

1 PLANNING BOARD AGENDA

2 TOWNSHIP OF WOODBRIDGE

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4 RE: AMENDED PRELIMINARY/FINAL MAJOR SITE PLAN

CPV KEASBEY, LLC - (SOLAR FACILITIES)

5 BLOCK: 93 LOT: PART OF 100.02 ZONE: ER&KPR96

RIVERSIDE DRIVE/ROUTE 440 RIGHTS OF WAY, KEASBEY

6 ATTORNEY: ROBERT W. BUCKNAM, JR., ESQ.

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10 PLANNING BOARD HEARING, was taken pursuant to
11 notice, held at Council Chambers of the Memorial
12 Building, 1 Main Street, Woodbridge, New Jersey,
13 commencing at 7:15 p.m., August 8, 2018, before Micheline
14 Brown, License No. 30XI00230800, Certified Court
15 Reporter, Delaware Certified, 263-RPR and Notary Public,
16 there being present:

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22 ZANARAS REPORTING & VIDEO

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23 1845 Walnut Street, Suite 938 2112 Bay Avenue

Philadelphia, PA 19103 Ocean City, NJ 08226

24 (215) 790-7857

1-877-GODEPOS

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1 A P P E A R A N C E S:

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3 Robert W. Bucknam, Jr. Esquire, Archer & Greiner, P.C.
4 One Centennial Square, Haddonfield, New Jersey 08033

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5 APPLICANT: Andrew Urquhart, Competitive Power Ventures,
6 Inc., 50 Braintree Hill Office Park, Suite 300,
7 Braintree, MA 02184

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8 APPLICANT'S CIVIL ENGINEER: Darren Mazzei, PE, CME
9 Associates, 3141 Bordentown Ave., Parlin, New Jersey
10 08859

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10 APPLICANT'S PROFESSIONAL PLANNER: Malvika Apte, PP, AICP,
11 CME Associates, 3141 Bordentown Ave., Parlin, New Jersey
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E X H I B I T S

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(Exhibit Numbering Maintained for all three Companion Applications)

A1: Composite Exhibit Aerial Keyed Site Plan Sheets Showing Overall Project

A2: Truscage Rendering of Keasbey Energy Center and Woodbridge Energy Center

A3: Aerial Subdivision Overlay

A4: Aerial Site Plan Overlay - Woodbridge Energy Center Improvements

A5: Aerial Site Plan Overlay - Keasbey Energy Center Improvements

1 CHAIRMAN MILLER: The regular meeting of the
2 Woodbridge Township Planning Board will now come to
3 order. Please stand for the salutation of the flag.

4 (Whereupon, the salutation of the flag
5 commenced.)

6 CHAIRMAN MILLER: Please be seated. The
7 December 1, 2017 notice of this meeting, of the
8 Woodbridge Township Planning Board, submitted to the
9 Woodbridge Township is posted on the Municipal
10 Administrative Board as well as published in the Home
11 News Tribune and Star Ledger on December 15, 2017. Role
12 call, please.

13 MS. OLSEN: Ms. Drumm?

14 MS. DRUMM: Here.

15 MS. OLSEN: Mr. Sharkey?

16 MR. SHARKEY: Here.

17 MS. OLSEN: Mr. Miller?

18 CHAIRMAN MILLER: Here.

19 MS. OLSEN: Mr. Ali?

20 MR. ALI: Here.

21 MS. OLSEN: Mr. Parkh?

22 MR. PARKH: Here.

23 MS. OLSEN: Mr. Glenn?

24 MR. GLENN: Here.

25 MS. OLSEN: Mr. Colonna?

1 MR. COLONNA: Here.

2 MS. OLSEN: Mr. Shah?

3 MR. SHAH: Here.

4 MS. OLSEN: Ms. Lewis?

5 MS. LEWIS: Here.

6 MS. OLSEN: We have a forum.

7 CHAIRMAN MILLER: We met previously which was
8 held on July 25, 2018.

9 MR. GLENN: I make a motion.

10 CHAIRMAN MILLER: Second it?

11 BOARD MEMBER: I'll second.

12 CHAIRMAN MILLER: All in favor? Motion
13 carried. Okay, we'll go to cancellations first.

14 MS. OLSEN: Sure. Okay, the first
15 postponement we have this evening is St. Gertrude's
16 Cemetery P18-24, 53 Inman Avenue. It's being postponed
17 until 8/22/18 and the service is preserved with no
18 further notice required. If anybody is here on that
19 application you are to return on August 22nd.

20 CHAIRMAN MILLER: Anybody here on that?

21 MS. OLSEN: The next postponement is for Lions
22 Gate Homes, LLC, P18-23. That application is being
23 postponed also until 8/22/18. And they're providing
24 additional service.

25 CHAIRMAN MILLER: Anyone?

1 MS. OLSEN: And the last one is RIA Realty,
2 LLC, P18-05 postponed until 9/5/18. Service is being
3 preserved. No further notice is required. Anyone here
4 for that one?

5 CHAIRMAN MILLER: Resolutions.

6 MS. OLSEN: So the first resolution on this
7 evening is FedEx Ground Packaging Systems, Incorporated
8 P18-14, granted 7/25/18.

9 CHAIRMAN MILLER: I'll move for motion.

10 MS. OLSEN: Mr. Miller?

11 CHAIRMAN MILLER: Yes.

12 MS. OLSEN: Mr. Glenn?

13 MR. GLENN: Yes.

14 MS. OLSEN: Mr. Colonna?

15 MR. COLONNA: Yes.

16 MS. OLSEN: Ms. Lewis?

17 MS. LEWIS: Yes.

18 MS. OLSEN: Adopted. The next resolution we
19 have is the Planning Board resolution recommending the
20 Oak Tree Road Rehab Plan.

21 CHAIRMAN MILLER: (Inaudible.)

22 BOARD MEMBER: Second.

23 MS. OLSEN: Mr. Sharkey?

24 MR. SHARKEY: Yes.

25 MS. OLSEN: Mr. Miller?

1 CHAIRMAN MILLER: Yeah.

2 MS. OLSEN: Mr. Glenn?

3 MR. GLENN: Yes.

4 MS. OLSEN: Mr. Colonna?

5 MR. COLONNA: Yes.

6 MS. OLSEN: Adopted.

7 CHAIRMAN MILLER: There are two bond
8 ordinances in your packet. I don't know if you've had a
9 chance to look at it. I don't know if you want to take a
10 couple minutes. The first one is a bond ordinance
11 authorizing the acquisition of the club at the Woodbridge
12 property and the undertaking of Phase 1 improvement
13 thereof for use as a municipal recreation facility to
14 appropriate the sum of \$9,950,000. Any questions or
15 comments on it before we vote on it? Anybody like to
16 make a motion on it?

17 MR. SHARKEY: I'll make a motion.

18 CHAIRMAN MILLER: Second.

19 MS. OLSEN: Ms. Drumm?

20 MS. DRUMM: Yes.

21 MS. OLSEN: Mr. Sharkey?

22 MR. SHARKEY: Yes.

23 MS. OLSEN: Mr. Miller?

24 CHAIRMAN MILLER: Yes.

25 MS. OLSEN: Mr. Ali?

1 MR. ALI: Yes.

2 MS. OLSEN: Mr. Parkh?

3 MR. PARKH: Yes.

4 MS. OLSEN: Mr. Glenn?

5 MR. GLENN: Yes.

6 MS. OLSEN: Mr. Colonna?

7 MR. COLONNA: Yes.

8 MS. OLSEN: Mr. Shah?

9 MR. SHAH: Yes.

10 MS. OLSEN: And Ms. Lewis?

11 MS. LEWIS: Yes.

12 MS. OLSEN: It's recommended.

13 CHAIRMAN MILLER: Next one is bond ordinance
14 to amend sections 4.B, 4.D and 4.E of the bond ordinance.
15 Bond ordinance to authorize the making of various public
16 improvements and the acquisition of new additional or
17 replacement equipment, \$2,122,000. I will make a motion.

18 MR. SHARKEY: I will second it, Mr. Chairman.

19 MS. OLSEN: Ms. Drumm?

20 MS. DRUMM: Yes.

21 MS. OLSEN: Mr. Sharkey?

22 MR. SHARKEY: Yes.

23 MS. OLSEN: Mr. Miller?

24 CHAIRMAN MILLER: Yes.

25 MS. OLSEN: Mr. Ali?

1 MR. ALI: Yes.

2 MS. OLSEN: Mr. Parkh?

3 MR. PARKH: Yes.

4 MS. OLSEN: Mr. Glenn?

5 MR. GLENN: Yes.

6 MS. OLSEN: Mr. Colonna?

7 MR. COLONNA: Yes.

8 MS. OLSEN: Mr. Shah?

9 MR. SHAH: Yes.

10 MS. OLSEN: And Ms. Lewis?

11 MS. LEWIS: Yes.

12 MS. OLSEN: It is recommended.

13 CHAIRMAN MILLER: Now we have come to the
14 point where we have to wait for our attorney.

15 MS. OLSEN: So we're going to have a
16 five-minute break.

17 (Whereupon, a brief recess was held.)

18 CHAIRMAN MILLER: We have one more resolution.

19 MS. OLSEN: So we have the additional
20 resolution on the statement for Cornerstone Realty
21 Enterprises, LLC, P18-20, granted 7/25/18.

22 MR. ROGOFF: Significant conditions in there
23 are from conversations with Mr. Rogalski (ph) where one
24 of the two apartments upstairs is specifically designated
25 as employee use only which is going to be deemed

1 restricted and has to be filed in recording books. That
2 condition is in there. The body of the resolution and
3 number one of the conditions.

4 MS. OLSEN: There are only four members
5 present this evening who will be allowed to vote and that
6 would be Mr. Miller, Mr. Glenn, Mr. Colonna and
7 Ms. Lewis.

8 MR. ROGOFF: Those are the ones that should
9 get the resolution then. Rest of you guys thank you for
10 reading that.

11 MS. OLSEN: I need a second.

12 BOARD MEMBER: Second.

13 MS. OLSEN: Mr. Miller?

14 CHAIRMAN MILLER: Yes.

15 MS. OLSEN: Mr. Glenn?

16 MR. GLENN: Yes.

17 MS. OLSEN: Mr. Colonna?

18 MR. COLONNA: Yes.

19 MS. OLSEN: And Ms. Lewis?

20 MS. LEWIS: Yes.

21 MS. OLSEN: It's been adopted. Okay, first
22 application on this evening is CPV Keasbey, LLC P19-25.

23 MR. BUCKNAM: Good evening, Mr. Chairman and
24 members of the Board. Robert Bucknam. I represent the
25 applicant CVD in connection with the applications that

1 you have before you this evening.

2 Mr. Chairman, we have a number of witnesses
3 here who may be testifying in connection with this
4 application. I have provided a list of who those
5 individuals would be. Would you like to have them
6 identified and sworn in, in advance or as we go along?

7 MR. ROGOFF: One at a time. Let's do it this
8 way. We have to do it one case at a time because we have
9 two application numbers. So with respect to application
10 18-25 I'm going to ask you to stipulate and move into
11 evidence the following professional reports generated by
12 the Township (inaudible).

13 The planning report, Bignell Planning dated
14 July 24, 2018. Engineering report of Remington and
15 Vernick dated August 1, 2018. Fire department July 1,
16 2018. Police report June 27, 2018 and the TRC memo dated
17 July 30, 2018. Redevelopment Resolution dated June 13,
18 2017 and ask that you agree to make those reports part of
19 the record reserving your right to be heard with respect
20 to things you agree to or don't agree to or wish to be
21 heard on. Is that acceptable?

22 MR. BUCKNAM: That is acceptable. We actually
23 have point by point responses available this evening.
24 We've gotten from the professionals -- they were not
25 filed ten days before but we have them available for the

1 board member where I indicated --

2 MR. ROGOFF: How long is it?

3 MR. BUCKNAM: They're basically
4 re-incorporates of the -- what I'd like to do is provide
5 to the board members tonight as exhibits and they will
6 actually have that in hand.

7 MR. ROGOFF: Well, the problem is if you give
8 it to the Board you have to give it to the public. The
9 public has not had an opportunity to see it ten days in
10 advance of the meeting. You don't give the board members
11 things you didn't give the public. So if you want to
12 hand the members of the Board that, you must make it
13 available over there to all those people.

14 MR. BUCKNAM: We have extra copies for the
15 members of the public as well, if that's acceptable or we
16 can simply stipulate that we will be submitting
17 them separately to the public.

18 MR. ROGOFF: I think that's the better
19 approach.

20 MR. BUCKNAM: Okay, that's fine.

21 MR. ROGOFF: Our professional staff reviewed
22 it, they've added, made comments during the hearing.
23 Some of them don't require testimony. Most of them are
24 of a technical nature anyway.

25 MR. BUCKNAM: That is correct. Basically for

1 the most part we can stipulate. We had no problem with
2 comments. There were items where they asked for
3 additional information and we provided that information.

4 MR. ROGOFF: You agree, however, the applicant
5 agrees to comply with all the terms and conditions
6 contained in the reports we've just made a part of the
7 record and entered into evidence?

8 MR. BUCKNAM: That is correct and again, in
9 the matter we have testified to -- we will testify to and
10 will also specifically respond to in writing.

11 MR. ROGOFF: All right. Thank you. I
12 understand.

13 MR. BUCKNAM: The individuals here this
14 evening we'll have them sworn as we go along. The other
15 thing, Mr. Rogoff, what I can do with the exhibits we
16 have, that will be utilized for all the applications, I
17 can have them identified for the record up front. We
18 actually have extra copies of those for the board
19 members.

20 MR. ROGOFF: Are they part of the plans?

21 MR. BUCKNAM: They are not. They are
22 additional exhibits.

23 MR. ROGOFF: They need to be marked and moved
24 in a spot where they don't block the members of the
25 public, i.e. that vertical one probably needs to be moved

1 to the end.

2 MR. BUCKNAM: I would ask my team of minions
3 here -- let me identify what they are here. They're
4 basically in order. We provided it to the secretary. If
5 the designations is okay with you we will call this A1.
6 It would be the composite Exhibit Aerial, exhibit there.
7 We were asked to provide a plan to key all the plan
8 sheets to an aerial. And that's what this does. We were
9 asked by the planning director to do that. That is A1.
10 So A1 would be that.

11 MR. ROGOFF: Somebody can mark right on there.
12 A1 is far left, the other aerial in the middle is A2?

13 MR. BUCKNAM: This is A1 here and that is a
14 compose exhibit aerial that we're asked to provide that
15 shows where the plans match up to the -- to the actual
16 site itself and if we can just change it over put it
17 whatever. That's fine.

18 MR. ROGOFF: You can just write over it.

19 MR. BUCKNAM: A2 is a truescape rendering of
20 the Keasbey Energy Center System and the Woodbridge
21 Energy Center.

22 MR. ROGOFF: A3 is all the way to the left.

23 MR. BUCKNAM: A3 is all the way to the left
24 which is an aerial subdivision overlay which shows the
25 subdivision that we're applying for this evening over the

1 land area. We can move these wherever.

2 Then we have the other two exhibits here which
3 the public can see. We have also two more exhibits, one
4 would be an aerial site plan overlay as the Woodbridge
5 Energy Center. A4 an aerial site plan overlay showing
6 the Woodbridge Energy Center.

7 MR. ROGOFF: You don't have to put them all up
8 at the same time.

9 MR. BUCKNAM: We're just identifying.

10 MR. ROGOFF: Put them up when you talk about
11 them.

12 MR. BUCKNAM: A5 is the aerial site plan
13 overlay that shows the Keasbey Energy Center improvement
14 added to that.

15 MR. ROGOFF: Do you want to give us a brief --

16 MR. BUCKNAM: I certainly will. I think it's
17 important to kind of bring the history together where we
18 are. This application involves property the Board
19 members are familiar with, the Woodbridge Energy Center
20 Project was approved by this Board in 2013. There are
21 basically three approvals that we're looking for this
22 evening and I will explain how that works.

23 The overall development involves blocks
24 100.02, two lots on Riverside Drive at Block 93. It is
25 located in EPEC Redevelopment area and it's subject to

1 the EPEC Redevelopment plan. Public access to river
2 requirements and overall requirements for the
3 redevelopment plan.

4 The goals of the plan include addressing the
5 public access requirements, providing for electric
6 generation facilities and rehabilitation or redeveloping
7 ground fill properties. The property itself is the old
8 EPEC Power Center and if you recall, and you may know
9 generally, as part of the overall remediation of this
10 site a series of environmental remediation measures are
11 put into place.

12 As the actual part of the clean up of that
13 site, the development of this site, the encapsulation and
14 the pump and treat of the water net problem was made part
15 of the development approval. So the DEP,
16 environmental approvals for this involved actually
17 working to make this part of the remediation of the
18 property.

19 So it took a blinded ground fill site, an area
20 of redevelopment designated by the town and as part of
21 the actual remediation a power plant was developed there.
22 Also public access to the waterfront requirements. The
23 park will ultimately be dedicated to the township. That
24 was done separately by EPEC as part of their
25 redevelopment.

1 What is happening in connection with this
2 project we're first of all taking the property which is
3 part of the original improvement. I'm going to refer to
4 Exhibit A all the way down the end here, which again is
5 A3 which shows the Woodbridge Energy Center site.

6 Originally when this Board approved the
7 project there was a second phase that would have been
8 developed to the west of the project. The Woodbridge
9 Energy Center involves the development of this property
10 in Woodbridge. The site leading the site through
11 Woodbridge is a generation power line, an electric
12 transmission line that goes through parts of Woodbridge
13 through Edison and into Sayreville where it now connects
14 to the adjacent JCPL subsection in Sayreville.

15 This has provided substantial electrical power
16 to the area. At the time it was discussed -- it was part
17 of the original member of Christie's plan to have three
18 plants you build in New Jersey. They are required to
19 enter the contracts with utilities. That apparently was
20 challenged so that mandatory requirement of contracting
21 went by the wayside. But this plan is our merchant plan
22 and it is providing electricity through the state through
23 the regulations subsection making it more affordable.

24 When the time came to evaluate the expansion
25 of the next phase of this project, it was determined that

1 there is a greater need for electricity in the other
2 region in Edison Township where the PSE&G Metuchen
3 substation is located and the homes that are serviced by
4 that.

5 So instead of expanding this plant to provide
6 more energy going to the JCPL substation, Sayreville, a
7 separate power plant has been designed and will be built
8 on a separate lot that will have a transmission line that
9 will go to the PSE&G substation in Edison. It does not
10 go through Sayreville because it comes out of Woodbridge
11 and goes through Edison. Sort of like the other line
12 that goes through Sayreville to get to that substation.

13 Part of the plan is a small part of this is
14 leaving the site, electric transmission line going in
15 through Edison and into the Edison Metuchen station.

16 The Woodbridge Energy project, many of you
17 might have recalled, had a number of features to it but
18 that had been dealt with in connection with this. First
19 of all, the Woodbridge Energy Center receives through a
20 gray water line pipe system, gray water, partially
21 treated water from the Middlesex Utilities Development
22 and uses that water as a beneficial re-use, recycles it.
23 And where that water would normally be dumped into the
24 Raritan River there's a zero discharge. It is actually
25 utilized. It not only takes that water and uses it for a

1 beneficial re-use but also doesn't discharge it in
2 Raritan River.

3 The Keasbey project, we'll call it the
4 Woodbridge Energy Center. The Keasbey project will do
5 the same thing. It will take gray water from the MCUA.
6 There will be a pipeline that goes out, partially out of
7 Woodbridge through Sayreville basically using -- pretty
8 much using the same areas where the current water line
9 exists into the MCUA treatment facility.

10 And will again -- you will hear from our
11 testimony even more gray water will beneficially be used
12 by this facility that would otherwise be dumped into the
13 Raritan River. Again, the environmental benefit from
14 that is obvious.

15 The electric transmission line again will go
16 in two different directions. You will have one that will
17 go into Edison. One will be going to Sayreville and
18 providing you with two power plants. Power to these
19 different regions within the state that need this new
20 electrical system.

21 So what we have for you this evening, the
22 first application is an application for major subdivision
23 approval. That is the subdivision that you see with
24 those red lines that would create the new lot which is
25 now needed because it's a separate project and not an

1 expansion on which the CPV Keasbey Energy Center will be
2 built.

3 The second application involves the Woodbridge
4 Energy Center existing lot. Which now will be a smaller
5 lot because of the subdivision. It will be changed --
6 the bulk area will change because of that. In addition
7 to that we're proposing some improvements on the energy
8 center lot that will be shared, shared facilities. And
9 we will provide testimony. So we're adding some
10 development features to the Woodbridge site that help --
11 two power plants work together so we don't have to go
12 double on the Keasbey site, double on the Woodbridge
13 site. They're shared facilities.

14 In addition to that we're also adding to the
15 Woodbridge Energy Center a renewable energy solar
16 facility. So the second approval we're looking for is
17 basically an amended site plan approval for the
18 Woodbridge Center lot as it has been created to recognize
19 it as a smaller lot. But there are also new improvements
20 that the professionals have reviewed, and we will talk
21 about this evening, that include new features for the
22 share of services between the two and also the solar
23 facilities.

