

February 13, 2020
Special Meeting
New Jersey Transit

A special meeting of the Mayor and Council of the Borough of Bay Head concerning the proposed substation by New Jersey Transit was held on February 13, 2020 at 6:00 pm at Sacred Heart Church, Monsieur Casey Hall, 751 Main Avenue, Bay Head, New Jersey.

Mayor Curtis called the meeting to order and welcomed everyone. He asked everyone to stand and join in the Pledge of Allegiance to the Flag.

Mayor Curtis read the following statement:

Ladies and gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. This meeting was posted in the lobby of the Municipal Building at 83 Bridge Avenue on February 7, 2020 and published in the Asbury Park Press on February 12, 2020.

The roll was called for attendance. Present were Mayor Curtis and Councilmembers Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons, Borough Administrator, Chris Parlow and Robin LaBue, Esq. covering for Borough Attorney, Jean Cipriani.

Mayor Curtis: New Jersey Transit has agreed to hold this information session and will make a presentation of their proposed substation to be constructed. They have pictures posted in the rear of this room and will be available to answer your questions.

Mayor Curtis introduced Paul Wyckoff, Chief of Government and External Affairs.

Mr. Wyckoff: Thanks to Mayor, Assembly Catalano, Members of Council, Save Barnegat Bay, Sierra Club and Clean Water Action. We will answer your questions as best we can and if not I will get back to you. We have sign in sheets in the back and will keep you informed by email.

NJ Transit Bay Head Substation Project: The Bay Head Substation project is part of NJ Transit's ongoing Resilience Program, to make the transit system and infrastructure stronger and more reliable following Superstorm Sandy in 2012. Sandy inflicted severe damage across most of New Jersey, including to NJ Transit's North Jersey Coast Line, and to the electrical substation in the Bay Head Rail Yard. Substations are essential to supplying electric power to the catenary, yard equipment facilities' systems. Because of storm surges during Superstorm Sandy, the electric components of substations throughout NJ Transit's service area were particularly vulnerable to the corrosive effects of saltwater. Repairing impacted substations and related electrical distribution systems was central to the full restoration of operations following the storm. We received 1.8 million in a Federal Grant to rebuild the substation in Bay Head. Planning started and we have been in close contact with the Borough of Bay Head since the early stages of this project. We have addressed many of the requests made to modify the structure throughout the design process. This included reducing height of the structure, providing architectural screening for equipment and twice modifying the color of the masonry work used for the buildings. Numerous meetings, including site visits, were held with Borough officials and state legislators for the district to discuss the project needs and design elements. Progress submissions were reviewed by the Borough, the Quality of Life Committee, and the Bay Head Historical Society.

The new substation will sit on the footprint of the oldest structure and extend a little beyond. The second substation will be demolished. At completion of the project there will be only one substation. In answer to the survey posted on the internet concerning the project we have prepared a sheet answering those questions they are as follows:

Why is the substation project necessary?

The Bay Head substation, like a number of others around NJ Transit's rail and light rail lines, was flooded by Superstorm Sandy in 2012. In addition to immediately repairing the electrical equipment with the substation, NJ Transit, working with the Federal Transit Administration (FTA) and the Federal Emergency Management Administration (FEMA), determined a new substation would need to be constructed with measures to protect it from future flooding.

Did NJ Transit work with the Borough on the substation project?

NJ Transit has had extensive discussions with Bay Head officials and with local Legislators since 2013, when initial planning began for the project. This included a number of discussions on Bay Head's concerns over the design and appearance of the new substation. In response, NJ Transit, with input from the State Historic Preservation Office (SHPO) lowered the height of the new building, and modified the exterior appearance in order to better align with community preferences.

What did NJ Transit do to maintain Bay Head's historic character?

NJ Transit worked closely with Borough officials as well as with SHPO to ensure the project adhered as much as feasible to the historic character of both the Borough and the Bay Head Rail Yard. NJ Transit, Borough officials and SHPO worked together to reduce the building's height, to screen HVAC equipment on the roof, and to select and appropriate color and brick for the substation's façade.

What steps have been taken to protect the environment?

NJ Transit obtained all required New Jersey Department of Environmental Protection (DEP) permits for the project and has included protective measures to safeguard wetlands. The project complies with State Coastal Zone Management Rules, Freshwater Wetlands Rules and Flood Hazard Area Rules.

Could the substation be built somewhere else, either at the yard or at some other location?

