

**BOROUGH OF WOODCLIFF LAKE
PLANNING BOARD
OCTOBER 14, 2008 8:00 P.M.
MINUTES**

Call to order:

The meeting was called to order at 8:00 p.m. at the Borough Hall by the Vice Chairman.

Adequate Notice Statement:

The Vice Chairman announced that the Meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, was announced at the Reorganization Meeting held on January 14, 2008 in the Municipal Building. Notice of this meeting was posted and two newspapers, The Record and The Ridgewood News, were notified. Notice was also provided, in accordance with the Open Public Meetings Law, of the Planning Board's intention to conduct formal business at this Meeting.

The public is advised of the Planning Board's rule that the meetings will be concluded by 11:00 p.m.

Flag Salute

Roll Call:

George Fry, Chairman	Absent
Robert McDonough, Vice Chairman	Present
Kenneth Glemby	Present
John Glaser	Present
Bruce Mautz	Present
Mayor LaPaglia	Present
Willford Morrison	Absent
Al Dattoli	Present
Robert Boffa	Absent
Joseph Langshultz	Present
Peter Michelis	Present
Marc Leibman, Esq. for Paul Kaufman	Present
Elliot Sachs, Engineer	Present
Donna Holmqvist, Planner	Present
John Pavlovich, Traffic Engineer	Present
Kathy Rizza, Secretary	Present

PUBLIC HEARING:

**BMW HYDROGEN TANK ISSUE
BLOCK 602, LOT 1 AND BLOCK 802, LOT 1
300 AND 200 CHESTNUT RIDGE ROAD
AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL
AND CONDITIONAL USE APPROVAL**

Antimo DelVecchio was present as the Attorney for the applicant. He explained how this was part of a bifurcated application, the other being the curb issue that was resolved in the recent past.

Past exhibits were referenced. A-14 was the revised PS&S drawing.

New exhibits were presented as follows:

A-15 is sheets C1 and C2 of the PS&S drawings with a revision date of 9-26-08.

A-16 is the BMW group detail sheets (5).

A-17 is the PS&S 11x17 drawing showing refueling and the turning path dated 10-2-08.

A-18 is the resume of the BMW representative Elizabeth Pfeiffer.

A-19 is the PS&S drawings of the cross section of the proposed hydrogen fueling stations dated 10-3-08.

Attorney DelVecchio gave a brief history of BMW's need for hydrogen fuel to perform its activities. The Zoning Ordinance allows for up to two (2) above ground fueling stations. This would be the second fueling station on the property. The tank can be no more than 6000 gallons, it can not be for public use and it must be screened. These are some of the conditions that our ordinance mandates. BMW consented to a board retained consultant – "Hydrogen Safety". Their report has been previously submitted to the Board. Attorney DelVecchio continued by stating that the tank requested is only 4800 gallons, which is well below the 6000 gallons allowed by Borough ordinance.

Elizabeth Pfeiffer of BMW was sworn in by Attorney Leibman. Ms. Pfeiffer is the Environmental Compliance Manager for BMW North America. She reviews the codes and standards relating to hydrogen fueling stations. She has been involved with many site installations in many mobile locations. Ms. Pfeiffer stated that permits and environmental compliance are required at all locations. Mr. DelVecchio asked why this fueling station is needed here. Ms. Pfeiffer stated that this is their corporate headquarters and housing for the engineering facility. The location is safe and secure and within close proximity to the other fuel station. Ms. Pfeiffer stated that there about 22-23 vehicles in the United States that use hydrogen fuel; 5-10 of these cars are on the east coast. She estimates that maybe every 3-4 days they could be fueling vehicles. There will be many days when there is no activity. Attorney DelVecchio asked if BMW owns the tank. Ms. Pfeiffer stated that BMW does not own the tank; they lease it from an industrial gas provider. It is a one-of-a-kind tank. Diagrams were referenced to show the equipment used – Exhibit A-16, the last sheet. Ms. Pfeiffer stated that only the engineers who are trained and authorized to operate the fueling station will be allowed access. The fuel

cabinets are locked; badges must be swiped for access. The 22 hydrogen fueled automobiles in the United States are owned by BMW. They are leased with short term loan agreements. They exist for experimental purposes. Ms. Pfeiffer continued by saying that safety controls are in place at all times, site evaluations are done at every site for safety reasons, and local specific emergency procedures are practiced for every site. Detailed preventive maintenance is required for each site and maintenance records are all documented. The fuel contained is DOT regulated subject to testing requirements from the DOT. The tank will arrive on site filled with 4800 gallons. This will last for 4-6 weeks. All service will be done at the site.

