24 CHAIRMAN NEUER: Thank you all for your
25 courtesy. It is 8:40. We are out of recess.

1 Ms. Porter, please continue with your
2 witness.

3 MS. PORTER: Yes. Thank you,
4 Mr. Chairman.

5 BY MS. PORTER:

6 Q. Mr. Blake, if you could please continue
7 where you left off and reshare your screen.

8 A. Okay. Where was I? I was describing the
9 existing conditions. I think I covered that.

10 Sorry, I had the wrong drawing up. Oh, I
11 was talking about the south -- south half of the --
12 of the Sheet 3 of 3 of the boundary and topographic
13 survey.

14 So the existing control building is the
15 orangish structure in the middle of the site that I
16 was discussing on the previous sheet. You can see
17 that's kind of where the match line is. Existing
18 equipment and foundations are in this area. The
19 lighter gray is the existing gravel and then the
20 darker gray hatching is the existing access
21 drives.

22 There's currently three access drives at
23 the existing site, as you can see: Two off of this
24 sheet off Mount Pleasant, and then on the previous
25 sheet, on Sheet 2 of 3, in the northernmost corner

1 off Prospect Avenue.

2 Proposed conditions. I'm going to stick
3 with Exhibit M-1, but I'm going to now go to the
4 site plan, which is dated May 2nd, 2024. This is
5 Sheet 2 of 3 of the site plan. Similar to the
6 survey that I showed earlier, there is a match line.
7 So half the site is split on this sheet and then on
8 the next sheet.

9 The items that are in red are the proposed
10 equipment and access drive. This drawing basically
11 depicts or is overlaid on top of the survey to show
12 what items are new compared to the existing. The
13 proposed upgrade to the existing 26 kV substation
14 yard is anything basically to the right of the main
15 access drive. That is the darker hatch down the
16 center of the pad.

17 Access to the site will be secure and
18 parking for PSE&G -- PSE&G employees will be
19 available on-site through various spots between the
20 equipment and along the internal paths in the
21 station yard.

22 There are three existing access points
23 that I had mentioned earlier and those will be
24 maintained. On the south half, which is where one
25 of the existing access drives, will be updated.

1 It's the one in the center and I will zoom in so
2 it's easier to see.

3 We reconfigured the access drive off of
4 Mount Pleasant in order to better accommodate
5 turning situations from either direction on Mount
6 Pleasant. So the existing drive was very difficult
7 to turn left into the station if you were going
8 eastbound on the road. This will provide better
9 access from either direction.

10 Additionally, there's a gate that is set
11 back 30 feet from the property line which allows
12 enough room for vehicles to pull in and not have
13 the back end of the vehicle hanging out into the
14 road.

15 The two other access points that I
16 discussed earlier will remain the same with no
17 change.

18 The station will also be upgrading the
19 perimeter fence. As you can see, there's a thin red
20 line that basically works its way all the way around
21 the property, up Prospect Avenue. We'll go back up
22 to the previous sheet as it comes up and wraps
23 around, and then it turns back into the station just
24 south of the existing entrance off of Prospect
25 Avenue.

1 This fence will be an 8-foot Ameristar
2 fence. And the removal of the existing fence will
3 happen first, so it will be installed basically in
4 the same location as the current fence.

5 The station -- the station's interior
6 drives will be macadam -- will be a macadam
7 material, and then the rest of the station areas
8 that are the lighter gray hatch will be replaced or
9 updated with new crushed rock gravel. It's a clean
10 rock so there's minimal fines and this is due to
11 safety reasons. So it's not a compacted-type
12 crushed rock, so it does allow for some stormwater
13 mitigation.

14 On this drawing as well, as you can see,
15 the new equipment is expanding to the south. So the
16 existing gray hatched, you can see where it stops.
17 That's the old limits of the station. Because the
18 station is now expanding to the south, we will be
19 adding crushed rock in the areas that are in and
20 around the circle drive. There will also be kind of
21 a perimeter offset from the access road.

22 There are five stormwater management
23 bioretention basins: Three are located east of the
24 main access drive, between the access drive and
25 Prospect Avenue, and then there are two located on

1 the south side of the property on either side of the
2 access drive.

3 With that, I will give a little more
4 detail on the stormwater management. So the project
5 is considered major development, but it is only
6 required to --

7 CHAIRMAN NEUER: I'm sorry, Mr. Blake. I
8 apologize again. I'm going to step down from the
9 Chair and ask Mr. Schwarzbaum, our Vice Chairperson,
10 to take over the rest of this meeting tonight. I
11 apologize, but there's a personal family emergency
12 that I have to attend to.

13 So please continue the meeting under the
14 tutelage of the wonderful Irv Schwarzbaum.

15 ACTING CHAIR SCHWARZBAUM: I hope
16 everything is okay with your family.

17 THE WITNESS: I likewise.

18 COMMISSIONER SUSSMAN: Likewise, yeah.

19 THE WITNESS: Hope everything's okay.

20 (Record notes Chairman Neuer is no longer
21 present.)

22 THE WITNESS: All right. So stormwater.
23 The site's considered a major development, but we
24 are only required to treat quantity. A series of
25 bioretention basins and underdrains are proposed to

1 mitigate the effects of the higher runoff rates from
2 the proposed development.

3 The bioretention basin systems are located
4 as I had previously shown. Each of these will
5 contain underdrains within the bioretention system.
6 Those will be routed to a pipe network that will
7 then be routed to the south and then to the west and
8 tie in to two different locations along Mount
9 Pleasant Avenue.

10 The bioretentions were designed so that
11 the post-construction peak runoff rates for the
12 current and future 2-, 10-, and 100-year-storm
13 events are less than 50 percent, 75 percent, and 80
14 percent, respectively, of the preconstruction peak
15 runoff.

16 During storm events, the bioretentions
17 will capture stormwater runoff which will filter
18 through the basin's media layers and drain out
19 through the network and tie into the existing
20 Township's stormwater system in Mount Pleasant
21 Avenue.

22 On the north side, where there is no
23 bioretention, you can see that the site generally
24 slopes from Mount Pleasant down towards the pad and
25 across the pad. That's kind of the existing

1 conditions. And we did what we could to improve
2 some of that slope, but also continued the drainage
3 across the pad as it's currently designed.

4 The upgrades that were done as part of the
5 yard to the left, which is the 230 yard, there was a
6 stormwater collection system implemented to capture
7 a lot of that water. It is routed to the south and
8 then discharges into a filter system that was
9 designed by a different consultant and then
10 outletted on the property where it drains off into
11 the city storm sewer system.

12 Because the project is located in a
13 metropolitan planning area, groundwater recharge is
14 not required because it's considered an urban
15 redevelopment area. Water quality was not
16 required, but we did address it by utilizing the
17 bioretention systems. Therefore, we were able to
18 maintain, you know, or meet the minimum 80 percent
19 TSS removal for the new expansion area on the south
20 side.

21 And then, as I stated earlier, the main
22 reason for the bioretention was water quantity and
23 these were designed in accordance with N.J.A.C. 7:8,
24 green infrastructure regulations.

25 Next I'd like to -- well, I guess I

1 shouldn't share it yet. I should ask. There were
2 photo simulations previously submitted, previous
3 discussions. You know, the last testimony we
4 talked about updating them. We went through that
5 process, and I wanted to see if the Board would
6 allow us to share these updated renderings. We
7 just finished them. We weren't able to get them
8 updated and submitted earlier due to the constraints
9 of the upgrades that we were making to the
10 renderings.

11 Is it acceptable to --

12 MS. PORTER: Right. So it would be their
13 renderings. They were prepared for purposes as an
14 exhibit to the hearing this evening. So we would be
15 marking them as a new exhibit. And at the Board's
16 discretion, we would mark the entire set as A-1 or
17 we can mark each individual sheet as we go. It's up
18 to the Board.

19 ACTING CHAIR SCHWARZBAUM: Mark each one
20 as we go.

21 MS. PORTER: Okay.

22 BY MS. PORTER:

23 Q. So, Mr. Blake, as you're testifying,
24 introducing each one, if you could state who it was
25 prepared by and if there is an applicable date and

1 title of each plan, and then proceed -- we would
2 mark it at that time and then you can proceed with
3 your testimony.

4 A. Okay. This is the viewpoint map exhibit.
5 It was prepared by Burns & McDonnell.

6 And then did you say you wanted -- what
7 additional information?

8 Q. And the title of that page.

9 A. Yeah, viewpoint map.

10 Q. Great. We would mark the sheet, then, as
11 Exhibit A-1.

12 (Whereupon, exhibit is presented and
13 marked Exhibit A-1 into evidence.)

14 A. Thank you.

15 This is an overall plan to show where the
16 next several exhibits will be taken from. There's
17 five viewpoints and they basically go down Prospect
18 Avenue and turn down the street towards Mount
19 Pleasant.

20 We're going to go to the next exhibit
21 which is viewpoint -- this will be exhibit Viewpoint
22 1 and it was prepared by Burns & McDonnell.

23 MS. PORTER: And then this would be
24 labeled, for the record, as Exhibit A-2.

25 ACTING CHAIR SCHWARZBAUM: Correct.

1 (Whereupon, exhibit is presented and
2 marked Exhibit A-2 into evidence.)

3 A. On the -- on the top is the existing
4 picture that was taken. I believe it was in 2023,
5 March timeframe, I believe. But it's the existing
6 conditions. What you see right here is the
7 northeast access drive into this substation. As you
8 can see the existing wrought-iron fence that lines
9 the property.

10 And then below is a rendering with the
11 wrought-iron fence removed and in place is an
12 Ameristar fence, which is a product that we use on a
13 lot of electrical substations with PSE&G.

14 ACTING CHAIR SCHWARZBAUM: Can you enlarge
15 the rendering?

16 THE WITNESS: Would you like the top one,
17 the proposed?

18 ACTING CHAIR SCHWARZBAUM: So this way we
19 all can see the Ameristar fence.

20 Okay. Go ahead.

21 A. Next is Viewpoint Number 2, also prepared
22 by Burns & McDonnell, and this would be Exhibit A-3.

23 THE WITNESS: Correct?

24 CHAIRMAN NEUER: Yes.

25 (Whereupon, exhibit is presented and

1 marked Exhibit A-3 into evidence.)

2 A. This is basically looking straight on from
3 across the street of Prospect Avenue. You can see
4 the control building that is the taller building in
5 the background. It's kind of a point of emphasis.
6 And then this is -- there's also an existing utility
7 pole right here.

8 So that kind of gives you a bearing of
9 where we're at. At the top is the existing fence
10 and then the bottom is the Ameristar fence.

11 CHAIRMAN NEUER: Can you say what the
12 basic difference other than the height from the
13 existing fence versus the Ameristar fence, the new
14 one that's going from 6 to 8 feet?

15 THE WITNESS: Correct. So the Ameristar
16 fence is 8 feet tall and the existing fence is
17 anywhere between 5 and 6 feet in height depending
18 on, you know, where you measure it. And then the
19 pillars appear to be, you know, anywhere from 8
20 to 10 inches higher than the top of the wrought
21 iron.

22 BY MS. PORTER:

23 Q. If you could describe the materials in
24 connection with the Ameristar fence or any specific
25 information you can provide the Board in terms of

1 what it's made of and, you know, how the slats look.

2 A. Yeah. So the Ameristar fence -- I thought
3 I had it open. I apologize. I will get it open
4 here in just a second. But high level, the existing
5 fence is wrought iron. It's been, you know -- it's
6 been falling apart or, you know, is not in as great
7 a condition as it used to be. Wrought iron, you
8 know, is a material that requires a lot of
9 maintenance.

10 The benefit of this Ameristar fence is it
11 does give the wrought-iron look, but it's a much
12 more durable material. Additionally, the actual
13 individual posts are closer together, which provides
14 an anti-climbing factor to it and also helps with
15 some of the screening of the station.

16 And then it will be painted black, so it
17 will resemble the -- you know, a wrought-iron fence
18 from just the general person walking by.

19 ACTING CHAIR SCHWARZBAUM: And just to
20 confirm, so the brick pillars will be removed in
21 your proposal?

22 THE WITNESS: Yes. Right now the plan is
23 to remove the brick pillars. A lot of them are
24 deteriorating and they're not in good shape to
25 reuse. Also, it would be difficult to use with the

1 Ameristar fence because it is much taller than -- it
2 is -- I don't know about much taller, but it is
3 taller than the brick pillars.

4 MS. PORTER: Mr. Vice-Chairman, in the EIS
5 memorandum that PSE&G submitted, there are specific
6 close-up pictures showing the condition of the
7 existing fence as well as the existing brick
8 pillars.

9 ACTING CHAIR SCHWARZBAUM: Thank you.
10 Okay.

11 You can continue, Mr. Blake.

12 THE WITNESS: Okay. I will move on to
13 Viewpoint Number 3 prepared by Burns & McDonnell.
14 This will be Exhibit A-4.

15 (Whereupon, exhibit is presented and
16 marked Exhibit A-4 into evidence.)

17 THE WITNESS: This viewpoint is
18 catty-corner from the station at the intersection of
19 Mount Pleasant and Prospect Avenue. Once again,
20 we'll zoom in on the existing conditions with the
21 wrought-iron fence and the brick pillars and then
22 move down to the proposed Ameristar fencing.

23 Exhibit 4 -- or, sorry, Viewpoint Number 4
24 by Burns & McDonnell, which will be Exhibit A-5,
25 this is the existing gate into the substation that

1 is being reconfigured.

2 (Whereupon, exhibit is presented and
3 marked Exhibit A-5 into evidence.)

4 A. As you can see, the existing station, the
5 drive comes in at an angle. And then there's also
6 an existing guard shack that is going to be removed
7 as part of this.

8 The fence will be replaced with the
9 Ameristar fence as well. The gate will actually sit
10 back much farther than the current one to allow for
11 a smooth transition in. And it will be a
12 cantilevered sliding gate that will also be by
13 Ameristar to match the fencing.

14 ACTING CHAIR SCHWARZBAUM: And what's the
15 height of that gate?

16 THE WITNESS: It's 8 feet as well.

17 ACTING CHAIR SCHWARZBAUM: Okay.

18 THE WITNESS: And then this is Viewpoint
19 Number 5, also by Burns & McDonnell, and this will
20 be Exhibit A-6.

21 (Whereupon, exhibit is presented and
22 marked Exhibit A-6 into evidence.)

23 A. And this is from the western half of Mount
24 Pleasant Avenue, just a little bit past the existing
25 entrance drive looking back towards the station.

1 Zooming in to the existing conditions, you
2 can see the existing wrought-iron fence which then
3 transitions to a chain-link fence with barbed wire.
4 And then --

5 Q. Mr. Blake, what is the height of that
6 existing fence that you just pointed to?

7 A. That existing fence is 8 feet high.

8 Q. Okay. So that would be the same in
9 relationship to what's being proposed with the new
10 Ameristar fence?

11 A. Correct. So it's 7 feet to the top rail
12 and then there's a foot of barbed wire, so the total
13 height is 8. So, yes, that gives you kind of an
14 idea of how it compares to the pillars.

