

MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT

MEETING

April 19, 2022

MEMBERS PRESENT:

Walter Fazler
Tim Monahan
Vincent D'Antonio
Lynne Gallo
William Creeley

STAFF PRESENT

Peter Clifford, Board Secretary
Danielle Gsell, Recording Secretary
Matthew Wieliczko ESQ, Alternate Board Attorney
Frederick Turek, P.E., C.M.E, Board Engineer
Michelle Taylor, P.P, A.I.C.P Board Planner
Scott Taylor, Landscape Architect

Absent: Lynne Schill, Valerie Sirani, Joe Hanuscin, Nicholas Repici

Mr. Fazler called the meeting to order in the Council Chambers at 7:10pm by reading the Open Public Meetings Act statement. A moment of silence was followed by the Pledge of Allegiance.

Roll call is as listed above.

RESOLUTIONS:

- None

MINUTES:

- A motion to approve the March 29, 2022 was made by Ms. Gallo seconded by Mr. Creeley. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

PUBLIC HEARING:

- **ZBA#2021-34**, **Safari Energy**, 308 Harper Drive, Block 3202, Lot 1, Zone SRC-1, Preliminary/Final Site Plan & Use Variance - To permit solar carports within the existing parking lot.

Mr. Todd Green, Attorney for the applicant introduced himself to the Board and gave an overview of the application and his witness list:

Mr. Brian Murphy, Engineer
Mr. James T. Kyle, Planner
Mr. Daniel Jordan- Senior VP of Operations
Mr. Ronald Becker-

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Mr. Murphy was accepted as an expert by the Board. He reviewed the exhibits presented to the Board

A-1 Google Aerial of site

A-2 Colored Rendering of solar panels (revised 3/31/2022) known as sheet 3 of 9

A-3 Perspective of roadway in from street

Mr. Murphy reviewed A-1 and where the parking lot was located. He testified they will be leaving the parking lot as it stands currently and will be adding 3 solar panel arrays to the lot and a solar array on the roof of the building which will then be used to power about 80% of the property. There will about 1188 panels placed on the property. The power grid will be enclosed by a 7ft. black vinyl fence surrounding it as needed by code. The site will remain ADA complaint and will not have any parking spaces removed. The panels will need to be maintain once a quarter and will be equipped with sensors that will alert the company should something be wrong with any panels or the grid. Currently the lights in the parking lot come on at night by a sensor and will continue to do so for the safety of those leaving the building later at night.

In order to have the panels put in there will be 8 trees removed from the islands where the panels are proposed but the applicant will be planting 26 new trees, and 776 new shrubs around the property. The existing parking lot lights will be changed to LED to create a softer glow in the area. The applicant does not believe there will be impact on the storm water on the property since they are not changing the layout or grading to the property. Exhibit A-3 showed the proposed landscaping and what it would look like from the road into the property and how they will be increasing the number of shrubs and trees in order to aid in hiding some of the poles and panels.

The applicant reviewed the letters from the Taylor Design Group and Turek consulting siting they would be in compliance with the recommendations from the Board

Professionals. Mr. Taylor asked the applicant to reconsider painting the poles and beams for the panels to something that would be more natural and match the building, the applicant agreed to this as a condition of approval. When asked about the variance for the parking spaces needing to be 17ft stall length where 18 ft stall length is required the applicant asked for a 60 spot allowance for this to ensure they have enough room to install the pillars for the panels.

Mr. Kyle was asked to give his credentials and asked to be accepted as an expert in which the Board agreed. Mr. Kyle reviewed the positive and negative criteria for the application. He testified he reviewed the Township Master Plan and felt this application was a benefit to the township and didn't find any detriments in the application. Mr. Kyle testified the applicant would be able to create a more accurate energy budget by the township allowing them to install the panels since they know 80% of the building will be running off the solar panels which will benefit the town, the business and the environment. The buffer being proposed was also going to be beneficial for all those coming into and out of the site since it would be hiding the poles.

