



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • APRIL 9, 2024

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Chairman Whitson called the meeting to order at 7:00 PM
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 10, 2024 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Chairman Whitson led attendees and members of the Board in the flag salute.
- IV. **Board Policy:** Chairman Whitson advised of the following Board policies: It is Board Policy that no application will be opened after 9:30 P.M.; no new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

V. **Roll Call:**

Attendee Name	Title	Status
James Whitson	Chairman	Present
John (Jack) Kahle	Vice Chairman	Present
Christopher Widdis C	Mayor's Designee	Present
Patty Cooper	Class III Council Liaison	Present
Joseph Foster	Environmental Commission Liaison	Present
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Present
Kevin Calver	Class IV	Absent
David Gruskos	Alternate I	Absent
Louis J. Padula	Alternate II	Present
Jeanne Smith	Board Secretary	Present
Robert Cosgrove for Kevin Kennedy	Board Attorney	Present
William White	Board Engineer/Planner	Present

VI. **Board Business:**

- Report of Pending Applications: Ms. Smith advised that next meeting was scheduled for April 23, 2024, however, no items presently complete for hearing to be scheduled and the Board unanimously agreed to cancel the meeting.

VII. **Approval of Minutes:**

- Planning/Zoning Board - Regular - Mar 26, 2024 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Patty Cooper, Class III Council Liaison
AYES:	Whitson, Kahle, Widdis C, Cooper, Foster, Widdis L, Davis, Dailey, Padula
ABSENT:	Calver, Gruskos

- Minutes of Oct 11, 2022 7:00 PM – Tabled

At 7:06 PM, Leslie Widdis and Christopher Widdis left the dais due to conflict with the next matter.

VIII. **Old Business:**

- Resolution of Approval - 27 Werah Place – As the Resolution had been previously provided to the Board, Mr. Cosgrove summarized the resolution and its conditions. Ms. Cooper made a motion to approve the Resolution, which was seconded by Mr. Davis and received the below roll call:

RESULT:	ADOPTED [6 TO 0]	ABSENT:	Calver, Gruskos
MOVER:	Patty Cooper, Class III Council Liaison	INELIGIBLE:	Foster
SECONDER:	Darren Davis, Class IV	RECUSED:	Widdis C, Widdis L
AYES:	Whitson, Kahle, Cooper, Davis, Dailey, Padula		

2. PB2024-02 JCP&L

Block 110, Lot 4

Main St. and Wolfhill Avenue

Construction of electrical substations seeking waivers and Minor Site Plan approval

EXHIBITS:

03/26/2024 Meeting

A-1 Land Development Application

A-2 "Alta/NSPS (2016) Land Title Survey, Portion of Lot 4 In Block 110" prepared by T&M Associates, dated January 2, 2019, last revised January 18, 2024

A-3 "Site Plan for Jersey Central Power and Light MOD Substation at FMERA," prepared by Boswell Engineering, LLC., last revised February 26, 2024, consisting of seven (7) sheets.

A-4 Colliers Engineering Review Letter, dated March 25, 2024

04/09/2024 Meeting

A-5 Report entitled "Stormwater Management Report, Fort Monmouth Mod Substation" prepared by MasTec Professional Services, dated December 2023.

A-6 Plan entitled "JCP&L - Fort Monmouth MOD Substation, Existing Conditions Plan" prepared by MasTec Professional Services, dated January 2, 2019, last revised December 27, 2023, consisting of one (1) sheet.

A-7 Plans entitled "Jersey Central Power and Light, Fort Monmouth MOD Substation" prepared by MasTec Professional Services., last revised December 27, 2023, consisting of nine (9) sheets.

A-8 Plan entitled "Alta/NSPS (2016) Land Title Survey, Portion of Lot 4 In Block 110" prepared by T&M Associates, dated January 2, 2019, last revised March 1, 2024, consisting of one (1) sheet.

A-9 Plans entitled "Site Plan for Jersey Central Power and Light MOD Substation at FMERA," prepared by Boswell Engineering, LLC., last revised March 27, 2024, consisting of eight (8) sheets.

A-10 Colliers Engineering Review Letter dated April 9, 2024

A-11 Google Aerial Photograph of Site Location

Mr. Cosgrove stated that this was a continuation of a hearing on March 26, 2024 with all professionals having been previously sworn in. He further advised that two members not present at the last meeting had read and watched the March 26, 2024 meeting and certified to same – members Mr. Foster and Mr. Widdis.

Ms. Smith then described and marked **Exhibits A-5, A-6, A-7, A-8, A-9, A-10**

Mr. Wisniewski, Applicant's Attorney, summarized the application stressing that the application was for minor site plan and *not a use application* – the substation proposed is an approved use as determined by the FMERA Redevelopment Plan.

Jeffrey Morris of Boswell Engineering, Applicant's Engineer, further testified concerning why the site location was determined to be best as it is located adjacent to where 6 transmission circuits already operate and one could easily be made to feed the proposed substations that will provide redundancy and resilience; described existing grades; project complies with FMERA requirements concerning zoning as well as all Federal requirements for the lines; referring to Exhibit A9 summarized the lots location and setbacks from Main Street, Razor Avenue and Stephenson Ave; a proposed gravel driveway and will comply with the Board Engineer's request for a concrete apron; described proposed landscape buffering in the form of more than 100 plants, with 6-8' double staggered green giant deer-resistant arborvitae at 5' intervals as well as double boxwoods surrounding the entire perimeter of the site – there was discussion on the type of tree to be used which was eventually agreed upon that they will use a number 5 boxwood instead of number 2 placed at intervals to be approved by the Board Engineer; described proposed 8' high chain link fencing with barbed wire atop – discussed and agreed that color of fence would be green; testified concerning stormwater runoff – complying with all major development requirements; site is unmanned and will have no lights; signage would include one identification sign, size 17"x36", located on fence and the others were required warning signs.

