

July 25, 2018
via Hand Delivery



Mark Healey, Zoning Officer
Township of Franklin
475 DeMott Lane
Somerset, NJ 08873

**PUBLIC SERVICE ELECTRIC AND GAS COMPANY
BENNETTS LANE SUBSTATION
160 SOUTH MIDDLEBUSH ROAD
BLOCK 84.03, LOTS 1 & 2.02
FRANKLIN TOWNSHIP, NJ 08873
APPLICATION FOR ADMINISTRATIVE APPROVAL OF SITE PLAN**

Dear Mr. Healey:

Public Service Electric and Gas Company (PSE&G) is submitting this Application for Administrative Approval of Site Plan for proposed upgrades at our Bennetts Lane Substation in accordance with our discussion on June 27, 2018. The work includes the construction of minor foundations and structural steel for a surge arrestor terminator structure and associated switchgear entirely within existing impervious surfaces associated with the Substation. The two (2) construction trailers and one (1) guard shack depicted on the enclosed plan are temporary in nature and will be removed upon completion of the project. All work is proposed to be done within the existing limits of disturbance. Proposed improvements will be within the clouded area on the enclosed Development Plan.

The Station is within the Single Family Residential (R-40) Zone. The current use of the site is listed as a conditional use in the R-40 Zone. Chapter 112, Section 48 of the Franklin Township Town Code states that public utility installations require site plan review, shall not be located within 100 feet of a school, church, or other public building, and shall not have permanent storage of vehicles or outdoor storage materials. PSE&G will comply with these use requirements. In addition, the proposed work will comply with the bulk requirements set forth in the schedule of Height, Coverage and Building Requirements for the R-40 Zone.

In support of our application, please find the following documents enclosed for your review:

- **Attachment A – Application Form.** One completed form titled Application for Administrative Approval of Site Plan;
- **Attachment B – Application Fee.** PSE&G check #7738 dated July 16, 2018, in the amount of \$1,000.00 (one thousand dollars), made payable to “Township of Franklin”;
- **Attachment C – Development Plan.** Four (4) copies of the of the following prepared by Burns and McDonnell:
 - Drawing No. 308760A – 9Per, Key Plan, dated 3/10/10, last revised 7/13/18

We thank you for your time in considering our request. Please feel free to contact me at Robert.McCarthy@PSEG.com or (908) 412-6904 should you require anything further.

Very truly yours,

A handwritten signature in blue ink that reads "Robert McCarthy". The signature is written in a cursive style with a long horizontal stroke at the end.

Robert McCarthy, PE, PP, LEED AP
PSE&G – Licensing Project Manager

Enclosures

cc: K. Baltadonis (PS&S)

ATTACHMENT A

APPLICATION FORM

APPLICATION for ADMINISTRATIVE APPROVAL of SITE PLAN

Fill out completely and type or print in ink. Please read instructions on reverse.

SITE INFORMATION:

Block 84.03 Lot 1 & 2.02 Qualifier _____ Zone Single Family Residential (R-40)

Address 160 South Middlebush Road Apt./Unit/Store/Etc. _____

Residential, specify _____ or Non-residential, specify Electric Substation

Property Owner Public Service Electric and Gas Company (PSE&G) c/o Robert Pollock

Address (if different) 4000 Hadley Road City South Plainfield State NJ Zip Code 07080

Phone 908-412-7262 Fax _____ Email robert.pollock@pseg.com

APPLICANT (if not owner):

Name PSE&G c/o Robert McCarthy Owner's Agent Tenant Other _____

Address 4000 Hadley Road City South Plainfield State NJ Zip Code 07080

Contact Person Robert McCarthy

Phone 908-412-6904 Fax 908-412-7285 Email robert.mccarthy@pseg.com

PROPOSAL

Description (be specific): Construction of minor foundations and structural steel components associated with
electrical process equipment

Area of new disturbance: Not Applicable sq. ft. Work to occur within existing impervious surface.

Date and Docket Number of any previous Board approval(s): _____

CERTIFICATION - Both Owner and Applicant must sign below:

I hereby certify that I am the agent of (owner of) record and am authorized to make this application. I understand that if any of the above statements are willfully false, I am subject to punishment.



Signature of Owner

7/16/18

Date



Signature of Applicant

7/16/18

Date

Township Use Only:	
Date Received	_____
Fee Received: Check #	_____ or Cash _____
Project #	_____
Meeting Date	_____
_____ Approved	
_____ Approved with Conditions:	_____
_____ Denied:	_____

ATTACHMENT B

APPLICATION FEE

PSE&G Delivery, Projects & Construction - L & P

Licenses & Permits
4000 Hadley Road
South Plainfield, NJ 07080

Bank of America.



