

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
August 16, 2011**

The West Amwell Township Planning Board meeting was called to order at 7:33 PM by Chairman Pfeiffer followed by the salute to the flag.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Chairman Pfeiffer: This meeting was called pursuant to the provisions of the Open Public Meetings Act. This meeting was included in a list of meetings transmitted to the Hunterdon County Democrat and Trenton Times on January 27, 2011. Notice has been posted on the bulletin board at Town Hall on August 11, 2011, and has remained continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Planning Board and Township Clerk.

The following general policy statement of the Board was read into the record by Chairman Pfeiffer: The Board's general policy is to end the presentation of testimony on applications by 10:30 PM and to conclude all Board business by 11:00 PM. When necessary, the Chair may permit a reasonable extension of those time limits.

The meeting was recorded via digital recording system and a copy of the CD is on file in the Office of the Planning Board.

Attendance – Roll Call

Present: Lonnie Baldino
Stephen Bergenfeld
George Fisher
John Haug
Tom Molnar
Sean Pfeiffer
Hal Shute
Joan Van der Veen
Rob Tomenchok – Alt. #1
Nella Hamtil – Alt. #2
Engineer Decker
Planner Hintz
Attorney Shurts

Excused: Chester Urbanski

Approval of Bill List

A motion by Van der Veen, seconded by Haug to approve the vouchers for payment as listed on the agenda was unanimously approved by roll call vote.

Applications

Spectra Corporation (Formerly Texas Eastern) – Block 5 Lot 6 – Major Site Plan Review

Present for the public hearing was Attorney Edwin Landis on behalf of the applicant Spectra Corporation (Spectra), Engineer Deborah D'Amico, Project Manager Gene Muhlherr, Compressor Station Supervisor Les Mavus and Environmentalist Sabrina Hepburn.

Attorney Shurts noted for the record that the noticing had been done in accordance with the Municipal Land Use Law (MLUL) requirements and indicated the Board had jurisdiction to proceed with the public hearing. He marked the application as **Exhibit A-1** and the noticing documentation as **Exhibit A-2**.

Attorney Landis explained the application is for Major Site Plan approval for the installation of two reciprocal engines to compress the natural gas at Spectra's operating facility which is part of the Texas Eastern Pipeline.

Attorney Shurts swore all of the witnesses in at this time. Mr. Muhlherr came forward and provided his background credentials. The Board accepted him as an expert to provide testimony on this application. Mr. Muhlherr provided additional details on the project explaining the two new reciprocating compressor units/engines which are each 2200 horsepower. He noted they will be installed in a proposed new building on site to house the units and all support equipment including fans, air compressors, a motor control unit, piping and electrical components.

Mr. Muhlherr noted the facility currently has four existing units that have been in operation since the 1950's and were operating under a grandfathered clause for air emissions. He explained that in 2001 the New Jersey Department of Environmental Protection (NJDEP) changed their regulations which voided the grandfathered clause. Spectra was forced to comply with the new regulations and applied for an extension of time to comply which was granted until 2011. Mr. Muhlherr stated that in 2010 the Environmental Protection Agency (EPA) passed more stringent air quality guidelines and those standards were passed onto the State and Spectra found themselves in a situation where if they complied with the first set of standards, by the 2013 they would have to do additional upgrading. Mr. Muhlherr said they decided to be more proactive and comply with proposed standards for 2013 and replace the 4 existing units with 2 new ones. He indicated the EPA supports their proposal to replace the units and the State has assured Spectra that they won't change the guidelines. He added that they have also submitted a permit application submitted to the NJDEP.

Attorney Landis asked if there will be any changes to the existing facility. Mr. Muhlherr explained the existing units will remain in operation until the new units are installed and then they will be abandoned in place with the pipes disconnected rendering them inoperable. The piping and equipment will be used for spare parts for other units throughout their system as needed. He stated the building will stay intact. It was noted the NJDEP has given Spectra until November 2012 to have everything in place. The timeframe was broken down as follows: Phase One – the foundation for the engine building will be done by November/December 2011 and Phase Two – the unit installation will be done by January 2012.