Chairman Whitson invited questions from Mr. White and Board members.

Mr. White commented on items including confirmation of the street name if it was Stephenson Ave - Ms. Smith advised that the street had been renamed to Oceanport Way – plans will be updated to reflect the correction; reviewed for the Board the 3 waivers being sought: (1) fence height of 8 feet; (2) barbed wire atop fence – needed to keep people out of this high voltage facility; (3) stone driveway where paved required – finds it would be acceptable as it is a low traffic site but requested concrete apron to minimize stone spillover into street; two sets of site plans provided with differing information as one set submitted to DEP for CAFRA, the set submitted to the town will revise the drainage design to be consistent with set submitted to DEP.

Board members asked questions related to lighting – any motion sensor lighting – no, in dark vehicle headlights would be used;

confirmation of the landscaped to be used; recognized that a substation is already at the location; will have the lowest transmission voltage; health impacts have not been found by studies; purpose of the substations will to serve the southern portion of the Fort Monmouth redevelopment area and provide redundancy and resilience; noise will be in the form of a buzzing sound that would not be heard beyond the property lines; site was located away from Main Street and closer to Oceanport Way; proximity to residents – nearest home being 200+feet away which is the only residence on the same side of Main Street; entry gate would be automatic; existing wires are 60-70' and would need to be brought down to the site; potential for non-conventional ways to hide the site with a structure that looks like a house such as the one done in Fair Haven – that was located directly in a residential neighborhood; no impacts to services being provided with the exception of a brief interruption when connected; one substation nearest Todd Avenue would support mostly Netflix; would larger substations need to be added or expanded with future development; environmental concerns and are wires regularly inspected for leakage of the RFI or EFIs; designed for double containment for all fluids to reduce any impacts to groundwater; emergencies would be handled by JCP&L – not the fire department and there will be an emergency number on the sign;

PUBLIC: Chairman Whitson opened the meeting to the public for questions of this witness.

Don Solecki, 1 Russel Ave, was sworn in, asked questions about the potential for system to accept residential solar systems; will any of the existing transformers be replaced that serve the residential portions of the fort; any concerns with taking distribution from the new substation

Kathy Crotzer, 80 Main St, was sworn in, asked questions concerning impacts to her property as there are two sets of new poles installed to bring wiring into the Fort and now a substation directly across the street – boxwoods are you kidding me – she wants to see 80' trees and has concerns for her property value.

Thomas Tvrdik, 11 Wyandotte Ave, was sworn in, and asked questions about the site plan and asked if the parcel between Main Street and the substation would be owned by JCP&L and was advised no, it would belong to FMERA. Mr. Tvrdik recommended reaching out to FMERA for permission to fill that area with oak trees, pines, etc. in order to fill in that area. Mr. Wisniewski advised he would consult with his client and reach out. Mr. Tvrdik also commented that consideration should be made that at some point FMERA would “sunset” and would like to see that lot remain buffer for the substation.

Pamela Waybright, 82 Main St, was sworn in, and stated she can hear the buzzing at night from the existing and questioned how much more would it be with the additional substation; also expressed concern for her property values.

As no one else from the public appeared that portion of the meeting was closed.

Mr. Foster asked additional questions on potential ways to increase the buffering of the lines and the station. Regulations require that plants have to be located at not less than 10' from the fence. Mr. Wisniewski reiterated that they would contact FMERA about planting additional trees on their property. There was additional discussion on the types of trees, survival rates better for 6-8' trees than taller trees, additional trees, concern that tree heights don't impact wires.

PUBLIC: Chairman Whitson opened the meeting to the public for comments on the application.

Kathy Crotzer, 80 Main St, asked how Fair Haven was able to get a beautiful building around their substation – did someone complain enough – and she wants the Board to consider requiring it. Mr. Foster responded that the Fair Haven site is in the middle of a residential area. This site is not surrounded by residential zone.

Pete Brown, 93 Main St., was sworn in, apologized for late arrival and asked questions about the setback distances from Main St. and asked the Applicant's team and the Board if it were their property would they be comfortable with this. Applicants representative declined to respond. Mr. Cosgrove stated the question was asked but noted that an answer was not required or forthcoming. Mr. Brown also asked if other sites had been considered further away from the residential neighborhood. Mr. Cosgrove responded that this hearing tonight was for a permitted use and the Board did not have the authority to move the location – use is set and determined by FMERA. Mr. Brown stated he would like to see the barbed wire on the fence near his property be replaced as it was falling down.

Tony Denucci, 17 Wolf Hill Ave, commented that he understands it's a “done deal” but expressed concerns for health, contradictions, and property values.

Mr. Davis made a motion to approve the application subject to the slats in the fence, enlargement of the trees from 6' to 8', fill in the connection at the back corner where the trees finish and start and seek permission from FMERA to plant additional trees on their property which was seconded by Mr. Foster.

Motion to Approve Application with Conditions

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Mr. Davis, Regular Member
SECONDER:	Mr. Foster, Class II Environmental Liaison
AYES:	Whitson, Kahle, Widdis C, Cooper, Foster, Widdis L, Davis, Dailey, Padula
ABSENT:	Calver, Gruskos

IX. New Business - None

- X. **Public Comments:** Chairman Whitson opened the meeting to public comments. As no one else from the public appeared, that portion of the meeting was closed.
- XI. **Adjournment:** As there was no further business, the meeting was adjourned at 8:11 pm on a motion by Councilwoman Cooper, seconded by Mr. Dailey with all in favor.

Respectfully submitted,

Jeanne Smith
Board Secretary