Review 1

Preliminary and Final Major Site Plan
Public Service Electric and Gas Co. (PB-23-021)

17-29 Evergreen Street and 219-223 Orient Street
Block 306, Lots 1, 2, 3 and 4
8th Street Station Rehabilitation Area
Bergen Point Substation Sub-Area Plan
R-2 Detached/Attached Residential District

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Table of Contents

INTRODUCTION **1**

1. PROJECT SUMMARY AND SITE DESCRIPTION 1

ZONING **2**

2. USE STANDARDS 2
3. AREA, YARD & STRUCTURE REQUIREMENTS 3
4. SITE PLAN REVIEW 3
5. MISCELLANEOUS 10
6. ANALYSIS OF THE APPLICATION 11
7. CONSIDERATION OF THE "C" VARIANCE 11

SUMMARY **12**

8. APPLICANT / OWNER / CONSULTANTS 12
9. MATERIALS REVIEWED 13
10. RELIEF REQUIRED 13
11. CONDITIONS OF APPROVAL 13

INTRODUCTION

1. Project Summary and Site Description

1.1. **Proposal.** Public Service Gas & Electric (PSE&G) is proposing to replace and expand the Bergen Point Substation located at the corner of Evergreen Street and Orient Street. The expansion will encompass existing Lot 1 where the current substation is located, and portions of Lots 2, 3 and 4, where existing development will be demolished to create space for the expanded substation. The new substation consists of a GIS ring bus, GIS building, two transformers, one switchgear enclosure, and additional electrical processing equipment. The substation will be designed in a style reminiscent of the City's industrial heritage, with a brick façade, windows, and other decorative elements that hearken to the region's industrial past. Additional proposed improvements consist of fencing, signage, lighting, landscaping, and other infrastructure relating to securing the property such as gates and card readers. The site is located within the Bergen Point Substation Area Plan, a plan specific to this type of project within the larger 8th Street Station Rehabilitation Plan Area.



Recent Google Earth Aerial of Tract and Surrounding Area. Tract is Outlined in Red, Individual Lots are Outlined in Yellow Dashes.

1.2. **Existing Conditions.** The subject property is a .894 acre (38,942± sf.) site consisting of four separate lots. The four lots form an irregularly shaped tract with straight-line frontages on three surrounding streets, and a diagonal lot line in the rear which borders N.J. State Route 440 (an elevated highway considerably above the ground level of the site and surrounding properties). The site contains frontage on Evergreen Street to the southwest, Orient Street to the southeast, and Linnet Street to the northeast. A thin, evergreen buffer separates the rear property line from the right-of-way of Route 440 and associated NJDOT property.

Lot 1. Existing development on Lot 1 (the largest of the four lots) consists of the existing substation. The existing substation is a tall brick building adjacent to the Evergreen Street right-of-way and set back from Orient Street. Electrical equipment composing the transformer (resembling metal building rafters with industrial wiring) that is adjacent to the brick building to the northeast also fronts on Orient Street. An 8-foot tall chain link fencing surrounds the site. The rest of the lot consists of gravel pavement and patches of lawn and dirt, a concrete walk connecting to the southeast, and a curb cut to the southwest which allows for vehicles to access the gravel pavement behind the building.

Lots 2, 3, and 4: Lots 2, 3, and 4 are rectilinear lots located together at the northeast corner of the tract at the intersection of Orient Street and Linnet Street. Each lot is .057 acre (±3,079 sf.) in size. Each contains frontage on Orient Street, with Lots 2 and 3 being interior lots, and Lot 4 being a corner lot with additional frontage on Linnet Street. Lot 2 is essentially vacant and serves as open space for the 2.5 story dwelling located on Lot 3. As a combined lot, much of the site contains lawn and trees, with the remainder containing the dwelling in the front portion of Lot 3 and a detached garage in the rear portion of Lot 3. The site is fenced in with a gate leading to a gravel/dirt driveway located on Lot 2. Lot 4 consists of an autobody shop that is set back from Orient Street and contains a concrete parking area in the front portion of the site. All improvements on Lots 2, 3 and 4 are proposed to be removed to construct the new substation and its associated site elements.

1.3. **Neighborhood Context.** The immediate neighborhood is almost entirely residential with a mix of single-and two-family dwellings being the dominant type of housing. Such housing is primarily in the form of dwellings built over garages with front loaded driveways and steps leading up to the main entrance(s). There are two commercial uses located one block south on Cottage Street. and Broadway, with numerous shops, offices, and food and beverage establishments, is located one block to the west. In the immediate vicinity, the only nonresidential uses are the substation and the auto shop.

