

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
NOVEMBER 18, 2021 – 7PM**

**OPEN PUBLIC MEETINGS ACT**

The Delran Township Zoning Board regular meeting of Thursday, November 18, 2021 was called to order by Mr. Mormando, Chairman of the Zoning Board at 7pm in the Township Municipal Building.

The Open Public Meetings Act Announcement was read by Mr. Mormando and the Pledge of Allegiance was performed.

**ROLL CALL**

**Present:** Mr. Mormando, Mr. Morrow, Mr. Anderson, Mrs. Iezzi, Mr. Merced & Mr. Moore

**Absent:** Mrs. Parento & Mr. Chascsa

**Professionals:** Ms. Lou Garty, Attorney, Mr. Ed D'Armiento, Engineer & Mr. Jay Petrongolo, Planner

**NEW APPLICATION**

**PSE&G  
130 Hartford Road  
Block 116, Lot 24  
ZN2021-06  
Use/Height Variance with Bulk Variances/  
Preliminary & Final Major Site Plan**

**Exhibits**

- A-1: Google Earth aerial view of area with map markings 10-16-2020
- A-2: Rendered Site 08-09-2021 (Sheet 3 of 3)
- A-3: Rendered Site 08-09-2021 (Sheet 2 of 3)
- A-4: Resume of Warren Reichle, PMP
- A-5: Resume of Eugene Porzio, PE
- A-6: Existing conditions Plan 08-09-2021
- A-7: Resume of Michael Conaway, PE
- A-8: Future Site Sound Emissions
- A-9: Contingency Plan Sound Emissions
- A-10: Resume of John Futey, LLA
- A-11: Rendered Landscaping Plan
- A-12: Hartford Road View (2 photos) spring flowering conditions
- A-13: Hartford Road View
- A-14: Hartford Road View from south (2 photos) from fence line
- A-15: Resume of Keenan Hughes, PP

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A-16: Response letter to Board's Engineer's comments, dated 11-17-21

A-17: Response letter to Board's Planner's comments, dated 11-17-21

Mr. Thomas Letizia, Attorney from Troutman Pepper Hamilton Sanders LLP, provided a summary of the application. He stated that the Applicant is a public utility, subject to regulation by the New Jersey Board of Public Utilities; he identified the property in question as Block 116, Lots 14 and 24 at 130 Hartford Road, and provided an overview of the area and the existing conditions on the site; that the Application is being made seeking the improvements in order to upgrade service for a new substation. The subject property is located in the A-1 (Agricultural) District; and the Applicant seeks approval as to the proposed use of the property in order to construct a new 230-kilovolt (kV) electrical substation including a switchgear enclosure, a control building, transformers and station light and power transformers, two (2) lightning masts, two (2) A-frames, 230/13kV bus supports, and circuit breakers all enclosed by eight (8) feet high fencing. In addition, four (4) new monopoles are proposed to be constructed in the adjacent right-of-way to allow for connection of the new substation to the existing transmission lines, to replace four existing lattice towers which are to be removed.

The Applicant will be seeking a d (1) Use variance to allow the public utility use at this location, in the zone. Mr. Letizia described the d (6) variance relief sought as to the proposed height for the lightening masts of 80.5 ft. and for the A-frame towers of 81 ft. and the monopoles which would be 155 ft. Mr. Letizia summarized the bulk variances sought and provided an overview of the nature of the testimony to be presented to the Board.

