

Florence, New Jersey 08518-2323
July 26, 2011

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

Secretary Montgomery 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
John Fratinardo	B. Michael Zekas
John Groze	Robert Adams
Ray Montgomery	William Bott

ABSENT: Keith Crowell (excused)
Solicitor David Frank

ALSO PRESENT: Solicitor Denis Germano (substitute for Solicitor Frank)
Engineer Dan Guzzi
Planner Bob Perry

OLD BUSINESS

Nothing at this time.

NEW BUSINESS

Chairman Fratinardo called for Application ZB#2011-13 for Effisolar Energy Corporation. Applicant is requesting Use Variance, Preliminary and Final Major Site plan approval for a solar generation facility on property located at 1019 Cedar Lane, Florence Township, NJ. Block 163.02, Lot 9 and Block 164.01, Lot 2.01.

Attorney John Guinco from Giordano, Halleran & Ciesla, representing the applicant stated that this was an application for Effisolar. The client proposes to develop an approximately 18 megawatt solar facility on the 114 acre site located at 1019 Cedar Lane. He stated that there is four witnesses present to testify regarding this application, Richard Roseberry, site engineer from Maser Associates, John Madden, licensed professional planner for Maser Associates, Dr. Ray Walker, environmental consultant and Larry Neuman, solar expert.

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Chairman Fratinardo suggested that all the witnesses be sworn in and then the Board would consider the matter of completeness. Solicitor Germano swore in John A. Madden, Jr., Lawrence Neuman, Raymond Walker and Richard Roseberry.

Attorney Guinco stated that the applicant had received two reports from the Board's professional consultants and stated that they had requested waivers of the items that were identified as incomplete. He stated that they believe that the nature of their application is such that this information is not necessary to make a decision.

Chairman Fratinardo asked for a listing of the requested waivers.

Engineer Guzzi stated that the outstanding items are listed on page 3 of his July 18, 2011 report.

Item A is cross-sections of watercourses at an appropriate scale. Based on the proposed development a waiver would be supported.

Item B is test borings to the water table. There is no new construction of buildings that would require this so a waiver would be supported.

Item C is soil boundaries. Engineer Guzzi stated that they are requesting that soil boundaries be identified on the plans, but the application could proceed without this being submitted at this time, with the understanding that they would be added to the plans.

Item D is sight triangle easements. These are shown on the plans but should be dimensioned.

Item E is Sidewalks along road frontages. Sidewalks are required along road frontages or an in lieu of cash contribution to the sidewalk fund must be submitted.

Item F is installation of utilities underground. He stated that the waiver would be supported as a completeness check list item, but recommends that this be shown on the plan so we can identify where the utilities are going.

Item G is for state and federal approvals. The waiver is supported as a completeness item, but the applicant will be required to obtain all necessary permits and approvals.

Mr. Roseberry agreed that he would comply with the requests to provide information and meet the stated conditions.

Chairman Fratinardo asked about the County's right of way? Attorney Guinco stated that he had not received the letter from the County. Engineer Guzzi stated that the review letter was dated July 20, 2011 and it was addressed to Mr. Guinco's office and it was copied to Mr. Roseberry's office by fax. Engineer Guzzi supplied a copy of the County review letter to Mr. Roseberry for review.

Mr. Roseberry stated that the letter indicates that the County is requesting additional right of way and a shift in the driveway location among other items.

Engineer Guzzi suggested that while the applicant's staff was reviewing the County letter, there was one more completeness item to discuss and that was the letter that had been submitted by the applicant this evening. Attorney Guinco stated that when they were looking at the site there was a question about the homestead, which has a historic designation that would require an application to the State Historic Preservation Office (SHPO). He stated that they are requesting to amend the application to hear the application for Preliminary approval for the entire site, with Phase 1 being an area that is not affected by any of the State permitting. All of the area requiring permitting would be included in Phase 2. Once the permits were obtained, that applicant would come back to the Board requesting Final approval for the entire set.

Chairman Fratinardo asked if the plans that were submitted to the Board and its staff showed the phasing? Attorney Guinco stated that modified plan had not been previously submitted, but they have an exhibit to present tonight illustrating the proposed amendment. Attorney Guinco stated that they hadn't anticipated needing the SHPO permit. Mr. Roseberry said that this didn't change any aspect of the site except panels.

Planner Perry stated that the Board was concerned with the requirement that revisions be submitted for review 10 days prior to the date of the hearing to allow review by the board, their staff and any interested public. Attorney Guinco stated that the Municipal Land Use Law (MLUL) does permit a supplement to an application. This amendment is not intended to change any of the design features or layout; this would just be a request for phasing. He asked if the Ordinance required that a phasing plan be submitted prior to the application? Solicitor Germano stated that he did not believe that it did, but whenever you get involved in phasing you have to talk about where you are going to stop and how you are going to make it safe where you stop. There's a lot to it that hasn't been reviewed by the Board's engineer and planner. Attorney Guinco asked the Board to let them proceed as if they were seeking preliminary on the entire site and then consider if there is an adequate demonstration of the information necessary to determine whether Phase 1 could proceed to final.

