

**WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES September 18, 2017  
APPROVED**

**MEETING CALLED TO ORDER: 7 p.m.**

**ROLL CALL:**

Mr. John Villani  
Mr. George Dealaman  
Mr. Richard Hewson (excused)  
Mr. Fernando Castanheira  
Mr. Frank Rica  
Mr. Donald Huber (excused)  
Mr. Foster Cooper  
Mr. Scott Bowen, Alt. #1  
Mr. Clerio Martins, Alt. #2  
Steve Warner, Esq.

**ANNOUNCEMENT:**

Adequate notice of this meeting has been provided by posting Public Notice on the Municipal Bulletin Board on the main floor of the Municipal Building, and sending a copy to the Courier News and Echoes Sentinel, and filing a copy with the Municipal Clerk, all on January 19, 2017. We plan to adjourn by 10:00 p.m.

**FLAG SALUTE:**

**MINUTES:**

The minutes of the 8/7/17 meeting were forwarded to members for review. Motion to approve was made by Mr. Dealaman, seconded by Mr. Villani. All in favor.

**COMMUNICATIONS:**

**PRIVILEGE OF THE FLOOR PORTION OF THE MEETING**

Does any member of the public wish to make a statement, which is unrelated to tonight's agenda?

**CLOSE THE PRIVILEGE OF THE FLOOR PORTION OF THE MEETING**

**Memorialization of Resolutions**

CASE NO. BA 17-10      WESTFIELD HALL  
Block 80 Lot 12.02  
10 Technology Drive

Motion was made by Mr. Rica, seconded by Mr. Villani to adopt resolution.

Roll Call:

For: Mr. Villani, Mr. Dealaman, Mr. Castanheira, Mr. Rica, Mr. Bowen.  
Against: None.

Case BA17-05 CAMP JOTONI/ARC  
Block 95 lot 1.01, block 86.01 lots 13.05 & 13.06  
Old Stirling Road  
Use Variance/Preliminary & Final Major Site Plan

Motion was made by Mr. Villani, seconded by Mr. Castanheira to adopt resolution.

For: Mr. Villani, Mr. Dealaman, Mr. Castanheira, Mr. Rica, Mr. Bowen.  
Against: None.

**AGENDA Case Applications:**

Case BA 17-06 Warren Construction  
23 Stiles Road, Block 212, lot 16.02  
FAR Variance

Case BA17-07 Warren Construction  
25 Stiles Road, Block 212 lot 16.02  
FAR Variance

Mr. Joseph Sordillo, the attorney for the applicant, came forward. There were two applications for the applicant and are very similar so he asked if they could present them at

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the same time. The board agreed as long as the differences were pointed out. It would be two votes and two resolutions. The lots were recently subdivided.

Mr. Foster Cooper, the board chairman, wanted to let the public know that the Lukas case would be carried and the two Verizon cases were not on the agenda. Case BA17-08, Lukas application for outdoor dining will be carried to the October 2, 2017 meeting with no further notice.

Mr. Sordillo had asked for their applications (Stiles Road) be carried to this meeting due to other application on the previous meeting of August 7 without further notice. They had two witnesses, Kevin Page, the applicant's engineer, and John McDonough, the applicant's planner. Mr. Steve Warner, the board attorney, swore them in as well as Mr. Christian Kastrud, Township Engineer, and John T. Chadwick, IV, the Township Planner.

Mr. Page was accepted by the board. Mr. Page explained the application, two adjoining lots, 16.01 and 16.02. Lot 16.01 is the northern lot and the abutting property is 16.02 and is to the left or south. The house on 16.01 that was shown on the Planning Board application for subdivision is this same proposed home. The lot is in the R-20V zone, with required area of 20,000SF with a lot area of 20,181 SF. The proposal will meet all the setbacks and bulk schedule, except the FAR.