Attorney Landis provided some history on the existing engines. He explained the existing engines were installed during World War II because the line was considered a war emergency pipeline which pumped crude oil from Texas to the refineries along the east coast because the Germans were sinking the oil tankers. Attorney Landis said that at the end of World War II tanker delivery was more economical so the pipeline was shut down and the Government auctioned it off. Later, an Engineering Firm and a Law Firm in Houston came up with the idea of buying it and converting it to deliver natural gas which then became the heating fuel of choice because it was cheaper than fuel oil. Chairman Pfeiffer asked if they expect the new engines to last 70 years. Mr. Muhlherr remarked that the new engines are state of the art engines being built specifically for Spectra and he stated he hopes they get more than 70 years out of them. Ms. Van der Veen asked who the manufacturer of the engines is. Mr. Muhlherr stated Cameron will be building the engines.

Mr. Baldino asked who will be performing building inspections at the site. Mr. Muhlherr presented **Exhibit A-3a:** An 8.5" x 11" printout of the proposed building and **Exhibit A-3b:** An 8.5" x 11" printout of the engine(s). The building was described as a brick structure with special insulation to block the noise from the engines. There will be upper windows to help with cooling as well as a ventilation system. Mr. Muhlherr indicated there will be inspectors on-site to monitor all of the construction and installations. Attorney Landis commented that to the extent the Municipal Code Officials want to inspect the site at any point they are welcome to do so subject to the site's security. Mr. Baldino asked if building permits will be taken out. Attorney Landis stated that in order to get the project finished to satisfy the NJDEP they must continue with their construction efforts. Mr. Baldino suggested they contact the Construction Official because he believes that the project falls under the State Uniform Construction Code (UCC) and does require permits. Attorney Landis indicated that they are not here this evening to debate the federal preemption issue and stated that it is the intention of Spectra to cooperate with the local governing body in every way possible within the confines of getting the project built on time and he noted that any required permits will be applied for.

Les Mavus, Compressor Station Supervisor came forward and provided his background credentials. The Board accepted him as an expert to provide testimony on this application. He stated his function as Supervisor of the Compressor Station is to oversee the operation, maintenance and basic safety and security of the facility. Mr. Mavus provided additional details on how the facility works noting their pipeline system moves natural gas to the market where it's needed. He explained that similar compressor stations are located approximately every 50 to 100 miles and the way the gas moves is through pressure built up in the pipeline.

Mr. Mavus remarked that the compressor station is started and stopped based on customer demand. He explained that on a typical summer day like today they ran one 1100 horsepower unit. On a January day they may run multiple units up to 25,000 horsepower. Mr. Mavus said the facility has manpower 24 hours a day 7 days a week 365 days per year.

Attorney Landis asked Mr. Mavus to explain the other buildings on-site. Mr. Mavus stated there is a building that houses a 10,000 horsepower electric driven compressor, a building that houses two 5000 horsepower gas fired jet engine turbines and auxiliary buildings that house air compressors, emergency generators, switch gear, a sub yard that powers the electric driven motor and an office building.

Attorney Landis asked about safety precautions implemented at the facility. Mr. Mavus indicated they have gas, fire and smoke detection equipment as well as all Occupational Health and Safety Administration (OSHA) required safety equipment. Mr. Mavus noted that simulations have been done with local Emergency Services personnel and stated that there are annual seminars given to educate people in the field of natural gas on emergency response techniques.

Engineer Decker asked how many employees are on-site during normal operations. Mr. Mavus explained the facility has 3 mechanics, 2 technicians and 2 pipeliners but stated there are usually only 3-6 employees on-site each day. Chairman Pfeiffer asked if additional employees will be needed once the new engines are installed. Mr. Mavus said no.

Mr. Fisher asked about a potential fire on-site. Mr. Mavus commented that if there is ever a gas leak, the valve(s) would be shut off and any fire would extinguish itself. He added that the site is also equipped with approximately 100 fire extinguishers.

Mr. Tomenchok asked about the facility's safety track record. Mr. Mavus indicated the last reported personal injury was 7 years ago which was a vehicle incident and the last emergency shutdown was 10 years ago due to a piece of fire detection equipment. He commented that it is rare for any explosions to happen in a compressor station unless a jet plane were to land on the facility because the second the facility is shut down the gases dissipate within a minute or two. He remarked that fires are more likely to occur within the pipeline(s).

Mr. Molnar asked about the pressure in the systems. Mr. Mavus stated it is between 500 and 1170 pounds per square inch (PSI) that runs through the pipeline.

Mr. Haug remarked that the new engines will likely have more safety features than the existing ones. Mr. Mavus explained that the current engines have approximately 8 shutdown devices whereas the new ones will have about 75 different monitoring points.

