

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Conditional Use Hearing, February 15, 2023

The Lehigh Township Board of Supervisors held a Conditional Use Hearing on Wednesday, February 15, 2023, at 6:00 p.m. to hear the matter of Solar Renewable Energy. J2-7-14A. The meeting was held at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport Pa. 18088. A stenographer was present to record the testimony of the hearing. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
 David Hess
 Phil Gogel
 Jerry Pritchard
 Mike Jones
 Attorney David Backenstoe
 Alice Rehrig
 Mike Muffley
 Liz Amato

The applicant was Joe Burger as the agent for Solar Renewable Energy, LLC. The owner of the property by deed is Melo Enterprise, LLC. Sal Melo was present. There is a sales agreement (Applicant Exhibit 1) which gives the applicant the right to apply for the conditional use.

Liz Amato confirmed the conditional use hearing was advertised in the Express Times on February 1 and February 8 (Township Exhibit 1) and the property was also posted (Township Exhibit 2) in accordance with the Zoning Ordinance and Municipalities Planning Code. The adjacent land owners were also notified by letter of this hearing. (Township Exhibit 3)

The project is located in the General Commercial Zoning District. A principal solar energy system is listed as a conditional use in this zoning district. In order for the application to be approved, the applicant needs to meet the general conditions listed under Section 180-128 and the specific criteria listed under Section 180-107. There are shifting burdens under a conditional use application. A conditional use is a permitted use in which conditions may be attached. If objectors prove to the Board that this particular use is more detrimental to this community than it may be otherwise to any other community, the burden would then shift to the applicant to show that it is not more detrimental to the community. The general criteria in 180-128 apply to every conditional use and there is a presumption that the general standards are met because a conditional use is listed as a permitted use in the zoning district. The applicant does need to provide something to demonstrate they meet this criteria. The applicant does have the burden to prove they meet the specific criteria listed under Section 180-107.D.3 for ground array solar systems.

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David Faust from Solar Renewal Energy, LLC provided the Board with a brief background about Solar Renewal Energy. They are located in Mechanicsburg, Pennsylvania, and have been in existence since 2009. They are one of the largest solar developers, owners, and financiers in Pennsylvania. One of their projects is the largest metered project in Pennsylvania and is located in Center County for the Joint Authority. They have also done several other large projects including a floating solar project in Centerville, New Jersey. They operate mainly in the mid-Atlantic with 90 percent of their business occurring in Pennsylvania. They have completed approximately 250 projects in the mid-Atlantic and over 200 megawatts of solar have been installed. Phil Gogel noted most of the projects that were shown seems to have been public projects for municipalities or authorities. He questioned how many were done for a private land owner. David Faust commented they are in the process of completing 20 of them right now. To date, they have not completed projects where they would be the land owner.

Chris Hinkel from Berget Associates requested that all the attachments that were submitted with the zoning package be included as part of the record. This would include the application (Applicant Exhibit 2), the project narrative (Applicant Exhibit 3), the deed (Applicant Exhibit 4), two tax maps (Applicant Exhibit 5), zoning map and enlargement (Applicant Exhibit 6), black and white plan of the array (Applicant Exhibit 7), and the colored plan (Applicant Exhibit 8). The address of the site is 4880 West Mountain View Drive. They are on the northside of the roadway. The land is an 8 $\frac{3}{4}$ acre vacant tract with no improvements on it. There is an existing field/driveway access to the open field. To the western side of the property, there are three adjoining lots, two of which are residential and the other is a commercial lot. To the right, there is an open agricultural lot as well. There is a tree line around the parcel. Applicants Exhibit 7 shows the existing field which they are proposing to utilize for this project. It also shows the solar arrays. They are proposing to align multiple rays of solar oriented towards the south to collect energy. They will be joined together and run through inverters which will be tied into the existing grid. Solar Renewable ties directly into the grid through poles, either with Med-Ed or PPL. They have a contract through Public Utility Commission to do this. This is something that they typically do for outside agencies. They have not yet completed a project such as this one. David Faust clarified that these projects are behind the meter projects. There will be a PPL meter on site for the small amount of usage that the inverters use at night. During the day, the production from the solar energy will spin the meter backwards. This project is a behind the meter project, no different if they were to place solar panels on the Township Building behind their meter.

