

**CONSOLIDATED LAND USE BOARD OF THE TOWNSHIP OF MANSFIELD**

**RESOLUTION NO. 2021-3-8**

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD  
CONSOLIDATED LAND USE BOARD  
CONCERNING THE APPLICATION OF  
PUBLIC SERVICE ELECTRIC & GAS  
FOR VARIANCES AND PRELIMINARY AND FINAL MAJOR SITE PLAN  
APPROVAL**

**WHEREAS**, Public Service Electric and Gas Company (the “Applicant”), has applied to the Consolidated Land Use Board of the Township of Mansfield (the “Board”) for Preliminary and Final Major Site Plan Approval for property located at 2242 Old York Road, known as Block 53.02, Lots 3.04 and 4 on the Official Tax Map of the Township of Mansfield (the “Property”) for the purpose of developing the Property with an electric substation (the “Application”); and

**WHEREAS**, the Property is located within the Residence-1 (R-1) Zoning District of the Township of Mansfield; and

**WHEREAS**, the proposed electric substation is a permitted use in the R-1 Zoning District; and

**WHEREAS**, variances pursuant to N.J.S.A. 40:55D-70(c) are required as the proposed development of the Property does not comply with the parking and fence requirements of the Ordinance; and

**WHEREAS**, the Application for Variance and Preliminary and Final Major Site Plan Approval was deemed complete by the Planning Board on February 22, 2021; and

**WHEREAS**, a public hearing to consider the Application was held by the Board on March 22, 2021<sup>1</sup>, after public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Mansfield and the statutes of the State of New Jersey; and

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<sup>1</sup> The March 22, 2021 Public Hearing was conducted with virtual participation in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The virtual meeting progressed with the consent of the Applicant.

**WHEREAS**, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

**WHEREAS**, the following exhibits were presented by the Applicant during the March 22, 2021 Public Hearing:

- A-1 Aerial photograph of the Property and surrounding area;
- A-2 Site Plan for proposed substation;
- A-3 Rendering of typical PSE&G Control House;
- A-4 Landscape Plan Rendering, dated January, 2021;
- A-5 3D Color Rendering of existing and proposed landscaping – from Old York Road;
- A-6 3D Color Rendering of existing and proposed landscaping – from driveway on adjacent property to the east toward location of substation’s eastern entrance;
- A-7 3D Color Rendering of existing and proposed landscaping – from location west of A-6 toward location of substation’s eastern entrance;
- A-8 3D Color Rendering of existing and proposed landscaping – from location of large tree on Property toward the location of substation’s western entrance; and

**WHEREAS**, the following review letters were submitted to the Board by its Professionals:

- February 3, 2021 and February 16, 2021 Review Letters of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Mark E. Malinowski, PE;
- February 17, 2021 and March 1, 2021 Review Letter of the Board Planner, Environmental Resolutions, Inc., by Edward Fox, AICP, PP; and
- December 8, 2020 and March 18, 2021 Review Memoranda of the Board Traffic Engineer, Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP; and

**WHEREAS**, the Board after carefully considering the evidence presented by the Applicant in support of its Application for Variances and Preliminary and Final Major Site Plan Approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

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1. The Applicant is the owner of the Property, approximately 10.684 acres in area, located in the R-1 Zoning District. The Property is currently farmed. Overhead electrical transmission wires within the Trenton-Burlington-Roebling (“TBR”) Right-of-Way are located on the Property.

2. The Applicant is proposing to construct the new Mansfield 230/13kV Substation on the Property. The proposed substation is a permitted use in the R-1 Zone.

3. The Applicant has submitted a Land Development Application for Variances and Preliminary and Final Major Site Plan Approval for the proposed substation and related improvements. The Applicant has submitted the following in support of its Application:

- a. Land Development Application, dated 11/13/20, with Checklists A and B;
- b. Submission letter, dated 11/13/20 from Matthew Kolodziej, Licensing Project Manager, PSE&G Electric Transmission and Distribution;
- c. Mansfield Substation Site Plan and Existing Conditions Plan, prepared by Kenneth T. Kimmel, PE and Shehzad C. Khan, PLS, of PSE&G Electric Transmission and Distribution, dated 10/28/20;
- d. Various engineering plans, including Grading and Drainage Plan and Details, Soil Erosion and Sediment Control Plan and Details, Lighting Plan and Details, Landscape Plan and Details, Construction Details and Control House Plans, prepared by PSE&G Electric Transmission and Distribution and/or DW Smith Associates, LLC (“Smith”);
- e. Environmental Impact Statement, prepared by Smith, dated 10/2020;
- f. Subsoil Investigation Report, prepared by Smith, dated 10/2020;
- g. Acoustical Study, prepared by Ostergaard Acoustical Associates, dated 08/10/2020;
- h. Stormwater Management Report, prepared by Smith, dated 10/20/2020;
- i. Subsurface Investigation Report, prepared by Melick Tully and Associates, dated 11/29/19 with subsequent Memorandum, dated 04/03/2020;
- j. Applicant’s March 5, 2021 Response Letter to the December 8, 2020 Review Letter of the Board’s Traffic Engineer, prepared by Matthew Kolodziej, Licensing Project Manager, PSE&G Electric Transmission and Distribution;

