

Florence, New Jersey 08518-2323  
May 22, 2012

The regular meeting of the Florence Township Zoning Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Bott then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Larry Lutz
William Bott	Candida Taylor
Keith Crowell	B. Michael Zekas
John Groze	Anant Patel
Lou Sovak	

ALSO PRESENT: Solicitor David Frank  
Engineer Anthony LaRosa  
Planner Barbara Fegley

## RESOLUTIONS

### **Resolution ZB 2012-12**

**Continuing the application of Brian Ostner for bulk variances to approve continued use of an already existing non-approved porch structure on the front and side of the principal structure and for approval to construct an addition to the existing garage on property located at 2057 Columbus Road, Florence Township until the June 26, 2012 meeting.**

### **Block 169.04, Lot 13**

Motion of Groze, seconded by Crowell to approve Resolution ZB 2012-12. Upon roll call the board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Zekas  
NOES: None

### **Resolution ZB 2012-13**

**Granting the application of Bernadette Carlani and Bryan Carlani for impervious surface coverage to permit installation of an 18' round swimming pool on property located at 205 East Ninth Street, Florence.**

### **Block 67.02, Lot 12**

Motion of Taylor, seconded by Buddenbaum to approve Resolution ZB 2012-13. Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas  
NOES: None

**Resolution ZB 2012-14**

**Granting the application of Stephanie and Michael Boyd for impervious surface coverage to permit installation of an above ground swimming pool on property located at 307 West Fourth Street, Florence.**

**Block 38, Lot 10**

Motion of Taylor, seconded by Groze to approve Resolution ZB 2012-14. Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas  
NOES: None

**Resolution ZB 2012-15**

**Deeming complete the application of Florence PV, LLC for Use Variance, and Preliminary and Final Site Plan approval to permit construction of a solar farm on property located on Bustleton Road, Florence Township**

**Block 160.01, Lot 5 and Block 170, Lot 1.01**

Chairman Zekas explained that this is a resolution deeming the application complete.

Motion of Groze, seconded by Taylor to approve Resolution ZB 2012-15. Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas  
NOES: None

**APPLICATIONS**

Engineer LaRosa brought it to the Board's attention that there are applications on the agenda that are not being heard tonight. The first is ZB #2012-06 for Dennis Zannoni. His notice was not sent within the time frame required. The second is ZB 2012-07 for SBA Towers III, LLC by request of the applicant.

Motion of Taylor, seconded by Buddenbaum to grant the request for continuance to the June meeting for SBA Towers III, LLC. Motion unanimously approved by all those present.

Chairman Zekas called for application ZB#2012-04 for Tim and Tina Lloyd. Applicant is requesting bulk variances for front yard setback and impervious lot coverage to permit installation of an in-ground swimming pool on property located at 201 Boulevard Street, Florence, Block 24, Lot 1.

Timothy Lloyd was sworn in by Solicitor Frank.

Mr. Lloyd explained to the Board that he intends to install a 6' deep swimming pool, 16' x 32', in dimension. He said he needs variances because he lives on two corners and has two front yards. He needs a front yard setback variance and a variance for impervious coverage. He said his current coverage is 36 percent, the proposed is 48.7 percent.

Chairman Zekas reviewed the plan submitted. He asked if there were other pools in the neighborhood. Mr. Lloyd confirmed there are other in ground pools in the neighborhood.

Member Groze asked if there were any drainage problems. Mr. Lloyd said there are no problems for him or his neighbors with drainage.

Mr. Lloyd answered questions from the Board about his fence. He said the yard is fully enclosed with a six foot vinyl fence.

Chairman Zekas asked if the impervious coverage included the pool and a patio around the pool. Mr. Lloyd said it does include a patio around the pool.

Motion of Bott, seconded by Crowell to open the public hearing. Seeing no one motion was made by Buddenbaum, seconded by Lutz to close the public hearing.

Engineer LaRosa said the actual existing impervious coverage is at 42.1 percent. There is an area with an existing concrete patio. The lot is an existing undersized lot. He said if any grading was done a plot plan would need to be submitted to be sure the drainage is done properly. He said it is a unique situation because the house sits on three streets and technically the pool would be sitting in the front yard so there is a need for a variance.

Solicitor Frank agreed it is a unique situation with the undersized lot and frontage on three sides.

Motion of Crowell, seconded by Buddenbaum to approve Application ZB#2012-04.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas.

NOES: None

Secretary Bott read the time limit for appeal statement to the applicant.

Chairman Zekas called for Application ZB#2012-08 for John and Kristy Zera. Applicant is requesting bulk variance for impervious coverage to install an in ground swimming pool and associated concrete on property located at 36 Creekwood Drive, Florence, Block 166.08, Lot 3.

John R. Zera was sworn in by Solicitor Frank.

Mr. Zera said he is seeking to go over the impervious coverage by 31 percent existing to 41.7 percent for a 16' x 36' in ground pool with three feet of concrete surrounding.

Member Bott inquired about drainage problems, he said the property seems to sit on a hill. Applicant said there are no drainage problems.

Member Crowell asked if there were any other pools near him. Mr. Zera said there are many pools in his development.

Member Crowell asked about a grading plan. Mr. Zera said he had one prepared already. Member Taylor asked about a dotted line on one copy of the survey. Mr. Zera explained it is a grading slope.

Motion of Crowell, seconded by Taylor to open the public hearing. Motion unanimously approved by all those present. Seeing no one wishing to comment, motion was made by Crowell, seconded by Taylor to close the public hearing. Motion unanimously approved by all members present.

Engineer LaRosa said there are contours shown on a grading plan, but he would recommend putting spot grades on the swales to grade away from neighbors' properties. He said there is enough submitted to make a decision on the application.

Motion of Crowell, seconded by Lutz to approve Application ZB#2012-08.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas  
NOES: None

Secretary Bott read the time limit for appeal statement to the applicant.

Chairman Zekas called for Application ZB# 2012-15 for Florence PV, LLC. Applicant is requesting use variance and preliminary and final major site plan approval to permit construction of a solar farm on property located on Bustleton Road, Florence, Block 160.01 Lot 5 and Block 170 Lot 1.01.

Patrick McAndrew, representing the applicant, introduced two client representatives – Michael Greenberg and Kenneth Bob – both will probably not testify but they are here if needed. He said he has witness Evan Hill, Engineer and James Miller, the professional Planner. He said they will testify in that order.

All were sworn in by Solicitor Frank.

Mr. Hill supplied smaller copies of the plans that were submitted. Mr. Hill mentioned for the record his qualifications and experience. He said he is with Innovative Engineering

where he manages the Civil Engineering Department that has a staff of twelve. He received a Bachelor of Science degree in Civil Engineering from Michigan Tech in 1995 and received his license in 2001 and is currently licensed in New Jersey, Pennsylvania and Delaware. He has represented other applications similar to this one throughout the state of New Jersey and Pennsylvania and he also is the Board Engineer for Jackson Township, Ocean County.

Mr. Hill entered the plan as Exhibit A-1. It is a site plan titled Preliminary and Final Major Site Plan for the Bustleton Solar Farm. It consists of 20 drawings originally dated 3/27/12, and revised through 5/14/12. The plans were revised in response to professional review comments, mostly technical completeness comments from the Board professionals.