24 So the first application that we have before
25 you -- we submitted these applications. I think the

1 subdivision and the site plan for Woodbridge Energy
2 Center have been combined but technically we need three
3 approvals from this Board. We need preliminary and final
4 major subdivision approval and as part of this
5 subdivision application we are creating a new lot.

6 When this Board approved the Woodbridge Energy
7 Center project it granted a variance to allow the
8 property to not abut, directly abut a public street.
9 That is because between Riverside Drive and the property
10 the rail line runs and that's a separate property.

11 Technically we don't have frontage and
12 approved street. This subdivision will result in that
13 condition continuing for the new lots to approve it. So
14 we have a variance being requested in connection with
15 that.

16 In addition to that we're creating the new
17 lot -- we're also creating a smaller piece of land as
18 part of the subdivision that will be conveyed to EPEC who
19 will be consolidating that with the land on which they're
20 building a public access roadway, which will ultimately
21 be dedicated to the township.

22 So what this subdivision is doing is allowing
23 the roadway -- it will provide access to the public, new
24 waterfront park by way of giving the land that can be
25 part of the roadway. The improvements are going to be

1 built by EPEC and others who are simply providing that
2 land as part of the subdivision.

3 We're also working with the DEP in connection
4 with that because we're facilitating providing additional
5 public access to the waterfront and we also work with the
6 township in connection with trying to find another way to
7 provide additional public access.

8 As part of the overall DEP approvals for this
9 project, the waterfront development law, waterfront
10 development permitting requires that an applicant must
11 provide public access to the waterfront or address that
12 in some manner. We're working -- the last project again
13 were part of the EPEC public access recreational
14 improvements. We also made a contribution to the -- it
15 was at the time of Super Storm Sandy to a dock facility
16 in Sayreville that was rebuilt as a result of that, as
17 part of that public access requirement.

18 The only area that's within the waterfront
19 development area is our gray water line going into
20 Sayreville and so we're working with the township to try
21 to find a way to provide additional improvements to meet
22 our obligation with the DEP and to further enhance the
23 public park. Since we don't have the ability to put a
24 boat ramp or something along an easement that is for a
25 water line, we may -- we're looking at the possibility of

1 providing additional improvements that we would pay for
2 within the park area.

3 So that is part of what we're working with the
4 township on. That we're working with Brown and Caldwell
5 the engineering firm and the environmental consultants
6 for EPEC that have been involved with this, the township
7 special redevelopment council.

8 So as far as your role is concerned that's
9 what we have before you this evening. Subdivision
10 application --

11 MR. ROGOFF: It's a three lot?

12 MR. BUCKNAM: For three lots that will end up
13 with two after perfection because it will be two new lots
14 and lot area that will be conveyed -- consolidated with
15 other properties. We're creating three lots, we're
16 ending up with two when the dust settles. The new
17 Keasbey lot, the smaller lot that the Woodbridge Energy
18 Center will be on. Basically part of a future roadway
19 lot area that will be in the future.

20 That is the background for the Board. If
21 anybody has any questions related to that. I'm kind of
22 jamming it in all together but that is what we're here
23 for this evening. And as a result what we have -- we
24 have three different approvals within two different
25 applications. And what I'd like to do, if the Board

1 doesn't have any questions, is first call up our project
2 engineer.

3 And to give you some background on why we have
4 so many players here, the onsite development has been
5 engineered by CME, the engineering firm. The off-site
6 gray water line improvements going through and out of
7 Woodbridge and Sayreville have been engineered by
8 Marathon Engineering that did that original work.

9 And the electric transmission line that is now
10 going into Edison has been engineered by PS&S. So we
11 have three different sets of engineering plans and that's
12 why your professionals and planning directors have a plan
13 that basically shows where all these things go and how
14 this trail ends up and we will try to explain that in a
15 little more detail.

16 It is important to note with respect -- it's
17 not for this Board, when we came before you in 2013 with
18 the Woodbridge Energy Site project you may remember we
19 had boards that went around the room here. The DEP
20 commissioner at the time asked that we have line of site
21 drawings. We have these drawings where literally if you
22 held out your hand this far away from this, you could see
23 the actual dimensions and size of what it looked like and
24 the commissioner at that time wanted us to demonstrate
25 that we were addressing the public fusia (ph)

1 requirements.

2 So that the electric transmission lines in the
3 vicinity of the Raritan River you would not see it from
4 roadways and properties. We literally had to demonstrate
5 the loop holes that you would not see these transmission
6 lines from different locations.

7 And we satisfied the state. We satisfied the
8 Board members that were developed in that area. What we
9 did this time around is met with the state board early
10 on. Instead of going through easements through private
11 properties, the electric transmission line has been sited
12 now all on largely state highway right-of-ways. Some
13 part of the county road but we're avoiding residential
14 properties and any issues related to that.

15 And in essence we have been working for two
16 years now with the DOT, transportation authority, federal
17 highway agency with respect to getting the approvals for
18 the electric transmission line to be installed. Again,
19 without having any impact on residential properties or
20 adjacent properties. It's going to be right-of-ways and
21 that involves having to deal with policies, locations and
22 easements and construction details. We've spent a lot of
23 time to the point we're now ready to move forward with
24 that.

25 MR. ROGOFF: Who is your first witness?

1 MR. BUCKNAM: My first witness is my engineer.

2 Darren Mazzei.

3 MR. ROGOFF: Good evening.

4 DARREN MAZZEI, after having been first duly
5 sworn, was examined and testified as follows:

6 CHAIRMAN MILLER: State your name for the
7 record, please.

8 MR. MAZZEI: My name is Darren Mazzei. I'm
9 with CME Associates, 3141 Bordentown Avenue, Parlin, New
10 Jersey.

11 CHAIRMAN MILLER: Can you state your
12 education, please.

13 MR. MAZZEI: Sure. I'm a graduate of Rutgers
14 University, class of 2005. I have been a professional
15 engineer since 2010 practicing in the State of New
16 Jersey. This is actually my second time before this
17 Board in the last two months. I was here back in June as
18 well. I have --

19 MR. ROGOFF: We qualified you then?

20 MR. MAZZEI: You did.

21 CHAIRMAN MILLER: We qualify you again in
22 engineering.

23 MR. BUCKNAM: Just for the record we have the
24 principal from CPV here, Power Ventures, the applicant.
25 At some point I'm going to have them explain who they're

1 working for. But in the interest of time, I thought we
2 could jump to the subdivision application and testimony
3 there.

4 So, Mr. Mazzei, let's refer to the exhibits
5 that have been identified here and first of all with
6 respect to -- let me find the exhibit we're referring to,
7 A3, aerial subdivision overlay that I described to the
8 Board in our identification. Can you explain to the
9 Board what exactly is this subdivision proposing beyond
10 the brief description I gave.

11 MR. MAZZEI: Not a problem. So Exhibit A3 is
12 over here. What we have done --

13 MR. BUCKNAM: We have reduced versions for the
14 Board of that same exhibit. We can make copies available
15 to the public.

16 MR. ROGOFF: I don't know if anybody needs to
17 see it.

18 MR. MAZZEI: I will explain it first and if we
19 do -- okay. What we have on the outbound is we made the
20 existing property lines -- bear with me one second,
21 orange and the subdivisions lines are in red. The
22 glare -- actually the pointer is not working but to give
23 a little background, Lot 100.02 was established as part
24 of the minor subdivision in 2013. The lot has 27.46
25 acres in size and now contains the operational Woodbridge

1 Energy Center. Woodbridge Energy Center is located on
2 the eastern portion of the property.

3 So I can show -- the outbound perimeter is
4 shown in orange which is in this location here. There
5 are two subdivision lines shown in red on this exhibit
6 which the first one generally runs north to south and
7 bisects the lot. And there's a small slither that leaves
8 a triangle shape over there for the future public
9 roadway, just to give a little background. The
10 existing -- the existing site is bounded to the north by
11 Conrail. It's blocked 70.01, Lot 10. To the west is
12 Cannell properties, to the northwest, east and south is
13 Lot 100.011 which is EPEC Palmer's property.

14 MR. BUCKNAM: We talked about -- I've
15 mentioned we have a variance condition here related to
16 frontage of the roadway. Can you explain how that
17 variance comes into play?

18 MR. MAZZEI: Correct. So as part of the
19 initial application there's a variance because the
20 frontage of the roadway was bounded by the Conrail
21 Roadway which is parallel to Riverside Drive. With this
22 new lot, which with the easement lot still will not have
23 any direct access to the public frontage. So we're going
24 to be requesting a variance for that as well.

25 MR. BUCKNAM: This is the re-approval

1 basically, that same variance was granted previously
2 because we had frontage along the roadway but the roadway
3 intercedes and that is actually easements owned by a
4 different property.

5 MR. ROGOFF: Has the nature of the variance
6 changed --

7 MR. BUCKNAM: It has because of the
8 subdivision and because of the change in the particular
9 lot.

10 MR. ROGOFF: What was the variance you got
11 granted in 2013?

12 MR. BUCKNAM: Was to allow for the lot to be
13 developed without having frontage on an approved street.

14 MR. ROGOFF: So it wasn't dimensions
15 requirements?

16 MR. BUCKNAM: It was not. It was because we
17 had an intervening property. We ask that that variance
18 be approved in connection with the subdivision. Now
19 we're creating two separate lots that the Board will
20 re-approve that variance for this changed condition.

21 MR. ROGOFF: In addition to the 50-foot or no?

22 MR. BUCKNAM: That's a different --

23 MR. ROGOFF: Different variance.

24 MR. BUCKNAM: That's not with the subdivision.

25 MR. ROGOFF: Same issue.

1 MR. BUCKNAM: Same issue, different property
2 configuration. It's two lots it affects.

3 MR. MAZZEI: So as I explained the eastern lot
4 will be the future lot 100.021. This lot will house the
5 Woodbridge Energy Center facilities and it will be 16.458
6 acres. The lot to the west will be future lot 100.22.
7 That will be the future Keasbey lot.

8 That lot will be 10.58 acres and then there
9 will be a small separate lot here which will be .146
10 acres. And that lot as Bob has mentioned before, is for
11 future access to the public access road which EPEC
12 Palmers is developing and eventually will be turning over
13 to the township as public roadway known as Kolarick
14 Drive.

15 Upon the subdivision there is also going to be
16 a common storm water system that we want the Board to be
17 aware of, both the Woodbridge Energy Center and the
18 future Keasbey Energy Center will be shown as well as
19 interconnected storm sewer improvement such as drainage
20 and piping.

21 MR. BUCKNAM: There will be shared
22 facilities. There will be cross easements to the shared
23 facilities. You will see that there will be actually a
24 variance condition created by a lot line that goes along
25 the existing access road line, which eliminates a 10-foot

1 separation requirement. It's a different lot, different
2 ownership, similar to what we're talking about.

3 MR. ROGOFF: So those cross easements are
4 going to be set forth in the deed to be recorded?

5 MR. BUCKNAM: They will be. There's also
6 shared services agreement that you will see in connection
7 with the site plan that we will talk about, that runs
8 between the two property owners. We will provide that in
9 response to questions and comments.

10 MR. MAZZEI: And just for background, the
11 reason we are going before the Board for a major -- our
12 final preliminary major subdivision approval is because
13 we will be extending the public roadway on the future
14 Kolarick Drive. We already touched on variances.

15 MR. BUCKNAM: We did. Those are the questions
16 I have for Mr. Mazzei in connection with this
17 application. We have our planner here to provide
18 specific planning testimony in connection with variance.
19 She is prepared to testify with the site plan
20 applications.

21 MR. ROGOFF: All right. Let's bring her up
22 unless somebody has a question.

23 CHAIRMAN MILLER: Any questions for this
24 witness?

25 MR. VOGT: Is there anymore testimony on the

1 engineering?

2 MR. BUCKNAM: This is subdivision. Again, any
3 questions on the site we will be glad to do that. But
4 right now we're talking about the subdivision. We will
5 bring Mr. Mazzei back for the site testimony.

6 Can you please identify yourself for the
7 record, for the Board.

8 MS. APTE: Good evening members of the Board
9 and public. Malvika Apte, A-P-T-E.

10 MR. BUCKNAM: And again, can you just give the
11 Board the benefit of you professional qualification.

12 MS. APTE: Sure. I am a licensed professional
13 planner in the State of New Jersey. I have been licensed
14 since 2007. I have testified before several boards
15 including this Board in June.

16 MR. BUCKNAM: Were you qualified as an expert,
17 as a planner at that time --

18 MR. ROGOFF: Let me swear her in.

19 MALVIKA APTE, PP, AICP, after having been
20 first duly sworn, was examined and testified as follows:

21 CHAIRMAN MILLER: We will qualify you as we
22 met previously.

23 MS. APTE: Thank you.

24 MR. BUCKNAM: Thank you. Ms. Apte, with
25 respect to the -- you've heard the testimony and my

1 representations related to the variance associated to the
2 subdivision application. From a planning perspective can
3 you provide the Board with your analysis with respect to
4 why the benefits of granting this variance would
5 substantially outweigh the detriments in this
6 circumstance?

7 MS. APTE: Sure. So just for the Board's
8 benefit the two variances we're looking with, related to
9 this application the first one is the lot not having a
10 street frontage, which would essentially be above
11 variance. What we are looking for is a C2 variance which
12 literally means balancing of positive and negative
13 criteria. And balancing how positives outweigh the
14 detriments.

15 The second variance which is related to this
16 application, is the internal roadway which between the
17 two lots, which would not have the 10-foot setback that's
18 required per the redevelopment plan. That would also be
19 a C2 variance. Now I will talk about the positive
20 criteria. For positive --

21 MR. ROGOFF: There's no setback at all?

22 MS. APTE: No.

23 MR. BUCKNAM: Basically the lot line goes
24 along the road line.

25 MR. ROGOFF: I get it. I'm going to swear you

1 in, in about a minute.

2 MS. APTE: So first I'm going to talk about
3 the positive criteria. For positive criteria I need you
4 to look at what are the goals of the municipal line use
5 law that are furthered by this application. There are
6 several of them and I will just go point by point.

7 The first one is goal A which is to encourage
8 municipal action to guide appropriate use of that
9 allotment of all lands which would kind of promote the
10 public health, safety, highways and general welfare.

11 We're proposing a power generation facility,
12 which as the 2011 energy master plan and also the EPEC
13 Development Plan states is a requirement in the State of
14 New Jersey. With this proposal we are also furthering
15 two more goals, one is H which basically is to promote
16 the free flow of traffic. With the subdivision we are
17 proposing a public access to the Raritan River which is
18 required, which is one of the goals of the EPEC
19 Development Plan.

20 And with this internal roadway and the shared
21 services we are promoting a more free flow of traffic.
22 We also further the goal M which is more efficient use of
23 land. Two users which are very similar to each other can
24 have shared services. It just is more economical and
25 efficient use of land.

1 The last one, which would be goal G, which is
2 to provide sufficient space in appropriate locations for
3 different types of uses. We're proposing an industrial
4 use in an industrial area but we are also furthering by
5 providing a public access for recreational uses which is
6 one of the requirements of the redevelopment plan.

7 Now, I talk about the negative --

8 MR. BUCKNAM: Before we do that, just so the
9 Board is clear, what you were just describing is under
10 the New Jersey Municipal Land Use law, the purposes of
11 zoning 45W-2 are listed A through H.

12 MS. APTE: Yes.

13 MR. BUCKNAM: You've testified as to which
14 specific purposes zoning and planning are being furthered
15 by granting of this planning, correct?

16 MS. APTE: That's correct.

17 MR. BUCKNAM: And address the positive
18 criteria for a C2 variance in this situation?

19 MS. APTE: Yes.

20 MR. BUCKNAM: Have you had a chance to
21 evaluate the negative criteria in support of this C2
22 variance?

23 MS. APTE: Yes, I did.

24 MR. BUCKNAM: Can you describe for the Board
25 what your findings and testimony are?

1 MS. APTE: Sure. The negative criteria has
2 two prongs. First is we have to talk about if this
3 variance is going to -- sorry, I just lost my train of
4 thought. But there will be no substantial, and the
5 keyword here is substantial impairment to the zone plan.

6 As I had just testified before that there are
7 several goals of the EPEC Redevelopment Plan that are
8 furthered. To give you a few, one is efficient use of
9 the redevelopment area, providing various economic,
10 economically beneficial uses for the Township. And this
11 would also create a power generation facility which is
12 also one of the permanent uses of redevelopment plan.

13 All and all the site does comply with all the
14 requirements of the zone. It's a permitted use. Most of
15 the variances are met. It's a very technical requirement
16 that it's not on the street. It doesn't face the street.

17 MR. BUCKNAM: The second part of the negative
18 criteria, you talked about the most substantial detriment
19 to the zone plan or redevelopment plan here has to do
20 with the variance being able to be granted without
21 causing substantial detriment to the public good. Can
22 you provide to the Board your findings with respect to
23 that?

24 MS. APTE: Sure. The variance essentially in
25 this case is again as I stated is more technical in

1 nature. The use has always been there. It's not street
2 frontage and now with this subdivision it will not have a
3 street frontage. So it's a -- very visually discernable
4 kind of variance.

5 The second there will be no -- this use has
6 existed in the Township since 2016 and there have not
7 been any substantial impacts. As a result in my
8 professional opinion it seems that there will be a
9 minimal impact for -- there would no substantial
10 detriment to the public good.

11 MR. BUCKNAM: Is it your opinion that the
12 variance can be granted and the positive and negative
13 criteria for C2 variance relief is addressed here?

14 MS. APTE: Yes. The last part of this
15 variance is how benefits outweigh the detriment. And as
16 testified there are several benefits and very minimal
17 detriments to their granting of these two variances.

18 Basically you are getting an efficient
19 operation of a power generation facility which is much
20 needed in this region and it is substantially beneficial
21 to the minimal detriments that these two variances would
22 cause.

23 In my professional opinion I believe these
24 variances have met the statutory burden that's required
25 for the variances and I would request that the Board

1 grant the requested variances. Thank you.

2 MR. BUCKNAM: Mr. Chairman, that's our
3 application for preliminary major and final for
4 subdivision approval with the variances.

5 MR. BIGNELL: Counsel, can you describe the
6 relief under 40, 55 and 36 you need to cover public
7 right-a-way? You need to provide some testimony.

8 MR. BUCKNAM: That was.

9 MR. BIGNELL: It basically talked about
10 emergency access. Something on the record that says you
11 can provide emergency access.

12 MR. BUCKNAM: Let me advise the Board and I
13 will ask our planner -- we want to go further in terms of
14 the public good in not being in any way detrimentally
15 affected by way -- by way of the fact of a frontage
16 approved street.

17 For the record, we have county planning board
18 approval and the county treated, for all intents and
19 purposes, as if it's a permanently county roadway. The
20 county access driveway. Everything has been designed to
21 meet county standards from a legal standpoint. It just
22 happens to be a legal issue that there's an intervening
23 property by somebody else that we have to cross before we
24 get to the roadway.

25 With respect to that can you just provide the

1 Board your professional opinion. Is there any detriment
2 to the public good, any impact on municipal services,
3 anything that would otherwise be barred or prevented from
4 occurring if this property had direct frontage on a
5 public street?

6 MS. APTE: Sure. I believe the way the
7 property has been designed it would not have the shared
8 services. There would be access for emergency and any
9 kind of -- any kind of emergency services that are
10 required be it fire, be it, I guess, police emergency or
11 any kind of -- the shared services that are kind of
12 provided with the internal roadway between the two
13 facilities would provide that. Although the site
14 wouldn't have a street frontage.

15 MR. BUCKNAM: In your view, in your opinion
16 the findings that the Board made in 2013 in granting the
17 variance to allow relief for not having frontage along
18 the level or direct street frontage, have those
19 conditions changed in any appreciable way that would make
20 that situation less desirable?

21 MS. APTE: I believe it hasn't changed. In
22 fact, you know, there would be more shared services.
23 There would be more internal roadway and a direct access
24 to Kolarick Drive which would be provided.

25 MR. BIGNELL: I only pointed out that the law

1 provided some testimony.

2 MR. ROGOFF: Under section 35. 36 deals with
3 appeals.

4 MR. BIGNELL: 35. I won't argue with you.

5 MR. ROGOFF: 35 deals with building lot abuts
6 creek. It is not 36, it is 35.

7 MR. BUCKNAM: Understood. We agree.

8 CHAIRMAN MILLER: Anyone else? Thank you.

9 MR. ROGOFF: Before we proceed any further I
10 notice there is a video recorder in the right corner in
11 chambers here.

12 CHAIRMAN MILLER: He identified himself.

13 MR. ROGOFF: I wanted to make sure. Sir, are
14 you the owner and operator of that video recorder?

15 MR. KRATOVIL: Yes, I am sir.

16 MR. ROGOFF: And you identified your name and
17 address on the record.

18 MR. KRATOVIL: I gave my name and publication
19 I work for to the secretary.

20 MR. ROGOFF: In the future if you intend to
21 videotape any of our proceedings you must notify us in
22 advance in writing.