Mr. Page brought up Mr. Kastrud's report on lot 16.01. The reports are similar for both lots. The lots have wells but are on public sewer. Mr. Kastrud's report of July 18, 2017 mentioned that the wetlands discovered during the Planning board subdivision application were on a lot next to the subject properties and a 50 ft buffer is shown on the current application with a conservation easement. It was filed with the subdivision deed for lot 16.01. During the compliance process an error was found on the map and the survey was corrected. There was right of way dedication on Stiles also. Conservation markers should be shown on the corners of the easement. They agreed to that. The variance is for FAR on single two story dwellings. The FAR for 16.01 is shown as 0.162. The size of the dwellings are the same, although the architecture is varied from the street. The difference in the FAR are due to lot size, lot 16.02 is a little larger.

Mr. Chadwick wanted to make sure the FAR is clear so that when a building permit comes in it won't get denied. Mr. Chadwick's report states for lot 16.01 the FAR is 0.181 and for lot 16.02 it is 0.178. Mr. Chadwick also requests if approved the will submit a soil movement application, which is always required.

Mr. Chadwick asked what the footprint area was. Mr. Page stated for 16.02 it is 9.5% and 16.01 is 9.6% (10% permitted), probably around 1850SF. .

Mr. Warner asked about the front yard setback that is conforming—is it comparable to other front yard setbacks on the street. There is varied setbacks with some closer and some well back. There were no further questions from the board and professionals.

The chairman opened it to the public for any questions for the engineer, Mr. Page. Ms. Ginger Hardy came forward from 26 Stiles Road. She had heard there was changes to the original plans. Mr. Page said his office would not have called. Ms. Hardy said there were some endangered turtles that had gone through there. Mr. Page said the applicant had hired a wetlands certifier during the subdivision and the wetlands were identified and they were plotted at a 50 ft buffer. No one else came forward for questions.

Mr. John McDonough, their planner, came forward , gave his qualifications and was accepted by the board. The variance for each lot is for FAR. They exceed the ordinance maximum of 12.5 or .125%. The applicant is seeking for that relief. All other light, air, and open space goals are met. Mr. McDonough went over the fact that there is garage space and open air space that is calculated as FAR for Warren and there is less floor area than the calculation.

He brought in Exhibit A-1 Planning Exhibits for Warren Construction, 23 and 25 Stiles Road. It is a three page exhibit. Mr. Chadwick asked about the architectural plans by Roger Winkle, dated December 28, 2015.

Exhibit A-1 shows the two tax lots downloaded from DEP GIS. Mr. McDonough went over the surrounding area with single family homes. Second page shows the physical characteristics of the area, wooded. There was a structure on the property but is gone now. It was a two family home on one lot. Now they are asking for two single family homes on two lots, so no real density change. The site is being moved towards conformity with eliminating the two family home. The last page is the physical characteristic of the lot itself. Relatively clear and relatively flat, able to accommodate the development. There is some new development in the area. Mr. McDonough handed out Exhibits A-2 and A-3, a colored rendering of the houses that would be constructed and would be built substantially similar. They have the similar floor plans.

Mr. McDonough stated that for lot 16.02 there is a floor area (based on the applicant's calculations) of 2845 SF liveable area plus 422 SF for the garage, would 3267 SF. This does not account for the open air areas. When you do add that space the total SF of the building is 3,647 SF. So 3,647 SF is the SF that will be used for a building permit and what is being asked for here. It is slightly over 1000 SF of what the ordinance permits. That is .178% where .125% is permitted.

For lot 16.01 there is a floor area (based on the applicant's calculations) of 2845 SF of liveable area with 422 SF of garage, making for 3247 SF, but if count for the open air it would be 3,647 SF, which based on its lot area equals an FAR of 0.181%, where 0.125% is permitted.

Mr. Chadwick pointed out that the number of the habitable area and the ordinance does not address the open space. It is the dimensions from the outside by the number of floors. The .181 and .178 are correct calculations under the ordinance.

