

**TOWNSHIP OF EGG HARBOR
ZONING BOARD**

December 5, 2011

Solicitor: George K. Miller, Jr., Esquire, present
Engineer: Matthew F. Doran, P.E., Debra Wahl, P.E., present
Planner: Edward Walberg, P.P., Joseph Johnston, P.P., present
Zoning Officer: Patty Chatigny, present

A regular meeting of the Zoning Board of Adjustment of Egg Harbor Township was held on the above-date, 7:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairman opened the meeting by reading the statement in compliance with the Open Public Meetings Act

Call to Order/Flag Salute/Public Notice/Roll Call:

John C. Amodeo, Class IV, present	Norma Lombardi, Class IV, present
Leonard Dagit, Jr., Class IV, 2 nd Vice-Chair., present	Chrissy Martin, Alt. #I, another engage.
Anthony DiDonato, Alt. #II, present	Andrew Parker, Alt. #III, present
Beth Epstein, Class IV, present	Laura Pfrommer, Class IV, present
John Haines, Class IV, Chairman, present	Paul Savini, Class IV, Vice-Chair, present

PUBLIC HEARING(S):

1. SP 13-11	Site Plan Approval
Wawa, Inc.	Waiver of Time - Not Granted
Block/Lot: 3301/1	
Ocean Heights and English Creek Avenues	
Zone: R-1, 1.3 acres, public sewer, private well	

The applicant Wawa, Inc. is requesting approval to permit them to construct and establish a renewal energy facility as an accessory use on the property to provide on-site energy to the existing Wawa convenience store and gasoline dispensing facility. No energy from the proposed renewal energy facility will be used off-site or sold back to the grid. Pinelands.

Checklist Waiver(s):

- 1. Item #3 - Existing land uses within 200 feet shown on the key map**
- . Item #8 - Approval signature line for the Municipal Clerk**
- 3. Item #9 - A survey of the property**
- 4. Item #10 - Existing contours on the entire site and extending 100 feet from the property**
- 5. Item #11 - Existing setbacks for the structures shown on the plans**
- 6. Item #12 - The locations of existing driveways within 75 feet of the property shown on the plans**
- 7. Item #14 - Site triangles and radii of curblines shown at each intersection**
- 8. Item #15 - The location of all trees 15" dbh or greater shown on the plan**
- 9. Item #23c - Maintenance notes on the landscaping plan**

Keith Davis, Esq., introduced himself as attorney for the applicant, WaWa, Inc., He advised this application concerns block/lot 3301/1 at English Creek Avenue and High School Drive. He advised the applicant is proposing an energy efficient facility on site. He indicated WaWa will not sell to any end users on the grid and there will be a conveyance by a power purchase agreement with Atlantic Electric.

Attorney Davis advised this is an inherently beneficial use and there are no variance(s) requested by the applicant. He advised this will be a passive use and there will be a low level amount of traffic going to the site. He indicated only people coming will be maintenance people for the panels themselves and landscapers. Attorney Davis advised there will be no noise or glare.

Matthew Baldino, P.E., New Jersey Licensed Engineer, Fralinger Engineer, Shallow Pike, Bridgeton, New Jersey, duly sworn. Engineer Baldino referred Exhibit A1: colored rendering of site plan. Advising the applicant is proposing a solar field in the north east corner of the site. He stated all power will be consumed by the WaWa. He stated there will be a 6' ft. chain link fence, which will be black vinyl encompassing the area of where the solar will be placed. Attorney Davis advised the property owner of lot 2 has asked that we place privacy slats within the fence and the applicant will do so. Engineer Baldino also advised there will be a woods buffer around site and where it will be open there is additional plantings proposed. Chairman Haines asked what type of plantings are proposed. Engineer Baldino advised there there will be spruces, cypress and others. He advised the applicant has to look at the shadowing of the plants. He stated where the panels go it must be a clear area around it.

