

MINUTES OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF PENNSAUKEN

A public meeting of the Zoning Board of Adjustment of the Township of Pennsauken, in the County of Camden, in the State of New Jersey was held on the above date via Zoom Video Communications. Chairwoman Butler called the meeting to order at 7:00 P.M. and led the flag salute. Roll call disclosed the following members present: Paul Hoyle, Lysa Longo, Shirley Butler, Darlene Hannah, Diane Piccari, Osvaldo Alves, Patrick Olivo and Duke Martz. Acting Solicitor Steve Boraske, Esq., Zoning Board Engineer, Douglas White, Planning and Zoning Coordinator, Gene Padalino and Secretary Nancy Ellis were also on the video call.

Chairwoman Butler announced that the meeting was being held in accordance with the Open Public Meetings Act, notice has been sent to two local newspapers, and also posted on the Bulletin Board in the Municipal Building.

Osvaldo Alves assumed the seat of absent member Lou Morales.

HEARINGS:

STEPHANIE HARVEY-Seeking 11 feet of relief from the house setback requirement of 15 feet for a 12' x 24' semi inground pool, 4' in depth and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 8301 Wyndam Road, Block 2701, Lot 25 in Zoning District R-2.

Lysa Longo stated that Stephanie Harvey is her neighbor and she recused herself from this application.

Patrick Olivo assumed the seat for Lysa Longo for this application.

Stephanie Harvey, 8301 Wyndam Road came forward to testify and was duly sworn by the Solicitor.

Ms. Harvey testified she would like to install a semi-inground pool in her rear yard and it will be installed by Harry's Discount in Pennsauken. She can't locate the pool anywhere else on her property because she has a small back yard, she lives on a corner lot, she has a shed in her yard as well as an addition on the back of her house.

Upon query, Miss Piccari was informed by the applicant that there is an existing 6-foot fence around the rear of her property.

Upon query, Mr. Hoyle was informed by Ms. Harvey that the pool will be behind the fence and cannot be seen from the street.

Mr. John Lancaster, Discount Harry's, 3417 Route 130 came forward to testify for the applicant and was duly sworn by the Solicitor.

Mr. Lancaster informed Mr. Hoyle that he will install the pool and it will be setback from Ms. Harvey's neighbors' houses and it won't be a detriment. The existing 6-foot fence will surround the pool and pool will not be seen from the street.

The meeting was open to the public. There being no one who wished to speak, the meeting was closed to the public.

The Solicitor made the following factual findings: This is an application for a bulk variance relief to permit the installation of a 12' x 24' semi inground pool. The subject property is located 8301 Wyndam Road, Block 2701, Lot 25 located in the R-2 Zoning District. The applicant is Ms. Stephanie Harvey and she requires 11 feet of relief from the township code requirement that pools in residential districts be located at least 15 feet away from the principal residential structure at the property. The board can grant the application and approve the variance as either a C1 hardship or a C2 substantial benefit variance. There was testimony that the existing improvements and conditions at the subject property may create a hardship for the applicant, such that she would be unable to comply with the pool setback requirements. Those improvements are simply the fixed location of the home as well as an existing fence. From the testimony of the applicant, the comments from the applicant's witness and from the comments from the zoning officer as well, it seems that the applicant may qualify for a C1 hardship variance if the board feels that there are existing conditions and if the unique shape or configuration of the lot justifies the relief sought by the applicant and a deviation from our code requirements. The board should also consider whether there is any public detriment or negative impact on the adjacent property owners as well as substantial impairment to our township code or the purposes of the residential districts as well as the township master plan. The applicant will be

subject to all the standard conditions of approval, which is generally securing the proper permits or if necessary, any outside agency approvals.

Mr. Olivo motioned to accept the fact finding. Miss Hannah seconded.

Miss Piccari motioned to grant the application. She stated that the applicant has a fence and the property is protected. Miss Piccari further stated she believes the applicant needs the pool for her enjoyment. Mr. Hoyle seconded. Roll call: Paul Hoyle, Diane Piccari, Shirley Butler, Darlene Hannah, Osvaldo Alves, Patrick Olivo and Duke Martz-Aye. Lysa Longo-Abstained. None Opposed.