15 Q. Thank you.

16 And then could you just briefly address --
17 other than, as you indicated, the maintenance of the
18 existing wrought-iron fence, is the new fencing
19 designed to meet National Electric safety
20 standards as well as PSE&G's internal security
21 standards?

22 A. Yes, it is.

23 Q. Thank you.

24 And that is what necessitates the 8 feet
25 in height that's being proposed?

1 A. Yes, that is correct.

2 Q. Okay. Thank you.

3 A. Moving down to the proposed, you can see
4 that, as part of this, we are going to remove all
5 the chain-link fence with barbed wire and replace
6 that with the Ameristar fencing and continue it up
7 to a gate that is much farther up the road. It's
8 not part of this view.

9 COMMISSIONER RICCI: Mr. Chairman, may I
10 ask a question?

11 ACTING CHAIR SCHWARZBAUM: Sure, unless
12 you -- let's -- maybe we should wait until the end;
13 but if it's a quick question, ask it.

14 COMMISSIONER RICCI: Well, I don't know if
15 it is or isn't based on I don't understand what the
16 purpose of these renderings are. And maybe the
17 engineer could tell us, because the renderings show
18 existing and proposed view, same view, except
19 they're night and day. The existing looks very bare
20 and ugly. It was taken in the dead of winter when
21 there's not a single leaf on any of the trees. The
22 proposed shows all this lush greenery.

23 So it's sort of like said, ooh, how could
24 you not say that that's not the better view?

25 But we're really supposed to be looking at

1 the fence. And I don't think Mr. Blake has
2 explained anything very much about the fence. He
3 keeps calling it an Ameristar fence. Well, I know
4 what a chain-link fence is and I know, you know,
5 certain types of fences, but I assume Ameristar is
6 a manufacturer. It has nothing to do with a
7 product.

8 I don't even know what the material is.
9 What is the material? If it's going to be painted
10 black, Mr. Blake said, is it aluminum? Is it steel?
11 Is it -- what is the material of the fence?

12 Can you answer that, please, Mr. Blake?

13 THE WITNESS: I'm pulling up the document
14 so I can show you some close-up pictures. I
15 apologize. I thought I had it open and I did not.
16 We did provide it as part of our submittal. I just
17 don't remember what the document's called.

18 COMMISSIONER RICCI: Well, forget the
19 document. Can you tell us what the fence is made
20 out of?

21 THE WITNESS: I would like to bring up the
22 submittal that we provided. Okay. I apologize. So
23 Ameristar --

24 BY MS. PORTER:

25 Q. Mr. Blake, these details that you're about

1 to show were provided as part of the original
2 submission package, so they're already part of the
3 existing record that was presented to the Board.

4 A. Correct. It's labeled "West Orange
5 Compiled ZBA Application 5/15/2024."

6 ACTING CHAIR SCHWARZBAUM: So noted.

7 A. So here's a few examples of the Ameristar
8 fencing which, yes, it is a proprietary product.
9 It's a vendor, but it's PSE&G's preferred vendor.
10 We are going with a Stronghold, is the style.
11 There's three styles here, but it's -- like I had
12 mentioned earlier, it has an anti-scale feature
13 because it keeps the spacing between the
14 individual -- what do you want to call -- the
15 individual parts, the individual rails that go --
16 the vertical rails. They are closely spaced to
17 prevent people from, you know, climbing them.

18 It's a structural steel material that
19 comes in various colors. The color we are going to
20 use is black.

21 COMMISSIONER RICCI: You just said it is
22 structural steel. Is that true?

23 THE WITNESS: Sorry. It's not structural
24 steel. I apologize. It is steel.

25 COMMISSIONER RICCI: Steel or aluminum?

1 THE WITNESS: I believe it comes in
2 various materials, but it's steel pales is what we
3 are planning to use.

4 COMMISSIONER RICCI: It is what? Excuse
5 me again.

6 THE WITNESS: It says "High-strength steel
7 pales," and then there is probably parts of it that
8 are aluminum. So it's probably a combination of
9 both.

10 COMMISSIONER RICCI: Okay.

11 THE WITNESS: It is not structural steel,
12 though. I apologize for saying that. That was...

13 COMMISSIONER RICCI: It's a major portion
14 of your new design.

15 THE WITNESS: Correct.

16 COMMISSIONER RICCI: I understand security
17 is a major feature for what you need to or you want
18 to keep up in the world today. So I understand the
19 increased height. I understand the curved tops to
20 them. I understand even the proximity of how close
21 the verticals are.

22 I don't think you were prepared at all to
23 tell us what the stuff is made out of because I
24 don't know what "steel pales" are. I've never heard
25 of such a thing.

1 THE WITNESS: I apologize. I'm not a --
2 I'm not an expert on the materials for the fence.
3 I --

4 COMMISSIONER RICCI: Is anybody in this
5 presentation going to be able to have enough
6 knowledge to tell us what the fence will be?

7 MS. PORTER: Sure. There will be further
8 testimony from our professional planner, who is also
9 the licensing and permitting manager, who is
10 specifically familiar with these materials and has
11 seen them be utilized at other sites. And so she
12 can provide further testimony specifically on the
13 condition of the existing fence as well as the new
14 proposed materials.

15 ACTING CHAIR SCHWARZBAUM: Okay. So the
16 planner will be testifying to what Mr. Ricci is
17 requesting about the type of materials that the
18 fence is made out of. Steel, aluminum, some --

19 MS. PORTER: Correct. And she has
20 professional experience in terms of the usage of
21 this exact type of fencing at other facilities.

22 ACTING CHAIR SCHWARZBAUM: Okay. As
23 well as the rusting and how long it's proposed to
24 last?

25 MS. PORTER: Yes.

1 ACTING CHAIR SCHWARZBAUM: Okay.

2 COMMISSIONER RICCI: And thank you,
3 Mr. Schwarzbaum, because that's the crux of my
4 question: What is the material and how long is it
5 going to last? Because Mr. Blake said it's painted.
6 Is it painted in the field? Is it factory baked on?
7 What are the finishes and all and how long is the
8 warranty on it and is it going to last before it
9 starts to not look good?

10 One last question in reference to this,
11 Mr. Chairman, if you don't mind, and it's something
12 that will carry on later.

13 The brick piers are spaced apart and being
14 removed. I agree with you a hundred percent. They
15 cannot be reused, one, because they're too short;
16 two, because they're a hundred years old and
17 deteriorating and falling apart. But it's very
18 aesthetically pleasing when we're driving past this.
19 Even the old rusted fence and old brick piers are
20 very aesthetically pleasing.

21 Is there not a reason why the new fence
22 can't be built with new taller piers every 20, 25
23 feet, whatever it is, spacing with the fencing in
24 between them?

25 THE WITNESS: I would like to defer that

1 to later testimony. That's a decision that, you
2 know, we probably need to discuss. I'm not with
3 PSE&G so I don't want to commit to changes, but if
4 we could defer that question until later if that's
5 acceptable.

6 ACTING CHAIR SCHWARZBAUM: I agree.

7 MS. PORTER: So we can take that under
8 advisement and we can certainly address the Board's
9 comments and requests and then caucus separately or
10 privately at some point during this meeting and see
11 if there's something that can be proposed in
12 connection with the Board's request regarding the
13 brick pillars.

14 ACTING CHAIR SCHWARZBAUM: Okay. So let
15 Mr. -- I agree with you. We're going to finish this
16 and then let Mr. Blake continue his testimony.

17 COMMISSIONER RICCI: Thank you,
18 Mr. Chairman.

19 THE WITNESS: I'm going to go back to the
20 site plan or the -- yes, the site plan, Exhibit M-1.
21 There's a few things that came up in the previous
22 hearing with Mr. Briones. That was questions
23 directed to him that he asked to defer to the civil
24 engineer, so I figured this would be a good time to
25 discuss it.

1 One of the questions was, you know, the
2 tree removal within the vicinity of the switchgear.
3 Not all trees that are being removed are associated
4 with the switchgear installation. It was kind of --
5 it seemed like Mr. Malanga's question was kind of in
6 general just about the switchgear.

7 There are other trees being removed due to
8 other portions of the projects that are being built,
9 including the access drive, the -- you know, the bus
10 run, and the five bioretention basins that are being
11 installed.

12 And then one of the other questions is the
13 distance of the detention basin from each of -- from
14 the trees. It's kind of -- the distance varies. We
15 did make an effort to minimize the basin as much as
16 possible within the constraints that we had.

17 You can see there's various gaps between
18 the miscellaneous bioretentions because of
19 underground utilities that currently go through
20 there that are not super deep. So we weren't able
21 to go over the top of them. And the media that is
22 put into the bioretention basin, you wouldn't be
23 able to get the full effect of the BMP. So the
24 actual distance from the basin to the trees, like I
25 said, varies.

1 We did put retaining walls on the back
2 side of four of the basins -- one, two, three, and
3 four -- in order to help reduce some of the
4 footprint and the grading that's associated with
5 it.

6 And then a few other items that I'd like
7 to discuss. There's a few corrections on this
8 site plan that I'd like to point out. One is
9 that the switchgear is called out as a two-story
10 and it is not. It's actually a single story. And
11 so we will get that revised on the comment
12 resolution.

13 There's also miscellaneous breaker that is
14 shown just north of this transformer that is shown
15 as proposed and it's actually existing. So we will
16 get that addressed.

17 And then if we go to Sheet 2 of 3 of the
18 site plan, this is called a Cat bank equipment.
19 There is a reconfiguration -- or what we had was a
20 GoBuy from the vendor. It's vendor-supplied
21 equipment. They ended up providing us a different
22 version of the Cat bank. So this will be revised as
23 part of comment resolution. It didn't really change
24 a whole lot other than it did shorten this access
25 drive a little bit. Because it's not as long. It's

1 more of a square feature in this area.

2 And then, last thing is the schedule of
3 bulk requirements. In the table we show the maximum
4 lot coverage. Existing is 41 percent and then
5 proposed shows 44 percent, but the 44 percent was a
6 miscalculation and it should actually be 49 percent.
7 And that will also be updated in this table on
8 comment resolution.

9 BY MS. PORTER:

10 Q. Mr. Blake, that was correctly referenced,
11 the 49 percent, in the applicant's notice that went
12 out to the newspaper and the Board?

13 A. Yeah.

14 Q. Or newspaper and the public.

15 A. Yeah.

16 Q. Okay. Thank you.

17 THE WITNESS: Other than that, that
18 concludes my presentation. If the Board or the
19 public has any questions, I'd be happy to address
20 those at this time.

21 ACTING CHAIR SCHWARZBAUM: Okay. Just one
22 quick question. Are you going to have a landscape
23 design person testify?

24 MS. PORTER: Yes, Mr. Vice-Chairman, we
25 will have a landscape architect. And I'm glad you

1 actually raised that point, because to Mr. Ricci's
2 earlier point with respect to the renderings, the
3 landscape architect will be specifically addressing
4 the existing trees on the site that are being
5 removed. They will talk about compliance with
6 respect to the existing and the new tree ordinance.
7 And then they will be talking about the proposed
8 landscaping plan, including specifically all of the
9 trees that will be coming into the site as part of
10 the restoration.

11 ACTING CHAIR SCHWARZBAUM: Okay. Great.
12 Members of the Board. So, members of the
13 Board, we'll go in alphabetical order.

14 Mr. Barbee.

15 COMMISSIONER BARBEE: Yes. Thank you for
16 your presentation. Going back to the fence, just
17 that discussion, you made mention of the new fence
18 will be unscalable.

19 Have you had issues of people climbing
20 over the fence in the past?

21 THE WITNESS: I'd have to defer that to
22 PSE&G just because I'm not, you know, part of the
23 company. I'm just consulting on the stormwater
24 design.

25 COMMISSIONER BARBEE: Oh, okay. So in

1 your presentation you're not too certain of the
2 stuff you're showing.

3 So let me ask the other question. So on
4 the drawing that you had of the existing fence with
5 the trees, we know on your application that you are
6 going to be removing trees. But what I saw in your
7 drawing, the existing shows trees that were barely
8 standing or very thin. You can see all the way to
9 the station. But in your proposed, you have huge
10 trees there as though they were planted.

11 Are you putting new -- no, no. Your
12 drawing that you had there on Mount Pleasant.

13 THE WITNESS: Oh, okay.

14 COMMISSIONER BARBEE: Are you putting new
15 trees there? Are you replanting trees?

16 THE WITNESS: Yes. There is a whole tree
17 planting. We're replacing many of the trees.

18 COMMISSIONER BARBEE: There was an actual
19 photograph that you had. You had an actual photo of
20 the Mount Pleasant with the --

21 THE WITNESS: Are you talking about as
22 part of the --

23 COMMISSIONER BARBEE: Not that one.

24 THE WITNESS: Oh, you just want me to go
25 to a different...

1 COMMISSIONER BARBEE: Keep going. Yeah.
2 Right here.

3 So you see how you have the lush trees
4 there?

5 THE WITNESS: Yes.

6 COMMISSIONER BARBEE: You were saying
7 that's the proposed. So are those trees that you
8 put there? What --

9 MS. PORTER: That would be a combination
10 of existing trees to remain as well as new
11 plantings.

12 THE WITNESS: Correct.

13 COMMISSIONER BARBEE: Oh, okay.

14 MS. PORTER: So it does reflect --

15 THE WITNESS: There's a combination, yes.

16 MS. PORTER: -- all of the proposed as
17 well as existing.

18 COMMISSIONER BARBEE: Okay.

19 MS. PORTER: There are also some, as will
20 be explained by the landscape architect, some
21 existing trees which are in poor condition that
22 require removal. So there are various categories of
23 trees which is why our landscape architect needs to
24 walk through, you know, the various types of trees,
25 which ones are being removed and why.

1 COMMISSIONER BARBEE: Okay. So since you
2 just made some comments after this, you said there
3 are some trees that require removal. So in all
4 these years, you never applied for an application to
5 remove the trees that require --

6 MS. PORTER: We did. So there were
7 previously trees that were removed in connection
8 with various requests or at various times. The
9 existing station, as you may have heard in some of
10 the prior testimony, has existed for a hundred
11 years. So there have been a number of different
12 things that have happened over the course of
13 time.

14 There was recent tree removal that did
15 occur. It's actually referenced in connection with,
16 I believe, the forester's comment letter that he
17 acknowledged that. And then there are additional
18 trees that were recommended for removal that are
19 being done as part of this project.

20 COMMISSIONER BARBEE: Okay. Thank you.
21 I'm done. Thank you.

22 THE WITNESS: Thank you.

23 ACTING CHAIR SCHWARZBAUM: Mr.
24 Dannemiller. Mike.

25 COMMISSIONER DANNEMILLER: Yes. Thank you

1 for your presentation. I have no questions.

2 ACTING CHAIR SCHWARZBAUM: Okay.

3 Mr. Eben?

4 COMMISSIONER EBEN: Yes, Vice-Chairman.

5 ACTING CHAIR SCHWARZBAUM: Do you have any
6 questions?

7 COMMISSIONER EBEN: Yes, I do. My
8 questions are really along the same line as
9 Mr. Ricci--

10 ACTING CHAIR SCHWARZBAUM: You went mute.

11 COMMISSIONER EBEN: -- in terms of the
12 material of the fence, the dimensions of the fence.
13 The easiest way to do that is to get -- they're
14 buying a fence --

15 ACTING CHAIR SCHWARZBAUM: You're going in
16 and out.

17 COMMISSIONER EBEN: The fence's sales
18 representative to come to a meeting with maybe a
19 sample piece of the fence so that if the meeting is
20 a live meeting, we could see it on a table.