Engineer Baldino stated Board Planner Johnson asked the applicant to provide a wider buffer, however, they make take out four (4) rows of panels so they are not as close to the road going into the over 55 development. He advised the applicant will relocated the construction drive through the WaWa and when the site is completed you will be able to enter the solar facility through the main drive within the WaWa.

Attorney Davis asked if there will be grass around panels. Engineer Baldino stated there will be low maintenance meadow grass. He indicated this is a seed that is favored for this type of use and since it is drought resistant it also does not need irrigation.

Attorney Davis advised even though the Board cannot consider the proposed with respect to coverage the storm water information has to be addressed. Engineer Baldino stated this is correct and will be provided. Attorney Davis advised the Pinelands Commission within their certificate of filing had comments concerning storm water. Engineer Baldino advised the applicant has addressed the concerns of the Pinelands Commission and they were done the end of August, 2011.

Engineer Baldino stated the applicant is seeking waiver for the key map. He advised this is already developed area, therefore, it is not needed. He advised the signature line will be provided. He stated waiver #9 has been partially met and checklist waiver 10 has been addressed with the fact contours are shown for the property but not off site. He further noted that showing existing setbacks for the WaWa itself is not necessary since they applicant is not doing anything but a solar field and there setbacks have been shown. He advised the applicant can place information on the plans concerning the site triangles. Engineer Baldino advised notes will be placed on plan for the maintenance schedule and the applicant is seeking a waiver from providing irrigation.

Board Member Lombardi asked how close the nearest home is? Engineer Baldino advised the applicant has removed four (4) rows. Attorney Davis referred to Exhibit A3: Google earth plan presented, by Board Planner Johnston, advising the removal will be another 60' ft. and the trees that are currently there will remain. Board Member Lombardi asked if the residents are aware of what will be visual there. Attorney Davis advised the applicant has provided public notice. He indicated they may see the chainlink fence and the privacy slats. Board Member Parker asked if there will be a drainage issued for homeowners with this proposal. Engineer Baldino advised the run off from the solar facility will go down into the WaWa basin.

Board Engineer Doran stated by law the Board cannot consider coverage of these panels the only drainage deals with trees coming off. Engineer Baldino stated the additional impervious for the foundation of the panels will be piped into the WaWa basin. Board Engineer Doran stated though the panels are exempt we need to make sure the water goes into the storm water system. Attorney Davis advised the applicant has to meet the conditions for the Pinelands. Board Engineer Doran stated he wants to make sure the water goes into the basin. Engineer Baldino stated the applicant can berm up the grades to make sure it gets into the inlet. Engineer Doran stated he wants to make sure it does not go into the street.

Attorney Davis introduced Mr. Angeloni, managing member of Solar Power, LLC, 1 Greentree Center, Marlton, New Jersey, duly sworn. Mr. Angeloni advised they will maintain the site and it will be used only by WaWa. He advised this facility has used 765,000 kw hours and by installing this facility they will be able to provide 91% of their power. He indicated the solar facility is not allowed to generate more power than what WaWa needs. He advised the extra power will convert back into Atlantic Electric. He advised during the evening hours WaWa will drain down on the power.

Attorney Davis asked Mr. Angeloni how many trips to the solar site will occur. Mr. Angeloni stated they will go out quarterly to look at panels. He advised it will be one truck and maybe two (2) maintenance people. He advised the plans will move the sun and twice during the day they will be above 6' ft. He stated his company has done a lot of work near residential areas and the tracking system that is proposed at this facility is the best in residential neighborhoods. He indicated the panels will be 4' ft. off ground and the solar facility will be fenced and gated. He indicated additional security is proposed by WaWa and their staff via visual.

Board Member Lombardi asked what the longevity of the panels are? Mr. Angeloni advised they 30 years.