Attorney DeVecchio asked Ms. Pfeiffer about the dangers of hydrogen. Ms. Pfeiffer stated that hydrogen will not contaminate if leaked, it is such a light element, it would evaporate in approximately 15 seconds. Attorney DeVecchio asked if Ms. Pfeiffer had read the Hydrogen Safety Report. She responded yes. Ms. Pfeiffer stated that the codes to be adhered to are acceptable and this unit will comply. Other points of interest regarding the tank are as follows:

The filling of fuel is done from the passenger side of the vehicle; the flap opens from the inside of the automobile.

Business hours will be Monday to Friday.

Specifically trained technicians will be on site, badge and key required.

Existing cameras cover the subject area.

There are roving security guards.

There are redundant safety controls in the case of a massive rupture. Detectors will shut down the system. Hydrogen release will dissipate upwards. The worst case scenario would produce hissing noises, but no danger.

The area will shut down in bad weather periods.

A water barrier would be installed in the area.

Exhibit A-16 was referenced to height of the vent stack. It is 19'6" from the bed of the refueler, and over 21' from grade.

Ms. Pfeiffer went over the route of the vehicles to the fueling station. She stated that BMW has never had any safety issues at any of their stations. They have always operated safely.

Board Member questions:

Mr. Glemby clarified that the equipment is permanently bolted to a trailer. The trailer is brought in and dropped at the site.

Mr. Langshultz spoke regarding a Class 1 Division 1 or Division 2 area referring to Exhibit A-16. He also inquired as to an electrical hook up to the equipment. He was told that there is only an electrical hook up to the control cabinet, not in the classified area. Mr. Langshultz also questioned UL electrical testing with certifications. He was told that IEC standards were used, not Division 1 or 2. All safety concerns of Mr. Langshultz were addressed by Ms. Pfeiffer.

Mr. Glaser was concerned with volatility with hydrogen. He was told that hydrogen is explosive, but not with this design. A leak could cause an ignition, but the leak would be detected and the system would shut down. A leak scenario was discussed.

Mr. Glaser also asked if the manufacturers of the equipment have any incident history. Ms. Pfeiffer responded none that she knows of. She stated that there was a compressed hydrogen gas incident in California 3 years ago, but there were no injuries or property loss. The operation was shut down for upgrades. Ms. Pfeiffer stated that there are only 60 fueling stations in the United States; only a few can do liquid hydrogen.

Mr. McDonough asked where these cars are used. He was told that BMW wants to move away from fossil fuels and use a cleaner source. They want to demonstrate safety and comfort. There is no success or failure timeframe.

Mr. Dattoli asked if the elevation of the pad is lower than the parking lot. He was told yes. He asked why BMW is pursuing liquid over gas. He was told that there is a greater mileage range with liquid. Mr. Dattoli brought up the Woodcliff Lake Fire Department letter requesting 2 leak detection units. This will be discussed with BMW officials. They do have leak detection units on site.

Mr. Michelis asked if there are any facilities in a residential area. He was told by Ms. Pfeiffer that there is one located in a conference center and some in employee parking lots, neither of which are very residential areas. He also asked if there was danger relating to vapors, breathing in of the vapors. He was told only in an enclosed area would this be an issue. It was also asked if there was risk to the person fueling the automobile. He was told that a cryogenic burn could occur if there was a leak.

Mr. Dattoli confirmed that the tank is made of steel and is vacuum jacketed.

Mayor LaPaglia spoke regarding the tank at the facility and the reason it is mounted for both tank and filling operations. Ms. Pfeiffer stated again that the tank is leased, not owned. Flexibility of the tank is preferred in case it needs to be moved to a different location to support another event. The filling station may be moved on occasion for this reason. It was stated that safety precautions would always be taken.

The Mayor also asked about the occurrence of lightning strikes. He was informed that the entire system is grounded to control lightning and that the unit would automatically shut down in the event of lightning.

Mr. Glaser asked how close the gas tank is to the hydrogen tank. He was told approximately 76 feet.

Questions from the Board Professionals:

Mr. Pavlovich asked if a canopy is needed in the winter. Ms. Pfeiffer stated that weather does not affect the operation. If it should snow, they just shovel the snow away. He also

questioned the 6' section of vent pipe shown on Exhibit A-16. Mr. Pavlovich thought it was unsupported, but it is supported. Mr. Pavlovich also asked about daily record keeping. He was told that daily records will be maintained.

Mr. Saks of Boswell Engineering spoke regarding electrical codes and conduits. He was assured that all codes will be complied with.

