



CITY OF NEW BRUNSWICK  
MINOR SITE PLAN COMMITTEE  
SEPTEMBER 16, 2020  
MINUTES

Meeting Location  
Remote Teleconferencing  
9:00 AM

I. ROLL CALL

Affiliation	Staff Attending	
Director of Planning	Dan Dominguez	X
Principal Planner	Katie Thielman-Puniello	X
Board Planner	Todd Bletcher	
Board Engineer	Charles Carley	
City Construction & Fire Code Official	Ed Grobelny	X
City Engineer	Dan Burke	X
City DPW & Engineering Representative	Michelle Paige	X
Fire Department & Planning Board Representative	Chris Stellatella	
Alternate & DPW Refuse and Recycling	Vacant	

II. PUBLIC ANNOUNCEMENT

Dan Dominguez (Director, Department of Planning, Community and Economic Development): Please be advised that the notice requirements of the Open Public Meetings Act has been complied with and satisfied, and that the annual notice which gave sufficient notice of the time, place and conduct of all public meetings of the Minor Site Plan Committee of the city of New Brunswick has been filed with the city clerk and it has been placed on the appropriate bulletin board and posted in the back vestibule of City Hall, visible to the public and through the windows of the lobby to City Hall in New Brunswick, New Jersey and has been transmitted to the official newspaper for the city of New Brunswick, namely the Home News Tribune and Star Ledger. Additionally, a change of location notice of the time, place and manner of conducting this meeting has been made by the board secretary as required by law and is posted in the back vestibule of City Hall, visible to the public through the windows of the lobby to City Hall in New Brunswick, New Jersey and has been transmitted to the official newspaper for the city of New Brunswick, namely the Home News Tribune and Star Ledger.

New Jersey Governor Phil Murphy has issued executive orders limiting the size of public gatherings of individuals until further notice. Furthermore, the CDC has issued guidelines to limit gatherings of groups. The city's Minor Site Plan Committee intends to meet on a regular schedule, will meet using the guidelines of the Open Public Meetings Act by utilizing teleconferencing and video systems. Public participation at public meetings has been revised, and the public may participate through a conference call-in or video system.

The public is encouraged to call into the system through the phone numbers and access code transmitted in the change of location notice to the Home News Tribune and Star Ledger and posted in the back vestibule of City Hall visible to the public through the window. Board professionals will also be available via conference or video call during the meeting. All parties on the conference call will have the opportunity to hear the Minor Site Plan Committee meeting. During the portions of the meeting that are not open for public comment, all calls from the public will be muted and the committee will not be able to hear any public comments through the conference call system. During the public comment periods, those on the conference call-in lines who have an interest in addressing the committee will be organized by last name and then called upon to speak. After all organized members of the public speak, the process will happen again until all the public has had an opportunity to speak once and for no more than five minutes in any given public meeting portion. The timer will time at the completion of each five-minute period and I'll notify you that your time has expired. Any public needing assistance accessing the call number should call the Planning Department at 732-745-5050.

### III. SALUTE TO THE FLAG

### IV. PUBLIC HEARINGS

### V. MIDDLESEX WATER COMPANY / 7 JOHNSON DRIVE / BLOCK 95, LOT 7 (PB-2020-07)

Minor site plan application to demolish an existing walk-in enclosure (measuring 20 feet by 10 feet) on the property in order to construct a new noise reducing walk-in enclosure (to measure 37 feet by 14 feet and 13.5 feet high) to house a new diesel standby generator, which is part of the existing raw water pumping station on the property. Other site improvements include the removal of an existing 4,000 gallon underground storage tank, removal of an existing transformer and concrete walkway, replacement of electrical ductwork, replacement of perimeter security fencing, and a new permeable pavement driveway area.

**Mr. Dominguez:** As the applicant, for minor site plan, typically there isn't a requirement that you present your case, but if you guys have a presentation in mind, if there's anything you want to say before we do the review, I hand it off to you, Mr. Kooper.

**Jay Kooper (Applicant's Attorney):** Sure, thank you very much members of the committee. Once again, my name is Jay Kooper. I am the Vice President, General Counsel and Secretary of the Middlesex Water Company. We are here this morning to present a project to the committee in consideration of minor site plan and variance approval for essential improvements to Middlesex Water Company's raw water pump station on the Delaware and Raritan Canal adjacent to Route 18 and Johnson and Johnson –

**Mr. Dominguez:** I hate to jump in here, but there are no variances on this application, right? This is just a minor site plan. Otherwise, this would have to go to the Planning Board.