Board Member DiDonato asked if the solar panels will be above fence? Mr. Angeloni stated at the highest point the panels will be 6.4'. Board Member Lombardi asked if this facility is through grants given by the State. Attorney Davis advised it is financed by WaWa exclusively. Board Member Pfrommer stated there is a lot of traffic in and out of site. She asked what type construction is proposed with the panels. Mr. Angeloni stated there will be electric runs and there will be one (1) additional pole driven into the ground and then the panels will be installed by at least a four (4) man crew.

Board Planner Johnston stated the applicant has addressed everything within his report. He advised Cyprus, Red Cedar, Arborvitae will survive without irrigation. Board Engineer Doran stated the applicant has addressed the drainage. Zoning Officer stated she rather see this use than seeing something that will have daily trips of traffic coming in and out.

Board Member Dagit asked how this will be considered a rateable. Attorney Davis advised the land is still taxable but panels are not.

Motion Dagit/Amodeo to open public portion. Vote 7 Yes

May the record reflect no one came forward

Motion Dagit/Didonato to close public portion. Vote 7 Yes

Attorney Davis advised the applicant is seeking approval for amended preliminary and final major site plan approval and advised this use is compatible with the WaWa. and the use.

Board Opinion(s):

N. Lombardi: pleased to deal with WaWa as an applicant. She advised this is a great improvement and a cuts electric bill and hopefully WaWa will pass along savings to customers.

B. Epstein: in favor of progressive applications. Green energy is wonderful. The professionals have no problems and this is the way of the future and glad Egg Harbor Township is seeing this.

A. Parker: professionals have done a wonderful job and good luck with project.

L. Pfrommer: rely on professionals and they have no problems. Will be beneficial. Hopefully kids from the school will not throw stones.

A. DiDonato: how durable are they? Mr. Angeloni stated they are very durable. Stated he would like to see irrigation.

L. Dagit: Quality work and in favor of project.

J. Amodeo: good clean project and have nothing to add.

P. Savini: good project.

Chairman Haines: stated the project meets the positive criteria and the negative is few.

Conditions of Approval:

- 1. Applicant will modify plan to add privacy slats to 6' ft. fence**

2. Applicant will re-configure panels to increase buffer in the northeast section of property
3. Applicant will provide drainage information and elevations will be provided.

Motion Lombardi/Amodeo to grant requested checklist waiver(s) and requested site plan approval.

Vote 7 Yes: Amodeo, Dagit, Epstein, Lombardi, Pfrommer, Savini, Haines.

MEMORIALIZATION OF RESOLUTION:

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| <ol style="list-style-type: none"> 1. <u>V04-11</u>
 Bird Freon, LLC
 Block/Lot: 1702/3
 3084 English Creek Avenue
 Zone: NB, 6.74 acres +/-, All utilities available | “D” Variance Relief
“C” Variance Relief
Use Variance
Waiver of Time - Not Granted |
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Motion Lombardi/Epstein to memorialize resolution granting requesting “C” and “D” Variance Checklist Waiver(s) relief, General Checklist(s), “D” Variance Relief: to allow for used motor vehicle sales in the NB Neighborhood Commercial District, “C” Variance Relief: outdoor solid waste enclosure side yard setback- 20 feet is required; 16 feet exists, and waiver for submitting site plan. Vote 7 Yes: Amodeo, Dagit, Epstein, Lombardi, Pfrommer, Savini, Haines.

SUMMARY MATTER(S):

2. Discussion of matters pertaining to the Board.

MOTION Lombardi/Dagit TO SET JANUARY REGULAR AND REORGANIZATION MEETING DATES (MONDAY JANUARY 23, 2012. VOTE 7 Yes: Amodeo, Dagit, Epstein, Lombardi, Pfrommer, Savini, Haines

MOTION Lombardi/Amodeo TO ADJOURN AT 8:45 P.M. VOTE 7 Yes: Amodeo, Dagit, Epstein, Lombardi, Pfrommer, Savini, Haines

Respectfully submitted by

Theresa Wilbert, Secretary