Mr. Warren Reichle was sworn and testified that he is currently employed by PSE&G for the past nine years; that he has been a project manager for other companies, is a certified professional project manager; and described his role and accepted as an expert in project management of utility facilities. Mr. Reichle provided an orientation of the site, including the transmission right of way and identified Exhibit A-1, a Google Earth aerial view of area with map markings, dated 10-16-2020. He testified that Delran Township does not have its own substation, so it derives its power source from substations located in other towns, mostly from the Cinnaminson substation; that this substation is operating at an overloaded state of the designed normal operating capacity; that power is also received through the Willingboro substation which is also operating over capacity; that roughly 9,000 Delran customers are being serviced by the overloaded equipment and circuits; that PSE&G needs to develop a new power source closer to the Township to provide more efficient and reliable means of power for business and residential customers in Delran. He testified that PSE&G proposes to tie a new substation to the existing transmission lines in the ROW and that the addition of the substation will increase reliability; that PSE&G performed a search of other options for improving service to Delran and whether it could build the new station in other areas, but another location would require displacement of businesses and that the other sites had other impediments,

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which made the proposed site most suitable, particularly given its proximity to the existing transmission lines. He testified that if PSE&G cannot construct this substation adjacent to the corridor at the proposed location, it would have to do so elsewhere to accommodate the federally required 150 ft. Right Of Way (“ROW”), for high voltage which would be difficult. His testimony included the fact that if the substation were built within the existing ROW itself it would require higher monopoles, and that the site could not use the existing vegetation as a buffer.

Mr. Reichle identified Exhibit. A-2, Rendered Site 08-09-2021 (Sheet 3 of 3) and testified as to orientation, the setbacks and proposed substation; that the design preserves existing vegetation on the north side, and will not impact certain Wetland buffers on north and west sides of the site. He testified as to the height of the substation and the static wires to attach the wires; the structure which will house the transformer; indicated where the operational equipment and switch gear buildings will be located; described architectural features, and that the control house will house transformers. His testimony provided an explanation as to why the structures are of the size, height and location proposed, which is, based upon minimal distances required for the equipment to meet mandated design criteria.

Mr. Reichle also testified as to the required security features, the types of fencing, and 8 ft. height, which is mandated by federal regulations. PSE&G agreed as a condition of approval that there will be no razor wire or barbed wire on top of the fence. He testified that the site will have signage not for site identification but other signage (warnings) as per design requirements. Mr. Reichle described the buildings to be demolished and referred to Exhibit A-3, the Rendered Site Plan 8-9-2021 (Sheet 2 of 3). He testified about the height, purpose and location of the four monopoles, the lattice towers that will be demolished, describing that the lattice tower on the south side of the site will remain. He testified as to the mandated minimum distances required for the spacing of the wires for the various types of vertical and static wires and the need for the greater height for the wires. He testified as to the frequency of the site visits and the duration of the visits, noting that the employees or contractors will carry in and carry out all trash and recycling produced during visits so that there is no need for a private hauler for trash or recycling. When asked, the Applicant agreed to provide the contact information for the site operations manager if the Township receives or has a complaint about the migration of trash or recycling from the site or if there is weed overgrowth.

He testified that the station construction will be performed in a single phase, that PSE&G anticipated starting in the spring of 2022, and the station being operational by the summer of 2024. Exhibit A-4, Mr. Reichle’s resume was introduced. Mr. Reichle testified that typical work hours would be 7:00 AM to 5:30 PM, five or six days a week with occasional Sunday work activity. In response to questions by Board members, he testified that the work on Sunday would be reserved solely for transformer cycling and processing, which has to be done continuously for a 24-hour period once the process is

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initiated in order to transfer power from one source to the new site. He provided testimony as to the number of employees on site and number of vehicles, and testified that trucks on site are not permitted to idle, either for vehicles operated by employees or by contractors. Mr. Reichle confirmed that bucket trucks are permitted to idle, but they will not be used at this location on Sunday. The Applicant acknowledged that the site will be required to comply with local Ordinances and state law, relating to restrictions on truck idling. He testified that the site will have surveillance for security purposes, which will enable remotely access for employees. He testified that during construction, there will not be a service interruption during the cycling in of the new transformer. There was a question by a Board member about capacity and it was testified that this substation will relieve excess loads on substations in adjacent areas, which will reduce the likelihood of service interruptions.