Mr. McDonough went over the positive and negative. For a (d) 4 variance the essence of the test is whether they can accommodate any problems that would be associated with that additional FAR.

The positive criteria had special reasons for relief for both lots, the building footprint is consistent with the flanking homes. The building coverage complies. The two buildings/homes are similar and will create a continuum with the two lots next to them. It benefits the public good with housing stock. It provides for a variety of housing types, colonials. It benefits the area, he brought in Exhibit A-4, a five page compendium of photographs of the previous non-conforming structure. This will be an improvement of what was there.

Mr. McDonough stated that the proposal advanced multiple purposes of the Municipal Land Use Law (“MLUL”) as set forth in N.J.S.A. 40:55D-2, including subparagraphs (a), promotion of the public health, safety, morals, and general welfare; (g), provision of sufficient space in appropriate locations for residential uses; and (i), promotion of a desirable visual environment through creative development techniques and good civic design and arrangement. Mr. McDonough opined that the proposed dwellings were aesthetically pleasing and consistent with the existing neighborhood.

As to the negative criteria, Mr. McDonough opined the proposal did not result in substantial detriment to the public good or substantial impairment of the zoning ordinances and zone plan. In this regard, he testified that, if the garage and open area were not included in the F.A.R. calculation, the F.A.R. would be approximately 0.14 (much closer to the maximum permitted F.A.R. of 0.125). Mr. McDonough brought in Exhibit A-5, a table comparing the lot and floor area of other properties in the neighborhood to the proposed lot area and floor area. Mr. McDonough opined that the mass and scale of the proposed dwelling on the property would not be out of scale with that of surrounding properties. Moreover, he testified that, because the neighborhood is an older neighborhood, there are a variety of different size lots and dwellings and, as such, he opined that the proposed development would be in character with the neighborhood. Mr. Castanheira made the point that the other lots are larger and could have a larger house without a variance, but these lots were subdivided and are at the smaller end.

Mr. McDonough brought up the map from Exhibit A-1 and that the lots are different sizes and if they were built to the maximum FAR the houses could be larger than the houses

proposed. The houses will appear similar even if they brought the square feet down. The rear yard preserves the woods in the back. Mr. McDonough believed the Randolph test is advanced with these applications. It can accommodate any problems associated with that additional floor area, functionally, visually, and he encouraged the board to approve the application.

Mr. Castanheira asked what the reason is to go for more FAR. Mr. McDonough said it was a four bedroom home and the liveable area is not exceptionally different than what the ordinance permits. The 2845 SF without the garage and without counting the open areas is reasonable and is a .014 FAR.

Mr. McDonough stated the builder has built this product elsewhere and it has been well received.

Mr. Cooper asked if there were any questions from the board. Mr. Castanheira asked if there is a basement. There is an unfinished basement. Mr. Warner asked about the purposes of the MLUL and positive criteria. Is there anything about these lots that accommodate the larger FAR. Mr. McDonough said that all the other bulk standards comply other than the FAR. The neighborhood is not in a unified neighborhood and it will add interest to the area. It is the R-20 district for single family homes.

Mr. Cooper opened it to the public for questions for this witness. Mr. Phil Tomasello from 24 Stiles. He asked about the well with public sewer. Mr. Page stated it is a four bedroom house. It is based on the number of bedrooms.

There was a question about how it matches the neighborhood. Mr. McDonough said it has a lot of variety on the block and area.

Ms. Ginger Hardy came forward and she asked about the ability to have oversized houses all over the neighborhood. Mr. McDonough felt it would not open up a flood gate for FAR relief. Ms. Hardy asked if he noticed there are log cabins and it is an old country road and also asked if they tried to make it fit into that look. She felt these homes have a generic new construction look.

Mr. McDonough feels it is a beautiful look and it could be conforming and have the same front of the house.

Cynthia McCabe from 28 Stiles came forward. She asked about these larger houses that were presented in the table exhibit. She felt they may be affected by wetlands.

