

**IN THE MATTER OF  
PSE&G SUBSTATION GIS  
BUILDING AND 69kV UPGRADES  
PRELIMINARY AND FINAL  
SITE PLAN APPROVAL  
BLOCK 802, LOTS 5, 6, AND 7**

**RESOLUTION GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL**

**WHEREAS**, Public Service Electric and Gas ("PSE&G"); hereinafter the "Applicant" has proposed the development of property located at 407 Pine Street, in the Borough of Lawnside ("Borough"), County of Camden, and State of New Jersey which property is further known and designated as Block 802, Lots 5, 6, and 7 on the Tax Map of the Borough; and

**WHEREAS**, the Applicant has applied to the Zoning Board of the Borough of Lawnside for approval of Preliminary and Final Major Site Plan pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50, Height Variance relief pursuant to N.J.S.A. 40:55D-70d (6) and Bulk Variance relief pursuant to N.J.S.A. 40:55D-70c, in connection with upgrades for the reconfiguration of PSE&G's Lawnside Substation in the Borough of Lawnside; and

**WHEREAS**, the majority of the existing substation property (Lots 6 and 7) is located within the R-AA, Single Family District. An area approximately 130 feet to 165 feet wide, parallel to the northern property line is located within the CR, Conservation and Recreation District. Adjacent Lot 5 to the east is located entirely within the R-AA District. PSE&G is under contract to purchase Lot 5 for the proposed expansion of the substation and requests Minor Subdivision approval as part of this application to consolidate Lots 5, 6 and 7. In accordance with §96-97 of the Borough's Land Development Ordinance (LDO), Public Utilities, excluding storage yards and commercial office space, are a permitted use in any zone district. The proposed expansion requires a variance approval for height under N.J.S.A. 40:55D-70d(6) of the Municipal Land Use Law for the new Gas-Insulated Switchgear (GIS) Hall and Control Room Building and H-frames as well as bulk variances for side and rear yard setbacks for the proposed retaining wall along the east and north sides of the substation, and parking, sight triangle area, landscape screening and signage. The proposed 8-foot high security fence also requires a design exception.; and

**WHEREAS**, the Applicant appeared virtually<sup>1</sup> before the Borough Zoning Board on July 30, 2020, due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and quorum of the Zoning Board being present, the applicant was heard; and

**WHEREAS**, the Applicant's witnesses were sworn, and the Zoning Board having heard the testimony of the Applicant's witnesses and having examined the exhibits submitted by the Applicant, and having considered all of the evidence presented in favor of or in opposition to the application, the Zoning Board has made the following findings of fact:

6. The Zoning Board has received and reviewed the following pertinent following documents, exhibits testimony and reports; which included:
  - a. One (1) Application Fee Check in the amount of \$600.00 (PSE&G Check No. 9087 dated March 24, 2020);
  - b. One (1) Attorney Escrow Fee Check in the amount of \$1,700 (PSE&G Check No. 4000437080 dated March 23, 2020);
  - c. One (1) Engineering Escrow Fee Check in the amount of \$4,200 (PSE&G Check No. 4000437079 dated March 23, 2020);
  - d. One (1) Zoning Permit application fee check in the amount of \$50.00 (PSE&G Check No. 9088 dated March 24, 2020);
  - e. One (1) signed W9 Form;
  - f. One (1) completed Escrow Agreement;
  - g. One (1) notarized Affidavit of Ownership signed by PSE&G for Lots 6 and 7;
  - h. One (1) notarized Affidavit of Ownership signed by Bethany Benson King as the Owner of Lot 5, the Valley Bible Word of Faith Church. Due to concerns surrounding COVID19, Ms. King has provided an email dated April 6, 2020

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<sup>1</sup> In consideration of the current State of Emergency amid the COVID-19 pandemic.

granting permission to PSE&G to witness the signed documents and have them notarized.