ZONING

2. Use Standards

2.1. **Zoning and Redevelopment Plan Use and Other Regulations.** The site is located in the Bergen Point Substation Sub-Area Plan of the 8th Street Station Rehabilitation Area. The underlying zoning is the R-2 Detached/Attached Residential District. This analysis will rely primarily on the Bergen Point Substation Sub-Area Plan and utilize the underlying zoning and zoning ordinance generally where the plan is silent.

2.2. **Permitted Uses.** Permitted uses in the Bergen Point Substation Sub-Area District consists of electrical power supply and distribution, voltage regulation, and electrical power substations. This describes the proposed development. **The plan complies.**

2.3. **Permitted Accessory Uses.** Permitted accessory uses in the Bergen Point Substation Sub-Area District consists of electrical catenary systems, lighting arrestor systems, parking lots for business vehicles, perimeter fencing, and other accessory uses and structures customarily incidental to a principal use. The proposal contains fencing and the electrical systems described herein, **The plan complies.**

3. Area, Yard & Structure Requirements

3.1. **Bulk Requirements.** Compliance with the bulk and lot standards of the Bergen Point Substation Sub-Area District is summarized below in Table 1.

Table 1: Lot and Bulk Requirements §1 – 8 on Page 9.

Standard	Required	Existing	Proposed	Complies?
Min. Tract Area	Entirety of Tract	Lot 1 (.722 acre)	Lots 1, 2, 3 and 4 (.894 acre)	Yes
Min. Tract Frontage	150 ft.	600.96	No change	Yes
Min. Front Yard Setback	0 ft.	0 ft.	0 ft.	Yes
Min. Rear Yard Setback	0 ft.	±121 ft.	13.92 ft.	Yes
Min. Side Yard Setback	0 ft.	0 ft.	0 ft.	Yes
Max. Building Height	55 ft.	?	46 ft. 9 In.	Yes
Max. Bldg. Coverage	50%	?	25.73	Yes
Max. Building, Bituminous Asphalt, and Portland Cement Concrete Coverage	85%	?	35.79%	Yes
Min. Landscaped Area	200 sf.	?	243.27 sf.	Yes

4. Site Plan Review

4.1. **Lot Consolidation.** It is recommended that as a condition of any approval that the applicant consolidate the lots into one lot that matches the boundaries of the Bergen Point Substation Sub-Area District and development tract.

4.2. **Site Layout.** The proposed layout consists of two buildings joined by a connecting hallway. The larger of the two buildings, the "69KV GIS Building" is proposed in the northeast corner of the site, occupying most (but not all) of Lots 2, 3, and 4. The hallway extends south west from center of the building parallel to Orient Street, connecting to the "13KV Switch Gear Building." In between the buildings and on either side of the connecting

hallway are two transformers (the "1TRK 69/13KV" and the "2TRK 69/13KV"), each with an approximate footprint of 315± sf.

The plan also indicates "future improvements", which consists of two mobile transformers that can be trucked to locations needing emergency support. The first is a "69/13KV Mobile Transformer" with portable buss support proposed to be parked to the south of the smaller building, 32-feet from the Evergreen Street right-of-way. The second is a mobile substation which will be parked in the western portion of the site in the triangle shaped section of the lot along the shared boundary with Rt. 440.

4.3. **Proposed Lighting and Lighting Requirements.** The applicant is proposing 31 light fixtures and six types of lighting fixtures (Labeled as #1A, #1B, #1C, #1D, #1E, and #2). All light fixtures are LED. Lights #1A - #1E are wall mounted and comprise 19 of the 31 lights. The remaining 12 lights are flood lights which will be mounted to a 12-foot steel pole.

- Lighting types #1A (7 lights) and #1B (5 lights) are building-mounted lights to be located above the personnel doors on the entry level and first floor. Five of the #1A lights are mounted along the larger building, with three on the side facing Linnet Street, one facing the rear of the building and one facing Orient Street. The remaining two are mounted on the southern building, one in the front and one in the rear. Five of the six #1B lights are mounted facing into the area between the buildings, and one is on the southern side of the southern building.

- Lighting type #1C (3 lights) are for illuminating the transformer bay between the two buildings. One is mounted on each side of the hallway, and the third on the southwestern portion of the larger main building.

- Lighting types #1D (1 light) and #1E (2 lights) are for illuminating the roll up doors. The #1D light is mounted on the northern corner of the building facing Orient Street near the corner of Linnet Street, and the two #1E type lights are located on the front and rear of the southern building.

- Lighting type #2 consists of 12 lights pole mounted in six pairs. Five of the pairs are along Evergreen Street, and the sixth pair is located just below the southern building on Orient Street near the corner of Evergreen Street.