Solicitor Germano stated that his understanding was that the applicant would like the Board to act on the request for use variance, the request for preliminary approval for the entire site and preliminary and final for Phase 1. Attorney Guinco stated that this is what they would like if the Board would entertain that. If the plans are not made clear enough and a resubmission is required then he asked that the Board consider the use variance and preliminary approval and they would then clarify those submissions and seek a final application for Phase 1. They would not apply for final for Phase 2 until they completed their NJDEP permitting.

Engineer Guzzi stated that he did not have a problem with the phasing, but he said that it would have been beneficial for the Board to see that ahead of time rather than having it submitted this evening.

Following a brief discussion, the Board decided that they would hear the application for use variance and preliminary site plan only. The amendment to allow phasing will not be heard at this meeting.

Motion of Zekas, seconded by Groze to grant the waivers as discussed and to deem the application complete.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Fratinardo, Groze, Montgomery, Taylor, Zekas, Adams
NOES: None
ABSENT: Crowell

Attorney Guinco asked the Board to accept Mr. Roseberry as an expert in the field of civil engineering. Mr. Roseberry stated that he is a senior consultant with Maser Consulting. He stated that he has 23 years experience as a licensed professional engineer. He stated that he has testified before many Boards in New Jersey, Pennsylvania and Delaware. The Board accepted Mr. Roseberry as an expert in the field of civil engineering.

Mr. Roseberry stated that he had prepared several exhibits with handouts to supply to the Board. He submitted Exhibit A1 an aerial view of the area showing the zoning boundaries. Exhibit A2 is the overall dimension plan of the property.

Mr. Roseberry said the property owner is Gregg Lesko. The property size is about 114 acres. The proposed project has a limit of disturbance of 68.6 acres of which solar panels will be put on 59.9 acres. These numbers are a little different of what was initially proposed because on the initial submission it was intended to fill two isolated wetland areas. They have decide that they will not be filling those wetlands so this project won't require any DEP permitting except Permit by Rules. The property itself is currently primarily used for agriculture. The agricultural areas are bisected by wooded hedgerows. There is a wooded buffer along Cedar Lane to the west. There are also wooded hedgerows along the south side of the property. The site is located immediately south of the New Jersey Turnpike. To the west there is the school and some residential properties, agricultural and residential properties to the south, to the east of the site is a municipal park, to the north of the turnpike is a wooded area and to the northwest of the site is a cemetery.

On the site itself there are several residential structures located along Cedar Lane. This 4.5 acre portion of the property is referenced as the "homestead area" on Exhibit A2. This is the area of potential evaluation for historic certificates. On this site there is an

existing residence, a dilapidated residence, a carriage house, several brick silos and numerous other accessory structures in various stages of disrepair.

The topography of the site is gently sloping. The highpoint is along the southeast corner of the property with an elevation of about 56' above sea level. The low elevation is on the north of approximately 36' above sea level. The site itself contains about 25 acres of wetlands. These are shown on Exhibit A2 on the north side of the property and along the central portion of the property. The Bustleton Creek crosses the site from south to north. All of the wetlands have been verified by a Letter of Interpretation (LOI). The LOI was dated 2002, but the Permit Extension Act has extended it. Solicitor Germano asked if the Board had a copy of the LOI. Attorney Guinco stated that he believed that this was submitted with the application but he would supply a copy as an exhibit. Mr. Roseberry stated that exhibit A1 shows the surrounding zoning of the property.

Mr. Roseberry stated that Effisolar was the client on the property. The proposal is for a ground mount utility-scale solar project. The solar facility itself is of a relatively simple installation. There is a racking system (the supports), the solar panels that are wire to the inverters. The inverters convert the DC current to AC current, this leads to a transformer which converts the voltage to the appropriate voltage so that it can tie right back into the utility lines. The site will be planted with a special "low grow/no mow" grass seed and the site will be surrounded by a fence.

He stated that these sites are designed with minimal grading. They are not stripping topsoil or intending to re-grade the property. This property does have the BMX facility on the east side, which would have to be re-graded, and there are a couple of soil mounds on the property that will be re-graded, but the disturbance is relatively minimal.

Mr. Roseberry stated that a geo-technical investigation was done that indicated that they should be able to drive the posts into the ground just like a fence post. Mr. Roseberry submitted Exhibit A3, a cross sectional landscaping exhibit dated July 26, 2011. Attorney Guinco submitted Exhibit A4, which was the Letter of Interpretation.

Mr. Roseberry stated that Effisolar's approach is to use a low panel system, instead of having a high system with many panels. They install 2 panels with a maximum height no higher than 4.5'. These are set at a 20 degree angle with a low elevation of 2'. Chairman Fratinardo asked how many panels were proposed and how much energy would be produced. Testimony was that there would be approximately 60,000 panels and this will be an 18 megawatt system. He stated the each panel puts out 280 watts.

Mr. Roseberry said that he wanted to address a comment in Planner Perry's review letter. There are some panels proposed in the flood hazard area, which is permitted by the DEP. The flood hazard elevation in that area is less than one foot, so the panels themselves will be one foot above the flood hazard elevation but they will not be more than two feet above the ground.