EZShield™ Check Fraud Protection for Business

55-33/212

7/16/2018

PAY TO THE ORDER OF Township Of Franklin

\$ **1,000.00

One Thousand Only*****

DOLLARS

Township Of Franklin
475 DeMott Lane
Somerset, NJ 08873



AUTHORIZED SIGNATURE

MEMO

Administrative Approval Application - Bennetts Lane Sub

⑈ 10 197738 ⑈ ⑆ 02 1200339⑆ 009429152593 ⑈

PSE&G Delivery, Projects & Construction - L & P

Township Of Franklin
Permit Fee

7/16/2018

7738

1,000.00

DP&C L&P Checking Su Administrative Approval Application - Bennetts Lane Su

1,000.00

PSE&G Delivery, Projects & Construction - L & P

Township Of Franklin
Permit Fee

7/16/2018

7738

1,000.00

DP&C L&P Checking Su Administrative Approval Application - Bennetts Lane Su

1,000.00

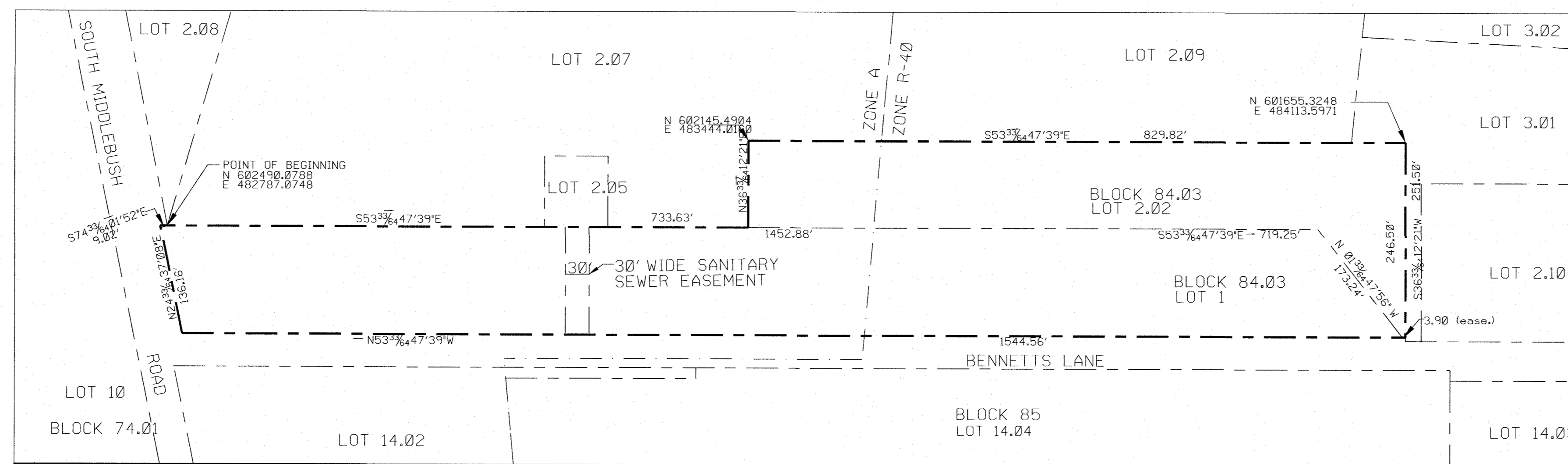
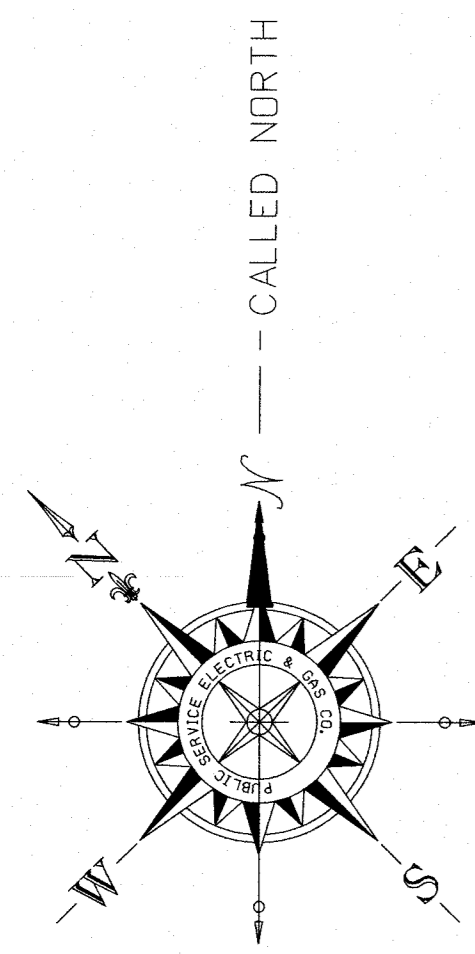


Security features. Details on back.