The redevelopment plan contains the following lighting requirements:

4.3.1. General. Outdoor lighting is required to be coordinated as to style, material, and color. A detail of the pole mounted flood lights (light #2) is provided and indicates a utilitarian flood light fixture. No detail of the building mounted fixtures is provided, though there are lighting fixtures indicated on the architectural elevations. It is recommended that manufacturer cut sheets of each lighting type be provided to that it can be determined whether they do or do not coordinate in terms of style, material, and color, including color temperature. **If the fixtures are not so coordinated, then a variance would be required. The applicant should provide testimony on this question.**

4.3.2. Lighting Impact. All exterior lighting shall be designed, located, installed and directed in such a manner to prevent objectionable light at and across property lines. Footcandle ratings are highest on the sidewalks along Evergreen Street and Linnet Street, reaching five footcandles. Portions of the sidewalk along Orient Street reach the same level, though only in two parts, rather than the entire frontage. **The applicant should provide testimony as to the appropriateness of this light level, which this office understands may be for the safety and security of the facility.** It is noted that lighting levels decrease to 2, then 1, then 0.5, then 0.25, with the 0.25 levels being the only illumination reaching an opposite sidewalk on Orient Street. Normally, we would seek light levels no higher than one footcandle on the sidewalk adjacent to the facility.

4.3.3. Lighting Height. Lighting, whether pole mounted or building mounted, shall not exceed a maximum of 18 feet in height. Light types #1B and #1C indicate a mounting height of 12 feet, though 19 feet above finish floor elevation. As these are mounted between the buildings, where the platform containing the transformers will be elevated, this appears reasonable. Lighting type #1E on Orient Street is 18 feet and six inches in height. **We recommend that the mounting height of fixture type #1E on Orient Street be lowered by six inches to avoid a variance.**

4.3.4. Color Temperature. Lamps shall emit a color temperature between 2800°K and 4000°K with a minimum color rendering index of seventy (70) or higher. As indicated in Comment 4.3.1, no manufacturer cut sheets have been provided for the lights, and as such the color temperature or rendering cannot be determined. **This information should be provided. We do not recommend granting a deviation from this performance standard.**

4.4. **Architectural Design.** The redevelopment plan envisions that the substation be constructed in a manner that is evocative of the industrial heritage of the City of Bayonne. To that effect, the plan states "*The building should evoke a period of industrial design when brick was the main building component and was used structurally to support the floors, walls and roof of the building. This was accomplished with heavier pilasters that divided the façade in vertical segments and were infilled with fenestration or brick, sometimes with brick used to make designs.*" The building, as indicated in the image on the following page meets the spirit of the requirement. While the drawings provided are not in color, the applicant submitted an image of the brick samples to indicate the color of the brick. **While this helps to understand what the building will look like in terms of color, it is recommended that the applicant bring these materials to the hearing so that the Board is able to see the brick and determine the appropriateness of the color.**

4.5. **Specific Architectural Design Requirements.** In addition to the general requirement indicated in 4.4, there are more specific architectural requirements:

4.5.1. Base, Middle, and Top. Each building shall exhibit a base, middle, and top in its design. This is accomplished through the design of the base, which is a larger brick in a running bond pattern. The middle of the building contains smaller bricks in a running bond pattern, segmented into three sections and divided by horizontal

concrete bands (the bottom of which between the ground and first floor is a cornice). The top of the building is distinct with large, white concrete blocks capped with an elaborate cornice, which is also white and composed of concrete. The plan complies.