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- k. Applicant's March 16, 2021 Response Letter to the February 16, 2021 Review Letter of the Board's Engineer, prepared by Matthew Kolodziej, Licensing Project Manager, PSE&G Electric Transmission and Distribution;
- l. Applicant's March 16, 2021 Response Letter to the March 1, 2021 Review Letter of the Board's Planner, prepared by Matthew Kolodziej, Licensing Project Manager, PSE&G Electric Transmission and Distribution.
- 4. The taxes on the Property are current or exempt.
- 5. Proper notice of the Application for Variance and Preliminary and Final Major Site Plan Approval has been given, based upon the certified list from the Office of the Mansfield Tax Assessor.
- 6. The proposed substation will include the following:
  - a. Electrical equipment and support structures;
  - b. Two 230kV/13kV transformers;
  - c. One 230kV four breaker ring bus;
  - d. Connection to the existing 230kV transmission line;
  - e. Enclosed switch gear and control house;
  - f. Fencing, lighting and landscaping.
- 7. The proposed development of the Property will require the following variances:
  - a. Parking – 466 spaces required, based on lot area; 0 spaces proposed;
  - b. Fencing – Maximum height of 6 feet permitted; 8 feet proposed;
  - c. Fencing – Prohibited in front yard areas; portion of fence encroaches into the Route 295 front yard.
- 8. The proposed development of the Property will require the following design standard waivers:
  - a. Pipe diameter – 15-inch pipe required; 12 inch proposed;
  - b. Pipe cover – 2 feet of cover required over sewer pipe, less than 2 feet proposed.
- 9. The Applicant was represented at the March 22, 2021 Public Hearing by Thomas M. Letizia, Esquire, of Troutman Pepper Hamilton Sanders LLP. Chris Light, Kenneth Kimmel,

PE, Jill Kovalsky, LLA, and Katherine Herring, PE, PP, CME, testified on behalf of the Applicant during the Public Hearing<sup>2</sup>.

10. Mr. Letizia represented to the Board that the Applicant consented to the virtual public hearing. He also identified the TBR0 Right-of-Way, the scope of the project and variances and waivers requested.

11. Mr. Light provided the following sworn testimony during the March 22, 2021 Public Hearing:

- a. He is the Applicant's Project Manager and has been responsible for the development of 15 substations similar to the Application.
- b. Utilizing Exhibit A-1, he provides an overview of the proposed substation and the two substations that currently serve Mansfield, the Crosswicks Substation located in Chesterfield and the Bustleton Substation located in Florence. This substation will be the first located in Mansfield.
- c. The Crosswicks and Bustleton facilities are overloaded stations which could result in outages.
- d. The Mansfield Substation will be located between Crosswicks and Bustleton and provide relief to both substations, support reliable electric service and reduce line exposure by reducing the length of the transmission line servicing Mansfield Township.
- e. The Mansfield Substation will reduce power loss exposure and increase the reliability of the distribution lines servicing Mansfield Township.
- f. A redundant back-up system will be established as the Crosswicks and Bustleton Substations will now be a back-up for the Mansfield Substation and not the primary source of service in the Township.
- g. There will be two (2) entrances off of Old York Road and a basin in the rear of the Property adjacent to Route 295.
- h. The control house shown on Exhibit A-3 is the typical PSE&G control house, measuring 30x40x14, but will not be raised. The control house will be shipped to the Property in shipping splits.

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<sup>2</sup> Based on their education, experience and licenses, Mr. Light, Mr. Kimmel, Ms. Kovalsky and Ms. Herring were qualified by the Board to offer expert testimony in their respective areas.