21 MS. PORTER: Mr. Eben, on that point, we
22 do actually have an actual sample of the fence.
23 It's something we can certainly -- you know, we can
24 have the planner, when she discusses the fencing
25 details that we spoke about earlier, also show the

1 Board an actual sample of the fence; or, if there
2 were some other way to physically submit it for
3 purposes of inspection by the Board prior to the
4 next meeting. But we do have an actual sample of
5 the fence.

6 COMMISSIONER EBEN: Thank you very much.
7 I think that might be very helpful to some of the
8 lay people on the Board that don't understand
9 material.

10 ACTING CHAIR SCHWARZBAUM: Depending on if
11 we don't conclude tonight, I would suggest that
12 perhaps you bring a sample of the material and put
13 it in Town Hall. And if members of the Board would
14 like to see the material, then they can go and look
15 at it.

16 MS. PORTER: Mm-hmm.

17 ACTING CHAIR SCHWARZBAUM: Okay.

18 COMMISSIONER EBEN: Thank you very much.

19 ACTING CHAIR SCHWARZBAUM: Jerry, do you
20 have any more questions?

21 COMMISSIONER EBEN: I think Mr. Ricci hit
22 the nail on the head.

23 THE WITNESS: He keeps muting.

24 COMMISSIONER EBEN: The existing fencing,
25 which is wrought iron, is rusted. There are areas

1 of fencing missing in between the pilaster and the
2 pilasters are in very poor condition. That goes to
3 the fact that the utility company maybe is not
4 interested in keeping up -- with keeping up the
5 site.

6 I've lived in town 36 years. I'm just --
7 many times -- I've been on the Planning Board, I've
8 been on the Zoning Board, and many times I've talked
9 about the condition of this site. And --

10 ACTING CHAIR SCHWARZBAUM: Jerry, what's
11 your question?

12 COMMISSIONER EBEN: My question -- my
13 question is, how are we going to get -- how are we
14 going to have a -- whatever the motion is going to
15 be, yes or no with whatever we're doing, how are we
16 going to get -- how are we going to make sure that
17 they're going to do that?

18 Because when I went by the site again
19 today, I saw half a dozen trees have been removed.
20 I don't know if it was yesterday they were removed
21 or three months ago or three years ago.

22 ACTING CHAIR SCHWARZBAUM: But, okay. So
23 let's address questions to Mr. Blake, the civil
24 engineer.

25 COMMISSIONER EBEN: I don't know if he

1 knows this. There's a -- the first meeting, which
2 was back in August, they had a project manager. I
3 think he's the only one that would know, if he knows
4 anything. He would know what the schedule is.

5 ACTING CHAIR SCHWARZBAUM: But what's the
6 question? Jerry, what's your question to Mr. Blake,
7 the civil engineer?

8 COMMISSIONER EBEN: My question is I would
9 like to know how we're going to get rid of -- how
10 we're going to get someone who's going to supervise
11 what's doing -- what's going on there. And that
12 it's going to be -- that if we don't like something,
13 if I go back -- if I go before -- if I run past the
14 site again six months from now after --

15 UNIDENTIFIED SPEAKER: Ask him a question.

16 COMMISSIONER EBEN: -- when I see
17 something that's not right, what's going to be my --

18 ACTING CHAIR SCHWARZBAUM: That -- that
19 relates to the building inspector. We are -- we're
20 the Zoning Board.

21 COMMISSIONER EBEN: I'm a little concerned
22 about it. I don't think I --

23 ACTING CHAIR SCHWARZBAUM: Jerry, we're
24 not an enforcement body. We approve plans and then
25 it gets handed off to the other town officials.

1 That's not our role.

2 So do you have any questions, any further
3 questions, to Mr. Blake?

4 COMMISSIONER EBEN: No, I don't have
5 anything. Nothing now. Thank you very much.

6 ACTING CHAIR SCHWARZBAUM: Okay. Thank
7 you.

8 Okay. Mr. -- Peter, do you have any
9 questions?

10 COMMISSIONER RICCI: No, I'm sorry. No, I
11 do not, Mr. Schwarzbaum.

12 ACTING CHAIR SCHWARZBAUM: Okay.
13 Mr. Scott?

14 COMMISSIONER SCOTT: Good evening. Thank
15 you, Mr. Blake, for your presentation.

16 Sticking with the matter of the trees to
17 be removed, I was looking at the site plan. And on
18 page 6 on the site plan, it shows areas shaded in
19 red for construction, for new construction. Most of
20 the trees that are slated to be removed if approved
21 are around the perimeter of the site. They're not
22 near where the switching equipment would be.

23 So could you please explain why those
24 trees would have to be removed?

25 THE WITNESS: Which trees are you

1 referring to, I guess? Can you give me maybe a
2 little better direction?

3 COMMISSIONER SCOTT: It's in your site
4 plan on page 6 and we're looking at some rather
5 large trees that are slated to be cut down. You've
6 got a 58-inch -- -foot London pine, a 55-foot white
7 ash, a 49-foot London plane. And these are all very
8 large trees. Your renderings don't show very large
9 trees, by the way. But, at any rate, they are not
10 near where the switching station equipment would be
11 installed. I'm wondering why these trees would need
12 to come down.

13 THE WITNESS: Are you referring to this
14 sheet right here, the tree removal plan?

15 COMMISSIONER SCOTT: Yes.

16 THE WITNESS: So our landscape architect
17 will be testifying and will be providing that
18 exhibit when he testifies --

19 COMMISSIONER SCOTT: Well, that
20 landscaping --

21 (Unintelligible cross talk; reporter
22 requests one speaker.)

23 ACTING CHAIR SCHWARZBAUM: Okay.
24 Mr. Blake, you did testify in regard to the
25 retention basins that there were specific needs to

1 remove trees.

2 THE WITNESS: Right.

3 ACTING CHAIR SCHWARZBAUM: And, Mr. Scott,
4 tell me if this is part of your question; that your
5 testimony addressed specific trees that needed to be
6 removed in regard to the substation and then there
7 are other trees that are being removed that are not
8 part of the actual construction.

9 So can you at least address those that are
10 being removed due to the construction and the new
11 substation?

12 COMMISSIONER SCOTT: And the switching
13 equipment.

14 MS. PORTER: Right.

15 ACTING CHAIR SCHWARZBAUM: And switching
16 equipment.

17 BY MS. PORTER:

18 Q. Right. Can you walk them through
19 specifically the area of the new equipment and then
20 in swaths of the trees explain what specifically is
21 going in that general vicinity that's necessitating
22 the removal?

23 And then, ultimately, the landscape
24 architect can obviously embellish upon that and
25 explain further out in terms of removal of dead

1 trees and otherwise.

2 But if you could specifically address it
3 as it relates specifically to the equipment, the
4 duct banks, as well as the stormwater basins, what
5 tree removal is occurring in connection with those
6 specific site features.

7 A. Yes. So I'm going to do kind of a
8 side-by-side of the site plan and the tree removal
9 plan, which is Drawing TR-01 which was provided
10 prior to tonight. It was sent to the Board as an
11 updated plan.

12 In general, though, the areas that are red
13 is new equipment. So the trees where the new
14 equipment is will be removed because we can't have
15 trees in the middle of the station and where the
16 equipment is going to be located, you obviously
17 can't have trees.

18 The bioretention basin --

19 ACTING CHAIR SCHWARZBAUM: Can you
20 quantify how many trees are being removed in those
21 areas, in each area?

22 THE WITNESS: There is a table on here. I
23 don't know if it's broken down by specific areas,
24 but it does, you know, explain the total tree
25 removal. But I would have to go through and count

1 exactly what is removed for just, you know, the
2 equipment.

3 ACTING CHAIR SCHWARZBAUM: Okay. So we'll
4 continue testimony and then we'll go back to perhaps
5 with the landscape designer/architect. Okay. So
6 that's one area.

7 Continue.

8 THE WITNESS: So then, you know, there's
9 several -- a cluster of trees in this area where now
10 you can see there's bioretention. There's two
11 bioretention basins right there. There are a few
12 trees that are being removed that are over existing
13 duct banks as part of just PSE&G's tree -- you know,
14 or vegetation management requirements.

15 So they are removing some of those with
16 part of these updates. But the access drive is
17 removing some of the switchgear. We'll be removing
18 some. The reconfiguration of the access drive to
19 allow -- had to be reconfigured to allow room for
20 two bioretention basins on the south side of this
21 access drive, so those trees were impacted as
22 well.

23 There's one miscellaneous tree that's
24 being removed over here because of the storm pipe
25 that is being routed back into the city's storm

1 sewer system.

2 And then, as we go towards the north --
3 and I will change the sheet as well -- there's
4 electrical bus equipment right here that is elevated
5 equipment. And trees can't -- there's a certain
6 requirement that PSE&G has for safety requirements
7 for, you know, reliability so that the equipment
8 isn't hindered by trees. That had to be removed as
9 well.

10 And then we are also doing some additional
11 grading here to tie into the bioretention to help
12 collect some of the stormwater.

13 And that's the -- that's the general area
14 of trees that are being removed due to the upgrades
15 and the requirements to meet New Jersey's green
16 infrastructure requirements.

17 ACTING CHAIR SCHWARZBAUM: Okay. And can
18 you just highlight areas of tree removal that are
19 not related to the reconfiguration of equipment and
20 the items you testified to?

21 THE WITNESS: Based on the legend of this
22 drawing, it does show some additional trees that are
23 being removed. There's an X on them if they're
24 being removed for various reasons. Some are being
25 removed along the fence line depending on their

1 proximity to the fence. Some are being removed
2 because of the type of tree it is.

3 And I will let our landscape architect,
4 you know, divulge into that deeper with, you know,
5 which trees are which and why they're being removed
6 if it's not associated with the actual substation
7 expansion.

8 ACTING CHAIR SCHWARZBAUM: Mr. Scott, do
9 you have any further questions?

10 COMMISSIONER SCOTT: Yes.

11 Mr. Blake, the term "switching equipment"
12 is very vague. Can you give us an idea of the size
13 and how much is the quantity of switching equipment
14 that needs to be put in place in order to conduct
15 the engineering?

16 THE WITNESS: I'm going to defer that to
17 our electrical engineer. I am a civil engineer and
18 that's not my area of expertise.

19 COMMISSIONER SCOTT: Thank you on that
20 one.

21 Okay. There are other trees that are
22 slated to be removed specifically in order to
23 install detention pods. But the trees that are
24 being removed, they're not actually near where the
25 pods would be.

1 Has it been considered to look at putting
2 the pods elsewhere? And I mention that because in
3 the previous case with Seton Hall Prep, they used
4 underground tanks under their athletic field on
5 Prospect Avenue and the Zoning Board approved those.
6 The Zoning Board also approved a settlement that was
7 brought by Mr. Malanga to preserve an additional
8 acre of trees at The Shillelagh Club.

9 When I look at what you're proposing for
10 the pods, I'm thinking they can be put somewhere
11 else and those trees don't have to come down.

12 Can you address that, please?

13 THE WITNESS: So in order to gravity-drain
14 stormwater to these bioretention basins, there
15 wasn't really any other location for them. We don't
16 advise putting them inside the station mainly
17 because there -- it can impede any repairs that
18 may be needed on the sub -- you know, on the
19 equipment.

20 Additionally, there's a lot of underground
21 utilities that are already all over this existing
22 station that go into duct banks that, you know,
23 leave the site. So the only place to really put
24 them was on the east side.

25 The reason we can't do underground tanks

1 is because of N.J.A.C.'s requirements that
2 underground detention basins are no longer allowed.
3 They have changed the regulations for green
4 infrastructure, which happened in 2021.

5 The example project that you mentioned, I
6 don't know when that was done. And if it was done
7 after 2021, then it would have had to go through a
8 variance process which, if that's an acceptable
9 option, you know, we would definitely like to
10 explore it, but it would be going against what the
11 design requirements are for both the township and
12 for the state.

13 COMMISSIONER SCOTT: Okay.

14 MS. PORTER: So, Mr. Scott, I think as a
15 legal point, something that the applicant wanted to
16 indicate is that the bioretention basins, in
17 addition to Mr. Blake's testimony regarding, you
18 know, limited availability on-site for where they
19 can be placed, is the -- this is what is
20 specifically required in this amount in order to
21 comply with the state and local stormwater
22 requirements.

23 The township has the ability to grant a
24 variance, but ultimately we're dealing with two
25 environmental considerations here. We recognize

1 that tree preservation is very important to the
2 township, but also stormwater considerations are
3 incredibly important as well as is stormwater
4 compliance.

5 So we are doing what's legally required
6 of the applicant in order to comply with the
7 current stormwater requirements. So it would be up
8 to the township if you request or would like the
9 applicant to reduce that compliance in order to
10 meet a competing public interest in terms of the
11 trees.

12 So that's something I think that the
13 Board should consider in connection with this
14 application.

15 COMMISSIONER SCOTT: Absolutely, and thank
16 you for that clarification. Mr. Blake just said
17 that that could be explored and so thank you for
18 that.

19 Finally, I just want to be sure. Your
20 original application was in compliance with the old
21 tree ordinance for the town. And you said tonight
22 that I believe that was updated to be compliant with
23 the current tree ordinance. Is that correct?

24 MS. PORTER: Yeah, so I had made that
25 statement on the record. That will actually be

1 testified to by the landscape architect
2 specifically. But I can state for the record in
3 terms of legal compliance that the applicant -- we
4 were required because of time of application rules
5 to comply with the prior tree preservation
6 ordinance. We comply with that ordinance.

7 However, the applicant voluntarily agreed
8 to be bound by and comply with the new tree
9 ordinance. So the new tree ordinance has much
10 stricter requirements and the applicant meets those
11 requirements. And that is documented in the
12 correspondence that was submitted to the Board by
13 the township's forester that we're in full
14 compliance.

15 COMMISSIONER SCOTT: Thank you very
16 much.

17 No more questions for me.

18 ACTING CHAIR SCHWARZBAUM: Thank you.

19 THE WITNESS: Thank you.

20 ACTING CHAIR SCHWARZBAUM: Mr. Sussman.

21 COMMISSIONER SUSSMAN: Yes. Thank you,
22 Mr. Vice-Chairman.

23 Going back to the fence for a minute, if
24 you know -- because I seem to have viewed a couple
25 of different iterations of the fence. Is it going

1 to be curved over at the top as in some of those
2 depictions or is it going to be straight up and
3 down?

