



BOROUGH OF BAY HEAD

MAYOR WILLIAM W. CURTIS

March 5, 2020

Dear Neighbors:

As you know, we had a Public Hearing on the Proposed New Jersey Transit (NJT) Substation Project on February 13, 2020. Approximately 200 of you attended along with our entire Council, professionals, interested environmental interest groups and other government officials to assist us with clarifying the purpose and design of the new proposed Substation.

Since that time we have been quite busy implementing a strategy to get the answers to questions posed during the meeting by our professionals and residents. I would like to share with you some of the things we have been doing since February 13.

We have been collaborating with Save Barnegat Bay, the Sierra Club and others to seek answers to our very real Environmental concerns.

As you may have heard, the proposed site is situated dangerously near (within 500 feet) our tidal lake, Twilight Lake. Letters sent by the Attorney for Save Barnegat Bay, Michelle Donato, and our Borough Attorney, Jean Cipriani are enclosed so you can see the depth of our inquiry.

We are also approaching NJT from a Historical perspective. The State Historical Preservation Organization (SHPO) has stated that the construction of the new substation has NO adverse affect on the historical district of which the station and "loop" are a part of. The Bay Head Historical Society was not consulted by SHPO prior to their grant of approval. Cathie Coleman, President of the Bay Head Historical Society, disagrees with this determination and has been hard at work on clarifying the impact on the historical districts surrounding the area. She will be meeting with the SHPO to review the project in an effort to have SHPO rescind their approvals.

Also, Save Barnegat Bay will be posting a link on their web site where you will be able to find names and addresses of people to contact to express your concerns on this "Project". A sample letter will be on the site with specific points of interest you may highlight, or you may write your own letter.

Lastly, for now, please be assured our Borough Attorney, Jean Cipriani; our Special Legal Counsel for this project, Bill Sullivan; and Save Barnegat Bay's attorney, Michelle Donato are working together to formulate further strategies for us to consider.

We will keep you informed going forward when we have new developments to report. We encourage all of you to contact your representatives with letters asking for their help. Please do not hesitate to reach out to myself and the Council with your questions and concerns. Below is a list of email addresses for me and the members of Council for your convenience. Thank you all for your interest and for being a part of the Bay Head family and our "extended" family.

Sincerely,



William W. Curtis
Mayor

William Curtis, Mayor – bcurtis@bayheadnj.us

Jennifer Barnes, Councilmember – jbarnes@bayheadnj.us

Douglas Lyons, Council President – dlyons@bayheadnj.us

Diane Cornell, Councilmember – dcornell@bayheadnj.us

Dennis Shaning, Councilmember – dshaning@bayheadnj.us

Holly MacPherson, Councilmember – hmacpherson@bayheadnj.us

R. Andrew Frizzell, Councilmember – rafrizzell@bayheadnj.us



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Brian C. Bartlett
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February 20, 2020

Mr. Paul Wyckoff
Chief of Government and External Affairs
Government and Community Relations
New Jersey Transit
One Penn Plaza East
Newark, NJ 07105

Dear Mr. Wyckoff,

Please be advised this firm represents the Borough of Bay Head. Following the February 13 public information session held by NJ Transit, there are several areas for which the Borough requests further documentation. Please accept this correspondence as a formal request on the behalf of the Borough for the production of additional documents and information as set forth in detail below concerning New Jersey Transit's proposed new power substation and project in the Borough of Bay Head:

Please provide documentation detailing the functionality of the current stormwater management system on-site and how the system will be adapted for the contemplated disturbance to the property due to the proposed development.

Please provide all documents detailing the consideration of all on-site and off-site alternative sites for the new substation, including but not limited to site plans and environmental analyses.

Please provide all documentation relating to the Categorical Exclusion from NEPA, including all documents and submissions relied upon in completion of the application for such exclusion.

Please provide the timeline for the NTA grant funding.

Finally, please submit the site plan to the Borough of Bay Head Planning Board for Capital Projects Review as required by N.J.S.A. 40:55D-31(a) which requires review by the planning board of any project necessitating the expenditure of any public funds, by the planning board for review and recommendation in conjunction with such master plan. This statute further provides that the referring

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agency shall not take any action on the project, without receipt of the recommendation or until 45 days have elapsed after such reference without receiving such recommendation. This requirement applies to action by a housing, parking, highway, special district, or other authority, redevelopment agency, school board or other similar public agency, State, county or municipal.

Following the informational public session held by NJ Transit on February 13, 2020, and in light of the breadth and scope of public comment on the proposed substation, the governing body believes it is in the best interests of the citizens of Bay Head and NJ Transit to fully review in detail Transit's plans for the site particularly with regard to consideration of consistency with the Master Plan.

Additionally, I am in receipt of your correspondence to Mr. Eric Furze seeking information on the source of his alternatives analysis. Mr. Furze has confirmed that his only source was NJ Transit's own documentation – specifically NJDEP Application Package, section 5.3, Freshwater Wetlands Individual Permit Compliance Report and Alternatives Analysis.

Thank you for your consideration in this Matter, please do not hesitate to contact me if you have any additional questions or concerns.

