

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
PSE&G/Bergen Switching Station - Security Fencing/Walls - Special Exception
& Variances
FILE # 17-407**

I. INTRODUCTION

An application for one special exception and two bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G) for the premises located along Hendricks Causeway, identified as Block 4014, Lot 4, in the Borough of Ridgefield, New Jersey. The subject premises is located within three zones on the Official Zoning Map of the Hackensack Meadowlands District (District), specifically the Public Utilities, Environmental Conservation, and Light Industrial B zones. The special exception and bulk variances are sought in connection with the applicant's proposal to make security improvements to the subject property, including the installation of fencing and a 32-foot-high ballistic-rated security wall.

Specifically, the applicant is requesting special exception approval pursuant to:

1. N.J.A.C. 19:4-5.10(a)5, in which structures and improvements essential for and used solely in conjunction with a permitted use are listed as a special exception use in the Environmental Conservation zone; whereas the proposed fences and wall are associated with existing public utility equipment located in the Environmental Conservation-zoned portion of the site.

In addition, the applicant is requesting bulk variance relief from the following:

1. N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards; whereas a decorative fence and a ballistic-rated security wall are proposed to be located within the required front yard facing Hendricks Causeway.
2. N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards; whereas an 8-foot-high decorative fence and a 37-foot-high ballistic-rated security wall are proposed within the required front yard facing Hendricks Causeway, in excess of the maximum permitted height.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Record newspaper. No written objections were received. A public hearing was held in the Office of the Commission on Tuesday, December 12, 2017. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject property is a 78.24-acre parcel with frontage on Hendricks Causeway to the north and Victoria Terrace to the west. The site is currently improved with an electrical switching station and electric transmission towers with overhead wiring. The subject property is located within three zones on the District's Official Zoning Map, specifically the Public Utilities, Environmental Conservation and Light Industrial B zones. The substation is located on the northerly portions of the site within the Public Utilities and Light Industrial B zones, adjacent to Hendricks Causeway. Gravel covers most of the surface area within the substation. Approximately 60 acres of the site consist of wetlands and are located in the Environmental Conservation zone. Bellman's Creek traverses

this portion of the property from west to east. Several electric transmission towers with overhead wiring are located throughout the entire site.

The proposed project involves security improvements required by the North American Electric Reliability Corporation (NERC), a not-for-profit authority operating with oversight by the Federal Energy Regulatory Commission (FERC), whose mission is to assure the reliability and security of the bulk power system in North America. NERC's Critical Infrastructure Protection Committee 014 security requirements (CIP-014-R2) mandate that transmission owners and operators protect critical transmission stations and substations, and their associated primary control centers, from potential physical attack. PSE&G is required to identify their critical facilities, evaluate security risks and vulnerabilities to those identified facilities, and implement measures to mitigate the risk of physical attack. As a result, PSE&G is proposing to install fencing, consisting of an 8-foot-high chain link fence and a 37-foot-high "Forevergreen" fence, as well as a 32-foot-high ballistic-rated security wall within the Environmental Conservation-zoned portion of the subject premises, which require special exception approval. The two bulk variances are sought in connection with the applicant's proposal to install, within both the Public Utilities and Light Industrial B-zoned portions of the subject premises, fencing and walls that exceed the maximum permitted height of eight feet within the 35-foot required front yard along Hendricks Causeway.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (December 12, 2017)

A public hearing was held on Tuesday, December 12, 2017. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use

Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, CFM, Principal Planner; and, Ronald Seelogy, P.E., P.P., Principal Engineer.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

<u>Number</u>	<u>Description</u>
A-1	"Site Plan," Sheet 1 of 2, prepared by PSEG Services Corporation on September 28, 2017, last revised November 6, 2017.
A-2	"Site Plan," Sheet 2 of 2, prepared by PSEG Services Corporation on September 28, 2017, last revised November 6, 2017.
A-3	"Renderings," Drawing No. 001, prepared by Architectural Precast Innovations, Inc. on December 1, 2017.
A-4	"Security Wall Sections A-A thru J-J," Drawing No. 309875, prepared by Black & Veatch on September 20, 2017, last revised November 3, 2017.
A-5	"Security Wall Section and Swing Gate Design Details," Drawing No. 309877, prepared by Black & Veatch on September 20, 2017.
A-6	"Security Wall Sliding Gate Design Details," Drawing No. 309878, prepared by Black & Veatch on September 20, 2017.

