

**Mount Laurel Township Zoning Board of Adjustment  
Special Meeting Minutes  
March 21, 2022**

**Opening**

Chairman Gray called the First Special Meeting of the Mount Laurel Zoning Board of Adjustment March 21, 2022 to order at 7:00 p.m.

Pledge of Allegiance and Moment of Silence were observed

Suzanna O'Hagan, Board Secretary, read the Open Public notice

Roll call was taken

**Board Members in Attendance**

Chairman Gray, Vice Chairman Sharp, Mrs. Andersen, Mr. Francescone, Mrs. Liciaga, Mr. Kramer, Mr. Bhankharia

**Absent**

Mr. Blum and Mr. Holmes

**Board Professionals in Attendance**

Joseph Petrongolo, Planner; Michael Angelastro, Traffic Engineer; Robert Hunter, Engineer; Brian McVey, Fire Marshal; Ed Campbell, Board Solicitor

**Announcements and Review of Board Procedures**

**The Township Professionals were sworn in.**

**Petition before the board**

**Brightcore Energy**, ZB22-D-08, 311 Walton Ave. Block 509 Lot 1.01, Ind. Zone. This applicant is seeking a conditional use variance from section 154-21.F(2) to allow solar carport structures in the front yard with associated bulk variances and waivers.

**Witnesses sworn in**

Walter Bronson, Dewbery Engineers Civil Engineer; Christine Cofone, Professional Planner;

**Exhibits Entered:**

Exhibit A-1, Google Earth shared screen; A-2, Sheet C120 of proposed Site Plan; A-3, Fire Access Plan; A-4, Sheet C110 of proposed Site Plan; A-5, Sheet C130 of proposed Site Plan; A-6, Color Aerial Rendering; A-7, Ground level color rendering from facilities building; A-8, Ground level color rendering from Canopies #5 & #7; A-9, Ground level color rendering from south entrance; A-10, Ground level color rendering from north entrance

**Mr. Frank Guagliardi, Esq.** represented the applicant and summarized the application. He stated that there are 15 solar arrays proposed on the previously approved parking lot. The application is for a Conditional Use variance to allow solar panel arrays in the front yard and for a slight overhang into the drive isle. He stated that the applicant has cleared up the requested

bulk variances for side yard setback and for variances associated with the roof mounted solar as that is no longer being proposed. He stated that the parking count will remain the 617 previously approved parking spaces.

### **Walter Bronson's Testimony**

Mr. Bronson shared exhibit A-1 and described the subject lot and surrounding lots and their uses. Mr. Bronson noted the surrounding farmland and Crème Del La Crème daycare as well as the 79-acre subject lot housing the Bancroft School. He shared Exhibit A-2 and described the locations of the solar arrays, landscaping and retention basin as shown on the Site Plan. He stated that the project will provide 8 million kilowatt hours annually. Mr. Bronson testified that no changes are proposed to the parking lot or driveways and one small change to the drainage is proposed. The canopies will be installed over the parking stalls. All electric generated will run through the columns, under the ground to the electrical panel and then into the facility. He stated that while Walton Ave is technically the front yard, the canopy is located over 133' from the edge of the road. The panels will be 14' clear at the low side and 17' clear at the high side. Mr. Bronson shared Exhibit A-3 and described the Fire Access Plan and fire truck circulation. He noted that the variance being requested is for canopies #5 and #7 to overhang the drive isle. He stated that the parking lot curves but the panels cannot curve resulting in a 6' overhang that the fire truck is able to drive under. Mr. Bronson shared Exhibit A-2 and explained the proposed change in the drainage which consisted of an existing drainage pipe that runs under proposed canopy #4 being moved over about 5' to make way for the support columns. Mr. Bronson shared Exhibit A-4 and described the tree removal and replacement plan and landscaping plan. He then shared Exhibit A-5 and described the lighting plan. The existing light poles will be removed to install the canopies and LED lighting will be provided under the canopies.