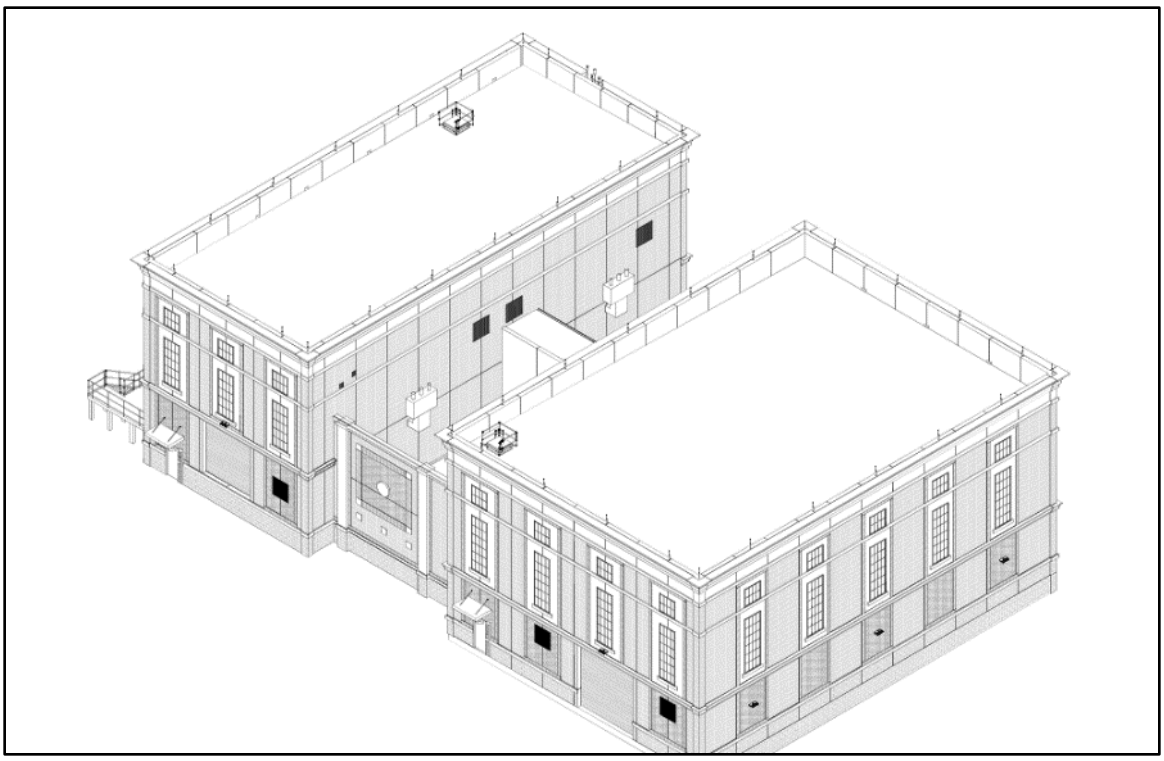
Image of MetroBrick Sample Provided by the Applicant

4.5.2. Height of the Building Base**.** The building base should have a vertical elevation of at least 36 inches. At its lowest vertical elevation, the base is 39 inches in height. The plan complies.

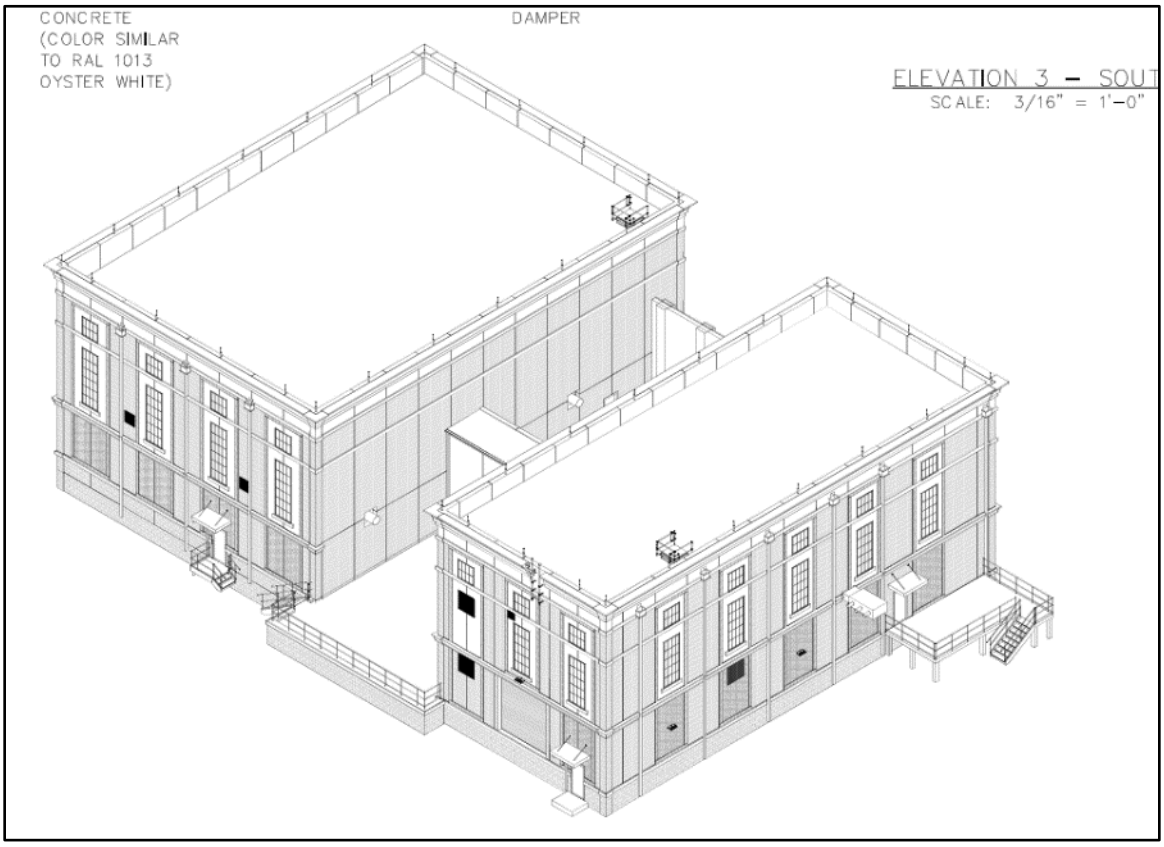
4.5.3. Shadow Lines. The plan requires that the "recognizably brick" should contain shadow lines. The depth of the façade is not clear based on the architectural drawings provided. This information should be detailed on the plans in a manner that clearly indicates shadow lines will be present. This could include indicating the depth of the articulation on the façade. **Relief may be required.**