SOLAR LANDSCAPE-Seeking a use variance to permit community solar panels which are not a permitted principle use in an LI district and also minor site plan approval in connection with the community solar project. The applicant is proposing to make improvements to site's parking lot as detailed in site plans including but not limited to the addition and re-stripping of 247 parking stalls, raising the number of parking stalls from 257 to 504 parking stalls. The parking stalls will be 9' x 18' and as such they are seeking a variance from Ordinance Section 141-73 which requires parking stalls to be not less than 10' x 20'. Stalls are being re-stripped to be 9' x 18'. The applicant is also seeking submission waivers. Premises located at 7245 Westfield Avenue, Block 1104, Lot 44 in Zoning District LI (Westfield Redevelopment Zone).

Donna Jennings, Esq. came forward to represent the applicant and described application. Ms. Jennings stated the applicant needs a use variance, bulk variances, submission waivers and minor site plan approval to complete the proposed project at the World Harvest Christian Center site.

Corey Gross, Operations Manager, Solar Landscape 522 Cookman Avenue, Asbury Park, NJ, Andrew Janiw, Professional Planner, Beacon Planning and Consulting Services, 315 State Route 34, Suite 129, Colts Neck, NJ, Ahmad Tamous, Civil Engineer, Bohler Engineering, 10000 Midlantic Drive #410W, Mount Laurel, NJ and Douglas White, Zoning Board Engineer, T&M Associates, 200 Century Parkway, Suite B, Mount Laurel, NJ all were duly sworn by the Solicitor to testify and all were accepted by the board as expert witnesses. Mark Schottinger, General Counsel for Solar Landscape was also on the video call.

Mr. Corey Gross came forward to testify and stated that Solar Landscaping was established in 2011 and he oversees the operations department for the company. Mr. Gross further testified that they will lease the space from World Harvest Christian center and they propose to install a new roof and solar panels on top of their roof, install car ports in the parking lot with solar panels on top and they will add landscaping and flowers to the site as well. Mr. Gross referred to Exhibit A-6 which depicted the types and sizes of the galvanized steel solar modules that are proposed to be installed on the roof and in the parking lot. Mr. Gross referred to Exhibit A-1, which described the community benefits. The benefits of the installation of solar panels at this site is that they will generate enough power to service approximately 400 homes and at least 51% of the electric generated is sold to low to moderate income residents and 49% of the residents will get a 10% discount. The electric generated from the solar panels will be provided to Pennsauken residents as well as to residents in the adjacent municipalities. Subscribers can sign up for the service and cancel at any time. Mr. Gross further testified that Solar Landscaping offers jobs and will train 30 people to become certified solar installers for this project. Another benefit besides the installation of a new roof for the church, as a tenant, they will pay an annual lease payment which will provide funding to the church for future enhancement of their property and to support the church programs. Mr. Gross further testified that with the help of local experts from Rutgers University, they will provide a natural habitat and beautify the area and the power producer will be 100% clean renewable energy and they will prevent carbon monoxide emissions entering the local atmosphere. Mr. Gross further stated that it will take approximately 4 months to complete the project, approximately 2 months to install the panels with the help of approximately 20 laborers and approximately 2 months to wire the system up. Mr. Gross further testified that the life span of the solar panels is approximately 25 years. If the panels still work, they remain up and if they no longer work, Solar Landscaping is responsible to remove the panels and recycle them. Mr. Gross further stated that the residents of Pennsauken are welcome to apply online for their training program to become a certified solar installer. Once this project is finished, they may use their certification for other solar energy companies and projects. Mr. Gross stated that residents can go onto their website and apply for solar energy service and provide their current electric service provider information (PSE&G) and

once the subscriber begins to receive solar power, they will get a bill from Solar Energy and their energy bill will be 10% lower. There are no long-term contracts, hidden fees or new utility meter that needs to be installed.

Upon query, Mrs. Butler was informed by the applicant that the solar energy is for Pennsauken residents as well as for residents in adjoining municipalities and the solar panels will be installed over the parking lot on car ports.