Phil Gogel questioned if there will be a building for the inverters and a transformer to transform it to 69K or 480 in order to back feed it. What would the size of the substation be? David Faust commented they use string inverters. There will be numerous string inverters, probably 15 to 20 throughout the site. There will be a pad where they will have a transformer as well as a switch gear and protective relays within that switch gear.

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Phil Gogel questioned what voltage the inverters will convert the power to when sending it to the transformer when converting it from DC to AC. David Faust commented it will be converted to 480 volts running through piping. Phil Gogel commented the piping will most likely be underground and questioned if there will be trenching. David Faust commented there will be a one foot trench that is approximately three feet deep, going pretty much through the center of the project. The pad that will hold all the equipment will be approximately 15 feet by 15 feet.

Phil Gogel questioned if this will be enclosed with a chain link fence so no one can get into the site. David Faust commented they would do whatever type of fencing they are required to do. Phil Gogel commented most substations have eight to ten feet chain link fence with barbed wire on top to prevent someone from climbing inside. Chris Hinkel commented when they submitted for the hearing, they submitted what was needed for the zoning use. When they submit their land development plan, these specific type of details will be shown on the plans. The inverters are small in nature so there will not be a building on the site.

David Hess commented it would be beneficial to have some of the details available for the hearing. Chris Hinkel commented they typically don't do this until the land development phase. They are still in the planning stage and they may not have an exact count. There is a lot involved with their permitting through the PUC and where their attachments are going to be, which dictates where the lines will run and the attachment points from there. David Faust commented PPL will tell them where they should locate their transformers and similar items. They don't have exact control over everything.

Chris Hinkel commented their lot is an existing lot which falls within the commercial zone and it does allow for the principal solar energy systems based on the specific criteria of Section 180-107. The lot had the width, the depth, and area to handle this type of situation. They are working on a ground mounted system. Everything will be placed by placing a post in the ground with a mechanical device. They would use a pile driver to send a stake or post into the ground similar to a guiderail. A superstructure is built upon that and the panels are laid out on that superstructure and connected electrically. The superstructure is typically three feet off the ground and sloped in the direction of the sun. They top out at 9 to 10 feet in height which is in compliance with the zoning ordinance.

Phil Gogel questioned if the panels are fixed or tracking. David Faust commented the panels will be fixed, non-tilt and non-tracking; no moving parts.

Chris Hinkel commented the panels will be placed at the building setback line and be at least 20 feet from the property line as required by the ordinance in order to keep the panels and equipment 20 feet or more from the property line. Everything on the site will be contained within a fence. They usually like to do a four wire fence that is labeled out for high voltage,

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danger, do not enter. There is not really a danger concern as much as there is for trespassers and protecting their services and devices. The fencing is always kept 10 feet away from the equipment to keep people away from it. They will use the existing driveway access coming into the site. For screening purposes, three of the sides are completely wooded vegetation. On the fourth side, they do have a portion that is open. As shown on Applicants Exhibit 8, their intent is to provide screening to create the required buffer.

Phil Gogel questioned if there is a current HOP. Chris Hinkel commented there is an existing driveway, but does not know if there is a defined HOP on record. Mike Muffley noted that with West Mountain View Drive being a Township roadway, there would only be a driveway permit needed. It would be discussed with the Planning Commission as to what improvements may have to be made for the driveway access. Phil Gogel commented it was his understanding that the existing driveway was only for the tractors to access the field; it wasn't an actual driveway because it was for ag use. Chris Hinkel commented they would be open to applying for a driveway permit to the Township for the use. He also noted that the facility doesn't require employees to be on site at a daily time.

Chris Hinkel also commented the DEP guidelines for solar farms is to keep grass and vegetation below the panels to help with runoff. They like to keep it at four to six inches in height to help with erosion. The maintenance is seasonal mowing and walk through the sight about three times a year to make sure everything is okay. They do remote sensing so they can detect if there are any issues with the panels or inverters. It is on a 15 minute relay to check the output and system. There is no day to day access to the site; only the seasonal maintenance on the site.