4.5.4. Vertical Segmentation**.** The plan requires the use of vertical segmentation to create visual interest. Vertical segmentation is achieved through thin concrete columns and protruding brick borders around tall windows which create articulation. The plan complies.

4.5.5. Roof Design**.** The roof of the building should be flat or slightly pitched. The proposed roof is flat. The plan complies.



Northeast Axonometric Image (Top) and Southwest Axonometric Image (Bottom) of Proposed Building Provided by the Applicant



4.5.6. Screening of Rooftop Machinery. The architectural drawings indicate only two areas with rooftop appurtenances. These are only indicated on the axonometric drawing on Sheet 22 (sheet 4 of the architectural drawings, sheet 22 of the overall plan), not in the elevations. This appears to indicate that these appurtenances are screened by the parapet from ground level view, which would comply with the redevelopment plan. **The applicant should provide testimony to that effect.**

4.6. **Vehicular Parking.** The redevelopment plan does not contain parking standards in the traditional sense, instead, it indicates that if any vehicles are stored on site over night, they should be properly screened. It is not apparent from the plans that any vehicles will be parked on site, though presumably operators will drive to the site. **The applicant should provide testimony as to whether it is anticipated that vehicles will be parked on site overnight, and if so, some form of screening may be required. The need for screening may not be required if vehicles are stored in the building in the grade level garage located on Orient Street near the intersection with Linnet Street.**

4.7. **Site Circulation.** Access onto the property is possible from curb cuts on Linnet Street and Evergreen Street which connects to a driveway that extends through the center of the site. It also provides loading access to the smaller portion of the building south of the connecting hallway. **The applicant should provide testimony as to what kind of vehicles will be used in operations at the site and where they are going to be parked.**

4.8. **Site Loading.** There are three areas on the site that can be used for loading via loading docks with rollup doors. Two are located on the eastern side of the building along Orient Street, one of which is at grade, the other above grade to create a loading dock. A third loading dock is located at the rear of the smaller building which is also above grade and can only be used for loading. **The applicant should provide testimony regarding the use of the loading docks. Additionally, the applicant should testify as to the how the loading dock on Orient Street will operate as it does not align with a curb cut.**

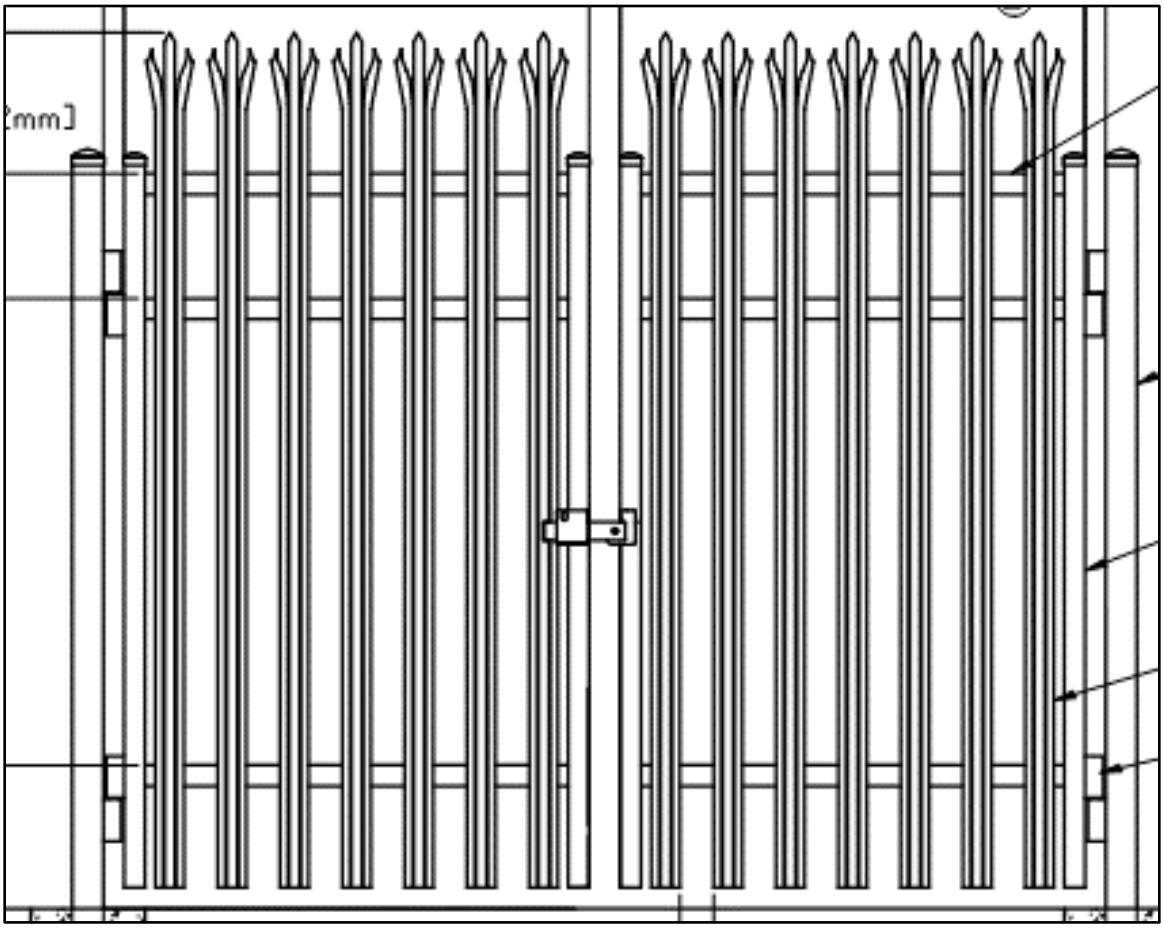
4.9. **Fencing.** The plan permits perimeter fencing and walls to secure the facility from intrusion. The plan indicates two fences and an isolation wall. Three gates are also indicated on the plan. An existing chain-link fence with barbed wired is proposed to be removed.

