

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP OF JACKSON
ZONING BOARD OF ADJUSTMENT
MAY 21, 2008**

The May 21, 2008 Jackson Township Board of Adjustment meeting was called to order by Acting Chairman Peter Maher at 7:04 p.m. with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement.

ROLL CALL: William Santos John Burrows, Alt. #1
Jeffrey Bowen Carmen Esposito, Alt. #2
Barry Calogero Peter Maher, Secretary
Vincent Sgro, Chairman (7:57 p.m.)

ABSENT: Steven Costanzo

ALSO PRESENT: Sean Gertner, Attorney of GluckSnyder LLC, Bruce Jacobs, Engineer of Gravatt Consulting Group, Donna Miller, Planner of Geller Sive & Company, Jeffrey Purpuro, Zoning Officer, Steven McCrystal, McCrystal Reporting and Janice Kisty, Recording Secretary.

Mr. Calogero asked for a moment of silence in remembrance of Board Vice Chairwoman, Diana LaBianca, who passed away on May 13.

Mr. Gertner noted both alternates would be sitting tonight.

APPROVAL OF RESOLUTIONS

Recording Secretary Janice Kisty announced the following resolutions and those eligible to vote:

2008-25 – Mark & Bette Scuzzese – Block 3601, Lot 148 – Variance approval for a 6' solid fence and swimming pool in the front yard of their corner lot.

Motion to approve by SANTOS/Bowen. YES: Santos, Bowen, Burrows, Esposito, Maher.

2008-26 – Stephen & Eliza Banks – Block 17202, Lot 12 – Variance approval for an addition to an accessory structure and to place two additional accessory structures in the side yard setback

2008-27 – James & Vicki Kopp – Block 701, Lot 394 – Variance approval to construct a deck in the rear yard setback.

Motion to approve by SANTOS/Calogero. YES: Santos, Bowen, Calogero, Burrows, Maher.

2008-28 – Todd & Kelly McManus – Block 3601, Lot 18 – Variance approval to install a fence in the front yard of their corner lot.

Motion to approve by BURROWS/Bowen. YES: Santos, Bowen, Calogero, Burrows, Esposito.

APPROVAL OF MINUTES OF MAY 7, 2008

Motion to approve by SANTOS/Esposito. YES: Santos, Bowen, Calogero, Burrows, Esposito, Maher.

APPROVAL OF VOUCHER

Motion to approve the voucher in the amount of \$120.00 for the Recording Secretary for tonight's meeting by CALOGERO/Esposito. YES: Santos, Bowen, Calogero, Burrows, Esposito, Maher.

ANNOUNCEMENTS

Mr. Santos stated he will not be present for the June 4 meeting due to a prior commitment and he wanted to make the applicant for that evening aware of that, as the application is for a use variance and five affirmative votes are needed. Mr. Purpuro said he received a call from the applicant who indicated the application may be changed and may not be heard at all that night. Mr. Calogero said if their application were changing, he would want them to withdraw the current application. Mr. Gertner concurred, stating they will have to withdraw and re-file. Mr. Maher said there is another application on that agenda that is scheduled to be carried. Mr. Purpuro suggested that it be left on the agenda and carried as planned, as it is noted on the agenda and posted online, and residents may have seen that and planned accordingly not to attend on June 4. Mr. Gertner said the scheduled application will have to be withdrawn formally. Mr. Calogero asked if the Board has to have the meeting. Mr. Purpuro asked if they could withdraw via letter, and Mr. Gertner said the message may not get out to the community. Mr. Santos suggested a large newspaper ad, but Mr. Gertner said this is all hearsay; if it becomes reality and the applicant actually withdraws, the Board may be able to schedule some residents for basic bulk applications if they can notice in time.

MATTERS FOR DISCUSSION - none

ADMINISTRATIVE APPROVALS - none

The professionals were sworn and their affiliations stated for the record.

APPLICATIONS

1. Henry & Kim Bukowski – 4 Crimson Maple Drive – Block 5501, Lot 44 – Zone R-20

Henry Bukowski was sworn. He wishes to construct a 6' solid fence in the front yard of his corner lot. He received a permit in 1995 to construct a picket fence, which was pool code then. The fence is falling down, and he wants to replace the old fence with a 6' vinyl fence in the same location. Mr. Gertner asked if he is asking for this fence for screening, safety and security and Mr. Bukowski said yes, and further indicated the existing fence is old, kids cut through to go to the Holbrook Little League fields, and it is set back far from the road. Mr. Calogero was curious if he is replacing the existing fence and Mr. Bukowski said yes; Mr. Calogero had no problem with it as it is far back from the road. Mr. Burrows also visited the site and saw no problem.

PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED

Motion to approve by CALOGERO/Bowen. Mr. Santos voted yes provided it is in the same location; Roll call: YES: Santos, Bowen, Calogero, Burrows, Esposito, Maher.

2. Phyllis & Paul Buttari – 2 Christina Court– Block 6704 Lot 17 – Zone R-9

Paul Buttari was sworn. He is seeking a variance to construct an in-ground swimming pool six feet from his dwelling where a minimum of 10' is required for an accessory structure. Mr. Burrows asked if that is the measurement to the water, and Mr. Buttari said it is to the edge of the pool. Mr. Maher asked if that is the only place to put the pool. Mr. Buttari said yes; the yard is tight, and they reduced the width of the pool from 16' to 14'. The western side of the property is also maxed out. Mr. Jacobs asked if there are any windows on that side of the house and was told no. Mr. Calogero was concerned whether there could be a runoff problem on the side toward the neighbor on Christina Court. Mr. Jacobs had no concern. Mr. Purpuro said every pool double checked with an engineering review by T&M. Mr. Jacobs said he is meeting the required side setback; the variance is needed for the distance from the house.

PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED

Mr. Burrows asked if a fence is there and Mr. Bukowski already received a variance for it.

Motion to approve by SANTOS/Esposito. YES: Santos, Bowen, Calogero, Burrows, Esposito, Maher.

3. JCP&L First Energy – Bennetts Mills Road – Block 12101, Lot 32 – Zone NC

Mr. Santos wanted to clarify who is eligible to vote, to let the applicant know, Ms. Kisty said Mr. Santos, Mr. Bowen, Mr. Burrows, Ms. Esposito, and Mr. Maher were eligible. Mr. Beyel wanted to complete his testimony this evening, and stated that some Boards allow for discussion to give a sense of where the board's thinking is of the application. If it is not clear, they would request a vote at a subsequent meeting after absent members listen to the tape. He also suggested that they come back and the Board will vote another time. Mr. Santos said it is at the applicant's risk; he is prepared to vote tonight one way or the other. Mr. Gertner said some boards permit deliberation and permit the applicant to ask for a vote; others vote right away. It is at the Board's discretion. Mr. Santos said this application was carried because they needed to provide information. Mr. Purpuro clarified there are no tapes; the official record is a transcript, at a cost. Mr. Santos said there are five eligible members to vote tonight and they should vote accordingly. Mr. Bowen said other eligible Board members should hear the additional testimony, as they may have a different opinion. Mr. Santos was opposed to voting another time after hearing testimony tonight. Mr. Bowen and Mr. Burrows agreed as well, stating if they hear testimony tonight, they should vote. Mr. Beyel conferred with his client. Mr. Maher said if the application is carried it will have to be heard June 4. Mr. Beyel said he is unable to attend June 4 due to a prior commitment. There will not be a second meeting in June due to graduations, the next meeting is in July and there may be new Board members. Mr. Calogero said you can't assume the Board will change until the new Council is sworn. Mr. Beyel said that is why the polling mechanism is done by other towns. Mr. Gertner suggested they finish their testimony, order transcripts and then deliberate at the next meeting. Mr. Santos said he is unable to attend the June 4 meeting. Mr. Beyel asked if the Board would consider a special meeting. Mr. Purpuro said we need to check for availability and Mr. Beyel said the final testimony is short; he would ask for a special meeting. Mr. Santos said he didn't have problem with that if this was only application scheduled. He would try to work his schedule so he is available for a special meeting. Mr. Maher requested a recess to determine an acceptable date for the rest of the Board members, and also to try to reach another Board member to see if he could be here tonight.

Recess at 7:37 p.m.

Mr. Sgro arrived at 7:57 p.m. to hear the application. Mr. Calogero left the meeting as he was ineligible to vote, not having heard testimony from the two prior meetings.

Reconvened at 7:58 p.m.

Previous testimony was heard on this application on February 6, 2008 and April 2, 2008. John Beyel continued to represent the applicant along with Arif Malick and Jim Tobia. Mr. Beyel thanked Mr. Sgro for attending and changing his plans to hear this application.