Mr. Todd stated after speaking with his client about item # 11 in Mr. Turek's letter the applicant agreed to dim the lighting to 50% at 8pm to avoid glare to the property across the street as well as placing a PVC fencing around the trash enclosures in a color acceptable to

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the Board Professionals. The applicant will also be installing bollards behind along the fence to make it more durable. Mr. Kyle summed up why he felt the application meant all the positive and negative criteria and why it fit into the Master Plan. The applicant did reiterate the parking lot was planning on being repaved for this project.

The Board Professionals expressed their gratitude to the applicant for working so closely with them and taking into account all the recommendations given for this application. The Professionals thought the choice of trees and shrubs were excellent and would be a beautiful addition to the area. A note was asked to made on the plans that when the pruning of the existing trees and shrubs are being done that the Landscape architect be there on a field visit to ensure there is no damage done or if they find a tree or shrub that needs to be taken down one of similar size and shape is replacing it.

The Board members had a few questions regarding replacing the light poles in the parking lot where the panels were going. They are being relocated to the outside perimeter of the parking lot and upgraded to the LED lights. They also asked about the size of the panels and how long the construction would be taking. It will about 5 months construction as long as everything goes as planned and the panels are 4x7 with gaps in between to ensure good water flow.

- A motion to Use Variance on Solar Application with the following conditions:
 - 50% lighting at 8pm
 - PVC Trash Enclosure
 - Painting of arrays to color approved by Board Professionals
 - Comply with all recommendations in Board Professional Letters
 - Re-Paving of Parking Lot
 - Pruning of shrubs and trees with review of Landscape Architect

was made by Mr. Creeley seconded by Mr. Monahan. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

- A motion to Bulk Variance on Parking Stalls & Buffer Application with the following conditions:
 - 50% lighting at 8pm
 - PVC Trash Enclosure

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- Painting of arrays to color approved by Board Professionals
- Comply with all recommendations in Board Professional Letters
- Re-Paving of Parking Lot
- Pruning of shrubs and trees with review of Landscape Architect

was made by Mr. Creeley seconded by Mr. Monahan. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

- A motion to Preliminary and Final Site Plan Application with the following conditions:
 - 50% lighting at 8pm
 - PVC Trash Enclosure
 - Painting of arrays to color approved by Board Professionals
 - Comply with all recommendations in Board Professional Letters
 - Re-Paving of Parking Lot
 - Pruning of shrubs and trees with review of Landscape Architect

was made by Mr. Creeley seconded by Mr. Monahan. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

- **ZBA#2021-38**, Manor Hill Contracting Services, 17 and 19 East Second Street, Block 4400 Lot 22, Zone RTC-1, Bulk Variance - Side yard setback.

Mr. Chuck Petrone, Attorney for the applicant, introduced himself and detailed the nature of the application. He asked the witnesses be sworn in.

Mr. Brian Pearce- Authorized Representative for Manor Hill
Mr. Brian Peterman- Engineer
Mr. Joe Maxey- Surveyor

Exhibit A-1 Plot and Grading Plan was introduced to the Board and reviewed by Mr. Pearce. There is going to be an 1160 sq. ft. increase to this property with the proposed addition with plans on making two 4 bedroom 2 ½ bathroom condos out of it with off street

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parking. This property was built in 1850 and Mr. Pearce plans on keeping the foot print the same and just adding to it making it more modern and livable for a growing family. The current rear frame deck and bump out would be demolished and a new addition would be put in its place. There will be new windows, doors, siding, HVAC units and many more upgrades to the property. The whole inside would be gutted and brought up to code and modern standards. The current driveway on the left side of the property is gravel and would be paved and extended back the length of the property to accommodate the off street parking.