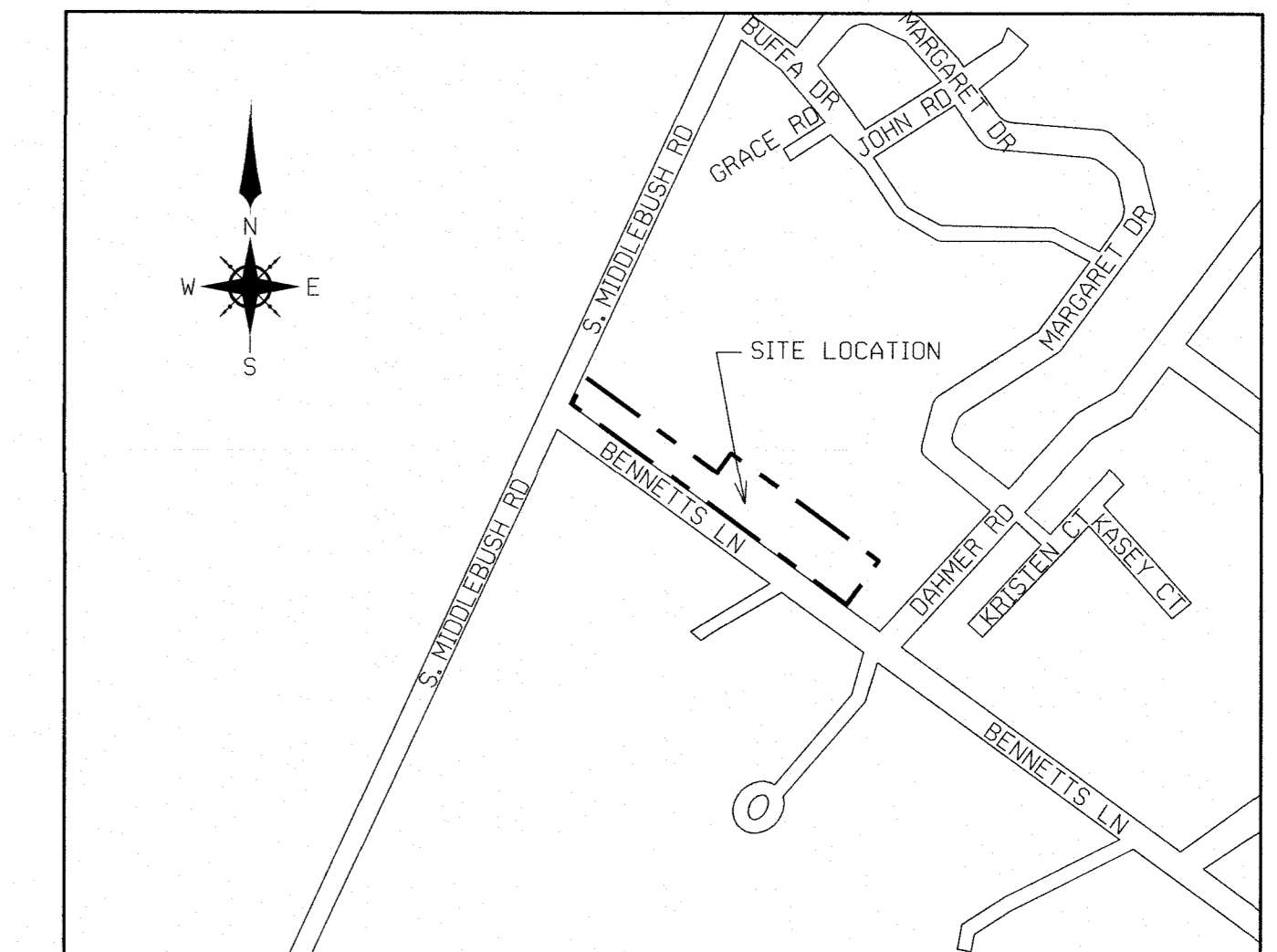
ATTACHMENT C

DEVELOPMENT PLANS

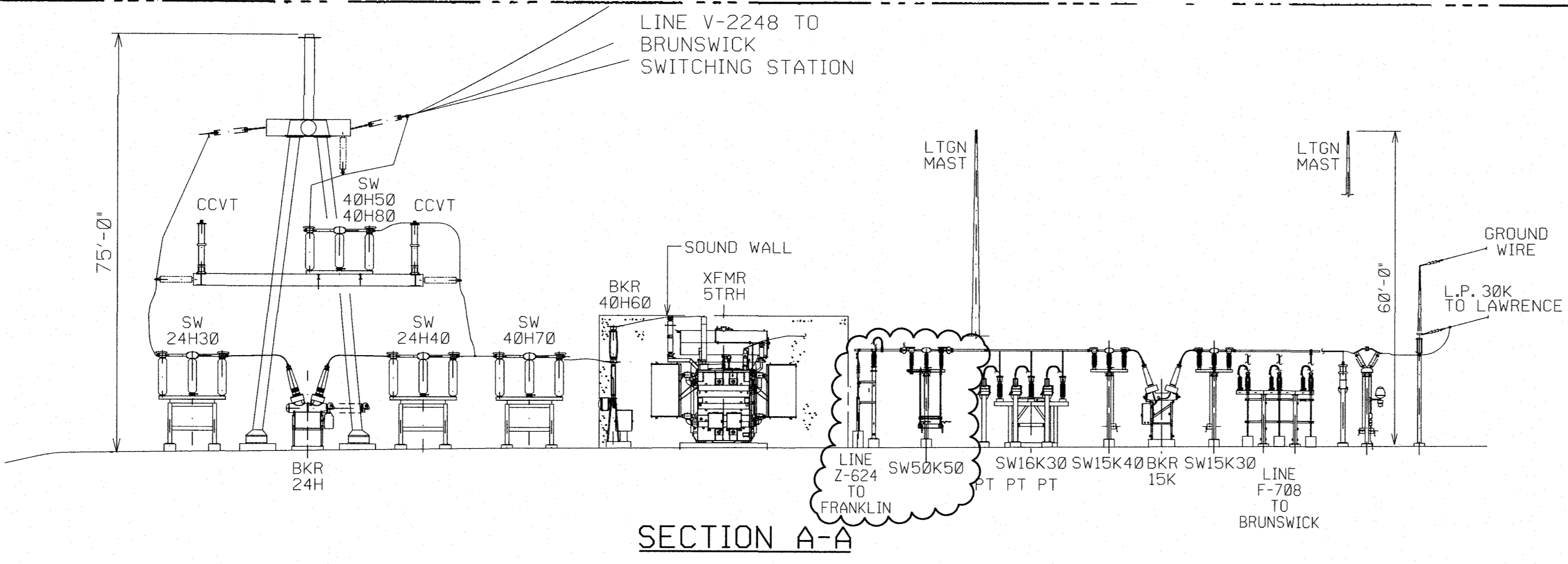
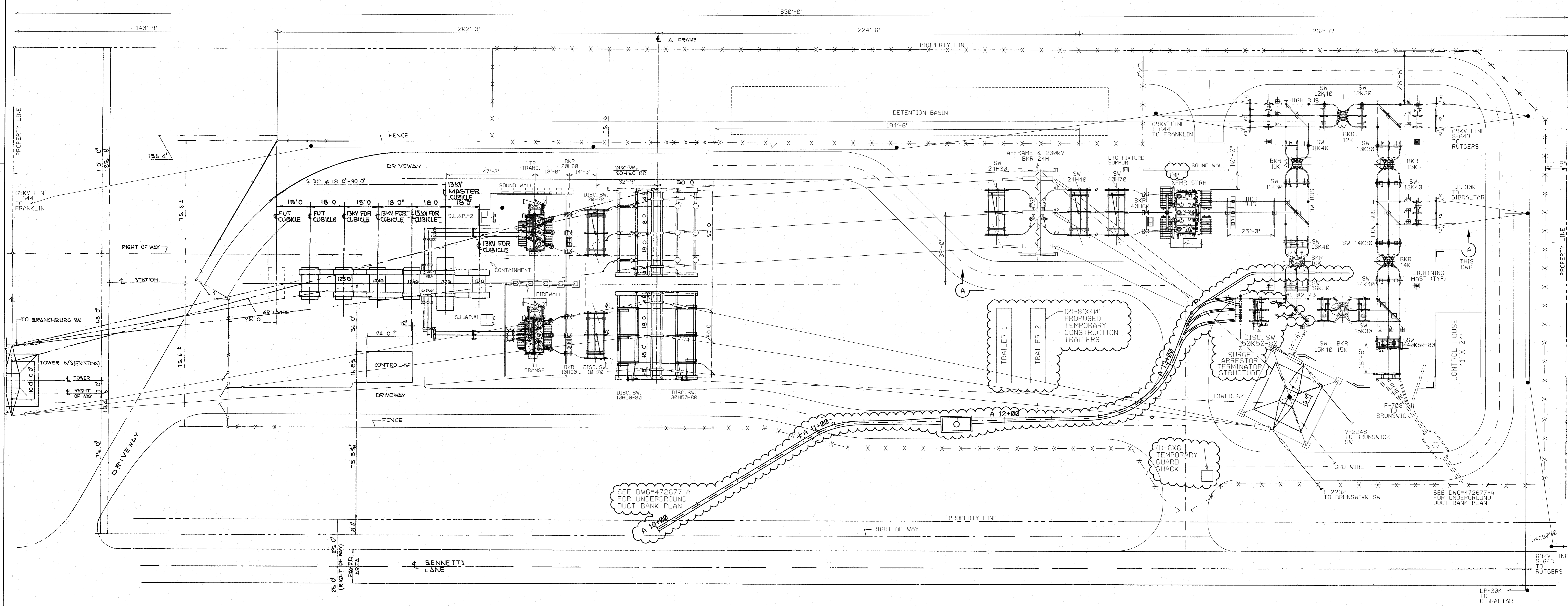
**ATTACHED
SEPARATELY**