The substation is being rebuilt on the current site, with some additional length (which was needed to reduce the building's height, at the Borough's request). The current site minimizes potential environmental disturbances (such as the forest cover in the "loop") and maintains necessary proximity within the yard.

Why is NJ Transit installing a diesel backup generator?

New Jersey Department of Community Affairs (DCA) permitting for generators supporting life-safety systems has required quick cycling diesel engines to rapidly respond to a power outage. NJ Transit has operated the existing system at Bay Head Rail Yard for many years without incident. All necessary and required containment systems will be included in the new generator system and the facility will remain compliant with the Spill Prevention Control and Countermeasure requirements of the U.S. Environmental Protection Agency (EPA).

Could the substation's new power feed have been buried underground, instead of using overhead wires?

NJ Transit does not typically install high-voltage power lines underground along railroad tracks and rights-of-way. The existing power line that runs along Twilight Avenue and power the southern half of the Borough is susceptible to storm damage. The route of the new overhead line will provide resilience to the area electrical grid and can provide backup power to the southern portion of the Borough if the primary electric service line is damaged by severe weather.

Mr. Wyckoff introduced the following NJ Transit team:

John Del Colle – Senior Director, Legislative Relations
Premala Raj – Senior Project Manager
John Geitner – Senior Director, Environmental Services
Jacqueline Lipson – Environmental Services
Mike Tomasetti – Construction Project Manager

Mr. Wyckoff: The schedule for the work: The demo of the 1983 structure will start in mid-March and take six weeks. Test piles for the new substation will start mid-April. The project is to be completed by the fall of 2022 – this is a two-year project with a contract cost of 24 million but about 32 million all in.

Mayor Curtis called Erik Furze, member of the Quality of Life Committee.

Mr. Furze, 2 Wyndham Drive: The size of the building and location: The new substation building must be large and encroach into wetlands, in order to house very critical electrical equipment. Please tell us what is located in the SE corner of the building. This is the corner that encroaches into the wetlands.

Ms. Raj: The transformers. The SW corner is where the wetlands are.

Mr. Furze: Based on the construction drawings: It's an empty room labeled "Maintenance Area" that contains no electrical equipment or components for the substation. Please explain how this is responsible use of a critical natural resource.

Mr. Geitner: NJ Transit has taken into account the placement and only 120 sq. ft. is in the wetlands which will be permanent and 213 sq. ft. will be temporary. Every effort has been made to minimize the encroachment. The areas disturbed will be restored with plantings and identified in the DEP permit.

Mr. Furze: The permit submission package: The project purpose is to replace the electrical substation and associated equipment that was damaged during Superstorm Sandy, with more resilient equipment, to regain full operational capacity on NJ Transit's North Jersey coast line. Can you please tell everyone what operational capacities have been lost for the past 7 years, that still need to be regained?

Ms. Raj: The 1983 substation is totally lost and they're working with the substitution that was built in 2005 which is in a compromised condition because it had 3 feet of water inside the building. Emergency repairs were made. The 1983 substation has not been in service since Superstorm Sandy. The equipment was repaired and is also in a compromised condition that can go out at any time. We had a building transformer out at another substation, all affect operation capabilities.

Mr. Furze: Please explain what critical infrastructure the substation powers?

Ms. Raj: This substation powers the crew quarters, the signals for the trains and the maintenance facilities that are located throughout the yard and also wayside power.

Mr. Furze: When are the track heaters used?

Ms. Raj: This winter we haven't used it a lot as you all know because of the warmer weather. It is normally used when the temperature gets below freezing or precipitation in the form of sleet or freezing rain.

Mr. Furze: Are there backups?

Ms. Raj: Natural gas and electric can be used.

Mr. Furze: When are the indoor air compressors used?

Ms. Raj: NJ Transit wayside power in general is used overnight when the trains are put to bed and on weekends and for any trains that are there during the day that are not going out for a few hours. The idea being both, and Mayor correct me if I'm wrong, I think they were first installed after some discussion with the Borough about 20 year ago. We've been doing it in other yards throughout the State for Quality of Life for our neighbors but also importantly for emission. Unfortunately, when it gets below a certain temperature and I think it's 25 degrees or so they have to keep the diesel running because a lot of them won't restart but by using wayside power we cut the admissions tremendously per year.