- i. One (1) copy of a fully-executed Contract for Purchase of Real Estate State executed by Ms. King and PSE&G;
- j. One (1) original and fifteen (15) copies of the Zoning Permit Application;
- k. One (1) original and fifteen (15) copies of the Site Plan Application and Submission Documents Package including the Site Plan Checklist and proof of taxes, water and sewer paid;
- l. Fifteen (15) copies of a Land Development Ordinance and Site Plan Checklist Compliance Statement;
- m. Fifteen (15) copies of the 200-foot property owners lists;
- n. Fifteen (15) copies of existing Covenants, Deeds and Restrictions;
- o. Fifteen (15) copies of the Environmental Impact Statement prepared by DW Smith Associates, LLC dated April 2020, which includes color photographs of the existing substation, equipment and surrounding neighborhood and a copy of the NJDEP Freshwater Wetlands Letter of Interpretation and Presence/Absence Determination;
- p. Fifteen (15) copies of an Acoustical Study prepared by Ostergaard Acoustical Associates dated April 9, 2020;
- q. Fifteen (15) copies of the Traffic Impact Statement prepared by Sargent & Lundy dated April 15, 2020;
- r. Fifteen (15) copies of the Stormwater Management Report prepared by Sargent & Lundy dated April 14, 2020;
- s. Fifteen (15) copies of the Lawnside Substation Site Plan, prepared by PSEG Services Corporation dated April 14, 2020;

- t. Fifteen (15) copies of the Lawnside Substation Existing Conditions Survey, prepared by PSEG Services Corporation, dated April 14, 2020;
- u. Fifteen (15) copies of the plan set consisting of four (4) sheets entitled "PSE&G Lawnside Substation - Tree Inventory, Tree Removal & Preservation, Landscape Plan, Landscape Plan Notes & Details", as prepared by DW Smith Associates, LLC dated April 14, 2020;
- v. Fifteen (15) copies of project site plans, consisting of the following twenty (20) drawings as prepared by Sargent & Lundy:

Sheet No.	Drawing No.	Plan Description	Dated
1	740554	Key Plan & Profile	04/10/2020
2	760760	Fence and Driveways Plan	04/10/2020
3	760772	Removal Plan	04/10/2020
4	760761	Civil Site Details Sheet 1	03/25/2020
5	760762	Civil Site Details Sheet 2	03/25/2020
6	760763	Civil Site Details Sheet 3	03/25/2020
7	760764	Drainage and Grading Plan	04/10/2020
8	760765	Drainage Details Sheet 1	03/25/2020
9	760766	Drainage Details Sheet 2	04/10/2020
10	760769	Soil Erosion and Sediment Control Plan	04/10/2020
11	760770	Soil Erosion and Sediment Control Notes	03/25/2020
12	760771	Soil Erosion and Sediment Control Notes & Details	03/25/2020
13	760773	Drainage Profiles - Sheet 1 of 2	04/10/2020
14	760774	Drainage Profiles - Sheet 2 of 2	04/10/2020
15	760767	GIS/Control Building South and West Elevations	04/10/2020
16	760768	GIS/Control Building North and East Elevations	04/10/2020

17	738075	69kV GIS Building - GIS Hall First Floor Plan	03/26/2020
18	740555	69kV GIS Building - Control Room Second Floor Plan	03/26/2020
19	268720	Ultimate Lighting Distribution Plan	04/10/2020
20	760806	"LED" Lighting Design, Fixture Schedules & Details	03/25/2020

2. The following exhibits were admitted into evidence during the hearing:
  - A-1 Lawnside Substation EMF Analysis Report by Sargent & Lundy, dated July 24, 2020
  - A-2 Resume of Alan Yeung, PMP
  - A-3 Lawnside Substation Site Plan, prepared by PSE&G and Sargent & Lundy, dated April 14, 2020
  - A-4 Resume of Eugene Porzio, P.E.
  - A-5 Aerial View of Site, prepared by DW Smith Associates, LLC, dated May 31, 2020
  - A-6 Renderings of Existing and Proposed Conditions (five sheets)
  - A-7 Resume of Katherine Hering, P.E., P.P.
  - A-8 Landscape Plan, prepared by DW Smith Associates, LLC, dated April 14, 2020
  - A-9 Resume of Andrew Steffen, P.E., Sargent & Lundy
3. The Applicant was represented by Thomas Letizia, Esq. from the law firm of Troutman Pepper Hamilton Sanders LLP.
4. It was explained that PSE&G intends to consolidate the lots, which will result in a combined acreage of 3.03 acres. The Lawnside Substation has been in continuous operation by PSE&G as a public utility in this location since 1957 and was upgraded to its current configuration in 1970. It serves approximately 24,000 customers in the area. However, the present configuration, with its now outdated equipment, leaves the substation and its customers vulnerable to power