AREA MAP
1"=120'



LOCATION MAP
1"=1200'



SECTION A-A

REFERENCE DRAWINGS

ULTIMATE PLAN	308756-A
230/13KV BUS PLAN	62636-A
230/13KV SUBSTATION SECTIONS & DETAILS	62637-A
LIGHTING & GROUNDING PLAN	96572-A
BILL OF MATERIAL	308763-A
230KV (900 BIL) 3000AMP TYPE DISC. SW. SHEET 1	338651-A
230KV (900 BIL) 3000AMP TYPE DISC. SW. SHEET 2	338652-A
230KV (900 BIL) 3000AMP TYPE DISC. SW. SHEET 1	342005-A
230KV (900 BIL) 3000AMP TYPE DISC. SW. SHEET 2	342009-A
230/13KV ABB TRANS T2 DIMENSION DWG. SH 1	351252-A
230/13KV ABB TRANS T2 DIMENSION DWG. SH 2	351253-A
230/13KV ABB TRANS T1 DIMENSION DWG. SH 1	357447-A
230/13KV ABB TRANS T1 DIMENSION DWG. SH 2	357448-A
230/13KV SWITCHING SECTIONS & DETAILS SH.1	308758-A
230/13KV SWITCHING SECTIONS & DETAILS SH.2	444809-A
69KV DISC SW 3000A 40K50-80	451859-A
69KV DISC SW 3000A 15K30, 15K40	451772-A
69KV DISC SW 3000A 16K30, 16K40	451773-A
69KV UNDERGROUND DUCT BANK PLAN	472677-A

SYSTEM CODE: 2160
AREA ELEV: 54ZZ

GENERAL NOTES
USE PRINTS OF LATEST REVISION ONLY.
DO NOT SCALE - USE DIMENSIONS ONLY.
FOR LIST OF REFERENCE DRAWINGS SEE
DRAWING NO. THIS DRAWING
THIS DRAWING SUPERSEDES: NONE
THIS DRAWING IS SHEET NO. 1 OF 1 SHEETS.

NO	DATE	DESCRIPTION	DSO	CKD	EXD	APD
9	1/13/18	UPDATED FOR 69KV UNDERGROUND POSITION AND TEMP TRAILER AND GUARD SHACK LOCATIONS	MSM	MSM	MSM	MSM
8	1/13/18	ADDED TEMP BOX FOR TRANSFORMER STR	DBN	AD	DL	LN
7	2/7/18	UPDATED DESIGN TO REFLECT CHANGE FROM UNDERGROUND TO BRUNSWICK UNDERGROUND TO BRUNSWICK	MSM	JMH	JMH	PAP DM
6	1/16/18	ADDED BKR TO TOWER 6/1 & 15K BARS & ASSOCIATED SW & EQ'PT.	MSM	JLJ	JLJ	PAP DM
5	2/9/18	REPLACED TRANSFORMER T1	MSM	MS	HR	SMP

REVISION
BENNETT'S LANE SUBSTATION
230/69/13KV SUBSTATION
KEY PLAN

ARRANGEMENT **ELECTRICAL**

PSEG
PUBLIC SERVICE ELECTRIC AND GAS COMPANY
ELECTRIC DELIVERY COMPANY-ASSET RELIABILITY, NEWARK, N.J.

DESIGNED: M. MULLEN, CHECKED: J. FLEMING, SCALE: 1"=20'-0"
DATE: 2/10/18, EXAMINED: J.E. MAIER
WBS/SD: C.90812, APPROVED: RJS

BRENT L. WELLS
Brent Wells
7-25-18

N.J. PROFESSIONAL ENGINEER
LIC. NO. 24GE05393400
C.O.A. NO. 24GA28066400

REV	DATE	DESCRIPTION
1	2-13-18	ISSUED FOR PERMITTING

308760 A - 9PER



Post-It® Fax Note	7671	Date	3/16	# of pages	2
To	Noreen Merainer	From	Caroline		
Co./Dept.	PSEG	Co.	D&RCC		
Phone #		Phone	(609) 397-2000		
Fax #	973 624-9047	Fax #			

March 16, 2010

The enclosed Certificate of Approval has been sent to the following:

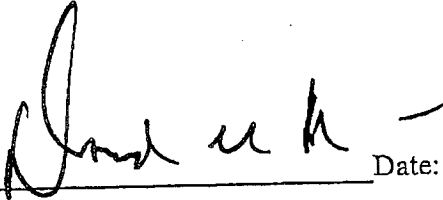
- Original: Noreen Merainer
- Copies: Franklin Township Planning Board
- Somerset County Planning Board

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Chris Christie, Governor, Kim Guadagno, Lt. Governor Bob Martin, Acting Commissioner
 PRALLSVILLE MILLS 33 RISLER STREET P.O. BOX 539 STOCKTON, NJ 08559-0539
 (609) 397-2000 FAX: (609) 397-1081 www.dandrcanal.com



CERTIFICATE OF APPROVAL

Notice is hereby given that the Delaware and Raritan Canal Commission issues this Certificate of Approval to Public Service Electric & Gas Company for the project known as PSE&G Bennetts Lane Substation Upgrade located in Somerset County, in the Municipality of Franklin Township, Lot(s) 1 & 2.02, Block(s) 84.03.