Chris Hinkel commented it was noted in the requirements that there is a requirement for bonding or security for decommissioning. It is in the company's interest to keep the arrays functioning, since they are purchasing this property and ultimately will be the owners, builders, and operators of the facility. A lot of times when decommissioning is discussed, Board's ask what happens when the panels reach their life expectancy of 20 to 30 years. The company's ultimate goal is to replenish, renew, and keep it going. As the owner, it is their property and something that they are going to maintain and take care of. Some Board's bring up the bonding and some do not. This is a new way. They are willing to put up financial security as required to handle the needs, but this property will be part of their asset and they will want to maintain it. Attorney Backenstoe commented when it comes to the decommissioning, it doesn't matter whether they own it because the company can still go bankrupt and leave all the panels which is why the bonding is required. The ordinance states that the applicant shall provide appropriate financial security. This is mandatory, not discretionary. If the applicant does not want to provide the appropriate security, they would need to obtain a variance from this particular provision.

Jerry Pritchard questioned how the financial security is determined. Attorney Backenstoe commented the applicant is supposed to supply that information. They are supposed to supply a

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cost estimate for the Township Engineer to review and determine whether or not it is acceptable. The security shall be adequate to cover the cost of decommission of the solar system according to all state and federal regulations. The specific section in the ordinance defines decommission.

Chris Hinkel commented there was some discussion at the Planning Commission regarding the decommissioning and they did provide some recommendations to the Supervisors. It was one of five items listed in their January 13, 2023, letter (Applicant Exhibit 9). The five recommendations were:

1. All specific criteria of Section 180-107 shall be met.
2. The 4 wire cattle fencing shall be provided.
3. The necessary buffering shall be provided for the neighboring property owner.
4. Financial security shall be provided.
5. Consideration shall be given to paving the access drive within the Township right of way.

The applicant is agreeable to the conditions set forth by the Planning Commission.

Jerry Pritchard questioned how the Township could agree on something without knowing the costs. Attorney Backenstoe commented normally the applicant would provide the cost estimate prior to the hearing. It could be made a conditional of their approval that a cost estimate be provided. Mike Muffley commented he reviewed a publication from New York State Energy Research and Development Authority. They estimate a cost of \$30,000 per megawatt at present day cost. You would then have to calculate out the inflation rate over the service life of the system. An example would be a 2 megawatt system with a 20 year service life would require security of \$98,000 when inflation is calculated in. This is the only study he has reviewed at this point. David Hess noted there is a comment in the Planning Commission minutes (Township Exhibit 4) that the life of the panels could be 30 or 40 years. He wouldn't be comfortable with using 20 years for inflation calculations. Mike Muffley commented there is a provision in the Municipalities Planning Code that does allow you to update the security.

Cindy Miller posed the following questions:

What is the estimated lot coverage for the project? Chris Hinkel answered approximately 50 percent. They can meet the criteria of lot coverage. Attorney Backenstoe commented Section 180-107.D.3.(e) addresses and defines what is used to calculate lot coverage and impervious cover.

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Does PPL have control where the power connects to? David Faust commented they have a say. It's like getting a new service anywhere. There is conversation as to where the transformers go and where the meter goes. Cindy Miller commented she was referring to where the power is distributed to or does Solar Energy determine where the power is distributed to. David Faust commented anything that is back fed will be fed into the grid for local consumption. The electrons to go where ever there is a need. Jerry Pritchard questioned what percentage of the Lehigh Township residents would benefit from this? David Faust commented there really is no way to make that determination. Chris Hinkel commented it is just like getting public water from several miles away. The water comes to your house, your neighbor's house, but it can also continue ten miles down the road. They provide the flow into the system and it goes to where the draw is. David Faust commented it operates the same way that it would on someone's house. Whatever is back fed through the meter, goes back into the grid.

Will the utilities for connection be above or below ground? David Faust commented it will be however PPL decides to get power to them and get them their service. It's at their discretion how they would get it there. Everything on their end will be underground, including their interconnection with PPL. Nothing will be overhead from their end.