Best Regards,



JEAN L. CIPRIANI

For the Firm

jcipriani@rmshc.law

Michele R. Donato

A Professional Corporation
Attorney at Law

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February 25, 2020

BY EMAIL TRANSMISSION ONLY

John D. DelColle
Senior Director, Legislative Relations
Government and Community Relations
New Jersey Transit
One Penn Plaza East
Newark, NJ 07105

Re: NJ Transit Substation, Bay Head, NJ

Dear Mr. DelColle:

I represent Save Barnegat Bay ("SBB"). On behalf of SBB, please accept my thanks for your willingness to provide answers to the questions raised at the community meeting held on February 13, 2020.

Please respond to the following questions regarding the project, the funding, the environmental reviews and the permits receiving from the New Jersey Department of Environmental Protection ("NJDEP") pursuant to the Coastal Area Facility Review Act ("CAFRA"), the flood hazard individual permit and the wetlands individual permit.

1. Correspondence, documents and submissions for the categorical exclusion from the National Environmental Policy Act.
2. Correspondence, documents and submissions for the exemption from wetlands mitigation to demonstrate that there is no permanent impacts.
3. Correspondence, documents and submissions for the replanting of trees and shrubs in the riparian zone. In particular, please provide information to confirm suitability of the chosen species of eastern red cedar, pitch pine, inkberry and bayberry in the conditions.
4. The submissions state that stormwater will be collected by the existing system. Please provide details of the existing system.
5. Correspondence, documents and submissions to support the determination on page 2 of the report that compliance with the

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stormwater regulations is not required due to the amount of disturbance being less than an acre. Please provide all backup data used to calculate all areas of disturbance from all aspects of the project, including the area of existing substation to be disturbed by demolition, the installation of underground vaults and the work on Lot 18.

6. Correspondence, documents and submissions to support the determination on page 2 of the report that compliance with the stormwater regulations is not required due to the amount of impervious being less than .25 acre. Please provide all backup data used to calculate all areas of impervious from all aspects of the project, including the underground vaults and the work on Lot 18.
7. Correspondence, documents and submissions to support the disturbance of riparian zones.
8. Alternatives analysis appears to be conclusions only. Please provide the facts and considerations that support the conclusions.
9. Regarding existing impervious coverage, please explain in detail how the amount of coverage was determined.
10. Please confirm that the "associated improvements" are limited to the emergency generator, transformers, wayside power platforms, utility cabinets, new utility poles and underground electrical conduit and whether any of these improvements are located on Lot 18.
11. Please provide a plan shown where the underground conduit will be installed and what the soil conditions are in that area. Please address when underground conduit can be installed in areas of high water table.
12. Confirm if this is the same project presented in 2013 during NEPA exemption review and Section 106 processes.
13. Provide a copy of the State Historic Preservation Office review under the State Register Law and the State Register review and approvals by the State Historic Sites Council of the project.
14. Please explain why the substation is proposed within 500 feet of tidally influenced Twilight Lake.
15. Please explain how it was determined that there are no permanent impacts to wetlands would occur.

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16. Please state if the 41-foot height of the substation is measured from grade or from sea level. Please provide a detail of the massing of the existing and proposed substation for comparison purposes? Please explain if a visual impact analysis was conducted.
17. Please confirm the FIRM mapping and base flood elevation that was used. I am of the understanding that final maps have not been adopted yet. In addition, please confirm the amount of freeboard that is being applied above the base flood elevation.
18. Please explain the basis for the statement that no impacts are anticipated on intertidal shallows.
19. Please explain why the report states that filled water's edge is likely present. The report appears to be contradictory.
20. As you are likely aware, only water dependent and enumerated water oriented uses are permitted in the filled water's edge. Please explain why there is no other area that can be used to reasonably accomplish the project.
21. Please comprehensively address water quality impacts, including ground water impacts that do not appear to be addressed in the reports.
22. The report states that there is a "potential for construction-related stormwater impacts to the waterway (Twilight Lake)."

Please describe in full and explain the impacts and how they will be prevented. The Soil Erosion and Sedimentation Control Plan does not address this concern.
23. Even if Stormwater Regulations may not be triggered, was there an evaluation of stormwater impacts in the NEPA categorical exclusion or any other document? Is there a reason why New Jersey Transit cannot assure that water quality will be protected?
24. Please explain when New Jersey Transit intends to obtain capital project review under the Municipal Land Use Law? I have ordered documents from the City of Plainfield regarding the 1999 Capital Project Review for the North Avenue Train Station.

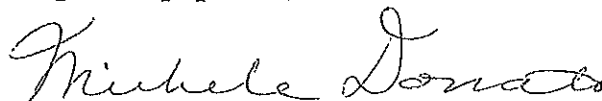
John D. DelColle
Senior Director, Legislative Relations
Government and Community Relations
New Jersey Transit
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As I stated at the meeting, the primary concern of SBB is with respect to wetlands and wetlands buffers, filled water's edge and water quality. Therefore, a complete explanation of the areas of disturbance for the entire project, including the work that will be done to extend the utility lines, is necessary. Lot 18 is not listed on the CAFRA permit. Please confirm what work is proposed at that location.

Thank you for your willingness to assist and for your prompt attention.

Very truly yours,



Michele R. Donato

MRD:dp

cc: Mayor William Curtis
(by email transmission only)
Jean Cipriani, Esq.
(by email transmission only)
Robin LaBue, Esq.
(by email transmission only)
William Sullivan, Esq.
(by email transmission only)
William deCamp, Jr., President, Save Barnegat Bay
(by email transmission only)
Britta Wenzel, Executive Director, Save Barnegat Bay
(by email transmission only)