23 MR. KRATOVIL: Can you state the law or
24 ordinance you're referencing?

25 MR. ROGOFF: It's a case. I'm not going to

1 debate about it. It is not a courtesy. You shouldn't be
2 doing it anyway.

3 MR. KRATOVIL: I respectfully disagree. As a
4 journalist --

5 MR. ROGOFF: We're not going to spend any time
6 with you about this. Thank you, sir.

7 CHAIRMAN MILLER: Okay, proceed.

8 MR. BUCKNAM: Mr. Chairman, with respect to
9 your preliminary/final major subdivision approval under
10 variance requested, that is our case. It would be
11 cleaner for our purposes for financing and otherwise if
12 we had an approval as preliminary/final major subdivision
13 approval under variance granted as a separate
14 application. So we ask that if the Board consider a
15 motion to do that.

16 CHAIRMAN MILLER: This is a public hearing.
17 Anyone on this application want to come up to speak?

18 JUNIOR RAMIRO, after having been first duly
19 sworn, was examined and testified as follows:

20 CHAIRMAN MILLER: State your name and address
21 for the record.

22 MR. RAMIRO: Junior Ramiro, 100 Behart Street,
23 New Brunswick. I'm with a group called Food and Water
24 Watch.

25 MR. ROGOFF: You're what?

1 THE PUBLIC: Food and Water Watch,
2 environmental non-profit. Am I able to comment on the
3 power plant in general? So New York State Friday just
4 denied a crucial air permit for CPV power plant in Orange
5 County, New York.

6 MR. ROGOFF: How is that relevant here?

7 MR. RAMIRO: You're about to vote on a CPV
8 power plant.

9 MR. BUCKNAM: This is subdivision.

10 MR. ROGOFF: What do you expect us to do with
11 that information? Utilize it in some way in our decision
12 making process, that is not happening, sir.

13 MR. RAMIRO: I want to give you background on
14 the company that is proposing this power plant.

15 MR. ROGOFF: Why are you telling us
16 information? Are you telling us that information because
17 you think it impacts the board's decision in this matter?

18 MR. RAMIRO: I want to make sure the company
19 that is proposing this additional power plant in the city
20 that they live in and their Board members of.

21 MR. ROGOFF: I don't know everything you have
22 there. I don't want to cut you short but I want you to
23 tell us relevant stuff that is meaningful for us. You
24 can't come to New Jersey and argue what California says.
25 You follow what I'm saying? California is a different

1 jurisdiction. We don't know their rules. It is not
2 binding on us here. Nor do we know what the heck was
3 presented there so...

4 MR. RAMIRO: So Orange County, New York, a
5 state over, I think it's relevant to the Board, the Board
6 to hear. So I'd like to proceed if that is okay?

7 MR. ROGOFF: You think a denial is relevant?
8 How is it relevant? You think it should enter into our
9 decision making process?

10 MR. RAMIRO: I just want to make sure this
11 information is presented to the Board members to make
12 sure they're aware.

13 MR. ROGOFF: If it is relevant, sir, that
14 means you're saying to us it can be used in the board's
15 decision making process.

16 MR. RAMIRO: To my understanding this is the
17 only Board that will be approving permits at the
18 municipal level on this proposal. So I want to make sure
19 that the highest --

20 MR. ROGOFF: If you tell us something relevant
21 and material we're happy to hear but don't start telling
22 us about other denials or approvals in some other state,
23 in some other case we have no idea what it's about
24 because it's not binding on us.

25 THE WITNESS: Whether it's binding or not that

1 has to be --

2 MR. ROGOFF: If I listen to you further and I
3 find that it's not binding I won't be hearing you any
4 further because it's inappropriate. One second, it is
5 inappropriate. I'm not saying you don't have a public
6 purpose. I'm saying this is an agency board. We only
7 hear competent evidence. We don't hear stuff that has
8 nothing to do with our function so...

9 MR. RAMIRO: I understand you're counsel to
10 the board members.

11 MR. ROGOFF: I'm here to make sure they do the
12 right thing and they apply New Jersey law, not what
13 happened in New York.

14 MR. RAMIRO: I understand.

15 MR. ROGOFF: I have no idea about that case.
16 You didn't send it to me ahead of time. I don't know
17 what was considered. I have no idea what the testimony
18 is. I'm not privy to the experts and neither is this
19 Board. So please do not tell us stuff we cannot utilize.

20 MR. RAMIRO: I would like to proceed if that's
21 okay?

22 MR. ROGOFF: I'm going to let you go until I
23 see you giving us stuff we can't utilize.

24 MR. RAMIRO: I'd like to ask if it is possible
25 where this -- so this energy would be all for New

1 Jersey's consumption?

2 MR. BUCKNAM: Well, first of all, this is a
3 subdivision application. We have experts that will talk
4 about the site plan application that will follow. Yes,
5 it will go into the New Jersey grid through the PSE&G
6 Metchuen substation but again, we will be providing
7 testimony for the site plan application.

8 MR. ROGOFF: You probably should wait until
9 then. This is merely the subdivision.

10 MR. BUCKNAM: All those answers will be
11 answered.

12 MR. RAMIRO: Okay. That will be the next...

13 MR. ROGOFF: Yes.

14 MR. RAMIRO: I'll probably just wait until
15 then.

16 MR. ROGOFF: You're good with that?

17 MR. RAMIRO: Yes, thank you.

18 MR. DRUBACHER: Can I talk about the bulk
19 variance, the right-of-way? Can I talk about that here,
20 the right-of-way?

21 MR. ROGOFF: The only variance in this case is
22 that project -- there is no public street that abuts this
23 site.

24 MR. DRUBACHER: Public right-of-way?

25 MR. ROGOFF: I'm sorry?

1 MR. DRUBACHER: Public right-of-way?

2 MR. ROGOFF: Again, the variance here is that
3 there's no public street that abuts.

4 GERARD DRUBACHER (PH), after having been first
5 duly sworn, was examined and testified as follows:

6 MR. DRUBACHER: Gerard Drubacher, 32 Lindrick
7 Avenue, Hokland, New Jersey. About the CPV -- about the
8 Woodbridge Energy Center, we're talking about, correct,
9 right and we're talking about the roadways in the
10 existing complex and the variance you will be granting
11 for future roadways? Am I safe so far?

12 MR. ROGOFF: This is just part of the site
13 that does not apply in public roadway which was
14 previously granted in 2013.

15 CHAIRMAN MILLER: What are we pointing to?

16 MR. BUCKNAM: This is Exhibit A3. This,
17 without this line, if you take away this line which is
18 the subdivision line, you have what is the existing
19 Woodbridge Energy Center project.

20 MR. DRUBACHER: Right.

21 MR. BUCKNAM: The Woodbridge Energy Center is
22 Riverside Drive. Between Riverside Drive and the site is
23 the Conrail rail line, okay. That Conrail line is
24 actually another property. So even though technically
25 you see Riverside Drive there when we cross we have a

1 property between us and the public right-of-way. So we
2 don't have direct access to public right-of-way.

3 MR. ROGOFF: Excuse me, we need to wait a
4 minute.

5 (Whereupon, a brief recess was held.)

6 MR. ROGOFF: The record will reflect we are
7 now at full strength.

8 MR. BUCKNAM: As I refer back to Exhibit A3 in
9 answering the gentleman's question, again, this is
10 Riverside Drive, the access to the existing power plant
11 already required a variance because we don't directly
12 have access. We have the rail between us. Because we
13 have a subdivision, we're changing that property and it's
14 going to be a different power plant here. Using the same
15 access drive it changes the conditions. So we're asking
16 that that variance be re-approved with respect to the
17 subdivision. It will be two lots instead of one.

18 And as any approval that is granted by this
19 Board, is subject to any outside agency approvals
20 required. Once again get Middlesex Planning Board
21 approval for the access to Riverside Drive and then we
22 will be reviewing it and approving that based upon county
23 standards.

24 MR. DRUBACHER: You have that Kolarick Drive.
25 There's a mention of a Mack Drive and Daluna Drive in

1 that area and a traffic signal. Would I be out of bounds
2 if I mentioned those two items. They were brought up in
3 last night's counsel meetings. Are you aware of that?

4 MR. ROGOFF: I'm not aware of that. What is
5 the issue, sir? Where is that located on that exhibit,
6 do you know?

7 MR. DRUBACHER: No, not really but Council
8 Drumm shared and it was mention made of it last night,
9 traffic signal, Mack Lane and Riverside Drive and there's
10 a Dalina Lane marked down there too.

11 MR. ROGOFF: Where is it in relationship to
12 this site?

13 MR. BUCKNAM: It's not near this site.

14 MR. ROGOFF: Do you know how far away it is.

15 MR. MAZZEI: Mack Lane is just north of the
16 site.

17 MR. BUCKNAM: Mr. Mazzei, has been sworn.

18 CHAIRMAN MILLER: You're still under oath.

19 MR. MAZZEI: So Mack Lane is located right
20 here for the Board members. It's directly in front of
21 Woodbridge Energy Center.

22 MR. BUCKNAM: On the other side.

23 MR. MAZZEI: On the other side.

24 MR. DRUBACHER: These variances and stuff like
25 that, roadways and stuff like that all appropriate for

1 fire fighting vehicles?

2 MR. BUCKNAM: It is an existing access
3 driveway that will simply be utilized again for the power
4 plant and there actually will be a new Kolarick Drive
5 that will be -- this application will facilitate
6 providing an additional right-of-way for Kolarick Drive
7 which will be a future municipal roadway, improve
8 municipal roadway standards.

9 MR. DRUBACHER: Will these roadways be built
10 after the completion of the plant or --

11 MR. BUCKNAM: They have nothing to do with the
12 plant. We're providing as an additional right-of-way as
13 an accommodation to the Township. It is not needed for
14 this project. Not affected by this project. We have no
15 roadway improvements being proposed. This is simply an
16 access driveway. The subdivision a small portion of
17 land.

18 MR. ROGOFF: Where is the access road?

19 MR. MAZZEI: The roadway is in the northwest
20 corner of Riverside Drive identified as Kolarick Drive
21 and road one on Exhibit 1.

22 MR. ROGOFF: Is that the one you're going to
23 dedicate?

24 MR. BUCKNAM: This is the portion.

25 MR. MAZZEI: It's going to be dedicated as a

1 Palmar, separate application.

2 MR. BUCKNAM: It's part of the EPEC public
3 access to their waterfront. Private area we're going to
4 facilitate with the public.

5 MR. DRUBACHER: The public right-of-way where
6 is this going to the park, where would that be?

7 MR. MAZZEI: We will need another exhibit.

8 MR. BUCKNAM: What exhibit is that?

9 MR. MAZZEI: A5.

10 MR. BUCKNAM: A5 has been identified as the
11 area site overlay of the Keasbey Energy Center.

12 MR. MAZZEI: This will be the public access
13 coming from Riverside Drive. It will cross through, it
14 will pass the power plant site, it will bend around.
15 This is something that's been designed by another
16 professional, Brown and Caldwell design engineer.

17 MR. BUCKNAM: And I believe approved by the
18 Township from an engineering standpoint we were told in
19 the TRC meeting.

20 MR. DRUBACHER: Would I be out of bounds if I
21 asked how close this drive would be to the infrastructure
22 of the plant?

23 MR. ROGOFF: No, that's fine.

24 MR. DRUBACHER: What will be the setback of
25 the Kolarick of the chemicals of the plant?

1 MR. BUCKNAM: There's a 50-foot that will be
2 required as part of the future access. As we get into
3 later testimony, variance requested for demineralized
4 water tank which we can get through later.

5 MR. DRUBACHER: Okay, thank you very much.

6 MR. ROGOFF: I have a procedural question.
7 (inaudible.)

8 MR. BUCKNAM: We submitted three and were
9 combined administratively.

10 MR. ROGOFF: Procedurally speaking do you
11 want -- is it appropriate for the Board just to hear the
12 subdivision application and then the site plan?

13 MR. BUCKNAM: That was the intention.

14 MR. ROGOFF: Since you only have one. That is
15 one application, not two. It's got one number on it. So
16 from a procedural point of view is there any reason why
17 we can't do all that at one time after we hear everything
18 on the site plan?

19 MR. BUCKNAM: If you want to combine the two
20 as long --

21 MR. ROGOFF: The only reason I say that is
22 because procedurally you don't have a separate
23 subdivision application for whatever reason and I don't
24 think it matters. I don't think it matters either way at
25 the end of the day.

1 MR. BUCKNAM: Let's talk about this for a
2 minute. We submitted an application for
3 preliminary/final major subdivision approval variances.
4 We submitted a separate application for preliminary/final
5 site plan approval, amended site plan approval for the
6 Woodbridge Energy Center site and we submitted a third
7 application for the Keasbey Center site. So we did
8 submit three different applications. We noted for three
9 different applications. I believe what happened is the
10 administrative planning department combined --

11 MR. ROGOFF: Do you want a separate
12 resolution?

13 MR. BUCKNAM: I would prefer a separate
14 resolution for bonding for our finance purposes --

15 MR. ROGOFF: So separate resolution under one
16 application?

17 MR. BUCKNAM: If you can't do it for internal
18 reasons --

19 MR. ROGOFF: That's what I'm saying.

20 MR. BUCKNAM: If you can't do it for internal
21 reasons what I would suggest is this, if you need one
22 vote related to the Woodbridge Energy Center property we
23 can -- we can, I guess, combine them and as long as
24 you're granting the preliminary/final major subdivision
25 approval variance and the amended site plan approval for

1 the Woodbridge site.

2 MR. ROGOFF: We will consider anything you
3 haven't applied for.

4 MR. BUCKNAM: We just need to make sure that I
5 have three approvals. That's the bottomline because
6 we've applied for three approvals.

7 MR. ROGOFF: I've certainly done resolutions
8 in my career and we combined both the subdivision and
9 site plan. Is there a reason you need a separate --

10 MR. BUCKNAM: Yeah, I have numerous counsels
11 looking at this from all over the world. Okay, and
12 they're going to say they have three applications, why do
13 they only have two applications. Well, we explain
14 they're in the same resolution, that's fine. It will be
15 cleaner for us. We talked about this at the TRC meeting
16 we have noticed, we have filed for a separate subdivision
17 application, an amended site plan application for the
18 Woodbridge remainder lot and a brand new site plan
19 application for the new power plant.

20 Ideally we'd like to have three. If you need
21 to combine a subdivision site plan for some internal
22 purposes, as long as it's made clear we have a
23 subdivision approval and amended site plan approval.

24 MR. ROGOFF: Actually easier for me, the
25 conditions are different. The conditions contained with

1 respect to approval of subdivision are different than a
2 site plan.

3 MR. BUCKNAM: And we assume we would have to
4 address those conditions separately.

5 MR. ROGOFF: Statutory projection, all of that
6 stuff.

7 MR. BUCKNAM: We assume we will address that
8 in a separate application. All the conditions with three
9 separate applications.

10 MR. ROGOFF: I'm comfortable doing it
11 separate.

12 CHAIRMAN MILLER: Can I say something?

13 MR. BUCKNAM: Sure.

14 CHAIRMAN MILLER: If you don't get approval on
15 the first one the second one is moot.

16 MR. BUCKNAM: This first one is trying to
17 create a lot --

18 CHAIRMAN MILLER: I'm saying if you don't get
19 approval there is no second one.

20 MR. BUCKNAM: That's right.

21 MR. ROGOFF: We all assume that.

22 MR. BUCKNAM: Again, if you wanted to vote no
23 on the subdivision you never get to the site plan.

24 CHAIRMAN MILLER: That is the legal end.

25 MR. BUCKNAM: Yeah, that the practical.

1 Again, we created a record for subdivision variance. We
2 haven't provided any testimony other than
3 representations.

4 MR. ROGOFF: I know. That's why -- we're at
5 the point where we're either going to do that or we're
6 going to do a combination and then re-hear everything on
7 the site plan. But I understand what you're saying. It
8 is actually better for me to do it separately.

9 MR. BUCKNAM: And better for us to do it
10 separately. And again -- and we understand there will be
11 separate conditions that will be met for the subdivision
12 and those two site plans.

13 MR. ROGOFF: Sir, you must remain seated. You
14 were saying?

15 MR. BUCKNAM: Again, I agree with you. We
16 fully understand that you have resolution conditions for
17 the subdivision and two resolutions related to the two
18 site plans. We have to satisfy all those conditions
19 separate and in part for three different approvals.

20 MR. ROGOFF: I get it. It is my legal view it
21 is the better approach to do it separately. So is there
22 anything else on the public hearing end of the
23 subdivision alone? We will hear that. Conclude the
24 hearing on that and then under the same application
25 number we will consider the site plan assuming it

1 receives favorable approval.

2 MR. ALI: So looking at the plan on the same
3 train of thoughts, the development of a subdivision with
4 a new lot created. The lot would be with the Woodbridge
5 Center, will it comply with all required setbacks and so
6 forth?

7 MR. BUCKNAM: It will comply except for what
8 we're going to talk about -- we have asked for a separate
9 variance. This is created by the lot line. For example,
10 we're now drawing a lot line where the roadway is. So we
11 no longer have that 10-foot separation. It is a complete
12 separation now. That is the next application. We will
13 go through any relief we require for that going forth.

14 But to create the lot as it is, it would be as
15 it is, this application if approved would allow for that
16 to be a lawfully created lot.

17 MR. ROGOFF: Let's continue because we're at
18 the public hearing. I prefer to finish that then we can
19 have some comment from the Board.

20 CHARLES KRATOVIL, after having been first duly
21 sworn, was examined and testified as follows:

22 CHAIRMAN MILLER: Name and address for the
23 record.

24 MR. KRATOVIL: Charles Kratovil. I'm the
25 editor of New Brunswick Today, community newspaper of New

1 Brunswick, P.O. Box 3180, New Brunswick, New Jersey.

2 So I just want to get this straight that the
3 application before you right now is to subdivide the
4 property for purposes of developing a new power plant, is
5 that correct?

6 MR. BUCKNAM: Creating a lot that can be used
7 for any purpose but our intention is to have it approved
8 for an application will follow for this Board.

9 MR. KRATOVIL: The plant will burn natural
10 gas; is that correct?

11 MR. BUCKNAM: The existing plant does burn
12 natural gas. The new plant we haven't provided yet
13 will --

14 MR. ROGOFF: This is just a subdivision. We
15 haven't heard those details yet.

16 MR. KRATOVIL: I understand. Just would be in
17 everyone's interest to know what the proposed use is
18 before you vote for the subdivision.

19 MR. ROGOFF: Not necessarily.

20 MR. BUCKNAM: It's just the opposite. This
21 lot can be used for any other purpose lawfully on its
22 own. We're creating a lot. That's all the Board knows,
23 that we're creating a lot.

24 MR. KRATOVIL: I understand. And there is a
25 proposal on your very same agenda, very same night, it's

1 relevant to know what's proposed.

2 MR. BUCKNAM: It is a separate public hearing
3 that will follow it.

4 MR. KRATOVIL: I fully understand. I will
5 still like to get some answers to my questions. How much
6 electricity would the new plant use?

7 MR. BUCKNAM: We will have detailed testimony
8 for that application.

9 MR. ROGOFF: We're only entertaining
10 subdivision.

11 MR. KRATOVIL: So the Board doesn't want to
12 know --

13 MR. ROGOFF: Excuse me, it is inaccurate to
14 say that.

15 MR. KRATOVIL: It is a question.

16 MR. ROGOFF: I know but you're asking
17 questions that need to be reserved for the site plan
18 application. This is simply a straight subdivision.
19 Whatever the land you saw permits them to construct there
20 is a different issue.

21 CHAIRMAN MILLER: You can come back when we
22 get to the second.

23 MR. ROGOFF: So you're asking the Board
24 questions about stuff they haven't heard testimony about.

25 MR. KRATOVIL: I recall hearing testimony

1 about a new power plant being created.

2 MR. ROGOFF: Yeah, but you haven't heard the
3 engineering details yet. You just heard generalities.

4 MR. KRATOVIL: Right, which is why I'm asking
5 these follow-up questions so that everyone has the
6 information about what is proposed to be done as a direct
7 result of this subdivision. They didn't come to say we
8 have a subdivision, we might want to build a Wawa there,
9 we might want to build a power plant, we're not sure yet.
10 They said we want a subdivision -- we want to build a
11 power plant there. I'm asking questions that go to the
12 power plant. I think those are in order.

13 CHAIRMAN MILLER: Like I said before, if the
14 subdivision is not approved there is no other questions.

15 MR. KRATOVIL: Correct. I suspect it will be
16 approved.

17 MR. ROGOFF: Well, then you're obviously
18 clairvoyant and much better than I am so -- you assert
19 the function of the Board. If they do that that is fine,
20 if they don't do that that is fine.

21 MR. KRATOVIL: I don't think there is a person
22 in this room that will doubt it will be approved.

23 MR. ROGOFF: Sir, we're not going to engage in
24 this. Do you have anything related to the subdivision
25 itself, I'm happy to hear you. Other issues I'm going to

1 reserve for the site plan. Now, I'm not going to waste
2 time with the show. The show is not going to happen.