outages if a single breaker becomes compromised or damaged. Therefore, pursuant to directives from the Federal Energy Regulatory Commission ("FERC") and the Regional Transmission Operator of the electric grid for New Jersey, known as the Pennsylvania, Jersey, Maryland Interconnection, LLC, or PJM, PSE&G must address vulnerabilities in its station systems to avoid outages within its territory - improving the resiliency and reliability of the substation.

5. Applicant's counsel explained that the sought-after variances include:

a. a height variance pursuant to N.J.S.A. 40:55D-70d(6) of the Municipal Land Use Law to permit the new GIS Building to be constructed at a height of 50 feet, which exceeds by more than 10 feet the maximum height of 35 feet permitted in the R-AA Zone, pursuant to Section 96-73.C of the Borough Ordinance; and

b. certain bulk variances, which include:

i. a proposal for no parking spaces, constituting relief from Section 96-84.B(1)(f) of the Borough Ordinance, which requires 13 parking spaces for the new building. PSE&G proposes no parking because the substation will remain unmanned; and

ii. relief from Section 96-89.A of the Borough Ordinance, which requires a 100-foot-by-100-foot sight triangle at the intersection of South Charleston Avenue and Pine Street. Instead, PSE&G proposes use of the American Association of State Highway Transportation Officials', or AASHTO, sight triangle standard, which is required by Camden County; and

iii. relief from Section 96-85.D of the Borough Ordinance, which requires a privacy fence or landscaping for a visual obstruction where an industrial use abuts a residential zone. Instead, PSE&G proposes a semi-private chain link fence around the substation because it is necessary for personnel to see into the site at certain points for safety and security; and

- iv. relief from the setback requirements of Section 96-73 of the Borough Ordinance for a proposed retaining wall to be located 4.8 feet from the eastern rear property line, whereas a 30-foot rear yard is required, and located 4.7 feet from the side property line where 12 feet is required; and
  - v. relief from Section 96-166.B of the Ordinance, which permits institutional or public use parcels in residential zones to have one permanent freestanding sign not exceeding 20 square feet or 6 feet in height. Instead, PSE&G proposes one station identification sign mounted on the fence rather than freestanding.
6. Additional testimony from Mr. Letizia indicated that to address questions regarding electric and magnetic fields ("EMF") surrounding the substation, the Applicant performed an EMF study of the substation. Counsel entered into the record a PSE&G EMF Analysis Report prepared by Sargent & Lundy dated July 24, 2020 into the record affirming the conclusion that EMF levels are and will be well below established limits.
7. Testimony on behalf of the Applicant was provided by witness, Alan Yeung, Associate Project Manager and civil engineer by education and trade. Mr. Yeung explained that the substation's current equipment was nearing its end of life, and under current FERC standards, is in need of an upgrade to ensure its suitability for serving its customer base. Further testimony was provided by Mr. Yeung concerning the reconfiguration project's community benefits - asserting that PSE&G will be installing a new curb and sidewalk along Pine Street, visibility and safety improvements at the Pine Street and South Charleston Avenue intersection, a new ADA ramp, onsite stormwater basin, and new landscaping and fencing.
8. Additional testimony by Sargent & Lundy Civil Structural Manager, Eugene Porzio; augmenting the technical necessity and merits of the project. The Board recognized Mr. Porzio as an expert in the field of civil engineering. He affirmed that the Applicant is in agreement with and can meet all of the recommendations contained in Remington & Vernick

Engineers' June 10, 2020 review letter. Mr. Porzio also testified that no significant noise impact is anticipated as confirmed in the acoustical report submitted with the application.

