

**THE BOROUGH OF LAWNSIDE
RESOLUTION NO. 44-2021**

AUTHORIZING THE REAPPOINTMENT OF AN ACTING MUNICIPAL CLERK

WHEREAS, in the case of a vacancy in the Office of the Municipal Clerk, the Governing Body may appoint a person who does not hold a Registered Municipal Clerk Certificate to serve as Municipal Clerk for a one year term; and

WHEREAS, April 7, 2021 the Borough of Lawnside wishes to re-appoint Marsharee A. Wright as Acting Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, that effective April 7, 2021, **Marsharee A. Wright**, will be appointed as Acting Municipal Clerk until April 6, 2022 pending approval for a 4th one year term by the Department of Community Affairs. Salary to be determined, but not to extend the range on the salary ordinance; and

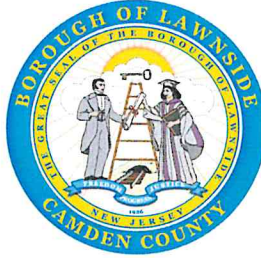
BE IT FURTHER RESOLVED THAT, the Acting Municipal Clerk will also serve as Election Clerk, Registrar of Vital Statistics, Construction Clerk, and Technical Assistant to Code Official.

BOROUGH OF LAWNSIDE

**MARSHAREE A. WRIGHT
ACTING BOROUGH CLERK**

**MARY ANN WARDLOW
MAYOR**

Adopted: April 7, 2021



**THE BOROUGH OF LAWNSIDE
RESOLUTION 45-2021**

**AWARDING A 3(THREE) MONTH CONTRACT FOR SOLID WASTE AND BULKY
WASTE COLLECTION SERVICE IN THE BOROUGH OF LAWNSIDE**

WHEREAS, the Borough of Lawnside is in need of the collection, removal and disposal of trash, and garbage, to provide for the health, safety and welfare of its citizens; and

WHEREAS, the 3(three) month contract will be effective April 1, 2021 until June 30, 2021, giving such time that The Borough of Lawnside has been able to receive bids, and execute a new trash collection contract; and

WHEREAS, the Business Administrator and Borough Solicitor recommend that Mayor and Council award trash collection for a 3(three) month basis beginning April 1, 2021 and ending June 30, 2021 to **South Jersey Sanitation, 253 N. White Horse Pike, Hammonton, NJ 08037 at a rate of \$98.71 per ton for weekly trash collection.**

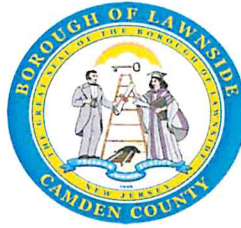
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lawnside that the Business Administrator and Borough Solicitor take any and all steps necessary to ensure the implementation of this agreement.

BOROUGH OF LAWNSIDE

Marsharee A. Wright
Acting Municipal Clerk

Mary Ann Wardlow
Mayor

ADOPTED: APRIL 7, 2021



**BOROUGH OF LAWNSIDE
RESOLUTION NO. 47-2021**

AUTHORIZING PROMOTION TO SERGEANT

WHEREAS, Mayor and Council of the Borough of Lawnside, County of Camden and State of New Jersey are charged with protecting the health and safety of its citizens; and

WHEREAS, the Mayor and Council, through its Public Safety Committee, have determined that the Police Department is in need of a Sergeant Police Officer; and

WHEREAS, Corporal Michael Hendricks has met the requirements, to be promoted to Sergeant in the Borough of Lawnside and he will be paid a salary not to exceed \$83,302.00 pursuant to Collective Bargaining Agreement PBA Local #30; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Lawnside, County of Camden and State of New Jersey that Michael Hendricks be promoted to Sergeant effective April 1, 2021.

BOROUGH OF LAWNSIDE



MARSHAREE A. WRIGHT
ACTING BOROUGH CLERK



MARY ANN WARDLOW
MAYOR

ADOPTED: APRIL 7, 2021



**BOROUGH OF LAWNSIDE
RESOLUTION NO. 48-2021**

**RESOLUTION AUTHORIZING
BOROUGH OF LAWNSIDE TO RE-ADVERTISE AND SOLICIT BIDS
FOR LANDSCAPING SERVICES -**

WHEREAS, the Borough of Lawnside is seeking sealed landscaping qualification statements for landscaping services of lawn mowing, shrub trimming and snow and ice removal; and;

WHEREAS, the Governing Body has approved re - advertising for sealed landscaping qualification statements; and

WHEREAS, the Borough of Lawnside strives to save tax dollars and improve working and living environments; and

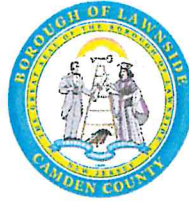
THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Lawnside have authorized the re - advertisement and solicitation of competitive bids for landscaping services to include lawn mowing, shrub trimming and snow and ice removal.