Mr. Ahmad Tamous, Civil Engineer came forward to testify and presented Exhibit A-2, dated January 20, 2021, which is an aerial image of the site that was prepared by his office. Mr. Tamous referred to Exhibit A-2 and described the location of the site, the zone and the surrounding area. The areas surrounding the site includes light industrial uses and residential properties. Mr. Tamous described the existing building on the site and testified that 75% of impervious lot coverage is permitted at the site and the existing lot cover is currently and will remain at 66.4%. They will only be restriping the parking lot and redefining the drive aisles to enter and exit the site for safety. There will be no change for the use of the church or frequency of traffic at the site. They will be installing carports and some will have canopies to house the solar panels. Mr. Tamous presented Exhibit A-3, which depicts the existing conditions at the site and the site with the proposed solar panels installed. Mr. Tamous testified as to the total number of carports with solar panels, the dimensions of the panels and additional landscaping proposed at the site. Mr. Tamous testified that the building coverage and height of the existing building and the coverage and height of the carport canopies are far less than what is permitted in the LI (Light Industrial) Zone. Mr. Tamous presented Exhibit A-4, which is the site plan depicting the solar panels with additional landscaping. Mr. Tamous referred to Exhibit A-3 and described the carports with canopies, the solar panels, the additional 8-foot evergreen trees at planting to the north of the site on Cooper Avenue across from the residential properties and he stated that the trees will be 15 feet high at maturity. Mr. Tamous presented Exhibit A-5, which is the site plan depicting the site 1 year after planting the evergreen trees and he stated that the proposed evergreen trees grow 3 feet per year and the trees will grow so that the parking lot will be hidden from the residential area to the north of the site. Mr. Tamous testified that the township ordinance requires 10' x 20' size parking spaces and they propose 9' x 18' parking spaces, which will be consistent with the existing parking space size on site. Mr. Tamous also described the submission waivers they are seeking and he also addressed several highlighted items listed in the Zoning Board Engineer's review letter dated November 20, 2020.

Mr. Douglas White came forward and went over the rest of the highlighted items in his review letter dated November 20, 2020 and the applicant agreed to all of Mr. Whites comment, recommendations and suggestions.

Upon query, Mr. Martz was informed by the applicant that they don't need the carports for parking, they need the carports for solar energy. The applicant further informed Mr. Martz that the only noise from the site will be from the transformer.

Mr. Olivo commented that the evergreen trees seem to die frequently when first planted.

Upon query, Mrs. Longo was informed by the applicant that they can provide a 2-year maintenance agreement and there after the church will be responsible to maintain their property.

Mr. Martz commented that he has seen solar panels at another location in town, the panels were unsightly and they were removed and relocated. He stated he fears this project could end the same way. Mr. Martz also thanked all of the residents for coming onto the video call to eventually express their concerns.

Upon query, Mr. Gross informed Mrs. Butler that they proposed to put as many modules in the southwest corner of the site away from the residential area and they will plant trees to mitigate the visual impact.

Mr. Tamous informed Mrs. Butler that they are required to maintain the green space and vegetation that exists at the southwest corner of the site.

Mr. Andrew Janiw, Professional Planner came forward to testify and stated that he has visited the site, he is familiar with the site and the uses permitted in the LI (Limited Industrial) Zone. Mr. Janiw stated that the church is permitted in the zone but the solar panels are not. However, section 40:55 D 66-11 of the Municipal Land Use Law states that renewable energy sites are permitted within every industrial district within the community provided that there is at least 20 acres or more of continuous land mass. The proposed site is 14.35 acres, they are under 20 acres and need a use variance. Mr. Janiw described the benefits of the proposed project to the surrounding area, stated that the site is already developed, there is no need for additional parking at the site but the lot serves a purpose.

Mr. Janiw referred to Exhibit A-8, which depicted the site and the surrounding area. The site is surrounded by commercial and industrial uses in nature with a residential area. Mr. Janiw testified as to the benefits the solar panels have to the community and the surrounding area, the energy cost savings benefit and that this project advances the purposes of the municipal land use law and it is an inherently beneficial use. Mr. Janiw went over what the township ordinances permits in the zone and what they propose and testified as to the benefits of clean energy and why they qualify for a D-1 use variance. Mr. Janiw further testified that there are no detriments to the zone plan and the benefits outweigh the negative impact in that the church will get a new roof, there will be job training and employment generated from this project, there won't be any nuisance or negative impact to the residents with the proposed trees that will be planted on the residential side of the site to mitigate the visual impact.

Upon query, Miss Hannah was informed by the applicant that they looked at other properties and they felt that this was the best location. Miss Hannah commented that she believes solar panels should be located in a more industrial-like site.

The meeting was open to the public.

Ms. Tamie Pettiford, 48 Haines Mill Road, Delran, New Jersey came forward and was duly sworn by the Solicitor.

Ms. Pettiford testified she is a realtor with Peze and Carrol Real Estate in Pennsauken and she believes that the propose project will make it harder for her to sell homes in the area, it is unfair to the neighbors, it is not a good location and the project will make property values go down.

Mr. Schottinger informed Ms. Pettiford that they will hold spaces for the residents for 20% off their electric service for as long as they want it. Mr. Schottinger further stated that they will be beautifying the church property and it will enhance the neighborhood.