Mr. Chadwick stated they do not take wetlands areas off for the calculation of total area, but it may affect the location of a home.

The public portion for questions was closed.

Mr. Sordillo explained the application is for FAR. A lot of the concerns would not be affected by the FAR. The look of the house, height of the house, etc. would be the same if it was compliant with the ordinances. The builder who has built many homes in the town feels it is a good product.

Mr. Cooper opened the floor for comments. Ginger Hardy from 26 Stiles Road came forward and was sworn in. She has lived on the street for 17 years and watched the house come down on the subject lot. It was a wreck but feels the two houses will be two big boxes and will be too large and stick out. That's what she will look at across the street and she objects to it.

Mr. Stephen McCabe from 28 Stiles Road came forward and was sworn in. He feels this lot is the most prominent on the street, off of Stirling Road-- you go down and back up and there it is. The elevation is much higher. Now it will be the two biggest houses on the smallest lots. He felt it won't fit in with the neighborhood.

Ms. Patrice Davidson from 46 Old Smalleytown Road, Mr. Michael Hardy from 26 Stiles, Mr. Richard Birmingham from 40 Stiles, and Mr. Phil Tomasello all came forward (individually) and were sworn and expressed objections to the size of the homes.

Mr. Foster closed the public comment portion of the meeting.

Mr. Warner recapped that it is a D variance for FAR. The applicable decision is the Randolph Town Center decision of positive criteria, requiring that the site accommodate the problems associated with a FAR greater than maximum permitted in zone. The negative criteria is established as well.

The board went into deliberation. Mr. Bowen felt the application conforms with Warren Township and the modern buyer. It will encourage families to move in the area. He would like to see a home that is architectural intact and not have cut outs to conform.

Mr. Rica understands the neighbor's concerns. He felt it would be a welcome addition to the neighborhood. And the street view would be the same if conforming. Some towns do not count the garage and open space in the FAR calculations. He was for the application.

Mr. Villani agreed that the application and house will fit in with the neighborhood and bring some new families into the area and meets the positive and negative criteria. Mr. Martins thinks it is a fair application.

Mr. Castanheira doesn't agree with this application and these are the smallest lots on the street and felt they could build a smaller house and comply. He was not for the application.

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Mr. Dealaman felt the house would improve the neighborhood but does feel they are too big for the lots, although the negative and positive criteria are good.

Mr. Cooper has some concern on the size of the FAR variance. He isn't concerned about the size of the house itself because it will look from the same from the street. It is an improvement for the neighborhood and the town. He hopes the applicant takes into account some of the concerns of the neighbors. They are the two smallest lots around. He would vote to approve.

Mr. Warner read a motion. The variance is for Warren Construction for block 212 lot 16.01, 25 Stiles Road for a FAR 0.0181 as opposed to the max FAR of 0.125 subject to other approvals and other items in the professional reports. The architectural plans will be specifically referenced in the resolution.

Motion was made by Mr. Rica, and seconded by Mr. Villani.

Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Rica, Mr. Cooper, Mr. Bowen, and Mr. Martins.

Against: Mr. Castanheira.

Mr. Warner read a motion for the next lot, the variance for Warren Construction, Block 212, lot 16.02, 23 Stiles Road, for a D variance for proposed FAR of 0.178 as opposed to the maximum permitted FAR of .125, subject to other approvals and other items in the professional reports. The architectural plans will be specifically referenced in the resolution.

A motion was made by Mr. Rica, seconded by Mr. Martins.

Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Rica, Mr. Cooper, Mr. Bowen, and Mr. Martins.

Against: Mr. Castanheira

Case BA17-12 JCP&L Substation  
184 Liberty Corner, block 5, lot 1.01  
Use Variance

Mr. Joe Sordillo, attorney for the applicant, introduced the application. An application for a substation, which is a D variance, use, and a C variance. There was four witnesses and they were sworn in, along with Mr. Kastrud, the Township Engineer, and Mr. Chadwick, the Township Planner.