Chairman Pfeiffer asked about existing security fences and any lighting improvements. Mr. Mavus noted that their security people in Houston proposed some increased safety measures based on the Transportation Safety Authority (TSA) recommendations with regard to upgraded cameras and lighting.

It was noted that there will not be any traffic pattern changes. Chairman Pfeiffer asked about the proposed access road shown on the site plan at the east end of the property. Attorney Landis explained it is a temporary access to be used during construction.

Environmentalist Sabrina Hepburn came forward and provided her background credentials. The Board accepted her as an expert to provide testimony on this application. She explained the purpose of the new engine installation is to meet the NJDEP air standards and the proposed EPA standards.

Attorney Landis asked about the land disturbance that will take place at the site. Ms. Hepburn explained that the temporary construction work/staging area is 7 acres all within the existing fence line and less than a quarter acre is associated with the permanent equipment that will be on the site. She noted the workspace will be utilized for equipment staging and fabrication of the engines. Ms. Hepburn stated that after construction the temporary workspace will be restored to its present condition.

It was noted that there are two intermittent streams on the property that are tributaries to the Alexhauken Creek which is located on the north side of the property as well as wetlands. Ms. Hepburn commented that the Alexhauken Creek is designated as a Category 1 stream and they are required to have a 300' riparian zone.

Exhibit A-4: A mounted site plan depicting a small wetlands area was presented. Ms. Hepburn added that they have submitted permitting information to the NJDEP regarding the activity they are proposing within the riparian zone. She explained that NJDEP indicated the proposed impacts are

permitted under a "permit by rule" of the Flood Hazard Act and that the impacts are acceptable under their existing general permit.

It was noted that there is a small area of impact within the wetlands transition zone. Ms. Hepburn commented that they are not proposing to remove any vegetation and stated that any disturbed soils from the temporary work space will be seeded and mulched.

Attorney Landis asked if there will be any change in the noise emitted from the site. Ms. Hepburn explained that they are anticipating a decrease in noise levels because of the new building and upgraded insulation that will be used.

Chairman Pfeiffer asked if a Letter of Interpretation (LOI) has been obtained from the NJDEP indicating their project is not subject to the Category 1 stream regulations. Ms. Hepburn explained she has an email from NJDEP stating they do not need to submit any further applications for land use permits. Chairman Pfeiffer asked Ms. Hepburn if she has reviewed the Township's Stream Corridor Ordinance. Ms. Hepburn indicated she is aware of the Ordinance and remarked that the Ordinance is more restrictive in its definition than the NJDEP's guidelines and stated that she reviewed the mapping contained in the Township's Stormwater Management Plan and noted that the mapping does not show a stream corridor associated with the stream on the subject property but rather with the Alexhauken Creek which is consistent with the NJDEP definition of not including tributary streams. Chairman Pfeiffer asked Ms. Hepburn if she has seen the 2008 Natural Resource Inventory. Ms. Hepburn said no.

Planner McManus referred to her 8/11/11 memo and commented that a prior application for this site in 2002 dealt with an intrusion into the then 50' stream corridor buffer which was denied. Attorney Landis explained that the 2002 application was built as it was presented based on the preemption of the local government authority. He noted the Federal Energy Regulatory Commission has the power to direct an interstate natural gas pipeline to proceed with no regard to the denial of local government. Planner McManus requested a copy of the exemption be provided for the file. Attorney Landis remarked this is a statutory exemption and the language is part of the application that was presently submitted. Planner McManus indicated she has a letter from Attorney Shari but commented that it doesn't reference the exemption statute and location within the Federal Regulations. Attorney Shurts agreed with Planner McManus.

Chairman Pfeiffer clarified that Attorney Landis was saying that his client's Federal Exemption status would exempt them from any Category 1 State Regulations even if there was a Category 1 stream on the site. Attorney Landis said yes. Chairman Pfeiffer asked that the exemption be provided for the file and commented that any action the Board takes will be contingent upon obtaining the documentation.

Planner McManus asked about the noise levels being reduced by the insulation to be installed. Ms. Hepburn commented that the noise levels/emissions will meet the NJDEP standards and indicated that she believes the Township's standards will also be met under the Ordinance. Planner McManus clarified that there will be no radioactivity, industrial waste or vibrations associated with the site. Ms. Hepburn said no.