Mr. Hill referred to the cover sheet, T-1, sheet one of 20. It identifies the general location of the site and the two parcels that are being proposed for development. He referred to the parcels as the north and south parcel, the north parcel is to the north of Bustleton Road, Block 160.01 Lot 5.01. It is 53.29 acres currently zoned as agricultural farm field. The south parcel is block 170 Lot 1.01 and it consists of 83.67 acres.

He referred to Drawing S-1, sheet 2 of 20. This is the existing conditions plan. To the bottom of the page is the residential neighborhood in the neighboring municipality of Burlington. The north is currently wooded and agricultural. To the east is also wooded property. To the east of lot 1.01 is wetlands and agricultural fields and wooded areas. There are four residential lots located on Bustleton Road to the north. There are residential lots to the west and south of Lot 1.01. Both properties are primarily agricultural. Referring to lot 5.01, the property is currently open farm field. There are woods around the perimeter to the north and east. To the west is a residential subdivision. At the southern parcel, there are residential dwellings to the east.

Mr. Hill said that on the southern parcel there is a significant amount of wetlands. He said in 2006, both of the properties were approved for residential subdivisions. The northern parcel was approved for 15 homes and the southern parcel was approved for 18 homes. All were to have septic tanks and well water. The northern parcel was also approved for two access points to Bustleton Road and the Southern parcel was approved for one access road. Also approved were numerous storm water management basins. As part of that application, the Department of Environmental Protection (DEP) provided approvals for the wetlands. He said the applicant is making use of those approvals and they are valid. Those approvals also included the filling of isolated wetlands. It is a wetland ditch, identified on the drawing as shading. The approvals allows for the filling of about 10,000 square feet of wetlands, issued under a General Permit #7. The plan makes use of all the prior DEP approvals that still remain valid through June 2013.

Member Crowell asked if that means the wetlands can be built on. Mr. Hill said the approval only allows filling the ditch. There will be no development on wetlands or the wetlands buffers.

Mr. Hill referred to drawing S-2, 3 of 20, titled Overall Site Improvement Plan. The applicant is proposing a solar farm, consisting of elevated solar panels raised about 2' off the ground in the front, 6&1/2 feet off the ground in the back which is about a 20 degree pitch. The proposal calls for four panels high in landscape mode lengthwise. Each panel is approximately 3' x 5'. The entire solar array field will be contained with an 8' high chain link security fence. He said along Bustleton the proposed fence is more aesthetic with black vinyl coating.

Mr. Bott asked how many solar panels will be put in the solar farm. Mr. Hill said the northern parcel will have 54,424 panels and the south parcel 56,152 panels. The total number of panels is 110,576. Mr. Bott said that is a large number of panels.

Chairman Zekas asked what the total rating megawatts is for phase one and phase two. Mr. Hill said the first phase is 13 megawatts D/C which translates to just over 10 megawatts A/C and phase two is similar with just over 10 megawatts A/C.

Mr. Bott asked what direction the panels are facing. Mr. Hill said they are oriented to south and are fixed. The northern parcel is toward Bustleton Road and the south parcel faces the wetlands. Mr. Bott confirmed they will not be facing the houses.

Mr. Hill said that under the panels there will be a low maintenance grass vegetation and outside the fence there will be a substantial landscape buffer. It will be 35' wide, three rows of evergreen trees staggered ten foot on center, in some areas there will be four rows of evergreens. There will also be some more decorative trees and grasses along the roadway to provide additional buffering and aesthetics. At planting the trees will be 8' to 10' tall. Mr. Bott asked about the buffer near the homes. Mr. Hill said that will be 35 feet wide with three staggered rows of evergreens. Mr. Bott said the Environmental Committee reviewed and made a recommendation that the applicant maintain the trees and replace if any of them die. Mr. Hill said that the applicant would agree as a condition of approval. He said it is important to note that a Landscape Plan and a Land Management Plan were submitted and were reviewed by the Board's professionals. The comments received were very minor so he believes there were no major issues.

Member Groze how close the panels are to the Township line. Mr. Hill said on the northern side it is 66.8'. He said there are no bulk variances, the Township requirements. On the southern side it is 67.9' from the property line to the panel.

Chairman Zekas asked if in other projects berms were used. Mr. Hill said he does not recommend landscape berms because a four foot high berm will elevate the trees another four feet and tends to make them not grow as well. He said also there is a life span for solar farms, nothing is permanent. The facilities are meant to be decommissioned. Member Taylor asked what the time frame for decommissioning might be. Mr. Hill said the panels have a warranty of 25 years, but that does not mean they stop working at that point.

He said returning to berms, the project is to be a very low impact one. He said the project has very minor grading. He said the idea is to revert the property back to agriculture after the improvements are removed.

Member Crowell asked about water run-off. Mr. Hill said there was a Storm Water Management Report submitted and it was reviewed by the Board's professionals. There were minor comments that do not change the results of the analysis. He said changing to a more lush ground cover will actually cut down on run off. He said it also improves the storm water quality by taking away pesticides, erosion from wind, fertilizers.

Member Bott asked about the meadow grass. Mr. Hill said he has worked with the Burlington County Soil Conservation District and they approve of this seed. He said it is also low maintenance and needs to be cut once or twice a year and grows 8"-12" tall.

Mr. Hill explained that the way a solar farm works is that you have solar panels that collect sunlight and convert it to D/C power; panels are connected in a string, on the panels one wire comes from that to a combiner box. The wiring is very thin gauge. It is mounted to the racking system. The combiner takes strings and combines them into a cable and it then installed in conduit or underground. These run to the inverter stations. The purpose is to convert D/C power to A/C electricity. He said the converter stations and electrical equipment will be contained within the inverter stations – these are the rectangles on the plan. The converted energy is sent underground to a switch gear station.

Mr. Hill explained that the converter stations do emit a low hum during the day. The noise level is about 65 decibels. He said a residential dishwasher is about 55 decibels.

Member Crowell asked what the DEP noise standard is. Mr. Hill said it is 65 decibels during the day and 55 at night. He said when the sun is not shining the converters are not making power and not making noise. He said the noise level of 65 decibels is if you are five feet away from the source.

Member Bott asked if having 15 converters will exceed that decibel level. Mr. Hill said it will not. He said the closest inverter to a property line is 255' to the north side and 242' on the south side. Member Bott asked if the amount of sun will change the noise level. Mr. Hill said the level will never be over the 65 decibels.

All of the improvements are surrounded by a perimeter fence. Member Taylor asked if the fence was behind the natural buffer. Mr. Hill said it is. He said the panels are on 6.5' tall at their highest point and the fence is 8' tall. The landscaping outside the fence is 8' to 10' tall at planting. He believes this fully mitigates the glare to the public views and motorists.

Board members expressed concern that the depth of the property makes it impossible to hide. Mr. Hill said the measures were taken to mitigate the site, he said it is not fully screened from every view.

Chairman Zekas asked about lighting on the site. Mr. Hill said there are two access points, at the gate at the end of a gravel driveway there will be a solar powered light for security purposes. He said it is a 16' tall motion activated light. It is comparable to a 200 watt bulb, meant only to light the gate itself.

Member Crowell asked if motorists will see glare from the panels. Mr. Hill said glare does occur but the glass used is a low reflective glass. Glint and glare occurs only in the early morning or late afternoon as the sun is at its lowest level. He said since the panels are low to the ground, the light is not bouncing off, it is a shallow angle. Member Crowell asked if the project was completed and it was discovered there is a glare problem, would the applicant be willing to come back and fix the problem? Mr. Hill said yes, if it was an issue.

Member Taylor asked how tall the evergreens will end up being. Mr. Hill referred to the plan called Overall Grating Utility Landscaping Plan, Drawing S-7, sheet 8 of 20. It shows three species of evergreen throughout the buffer. They are Eastern Red Cedar, Norway Spruce and White Pines. They tend to vary as far as growing habits, but usually they grow a foot every year.

Member Groze asked how close the nearest tree is to a home in Burlington Township. Mr. Hill responded it is about 100'. Mr. Groze said the homes in Burlington Township will still be able to see the solar farm from their second story. Member Taylor echoed the sentiment, and said it is a beautiful piece of property right now. Member Bott said right now those residents wake up and look out their windows and see green, if the project is done you just see glass. Mr. Hill said the property was approved for dwellings. He said as an engineer, comparing the two projects, one is more temporary and low impact and less disturbing than permanent homes. He said this is a benign use; it does not put a drain on the municipality.

Chairman Zekas said Mr. Hill mentioned there are other projects in the County he has worked on. He asked for some examples. Mr. Hill said he worked on Route 206 in Eastampton, in Medford at the water treatment plant, but neither are this large. Others outside of Burlington County include two 5-megawatt projects and over 20 projects elsewhere.

Member Lutz asked if Mr. Hill had done any solar projects this close to a residential neighborhood. Mr. Hill said yes, he had. It was smaller.

Member Lutz noticed there was minor grading as it relates to filling the ditch; he asked if the plan is to strip the top soil to install the panels. Mr. Hill said the only soil disturbance will be the northern portion of the northern parcel. There is a section where there is a rise that needs to be lowered, but this soil will be used to fill the ditch.

Member Lutz asked how the field is built. Mr. Hill said the posts are driven into the ground or screwed into the ground. There are only small vehicles needed. Member Lutz asked what the anticipated schedule is. Mr. Hill said each phase will take a maximum of

six to eight months to complete. Member Crowell asked if the company planned to do both phases of the project or just want the approvals for both. Mr. Hill said the company would like to do both. Member Taylor asked about construction noise. Mr. Hill said most of the noise in construction is bigger equipment. He said in the beginning there might be some noise during the grading, but the balance of the work will be driving or screwing the posts. He said there will be very little noise.

Member Lutz asked how close the panels are to the closest house in Burlington. Mr. Hill said it is 67'.

Attorney McAndrew said the rows run east to west, the high side of the panels is north so it will be facing to the left. The low side is to the right, or south, the faces are perpendicular to the long line facing south, away from the residential area. He said the area will be fenced in with small placard signage to identify the address and contact information. The only other signage will small placards required by National Electrical Code to warn of electrical danger. Member Crowell asked if there is access for emergency personnel and will there be emergency shut off. Mr. Hill said yes there is emergency access. He said the plan has been submitted to the fire official, a letter received in response said there were no comments. He said part of the process is to train the local officials so they know how to isolate the system and shut it down. Member Crowell said he heard of many residential units that emergency personnel did not know how to shut it off. Mr. Hill said the local emergency personnel will be trained. Also, the system is monitored remotely, and if even one panel goes down the company will be alerted to fix the problem. He said the power company has the power also to remotely shut the whole system down.

Member Crowell told people to go to [OSHA.gov](http://OSHA.gov) to learn more about solar fields. He said there will be more and more panels. Mr. Hill said he agrees it is a new technology, but there are national electrical codes and international building codes that govern how the systems need to be designed and constructed. A direct connect project like this is reviewed and approved by the State of New Jersey and the Department of Community Affairs. He said during construction local building officials inspect.

Mr. Hill explained there is no substation, just a switch gear. He said on the site there is a small storage facility, a 20' x 20' decorative prefabricated shed. It is aesthetically pleasing. Member Crowell asked if there will be any dangerous substances stored in the shed. Mr. Hill said no.

Member Taylor asked where the power will be going. Mr. Hill said it enters the PSE&G system at a pole at Bustleton Road. She asked if the community will directly use this power. Mr. Hill said that the developments on Bustleton Road are on that grid so they might use the power generated.

Members inquired about any direct benefit to the community. Mr. Hill said the power is sold to the utility company and utility company sells it to the customer.

Engineer LaRosa asked how the power being produced is regulated into the grid. He asked if there was a mechanism to protect from surges. Mr. Hill said there is no need. The utility can accept the power generated from this facility.

Member Crowell asked if there were any underground utilities on the site. Mr. Hill said he is not aware of any underground utilities, but is aware of the overhead utilities. He said there is existing storm water piping within the county road.

Member Groze asked if emergency vehicles would be able to access the site. Mr. Hill explained there is 20' wide perimeter access drive between the panels and the fence. There are 9' wide aisles between the rows of panels and there are access drives to the equipment. Member Crowell asked if when the site decommissioned the roads will be removed as well. Mr. Hill confirmed this.

Mr. Hill said following construction this is a monitored but unmanned facility with about 2 visits a month for maintenance. If there is a need for a technician to be dispatched that is not a problem.

Member Taylor asked if the power were harnessed and used for the Municipality, how many houses would it serve. Mr. Hill said it would service power to 2,600 homes.

Engineer LaRosa asked what the access drives are composed of. Mr. Hill said they are not paved, just gravel drives. The vehicles that would use the roads are primarily brush trucks. The access drives are vegetative soil. Member Taylor asked about wildlife and what would be displaced once the property is fenced in. Mr. Hill said the DEP also looked into as part of the prior approvals. He said it has been confirmed that there are no threatened or endangered species on the property. Member Taylor said she knows deer are not endangered but there are many living there. Member Taylor said she is asking because this is the fourth solar farm in a year's time, and she is afraid the area is being saturated with solar farms. She said she has lived here since 1987 and this past March for the first time since she has been living here there was a herd of deer in her yard because there was nowhere for them to go. She is concerned about the green space being taken away so the Board must weigh the inherent beneficial use with the negative impact. Member Bott said he agrees with her. He said he understands the beneficial use is good, but he said it is beautiful piece of property right now and once the fence goes up the deer have nowhere to go.

Member Sovak asked about maintaining the panels. Mr. Hill said they will be self-cleansing with the rain levels. If they do need to be cleaned biodegradable cleaners are used and water is brought to the site.

Member Taylor asked if there was an issue with birds running into the panels. Mr. Hill said there is not an issue with birds flying into the panels. Mr. Hill said for the record he did receive a review letter from Environmental Resolutions dated May 17, 2012. The first three pages are statement of fact and a summary of the application. The top of page four Planner Fegley states there are no bulk variances as part of the application, under the

site plan and design comments number one concerning the wetlands permit. He said it is addressed by the permit extension act. Planner Fegley said the structures are not necessarily impervious so she wonders if the applicant will need bulk variances. She said the issue came up subsequent to her review. Mr. Hill said the determination would have to be decided by the ordinance. Solicitor Frank said he reviewed the ordinance and a fair interpretation could be made that the panels do constitute lot coverage, but there is a case called Puleio that said once you begin with a use variance, the bulk variances that would normally be associated with that zone are assumed into the use variance, He said the case looks at the use and inherent nature of that use. He said it would be impossible to use the solar panels without exceeding the coverage allowance. Mr. Hill said he knows that impervious coverage and lot coverage are two different things, but the State Legislature has kind of combined them into land use law by saying indicating not just from a storm water management standpoint should they be considered impervious, but also from a lot coverage or density standpoint. He said for elevated solar panels it is not applicable.

Engineer LaRosa said it is a structure so it would be considered lot coverage. Mr. McAndrew said he thinks the Ordinance uses lot coverage and impervious coverage interchangeably. He said the purpose is to find out what part of the lot is occupied by footings and buildings. If you start including the panels it violates the spirit of the State law mentioned before. Mr. Hill said he has never been questioned in any projects about lot coverage aspect of the projects, in all zones. Solicitor Frank said it really does not matter because of the Puleio case. He said as a body the board works to make a use work in a zone and location. He said if the board sees fit to approve the application the question becomes does the use fit within the site and for the public interest.

Planner Fegley said the DEP approval was still valid, but it says it was authorized for filling the ditch for a residential development. It referred to a specific plan. Mr. Hill said the activities it is approving have to be performed in conformance with that plan. Under the permit extension act, these approvals are valid until June 2013. Mr. Hill said they are still within the confines of the original approval. DEP looked at it as an environment constraints and how it fit within the regulations. He said the permits run with the land, he would recommend as a condition of an approval he will get confirmation from the DEP that these approvals are applicable to the project.

Mr. Hill said in Planner Fegley's letter she said that the buffer proposed is more substantial than what is required it is a deviation from conformance of the landscape buffer requirements so a waiver is required.

Planner Fegley asked what kind of vegetation will be used. Will it be much like what is there near the irrigation pond now? Mr. Hill said it will be deciduous trees. He said the applicant will meet with professionals after planting in the winter and determine if there needs to be more vegetation it will be installed.

Mr. Hill said the maintenance debris will be removed as construction is going on. Following construction any debris will be picked up and hauled off site as necessary. He said for items four and five he agrees with. Item four asks for testimony on any signage

at the facility and item five asked for a correction of sheet one of 20 to reflect the correct Highway Commercial Zone.

Mr. Hill referred to the review letter from Florence Township Fire Department #1 dated April 23, 2012. It said they reviewed the drawings and they have no comments for the project. Member Crowell said the Fire District had no problems.

Mr. Hill referred to correspondence from the Environmental Commission dated May 11, 2012 that the application was reviewed. The commission said the buffer appears to be sufficient but they would like it noted that the applicant must maintain all trees and bushes for the duration of the solar farm use. Mr. Hill said that this condition has already been put into record. Solicitor Frank confirmed that as a condition of the approval, the trees must be maintained for the duration of the project.

Mr. Hill referred to the letter from Birdsall Services Group dated May 4, 2012. On page four under Design Comments numbers 1, 2, and 3 are not applicable because the substation has been removed from the plans. Item number 4 has been referred to the County because Bustleton Road is a County Road. The applicant currently has an application in front of them. Item number 5 is also a County item, and item number 6 regarding sidewalks, he feels this is a non-conventional development for sidewalks and would like to provide a payment in lieu of for the Township's sidewalk fund. The applicant will comply with sidewalks or payment in lieu of. He said they are looking for a preference.

Member Crowell asked who is responsible for the maintenance of sidewalks if they are installed. Solicitor Frank said he is not sure when it is an area of no residential or commercial use, but he believes they would be in the public right of way so most likely through special assessment. He is not familiar with the specific ordinance.

Chairman Zekas said the Board can revisit the sidewalk issue.

Mr. Hill said Item 7 in the report is not applicable because the substation is no longer there and the gravel driveway servicing the station has been removed. He said the applicant agrees with Item 8, to stake out the location of the proposed fence. He said they also agree to 9, 10 and 11. Item 9 stipulates that any injured trees are replaced, Item 10 says dimensions shall be provide along each property boundary for proposed fencing in relation to adjacent property lines and 11 says the fence will be black vinyl along all roadway frontages. For Item 12 requiring grounding the fence at intervals because of the substation. Mr. Hill said grounding is dictated by International Building Code 2009; the applicant is required to do it. In some cases due to the proximity of the fence to the electrical equipment, in other cases it is not required. He said the appropriate time to do this is at construction. He said they will provide a grounding plan as part of the construction as per applicable electrical codes. He said Items 13, 14 and 15 the applicant agrees. Item 13 provides testimony as to storing of materials on the site during construction. Item 14 says all sight triangles are to be shown on the plans and item 15 requires a review of the drainage easements along the municipal boundary. He said

during construction everything will be contained within the fence that will go up prior to the installation of any of the equipment. Member Taylor confirmed that the fence will be outside the wetlands. Mr. Hill said the fence will be outside the wetlands and the wetland buffers. The wetlands will not be enclosed.

Engineer LaRosa would like to see where the drainage is directed at this point. Mr. Hill said on the Northern parcel there is a ridge along of the center of the property, part of it goes to the back of the property, the front part goes up to Bustleton Road and follows it. He said the drainage is not being altered. Engineer LaRosa said there are some low areas that need to be touched upon. Some areas may change at some times with concentrations, depending upon the timing of the vegetation. Right now the fields are not planted so there is run off at some times. The concern is the drainage before the final vegetation growth occurs. Mr. Hill said in the post development phase the run off will be less. The run off will not get worse before the post development phase.

Mr. Hill said the applicant agrees to work with the Engineer to perfect the storm water management report. Engineer LaRosa asked about the open space in good condition and the New Jersey Department of Agriculture Soil Conservation recommendation say the trees should not be built up with mulch because it could affect run off. Mr. Hill said the Burlington County Soil Conservation District who has to review and approve these and they don't agree with that finding. He said it is something that can be discussed later.

Mr. Hill said in the report under grading and utilities, number 1, he agrees there will be a benchmark on the grading plan. Mr. Hill explained there is no regarding. The array of panels will be broken down to reflect the contour of the land. No areas will be regraded. He said there is no evidence that crops didn't grow in this area. Member Crowell asked if the applicant saw aerial photos of the site. Mr. Hill said yes he has, and there have been extensive site investigations and soil studies and other studies done the review the land. Member Bott asked if there would ever be water in that area. Mr. Hill clarified that there will not be more water there because there will be no grading so there will be no change.

Mr. Hill said for number 2 and 3 he agrees to do individualized contours for the area to be filled in and for number 3 to level the high spot. That is the site to get the fill from for the ditch. It was proposed by the prior applicant. He said number 4 the substation is no longer included so it does not apply, number 5 the Engineer is requesting the 25 foot drainage easement be provide along the western property line, item 6 and 7 to add noted to the plans and the use of a control blanket the applicant agrees.

Under lighting in the report the engineer would like a detail for the light pole base and foundation. He said the applicant will provide that. He said under miscellaneous number one the report talks about the three permits from the DEP and copies have been provided since the report was generated. He said it is his testimony that the DEP permits are valid for this project and remain valid. He said he will seek confirmation of this. He said it was agreed that all correspondence and permits will be provided as obtained from outside agencies and as-built information will be provided to the Board regarding underground utilities following construction. Engineer LaRosa asked that the applicant provide PJM

approvals. Mr. Hill said the applicant has received approvals from PJM and the utility companies for the project. He will provide a copy for review. Engineer LaRosa would also like post construction noise testing done to be sure there is no negative effect from the converters. Mr. Hill said the applicant agrees.

James Miller said he is a professional planner in the state of New Jersey and he is certified by the American Institute of Certified Planners, he has a Master's Degree in City and Regional Planning from Rutgers University and he has been practicing in New Jersey since 1971. He said he has represented both public and private clients and has been qualified as an expert witness in excess of 200 municipalities in New Jersey. He said he has been qualified as an expert in State and Federal Court. He said in terms of solar facilities, he has represented about a half dozen throughout the state. He said he has been before this board for a solar field for another application.

He said he has been to the Bustleton Road site on a number of occasions and has looked at the plans and documents prepared in conjunction with the application and has also reviewed files the Township has for the developments that had prior approvals. He said this site is Zoned Agricultural and it has two primary uses, agricultural and low density residential. There was a prior approval for two subdivisions, with 15 homes at the north and 17 homes at the south. The impact would have been typical with any development in terms of trip generation, the reliance on municipal services and the impact statements projection of 67 school children from the subdivisions. He said there was talk earlier about the lot coverage; he feels this would be included with the variance being sought. He said it is an inherently beneficial use. He said this is because of legislation from 2009 that says the use can be classified as inherently beneficial. He said the good must be weighed against the bad. Member Crowell asked if the State has determined the panels are an inherently beneficial use. Planner Miller said that is correct. Mr. Miller said the first step is to identify the benefits of the use. The second is to identify potential detriments. The third is to come up with measures to mitigate the benefits and the fourth step is to compare the detriments and benefits and if the benefits are greater than the detriments the application satisfies the criteria and merits the approval of the Board.

He explained the benefits of the use. He said it provides a collective economic and environmental benefit. The sources of renewable energy benefit the public at large and it replaces non-renewable energy resources. He said it promotes utilization of renewable energy resources. It provides a source of sustainable energy and it does not have the air pollution impact, there are no radiation by-products, and it decreases dependence on foreign resources. He said the use advance State policies in the energy Master Plan that support these uses. He said there was a Statute adopted that encourages renewable energy resources including solar energy. Another goal of the State energy plan is to reduce reliance on imported energy. He said with this project there will be 20 megawatts of energy, enough to support 2,600 households.

He said the potential impacts are benign; there will be no new traffic, there is no noise or vibration, no solid waste or water and sewer use. He said environmentally the facility is very positive. The only impact is visual.

Member Crowell questioned the noise impact. Mr. Miller said it is below DEP requirements.

Mr. Hill said there are many ways to mitigate visual impact but the primary way is screening. He said the buffer will create an opaque barrier at planting. On Bustleton Road there will be no views into the interior. He said the view will be the same as the proposed residential. There will be a similar buffer at the residential lines. He showed photos of a similar site in Mt. Laurel to show the buffering. He said the screening of a single row of trees works there, the triple row for this project should be even better. He said initially there will be views from second story windows for the nearby property owners. He said from the interior subdivision there is no view. He said there is existing vegetation to help mitigate the views and screen the project. He said he feels the benefits of this use outweigh the detriment that would occur from any visual impact.

He said if the use is approved it will supersede a more intensive residential use. He said he does not feel it will detract from the use of adjoining properties in terms of inhibiting the quality of life for the residential area near it. He said it serves the Township by providing environmental and economic benefits to the community. He said it is compatible with the Agricultural Zone. He said most that he has worked on are in Agricultural areas because that is where there is open land. He said the use is inherently beneficial and it merits approval and satisfies all appropriate criteria. Solicitor McAndrew asked when it becomes a different use it becomes a higher ratable. Mr. Miller confirmed this. Solicitor McAndrew asked why it is easier to revert back to agricultural for this use. Mr. Miller said it is because there is no permanent structure.

Member Taylor said there is a goal of 22 percent renewable energy in each community. She wants to know if there is an idea where the Township stands with this goal. Mr. Miller said that information was not ascertained. Member Taylor said that the argument can be made over and over again for inherently beneficial use, but perhaps the Township has met its quota. Chairman Zekas said this is the fourth solar facility, but it is only the second that is not for private use.

Solicitor Frank said this may go the way of affordable housing; it will be regulated by the State. Member Taylor said right now this Board is the forum where the project will be decided. Solicitor Frank said the way to do that is weighing the detriments to the benefits. He said it will need to be based on substantial credible evidence.

Member Taylor asked if any studies had been done to see the impact on property values. Mr. Miller said he is aware of some and an appraiser testified on another application he found there was no negative impact on property values. Solicitor Frank said the second hand evidence is hearsay; if there is a report that an appraiser has to present to the Board that would be acceptable.

Member Lutz asked about inherently beneficial uses. Solicitor Frank explained that there are some uses that have such a broad reach they are universally appreciated. The

Legislature wrote a statute for beneficial uses and included some things in the Land Use Law, one item included was the solar farms and one item not included was farms.

Chairman Zekas asked if the converters are 12' tall. Mr. Hill said the structure housing the converter is 12 feet tall. He referred to the plan sheet 20 of 20 that shows the layout of the equipment within the building. The structure is 12' 4" tall and it is 30' long by 11' wide. There are 13 on one side of the project and 14 on the other. Chairman Zekas asked why the structure is so tall. He said previous application had much shorter buildings. Mr. Hill said generally a converter for a 250KW inverter it still stands about 7' tall. He said it would be about 42" to 48" wide. He said these shelter buildings are for added security and to mitigate any perception of noise. He said most projects he has worked on don't enclose the inverter. The client in this case decided to provide the buildings.

Engineer LaRosa asked what the decibel level would be five feet away from the enclosed converter. Mr. Hill said he does not have the exact number but it would be under 65 decibels. He said the project is well below the DEP requirements.

Member Bott asked if the sound studies were done on a solar farm of this magnitude. Mr. Hill explained that the noise is not louder with more equipment. The noise is not collective. He said the inverters do not compound each other; they are too far from each other.

Motion of Bott, seconded by Lutz to open the public hearing.

Kendra Richins, 2023 Bustleton Road, said her property is adjacent to one of the building sites. She referenced a Letter of Interpretation dated March 27, 2006 actually they refer to it as June 2, 2008. The application was submitted by Orleans Home Builders. She said in the report from Ms. Fegley under General Conditions numbers 4 and 5, it has changed. She said she does not feel this falls under the Permit Extension Act. She said a letter was sent by Orleans Homes on December 16, 2006 and the subject was an agreement of sale dated September 21, 2004 between OHB Homes Inc. listed as buyer and A&H Florence Properties, LLC as the seller. She said the second paragraph states pursuant to a phone conversation earlier this week your office informed me that Mr. Bernie Haber acknowledged that the seller is not entitled to any applications, plans, approvals or other materials prepared in connection with this project. By copy of this letter the parties listed below are informed that they are not permitted to discuss, disclose, or release any applications, plans, approvals or other materials prepared in connection with this project. She said her interpretation is that the letters and applications are property of OHB Homes. Solicitor Frank said this Board reviews to see if people have standing, and he believes the applicant does have standing because they have submitted the required documents. The application is reviewed to see that it meets local land use law. She said this Board does not determine who owns documents. That is between the owner and the applicant. Ms. Richins said the applicant does not have permission to use the permit; it is property of OHB Homes. The applicant said the approval runs with the land and there is no problem using it. He said once the DEP filed the report it because a

public record. Solicitor Frank said the letter really is a line on the map that shows where the wetlands are. It does not involve what is developed on the land.

Ms. Richins referred to the Environmental Impact Statement. She said under Schools Listed Within 1 Mile of the Property she noticed Florence Memorial High School, which she believes is within 1 mile, was not listed. She is curious also why under the Soils section of the document Gloucester County is named. This is in Burlington County. She said it is sloppy.

Member Bott asked why she was concerned about the High School. She said she has a daughter that attends, and also that when the School was built it caused flooding problems for homes in the area. Member asked how this applies to the current application. She said it shows the applicant did not do all their homework and it is incomplete. Member Bott said he thinks the school listing and the flooding issues are irrelevant to this project. He said the panels will not flood anything.

Ms. Richins said her next concern is for the wildlife in the area. The applicant stated there is no anticipated impact. She said she enjoys the wildlife in her yard, but she would not like to see it disappear but she also does not want to see too much of it. She said there are endangered species on the site. She said she has a Bald Eagle in one of her trees. She wanted to produce a study done regarding the impact of home values when power plants are placed nearby. Solicitor Frank labeled the document 0-1 for the record. Solicitor McAndrew asked that the document not be added to the record because it is hearsay and the person who wrote it is California. Solicitor Frank advised that if evidence is going to be introduced there should be an opportunity to cross-examine. Member Taylor said if it is a published peer review, it should stand. Solicitor Frank determined the document is not part of the evidence.

Ms. Richins quoted a section of the New Jersey Energy Master Plan that states brownfields and landfills in particular are well suited for the development of large solar generation. She said in addition, it says although a number of utility large scale solar installations have been proposed for and installed on what were previously working farms, the Christie Administration does not support the use of rate payer subsidies to turn productive farm land into grid supply solar facilities. To date, public and private entities in the Garden State have spent over \$1.4 billion to preserve almost two thousand farms covering nearly 200,000 acres.

Fred Heydorn, 2018 Bustleton Road, said he was born and raised in the Township. He said he lives in the "Country" and would like to keep it that way and not turn it into an industrial park. He said he does not want to look out his second floor and see a bunch of solar panels. He said there is no way the applicant will be able to shield the view from the second floor. He said he is home often, and his father in law lives with him and many of his neighbors are retired. He said the applicants and their professionals said they have been to the property. He said he has never seen them there. He addressed the plan and pointed to an area not designated as wetlands. He said it is actually wet in that spot all the time. He asked where all the water that pools after rain there now will go. He said

he disputes the Innovative Engineering Environmental Impact Statement dated March 2012, section 3-0, Wildlife. He said it states since the area is currently a working farm it is not likely to provide a suitable habitat for threatened endangered species. He said it also says it is not anticipated that the project will impose or adversely impact threatened or endangered species on or near this site. He said there are a Bald Eagle, a Peregrine Falcon, a Bard Owl and a Grasshopper Sparrow on or near the site currently. He said these animals are all either endangered or threatened species. He requested the Florence Township Environmental Commission and the New Jersey Department as appropriate be contacted to study the nesting and foraging habitats that may be impacted. He presented pictures of wildlife present on his property, entered as exhibits 03-15. Mr. Heydorn placed a solar panel angled 20 degrees to the board and shone a high power flashlight on the panel. He said the light is a 2 million candle power light. He demonstrated the glare to the board.

John Ristoro, 13 Filly Street, said there is a drainage problem between his house and his neighbor's house. There is a storm drain between the houses about 15' into the property. He said on occasions when there is heavy rain for a few consecutive days both back yards will fill up with about a foot of water. He said the water from the project site drains to the same spot. He said if the panels are installed there will be more drainage into the drain. He said the drain is cracking and sinking, and Burlington Township just put dirt in the hole. He said sitting on his deck he can still the entire field over his 11' shed. He said the trees are going to be in a gully. He said there is no way it is going to be blocked. He said even from the first floor deck he is going to be seeing the solar panels.

Carol Dina, 14 Spur Court, said her property is adjacent to the farm land. She confirmed that she took the photo of the owl entered into evidence earlier. She said the owl has been there since August 2008. She said when she bought her home in 1996 she chose this area because it was open and there was no neighbor. She paid extra for a lot at the end of the road next to the farm. She did this with the understanding that it would remain agricultural or with housing that was in accordance with the Florence Zoning Codes. She said this plan defies that code. She is concerned about living next to an industrial power plant. She is concerned about her quality of life, her home value. She would like the Board to conduct a property value study and a noise study. She feels it will detrimental to the neighborhoods in both Burlington Township and Florence Township. She thinks there are other areas in the township that would be better suited for this project. The only ones benefitting are the owners of the project. She strongly opposes this land variance.

David VanCamp, 7 Canidae Street, he said he is a licensed mechanical engineer in the state of New Jersey. He said the term solar farm is a misnomer. He said the project is a utility scale solar power plant producing over 26 megawatts. That is enough to power 2600 homes plus or minus on a land mass equivalent to 134 football fields. He said this is equivalent peak demand of the entire Princeton University campus, which is 9.5 million square feet and has 12,000 occupants and has a research intensive focus. He said he is trying to perspective to the matter. He said another misnomer is Florence PV LLC. He said the applicants are from a company called Renew Tricity, out of Ridgefield Park. He said the LLC was probably formed for liability purposes. He said the website shows

three photos with very large solar arrays and there are no residential areas in site. The photos were entered into evidence as 016-019. He said the website said they are currently developing 60 megawatts of solar farm generation capacity in New Jersey and as a result the company claims it can help its customers by eliminating the need for mechanical or architectural changes to a facility, no need to obtain mechanical and electrical permits and zero disruption to work flow. He argued all that is transferred to Florence and Burlington Township residents. He said the Florence Master Plan states the farmland area of Florence to the southeast of the Turnpike Extension and Route 130 represents an important and rapidly diminishing resource that should be protect and preserved from inappropriate development that will be harmful to its long term viability as an agricultural area. Also in the Master Plan there are a couple statements that stand out. He said it states there are many reasons that justify a strong farmland protection policy for Florence Township. Because urban development may have harmful effects on the continuation of productive farming in the metropolitan area, Florence must, for the preservation of the entire agricultural district, so that it can be devoted to such long term use. Because of their urban fringe location, the loss of Florence's farmlands can be considered a serious social as we as economic loss. He said under the New Jersey Municipal Land Use Law, the Master Plan is a binding document under article 3:40:55D-28, which states the Planning Board may prepare and after public hearing adopt or amend the Master Plan or component parts thereof, to guide the use of lands within the Municipality in a manner which protects public health, safety and promotes the general welfare, with general welfare being the prominent item. He went on to say under Land Development Ordinance of the Township of Florence, Chapter 91-2 there are three things that stand out. The first is to encourage Municipal action to guide the appropriate use or development of all lands in the Township in a manner which will promote the public health, safety, morals and general welfare. The next point in the code states the development of the Municipality will not conflict with the development and general welfare of a neighboring municipality, the County and the State as a whole. He said it also promotes the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land. He said Under the Land Development Ordinance of the Township of Florence part 3, Zoning, 91-150 regarding variances, although it has been stated tonight that solar technology is considered inherently beneficial, it needs to prove the other negative criteria. He said no variance may be granted under the term of the section unless such variance can be granted without substantial detriment to the public good. He feels there is substantial detriment, including public discontent, the aesthetics, the lot coverage – not impervious coverage – loss of the open space, wildlife habitat impact, property values. He said what was not addressed is the part of the code stating the plan will not substantially impair the intent and purpose of the zone plan. He said given his earlier testimony, it is clear the project will impair the intent and purpose of the Florence Township Master Plan.

Solicitor Frank said the Planning Board adopts the Master Plan, the Zoning Board does not. He said the Master Plan is a guidance document, a statement of aspiration. It becomes real when the Governing Body adopts ordinance pursuant to it that direct the Boards on what uses go where.

Mr. VanCamp said the Zoning Board shall evaluate all adverse impacts of the applicant's use on adjacent neighboring properties as well as all beneficial effects and shall not grant the variance unless it concludes on the basis of clear and specific findings set forth in its resolution that the benefits outweigh the detriments. He said that is why everyone is here tonight. He said the policy of encouraging the development of renewable resources should not impact the preservation of open space and farmland, while the Christie Administration will not presume to limit the disposition of private property; New Jersey should not subsidize the loss of productive farmland. He said there are certainly better places to build these. He said Innovative Engineering Environmental Impact report is either inaccurate or incomplete because of the following: water quality and drainage impacts. He would like to quote an article by the former Chief of the NJDEP, Storm water and Groundwater Programs. The article states almost all of the recent solar farms were built in urban areas where the need for energy is immediate. Typically, they are built on vacant land, roof tops or on land that was previously contaminated. We need to encourage this type of development. Putting impervious solar panels on surfaces that are already impervious does not exacerbate the flooding and storm water problems as it would if they were installed on farmland or cleared woodlands.

He said the glare of the panels should be looked into further. He said not mentioned was the inverter and fan noise. There are 27 inverter pads and 4 inverters per enclosure to make 108 inverters. There are also exhaust fans that will have noise impacts. He said the noise levels at the property lines, there is usual a certain level above ambient. He thinks that should be looked at instead of a maximum sound power level.

Mr. VanCamp would like the Board and its Planning and Engineering representatives consider that there is a perception is that solar is a wonderful thing. He said the reality is that the efficiency of this technology is dismal. He said the panels are less than 15 percent efficient. He thinks using the higher grade panel would use less land area. He said if solar tracking were implemented it would reduce the size. He said it is also not a true zero carbon energy. He said there is producing the panels, transporting them to the site, construction and materials.

He said the life expectancy is 25 years for full output, but the panels could last for 50 years. He said temporary is subjective. He said there is no incentive to change the use and put something more beneficial. He said there is a decommissioning plan, there is no information about how it is funded and there should be an escrow to be sure the funds are available when it is time to take the field down.

He said there are voltage and frequency fluctuations due to cloud cover. He said the grid has to handle the fluctuation. He said solar does not offset peak demand so the capital expenditures are the same because there is no production at night and during bad weather. Solar is not a true replacement for regular sources of power. He said the power can congest the grid if the demand is low for the power.

He said as far as benefits for Florence and the surrounding area, there is no permanent creation of jobs. He said housing would be a better use because it would be adding to a

thriving area. He said it is a nice neighborhood and there are better uses for the land. He said the project is probably also being funded in part by a 30 percent federal tax credit.

He said if the variance is to be further considered by the Board, he hopes the Board will request a system impact study, should look into the validity of the Wetlands permits. He said the permit stated there was to be no change in plans or specifications without written permission of the Department. He said he interprets it to mean that in changing the plans from the Bustleton North subdivision to the solar field as a different use under a different applicant it makes the permit invalid. He said the Board should study drawing sheet S-15, Partial Soil Erosion and Sediment Control Plan, he said the silt fence and the limited disturbance identified encroaches on the 50' wetlands buffer shown. He said there is an item that should be clarified. He said upon his inspection of title documentation under added assessments it says subject to prorated charges upon loss of farmland status. He said he thinks that means back taxes could be sought. He asked what the benefit will be for the residents. He said the project is insulting, poorly designed, and driven by pure corporate greed with no consideration for the residents of the area. He said no parties involved will to see this after it is construction, but they will have made their money. He said the detriments to the public welfare outweigh the benefits. He hopes the variance is denied.

Luke Uzupis, 220 East Front Street, said he is opposed to the application because of the location and the residential impact. He said he is also concerned with the impact a farm of this size will have on the economy, jobs and the Solar Renewable Energy Credit market. He said it is identified as inherently beneficial under Land Use Law. He said in 2011 this Board heard an application from Effi Solar for an 18 Megawatt facility at Cedar Lane. At that time it was submitted by the applicant that the New Jersey Clean Energy Master Plan and Solar Advancement Act adopted in 2010 were the basis of the first part of the balancing test, and many comments were made at that time and today that the goals of the State Master Energy Plan as well as the State's commitment to increasing their renewable energy portfolio, were all intended to show solar as a beneficial use. He said the use variance was granted and there was no detriment to the public good because of the location and at that time there was no opposition. He said however it is now 2012 and we are no longer talking about the 2008 Energy Master Plan. He said there is a new plan and it can't be used as a basis for satisfying the first part of the balancing test and not talk about all of the energy master plan. He said the initial concerns of having to meet an aggressive plan for increasing the State's production of solar energy are now gone. He said it is expected that the market will be 35 to 45 percent oversupplied with solar. He said the unsold energy will sit on the market for years even if solar development decreases. He said the oversupply has caused financial hardship for many homeowners and small business owners across the State. He said taxpayers may also be at risk. Public solar projects are not generating enough revenue to pay back the bonds use to fund them. He said the State passed Bill s-1925 which intends to reinvigorate the Solar Renewable Energy Credit market and stimulate the development of solar energy projects in the State. He said both the current bill and the 2011 Energy Master Plan propose significant changes to the State's renewable energy portfolio standard and SREC program. He the Board of Public Utilities will only approve a proposed facility if the

SREC being produced do not have a detrimental impact on the SREC market or the appropriate development of solar power in the State. The loss of tillable acreage that would be lost together with the tillable acreage of all other similar facilities would cumulative constitute a loss of less than one percent of the total tillable acres of farmland in the State on the date the bill was enacted. The Master Plan would also provide the BPU the ability to approve subsidies for grid supply projects to ensure compatibility with land use and environmental and energy policies. Additionally the development of solar projects should not impact the preservation of open space or farmland. He said during 2010 and 2011 New Jersey saw a surge of energy facilities due to the high prices of SRECs. He said many of the projects were investor driven, like this one. He said they were proposed and installed with no regard for appropriate land use or energy policy concerns. He said the trend is continued into 2012. He said the State recognizes the integral role that solar energy plays meeting it renewal energy objectives as well as its role as an engine for economic growth. He said in determining the negative criteria to weigh against the inherently beneficial use of solar farms, he ask the Board consider this not just a not in my back yard reaction by residents. He said the SREC program is in shambles and recent legislation clearly describes a different environment in which we decide large scale solar development. He request the Board until there is passage of final State legislation.

Vicky Schneider, 89 Equestrian Drive, said she is adjacent to the project site. She said there is now a 30 percent cash grant for these projects and 100 percent depreciation year one. She said the proponent of an inherently beneficial use variance must address the statutory negative criteria and prove that the public benefits outweigh any impairment to the zone plan or any detriment to the neighborhood. She would like to Board to show precedence and deny the variance. She said a similar situation was presented last year in another township. Two variances were applied for but only one was approved. The Board determined that the benefits of one project did not outweigh the detriments. He said it was determined that as part of the Master Plan the denied project took away agricultural and open space. She said a lawsuit was filed against the municipality for the denial of the application and the New Jersey Superior Court ruled in favor of the Board because the board acted appropriately denying the application. She said by looking at the attendance here tonight, the benefits do not outweigh the detriments. She the variance will impair the Florence Township Master Plan. She said the Master Plan states the pleasure of a rural environment should be available to people who live in a high density area. Because of the urban fringe condition the loss of farmland can be considered a serious social as well as economic loss. She said the master plan states that moving the vineyards outside San Jose or the orange groves near Orlando might be moved with little aggregate loss of production but for the residents of these places there would be a loss of amenity. She said definition of amenity is the quality of being pleasant or the attractiveness and value of real estate. She said the Master Plan says when environmentally constrained land and all developed or preserved lands are deleted approximately 369.97 acres of vacant developable land remains in the Agricultural Zone. She said she thinks the High School was not built at the time this was written, and there are approvals for another solar filed on Cedar Lane that is 114 acres. She said with all of that one third of that vacant land is being developed. She said this application will use

another one third of the Agricultural. She said that is not consistent with the Master Plan. She said in the reassessment report it states wind and solar energy are an abundant, renewable and non-polluting energy resource. She said escalating costs are driving demand and these uses should be permitted, subject to bulk and conditional use regulations in the appropriate zones within Florence Township. She said this written for the average homeowner and small business. The project will do nothing to help with higher energy costs. She said certain things should be encouraged and permitted but not at the cost of others. She said all of these things show the negative criteria has not been overcome.

She said lives on the North side. She said there are trees near her house. She wants to know what vegetation is staying. She said the houses had water problems when they were built and there is still a problem. If the vegetation is removed there will be more water. She said that even through and above the tree she has now, she sees entire field on both sides of the road. She said this is from the first story of her house. She said she will be seeing solar panels. She said the professional said the panels will not be facing the houses she said that is incorrect and referred to the drawing. She questioned how the tree line could be 100' away because some of the lots are not that deep. She said standing water is a problem on the fields that comes out onto Bustleton Road and there have been accidents from water and ice. She said it will most likely get worse. She asked if there are going to be an increase in geese because they think the panels are a big lake. She said there are too many geese already. She said she opposes the variance based on detriment to public good and that the variance will impair the Florence Master Plan and for setting a precedence with the denial.

Stephen Neindorff, 93 Equestrian Drive, said the houses sit higher in his area and he said there are trees behind him that will be removed, and he said there is a drainage issue. He said these issues will get worse.

Joseph Johnson, 2022 Bustleton Road, asked what will happen if the panels catch fire.

Mr. Hill said they are non-combustible material. The only problem would be in the ground cover caught fire. He said they do work and train the emergency personnel in town so they are set to handle these situations.

Mr. Johnson asked if there would be additional lightning strikes in the area.

Mr. Hill is not aware of any studies that identify these facilities attract lightning. They are up to code for grounding and electrical.

Mr. Johnson said there was a report from the Fire Department and it said they had no comment. He said he had conversations with Florence Department members and they told him they were not trained to handle it and would just let it burn. He said he heard from Burlington Township that they will protect the houses. He said there have been droughts and the fields were dry. He is concerned about a drought again and it catches fire. He said there is no water supply.

Mr. Hill said they will be obligated to train the officials and would also train Burlington's Emergency personnel. He said it is in his best interest to protect the site. He said the type of vegetation was chosen to be drought tolerant.

Member Crowell said the training is with respect to how to take out the electric to be able to put out the fire.

Mr. Hill said they are going to be trained to be ready for anything that could occur at the site.

Mr. Johnson said he can't find information about the heat from the panels. He said he thinks on a hot day there won't be a big heat inversion above the panels.

Mr. Hill said generally the products don't store heat; they are surrounded on all sides by air. He said a temperature difference would be about 30 degrees above ambient.

Mr. Johnson asked about the inverters and the noise level. He was told it is not cumulative.

Mr. Bott asked about fans and how noisy they will be compared to the converter.

Mr. Hill said each structure has an HVAC to keep the equipment cool. He said the noise will be less than the inverter. He said they would be willing to put sound reducing louvers.

Mr. Bott said he is not convinced there will not be a high level of noise.

Mr. Hill said the noise will meet or exceed the levels allowed by the DEP.

Member Crowell asked if there is a fire hydrant at the site. He was told there is not.

Member Crowell said this could affect the response time. Mr. Hill said the plans were reviewed by the Fire Department.

Mr. Hill said there is an irrigation pond that would be source of water.

Member Crowell asked if there could be a condition that the applicant hook up to a water source.

Engineer LaRosa said that would depend on where the closest connection is. He said it could be added as something to consider.

Mr. Hill said he will explore the idea of underground water tanks, one at each drive.

Mr. Johnson said the landscape trees are not going to hide the panels. He said he will not be able to sell his house because no one will want to look at the panels.

The applicant requested a continuance of the application to June 26<sup>th</sup> 2012. The request was approved.

Motion of Lutz, seconded by Buddenbaum to continue Application ZB#2012-05 at the next meeting. Motion unanimously approved by all members present.

Motion of Taylor, seconded by Lutz to approve the Minutes from the April 24, 2012 meeting as submitted. Motion unanimously approved by all members present.

There being no further business motion was made by Taylor, seconded by Lutz to adjourn the meeting at 12:29 a.m.

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William E. Bott, Secretary

WEB/ak