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- i. Equipment will be constantly monitored and there is 24/7 availability for personnel to be dispatched if an issue develops.
- j. The Mansfield Substation will be an unmanned facility with once-a-week site visits for maintenance and inspection.
- k. The weekly site inspections are approximately 30 minutes in duration.
- l. Trash will not be stored on-site, all trash is removed by PSE&G employees.
- m. The site will have security lighting that is dimmed unless triggered by motion.
- n. Cameras will be placed at the entrance gates for security.
- o. Construction of the substation is scheduled to commence in March, 2022 with landscaping planted in Spring, 2023. Construction should be completed by the Summer of 2023.
- p. A laydown yard on the Property will be utilized for construction activity.
- q. The noise study submitted with the Application submissions demonstrates that the substation will operate within standards, it is mostly a quiet facility.
- r. A meadow mixture grass seed will be used for seeded areas to the west of the proposed western driveway and western fence line of the Property exclusive of the wetlands and wetland buffer areas. The areas seeded with the meadow mix will require mowing three times a year. A lawn seed mix will be used in the areas of the Property to the east of the proposed western driveway along Old York Road, along Route 295 and along neighboring Block 53.02, Lot 3.05.

12. Mr. Kimmel provided the following sworn testimony during the March 22, 2021 Public Hearing.

- a. He is the manager of PSE&G's Civil Engineering Department with 30 years of experience; he has been a licensed Professional Engineer in the State of New Jersey for 21 years.
- b. Utilizing Exhibit A-2, he describes the layout of the Property and how the substation will operate for the transmission of service to the consumer.
- c. The Property is located in a low-risk flood zone.
- d. Each entrance will utilize card readers for access into the Property.

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- e. For security purposes, the substation site will be enclosed with an 8-foot high chain link fence, without a barbed wire top.
- f. A 16-foot wide one-way access route is provided for vehicle, with 4 to 6 inches of crushed stone to support vehicles accessing the site.
- g. A separate parking area is not provided as the site is not manned; vehicles can park on the access route when personnel is at the site.
- h. Stormwater naturally sheet flows to the rear of the Property.
- i. The stormwater management basin is large, but not deep as the Property's water table is shallow.
- j. 12-inch pipe is sufficient for the site and will be reinforced concrete pipe. Class 5 pipe will be utilized where the ground cover will be less than 2 feet. The shallow depth is a result of the water level of the Property and that the site will not have heavy traffic.
- k. The noise of the facility will be less than the ambient sounds in the area.
- l. Site lighting will be manually operated and will shine up onto the equipment.
- m. Security lighting will normally operate at a 30% level and will increase to 100% when motion is detected for 5 minutes.
- n. A photocell will be utilized for the lighting for dusk to dawn illumination.
- o. Foot candles will be zero at the Property lines.
- p. The New Jersey Department of Transportation issued a "no interest letter" for the substation use and the New Jersey Department of Environmental Protection issued an LOI for the wetlands on the Property.
- q. Approvals are required from the Burlington County Planning Board, Burlington County Soil Conservation District, Burlington County Board of Health and the New Jersey Department of Community Affairs.
- r. Temporary construction trailers will be utilized when the substation is being constructed; as the construction trailers are not meant for public access, accessible accommodations will not be required.

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- s. Unlike the Bustleton Substation, the Mansfield Substation is not a PSE&G Reporting Station, meaning it will not have the amount of activity as Bustleton.
- t. A septic system is required as the Applicant is contractually obligated to provide a restroom in the control house.
- u. Construction hours will typically be 7:00 a.m. to 3:00 p.m.
- v. The transformers use mineral oil. A containment system, consisting of a concrete pad, concrete curb and impervious fabric, is provided in case of leaks or spills. Monitoring will detect leaks with personnel dispatched as necessary to repair the equipment. An environmental team will also be dispatched for environmental clean-up.
- w. Battery back-up systems are contained in the control house.
- x. Similar to the Applicant's other substations, the Mansfield Substation is designed to allow for further expansion, including capacity for new development in the Township.
- y. The substation will initially operate at 45 percent of its design capacity.
- z. Safety signage will be posted on the fence surrounding the substation, approximately 50 feet apart.

13. Ms. Kovalsky provided the following sworn testimony during the March 22, 2021 Public Hearing:

- a. She is the Applicant's landscape architect, licensed in the State of New Jersey with 27 years of experience.
- b. The design goal for the Landscaping Plan was to comply with the Township Ordinance and to address the Applicant's requirements for screening and buffering and the elimination of any hazard located close to the substation's equipment.
- c. The Landscape Plan leaves the wetlands and buffer areas untouched.
- d. The Landscape Plan provides for the planting of 190 evergreen trees, 27 ornamental trees, 28 shade trees and 33 shrubs, spread throughout the Property to buffer and screen the site.