Mr. Furze: Critical Electrical Infrastructure & Operations, the CAFRA permit states:

"In Order to maintain rail operations, the existing substation must remain in service until the replacement substation is completed. Construction impacts to the existing substation and electrical service within the rail yard would significantly impact the regional transportation patterns on the North Jersey Coast Line by preventing NJT from maintaining adequate train schedules. If the existing substation is not replaced; the lack of electrical service within would severely impact regional transportation patterns on the North Jersey Coast Line by limiting train availability on the rail line. The loss of the substation would result in the total shutdown of all Bay Head Yard facilities, and would severely disrupt all diesel train operations on the North Jersey Coast Line. Train operations between Bay Head and Long Branch would be significantly impacted, with lesser impacts north of Long Branch, due to the presence of electric train service."

Please explain how lack of track switch heaters and overnight shutdown services would: prevent NJ from maintaining adequate train schedules? Result in the total shutdown of the Bay Head Yard/ and limit run availability during the day. Was creating a temporary transformer pad, and therefore substation investigated?

Ms. Raj: I think your question should be broader – if we lose the substations, not just track switch heaters and the wayside power for the crew quarters and the signal power for the signals for the train. If we don't have signals working on the trains – if you don't have switches you don't have trains.

Mr. Furze: So the transforms that produce a voltage that are used in the switches and the hut are located with the substation?

Ms. Raj: In the new design the transformers are going to be located closer to the load centers.

Mr. Furze: External to the substation?

Ms. Raj: The Engineer has it external to the substation. We are bringing in power and 34 KV transforming it and distributing it throughout the yard a 13 KB because that was the most sensible as we were doing it at other substations main Power Distribution feeders are going out like 13 KV and then we transform it. Which is the voltage applied for the equipment that we use and it is also compression equipment and other maintenance equipment that needs power to do the maintenance of the trains when they are brought in.

Mr. Furze: So you're saying the general use power is about 480 volts and the equipment for that is located external to the substation.

Mr. Furze: Elevation of the Building: NJT Design Flood Elevation – Base Flood Elevation +2.5 feet for coastal assets.

The Preliminary FEMA flood maps from 2015 show the project was in an AE10 zone. FEMA has since revalidated the map, based on more accurate modeling data. Since June of 2018, the Yard, and entire project area, are now in Zone X. Zone X is an area outside the 500 year flood and "Area of Minimal Flood Hazard" as defined by FEMA. This would permit a 2 story substation, under the height restriction and without wetland encroachment and negative impacts to the environment. Please explain what NJHT plans to do with the new information.

Mr. Geitner: So that you know the project was funded by the federal government and requirement was to meet the base flood elevation plus 1.5 feet. New Jersey Transit required an additional foot for resiliency purposes. Federal guide lines go above the base flood and a buffer is also added. The design at that time required 2.5 feet above the required flood, so a change in flood zone doesn't necessarily mean we get to lower the height of the building after the fact. The building was designed under that when the grant was won and the building was designed to meet the requirements of the grant.

Mr. Wyckoff: After Sandy as you all probably remember we lost a great deal of equipment in areas like the Meadows maintenance complex up in Carney that were in what we had been considered minimal risk. We learned a very hard lesson and that's where the policy decision was made to add that foot margin of safety above the federal level. Since then, on the news weekly, if not more frequent discussions about climate change and sea level rise so frankly as a policy matter we think that it is better to err on the conservative side.

Mr. Geitner: At the time the grant was offered the additional foot was added – the change in elevation wouldn't affect the encroachment.

Mr. Furze: The two story didn't encroach into the wetlands. There is a 10-foot difference in elevation from when the design was done and now.

Ms. Raj: If we redesigned today that will require a certain process which would be inconsistent with the grant schedule and construction schedule we have to adhere to make the grant deadlines. There was a public hearing in October 2016 at the Firehouse and at that time they thought the project would start in 2017. Due to some procurement delays and factors it's not starting till now and we're really up against the timeline with that. We don't want to take another year to redesign and hold it up even further.

Mr. Furze: From the meeting minutes – December 11, 2013: "An Alternative analysis would be necessary to justify the proposed location within the inner 150 foot buffer" – was the proposed location finalized back in 2013? Before the alternate analysis for less environmental sensitive locations was completed?