BOROUGH OF LAWNSIDE

**MARSHARÉE A. WRIGHT
ACTING BOROUGH CLERK**

**MARY ANN WARDLOW
MAYOR**

ADOPTED: APRIL 7, 2021



**BOROUGH OF LAWNSIDE
RESOLUTION NO. 49-2021**

**RESOLUTION AFFIRMING THE JULY 30, 2020 DECISION OF THE
BOROUGH OF LAWNSIDE ZONING BOARD APPROVING THE
PSE&G SUBSTATION GIS BUILDING AND 69KV UPGRADES APPLICATION FOR
PRELIMINARY AND FINAL SITE PLAN WITH "D" VARIANCE RELIEF**

WHEREAS, Public Service Electric and Gas Company ("PSE&G" or the "Applicant") is a New Jersey public utility and the current owner of Blocks 802, Lots 6 and 7 and the contract purchaser of Block 802, Lot 5 on the Borough of Lawnside Tax Map, with an address of 407 Pine Street, Lawnside, New Jersey 08103 (the "Site"); and

WHEREAS, appellants ("Appellants") are residents of Lawnside, more specifically Sharon Gay Whitney ("Ms. Whitney") and Ervin Mears ("Mr. Mears") of Concern Citizens of Lawnside; and

WHEREAS, PSE&G made application to the Borough of Lawnside Zoning Board of Adjustment (the "Zoning Board") for Preliminary and Final Major Site Plan Approval 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. 50:55D-70c for upgrades to its existing electric substation (the "Substation") located at the Site (the "Application"); and

WHEREAS, in support of its Application, PSE&G submitted, among other things, the following materials, subject to public inspection, and consideration by the Zoning Board:

- i. Site Plan Application;
- ii. Proof of Service of Notice of the Hearing;
- iii. Environmental Impact Statement;
- iv. Acoustical Study;
- v. Traffic Impact Statement;
- vi. Stormwater Management Report;
- vii. EMF Analysis;
- viii. Landscape Plan;
- ix. Aerial View of Site; and
- x. Lawnside Substation Site Plan Engineering Drawings

WHEREAS, the proposed Substation improvements include the construction of a gas insulated system (GIS) building, new perimeter fencing, a storm water detention basin system and other site improvements; and

WHEREAS, on July 30, 2020, the Zoning Board's professional staff, representatives of PSE&G, Appellants, and other residents of Lawnside appeared virtually before the Zoning Board (the "Zoning Board Hearing"); and

WHEREAS, at the close of the Zoning Board Hearing, the Zoning Board voted to approve the Application; and

WHEREAS, a verbatim transcript of the Zoning Board Hearing was made; and

WHEREAS, the Zoning Board memorialized its approval of the Application in a resolution dated September 30, 2020 (the "Zoning Board Resolution"); and

WHEREAS, the Zoning Board Resolution contained fifteen (15) specific and thirteen (13) general conditions as follows:

Specific 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-AA Zone and boundary lines; and
- c. The Applicant shall obtain a permit from 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 the 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 Standards for noise on 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).

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 the 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; and
- 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; and
- 3. No taxes or assessments for local improvements shall be due or delinquent on the subject property; and
- 4. The Applicant shall pay to the Borough any and all applicable existing sums outstanding fees incurred to the Borough for services rendered by the Borough's professionals for review of the application for development, review a preparation of documents, inspections of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits 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; and

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 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; and
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 certificate, 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; and
8. Any and all notes, drawings or other information contained, or any approval plans shall be conditions of this approval; and
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; and
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, 1001 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 Improvements Exceptions."
11. All special/explicit conditions shall be included as notes on the plans; and
12. All general and special conditions set forth in this Resolution shall be placed as notes on the approved plan as Resolution compliance requirement; and
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.

WHEREAS, the Appellants filed an appeal of the Zoning Board's approval of the Application with the Borough Council (the "Appeal"); and

WHEREAS, the Appeal alleges the following grounds thereof: (1) certain residents living within 200 feet of the premises were not notified; (2) that residents were not permitted to cross-examine Applicant's witnesses or the Zoning Board's professional staff; (3) noise emitting from the property exceeded State statute and risked hearing loss to the community; (4) the variance granting relief from Borough Ordinance § 96-85.D. fails to protect the community visually, aesthetically and as a matter of public health and safety; (5) the stormwater basin design will not adequately prevent flooding; (6) the levels of Electric and Magnetic Fields ("EMF") that will emit from the upgrades will exceed established limits; and (7) the Zoning Board failed to adequately condition its approval on issues related to asbestos, work hours, landscape plan, basin design, highway permits, odor, and fire safety plan; and