Evan Farrell from 5001 Nassau Blvd, WV Evan Farrell, a representative of JCP&L, having a business address of 300 Madison Avenue, Morristown. Mr. Farrell testified regarding the need for the Martinsville Substation. Specifically, he explained that

JCP&L identified the reliability risk of both thermal and low voltage conditions on the transmission system, and determined that, if there was a loss of power on one of the 34.5 kV sources into the Warren Township area, the remaining 34.5kV source could not provide the support needed, thus resulting in a loss of power to residents in the area. Mr. Farrell further testified that the Property was an ideal location because the proposed substation is located almost directly in between two remote substations that supply the area. He explained that the improvement will directly benefit approximately 3,620 customers who are currently served from the Dead River Substation in Warren Township. Furthermore, he explained that the Martinsville Substation will be a 230-34.5kV substation, which is part of a larger comprehensive plan that will further expand and strengthen the company's infrastructure to enhance service reliability today and in the future.

Mr. Farrell testified that substations are regulated by the Federal Energy Regulatory Commission ("FERC") and the North American Electric Reliability Council ("NERC"), an organization of U.S. electrical grid operators. He testified that, if JCP&L did not construct the Martinsville Substation, it would be in violation of the reliability standards and regulations of these entities and same could result in substantial penalties, including fines up to one million dollars per day, per violation, in perpetuity.

On questioning by the Board Attorney, counsel for the Applicant contended that municipal land use boards are preempted from considering the level of emissions of electromagnetic fields ("EMFs"). The Board Attorney concurred with the Applicant's counsel that New Jersey statutory (The New Jersey Radiation Protection Act, N.J.S.A. 26:2D-1 to 88) and case law (including New Brunswick Cellular Telephone Co. v. Old Bridge Township Planning Board, 270 N.J. Super. 122, 135 (Law Div. 1993), preclude municipal land use boards from considering EMF levels, and same are regulated by State and Federal law and regulations.

Wayne Freeman, a representative of FirstEnergy Corp., the parent company of JCP&L, having a business address of 2800 Pottsville Pike, Reading, Pennsylvania, was duly sworn according to law. Mr. Freeman testified that he was employed by FirstEnergy Corp. as a substation designer. Mr. Freeman introduced the following exhibits into evidence:

- **Exhibit A-1**: A photograph of a similar substation with a dead end structure, with support transmission wires having a height of 61.5 feet, located in West Amwell, NJ;
- **Exhibit A-2**: A photograph of a circuit breaker and high voltage switch to disconnect;
- **Exhibit A-3**: A photograph of a typical power transformer; and

- **Exhibit A-4:** A photograph of a full substation located in West Amwell, NJ that the Applicant characterized as very similar to the proposed Martinsville Substation.

Mr. Freeman testified that the substation was an unmanned site which would be monitored remotely and inspected for maintenance purposes on a monthly basis. He testified that, although the Applicant initially proposed a 12 foot high fence, it had reduced the height of the fence to 8 feet – a 7 foot chain link fence with 1 foot of barbed wire on top. Mr. Freeman explained that the proposed fence was a standard security protection measure used by JCP&L.

On questioning by the Board, Mr. Freeman advised that the Site would not be monitored by video cameras or motion sensors.

Mr. Chadwick went over the performance standards that are ongoing obligations. The applicant will comply with that. Mr. Kastrud asked about why this site is a good location. Mr. Sordillo felt it was due to the location of Dead River Substation and the needs of the deficiencies. Mr. Kastrud felt it was jammed in a bit.