4 THE WITNESS: It's going to be straight up
5 and down.

6 COMMISSIONER SUSSMAN: Okay. So that's a
7 different design than those curved samples.

8 THE WITNESS: That's what it shows. The
9 sheet that has --

10 COMMISSIONER SUSSMAN: Yeah, right there.
11 Yes.

12 ACTING CHAIR SCHWARZBAUM: You testified
13 Stronghold?

14 THE WITNESS: Correct.

15 ACTING CHAIR SCHWARZBAUM: Is that curved
16 or straight?

17 THE WITNESS: The Gauntlet is curved.
18 That's not what we're proposing. We're proposing
19 the Stronghold, which the symbol shows it doesn't
20 have the Trident top or the curved top like that.
21 So the picture on their brochure is kind of vague,
22 but it is just straight up and down.

23 COMMISSIONER SUSSMAN: Straight up and
24 down and no points on the top?

25 THE WITNESS: Correct.

1 COMMISSIONER SUSSMAN: Okay. Thank you
2 for clarifying that.

3 I think it's pretty clear from this that
4 the fence itself is actually steel.

5 THE WITNESS: It is, and that's why I had
6 to get into this brochure. I didn't want to say one
7 thing and not -- you know, be incorrect when I knew
8 that I had the document.

9 COMMISSIONER SUSSMAN: Yeah.

10 THE WITNESS: I apologize for not opening
11 it beforehand. I thought I had it open and I did
12 not.

13 COMMISSIONER SUSSMAN: That's okay. It
14 looks like some of the ancillary components like
15 caps and things might be aluminum, but the fence
16 itself looks like steel.

17 THE WITNESS: The majority of the fence,
18 yes. And that's why I kept it on this sheet, just
19 so everybody had a chance to read it, because I know
20 there was a question about materials, warranty, et
21 cetera.

22 COMMISSIONER SUSSMAN: Right. Okay.
23 Thank you very much, Mr. Blake.

24 THE WITNESS: Thank you.

25 ACTING CHAIR SCHWARZBAUM: So just for

1 somebody who used to be in the steel business, more
2 than likely it is powder coated, but your planner
3 will testify.

4 Just based upon some of the Board comments
5 and my own, I would appreciate if you would consider
6 putting -- keeping the brick pillars as part of the
7 design, if that is a possibility.

8 Is that something that could be put in
9 just for the aesthetic looks?

10 THE WITNESS: I'm going to defer that to,
11 you know, PSE&G just because it is their fence.

12 MS. PORTER: So, Mr. Vice-Chairman, we are
13 in the process of discussing that internally to see
14 if that's something that can be accomplished as part
15 of this application. So we will get back to the
16 Board shortly in connection with that request. But
17 we are specifically taking it under advisement as
18 the hearing progresses.

19 ACTING CHAIR SCHWARZBAUM: Okay.
20 Mr. Hess -- I know it's late, but I want to just go
21 to Mr. Hess and then we'll take a five-minute break
22 and then we'll come back to public questions.

23 So, Mr. Hess, are you -- in regard to the
24 testimony, do you have any questions?

25 MR. HESS: Thank you, Mr. Chairman.

1 In our review letters, we had a series of
2 comments regarding the stormwater design, so
3 obviously the applicant has not submitted revised
4 stormwater calculations. I would ask the -- I would
5 ask Mr. Blake if the applicant has -- if he has
6 reviewed our comments and if they agree to address
7 all of those in subsequent submissions.

8 THE WITNESS: Yes, I have read all the
9 comments and I will provide responses to all those
10 in comment resolution.

11 MR. HESS: Right. Did you see any issues
12 that we need to discuss regarding the comments?

13 THE WITNESS: I don't believe there was
14 anything that was too glaring or that sticks out to
15 me that would be too much of a challenge. I'm
16 looking at my notes right now to see if there was
17 anything that I made note of that would be
18 difficult, but I don't see anything.

19 The bioretention -- I think there was one
20 about bioretention sizing and making sure that
21 there's enough -- 1 foot of, you know, freeboard.

22 MR. HESS: Yes.

23 THE WITNESS: I know that there are some
24 challenges with the seasonal high water table in
25 various locations and trying to get the full extent

1 of the bioretention to meet the design requirements
2 of the BMP manual.

3 We will relook at that. I know that we
4 want to, you know, sharpen our pencil on our
5 calculations when we submit back for comment
6 resolution to see if there's any adjustments to the
7 bioretention basins, you know, on the footprint and
8 see if we can reduce those sizes, you know,
9 to whatever -- I'm not promising anything yet
10 because I need to get back into the calculations,
11 but that will all be a part of that. And, also,
12 looking at 1 foot of freeboard.

13 MR. HESS: Okay. All right. Thank you.

14 I have no further questions.

15 ACTING CHAIR SCHWARZBAUM: Okay. We're
16 going to take a five-minute break to 9:50 and then
17 we will open it up to public comments. Okay?

18 THE WITNESS: Thank you.

19 MEETING MODERATOR: Vice-Chair, we do have
20 the town planner who has a question.

21 ACTING CHAIR SCHWARZBAUM: Okay. So after
22 the five minutes we will commence with the town
23 planner.

24 MEETING MODERATOR: Okay. Great.

25 ACTING CHAIR SCHWARZBAUM: Thank you.

1 (Whereupon, a recess is taken.)

2 ACTING CHAIR SCHWARZBAUM: Okay. How we
3 doing?

4 MEETING MODERATOR: People are starting to
5 come back in now.

6 ACTING CHAIR SCHWARZBAUM: And who is the
7 next one? You were saying the --

8 MEETING MODERATOR: The Township planner.
9 George.

10 MR. WHEATLE WILLIAMS: Thank you, Acting
11 Chair.

12 ACTING CHAIR SCHWARZBAUM: Hold on. I
13 just want to get everybody back on and then you'll
14 be up.

15 MR. WHEATLE WILLIAMS: Okay. And I'll be
16 brief.

17 ACTING CHAIR SCHWARZBAUM: Be thorough.

18 MR. WHEATLE WILLIAMS: That's good.

19 ACTING CHAIR SCHWARZBAUM: Okay. Fine.

20 We have a quorum. I just want to make sure.

21 MEETING MODERATOR: Yes.

22 ACTING CHAIR SCHWARZBAUM: Yes, we do.

23 Okay. We're back on from break. So we're going to
24 go to our town planner.

25 Go ahead. Proceed with your questions,

1 George.

2 MR. WHEATLE WILLIAMS: Thank you, Acting
3 Chair. And thank you, Mr. Blake, for your
4 testimony.

5 I have a point of clarification. I know
6 that the planner's going to go into the reliefs that
7 are being sought, et cetera. But in response to
8 counsel's reply or question or query to you about
9 the 8-foot height being something that complies with
10 the standard, I just don't recall for the record
11 what that standard was to which you agreed.

12 Is that a PSE&G standard? Is it a state
13 standard, a national standard, for safety?

14 THE WITNESS: It's a PSE&G standard for
15 safety.

16 MR. WHEATLE WILLIAMS: I'm sorry, what's
17 that?

18 ACTING CHAIR SCHWARZBAUM: We couldn't
19 hear you.

20 THE WITNESS: Sorry. It's PSE&G's
21 standard for safety.

22 MR. WHEATLE WILLIAMS: Okay. Thank you.

23 Acting Chair, that was my only point of
24 clarification for this witness.

25 ACTING CHAIR SCHWARZBAUM: Okay. Members

1 of the public.

2 MEETING MODERATOR: We have Kevin Malanga
3 with his hand up.

4 ACTING CHAIR SCHWARZBAUM: Okay. Go
5 ahead, Kevin.

6 MR. MALANGA: Thank you,
7 Mr. Vice-Chairman.

8 Ms. Porter, Mr. Blake, good evening.

9 THE WITNESS: Good evening.

10 CROSS-EXAMINATION

11 BY MR. MALANGA:

12 Q. Mr. Blake, what is the name of your
13 employer, please? I didn't catch that at the
14 beginning of your testimony.

15 A. It is Burns & McDonnell.

16 Q. Okay. So it is the firm that prepared the
17 photo simulations?

18 A. Yes, that is correct.

19 Q. Were you actually involved in the
20 preparation of the photo simulations?

21 A. I personally was not involved.

22 Q. I zoomed in on these photo simulations of
23 the fence and it looked to me that the Trident fence
24 is depicted there. That's not the case?

25 A. It appears that it could be the Trident

1 fence. I know that our rendering group was trying
2 to turn these around and had to reuse, I'm guessing,
3 some previous products that they developed.

4 Q. Uh-huh.

5 A. And if we want to update the renderings,
6 we could fix that if that is something that needs --
7 would like to be done.

8 Q. Because the information that's attached to
9 the application describes the Trident as "the
10 intimidating look" of the Trident.

11 Is that a look that we want at an
12 intersection, major intersection, in West Orange?

13 A. Well, we're not putting in the Trident.
14 So the plan is to put in the Stronghold, which does
15 not have the pointed top.

16 Q. Now, Mr. Blake, were you involved in the
17 preparation of the tree removal plan?

18 A. I had a little bit of involvement in it,
19 mainly where it was affected by the bioretention
20 basins.

21 Q. So what was your involvement in that
22 regard, please?

23 A. Our design, which had the grading and
24 bioretention design, I provided those extents and
25 gave my recommendation on what trees would have to

1 be removed as associated with the bioretention
2 basins.

3 ACTING CHAIR SCHWARZBAUM: One second.

4 Megan, are you timing this or do you want
5 me to time it?

6 MEETING MODERATOR: Oh, I'm sorry. I
7 wasn't sure, because Mr. Malanga is considered a
8 panelist, that we would time him.

9 ACTING CHAIR SCHWARZBAUM: But I believe
10 he's testifying as a resident.

11 MR. MALANGA: Correct.

12 ACTING CHAIR SCHWARZBAUM: Is that
13 correct?

14 MR. MALANGA: Mr. Schwarzbaum, Chairman
15 Neuer always affords me additional time because he
16 knows that three minutes will not be sufficient for
17 all of the questions that I have.

18 ACTING CHAIR SCHWARZBAUM: We'll give you
19 five minutes. So we'll give you another three. Go
20 ahead. Go.

21 MR. MALANGA: Let's see if I can get all
22 my questions done in three, but that's not likely,
23 Mr. Schwarzbaum.

24 MEETING MODERATOR: If we need that
25 exhibit up -- or I could pull it up on my phone.

1 ACTING CHAIR SCHWARZBAUM: If we could
2 please have the exhibit that's TR-01.

3 MEETING MODERATOR: Okay.

4 BY MR. MALANGA:

5 Q. So, Mr. Blake, when you prepared your
6 civil engineering plans --

7 A. Yes.

8 Q. -- there are certain trees that are marked
9 that don't seem to be anywhere near the
10 construction. For example, the tree that's marked
11 4078.

12 A. Can you --

13 Q. Can you tell me about the decision to cut
14 down that tree?

15 A. Could you provide a little more direction?

16 Q. Yes. If you see the longest duct bank
17 that runs north-south.

18 A. Yes.

19 Q. At the southernmost point of that and
20 beyond is that tree.

21 A. And what was the number again?

22 Q. 4078. Move your cursor to the left. Go
23 beyond the intersection and go straight up now,
24 straight north.

25 A. Oh, this one right here?

1 Q. No. Keep going. Keep going. Keep going
2 north.

3 A. Oh, this right here?

4 Q. Yes.

5 A. The reason for that is because it's in the
6 middle of the station. Although there's no
7 equipment, this whole area is part of the station
8 and this will be utilized for, you know, temporary
9 parking if needed. Additionally, this area is all
10 going to be gravel. And so the vegetation
11 requirements from PSE&G's standard veg management
12 doesn't allow trees to be located inside the
13 station.

14 Q. Station proper?

15 A. Station proper, I guess, yes.

16 Q. How many feet from the equipment that's
17 being installed is that tree?

18 A. This is going to be an estimate. What's
19 the scale on this? Thirty scale. So from the
20 switchgear, it's roughly 80 feet.

21 Q. So how is that tree interfering with the
22 switchgear?

23 A. It's not. It's because we're regrading
24 this pad and filling this area. And so not only
25 would the tree be in the way, but this whole area is

1 the station. And so it's --

2 Q. What do you mean, "it is the station"?

3 A. It's part of --

4 Q. It's empty space, right?

5 A. No. There will be gravel there and it's
6 within the station. It will be utilized for
7 equipment laydown during construction. It will be
8 utilized for maintenance reasons if they ever had to
9 do any work either by this transformer or by the
10 switchgear.

11 I mean, I can't predict everything, but,
12 in general, it is part of the station. It is within
13 the station loop of the dry path. There's grounding
14 grid put everywhere underground. There's existing
15 utilities. So it's not an ideal location for the
16 tree within the station as part of these
17 improvements.

18 Q. Do you know the diameter of that tree?

19 A. It says 42 inch.

20 Q. All right. Do you know where that stands
21 in terms of the size of Little-Leaf Linden trees?

22 A. I do not.

23 Q. Are you aware of the obligation of someone
24 performing construction to preserve trees to the
25 greatest extent possible?

1 A. I mean, I'm aware of preserving trees
2 where you can, yes.

3 Q. And has PSE&G preserved this tree to the
4 greatest extent possible?

5 A. It's not a preservable tree. And that's
6 an opinion, not a direct answer.

7 Q. All right. So that is your opinion?

8 A. I didn't say that.

9 Q. So whose opinion is it?

10 A. I don't know. I don't understand. How is
11 that a question?

12 MS. PORTER: So, Mr. Malanga, in terms of
13 the actual decision with regard to tree removal, you
14 heard from the witness that there's specific
15 requirements in connection with trees located within
16 the workable area of the station yard. And so you
17 heard in further detail what constitutes the station
18 yard and PSE&G's policy specifically related to that
19 as it relates to tree removal.

20 Beyond that our tree expert, who is our
21 landscape architect, can further advise in terms of
22 what went into the decision. But ultimately you've
23 heard from the civil engineer to the extent of their
24 ability as to why that tree is being removed,
25 because it cannot be located in the station yard.

1 And that area is being utilized for a variety of
2 purposes to further serve the future needs in
3 connection with not only this equipment, but the
4 surrounding existing equipment.

5 ACTING CHAIR SCHWARZBAUM: Okay. All
6 right. So, Mr. Malanga, I'll give you another two
7 minutes. I --

8 MR. MALANGA: Well, Mr. Schwarzbaum, I
9 have a lot more.

10 ACTING CHAIR SCHWARZBAUM: Okay. Well,
11 you get two minutes and then --

12 MR. MALANGA: I'm sorry --

13 (Unintelligible cross talk; reporter
14 requests one speaker.)

15 ACTING CHAIR SCHWARZBAUM: Mr. Malanga,
16 you'll take it up on appeal.

17 Okay. Mr. Scott --

18 MR. MALANGA: I can't --

19 Mr. Malanga, you have a choice. You want
20 two minutes or I cut you off now?

21 COMMISSIONER SCOTT: Mr. Chairman, this is
22 Mr. Scott speaking. I move that Mr. Malanga be
23 given more time. I do believe --

24 ACTING CHAIR SCHWARZBAUM: Okay. But we
25 have rules. The rules are --

1 COMMISSIONER SCOTT: I understand. I.

2 ACTING CHAIR SCHWARZBAUM: Okay. So we --

3 (Unintelligible cross talk; reporter
4 requests one speaker.)