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- e. Utilizing Exhibits A-5 through A-8, she described the existing landscaping at various locations of the Property and the landscaping at these same locations 5 years after planting.
- f. It will generally take a tree 3 to 4 years to acclimate to the site before it will begin to grow, that is why the Exhibits are based on a 5-year period so that growth would be evident.
- g. With the exception of comment number 22 in the Board Planner's review letter, the Applicant will comply with the landscaping comments of the Board Planner, as the grading in the area adjacent to the residence on the east side cannot be changed.
- h. An irrigation system is not provided. The contractor will be responsible for watering the plantings.
- i. The landscaping will be bonded and warranted. The guaranty will require all dead trees be replaced after one year, and again after two years. Prior to the expiration of the 2-year maintenance bond posted for the landscaping, any dead tree will be replaced.

14. Ms. Hering provided the following sworn testimony during the March 22, 2021 Public Hearing:

- a. She is the Applicant's Planning Consultant, a Civil Engineer and Professional Planner licensed in the State of New Jersey.
- b. She reviewed the Township's Ordinances and Master Plan in preparation for her testimony.
- c. The Property, as well as a majority of the adjacent and neighboring properties, is zoned R-1.
- d. Public utilities are permitted uses in the R-1 Zone provided there is no outside storage of materials and trucks and that the architectural design of the exterior of any building is consistent with other structures in the neighborhood.
- e. The substation and stormwater management basin will occupy approximately 21.4% of the site.

- f. The existing wetlands and wetlands buffer area together with a 3-acre zoning requirement limits the development potential of the Property.
- g. The variances for parking and fencing, as well as the design waivers for pipe size and cover, can be granted without substantial detriment as the Application promotes the public health, safety and general welfare purposes of the Municipal Land Use Law of the State of New Jersey by providing safe and reliable electric service.
- h. An objective of the Master Plan of the Township of Mansfield is to encourage public infrastructure effectively meeting the needs of the expanding communities. The Application meets this Master Plan objective.
- i. The positive benefits of granting the requested variances substantially outweigh any negatives, as the development of the substation will provide more reliable electric service in the Township and the variances requested are not unreasonable for the use of the Property and the security necessary.

15. The Board Engineer testified that the Applicant, by the testimony presented and its March 16, 2021 response letter, addressed his comments. The Board Engineer had no objection to the variances and waivers requested and recommended that soil testing be a condition of any approval the Board were to grant.

16. The Board Traffic Engineer testified that the Applicant, through the testimony presented and the Applicant's response letter addressed his comments, and that the substation use will result in very minor traffic issues, the driveways are subject to County Approval and the sound study indicates that the site will operate within current regulations.

17. The Board Planner testified that the Applicant's testimony and response letter addressed his review comments. He had no objection to the variances and waivers requested, nor did he object to the Applicant not providing an irrigation system or complying with comment 18 of his review letter. The Board Planner also recommended that the lots be consolidated and that any approval be further conditioned on the Applicant's payment of the required affordable housing development fee.

18. The March 22, 2021 hearing was opened to the public with John O'Callahan asking whether the substation will support all new development approved in the Township.

**AND WHEREAS**, based upon the above factual findings, the Consolidated Land Use Board of the Township of Mansfield has come to the following conclusions:

1. The Applicant has submitted a complete set of plans in connection with its application so that the Board has the necessary information to act on the application for Waivers, Variances and Preliminary and Final Major Site Plan Approvals.

2. The proposed substation use is a permitted use on the Property as outside storage is not proposed and the control house is architecturally consistent with structures in the area.

3. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the Zoning Ordinance of the Township of Mansfield would be advanced by the deviation from the Zoning Ordinance requirements for parking spaces and fencing, as described herein and requested by the Applicant.

4. The benefits of the deviation from the Zoning Ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval and waivers allow for the development of the Property, and otherwise promote the safety, health and general welfare of the community.

5. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Mansfield.

6. Design standard waivers for the size of piping and cover are appropriate, based on the demands of the site and the Applicant's mitigation of not providing pipe and cover as required.

**NOW, THEREFORE, BE IT RESOLVED** by the Consolidated Land Use Board of the Township of Mansfield, on the 22d day of March, 2021, that this Board hereby grants to the Applicant the following:

1. Design waivers to permit the use of 12-inch pipe with the ground cover for portions of the pipe being less than 2 feet.