WHEREAS, a verbatim transcript of the Zoning Board Hearing was submitted by the Appellants to the Borough Clerk for use by the Borough Council in reviewing the Appeal; and

WHEREAS, in further support of the Appeal, Mr. Mears submitted a summary, dated November 16, 2020, on behalf of the Appellants purporting to outline impacts of EMF; and

WHEREAS, in opposition of the Appeal and in further support of the Application, PSE&G filed a letter brief with the Borough Council, dated November 17, 2020; and

WHEREAS, PSE&G appended to its letter brief portions of the record before the Zoning Board, including (1) Proof of Service of Notice of the Hearing; (2) a true and correct copy of the Site Plan; (3) excerpts from the Zoning Board Hearing transcript; (4) excerpts from Acoustical Evaluation of Additional Systems: PSE&G Lawnside Substation authored by Ostergaard Acoustical Associates; (5) excerpts from Lawnside Substation Reconfigure Lawnside 69kV Project Stormwater Management Report authored by Sargent & Lundy, LLC, (6) excerpts from PSE&G Lawnside Substation EMF Analysis authored by Sargent & Lundy, LLC; and

WHEREAS, the Zoning Board submitted a memorandum dated November 20, 2020 in support of its decision granting approval of the Application;

WHEREAS, the original meeting date for the Borough Council to review the Appeal was January 13, 2021, however said meeting was adjourned with the consent of the Appellants and the Applicant to March 31, 2021; and

WHEREAS, the Borough Council, upon proper notice, held a meeting on March 31, 2021 at 7:00 pm via Zoom to consider the Appeal and review the record established before the Zoning Board with respect to the Application (the "Council Meeting"); and

WHEREAS, at the Council Meeting, oral argument was submitted by Ms. Whitney on behalf of Appellants, Thomas M. Letizia, Esquire on behalf of PSE&G and Darryl C. Rhone, Esquire on behalf of the Zoning Board; and

WHEREAS, prior to the Council Meeting, the Borough Council reviewed the Zoning Board Resolution approving the Application, the verbatim transcript of the Zoning Board Hearing, and the submissions filed by PSE&G, the Appellants and the Zoning Board in connection with the Appeal; and

WHEREAS, the Borough Council conducted a de novo review of the record below including, the following:

- i. Site Plan Application and Submission Documents Package including Site Plan Checklist and proof of taxes, water and sewer paid;
- ii. Proof of Service of Notice of the Hearing;
- iii. Environmental Impact Statement prepared by DW Smith Associates, LLC, dated April 2020;
- iv. Acoustical Study prepared by Ostergaard Acoustical Associates, dated April 9, 2020;
- v. Traffic Impact Statement prepared by Sargent & Lundy, LLC, dated April 15, 2020;
- vi. Stormwater Management Report prepared by Sargent & Lundy, LLC, dated April 14, 2020;
- vii. PSE&G Lawnside Substation EMF Analysis prepared by Sargent & Lundy, LLC, dated July 24, 2020
- viii. the Lawnside Substation Site Plan Drawings, consisting of 20 sheets, as prepared by Sargent & Lundy, LLC, dated April 10, 2020 ;
- ix. Tree Inventory, Tree Removal & Preservation, Landscape Plan, Landscape Plan Notes & Details prepared by DW Smith Associates, LLC, dated April 14, 2020;
- x. Existing Conditions Survey prepared by PSEG Services Corporation, dated April 14, 2020;
- xi. Lawnside Substation Site Plan, prepared by PSEG Services Corporation, dated April 14, 2020;
- xii. Exhibits admitted into evidence during the Zoning Board hearing, including: A-1 EMF Report; A-2 Resume of Alan Yeung, PMP; A-3 Site Plan; A-4 Resume of Eugene Porzio, P.E.; A-5 Aerial View of Site; A-6 Renderings of Existing and Proposed Conditions (five sheets); A-7 Resume of Katherine Hering, P.E., P.P.; A-8 Landscape Plan; A-9 Resume of Andrew Steffen, P.E.;
- xiii. Review Letter to the Zoning Board, dated June 10, 2020, from Remington & Vernick Engineers (the Zoning Board's engineering consultant); and
- xiv. Testimony of the Applicant's witnesses, Zoning Board professionals, Borough Engineer and residents at the July 30, 2020 Zoning Board Hearing.