B. Testimony

Glenn C. Kienz, Esq., of the Weiner Law Group, LLP, represented the applicant at the hearing. The following witnesses testified in support of the application:

1. Tom Mullarney, PSE&G;
2. Nicholas Gaspar, P.E., Black & Veatch;
3. William F. Masters, Jr., P.P.;
4. Jeffrey Herbert, PSE&G; and
5. Eric Zimmermann, PSE&G.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Beth Calderone, Certified Shorthand Reporter.

C. Public Comment

No members of the public were present at the public hearing.

IV. RECOMMENDATION(S)

A. Standards for the Granting of a Special Exception to permit fences and a wall associated with existing public utility equipment located in the Environmental Conservation-zoned portion of the site as per N.J.A.C. 19:4-5.10(a)5.

The Hackensack Meadowlands District Zoning Regulations at N.J.A.C. 19:4-4.13(e) state in part that, *a special exception use shall not be granted unless specific written findings of fact are made based upon the evidence presented that supports the following conclusions:*

1. *The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public.*

The granting of the requested special exception to permit the installation of an 8-foot-high chain link fence and a 37-foot-high "Forevergreen"

fence, as well as the construction of a 32-foot-high ballistic-rated security wall, within the Environmental Conservation-zoned portion of the subject premises will contribute to and promote the welfare and convenience of the public, as the proposed improvements are required to be installed to comply with Federally-mandated security protocols applicable to electric utilities. The proposed improvements are accessory in nature to the existing switching station improvements on the site, and the proposal will be consistent with the character of these existing improvements. All relevant District performance standards enumerated at N.J.A.C. 19:4-7, including requirements for noise, glare, vibrations, airborne emissions, and hazardous materials, will be met. The general welfare and convenience of the public will benefit from the expanded security measures that will allow PSE&G to safely meet the demand for electricity, an essential public commodity, in the region.

2. *The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood.*

The proposed 8-foot-high chain link fence, 37-foot-high "Forevergreen" fence, and the 32-foot-high ballistic-rated security wall located within the Environmental Conservation zone portion of the property will not cause substantial injury to the value of other properties in the neighborhood. The subject 78.24-acre property is very large in comparison to neighboring parcels, and its large size provides sufficient area to accommodate the proposed improvements while providing adequate distance to neighboring properties. The area in which the subject property is located consists primarily of heavy industrial uses. A privately-owned electrical substation is situated to the east of the site.

3. *The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:*

- i. *The location and size of the special exception use;*

The location and size of the proposed chain link fence, Forevergreen fence, and ballistic-rated security wall within the Environmental Conservation zone portion of the property will not dominate the immediate area or neighborhood and will not prevent development in accordance with District zoning regulations. The proposed fencing and security wall are similar in nature and arrangement to the existing security measures on the site, as well as to the fencing and wall sections proposed on the portions of the property within the Public Utilities and Light Industrial B zones. The portion of the site zoned Environmental Conservation is located principally toward the interior of the property; therefore, the lengths of fencing and security wall requiring special exception approval are proposed to be located at a sufficient distance from the public right-of-way and neighboring properties so as to not be visually intrusive to other facilities in the neighborhood. The height of the fencing and security wall are necessary to provide Federally-mandated security measures for the electric utility equipment on the site.