**Mr. Kooper:** No, no variances. The raw water pump station is Middlesex Water Company's sole pumping station of raw water to their surface water treatment plant for distribution to over four hundred and fifty thousand people in northern Middlesex County. The pump station delivers roughly 80 percent of the company's overall water

production. It is a vital facility for drinking water delivery. The intent of the project is to maintain operational resiliency of this critical water supply, and consists primarily of replacement and upgrades to the existing system. The major focus of the project is to replace an aging and soon to reach end-of-life diesel backup generator located inside the pumping facility, to be relocated to an upgraded walk-in, sound attenuated enclosure on the site. Other work includes removal of a 4,000 gallon underground diesel storage tank, upgrade of existing electrical switch gear and transfer switch for emergency power, security perimeter fencing, a new permeable pavement driveway area, and minor rehabilitation of the pump station and chemical feed building. All this work will be completed while maintaining the existing facility building equipment. The raw water pump station is located at 7 Johnson Drive, New Brunswick, New Jersey, at Block 95, Lot 7. The applicant is seeking site plan approval and various variance waivers as described in the application package. With me today is Brian Carr, Director of Engineering for Middlesex Water Company, Chico Monterrosa from our engineering department, and David Tanzi from CDM Smith. Mr. Tanzi is a Professional Engineer in New Jersey and design engineer for the project. Mr. Carr, Mr. Monterrosa and Mr. Tanzi are prepared to answer any questions that you may have on this application and we thank you very much for your consideration.

**Mr. Dominguez:** So again, just to clarify, there are no variances. I want to make sure there are no variances, otherwise we have to end this meeting now.

**Mr. Kooper:** No variances are being requested.

**Mr. Dominguez:** Okay, Mr. Kooper, if you could, please stop saying variances. This is recorded and on the record. So, we'll start with planning review. Katie, you're on.

**Katie Thielman-Puniello (Principal Planner, Department of Planning, Community and Economic Development):** I really have nothing to add as far as the proposed development. I think the applicant has covered that adequately. We note that it's adjacent to the Johnson and Johnson corporate campus and New Jersey State Route 18 and the Raritan River. It is within the Downtown Development District Renewal Area, which was adopted in 1977 and last amended in 2009. There are no other recommendation as far as the 2011 Reexamination, other than it calls for supporting the protection of the city's water supply, including storage areas, treatment facilities, and the distribution system and planning and implementation of new utility infrastructure. The reason why this application does not have any variances is because there is a section of the zoning ordinance, 17.08.50, which states that all normal and customary public utilities and service and distribution lines are permitted to be located anywhere in the city and are exempt from the provisions of Title 17 of the New Brunswick code. As a result, the use is permitted and there are no variances required as part of this application. We do note that the walk-in enclosure does meet the side and rear yard setback requirement for accessory structures in the zone. Would you like me to go through my review comments or would you like to go through engineering first?

**Mr. Dominguez:** You can go through them, that way we don't have to come back.

**Ms. Thielman-Puniello:** Sure, so the only comments that I had were, we would like the applicant to provide testimony on the visibility of the walk-in enclosure, and what the enclosure will look like, and we would like to hear testimony as to meeting the noise

control regulations, the Noise Control Act and the New Jersey Noise Control regulations, and our recommendation is that the proposed barbed wire be eliminated from the perimeter fencing. Our recommendations for compliance are the applicant shall pay all fees owed to the city of New Brunswick, submit copies of any approvals or exemptions from outside agencies having jurisdiction and compliance with the terms of the City Planning report dated August 14, 2020 and the City Engineering report dated August 11, 2020 for the above project. And that's all I've got.

**Mr. Dominguez:** Thank you, Katie. I just saw that Chris has been in the meeting for a bit. Chris, how long have you been with us?

**Chris Stelatella (Fire Department & Planning Board Representative):** Just in the last few minutes.

**Mr. Dominguez:** Did you hear all of Katie's –

**Mr. Stelatella:** Correct, I heard all of Katie's, the conditions.

**Mr. Dominguez:** Aravind, can I put him into the roll here?

**Aravind Aithal (Committee Attorney):** Yes.

**Mr. Dominguez:** Okay, Chris, you are now present. Now we'll jump over to engineering. Any comments, Dan?

**Dan Burke (City Engineer):** I'll jump right to the comments. The applicant is seeking submission waivers from landscaping, lighting, utilities, grading, architectural and recycling, traffic study, environmental, and drainage calculations. We recommend acceptance of these waivers, subject to the applicant's certification that none of these areas will create a negative impact on the public or adjacent properties. The applicant should confirm that the diesel tank for the generator will be in the base of the unit, and storage conforms with the DEP requirements for motor fuel storage. The proposed barbed wire fence extends beyond the parcel's limits. The applicant should provide evidence or permission from the property owner to place a fence on their properties. The site disturbance does not exceed 1 acre, nor does the additional proposed pervious exceed 0.25 acres, therefore the project does not constitute a major development under New Jersey stormwater rules. Should site security lighting be included in the plans, and again, I don't have the full electrical plans, the applicant should certify that it meets the city's standards with regard to Section 17.07.08. Removal of the 4,000 gallon storage tank should be completed under permit with the NJDEP and applicable UCC permits. Use of cranes on the site, as it may be required, shall require a city crane permit. The applicant should post the performance guarantees and inspection escrows consistent with the city code, the applicant should submit to a pre-construction meeting with the city engineer's office upon completion of the compliance review, and provide a project logistics plan and schedule as deemed appropriate, to include all workforce parking, material and equipment staging and storage. The applicant should obtain approval from all agencies having jurisdiction and submit copies to the city engineer's office. At the completion of the project, an as-built drawing shall be submitted in accordance with city code 16.14.240, as a condition of a CO or CA and bond release. That completes my comments.

