

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
DECEMBER 10, 2015**

The regular meeting of the Upper Township Zoning Board of Adjustment was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey. The meeting was called to order at 7:30 p.m.

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

Present: Joseph Healy, Ted Klepac, Lynn Petrozza, Christopher Phifer, Carol Tutelian, Matthew Unsworth and Paul Casaccio.

Absent: Sherri Lisa Galderisi, Alistair Lihou, Susan Adelizzi-Schmidt, Andrew Shawl.

Also in attendance were Dean Marcolongo, Board Solicitor; Paul Dietrich, Board Engineer; Shelley Lea, Board Secretary and Zoning Officer.

**SWEAR IN BOARD PROFESSIONALS**

**APPROVAL OF THE 2016 MEETING DATES**

Zoning Board of Adjustment meetings are held on the second Thursday of the month except for November which will be on the first Thursday starting at 7:30 p.m.

January 14, February 11, March 10, April 14, May 12, June 9, July 14, August 11, September 8, October 13, \*November 3, December 8.

A motion to adopt the meeting dates was made by Mr. Unsworth, seconded by Mr. Healy, and approved.

**APPROVAL OF THE NOVEMBER 12, 2015 MEETING MINUTES**

A motion to approve the meeting dates was made by Mr. Unsworth, seconded by Mr. Healy, and approved.

**APPLICATIONS**

1. PATRICK MAHON – BLOCK 839 LOT 3 – BA20-15

Patrick A. Mahon, 43 Oakhurst Lane, Mt. Laurel, New Jersey, was sworn.

The applicant is requesting a rear yard setback variance, 27.5 ft. proposed where 30 ft. is required, to construct a new deck at 209 S. Commonwealth Avenue in Strathmere. Mr. Mahon is proposing to replace the second floor deck in the rear of the property with a fiberglass deck that would cover the existing patio. He also proposes to construct a three season room on the first

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floor under the new deck. The new room would be used as additional living space since the existing living room is small and there is not enough room for family and friends. The room could also be used during bad weather. The outside shower would be relocated to the side of the house. The shower cannot have an enclosure since it would encroach into the setback.

The meeting was open to the public. Hearing no response the meeting returned to the board for findings of fact.

Mr. Mahon testified there would not be air conditioning or heat in the new room.

Mr. Dietrich stated the dwelling is currently below base flood elevation. It was determined that a building coverage variance would also be needed to allow 35% building coverage, where 27% is permitted. The impervious coverage would not change.

The meeting was open to the public. Hearing no comment the meeting returned to the board for findings of fact.

MR. UNSWORTH – Mr. Mahon is the owner of 209 Commonwealth Avenue in Strathmere. He is asking for a rear yard setback variance and building coverage variance. The applicant is proposing a second floor deck and a sunroom off the rear of the dwelling. There is currently a smaller second floor deck over a concrete patio. The proposed deck and sunroom will increase the building coverage to 35% where 27% is permitted. The impervious coverage will not change. The lot is a substandard lot since the lot area is only 3,200 sq. ft. where 4,000 sq. ft. is required. The applicant agreed the outside shower would be moved to the side of the structure and would not have an enclosure. The applicant agreed there would not be any heat or air conditioning in the sunroom. There was no public comment.

MS. PETROZZA – She concurs.

MR. PHIFER – Nothing to add.

MS. TUTELIAN – She is in favor of the application.

MR. HEALY – He is in favor of the application.

A motion to grant the application was made by Mr. Unsworth and seconded by Mrs. Tutelian, with the condition the shower will be moved to the side of the building, there will be no enclosure on the shower and there will not be heat or air conditioning in the new three season room. In favor: Healy, Petrozza, Phifer, Tutelian, Unsworth, Casaccio.

2. TERRY J. DAILEY – BLOCK 566 LOT 51 – BA22-15

Applicant is requesting a two lot minor subdivision, a use variance for expansion of a non-conforming use to allow the continuation of an existing duplex and existing telecommunication tower and bulk variances at 1538-1540 Route US 9 South in Seaville.

Chair Casaccio stepped down during this application and Mr. Unsworth acted as Chair.