WHEREAS, the Borough Council reaches the following **FINDINGS OF FACT AND CONCLUSIONS**:

1. The Appeal is authorized pursuant to N.J.S.A. 40:55D-17a-d and Borough Ordinance § 96-62A(4) which permits interested parties to appeal any final decision of the Zoning Board granting a d variance to the Borough Council.
2. The Borough Council reviewed de novo the Zoning Board decision to grant approval of the Application for preliminary and final major site plan with d variance and bulk variance relief.
3. The Borough Council finds sufficient evidence in the record that the Applicant's project is inherently beneficial and its positive aspects substantially outweigh the considered negative criteria which is further supported by the mitigation efforts of the Applicant and agreement to the conditions imposed by the Zoning Board.
4. Subject to the additional conditions set forth below, there is sufficient evidence in the record, including the expert testimony of the Applicant's professional planner, to support the granting of variance relief from Borough Ordinance § 96.85.D. and all other bulk variance relief requested. The Borough Council agrees with the Zoning Board that the grant of the requested variance

relief advances the purposes of the Municipal Land Use Law, will not result in any substantial detriment or impairment to the public good, the zone plan or the zoning ordinance of the Borough. The Borough Council further finds that the deviations from Ordinance § 96.85.D are insubstantial and limitedly tailored.

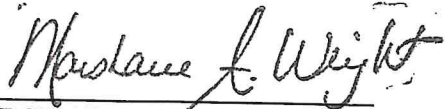
5. The record before the Zoning Board, including the Proof of Service of Notice, a certified Owner & Address Report, and Site Plan, demonstrates that all property owners within 200 feet of the Site were given proper notice of the Zoning Board Hearing in accordance with the provisions of the Municipal Land Use Law and that all interested persons were provided with an opportunity at the Zoning Board Hearing to present testimony in support of or in opposition to the Application.
6. The record before the Zoning Board clearly demonstrates that residents both within 200 feet and beyond were given an opportunity to, and did, cross-examine the Applicant's witnesses.
7. Subject to the conditions already imposed by the Zoning Board, the evidence in the record, including an Acoustical Study and expert testimony from the professional engineers for the Zoning Board and the Applicant, demonstrate that proposed equipment at the Substation emitting sound will comply with all State and County standards for daytime and nighttime sound; and
8. The record before the Zoning Board, including the Stormwater Management Report and expert testimony by the Applicant's professional engineer, demonstrates that the Applicant's stormwater management plan complies with all applicable New Jersey Department Environmental Protection regulations and Borough Ordinances regarding water quality, water quantity, groundwater discharge, and basin design requirements; and
9. The record before the Zoning Board, including the PSE&G Lawnside Substation EMF Analysis and testimony of the Applicant's electrical engineer, demonstrates that the Applicant's equipment will emit electric and magnetic fields below any applicable limits set by New Jersey, other state jurisdictions or international organizations.
10. Subject to the additional conditions imposed below, there is sufficient evidence in the record, including testimony at the Zoning Board Hearing and reports submitted in support of the Application, that no further conditions of approval are necessary.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Lawnside renders the following decision:

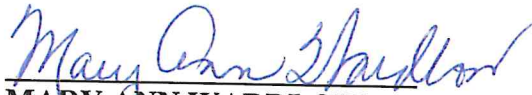
1. By a vote of five (5) yes (DeAbreu, Lee, Wardlow-Hurley, Wilcox, Sr. and Wright-McLeod) and one (1) abstention (Pollard) affirms the decision of the Zoning Board to approve the Application of PSE&G for the reasons stated herein and all other reasons, not inconsistent with this Resolution, set forth by the Zoning Board in its September 30, 2020 Resolution.
2. By a vote of five (5) yes (DeAbreu, Lee, Wardlow-Hurley, Wilcox, Sr. and Wright-McLeod) and one (1) abstention (Pollard) affirms the decision of the Zoning Board to approve the Application of PSE&G with the imposition of the following additional conditions:
 - a. Revise the design of the proposed perimeter fence around the Substation to include artificial greenery slats; and

- b. Redesign the architectural façade of the proposed GIS building to make it more residential in appearance.

BOROUGH OF LAWNSIDE



MARSHAREE A. WRIGHT
ACTING BOROUGH CLERK



MARY ANN WARDLOW
MAYOR

ADOPTED: APRIL 7, 2021

CERTIFICATE OF BOROUGH CLERK

The foregoing Resolution was duly adopted at a meeting of the Mayor and Council of the Borough of Lawnside, County of Camden, and State of New Jersey, held on the 7th day of April, 2021 via ZOOM Conference Call Pursuant to Executive Order Number 103 dated March 9, 2020, Governor Murphy declared a Public Health Emergency in New Jersey. On March 20, 2020 P.L. 2020 Chapter 11 amended the Open Public Meetings Act to allow local public bodies to conduct Remote Public Meetings by use of electronic communications technology during a period declared as a Public Health Emergency or a State of Emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Lawnside.



DATED: APRIL 7, 2021

MARSHAREE A. WRIGHT
ACTING BOROUGH CLERK