Signed:  Date: February 17, 2010

Expiration date of this approval is February 17, 2015.

This Certificate of Approval shall be effective immediately, conditioned upon compliance with the following items, numbered one through 0.

New Jersey Department of Environmental Protection
Jon Corzine, Governor Mark N. Mauriello, Acting Commissioner
Prallsville Mills 33 Risler Street PO Box 539 Stockton, NJ 08559-0539
Tel: (609) 397-2000 Fax: (609) 397-1081 www.dandrcanal.com

DRCC# and project Name: 09-3869, PSE&G Bennetts Lane Substation Upgrade

RESOLUTION CONCERNING PROPOSED PROJECT IN THE
DELAWARE AND RARITAN CANAL REVIEW ZONE

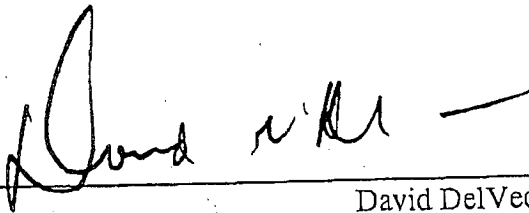
WHEREAS, the Delaware and Raritan Canal Commission (hereinafter "Commission") has received an application for a proposed project in the review zone on block(s) 84.03, lot(s): 1 & 2.02 located within the Municipality of Franklin Township, Somerset County (the "project");

WHEREAS, the Executive Director has recommended an approval of the proposed project;

WHEREAS, the Commission concurs in the recommendations of the Executive Director;

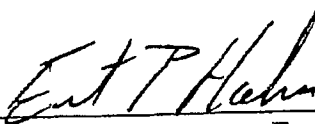
NOW, THEREFORE BE IT RESOLVED THAT:

1. The commission approves, subject to any and all conditions attached on Schedule A, the proposed project as depicted on engineering plans and specifications prepared by URS Washington Division, and listed in the Commission's Staff Report dated February 3, 2010 and approved by the Municipal/County of Franklin Township, Somerset County.
2. The Executive Director is directed to forward a copy of the resolution to the Municipal/County of Franklin Township, Somerset County and to the applicant.



David DelVecchio, Chairman

I hereby certify the foregoing to be a true copy of the resolution adopted by the Delaware and Raritan Canal Commission at their meeting of February 17, 2010



Ernest P. Hahn, Secretary

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,
GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
FOR PSE&G COMPANY CONCERNING
BENNETTS LANE SUBSTATION, SOMERSET, BLOCK 84.03, LOTS 1 & 2.02**

Docket No. PLN-09-00018

WHEREAS, PSE&G COMPANY (hereinafter referred to as the "Applicant"), has applied to the Township of Franklin Planning Board (hereinafter referred to as the "Board") for Preliminary and Final Site Plan approval relating to the expansion of an existing conditional use for the premises designated on the Tax Map of the Township of Franklin as Block 84.03, Lots 1 & 2.02 and located at what is commonly known as Bennetts Lane, Somerset, New Jersey (hereinafter referred to as the "Subject Property"); and

WHEREAS, this application falls under the jurisdiction of the Board for approval pursuant to N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the Applicant was represented by David Richter, Esq.; and

WHEREAS, a hearing was held on the application on October 28, 2009, during which time the Applicant presented testimony, witnesses, reviewed the site plan and the case was opened for public comment; and

WHEREAS, the Applicant provided proof of service and publication of all proper notices and advertisements as required pursuant to the Municipal Land Use Law; and

WHEREAS, the Applicant is seeking preliminary and final site plan approval and associated variance relief to expand an existing substation in the A and R-40 zone districts; and

WHEREAS, the Board heard testimony, reviewed exhibits and reports, and established a record that may be characterized as follows:

1. The following reports and/or correspondence were received and reviewed by the Board:

- A. August 31, 2009, correspondence and application of PSE&G.
- B. August, 2009, environmental impact statement prepared by PSEG Services Corporation.
- C. June 12, 2009, subsurface investigation report prepared by Melick-Tully & Associates, P.C.
- D. August 20, 2009, correspondence of the State of New Jersey Department of Environmental Protection.
- E. March 18, 2009, acoustical report prepared by Ostergaard Acoustical Associates.

F. August 18, 2009, storm water management report prepared by URS under the signature of Florence Abrenica, P.E.

G. Plans entitled "Preliminary/Final Site Development Plan Bennetts Lane Subdivision For Public Service Electric and Gas Company" prepared by URS under the signature of Florence Abrenica, P.E., dated August 18, 2009, and consisting of 18 sheets.

H. Site Plan Plat entitled "Bennetts Lane Substation Site Plan" prepared by URS under the signature of Florence Abrenica, P.E., dated August 27, 2009, and consisting of 1 sheet.

I. Landscape plan prepared by Roy Dunn & Associates, Inc., under the signature of Roy J. Dunn dated July, 2009, and consisting of 1 sheet.

J. October 9, 2009, memorandum of Vincent Dominach, Franklin Township Senior Zoning Officer.

K. October 8, 2009, memorandum of Robert J. Russo, P.E., P.P., of CME Associates.

L. October 16, 2009, memorandum of Mark Healey, P.P., A.I.C.P., Franklin Township Director of Planning.

M. October 6, 2009, memorandum of the Environmental Commission of Theodore Chase, Jr.

N. October 7, 2009, memorandum of Victor Stevens, Manager of Franklin Township Public Works Department.

2. The following exhibits were referenced during the hearing:

A. Exhibit A-1 – Table of Reliability/Capacity conditions.

B. Exhibit A-2 – Colorized version of the site plan.

C. Exhibit A-3 – landscape plan.

D. Exhibit A-4 – letter dated September 30, 2009 from Hampton Chase Homeowners Association, Inc for permission to place landscaping on south side of the Association's property.