Mr. Geitner: Not entirely sure what meeting you are referencing but the permitting process began in earnest around 2015 or so. That permitting process did require that we establish line of disturbance to identify the wetlands and to map the wetlands on site and establish a disturbance line impacts the wetlands unnecessarily. Once that line is established what happens is essentially two things. One is because the product is federally funded it has to go through an environmental review. Most of us have heard the concept of environmental impact statement and that is the highest level of review and that depends on potential impacts for a project. This project probably would not qualify for an environmental impact statement instead it qualified for an environmental review of a lesser degree. We were able to do an environmental report and attach that report to the federal transit administration who was the grant agency for us. They granted what they call a categorical exclusion so the category

exclusion rules we have to actually fill out the details on impacts whether it's wetlands, whether it's noise – things like that. We do an environmental report to satisfy that and in fact that was done. That is what the FTA needs to render decision whether or not the funding is appropriate. Beyond that a more detailed level review takes place when you actually go to get a permit and the issuing agency for the permit for this particular is NJ DEP. That permit was actually issued in September 29, 2016. So the analysis that would have gone into the development of that permit being issued took place in 2015. DEP is fully aware of the requirements of granting permits regarding wetlands rules. The wetlands disturbance will be 120 sq. ft. There is a requirement to mitigate and in fact that's also covered in the permit as well.

Mr. Furze: No Build Alternate – page 6 of Alternate Analysis: “The No Build alternative was dismissed from consideration because it does not meet established project purpose and needs.” The project purpose is to replace the electrical substation and associated equipment that was damaged during Superstorm Sandy with more resilient equipment to regain full operational capacity on NJ Transit's North Jersey coast line. The No Build alternative does not involve the replacement of damaged infrastructure and does not impact wetlands and transition areas. Site capabilities that were lost as a result of the damage, would not be permanently repaired. Most of the electrical equipment manufacturers that were contacted recommended replacement of the damaged equipment and would not support continued usage of the damaged equipment.”

Mr. Geitner: The manufacturers don't mean to replace in kind. The equipment was damaged during Sandy. This project is from a resilience grant and that is what we proposed here.

Ms. Raj: In a no build alternative you basically wouldn't do anything – you're not going to build the project. To make the yard resilient and functional against the future potential failure – again the equipment was damaged during Sandy and did get wet. We didn't have alternative to rebuild a substation. The idea of simply replacing the equipment at existing elevations and even raising it to some extent without doing a new substation design just didn't meet the purpose of the project. It didn't provide the resiliency that this project provides. Again, keep in mind that it is important to understand and I know it's a lot of things to pick up here but this project was funded under resiliency grant system. We wouldn't have gotten the grant to simply replace in kind. We have to make the system resilient and that is the proposed construction. The grant was specifically given to make our system resilient and the new substation will do just that.

Mr. Furze: Why isn't a temporary substation created, to provide power to the non-critical loads at the Yard, while a new substation building is created or existing building elevated? This way the substation can be built on one of the alternate sites that does not impact wetlands.

Ms. Raj: When you have 34.5 KV transformers you're talking of a lot of power. You can't just park a huge big transformer in front of an existing substation. The loads need to be distributed throughout the yard.

Mr. Furze: The equipment damage in 1985 – what was the size and type?

Ms. Raj: The 1985 building is the small building - the board with the aerial photo showing the size and location was brought to the front of the room. It was decommissioned and measures 23' X 25'. The main substation measures 26' long by 18' wide and the transformers are 27' by 18' is what we are replacing.

Mr. Furze: The proposed structure is 140' by 40' – isn't that rather large considering the existing?

Ms. Raj: The total dimension of the existing building with the transformers is 86' X 20'.

Mr. Fuzze: Does that include the transformers which are outdoors?

Ms. Raj: Yes. Actually the transformers aren't inside the building but in an closed area screened so that they are not visible to the public. We try to make the building look a little prettier by putting screen walls around them.

Mr. Furze: The Off-Site Alternative – No impact to Environment – Overhead Wires: (Alternate Site Analysis-Page 8) “Aerial lines are not suitable because a minimum 30-foot clearance from the wires to the top of a rail car is required. To obtain the 30-foot clearance, a steel monopole of approximately 65 feet in height would be necessary. The 65-foot steel pole would require a drilled shaft foundation of approximately 50 feet in depth. Substantial clearance for maintenance activities would be necessary

around the base of the monopoles, in addition to the clearance required for construction equipment to install both the foundation and monopole. Due to site constraints, the aerial crossing of 13.2kv lines is not suitable.” So, the overhead 13kv lines are not possible for the “off-site alternate”, which does not impact any wetlands, but somehow the overhead 34kv redundant feeder along the exact same path, is possible for the original proposed wetland site? It can’t be both ways. Either the alternate analysis is wrong, and this site (which doesn’t impact the environment) can in fact be used, or it is not possible to install the 34kv redundant feed. Please clarify this for everyone.