Jeffrey Morris, P.E., of Boswell Engineering, having an address of 330 Phillips Avenue, South Hackensack, New Jersey, was duly sworn according to law, provided his credentials, and was accepted by the Board as an expert in the field of civil engineering. Mr. Morris introduced the following exhibits into evidence:

**Exhibit A-5:** An aerial of 184 Liberty Corner Road and the existing 4.5 story office building and parking lot; and

**Exhibit A-6:** An enlarged photograph of a substation;

**Exhibit A-7:** A Landscape Plan rendering, dated September 18, 2017; and

**Exhibit A-8:** A survey of the Property.

Referencing Exhibit A-5, Mr. Morris described the location of the proposed substation on the easterly portion of the Property. He testified that, to the northeast of the Property, there was a sewage treatment plant and along the south side of the Property, running east to west, is Route 78.

Referencing Exhibit A-6, Mr. Morris described the proposed improvements, which include stormwater management systems, swales, transmission lines, two dead end structures, and areas of pavement. He testified that the substation would not have a water or sewer connection and that the proposed lighting would be minimal and shut off at night. Mr. Morris further testified that the nearest residence is a townhouse, located in the in Society Hill subdivision that is 1,350 feet from the proposed substation. He also

testified that an asphalt driveway was necessary given that heavy equipment would be coming in and out of the Martinsville Substation periodically.

On questioning by the Board Attorney, the Applicant confirmed that Somerset County Planning Board approval had not yet been obtained, but Mr. Morris testified that the Applicant expected to be able to satisfy the open items in the Somerset County Planning Board's September 6, 2017 letter which deemed the project incomplete until such items are resolved.

Mr. Morris testified that the substation would be protected by a seven (7) foot chain link fence enclosure which included an additional one foot of barbed wire, for a total height of 8 feet. He further testified that the Applicant proposed to install three signs on the fence enclosure: a sign with the address, one "No Trespassing" sign, and one "Danger" sign. There will no lighting inside the substation.

Referencing Exhibit A-7, Mr. Morris testified that an approximately 14.4 acre portion of the approximately 47.15 acre Property was encumbered by a conservation easement dedicated to the Township, and that an approximately 7.4 acre portion of that approximately 14.4 acre conservation easement area would have to be vacated by the Township for the construction of the Martinsville Substation. Referencing Exhibit A-8, he testified that, in exchange for the 7.4 acre portion of the conservation easement to be vacated, the Township indicated it would agree to receive an almost 16 acre (more than twice the size) property (Block 35, Lot 4) 30 Wagners Lane, Warren), which property had higher conservation values, as it was located in the EP-250 (Cluster Environmental Protection) zone, was located in between Township owned properties so it could serve as a linkage, had mature deciduous forested uplands, and other factors increasing its conservation value.

There were some questions from the board concerning if there was a malicious event at the substation. Mr. Ferrell came back and said there are circuit breakers similar to what is in a house. So if the substation was to be damaged in some way it would isolate itself from other lines coming in the station. So other substations would stay in service.

Mr. Cooper opened questions to the public. Seeing none, he closed that portion.

Kevin O'Brien, P.P., of Shamrock Enterprises, having an address of 866 Madison Avenue, Rahway, New Jersey, was duly sworn according to law, provided his credentials, and was accepted by the Board as an expert in the field of professional planning. Mr. O'Brien introduced the following exhibits into evidence:

**Exhibit A-9**: A two page document entitled Electric System & Components; and

**Exhibit A-10**: A Conceptual Site Plan exhibit prepared by Boswell Engineering, dated June 17, 2016.

Referencing Exhibit A-9, Mr. O'Brien described the components of an electrical system and how the substation would enhance the reliability and resiliency of the electric power grid. He testified that, in recent years, electricity usage rates had increased by more than 10% and that the population in New Jersey had increased by more than 3%. Mr. O'Brien opined that the proposed Martinsville Substation would constitute an inherently beneficial use and therefore, by definition, promoted the general welfare of residents of New Jersey.

Referencing Exhibit A-10, Mr. O'Brien testified that the nearest residential dwelling was 1,350 feet from the Martinsville substation and that the substation itself was in a heavily wooded area. He opined that, in conjunction with the landscaping plan, the substation would be sufficiently shielded from view.