5 COMMISSIONER SCOTT: All right. What I
6 want to say is I believe he was promoted to the
7 panel for a reason. And as there are already no
8 more public speakers, we've gone through that, I
9 don't believe he's holding anyone up. So I would
10 move that he be given additional time.

11 ACTING CHAIR SCHWARZBAUM: Let's -- let's
12 take it -- Mr. Malanga, would you like to continue?
13 Yes or no.

14 MEETING MODERATOR: I want to continue,
15 but I need more time because --

16 ACTING CHAIR SCHWARZBAUM: Okay.

17 MR. MALANGA: -- the witness.

18 ACTING CHAIR SCHWARZBAUM: Okay. We
19 have -- let's see how -- if you want to take two
20 minutes or we can sit here -- Mr. Malanga, what we
21 can do is we can sit and debate whether you get the
22 two minutes or not, whatever you wish. My
23 suggestion is ask questions in the next two minutes,
24 let's see who else is up, and then we'll make a
25 decision. Okay? Your decision which way you would

1 like to go.

2 MR. MALANGA: Of course I'm going to ask
3 the questions, but if you --

4 ACTING CHAIR SCHWARZBAUM: So proceed.

5 MR. MALANGA: -- preclude my further
6 questioning --

7 ACTING CHAIR SCHWARZBAUM: Proceed.
8 Proceed.

9 BY MR. MALANGA:

10 Q. Mr. Blake, tree number 4102, do you see
11 where that's located? It is located to the
12 southeast of 4078.

13 ACTING CHAIR SCHWARZBAUM: Mr. Blake, can
14 you put up the diagram?

15 MEETING MODERATOR: I'm sorry. I took
16 that down.

17 THE WITNESS: Am I not sharing my screen
18 anymore?

19 MEETING MODERATOR: No, I took it down.
20 I'm sorry.

21 THE WITNESS: I'm sorry. I didn't realize
22 that. My apologies.

23 A. Okay. You said it's just -- what was the
24 number again?

25 Q. 40 -- 4102. It's located to the southeast

1 of the --

2 A. This one right here?

3 Q. Yes.

4 A. That's right in the center of a drive
5 path.

6 Q. Okay. Is that a new drive path or an
7 existing one?

8 A. That is a new drive path.

9 Q. And what is the purpose of that drive
10 path?

11 A. Access to the station.

12 Q. So you're saying you need access to the
13 station all the way around the devices that are
14 being installed? Is that what you're saying?

15 A. Correct. You have to provide multiple
16 access points to get equipment in and out. You also
17 have to provide reliable means to replace equipment
18 if something were to happen.

19 Q. And how often is access required?

20 A. It's not like a regular -- I mean, they
21 access the site every week for routine checkups and
22 regular maintenance. There's no exact number on
23 equipment replacement. It's not something that I'm
24 aware of.

25 Q. How do you know that they access the site

1 every week?

2 A. Because the client has told me that.

3 MS. PORTER: Mr. Briones testified to
4 that, specifically in terms of the number of trips
5 per week.

6 Q. Now, the report --

7 ACTING CHAIR SCHWARZBAUM: Mr. Malanga,
8 are you questioning -- I have to ask this question.
9 Are you -- are you an expert in substations?

10 MR. MALANGA: I'm going to refer to the
11 report submitted by PSE&G, Mr. Schwarzbaum.

12 ACTING CHAIR SCHWARZBAUM: Got you.

13 BY MR. MALANGA:

14 Q. In PSE&G's report it refers to maintenance
15 vehicles biweekly.

16 A. That's pretty --

17 MS. PORTER: I believe it's once or
18 twice on a biweekly basis which could be once per
19 week.

20 MR. MALANGA: Biweekly means every two
21 weeks.

22 MS. PORTER: Correct. But if it says more
23 than once, it could be ultimately once per week
24 depending upon the inspection schedule. And as you
25 just heard in the testimony, that does not include

1 additional maintenance in connection with repairs or
2 replacement.

3 BY MR. MALANGA:

4 Q. What is the principal access of this site?

5 A. It will be this new access drive off of
6 Mount Pleasant.

7 Q. So you referred to the other driveway as
8 the main access drive. So that's no longer going to
9 be the main access drive?

10 A. There's three main access drives. It
11 depends which part of the station you're trying to
12 get to. There's three different voltage classes.

13 Q. All right. "Main" seems to mean the one
14 that's going to be used the most. Which --

15 ACTING CHAIR SCHWARZBAUM: Thirty seconds.

16 Q. -- one will be used the most?

17 ACTING CHAIR SCHWARZBAUM: Thirty seconds.

18 A. Mr. Malanga, I cannot answer that question
19 because I am not a PSE&G employee nor do I do
20 maintenance on these substations. I would say that
21 all three access drives will be utilized. They're
22 currently utilized and if this site is constructed,
23 all three will still be utilized.

24 Q. Who decided where the --

25 ACTING CHAIR SCHWARZBAUM: Okay. Hold up.

1 Your time is up. Are there any other questions --
2 any other people --

3 MR. MALANGA: I'd like for the record to
4 indicate that Mr. Schwarzbaum is precluding me from
5 continuing with my case.

6 ACTING CHAIR SCHWARZBAUM: I would like to
7 state for the record that we have -- we give three
8 minutes and I've given you seven minutes of your
9 questioning. So you can proceed. Okay.

10 MR. FISHER: There's also a difference
11 between proceeding with your case and
12 cross-examination. You'll have essentially
13 unlimited time to proceed with your objector's
14 case.

15 MS. PORTER: Correct.

16 MEETING MODERATOR: Okay. So we do have
17 other members of the public that are ready to speak.

18 Joyce, please state your name and address
19 for the record.

20 ACTING CHAIR SCHWARZBAUM: Pardon?

21 MEETING MODERATOR: I'm bringing in Joyce
22 Rudin.

23 ACTING CHAIR SCHWARZBAUM: Go ahead.

24 MS. RUDIN: Good evening. This is Joyce
25 Rudin. I would like to -- if you could pull us up a

1 picture of the entrance that you were just referring
2 to.

3 THE WITNESS: In the simula -- in the
4 renderings?

5 MS. RUDIN: Yes. It is on the first side
6 road coming down Mount Pleasant Avenue after the
7 corner of Prospect.

8 THE WITNESS: This one? Sorry, say that
9 again.

10 MS. PORTER: The other one, Mr. Blake,
11 directly in front of the Mount Pleasant entrance.

12 THE WITNESS: Oh, wait. Am I on the wrong
13 sheet? That's the Mount Pleasant entrance, the one
14 that --

15 MS. RUDIN: The one that -- the first
16 one --

17 (Unintelligible cross talk; reporter
18 requests one speaker.)

19 THE WITNESS: This is the new entrance or
20 the reconfigured entrance.

21 BOARD SECRETARY: Excuse me. Could
22 Ms. Rudin please state her address on the record,
23 please?

24 MS. RUDIN: Woodland Avenue in West
25 Orange.

1 BOARD SECRETARY: Thank you.

2 MS. RUDIN: So this first entrance you are
3 reconfiguring. Is that correct?

4 THE WITNESS: Yes, that is correct.

5 MS. RUDIN: And the reason you're
6 reconfiguring it is so that there can be a turn from
7 the right lane directly into that driveway?

8 THE WITNESS: Correct. It provides better
9 access turning in this way; or, if you were driving
10 westbound, you could turn in as well.

11 MS. RUDIN: Correct. But there are two
12 other entrances to this substation, correct?

13 THE WITNESS: Yes, that is correct.

14 MS. RUDIN: So isn't it possible to leave
15 the entrance exactly the way it is and have the
16 trucks or the utility vehicles enter in if they
17 are -- into a different entrance instead of widening
18 this one, which will negatively impact so many of
19 the trees that are right around there, including
20 trees that would be considered on the New Jersey big
21 tree list?

22 THE WITNESS: The curb cut is almost --

23 MS. RUDIN: You have two other entrances.

24 THE WITNESS: Yeah, but the curb cut --

25 MS. RUDIN: Can't the truck either --

1 ACTING CHAIR SCHWARZBAUM: Let him answer
2 the question.

3 THE WITNESS: The curb cut is basically
4 identical to the existing one. We're just rotating
5 it so that it's perpendicular with Mount Pleasant
6 Avenue.

7 MS. RUDIN: Right. And is it possible to
8 just leave it the way it is? Because you have two
9 other places to enter and not make the curb cut
10 wider by --

11 THE WITNESS: We're not making it --

12 MS. RUDIN: -- enlarging --

13 THE WITNESS: We're not making it wider.
14 It's pretty close to what is currently there. I
15 don't know the exact footage, but the entrance
16 drive has no effect on the tree removal. What is
17 causing the tree removal is the bioretention
18 basins.

19 MS. RUDIN: There's no bioretention right
20 in that area, is there?

21 THE WITNESS: Yes, there's --

22 MS. PORTER: Yes.

23 THE WITNESS: There's two. There's one
24 right here, this crosshatching; and then there's
25 another one, this crosshatching. And that was

1 another reason for straightening the road, is it
2 allowed us to capture stormwater runoff from various
3 portions of the station.

4 MS. RUDIN: How many stormwater basins are
5 on-site right now?

6 THE WITNESS: There are several that are
7 associated with the upgrades that were done over
8 here several years ago. I don't know how many there
9 are. I'm going to guess three or four. It's kind
10 of a cascading bioretention. I did not do that
11 design, so I don't -- I haven't studied it to the
12 extent possible.

13 MS. RUDIN: And isn't it true that by
14 removing the trees, you are increasing the need for
15 the bioretention basins?

16 THE WITNESS: That's not how N.J.A.C. 7:8
17 describes green infrastructure.

18 MS. RUDIN: How are you meeting NJ green
19 infrastructure by removing trees?

20 THE WITNESS: N.J.A.C.'s requirements is
21 to provide a green infrastructure BMP, which is the
22 best management practice. It doesn't say anything
23 about preserving trees. It does say that you have
24 to put in a BMP to address stormwater management to
25 meet their requirements.

1 One of the --

2 MS. RUDIN: What is a BMP?

3 THE WITNESS: It's a best management
4 practice. It's what the N.J.A.C. code provides.

5 MS. RUDIN: So this --

6 THE WITNESS: It gives you various
7 options --

8 MS. RUDIN: -- pertains only to stormwater
9 management.

10 THE WITNESS: Correct.

11 MS. RUDIN: Even though we know that trees
12 maintain millions of gallons of water, you're
13 removing trees and then increasing the stormwater
14 management.

15 MS. PORTER: Objection. This is a
16 comment. And he specifically addressed the question
17 three times in relation to the bioretention and its
18 purpose and what statutory requirement it's
19 fulfilling.

20 ACTING CHAIR SCHWARZBAUM: Ms. Rudin, I
21 concur. Are you a detention basin expert?

22 MS. RUDIN: No, I'm a resident who's
23 concerned about maintaining trees.

24 ACTING CHAIR SCHWARZBAUM: Okay.

25 MS. RUDIN: And I see a correlation

1 between removing trees and increasing retention
2 basins and that's why I'm asking the questions. I'm
3 obviously not an expert.

4 ACTING CHAIR SCHWARZBAUM: Go ahead.

5 MS. RUDIN: I'd like to ask --

6 ACTING CHAIR SCHWARZBAUM: Thirty seconds
7 more on yours. Go ahead.

8 MS. RUDIN: Mr. Ricci spoke very well
9 about the fence, and you testified that the fence is
10 not in good shape.

11 Do you know how long wrought iron can
12 last?

13 THE WITNESS: I do not know how long
14 wrought iron can last.

15 MS. RUDIN: Okay. Are you aware that
16 wrought iron can be repaired? And wouldn't that be
17 considered a best management practice, to repair
18 what exists rather than replace? The most common
19 damage of wrought iron is obviously rust, but rust
20 can be removed on-site and repaired. Wouldn't that
21 be considered a best practice?

22 THE WITNESS: That's not in the realm of
23 my expertise. Best management practices is a
24 stormwater management feature. With regards to the
25 fence, the reason for the fence replacement is to

1 provide an updated fence that meets PSE&G's safety
2 standards.

3 ACTING CHAIR SCHWARZBAUM: Okay. Next.
4 Next resident. Megan?

5 MEETING MODERATOR: Yes, I'm sorry. Yes.
6 We have Sally Malanga. Please state your name and
7 address for the record.

8 MS. MALANGA: Sally Malanga, Ridge Road.

9 Mr. Blake, would it be fair to say that
10 when residents drive by the PSE&G facility on Mount
11 Pleasant, they see a parklike setting filled with
12 large trees?

13 THE WITNESS: That's an opinion that I
14 don't have because I've never driven by the site.

15 MS. MALANGA: Would it be fair to say that
16 if it -- since we are residents and we do consider
17 it a parklike setting, that that setting is to be
18 clear-cut based on the tree cutting plan?

19 MS. PORTER: This is outside the scope of
20 this particular witness. We specifically indicated
21 the landscape architect would address specifically
22 the tree removal and replacement. Other than what
23 this particular witness testified to, which is
24 specifically the removal in connection with where
25 the equipment is situated or the basin, that is his

1 limited testimony and that is the basis of any
2 questions.

3 Beyond that I would have to object. And
4 it is being deferred properly to our tree expert,
5 the landscape architect.

6 MS. MALANGA: Are you aware that on
7 November 17th, 2023, the president and CEO of PSE&G,
8 Ralph LaRossa, stated in a press release "This
9 year's sustainability report continues to show that
10 we are engaged in the fight against climate change
11 and taking action to mitigate the existing impacts.
12 PSE&G is focused on promoting and enhancing
13 biodiversity through natural resource conservation
14 and we can continue to be part of the fabric of our
15 community for generations to come, as we have been
16 for 120 years and counting"?

17 How can this project better comply with
18 the mission of PSE&G mitigating climate change and
19 having respect for the community?

20 MS. PORTER: I object entirely to this
21 statement. It's being used in a biased manner
22 completely with respect to this application when, in
23 fact, it's specifically obviously directed in terms
24 of the tree removal.

25 And the applicant has stated multiple

1 times on the record, and it will be stated by our
2 tree expert again in full detail, that we not only
3 comply with the existing tree replacement
4 ordinance, but also the new ordinance that went
5 into effect. We are proposing the equivalent of 351
6 new trees in connection with this proposal.

7 So to make a statement that this
8 application is not in compliance with the goals
9 and objectives of PSE&G's mission is entirely
10 false.

11 ACTING CHAIR SCHWARZBAUM: Ms. Malanga,
12 ask the next question.

13 MS. MALANGA: Ms. Porter, why are you
14 arguing with a resident who lives half a mile from
15 this site?

16 MR. FISHER: That's really not a
17 question --

18 MS. PORTER: Ms. Malanga was asking
19 questions that are irrelevant to the proceeding.

20 ACTING CHAIR SCHWARZBAUM: Ms. Malanga,
21 you stated what -- I concur with Ms. Porter.
22 PSE&G's chairman's statement, I'm not going to speak
23 for him, versus specific work sites have to be
24 mitigated.