**Mr. Gray** asked is there has been any revision done that eliminates the overhang into the drive isle.

Mr. Branson responded that the applicant is not prepared to present anything tonight but would like to discuss it with the board. He stated that he hoped that showing the ability of the fire truck is able to go under the canopy would be sufficient for the board to grant that variance.

**Mr. McVey** stated that the turning plan presented does not match the MLFD turning plan and the truck depicted is 2' shorter than the MLFD trucks.

Mr. Bronson stated that he does not think the 2' would make any difference but is willing to revise the plan.

**Mr. Guagliardi** stated that if the board were to grant tonight's application the applicant would submit a revised circulation plan.

### **Christine Cofone's Testimony**

Ms. Cofone testified that propose plan violates only two of the nineteen conditions imposed on ground mounted solar by the Township Ordinance. The first is the solar system in the front yard and the second is overhang for array #5 and #7. She stated that because this is a D3 conditional use variance the burden of proof for the application is to show that this is still an appropriate location for the solar arrays absent the conditional use standards. She stated that in her opinion that because of the ample setback from the roadway and the proposed screening this proposal is appropriate. Ms. Cofone stated that they will provide a circulation plan to show proper

turning radius of emergency vehicles. She stated that renewable energy is an inherently beneficial use and as such presumptively satisfies the positive criteria. Ms. Cofone noted that in 2017 the Township Master plan stated that the zoning ordinance should be amended to amended to allow for renewable energy and this was done in 2019. She opined that this application is consistent with the Township Master Plan and satisfies both prongs of the negative criteria. Ms. Cofone testified that no light or glare would be visible at the property line and there is no substantial detriment to the surrounding area or uses.

**Mr. Petrongolo** stated that per the ordinance a visual study is required as well as screening and asked Ms. Cofone if the applicant has a visual study to present to the board and if the applicant is willing to work with his office regarding additional screening.

**Mr. Bronson and Ms. Cofone** confirmed that the applicant will work with Mr. Petrongolo's office regarding screening and that there is a visual study to present to the board.

#### **Mr. Bronson continued his testimony**

Mr. Bronson shared Exhibit A-6, A-7, A-8, A-9 and A-10 and described the proposed canopies and panels as seen from the different angles and perspectives. Mr. Bronson responded to the engineer's report letter and noted the equipment pad as shown on sheet 120 of the Site Plan. He suggested 6' vinyl fencing around the equipment.

**Mr. Petrongolo** stated that a 7' fence is required per UCC code and landscaping is requested.

**Mr. Guagliardi** agreed to amend the application to request a 7' fence around the equipment and to work with Mr. Petrongolo's office for landscape screening around same.

Mr. Bronson agreed to comply with the comment in the engineer's review letter.

**Mr. Angelastro** reviewed his letter dated 3/15/2022. Mr. Angelastro stated he does not support the variance to allow the canopies to overhang the drive isle.

**Mr. Petrongolo** reviewed his letter dated 3/17/2022. Mr. Petrongolo stated he has no objections to the requested waiver of submission items. He stated his concern is the overhang of the canopies in the drive isle. Mr. Petrongolo said it is a site safety issue and he cannot support the variance to allow the overhang. He asked the applicant if there will be a construction trailer onsite.

**Mr. Guagliardi** replied that there will not be a construction trailer onsite.

Mr. Petrongolo stated that the applicant has agreed to comply with the comments in his review letter including but not limited to landscaping details, panel details, color details and any change or addition to site signage. He asked the applicant to confirm that the applicant is aware that if there are affordable housing obligations it is the applicants burden to satisfy those obligations. He stated that the variance required to allow the 7' fence is a variance from section 154-142.C.

**Mr. Guagliardi** confirmed.

**Mrs. Andersen** stated that based on a previous board application, the problem with the canopy overhang is not just the emergency vehicles going under them but also the emergency equipment being able to function properly.

**Mr. McVey** reviewed his letter dated 3/17/2022. Mr. McVey stated that the overhang does impact the function of the equipment. He asked Mr. Bronson how far canopy #7 protrudes into the drive isle and how long each panel is.

**Mr. Bronson** responded the canopy overhangs just under 6' on both #5 and #7 and the panels are about 6' long.

Mr. McVey asked if canopy #5 and #7 could be made 4 panels wide to eliminate the overhang.

**Mr. Bronson** replied that it is an option but it makes a less economical canopy because the 3 and 5 panel design work better with the support structure financially.

**Chairman Gray** stated if you put a 3 panel system there then the overhang would be eliminated.

**Mr. Bronson** stated that they would lose 2/5 of the energy generation.

**Mr. Andersen** asked is there parking space that is not covered that could be covered.

**Mr. Petrongolo** stated that it seems a simple solution to add panels over the straight line parking stalls north and south of canopy #3 in the front parking lot and reduce the panels overhanging. The overhang is a site safety issue.

**Mr. Hunter** reviewed his letter dated 3/15/2022. Mr. Hunter stated that most of his items have been addressed. He requested the demolition plan be modified to have a more defined gray scale and bolder text and features. He requested plan modification to show the dimensions of the proposed canopies, drive isles and any encroachment into the drive isle as well as the size of the equipment pad and the grading for the pad. He asked Mr. Bronson what material the storm collection system is currently and recommended that whatever the removed system is be replaced with the same material. He further requested that the plan show existing lighting to show adequate coverage.

**Mr. Bronson** replied the applicant has no objection.

Mr. Hunter stated that he agrees the best course of action is to remove the canopies from the drive isle because they pose a safety issue.

**Mr. Kramer** asked if additional panels can be placed on the ground.

**Mr. Bronson** replied that it is more efficient to keep the panels in one area partly because of the electrical system.

**Mr. Kramer** asked how snow guards work and if lightening is a concern.

**Mr. Bronson** replied that he will get the snow guard info from the applicant and get back to Mr. Kramer. Further he replied that all the equipment is grounded per code.

**Mrs. Andersen** asked Mr. McVey if there is an issue with the way the fire trucks operate when there is an overhang in the drive isle.

**Mr. McVey** replied, yes, they carry all kind of equipment on top of the truck including but not limited to ladders, baskets, nozzles and deck guns. It is not uncommon for the

fire fighters to be walking on top of the trucks to access equipment. Additionally, the use of aerial pieces is compromised when there is an overhang in the drive isle.

**Mr. Kramer** asked how tall the fire truck is.

**Mr. McVey** responded he believes it is 12' 1".

**Chairman Gray** opened the meeting to the public for question or comment, seeing no one closed the public portion.

**Mr. Guagliardi** stated that the applicant may be able to accommodate a plan that has no overhang and will work with the board professionals to accomplish that. He confirmed that the applicant is agreeing to withdraw the request for variance to allow overhang into the drive isle leaving only the variance to allow the panels in the front yard and the bulk variance to allow the 7' high fence. He respectfully requested the board approve the application.

**Mr. Campbell** stated the conditions and modifications for approval of ZB22-D-08 as the following.

1. The applicant will submit revised plans to the board professional's satisfaction reflecting compliance of the review letters and elimination of variances previously requested.
2. The variance for the overhang into the drive isle has been withdrawn and a variance for fence height from 154-142.C.
3. The applicant will work with the board professionals to ensure adequate placement of snow guards.

Chairman Gray asked for a motion. Board Member Brian Sharp made a motion to approve ZB22-D-08 with stated conditions. Board Member Francescone seconded. All present voted affirmatively and the motion was carried.

**Adjournment:**

Chairman Gray asked for a motion to adjourn. Mr. Francescone moved the motion. All present voted affirmatively. Meeting adjourned.

Adopted on: April 6, 2022

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Suzanna O'Hagan, Secretary  
Zoning Board of Adjustment