

Florence, New Jersey 08518-2323  
July 31, 2012

A 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	Candida Taylor
William Bott	B. Michael Zekas
John Groze	Keith Crowell
Larry Lutz	Anant Patel

ABSENT: Lou Sovak

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

Chairman Zekas announced that he would like to deviate from the agenda and move to resolutions first.

## RESOLUTIONS

### **Resolution ZB #2012-24**

**Granting the application of SBA Towers III, LLC for use variance, height variance (pursuant to NJSA 40:55D-70d) and minor site plan (with rear and side yard setback variances) approvals to construct a new cellular communications monopole, and associated equipment compound and site improvements at the tower's base, at property located at 2009 Route 130. Block 159.01 Lot 1.03.**

Motion by Lutz seconded by Buddenbaum to approve Resolution ZB #2012-24. Upon roll call the Board voted as follows:

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

Chairman Zekas said at this time he would like to continue Application ZB #2012-05 of Florence PV, LLC seeking a use variance and preliminary and final major site plan approval to permit construction of a solar photovoltaic electricity facility for property located on Bustleton Road, Florence Township. Block 160.01, Lot 5 and Block 170, Lot 1.01.

Chairman Zekas said on May 22, 2012 the meeting adjourned during the public comments portion. He said normally the meeting would pick up where it left off, but the applicant revised the plans and he thinks it would be a good idea for the applicant to present an overview of the revisions.

Patrick McAndrew, representing the applicant, called Evan Hill, the applicant's Engineer who is still under oath. He distributed a reduced size copy of the plans submitted earlier. The plans were revised to incorporate the comments received to date from the Board professionals and residents. Also, he met on site on June 21, 2012 with the Board professionals and the Burlington Township Engineer. He referred to the sheet labeled Overall Site Improvement Plan. There were several changes made to the plan. The Burlington Township Engineer had recommended a minimum 100' buffer and a subsequent letter he sent indicated a 150' buffer was more appropriate. There is 150' buffer incorporated now from the solar arrays to the property lines along all of the residential homes. He said behind the Florence residences there is a tree row that is being incorporated into the improved buffer. All solar panels will be behind the natural buffer. There will be no change to what those residents are seeing now. He said panels were removed from the plan and the inverter structures were moved farther away from the homes. Member Bott asked how many panels were removed. Mr. Hill told him it is down by about 10 percent to 104,000 panels. Mr. Bott asked about trees that are located in the middle of the field. Mr. Hill said the trees will need to be removed. He said the other change is that some of the vegetation was due to be removed but since there were panels removed from the plan these trees will serve as a buffer. The trees being installed are 7' to 8' tall at planting and it is a double staggered row. Mr. Hill then referred to the Overall Grading Utility and Landscaping Plan. He said in the area between the two townships the panels were moved back and at the request of the Burlington Township Engineer there will be an 8' high soil berm with two rows of evergreen trees at the very top. They will be 12' to 14' tall at planting and further down on the resident's side there will be 8' to 10' tall trees. Member Crowell asked about the height of the trees at maturity. Mr. Hill said the growth rate varies but the trees could grow 6" to 10" a year. Member Taylor asked about maintenance of the trees. Mr. Hill said he is responsible for the maintenance of the site. He said there will be additional grading to get the soil for the berms. The drainage pattern will not be changed. The stormwater is being managed to address some the concerns raised by professionals. It was brought forward that there could be an adverse impact on Burlington Township's stormwater management program because of the solar array that would affect some of the properties between a few of the residential homes. He said the berm will make it so that the water can be directed and collected. Board members asked about Lot 13. There is no berm noted there. Mr. Hill said there is a natural buffer that is not being removed. Planner Fegley asked about the quality of the existing vegetation. Mr. Hill explained that it a mix of evergreens and

deciduous plants. He said there is room to add more plantings if necessary. He said the applicant is willing to meet with professionals after installation and add plantings wherever it is deemed necessary. The existing drainage ditch on the southern side of the property is going to be filled in as part of the permit issued for the residential development that was approved for the site. The Department of Environmental Protection recommended the permit be modified. He said the plan is decreasing the amount of fill. He said that completed his summary of the major changes.

Member Taylor said there are 104,000 panels and she wanted to know how many homes would be served. The applicant said it would serve about 24,500 homes, but the electric goes into the electrical grid to be distributed. Mr. Kenneth Bob was sworn in by Solicitor Frank to be eligible to give testimony. He said he is a principal of the project. Chairman Zekas confirmed that the buffering along Bustleton Road was pretty much unchanged. He was told that was true. Mr. Hill said there was increase in buffering between Lots 1.04 and 1.05 and the solar array. It was moved 125' from the property line and there is now a third row of evergreen trees. Mr. Hill handed out a new exhibit called Line of Site Maps. He said they are meant to show what can be seen from different levels in various residences. They were labeled A-1 to A-5. He said there are four different views. Two were on the South side and two were on the North side. The renderings show what someone sees looking out a first floor window from different residential areas. He said existing evergreen trees were not included to show just what is going to be placed on site. He said the line of site shows that anything below that line and the landscaping will be adequately buffered. He said there is no way to shield 100 percent from a second floor window. Member Taylor asked what percent he could shield from the second floor and he said he was unable to calculate that. Member Bott confirmed that there is no way to shield a second floor view. Mr. Hill said that is correct, but he hopes the berms will provide some coverage. Mr. Hill was asked why he did not provide a similar study from a second floor view. He said most of the testimony was related to what residents would see from their living areas, like the back decks and first floor. Board members disagreed saying the testimony did include questions about bedroom windows on the second floor. Mr. Hill said from the second floor window the improvements will be seen. He said there is no way to block the view. There were questions about the inverter causing noise. Mr. Hill said the inverters are far enough away from the property lines to not be a problem. He said the noise will be at what's considered an ambient level. Mr. Hill continued presenting the exhibits. He showed how the berms serve to block the first floor view of the solar array. There was discussion about the berm and where it fits in the view. Board members asked for clarification of the renderings to be sure what would be seen. The line from the first floor of the house runs straight out and shows what is seen at that level. He said the inverters are the highest point and the first floor view is shielded from the inverters. He said the views are typical to any residential lot in the area. He said what is shown in the pictures is what the professionals from Burlington Township wanted based on the information given at the on-site meeting.

Mr. Hill then presented into evidence photos of current roadside conditions and computer generated vegetation proposed. The photos were labeled A-6 to A-9. The first photo was taken at the line dividing the two municipalities looking to the East with Phase I. He said

the existing vegetation will not be removed. The next photo shows the simulated landscape on the photo. Mr. Hill said there will be landscaping on both sides of the road and also landscaping behind the existing vegetation and on the right hand side.. Next was the Phase I side of the project halfway down Bustleton Road looking toward Lot 1.05, and the last sheet is the landscaping for the previous photo. Member Crowell asked if the trees will get taller. Mr. Hill said the simulations were done at planting height but there will be growth. He said they will not be trimmed and the plan is to let them grow naturally. There will be normal maintenance. He said per the letter from Township Planner Fegley the trees will be planted 10' on-center because it would promote growth and he believes her last letter said the buffer was adequate. He said the plan not only meets ordinance requirements but exceeds them. Member Lutz was concerned with the drainage and grading. Mr. Hill said the berms will interrupt the natural drain pattern. He said the berms will make any water back up into the field so there will be piping installed to direct the water out of the site. Member Lutz asked if there were a 100 year storm how would the panels react to the water. Mr. Hill said the one spot that was pointed out could be submerged by 6" but it can be mitigated if there is a problem. He said even if the panels need to be raised they will still be lower than the line of site shown before in the renderings.

Chairman Zekas asked Engineer LaRosa to review his report on the revised plans. He referred to his letter dated July 27, 2012. He said the zoning is agricultural. As far as bulk requirements the applicant is compliant. He said the applicant requires a use variance. He said there are certain points that will be deferred to the County. There was also discussion regarding a bike path. The applicant is agreeable to an in-lieu payment, but would provide the path if required. There is space to allow a bike path. Engineer LaRosa would like to see the fence information more detailed on the plan and would like to see a black fence. Mr. Hill said the fence will be to electrical code and there is no high voltage on the site. He said the National Electrical Code will be followed. The State reviews solar farms for compliance. Engineer LaRosa would like the loading and unloading area moved. The applicant agreed to move the staging area. The shed on the site will also be relocated. The applicant agreed to include a drainage plan. He said the impervious coverage is less because the concrete pads are now smaller. Engineer LaRosa said the site will need to be stabilized prior to the installation of panels. Mr. Hill said the first thing that will be installed is the security fence. Then there will be grading and the berm will be built. The stormwater management will be done in the beginning. As far as planting prior to panel installation, it is not practical. Once the panels are installed the planting will begin. The berms will be vegetated right away. Mr. Hill said the plan is to build both phases of the project at once, but the applicant would like the flexibility to build in two phases if needed. Engineer LaRosa asked about a loss of existing trees when the piping is put in the inlets for the drainage system. The applicant said they agree with the Engineer's report regarding the drainage. Mr. Hill also agreed there will be emergency spillways and there are no wetlands at the site and he said an evaluation of the site shows it is suitable for the project without grading or drainage. He said the improvements don't require more in the grading area than the crops do from a grading standpoint. Borings were done in the area. The berms and grading were designed to use on-site material. It will also provide enough to fill the ditch. He said the DEP Permit

Number 7 will need to be modified but the wetlands permit is still in place. He said the modification is because there will be solar instead of residential. The modification is pending; it has been applied for. Engineer LaRosa recommended that if there is approval a condition should be that the foundation cannot be different than what is proposed. Mr. Hill said there will be no concrete used or ballasted foundations. They applicant will use low impact foundations and they will not require excavation. Engineer LaRosa questioned the status of the grid connection with PJM. Mr. Hill said the report from PJM allows the project to be grandfathered regarding the new law limiting the number of solar fields. The report said the grid has adequate capacity to accept the electricity being generated. Engineer LaRosa said at the last meeting residents expressed concerns about glare and there was supposed to be a study presented on the subject. Mr. Hill said his general testimony was that the panels are made with a material that has a low reflective glare. All of the other components are brushed, not polished. He said about one month ago a panel was placed on site and photographed every hour to demonstrate the glare as the sun is at different points in the sky. He presented exhibits A-10 through A-19, photos of a panel taken June 14, 2012. Mr. Hill said there was cloud cover in the morning and the day became sunnier. He said the panels may have some glare in the early and latest hours of the day if there is any glare at all. He said it is minimal. Also, there will be buffering provided to mitigate this and these systems have been installed along highways and at airports and there are reports that state there is no glare. He said there is no need for concern. Member Bott said the photo at 6:00 pm shows there is a glare and there will be many cars at that time of the day. Mr. Hill said the buffer will block the glare along the road. It is not an issue during the day because the sun is higher in the sky. Board members expressed concern that the pictures were not reflective of what would be seen from a second story window and it seemed like the day was overcast. The Board also said it would like to have seen more than one day's worth of photos.

Planner Fegley referred to her letter dated July 26, 2012. She explained the applicant's planner went over the inherently beneficial use for the project but he did not mention the negative impact, which is visual. There are still questions about the adequacy of the buffer and if something of this magnitude can be buffered. The cross section that was provided was only from the first floor and that was a deficiency because it was clearly stated at the last meeting that the concern was the view from a second story. The material in the buffer was also in question. She would like to see a report on the organic content of the soil. The landscape area should be wider and there should be more plantings on one of the berms. She noted gaps in some of the landscaping buffers that need to be addressed. Mr. Hill stated that he agreed with the report to this point. Planner Fegley inquired about the location of the wildflowers on the plan and was shown where they will be. Planner Fegley said the number of each kind of tree needs to be specified. Mr. Hill said he agreed to do everything in the report. Planner Fegley said there is a concern about the watering and maintenance of the plantings so she would like to see gates for better access to be able to water. She inquired about the swale. It was explained that if it was closer to the homes it would not be able to adequately collect the water, but it could be moved. Mr. Hill said he cannot agree to install phase two landscaping during phase one. There would be too much ground disturbance to create the berm. Planner Fegley did not agree that a maintenance schedule for the plantings was provided. Mr. Hill said it

was submitted with the original application, but it did not include the added berm and he agreed to revise and resubmit.

At this time Mr. Bob said the entire PJM process has been completed. The project has been approved to put the electricity into the grid without any disturbance and there is an interconnection agreement in place with PSE&G. There is also an agreement with PSE&G outlining work that still needs to be done but PSE&G would need to complete the work, mostly at the substation. He said all that is left is this process. He explained the PJM is an umbrella organization of a number of states managing the electrical grids for the region, mostly the East Coast. Member Bott asked if the electricity would be going to Florence households. Mr. Bob explained that it will enter the grid at the site so it will go to households in the Township, but it cannot be sold directly. Mr. Bott wants to know what advantage the project provides to Florence. Mr. Bob explained that the taxes will become a regular ratable instead of agricultural. The taxes are prorated two years back. He said there is a redevelopment zone adjacent to the property and electric can be sold to those entities since they are not households. He said discounted electricity can be sold to the Township itself and other local government entities. Engineer LaRosa recommended the Board require a copy of the PJM contracts and approvals. Member Taylor said her neighbors have panels on their roof. Most have 13 to 17 panels on the roof. She said using the applicant's math, it would take 43.5 panels per household to supply electric. Why so many? Mr. Bob said he did not know if the panels on the home are supplying all of the electric and there are other issues that make it more complicated. Member Bott asked about production during bad weather. Mr. Bob said there would be none, but the panels produce electricity when the grid needs it the most and when the demand is highest. Mr. Bott said the project is very large.

At this time there was a short recess. The Board returned at 9:42 pm.

Chairman Zekas said at this point he wanted to open the meeting to the public and there were representatives there that would like to cross examine the witnesses who have testified for the applicant.

It was on the MOTION of Bott, seconded by Crowell to open the meeting to the public. All those present in agreement.

Jeffrey Baron, an attorney representing sixty households opposing the application, approached. He said more than ten percent of his clients reside in Florence and the remaining households are in Burlington. He presented into evidence a list of the names and addresses of his clients. He said he will cross examine the witnesses who have testified to this point and he would like the public to have an opportunity to speak. At the next meeting there will be testimony from a planner, the attorney representing Burlington Township and an engineer. He said it will be done in about two and a half hours. He requested to ask Mr. Hill some questions. Mr. Baron asked if Mr. Hill was an arborist or a landscape expert. He replied that he is not but he is qualified to answer questions as a professional engineer. Mr. Baron inquired why there were no buffer simulation photos looking toward Burlington. Mr. Hill said there were none created facing that way

because of time constraints. Both agreed residents in that area would like to see the photo. Mr. Baron said the buffer and plantings in the new buffer area are different than the plantings proposed for the Burlington Township residents. Mr. Hill said it is a different type of buffer but the plant material is similar. Mr. Baron feels there is no ground cover. Mr. Hill said there is meadow grass but no meadow flowers. Mr. Baron said the three tree types being used for the Burlington buffer – Pine, Spruce and Cedar – are cone shaped and there will be gaps at the top of the buffer that will not shield second story views. Mr. Hill said the addition of lower trees is to prevent that. Mr. Baron said the lower trees selected tend to get spindly and move out in long branches and the needles become sparse. Mr. Hill said that is the case if the trees do not have adequate room to grow. Mr. Baron asked how the trees will be planted. It will be 10' on center and there are two rows of trees. Mr. Baron said the second row does not have as many trees and at planting there will be gaps in those trees. Mr. Hill said if the bases are less than 5' there will be a gap at the bottom and he concurred that there will be an initial gap at the time of planting until the trees mature some. He said there will be 6" of growth a year on average. The berm is six foot flat on the top and the diameter of the trees is 5 ½' – 6'. Mr. Baron said with the drip line the water and ice could cause erosion of the berm. Mr. Hill said it is his responsibility to repair any erosion for the lifetime of the project. Mr. Baron said the trees are proposed to be planted on the flat surface and on the slope of the berm. Mr. Hill said the slope is not very steep and he has had experience stabilizing trees in a situation like this. He said his company is responsible for the trees and if there are any problems they will be taken care of. He said there are 387 Eastern Red Cedars, 409 Norway Spruces and 392 White Pine Trees. Mr. Baron said he does not believe that the applicant will be able to maintain the amount of plantings that are planned. He said also it will create more traffic than what is being presented. Mr. Baron also questioned what the berm will look like before the plantings are done and likened it to a big 8' tall pile of dirt. Mr. Hill said the berm was designed in response to comments and feedback gleaned from previous meetings and it was not part of the original design. Mr. Baron referred to the exhibits showing the lines of sight. He asked if every elevation from the Burlington side was the same. Mr. Hill said that it is not. Mr. Baron said it does not depict what would be seen at every house. Mr. Hill said the elevations will vary but it is a representation of what would be seen along the entire length. Mr. Baron felt the view being used was not tall enough. The model exhibit is done with a view of a person that is 5'4" tall. Mr. Baron asked what a 6' tall person would see out the same window. Mr. Hill said a 6' person would see the same thing looking into the trees. Mr. Baron said the berm was to address the line of sight. Mr. Hill said the line of sight shows looking above the berm and into the line of trees. Mr. Baron said the line of sight over time will be tree trunks and not foliage. Mr. Hill did not agree. Mr. Hill said the swale will be about 1' deep. He said it is meant to collect the storm water and convey it into inlets that are incorporated in the swale. He said there should be no erosion but if there was a problem he would be obligated to fix it. Mr. Baron asked how many projects of this size Mr. Hill has designed. He said he designed 10 and there has been no soil erosion at the sites that are built. He said run-off is actually reduced. Mr. Baron did not see how it would be reduced and feels it will make the water worse. He asked if there were studies done regarding the groundcover being used to determine if it is appropriate for solar fields. Mr. Hill said his firm was instrumental in providing study material and calculations for

legislation that was adopted stating that panels on grass or soil are not to be considered impervious coverage. Mr. Baron asked if there was a plan presented that showed when and where the energy is absorbed. Mr. Hill said he has never been asked for such a plan. Mr. Baron asked if there is a signed agreement in place with PSE&G. Mr. Bob answered that there is an agreement in place and there is authority to connect to the grid. Mr. Baron said there was testimony presented that the project will be a \$75,000 ratable. Mr. Bob said that number is based just on the value of the land. Mr. Baron said if the site was developed for housing the ratable would be two times that amount. He asked how the developer knows the project would need to be decommissioned in 25 years. Mr. Hill explained that the 25 year period is based on the manufacturer's warranty for production of the panels. He said the panels will be on site for as long as it is a viable project. He said the project is low impact and can easily be removed and restored to an agricultural field. Mr. Baron said there is really no way to tell when the project would be decommissioned. Mr. Hill said the plan is to put procedures in place to alleviate the Township's concerns over what happens if and when the project is no longer needed or it is not viable. Mr. Baron said it will not be what it started out as right away. There would still be buffers and the original vegetation would need time to grow again. Mr. Hill said currently the plan does not include the berm but it can be included if the town desires it. He said the trees that were planted as a buffer would not be removed.

Member Taylor inquired as to what would happen if the technology changes in the future and the applicant wanted to make changes to the project. Solicitor Frank explained that what is approved in this variance is all that would be permitted. Any major changes would need to be approved by the Board. Member Bott asked what would happen if a large snow storm covered the area, where would the water go? Mr. Hill said the project is designed to collect, convey, manage, and regulate the discharge of any storm water that is collected on site.

David Serlin, Attorney for Burlington Township, said his township adopted a resolution in opposition of the application. He said Burlington is concerned about the greater public good and not just the residents of Steeplechase. He said this is the first time in his 36 years with Burlington that the Township has every come out against an application. He said there has been a good relationship between the two municipalities and both try to work together for the good of the communities. He asked Mr. Hill who prepared the landscape details, because Mr. Hill testified that he is an engineer and not a landscape professional. Mr. Hill said he completed the details. Mr. Serlin asked who enforces the plan. Mr. Hill said the local code officer would let the applicant know if there was a problem and it would be taken care of. There is a maintenance plan in place that will be followed and there are periodic visits and many times the maintenance of landscaping is contracted out to local landscapers. Mr. Serlin asked if the decommissioning plan had been submitted to the Board. Mr. Hill confirmed it was submitted. He said the plan is based on the fact that municipalities want to know what happens if and when the time comes that the panels are no longer needed for any reason. It is financed by the land owner and it is not bonded. Mr. Serlin was concerned that the plan is not bonded. Mr. Hill said the applicant could be made to enter into a developer's agreement that might have some kind of financial guarantee in place. He said most of the projects he has

worked on have developer's agreements. Mr. Serlin asked who from Mr. Hill's office prepared the photos shown. Mr. Hill said it was prepared by his staff under his supervision. He confirmed that he was there when the photos were taken and his staff superimposed the vegetation over the photos. Mr. Serlin asked if there were any other projects with the size and scope of the proposed solar field and where they were located. He clarified that he wanted to know acreage of the projects. He said the megawatts correlate to the acreage and he designed a 65 megawatt plan for a site in Upper Pittsgrove and there were 30-40 residential properties around the site. There were 2 parts to the project – an 18 megawatt and a 65 megawatt. He said he has done many 10 to 20 megawatt projects over the past two years. He said some sites did not have residences nearby others had 10-50 residences nearby. The variances required for the projects were mostly use variances. Mr. Serlin asked if the prior approvals were as intense as the project being proposed. Mr. Hill said what he meant in previous testimony was that from an engineering standpoint the construction of a residential development is more intense than the construction of this project. He said it is because homes are permanent; there is more disturbance and grading. He said what is required for housing construction is more disruptive than this project. Mr. Serlin asked if the photos of a panel in the field taken once and hour for a day were the glare study that was to be conducted and if that was all of the testimony for the issue of glare. Mr. Hill said he entered testimony at the prior hearing about glare. He said noise testimony was provided at that time also.

Member Crowell asked how many Steeple Chase lots are adjacent to the site. Mr. Hill said there are 23 lots that abut the property and most of them are single family homes. Mr. Bott questioned how the clock can be read in the photos presented for the glare study. Mr. Baron said that Mr. Hill testified that he received an approval for a project in Upper Pittsgrove Township. Mr. Hill said he indicated that he designed a project but it was denied. He said at the same time he had a 20 watt project simultaneously that was the same applicant and in a different part of the municipality and it was approved. Mr. Baron said the denial for the 65 watt project was upheld. Mr. Baron asked if he knew that there was already an approved solar project in Florence Township. Mr. Hill said he was aware.

Mr. Baron asked Mr. Miller if he knew how large the municipality was. Mr. Miller said he did not remember. Mr. Baron asked how many square miles are zoned agricultural in the Township. Mr. Miller said he is not sure. He confirmed that there are no zones in Florence that permit solar farms to his knowledge. Mr. Baron asked how much farmland has been utilized for solar. Mr. Miller said if this project received approval solar would comprise about 4% of total area of the Township. He did not know what percent of the agricultural zones are solar facilities.

Mr. Serlin asked Mr. Miller if there was an economic analysis required. There was not. Mr. Serlin asked about previous testimony where Mr. Miller said it would be easy to revert back to agricultural use because there is no permanent structure. Mr. Hill explained that the comment was based on the original plan of residential development versus a non-permanent solar field. Mr. Serlin asked if it was reasonable to assume that having 114,000 panels on the site for 25 years that it will revert back to its original state. Mr. Miller said he knows that the area would not be altered by the improvements and the

soil would still be there. It is a requirement of the decommission plan that the soils be returned to the original condition. He confirmed that he reviewed the decommissioning plan and that he did have input. He was asked about the visual impact of the number of homes approved as opposed to the solar panels and he responded that he thinks the impacts will be different but not necessarily different in terms of detriments. He does not believe there is a substantial detriment to this application as it is currently designed. He said the opinion is based on his review of the plan, his knowledge of visual impact. He said he has done analysis of visual impacts over the years including projects of this size.

Member Crowell asked if as a result of all the excavation required to do the berms, would it still be easy to return the site to its previous condition. Mr. Miller said it is not easy but it is possible. Mr. Serlin asked if there were any unique soils on the property. Mr. Miller said he was not aware of any. Mr. McAndrew confirmed with Mr. Miller that the residential plan called for 33 single family homes that would be permanent and this is the reason it would be easier to go back to agricultural from the solar field.

Chairman Zekas asked Mr. Hill who he met with on the site. Mr. Hill told him he met with Engineer LaRosa, David Domen from Engineer LaRosa's office, the Burlington Township Engineer and Jennifer from Mr. Hill's office. Chairman Zekas confirmed that both municipalities were represented. Member Taylor asked how much solar other towns comparable in size to Florence have. Mr. Hill does not know but said it varies from town to town. He said there have been concentrations depending on land availability and infrastructure. Member Bott asked about connecting to the grid. Mr. Hill explained that the power goes from the inverters to the switch gear and that is what gets the power to the grid.

At this time Chairman Zekas opened the meeting to the public to comment on the application.

Nicholas Torrens, 16 Philly Street, Burlington Township, said he supports solar power but does not support this project. He said there are other areas available and wants to know why it is being proposed near a residential area. He said he has not heard of any benefits for Burlington Township and he feels the health concerns have not been addressed. The impact on home values has not been vetted. He feels it is a scourge to the community and he requested the Board deny the application.

Joseph Brunner, 2016 Bustleton Road, said he will be surrounded on three sides by the solar farm. He researched the panels and learned that there is a chemical process sometimes used called doping. Mr. Hill did not know if these panels are manufactured with this process. Mr. Brunner learned that the process is done with Cadmium or Arsenic. The panels made in China using this process are not used in China because of this. If the panels crack and the rain washes the chemicals into the ground, he is concerned it will contaminate his well water. Member Crowell requested more information on the panels that will be used for the project. Mr. Hill will provide more information on the specific panels planned for the project.

Sandra Thomas, 21 Philly Way, Burlington Township, feels there will be a detriment for her visually. She bought her home because of the view. She is concerned she will not be able to sell her home with the solar field behind it.

Vicki Schneider, 89 Equestrian Drive, said Mr. Miller testified solar has moved from region to region across the United States. She believes this is because the towns are tricked into approving them because of the inherently beneficial use classification but once the towns change their master plans and zoning ordinances the companies move on to other areas.

Fred Heydorn, 2018 Bustleton Road, asked how many other projects that Mr. Hill has been involved in were located near wells. Mr. Hill said he does not have an exact number but a majority of the projects are in rural areas so he believes there are wells near other projects as well. Mr. Heydorn asked if there have been any studies done on wells near projects after they have been in place for a few years. Mr. Hill said he feels it is not necessary because the project is doing the opposite of causing contamination. He said there will be no pesticides and fertilizers used on the site after the panels are installed.

Member Crowell said he agrees with Mr. Hill's point that pesticides used on agricultural properties are very dangerous for the water. He said the information on the panels being used is pending.

David VanCamp, 7 Canidae Street, Burlington Township, said the PJM connection is public knowledge and he has it and he believes it will be distributed by the applicant to the appropriate individuals. He said it is more difficult to get the power to the grid than what is being presented. He said it was not elaborated enough this evening. He said the document states that 1 ½ to 2 miles of 26 KV, which he explained are sub transmission power lines, need to come from Route 130 to the site. He said the Cedar Lane project requires the same kind of lines but they will need to be separate sets of lines. The off-site considerations of these power lines such as bigger poles and easements need to be taken into consideration by the Board.

Fred Heydorn said Mr. Hill said the chemicals used on the agricultural land were dangerous. He wanted to know if there will be chemicals used on the berms to promote growth. Mr. Hill said there will be no chemicals used on the berm.

Joe Johnson, 2022 Bustleton Road, wanted to know if the trees will need to be cut back to accommodate the new wires. The trees are near the street and form a sort of cover as you travel Bustleton Road and Cedar Lane. He wanted to know how far back the trees need to be cut. Mr. Hill said he hopes an Engineer from the utility will be able to attend the next meeting and address and concerns. Mr. Johnson wanted to know what berm was being widened to 12' at the top. Mr. Hill told him both berms on both sides are widening. The soil will come from the site; it is not a significant amount. He explained how the berms are created. Mr. Johnson was concerned about the topsoil. Mr. Hill said it will not be all topsoil. Mr. Johnson said he does not believe the topsoil that is used on the berm will be viable if returned.

Melinda Hanley, 34 Clydesdale Drive, Burlington Township, said her son is on the Autism spectrum and basically the plan is to put an industrial sized power plant next to her house. She feels there will be chemicals and pollutants in the air. She said her son's condition may or may not have been caused by chemicals in the environment. She said there are 5 children with Autism within 100 yards of the proposed site. Her children are not guinea pigs and the other children are not either. She fears the technology is too new.

Steven Keat, 12 Spur Court, Burlington Township, said he can see directly into the field from almost all of the rooms in his house. He thanked the Board for hearing the members and the public. He said because of Municipal Land Use Law there can't be a debate about if the project is beneficial to the public overall. He realizes the Board must vote on the detriments of the project. He sees them as binary; you have a detriment or you don't. He said many of the detriments have been recognized by the applicant. There is glint and glare, so there is a detriment. He said the farm causes noise once or twice a year but there will now be an inverters and high power infrastructure. He said there will be noise now. He does not worry about his family near the farm but does not want his child or dog running around near the high power infrastructure. He is concerned about fire suppression and he feels there are methods that will not be regular for the fire department. He said he disagrees that there is no visual detriment. He thinks heat islanding will be a problem. Everyone is concerned about property values. He does not believe his house will keep its worth with a direct view to a solar farm. He understands it is business, but he feels the Board represents the people and the health and welfare of all the citizens. He asks the Board consider all of this.

Member Crowell asked for clarification on how much heat will be generated. Mr. Hill said there have been some studies done and his company has taken heat measurements on panels at different times during the year and on average the panel on a sunny day was anywhere from 20 to 30 degrees Fahrenheit above the ambient temperature surrounding it. He said the panels do not generate heat through their functioning; it is purely from the sun shining on them. He said the temperature remains consistent during the day and at night the heat dissipates and as the temperature changes so does the temperature of the panels. He said the heat islanding happens in urban areas where the flat surfaces on the tops of buildings and such store and retain the heat and slowly release it. There is no air flow around them. He said there are studies but they are mostly done on urban developed areas. Member Crowell said it also would have to do with topography and how the air can circulate around the panels. Mr. Hill said agricultural farms can also retain heat. He said he is not comparing it to the panels, but he said it is an occurrence.

Kristan Marter, 220 East Front Street, owns a solar energy company. She said a bill was signed recently by the governor to try and save what has happened in the solar industry to the ESREC market. These are credits that producers of solar energy earn per solar kilowatt hour that is produced. They are then traded on a market board. She said they can be worth a lot of money. She said in the state of New Jersey commercial solar went wild. The bill is to correct what went wrong. She said many of the projects were funded with the credits. The market tanked last year from \$650 per ESREC to \$80. Many of the

projects funded by using these dollars are now under water. The governor also was trying to prevent the use of agricultural land for solar farms. He said brownfields should be used. She said there is a certain amount of time for projects to get pushed through or they will not happen. She asked if the project had been registered for the ESREC program. She was told it was not. Her understanding is that the registration was to be done by July 23 otherwise the project must prove it will not be a detriment to the ESREC market. She said the project will produce a large amount of ESRECs. There will be a cap of 10 megawatts for any given project and this one is for 26 megawatts. She said that is why there is a rush.

It was on the motion of Bott, seconded by Crowell to close the public portion of the meeting. All ayes – motion carried.

The applicant requested the application be adjourned until the special meeting of August 27, 2012.

It was on the motion of Lutz, seconded by Bott to adjourn the hearing to the August 27, 2012 special meeting of the Zoning Board. Upon roll call the Board voted as follows:

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

Chairman Zekas reiterated to the audience that the application will continue on Monday, August 27, 2012 in the Municipal Building.

There being no further business, it was on the motion of Taylor, seconded by Buddenbaum to adjourn the meeting at 11:20pm.

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William E. Bott, Secretary

WEB/aek