3. The following testimony was introduced at the hearing:

A. Kenneth Tannis was introduced by the Applicant and sworn. Mr. Tanis was accepted as a professional electrical engineer. Mr. Tanis testified that it was his role to determine the need for the project based upon the capacity and reliability issues. It was his opinion that the upgrades at the existing substation were required to deal with capacity and reliability issues in the area. Mr. Tanis indicated that this would be done with the addition of a 230-69 KV transformer and associated 230KV-69KV circuit breakers. It is Mr. Tanis' opinion that these upgrades were required in that demand is believed to outpace current capacity of the substation by 2011. It is Mr. Tanis' opinion that there were no significant alternatives that will provide the system capacity and reliability concerns in lieu of the substation upgrades. In regard to the questioning, Mr. Tanis indicated that the construction process should not interfere

with traffic in the area as most of the disruptive work would be done in the middle of the day and on weekends.

- B. Thomas Hughes, P.E., was introduced by the Applicant and sworn. Mr. Hughes was accepted as a professional engineer. Mr. Hughes detailed that the facilities PSE&G was proposing to construct on the subject property is in addition to an existing one-acre substation. Mr. Hughes indicated that the Applicant would be slightly grading the property and placing a crushed stone internal drive and parking area for safety reasons in the switchyard. Mr. Hughes indicated that the crushed stone areas would drain to two wet water treatment ponds that will treat the water and roll back the two year flow to 50% of predevelopment standards, 75% of the ten year flow and 80% of the 100 year flow to provide an overall 80% minimum reduction and suspended solids. Mr. Hughes testified that there would be fencing placed around the detention basins and an 8-foot high fence around the substation with an additional 4-foot high fence to protect workers inside the station itself. Upon questioning, Mr. Hughes indicated that the basins would be constructed of concrete block with a 3:1 side slope and crushed stone or grass on the edge of the basins. Due to high rock and ground water levels in the area, Mr. Hughes indicated that the basins would be generally shallow and would be wet for most of the time. Mr. Hughes did testify that the Township zoning ordinance classifies gravel and stone as impervious surface for the purpose of impervious coverage calculations with respect to zoning compliance, but that the New Jersey Department of Environmental Protection (NJDEP) and the Delaware and Raritan Canal Commission (DRCC) do not classify the crushed stone as impervious for the purpose of compliance with their stormwater regulations. During his testimony, significant discussions ensued between Mr. Hughes and the Board insofar as the removal of rock and a deepening of the detention basins could alleviate potential stagnation of water. The Board felt that, while the Township's zoning ordinance includes gravel as an impervious surface for zoning purposes, that the stormwater plan should consider gravel in accordance with the requirements of the NJDEP and DRCC (which do not consider gravel as impervious surface such as asphalt). In other words, the stormwater plan should be designed to appropriately handle expected runoff in accordance with applicable NJDEP and DRCC regulations, and not to artificially inflate detention needs based on the classification of gravel as an impervious surface for zoning purposes. Accordingly, the Applicant agreed to consult with CME Engineering, the Township's reviewing engineer on this application, and as necessary the DRCC on this matter including the issue of wet vs. dry detention basins, the potential for deepening the detention basin and reducing the overall amount of land dedicated to detention facilities. Such efforts shall center on alleviating potential stagnation of water and reducing the overall amount of land dedicated to detention facilities with a commensurate increase in land area dedicated to screening. Mr. Hughes also testified that the only impact on surrounding residential homes that he knows of is possible encroachment of vegetative plantings on adjacent properties from which the Applicant will seek permission. As to Engineering Comment #2 of the CME report, concerning cartway widths, it was indicated that the Board would not be recommending the widening of either roadway

along the property's frontage. Mr. Hughes also testified as to Engineering Comment #28 pertaining to safety ledges on the slope of the detention basins. Mr. Hughes indicated that these were minor issues as the amount of fencing surrounding the entire property as well as the 4' fence proposed to surround the detention areas provide adequate protection.

- C. The Applicant introduced Joseph Jastrzemeski who was sworn. The Board accepted Mr. Jastrzembki's qualifications as an electrical engineer. Mr. Jastrzembki indicated he is employed with URS and discussed the proposed height of the structures on the property. Mr. Jastrzembki testified that the new structures would be approximately half the height of existing structures on the property and indicated that the highest structure on the site was the existing electric transmission tower, which has a height of 154 feet. The transitional structures and lightning poles are approximately 75 feet tall. As relating to sound walls, Mr. Jastrzembki testified that such walls would create interference with the electrical infrastructure and would pose hazards to maintenance clearances if the safety wall lengths were to be changed as per engineering comment #4. Mr. Jastrzembki indicated that the walls as proposed are similar to those found along highways and are made of concrete and/or fiberglass with a height of 20 feet. Mr. Jastrzembki then detailed the various proposed structures being added to the site for clarification.
- D. The Applicant introduced Roy Dunn who was sworn and qualified as an expert in landscape architecture. Mr. Dunn is a principal of Roy Dunn & Associates and provided testimony regarding the proposed landscaping plan. Mr. Dunn noted existing plantings of the property and described supplemental plantings that are being proposed. Supplemental plantings include placement of vegetation along the property line, some of which extend onto adjacent residential property. Mr. Dunn testified that the Applicant has been in contact with the adjacent residential property owner to the north and has obtained permission to place such plantings on the adjacent residential property. Mr. Dunn did testify that based upon the Franklin Township Tree Replacement Ordinance, there is a shortfall of 29 trees. The Board indicated that 29 trees should be incorporated as additional landscape screening in this application to supplement existing and proposed vegetative screening along the northern side of the site, including to the north of the proposed detention basin. Mr. Dunn further testified that there would be a two-year replacement warranty on any of the trees abutting adjacent residential properties. The Board waived Engineering Comment #39 with respect to the method for indicating size of evergreen trees, showing size in height of such trees is sufficient.
- E. Noreen Merainer, P.P., was introduced by the Applicant and sworn. The Board accepted Ms. Merainer as a professional planner. Ms. Merainer detailed the application and the variances that were being sought in conjunction therewith. Ms. Merainer testified as to the site, the surrounding area of the site and the proposed changes to the site. Generally, it was Ms. Merainer's opinion that pursuant to N.J.S.A. 40:55D-70(c)(2) that the variance relief and waivers being sought were