Engineer Decker asked about the workspace/staging area, specifically the eastern portion located within the wetlands transition area and why they cannot get out of the wetlands area if they have dedicated 7 acres to the workspace/staging location. Ms. Hepburn noted that the wetlands area is part of the workspace however in practicality they are trying not to use the wetlands area and noted the size of the

workspace is so large based on the fact that large pieces of material will be brought in for the fabrication taking place on-site.

Engineer Decker clarified that the NJDEP permit issued was a blanket maintenance permit for the gas line itself and then an email was received extending the approval to include all of the other improvements. Ms. Hepburn said yes.

Ms. Van der Veen asked what the status is of the old monitoring wells on the property. Ms. Hepburn commented that most of the wells have been removed noting that remediation was done in the late 1990's and a "no further action letter" has been received from the NJDEP.

Engineer Deborah D'Amico came forward and provided her background credentials. The Board accepted her as an expert to provide testimony on this application.

Exhibit A-5: An aerial photo of the site was presented.

Exhibit A-6: An 8.5" x 11" printout of the stoned construction workspace/staging area was presented.

Engineer D'Amico explained the subject site is in the northern portion of the Township, south of Route 202 and bound on the east by County Route 605 and on the south by State Highway 179. She noted the total tract is 28 acres, it is located in the Light Industrial Zone (LI) and according to the schedule of permitted uses, electric/gas lines and facilities and substations are permitted uses in the zone.

The site was depicted as being a triangular shaped, flat lot with small areas of steep slopes. Engineer D'Amico noted the site was developed as a natural gas compressor station with various buildings: A large building which will be decommissioned in 2012, an office building, a well house and a shed.

Engineer D'Amico noted the pre-existing non-conforming front yard setback and the current location of the office building which does not meet the current setback requirements and stated both conditions will remain the same and neither condition will be further enhanced by the proposed application. Engineer D'Amico also noted that the proposed compressor building will be 29' high and all other structures on-site will be less than that.

Attorney Landis asked about silt fencing. Engineer D'Amico explained there will be silt fencing at the limit of the workspace and in the sloped areas near the stream which has been reviewed and approved by the Soil Conservation District. She further explained the gravel areas on the site indicating that the proposed gravel for the site access road will be removed after construction with the exception of the existing graveled parking lot which will remain.

Engineer Decker referred to the County Planning Board's 7/21/11 letter indicating the access point from County Route 605 is denied. Engineer D'Amico stated they were referring to the existing gravel around the M&R Station. She explained the County thought it was a new proposed gravel access which it is not. She noted this has since been clarified with the County.

Engineer D'Amico noted there will be no changes to the existing landscaping and she commented that no trees will be removed from the site to perform the proposed construction.

Engineer Decker reviewed his report noting the following items:

1. The site plan needs to clarify that the existing building by decommissioning will remain in its current state but will be re-purposed for storage of spare parts
2. The proposed access road that connects the gravel area to the M&R Station needs to be added to the site plan and noted that it is for temporary use during construction
3. The dimensions of the proposed parking area need to be added to the site plan

Engineer Decker noted that the proposed project as it exists does not trigger Stormwater Management regulations, but any future changes/additions to the site may trigger Stormwater compliance since the calculations for impervious coverage are cumulative.

4. The site plan should reference the applicant's intention to protect the trees on-site
5. Copies of the soil erosion sediment control plan should be provided for the Township's file

6. As-built plans should be provided to the Township after completion of the proposed construction, however a construction sequence plan should be provided to Engineer Decker prior to the work beginning
7. All updated plans should be submitted to the Soil Conservation district

Attorney Landis asked Engineer D'Amico about any changes to the lighting on-site. Engineer D'Amico noted low level security lighting will be added to the new building. She also explained an existing light pole will be relocated on the site and there will be motion activated security cameras.

Planner McManus clarified that the proposed side access will be used only during construction. Engineer D'Amico said yes.

Ms. Van der Veen expressed concern as to why the silt fencing must encroach on the wetlands transition area. Ms. Hepburn indicated the applicant believes they may need this area during the work and staging phase of the project. She noted they have received approval from the NJDEP to utilize this area if necessary.

Chairman Pfeiffer opened the floor to public comment. No one came forward. Chairman Pfeiffer noted the following outstanding issues:

1. The items that need to be added to the site plan as addressed by Engineer Decker's review memo
2. Documentation must be supplied with respect to the exemption from the Township's Stream Corridor Ordinance and State Category 1 regulations

Attorney Shurts noted that with regard to the pre-existing variance conditions, the Board should make a finding that they are not being further impacted and that the conditions are not changing.