In response to a question by the Board's Planner about state noise control, the Applicant acknowledged that the site will be required to comply with applicable standards. In response to a question by a Board member about the surveillance system, he testified that the gate area is the only area required to have a camera capturing activity. It was noted that the letter submitted to the Township by Mr. Walter Bauer, the Township Fire Official, indicated that he had no comments or objections to the site design for access to fire and emergency vehicles.

Eugene Porzio, P.E. of Sargent Lundy Engineering, P.E. was presented and accepted as an expert in site civil engineering. Exhibit A-5, Mr. Porzio's resume and Exhibit A-6, the Existing conditions Plan (dated 08-09-2021 and submitted with the application) were introduced. Mr. Porzio provided testimony which described the existing building, a residence and where it is located; described the other buildings, surrounding area for storage of landscaping and noted the property is 6.12 acres with Wetlands across the West side, that there is a 50 ft, buffer and there is a pond.

In his testimony as to the site design, he described the existing conditions, namely the slope, adjacent properties and the proximity of the existing transmission line. He testified that the proposed Site Plan includes demolition of an existing residence, garage, shed and the removal of the building used for the landscaping business. He testified that there are two access driveways with concrete aprons and asphalt, that there is a 20 ft. wide access way as requested by County Planning Board; that there is no curbing along the access road. He testified as to the substation yard area, as to the crushed stone which would be used, that a septic system is required to be installed, that there is existing water service on Hartford Road. He confirmed that the site will meet "Green" infrastructure requirements for storm water management.

He testified that the Applicant's Storm water management system is designed to meet current requirements; that the operations and maintenance manual has been submitted; and testified that the Storm Water Management Plan ("SWMP") and maintenance manual

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will be recorded in order to be associated with the property through public land records. He testified that the SWMP will comply with Township and DEP standards, so that the Board does not need to consider mitigation measures. He testified as to the security reasons for having a 7 ft. high fence with mesh (for a total of 8 ft.), to prevent climbing. No parking is proposed as it was testified that employees visiting the site can park on gravel areas. Sight triangles from the station driveways will meet ASHTO requirements.

Mr. Porzio testified as to the lighting proposed; that there would be 2-foot candles (fc) within the substation and as to the 3 types of lighting to be utilized: dusk to dawn security lights which are 6 inches above grade; motion activated; and manual (including “up” lights)

In response to a question by a Board member about the extent of the lighting on Sundays, he testified that during off times, it would be serviced by either “up” lights or task lighting brought in. In response to a question by the Board’s Planner about lighting, Mr. Reichle confirmed that PSE&G will comply with min/max footcandles in Ordinance, that on average, the Applicant will comply and that a variance is not required. In response to a question by the Board’s Engineer, seeking clarification as to surface treatment within the complex on thickness of the milling; the Applicant indicated that there will be crushed rock in accordance with NJ DOT’s standards. Mr. Reichle testified that the Applicant will comply with the suggested revisions as set forth in the Board’s Engineer’s comment letter consistent with the Applicant’s response letter of 11/17/21. With respect to Environmental testing, the Applicant did perform a Phase I investigation of the property and agreed to provide a copy of the report to the Board’s Engineer.

Michael Conaway, P.E. of Ostergaard Acoustical Associates, was presented and accepted as an expert in acoustical engineering for noise control. Mr. Conaway testified as to his role to evaluate sound emissions from the proposed substation. Exhibit A-7, Mr. Conaway’s resume was introduced. He testified that he prepared a report which was part of the Applicant’s submissions to evaluate the decibel levels, which he determined would be within the permitted sound standards. He testified that he reviewed the Township’s Code, Section 217, which does not provide sound emission standards so he used the State standards. He testified as to the purpose of the modeling, his methodology, which accounts for the site’s topography as well as shielding. Mr. Conaway referred to Exhibit A-2, the Site plan and testified as to how and where noise emanates from the transformers, the condensing units and their housing. He introduced and described Exhibits A-8 (Future Site Sound emissions) and A-9 (Contingency Plan Sound Emissions). He testified that, based on his study of the site and his modeling, upon completion of the construction, the site will have no negative sound impact on the surrounding area, that it will meet the sound decibel limitations at the property line, that it will meet all state and local sound standards and will not be a nuisance. He testified in response to Board member questions about the sound in that the sound will blend in with

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the sound of the area, which would be a low-level hum in the background when on the site.

