

## **NOVEMBER 3, 2011**

The special meeting of the Mansfield Township Land Use Board was called to order by Chairman John Barton at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. Posting a notice of this meeting on the bulletin board of the Municipal Building;
2. Causing said notice to be published in The Star Gazette;
3. Furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. Filing said notice with the Township Clerk.

Present: Barton, Mayor Tomaszewski (arrived at 7:35 PM), Watters (arrived at 8:05 PM), Mannon, Creedon, Vaezi, Hight, Spender, Smith.

Absent: Myers, Hazen, Mills.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.; Marla Roller, LLA, PP (representing Maser Consulting)

### **Case #11-07, Garden Solar, LLC**

Present for the applicant: Walter Wilson, Esquire; James Chmielak, PP,PE; Chris Nusser, PE; Timothy Ferguson, Principal.

Mannon, Mayor Tomaszewski, and Watters were all recused from the hearing.

Entered as Exhibit A-2 – colorized overall site plan dated 10/17/11

Entered as Exhibit A-3 – cross-section plan

Entered as Exhibit A-4 – cross-section plan L-L

Entered as Exhibit A-5 – cross-section plan M-M

Chmielak explained revisions made to the plan as a result of a meeting with the board's landscape architect. Chmielak explained the access road has been relocated an additional 100' from the residential properties, the switched station elevation was lowered, and there were adjustments made to the proposed landscaping. There were also several notes added to the plan reflecting a tree protection plan, detailed phasing of the project, fence details, no parking on public roads, and the planner and landscape architect to be present for the placement of the trees.

Chmielak explained the maintenance plan for the project, and monitoring inspections for any erosion that might take place. Chmielak, using the exhibits, explained the visual impact to the closest residential properties.

Chmielak explained the project is a permitted use in the I Zone, and presents a lesser impact on lot coverage, building height, and traffic, than other industrial uses. Also, if the project were to be decommissioned in the future, the land will be returned to its current agricultural state.

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Creedon asked what protective measures have been taken for the residential properties.

Entered as Exhibit A-6 – cross-section plan re:sheets 18 & 19

Chmielak explained the view lines to the residential properties and Asbury/Anderson Road. Chmielak stated there would be no negative impacts, because there is an extensive buffer, no noise at the property line, no odors, no nighttime activity, and no glare, etc. Creedon, Vaezi, and Smith asked questions regarding the reflective glare from the panels, and its effect on surrounding residential properties.

Nusser was sworn in, and accepted as a qualified witness.

Entered as Exhibit A-7 – sketch drawn by Nusser

Nusser and Smith had a lengthy discussion regarding angle and reflection, and Smith asked questions regarding the methodology of the calculations as presented by Nusser.

The Chairman called for a brief recess at 9:05 PM.

Upon reconvening at 9:15 PM, the Chairman opened the hearing for public comments and questions.

Edleston asked those who would offer comments to stand and be sworn.

Lynn Timlin of 11 Cheerio Lane expressed concern over Garden Solar, LLC making project commitments when they wouldn't be the owner of the project. Wilson explained the approved plan would control the development regardless of the owner. Should the future owner of the project want to make changes, stated Wilson, they would have to return to the board. Timlin asked specific questions regarding the history of ownership of Garden Solar, LLC. Ferguson briefly explained the history of his company, and the other projects they have worked on.

Carol Borden of Cheerio Lane stated she read the Solar Energy Ordinance, and commented on items in the Ordinance. She then read a prepared statement expressing her view regarding the project, the location of the access road and switching station.

Carol Thompson of Route 57 and Cheerio Lane stated she is in favor of the green initiatives, but read a prepared statement regarding her opinion of the applicant and the proposed project. Wilson expressed objections to some of the statement made by Thompson.

Bob Begley of 16 Westwood Street expressed concerns over the impact to property values, and protection of the Township.

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Scott Ward of 165 Jackson Street stated he grew up on Cheerio Lane, and explained the ownership history of the Hengst farm. Ward expressed concern over toxic waste, loss of views, and fire protection.

\_\_\_\_\_ Townsend of 25 Gulick Street, representing his Grandmother, expressed concern over the project visibility and chemicals in the ground water.

Tina Panagiotou owner of 461 Route 57 expressed concern over the impact to property values.

Carmen Rogers of 914 Anderson Road asked questions regarding the lifeline of the panels and possible future decommission. Rogers also expressed concern over chemicals in the ground water.