3 CHAIRMAN MILLER: Hold your thoughts.

4 MR. ROGOFF: Do you have anything related and
5 material to the subdivision application, sir?

6 MR. KRATOVIL: With all due respect I believe
7 it is material. Whether or not a power plant is a right
8 use for the site --

9 MR. ROGOFF: It is legally not. For example,
10 if I give the R6 zone -- if I give you a commercial zone
11 like the 3B you can build 25 different kind of uses on
12 that subdivision and the applicant doesn't have to tell
13 us what. All they have to do is ask us for subdivision.
14 We could or could not grant it. We're not going to talk
15 about something that is hypothetical.

16 MR. KRATOVIL: But they did talk about it and
17 as a result of it being in the record it is fair to ask
18 questions about it.

19 MR. ROGOFF: You didn't listen to me because
20 you're here to have an argument.

21 MR. KRATOVIL: Absolutely not.

22 MR. ROGOFF: We are happy to hear you when
23 it's appropriate. It is not now appropriate. I'm going
24 to ask you to stop asking questions on testimony we
25 really haven't gotten to the knitty-gritty about but

1 you're fully entitled to hear the site plan phase.

2 Do you have any questions relevant to the
3 subdivision up or down, sir?

4 MR. KRATOVIL: I heard testimony --

5 MR. ROGOFF: I'm going to ask you to leave.

6 Thank you very much. We will see you at the site plan.

7 CHAIRMAN MILLER: You have something on the
8 site plan?

9 ROBERTA MARTIN, after having been first duly
10 sworn, was examined and testified as follows:

11 CHAIRMAN MILLER: Name and address for the
12 record.

13 MS. MARTIN: Yes, my name is Roberta,
14 R-O-B-E-R-T-A, Martin, I'm 5531 Lyman, L-Y-M-E-N, Avenue
15 in Woodbridge. I'm a member of the Woodbridge
16 Environmental Commission. Also coach here at the
17 Woodbridge River Watch. Never been to a planning meeting
18 before so I don't know the procedure. I'm just curious
19 if these plans are going to be made available to the
20 Woodbridge Environmental Commission.

21 MR. ROGOFF: These plans were on file for ten
22 days before the hearing. There was public notice in the
23 paper. They're available right now. If you want to take
24 a look at them we can give them to you right now.

25 MS. MARTIN: Yeah, I don't remember if the

1 commission saw the plans before that.

2 MR. ROGOFF: I don't have the answer to that.

3 We don't serve them on the commission. It's an advisory
4 board essentially. They're not statutorily required to
5 be forwarded to you. It doesn't mean you can't see them
6 like anybody else.

7 MS. MARTIN: Right.

8 MR. ROGOFF: If the Environmental Commission
9 obtains our agendas in advance, if they're available you
10 would see the cases and you would be able to see any
11 documentation that's in the Board's office ten days
12 before a hearing.

13 MS. MARTIN: Okay. That is all I need. Thank
14 you.

15 CHAIRMAN MILLER: That's it for the public
16 hearing?

17 MR. ROGOFF: Anybody else from the public want
18 to speak?

19 MR. DRUBACHER: Will taxes be appropriate to
20 discuss at this time?

21 MR. ROGOFF: No, we're not talking about
22 taxes. That is not our function. That is the governing
23 body.

24 MR. DRUBACHER: It is not treated as a
25 separate entity, the subdivision.

1 MR. ROGOFF: Absolutely they're separate lots.

2 MR. DRUBACHER: That is the point I'm trying
3 to put across to you people. Would this new lot be
4 treated as a different tax income?

5 MR. ROGOFF: I'm certain it would be a
6 separate tax bill.

7 MR. DRUBACHER: What would that do to the
8 existing lot?

9 MR. ROGOFF: I have no idea. We're not in
10 power to decide this case based upon taxes.

11 MR. DRUBACHER: Thank you very much.

12 CHAIRMAN MILLER: Make a motion to close the
13 public portion.

14 MR. SHARKEY: Make a motion to close the
15 public portion.

16 CHAIRMAN MILLER: All in favor. Public motion
17 now closed. Testimony from speakers on the public
18 hearing and I would like to make a motion pending
19 discussion.

20 MR. ALI: So I heard that there was another
21 application you said?

22 MR. BUCKNAM: I think, Mr. Ali, I can probably
23 answer your question. The question you asked was if this
24 subdivision is approved what is the result of the impact
25 on the existing Woodbridge Center project. I think the

1 easiest way to address that is as follows. There is an
2 existing variance that would be re-approved that would
3 allow the Woodbridge site with this new lot line to
4 begin -- continue as it is already. Variance already
5 granted by the Board.

6 The second variance is what we have talked to
7 here as well. It is in context both the subdivision and
8 site plan. That is when the lot line is drawn it's
9 proximity to the Woodbridge access driveway eliminates
10 that 10-foot separation. Now that can either be
11 addressed as the Woodbridge amended approval application
12 or -- and we provided testimony, approve it now and
13 you've eliminated any variances related to that newly
14 created lot. That is really the answer to the question.
15 It's a conforming lot otherwise.

16 MR. SHARKEY: Mr. Chairman, after much
17 discussion on the proposed subdivision, subdivision only,
18 the plan complies with the master plan and meets the
19 redevelopment and zoning requirements. The variance
20 requested is similar to the one that was approved in
21 2013. It's been no detrimental effect on the public. I
22 see no detriment currently.

23 The professional testimony supported the
24 granting of a C2 variance and that the benefits of the
25 application outweigh any detriments. Since our

1 professionals also agree with the application's merits I
2 make a recommendation to -- I propose that the
3 subdivision be approved.

4 CHAIRMAN MILLER: We have a motion to
5 approval. Do we have a second?

6 MR. GLENN: Second.

7 MR. BUCKNAM: Does that include the variances
8 that are being requested?

9 MR. SHARKEY: The variances that have been
10 requested.

11 MS. OLSEN: Ms. Drumm?

12 MS. DRUMM: Yes.

13 MS. OLSEN: Mr. Sharkey?

14 MR. SHARKEY: Yes.

15 MS. OLSEN: Mr. Miller?

16 CHAIRMAN MILLER: Yes.

17 MS. OLSEN: Mr. Ali?

18 MR. ALI: Yes.

19 MS. OLSEN: Mr. Parkh?

20 MR. PARKH: Yes.

21 MS. OLSEN: Mr. Glenn?

22 MR. GLENN: Yes.

23 MS. OLSEN: Mr. Colonna?

24 MR. COLONNA: Yes.

25 MS. OLSEN: Shah?

1 MR. SHAH: Yes.

2 MS. OLSEN: And Ms. Lewis?

3 MS. LEWIS: Yes.

4 MS. OLSEN: Subdivision is granted.

5 CHAIRMAN MILLER: One down.

6 MR. BUCKNAM: Thank you. What I would like to
7 do is call Mr. Andrew Urquhart.

8 MR. ROGOFF: To proceed with the site plan
9 aspect?

10 MR. BUCKNAM: For the Woodbridge Center Energy
11 Lot.

12 MR. ROGOFF: Of application P18-25.

13 MR. BUCKNAM: Yes. And if I can I'd like to
14 call Mr. Andrew Urquhart from Competitive Power Ventures,
15 CPV.

16 ANDREW URQUHART, after having been first duly
17 sworn, was examined and testified as follows:

18 CHAIRMAN MILLER: State your name and address.

19 MR. URQUHART: Andrew Urquhart, 495 Place,
20 Boston, Massachusetts.

21 MR. BUCKNAM: Mr. Urquhart is a fact witness
22 here. Mr. Urquhart, would you please describe your
23 position with the parent of -- or the applicant,
24 Competitive Power Ventures, CPV, what exactly is your
25 role with the company?

1 MR. URQUHART: Sure. My title at Competitive
2 Power Ventures is manager and on the specific project I'm
3 the project manager overseeing the development of the
4 Keasbey Energy Center.

5 MR. BUCKNAM: You are also the assistant
6 project manager of the Woodbridge Energy Center?

7 MR. URQUHART: I was.

8 MR. BUCKNAM: Which is a developed and
9 operating power plant in Woodbridge Energy Center?

10 MR. URQUHART: Correct.

11 MR. BUCKNAM: Just for the benefit of the
12 Board and public can you just give a little background on
13 Competitive Power Ventures, what the company does, what
14 it's all about?

15 MR. URQUHART: Sure. Competitive Power
16 Ventures is an electric power generation company that
17 develops, owns and manages power plants. We have offices
18 in Washington, D.C. and Boston, Massachusetts. We're
19 focused on providing safe, reliable, cost effective
20 environmental electric power. We concentrate on high
21 energy efficiency, natural gas, wind-powered generation
22 and solar to meet the future electric demand.

23 CPV was founded in 1999 and we're owned by a
24 global infrastructure partner. Which is an
25 infrastructure firm that manages and invests in high

1 quality in the energy transportation and water and waste
2 water sectors. GIP currently has over 40 billion dollars
3 under management and approximately has 21,000 net people
4 that work for them.

5 MR. BUCKNAM: With respect to CPV -- with
6 respect to the Woodbridge Energy Center where there was a
7 question that we said you would answer in connection to
8 that. Can you give some background on the Woodbridge
9 Energy Center for the benefit of the Board and public.
10 It was approved by the planning Board in 2013, correct?

11 MR. URQUHART: Correct.

12 MR. BUCKNAM: And construction, work closely
13 with the Township. Construction was completed on time
14 and in budget?

15 MR. URQUHART: It was, yes.

16 MR. BUCKNAM: How many construction jobs were
17 generated in connection with that project?

18 MR. URQUHART: It was over 600 construction
19 jobs.

20 MR. BUCKNAM: And when did it go into
21 commercial operation?

22 MR. URQUHART: It went into commercial
23 operations in January of 2016.

24 MR. BUCKNAM: And what is the Woodbridge
25 Energy Center doing by way of power output and capacity?

1 What is it providing as far as electrical services?

2 MR. URQUHART: Sure. Since it went into
3 operation in January 2016, it's been operating about 77
4 percent of the time and has produced nearly 12 million
5 megawatt hours of electricity.

6 MR. BUCKNAM: And CPV, Competitive Power
7 Ventures entity, that building operates that facility and
8 has been working very closely with the community and
9 Woodbridge since then, effective 2017 was there?

10 MR. URQUHART: Yeah, in 2017 the Woodbridge
11 Energy Center received the Woodbridge Metro Chamber of
12 Commerce business educational partnership champion.

13 MR. BUCKNAM: Your company has been a good
14 corporate citizen and part of the community since you
15 came here?

16 MR. URQUHART: Correct.

17 MR. BUCKNAM: Why did you chose the Keasbey
18 Energy Center, why is this project being proposed?

19 MR. URQUHART: Sure. So we've always
20 contemplated an expansion of the Woodbridge Energy Center
21 going back to our early days here in Woodbridge. And as
22 I think you'll see the site was laid out for the
23 Woodbridge Energy Center for enough room for an
24 expansion.

25 We also believe that new efficient competitive

1 natural gas-fire powered generation is resultant in the
2 continued retirement of aging coal and nuclear
3 generation. So there will be a need for facilities like
4 the Keasbey Energy Center in the future. And the Keasbey
5 Energy Center for us would represent about 700 to 750
6 million dollar investment, will provide additional
7 capacity to the PGM in New Jersey electrical system. And
8 I think during -- because of the shared nature of the two
9 facilities we have designed, it will be about six
10 additional full-time employees and during construction
11 and access about another five hundred construction jobs.

12 MR. BUCKNAM: And as far as the facility is
13 concerned, we talked generally about this, but the
14 Woodbridge Energy Center we talked about the
15 beneficial -- receives gray water from the MCUA. Is that
16 the plan with respect to continue with the Woodbridge
17 Energy Center and with Keasbey?

18 MR. URQUHART: Yes. The Woodbridge Energy
19 Center receives reclaimed water from the Middlesex
20 Utility Authority and the Keasbey Energy will utilize
21 recycled waste water as well.

22 MR. BUCKNAM: Mr. Chairman, I just wanted to
23 make sure that the Board had the benefit, questions about
24 the developer. This is not a developer coming in to town
25 for the first time. CPV is here operating the facility.

1 It's very successful and is being supported throughout
2 the region and will continue to do so.

3 CHAIRMAN MILLER: Any questions? Thank you,
4 sir.

5 MR. BUCKNAM: I would like to call Mr. Mazzei
6 again if I can for this second application.

7 MR. ROGOFF: You mean part two of the same
8 application?

9 MR. BUCKNAM: Part two of the same
10 application.

11 DARREN MAZZEI, PE, CME, after having been
12 first duly sworn, was examined and testified as follows:

13 MR. ROGOFF: Just for the record we previously

14 --

15 CHAIRMAN MILLER: We qualified him as an
16 engineer.

17 MR. BUCKNAM: Mr. Mazzei, we've indicated this
18 is the second part of the first application. First
19 application was the subdivision approval granted by the
20 Board. And this approval involves request for
21 preliminary final site plan approval and bulk variance
22 approval we indicated for certain modifications to the
23 Woodbridge Energy Center facilities on the newly created
24 lot that will hopefully be perfected down the line.

25 Can you just give the Board the benefit of

1 what the changes are to the Woodbridge Energy Center lot
2 that are related to this particular application?

3 MR. MAZZEI: Sure. What I'm going to do first
4 is put up an exhibit.

5 MR. BUCKNAM: What is that exhibit labeled?

6 MR. MAZZEI: It's exhibit A4.

7 MR. BUCKNAM: Which we identified as the area
8 site plan overlay for the Woodbridge Energy Center
9 improvements. And for the benefit of the Board what does
10 that exhibit depict?

11 MR. MAZZEI: So what this exhibit depicts is
12 the Woodbridge Energy Center with the new subdivided line
13 down the middle. It shows a picture, an aerial
14 photograph of the existing Woodbridge Energy Center. In
15 addition to that is showing a proposed solar improvements
16 phase, as well as modifications and a trailer around for
17 hydrogen storage or hydrogen storage as well as
18 demineralized trailers. There is also a combined fuel
19 gas yard as well.

20 MR. BUCKNAM: Just to be clear, the
21 application involves the changing, the configuration of
22 the lot which change the bulk area of the criteria. The
23 lot size is smaller. The amount of open space has been
24 reduced somewhat. Is it still fully conforming along
25 those lines?

1 MR. MAZZEI: It's still fully conforming along
2 those lines and the coverage is increased by three
3 percent due to the reduction in the lot size because the
4 lot size has gone from 27.46 acres to 16.45.

5 MR. BUCKNAM: You talked about the second --
6 the additional facilities that will exist that are
7 proposed for the newly created Woodbridge Energy Center
8 are part of shared facilities. What impact would those
9 facilities have on the current conditions there and the
10 approval process?

11 MR. MAZZEI: The original Woodbridge Energy
12 Center has 31 parking spaces. What's going to happen now
13 is the new lot has 20 parking spaces on it. By the EPEC
14 redevelopment plan 16 parking spaces are required. So we
15 have an excess of that. Get into the solar section?

16 MR. BUCKNAM: Just to be clear for the Board,
17 we have structured the application with the solar would
18 be a separate phase, correct?

19 MR. MAZZEI: Correct. It will be two phases,
20 it will be a solar improvements phase and then a
21 modifications phase to the existing Woodbridge Energy
22 Center.

23 MR. BUCKNAM: And what is the purpose of
24 adding a second phase?

25 MR. MAZZEI: They can act independently of

1 each other. If the solar phase comes along first they
2 will do those improvements or if it's not ready they will
3 go forward with the Woodbridge Energy Center
4 improvements.

5 MR. BUCKNAM: Again, just for the benefit of
6 the board members the solar phase is a separate singular
7 phase. We may want to do that right away. If this Board
8 approves it, it does require all the outside agency
9 approvals that we're currently working on for the rest of
10 the project. So we've structured the application so that
11 the solar can go forward separately. If it's done at the
12 same time we will have the legal. And if this Board
13 grants approval, do the solar once we satisfy with that
14 phase.

15 MR. MAZZEI: Sure. So there is two solar
16 areas purposed. The northern portion of the property
17 which will be 13,680 square feet. Solar ray area. It's
18 going to be ground matted on concrete ballast. They're
19 anticipating approximately 510 solar panels in that area.
20 And the second solar phase area is on top of the existing
21 administration and water treatment facility. That is
22 12,480 square-foot solar ray area. They're anticipating
23 524 solar panels --

24 MR. SHARKEY: Can I ask you to back up on the
25 first solar panel. You said concrete?

1 MR. MAZZEI: Concrete ballast.

2 MR. SHARKEY: Okay, thank you.

3 MR. MAZZEI: No problem. Now, with the second
4 solar are there going to be 524 panels? This is going to
5 be subject to change because the contractors or the
6 applicants are still going through the material selection
7 and panel specifications. And they will provide that to
8 the Township upon final selection of the contract and
9 materials.

10 MR. BUCKNAM: Just to be clear, the area in
11 blue on the plan would be what we're calling the solar
12 phase and that would be different than the other
13 modifications phase which we were talking about related
14 to improvements to be made that would be part of the
15 shared services of the Keasbey Energy Center, correct?

16 MR. MAZZEI: Correct. Now with the northern
17 area there was some concern from the Board professionals
18 regarding drainage and erosion. There's going to be
19 surface treatment provided below to control erosion as
20 well as there was a question regarding glare. The solar
21 panels are designed to absorb -- absorb rather than
22 reflect sunlight so we should be fine with that aspect.

23 MR. BUCKNAM: Responding to the questions your
24 professional asked as you provide testimony on this
25 context here, along this same line with review comments,

1 the checklist screening and storage of equipment. We
2 have asked for a waiver from that requirement. Can you
3 explain what that is all about?

4 MR. MAZZEI: Sure. We've asked for a waiver
5 due to the fact that the facility is set back a
6 considerable distance from Riverside Drive. As you can
7 see the size and the equipment is large in scale so it
8 would be tough to screen to the existing heights but
9 we're within the EPEC redevelopment plan height
10 requirements.

11 MR. BUCKNAM: And with respect to the
12 screening there is existing fencing there, correct?

13 MR. MAZZEI: There is existing fencing around
14 the perimeter of the whole lot as well as the Conrail
15 right-of-way. Does have a tree line which does assist
16 with screening.

17 MR. BUCKNAM: So, Mr. Chairman, we have a
18 design waiver request. We were asked to provide
19 testimony about -- from the screening requirements.

20 MR. ROGOFF: We can get that from your
21 planner.

22 MR. BUCKNAM: Yes, we were asked for that
23 particular design waiver. With respect to the other
24 testimony -- I'm just looking here to see. We talked
25 about the solar facilities. We talked about the

1 improvements of -- can you give just for the Board's
2 benefit a little more detail on what the nature of the
3 modifications phase is, what are those improvements?

4 MR. MAZZEI: So there's two trailer shut down
5 areas. Hydrogen storage trailer that's being proposed of
6 the admin building. And then there's a demineralization
7 trailer around which is to the east of the building. I'm
8 highlighting as well. In conjunction with that an
9 alternate future combined fuel gas center for both
10 Woodbridge Energy Center and Keasbey Energy Center is
11 proposed on the northern portion of the site just south
12 of the solar ray.

13 The site fencing is going to be modified to
14 accommodate some of these metering areas as well. So
15 we're requesting those modifications. And those are
16 going to be expanding the fencing and the screening
17 providing by the fencing, correct?

18 A. Correct. And then there is going to be some
19 modification to this access drive. The layout is going
20 to be relatively the same. There are some grading
21 changes to it, just to pitch the water the other way
22 towards the drainage system.

23 MR. BUCKNAM: The access drive modifications and
24 what we're proposing to do -- we do not have that 10-foot
25 separation but the combined storm water management plan

1 would address and complete those conditions. I believe
2 if you grant the variance for the subdivision, but we
3 would ask that the variance not have the 10-foot
4 separation distance.

5 We actually have that imaginary line, it's a lot
6 line but two crosses that will be created. It is really
7 a fiction for legal purposes to have two separate
8 ownerships of the property.

9 MR. MAZZEI: And the last phase of the
10 modifications is site plan approval as required for the
11 as built stock piled, solar stock pile for the Southern
12 portion of the site. I'm highlighting it now, it's on
13 the southern portion here. This was constructed as an as
14 built condition and when it was under construction it was
15 reviewed with the Township officials to make sure proper
16 construction and stabilization were approved. So we
17 would be asking for that as well.

18 MR. BUCKNAM: Mr. Vogt has asked for specific
19 testimony I think we provided and will be providing a
20 response that we will be further providing. But specific
21 questions for the operations as to the existing operation
22 of the storm water facilities. Can you just for the
23 benefit of the Board, just provide the answers to the
24 questions related to the Woodbridge Energy Center. The
25 retention basin, the drainage system design, et cetera.