In response to the questions by the Board's Engineer about noise attenuation by the trees, Mr. Conway indicated there will not be much since 500 meters of trees is needed to have any attenuating effect, that the noise level at 50 dB(A) is similar to the noise of a refrigerator three feet away at night. He testified that the study was based upon manufacturer data of noise at 100 % load. The Applicant agreed to conduct and provide a sound study after construction to ensure compliance and that if the site does not comply with applicable standards and further attenuation measures are needed, he will work with Board professionals and that if the professionals could not resolve the issue, the Board retains jurisdiction to resolve the issue of noise attenuation in the event of a non-conforming sound study. The Applicant agreed, as a condition of approval, that it will have a person on site to monitor sound during construction on Sundays.

John Futey, II, LLA, was sworn in and accepted as an expert in landscape architecture design. Exhibit A-10, Mr. Futey's resume was introduced. Mr. Futey testified that he has provided updates to the landscape design plans, has visited the site, and reviewed the Township's Code requirements for landscaping of sites in order to incorporate the standards into the site design. Mr. Futey identified Exhibit A-11, the Rendered Landscaping Plan and provided a description to the Board as to the site conditions, including the transmission wires, which impact plant height and locations. He also testified as to the existing wooded area, which provides some sight and sound mitigation, that the Applicant would supplement the tree line; and include planted material in the basin, that the basin landscape design will be in accordance with the NJDEP Best Management Practices Manual and the floor of the basin would have native herbaceous material. He testified that the need for the overhead transmission wires prevents landscaping of more than 3 ft. in height at maturity, and that the landscaping in the border zone cannot exceed 30 ft. in height at maturity. In response to the comment letter by the Board's Planner, as to whether the Applicant could agree to supplement plantings on the southern property line, the Applicant agreed to work with the Board's Planner to supplement the plantings.

Mr. Futey identified Exhibits A-12 Hartford Road view (2 photos) rendered for spring flowering conditions at 5-year maturity; Exhibit A-13 Hartford Road view with the proposed planting within the ROW; and Exhibit A-14, a Hartford Road view from south (2 photos) from fence line and described the existing and proposed planting.

In response to the Board's Planner's comments about the buffer, noting the permitted uses in the A-1 District, as compared to buffering requirements in other districts, there was a question as to whether PSE&G would meet a 40 ft. buffer requirement along the south side. Mr. Futey initially noted staggered buffering is proposed, but the Applicant then agreed to meet the buffer requirement of 40 ft. along Hartford Road, and will add

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additional landscaping to meet that standard. There were also comments about adding landscaping along the ROW. The Applicant agreed to work with the Board's Planner on additional plantings, to the extent that there can be supplemental plantings along the wire zone, such landscaping cannot exceed 3 ft. in height at maturity, but will work with Board's Planner on adding additional plantings and the buffering at the border can be increased so that their height will reach a maximum of 30 ft. at maturity. As to compensatory planting, the Applicant agreed to work with the Board's Planner and confirmed that the Applicant also agreed to change the design or will comply with other comments in the Planner's review letter.

Keenan Hughes, PP, AICP, of Phillips Price, was sworn in and accepted as an expert in professional land use planning and provided testimony as to the standards for the variance relief and provided the factual basis for his expert opinion that the Applicant met its burden of proof with respect to the various requests for variance relief. Exhibit A-15, the curriculum vitae of Keenan Hughes was presented. Mr. Hughes testified that he reviewed various Township documents and plans, including the Township's Master Plan, zoning districts, noting that the site is within the A-1 (Agricultural and Residential) zone, and that a utility substation is not a permitted use within the zone. He provided testimony as to the reasons justifying the Applicant's request for a d (1) use variance and for a d (6) height variance. He testified as to the bulk "c" variances sought and agrees with the variance standards as cited by the Board's Planner in his review letter.