25 So ask the next question.

1 MS. MALANGA: Right. There's a
2 contradiction between what the experts are actually
3 doing here and what the mission is of the entire
4 corporation. I think that should be brought to the
5 attention --

6 MS. PORTER: Objection.

7 ACTING CHAIR SCHWARZBAUM: That's --
8 That's not relevant here. Go ahead. It's
9 specifically regard -- related to this application.
10 PSE&G is not on -- is not -- it's not part of the
11 mission statement. They also have a mission
12 statement on providing electricity. So ask the next
13 question.

14 MS. MALANGA: The 8-foot fence, is it not
15 a detriment to the character of the neighborhood?

16 THE WITNESS: That's an opinion. And I'm
17 not here -- I'm here to testify on stormwater
18 management design and how we developed the site.

19 MS. MALANGA: Okay. Well, Mr. Blake, I
20 hope you all just keep in mind the current issues in
21 West Orange: Loss of tree canopy and extensive
22 flooding.

23 Thank you very much.

24 ACTING CHAIR SCHWARZBAUM: Next resident.

25 MEETING MODERATOR: Yes. We have no more

1 hands raised at this time.

2 ACTING CHAIR SCHWARZBAUM: Mr. Malanga,
3 would you like -- I will give you another three
4 minutes if you wish.

5 MR. MALANGA: Yes. Thank you,
6 Mr. Schwarzbaum.

7 CONTINUED EXAMINATION

8 BY MR. MALANGA:

9 Q. Now, let's talk about the bioretention
10 basins for a minute. You stated earlier in your
11 testimony that they are only there to treat
12 quantities, correct?

13 A. Yeah. I mean, the bioretention basins
14 handle quantity and quality. They are addressing
15 both of those. We weren't required to provide
16 quality.

17 Q. Exactly. So you don't have to address
18 quality.

19 So in terms of the underground storage
20 tanks, underground storage tanks do not
21 independently of other devices treat quality. Is
22 that right?

23 A. They can. It depends on how they're
24 set up. But in the State of New Jersey,
25 underground detention basins are not one of the

1 preferred BMPs.

2 Q. But they can be used. Am I right?

3 A. With a variance, yes.

4 Q. Can you please explain the drainage flow
5 on the site showing which direction the drainage
6 flows? Because you mentioned a change in the
7 grading in the northeast corner where the contour
8 lines are close together.

9 A. So in the northeast corner, which is on
10 the site plan Sheet 2 of 3, the grading that drains
11 from Prospect Avenue down the hillside and across
12 the pad is what it currently does. All we did was
13 adjust the grading where we could in this area to
14 help it flow a little bit better towards the
15 existing storm inlets.

16 There were some dead spots in here from
17 the original station. And after they tear out the
18 equipment on this north side and remove some of the
19 foundations, they will do some minor regrading in
20 here to help that drainage flow a little better
21 versus ponding on the pad.

22 As you get --

23 Q. May I stop you there?

24 Did you do any calculations as to whether
25 this change in flow -- this is just pure sheet flow.

1 Am I right?

2 A. Correct.

3 Q. Whether this change in flow from east to
4 west can be accommodated by the existing system?

5 A. Yes, because we actually reduced the
6 amount of flow that was going to the existing system
7 and routed some of it to the bioretention so that we
8 would not affect any of the current drainage system
9 in place.

10 Q. And you routed it to the basins by virtue
11 of regrading?

12 A. Yes.

13 Q. All right. And can you please continue
14 with regard to the stormwater flows on the site?

15 A. Once you get to the southern portion of
16 the pad, this site -- once you get past the existing
17 foundations, this area is -- there's going to be no
18 change. These foundations and this equipment is
19 staying intact and operational during construction.
20 But south of that this area will drain back towards
21 these various bioretentions. There's smaller
22 drainage areas that drain to each individual
23 basin. And then, once you get about halfway down
24 the switchgear, this portion of the pad starts to
25 shift and drain towards the southern basins.

1 Q. Are you bringing in fill in order to
2 accommodate that flow?

3 A. Yes.

4 Q. How many cubic yards of fill will be
5 brought in?

6 A. I do not have that calculation in front of
7 me. I don't know it off the top of my head. It's
8 something I'd have to go look up.

9 Q. Can you provide it to the Board at the
10 next hearing?

11 A. Yes. We can provide an estimate.

12 MR. MALANGA: I have no other questions.
13 Thank you, Mr. Blake.

14 THE WITNESS: Thank you.

15 ACTING CHAIR SCHWARZBAUM: Okay. Any
16 other residents' questions, Megan?

17 MEETING MODERATOR: I'm not seeing any
18 hands. Hang on. I'll check. Yeah, no other
19 members of the public.

20 ACTING CHAIR SCHWARZBAUM: Ms. Porter,
21 next witness.

22 MS. PORTER: Yes. Thank you, Mr. Blake.

23 Next, I would like to call our next
24 witness, which is Mr. Jon Copa.

25 MR. COPA: Thank you, all.

1 ACTING CHAIR SCHWARZBAUM: And due to --
2 we normally end the meetings at 11 o'clock, but due
3 to the additional ten minutes, we'll go to 11:10.
4 Go. Proceed.

5 MR. FISHER: If the witness would raise
6 his right hand.

7 J O N A T H A N C O P A, having been
8 duly sworn, was examined and testified as
9 follows:

10 THE WITNESS: I do.

11 MR. FISHER: Okay. You are sworn.

12 DIRECT-EXAMINATION

13 BY MS. PORTER:

14 Q. Mr. Copa, could you please give your
15 full name and spell your last name and provide
16 the company that you work for and its business
17 address?

18 A. Yes. I'm Jonathan Copa, C-O-P-A. I work
19 at Burns & McDonnell located at 8201 Norman Center
20 Drive, Suite 500, in Bloomington, Minnesota 55437.

21 Q. Thank you.

22 And could you specifically state your
23 educational background for the benefit of the
24 Board?

25 A. Yes. Yes. I obtained my bachelor's of

1 science in electrical engineering in 2015 from the
2 University of Minnesota Twin Cities.

3 Q. Thank you.

4 And could you please state your
5 professional background?

6 A. Yes. I currently am the substation
7 department manager for Burns & McDonnell's upper
8 midwest region and have over nine years of
9 experience working on transmission and distribution
10 projects ranging from 4 kV to 500 kV facilities.
11 And I am a licensed professional engineer in the
12 State of New Jersey and my license is current.

13 Q. Great. Thank you.

14 And have you previously testified before
15 land use boards?

16 A. I have not.

17 Q. Thank you.

18 But you are fully familiar with the facts
19 of this application?

20 A. Correct.

21 Q. And you specifically were involved in the
22 preparation of the plans associated with this
23 application?

24 A. Yes. I specifically oversaw the
25 development of the plans and am the engineer of

1 record for the electrical plan drawings.

2 Q. Okay. Thank you.

3 ACTING CHAIR SCHWARZBAUM: Any members of
4 the Board have questions in regard to
5 qualifications?

6 Mike, you have any? You're good?

7 Okay. We'll admit Mr. Copa as an expert
8 in electrical engineering. Proceed.

9 THE WITNESS: All right.

10 BY MS. PORTER:

11 Q. Mr. Copa, can you please begin by
12 describing the new construction and layout?

13 A. Yes. So, yes, I will begin by sharing my
14 screen here. I will start out by sharing page
15 number 1 of the M-3 development plans, the civil
16 plans. It is the 230/26 to 4kV outdoor substation
17 key plan dated 4/22/2024. And this was submitted as
18 part of the initial application.

19 So as stated previously by Mr. Briones and
20 Mr. Blake, the existing 26 kV equipment at West
21 Orange will be demolished and replaced with a new 26
22 kV 24-circuit shelter aisle switchgear. The West
23 Orange substation is an existing 230/26 to 4 kV
24 substation. The project will not modify any of the
25 230 or 4 kV equipment. It will only be upgrading

1 the existing 26 kV equipment.

2 The 26 kV shelter aisle switchgear will be
3 connected to the existing 230 to 26 kV power
4 transformers via overhead bus.

5 The switchgear unit was placed on-site to
6 allow for a sequence of construction that supports
7 the station while remaining fully in service during
8 the entirety of construction. And while this
9 particular site is not within a flood zone, the new
10 equipment is a new, modern sheltered equipment
11 making it hardened against severe weather.

12 In addition, the 26 kV circuits to the new
13 switchgear will remain as underground circuits. The
14 majority of the new equipment is installed within
15 the switchgear that is approximately 14 feet in
16 height.

17 I will now move forward to page number 2
18 of the same M-3 development plan exhibits. This
19 file is the 26 kV outdoor substation sections, Sheet
20 Number 1 dated 4/22/2024.

21 So as stated, the new switchgear is
22 approximately 14 feet in elevation, and the majority
23 of the new equipment that is connecting the new
24 equipment to our existing equipment is less than 30
25 feet in height.

1 The exception to this is the upgrades to
2 the lightning protection system for the site. As
3 part of this, we will be removing two existing
4 70-foot-tall lightening masts and replacing them
5 with six new lightening masts that are the same 70
6 foot in height for a net increase of four lightening
7 masts.

8 The remainder of the lightning protection
9 system is comprised of shorter masts of an
10 approximate height of 45 feet. And this upgrade is
11 to support protecting the critical electrical
12 equipment from lightning strikes.

13 Also within this section, I have provided
14 an elevation view going up to Prospect. This would
15 be Prospect Ave. on this side. As you can see, the
16 station does elevate as it approaches the roadway,
17 thereby giving the appearance a lot of this
18 lightning protection is lower from where the public
19 would be on roadways, et cetera.

20 The next item I'll be discussing is the
21 lighting within the station. So I will move ahead
22 to page 15 of the same M-3 development plans. This
23 drawing is titled -- as it's loading here.

24 So this drawing is the ultimate lighting
25 distribution plan, the outdoor substation lighting

1 plan, also dated April 22nd, 2024. This shows the
2 illumination levels of the proposed lighting for the
3 site. So outdoor lighting is provided on the
4 interior of the substation and this is provided to
5 allow substation operators visual indication of the
6 status of the substation before they enter for
7 safety and security concerns.

8 Light fixtures are both mounted on the
9 exterior of the switchgear, and these will be LED
10 type controlled by built-in dusk-to-dawn photocells.
11 There are other light fixtures within the substation
12 that are part of equipment, and these are also to
13 provide general illumination and will be controlled
14 as well by dusk-to-dawn photocells and motion
15 sensors with automatic dimming control.

16 There are uplights present at these
17 locations, but these are switch controlled only for
18 use during any emergency nighttime operations within
19 the station to provide additional task lighting as
20 required for the safe operation of station equipment
21 in the event of an emergency during nighttime
22 hours.

23 Lighting is fully designed with full
24 cutoff fixtures and the lighting levels do not spill
25 outside of the property line. And cut sheets for

1 all proposed lights can be provided.

2 Thank you. That does conclude my
3 testimony.

4 ACTING CHAIR SCHWARZBAUM: Okay. Mr.
5 Copa, one question I have is, are there any
6 underground connections and wires being put in the
7 substation on the equipment?

8 THE WITNESS: Yes, there will be some
9 new -- there will be new underground work being put
10 in essentially to reconfigure the circuits to -- as
11 we showed earlier. I'm just going to highlight
12 where the existing equipment is. We will need to
13 provide some additional underground work to support
14 getting the existing circuits that go to the
15 existing equipment located in approximately these
16 three locations.

17 We have to get the existing circuits over
18 to the location for the new switchgear. So we are
19 installing some -- an additional run of manholes
20 located right here that run down and connect to our
21 new switchgear unit.

22 ACTING CHAIR SCHWARZBAUM: And how far --
23 how deep do you need to go?

24 THE WITNESS: Those duct banks are
25 generally 6 to 8 feet below grade.

1 ACTING CHAIR SCHWARZBAUM: Okay. Fine.

2 Okay.

3 I'm going to go to Board members. We're
4 going to go in reverse order.

5 Mr. Sussman, do you have any questions?

6 COMMISSIONER SUSSMAN: I have no questions
7 of this witness. Thank you.

8 ACTING CHAIR SCHWARZBAUM: Okay.

9 Mr. Scott?

10 COMMISSIONER SCOTT: Thank you.

11 Mr. Copa, regarding the equipment, this is
12 permanent equipment that is going to be placed at
13 the site?

14 THE WITNESS: Yes, that is correct.

15 COMMISSIONER SCOTT: Okay. And it's your
16 testimony that the trees that need to come down,
17 that you are recommending come down, that that is
18 absolutely necessary for the siting of this
19 equipment?

20 THE WITNESS: Correct. It is necessary
21 for the switchgear to be located in the area it is
22 because, as I've drawn in the yellow boxes, this is
23 where the existing 26 kV circuits are all currently
24 located. And to maintain the station operating as
25 it is currently, our new equipment has to be

1 installed outside of those areas so that we can do a
2 construction sequence, cutover sequence, to make
3 sure that we maintain operation of the station as
4 normal during the entirety of construction.

5 COMMISSIONER SCOTT: I understand.

6 So that would be to maintain the current
7 flow of electricity?

8 THE WITNESS: Correct.

9 COMMISSIONER SCOTT: I see. I understand.
10 Thank you very much. That concludes my questions.
11 Thank you.

12 ACTING CHAIR SCHWARZBAUM: Mr. Ricci?
13 Ricci. Sorry.

14 COMMISSIONER RICCI: Yes.

15 Mr. Copa, very good presentation.

16 Question. Am I correct in saying that all
17 of the upgrade -- electrical upgrades that are being
18 done are really to maintain the size of the service?
19 You're not doubling the size of this electrical
20 transfer station, are you?

21 THE WITNESS: That's correct. Yeah, this
22 is maintaining the size of the service, just
23 upgrading it from equipment that ranges anywhere
24 from, right now, 20 to some of the equipment is
25 close to that 100 years when the station was

1 originally built in 1928.

2 COMMISSIONER RICCI: Okay. Thank you very
3 much.

4 ACTING CHAIR SCHWARZBAUM: Mr. Eben?
5 Jerry?

6 COMMISSIONER EBEN: I don't have any
7 questions for this expert.

8 ACTING CHAIR SCHWARZBAUM: Okay. Mike
9 Dannemiller?

10 COMMISSIONER DANNEMILLER: I have one
11 question. Thanks for your presentation.

12 The lightning poles, what will those look
13 like? They're kind of tall. What color will they
14 be? What are they made of?

15 THE WITNESS: Yeah. So they are a tapered
16 steel design. I actually will go to one of these
17 photo simulations. This is one of the existing
18 lightening masts. You can see it in the background
19 here. They are a tapered steel pole, 70 feet tall.
20 They're galvanized gray to blend back into the
21 skyline, and they taper as they go up. So they
22 start at a base of approximately 3 to 4 feet in
23 diameter at the base and taper up as they go up in
24 height.

25 COMMISSIONER DANNEMILLER: Okay. So is

1 that like a dull gray/silver kind of color?