1 I think there were some specific facts we needed to put
2 on the record.

3 MR. MAZZEI: Sure. I would just like to give
4 a little background. So as part of the EPEC remediation
5 plan with the DEP a storm water basin was constructed in
6 the southwest corner for 100.002. As part of that there
7 was an impermeable cap underneath this area and the out
8 flow runs to the south towards the wetlands that were
9 mitigated. There's an outer control structure dual
10 12-inch pipes. As part of the original 2013 application
11 this basin was modified. It was designed by Shaw of
12 Moorestown and it consisted of drain swells, inlets,
13 storm sewer piping, all discharged to this basin.

14 The basin was modified, the volume of the
15 basin was modified as part of the initial application to
16 meet storm water control requirements as well. The
17 actual outlet control, which is right where I'm
18 highlighting in the southern portion of the basin was not
19 changed.

20 With regards to water quantity, the site plan
21 originally was developed and consist of reduced run off
22 rate reduction for -- the post development has reduction
23 to the pre and the 210 and 100 year storms with regard to
24 water quality.

25 MR. BUCKNAM: Just to be clear on that, can

1 you repeat that again -- the storm water -- the pre and
2 post development conditions.

3 MR. MAZZEI: Pre-development condition -- the
4 post-development condition is less than the
5 pre-development condition. It's been reduced by a factor
6 of 50 percent for the two-year storm, 75 percent for the
7 ten year storm and 80 percent for the 100 year storm.

8 MR. BUCKNAM: From a storm water standpoint
9 you are reducing the impact of storm water run off.

10 MR. MAZZEI: We are and technically this area
11 flows into a flood hazard discharge area. So technically
12 it does not have to conform with these order standards.

13 MR. BIGNELL: I believe you're testifying --
14 you're discharging into a tidal storm water area.

15 MR. MAZZEI: Tidal, I apologize, correct.
16 With regards to water quality prior remediation of the
17 site, the EPEC Palmar site had 8.3 acres of impervious
18 area. The Woodbridge Energy Center created 4.3 acres of
19 impervious area. So there was a reduction in pervious as
20 well. So the project did not have to comply with TSS
21 removal or water quality standards.

22 With regard to ground water recharge, the
23 entire site was capped with a low proverbial cover system
24 that was designed to prevent percolation of the ground
25 water, storm water into the ground water as part of the

1 remedial action plan approved by the DEP. As such this
2 ground water recharge would not be consistent with that
3 remedial action plan that has been approved previously by
4 the DEP.

5 MR. BUCKNAM: So just to be clear on what
6 you're talking about here that basically the development
7 of this or the existing development of the Woodbridge
8 Energy Center and the proposed future development of
9 Keasbey Energy System would be consistent with the
10 remedial action work plan with the development itself as
11 part of the remediation and beneficial reuse of this
12 ground fill property.

13 MR. MAZZEI: Correct.

14 MR. BIGNELL: What I heard from the testimony
15 I believe you can conclude storm water design it meets
16 the requirements of the New Jersey storm water rule as
17 applicable to this property, correct?

18 MR. MAZZEI: It does.

19 MR. BIGNELL: And DEP is going to review, if
20 they haven't already, this currently proposed design?

21 MR. MAZZEI: Yes, we're in the process of
22 resubmitting to the DEP in the near future.

23 MR. BIGNELL: My last question on storm water
24 you have agreed I have correspondence back and forth with
25 our office and TRC. You're going to provide an updated

1 storm water maintenance plan as part of the storm water
2 requirements and the Township engineering is going to
3 review and approve that as well?

4 MR. MAZZEI: Yes, we have agreed to provide
5 that if the Board grants us the proposal.

6 MR. BUCKNAM: We will also share any of the
7 storm water items that are required by the DEP in
8 connection with out flood hazard area permitting or water
9 front development permit.

10 CHAIRMAN MILLER: What lanes are in relation
11 to them?

12 MR. MAZZEI: So this is one of the beginning
13 wetlands. The wetlands actually work their way towards
14 the Raritan River. It's actually a pretty extensive
15 mitigation that was done by EPEC Palmar as part of their
16 remediation of the site.

17 MR. BUCKNAM: But again, they are not part of
18 either the Woodbridge Energy Center project or the
19 Keasbey Energy Center project.

20 CHAIRMAN MILLER: I just want to know where
21 they were.

22 MR. MAZZEI: Understood.

23 CHAIRMAN MILLER: Anybody else? Thank you.

24 MR. MAZZEI: I still have a little bit more to
25 go. So just for security of the site there is an

1 eight-foot high chain link fence that's around the entire
2 perimeter of the site. So the site is secure. In
3 addition to that the Fords Fire Department has signed off
4 on the fire suppression system of the Woodbridge Energy
5 Center. And they have approved matchbox (ph) and padlock
6 locations.

7 During construction, I'm sorry, during
8 construction of the Keasbey Energy Center -- I just want
9 to touch on the fact that the Woodbridge Energy Center
10 will have access either through roadway number two which
11 I'm highlighting or roadway number three. So it will
12 always be access to the site for staff as well as
13 emergency vehicles.

14 MR. BUCKNAM: And just to be clear, again, we
15 will have our planner testify again. We talked about the
16 common access driveway, shared access driveway, correct?

17 MR. MAZZEI: Correct.

18 MR. BUCKNAM: The subway division line, can
19 you indicate how that is in relation to the driveway.

20 MR. MAZZEI: So the subdivision line between
21 the two properties is actually between roadway number
22 four. It's going to be a shared access for both the
23 Woodbridge facility and the Keasbey facility. So as such
24 there is a zero set back. Where a 10-foot internal
25 set back will be required for internal driveway.

1 MR. BUCKNAM: So, in other words, in order to
2 allow the access drive to serve both proprietaries it's
3 necessary to have put right up against the property line
4 which resulted in a zero set back where 10 foot would be
5 required normally, the property would have to be 10 foot
6 over the property line.

7 MR. MAZZEI: Correct. And we still meet the
8 roadway that's required for the redevelopment plan of 24
9 feet as well.

10 CHAIRMAN MILLER: Thank you.

11 MR. BUCKNAM: Thank you. I have no more
12 further questions of Mr. Mazzei. If we can I'd like to
13 then call our planner. Once again to finish out this
14 second part of this first application, just discuss the
15 sidewalk, the access road variance.

16 (Whereupon, Ms. Apte was sworn in.)

17 CHAIRMAN MILLER: Give your name for the
18 record.

19 MS. APTE: Malvika Apte, A-P-T-E.

20 MR. BUCKNAM: Ms. Apte, you have testified
21 before this Board. You have been qualified as a
22 professional planner by this Board, correct?

23 MS. APTE: Yes.

24 CHAIRMAN MILLER: She is qualified in
25 planning.

1 MR. BUCKNAM: Thank you, Mr. Chairman. With
2 respect to this application you have provided some
3 testimony earlier on in connection with the subdivision.
4 We're specifically talking about the access driveway
5 location and the variance that is technically created by
6 using that as a shared driveway. Can you again provide
7 the Board in your view, professional opinion the benefits
8 of granting this variance in this situation and why it
9 outweighs the detriment.

10 MS. APTE: Again, it is one variance and it is
11 a C2 variance that we are requesting. So what I would
12 talk about the big name is the positive criteria which is
13 the benefits of granting this variance will promote the
14 purposes of the municipal land use law.

15 There are a couple of purposes or goals of
16 municipal land use law that are furthered with this
17 variance, granting of this variance. The first is goal A
18 to encourage principal action to guide appropriate use
19 which will promote public health, safety, morales and
20 general welfare.

21 Obviously this variance will lead to
22 Woodbridge Energy Center being functioning as an
23 operating poor plant and that is one of the clean in
24 stage generation of power service which is required in
25 the State of New Jersey. This furthering granting of

1 this variance will further the goal H and N which is
2 promoting free flow of traffic, which will be furthered
3 by this internal roadway being provided.

4 It's also an efficient use of land since we
5 just subdivided and we are promoting the existing use and
6 it will further the goal G which is to provide sufficient
7 space in appropriate location for a variety of users. As
8 testified by the professional engineer before me the site
9 itself meets above variances. It's only this internal
10 roadway set back that it's not met. So it does provide
11 the use and appropriate location furthers the goal.

12 MR. BUCKNAM: So in your view those are the
13 reasons why it advances the purpose of zoning if this
14 were to be granted. Also the impact of the roadway in
15 terms of very low employee counts here for both the
16 facilities. Although there are many jobs, construction
17 jobs created, 500 for Keasbey, 600 at the time for the
18 Woodbridge Energy Center originally.

19 The current employees are much lower in
20 number. So therefore for in your view have you evaluated
21 the impact of a single access drive being able to
22 efficiently serve these two facilities with such low
23 traffic volume?

24 MS. APTE: I believe that is correct. And
25 also the internal roadway would also serve as a good

1 access for emergency services which might be required in
2 case of any emergency that happens. Oh, I do have to
3 testify, the negative --

4 MR.BUCKNAM: Again, the negative criteria
5 would be whether or not the grant variance would be
6 substantially detrimental for the public good or
7 substantially detrimental to the zone plan or the
8 redevelopment plan? Do you have an opinion with respect
9 to that again?

10 MS. APTE: Yes, the first aspect is there is
11 no substantial detriment of the zone plan as testified
12 and as I have stated before this plan furthers the EPEC
13 development goals. The site itself even though it's
14 modified with the subdivision it doesn't require any bulk
15 variances. The only variance it needs is the internal
16 roadway. That's what we're asking for. So there is
17 internal substantial detriment to the zone plan or the
18 redevelopment plan.

19 MR. BUCKNAM: There is no substantial
20 detriment?

21 MS. APTE: Yes, there is no substantial
22 detriment to the public good. Again, it is very
23 technical in the nature. There is minimal impact that
24 would happen with this internal roadway on the public
25 access and in turn there will be minimal impact on public

1 good.

2 MR. BUCKNAM: So in your professional opinion
3 are the positive and negative criteria for C2 variance
4 relief adequately addressed in this case?

5 MS. APTE: Yes, I believe so. I believe that
6 granting of this variance will be beneficial and benefits
7 will substantially outweigh the detriments.

8 MR. BUCKNAM: Thank you. No further
9 questions.

10 CHAIRMAN MILLER: Any questions of the
11 witness?

12 MR. ROGOFF: Maybe I missed it, assuming I
13 have this correct -- well, for minute 64 feet we did not
14 address that.

15 MS. APTE: That is for the next -- that's for
16 the Keasbey site plan.

17 MR. BUCKNAM: Woodbridge Energy Center does
18 not have a site plan.

19 MR. ROGOFF: I thought we were dealing with
20 18-25?

21 MS. APTE: Yes.

22 MR. BUCKNAM: This is the subdivision and
23 solar and that is the Woodbridge existing condition site.
24 The set back variance --

25 MR. ROGOFF: I'm just saying that set back is

1 listed in the 18-25 report. So any of the other relief
2 you're seeking will be addressed in the pending
3 application, the 18-26?

4 MR. BUCKNAM: That is correct. I will check
5 that.

6 MR. ROGOFF: I need that to be accurately
7 reflected. When I'm looking at a transcript I don't know
8 what I'm reading.

9 MR. BUCKNAM: It is in our notice. It is in
10 our application.

11 MR. ROGOFF: Tell me that bulk is 18-26?

12 MS. APTE: Yes.

13 CHAIRMAN MILLER: Anything else? Thank you.

14 MR. ROGOFF: Counsel, just for the record
15 anything else on what she just testified to so the record
16 is clear.

17 MR. BUCKNAM: The variance that we have
18 requested is to allow for --

19 MR. ROGOFF: Internal roadway.

20 MR. BUCKNAM: Internal roadway. I wasn't
21 clear, Mr. Ali had asked the question of the subdivision.
22 I wasn't sure if the Board had necessarily addressed that
23 with subdivision but to address your question about what
24 relief is necessary as a result of the subdivision you
25 provided testimony again in connection with the site

1 plan.

2 Again, either way with respect to the
3 subdivision and the amended site plan approval we have
4 the variance related to the separation distance between
5 the lot line and the internal access driveway.

6 MS. APTE: And for the subdivision we needed
7 the variance --

8 MR. BUCKNAM: That's indicated here.

9 MR. ROGOFF: So everything in Mr. Bignell's
10 July 24, 2018 report, B, C, D --

11 MR. BUCKNAM: Applies to the new construction,
12 the new power plant.

13 MR. ROGOFF: Applies to 26?

14 MR. BUCKNAM: That is correct.

15 MS. APTE: Thank you.

16 MR. ROGOFF: Is that your case?

17 MR. BUCKNAM: That's our case unless the Board
18 wants any other testimony.

19 CHAIRMAN MILLER: The other two you gave me,
20 the generation time line and borderline.

21 MR. BUCKNAM: That is the next application.
22 As you heard from the testimony this is the existing
23 power plant. All those approvals is operating. The new
24 power plant will have a new facility, a new gray water
25 line and a new electrician line. That will be the next

1 application.

2 CHAIRMAN MILLER: You keep mentioning Metuchen
3 and Edison, Sayreville, Woodbridge, do you have
4 documentation from all of these, should these be approved
5 they're on board?

6 MR. BUCKNAM: They are outside agency
7 approvals that are a condition of this approval. We have
8 and we have provided professionals. There's a laundry
9 list of approvals come into play here. This is the
10 actual first public hearing for the local approval. We
11 will be appearing in Edison. We will be appearing in
12 Sayreville as we did last time as well.

13 Any approval that is required to develop this
14 project and it's only with the new application because
15 this doesn't -- Edison and Sayreville have no
16 jurisdiction over the subdivision or the amended site
17 plan because we're not changing anything in their
18 boroughs or their township.

19 But any application that is requiring a permit
20 approval will be in condition of this approval, if not
21 then Mr. Rogoff resolution as required by the municipal
22 land use law. You'll hear the Keasbey application. We
23 have an application before the DEP land use regulation
24 program. There will be a modification to the permit for
25 this site because of the changes. And you heard

1 testimony and dialog between our engineers along those
2 lines. Those agency approvals are conditions of this
3 approval.

4 The zoning construction officer in the
5 township will require that all that be demonstrated and
6 provided in order to start development. That's all I
7 have.

8 CHAIRMAN MILLER: Public hearing.

9 GERARD DRUBACHER, after having been first duly
10 sworn, was examined and testified as follows:

11 CHAIRMAN MILLER: State your name.

12 MR. DRUBACHER: Gerard Drubacher. Am I safe
13 to talk about -- we talking about flooding, correct, how
14 to take care of the flood water and stuff like that,
15 storm water?

16 MR. ROGOFF: Storm water.

17 MR. DRUBACHER: I don't see any ecological or
18 storm water data presented before you. Does this site
19 lie in a flood plain? How was this site impacted during
20 Super Storm Sandy? I have read that there are 14-foot
21 berms around the plant; am I correct in saying that?

22 MR. BUCKNAM: The berms, the slurry walls and
23 berms are part of the environmental remediation that are
24 tended to to encapsulate the water as it's being pumped
25 and treated. It's part of the overall remediation.

1 As indicated in the application, as indicated
2 the professional review letters ask what outside agency
3 approvals are required for this project. The Woodbridge
4 Energy Center has been approved today. Has approvals
5 from the Township of Edison Township, from Sayreville
6 Borough, from DEP land use regulation program, from the
7 FAA, from DEP regarded air permitting. From the Army
8 Corps of Engineers and from the SCPA. Those approvals
9 are all in place now.

10 We're not making any changes to this facility
11 that affects any of the other approvals other than the
12 local approval here and our DEP multi permit issued by
13 the DEP and that's only because of the change in the
14 storm water and accommodation of the new Keasbey site
15 coming into play.

16 We have been working with the DEP for a
17 year-and-a-half now in addressing these issues. We will
18 have a formal application approved by them hopefully soon
19 but again that's part of the overall process.

20 MR. DRUBACHER: My question to the planning
21 Board council here and to the gentleman here is how would
22 a plant and such a large plant like this doubling in size
23 fare during a storm such as Super Storm Sandy, cat 4, cat
24 5? We do have a tidal river there. We do have storm
25 surge. I don't know what the exact amount of the storm

1 sewage was going up to Raritan but it was pretty
2 substantial. Do we have that data here --

3 MR. MAZZEI: We do. I can provide it for you.
4 So the flood housing area in this location is at
5 elevation 14. The Woodbridge Energy Center site, the
6 administration building is at elevation 20-and-a-half
7 which is about six-and-a-half feet above that further
8 elevation. The lowest portion of the roadway is at
9 elevation point 18.42 which is still four feet above and
10 the majority -- most of the plant is at elevation 20. So
11 it's six feet above the flood hazard evaluation.

12 MR. DRUBACHER: And how quickly can a plant
13 such as this be safe and evacuated in an event, not
14 saying it's going to happen but these things do happen in
15 the event of a Super Storm Sandy or a cat 4 or cat 5 in
16 the area? Do we have that data how the plan can be
17 saved?

18 MR. BUCKNAM: Well, let me just say again what
19 we're talking about is an existing plant that was
20 operating -- we're not asking for any approvals --

21 MR. DRUBACHER: I'm not asking for
22 hypotheticals.

23 MR. BUCKNAM: I understand but I think in
24 terms of --

25 MR. DRUBACHER: Saving the plant and saving

1 the residents in the town because I understand you're
2 going to have hydrogen stored --

3 MR. BUCKNAM: That's not issue. We're talking
4 simply about us closing the plant, not closing the plant.
5 We can probably provide that information in any event but
6 materials handling there is nothing here that is going to
7 be significantly different than anything else along these
8 lines. This is not a plant that generates toxic waste or
9 anything along those lines at all. We're dealing with a
10 low level facility that takes natural gas and has it's
11 back up fuel like any other industrial facility may have.

12 Andrew, in terms of emergency management who
13 is responsible for that for the Woodbridge Energy Center.

14 MR. ROGOFF: He has to come forward. You
15 consider yourself to be sworn in as you were?

16 MR. BUCKNAM: He was sworn in for the other
17 application. He was our first witness. Andrew Urquhart
18 can --

19 MR. URQUHART: There will be an emergency
20 maintenance plan in place and there is today on the
21 existing facility. That's the responsibility of the
22 plant operations team.

23 MR. DRUBACHER: There will be no on site fire
24 equipment or basic type of rescue vehicle or anything
25 like that that would supplement the local police or fire

1 department?

2 MR. BUCKNAM: Mr. Mazzei can answer that
3 question.

4 MR. MAZZEI: So what will be on site --
5 there is a fire hydrant network which was approved and
6 actually changed the layout conjunction with the fire
7 officials request. But the applicant will not have any
8 fire fighting equipment of his own or emergency vehicles
9 on site. We're relying on the Township.

10 MR. DRUBACHER: The municipality, okay. We
11 talked about the security on the site. I understand that
12 some of the chain link fencing will be 8 feet tall; is
13 that correct?

14 MR. MAZZEI: It is existing at 8 feet tall
15 now, that's correct.

16 THE WITNESS: Some of this will be 50 feet
17 away from the public access road. I would recommend you
18 go to at least 12 feet because in this day and age you
19 don't know what happens, okay. And I would ask for an
20 increase in security at this site in the accessible and
21 inaccessible areas some razor wire --

22 CHAIRMAN MILLER: No.

23 MR. ROGOFF: Specifically not permitted.

24 MR. DRUBACHER: In this town you can't have
25 it? Tell the junk yards that.

1 MR. ROGOFF: Either it is grandfathered in or
2 it is not legal.

3 MR. DRUBACHER: Any other security, cameras
4 and stuff like that I would really suggest that you
5 increase mandatory to get the 8 feet to 12 foot. 8 foot
6 somebody --

7 MR. ROGOFF: Sir, we don't have anything in
8 front of us from any of our own people, our own
9 professionals, fire department, police that suggest that.

10 MR. DRUBACHER: Why not?

11 MR. ROGOFF: They reviewed it and no one has
12 said they should have a 12-foot fence. I don't think
13 there is a 12-foot fence in town.

14 MR. BUCKNAM: It is an existing facility.

15 MR. DRUBACHER: You have been lucky so far.

16 MR. ROGOFF: All right. Is there anything
17 else?

18 MR. SHARKEY: I assume for the current plan
19 you have to include the plans as well as disastrous plan
20 in operation. You do your drills routinely, disastrous
21 recovery, et cetera?

22 MR. BUCKNAM: We do. Mr. Urquhart can answer
23 that. The disaster plan, the emergency management plan
24 you're required to have on site drills and emergency
25 management operations.

1 MR. URQUHART: That's correct, yes.

2 MR. SHARKEY: So that should satisfy the
3 gentleman's question.

4 MR. DRUBACHER: Whatever. This is the one you
5 had in the newspaper, you advertised, the modification
6 set down areas for location of the demineralization and
7 hydrogen storage trailers and alternative future
8 combined. This is for the Keasbey Energy Center. Can I
9 comment on that?

10 MR. BUCKNAM: This is actually for this
11 facility. Those are modifications being made here to be
12 shared between the two.