Mr. Beyel met with the Board engineer and planner to address their concerns. He feels this is a much better plan than what they started with and he hopes the Board feels the same way. He wanted to clarify a statement from the April 2 minutes that Mr. Malick testified the transmission lines would affect the Butterfly bog; Mr. Beyel said that is incorrect and will be clarified by Mr. Tobia. Mr. Tobia referred to a map of the proposed site showing the area where the extension of the transmission lines will go 2,000 feet north to their location. Existing lines run east and west, and the right of way is north and south. The lines will be extended north from the intersection of the existing lines and the right of way. The

bogs are nowhere near that. Mr. Beyel said the connector is not in the bog area, and wanted that clarified. Ms. Miller said there are wetlands; that is why they are not putting the substation there, and they will be clearing where those transmission lines are. Mr. Bowen asked the effect of clearing in those wetlands. Mr. Beyel asked Mr. Tobia for the impervious area of the poles and Mr. Tobia said zero. Mr. Burrows said the footprint might not be much but the trees would have to be cleared. Mr. Tobia said they need to clear vegetation over three feet in height. Mr. Bowen asked how much of an area of trees need to be cleared. Mr. Tobia said 100' in width, and Ms. Miller said by 2,000 feet long. Mr. Jacobs said the DEP has guidelines of what utilities can do in the wetlands. Mr. Tobia said they filed for an individual wetlands permit. Mr. Sgro said then it appears they don't have to be overly concerned by the number of trees. Mr. Jacobs said the DEP will decide mitigation measures for what has been disturbed.

Arif Malick was previously sworn. He consulted with the Board engineer after the April 2 meeting and discussed his concerns about the storm water management calculations for the basin. Revised reports and plans were submitted on May 6, and they received a letter dated May 15 from Mr. Jacobs stating those concerns have been addressed. Not much has changed with the DEP application since April 2; it is still under review and there are no written comments thus far. Any time a wetlands permit is applied for, wetlands mitigation may be requested by the DEP. They expect discussion on that at some point. Mr. Sgro wanted clarification that Mr. Jacobs was satisfied. Mr. Jacobs had questions on conservation easements, and asked Mr. Malick if his technical comments on page 7 of his review letter were acceptable. Mr. Malick said yes. Mr. Jacobs asked about landscaping in the buffer and their landscape architect will testify. Mr. Burrows was concerned about the gully along the frontage of the property which is not shown on the plan and he asked how they expect to deal with that, and if they expect to fill it in at all where they are putting the driveway. He was concerned about filling in the gully as it offers drainage for property to the east. He asked if they are leveling it or putting in pipe. Mr. Malick pointed to site plan sheet 2 of 7, stating the goal is not to modify that. Mr. Burrows said it is not indicated on the plans. Mr. Malick said the gully is not on the property; it is in the right of way so they won't be touching it. Mr. Burrows said if the driveway is put there, they will be blocking the natural flow. Mr. Jacobs said the swale is broad. If they follow the contour, he does not see a problem; if the ditch is deeper than a couple of feet, it could be a problem. When asked if they submitted to the County, initial submission was made and they have conditional approval. Mr. Jacobs asked how the driveway attaches as it ends at the swale, not at the edge of pavement. Mr. Beyel said County approval is from July 2007, and they need a permit from the County Engineering department for improvements within the right of way of Bennetts Mills Road. Mr. Maher asked what road is on top of the map and it was determined to be Pleasant Grove Road. Ms. Miller noted any required DEP mitigation could be on site or offsite, maybe not even in Jackson. Mr. Malick said their intention is to start on site, but it depends on the DEP. Mr. Bowen questioned that and Ms. Miller said we may not see the concession if it is required, and Mr. Jacobs said it usually happens in the same watershed.