What material are the panels made of? Aluminum, 12-16%; silicon less than 1%; glass, 65 to 80%; plastics, 8 to 12%; silicone, 2 to 4%; metals, aluminum, copper, tin, 1 to 2%; lead, less than 1%; silver less than .5%. Phil Gogel noted DEP Chapter 102 considers all panels as hazardous waste.

How many panels will be included in this project? David Faust estimated the total number of panels will be between 4,000 and 5,000 panels.

What is the process if the panels need to be decommissioned or a lot of panels would need to be repaired or replaced at one time? Where would you take the panels? David Faust commented they have options. There is a growing recycling industry for solar panels. Almost all of the materials are recyclable. There is also a third party market for used panels that is developing. There is a developing market to send panels to 3rd World Countries, to send panels to Africa, South America, and parts of Asia where the sun is stronger. They can gain additional life out of the panels when they are not as efficient here.

Is there a place now that you would take them? David Faust commented there are recycling places where they can take them now. There are recycling places in Europe that have been established for the past 10 years; they are a lot further along in their products and deployment of solar. The recycling industry is a little more developed in

Europe right now. It is also hard to forecast what solar will look like in 40 years and what businesses will be developed around the industry that they will be able to take advantage of.

How would you maintain the site? David Faust commented there are no moving parts. They will be remotely monitoring the panels from their desktop. As soon as they would see production fall they would be notified by an alert that is sent to them. At that point, they would send out a technician to diagnose and fix the problem. As far as maintenance of the site, the only thing that would be required would be to keep the grass down from the panels. They don't want to have the grass growing to a height that would cast shade and make the panels inefficient.

Will there be grass under the panels? Right now, it is a cultivated field. David Faust commented they plan on having grass under it. There have also been instances, where appropriate, where they have kept sheep on the site to help with the grass.

How do you maintain the panels? Do they get cleaned? David Faust commented the panels maintain themselves and do not need to be cleaned. The panels are on a 20 to 25 degree tilt and rain takes care of the maintenance.

How do you maintain the grass? David Faust commented it will be mowed two to three times per year; enough to keep it down. DEP guidance wants grass under the panels to soak up rain. They want it to be 5 to 7 inches high, similar to a pasture condition. They don't want it to be a lawn. Jerry Pritchard noted the Township doesn't want it to be a weed field either. David Faust commented it would be done on an as needed basis.

What about lighting? Chris Hinkel commented the only lighting will be emergency lighting. There are no lights needed for operations.

When you get rid of the panels, is it considered hazardous waste at all? David Faust commented it is not. Lead, which is less than .5 percent of the panel is the only hazardous material in the panel. Phil Gogel commented he believes EPA recognizes the panels as hazardous waste.

Is there any soil erosion expected? Chris Hinkel commented there is none expected.

How will runoff water be handled? Chris Hinkel commented the DEP Chapter 102 guidelines will be used. For all sites under a slope of 10 percent, if you provide a separation from panel to panel that is the same width as the panel in a grass condition, it will take care of all the runoff. If there are areas that are over 10 percent, there are also guidelines similar to another type of site. This site does not have any areas that are over

10 percent. There are certainly able to handle any type of stormwater that is required. They will be providing enough separation from panel to panel to handle the requirements of the DEP 102 guidelines. Mike Muffley clarified that this site will have more than one acre of disturbance so an NPDES permit will be needed. Chris Hinkel commented there will be an area of trenching and a one foot area of disturbance for the posts. They do look into this and follow whatever guidelines are needed.

Will there be any noise coming off the site from the inverters? David Faust commented the audible noise from one inverters is less than 65 decibels at one meter which is the equivalent of normal human conversation. At 25 meters, it is less than 37 decibels which is the equivalent of whispering nearby. Chris Hinkel noted that these distances are from the inverters themselves. The equipment on the site will be at least 20 feet from the property line.

How many inverters will be on the site? Chris Hinkel commented it will be dependent upon what PPL requires. David Faust commented there will be between 20 and 30 string inverters. Phil Gogel questioned how large the inverters will be. David Faust commented they are approximately 45 inches wide by 24 inches tall with a height of 6 inches. They will all be attached under the superstructures.