2 THE WITNESS: Exactly. Yep.

3 COMMISSIONER DANNEMILLER: Okay. Thank
4 you. No further questions.

5 ACTING CHAIR SCHWARZBAUM: Mr. Barbee?

6 COMMISSIONER BARBEE: No questions. Thank
7 you.

8 ACTING CHAIR SCHWARZBAUM: Okay.

9 Mr. Williams, any questions?

10 MR. WHEATLE WILLIAMS: Yes. Thanks,
11 Acting Chair.

12 Just for clarification on the record, if
13 Mr. Copa could just state for the record the purpose
14 of the lightning masts. I appreciate the answer to
15 the prior question, but just for the record, what is
16 the purpose of a lightning mast?

17 THE WITNESS: Yeah. So the purpose of the
18 lightning mast is basically they are the taller
19 structures, so they're then designed to protect the
20 shorter equipment that is less than there. So that
21 rather than the critical electrical grid getting
22 struck by lightning in the event of a lightning
23 strike, the lightening masts are to protect those by
24 mitigating those strikes to those pieces of
25 equipment that keep the equipment operating as

1 is.

2 MR. WHEATLE WILLIAMS: Thank you.

3 Very quick follow-up question is, is that
4 what drives the selection of the height? And could
5 you just opine on the selection of height for a
6 second?

7 THE WITNESS: Correct. So, yeah, that all
8 factors in. There's -- basically the IEEE 998 code
9 specifies basically the height delta between the
10 equipment you're trying to protect as well as the
11 top of your lightning mast and provides you with a
12 radius of protection that those masts are providing
13 over equipment at the lower heights that it is
14 protecting.

15 MR. WHEATLE WILLIAMS: Okay. Thank you.
16 That's it for me, Mr. Chair.

17 ACTING CHAIR SCHWARZBAUM: Thank you.

18 Mr. Hess, do you have any questions?

19 MR. HESS: I have one quick question,
20 Mr. Chairman.

21 What is the anticipated life expectancy
22 for the new 26 kV equipment that's proposed?

23 THE WITNESS: Yeah. The new switchgear --
24 generally the vendors are quoting 30 to 50 years on
25 the life cycles of these new switchgear units.

1 Some of the equipment within those switchgears
2 might have to be replaced as part of it, but the
3 building itself is in that 50-ish year-like
4 cycle.

5 MR. HESS: Great. Thanks. That's all the
6 questions I have.

7 ACTING CHAIR SCHWARZBAUM: Okay. We will
8 go to public questions.

9 MEETING MODERATOR: We have Kevin Malanga.
10 Do you want to take him first?

11 ACTING CHAIR SCHWARZBAUM: Sure.

12 CROSS-EXAMINATION

13 BY MR. MALANGA:

14 Q. Mr. Copa, good evening.

15 How was the number of lightening masts
16 determined?

17 A. Yeah. Similar as I was describing
18 earlier, the calculations on the lightening masts,
19 they give us a radius of protection that they
20 protect based on the height of the equipment they're
21 protecting, and then that goes through an iterative
22 process to optimize the number of masts that would
23 be needed for the site.

24 Q. So presently on the site it is
25 underprotected?

1 A. No. So presently -- because we are
2 installing equipment in new areas of the site, the
3 site currently is protected by 14 separate
4 lightening masts. We are taking out two of them and
5 we are adding in six new masts to protect our
6 equipment that is located in new areas where there's
7 not currently equipment that exists. So we are net
8 increasing four lightening masts for the overall
9 station.

10 Q. Does anyone keep track of how many
11 lightning strikes per year take place at this
12 site?

13 A. I do not know that data; however, there is
14 a National Lightning Detection Network that puts New
15 Jersey in the four flashes per square kilometer as a
16 state. So that is, I guess, across the State of New
17 Jersey.

18 Q. Is that high or low?

19 A. New Jersey is on the lower side compared
20 to, say, the southeast; however, it is higher than
21 when you get out west into, say, Montana, Colorado,
22 et cetera.

23 Q. Now, you said that the placement of this
24 equipment had to be where it is proposed. Is that
25 right?

1 A. Correct.

2 Q. There's no other place on this site? No
3 room for modifying the location of this equipment?

4 A. That is correct.

5 Q. So it can't be moved 10 feet in either
6 direction?

7 A. It could be moved that way. However, we
8 have minimized to keep the minimum amount of
9 clearance between our existing equipment and the new
10 switchgear to, therefore, minimize the impacts to
11 additional things. So it could be moved; however,
12 any moves would just increase our new area of
13 disturbance we would need to provide for the site.

14 Q. So is it possible for the equipment to be
15 moved to the north?

16 A. It is not. Because as I've drawn here in
17 this yellow box, we have existing equipment that
18 needs to stay in service while our new switchgear
19 unit is installed.

20 Q. And is it possible for it to be moved to
21 the west?

22 A. We cannot move it further to the west
23 because there is a duct bank here, as well as we
24 need to maintain clearance from our existing
25 transformer unit for fire protection purposes.

1 MR. MALANGA: I have no other questions.

2 Thank you, Mr. Copa.

3 ACTING CHAIR SCHWARZBAUM: Next.

4 MEETING MODERATOR: Okay. Any members of
5 the public that wish to speak? Please state your
6 name.

7 We don't have any hands.

8 ACTING CHAIR SCHWARZBAUM: No hands?

9 MEETING MODERATOR: No hands yet.

10 ACTING CHAIR SCHWARZBAUM: Okay. Okay.
11 We'll move on.

12 MEETING MODERATOR: Okay.

13 ACTING CHAIR SCHWARZBAUM: Ms. Porter,
14 next.

15 MS. PORTER: Thank you, Mr. Copa.

16 Members of the board, we would next like
17 to call Mr. John Futey. He is our project landscape
18 architect. And I know his testimony has been
19 awaited by the Board and the public in terms of
20 specifically addressing the trees being removed
21 and being proposed in connection with this
22 application.

23 So, Mr. Futey --

24 ACTING CHAIR SCHWARZBAUM: Before -- I
25 have a question. I'm going to leave it to you.

1 MS. PORTER: Of course.

2 ACTING CHAIR SCHWARZBAUM: Given that this
3 is a very important topic in this entire project,
4 would you like to proceed for the next 20 minutes
5 and then have questions or would you prefer to carry
6 it to the next meeting? For continuity. That's
7 what I'm asking. I'm giving you the option.

8 MS. PORTER: I mean, I appreciate that,
9 Mr. Vice-Chairman. You know, I think part of us,
10 you know, would like to preserve his testimony
11 wholly. However, I believe that there have been so
12 many comments regarding trees in connection with
13 this application that have come up consistently
14 throughout every piece of testimony to date that I
15 think it's important we get some evidence into the
16 record this evening just to begin the conversation.
17 And we are okay with continuing that dialogue at the
18 next meeting.

19 ACTING CHAIR SCHWARZBAUM: Proceed.

20 MS. PORTER: Great. Thank you.

21 Mr. Futey, could you please state your
22 name and business --

23 MR. FISHER: Hold on.

24 MS. PORTER: I apologize, Mr. Fisher.

25 J O H N F U T E Y, II, having been duly

1 sworn, was examined and testified as follows:

2 MR. FISHER: You are sworn.

3 DIRECT-EXAMINATION

4 BY MS. PORTER:

5 Q. Great. Mr. Futey, could you please state
6 your name and business address for the record?

7 A. Yes. It's John Futey II, F-U-T-E-Y.
8 Business address is 3 Mountainview Road in Warren,
9 New Jersey 07059.

10 Q. And by whom are you employed and for how
11 long have you been so employed?

12 A. I'm employed by PS&S Architects and
13 Engineers for five years in addition to 15 years of
14 prior practical experience.

15 Q. And could you briefly describe your
16 educational background?

17 A. Yes. I have my bachelor of science degree
18 in landscape architecture from Rutger's University
19 and my master's of architecture degree from the
20 Boston Architectural College.

21 Q. Great. Thank you.

22 And could you please describe your
23 professional background?

24 A. Yes. I hold my license as a landscape
25 architect in New Jersey and Pennsylvania. Both

1 licenses are in good standing. I have 20 years of
2 professional experience in multidiscipline design,
3 which includes landscape design, master planning,
4 architectural design, and construction
5 administration.

6 Project types have included commercial
7 properties and educational, municipal, and
8 industrial facilities. Responsibilities on those
9 projects include all aspects of design process
10 including programming, technical design,
11 construction documentation, and construction
12 administration.

13 Q. Have you previously testified before
14 municipal boards?

15 A. I have. Most recently including
16 municipalities of Teaneck, Bayonne, Cherry Hill, and
17 Delran.

18 Q. And have you prepared or supervised the
19 preparation specifically of the landscape plans in
20 connection with this application including the tree
21 removal plan and details?

22 A. I have supervised the landscape plans and
23 the details and am responsible for it.

24 Q. Great. Thank you.

25 MS. PORTER: And with that, I would like

1 to request that the Board recognize Mr. Futey as an
2 expert in the field of landscape architecture.

3 ACTING CHAIR SCHWARZBAUM: Any members of
4 the Board have questions in regard to Mr. Futey's
5 qualifications?

6 Mr. Futey, you're admitted as a landscape
7 architect expert. Proceed.

8 MS. PORTER: Great.

9 BY MS. PORTER:

10 Q. Mr. Futey, will you please begin by
11 describing the proposed landscape plan?

12 A. Yes. Before I get to sharing the exhibit,
13 I'd like just to go over briefly the overall
14 landscape approach. When planting near a facility
15 such as this, the planting design and the chosen
16 plant material must be compliant with PSE&G
17 vegetation management clearance and security
18 mandates. Those are based on federal and state
19 utility regulations.

20 Generally, these limit the mature
21 height and placement of plant material to eliminate
22 any safety, security, or reliability hazards to
23 adjacent equipment or overhead and underground
24 utilities.

25 Accordingly, our team works closely with

1 PSE&G's internal vegetation management team for
2 their approval of plant placement and species
3 selection.

4 We also strive to be compliant with city
5 ordinances to the greatest degree possible given
6 site constraints, including existing overhead street
7 wires and underground municipal utilities, in
8 conjunction with the safety and security setbacks
9 mandated by those federal and state regulations.

10 With regard to the plantings themselves,
11 we choose commercially available plant material. We
12 prioritize low-maintenance native plants that do not
13 require intensive care over time. They are also
14 selected to create visual seasonal interest in the
15 form of spring flowers or summer flowers, fall
16 foliage and winter texture while also providing
17 screening to the equipment beyond to the greatest
18 degree possible.

19 With regard to the landscape plan, I'm
20 going to share my screen. You should see a
21 rendering of the plan right now.

22 So the landscape package that was
23 submitted for the application includes the tree
24 removal and the proposed landscape design that was
25 developed by PS&S. It was dated 12/22/2022. That

1 plan has been updated for the submission tonight
2 with a revised date of 8/11/2024.

3 This graphic is a rendering of the
4 proposed landscape plan which is a new submission
5 tonight. This is Sheet L-01R. It's titled
6 "Landscape Rendering" and has a revised date of
7 8/14/2024.

8 ACTING CHAIR SCHWARZBAUM: This will be
9 A-7.

10 (Whereupon, exhibit is presented and
11 marked Exhibit A-7 into evidence.)

12 A. So this rendering shows an aerial view of
13 the site, including the existing and the proposed
14 station equipment, which we have seen with the
15 previous testimony, and it shows the existing
16 mature vegetation on the southwest side of the site
17 as well as depicted on the aerial and the canopy
18 there.

19 The proposed plant material is placed
20 along two adjacent streets of the station where work
21 is taking place: Prospect Avenue, as we see on the
22 plan east side, and Mount Pleasant Avenue on the
23 plan south side. This rendering also includes
24 updates to the plantings design based on the CME
25 review letter which was provided to the project team

1 in July of 2024.

2 One of the CME comments noted that a new
3 ordinance had been adopted as of June 10th, 2024,
4 which occurred after the original site plan
5 application had been submitted. The original
6 submitted plan was in conformance with the
7 previous ordinance with 170 replacement trees
8 proposed, exceeding the 167 trees required to be
9 replaced.

10 The new ordinance requires a total of 351
11 trees to be planted. This rendered plan shows an
12 increased total number of replacement trees at 317.
13 It is short of the 351 by 34 trees. The project
14 team proposes working with the town forester for
15 additional considerations as a condition of
16 approval.

17 I would like to note that to get to the
18 317 trees, we have maximized the number of trees we
19 believe will fit on the site given the amount of
20 space available. That includes the underground
21 utilities and also preserving existing vegetation.
22 We have also increased the size of the majority of
23 the proposed trees to 4-inch caliber to be in
24 conformance with the new tree ordinance.

25 This was brought up as a comment from the

1 second CME review letter that was received in
2 September, a week ago, with a concern about their
3 establishment due to the size. We do not believe
4 this is a concern, but we are willing to work with
5 the town engineers and town forester for the correct
6 mix of sizes.

7 With regard to the tree planting or the
8 tree placement and constraints, the area along
9 Prospect Avenue on the rendering shows the
10 underground constraints in the work area. The area
11 designated in yellow is an existing gas line. The
12 areas designated in red are new underground utility
13 runs. We are maintaining a 20-foot no planting area
14 for new plants along those utility runs.

15 The new plantings overall supplement a
16 predominantly mature deciduous existing landscape,
17 as you're familiar with, with existing trees only
18 selectively removed to accommodate the new station
19 utility runs and fence or to clear trees in poor
20 health and considered a safety concern.

21 The proposed plants include a variety of
22 plant material, including new evergreen trees to
23 provide year-round screening and texture, a number
24 of deciduous tree species to supplement the existing
25 deciduous tree cover, including ornamental trees to

1 fill out the understory.

2 It is important to note that there's a
3 significant grade change of approximately 18 to 20
4 feet along the Prospect Avenue side of the site from
5 street level down to the station floor which
6 includes the bioretentions at the foot of the hill.

7 These basins had been proposed to be
8 vegetated with a low maintenance retention basin
9 seed mix originally. Based on engineering comments
10 received from CME, this mix has been amended to
11 include more pollinator-friendly species as well as
12 some shrub species to provide structure for the
13 basins.

14 It is also important to note that many of
15 the evergreen species are to be planted at the
16 middle to upper part of the slope to maximize the
17 screening effect along Prospect Avenue.

18 Additionally, in response to the original CME review
19 letter, we have amended the trees along the Prospect
20 Avenue side to be native street tree species with
21 full canopies since there are no conflicts with
22 overhead wires.

23 We have also reexamined the area along the
24 new fence line and identified a number of existing
25 trees that had been noted to be removed originally

1 that may now be preserved that gives our team a
2 better understanding of the construction logistics
3 of the project.

4 Moving down to the corner of the plan, we
5 have continued to amend the plan to include
6 additional plant species to screen the station from
7 the corner and have infilled the planting along
8 Mount Pleasant Avenue with additional evergreen
9 trees in front of the bioretention basins. And
10 that also was in response to comments from the site
11 plan review technical meeting which was held in
12 July.

13 Other items updated on the plan from the
14 CME review include the requirement for a tree
15 removal permit prior to disturbance; a requirement
16 for tree protection fencing to be installed prior to
17 disturbance through the duration of construction.
18 And we have amended several of the proposed species
19 based on the review concerns.

20 We have also received and reviewed two
21 letters from the town forester, Walt Kipp. They
22 were dated 7/26/2024 and 9/6/2024.