**Mr. Dominguez:** Thank you, Dan. Construction?

**Ed Grobelny (City Construction):** The only comment I have is that any buildings, generators, tank demolitions require a Uniform Construction Code permitting process be followed. They have already applied for underground storage tank removal for the 4,000 gallon tank by Meridian Environmental, a properly licensed company at this time. And we'll need permits for the rest of the project. And that's all the comments I have.

**Mr. Dominguez:** Thank you, Ed. Chris, anything from a fire safety perspective?

**Mr. Stellatella:** No, we have no comments on this project.

**Mr. Dominguez:** Okay, so at this point, unless the applicant has anything else to say, I'm going open it to public comment.

**Mr. Aithal:** Dan, before you do, if I could just inquire of counsel, this is adjacent to Route 18 and the Raritan River.

**Mr. Kooper:** That is correct.

**Mr. Aithal:** I want to make sure those outside agencies that you need to receive approval from include NJDOT and NJDEP.

**Mr. Kooper:** Correct.

**Mr. Aithal:** Thank you, Dan.

**Ms. Thielman-Puniello:** Hey, Dan, can I just jump in for sec? I was just curious if the applicant can address the issue with the barbed wire, if there were any objections to eliminating that from the perimeter fencing.

**Mr. Kooper:** I'll waive that to Mr. Tanzi.

**David Tanzi (Applicant's Engineer):** With respect to the fence, the existing pump station is a critical water infrastructure asset to the water company, it supplies about a half million people with potable water. For protection of that asset, the perimeter fence is being replaced with a new fence and as far as the protection of that facility, barbed wire is being proposed, so the applicant would like to include barbed wire as part of the project.

**Mr. Aithal:** This is Aravind. Katie, barbed wire, was that a variance at all?

**Ms. Thielman-Puniello:** I believe it's 8 feet high and we determined that that [inaudible] was part of the utility, that the zoning code doesn't technically apply to that, so the fence height was not an issue, I guess for aesthetic reasons and the city doesn't usually allow barbed wire, but I'll defer to Dan on that one.

**Mr. Aithal:** It's a design waiver? So, if the committee feels that the design waiver is appropriate, they should consider that. The design waiver for the barbed wire.

Mr. Dominguez: I don't have any problem with it.

Mr. Burke: Let me ask a question on this matter of the applicant. Based on my review of the plans, it doesn't appear that the fence closes on itself, in other words, there's a gap along the adjacent property backing up to the J&J property, was that the intention of this, to not have it close on itself?

Mr. Tanzi: On the west side of the property, it will abut an existing retaining wall, which is pretty much the height of the fence.

Mr. Burke: Okay, right, I noted that. So, that was your intention.

Mr. Tanzi: There's about a 15 to 20 foot section without fence, but there's a pretty tall retaining wall that takes the place of the fence.

Mr. Dominguez: Okay, that's fine on my end. All right, I will open it up to comment.

At this time, we are preparing to open the meeting to public comment on this application for five minutes per person. In order to ensure the committee can hear from the interested public and the public can hear public comments, I will organize speakers in order by last name. In moment I am unmuting the public call-in. I'll ask that those who would wish to speak to announce themselves and I will place them on an initial list of speakers. Upon completion of asking for names, I will ask one more time for anyone that may want to be placed on the initial list of speakers. We will then move through the list of speakers by calling the person by name and permitting them five minutes to speak. Once we complete the list, we will check once again if anyone else would like to comment. After asking three times, I will then close the public comment portion. Please be mindful that your voice is being telephonically transmitted, and to speak slowly and clearly for the benefit of all. I would ask that you please remain silent when I initially unmute the phone, so that we can all hear each other and then begin the speaking registration process. The phone is now unmuted. I will now ask that members of the public that would like to speak on this specific hearing to please announce themselves. Anyone? Anyone? Seeing none, can I get a motion to approve?

**Motion to Approve**

First: Chris Stelatella

Second: Ed Grobelny

	YES	NO	ABSENT
Dan Dominguez	X		
Katie Thielman-Puniello	X		
Todd Bletcher			X
Charles Carley			X
Ed Grobelny	X		
Dan Burke	X		
Michelle Paige	X		
Chris Stelatella	X		

VI. PUBLIC COMMENT

*None*

VII. ADJOURNMENT