Will there be any batteries? Chris Hinkel commented there will not be any batteries.

Will anything be stored on site? Chris Hinkel commented nothing will be stored on site. They will contract with a local landscaper to come into the site as needed. Other than construction, there will not be a need to store anything on site.

Jerry Pritchard questioned how long they have been in business and if there were any projects that did not pan out. David Faust commented they have been in business since 2009 and have not had any projects that didn't pan out.

Mike Jones questioned what the size of the panels are. David Faust commented they use a company called VSun from Vietnam. They are roughly 6 to 7 feet tall by 2 to 3 feet wide.

Phil Gogel questioned if there will be gravel placed under the drip edges of the panels to absorb the run off. Chris Hinkel commented it typically is not required. It only becomes an issue when there is more than 10 percent slope. Phil Gogel commented there typically is a cut from rain water regardless of slope. Chris Hinkel commented if erosion becomes a problem, they can add some. David Faust commented there is about a quarter inch gap between each panel so all the water running off will not be concentrated in one area. It is not a continuous sheet flow. DEP Chapter 102 guidelines do not count the panels as impervious coverage if they are on less than

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10 percent slope and provide the quarter inch gap. The only impervious cover would be the post itself. Phil Gogel commented Chapter 102 is just guidelines. It doesn't effect regulatory guidelines of the municipality.

Cindy Miller requested clarification on the screening. Chris Hinkel commented everything along the roadway is wooded already. The tract is also elevated from the roadway. There are woods on two other sides of the property. They will be providing screening in the grass area by the home on the Solar Renewal side of the property line. Mike Jones noted that some of the existing buffering is on another property. If that were to come down, there would no longer be any screening. Chris Hinkel commented they are able to provide adequate buffering on their property and will address this through the land development process. Mike Jones commented he doesn't want Solar Renewal to rely on the neighboring property to provide the buffer.

Phil Gogel noted there is a consultant tool within Chapter 102 where someone from DEP helps formulate a plan. Why didn't Solar Renewal go through this process? Chris Hinkel commented he is not familiar with that service, but right now they are at the point where they are seeking permission to further develop the plans. Most of these items are developed during the land development stages.

Morgan Luniewicz, 926 Riverview Drive, was present as a neighboring property owner. His property is located to the northwest of the site. He shares approximately 166 feet of property line with the project and had the following comments and questions:

Clarification that this project is not a zoning change, but a conditional change in use. The Board confirmed this is a change in use for a principal solar energy farm.

It was stated that only mowing will take place. Will any chemicals be used to control vegetation or cleaning of panels? David Faust commented no chemicals for vegetation or cleaning of the panels. Mr. Luniewicz noted he has a well down hill and he has had previous issues; it is very susceptible.

Where will the string inverters be located? David Faust commented they will most likely be down the center area of the array. Mr. Luniewicz commented his master bedroom window is located on the side of the house closest to the project. When the trees have limited foliage there is no sound absorption. If someone is up in the field talking, he is able to hear the conversation. If the wind blows in a certain direction, he can even hear a whisper. If the inverters were located along the edge of the project, it could have an effect on his property. The inverters would be like having 25 to 30 people whispering outside his window and he does have his windows open at night. Mr. Luniewicz questioned if the applicant would consider installing a solid mass wall to absorb the sound rather than just a visual buffer. David Faust indicated they would be

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willing to look into this. He also noted they will be well beyond the 25 meters with the inverters so it would be less than a whisper. Mr. Luniewicz commented it is possible that there may not be a problem, but he also doesn't want to risk having a buzz outside his home. He is a proponent of solar so he does want the project to work. David Faust questioned what size wall Mr. Luniewicz was looking for. Mr. Luniewicz commented it would be approximately 300 feet long, maybe less. It could be a simple mass structure. David Faust commented it is definitely something they would entertain; he just doesn't want to get into multiple layers of screening where there is vegetation and special fencing. David Hess questioned what happens if PPL doesn't provide the connection where you are expecting? How will that effect the location of the inverters? David Faust commented they would still be in the center area. If they get too far off center, it makes them inefficient from a construction standpoint. They won't be moved that far off center.

