

**TOWNSHIP OF MAPLE SHADE
ZONING BOARD OF ADJUSTMENT
RESOLUTION No. ZBA-2025-07**

**RESOLUTION GRANTING USE VARIANCE,
BULK VARIANCE AND MINOR SITE PLAN APPROVAL
FOR SOLAR PANEL INSTALLATIONS
ON BLOCK 189, LOT 3, TAX MAP,
TOWNSHIP OF MAPLE SHADE**

WHEREAS, Solar Landscape, LLC has made application to the Zoning Board of Adjustment of the Township of Maple Shade for a use variance and related bulk variance with minor site plan approval to permit the installation of roof-mounted solar panels on an existing self-storage facility including a ground-level equipment cabinet on Block 189, Lot 3, Tax Map, Township of Maple Shade; and

WHEREAS, the matter coming on to be heard at a public meeting on September 10, 2025, pursuant to all notices required by law, and the Board having heard the testimony presented and having examined the exhibits filed, finds the following facts and conclusions of law:

A. The subject property is identified as 593 Route 38 in the Business Development (BD) Zone. The property is a 5.4-acre lot having 445.4 feet of frontage along Route 38. The property is occupied by a commercial self-storage facility identified by a free standing sign displaying "Public Storage".

B. The applicant's proposal is to install roof-mounted solar panels on the storage units with ground level supporting equipment. The following variances are required:

1. Use variance for solar panels, which are not identified as a permitted use in the BD Zone.
2. Location of associated ground level equipment within the required side yard setback.

C. The solar panel installations are in connection with the New Jersey Community Solar Energy Program initiated by the State in 2018 and approved by the New Jersey Board of Public Utilities as a permanent program in 2023. Participants in

the program benefit from reduced energy costs while simultaneously providing electrical power to low and moderate income customers.

- D. The solar panel proposal satisfies the positive criteria of the MLUL by qualifying as an inherently beneficial use under New Jersey Statute 40:55D-4.
- E. The application has been reviewed by the Zoning Board Engineer (Turek Consulting, LLC) by report dated September 4, 2025. The report notes that solar panels are not a permitted use in the Business Development Zone (BD) and a d(1) variance is required. The report also observes that the ground-mounted equipment will have a side yard setback of approximately 4 feet in a zone where the requirement is 30 feet. The existing side yard setback is 24.7 feet. The engineer's report also notes the following existing non-conforming site conditions:

- 1. The existing lot coverage is 85.2% (75% permitted). Due to the removal of 285 square feet of asphalt, there will be no increase in lot coverage.
- 2. The existing rear yard setback is 26.3 feet (40 feet required).

The board determines that none of the above existing conditions will be exacerbated by the solar panel project and therefore variances are not required.

- F. The applicant presented the following witnesses in support of the application.

- 1. Courtney Breese is the pre-construction manager for Solar Landscape, LLC. They have been in the solar business since 2012 and have approximately 300 employees. She participates in the site selection process, and the installers are ready to proceed. They have obtained BPU approval. The anticipated life span of the solar panels is 25+ years. When the panels no longer function, they will be decommissioned and removed, and the building on which they are located is then restored to its original condition. They have a lease in force with the property owner. The solar facility will operate through PSE&G at a power level of 720,000+ watts and will serve to benefit approximately 87 households.
- 2. Kevin E. Shelly, P.E., is the Project Engineer. He has been employed in that capacity since 2012. He introduced Exhibits A-1 (aerial view) and

Exhibit A-2 (revision exhibit-copy attached). The engineer testified that even with the presence of ground level equipment there would be a net reduction in impervious coverage due to the removal of approximately 285 square feet of existing pavement. The project will include the planting of 2 new trees. There was agreement by the applicant that the number, species and location of the new trees and the screening plan would be resolved in consultation with the Zoning Board Engineer/Planner.

G. The applicant's engineer further testified that the solar panels would be installed at a level of only about 6 inches above the roof. The ground level equipment cabinet is approximately 4 to 5 feet in height. The ground level equipment consists generally of meters, switches and a transformer. The impact of the project will be minor and not visible from a public view.

