

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
May 5, 2021

Opening

The Fifth Regular Meeting of the Mount Laurel Zoning Board of Adjustment May 5, 2021 was called to order by Chairman Francescone at 7:00 p.m.

Pledge of Allegiance and Moment of Silence were observed

The Open Public notice was read by Suzanna O'Hagan, Board Secretary

Roll call was taken

Board Members in Attendance

Chairman Francescone, Vice Chairman List, Mrs. Andersen, Mr. Gray, Mr. Killen, Mrs. Liciaga, Mr. Sharp, Mr. Kramer Alt #1, Mr. Holmes Alt #2

Board Professionals in Attendance

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

Announcements and Review of Board Procedures

The Board Chairman announced that Kelly Flynn, ZB21-D-05 is carried to the June 2, 2021 Zoning Board meeting.

Adopting the Minutes

Chairman Francescone asked for a motion to adopt the regular meeting minutes of 4/07/2021. Mr. List moved the motion, Mr. Gray seconded, all present voted affirmatively and the motion was carried.

Memorialized Resolutions

1. **R-2021-ZB10** – Mr. Killen made a motion to approve R-2021-ZB10, Mrs. Liciaga seconded, all present voted affirmatively and the motion was carried.
2. **R-2021-ZB11** – Mr. Gray made a motion to approve R-2021-ZB11, Mr. Killen seconded, all present voted affirmatively and the motion was carried.
3. **R-2021-ZB12** – Mr. Killen made a motion to approve R-2021-ZB12, Mr. Gray seconded, all present voted affirmatively and the motion was carried.

The Township Professionals were sworn in.

Petitions before the board

1. **Solar America, LLC. ZB#21-D-07**, 3605 Route 38, Block 500 Lots 2, 3 & 4 B-zone. This applicant is seeking an D(2) expansion of a use variance as well as a D(3) conditional use variance from Mt. Laurel Ordinance 154-21.F(2) to allow solar panels in the front yard of the building.

Donald Ryan, Shimberg Law, represented the applicant.

Witnesses Sworn:

John Scorson, President of Solar America; Tiffany Morrissey, LPP

Mr. Ryan summarized the application explaining that this location was granted a use variance in 2012 to allow the Wawa convenience store with fueling station per resolution ZB11-D-26. This application is for a D(2)

expansion of that use and a D(3) conditional use variance to allow the solar panels in the front yard of the property.

Mr. Scorsone's Testimony:

Mr. Scorsone was accepted as an expert in solar energy. Mr. Scorsone explained that this system is identical in every way, including installation, to the system approved by the Zoning Board for the Wawa location at 1115 Rt. 73 in February of this year.

The system size is approximately 110 kwdc and will produce approximately 15,000 kwh annually to be used exclusively by the Wawa which is approximately 15% of Wawa's current usage. The system installation uses existing infrastructure, existing conduit and existing MDP, no new piping or infrastructure is necessary. Each panel is approximately 3' x 6' or 18-20 square feet. The roof will be completely covered except for a flat area to catch the rain. There is no glare produced by the panels, they are matte black with black rails and absorb light. Mr. Scorsone described the panels as the safest panels on the market and explained the safety system and backup safety systems.

Mr. Petrongolo explained to Mr. Scorsone that this application is separate from the Route 73 application and the plans will have to be submitted for this application.

Mr. Scorsone agreed to supply the plans

Mr. Scorsone further testified that there would not be a construction trailer used. He said there are no moving parts and monitored by the minute, maintenance is almost nonexistent.

Mrs. Morrissey's Testimony

The D(3) variance is required to allow the solar panels in the front yard. The structure is already in the front yard the solar panels would take advantage of the existing structure. Mrs. Morrissey believes the site can accommodate the development despite the deviation from the conditions. In terms of positive criteria, solar continues to be an inherently beneficial use. Using the existing structure provides an opportunity to create light air and open space. The project also promotes a desired visual environment through creative development techniques. Mrs. Morrissey believes there is no increase of intensity of the nonconformity. In terms of the negative criteria, Mrs. Morrissey testified there will not be a substantial detriment to the Zone Ordinance Zone Plan or Master Plan or a substantial detriment to the public good.

Mr. Petrongolo reviewed his letter dated 3-19-2021. A note needs to be added to the plan stating that the solar facility will be removed when they are no longer applicable or obsolete.

Mr. Scorsone agreed.

Mr. Angelastro reviewed his letter dated 3-18-2021. The site safety note and property owners list needs to be added to the plan.

Mr. Scorsone agreed.

Mr. McVey reviewed his letter dated 3-22-2021. Mr. McVey asked the applicant if they will be installing the solar system according to the New Jersey construction code, New Jersey fire code and any other standards that apply.

Mr. Scorsone replied that they will.

Mr. Campbell asked the applicant if they want to incorporate the exact same power point exhibit from the previous February hearing known as A-1 for this application.

Mr. Scorsone replied that they do and they will submit that to the board.

Chairman Francescone opened the meeting to the public for question or comment. Seeing none, he closed the public portion.

Chairman Francescone asked for a motion to approve the variance for application ZB21-D-07. Mr. Gray moved the motion, Mr. Killen seconded. All present voted affirmatively. Motion carried, approved.

Adjournment:

Chairman Francescone asked for a motion to adjourn. Mr. Killen moved the motion. All present voted affirmatively. Meeting adjourned 7:41 P.M.

Adopted on: June 2, 2021

Suzanna O'Hagan, Secretary
Zoning Board of Adjustment