Kenny Rogers of Asbury/Anderson Road remarked that other wide open areas and junk yards would be good sources for solar fields. Rogers stated he lived in the western United States and has witnessed panels and windmills, and he doesn't want it in Mansfield Township.

Kevin Conaboy of 11 McCullough Road is of the opinion that his neighbors in Washington Township don't know about the project. Conaboy stated that many of the Washington Township homes will look down on the field of panels.

Gloria Davis of Gulick Street stated her property is wooded, but after the leaves fall off there will be full visibility of the panels.

William Mannon of River Road stated he didn't want to see the solar panels in the middle of an agricultural field.

There were no other comments or questions from the public, and the Chairman closed that portion of the meeting.

Wilson, in rebuttal, explained there is a difference between a zone change and a use variance. The proposed use has been deemed an inherently beneficial use.

Ferguson explained about government grant approvals and incentives, and stated there are subsidies for renewable energy applications. Ferguson gave examples of poor pollution projects. Ferguson explained the federal grant program terminates at the end of the year, but the incentive programs continue through 2016.

Chmielak explained there are no toxic materials in the panels, and stated they are made of glass, steel, aluminum, and poly silicon. Chmielak stated if the system were to be decommissioned, the system would be completely removed to allow for the return to agricultural use. Regarding flammability, Chmielak stated the risk is low, but protection would be at the perimeter.

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Chmielak explained any noise would be generated at the inverting pads within the field, but no noise at the perimeter. There would be no issues with electromagnetic interference to the area. The site operates remotely, and is an entirely passive system. Chmielak anticipated construction would take six to eight months with phasing being managed by the Township Engineer. Regarding impact to property values, Chmielak stated there could be an impact if there was unmitigated development. This project is totally controlled, planned, and any concerns have been mitigated with buffers, etc. Chmielak cited one property sale adjacent to a project, and there didn't appear to be a loss in the sale price.

Carol Borden asked why the switching station was placed closest to the residential properties, and not further into the agricultural property. Chmielak replied they would be considering the relocation of the switching station, but the location was chosen because of the proximity to the interconnection point.

Roller stated she met with the applicant, and an attempt was made to reach some compromise that would help mitigate the residential concerns.

DiSessa stated the plan appears to be consistent with prior testimony, and additional effort has been made to buffer the residential properties. DiSessa stated there are conditions in report, and he felt the biggest impact to the area would be during construction.

Edleston indicated there could be a site visit by the members, but no more than three at one time.

Barton stated it is his opinion that one needs to embrace the green life. Barton stated he wasn't certain this is the proper site, and everyone would like to see a beautiful vista, but farming is economically difficult right now. Barton stated an alternative industrial use on the property could be so much worse.

Smith stated he believes in solar energy, but was of the opinion the panels are better placed on buildings.

Spender wanted to know if the access road had to be located next to the residential properties. Chmielak replied it was the best location given topographic constraints, but they would review the location.

Hight asked why the projects aren't operational right away. Ferguson explained that First Energy has to accept and connect the projects.

Vaezi stated the property has been designated as industrial property for a long time, and the assumption was that the residents knew that. Vaezi stated his main concern is protection of the residential properties.

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Barton asked if there was a benefit to the Township. Wilson stated taxes would be paid on the site, and there would be more reliable electric service. Barton stated he is for renewable energy, but there are difficult circumstances with this site.

Creedon expressed concern over the haste of the proposed project. Creedon asked if a glare study had been done, and wanted to hear from the fire department on fire containment. Wilson stated they already met with the fire department, and they rendered their opinion. Creedon stated he would like to visit a site that is currently functioning, and he would like to visit this site. Creedon asked if there would be a glare impact to the local airport.

Barton and Wilson stated there are many solar projects used around airports.

A poll of the board reflected several members willing to vote, and a couple were unsure. Wilson asked to be given the opportunity to offer a site visit to the members.

**MOTION** was made by **BARTON** to carry the matter to the next meeting, and for site visits to be offered to the members.

**SECONDED: CREEDON.**

Those in favor: Creedon, Vaezi, Spender, Smith, Barton

Opposed: Hight.

Abstained: None.

Vaezi stated he wouldn't be in attendance at the next meeting.

**MOTION** was made by **BARTON** to adjourn the meeting at 10:57 PM.

**SECONDED: VAEZI.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk  
(as written)