13 MR. DRUBACHER: What is the hydrogen being
14 used and what is the capacity of these trailers? Will it
15 be in tank form here. You know, when I think of hydrogen
16 I think of Hindenberg. How many trailers are you going
17 to have there? What is the capacity?

18 MR. MAZZEI: There is going to be one trailer
19 and it will do bulk capacity. That is something that
20 comes from the internal plant management. It's not
21 really a site plan item. It is basically a tank system
22 that's on a trailer. It is basically no more than
23 probably --

24 MR. DRUBACHER: Eight gallon cubic feet are
25 you talking? I mean, hydrogen is a very volatile gas and

1 you're going to have people in a park. Is this going to
2 be all the time storage of hydrogen at the site or it's
3 just going to be sporadic?

4 MR. MAZZEI: I would have to speak with the
5 applicant.

6 MR. DRUBACHER: I hate to bring this up but,
7 you know --

8 MR. BUCKNAM: Well, again this is a trailer
9 property that comes to a public property. We are trying
10 to figure out if we can give you an answer to that. This
11 is --

12 MR. DRUBACHER: Yeah.

13 MR. BUCKNAM: I'd like to cover it because
14 this is for an existing facility.

15 MR. MAZZEI: The hydrogen will have 60,000
16 cubic feet storage.

17 MR. DRUBACHER: It is only one trailer,
18 multiple trailers or any tanks that you off load this
19 hydrogen gas to or is it just going to be stored in the
20 trailer?

21 MR. MAZZEI: It's just going to be stored in
22 the trailer. It's going to be utilized in the site with
23 plant management operations but it will be secure. So
24 they would use one tank at a time for property use.

25 MR. BUCKNAM: It's not permanent. A location

1 is brought in and utilized --

2 MR. DRUBACHER: Evacuated and taken out?

3 MR. BUCKNAM: That is correct.

4 MR. DRUBACHER: The plant personnel is very
5 well versed in the operation of these trailers. I'm sure
6 they are.

7 MR. BUCKNAM: Yes, they are.

8 MR. DRUBACHER: I'm just concerned how far
9 this trailer is going to be from the park. Do we know or
10 the Woodbridge Waterfront park? Do we know, is there any
11 specific mileage, quarter mile, half a mile?

12 MR. MAZZEI: There is not a specific mileage
13 but from the plant to the Raritan River is approximately
14 almost half a mile and the hydrogen storage will be right
15 here -- it will be dead center in the plant. So it is
16 not easily accessible.

17 MR. DRUBACHER: You said hydrogen storage
18 tank?

19 MR. MAZZEI: Trailer, I'm sorry.

20 MR. DRUBACHER: It's something you've got to
21 watch over there. I'm sure you're having the local fire
22 companies, everybody brought up to speed, emergency
23 management and stuff like that.

24 MR. BUCKNAM: It is all part of the process.

25 MR. DRUBACHER: Yeah, I'm sure. Hydrogen

1 stored around the township, you need something like that.

2 CHAIRMAN MILLER: We have a fire report and
3 there is nothing on here.

4 MR. DRUBACHER: The demineralization what is
5 that used for? Is that a process?

6 MR. MAZZEI: It's a process. It's more plant
7 management.

8 MR. DRUBACHER: I'll find out later on. But,
9 you know, hydrogen kind of spooks me and the people.
10 Okay, thank you very much.

11 CHAIRMAN MILLER: Public hearing. Anybody on
12 the second phase?

13 JUNIOR RAMIRO, after having been first duly
14 sworn, was examined and testified as follows:

15 MR. ROGOFF: State your name and address.

16 MR. RAMIRO: Junior Ramiro, 100 Behart Street,
17 New Brunswick. So we're still talking about the --

18 MR. ROGOFF: Do you have a property affected
19 by this plant?

20 MR. RAMIRO: I breathe the air that is mixed
21 with emissions from this plant, the current plant so yes.

22 MR. ROGOFF: You breathe the air?

23 MR. RAMIRO: Yes.

24 MR. ROGOFF: Hang on a second, I just want to
25 make certain that you are an interested party under

1 4055(b)-4. Are you familiar with that?

2 MR. BUCKNAM: I'm very familiar with that.

3 MR. ROGOFF: So other than breathing the air
4 do you have any other property aspects that are affected
5 by this application? Any property rights, anything of
6 that nature? Your sole position is you have a right to
7 speak here because you breath the air from this plant?

8 MR. RAMIRO: That is correct and I will
9 breathe the air from the additional plant.

10 MR. ROGOFF: Do we have anything in front of
11 us with respect to the air quality that comes from this
12 plant?

13 MR. RAMIRO: Could you rephrase the question?

14 MR. ROGOFF: Do we have anything in front of
15 us with respect to the air quality that comes from this
16 plant that would authorize you to testify in this matter
17 as an interested party under the municipal land use law?

18 MR. RAMIRO: CPV currently testified about the
19 energy master plan and I'd like to address that and how
20 the current plant met the energy master plan of the DEP
21 under Governor Christie. Can I comment on that?

22 MR. ROGOFF: Say that again? You mean the
23 ex-governor Christie?

24 MR. RAMIRO: I would like to respond to the
25 permits that were granted previously and to show their

1 relation to --

2 MR. ROGOFF: We're not a permitting agency.

3 We are a local land. We are not going to recreate the

4 energy board here. It is not within our jurisdiction.

5 We're not going to be discussing permits that were

6 granted by other agencies, be it local, state or federal.

7 It is not happening. We cannot address those issues for

8 you, sir.

9 If you wanted us to consider whether permits

10 were or were not issued or should have been issued then

11 you should have sent it to our professionals. Anybody

12 who is an interested party that is defined under the

13 municipal land use law can do so because these matters

14 are on file ten days before the hearing. So what is it

15 exactly you want this board to do with whatever

16 information you intend to impart on us?

17 MR. RAMIRO: I'm here to provide information

18 about power plants that have been proposed throughout the

19 state and are currently under review, and I believe that

20 they have relation to whatever facilities, roadways, what

21 have you that this town, this body here will be granting

22 for this power plant and the --

23 MR. ROGOFF: We don't issue permits for the

24 power plants.

25 MR. RAMIRO: I understand this.

1 MR. ROGOFF: There are other agencies that do
2 that. So why are you not before them as opposed to us?

3 MR. RAMIRO: The commenting periods for these
4 other agencies have not started. You are the first body
5 that will be reviewing any type of approval to my
6 understanding.

7 MR. ROGOFF: We do not operate for the same
8 standards you're apparently going to provide to us
9 whether they're accurate or not, no clue. We're guided
10 by the terms and conditions of the local zoning boarding
11 ordinance. This is a permitted use. If it wasn't he
12 wouldn't be here. He would be in front of another board.

13 We have multiple agencies that have reviewed
14 this matter. We have our own professional staff, fire
15 and police. Have you reviewed them?

16 MR. RAMIRO: We found out about this
17 project less than a week ago --

18 MR. ROGOFF: Let me ask you a question, have
19 you reviewed what has been on file ten days before this
20 hearing?

21 MR. RAMIRO: I came to the planning board
22 office I believe.

23 MR. ROGOFF: What did you look at?

24 MR. RAMIRO: I looked at the applications that
25 were submitted.

1 MR. ROGOFF: You looked at the plans?

2 MR. RAMIRO: I did.

3 MR. ROGOFF: Did you read the reports?

4 MR. RAMIRO: I took pictures of the reports
5 and I find it unfortunate that it was not provided on the
6 website, city website for folks to review. They had to
7 subscribe to the newspaper to see the notice.

8 MR. ROGOFF: The question was did you have an
9 opportunity to obtain the reports and get copies --

10 MR. RAMIRO: I did by driving to the City Hall
11 office.

12 MR. ROGOFF: You would agree there is nothing
13 in those reports that talk about air quality, nothing?

14 MR. RAMIRO: And I want to make sure that the
15 Board is aware of potential air quality impact from --

16 MR. ROGOFF: What is your background? Do you
17 have any professional or technical background with
18 respect to air quality coming from a power plant?

19 MR. RAMIRO: We are a environmental non-profit
20 that has been around New Jersey for ten years --

21 MR. ROGOFF: I want to know what you --

22 MR. RAMIRO: I represent food and water watch
23 who has various staff members on --

24 MR. ROGOFF: What do you have? What
25 qualification do you have that I should permit you to

1 tell this Board about your air quality issues?

2 MR. RAMIRO: I have reviewed through -- I do
3 not have technical expertise.

4 MR. ROGOFF: So you're a lay person you would
5 agree to that?

6 MR. RAMIRO: I am citizen of New Jersey.

7 MR. ROGOFF: So let me ask you a question, try
8 to give me an idea of what you're going to tell us and
9 what you expect us to do with that?

10 MR. RAMIRO: I understand you're providing
11 counsel to the Board --

12 MR. ROGOFF: My job is to make sure they hear
13 things that are relevant and material and admitted under
14 the land use law and not have them side tracked on issues
15 that's outside their jurisdiction.

16 MR. RAMIRO: I understand --

17 MR. ROGOFF: For example, you ask okay, I want
18 you guys to enforce the fire code, no, the fire
19 department enforces the fire code. We will make a
20 condition of any approval subject to review and approval
21 by the fire department, by the DEP, by other agencies
22 over whom we have no control. This case would be no
23 different. And counsel for the applicants have already
24 given you a litany of them.

25 So I don't want -- I usually let the public

1 say pretty much anything if it has to do with legal
2 factual issues that we're entitled to hear. I suspect
3 you're not going to give us any of that?

4 MR. RAMIRO: I'm sorry you suspect that.

5 MR. ROGOFF: I already heard you once.

6 MR. RAMIRO: You did not let me finish.

7 (Whereupon, public speaks)

8 MR. ROGOFF: You're out of order, sir. Do not
9 speak again, okay, until you're up here and sworn. So
10 what are you going to tell us about? I'm going to give
11 you a fair shot because I like to be fair, but I want to
12 be correct. I don't want them deciding cases on
13 information they have no business hearing.

14 MR. RAMIRO: You're fully privileged --

15 MR. ROGOFF: What are you going to tell us
16 about?

17 MR. RAMIRO: Thank you.

18 MR. ROGOFF: No, don't tell me thank you and
19 read men your stuff. It's not happening. You tell me --
20 give me a synopsis of what you think you're going to tell
21 us. What is it about?

22 MR. RAMIRO: I want to talk about the current
23 emissions that are coming out of the current power plant.

24 MR. ROGOFF: We don't have control of that.

25 MR. RAMIRO: I just want to make sure the

1 Board knows --

2 MR. ROGOFF: We're not going to hear that,
3 sir.

4 MR. RAMIRO: I just want the Board to know --

5 MR. ROGOFF: Sir, we are not going to hear
6 that. Sir, let's not talk over each other, you're not
7 qualified and we're not going to hear. That's like you
8 telling me you want to give me testimony about radio
9 frequency interference. It's not happening and you are
10 not qualified.

11 MR. RAMIRO: You're blocking a member of the
12 public.

13 MR. ROGOFF: I'm blocking a member of the
14 public?

15 MR. RAMIRO: You are blocking a member of the
16 public from speaking.

17 MR. ROGOFF: Especially whether you have
18 standing under the land use to even talk to us. I'm
19 giving you this right now because you're actually talking
20 to me but the fact remains you must give us relevant
21 material that has something to do with what we do here in
22 our decision making process. And what you've told me,
23 does not. We are not going to talk about power plants
24 because it is not happening.

25 MR. RAMIRO: You have not let me speak.

1 MR. ROGOFF: New Brunswick Superior Court is
2 right down in New Brunswick. If you disagree with me you
3 can sue us and we can find out the correct answer to
4 that. Right now I'm not going to waste the Board's time
5 about you giving me unqualified information that you have
6 no factual or legal basis to provide to us.

7 MR. RAMIRO: So as counsel of this Board you
8 are not allowing me to speak. You single handedly are
9 not allowing me to speak?

10 MR. ROGOFF: Sir, your time is concluded.
11 Thank you for coming.

12 CHAIRMAN MILLER: Anyone else from the public?

13 CHARLES KRATOVIL, after having been first duly
14 sworn, was examined and testified as follows:

15 MR. ROGOFF: Your name and address?

16 MR. KRATOVIL: Charles Kratovil.

17 MR. ROGOFF: Your address?

18 MR. KRATOVIL: I'm the editor of New Brunswick
19 Today --

20 MR. ROGOFF: I want your address.

21 MR. KRATOVIL: -- P.O. Box, 3180, New
22 Brunswick, New Jersey.

23 MR. ROGOFF: How are you affected or
24 interested? I'm going to give the same information
25 because I'm questioning whether or not you actually have

1 standing in this case other than -- I'm not sure you can
2 do that. You're with the news, okay?

3 MR. KRATOVIL: That is correct.

4 MR. ROGOFF: The news is different than coming
5 up here and testifying as somebody who's quote on quote
6 interested party under the land use law. If you're not
7 an interested party under the land use law you really
8 don't have jurisdiction to speak. So under 4055(e)-4
9 tell me -- give me a second.

10 MR. KRATOVIL: Mr. Chairman, I just have a few
11 simple questions. I'm interested in getting answers to
12 my questions.

13 MR. ROGOFF: Sir?

14 CHAIRMAN MILLER: I'm getting legal advice.

15 MR. ROGOFF: It's not going to happen your
16 way. It's not, okay. So don't be rude and pretend I'm
17 not here and I just told you something. Don't be rude.

18 MR. KRATOVIL: I think you're the one being
19 rude.

20 MR. ROGOFF: Well, I guess whoever looks at
21 that video will answer that. Sir, out of order. You
22 can't do that. Let the record reflect you stuck your
23 tongue out at me. That's not nice either.

24 CHAIRMAN MILLER: Can we get this moving
25 along, okay.

1 MR. ROGOFF: I want you to tell me how you're
2 interested in this case?

3 MR. KRATOVIL: I am a citizen --

4 MR. ROGOFF: I want to read it for you because
5 you may not have heard it before. Because we do hear
6 people that reside outside the municipality. There is no
7 question we do, however there are rules and we're bound
8 by them. You may not have heard them. We will hear any
9 person residing -- I'm reading the statute now, whether
10 he is residing in or without municipality whose rights to
11 use, acquire or enjoy property. Use, acquire and enjoy
12 property. That's what we're dealing with with the
13 property here. Subject, excuse me, under any other law
14 of the state or United States which has been denied by
15 action or failure to act.

16 So do you have any rights to use, acquire the
17 property that are impacted by this application, if so
18 tell us and put it on the record.

19 MR. KRATOVIL: I don't understand what you
20 said. I came here because I have some questions for this
21 Board about the application that is before you.

22 MR. ROGOFF: Sir, rules, let's go back to the
23 rules. If you came in from San Francisco and wanted to
24 testify in this hearing about this case we're not going
25 to be hearing you.

1 MR. KRATOVIL: Why is that?

2 MR. ROGOFF: Because you're not an interested
3 party under the municipal land use law. So I want to
4 know, I'm asking you on the record for this information
5 so somebody who is reviewing this record, if that ever
6 happens, will know what you claim is your right use of
7 the property that's being infringed by this application.
8 Can you tell us that?

9 MR. KRATOVIL: So I am going to explain why I
10 am here tonight.

11 MR. ROGOFF: I asked you a question. Can you
12 answer that?

13 MR. KRATOVIL: I don't understand the question
14 you're asking.

15 MR. ROGOFF: You don't? You seem like an
16 intelligent guy. You're a Rutgers graduate. You're
17 graduate of journalism. You're an editor. You're
18 running for mayor in New Brunswick. You're an
19 intelligent guy.

20 MR. KRATOVIL: Thank you.

21 MR. ROGOFF: So I think you understand exactly
22 what I asked you. Can you answer it?

23 MR. KRATOVIL: I am here as an interested
24 party because I am a U.S. citizen, a Middlesex county
25 resident and a journalist who is writing an article about

1 this very hearing that is happening right now. I am also
2 documenting it on video.

3 MR. ROGOFF: Sir, you can sit back there and
4 do whatever you want, attend the hearings, you can
5 listen. The question is whether or not you are qualified
6 to come up here and give us information or whatever it is
7 you want to ask these questions when you probably are not
8 an interested party.

9 MR. KRATOVIL: I just explained my interest.
10 You can disagree about whether or not I'm an interested
11 party.

12 MR. ROGOFF: If it's just a journalistic
13 interest, sir, you don't have standing. We call that
14 standing. You don't have it. So that gives you a right
15 like anybody else --

16 MR. KRATOVIL: Bring my questions to this
17 hearing and now --

18 MR. ROGOFF: I'm going to have you removed.

19 CHAIRMAN MILLER: Let's act like a human
20 being, okay.

21 MR. ROGOFF: So if you cannot answer my
22 question to what I just read you then you have nothing
23 relevant or material to tell us. If you want to write a
24 news article go right ahead, you're free to do that. But
25 testifying in this case is a different story. You don't

1 live in Woodbridge. You live in New Brunswick.

2 MR. KRATOVIL: Guilty as charged.

3 MR. ROGOFF: I didn't say that. You said
4 that. What I'm saying to you is that you have to come
5 before us and have some right or property that is
6 affected by this application and you don't have that.
7 But be that as it may I'm going to give you a few minutes
8 I'm going on. I'm going to air conservatism. If you
9 start talking politically it's not going to happen. You
10 want to give us something relevant about this case or ask
11 relevant questions I'll try to accommodate you. What is
12 the question?

13 MR. KRATOVIL: So my first question is a
14 procedural question. I would like to understand whether
15 this hearing covers both the Woodbridge Energy Center
16 which I understand is going to get outfitted with some
17 solar panels if approved or the Keasbey Energy Center
18 which I understand would be a brand new gas fire power
19 plant or both. It's been unclear from what's been said
20 on the record whether this is one --

21 MR. ROGOFF: Two applications.

22 MR. KRATOVIL: Right, so this hearing is about
23 which one or both?

24 MR. ROGOFF: Maybe you better answer that.
25 This is the Woodbridge case. Let him be clear and tell

1 you.

2 MR. BUCKNAM: The first action by the Board
3 was to approve the subdivision to create a new lot that
4 would allow future development and creating the new lot
5 --

6 MR. ROGOFF: For the new plant.

7 MR. BUCKNAM: For the new plant which is the
8 next application, not this one here.

9 MR. KRATOVIL: So we're getting an additional
10 hearing?

11 MR. BUCKNAM: Yes. This hearing now is for
12 the modifications to the existing lot resulting from the
13 subdivision and some proposed improvements on that
14 property including most significantly the solar
15 facilities.

16 MR. KRATOVIL: You said solar panels is a
17 great thing. I would like to understand the total amount
18 of electricity that is expected to be produced from these
19 panels?

20 CHAIRMAN MILLER: You want to know how much?

21 MR. KRATOVIL: Yeah, how much electricity will
22 be generated from this additional --

23 MR. BUCKNAM: We don't have a final number
24 yet. We're still dealing with materials from our
25 contractors. That would allow for that next step to get

1 more detailed construction permit level. So we don't
2 know off hand what it will actually be. We have targets
3 we're looking for. We don't want to testify to that on
4 the record.

5 MR. ROGOFF: Understood. And how many panels
6 total? I saw one section is 560 something and the other
7 I forget how many total panels would it be?

8 MR. BUCKNAM: Mr. Mazzei can you repeat those
9 numbers but again, we made it very clear that actual
10 panel number could be subject to change based upon the
11 design equipment that comes into play. We're largely
12 just getting approved the areas for that solar and
13 construction permitting will get into the detail relating
14 to that. But generally our rough number?

15 MR. MAZZEI: For the northern facility it's
16 approximately 510 panels and on top of the roof of the
17 administration building approximately 524.

18 MR. BUCKNAM: Subject to change and final
19 design.

20 MR. KRATOVIL: Can anyone tell me
21 approximately how much electricity the gas power plant
22 produces?

23 MR. BUCKNAM: Mr. Urguhart testified to that a
24 couple minutes ago, 12 million megawatts of electricity
25 had been produced operating at 77 percent capacity.

1 MR. KRATOVIL: And can anyone tell me
2 approximately how much pollution the current plant
3 produces?

4 MR. BUCKNAM: The DEP has issued an air permit
5 for the current plant which meets the back, the state of
6 the art requirements at the time. It is also being
7 looked at now in connection with the regional background
8 levels for the new Keasbey plant. So the DEP will be
9 holding a public hearing on the Keasbey plant which will
10 also involve taking into account the Woodbridge Energy
11 Center project.

12 MR. ROGOFF: Any approval this Board issues is
13 subject to any outside agency including the DEP.

14 MR. KRATOVIL: Understood. And so does the
15 owner of the plant monitor the emissions themselves or is
16 it solely the regulators that do that?

17 MR. BUCKNAM: We are required to provide
18 reports, there's monitoring equipment, there's monitoring
19 standards. We have to meet those standards or there is
20 severe penalties if we do not.

21 MR. ROGOFF: Could I get an approximate figure
22 for those emissions. I know the plant has been open for
23 more than a year now.

24 MR. BUCKNAM: I can't provide that to you at
25 this point. It is what the permit would allow which

1 again is below the threshold under federal law, State of
2 New Jersey permits.

