

Mount Laurel Township Zoning Board of Adjustment
Special Meeting Minutes
July 8, 2021

Opening

The First Special Meeting of the Mount Laurel Zoning Board of Adjustment July 8, 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, Mrs. Liciaga, Mr. Sharp, Mr. Kramer, Mr. Holmes.

Absent

Mr. Killen

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 Township Professionals were sworn in.

Petition before the board

100 - 200 CCC, LLC., ZB21-D-14, 100 & 200 Century Parkway, Block 1311 Lots 1.02 & 1.03 I zone. This Conditional Use variance is being sought from section 154-76.E to allow the roof mounted solar energy system to be visible from ground level and from section 154-76.D to allow the ground mounted solar energy system to be located in the front yard within the allowed setback and less than the required 14 feet high.

Kyle Eingorn Esq., Dembro, Brown & Burns, LLP, represented the applicant and summarized the application as an application for Minor Site Plan, Condition Use and associated Bulk Variance approvals for a roof mounted solar energy system and ground mounted solar energy canopies at 100-200 Century Parkway.

Witnesses sworn in

Terrence Combs, PP, LLA, The Petit Group; Keith Peltzman, President of Independent Solar; Drew Biddle, Independent Solar and David Cohen.

Exhibits Entered:

A-1, Aerial photo with proposed ground mounted solar overlay; A-2, Site and Landscape Plan; A-3, rendering of view from Century Parkway; A-4, rendering of views from Church Road and Fellowship Road.

Terrence Combs Testimony

Mr. Combs introduced Exhibit A-1 describing the lot location, surrounding uses and condition. He introduced Exhibit A-2 and described the configuration of the canopy structures and the evolution of the design making clear that the canopies are at least 50 feet from the front property lines along Church Road and Fellowship Road. The applicant is requesting relief for front yard setback on Canopy #7 being 15 feet from Century Parkway. The applicant is requesting relieve for Canopies #6 and #8 being forward of the building, Canopies #4, #5 and #6 being on the interior lot line between Lots 1.02 and 1.03 less than the required side yard setback and Canopy #8 being less than the required side yard setback.

Mr. Combs clarified for the record that the roof top solar system would Not be visible from the ground, there is a parapet wall screening the panels.

Jay Petrongolo clarified for the record that canopies #1, #2 and #3 are also in the front yards of the building and therefore require relieve from the ordinance. Mr. Petrongolo explained that the ordinance requires the panels to be in the rear or side of the buildings.

Mr. Combs continued that the proofs required for the D3 variance are focused on the deviations from the conditions. Mr. Combs stated that Solar is an inherently beneficial use under land use law and is therefore considered a value to the community because it fundamentally serves the public good and promotes the general welfare. Additionally, the solar project promotes the use of reusable energy resource.

With regard to the setbacks, Mr. Combs stated that the panels are located a significant distance from the adjacent roadways and they have provided additional buffering consisting of shrubs, shade trees and ornamental trees along Fellowship and Church Roads. They don't see the canopies located on the property line between lots 1.02 and 1.03 as an issue as the lots are a single use and single owner and will not create a hardship on either lot. Mr. Combs introduced Exhibit A-3 showing the front yard tree canopy on Century Parkway. He stated that the branches of the trees are approximately 8 feet from the ground and the canopy structures will be 14 to 20 feet from the ground therefore the canopy structures will not be visible. He stated even in the winter the significant branching of the trees will provide a buffer.

Mr. Combs believes these variances can be granted without detriment to the public good and with minimal impact to the adjacent properties. He stated that the applicant has been in communication with the gas company, Transcontinental Gas Pipeline, located on lot 1.01, and at their request they shifted carport structure #10 to a location satisfactory to both parties, the change is depicted in the final plan.

David Cohen's Testimony

At the gas company's request, they also eliminated panels that would have been on the north east side of their fence line.

Mr. Kramer asked why there is an overhang on Canopy #9.

Mr. Combs responded that it has been relocated and it is no longer overhanging the drive isle. The structure sits between the parking lot and the edge of the basin, it is not over parking spaces or in the drive isle at all.

Mr. Combs continued that the plan can be approved without impairing the intent and purpose of the zone plan. He believes the applicant met the spirit of the ordinance by maximizing the setbacks.

Mrs. Andersen asked Mr. Petrongolo if parking canopies without solar would be allowed in front of the building.

Mr. Petrongolo responded that they would not. They would be accessory structures and are therefore required to be behind the building.

Mr. Petrongolo reviewed his report dated June 30, 2021. He stated that the waivers requested by the applicant are on page 2 and 3 of the letter. Mr. Petrongolo has no objections to the waivers. He asked if external disconnect switches will be provided and coordinated with the fire and police departments as required by ordinance.