Confirming that there will not be any lights or night pollution until maintenance is needed. David Faust confirmed that is correct. The general maintenance would take place during the day.

What will the setbacks be? Chris Hinkel commented the minimum setback is 20 feet. Mr. Luniewicz commented there are animals that live in the forest and regularly migrate back and forth. Can it be ensured that there is at least a five foot swath that would allow the animals to pass back and forth? Chris Hinkel indicated the fencing for the project will be located 10 feet off the panels and the panels need to be 20 feet from the property line. The four strand fence also allows animals to get under it.

During construction, could a water truck be at the site for dust control if the work is taking place during a drought? At the very least, communicate with the neighbors so they can park cars elsewhere.

Mr. Luniewicz commented, barring any noise from the inverters, he is a proponent of the solar project.

Jere Schneck, 338 Oak Street, Walnutport was present representing an adjacent property on the western side of the property that is in an estate. His concern pertained to the tree line that is shown on the mapping. The property is listed for sale and he doesn't want the future property owner to be responsible for building a barrier for sound or sight if the trees were to go away. He is also a proponent of what they are trying to do, he just doesn't want the future owner of the property to be responsible. Chris Hinkel commented they are willing to provide the necessary buffering within their property so that type of situation does not occur. Attorney Backenstoe commented Section 180-107.D.3.(f) sets for the requirements for visual screening.

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Katherine Mack, 3774 Peach Drive, has some zoning interests because she is on the Zoning Hearing Board and this is part of zoning, although they are not involved. She hears a lot of things that are ambiguous and there are no definite answers. The exact number of panels is not known, 4,000 to 5,000 is a big jump as far as she is concerned. There is no definite cost that is known for the removal of the panels. That is something the Board needs to know because it is a condition of the use and it would have to be established as a condition if they were going to grant the use. She knows this is a general commercial area and that this is allowed, but was wondering what the tax advantage is to the Township. Is this considered a utility and not taxed? How is this an advantage to the Township? David Faust commented generally, solar is considered tax exempt. Katherine Mack commented this is a 8.6 acre commercial tract that will be developed with no tax benefit to the Township. There is no guarantee that the Township will benefit from the energy. This is a business where they will be making the money off the solar panels. David Faust commented the Township will be receiving some of the energy, but he cannot quantify that number. Katherine Mack commented that is part of the problem. There has not been much quantifying of anything. There is nothing known about impervious coverage, PPL requirements and a lot of the issues are related to what PPL will require. That is something that should be substantiated so it is known where everything will go.

Cindy Miller commented it is not only that the property is exempt at zero, but the value of all the properties around the project will go down.

Jerry Pritchard commented he agrees that there should have been more information known. The presentation sounds good, but there are no absolutes.

Salvador Melo, owner of Melo Enterprises, and the current owner of the property. He understands that Mr. Luniewicz is concerned about the possibility of 25 whispers. The property is zoned general commercial which permits several other uses which would create a higher level of decibels at any given point. There are really no limitations as to when there could be ingress and egress to the site. Listening to Mrs. Mack's concerns, the representatives of Solar Renewable Energy have represented all of the criteria of the conditional uses, meeting the total lot coverage of 50 percent. In his opinion, all of these items are to be addressed within the SALDO ordinances. The Board of Supervisors do have the alternate say in the final approval of this. He has done land development before and if we let each body of government go through the process, knowing the Supervisors have the last say. If you are not in agreement at that point in time, you can raise your concerns. Solar Renewable Energy has presented to the Board something that is undeniably within the SALDO ordinance, he doesn't think it is fair to not allow them to proceed. Katherine Mack also mentioned, what benefit the project will be to Lehigh Township. He owns a 27 acre farm in Lehigh Township. Last year, that property generated \$2,000 for Jeff Williams to use it as agricultural farmland. The taxes on the property were \$12,000. How does this benefit the taxpayer who has to pay the taxes to the Township, County, and School District? The property owner should also have a say in the generation of