9. The Board also considered testimony from PSE&G witness, Katherine Hering, Senior Project Engineer and Program Manager of DW Smith Associates' Permitting Group - with Ms. Hering providing technical testimony concerning the firm's Landscaping Plan in furtherance of the applicant's variance requests. Ms. Hering testified that the proposed project (1) preserves the existing landscaping in its natural states and/or improves existing site conditions in keeping with adjacent areas; and (2) that freestanding buildings and structures will not block natural vistas - providing desirable space enclosure and respecting the established lot siting of surrounding buildings and structures. Ms. Hering further testified that the exterior is intended to have a residential appearance that is compatible with surrounding residential uses. Ms. Hering also provided expert planning testimony addressing how the proposed plan satisfies the legal criteria--both the positive and negative standards--for the grant of the requested height variance, specifically, noting that the subject site can accommodate the impacts associated with the requested height of the GIS Building and that the building height (taking into account the mitigating measures incorporated into the plan--i.e., the residential exterior building design, new landscaping at the site perimeter, new privacy fencing and placing the building 47 feet back from Pine Street) will not have a substantial negative impact upon neighboring properties or result in substantial impairment of the Borough's zoning ordinance or zone plan.
10. The Board also heard testimony from the Applicant's witness Andrew Steffen, Project Manager with Sargent & Lundy, and an electrical engineer. The Board recognized Mr. Steffen as an expert witness in the field of electrical engineering and the study of EMF. Mr. Steffen presented the results of the EMF Analysis Report prepared for the Lawnside Substation and entered into the record. Mr. Steffen explained that EMF emitted by power systems in North America are classified as extremely low frequency energy and similar in nature to low-frequency radio waves. He also noted that there are no



federal standards limiting occupational or residential exposure to power-frequency EMF and that New Jersey has limits for solely electric fields. He further testified that through application of industry-accepted modeling techniques for calculating EMF to be generated by the new electrical equipment proposed and in the taking of field measurements of existing EMF levels at the substation, he determined that the existing and new equipment for the substation would emit EMF levels far below any established limits for power-frequency EMF. The Board's engineering consultant Remington & Vernick agreed with the conclusions reached by the Applicant's EMF expert.

11. The Board also fielded testimony and questions from the following neighboring noticed individuals, as well as interested members of the community whom articulated their concerns regarding the safety and necessity of the project:
  - a. Kathleen Avant 317 South Charleston Avenue
  - b. Sharon Whitney 415 Sadler Avenue
  - c. Ervin Mears 411 East Charleston Avenue
  - d. Ann Bull 325 Ashland Avenue
  - e. Shyvette Brown 365 Silk Street

The Applicant referred these individuals to expert testimony and items in the record that addressed their concerns in furtherance of the Board's consideration of the application.

12. Further review was facilitated by Ms. Dena Moore Johnson of Remington & Vernick on behalf of the Board. Examination of the Applicant made approval contingent upon the following additional conditions:
  - a. The Applicant shall have the traffic study signed and sealed in accordance with state regulations; and
  - b. the Applicant shall revise their application to reflect that the area and bulk table as submitted complies with Section 96-71 as it concerns the R-ÅA Zone and boundary lines; and
  - c. the Applicant shall obtain a permit from the Camden County Highway Department in furtherance of the road opening on South Charleston Avenue; and
  - d. the size material, of the proposed water lateral and the size materials for the sanitary lateral