23 The updated plans submitted for tonight's
24 hearing includes revisions per the 7/16 comments and
25 those were subsequently confirmed to be in

1 compliance by the forester in the 9/6 letter.

2 I would like to bring up the photo
3 simulations, if I may just speak to them briefly.
4 If I can get out of this.

5 So these were previously shown tonight.
6 If I can skip down to Viewpoint 1 that was Exhibit
7 A-2, I just want to point out just some of the
8 vegetation here because I know it came up as a
9 question.

10 So, yes, there is a difference between the
11 growing seasons. Obviously, the existing pictures
12 were taken in the spring. The proposed pictures do
13 show more of a summertime look. The intent is to
14 keep as much as possible along the street line and
15 that's where you're getting the tall canopy that you
16 see here. And we will be supplementing them with
17 additional trees in here. So we have a depth of
18 foliage from the street into the station to help
19 obscure the view in.

20 Moving down to Viewpoint 2, that was
21 Exhibit A-3. Of course, we see the -- I had
22 mentioned in my previous testimony that this is
23 obviously a deciduous view. And looking back at the
24 proposed, obviously with the foliage of the
25 deciduous trees upfront, you do get a sense of the

1 depth of material here.

2 And this plant material that you see is
3 going down the slope a little bit, this is
4 evergreen material. So as opposed to the proposed
5 view here where you're going to see straight
6 through, there will be evergreen kind of material in
7 the middle of the planting to help shield the view
8 year round.

9 And it's a similar case as we move around
10 the site. This is the corner of Mount Pleasant and
11 Prospect. Same thing with the existing, with the
12 tall canopy. We are supplementing the Dogwoods with
13 some more evergreen material here, which is the
14 darker plant material that you can see in the
15 background. That extended down to the station
16 entrance that was previously discussed over here.

17 And then, similarly, at the station
18 entrance, we are coming back behind the proposed
19 fence line and we're proposing a number of
20 evergreen trees, specifically here trying to
21 create more of a wall of evergreen over time as
22 they grow and do fill in and will top out likely
23 in the 20-foot area, I would expect, and grow
24 together. So you'll have more of a green wall here
25 in time.

1 And then the view all the way from the
2 west down Mount Pleasant. This really remains
3 unchanged, but it does show the evergreen trees here
4 shielding the building still. So everything down
5 here pretty much remains.

6 That really concludes my testimony. Thank
7 you.

8 ACTING CHAIR SCHWARZBAUM: Okay. So what
9 I would like you to do is to go tree by tree and the
10 rationale of why you're taking them down, whether
11 it's due to the requirements of the construction for
12 the equipment and substation versus along the fence
13 and give the rationale for the removal of trees.

14 THE WITNESS: It's really primarily due to
15 the nature of the improvements to the site. I mean,
16 obviously the ones inside the plant here, they have
17 to come down because of the equipment.

18 ACTING CHAIR SCHWARZBAUM: So how many
19 trees are there? So how many trees are you removing
20 in total?

21 THE WITNESS: In total -- and this is in
22 the table that was submitted as part of the
23 application -- there are 136 viable trees that are
24 slated to be removed. There are an additional 14
25 trees that are being removed that are considered to

1 be nonviable. They're suffering in terms of their
2 health.

3 ACTING CHAIR SCHWARZBAUM: Okay.

4 THE WITNESS: Or they're already dead.

5 ACTING CHAIR SCHWARZBAUM: Okay. So let's
6 go through. So go back and let's take where the
7 equipment is.

8 THE WITNESS: The equipment right here.

9 ACTING CHAIR SCHWARZBAUM: Okay. So how
10 many trees are we removing due to the installation
11 of the equipment?

12 THE WITNESS: I have that number for the
13 equipment and the circulation. I have about 35
14 trees.

15 ACTING CHAIR SCHWARZBAUM: Okay. So you
16 have another -- okay. So I'll do the math. So 35.
17 We have approximately 87 trees that you're removing
18 that are not due to the equipment.

19 THE WITNESS: That are due to site
20 improvements. So it's either proximity to the
21 fence, its underground storm line that's going in,
22 for example, along Mount Pleasant. It's the duct
23 banks that are going in, the underground conduit
24 that are going in that we just heard about in the
25 testimony, or the bioretention basins.

1 ACTING CHAIR SCHWARZBAUM: Okay. So let's
2 go through sections. I think that's what probably
3 makes the most sense. So let's go through sections.
4 We can start on the -- you want to do it on the
5 north --

6 THE WITNESS: We can start at the top
7 here.

8 ACTING CHAIR SCHWARZBAUM: The north and
9 then work around.

10 THE WITNESS: Sure. So we're starting
11 here up on Prospect Avenue. Well, there are two
12 categories, I should say, of trees that are being
13 removed that we have on the plan. The ones that are
14 shaded, they were found to be a safety hazard and
15 they've already been removed. And the town forester
16 acknowledged in his letter to us that that is, in
17 fact, the case.

18 ACTING CHAIR SCHWARZBAUM: So 4363 and
19 4364?

20 THE WITNESS: Correct. And it extends
21 down Prospect Avenue. They're in close proximity
22 to the fence line. They were posing a hazard to
23 limbs falling, for example, on the fence, over the
24 fence. And they were slated or identified as
25 being a considerable hazard and they have been

1 removed.

2 ACTING CHAIR SCHWARZBAUM: So how many
3 have already been removed?

4 THE WITNESS: That was 31.

5 ACTING CHAIR SCHWARZBAUM: Okay. So that
6 leaves 56 trees.

7 THE WITNESS: So moving -- I'm going
8 towards the interior of the site now. We do have a
9 cluster of trees here that are being removed.
10 There's a different hatch here. These are actually
11 in poor health. That's why they are slated for
12 removal. And that's really the only other
13 rationale. It's either new work or poor health.
14 Those are the only two reasons we'll be removing
15 trees.

16 So the ones up here, there's white ash,
17 for example, that is prevalent throughout the site.
18 But there's a cluster of white ash up here. White
19 ash is suffering from what's called the emerald ash
20 borer. It's a blight. It's impacting a lot of
21 trees specifically on this site but throughout the
22 state, and we're seeing it here. And we're seeing
23 detrimental impacts to the trees' health.

24 So they are in decline and posing a
25 hazard, effectively. So that's why you see some of

1 these clusters up here.

2 As we move down the site, down Prospect
3 Avenue, here we get into one of the underground
4 conduits. Obviously, we have trees right in that
5 alignment so those trees are being slated to be
6 removed.

7 ACTING CHAIR SCHWARZBAUM: How many are
8 being removed for the underground conduit?

9 THE WITNESS: It depends on the location.
10 I don't have a number for --

11 ACTING CHAIR SCHWARZBAUM: No, where we
12 are. I want to do it in sections. I think it's
13 important that we do it in sections.

14 THE WITNESS: I have four in this section.

15 ACTING CHAIR SCHWARZBAUM: Okay.

16 THE WITNESS: Under specifically this run
17 here.

18 ACTING CHAIR SCHWARZBAUM: Okay. And then
19 the trees along Prospect over there are already
20 removed, the ones that are --

21 THE WITNESS: Correct. That's correct.
22 Anything along Prospect, the only reason they were
23 removed is due to their health.

24 So I'm moving down into the site. We're
25 getting close to where some of that new equipment is

1 going and the road alignment. So there's some
2 grading considerations here. Grading is going to
3 cut into the slope. It's going to detrimentally
4 impact the root systems of these trees. That's why
5 they were slated for removal.

6 ACTING CHAIR SCHWARZBAUM: How many is
7 that?

8 THE WITNESS: I have ten.

9 ACTING CHAIR SCHWARZBAUM: Okay. Go
10 ahead.

11 THE WITNESS: And then moving down, now we
12 get into a cluster by the basins. So obviously we
13 have the equipment on the left, the equipment
14 alignment that's going along the access road here,
15 and then we get into the basin area where these
16 basins are placed. A couple of the trees are in
17 poor health. They've been noted as such I'm being
18 told.

19 ACTING CHAIR SCHWARZBAUM: And how many
20 are being removed here on this basin?

21 THE WITNESS: I have 23 on that basin.

22 ACTING CHAIR SCHWARZBAUM: Okay.

23 THE WITNESS: And that also kind of
24 dovetails with the next underground conduit
25 alignment which has an additional, actually, one

1 tree out here that's slated for removal.

2 ACTING CHAIR SCHWARZBAUM: 4218?

3 THE WITNESS: 4218.

4 ACTING CHAIR SCHWARZBAUM: Okay. And
5 then -- okay. So that's 4218.

6 THE WITNESS: And we have an additional
7 five here for the next basin down. I have one, two,
8 three, four, five, six because of some grading here.
9 To the next basin --

10 ACTING CHAIR SCHWARZBAUM: So the six. Go
11 ahead. Go back to the six.

12 THE WITNESS: Six right here. Two, three,
13 four, five, six.

14 ACTING CHAIR SCHWARZBAUM: So those are
15 due strictly to grade --

16 THE WITNESS: Basin.

17 ACTING CHAIR SCHWARZBAUM: That's the
18 basin. Okay.

19 THE WITNESS: That's the basin.

20 ACTING CHAIR SCHWARZBAUM: 4172 and those.
21 Okay. All right.

22 And 4181 is sufficiently -- how far is it
23 from the basin?

24 THE WITNESS: I would have to estimate --

25 ACTING CHAIR SCHWARZBAUM: 4175 is being

1 removed. For 4170, how far is that from the basin?

2 THE WITNESS: Probably a good -- I'd say
3 probably about 30 feet, 20 to 30 feet I'm guessing.
4 I'm estimating I should say.

5 ACTING CHAIR SCHWARZBAUM: Okay. And
6 just -- all right. Okay. So 4182 is actually in
7 the basin area?

8 THE WITNESS: Yeah, and the grading that's
9 obviously along here.

10 ACTING CHAIR SCHWARZBAUM: And the
11 grading. Go ahead.

12 THE WITNESS: So there's further impact
13 than just the footprint of the basin. There's work
14 around that, there's equipment that goes around it,
15 which will compact soil, impact the soil structure.
16 If roots can't access oxygen and water, eventually
17 they fall into decline. So that's the concern
18 here.

19 Moving down to the corner, we have an
20 additional underground conduit coming in. So
21 there's two trees that are currently still up that
22 are slated for removal. Other trees in this
23 location have been removed already. One tree is in
24 decline.

25 ACTING CHAIR SCHWARZBAUM: Okay. Go

1 ahead.

2 THE WITNESS: Moving down towards the
3 entrance, the first entrance here on Mount Pleasant,
4 there's a couple of improvements that happen. So we
5 do have the fence line that's coming in, the
6 removal, and the construction of the new one. These
7 trees are right on top of that.

8 ACTING CHAIR SCHWARZBAUM: What about
9 4135? Do you have that one?

10 THE WITNESS: Yeah, there's additional
11 underground -- or stormwater improvements that are
12 happening here. So there's excavation happening in
13 this area.

14 ACTING CHAIR SCHWARZBAUM: Okay.

15 THE WITNESS: So I've got one, two, three,
16 four, five, six. Got 13 on that side. And then
17 it's a similar condition on the left side of the
18 entry.

19 ACTING CHAIR SCHWARZBAUM: So the 13 --
20 just go back. So the 13 is due to --

21 THE WITNESS: I have a stormwater basin
22 here with the proposed work. We have the fence line
23 that's being changed, removed and replaced here. So
24 there's going to be a lot of --

25 ACTING CHAIR SCHWARZBAUM: How much area

1 do you need between the fence line and a tree?

2 THE WITNESS: I would be comfortable
3 probably with at least 10 to 15 feet, ideally. We
4 are installing tree protection, so as we do go
5 around, we do note tree protection around here. So
6 that will help.

7 But when you get on top of the fence, in
8 this case -- and especially around the main
9 entrance, because you're going to have work here and
10 you're going to have work here. So the reality of
11 these trees is that the root systems for these are
12 spreading out probably into this entire area.
13 That's what I would expect.

14 So between the work that's happening for
15 the detention basin, the work that's happening for
16 the fence line, it's very constrained here. It will
17 be damaging a pretty good percentage of the root
18 systems of these trees. So they will be very
19 detrimentally impacted by this work for long-term
20 life.

21 And it's a similar condition on the
22 left-hand side. There's an additional one, two,
23 three, four --

24 ACTING CHAIR SCHWARZBAUM: So 4540 -- 4540
25 is not being removed?

1 THE WITNESS: 4540.

2 ACTING CHAIR SCHWARZBAUM: That's --

3 THE WITNESS: This one is not, no.

4 There's a stormwater line that's coming here to a
5 catch basin -- to a manhole, I should say, and
6 connecting out to the street. So that's very close
7 to some underground excavation.

8 ACTING CHAIR SCHWARZBAUM: Okay.

9 THE WITNESS: And, similarly, this one
10 here. There's also some stormwater line that's
11 going in here. That's really the furthest that we
12 go. Everything to the west of that is being
13 preserved.

14 ACTING CHAIR SCHWARZBAUM: Okay. So 4568
15 is a storm, is --

16 THE WITNESS: Is due to a stormwater line,
17 correct.

18 ACTING CHAIR SCHWARZBAUM: Okay. All
19 right. Gotcha. Okay.

20 You know what? We'll, I guess -- let's
21 see. We're at --

22 MS. PORTER: Yeah, we're close to --

23 ACTING CHAIR SCHWARZBAUM: It's 11:07.

24 MS. PORTER: I know you said about 11:10.

25 ACTING CHAIR SCHWARZBAUM: Yeah.

1 MS. PORTER: And we're within three
2 minutes of that.

3 ACTING CHAIR SCHWARZBAUM: Okay. So what
4 I am going to propose is that we adjourn the meeting
5 and that we continue at the next meeting with
6 questions, beginning with questions from the Board.
7 Okay?

8 COMMISSIONER SCOTT: Very good.

9 ACTING CHAIR SCHWARZBAUM: Okay?

10 MR. FISHER: Just to be clear, that is on
11 the 19th at 8 p.m. and no further notice will be
12 required. If you'd like to speak regarding the
13 application, that is the time to come back and do
14 it.

15 ACTING CHAIR SCHWARZBAUM: Right. Thank
16 you. Have a good evening. Thank you.

17 COMMISSIONER SCOTT: All right.

18 MS. PORTER: Thank you very much.

19 ACTING CHAIR SCHWARZBAUM: Thank you.
20 Bye.

21 MR. HESS: See you all in a week.

22 COMMISSIONER SUSSMAN: Good night,
23 everybody.

24 (Whereupon, the hearing on this
25 application was adjourned at 11:09 p.m.)

C E R T I F I C A T E

I, BRIDGET LOMBARDOZZI, Notary Public
and Certified Shorthand Reporter of the State
of New Jersey, do hereby certify that the
foregoing is a true and accurate transcript of
the testimony as taken stenographically by and
before me at the time, place and the date
hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither
a relative nor employee nor attorney nor
counsel of any of the parties to this action,
and that I am neither a relative nor employee
of such attorney or counsel, and that I am not
financially interested in the action.

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