As to the use variance, he testified that the use is an inherently beneficial use and cited cases, including the Marlboro case, relating to telephone switching stations as beneficial uses; and the *Sica* standard. He testified that as to the first prong of the *Sica* analysis, the public interest is at stake, namely the public need for new power from a reliable source which will reduce disruptions in service. As to the 2<sup>nd</sup> prong of identify detrimental impacts, he testified that the use has very low intensity, that it is an unmanned facility, with no significant increase in traffic, trash or other waste, no demand for municipal services; that an EIS was submitted, which reviewed a number of factors with no impacts, including no noise impacts because the site will comply with standards. As to the visual impacts, there is an existing electrical ROW which is already in place; that the new transmission monopoles are approximately the same height as the existing towers so that the impact will not be changed and that the Applicant is adding a significant amount of landscaping which lessens any negative impacts. As to the third prong of the test, he testified that there were no additional measures needed to be implemented to address any substantial concerns and that finally, the positives substantially outweigh any negative impacts. He also testified that the site is "particularly suited" for this use in that it meets PSE&G's standards and is an oversized site. He testified that there will be adequate buffering and setbacks that the site is shielded and will be enhanced; that no environmental features will be negatively impacted and noted the site is located in close proximity to the current infrastructure. He testified as to the basis for his opinion that the

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goals of the Master Plan are advanced with respect to goal k, providing for community facilities and goal l, providing a high level of service.

As to the d (6) variance standards, he testified that the property can accommodate the structure, the lack of visual impact due largely to the existing presence of transmission wires. He testified in support of the bulk “c” variance relief sought as to the standards, the unique design restrictions warranted by federal and state regulatory commissions, of the need for the accessory use (transformer and septic) which had to be placed within 100 ft of the front line, but which are critical to the functioning of the site. He testified as to how the proposed design minimized any negative impacts such that the positives in granting the bulk relief outweigh the negatives as there is minimal negative impact in granting the proposed variance relief.

In response to a Board question about the benefits specific to Delran and whether PSE&G they upgrade its power transmission from one of the other surrounding sub-stations instead of installing a new substation, Mr. Reichle testified about benefits specific to Delran Township, that the current power supply is not as reliable as it should be, that there are outages for an extended period of time, and that installing power lines from stations which are miles away involves greater risk and is less reliable. He testified that the other stations are not efficient enough to improve supply to Delran and the goal is to upgrade for greater service reliability.

The Board’s Engineer and Planner each reviewed other items not addressed in their comment letters and noted the Applicant submitted detailed responses to each comment letter in which design revisions, plan or design notes or additions or agreements to work with the Board’s professionals were confirmed at the hearing.

**OPEN TO THE PUBLIC**

**Mr. Morrow made a motion to open to the public following testimony. Mr. Anderson seconded the motion. The results of the motion are as follows:**

The motion passed with a unanimous voice vote.

Johann Oliver of 112 Haverford Court raised questions concerning the features of the design and the elevations; whether there were site alternatives available; environmental impacts, visual impact, and the construction schedule. Testimony had been given in regards to her concerns.

**CLOSE TO THE PUBLIC**

**Mr. Morrow made a motion to close to the public. Mrs. Iezzi seconded the motion. The results of the motion are as follows:**

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The motion passed with a unanimous voice vote.

The Applicant agreed to the following revisions to the design plan and the following conditions for approval, all of which were material to the Board's determination:

1. Pursuant to the requirements of the MLUL and the Township's Affordable Housing Ordinance, the Applicant is required to provide an Affordable Housing contribution consistent with the law, based upon the equalized assessment of the property.
2. The Applicant agreed as a condition of approval to obtain required approval from the NJ Board of Public Utilities.
3. The Applicant agreed as a condition of approval that there will be no razor wire or barbed wire on top of the 8 ft. security fence or any other fencing on the site.
4. As a condition of approval, the Applicant agreed to provide the contact information for the operations manager in the event that there is an issue with the migration of trash from site or with weed overgrowth.
5. The Applicant acknowledged that it would be required to comply with local Ordinances and state laws, including limitations or regulations regarding truck idling at the site.
6. The Applicant acknowledged that it would be required to comply with local Ordinances and state laws or standards with respect to noise control.
7. As a condition of approval, the Applicant agreed to meet "Green" infrastructure requirements. The Applicant acknowledged that it as a condition of approval, it would be required to have its Storm water management system designed to meet local and State and other applicable requirements, operations and maintenance plan has been submitted;
8. As a condition of approval, the Applicant agreed that the Storm Water Management Plan and operations and maintenance manual will be recorded in order to be associated with the property through the publicly recorded land records.
9. As to environmental testing to be performed, the Applicant agreed to provide a copy of its Phase 1 report for the site to the Board's Engineer.
10. As a condition of approval, the Applicant agreed to conduct and provide a sound study after the completion of the construction in order to ensure compliance; that if the site does not comply with applicable standards and further attenuation measures needed, will work with Board professionals and that if the professionals could not resolve the issue, the Board retains jurisdiction to resolve the issue of noise attenuation in the event of a non-conforming sound study.
11. The Applicant agreed, as a condition of approval, that it will have a person on site to monitor sound during construction on Sundays.
12. The Applicant agreed, as a condition of approval, to supplement plantings on the southern property line and the Applicant will work with the Board's Planner to supplement the plantings in that area as well as the area identified along Hartford Road for the 40 ft. wide buffer.

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13. As a condition of approval, the Applicant agreed to work with the Board's Planner on additional plantings as identified at the hearing, and to the extent that there can be supplemental plantings along the wire zone, such landscaping cannot exceed 3 ft. in height at maturity.
14. The Applicant's professionals will work with Board's Planner on additional plantings in the border zone that will reach a maximum height of 30 ft. at maturity.
15. As a condition of approval, the Applicant agreed to work with the Board's Planner to provide compensatory planting.
16. The Applicant's authorized representatives confirmed that the Applicant agree to comply with other comments in the Planner's review letter and revise the plans accordingly.

**Mrs. Iezzi made a motion to approve the preliminary & final major site plan with the use, height & various bulk variances subject to all conditions as stated as described through-out their testimony and Professionals review letters. Mr. Anderson seconded the motion. The results of the motion are as follows:**

**Aye:** Mr. Mormando, Mr. Morrow, Mr. Anderson, Mrs. Iezzi, Mr. Merced & Mr. Moore  
**Absent:** Mrs. Parento & Mr. Chascsa

**RESOLUTION**

**Resolution # ZZ2021-05**  
MLRK Entertainment, LLC  
1310-1330 Fairview Blvd.  
Block 120, Lot 14.04  
ZN2021-07  
Use Variance

**Mr. Morrow made a motion to adopt Resolution ZZ2021-05. Mrs. Iezzi seconded the motion. The results of the motion are as follows:**

**Aye:** Mr. Mormando, Mr. Morrow, Mr. Anderson, Mrs. Iezzi, & Mr. Merced  
**Abstain:** Mr. Moore  
**Absent:** Mrs. Parento & Mr. Chascsa

**OPEN TO THE PUBLIC**

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**Mr. Morrow made a motion to open to the public. Mr. Anderson seconded the motion. The results of the motion are as follows:**

Motion passed with a unanimous voice vote.

There was no public wishing to speak.

**CLOSE TO THE PUBLIC**

**Mr. Morrow made a motion to close to the public. Mr. Moore seconded the motion. The results of the motion are as follows:**

Motion passed with a unanimous voice vote.

**ADJOURNMENT**

**Mr. Morrow made a motion to adjourn the meeting at 10:50 pm. Mrs. Iezzi seconded the motion. The results of the motion are as follows.**

Motion passed with a unanimous voice vote.

Respectfully submitted,

Kathy Phillips,  
Zoning Board Secretary