- should be indicated on the plans, along with inverts indicated the sanitary clean-outs; and
- e. the applicant shall obtain written verification and approval from the Borough Engineer prior to final signatures on the plan; and
  - f. the Applicant shall comply with all landscaping substitutions as specified by the Borough professionals; and
  - g. the Applicant shall consolidate by deed and obtain block and lot numbers from the tax assessor, with written verification received by the Borough's professionals prior to final review and signature of the deed; and
  - h. the Applicant will revise architectural elevations to illustrate proposed colors and materials; and
  - i. the owner's signature and engineer's certification will be removed from the plan's signature block while adding a signature block for the Zoning Board engineer under the Zoning Board approval signature lines; and
  - j. the Applicant shall confirm that the footings of the 8-foot chain link fence and retaining wall will not encroach within the right-of-way of Pine Street; and
  - k. the Applicant shall revise the storm sewer collection piping onsite to indicate the minimum pipe size of 15-inch RCP for the storm sewer collection; and
  - l. the Applicant shall continue to work closely with the New Jersey Department of Environment Protection, New Jersey Department of Consumer Affairs, Camden County Soil Conservation District, Camden County Planning Board, and the Borough of Lawnside, to avoid impacts to any environmental features adjacent to and/or in the site, and to comply with any outstanding issues in obtaining all necessary licenses, permits and approval prior to site development; and
  - m. the Applicant shall install security cameras in consultation with local, State, and Federal

standards and in consultation with Borough and County law enforcement; and

- n. the Applicant should provide additional information to supplement the Applicant's acoustical study to indicate that the proposed conditions will not exceed the New Jersey State Standards for noise on a dBA scale for both nighttime and daytime; and
- o. the plan should note that the owner or its representative is the designated individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21(e) of the New Jersey Uniform Construction Code and CFR 1926.32(f) (OSHA Component Person).

#### **FINDINGS OF FACT AND CONCLUSIONS**

A Board's grant of a height variance where the use and principal structure is already permitted by zone can be provided after consideration of the positive and negative criteria. The Board finds that projects with inherently beneficial use presumptively satisfies the positive criteria measures of an application; but still warrants an examination of aggravating factors that may deem such variance unfit. Accordingly, this Board has given this community's needs and voiced concerns particular scrutiny and well-considered weight as to this projects impact on the public good and impact on surrounding areas.

This same consideration was measured in regards to the Applicant's request for the requested bulk C variance relief; weighing whether this project shall (1) advance the purposes of the Municipal Land Use Law; (2) that the variance can be granted without substantial detriment to the public good; (3) that the benefit of the deviation substantially outweighs any detriment; and (4) lastly, whether a grant of the variances will substantially impair the intent and purpose of the zone plan and zoning ordinance. With that, the Board finds that:

1. All property owners within 200 feet of the premises in question were given proper notice of the hearing of the

application and were provided with an opportunity to present testimony in support of or in opposition to the appeal.

2. The positive aspects of this project vastly outweigh the considered negative criteria - further supported by the mitigating efforts of the Applicant and agreement to the conditions of approval herein. Accordingly, the grant of the requested height variance for an already permitted use is in the best interest of the community in consideration of the public benefits afforded by the substation.
3. A grant of the variances advances the purposes of the Municipal Land Use Law;
4. A grant of the variance relief does not result not result in substantial detriment to the public good;
5. A grant of the requested variance relief will not result in any substantial impairment of the Zone Plan and Zoning Ordinance.
6. The deviations from Ordinance requirements will be insubstantial, and accordingly;
7. After consideration of all the foregoing testimony, exhibits, public comment and balancing of the proposed plan's need for variance relief, with the impact to and good of the community; the Applicant has satisfied the positive and negative criteria for the grant of the requested height variance, bulk C variance relief and site design exception be granted as resolved below.

**NOW THEREFORE, BE IT RESOLVED** by the Zoning Board of the Borough of Lawnside on this 30th day of July 2020; that the Application of PSE&G be and is hereby approved in totality, with approval expressly conditioned upon compliance with the explicit terms and conditions expressed herein and the general conditions noted below:

**GENERAL CONDITIONS -**

- 1) This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filled with, or offered to, the Board in connection with this application, all of which are incorporated herein by reference and specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on Notice to the Applicant) that a breach hereof has occurred.
- 2) In the event that any documents require execution in connection with this approval, such documents will not be released until all of the conditions of this approval have been satisfied unless otherwise expressly noted.
- 3) No taxes or assessments for local improvements shall be due or delinquent on the subject property.
- 4) The Applicant shall pay to the Borough any and all applicable existing sums outstanding for fees incurred to the Borough for services rendered by the Borough's professionals for review of the application for development, review and preparation of documents, inspections of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the Borough as are necessary to fund anticipated continuing Borough expenses for such professional services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.
- 5) The Applicant shall furnish all applicable guarantees and fees as may be required pursuant to the Municipal Land Use Law and the Ordinances of this Municipality for the purpose of assuring the installation and maintenance of site improvements.
- 6) No site work shall begin, or plans signed or released, or any work performed with respect to this approval until such time as **all conditions** of the approval have been satisfied or otherwise waived by the Board.