A motion to open the meeting to the public was made by Vice Chairman McDonough, seconded by Mr. Langshultz, and carried by all.

Kevin O'Brien, 227 Pascack Road - Showed pictures of mounted equipment that were provided by the Department of Environmental Protection that had been given to George Fry, Chairman, and the Mayor. Mr. O'Brien questioned the tie down that appears in the picture. Tie down use was explained as an extra level of support for the unit. Mr. O'Brien asked if the system is so safe, why is there an emergency back up plan. He was told that with hazardous materials an emergency back up plan is required. He questioned the number of cars on the west coast. He spoke regarding cell phone use in the area and the prohibition of smoking. He also spoke regarding catastrophic events. Mr. O'Brien also asked about a first responder seminar. He was told that yes there will be one.

Gus Morpurgo, 36 Mill Road Extension - Asked why the facility wasn't put in a contained structure. This would take care of lightning strikes, among other situations. He was told that the Borough prohibits containment.

Attorney Leibman went over all exhibits presented by Mr. O'Brien. The first three (3) exhibits were accurate. Number four (4) was outdated and no longer exists. Mr. O'Brien was sworn in by Attorney Leibman. Exhibit number five (5) was presented. This exhibit is a report by Washington DC on hydrogen facilities that was downloaded from the web. It was determined that this report had no value to this hearing and the exhibit was returned to the Board Secretary.

The public session of the meeting was closed on a motion from Mayor LaPaglia, seconded by Mr. Glemby, and carried.

A five (5) minute break was taken. Attendance was taken again and was the same as at the initial start of the meeting.

Hydrogen Safety was next to make a presentation. Mr. Douglas Rode, Principal and Managing Director, and Mr. Michael Pero, Director of Risk Management for Hydrogen Safety, LLC, were both sworn in by the Board Attorney. A PowerPoint presentation on the safety of hydrogen use was given to all present of which a copy will be distributed to all board members.

Board questions: Mr. Glaser questioned the first slide referring to maximum burning velocity in the air line. Mr. Rode spoke in response regarding a hydrogen incident in Connecticut. He stated that people need to be made aware of the safety of hydrogen.

A motion to go into public session again was made by Mr. Mautz, seconded by Mr. Michelis, and carried.

Gus Morpurgo, 36 Mill Road Extension – also questioned slide one (1) of the presentation.

Kevin O'Brien, 227 Pascack Road – spoke regarding the website of Hydrogen Safety, LLC. Mr. O'Brien asked about the training program for first responders. It was also confirmed by the Board Attorney at this time that Hydrogen Safety, LLC was hired by the Planning Board.

Attorney DeVecchio asked the representatives from Hydrogen Safety, LLC if the presentation given tonight matches the May 28, 2008 report submitted by the same firm. He was told yes.

The public portion of the meeting was closed on a motion from Mr. Langshultz, seconded by Mr. Glaser, and carried.

Patricia Ruskin, Professional Engineer with PS&S, was sworn in by the Board Attorney. She spoke regarding the retaining walls. She also stated that the crushed gravel on the site will withstand the weight of the units above it.

There were no board member questions.

Donna Holmqvist of Burgis Associates asked what the dimension of the facility is along the parkway. She was told 290' approximately. Ms. Holmqvist stated that the landscaping design for screening purposes is adequate.

The meeting was again opened to the public on a motion from Mr. Langshultz, seconded by Mr. Mautz and carried, for questions of Ms. Ruskin.

Being none, the meeting was closed to the public on a motion from Mr. Mautz, seconded by Mr. Langshultz, and carried.

Attorney DeVecchio stated that he was finished presenting his case.

Attorney Leibman summarized the situation for all board members. The Fire Department request must be addressed. The Mayor requested that the resolution be conditional upon the discussion regarding the Fire Dept. request of two (2) hydrogen detectors. Attorney DeVecchio stated that BMW will provide two (2) hydrogen detectors to the Fire Dept. in addition to training for all first responders: Police, Fire, and Ambulance. It was also stated that water barriers need to be shown on the plan. Mr. Glemby stated that the resolution should state that any substantial and/or significant change in the future must come before the Planning Board, any capacity change at all. This motion was made by Mayor LaPaglia, seconded by Mr. Glaser, and carried by all board members present.

Mayor LaPaglia commended Ms. Pfeiffer from BMW and thanked Hydrogen Safety for their informative report.

This portion of the meeting was closed on a motion from Mr. Mautz, seconded by Mr. Langshultz, and carried by all. Special Closed Session was held next.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Rizza', with a long horizontal flourish extending to the right.

Kathleen S. Rizza, Secretary