legally supportable, as the benefits of providing the Township and surrounding area with safe, reliable energy far-out weighs a negative detriment associated with further development of the site as it is an efficient use of land, which a pre-existing substation is already sited. Specifically, as to the requested design waiver for a 22-foot wide drive, Ms. Merainer explained that generally workers only visit the site once per week in a minivan for monitoring. Insofar as the 22-foot driveway width is more appropriate for shopping centers and frequently traveled areas, the design waiver (Engineering Comment #8) would be appropriate. Additionally, Ms. Merainer testified that the Applicant is seeking to minimize any type of off-site impact by additional landscaping and vegetative plantings. This is supported by the Applicant's participation with adjacent residential property owners to the north and letter dated September 30, 2009 from Hampton Chase Homeowner's Association, Inc. granting permission to install landscaping on the Association's property. As to the chain link fencing being proposed, Ms. Merainer stated that such fencing type was required for safety and security concerns. Ms. Merainer did indicate that additional solid fencing and landscaping on adjacent landowner's properties to the east will be installed be if the adjacent property owners allowed for such fencing and landscaping. Ms. Merainer further indicated that additional landscaping would also be considered by the Applicant in order to comply with the Township's Tree Replacement Ordinance. Ms. Merainer did indicate that the station fencing would be typical 7-foot high chain link topped with a 1-foot barbed wire on the sides and back of the fencing. Along Bennetts Lane, the Applicant is will to use a slightly different 8-foot high fence design, which includes a tighter weave chain link and angled sides in lieu of barbed wire. Ms. Merainer further indicated that there is no proposed lighted signage, but did indicate that there is a plackard sign stating that it is the Bennetts Lane Substation with a high voltage danger notification in English and Spanish. Ms. Merainer further testified that there are no plans in the future for adding any cell tower or lessees to the property.

4. The application was opened by the Board for public comment and the following comment was received:

A. Robert Puskas of 170 South Middlebush Road, Somerset, New Jersey, came forward and was sworn. Mr. Puskas stated that he is an adjacent landowner of the substation and wanted to know whether or not the Applicant intended on following the grade when directing the new structures or whether excavation was required. Mr. Hughes, the Applicant's site engineer, testified that it was the Applicant's intent to follow the existing grade. Mr. Puskas then asked whether there would be more stray voltage coming from the site than otherwise already exists. In reply, Gregory Olson of PSE&G was introduced and sworn. Mr. Olson testified that he is an engineer employed by PSE&G and the Board accepted his qualifications. Mr. Olson indicated that the activities in the proposed substation would not increase levels of stray voltage in the area.

B. Harry Klein of 135 Dahmer Road, Somerset, New Jersey, came forward and was sworn. Mr. Klein expressed concern about the amount of trees to be taken down to

place the detention basin and further express concern over mosquitoes. Mr. Klein also wanted to indicate that there is a sewer easement on his property this along the eastern side of the subject property and that placing a fence there could potentially hamper access to the area. Mr. Klein was also concerned with lighting and noise levels emanating from the site. Mr. Hughes indicated that he would look into seeing what could be done to adjust the lighting so as to mitigate Mr. Klein's concerns as it was understood that the lighting issue arose from the angle of a recently-installed floodlight, which angle could be changed.

C. Diane Klein of 135 Dahmer Road, Somerset, New Jersey, came forward and was sworn. Ms. Klein indicated her concerns for property values in the area as a result of the substation expansion. The Applicant's attorney indicated that the property for the substation was originally purchased from the Klein family and that it was a conditional use in the zone.

D. Dennis Duchai of 423 Canal Road, Somerset, New Jersey, came forward and was sworn. Mr. Duchai explained that he did have a PSE&G easement along his property and indicated an ongoing issue with electric fields over his home that PSE&G has not taken care of. Mr. Duchai wanted to know why he and other residents along the transmission line were not contacted regarding the upgrade since it would increase voltage and have possible negative affects. It was explained that the applicant complied with the notice requirements of the Municipal Land Use Law.

E. Jim Pusks of 415 Bennetts Lane, Somerset, New Jersey, came forward and was sworn. Mr. Pusks indicated that he lived across the street from the Klein's and requested a clarification on the purpose of the five lightning poles proposed on the property and how they would provide protection from lightning strikes. The Applicant's electrical engineer responded as to the lightning concern.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Franklin, that it does hereby make the following findings of fact and conclusions of law based upon the testimony given in the matter, and the reports, documents and materials provided to the Board:

1. The Applicant, PSE&G, is the owner of real property located along Bennetts Lane, as designated on the Tax Map of the Township of Franklin as Block 84.03, Lots 1 & 2.02. The subject property is approximately 7 acres in size with the westerly portion of the subject property being located in the agricultural zone and the easterly portion located in the R-40 zone district. The subject property contains an existing electrical substation utilized by the Applicant and the Applicant seeks to expand the existing substation in an area that is currently undeveloped. The proposal is for the clearing and utilization of vacant areas of the property, which would allow for the expansion improvement of the electrical substation, as well as the placement of appropriate storm water management facilities and landscaping.

2. Pursuant to Section 112-48, public utility installations are permitted conditional uses within the agricultural and R-40 zone districts upon the showing that the public utility electrical lines shall not be located within 100 feet of a school, church or other public building, and that there is no storage of vehicles or outside storage of materials associated with the site. The existing and proposed conditional use is permitted. In this regard, the Board finds that the conditions as expressed in the ordinance have been satisfied by the Applicant.

3. The Board further finds that the Applicant has incorporated appropriate landscaping and storm water management designs and practices for the site. In this regard, the Applicant has further confirmed that it has obtained permission from the adjacent landowner to the north for additional vegetative screening and that they are offering the adjoining residents to the east fencing and additional landscaping on the neighboring properties. The Board further notes that the Applicant is going to be further consulting with the Township's reviewing engineer so as to determine whether drainage basins can be designed so as to alleviate stagnant water. The Board notes, however, that the storm water management as proposed by the Applicant is compliant with appropriate storm water management regulations.

4. Based upon the type of site, and the location of the property, the Applicant seeks certain design waivers for expanding existing cartways/drives and provided various traffic signage on the property (Engineering Comments #2, #8 and #46). The Board finds that these waivers are appropriate given the type of existing use, and the location of the site and its proposed design.