Mr. Petrone reviewed the comments and recommendations from the Board Professionals and agreed to all but the request to install an infiltration trench on the property since he was not sure the soil would be able to handle something like that not knowing exactly what was in the soil. Mr. Peterson, the engineer spoke to the infiltration system request and felt there would not be a large enough increase to the storm water runoff that they would need to have one installed. Upon speaking with his client he agreed to have the soil tested to see if the soil would be able to handle the additional water and if it could would agree to install a filtration system acceptable to the Board Professionals. Mr. Pearce felt the upgrades he is proposing will beautify the area even more. There was discussion about the proposed garage in the rear of property and how the Board Professionals felt it was not large enough for cars to be in there. They also expressed their concern about the lack of storage on the property since there are currently 4 existing sheds that will be taken down. The applicant explained there was a full basement under the house accessible from inside the house or from the outside crawl space opening. The applicant also agreed to the Assessors recommendation of giving each condo unit its own block and lot and escrowing for any tax map revisions.

There was discussion about creating storage under the deck for bikes, grills, etc. that the applicant would be willing to cover should the Board want that to be a condition of approval.

BOARD COMMENTS:

Mr. D'Antonio asked about how the potential homeowners would be able to access the basement since there was no actual distinction on the plans on how they would be able to do that. There was also a question about how the materials being used since they were not specified in the plans and not really detailed during the presentation of the application.

Mr. Monahan asked about the size of the basement and if it would be an adequate space for storage. The basement is 14X16 on both sides with 7ft. tall ceilings.

Ms. Gallo asked about the interior and exterior being demoed. It will be demoed and redone to make the property more desirable and fitting with the neighborhood.

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PUBLIC COMMENT:

John Helms- 15 E 2nd St

Expressed concern about the impervious coverage and the storm water run-off on his property. He is hoping the applicant will be able to fix the problems and come back before the Board with better ideas on mitigating it.

Peter Thorndike- 1 E 2nd St

He felt the conversations about the storage were not necessary since he has been the same kind of set up and has no problems with storage. He would like to see the property upgraded and some good use come out of it. He supports the application and thanks the applicant for being willing to take on such a project.

Chris Salvatico- 406 New Albany Rd.

MEAC Member. Concerned about the storm water management but happy the applicant is willing to the soil testing. He also was concerned about some trees that used to be on the property that are not anymore, he would like to see them replaced.

Jason Tosches- 29 E 2nd St

Hoped the property is rehabbed and made better since it is such an eye sore for the neighborhood. Concerned about the how the property has not been maintained since purchased and has found glass and other debris in his yard. He would like to see the property cleaned up a little until the construction starts. He would like the Board to consider asking for the applicant to place landscaping and a fence along the entire length of the property since it is going to be close to his. He also asked about limiting working hours and days so that there is not disturbance to his family with being woken up or being kept up by the noise from the construction.

Mr. Roark- 206 French's Ave

He was concerned about how the applicant has let the property sit in such poor condition for several years. He would like to see it kept up until the construction starts. He felt the addition is too large and should be smaller since it will be backing right up to his property and that will be all he is able to see. He would like additional details about the materials being used as well.

Mr. Petrone asked for a 2 minute recess to speak with his client which was granted by the Board.

Upon coming back from the recess the applicant has asked to carry the application to the May 17, 2022 Meeting with no new notice required, which was granted with the condition that the current 2 "D" variances on the docket do not stay on. If they do the application 2021-38 and 2021-39 will be carried to June 21, 2022 with no new notice required.

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- **ZBA#2021-39**, Manor Hill Contracting Services, 23 and 25 East Second Street, Block 4400 Lot 20 and 21, Zone RTC-1, Bulk Variance - Side yard setback.
 - This application is being carried to May 17, 2022 with no new notice required. If it cannot be heard than it will be carried to June 21, 2022 with no new notice required.

- **DISCUSSION:**

With no further business to discuss, Mr. Creeley made a motion, seconded by Ms. Gallo to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 10:32pm