3 MR. KRATOVIL: So the testimony is that there
4 has been no exceeding -- or violations with the
5 Woodbridge Energy Center?

6 MR. BUCKNAM: At this facility that is
7 correct.

8 MR. KRATOVIL: I guess since there is an
9 additional hearing on the Keasbey Energy Center I hope
10 that the Board will see fit to allow testimony from any
11 member of the public that would like to give it. I think
12 that the municipal land use law gives citizens the right
13 to attend these meetings, to videotape these meetings and
14 to speak their mind at these meetings and ask questions
15 at these meetings.

16 MR. ROGOFF: There are limits. I have
17 discussed them already. I have permitted you wide
18 latitude. I know all of these regulations are subject to
19 agencies we have no control over.

20 MR. KRATOVIL: I would disagree --

21 MR. ROGOFF: I'm sure --

22 MR. KRATOVIL: I do think the public deserves
23 better and the Board should be open to hear testimony
24 from anybody that wants to come out and your attorney
25 quite frankly --

1 MR. ROGOFF: We have rules.

2 MR. KRATOVIL: Given the Board a bad name by
3 being combative, misstating the law about videotaping
4 meeting. Toris PineHill --

5 MR. ROGOFF: Do you have anything else to tell
6 us?

7 MR. KRATOVIL: I think you need a new
8 attorney.

9 MR. ROGOFF: You need a new journalist.

10 CHAIRMAN MILLER: Motion to close the public
11 portion.

12 BOARD MEMBER: Motion to close the public
13 portion.

14 CHAIRMAN MILLER: All in favor? Public
15 portion now closed. Anybody like to make a motion on the
16 second application?

17 MR. SHARKEY: Mr. Chairman, to make the record
18 perfectly clear this is an application P18-25 second part
19 modification. Previously approved subdivision. This
20 application complies and came with the master plan. It
21 meets the zoning and redevelopment plan. Also there is
22 one variance, the internal roadway. Testimony provided
23 by the applicant clearly demonstrates the C2 variance
24 which met and variance be granted because the benefit
25 outweighs the detriments. Our engineer was very happy

1 with the storm water management and based upon that
2 testimony I make a motion to approve the application.

3 MR. PARKH: Second.

4 MS. OLSEN: Ms. Drumm?

5 MS. DRUMM: Yes.

6 MS. OLSEN: Mr. Sharkey?

7 MR. SHARKEY: Yes.

8 MS. OLSEN: Mr. Miller?

9 CHAIRMAN MILLER: Yes. I'd like to have all
10 that documentation whenever you receive it from all the
11 different sources.

12 MR. BUCKNAM: We certainly will. Again, we
13 supplied that to your zoning officer in order to get a
14 zoning permit. The Board will have that information.

15 MS. OLSEN: Mr. Ali?

16 MR. ALI: Yes.

17 MS. OLSEN: Mr. Parkh?

18 MR. PARKH: Yes.

19 MS. OLSEN: Mr. Glenn?

20 MR. GLENN: Yes.

21 MS. OLSEN: Mr. Colonna?

22 MR. COLONNA: Yes.

23 MS. OLSEN: Mr. Shah?

24 MR. SHAH: Yes.

25 MS. OLSEN: And Ms. Lewis?

1 MS. LEWIS: Yes.

2 MS. OLSEN: Application is granted.

3 MR. BUCKNAM: Thank you for your time.

4 MR. ROGOFF: The question is like the first
5 one took, probably not. I don't know.

6 MR. BUCKNAM: Our testimony I believe we have
7 established most of what is there. Quite honestly I
8 think the review on this was probably shorter than in
9 some ways than the others. So our presentation can be
10 short. I cannot speak for what the public time would be
11 thereafter but again you got a lot of the background.

12 MR. ROGOFF: I think we've got a good idea
13 where that is going.

14 MR. BUCKNAM: Our intention would be to
15 present the application and provide the testimony
16 requested by your Board but this is pretty straight
17 forward.

18 MR. ROGOFF: We will give it a shot. If it
19 gets too late.

20 (Whereupon, a discussion among the Board.)

21 MR. ROGOFF: Do you want to start?

22 MR. BUCKNAM: If the board agreeable let's get
23 our presentation in.

24 MR. ROGOFF: Let's stipulate all the reports
25 once again. They're all the same, right?

1 MR. BUCKNAM: Same stipulation. We
2 stipulated, we reviewed them. We provided response to
3 professionals. We provide after the fact letters to the
4 Board and we have no problem addressing all the comments
5 in the matter we prescribed to the professionals.

6 MR. ROGOFF: They're not. Everything is the
7 same.

8 BOARD MEMBER: We have two reports one for
9 each document.

10 MR. ROGOFF: So let's do it by the book.
11 We're doing -- this is P-18-26. I'm going to ask you to
12 stipulate into the record, into evidence the following
13 reports. The Bignell Planning report July 24, 2018. The
14 engineering report, Remington and Verick for August 1,
15 2018. The fire report dated July 1, 2018. The police
16 report dated June 25, 2018. TRC report dated July 30,
17 2018 and redevelopment resolution dated July 13, 2017. I
18 assume you agree that all those can be made part of the
19 record into evidence.

20 MR. BUCKNAM: We do. We reviewed, received
21 and responded and we agree that it will be part of the
22 record and we will follow through as we responded.

23 MR. ROGOFF: And similarly you agree to comply
24 with all the terms and conditions contained in the
25 report?

1 MR. BUCKNAM: We do in the manner that we
2 described in our response. I'd like to call Mr. Mazzei
3 but just streamline, just to tell the Board quickly this
4 application is now for request for preliminary/final
5 site plan approval for the development of the Keasbey
6 Energy Center project that the Board has approved to be
7 created.

8 Also for the development of -- a portion of
9 the generation tie line, electrical transmission that
10 leaves the site, ultimately goes into Edison and the gray
11 water line that goes through Woodbridge and goes into
12 Sayreville. Those are the approvals. We will get into
13 more detail on that quickly.

14 That's basically it in terms for what we're
15 looking for. The bulk variance application we talked
16 about related to this application are -- the requirements
17 of the EPEC redevelopment plan would be to allow a front
18 yard set back of 47.1 feet where 50 feet would be
19 required in connection with a proposed water tank in
20 relation to the proposed future roadway which can be
21 identified as Kolarick Drive. A variance of less than
22 three feet that we're asking for.

23 The internal shared access driveway variance
24 which we talked about. Which I think has probably been
25 recovered but it comes into play with respect to this as

1 well. Zero, less than 10 feet and a landscaper buffer we
2 talked as well which we cannot provide. We're going to
3 ask for relief from that because of the nature of the
4 industrial equipment and facility. So that is the relief
5 we're talking about here.

6 MR. ROGOFF: What about lighting?

7 MR. BUCKNAM: And the proposed light poles to
8 be 30 feet in height with a maximum of 20 feet arc in
9 height is permitted and the existing poles that were
10 approved on the Woodbridge Energy Center are 30 feet. So
11 those are the four --

12 MR. ROGOFF: How many poles are there that
13 are -- you proposed 30 feet?

14 MR. MAZZEI: As part of this project there are
15 five poles that are being relocated on the Keasbey Energy
16 Center site --

17 MR. BUCKNAM: First of all, let's get sworn in
18 for this application, identify yourself for the record.

19 DARREN MAZZEI, PE, CME, after having been
20 first duly sworn, was examined and testified as follows:

21 MR. ROGOFF: He has been qualified for the
22 case.

23 MR. BUCKNAM: Referring to Exhibit A5. The
24 question is how many poles do we need relief to allow a
25 30-foot height rather than 20 feet on the Keasbey Energy

1 Center site. You started to say we're relocating 30-foot
2 poles from the Woodbridge site to Keasbey, correct?

3 MR. MAZZEI: There are 15 poles located on the
4 site. There will be five new poles. Five poles will be
5 existing and not be relocated. And there will be five
6 poles that will be relocated. So five total new poles.

7 MR. ROGOFF: Moved around.

8 MR. MAZZEI: Moved around.

9 MR. BUCKNAM: There are already 30-foot poles,
10 correct, that have previously been approved?

11 MR. MAZZEI: Correct.

12 MR. ROGOFF: Previously granted you a
13 variance?

14 MR. BUCKNAM: That is correct.

15 MR. ROGOFF: 2013?

16 MR. BUCKNAM: That is correct.

17 MR. ROGOFF: Is that everything?

18 MR. BUCKNAM: That is the relief.

19 MR. ROGOFF: That's what I want to know.

20 MR. BUCKNAM: Those four items. Again, set
21 back 47.4 feet rather than 50. Internal access, zero
22 set back and the proposed light poles be 30 feet when 20
23 is required and landscape buffers.

24 Mr. Mazzei, with respect to the application
25 can you provide testimony related to the specific

1 completeness checklist items. We have asked for waiver I
2 guess to allow for the plans to be, to not be 42 inches
3 by 30 inches in size.

4 MR. MAZZEI: So the checklist requirement
5 requires the plans to be 24x36 inches due to the size of
6 the project. Which requesting a waiver to make the plan
7 size 30x24 inches.

8 MR. BUCKNAM: So we need bigger plans because
9 --

10 MR. MAZZEI: Larger site.

11 MR. BUCKNAM: We are also asking for waiver
12 that shows -- related to screening and storage of
13 equipment attached or separate from buildings. Can you
14 respond to that, explain what that is about?

15 MR. MAZZEI: Sure. So as you can actually see
16 in Exhibit A2 the plant has cooling towers. It has a
17 stack here and the stack is 160 feet height. So any kind
18 of landscaping on a 10-foot buffer would screen these
19 areas but the areas again are still within the EPEC
20 development required bulk standards.

21 MR. BUCKNAM: And again we have had testimony
22 related to the subdivision application and the location
23 of the property. If we can point to Exhibit A3, I
24 believe just for the record here, the property is located
25 with frontage of Riverside drive.

1 MR. MAZZEI: This is A5?

2 MR. BUCKNAM: A5, sorry.

3 MR. MAZZEI: The Keasbey Energy Center has
4 frontage along the Conrail right-of-way here as well as
5 the future Kolarick Drive public right-of-way.

6 MR. BUCKNAM: And again shared access
7 driveway?

8 MR. MAZZEI: And there's a shared access
9 driveway between both the Woodbridge Energy Center and
10 Keasbey Energy Center. It's roadway four on the exhibit
11 directly in between the two facilities.

12 MR. BUCKNAM: And again we can have
13 Mr. Urquhart testify more detail but basically the
14 proposed improvements can you describe -- it's a
15 670-megawatt cycle?

16 MR. MAZZEI: It's a 670-megawatt cycle gas
17 fired electric generator plant that's going to be similar
18 to Woodbridge Energy Center. As part of the equipment
19 there is combustion steam turbines. A heat recovery
20 steam generator. Demineralized and reclaimed water
21 tanks. A cooling tower, a switch yard as well as related
22 site improvements with include a 3,300 square foot
23 warehouse building. Landscaping, lighting, driveways,
24 parking areas and related utility and storm water
25 management improvements.

1 MR. BUCKNAM: Mr. Vogt had asked us to provide
2 some detail related to the compliance of the EPEC plan
3 requirement for generated facilities. Can you just
4 provide that information as requested?

5 MR. MAZZEI: Just before I provide that I just
6 have to point out that the variance for the reclaimed
7 water tank is noted on your exhibit as number four and
8 that's where we would have a 47.5 foot set back or a 50
9 foot set back.

10 MR. BUCKNAM: Thank you and why do we need
11 that variance?

12 MR. MAZZEI: Just for the site layout it is
13 extremely difficult to remove that location. I think
14 it's one of the critical points in passing when we're
15 coming before the Board just because of minor nature of
16 the setbacks.

17 MR. BUCKNAM: This is adjacent to other
18 industrial property?

19 MR. MAZZEI: Correct.

20 MR. BUCKNAM: Not adjacent to the roadway?

21 MR. MAZZEI: It's adjacent to the Skenelli
22 industrial property.

23 MR. BUCKNAM: With respect to the compliance
24 redevelopment plans the Township did a document
25 resolution which was in our packet determined that the

1 Keasbey Energy Center is consistent with EPEC
2 Redevelopment Plan. Can you provide the information that
3 was requested related to the facility that the
4 professionals have asked for?

5 MR. MAZZEI: Sure. The facility itself is
6 going to be a combined cycle gas fired electric generated
7 plant using natural gas. As previously mentioned by Bob,
8 treated waste water will be coming from the MCUA as a
9 gray water line. It's going to run in a very similar
10 path to the existing 24-inch line that feeds the Keasbey
11 Energy Center.

12 This is very beneficial for the economic and
13 environmental concerns because this water would just be
14 discharged into the Raritan River. At this point it's
15 going to the cooling tower and be utilized in the plant.
16 Any discharge that is there will be sent back through the
17 MCUA and will not be discharged into Raritan. The
18 project is also subject to the NJDP air quality and noise
19 regulations and permitting.

20 MR. BUCKNAM: Again, these are all
21 requirements in the EPEC Redevelopment Plan that we have
22 to address. This testimony is indicating how we plan to
23 address them.

24 MR. MAZZEI: There's no major roadways
25 purposed as part -- of the interior driveways and the

1 shared driveways as well. Parking facilities are on site
2 and in compliance with the EPEC Redevelopment Plan. The
3 Keasbey Energy Center will be in compliance with the
4 Woodbridge Township property maintenance ordinance as
5 well as -- in accordance with the site plan.

6 The facility will be operating such that
7 operations, fumes, dust, odor, smoke, vibration,
8 temperatures will not be detectable on neighboring
9 properties and this will be an outside agency approval as
10 part of the DEP. Also will include noise regulations.

11 MR. BUCKNAM: And there is no outside --

12 MR. MAZZEI: There is no outside storage of
13 materials.

14 MR. BUCKNAM: The other item we were asked to
15 describe was the storm water management system. Can you
16 describe that to the Board and respond to the
17 professional's questions in that regard?

18 MR. MAZZEI: Sure. So the previous testimony
19 we went through what was left as part of the Woodbridge
20 application. Now there are some modifications to the
21 storm water system originally on the proposed Keasbey
22 lot. There is storm drainage swells which will now be
23 piped with oversized inlets per the professional's
24 request. They are all discharged into the basin.

25 The basin itself has been reshaped to

1 accommodate the cooling towers but we still comply with
2 storm water regulations, storm water management
3 regulations and just to touch on them, for water quality
4 we're still decreasing the post run off rate from the pre
5 run off rate and a factor of 50 percent with a two year
6 storm, 75 percent for ten year storm. That's water
7 quantity, correct?

8 MR. MAZZEI: I'm sorry, water quantity and 80
9 percent for the hundred year storm. The one change we
10 all have to make is we all have to replace the outlet
11 control structure. That structure is going to be
12 replaced and the orifices is going to be increased from
13 12 inches to 21 inches. Now the outlet does lead with
14 two dual 12-inch pipes which were part of the wetlands
15 mitigation and approved by the DEP and our structure will
16 tie into it.

17 MR. BUCKNAM: And again, just to be clear.
18 For the record these improvements are consistent with the
19 remedial action work plan and work in conjunction with
20 the remediation of the property and storm water
21 management along those regards?

22 MR. MAZZEI: That is correct. And also the
23 NJDP will be reviewing the storm water management plan as
24 well as the basin.

25 MR. VOGT: Quickly, the same questions I asked

1 on the earlier application. Design is going to meet the
2 storm water that is applicable to this property?

3 MR. MAZZEI: It will.

4 MR. VOGT: Your storm water maintenance plan
5 is going to incorporate this facility as well as the
6 previous facility?

7 MR. MAZZEI: It will.

8 MR. VOGT: And subject to review and approval
9 of the engineering department?

10 MR. MAZZEI: It will be subject to the
11 approval of the engineering department and approval of
12 this Board.

13 MR. BUCKNAM: As well as DEP requirements.
14 Parking requirements. We're asking you to describe and
15 clarify the parking.

16 MR. MAZZEI: Just to give a little background,
17 as I testified before the Woodbridge Energy Center has 22
18 total employees with a maximum shift of 13 employees.
19 The EPEC redevelopment parking counts would yield the 16
20 spots necessary where there are 20 there. So we will be
21 in excess of that.

22 The future Keasbey Energy Center will have six
23 full-time employees with four on a maximum shift. That
24 will yield six required spots by the EPEC development
25 plan. We are providing seven. So each facility

1 standalone has its parking requirement covered.

2 MR. BUCKNAM: You mean EPEC Redevelopment --

3 MR. MAZZEI: Yes.

4 MR. BUCKNAM: Thank you. Landscaping
5 screening. Questions related to the justification for a
6 waiver and what landscaping screening issues come into
7 play here. Can you address those issues?

8 MR. MAZZEI: Sure. So as I previously
9 testified the Keasbey Energy Center is set back a
10 considerable distance from Riverside Drive. Just for the
11 Board's knowledge the proposed (inaudible) the closest
12 area to Riverside Drive is approximately 323 feet away
13 from the Riverside drive right-of-way. With regard to
14 Kolarick Drive portion --

15 MR. BUCKNAM: Future roadway.

16 MR. MAZZEI: Future roadway. There is the 10
17 foot landscape buffer we're requesting relief on. The
18 landscape buffer wouldn't really buffer a facility this
19 size and we would try to limit the landscaping. So we
20 are proposing gravel in between the fence and edge of the
21 pavement. But as part of the Board professional's
22 request during the TRC meeting the fence fabric on the
23 future Kolarick Drive will be green in color. In
24 addition to that there are no residential facilities in
25 close proximity to either facility.

1 MR. BUCKNAM: And we are requesting a variance
2 as you said for the 10-foot landscape buffer. Lighting,
3 the proposed light poles we talked about that?

4 MR. MAZZEI: We talked about the heights.
5 Would be again just five new poles. Five poles will
6 remain at 30 feet and five poles will be relocated near
7 also 30 feet.

8 MR. BUCKNAM: You've been asked to talk about
9 site identification signage?

10 MR. MAZZEI: Yes, so there's a site
11 identification sign at the intersection of proposed
12 Kolarick Drive and roadway two, is on the site plan
13 that's on sheet number 20. The sign itself is 40 square
14 feet.

15 MR. BUCKNAM: Just very briefly we were asked
16 to describe the improvements. I've generally given them
17 related to the generation time line and the gray water
18 pipe line. Can you just describe those improvements in
19 Woodbridge Township.

20 MR. MAZZEI: Sure. I'm going to go to Exhibit
21 A1 which is an overall composite. Where I'm highlighting
22 in the center of this area is the Woodbridge Energy
23 Center and Keasbey Energy Center. The electric
24 transmission line is going to go through the northern
25 property boundary. Across the Conrail roadway it's going

1 to be in the center meaning Riverside Drive which is a
2 county roadway.

3 Is going to be traveling northeast towards
4 Route 440 eventually make its way to Edison substation.
5 Within Woodbridge Township there's going to be nine mono
6 poles installed. There will be barring in height from
7 122 feet to 182 feet. As part of the redevelopment plan
8 for EPEC K2 and K3, 185 foot structures are promoted.

9 MR. BUCKNAM: As I indicated earlier,
10 Mr. Chairman, we have been working closely with the DEP
11 and Turnpike Authority with all outside approvals and
12 we're at a point now where we've gotten Turnpike
13 Authority approval work plans. We're almost to the final
14 details with DOT.

15 So we're comfortable enough showing these
16 poles in these locations in Woodbridge. We will have the
17 approvals to build them, install them in rights-of-way.
18 So we talked about pole height justification, gray water
19 line and I think that's the engineering testimony.
20 Anything else that you needed from us?

21 MR. SHARKEY: Just for the record, I know
22 we've kicked this around quite a bit, with emission
23 control. For the record for this application can you
24 please talk about how internally you monitor emission
25 control as well as any outside agencies that come in and

1 any sort of violations that have been noted for the
2 record.

3 MR. BUCKNAM: Let me talk about what the legal
4 requirements were quoted. We're currently in the midst
5 of long-term discussions back and forth with permitting
6 applications with the DEP and USPA. Those requirements
7 are for the latest state of the art best available
8 technology that has to be utilized which changes
9 regularly. So we always have a higher standard of lower
10 emissions we constantly have to meet. We're dealing with
11 that now.

12 It also requires we have to at different
13 levels achieve and demonstrate that we are meeting these
14 objectives before we can take the next step in our
15 operation. It is an ongoing consistent monitoring
16 reporting that is required as part of our air permit that
17 is issued by the DEP and signed off by the USEPA.

18 CHAIRMAN MILLER: Thank you.

19 MR. BUCKNAM: I'd like to call our planner
20 again, Ms. Apt.

21 MALVIKA APTE, after having been first duly
22 sworn, was examined and testified as follows:

23 MR. BUCKNAM: You have been qualified as a
24 planner before the Board --

25 CHAIRMAN MILLER: We'll qualify her.

1 MR. BUCKNAM: Thank you very much, Chairman.

2 Ms. Apte, you've heard the representations and the
3 engineering testimony related to the variances or design
4 waivers you kind of combine them here that have been
5 requested in connection with the Keasbey Energy project.
6 In your evaluation and your role as professional planner
7 of this project have you had the opportunity to review
8 and analyze the relief that's being requested?