Dr. Paul Bryman, 1025 Derousse Avenue came forward to testify and was duly sworn by the Solicitor.

Dr. Bryman testified that the church site is an eyesore and he believes it will be worse with the installation of solar panels. The panels should be moved away from the residential side of the church site and be installed by the railroad tracks and on the roof. He does not want the area industrialized any further.

Ms. Claudia Bryman, 1025 Derousse Avenue came forward to testify and was duly sworn by the Solicitor.

Ms. Bryman testified that the continuing industrialization of the area prevents the creation of wealth for the residents of the Morrisville community and she believes it is a racist policy.

Mr. Richard Argenti, 1730 Derousse Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Argenti expressed his concerns that the solar panels could be a fire hazard and they could cause electrical fires with toxic chemicals from smoke.

Ms. Tracee Batchelor, 7538 Boulevard Avenue came forward to testify and was duly sworn by the Solicitor.

Ms. Batchelor testified that she is a potential home owner in the community and she expressed her concern for the solar panels potentially being sub-leased out to other companies, the additional lighting from the site and the visual impact from the solar panels at the site. Ms. Batchelor stated she is all for solar energy. However, she would like to see the panels moved away from the residential area and on the other side of the site by the railroad tracks.

Mr. Schottinger informed Ms. Batchelor that they will not and do not have the right to sub lease the solar panels.

Dr. Sharon Hunter-Nikolaus 27 Franklin Avenue, Merchantville, NJ came forward to testified and was duly sworn by the Solicitor.

Upon query, Dr. Nikolaus was informed by the applicant that they will be installing solar panels on the entire roof of the church and the stock piles of soil at the site will be reused.

Ms. Angela Bundy, 7359 Remington Avenue came forward to testify and was duly sworn by the Solicitor.

Ms. Bundy testified that residents met with the solar company several times and they still didn't change the plan to move the solar panels towards the railroad tracks and away from the residential neighborhood.

Mr. Schottinger informed Ms. Bundy that they are not permitted to use the green space near the tracks by the Board of Public Utilities. They put the panels as close to the tracks as they were allowed to.

Ms. Brenda Hailey, 264 Southview Drive, Delran, NJ came forward to testify and was duly sworn by the Solicitor.

Ms. Haily stated she is a former resident of Morrisville, the church doesn't help their community and there are no benefits from this project to the residents of Morrisville.

Ms. Eileen Thomas, 7626 Tripoli Avenue came forward and was duly sworn by the Solicitor.

Ms. Thomas expressed her concerns about the upkeep of the church property, she believes the applicant added more solar panels since the last time they met, the toxins that can be generated from the solar panels and the batteries that are used to transform the energy from the sun.

Mr. Gross informed Ms. Thomas that the solar panels they propose to install at the site do not use batteries.

The Solicitor announced that this hearing will be continued to a special hearing on Monday, February 22, 2021 at 7:00 PM for the remaining public testimony to be heard.

CORRESPONDENCE:

None

MINUTES:

None

RESOLUTIONS:

Resolution Z-2020-34-granting **WILKINS GARCIA** a use variance for 13 parking spaces on vacant land in connection with an existing non-conforming restaurant. Premises located at 5010 Westfield Avenue, Block 4706, Lot 3 in Zoning District P-1.

Resolution Z-2020-35-denying **ALEXANDER STERIN** a use variance to use the existing branch bank building for a Laundromat which is not a permitted use in the applicable R-3 zone. Premises located at 2501 Merchantville Avenue, Block 4808, Lots 1 and 7 in Zoning District R-3

Resolution Z-2020-36-granting **ADRIAN DELEON** 25 feet of relief from the rear yard setback requirement of 35 feet in an R-2 to permit the installation of a 16' x 23' rear roof attached to the house which is over an existing patio. Premises located at 7709 Greenbriar Road, Block 2401 Lot in Zoning District R-2.

Resolution Z-2020-37-granting **ALCEDO ESPINAL** approval to build a 24' x 30' detached garage which will be 14' in height. This will exceed the maximum accessory structure size of 400 square feet as per Township ordinance number 141-78(B). Premises located at 8329 River Road Pennsauken, Block 1605 Lot 4 in Zoning District R-3.

BILLS:

It was moved, seconded and unanimously agreed to pay the following bills:

Florio, Perrucci, Steinhardt & Cappelli-Legal Services for applicant Alberto Quintata-\$85.00

COORDINATOR'S REPORT:

None

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 11:10 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary