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February 19, 2021

**VIA EMAIL**

Nancy Ellis, Board Secretary  
Zoning Board of Adjustment  
Pennsauken Township  
5605 N. Crescent Boulevard  
Pennsauken, New Jersey 08110

**RE: Solar Landscape LLC (Minor Site Plan / Use Variance)  
7245 Westfield Avenue  
Block 1104, Lot 44  
Pennsauken, New Jersey 08110**

Dear Ms. Ellis:

This office represents the Applicant, Solar Landscape LLC (the “Applicant”), in the above-referenced application (the “Application”). This Application was heard by the Pennsauken Zoning Board of Adjustment (the “Board”) during its regular meeting on February 3, 2021, and was thereafter carried to February 22, 2021. During the meeting, certain Board members and members of the public expressed concern regarding the supposed unsightliness of the panels, particular the T-top panels located on the parking lot in the northern section of the site as viewed by the residents located on Block 1104, Lot 45 to the northeast of the site.

In effort to appease the concerns of both the Board and members of the public, the Applicant proposes the following changes:

1. With respect to the T-top panels located on the parking lot in the northern section of the site, the Applicant proposes to decrease the height of the southern-most panel closest to the building so that it is only 9’ tall to top of module on the short side, and only 14’ 7” tall to top of module on the tall side. Notably, the original height of the modules was 13’ 6” on the short side and 18’ 6” on the tall side. Furthermore, Applicant proposes to combine the two (2) most northern arrays into one (1) long span array, as shown on Applicant’s Exhibit A-9, enclosed herewith. The length of

the module would be 101 feet from North to South, the tilt would be 3°, and the height of the module would also be shorter at 9' on the short side on the South edge and 14' 5" on the tall side on the North edge. Finally, all the northern modules would be reduced in length by 33% East to West, as shown on Applicant's Exhibit A-9.

2. As part of its original submission, the Applicant proposed to plant forty (40) arborvitae along the rear yard setback adjacent to Lot 45 in Block 1104 in order to shield the panels from view of the neighbors. The Applicant originally proposed that the trees would be 8" tall at the time of planting. The Applicant now proposes that the arborvitae be 12' high at the time of planting which, when combined with the changes to the panels as described above, will completely shield the panels from view, as shown on Applicant's Exhibit marked A-10, enclosed herewith. Thus, the neighbors will not be able to see the panels over the trees not just in the future, as they grow, but at the time of planting as well.

Please forward this correspondence to the members of the Board for their consideration prior to the February 22<sup>nd</sup> hearing date.

Furthermore, the Applicant would like to reiterate to the Board that the Municipal Land Use Law ("MLUL") specifically recognizes solar uses, such as the community solar project proposed by the Applicant, as inherently beneficial. See N.J.S.A. 40:55D-4. An inherently beneficial use "means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such uses include ... *solar or photovoltaic energy facility or structure.*" Ibid. (Emphasis added). Thus, an inherently beneficial use such as the Applicant's satisfies the positive criteria for the granting of a use variance as a matter of law and the site suitability test is not warranted. The Board's role, then, is limited to deciding whether the Applicant has satisfied the negative criteria using the four-part Sica balancing test and, only to the extent necessary, to imposing reasonable conditions to reduce any perceived detrimental impacts.

Considering the many benefits to be provided by the Applicant's community solar project as testified to during the February 3<sup>rd</sup> hearing (See also Applicant's Exhibit marked A-1) and the very few detriments which can easily be reduced using the Applicant's proposed changes as provided herein, the Applicant respectfully submits that granting this variance will cause virtually no detriment to the public good.

Thank you for your time and consideration in this matter.

Very truly yours,

DONNA M. JENNINGS

cc: Corey Gross  
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