- NJDOT Fence. A fence labeled as "Existing Fence on NJDOT Property" is to be replaced in kind, as directed by NJDOT. This is located on the property line adjacent to the NJDOT property associated with NJ Route 440 along the western boundary of the site.

- Eight-Foot Decorative Fence. An eight foot fence is proposed around most of the site, excluding a portion near Linnet Street and the southwestern corner of the site. The plan does not contain a detail of the fence. Details of the gates are included, and presumably these will match the fence. **The applicant should verify the fence style and composition.**

- Proposed Gates. Three vehicular gates and one pedestrian gate are proposed. The vehicular gates are labeled as "decorative" and are each twenty feet in width. The pedestrian gate is three feet in width. The style of all of the gates is the same, containing eight-foot posts with a leaf or trident style three pronged tip with 6.5 inch spacing

between each post as indicated on the following page. **The applicant should testify as to whether the fence will be of a similar style to the gates.**



A Gate Detail Provided by the Applicant. The Same Style of Gate is Used for the Three Vehicular Gates and the One Pedestrian Swing Gate.

Isolation Wall. An isolation wall is indicated on the site plan. No detail for the wall has been provided. The architectural drawings indicate that the wall is 22 feet and nine inches in height, built on top of the building base, which is five feet above grade, for a total height of 27 feet. The wall is composed of concrete and contains a precast panel with similar brickwork design as the rest of the building. Visual interest is accomplished through three columns that are wider than what is on the main building. The depth and articulation of the wall is unknown at this time. **It is recommended that a detail of the wall be provided.**