A motion by Haug, seconded by Van der Veen to close the public hearing was unanimously approved by voice vote.

A motion by Haug, seconded by Bergenfeld to approve the preliminary and final major site plan noting the pre-existing variance conditions, subject to the following conditions was made: The items noted in Engineer Decker's review memo must be addressed, the applicant must provide documentation regarding the exemption from the Township's Stream Corridor Ordinance requirements as well as the State Category 1 regulations and an as-built plan must be submitted upon completion of construction. The motion was unanimously approved by voice vote.

Planner McManus and Engineer Decker were excused from the meeting at this time, 9:58 PM.

Applications – Continued

West Amwell Township School – Block 5 Lot 22 – Informal Review of Proposed Classroom Trailers

Present for this discussion was West Amwell Township School Business Administrator Donna Tolly and School Board Member John Dupuis.

Ms. Tolly explained that they are proposing to erect two trailers on the school property for the purpose of creating a music and an art classroom. The trailers are being sold by the Millburn, New Jersey school district. She explained the two trailers are 2006 prefabricated models that are connected to each other and meet all current building codes. They will be placed on existing pavement behind the kindergarten wing of the school. It was noted the trailers will not interfere with the playground area and the Department of Education has given it their approval.

Mr. Tomenchok noted that this project was started under his term on the school board and indicated he will be recusing himself from this matter and stepped down from the dais.

Chairman Pfeiffer asked if the Township's Fire Department had been contacted regarding the proposed trailers. Ms. Tolly indicated she had spoken to the Fire Official and he had no issue with the project.

Attorney Shurts noted the Board has no jurisdiction to officially approve the application, but rather to make recommendations. He suggested the Board make a finding that the project is not inconsistent with the Master Plan.

A motion by Van der Veen, seconded by Fisher finding that the proposed school trailers are not inconsistent with the Master Plan was made and unanimously approved. It was noted that Planning Board Secretary Andrews will send a letter to Ms. Tolly accordingly.

Mr. Tomenchok returned to the dais at this time.

Resolutions of Approval

Resolution PB#2011-10: Amended Community Facilities Plan Element

A motion by Van der Veen, seconded by Baldino to approve Resolution PB#2011-10 with a minor date change noted was approved by roll call vote. Mr. Fisher abstained.

Unfinished Business

Discussion – Economic Plan Element – Status Update

The Board reviewed the latest draft of the Economic Plan Element making minor revisions and suggestions. It was noted that Mr. Shute will make the suggested changes and get a revised draft to Chairman Pfeiffer so that the document can be forwarded to the Planner's office for review and comment.

Discussion – Conditional Use Ordinance Review – Status Update

Chairman Pfeiffer noted that the current draft has been reviewed by the Board's professionals. He commented that he sent the question regarding the height standards for wireless telecom facilities over to the Zoning Board and the response from their Secretary was that the Board had no comment. It was noted that Zoning Officer Baldino suggested an abandonment clause be added with respect to the telecom facilities and the professionals agreed. The other comment noted was language will be added indicating applicants for new tower installations should demonstrate there is adequate ability for future expansion.

Chairman Pfeiffer commented the next step is to get a clean draft to Clerk Olsen for introduction at the next Township Committee meeting.

Discussion – Renewable Energy Ordinance Definitions – Recommendations from Environmental Commission – Status Update

Ms. Van der Veen remarked that the Environmental Commission's suggestion was to add a definition for an intermediate sized facility which allows for someone who has 10 acres to partner up with his neighbors who may each have 2 acre lots and they can create a "group" facility. Mr. Fisher commented that this is not allowed by the State noting that Massachusetts is the only State that allows "community solar" type facilities.

Chairman Pfeiffer remarked the issue came up because the Township's definition for minor solar facilities differs from what is in the State statute and asked if the definition should simply be changed to match the State's definition. Ms. Van der Veen indicated she will take the matter back to the Environmental Commission for further review.

It was noted that Attorney Shurts was excused from the meeting at this time, 10:51 PM.

Approval of Minutes

A motion by Van der Veen, seconded by Haug to approve the Board's minutes from 7/19/11 as revised was unanimously approved by voice vote.

Adjournment

A motion by Baldino, seconded by Bergenfeld to adjourn the meeting was unanimously approved.

The meeting adjourned at 10:53 PM.

Maria Andrews, Planning Board Secretary