9 MS. APTE: Yes, I have. As stated earlier
10 there are four variances requested with this application.
11 We are requesting them as C2 variances. One is for the
12 front yard set back. One is for the internal roadway
13 which doesn't have any set back. The third is for the
14 pole height which is 30 feet as -- permitted of 20 feet.
15 That is permitted pole height. And the third variance is
16 for the landscape buffer which is now provided around the
17 Kolarick Drive and the future roadway which would be
18 required to be 10 feet and we haven't provided that.

19 MR. BUCKNAM: With respect as to the relief
20 that's been requested where these variances are designed
21 collectively and treated as variances, have you evaluated
22 the EPEC development plan goals and have you done an
23 analysis with respect to how that C2 criteria you have
24 described has been met in this case?

25 MS. APTE: Yes, I have. I would again address

1 first the positive criteria as to how this -- the
2 questioning of these variances or proposal of this plan
3 furthers the goals and purposes of the municipal land use
4 law.

5 MR. BUCKNAM: Before you get into that, can
6 you just quick clarify for the record is this a permitted
7 use as an electricity production plan under the EPEC
8 redevelopment plan?

9 MS. APTE: Yes, as further EPEC redevelopment
10 plan this is a permitted use.

11 MR. BUCKNAM: And are the proposed structures
12 and facilities in your view of your analysis of the
13 redevelopment plan standards consistent for the most part
14 with the plan, the nature and location of the
15 requirements in the redevelopment plan?

16 MS. APTE: Yes, I believe they do comply other
17 than these four variances that we are requesting.

18 MR. BUCKNAM: You started to talk about the
19 positive criteria?

20 MS. APTE: Yes. So overall there are a couple
21 of purposes of the municipal land use law that are
22 furthered by this application. One is the goal A which
23 is encourage municipal action in order to promote public
24 health, safety, morales and general welfare as depicted
25 in the redevelopment plan. And also in the Energy EMP

1 energy master plan, power generation or power generation
2 facilities allow the power service to the public and as
3 the usage of energy increases are one of the required
4 facilities in the State of New Jersey.

5 We believe proposal of this use does further
6 the goal A of municipal land use law. Another goal
7 that's furthered is goal E which is promote the
8 establishment of appropriate densities and concentrations
9 in different location. Again, the redevelopment goal of
10 providing public access along the Kolarick Drive to the
11 Raritan River is furthered by this proposal.

12 MR. BUCKNAM: And that's because of the
13 dedication of the land area around Kolarick Drive to be a
14 municipal right-of-way and dedicated to the Township?

15 MS. APTE: Yes, that's correct. Another goal
16 that's furthered is goal G which is to provide sufficient
17 space in appropriate location for a variety of reasons.
18 Again, this proposed use of power generation facility
19 which is a permitted use and it is also providing public
20 access by dedication of land.

21 And last a goal that we believe this
22 application does further is goal M to provide efficient
23 use of land and to encourage coordination between those
24 public and private procedures in order to shape the land
25 development.

1 MR. BUCKNAM: And with respect to the pole
2 heights that are being proposed in terms of the impact,
3 do you have an opinion based upon what is already out
4 there for the Woodbridge Energy Center 30-foot height
5 poles?

6 MS. APTE: I was going to get into that in the
7 negative criteria. May I talk about that?

8 MR. BUCKNAM: Okay.

9 MS. APTE: So the negative criteria would be
10 two prongs, no substantial detriment to the public good
11 and no substantial detriment to the zone plan. First I
12 will start with the public good. In terms of the pole
13 heights I believe the existing pole heights for the
14 Woodbridge Energy Center is 30 feet. We are merely
15 replicating the similar pole height. I believe the way
16 the poles have been designed there will be minimum
17 spillage over onto the additional surrounding sites or
18 surrounding properties.

19 In terms of the landscape buffer, as stated by
20 the professional engineer earlier this site the way it
21 sits on Riverside Drive is about approximately 300 foot
22 set back. We have tried to provide some landscaping
23 along the Kolarick Drive and the public accessway but
24 it's not as continuous as a 10-foot buffer would be
25 required.

1 However, we have proposed fencing and I
2 believe we will be proposing some kind of gravel area in
3 order to set back the power generation plant. But as it
4 is the power generation facility continues the scale of
5 magnitude of this facility, we believe the visual of the
6 fencing would create visual obstruction enough although
7 we wouldn't be able to provide that 10 foot buffer.

8 In terms of the internal roadway set back I
9 think I had previously testified there is shared services
10 which does benefit in terms of safe travel and
11 transportation between the two services and also in
12 exiting the site which will have minimal public impact.

13 Last but not the least, the set back, the
14 frontage set back I believe the internal frontage set
15 back is in order to prepare a more -- in order to have a
16 less obstruction and more visibility for travel in the
17 right-of-way and that's the only portion we don't meet
18 because the way it has been located it is set back about
19 47 feet instead of 50 feet.

20 So visually it would have very minimal impact
21 on its set back of not meeting the 50-foot variance
22 requirement. Overall I believe there is no substantial
23 impact on the public good with these four variances.

24 MR. BUCKNAM: Let me ask one question, have
25 you had an opportunity to review the goals and objectives

1 to the EPEC Redevelopment plan?

2 MS. APTE: Yes.

3 MR. BUCKNAM: With respect to those goals and
4 objectives for a redevelopment project, such as this, a
5 new redevelopment project in this particular
6 redevelopment area, do you have an opinion as to whether
7 or not the Keasbey Energy Center development including
8 the variance as requested, would meet the goal within the
9 redevelopment plan, helping to provide long awaited
10 public access to the Raritan River, upgraded additional
11 recreation and educational opportunities and to stimulate
12 economic investment, providing front and public access.
13 Does this help facilitate or further that goal?

14 MS. APTE: It does further that goal and also
15 a couple of additional goals of the EPEC development
16 plan. One is to promote the effective use of
17 redevelopment area, the entire redevelopment area of the
18 property. It will facilitate a creation of a new power
19 generation resource and it will also provide a unique
20 opportunity to have industrial use while also helping to
21 enhance the recreational or the public access, that is
22 one of the goals.

23 MR. BUCKNAM: And preserve environmentally
24 sensitive areas which is also an objective of the
25 redevelopment plan?

1 MS. APTE: Yes, that is correct.

2 MR. BUCKNAM: These are specific goals and
3 objectives that are in the EPEC development plan that in
4 your opinion are being furthered by allowing this
5 application to be approved?

6 MS. APTE: Yes. And that kind of relays into
7 there is no substantial impact to the zone plan because
8 of all these goals that are being furthered by this
9 proposed application.

10 MR. BUCKNAM: Thank you. Mr. Chairman, any
11 questions?

12 CHAIRMAN MILLER: Thank you.

13 MR. BUCKNAM: I believe we provided the
14 description and justification for the relief that have
15 been requested. Unless the Board has anything further,
16 any specifics, that would be our application.

17 CHAIRMAN MILLER: That is your case?

18 MR. BUCKNAM: Unless the Board has anything
19 further?

20 MR. ROGOFF: That's our case.

21 MR. BUCKNAM: That is your case. We have
22 other professionals that can answer any questions that
23 may arise.

24 MR. ROGOFF: I have to know. Are you finished
25 with your direct testimony or not?

1 MR. BUCKNAM: I am finished with my direct
2 testimony.

3 MR. ROGOFF: We're going to open up to the
4 public.

5 CHAIRMAN MILLER: Public hearing.

6 CHARLES KRATOVIL, after having been first duly
7 sworn, was examined and testified as follows:

8 CHAIRMAN MILLER: State your name.

9 MR. ROGOFF: Name and address.

10 MR. KRATOVIL: Charles Kratovil, New
11 Brunswick, New Brunswick Today.

12 MR. ROGOFF: Your home address? Where do you
13 live?

14 MR. KRATOVIL: I would rather give my
15 businesses address if that's okay?

16 MR. ROGOFF: It's not.

17 MR. KRATOVIL: Just to be clear, you're
18 insisting I give my home address even though I'm here on
19 business.

20 MR. ROGOFF: Give me a business address but I
21 want your home address.

22 MR. KRATOVIL: Why do you want my home
23 address?

24 MR. ROGOFF: Because that is what the
25 municipal land use law requires.

1 MR. KRATOVIL: It says home address?

2 MR. ROGOFF: It doesn't have home address.

3 MR. KRATOVIL: Then I'd like to give my
4 business address.

5 MR. ROGOFF: If you don't want to give your
6 home address you won't be telling us anything. It's very
7 simple.

8 MR. KRATOVIL: Then I must insist on giving my
9 business address. I'm here in a business capacity. I
10 explained my interest in the project before --

11 MR. ROGOFF: Your home address because
12 4055(e)-4 requires you to be a person who has a relative
13 interest.

14 MR. KRATOVIL: I explained my interest to you.

15 MR. ROGOFF: Despite you have to -- I'm going
16 to have to have your home address --

17 MS. APTE: I would rather not give my home
18 address.

19 MR. ROGOFF: Tell me how you're an interested
20 party --

21 MR. KRATOVIL: I'm a United States citizen,
22 Middlesex county resident, as you mentioned I'm a Rutgers
23 Alumnist, a very concerned citizen --

24 MR. ROGOFF: Are you going to us where you
25 live or not?

1 MR. KRATOVIL: I don't think I will tell you
2 my home address. I'll tell you my home town is New
3 Brunswick. I'm very proud of it and I am the editor of
4 New Brunswick Today and I am here in my capacity as a
5 journalist tonight. We can get mail at P.O. Box 310 in
6 New Brunswick, New Jersey.

7 MR. ROGOFF: Everyone tells us their address.
8 That is our protocol. I asked you to please give us your
9 home address or there is some reason why you want to hide
10 it?

11 MR. KRATOVIL: I will be honest I don't want
12 you showing up at my house.

13 MR. ROGOFF: You can guarantee I will not be
14 there. I have absolutely no interest in going to your
15 house.

16 MR. KRATOVIL: That's good to hear. If you
17 need an address to send me mail you can send it to P.O.
18 Box 3180 --

19 MR. ROGOFF: I will burn the bottom of my feet
20 before I go to your house. Such a suggestion is
21 ridiculous. So could you please just give us your
22 address.

23 MR. KRATOVIL: P.O. Box 3180, New Brunswick
24 New Jersey. It is an address.

25 MR. ROGOFF: The record should reflect that I

1 have substantial concerns as to your integrity. One
2 because you won't tell us where you live and whether or
3 not you're in fact a party in interest under 4055(d)-4
4 that qualifies you to provide us with information since
5 you're way outside the 200 foot zone.

6 And there are cases that talk about the
7 applicant having no standing to appear. No standing to
8 appear to be heard and the land use bylaw that I have in
9 front of me says that the definition of any person
10 residing in or out the municipality has the right to use,
11 acquire or enjoy property may be affected by any action
12 taken. Sir, you haven't told us where you live.

13 MR. KRATOVIL: I live in New Brunswick. I
14 live in Middlesex County. I live in this country.

15 MR. ROGOFF: I know you live in this country.

16 MR. KRATOVIL: Why must you know my home
17 address?

18 MR. ROGOFF: If you live in Taiwan it doesn't
19 give you the right to come here and testify. We can
20 actually preclude you from testifying if you're from
21 Taiwan.

22 MR. KRATOVIL: I'll assure you I'm a New
23 Brunswick resident. I believe you have actually stated
24 that.

25 MR. ROGOFF: So in such cases the municipal

1 agency should make inquiry to determine whether an owner
2 beyond 200 feet, you're well beyond 200 feet of New
3 Brunswick --

4 MR. KRATOVIL: That's true.

5 MR. ROGOFF: -- has a special interest or has
6 rights which will be directly affected by a decision,
7 such a person would be afforded the same rights or so
8 within 200 feet to present witness in evidence and to
9 convert the witnesses in evidence of the applicant. Bill
10 318, revision 1988.

11 So really case law supports our right to
12 determine that information and you refuse to give it to
13 us.

14 MR. KRATOVIL: I have told you my hometown.
15 You have questioned my integrity but I don't think you've
16 questioned my hometown is New Brunswick, New Jersey.

17 MR. ROGOFF: What else would you like to tell
18 us then?

19 MR. KRATOVIL: Well, if I may I'd like to ask
20 questions about the application.

21 MR. ROGOFF: We'll see where it goes. I don't
22 think you meet the statutory definition of an interested
23 party but I'm going to bend over backwards. It is now
24 10:20 which exactly what I warned you about, not you, I'm
25 talking to Mr. Lawyer. I told you this would never end

1 at 10:15. So what is the Board's pleasure. Do you want
2 to carry this for additional public hearing or do you
3 want to continue and stay here. It is now 25 -- you can
4 do whatever you want.

5 CHAIRMAN MILLER: Go ahead. It's relevant,
6 right?

7 MR. KRATOVIL: I would like to know about the
8 hydrogen trailer that was proposed and testified to in
9 the previous hearing as to -- I didn't catch what it will
10 be used for, just said in the use of the plant. Why is
11 there a need for a hydrogen trailer on this site?

12 MR. BUCKNAM: First of all, that is not
13 proposed for this site. That was the last application.
14 But with respect to the answer of your question,
15 generation cooling is part of the process.

16 MR. ROGOFF: Is it relevant to this
17 application?

18 MR. BUCKNAM: It not relevant to this
19 application.

20 MR. ROGOFF: Next question.

21 MR. KRATOVIL: It was eluded to that there are
22 caps on the amount of pollution that can be emitted from
23 this plant. What are those caps, how much is the maximum
24 possible pollution because I do think pollution can be a
25 substantial detriment to the public good.

1 MR. ROGOFF: You have a question? What is it?

2 It is not statements. It is questions.

3 MR. KRATOVIL: I think testimony can be both,
4 right?

5 MR. ROGOFF: If you have any questions we
6 would like to hear that.

7 MR. KRATOVIL: But not statements.

8 MR. ROGOFF: You're not going to talk about
9 what you think about clean air because you're not
10 qualified.

11 MR. KRATOVIL: How do you know?

12 MR. ROGOFF: Because you haven't asked me to
13 qualify you as such. Are you qualified?

14 MR. KRATOVIL: As what, a clean air expert?

15 MR. ROGOFF: You know anything about
16 emissions?

17 MR. KRATOVIL: Yeah, I do.

18 MR. ROGOFF: Okay, have you studied it,
19 degreed, licensed? Are you a professional engineer?

20 MR. KRATOVIL: No, I'm not a professional
21 engineer.

22 MR. ROGOFF: So let's go on to the next
23 question because you're not qualified. Next?

24 MR. KRATOVIL: I'd like to know what is the
25 maximum amount of emissions from this facility if it's

1 approved?

2 MR. BUCKNAM: I can answer. Basically --
3 first of all this approval has nothing to do with that.
4 That is a separate air permit. That is an ongoing
5 positive standards more stringent on a daily basis. So
6 ultimately at the time of our permit we're still dealing
7 with those issues. We have to demonstrate that we're
8 meeting to a whole number of different constitutes, we're
9 meeting the latest requirements. It is a moving target
10 which is much more conservative. We will have to meet
11 those standards.

12 MR. KRATOVIL: The current plan is at 77
13 percent right now was mentioned. How does the new plant
14 compare to the old plan in terms of its capacity?

15 MR. BUCKNAM: It is a 670 megawatt plant.
16 What we refer to is what the current plan was outputting
17 to the JCPNL substation. This is a need for more
18 electricity. It will operate at a higher percentage of
19 77 percent and what that volume would depend on variance.

20 MR. KRATOVIL: Thank you. That gets into my
21 next question, about the demand. The applicant is
22 confident there is a demand for this much capacity in
23 this system, PSE&G --

24 MR. BUCKNAM: We would not build this if there
25 was not a demand and demonstrate a demand is there.

1 MR. KRATOVIL: Well, I'd like to know why gas
2 power plant, why not some other type of --

3 MR. BUCKNAM: It is much cleaner than coal and
4 it is using the best available to control technology,
5 state of the art technology to make the cleanest output
6 of emissions as part of our air permitting.

7 THE WITNESS: But was there any thought given
8 to renewables those that are included in the other site?

9 MR. BUCKNAM: You cannot do a 670 megawatt
10 power plant with solar. But we are with respect to the
11 Keasbey site adding solar and trying to again introduce
12 an alternative renewable energy --

13 MR. KRATOVIL: So both will have solar.

14 MR. BUCKNAM: Remember these have shared
15 services.

16 MR. KRATOVIL: So the Woodbridge site will
17 have solar. I do want to understand this company was
18 said -- based in D.C. So they also have a office in
19 Maryland?

20 MR. BUCKNAM: They have offices around the
21 country. They have offices San Francisco, Massachusetts,
22 Maryland.

23 MR. KRATOVIL: I was reading articles in the
24 New York Times. It said this was a Maryland based
25 company. I didn't hear --

1 MR. ROGOFF: What different does it make?

2 MR. KRATOVIL: I just want to understand where
3 the headquarters is of the applicant. You asked me my
4 address.

5 MR. ROGOFF: Your address is required under
6 law.

7 MR. KRATOVIL: The applicant is not required
8 to give an address?

9 MR. ROGOFF: Do you have any other questions?

10 MR. KRATOVIL: I think the Board should give
11 serious consideration to the concerns of pollution. I
12 know that your counsel effectively limited the comments
13 that were allowed to be made tonight --

14 MR. ROGOFF: You want us to deny it? Do you
15 want some other energy?

16 MR. KRATOVIL: I think you should seriously
17 consider it.

18 MR. ROGOFF: Do you think we have a statutory
19 basis to deny this plan which is redevelopment area
20 because you think you're going to bring some guy up here
21 that has some information that he read in the New York
22 Times that is unqualified. That's not happening. We
23 can't do that.

24 MR. KRATOVIL: I'm merely suggesting the
25 public's right to testify tonight has been infringed upon

1 --

2 MR. ROGOFF: That we should deny the
3 application because of some kind of, I don't know,
4 unsubstantiated --

5 MR. KRATOVIL: I'm not suggesting that it be
6 denied. I'm suggesting that you stop silencing members
7 of the public who simply want to give their views to the
8 Board. That is the point of the hearing. This is a
9 public hearing. I have never been to a planning and
10 zoning Board hearing in any time where folks have been
11 told they cannot testify -- members of the public that
12 came out tonight were shut down --

13 MR. ROGOFF: Thank you, sir. The record will
14 reflect that information.

15 MR. KRATOVIL: That the members of the public
16 weren't allowed to testify.

17 MR. ROGOFF: I'm not talking to you anymore,
18 sir. You're done. You're finished. Thank you very
19 much. Have a nice day.

20 CHAIRMAN MILLER: Motion to close the public
21 hearing.

22 BOARD MEMBER: Motion to close the public
23 hearing.

24 BOARD MEMBER: Second motion.

25 CHAIRMAN MILLER: All in favor. Meeting

1 comments and I think I'd like to make a motion for
2 approval of this portion of the application.

3 MR. SHARKEY: Mr. Chairman, I will second it
4 with a couple comments. Again, approved by the master
5 plan meets the redevelopment criteria. The four bulk
6 variances that were discussed tonight, discussed by the
7 applicants, by the professionals with no problem with
8 either plan. Adequate testimony was given regarding
9 controls and emissions and monitoring by state agencies,
10 county agencies and internal. Based upon that
11 information I will second the application.

12 MS. OLSEN: Ms. Drumm?

13 MS. DRUMM: Yes.

14 MS. OLSEN: Mr. Sharkey?

15 MR. SHARKEY: Yes.

16 MS. OLSEN: Mr. Miller?

17 CHAIRMAN MILLER: Yes.

18 MS. OLSEN: Mr. Ali?

19 MR. ALI: Yes.

20 MS. OLSEN: Mr. Parkh?

21 MR. PARKH: Yes.

22 MS. OLSEN: Mr. Glenn?

23 MR. GLENN: Yes.

24 MS. OLSEN: Mr. Colonna?

25 MR. COLONNA: Yes.

1 MS. OLSEN: Mr. Shah?
2 MR. SHAH: Yes.
3 MS. OLSEN: And Ms. Lewis?
4 MS. LEWIS: Yes.
5 MS. OLSEN: The application is granted.
6 MR. BUCKNAM: Thank you for your time and
7 consideration.
8 MS. OLSEN: Motion to adjourn.
9 CHAIRMAN MILLER: Motion to adjourn.
10 (Whereupon, the hearing concluded at
11 10:30 p.m.)
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C E R T I F I C A T I O N

I, Micheline Brown, a Court Reporter and Notary Public for the Commonwealth Of Pennsylvania, do hereby certify the foregoing to be a true and accurate transcript of my original stenographic notes taken at the time and place herein before set forth.

Micheline Brown

Court Reporter

Notary Public

DATED: August 8, 2018

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LAWYER'S NOTES

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