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monies that are coming from the property. Mrs. Mack has no chip in the game; she has nothing to lose. She may say or Mrs. Miller may say how this is going to effect the value of surrounding properties. This property was in an agricultural use. The Township has designated it as commercial. Who carries the burden on designating a property and how it effected Mr. Luniewicz's property? The burden is not on Solar Energy and it is not on Melo Enterprises. He would like this to carry some thought and consideration. This property currently pays about \$4,000 in taxes per year. Mr. Lorah farms that property as a zero return, just to keep the field mowed. This project will provide a product that can still provide energy in the event of a power outage of a transformer for 300 to 400 of the local residents. There is a benefit in that. These gentlemen will continue to pay taxes as he is. There is a benefit from the transfer taxes on this property and he also paid for a subdivision to fix a problem that was left behind because the property was naturally subdivided by a road that was put in by the Township. There was never two deeds provided to Mrs. Scheckler or a subdivision that was paid for by the Township. It was paid for by Melo Enterprises. The money earned by the transfer taxes on this property could be put into 433 Willow Road to beautify the neighborhood from a property that has been neglected. From his perspective, something positive is being proposed. There are proponents in the audience that are willing to accept it. All that is needed is for the Board to move it forward to the SALDO and Planning Commission and let it work through the system. In the end, the Board of Supervisors will still have the opportunity to judge whether it has been scrutinized enough or whether you feel it is a valid use. He wants the best of outcomes for this property and the community to be better by taking care of neighbor's concerns and the Supervisors to respect someone who wants to come in and do something that is in accordance with the Township ordinances.

Morgan Luniewicz commented he quickly looked up pricing on walls. It looks like something could be installed for approximately \$1,000. Is this something Solar Renewal Energy would be willing to do? David Faust indicated that they would be. Mr. Luniewicz commented he does realize that it is a sacrifice for the tax revenue being missed, but this project is good for the planet. He also looks at this as this property is hard to access. To use it for another commercial use, you would need to do something with the road which is also an accident zone. Solar panels on this field seem like the ideal thing for this property. He is willing to better all of us and to take some sacrifice, if they are earnest to do their best to protect the environment to allow the animals to migrate through, no chemicals be used, and try to mitigate the sound. He believes this is a good test run to see if it is something that turns out good.

Alice Rehrig questioned if another NPDES permit would be needed should the project need to be decommissioned since they would again be disturbing ground. Mike Muffley commented it would depend upon how their permit was acquired. Typically, the NPDES permit is for each disturbance, then there is post construction stormwater management. If the decommissioning happens 20 years from now, theoretically, this permit should have been terminated, so a new permit should be acquired to regrade the entire site. It may only be a restoration permit so new

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designs may not be needed and it could be a simple application, but yes a new permit would be needed in the future. Alice Rehrig also asked for clarification on the taxes for the project when the project is completed. Will the entire parcel be tax exempt? David Faust commented they would still continue to pay the same taxes that were on the property prior to development. The solar panels themselves do not add to the value of the property.

Katherine Mack commented she is concerned as to whether the Board of Supervisors, as a panel, has enough information in order to make a decision. The Zoning Hearing Board sometimes requires a continuance in order to get more specific information. If the Board doesn't feel they have enough information, they can ask for a continuance for the specific information to be supplied. She doesn't like the idea that the Board could completely negate the proposal, but if she were sitting on the Board, she would have some questions where she felt she needed more information.

The testimony for tonight's meeting was closed.

Attorney Backenstoe noted if the Board feels they have enough information to render a decision, the hearing would be closed. If the Board thinks they need additional information, then it can be requested of the applicant and the record can be left open and the Board would need to reconvene to take the additional testimony. Once the record is closed, the Board would have 45 days to render a decision in writing. The Board can also go into Executive Session to discuss the application and render a decision at a later date.

Phil Gogel commented he would like to see more information regarding the buffering and noise inhibitors because it would be beneficial to the neighbor and the Board. He would also like to see an engineering print so he can understand the way the pad and transformers will be installed. It would give him a better idea as to whether he would want to request an eight foot chain link fence with barbed wire so there is no chance of someone getting onto the property and getting electrocuted by the transformer. For the safety of everyone, he would like to see more on the engineering side for the distribution setup.