Mr. Roseberry submitted Exhibit A5, which is a landscaping plan. He stated that Effisolar is very cognizant about the appearance of solar panels. That is why this site is one of the better sites, because it already has screening. He stated that they are not intending to remove any of the existing trees along Cedar Lane or along the southern side of the property. In fact, the plan is to supplement the existing tree line. He said that their landscape architect walked the site and identified anywhere along the cemetery, along Cedar Lane or along the adjoining property where it was somewhat open and proposed the addition of trees in these areas. He stated that the buffer is 50' wide.

Chairman Fratinardo asked if the widening of the County right of way would affect the 50' buffer. Mr. Roseberry said it would not. The fence line would be moved back the additional 16.5' in order to maintain the 50' buffer.

Member Taylor stated that she had read in the application that 822 trees would be removed and asked if Exhibit A5 shows those trees or if they have been removed? Mr. Roseberry stated that this exhibit does not show the tree removal. He referred the Board to Exhibit A2 and pointed out where on the site the trees were going to be removed. He stated that they had done a recalculation today and due to the changes that are being proposed with the wetland area, instead of 822 there are 701 trees to be removed, 429 to be removed in Phase 1. They are proposing to replace 235 trees. This is broken down into 4 species of shade trees, 3 species of evergreen, and 3 species of ornamental for a total of 10 species of trees. They trees will be 2.5" to 3" initial caliper, 6' to 8' tall. The trees scheduled for removal are located in the solar fields and have to be removed in order to permit the sun to work the panels.

Chairman Fratinardo asked what was going to happen with the BMX track? Mr. Roseberry said that the track will be removed and the area re-graded.

Member Taylor asked if there was any concern with reflection from the panels interfering with cars driving on the jughandle for the turnpike? Mr. Roseberry stated that the panels were facing in the opposite direction so there would not be any reflection toward the turnpike.

Mr. Roseberry stated that when the project is complete the site would be fenced with an 8' tall black vinyl chain link fence. He said that they had received a review letter from Brian Richardson, the fire official. He stated that would be a knox box added for emergency services at the gate. There also is a route and cul-de-sac turn-around proposed so that emergency vehicles can access the site. There will be a 20' width throughout the driveway with the exception of the wetlands area.

Mr. Roseberry stated that there is no proposal for lighting on the site. These are unmanned facilities. The inverters measure the electricity. If any component of the system goes down the inverter will send an alarm, which will dispatch a maintenance crew. The maintenance crew would arrive in a van or SUV and would bring emergency lighting with them if necessary. Mr. Roseberry stated that maintenance personnel would visit the site once a month unless there is a problem.

Chairman Fratinardo asked if someone were in the northeast corner of the property doing work and needed assistance, is there the ability for an ambulance to get through there. Mr. Roseberry stated that the primary concern is to make sure that they have perimeter access around the site. There is 6' between the panels; this would allow a golf cart or ATV to access this area. Mr. Roseberry submitted Exhibit A6, identified as a truck turning exhibit. This shows that you can maneuver a fire pumper throughout the site. Member Taylor asked if the road would be a paved road? Mr. Roseberry said that it would be gravel. Ms. Taylor asked about snow removal. Mr. Roseberry stated that they would have to address this on the maintenance plan.

Attorney Germano asked that a copy of the maintenance plan be submitted to the Board as a condition of final. Mr. Roseberry stated that Engineer Guzzi had asked about the potential for erosion under the panels. An inspection for this could also be added to a maintenance plan.

Attorney Guinco said that there was a comment that the accessory structure of the inverters was originally placed at a 70' setback and is an accessory structure with a 100' setback requirement. Mr. Roseberry stated that this would be relocated on the final plan so a variance would not be required.

Member Buddenbaum asked if the ATV or golf carts used to travel among the panels for maintenance would be stored on site? Mr. Roseberry stated that they are not stored on site but are transported to each location as needed.

Chairman Fratinardo stated that the landscape plan shows the fence and then an area of light green. He asked how many feet this was. Mr. Roseberry stated that the light green shows the area between the fence and the start of the panels. Chairman Fratinardo stated that there would be 70' then from the property line to where the panels start.

Attorney Guinco said that the Board was not prepared to discuss the phasing, but asked Mr. Roseberry to give a general overview. Mr. Roseberry stated that the 4.5 acres that they are proposing for Phase 2 is simply panels. The network, the inverters, the wiring, transformer and interconnect are all going to be put into Phase 1. This 4.5 acre is the area around the homestead that has historic designation. If SHPO gives permission, the structures would be removed and the 3,000 panels installed. If the permission is not given then the 4.5 acres will stay as is.

Member Taylor asked how long it would take to construct this project. Mr. Roseberry stated that it would take approximately 6 months. They would start at the far side of the property and work towards the point of access on Cedar Lane. Member Taylor said that she hoped that the negative impact of the construction would be kept at a minimum so as not to unduly disrupt the school and the residents in the area.

Member Adams asked what would happen if SHPO doesn't give the permit for the property? Mr. Roseberry stated that they wouldn't proceed with Phase 2. He stated that

Phase 1 doesn't require them to apply for any permits, although they do have a few Permits by Rule that they are entitled to.