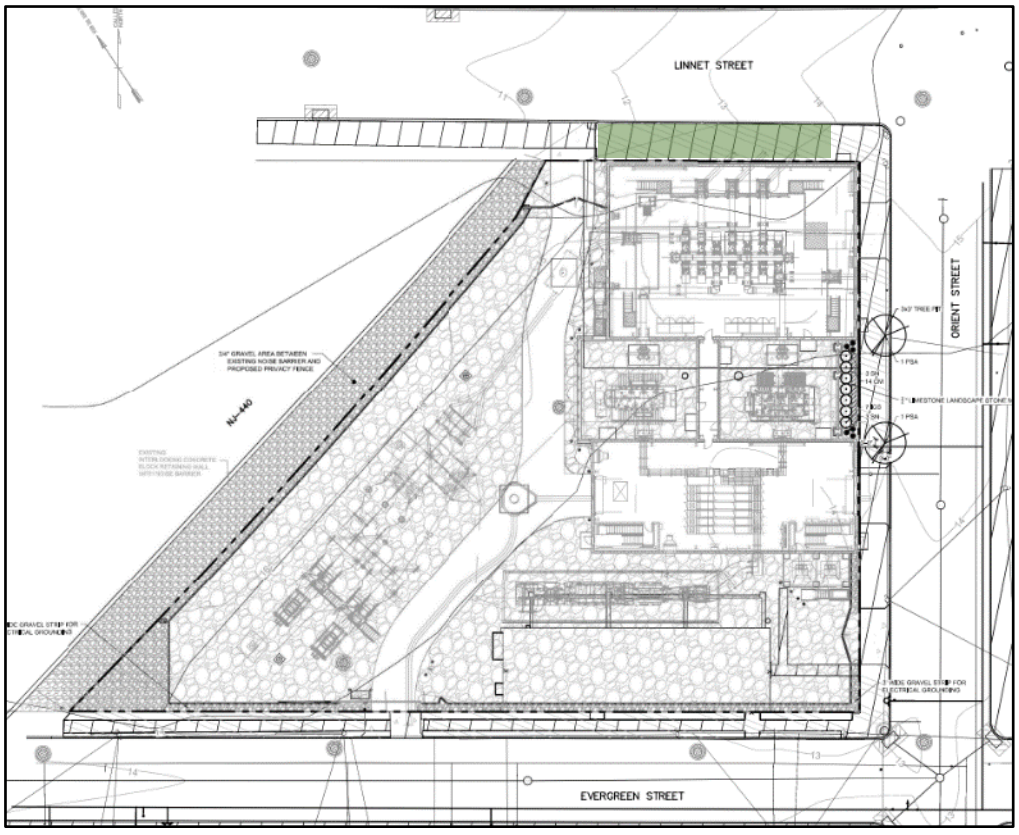
4.10. **Signs.** The plan does not appear to indicate any signs. When this application was in the Technical Review Committee (TRC) phase, a sign was discussed. **If a sign is contemplated, this office recommends that as a condition of approval it comply with §35-25.3.d, which allows for institutional signs not exceeding 20 square feet in area, and if freestanding, not exceeding five feet in height, within residential neighborhoods.**

4.11. **Landscaping.** The plan indicates that 17 existing trees with a DBH (Diameter at Breast Height) between 8 inches and 14 inches will be removed as part of the development of the

site. The trees to be removed are primarily located in the area between N.J. Route 440 and the site, with six other trees in different parts of the site also slated for removal.

The plan then proposes two new trees, seven shrubs, and two varieties of ground cover. The proposed shrubs and ground cover are acceptable. It is recommended that the Higan Cherry (*Prunus subhirtella 'autumnalis'*) trees be replaced with a different tree. The cherry is likely to grow too wide for the space available (mature width is 15-20 feet). **This office recommends a Trident Maple (*Acer buergerianum*). We also recommend planting at a size of 2-2½ inches per caliper and granting the applicant a design exception since this smaller size will improve the ability of the tree to survive the transplantation.**

This office recognizes that given the nature of the use and the limited width of sidewalks on Evergreen Street and Orient Street, additional street trees may not be feasible. However, this office requests that the applicant consider three additional street trees (of the Trident Maple variety or equivalent) along Linnet Street between the overhead wires in the northeast corner of the site and the vehicular access point on Linnet Street. The area is indicated in the image below in green.



5. Miscellaneous

5.1. **Noise.** The applicant submitted a report titled "Acoustical Evaluation of Expanded Site." **This office recommends that the applicant, or the appropriate professional consultant for the applicant, provide testimony regarding the findings of the report.**

5.2. **Site Security.** Various site elements, including fencing, a card reader, and exterior lighting, are proposed in part as security measures. **Given the importance of the utility and ability to generate power, the applicant should provide testimony regarding protection from sabotage and vandalism.**

5.3. **Power Distribution During Construction.** The applicant should testify how the facility will be able to continue distributing power during construction of the new substation.

5.4. **Construction Staging.** The applicant should indicate if other construction equipment and materials will be staged elsewhere in the City for this project due to the need to maintain the ability to provide power from this station during the rebuilding.

6. Analysis of the Application

6.1. **Need for Upgrade of the Facility.** The proposed upgrade and expansion of the facility is necessary to continue and enhance the availability of electrical power and its distribution in the City of Bayonne. The expansion is timely given the rapid pace of redevelopment in the City. It is also our understanding that the hardening of critical infrastructure is a national priority. **It is recommended that the applicant speak to the significance of the proposed facility and why it is necessary at this time. It is also recommended that the applicant speak to the need to floodproof the facility and address stormwater management issues.** We note that more reliable power generation provides greater resiliency for Bayonne and that electrical power is critical infrastructure needed for the everyday operation of law enforcement, emergency services, hospitals, and utilities such as water supply and sewage treatment.

7. Consideration of the "C" Variance

7.1. **Overall Comment**. The following sections summarize the "c" variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the "c" variances. The applicant must justify the "c" variances separately and each variance must satisfy both parts. We defer to the Board Attorney for any additional comment on the "c" variance criteria.