2. Variances to permit (i) zero (0) parking spaces, (ii) an 8-foot high chain link fence and (iii) a portion of the fence to be located in the front yard area of Route 295; and

3. Preliminary and Final Major Site Approval for the proposed Mansfield Substation, in accordance with the Application, Plans, Reports, Studies, Letters, Representations and Testimony submitted by the Applicant, which approval is subject to the following conditions:

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a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board, Burlington County Soil Conservation District, Burlington County Board of Health and New Jersey Department of Community Affairs. Copies of all other approvals shall be submitted to the Township upon receipt.

b. Subject to the sworn testimony of the Applicant's witnesses and representatives made during the March 22, 2021 public hearing, whether formalized in this Resolution or not.

c. Subject to the submission of revised plans complying with the comments of the Board's Professionals and with this approval.

d. Subject to the comments of the Board Engineer as contained in the February 16, 2021 Review Letter of Stout and Caldwell Engineers, LLC, by Mark E. Malinowski, PE, except as may be modified herein.

e. Subject to the comments of the Board Planner as contained in the March 1, 2021 Review Letter of Environmental Resolutions, Inc., by Edward Fox, AICP, PP, except as may be modified herein.

f. Subject to the comments of the Board Traffic Engineer as contained in the December 8, 2020 Review Memorandum, as supplemented by Memorandum dated March 18, 2021, of Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, except as may be modified herein.

g. Subject to the Applicant's escrow account for the review of the Application for Preliminary and Final Major Site Plan Approval being current. Failure of the escrow account to be current may result in the non-issuance of permits.

h. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

i. Subject to this approval not guaranteeing the issuance of any zoning permit, construction permit or certificate of occupancy; the Applicant is subject to all applicable codes, statutes, ordinances, rules and regulations for the issuance of said permits and certificates.

j. Subject to the Applicant posting all performance guarantees, maintenance guarantees and inspection fees required by the Municipal Land Use Law of the State of New Jersey prior to execution of the approved Site Plan and the commencement of site work and construction.

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k. Subject to the Applicant assuming all risk if construction of the improvements, as approved, commenced prior to the expiration of the appeals period.

l. Subject to the Applicant making its contribution to the Township's General Fund in lieu of installing sidewalk along the Old York Road frontage of the Property. A sidewalk is not required to be installed along the Property's Route 295 frontage. The amount of the contribution as calculated by the Board Engineer shall be \$13,808.00 and is based on the cost of the sidewalk not otherwise installed. The contribution shall be made prior to the issuance of any construction permits for the substation facility.

m. Subject to the Applicant's professionals working with the Board's professionals to address all outstanding comments and recommendations prior to the Board's execution of the Final Approved Site Plan.

n. Subject to the submission of the soils test recommended by the Board Engineer.

o. Subject to standard headwalls with trash bars being utilized for all pipes equal to or greater than 24 inches in diameter.

p. Subject to all dead trees being replaced one year from planting, two years from planting and prior to the expiration of the 2-year maintenance guarantee to be posted by the Applicant.

q. Subject to the pipe being reinforced concrete with Class 5 pipe used where the ground cover will be less than 2 feet.

r. Subject to the submission of a Deed of Lot Consolidation for review and approval by the Board Engineer and Board Solicitor prior to recording.

s. Subject to the submission of a stormwater maintenance plan for the stormwater control facilities proposed for the developed Property. A stormwater maintenance declaration, referencing the approved stormwater maintenance plan, shall be recorded in the County Recording Office for the County of Burlington prior to construction. Said declaration shall be submitted for the review and approval of the Board Engineer and Board Solicitor prior to recording.

t. Subject to the Applicant's Response Letters to the review letters of the Board Professionals, as identified previously in this Resolution.

u. Subject to the Board's execution of the approved Final Site Plan expressly conditioned on the Applicant satisfying the conditions of this Resolution and the review comments contained in

the review letters of the Board Engineer, Board Planner and Board Traffic Engineer (except as may be modified herein).

v. Subject to the Applicant making its affordable housing development fee payment in accordance with the Township's Housing Element and Fair Share Plan and New Jersey State requirements.

**ROLL CALL VOTE**

Those in Favor: 8  
Those Opposed: 0  
Not Eligible to Vote: 0

**CERTIFICATION**

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Consolidated Land Use Board of the Township of Mansfield in accordance with its decision at its regular meeting on March 22, 2021.

**THE CONSOLIDATED LAND USE  
BOARD OF THE  
TOWNSHIP OF MANSFIELD**

  
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**EFTHIMIOS TSIKNAKIS, CHAIRMAN**  
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**LINDA SEMUS, SECRETARY**

**Dated:** April 26, 2021

**Date of Approval:** March 22, 2021

**Date of Memorialization:** April 26, 2021