Cindy Miller commented the cost of the decommissioning is a concern and we don't have answers to that. She has concerns with making a decision without that information at this time. Jerry Pritchard questioned how the bond would be set without having that information. Attorney Backenstoe commented it could be where the applicants would agree to continue the hearing, but they don't have to, and provide that information at an upcoming meeting. It would be great if they could provide that information in advance so the Township Engineer could review it. Another way to do it would be to end the hearing and close the testimony. If the application is denied, it is not an issue. One of the reasons for denying it could be that they didn't offer enough evidence of security for the decommission. If the Board wants to approve

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the project with conditions, then one of the conditions would be that they provide security in an amount acceptable to the Township Engineer. Both ways would be acceptable. If the Township Engineer is not satisfied with the security that is offered, then they don't pass go.

David Hess commented he would want something is writing that there is a proper barrier being provided so there is no noise for the neighboring property owner. He doesn't want it to go through the planning process and something else end up going in there. Attorney Backenstoe commented it could also be approved with a condition that they put up some type of sound proof fencing. It would be difficult to require no noise come off the site. He understands the concern about noise, but some of the other permitted uses that don't even need a hearing are automobile sales, service, filling station as a special exception, a bank, community center, hotel, health club which are uses that could be a problem for a neighbor with noise. He doesn't believe it could be no noise, but it could be soundproofing at a reasonable cost to the applicant.

The Board went into Executive Session to deliberate this matter. Upon returning from the Executive Session, Cindy Miller made a motion to approve the application with the following conditions:

The applicant shall comply with every and all aspect of the Conditional Use Ordinance Section 180-128.C, paragraphs 1 through 14.

The applicant shall comply with any and all criteria set forth in Sections 180-107 of the Zoning Ordinance. In particular, but not limited to, the following:

The applicant shall provide sufficient financial security pursuant to this ordinance in an amount to cover the cost of decommissioning the ground array solar system in accordance with all applicable state and federal regulations. That cost should include the cost of engineering and design of an NPDES permit. That form of security must be in an amount sufficient to the sole discretion of the Township Engineer.

The applicant should comply with the following which are set for in Section 180-107.4

- (a) Any glare from a solar panel shall be directed away from an adjoining property.
- (b) The installation of a solar energy system shall conform, to the extent applicable, to the Pennsylvania Uniform Construction Code, regulations, if any, adopted by the Pennsylvania Department Labor and Industry, and to applicable industry standards, including those of the American National Standards Institute. Manufacturer's data and certificates of design compliance shall be submitted with the land development plan.

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- (c) The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- (d) The applicant shall demonstrate that reasonable efforts have been taken to avoid any disruption, interference with, or loss of radio, telephone, television or similar signals and shall mitigate any such harm caused by the nonresidential solar energy system.

The Applicant shall erect a sound proof fence or barrier along the entire western portion of the proposed property.

The Applicant shall mitigate any and all dust associated with the development of the property.

The Applicant shall prepare and submit a complete decommissioning plan which will include the following:

The estimated life span of the project.

Defined conditions upon decommissioning shall be initiated, such as the end of ownership, end of operation of the facility for a certain period of time, or preidentified end date.

Identification of the party responsible for the decommissioning.

Statement defining how notification will be made of the intent to start the decommissioning process.

Description of any agreement made with the landowner regarding decommissioning.

Plans and schedules for updating the decommissioning plan over time.

Decommissioning tasks and timing, including: removals of all equipment, structures, fencing, roads, and foundations.

Restoration of property to conditions prior to solar development.

Time frame for completions of decommissioning activities.

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Detailed decommissioning cost estimates prepared by a knowledgeable and independent party. This may or may not include the salvage value of solar equipment and infrastructure, a description of expected impacts on natural returns and the form of financial security.

Jerry Pritchard seconded the motion. All voted aye, Motion carried.

Jerry Pritchard made a motion to adjourn. Cindy Miller seconded the motion. All voted aye. Motion carried.