7.2. **Consideration of the Positive Criteria.** To satisfy the positive criteria for a "C" variance, the applicant has two choices. First, known as "-c(1)" variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
- By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Alternatively, and known as "-c(2)" variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:

- Where in an application or appeal relating to a specific piece of property to purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

7.3. **Consideration of the Negative Criteria**. Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan.

- Impact to the public health, safety and welfare. Impact to the public, typically relates to any substantial detriment to the adjoining neighbors or within the surrounding neighborhood. Substantial detriments are usually nuisance related such as noise, dust, trash, parking, traffic, visual distraction, light, runoff, vegetation removal and aesthetics that cannot be adequately mitigated. The applicant should address any impacts to the character of the neighborhood resulting from the proposed position of the swimming pool and related structures.

- Impact to the zone plan. The applicant must show that the relief can be granted without substantially impairing the zone plan and zoning ordinance. In evaluating the negative criteria as it relates to the zoning ordinance and zone plan, the Board should consider the manner in which this application could affect the overall redevelopment of the 8th Street Rehabilitation Plan.

The applicant should provide testimony in support of the variances and be prepared to discuss any potential negative impacts on neighboring properties and the zone plan.

SUMMARY

8. Applicant / Owner / Consultants

8.1. **Applicant.** Public service Electric and Gas Company c/o Noreen Merainer, 4000 Hadley Road, South Plainfield, NJ 07080. Email: Noreen.merainer@pseg.com. Tel: 908.907.0767.

8.2. **Owner.** Public service Electric and Gas Company c/o Robert Pollock, 4000 Hadley Road, South Plainfield, NJ 07080. Email: robert.pollock@pseg.com. Tel: 908.412.7262.

8.3. **Attorney.** Robert Verdibello, Esq. of Connell Foley, LLP, 185 Hudson Street, Suite 2510, Jersey City, NJ 07311. Email: rverdibello@connellfoley.com. Tel: 201.521.1000.

8.4. **Engineer.** Michael J. Blake, PE, Burns & McDonnell Engineering Company, 9400 Ward Parkway, Kansas City, MO 64114. Email: mblake@burnsmcd.com. Tel: 816.601.3523.

8.5. **Electrical Engineer.** K&R Consulting c/o Kyle King, 64 Sherwood Drive, Lenox, MA 01240. Email: kking@kandrllc.net. Tel: 413.446.5938.

8.6. **Planner.** Noreen Merainer, PP, AICP. Public Service Electric and Gas Company, 4000 Hadley Road, South Plainfield, NJ 07080. Email: Noreen.merainer@pseg.com. Tel: 908.907.0767.

9. Materials Reviewed

9.1. *City of Bayonne Application for Development Form*, with attachments, dated July 25, 2023.

9.2. *Statement of the Applicant*, undated.

9.3. *Acoustical Evaluation of Expanded Site PSEG Bergen Point Substation*, prepared by Michael T. Conaway, Ostergaard Acoustical Associates, dated May 16, 2022.

9.4. *Stormwater Management Plan PSEG Bergen Point Substation*, 26 sheets, prepared by Michael J. Blake, PE, Burns & McDonnell Engineering Company, Inc., and Shehzad C. Khan, PSEG Services Corporation, dated July 24, 2023, revised to September 22, 2023.

9.5. *PSE&G Bergen Point 69kV Substation Site Plan,*, prepared by Michael J. Blake, PE, Burns & McDonnell Engineering Company, Inc., dated July 11, 2023.

9.6. *219 Orient Street Property Deed,* dated June 6, 2023.

9.7. *221 Orient Street Property Deed,* dated June 6, 2023.

9.8. *223 Orient Street Property Deed,* dated June 6, 2023.

9.9. *17-29 Evergreen Street Property Deed,* dated October 29, 1926.

9.10. *Photo of Metrobrick Blend Brick Samples.*

9.11. *Bergen Point Substation Viewpoint Map.*

10. Relief Required

10.1. **Variances:**

Potentially, Pg. 9, §1 of "Additional Requirements and Standards" - Shadow Lines
Potentially, Pg. 10, §1 of "Lighting Standards" - Lighting Style
Potentially, Pg. 10, §2 of "Lighting Standards" - Lighting Height *Not Recommended*
Potentially, Pg. 10, §3 of "Lighting Standards" – Color Temperature *Not Recommended*

11. Conditions of Approval

11.1. **Affordable Housing Fees for Residential Development**. As a condition of approval, any required residential affordable housing fees required by the City ordinance should be paid.

11.2. **Consolidate Lots into One Lot.** As a condition of approval, Lots 1, 2, 3, and 4 should be consolidated into one lot.

We would be pleased to answer any questions regarding this report.

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