5. Variance relief is required as the proposed development does not fully comply with the bulk regulations of the R-40 zone district. In this regard, whereas the maximum height permitted is 35 feet, the Applicant is proposing a 76-foot A-frame structure it is noted, however, that variances are not required for the four lightning mass being proposed. It is further noted that, per relevant case law, the requested height variance can be granted by the Planning Board pursuant to N.J.S.A. 40:55D-70(c). Additionally, the Applicant requires variance relief insofar as the maximum impervious coverage permitted is 20% and the subject property currently contains 15.5% impervious coverage and would contain 43.8% impervious coverage as proposed.

6. The Board finds that the Applicant has established cause for relief pursuant to N.J.S.A. 40:55D-70(c)(2) for the aforementioned variances. In this regard, the Board notes that the subject property contains a pre-existing electrical substation, which is a permitted conditional use within the zone. The Applicant has established that certain system upgrades are required for electrical capacity and reliability in the area and that it is sensible to utilize properties that have been previously developed for such substation use. The Applicant has taken significant steps to reduce off-site impacts, with the agreement for additional vegetative screening and cooperation with the adjacent and adjoining landowners. The Board finds that the benefits of allowing greater impervious coverage than as permitted, is consistent with efficient use of lands developed for such

substation use, and impacts or minimized through appropriate storm water management practices. The Board further finds that the A-frame structure as proposed by the Applicant incurring a required height variance is necessary for the substation's use and that the screening as proposed by Applicant substantially reduces off-site impacts. Accordingly, the Board finds that the Applicant has demonstrated that the benefits of the variances substantially outweigh any detriments associated with the relief.

7. The Board finds that the plans as proposed by the Applicant are substantially in conformance with the Land Development Ordinance of the Township of Franklin, and that the Applicant has appropriately included the required design standards and landscaping and other requirements for development as provided therein, accepting as to the comments contained within this Resolution.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of Franklin as follows:

1. Preliminary and final site plan approval for the expansion of the existing conditional use of an electrical substation is hereby granted as depicted on the site plan plat and materials provided to the Board.
2. A waiver from the provision of expanded cartways/drives, traffic signage and internal drive widths (Engineering Comments #2, #8 and #46) are hereby granted.
3. Variance relief from the Land Development Ordinance of the Township of Franklin as pertaining to impervious coverage and height is hereby granted pursuant to N.J.S.A. 40:55D-70(c)(2) insofar as Applicant is permitted 43.8% impervious coverage, where 20% is the maximum impervious coverage permitted, and Applicant is permitted a variance for a 76 foot A-frame structure where the maximum height permitted in the zone district is 35 feet.
4. The preliminary and final site plan approval, waivers and variance relief is expressly based upon the plans, reports and testimony submitted to the Planning Board. These approvals are subject to and upon the following conditions:
 - A. The Applicant shall comply with any and all conditions, requirements, and agreements as set forth within this Resolution, as well as any and all representations made to the Board, both orally and in writing, whether contained in this Resolution or not. Further, Applicant shall comply with all comments and conditions as set forth in the reports of the Board professionals and Township employees as provided to the Applicant and accept as agreed during the course of the hearing and stipulated specifically herein.
 - B. The Applicant shall satisfy and post any and all required escrows and pay any and all outstanding taxes as required by law or by ordinance.

C. The Applicant shall obtain any and all approvals required by any other governmental agency.

D. The Applicant shall revise the landscaping plan to incorporate the 29 replacement trees in a manner that supplements existing and proposed vegetative screening along the northern side of the site including to the north of the proposed detention basin, to the satisfaction of the Township planner.

E. The Applicant will consult with CME Engineering, and as necessary the DRCC, with respect to the issue of wet vs. dry detention basins, the potential for deepening the detention basin and reducing the overall amount of land dedicated to detention facilities. Such efforts shall center on alleviating potential stagnation of water and reducing the overall amount of land dedicated to detention facilities with a commensurate increase in land area dedicated to screening.

F. The Applicant shall provide a stop gate at the existing entrance at the Westside of the Substation so as to limit trespassers from entering into the parking areas.

G. The Applicant shall provide and install at the option of adjoining residential neighbors to the east appropriate fencing and additional landscaping as related to the affected properties and the subject property. The Applicant shall provide proof of their efforts to work with adjoining residential neighbors to the east and demonstrate a good faith effort to satisfy reasonable concerns and requests of such neighbors.

H. At the time the Final Site Plan is submitted for signature of the Municipal officials, the Applicant shall submit a CAD generated data file prepared by a New Jersey licensed surveyor that is directly translatable into an identical image of the plan per the requirements of Section 112-329 of the Township of Franklin Land Development Ordinance.

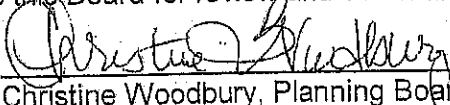
I. The Applicant shall adjust the existing floodlighting so that it no longer shines onto neighboring properties and no such additional floodlighting shall be added to the site.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of Franklin that:

1. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the Board's decision to grant the approvals set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required shall result in the automatic revocation of the within approval and shall terminate the right of the Applicant to obtain or continue work or occupancy under any construction

permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development and use of the project.

2. The development of this property shall be implemented in accordance with the plans submitted and as approved. In the event that the Applicant shall make or propose any changes to the project or structures on the property from those shown on the revised and approved plans and exhibits approved for this Application, whether such changes in voluntarily undertaken or required by any other regulatory agency, Applicant shall resubmit any such changes to this Board for review and determination.



Christine Woodbury, Planning Board Secretary

VOTE ON MOTION: 10/28/2009

FOR:

Cecile MacIvor
Anthony Mazzola
Michael Orsini
James Pettit
Councilman Prasad
Maureen Sturgeon
Robert Thomas
Harold Weber
Chairman Chase

AGAINST:

NONE

ABSTAINS:

NONE

VOTE OF RESOLUTION: 12/16/2009

FOR:

Cecile MacIvor
Anthony Mazzola
Michael Orsini
James Pettit
Councilman Prasad
Maureen Sturgeon
Robert Thomas
Harold Weber
Chairman Chase

AGAINST:

NONE

ABSTAINS:

NONE