- 7) In the event of an appeal to the governing body as permitted by ordinance, the Applicant understands that all action and proceedings enabled or otherwise granted by this decision are stayed, unless the Board certifies to the governing body that by reason of facts stated in the certification, a stay would, in the Board's opinion, cause imminent peril to life or property; in such case the proceedings shall not be stayed other than by an order of the Superior Court.
- 8) Any and all notes, drawings or other information contained, or any approved plans shall be conditions of this approval.
- 9) Nothing herein shall excuse compliance by the Applicant with any and all other requirements of the Borough or any other governmental entity. This approval is conditioned upon compliance by the Applicant with all Ordinances and Regulations of the Borough.
- 10) In the event any de minimis exception has been granted in connection with this application, a copy of this resolution shall be sent to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, NJ 08625-0802 within thirty (30) days of the date hereof. Said copy of this resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS."
- 11) All special/explicit conditions shall be included as notes on the plans.
- 12) All general and special conditions set forth in this Resolution shall be placed as notes on the approved plans as a Resolution compliance requirement.
- 13) The scope of the review of this application is necessarily limited to planning, zoning and land use review of the site as compared to the requirements of the Borough. The grant of this approval and of any permit or approval in connection therewith shall not constitute a representation, guarantee or warranty of any kind or nature by the Borough or by any Borough official or employee thereof with respect to the practicability or safety of any structure, use or other plan proposed and shall create no liability upon or cause of action against the Board, the Borough or any officials or

employees thereof for any damage or injuries that may result from the construction of the improvements for which this approval grants

**BE IT FURTHER RESOLVED** that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Borough or any other governmental entity.

**BE IT FURTHER RESOLVED** that a written copy of this Resolution, certified by the Zoning Board Secretary to be a true copy, be forwarded to the Applicant, applicable local and state officials - such shall be filed with the Borough's administrative office and available to inspection by interested parties during normal business hours.

**BE IT FURTHER RESOLVED** that a proper notice of this decision be published once in the official newspaper of the Borough or in a newspaper in general circulation within the Borough.

OFFERED BY: Ms. Gloria Crew Pitchford

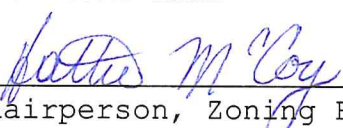
SECONDED BY: Ms. Bridget Kittles

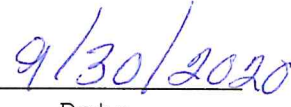
ROLL CALL:

YES: Ms. Hattie McCoy Kemp; Ms. Gloria Crew Pitchford;  
Ms. Darlene Still; Ms. Bridget Kittles;  
Mr. Darryl Lee Dozier

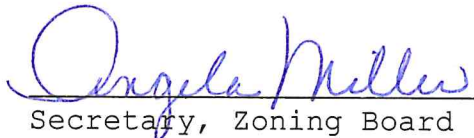
ABSTENTIONS: Ms. Tanya Lyons UNAVAILABLE: Mr. Ray Watkins  
(Motion carries - 5 affirmative votes)

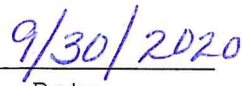
**SIGNATURE LINE**

  
\_\_\_\_\_  
Chairperson, Zoning Board  
Borough of Lawnside

  
\_\_\_\_\_  
Date

I certify that the above is a true and exact copy of the Resolution passed by the Zoning Board of the Borough of Lawnside at its meeting held on September 24, 2020.

  
\_\_\_\_\_  
Secretary, Zoning Board  
Borough of Lawnside

  
\_\_\_\_\_  
Date