Mr. Beyel said their licensed landscape architect met with Ms. Miller and Mr. Malick. Elias Sarrinikolaou of CMX Engineering was sworn. He has a B.S. degree from Rutgers, is licensed in New Jersey and has 15 years experience and has testified before four other boards. His credentials were accepted. He made a site visit, reviewed buffer requirements, and consulted with the client for vegetation height constraints. The Board was in possession of copies of the landscape plan he prepared. The plan includes a 3' berm along Bennetts Mills Road with plantings 3' high on top, and the part that slopes toward Bennetts Mills Road will contain 6' high plants selected for native concerns and deer resistance per Rutgers. The berm will measure 10' wide at the top and 30' wide at base. For people driving by, this raises the line of sight toward the upper portion of the substation. They propose 375 plants, one-third will be evergreen placed 5' on center, 50 of one variety, 60 of another variety, drought tolerant, and grow to the required height. There will be quite a few summer flowering varieties, which will be intermixed with the proposed evergreens. Mr. Bowen asked if they are deer resistant and was told they are deer tolerant. Herd habits may encourage the deer to eat some plants. Mr. Maher asked the height of the plants at planting and was told they will be not more than 6' at maturity and smaller at planting. Mr. Maher said they may not block anything until they mature. Mr. Sarrinikolaou said the top of the berm will be roughly at the mature height when planted, or three feet and the shrubs going down the slope are taller and will reach 6' height at maturity. Mr. Maher asked the height of the plants initially and was told 2-3 feet; it is in the plant list. Mr. Sgro asked why not plant 3-4' Christmas tree type trees, and Mr. Sarrinikolaou said the mature height of those trees will be over 40', requiring maintenance, so they use shrubs. Mature shrubs are not usually found in the nursery. Mr. Bowen was concerned the plants close to the road will attract deer and Bennetts Mills Road is heavily traveled. Mr. Sarrinikolaou said they usually graze along the edge of the woods. Mr. Maher was surprised they were unaware of trees that attract deer, naming apple and fruit trees and timothy hay. Mr. Sarrinikolaou said the proposed plants are shown to be deer resistant and typically do not attract deer. Mr. Sgro asked why not rhododendrons, and Mr. Sarrinikolaou said those and azaleas are attractive to deer. Mr. Sgro and Mr. Bowen disagreed. Mr. Beyel said substitutions could be made, being mindful of height restrictions. Mr. Sgro said rhododendrons are green all year also. Mr. Sarrinikolaou said they receive full southern exposure and could be subject to winter scald. Ms. Miller agreed stating they are a more shade loving plant. This will be an exposed site. They can ask for an increase in evergreens for more of an extended season. Mr. Bowen's concern was the initial attraction of the deer on a heavily traveled road. Ms. Miller said deer travel to eat and sleep, these plants are minimally attractive to deer, the landscape will minimize the view of the substation, and they can mix the plants. The plan satisfied the original concern of seeing the structures, there are height restrictions, and there are still areas along the frontage 170' from the westerly property corner where evergreen trees or shade trees could be used to break up the line of sight. Mr. Burrows said better screening is needed as they also lost the arborvitae by the barbed wire, and he asked that be screened. Mr. Beyel said the berm will hide it somewhat. Mr. Burrows said it is hard to hide a 54' high structure. Mr. Beyel said area further to the west may not look right with higher trees there along the frontage. Burrows said there are 40' trees next door and this would be a gradual decrease in height. Mr. Sarrinikolaou said some trees could remain in the height restriction and Mr. Beyel agreed, in the spot on the western corner.

Mr. Gertner asked for clarification of the barbed wire. Mr. Beyel said it is an industry standard and is used for maintaining safety to strongly discourage people from getting to the equipment. All substations have barbed wire. Mr. Bowen asked the type, and Mr. Beyel said the type a farmer would use.

Kevin O'Brien, licensed professional planner, received his education at NJIT and has testified before 175 boards from Mercer and Ocean Counties to New York, he is a consulting planner and adjunct professor. His credentials were accepted. This is a conditional use needing a D-3 variance for construction of the substation which does not meet the height requirement. They also need a variance for the barbed wire. This is a public utility by definition and is identified