- ii. *The nature and intensity of the operation of the special exception use;*

The existing operations of the electric utility on the site will remain unchanged from current operations. The proposed improvements

will not expand the footprint of the existing electric switching station, and present staffing levels will remain the same. The proposed fencing and security wall are intended to ensure the continuity of existing site operations. Therefore, the intensity of the existing use will not be increased.

iii. The location of the site with respect to access and circulation;

The installation of the proposed fencing and security wall within the portion of the site zoned Environmental Conservation will not impact access from and circulation on Hendricks Causeway. Adequate area will remain available for parking for PSE&G personnel. On-site operations and circulation routes will remain unchanged. Therefore, the proposed special exception will not dominate the neighborhood or impact the use of surrounding properties with respect to circulation.

iv. The location, nature, and height of structures, walls and fences on the site; and

The location, nature, and height of the proposed fencing and security wall in the portion of the property zoned Environmental Conservation will not dominate the surrounding area. The fencing and security wall have been designed to the required height to safeguard the existing electric switching station equipment.

v. The nature and extent of landscaping and screening on the site.

The site is presently well-maintained and landscaped in an appropriate manner. The proposed fencing and wall will serve to provide additional screening to utility improvements while ensuring their security. The use of a "Forevergreen" fence, as opposed to an open-slat chain link fence, will promote aesthetics on the site. No additional landscaping or screening will be required.

4. *Adequate utilities, drainage and other necessary facilities have been or will be provided.*

The requested special exception on the subject premises will not detrimentally impact the existing utility infrastructure. Rather, the proposed fencing and security wall will assist in safeguarding electrical service to the region. The subject property is currently developed with an electric switching station and contains all required utilities. The existing PSE&G electric switching station in operation on the site will continue to function at this location. The proposed fencing and security wall will not affect the ability of the existing on-site drainage system to perform in a safe and efficient manner. Additionally, the existing utility infrastructure, including electric, water, sanitary sewer and gas, is adequate to meet the requirements of the uses on site.

5. *Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.*

The neighborhood's existing roadway network will not be detrimentally affected by the proposed fencing and security wall located within the portion of the site zoned Environmental

Conservation. The proposed improvements are intended to safeguard existing utility equipment, and will not result in an intensification of the existing operations on the site. The proposed fencing and security wall will not impact site circulation, nor will it cause any additional congestion in the area.

6. *The special exception use will not have a substantial adverse environmental impact.*

The granting of the requested special exception to permit the installation of the fencing and security wall on the portion of the subject premises in the Environmental Conservation zone will not result in any substantial environmental impacts. No disturbance of wetlands is proposed. The nature of the proposed improvements are limited to fencing and walls proposed to screen existing development; the proposal will not result in any expansion of the utility use further into the Environmental Conservation zone beyond existing areas of disturbance. District environmental performance standards for noise, vibration, glare, air emissions and hazardous and radioactive materials will not be exceeded.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards; whereas a decorative fence and a ballistic-rated security wall are proposed within the required front yard facing Hendricks Causeway on the Public Utilities- and Light Industrial B-zoned portions of the subject premises.

The Hackensack Meadowlands District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. Concerning bulk variances:

- i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The subject property consists of approximately 78.24 acres and is located within three separate zones on the Hackensack Meadowlands District Official Zoning Map, specifically the Environmental Conservation, Public Utilities and Light Industrial B zones. Nearly 80 percent of the site is located within the Environmental Conservation zone and is comprised primarily of wetlands. Upland portions of the subject property are currently improved with an existing electric switching station, including a GIS Hall and electrical equipment. Multiple driveways provide access to the site from Hendricks Causeway.

The proposed project involves security improvements to the property required by NERC's CIP-014-R2 security requirements.

As part of the federally-mandated security upgrades, PSE&G proposes a decorative fence in the front yard, at a minimum setback of 15 feet, and a concrete foundation for a ballistic-rated wall, at a minimum setback of 22.4 feet, from the northerly property line abutting Hendricks Causeway. The placement and configuration of the fencing and security wall on the site is dictated by the location of the existing electrical equipment and NERC's regulatory requirements. Therefore, the variance request to place a security wall and fence within the required front yard arises from conditions that are unique to the property in question and were not created by any action of the property owner.

- ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The decorative fence is proposed to be installed within the 35-foot required front yard facing Hendricks Causeway, in line with the existing perimeter fence on the site, at a minimum setback of 15 feet. The concrete ballistic-rated security wall foundation is proposed to be located a minimum of 22.4 feet from the northerly property line along Hendricks Causeway. The proposed wall will measure 235 feet in length, occupying only approximately 20 percent of the site's extensive 1,170-foot frontage along Hendricks. The site is an unmanned electrical switching station that requires only occasional visits by PSE&G personnel. Existing site and maintenance operations will be maintained at their present levels. Additionally, while the principal purpose of the wall is to protect the equipment on the site, a secondary public benefit will be realized from the additional visual screening of the equipment that

will result from the wall's installation. Therefore, no significant adverse visual impacts are anticipated.

The proposed variance will not impact the ability of neighboring properties to function as intended. Rather, the proposed improvements will safeguard critical energy-producing facilities at risk of physical attack, which will benefit the immediate neighborhood and area energy customers. In addition, there are no residences in the general vicinity of the site. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners or residents.

iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

The strict application of the 35-foot minimum required front yard setback within the portions of the subject property located in the Public Utilities and Light Industrial B zones will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. If the variance were not granted to permit the installation of the fencing and ballistic-rated security wall, PSE&G would not be able to comply with the federally-mandated NERC and CIP-014-R2 security requirements. The switching station must be safeguarded against a physical attack that could possibly damage critical facilities. The specific location of the proposed fence and wall was determined by a risk assessment of the facility performed by TRC Solutions. The location of the new security measures on the site is constrained by

the location of the existing improvements, whose function must be maintained, as well as regulatory requirements of NERC and its CIP-014-R2 security protocols. Therefore, the existing site conditions present exceptional practical difficulties with regard to the applicant's ability to comply with the front yard setback requirements.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Approval of the requested variance to permit a minimum 15-foot-wide front yard setback for the proposed decorative fence and a minimum 22.4-foot-wide front yard setback for the proposed ballistic-rated security wall, whereas a minimum front yard setback of 35 feet is required within portions of the property located in the Public Utilities and Light Industrial B zones, will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The proposed switching station security upgrades will promote the general welfare by protecting critical power-producing facilities from physical attack, thereby ensuring a reliable power capacity to the public customers of PSE&G that are served by this switching station. The proposed improvements will blend in with the character of the existing switching station. During testimony, the applicant stated that the proposed extension of the existing perimeter fence along Hendricks Causeway could be relocated to tie into the proposed ballistic-rated security wall to allow for the planting of landscaping that would

further screen the wall from the Hendricks Causeway right of way. Therefore, no adverse visual impacts are anticipated. All relevant District performance standards as enumerated in N.J.A.C. 19:4-7 will be met.

v. The variance will not have a substantial adverse environmental impact.

The granting of the requested variance to permit a minimum front yard setback of 15 feet for the proposed decorative fence, and a minimum front yard setback of 22.4 feet for the proposed ballistic-rated security wall, whereas a minimum setback of 35 feet is required, will not have a substantial adverse environmental impact. No wetlands or open space will be disturbed during the construction of the decorative fence and ballistic-rated security wall. The fence and wall are proposed within the developed footprint of the existing electrical substation on the site. Additionally, the District's environmental performance standards for noise, glare, vibrations, airborne emissions, hazardous materials and water quality will not be exceeded.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The proposed project involves the installation and construction of security measures at an existing electric switching station as part of a federally-mandated initiative to protect critical utility infrastructure. The particular characteristics of the property, including the abundant presence of wetlands and the location of existing improvements to be secured, constrain the ability of the

proposed decorative fence and ballistic-rated security wall to comply with the minimum 35-foot front yard setback requirement of both the Public Utilities and Light Industrial B zones. The location of the wall and fence is dictated by the location of the existing electrical processing equipment on the site. A compliant 35-foot front yard setback would conflict with the location of existing utility improvements on the site. The proposed setback is the minimum setback necessary to accomplish the site's security mandates without affecting the site's existing operations.

