The Chairman called the meeting to order and stated it was being held in compliance with the “Open Public Meeting Act” and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cupersmith, Mr. Senges

Absent: Mr. Cohen, Mr. Brocco

Also, present, Mrs. CherylLynn Walters, Ben Matlack, PE, CME, CFM, Board Engineer, Corrine Tarcelli, Zoning Board Secretary

**MINUTES FOR APPROVAL**

Mr. Willard motioned to approve the minutes from August 23, 2018; seconded by Mr. Willard; none (0) against, Mr. Daddario abstained.

**NEW BUSINESS**

**Matthew Schwarz**

10 Jacamar Drive

Block 218.11, Lot 50

Case #ZC2018-019

Seeking Bulk Variance relief from Sections 150.14(B)(1) of the ULDO to permit a five foot high vinyl fence forward of the rear corner of the dwelling where only a four foot high fence is permitted. Also seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Matthew Schwarz and his wife Samantha Orlan were both sworn in to testify. Mr. Schwarz stated there were three main reasons for requesting the variance to permit a five foot high fence. Their first concern is for security and privacy purposes. There are people constantly cutting through their property after repeated requests not to in order to access other properties on Jacamar Drive. Mr. Schwarz and his wife have a patio on the side of their home with a sliding glass door that exits out into the yard and they would like the patio and sliding glass door inside the fenced area. They also adopted a lab mix dog that is now five months old and is already 50 pounds. The dog is able to clear a three and half foot couch. The vet informed them the dog would be able to jump over a four foot high fence but highly doubts the dog would be able to jump over a five foot fence. They also want to be able to let the dog out and run in the yard in particular when it rains. They did not request approval for a six foot fence because a six foot fence would be too high and they would not be able to see over it.

With no further comments, the meeting was opened to the public. Seeing no one, the public portion was closed.

Mr. Weil made a motion to approve the application; seconded by Mr. Willard.

Ayes: Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cupersmith, Mr. Senges.

Nays: None

**Independence Solar**

1000 Voorhees Drive

Block 198, Lot 5

Case #ZC2018-020

Seeking Site Plan Waiver from Ordinance Section 150.17(C) and (D) associated with the proposed installation of 1,600 roof mounted solar panels at the property located at 1000 Voorhees Drive, Voorhees Township, New Jersey. In addition to the 1,600 roof mounted solar panels, the Applicant is proposing an internal electrical room point of interconnection along with four external wall mounted solar inverters, external utility disconnect, AC agglomeration panel, and a communications/monitoring, box (DAS). The proposed solar panels will be located on the roof behind a 3’ parapet, which will eliminate any glare and visibility from surrounding roadways. Also seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Burns of Dembo, Brown and Burns, Attorney for the Applicant summarized the case presented before the Board stating the Applicant, Independence Solar, LLC was seeking approval for a site plan waiver associated with the proposed installation of roughly 1600 roof top mounted solar panels on the property located at 1000 Voorhees Drive. Mr. Burns stated Kingsway Learning Center is the sole tenant of the property and recently received site plan approval in March of this year. The application is simple and straightforward. The Applicant plans to install a three foot parapet to eliminate any glare and visibility from the roadways and surrounding properties, the panels will be well screened. There will also be internal connections and external utility disconnects related panels and monitoring boxes. There are no variance requests for this application and there are also no waivers requested.

Keith Peltzman of Independence Solar and David Cohen from Needleman Management Company on behalf of the Owner were both sworn in to testify.

Mr. Senges questioned whether the Applicant has met all of the parameters of the zoning ordinance. Mr. Burns stated they have met all of the parameters. Usage will exceed what is generated. Mr. Senges then questioned Mr. Matlack, Board Engineer whether or not there is anything about this application that does not meet our ordinance. Mr. Matlack stated that there is nothing within the application that does not meet our ordinance. Mr. Senges stated the Applicant should cooperate with our engineer throughout the entire project. Mr. Burns agreed.

Mrs. Walters asked Mr. Peltzman whether or not he affirmed and agreed with all the statements and agree and comply with the ordinance and conditions of the Resolution to abandon or remove the panels if Kingsway vacates the property. If there is no usage at the site and the site is abandoned, the panels will have to be removed. The ordinance does not permit excess power. Mr. Peltzman agreed. Mrs. Walters further stated that under the new performance guarantee regulations, a bond will not be required. There is no maintenance guarantee but there is still an inspection escrow. Inspection escrow will be prepared by Mr. Matlack.

 Mr. Burns stated the property will be actively marketed should Kingsway Learning Center vacate the property. There is a fifteen year lease with multiple yearly extensions. Mr. Burns stated if it is abandoned and they need to be removed, the Applicant understands, and the panels will be removed.

 Mr. Burns stated the panels should be up and operational in the Spring of 2019. Mr. Senges further stated that a condition of the Resolution will be if the property is abandoned, the panels will have to be removed. Mrs. Walters stated the intent of the ordinance is to not permit excess power to be generated on site. There can only be enough power generated on site to service the needs of the site. If the building is abandoned, then it is presumed the system is abandoned then it would have to be removed. A case can be made for an extension while the property is actively being marketed as long as the system is not generating more power than what is needed to maintain the site while the building is vacant. Mr. Burns stated the site is a viable commercial site. Should Kingsway Learning Center vacate the property, it will be actively marketed and the systems would still be operating. Mr. Senges stated that would be addressed at that time. Mr. Senges stated as the Solicitor indicated if the Board were to approve this application, there will be a condition that the solar panels must be removed if the site is abandoned by the tenant. Mrs. Walters stated the Applicant would have to come back before the Board to seek temporary relief from that condition while the property is being actively marketed. This is not a variance condition the Board can grant relief from; it is a policy with not just this municipality but state wide. The state does not want access power flooding the grid. Therefore it has to be applied uniformly from site to site. Mrs. Walters stated if the property is vacant and the system is not generating more than what is needed then the Applicant should be fine while actively marketing the property.

With no further comments from the Applicant or their professionals, the meeting was opened to the public. Seeing no one, the public portion was closed.

Mr. Weil made a motion to approve the application; seconded by Mr. Cupersmith.

Ayes: Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cupersmith, Mr. Senges.

Nays: None

Seeing no further business Mr. Senges makes a motion to adjourn, seconded by Mr. Cupersmith.

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 Corrine Tarcelli

 Zoning Board Secretary