as an essential service in the town ordinance under definitions. Electric use is up 3% annually, and since 1990 use is up 45%. Every time a home adds central air conditioning, a home is built, or people use cell phone chargers, televisions, and laptops, there is an increase in electric use. In Jackson, the population changed from 33,000 people in 1990 to 49,000 in 2006, an increase of 47%. The addition of more people adds the need for more electricity. The number of homes changed from 12,000 to 16,000, over 27% increase, and they are larger homes. Recent developments include Jackson Valley, Four Seasons, and Paramount, with more to come per Planning Board and Zoning Board agendas. He described the area, stating JCP&L owned the site since the 1960s. The Zoning ordinance classifies public utilities as a conditional use under Chapter 109-119. Chapter 109-143 grants height relief for spires, steeples, and Mr. O'Brien says this is similar as a non-residential use. Without the substation built, the master plan would not be met as no further development could be provided without electricity. Public utilities are found to be inherently beneficial in the State of NJ. This serves all the citizens of the Township. The definition of 'inherently beneficial' is one that supports the welfare of all the citizens. One of the negative impacts would be the sight of the substation from the road and buffering has been proposed to offset that. From human and car eye level, you cannot see the substation, but you can see 50+ foot structure as it is difficult to hide. Someone driving past the site could see in along 80 linear feet and they would see for just over 1 second if they turn their head 90 degrees. Electricity cannot be taken for granted but we do. At this point, JCP&L cannot promise safe and continuous electricity to this area; there is no more growth without more electricity. The improvements will provide a safe and reliable source of more electricity. They have identified positive and negative criteria, and there is no detrimental effect on the neighbors, the neighborhood or to the public good, the zone plan or the zoning ordinance. Ms. Miller asked if his testimony is the visual impact is the only detriment and Mr. O'Brien said yes. The Board did not agree. Mr. Maher named wetlands and trees as other detriments. Ms. Miller said the actual transmission lines will have an impact and you can't have the substation without transmission lines. Mr. O'Brien said that is not part of this application. Ms. Miller said the substation is in the proposed buffer, and Mr. Maher said power lines are going through the wetlands. Mr. O'Brien said it is not part of the application. Mr. Bowen asked if they should have gone to the DEP first and Mr. Beyel said once a decision is made, it is on the checklist. They are moving forward with that in that they have filed, the application is moving ahead, and they need their decision on wetlands issues. The Board of Adjustment is not to take action on wetlands issues because it is the DEP's jurisdiction. Mr. Gertner said he does not know if it is as broad brush as that, but it would be a condition of approval. Ms. Miller said the substation is not in the wetlands buffer but the basin is and needs DEP approval. The Board has the right to assess that impact as a negative on that development. They talked about screening and the impact of clearing and the applicant stated they have mitigated that with the berm. The other side of the street will be cleared for the transmission line, and that will be an impact the towns will experience. Ms. Miller thinks that is a consideration the Board can have in its evaluation. Mr. Gertner said that is not what the law says and the transmission lines are set up for different criteria. The Board has the obligation and opportunity to consider that a negative impact. The legislature wants utilities to go to the local Board to explain to the public what they are doing, but they still have the right to put it there. Ms. Miller said they will provide reliable and consistent power, not just to Jackson but to the entire state; she is not happy with the legislature but he must deal with it today. Mr. Maher asked for clarification that Jackson could not grow further without the substation and was told yes. He asked the amount of new homes approved in the last three years. Mr. O'Brien said he did not know. Mr. Maher said Jackson Valley was only approved and there are no trees down yet. Mr. O'Brien said it is approved and JCP&L must provide electricity. Mr. Maher asked if denying this application is a good way to slow growth and Mr. O'Brien said JCP&L must provide electricity. Mr. Maher asked if not approved, would other subdivisions be able to be built, and Mr. O'Brien said they must figure out how to do that. Mr. Beyel said they are not making the investment for future growth, the need is here now. There is a mobile station in Jackson for summer use and it is a substantial investment. Mr. Tobia said surrounding substations are at or above capacity, and the present problem in Jackson can only be fixed by building the substation. Ms. Miller questioned on page 3 of her report, one requirement for a conditional use is a statement setting the reasons this must occur here in this space; why not an expansion of existing sites. She knows there has been some testimony, but the New Prospect substation was not addressed. Mr. Beyel said Mr. Tobia responded to that. This is in the center of the ring; a greater distance from the substation loses effectiveness. There are no present plans to build any other substations in Jackson. Mr. Maher asked if this could be screened on the southerly side of Bennetts Mills Road. Mr. Beyel said they are limited by height restrictions and he would have to ask JCP&L representatives if that is possible. Mr. Maher said it would be an eyesore to see 2000' of high-tension wires. Mr. O'Brien said the clearing along Bennetts Mills Road is 350' and Mr. Maher said 350' by 2,000', to which Mr. O'Brien agreed.

Recess 9:35 p.m., reconvened at 9:40 p.m.

Mr. Beyel said they know there are wetlands across the street but have no delineation on that side of Bennetts Mills Road. They cannot plant in wetlands, but they can in buffer areas or transition areas. They can't answer if they can put a berm there. That parcel is not the subject of this application to take a position tonight. Mr. Gertner asked if they control that site and was told yes, but do not have the authority to agree to anything tonight. Ms. Miller said it was part of the original submission on the DEP permit plans, which takes into account the substation site and transmission line side, so we would know where the wetlands are. Mr. Malick said yes, but the transmission lines are not part of this application. He commented the Township will get a copy of the DEP permit when issued. Mr. Jacobs said this is an individual permit, and asked why they can't offer to plan as part of the permit application. Mr. Malick said the decision is beyond him, but yes, they could. Mr. Jacobs said he is looking for visual relief which could be done without a berm and just put in plants to obscure the view from passing motorists. Mr. Malick previously testified about clearing under the transmission lines and added some vegetation would grow back. Mr. Maher asked if Mr. Jacobs' comment could be a condition of any approval. Mr. Bowen asked if there will be a fence by the transmission line and was told no as it is the wetlands line. Mr. Bowen commented people could walk there and was told yes; it is wide open. Mr. Burrows said it is a balancing act; he understands the need, and had difficulty with the lack of trees on the western side. The substation is ugly and people don't want to see it. He asked if they could look into some other ways to hide it. Mr. Beyel understood and agreed to plant various species there, coordinating with the planner.