These conditions represent exceptional practical difficulties in the accommodation of the federally-mandated security measures at the switching station. The proposed decorative fence will be installed in line with the existing switching station security perimeter fence located along Hendricks Causeway. The proposed concrete ballistic-rated security wall and its foundation occupy only a small portion of the property's northerly front yard. Adequate light, air and open space will continue to be provided.

Therefore, the requested variance represents the minimum deviation from the regulations that will afford relief.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The granting of the requested variance to permit a minimum 15-foot-wide front yard setback for the proposed decorative fence and a minimum 22.4-foot-wide front yard setback for the proposed ballistic-rated security wall, whereas a minimum front yard setback

of 35 feet is required, will not substantially impair the intent and purpose of these regulations. Due to the configuration of the property and the location of the existing improvements, including the presence of wetlands covering approximately 80 percent of the property, the site is constrained with respect to meeting the required front yard setback. The proposed security wall and fence will occupy only a small portion of the site's frontage on Hendricks Causeway, thus ensuring sufficient light, air and open space will continue to be provided. The District Zoning Regulations are also intended to provide for infrastructure and utility improvements and to promote the efficient use of the land. Therefore, the requested variance will not substantially impair these purposes.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards; whereas an 8-foot-high decorative fence and a 37-foot-high ballistic-rated security wall are proposed within the required front yard facing Hendricks Causeway in the Public Utilities- and Light Industrial B-zoned portions of the subject premises, exceeding the maximum permitted height.

The Hackensack Meadowlands District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. Concerning bulk variances:

- i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The requested variance to permit an eight-foot-high decorative fence and a 37-foot-high ballistic-rated security wall within the required front yard setback along Hendricks Causeway arises from conditions that are unique to the site. The subject property consists of approximately 78.24 acres, fronting Hendricks Causeway to the north and Victoria Terrace to the west, and is located within three zones on the District's Official Zoning Map, specifically the Environmental Conservation, Public Utilities and Light Industrial B zones. Nearly 80 percent of the site is located within the Environmental Conservation zone and is made up primarily of wetlands. Upland portions of the subject property are currently improved with an existing electric switching station, including a GIS Hall and electrical equipment. The fence is proposed to be located a minimum of 15 feet from the Hendricks Causeway right-of-way, while a minimum setback of 22.4 feet is proposed to the foundation of the security wall, and 24 feet to the wall itself.

The proposed project involves security improvements to the property required by NERC's CIP-014-R2 security requirements. As part of the federally-mandated security upgrades, PSE&G proposes an eight-foot-high decorative fence and a 37-foot-high ballistic-rated wall within the required front yard along the northerly property line abutting Hendricks Causeway. The placement, height and configuration of the fencing and security wall on the site are dictated by the location of the existing electrical equipment and NERC's regulatory requirements. The property is configured and improved in a way that limits potential locations for the fence and wall to be constructed in compliance with NJSEA requirements restricting the placement of fences and walls within

required front yards. The applicant is proposing to install the proposed fence as a continuation of the existing switching station security perimeter fence located along Hendricks Causeway. The proposed ballistic-rated security wall will be constructed behind the existing security perimeter fence. The proposed locations and heights of the fence and wall will allow the established operations to be maintained on the site. These circumstances are unique to the property in question.

- ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance to permit an eight-foot-high decorative fence and 37-foot-high ballistic-rated security wall within the required front yard setback along the Hendricks Causeway right-of-way will not adversely affect the rights of neighboring property owners or residents. The site is located within a fully developed industrial area. Properties immediately located to the east, west and south of the premises are zoned Heavy Industrial, Light Industrial B, and Intermodal B, respectively, and consist of a variety of industrial and public utility uses. There are no residential properties located within the immediate vicinity of the subject premises.

The proposed 8-foot-high fence, which will be set back approximately 15 feet from the front property line along Hendricks Causeway, will be partially screened from the road by existing landscaping that has been planted as part of a prior approval for an expansion of the existing switching station. The applicant testified

that the existing perimeter fence can be relocated to tie into the proposed ballistic-rated security wall to allow for the planting of landscaping that would further screen the proposed 37-foot-high security wall from the Hendricks Causeway right of way. The proposed fence and wall will not create any negative visual impacts to the neighboring properties or impede their ability to function as intended. Therefore, the granting of the variance will not adversely affect the rights of neighboring property owners or residents.

iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

The strict application of the regulations will result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon, the property owner. The easterly portion of the site in the vicinity of Hendricks Causeway was recently improved by PSE&G as part of an expansion to the existing electrical switching station. The strict application of the required minimum 35-foot front yard setback would result in the placement of the fence and wall in a location that would bisect equipment associated with the switching station operations, thus obstructing site operations and rendering the switching station essentially unsecured. The proposed location and height of the fence and wall will allow the site to continue to function as intended, while maintaining the aesthetics of the neighborhood and the security of PSE&G's utility equipment.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

There will be no substantial detriment to the public good and no adverse effects to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The surrounding neighborhood properties principally consist of heavy industrial and public utility uses. The applicant proposes to construct an eight-foot-high decorative fence and 37-foot-high ballistic-rated security wall within the required front yard along Hendricks Causeway. The fence is proposed to be set back a minimum of 15 feet from the front property line, minimizing any potential line of sight issues for vehicular traffic exiting the site. The location and type of material of the proposed fence will match the existing switching station security fence. Likewise, no adverse line-of-sight concerns for existing vehicular traffic are expected by the siting and height of the proposed ballistic-rated security wall at a setback of 24 feet from the Hendricks Causeway right-of-way.

v. The variance will not have a substantial adverse environmental impact.

The granting of the requested variance to permit an eight-foot-high decorative fence and 37-foot-high ballistic-rated security wall within the required front yard setback will not have any adverse environmental impacts. The location and height of the proposed fence and wall within the required front yard along Hendricks Causeway will not violate District performance standards

regarding noise, vibrations, airborne emissions, hazardous materials, glare or water quality. In addition, no environmentally sensitive areas will be disturbed by the placement of the fence and wall.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The requested variance represents the minimum deviation from the regulations that will afford relief. The proposed project involves the installation and construction of security measures at an existing electric switching station as part of a federally-mandated initiative to protect critical utility infrastructure. The location and height of the wall and fence are dictated by the location of the existing electrical processing equipment on the site. The fence is proposed to be set back a minimum of 15 feet from the property line at its closest point, with the proposed wall to be set back to 24 feet, providing adequate line of sight for vehicular traffic exiting the site. The proposed concrete ballistic-rated security wall and fence will only occupy a small portion of the property's northerly front yard and adequate light, air and open space will continue to be provided. Potential alternative locations to provide a fence and wall around the essential equipment without altering the safe operation and layout of the switching station are not available. The proposed setbacks and heights of the wall and fence represent the minimum dimensions required to safely and efficiently secure the site per federal requirements without affecting the existing facility's operations.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The requested variance to permit an eight-foot-high decorative fence and a 37-foot-high ballistic-rated security wall within the required front yard setback along Hendricks Causeway will not impair the intent and purpose of the regulations. One intent of prohibiting fences and walls in required front yards is to minimize the visual impacts to neighboring properties. The portion of the property in question in the vicinity of Hendricks Causeway is located in the Public Utilities and Light Industrial B zones, which allow for various public utility, industrial and commercial uses. Although the fence and wall will be located within the required front yard setback, the heights of the fence and wall will be screened by landscaping that helps to minimize the visual impact to the surrounding area. Further, the fence and wall at the proposed locations will provide for a federally mandated level of security for PSE&G while maintaining overall logistical functionality of the site.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception to permit fences and a wall associated with existing public utility equipment located in the Environmental Conservation-zoned portion of the site as per N.J.A.C. 19:4-5.10(a)5.