Ms. Raj: The redundant feeder is a 34 KV and the pole heights are taller initially because it’s being brought in by JCP&L and will be brought in from Sea Avenue which is adjacent to the tracks. I believe the height will be 65’. They have a couple of poles inside of our right of way where a service switch will be used for transition and we pick it up from there. We take it down to the lowest possible height that we can do for clearance for 34’ which is about 60’ and then that’s what the pole lines inside our right of way are designed.

Mr. Furze: Would you classify this as part of the project scope?

Ms. Raj: Yes – it’s a backup redundant feed that JCP&L encouraged because the current feed for the substation comes from Barnegat Bay peninsula barrier island – from the south and is susceptible to storm damage. So if we lose the line that comes from the barrier island we can do a switching in our substation and power with this other feeder that comes in from inland – Sea Avenue.

Mr. Furze: So you’re saying that it is possible to run the KV 34 line along the right of way.

Ms. Raj: Yes – along the right of way – that was investigated and was what we designed.

Mr. Furze: So why does the analysis of a location that would not impact the environment say that’s not possible.

Ms. Raj: I am not sure – not sure what you are referring to. If the question is if the alternative location could have been across the tracks, then what rules that out is the conductor head above rails. So right now the power that comes in from Sea Avenue follows the right of way and is adjacent to the tracks aerial and comes to existing substation without having to crossover tracks. If the substation was put somewhere else in the yard and involve the crossing over a track and the high level conducted over the tracks would preclude the ability to put the substation in that location. I would have to look at what you are looking at there to be able to make sure I’m clear about it.

Mr. Wyckoff: DEP did evaluate it and it was sufficient for them at the time so if there was an inconsistency they would have identified it.

Mr. Furze: There are four alternatives:

1. Wetland Impacts Still – how does this differ from 2 track outages while installing 13kv conduit banks under the entire track system? “The aerial crossing of 34.5kv lines is not suitable” – The redundant feeder is a 34kv aerial.
2. No Wetland Impacts – Shifted building to the North. One track outage required – This is the track that has been storing empty rail cars for the last several years. Please explain how loss of this track would impact daily operations. 12 tracks total with only 8 cars assigned to the yard.
3. No Wetland Impacts – Shifted building to the South West: Eliminates a portion of the staff parking – Adjacent to an empty parking lot. 5’ from existing building – Please explain how Manhattan exists. 13kv overhead to wayside power not possible – It’s already scheduled to run underground.
4. No Wetland Impacts – Shifted building to the East. Eliminates one track – This is the outer track that has been storing empty rail cars for the last several years. Eliminates a portion of the main staff parking – Adjacent to an empty parking lot. 10’ from existing crew quarters building. Please explain how Manhattan construction exists.

After a thorough review of permit submissions and addressing the contradictions within, it’s very clear to everyone that alternate sites, with no wetland impacts, do exist. These sites were also eliminated due to certain construction methods. We have since come to find out, these exact methods will be employed to develop the wetland location. It is a shame, that NJT did not actually investigate alternate sites with no environmental impacts. Instead, NJ decided to spend energy creating excuses as to why

these sites are not buildable and dedicated resources to develop the original 2013 wetlands location instead.

Mayor Curtis called Robin La Bue, Counsel for the Borough.

Ms. La Bue: What is your time line and what time is remaining?

Mr. Wyckoff: We will have to get back to you. It has been eight years since Sandy and the project is moving forward.

Ms. La Bue: 6-1 2014 refers to exclusions.

Mr. Geitner: There are levels of review for the Environmental Impact, we are at the lowest category. Typical by being a railroad we don't have to do one. We are a cat 9 – Utility structure and are excluded from higher review because it is a utility upgrade.

Ms. La Bue: Why, in the 2001 notification there were additional lots that weren't included in this project.

Mr. Geitner: Yes – Block and lot affected temporary disturbance.

Ms. La Bue: Both temporary disturbance and permanent are included in the project area?

Mr. Geitner: Yes. Construction might affect soil conditions such as surrounding area and the building itself would be permanent disturbance.

Ms. La Bue: Are the poles included in the project?

Mr. Geitner: They are on NJ Transit property. DEP is permitting the environmental impact.