Public session opened and closed; no one came forward.

Mr. Jacobs asked about the right of way and impact on the greenhouses to the east. Mr. Beyel had no good recollection of taller trees there. Mr. Jacobs asked if they could extend the berm within the Bennetts Mills right of way and Mr. Beyel

said they have a right of way for the transmission lines, and he agreed to extend the berm on their own property, going away from Bennetts Mills Road to cut the angle.

Mr. Beyel said this application was heard February 6, April 2 and tonight, May 21. He appreciates the Board's time to present the application. Municipal Land Use Law requires them to appear before the local Board. He referenced the power outage in 2003 up and down the Eastern seaboard, and the failure to trim trees in Ohio in the transmission area right of way was a cause of it. What happened in Ohio impacted people in New Jersey. People don't like the looks of substations; they are too high, etc, but that is not a consideration of this Board. The DEP is responsible for wetlands areas, they need to obtain approvals, and this use is permitted in the NC zone. This is necessary for the efficiency of the public utility system. The system is currently under stress, and the existing system is operating at or above capacity. JCP&L would not spend this money if it wasn't needed. They felt the landscape plan they came up with addresses the concerns of the Board. The dead end structure is 54' in height and cannot be obscured, but they believe they have addressed the screening of the substation itself. Although there are concerns about barbed wire, it is needed for safety purposes. The site is accessed once a month for maintenance, there is not a lot of traffic, and variances are needed for the height of the fence and barbed wire. They are limited by plantings and feel they have done the best they could with their limitations and the Board's requirements. The applicant needs not prove the positive criteria because it is an inherent benefit. They balance the negative impact, which is the visual impact, with a buffer of a proposed berm and up the easterly side, so they are providing additional screening that way. They can't screen the 52' pole. The property south of Bennetts Mills Road is not part of this application. They will have to determine if that area can be planted and will confer with senior management if it can be done. He does not feel The Board could that make a condition of approval.

Mr. Burrows was concerned with the trees which are bound by height restrictions. Mr. Bowen said his initial concerns were addressed, but you can't get around wetland issues, and he commented about the endangered species. Ms. Miller said in their EIS they submitted to the DEP, the barred owl may be an issue and have to be addressed. Mr. Bowen said that is out of the reach of the Board. Mr. Santos said Ms. Miller made a very valid point. He spoke of the detention basin and the representations of positive criteria and the inherent public good. He said Mr. O'Brien painted a dark picture, stating if this is not approved there will be doom and gloom, and he thinks he glossed over the negative impact. Mr. Santos was not convinced the positive outweighs the negative criteria. He is concerned with wildlife, and Bennetts Mills Road is busy. He thinks the application could have been proposed differently, that more could have and should have been done. Mr. Sgro thinks this is a good case, we need electricity and service, they are sensitive to environmental issues, they are willing to plant bigger trees, he would like to see planting on the southern side, and many things subject to other Board approvals. He thinks the Board will be remiss if this is not approved; it will happen down the road. Mr. Bowen said there are many outages, this is definitely the area, the positive is there and outweighs the negative, and some things have been addressed. Mr. Burrows said it is their obligation to provide the power; they could put this in Plumsted or Freehold and we would benefit. They have to supply the power. Mr. Maher did not believe in the doom and gloom, this application came a long way with cooperation on both sides, he disagrees with the southerly side not being landscaped as this is a main artery that goes through town. JCP&L has to work with us, the need is there and he would like to see cooperation. He felt it could be a condition of approval.

Motion to approve subject to conditions, including the buffering of the southerly side and subject to DEP approvals, technical comments agreed to, an increase in evergreen trees and larger trees to be provided.

YES: Bowen, Burrows, Esposito, Maher, Sgro. NO: Santos. The motion carried.

Motion to adjourn at 10:21 p.m by SANTOS/Sgro. Yes, by affirmation.

Respectfully submitted,

Janice Kisty
Zoning Board Recording Secretary