Mr. Combs responded that the plans submitted show the location of the disconnect for the roof panels but the plan has not yet been submitted to the fire and police departments.

The applicant agrees to comply with the ordinance and submit those plans for review by the police and fire departments.

Mr. Petrongolo continued that the applicant meets the conditions for roof mounted solar and requires relief from multiple conditions of ordinance 154-76.D for the ground mounted systems. He asked Mr. Combs if he will comply with the ordinance with regard to signage.

Mr. Combs responded that they would comply with ordinance with regard to the signage. Additionally, he agreed to work with the planner's office regarding additional landscaping.

Mr. Petrongolo asked if the panels will overhang drive isles.

Mr. Combs stated that the panels will not overhang the drive isle however they do overhang some parking lot striping.

Mr. Petrongolo clarified that the drive isle is curb to curb and asked again if the structure will overhang,

Mr. Combs agreed to work with the planner's office to work out the drive isle overhang issue.

Mr. Petrongolo made the applicant aware that any temporary trailers to be onsite are required by ordinance to be shown on the site plan.

Mr. Angelastro reviewed his letter dated June 30, 2021. He stated that the applicant has addressed all the issues in the review letter. Mr. Angelastro asked if the panels will be stationary, if there is anticipated sun glare or visual impacts and if the rain will clean the panels or will there be routine maintenance required

Mr. Combs responded that the panes are stationary, no sun glare is anticipated and there is no routine maintenance, the panels are cleaned by rain.

Mr. McVey reviewed his letter of May 21, 2021. The applicant has satisfied all the departments comments including moving canopy #9. He asked if the applicant will agree to submit a fire apparatus circulation plan going by canopy #6 to alleviate any concerns about the structure being in the drive isle.

Mr. Combs responded that they will submit the fire truck circulation plans.

Mr. Gray expressed concern about the ability of the fire truck to circulate around canopy's #10, 7, 8,

Mr. Combs agreed to provide a fire truck apparatus circulation plan around the whole building.

Chairman Francescone opened the meeting to the public for questions or comments.

Ramnik Shah, Wilmington Delaware, is a nearby property owner and wishes to see more landscaping so no canopy structures will be visible.

Mr. Combs responded that the applicant will be working with the Planners office to work out the landscaping along Church Rd. Using Exhibit, A-4, Mr. Combs showed the existing landscaping and gave testimony regarding the proposed additional trees.

Mr. Eingorn stated that on Rt. 73 and at the Atrium building canopies like these are completely unscreened and the proposed are far more screened than the current existing canopies.

Mr. Petrongolo explained that those canopies on Rt. 73 and the Atrium building were submitted before the ordinance went into effect. The town does not set a precedent when it grants relief to an applicant. Mr. Petrongolo stated that with the addition of the buffering to be agreed upon between the applicant and Mr. Petrongolo's office, which will be a condition of approval, the landscape buffer will be sufficient.

Chairman Francescone, seeing no one else from the public wishing to speak, closed the public portion.

Mr. Eingorn thanked the board and requested the board vote in favor of the application based on the testimony provided.

Mr. Campbell summarized the conditions of approval as the following.

- Applicant shall install the external disconnect switch for the roof and ground mounted solar facilities.
- Applicant shall revise the plan to add a note stating that the solar facilities are not more than 50% of the rear yard.
- Canopy #6 shall not overhang drive isle.
- Applicant shall revise the plan to show and install signage consistent with the ordinance.
- Applicant shall work with the Township Planner regarding additional screening.
- Applicant shall provide a fire apparatus circulation plan.

Chairman Francescone asked for a motion to approve the variance for application ZB21-D-14 with conditions. Vice Chairman list moved the motion, Mr. Kramer seconded. All present voted affirmatively. Motion carried, approved.

Discussion took place regarding the possibility of returning to in person meetings. The board decided to re-evaluate after the August 4th Board meeting.

Adjournment:

Chairman Francescone asked for a motion to adjourn. Mr. Grey moved the motion. All present voted affirmatively. Meeting adjourned 8:14 P.M.

Note: During the course of the applicant's testimony the meeting was repeatedly interrupted and disrupted by an individual identified as Jordan Csillan. Mr. Csillan repeatedly asked questions and made comments about a matter unrelated to the application. He was advised by the Chairman that his concerns may appropriately be heard at a council meeting but the Zoning Board Hearing may only take testimony related to the application before it. The chairman repeatedly asked him not to interrupt, Mr. Csillan continued the disruption and was subsequently blocked from further participation.

Adopted on: August 4, 2021

Suzanna O'Hagan, Secretary
Zoning Board of Adjustment