Secretary Montgomery stated that the panels would be delivered by tractor-trailer. He asked if the tractor-trailer would enter the site via the cul-de-sac road to off load the panels to a designated area or would another type of vehicle do that? Mr. Roseberry said it would be a combination of both. There would be a staging area where the tractor-trailers would unload and then pick-up trucks would take the panels to the work location. The staging area location in the middle of the site is shown on sheet 11 of the plan set. Secretary Montgomery asked if the turn around cul-de-sac would be wide enough for a tractor-trailer to turn around. Mr. Roseberry said that it would be pretty close as it has a 25' radius, but the tractor-trailers will turn around in the grass if necessary.

Attorney Guinco stated that the testimony was given that the applicant would comply with all the comments listed in the professional review letters. Chairman Fratinardo asked Engineer Guzzi to go over his letter.

Engineer Guzzi referred the Board to page 4 of his July 18, 2011 review letter. He said that Items 1 through 4 were basically housekeeping areas. They have addressed the accessory structure; they will move that back, so Item 3 goes away. On Item 4 there was a discrepancy on the date of the survey and what was referenced on the plans. Mr. Roseberry stated that the date of the survey takes precedence. This will be addressed on the revised plans.

Item 5 regarding the issue of the 2 isolated wetlands. The applicant amended on the record to eliminate panels in those 2 areas. Mr. Roseberry stated that this area would be left undisturbed.

Item 6 testimony was given that the only other activities in regulated areas are going to be Permit by Rule, so there are no other additional permits required.

Item 7 the transformers and inverters will be relocated within the required setbacks.

Item 8 proposed grading would be shown in the areas where existing structures are to be removed in several areas. The wetland areas go away now.

Item 9 regarding the soil mounds. The grading plan will be revised.

Item 10 regarding access between the panels. Testimony was given on how adequate access will be provided.

Item 11 and 12 notes will be added to the plan regarding driveway and total area of disturbance.

Item 13 recommends that the applicant tries to conserve as many trees as possible..

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Item 14 a detail of the transformer/inverter pads should be provided.

Items 15 through 17 are minor stormwater issues.

Item 18 regarding the homestead and the necessary approval from NJDEP State Historic Preservation Office prior to any removal of that.

The applicant also has to obtain approval from other agencies having jurisdiction.

Attorney Guinco added that the applicant had received a letter from the Fire Official and asked Mr. Roseberry to address those comments. Mr. Roseberry stated that the letter was dated July 21, 2011 and there were 4 comments. This first is for no open burning. None is proposed. The second comment has to do with the fire department access road being 20' wide. 20' wide will be provided except in the areas crossing the wetlands. Comment No. 3 regarding the 25' radius turnaround, the turnaround will be provided. The fourth comment has to do with training of the fire department for safe operation on the site. Fire Official Brian Richardson requested that the training take place once the construction is complete and the layout of the property is in place. Member Montgomery asked if the applicant was paying for the training. Attorney Guinco stated that the applicant would pay for training.

Attorney Guinco asked Mr. Roseberry about the ordinance for tree removal and fees. Mr. Roseberry responded that if during construction one of the remaining trees should be damaged or disturbed then there would be either replacement or a cash contribution required. Planner Perry said that the section of the ordinance that he had referred to really pertains to over clearing. On this plan what the Board wants to see is a clearing limit. If the applicant exceeds that, then the Board would be looking for mitigation and replacement. That is the intent of the ordinance. Solicitor Germano stated that the plan should be amended to show this. Planner Perry stated that wherever the wooded areas are to be removed, the Board Engineer's inspectors would be out there to make sure that the clearing limit is maintained. Mr. Roseberry stated that he would make sure that there were adequate notes on the plan regarding the clearing limits.

Attorney Guinco called John Madden to testify. Mr. Madden stated that he was assistant director of planning for Maser. He said that he is a licensed professional planner in the state of New Jersey. He stated that he has appeared before many Boards in New Jersey. The Board accepted Mr. Madden as a professional in the field of professional planning.

Mr. Madden agreed with statements made by Attorney Guinco that this application required a Use Variance and that this use and that the statute provides that this is deemed to be by legislative action an inherently beneficial use. He stated that the Municipal Land Use Law (MLUL) was amended in 2010 to specifically identify solar facilities as inherently beneficial. Inherently beneficial means that you automatically meet the positive criteria for the grant of a Use Variance but you still have to provide testimony regarding the negative criteria.

Mr. Madden stated that this site is particularly well suited for a solar facility. It has a particularly flat terrain and existing hedgerows that will be supplemented to supply buffer. It is adjacent to permanently proposed open space. South of the site is an area that is all wetlands. West of the site there is 2,000' of road frontage, half of which is across from the high school. On the other side are the cemetery and the turnpike much of which will be screened by mature wetlands vegetation. The site sets itself up very well for a solar facility because it impacts few residences and there will be sufficient buffer.

Mr. Madden mentioned that one of the Board Member had asked about the impact to property values. He stated that the issue when you talk about solar facilities is one of visual impact. Visual screening is important, but once it is out of site it is an ideal facility. It doesn't generate any noise. There is very little traffic, so it just sits there and generates taxes for the town.

Attorney Guinco stated that the point of interconnection to the grid is on this site. Mr. Madden stated that this is correct and this is a very important factor in locating a facility.

Member Taylor stated that not very far from this site is another proposed solar farm and asked if there is an advantage to bundling the energy generated by both sites? Mr. Roseberry stated that these facilities are direct tie-ins to the grid. The grid is regulated by PJM (Pennsylvania, Jersey, Maryland grid), who oversees all the interconnects. The first thing an applicant has to do is to make application to get into the queue. This site made application and has been determined feasible. Once an application is in the queue, this site was for 18 megawatts, that capacity is reserved by PJM. So essentially they are all being bundled because PJM looks at them all at the same time. The electricity that is being produced on this site is actually being used by properties surrounding this site first.

Mr. Madden said that moving onto the negative criteria this would be very appropriate and consistent with New Jersey's Clean Energy Master Plan and the Solar Advancement Act that was adopted in 2010 and which promotes the idea of these community systems as opposed to the individual systems on the rooftop or in the back yard. The State Energy plan has the goal built into the plan as well as incentive programs to require a certain percentage of energy to be produced by solar, at least 3% by 2020 and 7% by 2026. This goes to the public interest that the State has declared this to be in the interest to the public that we produce solar energy.

Mr. Madden stated that Florence's development code states that one of its purposes is to promote utilization of renewable energy sources. There is a discussion in the re-examination report about the need to adopt local ordinances to allow for solar facilities. This was mostly geared toward private homes, but the discussion does recognize that solar is of great importance to reduce the carbon footprint and get us weaned off of fossil fuels.

Mr. Madden stated that when you have an inherently beneficial use you have to go through a process of identifying the positive benefits and the negative impacts and what can be done to mitigate those negative impacts, then a summary of whether the positive

outweigh the negative. The positive in this case is that whole issue of the State making it a policy to promote solar facilities and legislation has been adopted to encourage this by making it inherently beneficial. Mr. Madden stated that he did not feel that there was any negative impact because the site meets all of the criteria with a site like this for solar. There is a connection into the grid right on the property.

Attorney Guinco asked if he could focus Mr. Madden's testimony on the Sica testing. He asked if it was correct that in the first interest Mr. Madden had identified the public interest in meeting the State goals of the Master Plan and also the Municipal Master Plan identifying the need to try and establish alternative energies. Mr. Madden stated that this was correct. He agreed that he had identified this site as particularly suitable because of its topography, its location, the surrounding areas and the boundary of buffering of trees. Mr. Madden agreed that only testimony that identified any negative impact is visual impact, but he did recognize that in addition to the existing buffer that has been proposed to be supplemented by the applicant, a fence provided for security and safety both mitigate any negative impact from the visual affect of the solar facility.

Mr. Madden stated that in his opinion there is really no negative impacts of the site and the Board would have an adequate basis to grant the Use Variance requested for this site and for the solar plan proposed. He stated that the Master Plan really promotes this area for agricultural use and states emphatically that they don't want to see the area south of the turnpike developed for residential uses. This facility will really preserve that farmland. They will not be scraping off the topsoil and this will give the soil time to rest.

Chairman Fratinardo asked about generating taxes. Attorney Guinco stated that this would not be eligible for farmland assessment so it would be a full value taxation. He said that the Department of Taxation in the State has determined that solar panels are personal property like a cell tower. There is also a pending action that may impose an excise tax. Chairman Fratinardo asked if there would be a roll back tax. Solicitor Germano stated that it is a change in use so it should generate a roll back. Attorney Guinco stated that assuming that everything moves forward that it would be a rollback, otherwise it would go to full value and if it took a year you would get that credit.

Member Taylor stated that this is new technology and it isn't known how long this facilities are good for or if the technology would change so dramatically that these facilities will change is design very quickly. She stated that this is a huge area that is being covered with these panels and if the time comes that this technology is obsolete and being replaced by something far more cost effective and sufficient is there a plan in place to return this land to it's natural state again or would these facilities be abandoned?

Mr. Roseberry stated that they do typically provide a decommissioning plan that explains the decommissioning of procedures and restoration of property. He stated that they would gladly provide one in this case. Member Taylor asked if there was a projection on the life expectancy of a facility like this? Mr. Roseberry stated that the plan is typically for 25 years.

Member Taylor asked if the township had a plan as to how many solar farms would be permitted in Florence Township. The township has a lot of farmland and she doesn't want to see it all covered with solar panels. Mr. Madden stated that when he read the Florence Township Master Plan it is clear that there is a desire to preserve this land from development.

Attorney Guinco called Lawrence Neuman, solar expert from Effisolar. Mr. Neuman stated that his doctorate is in geophysics. He stated that he has been involved in renewable energy from 1981; he was with the United Nation when they started doing programs in that field. He stated that he had been doing wind and solar for about 25 years. Mr. Neuman stated that the solar technology is over 150 years old. The panels are fairly similar to what they were 10 to 15 years ago. The cost, however, has gone down dramatically. The panels are composed of high-grade crystal and silicon. There are no moving parts. It generates from photovoltaic principals. It gives off energy from the impulse of sunlight. This technology has been used in the space industry for over 30 years. The degradation of ½% a year is not even demonstrated so they expect these panels to last for a long time. It is not to say that there wouldn't be some breakthrough but it wouldn't be dramatic and it would take a major breakthrough to cause them to go back and re-power the site. He stated that they don't anticipate anything like that for at least 15 years.

Chairman Fratinardo said the testimony had been given that these panels are 280 watts and there are new panels that have over 300 watts. Mr. Neuman stated that each of these panels contains 72 cells. As they get more efficient and trap a little more energy, they may produce a fraction more of electricity so you would be a little over 300 for the 72 cells. The efficiency is being increased little by little but not dramatically enough to see that this would have a new technology take over.

Member Taylor asked if it would be possible to achieve the same end result with a smaller facility in the future. Mr. Neuman stated that there is a physical limit to the photovoltaics of about 30% and they are close to 20% now. You could use concentrated light with lenses that track sun, with moving parts at a higher cost and this might use fewer panels but at much higher expense and maintenance costs. Right now this is the most cost effective way of doing it. He stated that they have seen costs drop from over \$7.00 per watt down to \$3.50 to \$4.00 per watt.

Attorney Guinco asked Mr. Neuman to respond to Member Taylor's question about the amount of solar farms that would be permitted in Florence Township. Mr. Neuman said that the limiting factor of solar is not land but the capacity of the grid and the distribution. The grid refers to transmissions that go out of the state, and distribution is transmission within the local areas. The solar renewable energy certificates are granted because the energy produced here goes into the distribution and not out of the state. He stated that they are limited as to where they choose their sites to where there is capacity that can accept the energy adequately and substations in the area get filled very rapidly. So PJM (the interconnection company) that reviews the feasibility of each of these proposals will tell you that there are 3 or 4 projects already on that line so you better not go there.

Member Bott stated that this plan is to install 60,000 panels on the site. He asked if there was a way to tell when one of the panels went bad. Mr. Neuman stated that every panel is flash tested before it is packed and shipped. Each string will be checked as it is installed. Generally there are very few breakdowns in these systems. Mostly a breakdown occurs in the inverter not the panels. Member Bott asked what was the life expectancy of the panels. Mr. Neuman stated that these panels are guaranteed for 25 years. For the first 12 years they have to produce at least 90% of the rated output and for the next 13 years 80% of the rated output, but the studies have shown that they are even better than that.

Member Buddenbaum asked if the panels are wired in series and a panel in the center doesn't work as well as it should is there a way of localizing that panel? Mr. Neuman stated that you could identify the panel very easily. He stated that although this solar farm use is relatively new in New Jersey they are not new in the world. There is a long operating history. He stated that these are the same type of panels that are used in the space station.

Member Taylor asked what would happen when it snowed. Mr. Neuman stated that the panels are very dark and snow would quickly melt off them. He stated that 80% of the energy that the panels produce is from May to September, in the winter the panels may have some snow on them for a short period of time, but this would result in a relatively small amount of loss. Part of the monthly maintenance is to clean off the dust on the panels.

Attorney Guinco stated that this concluded their presentation.

Motion of Taylor, seconded by Buddenbaum to open the hearing to public comment.
Motion unanimously approved by all members present.

Gerald DiMassa, 1039 Cedar Lane, was sworn in by Solicitor Germano. Mr. DiMassa stated that his property is directly adjacent to the subject site. He said that he has two residences on his property and one residence is a two story dwelling with an apartment on top that sits 5' from the property line. The windows of the apartment look out onto the site.

Mr. DiMassa asked if Exhibit A3 was a general exhibit or if it showed his actual property. Mr. Roseberry stated that Exhibit A3 did show Mr. DiMassa's dwelling and it was drawn to scale. He also referred to Exhibit A5, which shows two cross-sections. Cross-section AA is located on Cedar Lane and BB, which show the border with the DiMassa property. Mr. DiMassa asked if the landscaping was to be installed on a berm? Mr. Roseberry said that it would be built on grade, not on a berm. Mr. DiMassa said that the subject property sits approximately 10' higher than his property. There is also a stream located behind the property. Mr. DiMassa is concerned that the water table will be changed and there will be flooding. Mr. Roseberry stated that they had provided a stormwater management report that showed that there was actually a benefit because of

the change in ground cover with the panels. The panels are elevated and there is separation distance between each panel. The water will drip down as it hits each panel. It won't just sheet flow.

Mr. DiMassa asked if the tree line on Cedar Lane would be touched? Mr. Roseberry said the tree row and 50' tree buffer will remain and will be supplemented to fill in any gaps. Mr. DiMassa asked if there was any way to get additional trees along the property line of his property. Attorney Guinco suggested that a representative of the applicant, one of the Board's consultants and Mr. DiMassa do a site walk post construction to identify any areas along the property line that are in need of additional screening. Mr. DiMassa agreed to this.

Mr. DiMassa asked the Board about the setback of the solar panels. Engineer Guzzi stated that the setback is a standard called out in the ordinance and the applicant is actually placing the panels further back than the ordinance requires.

Mr. DiMassa said that he doesn't want to sound irate in front of the Board, but with the new high school that was built right across the street from his property, with no berm and a parking lot that sits at a high elevation that is directly pointing at his house. He stated that he doesn't want this project to negatively affect his property value any more than the school has.

Attorney Guinco stated that the applicant has offered the site walk. Solicitor Germano stated that the condition for the resolution would be that before the time that the applicant comes back for final approval they would have walked the site with Mr. DiMassa and the engineer to get the specifics about the areas to be supplemented with additional buffering. Then a second site walk would be conducted post construction.

Frederick Wainwright, 1011 Cedar Lane was sworn in by Solicitor Germano. Mr. Wainwright stated that his property is located between Wawa and the cemetery. Mr. Wainwright stated that testimony was given that this would be better for the ground because it would be rested, and if you farm it all the time it would take the nutrients away. Mr. Wainwright stated that he has been a farmer for over 50 years and he disagrees with that statement. He said that he has ground that he has improved. If you leave this ground sit it will all be grown up around the solar panels with trees like mulberries and rose bushes.

Mr. Wainwright asked how far the posts would be driven in? Mr. Roseberry stated that generally the posts go down six feet. Mr. Wainwright asked what would happen if one of the posts was driven through one of the field drains? Mr. Roseberry stated that that wouldn't have an impact on the site. Mr. Wainwright stated that if one of those field drains were cut off then there would be a drainage problem. Solicitor Germano asks where the maps of those drains were. Mr. Wainwright said that there are no maps of these drains. The farmers just knew where they were. He stated that there are not a lot of drains on this farm but there are some there.

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Mr. Wainwright said that he thinks it would be more cost effective to fence in the entire property rather than follow the proposed fence plan. Engineer Guzzi stated that there are wetlands that you can't build a fence across. Attorney Guinco said that they are trying to keep the panels secure. They realize that it is a little more costly but it is also more efficient for the applicant.

Mr. Wainwright asked if they had bought the property or if they were leasing it. Attorney Guinco stated that it was under contract to be purchased based on the outcome of this application.

Dennis O'Hara, 871 Wallace Avenue was sworn in by Solicitor Germano.

Mr. O'Hara stated that a benefit of this plan would be some employment for residents in the community. He asked if the applicant would be hiring any additional people. Attorney Guinco stated that he would like to say that they could do this but he couldn't predict what would happen.

Mr. O'Hara asked where the company was headquartered. Attorney Guinco answered that it was headquartered in Linden, NJ and maintenance crews were dispatched from Linden for this facility.

Mr. O'Hara also expressed concern on the stability of the panels. Mr. Roseberry stated that these panel supports are designed for 90 to 100 MPH wind loads.

Mr. O'Hara asked if a drainage tile was damaged how would they know? Mr. Roseberry stated that they wouldn't know if there was damage unless they saw some ponding on the site. Then they would decide whether they would repair that panel and drain the area or just leave it.

Motion of Taylor, seconded by Groze to close the public hearing. Motion unanimously approved by all members present.

Attorney Guinco said that as they had discussed at the beginning of the hearing they would ask the Board to consider the Use Variance application and a preliminary approval for the entire site. He stated that they would submit an application for the amended Preliminary and seeking Final for Phase 1 pending the receipt of DEP permits for Phase 2 in the event that the Board grants the application.

Chairman Fratinardo stated that he wanted to discuss the issue of sidewalks. Attorney Guinco stated that if the Board would accept their contribution they would prefer that. If the Board would rather have the sidewalk installed the applicant would do that. Engineer Guzzi stated that in the past the Board has given some flexibility to the applicant so it is up to the Board as to whether they want to require the sidewalk. The difficulty there is that there is a ditch along there and it would require some tree removal. He stated that it would be more appropriate if the Township were to put sidewalk on the opposite side of

the street next to the school. In this case the contribution in lieu of may better serve the Township. Attorney Guinco stated that they would accept this.

Engineer Guzzi stated that if the Board acted favorably, the applicant would come back for amended preliminary just to add the phasing and for final approval. Chairman Fratinardo asked if the Board would know when they were coming back? Attorney Guinco said that if the Board could accommodate them they would like to come back in August. He was advised that the August meeting was scheduled for August 23rd and the revised plans must be submitted for review at least 15 days prior to the meeting (August 8th). Attorney Guinco stated that they should be able to meet this deadline and that the applicant would re-notice for the amended preliminary. He stated that it would be for an amended preliminary to permit the phasing plan and then final for Phase 1. They would then go through the SHPO process and if that is approved then they would come back in for final for the 4.5 acres.

Motion of Taylor, seconded by Groze to approve the D1 variance for Use.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Fratinardo, Groze, Montgomery, Taylor, Zekas, Adams
 NOES: None
 ABSENT: Crowell

Motion of Taylor that the Preliminary Site Plan be approved with the conditions that the applicant's planner meets with Mr. DiMassa twice, once prior to construction, once following construction. A contribution will be made to the sidewalk fund, keeping track of the clearing limits so that the site is not over cleared, the right of way will be moved per the request of Burlington County, installation of a black vinyl fence and training for the fire company/emergency responders at the cost of the applicant. There will be submission of a maintenance plan. The applicant will also comply with all the items in the Board's professional reviews as well as all applicable outside agency reviews.

Secretary Montgomery stated that he wanted to be sure that inspection of the gravel access road be added to the maintenance plan. Chairman Fratinardo stated that another condition would be that if any of the tile field drains were hit that they don't impact any neighboring properties. Engineer Guzzi stated that the applicant would have to post performance and maintenance bonds, which will allow time to identify any problems that might arise. He stated that a good condition of approval would be that they make any necessary repairs to any damaged tiles in the ground if it becomes a problem.

The motion was seconded by Buddenbaum. Upon roll call the Board voted as follows:

YEAS: Adams, Zekas, Taylor, Montgomery, Groze, Fratinardo, Buddenbaum
 NOES: None
 ABSENT: Crowell

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The Board took a 5 minute break. The Board returned to the regular order of business.

MINUTES

Motion of Zekas, seconded by Adams to approve the Minutes from the June 28, 2011 meeting. Motion unanimously approved by all members present.

RESOLUTIONS

Resolution ZB-2011-12

Granting a Use Variance to LB Solar, LLC to permit the installation of ground mounted solar panels to provide the electricity for the existing Liquor Barn use located at 1051-59 Florence Columbus Road. Block 165.01, Lot 4.02.

Motion of Zekas, seconded by Adams to approve Resolution ZB-2011-12.

Vice Chairman Zekas stated that at the last meeting the Board had requested that a letter be sent to Mr. Dimon explaining why the resolution was not ready for memorialization at the June meeting. He asked if this had been done. Board Clerk Erlston stated that she did not know if a letter had been sent, but did know that Administrator Richard Brook had a conversation with Mr. Dimon and that a draft copy of the resolution was hand delivered to Mr. Dimon's house.

Upon roll call the Board voted as follows:

YEAS: Bott, Adams, Fratinardo, Taylor, Zekas
NOES: None
ABSENT: Crowell

Resolution ZB-2011-17

Granting Preliminary and Final Major Site plan approval with bulk variances to Florence Family Dental for dental office located at 1011 Hornberger Avenue, Block 96, Lots 1, 2 & 3.

Motion of Taylor, seconded by Buddenbaum to approve Resolution ZB-2011-17.

Upon roll call the Board voted as follows:

YEAS: Montgomery, Fratinardo, Buddenbaum, Adams, Taylor
NOES: None
ABSENT: Crowell

Resolution ZB-2011-21

Granting bulk variances for impervious lot coverage, side yard setback for an accessory building and alley setback to Kevin Griggs on property located at 29 Third Avenue, Block 137, Lot 10.

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Motion of Zekas, seconded by Taylor to approve Resolution ZB-2011-21.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Fratinardo, Gross, Taylor, Zekas, Adams
NOES: None
ABSENT: Crowell

Resolution ZB-2011-22

Granting bulk variances for impervious lot coverage and alley setback for an above ground pool to Clare and Derek Stewart on property located at 308 West Second Street, Block 37, Lot 4.

Motion of Zekas, seconded by Adams to approve Resolution ZB-2011-22.

Upon roll call the Board voted s follows:

YEAS: Adams, Zekas, Taylor, Fratinardo Groze, Buddenbaum
NOES: None
ABSENT: Crowell

Resolution ZB-2011-23

Granting a bulk variance for impervious lot coverage to Charles and Mary Bauer to permit construction of an in-ground swimming pool on property located at 517 Wilbur Henry Drive, Block 82.01, Lots 7, 10 & 11.

Motion of Zekas, seconded by Taylor to approve Resolution ZB-2011-23.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Groze, Fratinardo, Taylor, Zekas, Adams
NOES: None
ABSENT: Crowell

Resolution ZB-2011-24

Granting Use Variance and Preliminary and Final Major Site plan approval to permit construction of ground mounted solar array field to provide electricity for the Fountain of Life Center site located at 2035 Burlington Columbus Road, Block 170, Lot 6.01.

Board Clerk Erlston stated that Solicitor Frank had sent an email indicating that there were two slight corrections to the draft copies that had been sent to the Board via email. On page 4 there are two edits to the resolution, the deletion of discussion of a berm in Findings of Fact No. 13 and the addition of "primary" to the description of the electrical wires that will be underground in No. 14 of the Findings of Facts.

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Motion of Zekas, seconded by Adams to approve Resolution ZB-2011-24 with the changes listed above.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Adams, Groze, Fratinardo, Taylor Zekas.
NOES: None
ABSENT: Crowell

CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated June 29, 2011 regarding Campbell Veterinary Hospital.

Motion was made and seconded to receive and file Correspondence A. Motion unanimously approved by all members present.

PUBLIC COMMENT

Chairman Fratinardo opened the hearing to public comment. There being no one in attendance wishing to comment, motion was made and seconded to close the hearing to public comment.

Motion of Zekas, seconded by Groze to adjourn the meeting at 9:55 p.m..

Ray Montgomery, Secretary

RM/ne