Julius Konschak, Attorney for the applicant, requested to table the application until January 14, 2016 since there were only five board members available. There will be no further notice required.

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3. CAMBRIA SOLAR CONSTRUCTION LLC – BLOCK 447 LOT 1.01 AND BLOCK 477 LOT 4 – BA23-15

Applicant is requesting a use variance to construct an accessory use on a lot without a principal structure needed to construct a solar field to provide power to the middle school on Perry Road in Petersburg.

Mrs. Tutelian stepped down during this application.

Andrew Catanese, Esquire, represented the applicant.

Matthew Hender, Licensed Landscape Architect and Professional Planner and Michael Atkins, Principal of Cambria Solar Construction, were sworn in.

Solicitor Marcolongo stated that if approved the applicant would go to the planning board to request a site plan waiver and recommendation to township committee. He stated that solar has already been determined to be an inherently beneficial use. The applicant already satisfies the positive criteria for granting the variance and must satisfy the negative criteria.

Mr. Catanese explained that Cambria Solar is the general contractor that would install the solar panels. Marine Energy will lease the site and own the solar field for fifteen years. They would then sell discounted electric to the school. After fifteen years the school would own the solar field and they would get free electric. Lot 1.01 is 60.57 acres and 2.4 acres on the site would be cleared for the solar field. The proposed system is 435 megawatts.

Mr. Hender testified using the plans by EDA, dated 6/22/15 and revised 11/19/15. He explained that an underground transmission line would take the power from the facility to the back of the school. He stated there would be 130 ft. of trees between the cleared facility and Tuckahoe Road. The array would be approximately 107 ft. to the adjoining property and a distance of 240 ft. from Perry Road. The facility would be surrounded by a fence. This location was chosen because there are freshwater wetlands on the site. There is not sufficient room for the solar on the middle school site because of the recreation fields and the wetlands on this parcel.

Mr. Hender agreed the solar field is an inherently beneficial use. He feels the application as proposed complies with g and j of the purposes of zoning. He feels this plan would not negatively impact the zoning plan or zoning ordinance.

Mr. Atkins testified the roof of the school is not large enough for roof mount solar. He further testified that Marine Energy would be responsible for the maintenance such as cutting the grass. He further testified that the two systems would save the schools approximately \$180,000 to \$190,000 per year.

The meeting was open to the public. Hearing no comment the meeting returned to the board for findings of fact.

MR. UNSWORTH – Cambria Construction LLC is requesting a use variance to construct a solar field to supply electric to the middle school on Perry Road in Petersburg. The panels would be located on a lot owned by the school on the opposite side of Perry Road. Schools and solar energy are inherently beneficial automatically providing the positive criteria for granting the

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variance. The applicant's professionals have reviewed the negative criteria. The panels would not affect the wetlands on the site. It would not be practical to place the panels on the roof or on the school property. The solar would provide a substantial savings for the board of education. Discussion has included the life expectancy of the panels and the lease agreement with Marine Energy. The application must be reviewed by the planning board and township committee. There was no public comment. He feels this is a great opportunity for the school. He does not feel there would be a detrimental impact to the community.

MS. PETROZZA – She concurs.

MR. PHIFER – The applicant has provided sufficient testimony that the proposed use would not be a detriment to the community. The applicant has reviewed the special reasons for granting the use variance.

MR. HEALY – He concurs with his colleagues.

MR. CASACCIO – He concurs. Marine Energy will own and maintain the solar field for fifteen years.

A motion was made by Ms. Petrozza and seconded by Mr. Healy, to grant a use variance to allow an accessory use on a lot without a principal structure with the standard conditions. In favor: Healy, Petrozza, Phifer, Unsworth, Casaccio.

**OPEN TO THE PUBLIC**

**BILLS**

A motion to pay the bills was made by Mr. Unsworth, seconded by Ms. Petrozza, and approved.

**ADJOURNMENT**

A motion to adjourn the meeting was made by Ms. Petrozza and seconded by Mr. Healy. The meeting was adjourned at 8:27 p.m.

Submitted by,

Shelley Lea