Mayor Curtis: The west side of the tracks which is a drainage ditch is where the poles will be located – doesn't that have an environmental impact?

Mr. Geitner: I will have to check – the drainage ditch may or may not affect the environmental impact by DEP. It may not be regulated.

Mayor Curtis: Who would make the decision to exclude Block 2, Lot 1 from the project?

Mayor Curtis called William Sullivan, Esq.

Mr. Sullivan: I am with the firm SCARINCI-HOLLENBECK and special counsel for the Borough. We are concerned with the wetland impact, DEP required notification and CAFRA permit and the scope to include all lots. A few questions: An OPRA request was submitted last week and the information hasn't been received.

Mr. Wyckoff: I will look into it – we will talk tomorrow.

Mr. Sullivan: Benefits / risks above or below – was a preliminary study done?

Mr. Geitner: 106 process – there are a lot of reasons not to place the lines underground. Generally, we would not place high voltage lines underground.

Mr. Sullivan: Twenty years ago I represented the Borough concerning the proposed fueling station in the Bay Head Yard. In 2002 NJ Transit abandoned the plan and at that time entered into an agreement. The history with Bay Head and Transit is not good. The remediation agreed to has not been done.

Mr. Geitner: The preliminary assessment of the site has been done. We are working with Mott MacDonald and the next step is the report. We are working with DEP and once the report is generated and approved the remediation work will take place. It is a slow process.

Mr. Sullivan: Nothing has been done. Transit bought this yard back in 1982. A tanker was used to fill the trains with a hose from one to the other. There were spills.

Mr. Geitner: Wells have been installed and there has been an enhanced fluid recovery program for the last 10 years. We have removed contaminated soil.

Mr. Sullivan: You need to double your efforts – it is very important.

Mr. Sullivan: Another commitment was landscaping and screening, monitor compliance, quarterly meetings with Borough and residents. The question is if you are in compliance with that agreement.

Mr. Geitner: There have been a number of meetings. Building design, color and height have been discussed. Then the project was stalled for two years.

Mayor Curtis called Britta Wenzel, Save Barnegat Bay.

Ms. Wenzel: Save Barnegat Bay is 49 years old. Our concern is the wetlands and habitat that will be affected along Twilight Lake which would affect Barnegat Bay. I would like to introduce Willy DeCamp, Board President, Karen and Michele R. Donato, Esq. who represents Save Barnegat Bay.

Karen: I reviewed the posted paperwork on line and it states there will be no environmental impact. Has the construction schedule been addressed for nesting birds that aren't to be disturbed?

Mr. Geitner: A study was conducted and there is no threat to endangered species or stipulations required. The work will be prohibited on weekends.

Karen: There will be at least a temporary wetlands impact.

Mr. Geitner: Only short term and it will be restored to mitigate which is part of the plan. There is also a planting plan.

Karen: How much electricity is needed for 11 tracks?

Mr. Geitner: I will get that information for you.

Karen: What is the life expectancy of the new structure?

Ms. Raj: Roughly 40 years.

Karen: Do you review your Master Plan?

Mr. Geitner: Transit has a 5-year plan. A purpose and need has to be generated to apply for a grant.

Karen: Do you know what the best resiliency for this area?

Mr. Geitner: We chose the area that there would be a minimum of disturbance. We will only disturb 120 sq. ft. and it will be meditated.

Karen: You will maintain and monitor for 5-years?

Mr. Geitner: Yes.

Mr. Wyckoff: The Master Plan is not specific to Bay Head. It covers from Long Branch to Bay Head and a couple of billion dollars in terms of the Master Plan.

Ms. Donato: The DEP permit – Lot 18 is not part of this permit?

Mr. Geitner: We will look into it.

Ms. Donato: You state only 120 sq. ft. of wetlands will be impacted but you fail to mention the 1368 sq. ft. that will be disturbed for transitional use. Permit #21 only requires you to plant vegetation.

Mr. Geitner: We are obligated to restore. Soil impact will be done once we mediate and it will be watched for 5 years.

Ms. Donato: I don't see it – then it needs to be addressed.

Ms. Donato: Stormwater Management – no place could I find that a tally is given of what is being disturbed. Have you included the pathway for vehicles?

Mr. Geitner: I will have to get back to you on that.

Ms. Donato: DEP Site and the clean up over 17 years somehow land use regulations - List the area of disturbance – you should agree to comply with the Stormwater Management Plan. Not to honor it is to not honor the Jersey Shore or Barnegat Bay. I encourage you to honor it. Caution & Care are the watch word.