H. Professional Planning testimony on behalf of the applicant was provided by Andrew Janiw, P.P. He has 27 years of experience as a planner. He emphasized the inherently beneficial nature of the solar project, as well as addressing several purposes on the Municipal Land Use Law, specifically the general welfare, meeting the needs of New Jersey citizens, encouraging coordination of public and private activities shaping land development, and promoting the utilization of renewable energy resources. The planner further testified that the project would serve the public interests with essentially no negative impact. It was represented to the Zoning Board that 51% of the energy production goes to low- and moderate-income households as administered through PSE&G. There is an application procedure for those who are qualified.

I. There were no comments, questions or objections during the public portion of the hearing.

J. For the reasons stated above in this Resolution, the Zoning Board of the Township of Maple Shade determines that the use variance for solar panel installation and related ground level servicing equipment is an inherently beneficial use which may be granted without causing a substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance. The proposed use will provide a significant benefit to the public by

providing clean, renewable energy to participants in the Community Solar Program that results in a reduction to electrical costs. The benefit of approving the applicant's proposal substantially outweighs any detrimental effect to the public good. Further, the proposed use satisfies the negative criteria. The public interest at stake is the generation of clean, renewable energy that provides reduced energy costs and is an efficient use of the land. The solar panels will not generate any noise, there will not be an increase in traffic. The roof-mounted solar panels do not have any adverse impact associated with an increased building height or to the site in general. Thus, the application will not cause any detrimental impact, and the positive aspects of the project greatly outweigh any negative, which the Zoning Board of Adjustment finds there is none of any significance.

K. The proposed rooftop solar panels will be used as part of the State's Community Solar Program. The ground equipment must be located in its proposed location in order to be close proximity to a utility pole. The proposed equipment will have little, if any, impact to the surrounding commercial uses and will be adequately screened with landscaping. The application's modest impact is offset by the removal of a small amount of impervious surface that is required by the installation of the ground equipment. With respect to the negative criteria, the requested bulk variance relief can also be granted without causing any substantial detriment to the public good, nor will it substantially impair the intent and purpose of the Township's Master Plan and Zoning Ordinance. The proposed use is consistent with the Master Plan's goals of encouraging growth within the business district and increasing energy efficiency of the existing structure and ensuring energy efficient development. Overall, the community rooftop solar use is benign, and solar energy facilities are consistent with the commercial uses permitted in the BD Zone.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The application is granted a use variance and related equipment variance for the proposed roof-mounted solar panels and ground level equipment. The requested side yard setback variance is subsumed within the consideration and approval of the use variance as appropriate to the site

and without causing any substantial negative impact, and by operation of case law.

2. The planting of new trees and the screening plan shall be accomplished in consultation with and approval by the Zoning Board Engineer.
3. The project is granted minor site plan approval subject to compliance with the conditions of this resolution. The rights, duties and obligations of the applicant with respect to minor site plan approval shall be as set forth in New Jersey Statute 40:55D-46.1 (Minor Site Plan Approval).
4. This approval is conditioned upon the applicant providing sufficient escrow funds to pay professional and consulting fees incurred during the course of review and approval of the application in accordance with Section 88-10 of the Ordinance.
5. This approval is conditioned upon payment of any outstanding taxes or assessments on the property in accordance with Section 22-35 of the Ordinance.

DATE: **October 8th, 2025**

MOTION TO APPROVE

YES

RADIE
BEBITCH
KOZERACHI
REEVES
STEVENS
GEE, JR.

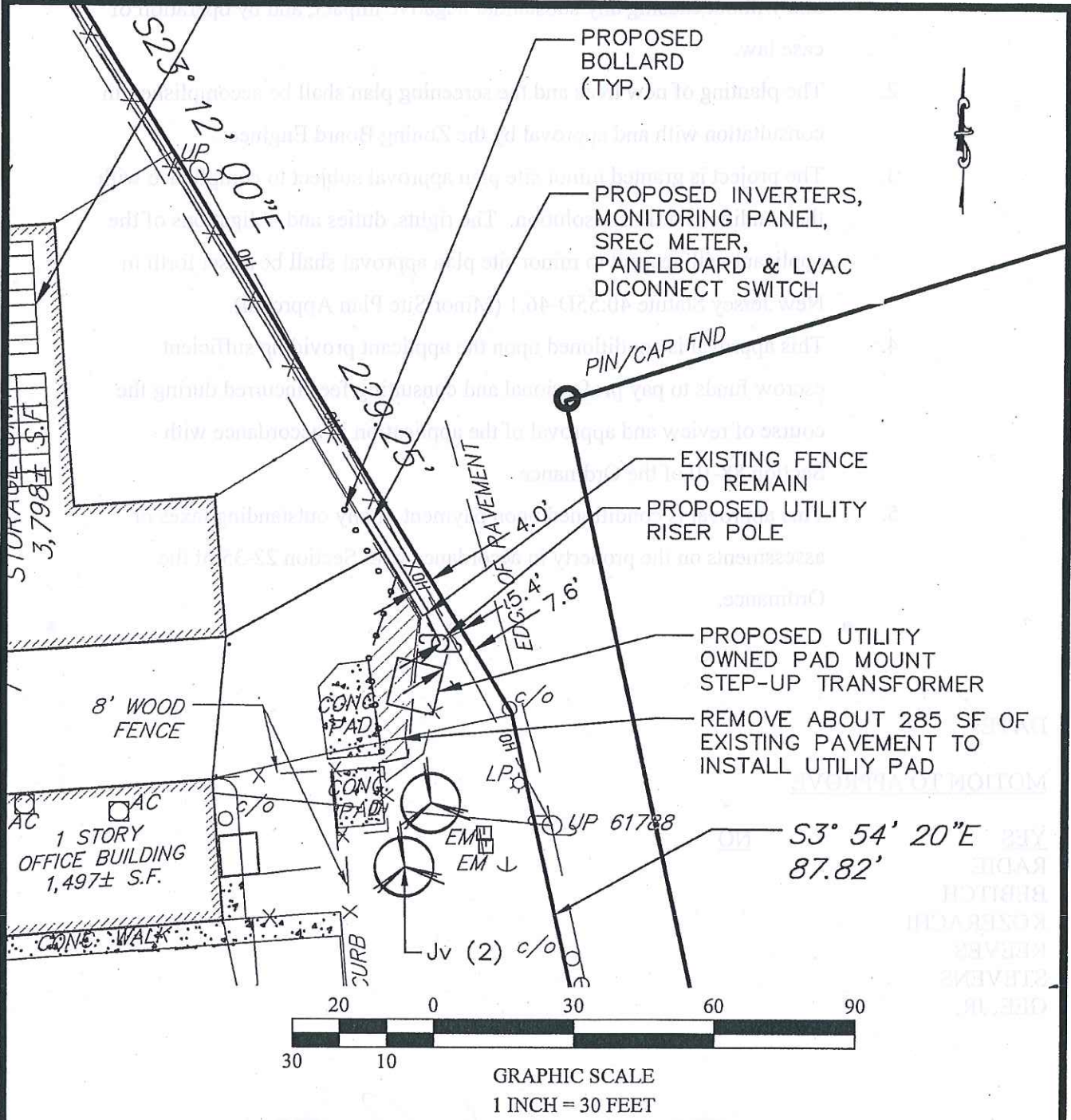
NO



JOHN GEE, JR.,
BOARD CHAIRMAN



SUSAN E. DANSON, MPA
BOARD SECRETARY PRO TEM



REVISION EXHIBIT
593 ROUTE 38
 BLOCK 189, LOT 3
 SITUATED IN
 TOWNSHIP OF MAPLE SHADE, BURLINGTON COUNTY, NEW JERSEY

Date _____
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 Certificate of Authorization No. 24GA28317800

PROJECT No.: SLA-2501	SCALE: 1"=30'	DATE: 09/08/25
DRAWN BY: DAC	CHECKED BY: RZH	RELEASED BY: KES