Based on the record in this matter, the special exception application to install an 8-foot-high chain link fence, a 37-foot-high Forevergreen fence, and a 32-foot-high ballistic-rated security wall on the Environmental Conservation-zoned portion of the subject premises is hereby recommended for APPROVAL.

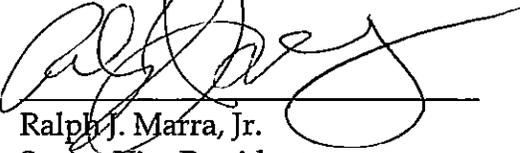
<u>APPROVAL</u>	<u>2/21/2018</u>	
Recommendation on Special Exception Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
<u>CONDITIONAL APPROVAL</u>	<u>2/21/18</u>	
Recommendation on Special Exception Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Governmental Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards; whereas a decorative fence and a ballistic-rated security wall are proposed within the required front yard facing Hendricks Causeway on the Public Utilities- and Light Industrial B-zoned portions of the subject premises.

Based on the record in this matter, the bulk variance application to install a decorative fence at a minimum setback of 15 feet and a ballistic-rated security wall at a minimum setback of 22.4 feet within the required front yard facing Hendricks Causeway on the Public Utilities- and Light Industrial B-zoned portions of the subject premises is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITION:

1. Evergreens or other plants deemed suitable for screening as per the NJSEA's Recommended Plant List shall be provided to sufficiently screen the proposed ballistic-rated security wall from the adjacent Hendricks Causeway right-of-way. If feasible, the applicant shall remove the portion of the existing fence located to the north of the proposed ballistic-rated security wall along Hendricks Causeway, in order to provide additional unobstructed area for an effective landscape screen.

CONDITIONAL APPROVAL 2/21/2018 
Recommendation on Date Sara J. Sundell, P.E., P.P.
Variance Request Director of Land Use Management

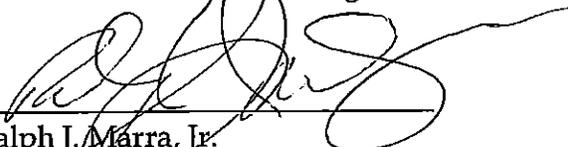
CONDITIONAL APPROVAL 2/21/18 
Recommendation on Date Ralph J. Marra, Jr.
Variance Request Senior Vice President
Legal & Governmental Affairs

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards; whereas an 8-foot-high decorative fence and a 37-foot-high ballistic-rated security wall are proposed within the required front yard facing Hendricks Causeway on the Public Utilities- and Light Industrial B-zoned portions of the subject premises, exceeding the maximum permitted height.

Based on the record in this matter, the bulk variance application to install an eight-foot-high decorative fence and a 37-foot-high ballistic-rated security wall within the required front yard facing Hendricks Causeway on the Public Utilities- and Light Industrial B-zoned portion of the subject premises is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITION:

1. Evergreens or other plants deemed suitable for screening as per the NJSEA's Recommended Plant List shall be provided to sufficiently screen the proposed ballistic-rated security wall from the adjacent Hendricks Causeway right of way. If feasible, the applicant shall remove the portion of the existing fence located to the north of the proposed ballistic-rated security wall along Hendricks Causeway, in order to provide additional unobstructed area for an effective landscape screen.

<u>CONDITIONAL APPROVAL</u>	<u>2/21/2018</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>CONDITIONAL APPROVAL</u>	<u>2/21/18</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Governmental Affairs