Ms. Donato: So no impacts are anticipated but you are filling up to the water edge and going into the 300' buffer area. Not addressing the ground water impact, there is black carbon on site. I urge you to look and figure out a way not to disturb the soil.

Mr. Geitner: We have an Environmental permit for surface water. We have a permit to discharge ground water which requires sample and monitor.

Ms. Donato: This new work will impact surface and ground water.

Mr. Geitner: It will be part of the same process.

Ms. Donato: DEP is overworked and understaffed. They depend on the applicant. We are interested in the bay, the quality of water in the bay and not getting any more toxicity in the bay.

Ms. Donato: Have you appeared before the Bay Head Planning Board – Capital Project, Section 31?

Mr. Geitner: We are exempt from local ordinance.

Janet, Clean Water Action: I agree with all comments from Save Barnegat Bay. If you really want to improve things abandon diesel all together. New Jersey is in a different spot today and will be 100% Clean Energy by 2050. To get rid of black carbon you will have to get rid of the diesel because it produces black carbon. A Rutgers study states if we do not reduce emissions – the area south of Point Pleasant Beach will be underwater by 2070. It would be wise to relook at this plan.

Mr. Wyckoff: The Governor has made a major commitment. NJ Transit has 93 rides a day and over 60,000 rails. It will be a challenge.

Dan Paulus, Chairman of the Bay Head Environmental Commission: Thank everyone for your presentations it has been very helpful in understanding the proposed construction better. I have a few questions which I will sent to you. The trains idle longer than they should. The train station is neglected – planter beds, need more natural plants, removal of dead trees. The Environmental Commission meets the 2nd Tuesday of each month at 5:30 pm.

Mr. Wyckoff: We have 166 stations and no resources to keep up. We do have a program – Adopt A Station and local groups might be interested in.

Cathy Coleman, Historical Society: We are the housekeepers of the historical district. I talked to one of the engineers back in 2014 but nothing has been received since 2015. I am here to protect the loop.

Mayor Curtis: Thanks to Erik, Dan, Janet, Michelle, Britta and Robin.

Mayor Curtis opened the meeting to the public.

Mark Bingham, 71 Osborne Avenue: Consideration should be given to shingle the new structure. The proposed look does nothing for Bay Head.

Mark Wetzel, 209 Osborne Avenue: I am against the project. I am a neighbor of transit. I don't want to see the wetlands touched. What were the alternate sites?

Mr. Wyckoff: An OPRA requested has been submitted for those locations – one is east of the existing location; another is for a portions of the parking lot. We want to minimize the property to rebuild.

Arrigo Conti, 528 West Lake Avenue: I submitted a letter to New Jersey Transit on July 18, 2001 concerning electrification of the tract between Long Branch and Bay Head. The byproduct of this vital improvement will be: reduced pollution, reduced noise, reduced cost of exercise, improved speed of trains, shorten time of traveling and a chance to have better connections to the Northeast Corridor Line.

It still isn't in the 5-year plan. Why spend money for this - get rid of the diesel. (Two sheets submitted by Mr. Conti are attached to these minutes.)

Chelse, 666 East Avenue: We do have an Adopt a Station. I work with Bob Hein and a group of Bay Head residents.

Mr. Wyckoff: Welcome and we look forward to working with you.

Megan Steel, NJ Sierra Club: Have you consider the idea to electrify down to Bay Head? We are concerned with the diesel generator. The area could still be flooded and wetlands affected. It is important to be resilient.

Bill Furze, 2 Wyndham Drive submitted the attached sheet containing 17 statements/questions concerning his review of NJ Transit's submissions in their application to DEP.

Comments/answers from Transit:

Question 3: We will get back to you.

Question 4 and 5: We are under FCC Plan for fueling on site. There are two men one on truck and one on the tank – there have been no history of spills.

Mr. Furze: The building is industrial and very visual from the lake. The building is 38' high so what plantings will screen the building?

Mr. Wyckoff: Twelve species of plants have been chosen. We worked with horicudicural and they have chosen plants for the onsite conditions.

Mr. Furze: #15 – Will the buildings and structures be equipped with surface-mounted lighting? If so, will their illumination levels and direction be non-invasive to the surrounding neighborhood and wildlife? #16 – Are the proposed mechanical Equipment Screens the reversed-louver type to block sight-lines? Do the Mechanical Equipment Screens afford sound attenuation? #17 – What is the decibel output of all of the proposed equipment? (and what will the decibel level be at various times as measured at the property lines)?