Mr. O'Brien opined that, since that the Martinsville Substation constituted an inherently beneficial use and the Site was particularly suited for the use, the Applicant had demonstrated the positive criteria for the d(1) use variance. Mr. O'Brien posited that the Property was particularly well suited for the proposed use given the distance from residential dwellings and substantial landscape buffering, as well as the municipal benefits to be gained by the land-swap associated with the vacation of a portion of the conservation easement area on the Site.

As to the negative criteria, Mr. O'Brien analyzed the application in accordance with the Sica balancing test. First, he identified the public interest at stake as the provision of an electrical substation and opined that such public interest was "substantial." Second, he characterized the proposed development as a passive land use and the visual impact as minimal. Third, Mr. O'Brien testified regarding the imposition of reasonable conditions to reduce the detrimental visual effect of the proposed facility. He testified that the Applicant added additional landscaping, reduced the height of the proposed security fencing, and stipulated to numerous conditions of approval. Fourth, in connection with balancing the positive and negative criteria, Mr. O'Brien opined that the proposed Martinsville Substation would not result in a substantial detriment to the public good or substantial impairment of the Zone Plan or Zoning Ordinance.

As to the d(6) height variance relief for the two (2) 61.5 foot tall [Dead End Structures] and the two (2) 55 foot tall [High Business Supports], Mr. O'Brien opined that the Site could accommodate the height greater than that permitted by the Ordinance.

As to the requested bulk variance relief for the fence material (barbed wire) and the deficient side-yard setback, Mr. O'Brien testified that the Applicant had demonstrated an entitlement to both variances under N.J.S.A. 40:55D-70(c)(2). In this regard, he testified that the barbed wire on top of the fence was necessary for security and safety purposes to protect entrance to the high voltage substation. As to the side-yard setback, Mr. O'Brien explained that the setback deviation was along the property line with the sewage treatment plant and the Property was in a heavily wooded area just above Route 78 with no residences nearby and, therefore, the substation would have

no negative visual or other impact on the neighborhood. Overall, Mr. O'Brien opined that the proposal would not be substantially detrimental to the public good and would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

The Applicant stipulated, as a condition of approval, to installing a security gate, with appropriate means of access for emergency personnel, within the Applicant's leased area, at the beginning of the driveway leading to the substation.

No member of the public objected to, or commented on, the proposed development

Mr. Warner went over the approval with four variances, a D(1) for use not permitted, a D (6) height variance, a C variance for side yard setback of 39.5 feet vs. 50 ft required, 8 ft high chain link fence for the barbed wire on top.

The board went into deliberations. M. Bowen asked about putting a fence along the entrance to the driveway. He feels it is drawing people in because it is paved. It is off the sewer plant road. Mr. Chadwick felt some other departments may need to agree to this, perhaps the Fire Department.

Mr. Chadwick clarified that the fence barb wire will not be electrified. It is not razor wire.

The applicant agreed to put a gate across. All board members agreed with the application.

Mr. Warner went over the motion for approval of Preliminary and Final Site Plan, and variance relief for a new electrical substation on a portion of a lot already developed with an office building, block 5, lot 1.02, 184 Liberty Corner Road with the variances noted above, with conditions. A resolution will be adopted at a later date.

Motion was made by Mr. Dealaman, seconded by Mr. Rica  
Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Castanheira, Mr. Rica, Mr. Cooper, Mr. Bowe, and Mr. Martins

Against: None.

Mr. Chadwick stated they would process the permits without outside approvals, at the applicant's risk. Mr. Sordillo stated the process for permits can take time and they would like to submit as soon as possible.

Case BA 17-08 Lukas  
61C Mountain Blvd.  
Block 74, lot 5.02  
Outdoor Dining

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**Carried to October 2, 2017 at 7:00 p.m with no further notice.**

Motion was made by Mr. Villani, seconded by Mr. Rica. All in favor

**MEETING ADJOURNED: 9:45 P.M.**