Mr. Wyckoff: I will have to get back to you.

Mr. Furze: The site selection is very bad. #8 – Who will be responsible for the monitoring and testing during excavation & de-watering operations? Clarify how and where excavated site material will be temporarily stored and contained.

Mr. Wyckoff: The construction contractor will take care of the dewatering. All will be returned to its existing condition after the construction.

Mr. Furze: Half of the footprint of the new structure is for transformers – they could be in an unenclosed space. Normally they are not covered.

Mr. Furze: What kind of poles are being used?

Ms. Raj: Wood poles and they will be 15' in the ground. They will match the height of the JCP&L poles.

Wesley Sharick, 108 Twilight Road: My concern is the 4,000-gallon tank. Will you be liable if something goes wrong?

Mr. Wyckoff: Yes and there are controls for spills.

Chris Dombalis, 452 Lake Avenue: I just want everyone to know that a 4,000-gallon tank is half the size of a tanker truck on the roadway.

Mr. Wyckoff: The tank will be only used for emergencies and the fuel will be dyed.

Mr. Dombalis: My concern is not to power other vehicles. I understand there will be a cement pad but how well will you monitor it?

Ms. Raj: There will be a poured foundation and the tank will be supported by concrete piers on a solid piece of concrete.

Mr. Dombalis: How will it be monitored?

Mr. Wyckoff: The tank will be inspected and checked on.

Paul Brennan, 157 Osborne Avenue: The area to be used – is it currently being used?

Mr. Wyckoff: Yes – the proposed will cover the current footprint.

Mr. Brennan: This is the only loop in use in the United States. Will soil samples be done?

Mr. Wyckoff: Yes.

The concerns of the wetland impact were again discussed.

Mr. Brennan: If there is no operational value and if you don't need it maybe it could be removed and a walking trail from Warren to Evergreen be gained? That would show some good will.

Mr. Wyckoff: I will take back and evaluate.

Lisa Baney, 421 Lake Avenue: Obviously this proposed structure is in the wrong location. Just because a grant is available why can't it be located on the other viable sites. Barnegat Bay is a treasure. This shouldn't be grant driven. Other sites should be re-evaluated. You need to look at the environmental impact. If there is a spill it would have a back impact on the Lake and Bay. Also the historical value will be impacted. This is a very special space and the wrong place for it.

Mr. Wyckoff: I want to make it clear that we aren't exempt from environmental review.

Jeff Monacelli, 174 Cranberry Avenue: I understand the project is progressing. I also understand that with Erik discussion of other locations and power source it would pause the project. Can the project be paused?

Mr. Wyckoff: I will consult with our Capitol Team on answering that.

John Berko, 248 Park Avenue: I want to thank Erik. I think it would be a good idea to close the loop. There are environmental concerns, visual concerns. There are other alternate locations – one being the loss of 5 employee parking spots. How about using the parking lot by the Ark – the power is coming through there.

Mr. Wyckoff: We will take back your concerns and asked the project to pause and do an evaluation.

Verity Frizzell, 1606 Bay Avenue: Is there a 150' wetlands buffer to the building?

Mr. Geitner: 120 sq. ft. will be disturbed and it is 50' from wetlands. We have a waiver.

Ms. Frizzell: How long will the 4,000 gallons last?

Mr. Geitner: I need to calculate that – of course it is based on need.

Ms. Frizzell: The riparian buffer is 300' feet and you are using 150'. Isn't the type of wetland conditions determine the distance of the buffer?

Mr. Wyckoff: We will review the maps we used.

Councilmember Shaning, 542 East Avenue: I am speaking as a resident not a member of council: There have been many technical items discussed. The comments of John and Lisa resonate with me. Have you seen Twilight Lake except from the rail yard? We have Kellogg Island; this is a home to many wildlife – it is beautiful. Just go and stand on the east side and look at the whole town. It is very special to all of us. We encourage you to take this back and explore an alternative site – there is one just to the north that would be less of an environmental impact. We then could continue to enjoy the natural resources of our lake. Would you also consider the height of the proposed structure – at least use shingles to be in keeping with the area.

Mr. Wyckoff: We will go back to our Capitol Team, and request that an alternate site be evaluated. I can't say what the decision will be. We will take a look at the plantings.

There being no further questions or comments the meeting was adjourned.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor