

HAZLE TOWNSHIP ZONING HEARING BOARD OF APPEALS

PO BOX 506, HARLEIGH, PA. 18225

April 2, 2024

Meeting Minutes

Meeting called to order by Chairman, Rick Korinchock at 5:00PM.

Pledge of Allegiance

Rick Korinchock motioned to break for executive session.

Rick Korinchock called the meeting back to order and announced Jamie Price will be a full-time member of the Zoning Hearing Board in the position of Secretary. She will replace a member who had to resign due to health reasons.

Roll Call:

Chairman- Rick Korinchock- Present

Vice-Chairman- Paul Rashko- Present

Solicitor- Nina Sordoni- Present

Recording Secretary- Tammy Blasko- Present

Secretary: Jamie Price- Present

Zoning Officer- Chuck Krone -Present

Court Stenographer- Present

Aggrievement statement: Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Supervisors of Hazle Township may appeal to the Court of Common Pleas of Luzerne County by petition duly verified setting forth that such decision is Arbitrary, Capricious and an abuse of their discretion or otherwise not in accordance of law and specifying the grounds on which he relies

Hearing#1

The application of the Hazleton Area School District for a hearing to reconsider the previous conditions set forth by the Zoning Hearing Board pertaining to property located at 1601 W 23rd St (baseball complex).

Rick Korinchock swore in Hazle Township Zoning Officer Chuck Krone who presented Hazle Township Exhibit A which included application for hearing, notice of neighbors notified, deed, plot plan and public notice. He also presented Hazle Township Exhibit B which included past minutes from the Zoning Hearing Board and copy of briefs from State Supreme Court.

Nina Sordoni stated the applicant was there in good standing.

Myer Messinger stated he was present to represent the HASD. Reason dates back to the 1990's in regards to the decisions rendered as to utilization of the athletic fields, in particular the baseball fields. Their intention is to make improvements to the existing fields that were not

allowed pursuant to decisions made in 1993, 1994 and 1996. Briefly in 1990 the school district was granted a special exception to build the high school. In 1993 the school district applied for a special exception to build the athletic fields. The board in 1993 placed restrictions as to who can specifically use the fields and that the HASD would need to request permission from the Zoning board for any construction such as lighting, scoreboards and concession stands. In 1994 the Zoning board did approve the construction of a back stop, two dugouts, a score board and two water fountains with the stipulation that no other construction could be done without the approval of the zoning board.

The district intends to submit plans for an educational overlay district which is directly relevant to this because a lot of the uses they are seeking tonight and the improvements will be added as permitted uses into that overlay district.

Rick Korinchock swore in Robert Krizansky.

Messinger asked Krizansky what his relationship is to the HASD and does the HASD own property in Hazle Township? Krizansky testified he has been employed by the HASD since 1995 and is currently the business manager. Yes, the HASD owns the property where Hazleton Area High School, Hazle Twp Early Learning Center, Maple Manor Campus, Career Center and Administration Building, athletic fields and the baseball field is connected to the high school at 1601 W 23rd St. Hazle Twp.

Messinger showed Krizansky a deed and asked if he was familiar with the deed? Krizansky testified he was. It is the deed for the Hazleton Area High School (HAHS) and the adjoining athletic fields.

Messinger asked who uses the baseball fields? Krizansky testified HAHS baseball teams for games, practices and scrimmages and occasionally for Phys Ed classes.

Messinger asked if they receive requests from outside organizations to rent the athletic fields. Krizansky testified since he has been employed by the HASD he was made aware of the restrictions and had to deny the requests.

Rashko asked if the fields have ever been rented out? Krizansky testified no it has never been Rented out due to the restrictions, he was made aware of as to the use of the field.

Korinchock asked if the baseball fields were used for district playoff games into the states? Has the PIAA requested to use the field? Krizansky testified no, because of water issues, their home field was the Rex Antinozzi field. Now that the field is turfed they are using it on a regular basis. All of their playoff games have previously been on neutral fields.

Myer Messinger asked would anyone else in the district benefit from using the fields. Krizansky testified possibly for 9th – 12th grade Phys Ed classes. The 7th and 8th grade baseball programs but he believes they are looking to use the Rex Antinozzi field or the West Hazleton field.

Korinchock -Can you expand on the current request you denied and who made the request? Krizansky testified the current request is by the high school baseball coach who wants to host a

camp- not sure of the grades, Can we ask the coach – he is here? Korinchock swore in Russ Canzler who testified the rental request is for an MLB approved Pitch Hit and Run event which is a free camp for children ages 7-14 years old to help them advance their skill levels. He would also make requests if approved to host tournament play, travel baseball events and college showcase events for baseball and softball. He would also request usage for practices outside of the high school teams.

Rashko asked if Canzler had another facility? Would he pay rent for the events he requests usage for? Canzler testified he owns an indoor facility on Route 924 and yes he would pay rent if the requests were approved. He testified the MLB event is no charge to the participants. He would also look at running a summer camp which they would charge for with proceeds to benefit the booster club.

Korinchock asked what are the lengths of the tournaments? Canzler testified they are one day events or a 2 day weekend event with heavy concentration of Hazleton kids but the teams could include players from outside the Hazleton Area.

Price asked if you are going to do tournaments and college events, will that be year round? Canzler testified no, it would be specifically summer and early fall.

Sordoni asked Myer Messinger to clarify since he called Canzler, are you considering him a witness for the HASD? Messinger responded yes.

Messinger asked if Canzler was in favor of the district's request to expand the use of the field and what makes it desirable for the field to be used? Canzler testified yes he is in favor and the addition of the turf sets it apart from the fields where they have to deal with inclement weather on the grass. He would imagine that other travel programs, legion or babe ruth programs would want the opportunity to use the field.

Korinchock asked how many weekends a year would the field be used for tournament? Canzler testified possibly 3-4 weekends a year. It is a big undertaking, it is a lot of work and making sure the insurance coverage is in place.

Rashko questioned who would be insuring? Krizansky testified the HASD would be insuring him when it is a HAHS baseball team game. When the fields are rented by Russ Canzler sports For an event, he would have his own certificate of insurance and the HASD would be the additionally insured.

Korinchock asked who would pay for the maintenance on the field? Krizansky stated the HASD would be responsible for that.

Korinchock- will any of this fall on the girls? Krizansky testified that it is unclear. The softball field is further away from the roads and community. It has been fully renovated with nets and turf.

Price asked who will benefit from the rental and who will run and benefit from the concessions? Krizansky testified they do not currently have a concession stand. They are hoping that would be one of the restrictions that would be waived. With all the concession stands in the district, senior class runs them and they take turns with all the different clubs participating.

Korinchock asked who benefits from the rental fees? Krizansky testified there is a small rental fee for the use. The expenses he would also be responsible for is any maintenance and security that would have to be at the field. The actual rental fee goes into the general fund.

Messinger submitted Applicant exhibit #1 HASD rental policy. He asked Krizansky when was the policy adopted? Krizansky testified it was adopted December 21, 2010. It is used for any rental request for classroom, parking lot, gym, pool basically any area noted in the policy that can be rented. It states rules and regulations to be followed. Page 7 of the rental policy states renter must have a certificate of insurance for a million dollars with the HASD as the additionally insured. They have denied rental requests previously. They take the rental requests very seriously and are careful to protect the interest of the taxpayer's property.

Korinchock asked if they will provide a list of what they are asking for? Messinger stated yes.

Korinchock swore in Kevin Markell – civil engineer for Barry Issett since 2004.

Messinger asked if Markell is currently involved with any project with the HASD? Markell testified yes his office was the design engineer for the retrofit for the baseball and softball fields into turf and current project at the baseball and softball fields, addition of turf to Maple Manor fields and other projects.

Messinger asked if Markell is involved in the potential overlay district project. Markell testified yes the current campus is made up of several different tax parcels. They are in the process of consolidating all the tax parcels into the north side of 23rd street. Then there will be a residual parcel where the Administration Bldg and CTC building are on the south side. That will clear up a lot of the zoning setback requirements. As far as the plans to construct an indoor athletic field located behind the track, the campus itself is split between four different zoning districts. The building they are planning falls into three different zoning districts. The creation of an educational overlay district would take the entire campus and put it into a consolidated overlay which is permitted by rights for the school campus and the athletic fields to eliminate the need to come back to the Hazle Twp Zoning Board for approval every time the district wants to do something on the property. It will allow for future lighting, concession stands and restrooms on the property. They are in the formal process stage with the Hazle Twp Planning Department, the County Planning Commission and eventually to the Hazle Township Supervisors who will have a public hearing and make the final decision. The change of use for the athletic fields would be incorporated into the rental policy under the overlay district.

Rashko asked if there were any paper plans or drawings? Markell testified the formal lot consolidation was already submitted to the HT Planning Department. They have not submitted any formal paperwork for the land development project.

Messinger asked what are the improvements? Markell testified replacement of the existing scoreboard, first and third base dugouts, new bleachers, press box and already installed 45 foot Netting to help eliminate foul balls from going out of the field. The netting was in response to complaints from neighbors due to foul balls landing on the street and their property.

Gregg Pavlick – Barry Issett was sworn in by Korinchock. Pavlick testified that he felt Markell touched on all the points of the improvements. He has been working on the project for years with Markell.

Messinger asked if permits were requested for the work being done. Pavlick testified yes for the turf installed, the press box, the dugouts and bleachers.

Korinchock asked if the lighting is something they want discussed now? Markell testified yes. Korinchock asked what will stop the light rays from bouncing into the homes? Markell testified he is not a field lighting expert. The township ordinances have specific requirements on what is called light spillover. At 10 feet from the property line the measurement cannot exceed what is in the ordinance. Field lights are typically poles so you can direct the light straight down to concentrate the light on the field. HASD would have to get a field lighting designer to access and compare the results to the township ordinance.

Rashko asked if HASD is looking to construct dugouts, bleachers, press box and scoreboard? Lighting? What about restrooms? Markell testified, bleachers, press box and score board are being considered at this time. Lighting, concession stand and restrooms are in the future. Not at this time.

Price asked if what they are asking for is replacements? Pavlick testified yes and the only new item would be the press box. Other improvements would be in the next phase, which is in the future.

Rashko asked if all the improvements are taking place in 2024. Pavlick testified no.

Price asked what are you asking for tonight? Messinger stated two fold request, they are seeking board approval for some of the improvements that are immediate. The way the previous decisions were written, they would have to come back to the board for permission for any other improvements they wanted to make. They are asking for the board to waive the requirement based on the overlay district plan and relieve the requirement of the HASD to come back for permission to make any future improvements.

Price asked who oversees the overlay district? Markell testified the board of supervisors would approve the district overlay. Once that is approved, that gets reviewed by the township zoning office and it becomes part of your zoning ordinance.

Korinchock asked, has anyone looked at the impact for the neighborhood? Krizansky testified that they understand the foul ball issue was a big issue. Parking was another issue. They already installed the netting. They are looking to use Maple Manor for parking and the road

between the HAHS and the fields which will accommodate approximately 100 parking spots using both sides of the paper street.

Messinger stated they are seeking the board's approval to expand the dugouts, new scoreboard, install lighting at a future time but it is part of the request tonight, install bleachers, press box which will also have storage and team rooms, install larger safety netting and to install restrooms in the future. This brings him to the second part of the request which is for the board to waive the requirement for the HASD to come back for permission. The final request is to take away the restrictions on the utilization of the field subject to the rental policy discussed today.

Public Comments:

Vincent Maylath was sworn in. He testified that no one has used the field until the turf was installed.

The netting is not high enough and the dugouts are already there. Where will the press box be?

Messinger stated the press

box will be behind home plate. The Concession stand and restrooms will be by the tennis courts.

Tom Ogorzalek was sworn in. He asked if this is the first time they heard about the overlay district plan and will it take decision away from the zoning board? Price responded yes.

Sordoni stated the overlay is not in front of the board tonight for a decision, that will be in front of the Hazle Twp Supervisors for a decision. To clarify what is in front of the board tonight: request for conditions from the 1993 Zoning board decisions be lifted on restriction 1,3,4,5 and 6 along with installing bleachers, safety netting and outside use.

The restrictions requesting to be lifted are:

1. No exterior lighting
- 3 No permanent or temporary concession stands.
- 4 No restroom
- 5 No dugouts
- 6 No scoreboard and utilization of the field.

Ogorzalek testified they mentioned lights which mean night games which will impact the neighborhood.

Korinchock asked if there will be night games? Krizansky testified lights around the tennis courts because you need 6 courts to play and the initial lights will be to finish the 6 games. He testified he does not see night games being scheduled. The lights would just be for finishing a game that was already started. He does not foresee night games.

Korinchock stated the Overlay is not in front of the zoning board. It will be advertised and be brought in front of the Hazle Twp Supervisors for approval. One of the Zoning boards major concerns is the effect on the neighborhood.

MaryJane Starzyk was sworn in. She asked Mr Pavlick, you moved home plate in fifteen feet and it did not work. Pavlick testified they installed the 45' fence because the kids are hitting farther and faster. Starzyk stated she has a lot of baseballs that came into her yard over the fence and witnessed balls hitting cars. She is concerned about alcohol and security if the fields are rented out. Krizansky testified that the rental policy states no alcohol or smoking on school district property at any time. If the rental policy was violated, the group renting would not be allowed to come back. There will be security from the school district on the property.

Korinchock asked if 7th and 8th grade students have a team? Canzler testified that their program allows 8th grade students to try out for the teams. There is no formal team for 7th and 8th grade at this time. The college showcase is for scouting purposes for the high school students. Krizansky testified they are trying to get a program in place for when the West Hazleton fields are ready to use.

Starzyk testified that parking is an issue. Krizansky testified that some of the parking issues will be eliminated by some of the improvements proposed. Price asked who is parking on Rose Street? It looks like it would be plenty of parking for the baseball team. Canzler stated he could speak to the players.

Price asked if there would be cameras installed? Krizansky testified they have roving security patrol and once the scoreboard is installed, the cameras will be installed on top of the scoreboard.

Anthony Palisi sworn in. He lives right behind third base, his backyard is used as a toilet. He caught one of the coaches urinating on his property. He complained to the superintendent.

Korinchock asked if there is security at practices? Krizansky testified this was the first time he heard this. There is security at games but not at practices. Korinchock asked if portable toilets can be added to the third base side of the field? Krizansky testified they can consider it temporarily, but they are looking to build a nice building to house the restrooms.

Price motioned to break for executive session. Second by Rashko

Rick Korinchock called the meeting back to order.

Nina Sordoni stated that after discussions in the executive session, the board is asking that this matter be continued to the May meeting so they have time to review the submissions of the 1993 decision. They are asking that the applicant come back for the May 6th meeting to answer any additional questions the board may have and at that time a decision will be rendered. No decision is being rendered tonight.

Motion to approve the minutes from the March 2024 meeting

Motion to approve Paul Rashko

2nd Jamie Price Vote all-aye

Motion to approve Any open bills.

Motion: Rick Korinchock 2nd: Jamie Price

Vote: All Aye

The next regularly scheduled hearing date is Monday, May 6, 2024 at 5 P.M.

Motion to adjourn: Jamie Price 2nd Paul Rashko vote_All Aye

Meeting adjourned 6:55 P.M.

HAZLE TOWNSHIP ZONING HEARING BOARD OF APPEALS

PO BOX 506, HARLEIGH, PA. 18225

May 6, 2024

Meeting Minutes

Meeting called to order by Chairman, Rick Korinchock at 5:10 PM.

Pledge of Allegiance

Roll Call:

Chairman- Rick Korinchock- Present

Secretary- Jamie Price- Present

Vice-Chairman- Paul Rashko- Present

Solicitor- Nina Sordoni - Present

Zoning Officer- Chuck Krone- Present

Recording Secretary- Tammy Blasko- Present

Court Stenographer- Bernadette Farran- Present

Aggrievement statement: Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Supervisors of Hazle Township may appeal to the Court of Common Pleas of Luzerne County by petition duly verified setting forth that such decision is Arbitrary, Capricious and an abuse of their discretion or otherwise not in accordance of law and specifying the grounds on which he relies.

1. The Continued hearing for the application of the Hazleton Area School District for a hearing to reconsider the previous conditions set forth by the Zoning Hearing Board pertaining to property located at 1601 W 23rd St (baseball complex).
2. The application of Jose and Maria Rosario for a Special Exception for a home-based business (Beauty Salon) at 1044 N Locust St, Located in an R-2 Multi Family Zone

Hearing #1

Continuation of Hazleton Area School District (HASD) hearing from April 2, 2024.

Rick Korinchock opened the meeting to any questions that were not asked at the previous meeting.

Myer Messinger representing the HASD submitted Applicant Exhibit #2- drawings and specifications.

Kevin Merzell from Barry Isett & Associates on behalf of HASD -stated he testified at the last hearing and he can answer any questions regarding the project. This is a concept only of how HASD will address additional parking around the fields. It will create approximately 150 new parking spaces on the site.

Rick Korinchock asked if the plans showed the parking cutting off in front of the tennis courts? Merzell testified that was one option.

Paul Rashko – so something will be done regarding the parking? Merzell testified -absolutely.

Rick Korinchock opened the meeting to public questions:

Carol Ogorzalek asked if the plan will be adequate parking for the events held at the fields? Robert Krizansky testified yes, the additional parking added for the baseball and softball fields along with the use of the Maple Manor parking lot should be adequate.

Mary Jane Starzyk asked will there be parking in front of the tennis courts? Is the HASD going to install another net? Rick Korinchock asked Starzyk how many baseballs has she seen on her property this season? Starzyk testified 5 balls in her yard since the last meeting, that is not including balls on the street and 6 balls in the neighbors yard. She had an outside party on April 30th and a ball landed on her porch while the party was going on. Nina Sordoni stated that the request was made at the last hearing to upgrade the fence. Krizansky testified the current investment made in safety netting has reduced the number of balls going over the fence. The HASD will continue to look for additional overhang options to address the issue but it is going to be impossible to completely stop every ball from going over. Additional parking will be between the tennis courts and the building. There will be additional security for parking enforcement for the games. We added Job Johnnies until bathroom facilities can be built.

Mary Jane Starzyk – The house on the other side of Landmesser has balls landing in their yard. Is it because the field was moved ten feet so more balls are going that way? She thought the net would be closer to the field. Pavlick testified -to move the existing fence, the poles in place would have to be removed as well as the old footer.

Paul Rashko asked how far is the fence from the first base line? Pavlick pointed out on the map where the poles are. Jamie Price asked if they can go higher with the fencing? Pavlick testified, as you go higher, the steel gets thicker and more expensive. Unless you are going over the entire field, you will never stop all the balls from going over the nets.

Jamie Price stated that the residents concern is when the fields are opened up to outside organizations. Meyer Messinger stated the HASD is trying to accommodate the neighbors.

Mr Starzyk stated that he felt the field was built backwards. Rick Korinchock stated when fields are being built, the planning takes into consideration what angle the sun will be at when the games are being played.

Mary Jane Starzyk -with the expanded use, this will go on all summer. Rick Korinchock stated that is why we are here, they need dugouts that are closed in, scoreboard, expanded use is the issue and the associated increased traffic. The PIAA does not allow the students to play on outside teams until the High School season is over.

Paul Rashko asked if the height of the netting can be increased? Pavlick testified – no, the poles are designed based on the height of the fence. Krizansky testified that the fence at Rex Antinozzi field is 60 feet and the balls still go over the fence.

Mary Jane Starzyk stated, scouts are at the games all the time, the fields do not need to be opened up to the public. Rick Korinchock stated the travel teams are the elite of the elite players. Very expensive to participate in, they travel all over. The experience is the scouts see the elite players play against other elite players. Also, the tournaments would hopefully bring revenue to the stores and other business in the area.

Jamie Price motioned to break for executive session. Motion second by Rick Korinchock.

Meeting called back to order by Rick Korinchock who stated the solicitor will make the motion before we rendering our decision.

Nina Sordoni -The exhibits admitted were Hazle Township Exhibit A, Hazle Township Exhibit B, Applicant Exhibit 1 and Applicant Exhibit 2. Motion the board to move to vote on approval of the concession stand, dugouts, bleachers, press box and scoreboard. Outside use will only be permitted to promote HASD athletes limited to high school students only. No Games can start after 6PM. There must be security at all events. Signage or people directing traffic to park on HASD property. HASD must continue to look for remedies for the stray ball issues.

Motion to grant: Rick Korinchock 2nd Jamie Price

Roll Call: Korinchock- Aye Price- Aye Rashko- Aye

Hearing #2

The application of Jose and Maria Rosario for a Special Exception for a home based business (Beauty Salon) at 1044 N Locust St, Located in an R-2 Multi Family Zone

Rick Korinchock swore in Maria and Jose Rosario.

Rick Korinchock swore in Zoning Officer Chuck Krone who presented Hazle Township Exhibit A which included Application, list of neighbors notified, plot plan and copy of public notice. Copy of exhibit shown to Jose Rosario who confirmed the contents.

Nina Sordoni confirmed they were here in good standing and they are the owners of the property.

Jose Rosario testified they are asking to build a hair salon for his wife. She wants her own space to work in. It will be by appointment only and people will park in the front of the building.

Jamie Price – asked parking in front? Will there be a separate structure? Jose Rosario showed his home on the map. They will build a new structure. Pioneer Pole Buildings will build it.

Paul Rashko- where will the parking be? Jose Rosario testified in the driveway.

Chuck Krone testified – Pioneer advised they can situate the structure so it meet the Township’s setback requirements. The building is 24’x30’.

Jamie Price asked if there is city water and sewer? Chuck Krone testified yes there is. They need to rezone to have a home occupation and he will walk them thru that.

Rick Korinchock asked if there will be outside lighting and a sign? Jose Rosario testified a sign with the name of the place on it.

Jamie Price asked if there will be lighting or just a sign? Jose Rosario testified just a sign.

Jamie Price asked if Maria was renting a chair or a space? Jose Rosario testified she is renting a chair and she wants her own space to operate in.

Paul Rashko made a motion to grant:

The application of Jose and Maria Rosario for a Special Exception for a home based business (Beauty Salon) at 1044 N Locust St, Located in an R-2 Multi Family Zone

Motion 2nd by Jamie Price

Roll Call: Korinchock-Aye Rashko-Aye Price-Aye

Public Comment: None

Rick Korinchock motioned to accept the minutes of the April 2024 hearing.

Jamie Price seconded the motion.

Roll Call: Rick Korinchock: Aye Jamie Price: Aye Paul Rashko: Aye

Motion to approve payment of any open invoices:

Motion to Approve: Paul Rashko Second: Paul Rashko

The next regularly scheduled hearing date is Monday, June 3, 2024 at 5PM.

Motion to adjourn: Jamie Price 2nd : Paul Rashko

Meeting adjourned 6:30 PM

HAZLE TOWNSHIP ZONING HEARING BOARD OF APPEALS

PO BOX 506, HARLEIGH, PA. 18225

July 15, 2024

Meeting Minutes

Meeting called to order by Chairman, Rick Korinchock at 5:00PM.

Pledge of Allegiance

Roll Call:

Chairman- Rick Korinchock- Present

Vice-Chairman- Paul Rashko- Present

Solicitor- Nina Sordoni- Present

Recording Secretary-Tammy Blasko-Present

Secretary: Jamie Price- Present

Zoning Officer- Chuck Krone -Present

Court Stenographer-Present

Aggrievement statement: Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Supervisors of Hazle Township may appeal to the Court of Common Pleas of Luzerne County by petition duly verified setting for that such decision is Arbitrary, Capricious and an abuse of their discretion or otherwise not in accordance of law and specifying the grounds on which he relies

Hearing#1

The application of New Chapter Real Estate Inc (Joel Klotz property owner) 1008,1010, 1020 Lattimer Rd for a special exception to convert a home in to a multi family dwelling by constructing 30 apartments to the existing home in an R-1 Single Family District.

Korinchock swore in Chuck Krone, Hazle Township Zoning Officer.

Korinchock swore in Maria Ortiz

Nina Sordoni asked if the property owner Joel Klotz was present? Maria Ortiz testified no, he was not.

Nina Sordoni asked if Ortiz had a letter or form notarized from Joel Klotz? Chuck Krone testified Klotz signed an addendum of sale for the property and sent an email.

Sordoni advised they are not notarized so we cannot move forward. The hearing will be continued until the August 5th hearing.

Price asked where? Slusser testified on the building or wherever you allow the signage to be put up.

Korinchock asked if there would be lighting on the sign? Slusser testified only where it is allowed.

Korinchock asked when you wash a car, where will the water run? Slusser testified he will wash the cars in his stone driveway. He will then detail the cars in the garage.

Korinchock asked if there would be a large amount of chemicals? Slusser testified, no large amounts. He would have Car wash, shampoo, cleaners, glass cleaners etc..

Rashko asked if there were utilities in the garage? Slusser said only electricity, the water comes from the hose outside.

Price asked if there was room for two cars to pass each other in the access alley? Slusser testified yes .

Korinchock asked how many cars will be there at a time? Slusser testified one car at a time.

Korinchock asked for public questions. There were none.

Rashko asked if Slusser had an issue with any of his neighbors? Slusser testified no he did not, he spoke to them, and they were all fine with what he wants to do as long as it's at reasonable hours of the day.

He testified the loudest equipment that will be used is a pressure washer and he was planning on working three days a week from 9am to 5 PM. If the business grew, he would look for a commercial garage in the township to work from.

Rashko motioned to grant:

The application of Dwayne Slusser and Jennifer Troell, 1760 State Route 940, for a special exception for a home occupation to operate a car detailing business in an R-1 Single Family District.

Motion to approve Rashko Motion to deny _____

2nd Price

Vote: Korinchock- Aye

Price: Aye

Rashko: Aye

Rashko advised that Krone can help walk her thru the paperwork.

Krone asked if it was easier for him to call Santos to set up an appointment to tour the house? Santos advised yes that is fine.

Rasko asked who lives in the home? Santos testified her and her father.

Krone testified that the Department of Public Welfare advised in a letter the steps that Miss Santos needed to take to open the daycare legally. He is not aware if the daycare is operating illegally as of right now. If she is, Krone is asking her to cease operating the day care until Santos can obtain a permit from the township and the state.

Nina Sordoni advised... respectfully are we going to continue this hearing at the August meeting or continue to take testimony? Korinchock advised to continue the hearing in August.

Sordoni advised that the Zoning Officer gave verbal instructions, if you are operating the day care you cannot continue until you have approval. If you violate the warning, you will be subject to fines. Also, to the residents In the audience, if they see the daycare operational, they need to call the zoning office. There will be no further questions taken tonight and no one should approach the board members as they are the decision makers

Approve the minutes of the June 1, 2024 meeting.

Motion to approve: Rashko 2nd : Price

Moton to approve any outstanding bills:

Motion to approve: Korinchock 2nd : Rashko

The next regularly scheduled hearing date is Monday, August 5, 2024 at 5 P.M.

Motion to adjourn: Price Seconded: Rashko vote : All Aye

Time Adjourned: 6:20PM

HAZLE TOWNSHIP ZONING HEARING BOARD OF APPEALS

PO BOX 506, HARLEIGH, PA. 18225

August 5, 2024

Meeting Minutes

Meeting called to order by Chairman, Rick Korinchock at 5:00PM.

Pledge of Allegiance

Roll Call:

Chairman- Rick Korinchock- Present

Secretary- Jamie Price-Present

Vice-Chairman- Paul Rashko- Present

Zoning Officer- Chuck Krone-present

Solicitor- Nina Sordoni- Absent

Court Stenographer-Bernadette Farran-Present

Recording Secretary-Tammy Blasko-Present

substitute Solicitor-Keighlyn Oliver-present

Aggrievement statement: Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Supervisors of Hazle Township may appeal to the Court of Common Pleas of Luzerne County by petition duly verified setting for that such decision is Arbitrary, Capricious and an abuse of their discretion or otherwise not in accordance of law and specifying the grounds on which he relies

The application of Lisbeth Santos, 1060 W 19th St Hazle Twp PA 18202, for a special exception for a home occupation to operate a Day Care in an R-1 Single Family District.

Korinchock advised this is the continued hearing for above referenced application from the July 15, 2024, hearing. Anyone who was sworn in for the July 15th meeting is still under oath.

All testimony for Lisbeth Santos is via Sofia Parientes, Interpreter

Sofia Parientes advised the board that it was just brought to her attention that Daniella Vasquez would like to speak on behalf of Lisbeth Santos. Korinchock asked if Lisbeth Santos was present? Parientes confirmed she was, and she gave permission for Vazquez to speak on her behalf.

Rick Korinchock motioned for executive session. Rashko seconded the motion.

Korinchock called the meeting back to order and swore in Daniella Vasquez.

Korinchock asked how long was the day care being operated before it was shut down?
Vasquez testified, less than one year.

Korichock asked if during that time, did anyone have State, Federal or Local certification of any kind to operate a day care facility?
Vasquez testified, No

Korinchock asked before you were closed due to lack of permits, how many children were being taken care of? Vasquez testified more than 3. Lisbeth Santos testified there were 6 children total, two grandchildren and four children not related to her.

Rashko asked how do you get into the side yard? Krone testified there is a gate on the fence on the Allen Street side and there is a door that leads to the yard from the sunporch. It is a large yard.

Price asked if the yard is completely fenced in. Krone testified yes.

Korinchock asked the hours of operation? Vasquez testified Monday through Friday 6am to 6pm.

Korinchock opened the meeting to public questions.

Christina Salbecu asked where will the designated parking be? Vasquez testified the designated parking for parent drop off or pickup will be the two spots in front of the garage. Parents will have to use those spaces and driveway to drop off children.

Christina Salbeca asked how many children will be there and will they be separated by age group? Vasquez testified a lot of things they are not sure of. Before they thought it was 7 for in home family daycare but it is 6. If it is a group day care it can be up to 12 children. The inspector will come in and do measurements and advise how many children they can have. If the state gives the license, it can be for infants and children up to 13 years old.

Rashko asked how many children under two years old? Vasquez testified zero under 2 years old.

Rashko asked who lives in the home? Santos testified three people.

Rashko advised that last hearing she testified there were two people living in the home and now there is three. Which is it? Santos testified three people, she also lives with her daughter to help with her children. That is why she mentioned two last time because she also lives with her Daughter when she is working.

Brittany Barletta asked if you have 9-12 children, where is the staff going to park? Vasquez testified, depending on the number of children, the staff will be limited to the family members living in the house.

Barletta stated she was in the house prior to them moving in. She asked if there is only one bathroom? Vasquez testified there are two bathrooms, one upstairs and one that will be designated for the children downstairs.

Peggy Fetchko asked if the children will be allowed upstairs and if not, how will they prevent that? Vasquez testified there will be a gate with a child lock on the stairs.

Greg Fetchko asked what are the plans for the trash, diapers and noise? Vasquez testified that every child cries, State regulations require they take the children outside, Hopefully you won't hear them crying when they are inside the house. Children eat lunch from 12:30 to 1:30 and snack time will be outside in the afternoon. After school the kids like to go outside, and they will be done by 6PM. State regulations require one designated trash can for diapers and they have to empty

Vasquez stated the inspector said they can take care of three children in the day care without the permit. Can they still take care of three children? Krone testified they cannot care for children not related to them in the home, that was denied. The applicant will receive a letter in the mail stating the boards decision and they have 30 days to appeal.

Approve the minutes of the July 15, 2024 meeting.

Motion to approve - Korinchock 2nd Price

Motion to approve any bills. Approve - Price 2nd Rashko

The next regularly scheduled hearing date is TUESDAY, September 3, 2024 at 5 P.M.

Motion to adjourn Rick Korinchock 2nd Jamie Price vote all-aye

Time Adjourned: 6:15PM

HAZLE TOWNSHIP ZONING HEARING BOARD OF APPEALS

PO BOX 506, HARLEIGH, PA. 18225

September 3, 2024

Meeting Minutes

Meeting called to order by Chairman, Rick Korinchock at 5:09PM.

Pledge of Allegiance

Roll Call:

Chairman- Rick Korinchock- Present

Secretary- Jamie Price-Present

Vice-Chairman- Paul Rashko- Present

Zoning Officer- Chuck Krone-present

Solicitor- Nina Sordoni- Present

Court Stenographer-Bernadette Farran-Present

Recording Secretary-Tammy Blasko-Present

Aggrievement statement: Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Supervisors of Hazle Township may appeal to the Court of Common Pleas of Luzerne County by petition duly verified setting for that such decision is Arbitrary, Capricious and an abuse of their discretion or otherwise not in accordance of law and specifying the grounds on which he relies

The application of LU-Club Ford 1 LLC C/O MN8 Energy, 1155 Avenue of the Americas, New York NY

10036, who is requesting a Special Exception for a Major Solar System (Solar Panels) on parcels owned

by Red Mill Holdings and the Cabot Corp. located in a C-1 (Conservation) and I-1 Heavy Industrial zone

located along Club 40 Rd near the intersection of Stockton Mountain Rd.

Korinchock advised: we have an 8PM curfew on this hearing tonight. If it is not completed, it will be continued to the October 7, 2024 hearing. He expects the audience to be quiet when someone is speaking.

Korinchock swore in Chuck Krone, Hazle Twp Zoning Officer. Krone presented Hazle Twp Exhibit#1 which included, application, notice of appeal, list of neighbors notified, hearing notice posted in the newspaper and by the property owner and project paperwork submitted by the applicant.

Korinchock asked Atty McNelis if he had any objections to the contents of the packet. McNelis responded no objections.

Korinchock to Nina Sordoni, Is the applicant here in good standing? Sordoni replied they are here in good standing. There are two property owners, Red Mill Holdings and Cabot Corp.

Attorney Mark McNelis introduced himself as counsel for LU Club Ford LLC, affiliated with MN8 Energy. He thanked the Township for the courtesy of allowing the applicant to address the issues that have not

been resolved. They were here before. They are here for a second time because one of the property owners proposal to place solar panels on property owned by Red Mill Holdings has changed. We have a contingent contract with them and the property owner is here tonight to offer testimony. Prior to the hearing he asked Nina Sordoni if he could obtain approval of the scanned copy of a notarized written consent document from Cabot Corporation that he has with him today which he submitted as Applicant exhibit #2. The application we submitted for this hearing is similar to the application we submitted the first time. The only difference is the transmission station was originally planned to be on Water Authority land and was moved to property owned by Cabot Corporation. The project will be primarily on Red Mill property. Only the transmission station will be on Cabot property. He has several people with him who will offer expert testimony. The board is familiar with special exceptions- Article 17 deals with specifications for solar projects. That entails more expertise and explanation. McNelis would like to present the case. He does not know how the board normally runs their hearing but he would like to ask the board if they have questions, he would like them to ask them at the completion of the presentation from that person. He would like the audience to be patient and not ask questions until after the entire case is presented. We are not avoiding answering any questions.

Korinchock advised he would like to swear in all the presenters at the same time. Korinchock swore in:

Joseph Green, Vp Development, Tom Katelhon, Civil Engineer, Melissa Fisher, M&A Energy, Panth Naik, MN8 Energy, Max Ojserkis, Professional Wetlands Scientist, Jason Ritzert, Surveyor, Jim Delle, Senior Archeologist, Luke Peterson, Assistant Engineer, David Crucuson, Development Analyst and Lamar Reiff, Property Owner.

Nina Sordoni advised in a normal hearing we ask for one witness at a time to speak. McNelis advised only stipulation is if the presenter is asked a question that someone else is better suited to answer, that they allow that person to respond. McNelis presented Applicant Exhibit 3 which was a handout of information. He distributed to the board, solicitor and a few on the table for audience to review.

Joe Green testified- Club Ford project is a 60-megawatt Solar Panel Project. He has been working on it for two years. What are the attributes for this project? He is looking for a sizeable area with transmission nearby and that the project fits well into the area. What do we need to make the project work? This project has a plateau, transmission line nearby to tie into PPL grid. Also, there are no homes nearby. Green described the project map that is in the packet. Ariel project shows there is a lot of empty space around the project. West of the property is the City of Hazleton, East – quite a distance until you reach homes, south there are some homes in the distance. HT ordinance requires setback requirements of 1000 feet from residential property owners, 500 feet setback from the road. This is very hard to find. The project is unique as it is in compliance with the setback requirements and there is a large buffer area with thick vegetation. Environmental concerns-plants and animals, they had studies done with good feedback on the studies.

Rashko asked if there is any humming from the panels? Green testified that the solar project panels are dc voltage and there is no humming. The panels go into a device called an inverter which has a transformer. With any transformer, you have a 60HZ hum. With any solar project you have two sources of humming. At the inverter and the main substation. Typically the inverters have no detectable sound at 100 feet and the substation has a louder hum but typically cannot be detected at a distance of 200 feet.

Rashko asked if it would be at 40 decibels? Green testified that the inverter is very quiet. The decibels are determined by the distance but they would be quiet.

Rashko stated people walking on the rails to trails every day will not want to hear the humming. Green testified that you would have to be right next to the inverter to hear the humming.

Rashko asked is the buffer going to be 500 feet from the road? Green testified, yes, it is and the Stockton Mtn Road is a heavily traveled loud road. McNelis stated there was a study done on the noise with the range of the sounds in decibels and distance that will be presented.

Green explained the sound level chart and stressed how important it is to understand how quiet 40 decibels is. He does not expect any noise from the inverters. He wanted to give an introduction to the project. He looks for sites every day. This property is very well suited. Timelines: once approval is given, they will begin construction in first quarter of 2026, tree clearing will begin in the winter months- November, 2025. Construction will take approximately one year. Unique opportunity. Working with DEP and DCNR talking about vegetation, low level shrubs etc... Green testified there will be no grading during construction. Panels are on trackers, with a different tracker design which allows for adjustment on the racking system. They will be leaving the existing vegetation in place except for the access road area. They had discussions with DCNR and DEP to be sure they agreed with the approach. DCNR requires mowing every other year but they are planning on mowing once a year. After the project is done, the post construction property condition will match pre construction condition.

Rashko will you have dozers there? Green testified no dozers because no grading. Rashko asked if there will be machines of some sort? Green testified, there will be drilling to insert the pylons into the ground.

Korinchock asked what is the space between trackers? Green testified 17 feet.

McNelis asked Green if it is fair to say that it would be hard to find a site as suitable as this one for this project? Green testified sites like this are few and far between. This is a very unique site and location.

Eric George (audience) asked Green if the project would be 500 feet from the road and 1000 feet from the property lines? His house is 25 feet from Club 40 road. Green testified Mr Greiff owns all the property at least 500 feet from Stockton Mountain Road. Green pointed out areas on the map.

Melissa Fisher testified M&A hires third party experts to look at wetland topography. They work with agencies to do desktop and field consulting with the appropriate agencies. This is how we make all the pieces of the project come together.

Panth Naik testified he works on the engineering side, field work. Buffer questions were addressed in intensive boundary surveys and extensive drone surveys in order to design strategy, so they know where the rock is located. Geo technical survey was an extensive campaign to allow preservation and for minimal disturbance. Data Collection was done to see how this fits into an engineering design strategy.

Fisher testified that the design is intentional and purposeful. Construction will not start until DCNR and Fish & Wildlife Services approval is obtained.

McNelis- stated for the board's benefit, he is sure you are aware of this. He will remind the board that they can attach as many reasonable conditions and safeguards to their approval. They will need to go

through the planning department for land development. The project needs approval from zoning first, this is the first hurdle. They are committed to obtaining all governmental approvals before construction starts.

Max Ojserkis testified the studies done on the Ecological side. DEP regulates all wetlands and streams on site. Two surveys were done in 2023 and 2024. Special attention to areas containing wetlands, they mapped the wetlands and plants. In the field they looked at vegetation, soils and wetlands. He explained the areas on the map. The areas are largely clustered along the Club 40 road to the North. The design they have is to avoid impact to the wetlands. They have complied completely with the DEP regulations.

Rashko asked if there is a natural spring in the area? Ojserkis testified yes, some of them are ground water feed with water seeping out of the ground. McNelis asked Ojserkis to identify the area on the map. Rashko asked if it was SE102 section? The map was reviewed.

Ojserkis testified that Tom will discuss. They screened the site for any threatened and endangered species. There are 4 agencies that regulate threatened and endangered species in Pennsylvania: US Fish & Wildlife Commission, DCNR, PA Game Commission and PA Fish and Boat Commission. You can use their screening tool to see what species are present on the site. Game Commission is responsible for bats, mammals and birds. Fish and Wildlife will keep the Game Commission informed but they will do the consult and they did not have any concerns.

Rashko asked if there was any concern over displacement of wildlife? Ojserkis testified the Dept of Conservation had them run two separate surveys. They found rare plants near the road just north of the transmission lines. Nothing where the panels are proposed. They are working with the DCNR for a clearance letter after having consultations with them. They are aware that the plants were found and when they looked at the design, they feel there is enough clearance from the rare plants so there will not be impacts to the plants that were identified.

Jason Ritzert testified that he has consultations with the Fish and Wildlife service's regarding two bat species listed on the federal and state levels. Fish and Wildlife asked M&A for a more comprehensive survey. They did multiple habitat studies on May 15 and August 15 and submitted them for approval. They are doing desktop assessments and field surveys to get to a place where the Fish and Wildlife will approve the project.

Korinchock asked what will be done if the bats are in the construction zone? Ritzert testified that is where the bat conservation plan comes in to preserve the bat species. It will determine if they are there and how they are using the site.

Rashko asked if the bats are in the trees, will they be taking the tree down anyway? Ritzert testified – it is acceptable practice to cut the trees where the bats are habituating. Tree clearing is done in the winter months when the bats are hibernating from November to Mid March.

McNelis stated the bats there will naturally relocate.

Rick asked where do the bats hibernate? Ritzert testified the bats go into caves.

Jim Delle testified his role is to help secure the consultation letter for PHMC. The PHMC role is to be sure there will be no adverse effects to the cultural resources in the sub surface or above ground. This

could be a house, barn or historic resource. First step is to do a desktop study, go into the records of the PHMC to see if anything historic can be affected in the project area or within one quarter mile buffer of the project area or historic buildings that could be visually impacted by the project area. The results were that according to the PHMC standards, no known archeological or historic resources are in the project area. The second part is to go out and find any undocumented resources. That is where the methodology study came in. The site is rocky, they used a method where they tested every 50 to 100 feet. Performing a shovel test into the ground to look for artifacts. They plotted out over 500 tests and there were no archeological findings in the area. A visual test was also done and there were no historic sites found that would potentially be listed on the national register. The criteria to identify a historic building is the building had to be over 50 years old. They found 11 structures built over 50 years ago, they looked at the properties and none of the 11 were listed as historical sites. They are in the process of finalizing their report and will submit it to the PHMC.

Korinchock asked how deep do you go down for the shovel test? Delle testified five to six inches deep, most were very shallow.

Tom Katelon, Civil Engineer testified while describing the site layout plan of what is on the developable area. Not a lot of components go into it. Explaining on the map, the gray rectangles are the solar panels, pointed out the 25 feet access roads, inverters to take the power to the substations, 8 foot perimeter fence. The land disturbance on the site is very minimal where the pylons and fence posts are driven into the ground and the gravel roads that will be used for access. There are concrete foundations that will be used for the inverter pads. The site is unique. Dreke creek is a high quality water source. We have to make sure we follow all the rules secure the permits necessary. We must be A back approved for sediment runoff by DEP.

Rashko, water runoff is a big concern. Dreke creek is a major water source for the Hazleton area and the removal of vegetation will leave a lot of space to have runoff moved. Katelon testified that with the storm water analysis, we are going to maintain as much of the vegetation as possible. The drainage pattern will not change because they are not grading. They are going to maintain the ground cover as best as possible. They also have 500 to 1000 feet of a buffer which will help with mitigation water runoff.

Rashko asked what is the height of the panels? Katelon testified there is technology these days with trackers and pyles that are meant to reduce grading. We are using that technology to be sure the pyles and trackers and the clearances they need from the edge of the panel to the ground will be maintained.

Naik testified that throughout the area the panel height will vary due to the ground level.

Price asked what the particular makeup is of the soil? Naik testified at this stage the makeup is clay and rock. Everyone's intention is to limit the disturbance of the ground. As developers looking at longevity the foundation design needs to conform strategically

Katelon testified Our storm water approach- the gravel access roads will have minimal runoff because they are offset and they are gravel. At the perimeter of the site there will be storm water facilities to capture any runoff from the site. The storm water controls will be a low impact design. They will be using infiltration berms which is an embankment that captures water and lets it seep into the ground. If needed, they will have extended facilities to help with the storm water runoff. That will be the same

type as the berm but it will have a structure to make sure the water runoff is leaving the site at the same or lower rate than it was prior to construction. The stormwater plan will be reviewed by Hazle Township, DEP and all necessary agencies before they can start construction.

McNelis stated that in Pennsylvania, you cannot build unless it is guaranteed that the runoff on the property will not exceed preconstruction levels.

Price asked what is the longevity of the system? What is the maintenance longevity on the site? Kathelon testified 30 years system longevity. Naik testified mowing will be a minimum of twice a year. Mechanical crews on contract will have minimum quarterly visits.

Rashko asked if there would be an onsite person? Naik testified no. Green testified that the systems are designed for minimal management. We have one near Bloomsburg and one near Knoebels. the projects will have security checks but all will be remotely monitored. Grouping the projects together into one central monitoring system.

Price asked if they will be monitored visually? Green testified yes, on cameras. They will be monitored on a regular basis. There will be someone local who can check on the facility. Frequency would be one pickup truck a week. There is a probable longevity of the modules and racking system. The inverters have the least longevity due to technological advances. Inverters will be swapped out every 10-12 years. We schedule contractors, they keep spare parts on hand so the project is in operation as close to maximum capacity as possible.

Korinchock asked about lightning? Green testified if the panels are hit by lightning, it would burn a hole thru it.

Korinchock asked if the transmission line by Beryllium road is under or above ground? Green testified while pointing out the area on the map.

Rashko stated that last hearing they had planned to go over land owned by the water authority what was the reason to move it? Green testified that they originally planned to connect the substation on the land owned by HCA closer to the substation. Ultimately the water authority board did not want to commit to the plan.

Rashko asked if they have an agreement with any company to sell them all the power from this solar project? Green testified; we have a team who handles that. They do not have a contract now but they will have a contract before construction starts. That is an internal requirement of their company. When he looks at a project it is for land, permits, interconnection, off take of power purchases. Whenever we put a project like this up, the project pays for any upgrades. When PPL puts a new line in, everyone pays for the upgrade,

Green testified stability of rates drives the force to make a choice. Do you want to turn on to the lower price or stay off? The lower price is renewables.

Rashko – stated renewable energy costs more. Green testified cheapest used to be coal but the last three years, renewable energy is the cheapest available.

Price asked about humming and visibility to the neighbors? What is the realistic visibility and sound from the houses? Green testified he believes it is zero. Price asked even from a deck or second story? Green testified yes there would be no sound or visibility of the project.

McNelis stated the board has a right to conduct a site visit.

Kathelon testified the humming from a typical inverter is 79 decibels if you are right next to it and it lessens as you get farther away from it. At 250 feet away you are at 40 decibels.

Korinchock asked if there is any noise generated from the panels moving? Green testified the panels rotate on a ratchet. If there is noise, then something is wrong.

Rashko asked how much heat is generated from the panels? Will the animals be able to live there? Naik testified one of the tests done on the ground is to determine what electrical current would go thru the ground. This site will have some grounding measures in place.

Price asked what is the worst thing that can happen at the site, fire, explosion? Naik testified worst thing that can happen is a fire but we have a buffer so we are far away. The buffer will allow ample space from the project.

Price asked if there will be an individual fire suppression system? Naik testified no there is not. Green testified that a fire from outside is more of a concern for them.

Korinchock asked if there is any glare from the panels? Green testified all panels are anti glare finish. Green testified the piles will come out of the ground approximately 5 feet, the tracker, tork tube driven by a motor and module is mounted to the tork tube. No Glare should be visible.

Lamar Reiff, property owner testified, People are concerned about visibility and water run-off. His goal is to be a good neighbor. There is a 1000-foot setback from the houses. An I1 industrial area has a lot of permitted uses without having a hearing... gas station, industrial park, manufacturing, medical marijuana grower, distribution facility etc... Setback for industrial usage is 35 feet from the front and rear and 20 feet from the side yard. Lot coverage for industrial use could be 60% of the lot. Calculations of intrusiveness is minimal compared to other possibilities – you could have a building 60 feet off the road and 80 feet high. The solar project is the least intrusive option. The other side of the road is residential. Residential development could be an option for 200 acres, again the solar project is the least intrusive option.

McNelis asked Reiff, Is it your desire to be a good neighbor and to focus on this option because it is better for the neighbors? Reiff testified yes, he was contacted several times for commercial uses. He cannot pursue that unless this project does not go through. All the commercial uses are approved without having a hearing like we are having tonight. Some are single family dwellings, affordable housing, mining etc. this is an Ideal scenario that will not have adverse effect on the neighborhood.

McNelis spoke about general standards to establish requirements for a special exception.

Green testified the property use is consistent with no adverse effect on the environment. He firmly believes there will be no adverse effects on health, safety or welfare. No public services will be needed. They will meet with Fire and EMS to be sure they are approved.

Korinchock asked if there will be job johnny's on site for construction? Green testified, yes.

Green testified, vehicle traffic – roads will be approved by Pendot. They will have a proper radius, no difficulties or effect on existing traffic. They will take responsibility for any road damage done by their construction crews. The project will be harmonious- no significant change. The project is low traffic and low impact. There was a drone survey done, rocks were identified. Some are small and some are as big as houses. They are not removing any rock formations.

Korinchock asked what is a negative problem with the project? Green testified; no hazardous material used in construction. Storm water- you can get something you are not prepared for. Outside fire coming in would be a problem.

Rashko asked how many acres? Green testified 320 acres.

Price asked is one module one solar panel? Green testified 125,000 modules/ solar panels.

Audience member asked if the temperatures will increase in the area because of the solar panels? Green testified he does not believe that the temperatures will raise.

John Schweer questioned the noise decibels per inverter. Green testified the inverters are 4 megawatts each. 250 from the inverter is undetectable. 50 feet from the inverter is 55 decibels. If you are at the inverter you are at 70 decibels.

Nina Sordoni stated we will be continuing this hearing to the October meeting.

McNelis stated he thought the board would render their decision tonight.

Korinchock stated the hearing will be continued to October. The board will ask their questions to the witnesses and then they will open the hearing to public questions.

Green testified while describing the lines that are access roads on the map. Notches are inverters.

Audience member- No noise out there. Fisher testified we have the ambient sound study.

McNelis submitted Applicant Exhibit #4 sound report. We would love to finish tonight. We reserve the right to submit.

Rashko stated that if new technology comes out, the LLC can file for bankruptcy and not clean up the site. Green testified the LLC posts a security decommission bond.

McNelis stated if the developer does not decommission the site, the bond will provide the money to have the site decommissioned.

Hearing Continued to October 7,2024

Approve the minutes of the August meeting.

Motion to approve Price 2ⁿ Rashko

Vote All – aye

Motion to approve any bills.

Motion: Korinchock 2nd Price

Vote- All Aye

The next regularly scheduled hearing date is Monday, September 16, 2024 at 5 P.M.

Motion to adjourn Price 2nd Rashko
vote aye

Time Adjourned: 8:15PM

HAZLE TOWNSHIP ZONING HEARING BOARD OF APPEALS

PO BOX 506, HARLEIGH, PA. 18225

September 16, 2024

Meeting Minutes

Meeting called to order by Chairman, Rick Korinchock at 5:10PM.

Pledge of Allegiance

Roll Call:

Chairman- Rick Korinchock- Present

Secretary- Jamie Price-Present

Vice-Chairman- Paul Rashko- Present

Zoning Officer- Chuck Krone-Present

Solicitor- Nina Sordoni- Present

Court Stenographer-Bernadette Farran-Present

Recording Secretary-Tammy Blasko-Present

Aggrievement statement: Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Supervisors of Hazle Township may appeal to the Court of Common Pleas of Luzerne County by petition duly verified setting for that such decision is Arbitrary, Capricious and an abuse of their discretion or otherwise not in accordance of law and specifying the grounds on which he relies

The application of Jenny Navarro, 862 McNair Street, Hazle Township, PA 18202, for a special exception for a home occupation to operate a Day Care in an R-1 Single Family District.

Rick Korinchock swore in Hazle Township Zoning Officer, Chuck Krone. Krone presented Hazle Twp Exhibit#1 which included Notice of Appeal, floor plan of house, copy of deed which is not in Jenny Navarro's name, but she provided a signed form from the seller, list of neighbors notified, legal ad and posting from the property.

Korinchock asked Nina Sordoni if the applicant is here in good standing? Sordoni advised, yes, they are.

Korinchock swore in Jenny Navarro and Carlos Quijandria. Navarro testified she wants to open a day care because she loves children, and she loves the community. She has a new home, so she needs the money. She has a day care at her old home.

Rashko asked where do you have a day care? Navarro testified at 118 East 7th Street at her other house.

Korinchock asked if the map is only for the day care facility? Quijandria testified yes.

Rashko asked if they will only live upstairs? Quijandria testified, yes.

Korinchock asked, how many children and what ages will attend the day care? Navarro testified up to 12 children age infant to 13 years old.

Rashko stated that if they say 12 children and they have more there will be a problem Quijandria testified 7-12 children.

Price asked if the entire yard is fenced in? Navarro testified yes.

Price asked Where will the parking be? Navarro testified, in the driveway.

Rashko asked are both gates shown your property? Quijandria testified, yes.

Korinchock asked if they will be feeding the children? Navarro testified yes.

Korinchock asked if Navarro has certification from the Department of Health? Navarro testified, yes.

Rashko asked what will the hours of operation be? Navarro testified 6am to Midnight.

Rashko asked, who is working at the other daycare? Quijandria testified, someone else.

Korinchock asked if they will be putting signs on the building? Quijandria testified, No.

Rashko asked if there is a garage behind the house? Price asked if it was a detached garage? Quijandria testified, there is a house behind their house and the entrance is on the right side.

Rashko asked, will you be taking the children outside? Navarro testified, yes. Quijandra testified, the children can play in the yard.

Korinchock motioned to break for executive session. Rashko 2nd the motion.

Meeting called back to order by Korinchock.

Rashko motioned to grant:

The application of Jenny Navarro, 862 McNair Street, Hazle Township, PA 18202, for a special exception for a home occupation to operate a Day Care in an R-1 Single Family District.

Motion to Approve : Rashko Motion 2nd by: Price

Vote All Aye

No Public Comments

The next regularly scheduled hearing date is Monday, October 7, 2024, at 5 P.M.

Motion to adjourn Paul Rashko 2nd Jamie Price vote all-aye

Time Adjourned: 5:40PM

HAZLE TOWNSHIP ZONING HEARING BOARD OF APPEALS

PO BOX 506, HARLEIGH, PA. 18225

October 7, 2024

Meeting Minutes

Meeting called to order by Chairman, Rick Korinchock at 5:10PM.

Pledge of Allegiance

Roll Call:

Chairman- Rick Korinchock- Present

Secretary- Jamie Price-Present

Vice-Chairman- Paul Rashko- Present

Zoning Officer- Chuck Krone-Present

Solicitor- Nina Sordoni- Present

Court Stenographer-Present

Recording Secretary-Tammy Blasko-Present

Aggrievement statement: Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Supervisors of Hazle Township may appeal to the Court of Common Pleas of Luzerne County by petition duly verified setting for that such decision is Arbitrary, Capricious and an abuse of their discretion or otherwise not in accordance of law and specifying the grounds on which he relies

The continued hearing regarding the application of LU-Club Ford 1 LLC C/O MN8 Energy, 1155 Avenue of the Americans, New York, NY 10036, who is requesting a Special Exception for a Major Solar System (Solar Panels) on parcels owned by Red Mill Holding and the Cabot Corp. located in a C-1 (Conservation) and I-1 Heavy Industrial zone located along Club 40 Road near the intersection of Stockton Mountain Road.

Rick Korinchock advised anyone who was sworn in last hearing is still under oath. If anyone in the audience wants to speak, they need to sign the sign in sheets. One person speaks at a time in an orderly fashion and you must give your name and spelling for the stenographer.

Nina Sordoni- advised we will resume the hearing. She will first ask if the applicant's counsel has anything further before she turns the meeting over to public comment and objections.

Mark McNelis, counsel for the applicant. He has a host of representatives with him again tonight who presented their case over the course of the previous three hour hearing last month. As a matter of housekeeping, at the conclusion of the last hearing, there was a discussion with the solicitor as to the folks who testified on behalf of the company. We wanted to make the record clear; we were offering those individuals as experts for the fields that they testified in. The board obviously weighs the credibility of witnesses and makes the final determination. He wants to make sure we were complying with any rules in regard to experts. This evening, we are here to answer any additional questions the board has and to answer any questions the audience has. Obviously we want to offer the public the opportunity to offer any comments they have. If the board does not have anything else specific at this point. Paul Rashko stated – I do have questions. In regards to

the credibility of the witnesses, he did not see any reports, did he miss them? Mr Green, did you forget to hand them out? Are we supposed to take these people for what they said in testimony as experts? Joe Green testified, there are copies here of the reports and they were here last time. Which ones would you like to see? Rashko replied; all of them. McNeils asked if they wanted to take the time now to look at the reports?

Nina Sordoni asked McNeils if he would like to mark all the reports as exhibits and enter them? McNeils responded, yes if we are going to provide them to the board. I would like to submit them now to the board. He would like the person who worked on the report to bring them up to present them. McNeils asked, how many copies do you want. Sordoni responded, one original for the audience to review and one copy for each board member. McNeils stated he is not sure if the board is at a point to reach a decision or if they need more time to review all the information being presented.

McNeils entered the following reports as exhibits:

Exhibit-A7-Wetland Study- Kimberly Horne

Exhibit-A8- PA National Threatened and Endangered Species. -Max Ojserkis

Audience member John Schweer asked Korinchock; since the documents are being made public, there should be time for the public to review. Korinchock stated they will be in the office. Schweer said that is a lot of information to review, he feels it would be very unfair and rather harmful that it has not been made available for the public. He is recommending that the documents should be made available and for the board to continue the hearing for another 30 days. McNeils responded that if the audience is requesting another 30 days, he feels we should still proceed this evening. Green testified that they had all this information here last time, they presented all the information as testimony by the people who presented it. Rashko responded- the reports were not offered at the previous hearing. Sordoni advised, lets get a look at everything and we will go from there. This is the first time that these reports have been marked as exhibits. Korinchock asked McNeils if the reports are complete? McNeils stated yes they are full reports not summaries.

Entering of exhibits continued:

Exhibit-A9- Phase 1 Environmental Site Assessment- Tom Katelon

Korinchock reminded everyone that they were all sworn in at the last meeting which means they are still under oath.

Green testified that one of his colleagues mentioned that all of this information was available at the time of the last hearing. Rashko responded that no paperwork was offered, and no expert certifications were offered. Sordoni advised that the reports were not reviewed and that this is the first time all of the reports are being submitted as exhibits into the hearing today. They were not previously submitted. Green asked isn't that part of the application process/ posting? Sordoni advised-testimony was offered at the last hearing referencing the reports, but no written documents were offered. The documents were not submitted. This is the first time the documents are being submitted so they did not have time to review the reports that were referenced during testimony. Green asked, isn't this part of the public notice to say the documents are on display. Sordoni responded, it is part of the public notice. Green testified the reports were available on the table.

Sordoni responded, Sir, we are asking your attorney to enter these reports as exhibits because they were all referenced during testimony. That is what we are doing. There is a request for a continuance on the table that no one has ruled upon yet. Green testified that it is very clear that the public notice states the information was available for public review in the Township office. Sordoni advised, we have a copy of the public notice. Rashko asked why he had to ask about the possible noise issues and the fire issues.

Sordoni responded- lets allow the documents to be submitted. What is A10?

Exhibit-A10A Cultural Resource Study Memorandum- Luke Peterson

Exhibit-A10B Cultural Resource Study- Luke Peterson

Exhibit-A11 Decommission Report/ Plan- Panth Naik

Exhibit-A12 Vibration Impact Report -

Exhibit-A13 Geo Technical Engineering Report

McNelis -Contrary to the request to delay the hearing, the folks who are here to object, objections will lie on the attempts of a group of lay people to analyze the highly detailed reports, they can do that after they read them, but they must have other questions and concerns rather than discrediting experts. Rashko to McNelis- can you attest to each and every one of them being experts? Sordoni advised- They gave testimony at the previous hearings and stated their qualifications. . It is a matter of record. Do you have any further witnesses? McNelis stated We do not but we reserve the right to rebuttal.

Korinchock asked for a motion to break for executive session. Rashko made the motion. Price second the motion.

Korinchock called the meeting back to order and turned the meeting over to the solicitor, Nina Sordoni.

Nina Sordoni- advised, the board broke for executive session and decided under advisement to grant a continuance for this hearing to the November, 2024 meeting. The hearing is scheduled for November 4, 2024 beginning at 5PM. There will be no further continuances on this hearing

The next regularly scheduled hearing date is Monday, October 21, 2024, at 5 P.M.

Motion to adjourn Paul Rashko 2nd Jamie Price vote all-aye

Time Adjourned: 6:10 pm.

HAZLE TOWNSHIP ZONING HEARING BOARD OF APPEALS

PO BOX 506, HARLEIGH, PA. 18225

November 4, 2024

Meeting Minutes

Meeting called to order by Chairman, Rick Korinchock at 5:15 PM.

Pledge of Allegiance

Roll Call:

Chairman- Rick Korinchock- Present

Secretary- Jamie Price-Present

Vice-Chairman- Paul Rashko- Present

Zoning Officer- Chuck Krone-Present

Solicitor- Nina Sordoni- Present

Court Stenographer- Bernadette Farran Present

Recording Secretary-Tammy Blasko-Present

Aggrievement statement: Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Supervisors of Hazle Township may appeal to the Court of Common Pleas of Luzerne County by petition duly verified setting for that such decision is Arbitrary, Capricious and an abuse of their discretion or otherwise not in accordance of law and specifying the grounds on which he relies

The Continued hearing regarding the application of LU-Club Ford 1 LLC C/O MNB Energy, 1155 Avenue of the Americans, New York, NY 10036, who is requesting a Special Exception for a Major Solar System (Solar Panels) on parcels owned by Red Mill Holdings and the Cabot Corp. located in a C-1 (Conservation) and I-1 Heavy Industrial zone located along Club 40 Road near the intersection of Stockton Mountain Road.

Rick Korinchock motion to accept the minutes of the October 29th hearing. Motion 2nd by Paul Rashko.

Rick Korinchock motion pay any outstanding bills, Motion 2nd by Paul Rashko.

Reminder to everyone. Anyone who was sworn in at the last meeting is still under oath.

Nina Sordoni- she wants to clean up the record as far as exhibits.

She received the transcripts of the September 3, 2024 and October 7, 2024 proceedings.

Two of the exhibits were marked A1 and A2 but according to the transcripts they were supposed to be Hazle Twp 1 is the application and Hazle Twp 2 is the presentation pkt from the zoning officer.

Applicants Exhibits are as follows:

A2 Letter from Cabon

A4 Noise Report

A7 Wetland Report

A8 Pa natural diversity Inventory Report

A9 Phase 1 Environmental Site Report
A10 Memo
A10B Phase1 Research Plan
A11 Decommission Report
A12 Vibration Report
A13 Geo Technical Engineering Report

McNelis would like to add three submissions from last Monday that he would like incorporated in the record. Rashko asked what would they be?

Sordoni advised there are three additional exhibits that are marked A14, A15 and A16.

Joe Green Testified:

A14 is the clearance letter from DCNR stating no impact on vegetation dated 10/10/24.

A15 is a letter from the State Historic Preservation office stating there are no archeology concerns.

A16 is a letter from the State Historic Preservation office regarding above ground historic resources stating no concerns found.

A17 is a glare report dated 10/28/24 regarding a glare analysis to see if there is any glare off the solar modules. Summary states zero glare.

Rashko asked if the report was dated 10/28/24 – there were no leaves on the trees. Joe Green testified that the leaves are not factored into the report.

Nina Sordoni advised Attorney Loxton is present and he can sit up front. She updated him as to what transpired so far in the proceedings.

Korinchock swore in Shawn Crowe and Tad Hardy- both Engineers for the applicant who can answer questions on behalf of the project.

Sordoni advised for the record Hardy will offer testimony on Exhibit A4.

McNelis stated -only other matter is a small amount of testimony we would like to present from folks from labor and industry who want to speak on behalf of the project.

Korinchock advised there will be a 9PM time limit.

McNelis stated if it's 8:55 can we finish? If we are close to finishing. Korinchock advised yes.

Korinchock swore in Jason Aiello-Union Electrician for Arc Electric.

McNelis – how is this project beneficial and important? Jason Aiello testified this will be 100-150 high paying jobs to the area. Numerous locals work for 12-18 months. It would be no travel for locals and provide experience for numerous apprentices coming up the line.

Rashko stated that in previous testimony, it was stated this project would create no local jobs. Joe Green testified the standard during construction is 100-200 jobs during the construction phase. We hire experienced management contractors, and they source the labor. Rashko stated it was never made mention that the project would create jobs. Green testified, yes there is a huge influx of jobs during the construction phase. Rashko asked for a 12–18-month period only? Green testified as we continue with the project, we have long term jobs that will be headquartered but we do now know where those jobs will be located at. There is not a lot of operational jobs when the project is done but there will be a lot of high paying jobs during construction.

Rashko asked if Arc Electric has the job? Green testified, no, it would be up for all locals to bid on the project.

Atty Loxton asked once the construction is done how long is the solar farm intended to be there? Green testified; the project has a 35-year life span. We have options that would extend beyond that but the panels degrade ½% a year. Because there are not moving parts on the modules themselves, they last a long time.

Rashko asked, once they get to 20 years, they are already going downhill and once they hit 30 years they are not worth keeping them going? Green testified; he does not have an answer for that. The panels would have 80% of the power to run the full life of the lease. At time of decommission they should have 80% of production capability and they could go somewhere else and be used. However, the question is 30 plus years from now, is there a better, more efficient, lower priced model available?

Rashko asked if they have any projects at the 35-year point? Green testified; we do not have any at the end-of-life mark. The industry as a whole is so new and most of their projects are at the 10–12-year mark.

Rashko asked how many solar farms have you bought and sold? Green testified we don't sell; we are a builder and operator. Rashko so you have not sold any? Green testified, I would say out of our 900 projects, maybe 3,4 or 5 have been sold.

Atty Loxton, if you are talking about a 35-year life on the project, for operation and maintenance, what are you talking about as far as jobs? What is the projection for jobs related to maintenance? Green testified that depends on what level the project is at. It would be as needed, possibly 2-5 times a month. He likes to say there would be one pickup truck to the site a week for operational maintenance. The invertors are swapped every 10 years so at that time, it would be more often.

Atty Loxton asked if they sourcing local union labor or does the project go to the lowest bidder? Green testified that is not decided yet. We do that in house.

Korinchock swore in Matt Senick, Union Electrician. McNelis asked what can you add as far as a project like this goes. Senick testified that this could be a good project for locals but there is no commitment to use local labor. He would like to see the Geo-Technical report. Are you using pylons? Green testified, no because of the rock, we are drilling.

Rashko asked Senick is familiar with this stuff and are you union? Senick testified, yes, he is union and he is familiar with this. We usually do the substations and the rest of it is electrical work. Rashko asked if he ever installed any of this equipment. Senick testified not at this scale; he has not seen the blueprints.

McNelis stated he would be happy to answer any of the board's questions.

Korinchock stated, over the weekend there was a brush fire on the Blue Mountain. What would be the impact on the community if that happened on the site of this project and it reached the solar panels? Green asked, "What do you mean? Korinchock reiterated if the fire was burning out of control and goes up the mountain to the panels, what would the air quality, toxic fumes and impact to the community be? Green testified modules themselves are glass, aluminum and wires, if a house burnt you would not want the wire burning. We are not anticipating any harmful effects, you would not want to breathe it in just like you would not want to breathe in if the woods were burning. Rashko stated, what about the basilica which is flammable? What glass is used on the solar panel or is it poly fill? Green testified the glass is hail rated.

Price asked if they have an individual sestation system? if one were to burn, would it have it's own way to put itself out? Panth Niak, we have plans to have remote monitoring on site. Part of the system is a relay, individualized monitoring for weather control, relay control.

Rashko asked, how do you clean these solar panels? Where they are going there is active coal mine operations. There are probably 75 or 100 trucks a day going by. The silt and the coal dust will not be removed by water. Naik testified, that is more of a question for the operating team. It is not in our best interest to have panels getting deposited on and it is not practical for the panels to be in contact with chemicals. Rashko stated the silt and coal dust do not come off with plain water. Naik testified, There will probably be some kind of annual cleaning. This would be part of the operation plan once we get to that point. He could not comment on that

Rashko asked if they had other farms in the same type of environment? Green testified, in the NE part of the country, they do not plan for cleaning because of the snow and rain. When we do our financial models, we have a line item for soiling and that is for dust or bird dropping or whatever it may be. In this part of the country, they will not be cleaning unless it is a unique situation, and the panels are not producing as they should.

Rashko, so there will not be any cleaning? Green, if it is a unique situation with unanticipated buildup and the panels are not producing, they will go in there and clean them. Rashko stated, he was lead to believe you go in there with a truck and spray each one with chemical. Green testified, there is a team that handles that, a machine they can use but no chemicals. We would not expect to use it at all.

Korinchock, what about snow and ice? Green testified, the trackers have the ability through remote monitoring system when there is a prediction for significant snow accumulation, you can drive the trackers to an elevated position in snow mode. The panels warm up and the snow melts.

Korinchock asked if they would use a machine with a squeegee? Green testified they are not expecting to use that. They would just elevate the panel.

Price, any solar farms that are near an active coal region? Have you had any experience with the coal dust coming out of an active coal mine? Green testified, not to my knowledge.

Korinchock, are the panels relatively the same size as what you have on a house? Green testified, size definitely, most panels are the same technology but there is an opportunity for us to use a different technology here that is readily available and domestically products.

Rashko, size of the module. Green testified 42" wide by 82" long approximately

Rashko, earlier testimony stated they move every 15 minutes towards the sun. Green testified they move every 6 minutes. Rashko asked how much noise is that going to produce every 6 minutes? Green testified the torsion bar is what is turning. There are 15 modules on the torsion bar. The motor is on the torsion bar. There is not 120,000 motors running. Rashko are they mechanical, gear? Green testified, sure, there is different technologies, DC Motor drive the torsion bar and it is designed to be quiet. Naik testified one drive line cantilever which moves each table which is 14-20 modules and the way it moves is not a gear system, there will not be individual gears running, it will be basically like a robotic arm.

Rashko so when they are installed, is it in set banks of 15 or 20? Naik testified it is based on the topography where we are placing the panels and the drive line depends on the site constraints. Depends on where they are placing the panels in regard to shading, the site constraints and the design.

McNelis stated the site analysis was based upon the number of panels. Naik testified that Tadd could provide more detailed information.

Tadd Hardy testified, based on mfg. data, the noise level is in the 30's and in a rural area, unless you were just sitting there, right next to it. Rashko said so 30 times 120,000? Hardy testified yes 120,000 but by the way the noise adds 30 plus 30 does not equal 60 so even with the high number, the amount of the noise compared to the tracking motor or the inverter.

Korinchock asked if the panels all move at the same time? Green testified almost all at the same time, they follow the sun.

Korinchock – there is a PPL transfer station with transformers up the street, how does that compare to this? Green testified; he is not familiar with this one nearby. Just a general answer, that one is likely Stepping down from whatever the transmission voltage to a distribution level voltage. Similar but the opposite. For us we talked about before, how the modules collect DC and it goes to the inverter to AC and everything gets collected together to step up to a final collective sub- station which is similar to the PPL. We will be stepping up to the volts on the line with is 69,000 volts.

Korinchock asked if you are 150 feet away, there will be no noise, none? No Buzzing? Senick testified that the invertors are mostly solid-state technology. Transformers are quiet.

Rashko how big are the invertors? Green testified they are the size of a large refrigerator, but he is turning the question over to Hardy. Hardy testified the invertors specified for this project are the size of a small shipping container. Size and specs were provided. Guarantee noise level maximum of 79 decibels at 3 feet. Everything you double the distance away from the sound source, generally the decibels would be reduced. So the same decibels at 1500 feet would go down into the 30's. I don't believe we have any equipment within 1000 feet of the project boundary. We are not anticipating any issues with the noise. The transformers mentioned keep the levels from skyrocketing.

Rashko asked, there are 8 invertors? Hardy testified, 8 invertors spread across the entire site, the noise addition is not 79 plus 79. You get maybe 81 or 82 over a given distance.

Rashko- are they all at the top of the mountain? Everything goes down and without the trees it will echo. Hardy testified there is a highway buffer from the Federal Highway Administration, and they recognize the vegetation buffer. The thickness can provide up to a 5-decibel reduction. When we were looking at noise, specifically, nothing was going to interfere.

Green asked what does 30 sound like? Hardy testified, if we all stopped talking, we would be in the mid to upper 30's and our whole conversation is in the mid 60's. Quiet rural setting at night, it should be somewhere in the 30's.

Senick asked what will happen when you put it into the rock? Will you have vibrations coming off of that hill? Hardy testified; topography can act as a noise reduction sound barrier. The presence of animals will reduce it as well. The invertors will not be in someone's backyard, they are 1000 feet from the homes.

Senick asked if they are on dampers? Hardy testified they are on equipment pads.

Nina Sordoni, does the board have any additional questions? Rashko stated he would like to hear the answer on the pad vibrations. Sordoni to McNelis, you rested the last time you were here. The question and answer is getting quiet redundant.

Shawn Crowe testified that the answer to the vibration question is the vibrations going into the ground are very low. He would expect very little vibrations to leave the site.

Rashko asked if they are hitting bedrock? Crowe testified, yes they are during construction and should be lower vibration because of how they will be drilling holes into the rock. That will lower the vibration because of the method of construction to pre-drill the holes rather than driving pylons.

Loxton asked, how much of the property will be deforested? McNelis advised to ask the questions and the best spokesperson will step up. Tom Katalhon testified, the total gray area on the map is 345 acres, 320 acres will have tree cutting.

Loxton asked if the property owner has the right to do the tree clearing on the property? Who has the mineral and forestry rights? Lamar Reiff, Red Mill Holdings testified, he has forestry rights. Loxton asked if Butler Enterprises has any right to the property as well? Any right? Reiff testified, no.

Loxton asked if the Cabot representative is present? McNelis stated Cabot is involved with a lesser degree because they have the area with the transmission station. There is far less disturbance on the Cabot property.

Loxton what would be the distribution of disturbance on the Cabot property, approximately? Katalhon, not a lot, a total of maybe 3-4 acres. McNelis stated the total project area is 950 acres, So it would be ¾ acres? Katalhon testified 4-5 acres approximately would have to be forested on the Cabot property for the proposed overhead line and substation.

Loxton, is there an Emergency Management plan in place with the local volunteer fire company? Green testified that we have a standard plan in place for all our projects. We go out to local first responders and tweak our standard plan. Who do you call, how do you shut the power off, any concerns.

Rashko, so you did not speak to anyone involved with the fire company. Green, no we have not. McNelis wishes to point out that the board has the authority to attach any reasonable safeguards and stipulations to their approval. If they don't satisfy the local fire company, then they do not have the board's approval. He believes it is in the best interest to leave that in the hands of the first responders and the people who fight the fires. He is certain that the board is qualified, but their job is to make sure the folks doing their job in the township is satisfied.

Rashko asked if the applicant did their legwork first? When we spoke about the brush fire earlier, it can be catastrophic. Green testified, for the brush fires, we see a benefit from the project as right now there is a large amount of fuel on the mountain, and we are removing a large amount of that. What is going to be left behind is the small scrubby bushes so that combined with the barrier around the fence line will actually enhance fire safety.

Loxton stated the ordinance calls for fire, first responders and police protection. Were the State Police consulted at all about the plan? Green testified; no, we do that at a later date. Typically, there is not a need for police unless there is vandalism. They will make sure there is a 911 address attached to the location. McNelis added, this is only the first stage of a very long process. Companies will not spend a billion dollars unless they know we have the basics.

Chuck Krone, Hazle Twp Zoning Officer testified, on behalf of the fire department, they are somewhat aware of the situation and proposal. They will be involved in the review process, access roads etc.... We have to get to the planning stages first.

Loxton, Before the board gives up its power, were you provided with a copy of the generic plan they mentioned? Krone testified, not that he is aware of. The fire chief will be involved in the planning stage. He is not aware of it but he cannot say for sure.

Loxton, are you aware that Hazle Township utilizes the State Police. Green testified, yes he is aware of that. Loxton stated we have an unmanned fairly large area, a large construction time, and a lot of valuable equipment on the site. Is the State Police aware and do they have the men and women to control the area. Green testified, that is not an obligation of the state police, it is an obligation of us. We anticipate having private security on site.

Loxton, what is the percentage of prime soil? Max Ojsewik testified, there is not a lot of soil, there is a lot of shallow bedrock.

Loxton, no study done? Ojsewik testified Soil report in the wetland report.

Loxton what is the difference in elevation from the highest point on site? Katelhon testified he is not aware of the lowest and highest elevation. He does know that slopes vary between where they are developing between 5 and 15%. Lamar Reiff testified that it is approximately 1600 feet to 800 feet. Green testified the top is flat where they are building.

Loxton, circling back to the noise level. The drive line is the piece that will be moving, correct? There are 14-20 solar panels per line, is that correct? Naik testified, yes that is correct.

Loxton asked when the question came up to the board as to how many solar panels were actually moving and creating sound. I don't think we ever got the answer on one drive line of 14-20 panels, how many drive lines will be moving at one time? Naik testified it will depend on the relation to where the drive line is. They will be moving in relation to where the sun is.

Loxton, so just so it is clear for the record, how many drive lines could be moving at one time?

Naik, half of the drive lines. Loxton, so how many? Naik, I can't give you a number. Loxton, so you have no idea exactly how much sound is going to be coming off of those drive lines? Naik, so half of them. Price stated 6,532 drive lines so max at half is 3,125 at one time. Naik, yes at one time but the sound would not be multiplied. McNelis stated if you testified assuming that mathematics are correct, will that create noise? Hardy testified, no it is not linear it will plateau off with noise coming from the same sources. He would say if for some reason 3000 tracker motors going with topography taken out of the picture, just flat – you would likely end up somewhere in the 40's. Tracker motors, he is not aware what is coming for this site but based on what he has used in the past, he believes about 30 decibels at 3 feet.

McNelis asked if Hardy is familiar with the plan, generally. Hardy testified, yes. Mc Nelis asked if it is Hardy's opinion that the property owner will have issues with noise? Hardy testified, no, a truck driving by will be more noise than the mechanical equipment on the site.

Audience Member, Bob Skulsky asked, what is the effect going to be on residents and people using rails to trails? Green testified, the existing Hazle Twp ordinance calls for 1000' setback requirement from residential homes and 500 feet from the road. That will help with the concerns you mentioned.

McNelis asked Green is he is anticipating any adverse effect on Rails to Trails? Green testified no, it is uphill, topography and vegetation will work in our favor and low sound level of the invertors. He does not anticipate any adverse effect to Rails to Trails. Katalon testified, the closest distance between the fence and the existing rail to trails is approximately 550 feet. Green testified; vegetation is so thick up there that the setback from the road is 500 feet. That is significant.

Rashko asked, the scrub are all on top and they will be removed, correct? Green, I am not anticipating any issues.

Loxton asked, were there any sound studies done where sound was created and measured from a certain distance to see if it could be heard? Hardy testified that a sound where a noise generator was put out and then measured was not done. A sound study was done using manufacturer specifications to anticipate how far out the noise will be heard. The study showed 250 feet. We are not proposing any equipment less than 1000 feet from property boundaries, and he believes the closest residence is 500 feet away.

Loxton asked, when talking about the vegetative buffer, was there consideration given when there were leaves on the trees versus when there were not leaves on the trees? Hardy testified; they did not factor in the leaves on the trees. There will be a reduction in noise due to the vegetation there. They were overly conservative when looking at how dense the vegetation is and how far away it is. McNelis asked, Leafless trees, what would be the worst-case scenario? Hardy testified, leafless trees, no vegetation whatsoever, no interference from other sources, only environmental noise will contribute.

Loxton asked, so are you saying that the closest residential property will not hear any sound? Hardy testified there is no anticipated perceivable sound at the nearby residences.

Loxton asked, using your example of the refrigerator, will there be any humming noise heard in the residential homes? Hardy testified, we looked at data, special frequency data and the equipment is fairly even frequencies, they are spread to keep high and low frequencies.

Rashko asked, all invertors hum, correct? Hardy testified; he did not say that they did not. We did not look at that because the invertors are spread out. Rashko asked, does it matter how far away they are or how big they are? That is why he asked earlier how big they are. Hardy testified, not that they are adding to the noise. The noise is reduced because of the distance between them. The ability for them to add to each other's noise is very difficult to achieve because of their distance.

Rashko stated he was concerned about the residents hearing the noise at night when it is quiet. Hardy testified, no there will not be noise at night because there is no sun and the invertors do not run at night.

Rashko asked, what if they hear noise, what can be done? Hardy testified; they are in shipping containers/ enclosures. He has never had to recommend a noise barrier except for once. Hazle Twp solar ordinance does not specify something, so it would have to be implemented.

Loxton asked, how much impervious surface is being created in addition to the rockiness of the soil? Katalon testified, the only impervious surface that will be generated at the site is the gravel access roads, the pads the invertors sit on and the substation. He believes it is a total of 11 acres. The amount we have is about 350 acres out of 950 acres. Less than 1/3 of the project will be impervious surface.

Loxton asked, the reservoir access road, will that be accessed by the Hazleton City Authority? McNelis stated that is not part of the project. It was a preliminary proposal, but it did not work out.

Loxton asked, is that a reservoir in there? Has the HCA provided any testimony stating that no toxins due to the rocky soils will have an effect on the reservoir. Was anything provided to the board? McNelis stated, not to his knowledge, they have not testified. No representative is here. Loxton asked if that is an actual reservoir? Were any other studies done on storm water runoff to assure that no other toxins will reach the reservoir? Katalon testified, with every project that you develop, you have to go through a permit process with the county conservation district and DEP. Within that application, we have to prove to the county and the state that anything we do during and after construction will not provide any harm at all to anything that is off of our site. We cannot begin to move dirt or anything on this site, until we have a permit saying that the controls we have on the site are providing protection.

Loxton asked, we touched on the cleaning of the solar panels, whether it is rain or a squeegee or some other means, will the MPDS permit dictate where the wastewater goes? Katalon testified, he does not know if you can classify that as wastewater.

Loxton asked, was there a study done to ensure that the reservoir will not be impacted in any way? Green testified, we did a presentation that was given to the HCA and it talked about the distance from the project area to the reservoir and how there were no direct channels, there are 1500 feet of existing and maintained vegetative buffer as a continuous filter. Ultimately the answer is, there was nothing presented that would indicate any harm being done to the reservoir.

Rashko stated that is all spring fed. He does not know how it won't affect it. It is all downhill.

McNelis stated that he believes the board would understand that this is part of the procedure, long term. One of the duties of the planning commission is to ensure that there is no increase whatsoever to the surface water runoff off site. So therefore, they will need to supply appropriate studies and data to confirm that the reservoir will not be adversely affected by water runoff from the project site. That will happen as a matter of fact and if they cannot prove that they will not get the approval.,

Rashko stated if this gets by us and something goes wrong, he has to live with that for the rest of his life. It is the board's duty to do our job and to look out for these people. Right now, I don't see it. Give us something, give us a guarantee. Melissa Fisher testified; we made sure there is no increase in storm water runoff. Joe referenced a water quality report that we had done. That shows the quality of the water runoff, and the conclusion of the report was that the quality of the water runoff will not change or impact the water reservoir. Naik testified that part of the process is to look at water taxation to make

sure any type of construction does not affect the water. The documents show that the construction will not affect the quality of the water runoff.

McNelis stated that if the board approves, they can condition their approval on proof that the project will not in any way adversely impact the reservoir. Naik testified, there are specific guidelines in the permit process.

McNelis stated he is not sure how the planning commission would begin to evaluate that issue. You retain your engineer to review testimony so far. So far, he has not heard any testimony from an expert saying there would be an adverse effect, only speculation.

Loxton asked if there is a report for the board to look at tonight that would deal specifically with the possibility of adverse effect on the reservoir. Green testified, no, other than the storm water plan.

Sordoni advised that the answer to the question is yes or no. Your lawyer put on his case, he rested and now there are specific questions being asked. He has the right to rebuttal, and he will have closing arguments. We all are aware that there is zoning and planning and we do not need to hear that again. We do not need shouting and arguing to get testimony on the record. Attorney Loxton can continue.

Loxton asked, Are there three residential areas close to the project? Mark Road, Hilltop Road, Club 40 Road and Stockton Road. At the course of looking at the residential properties, is there properties, residential building lots that are buildable but do not have homes on them yet? Katalon testified, on the cover sheet, there is a zoning map that shows all the properties adjacent to our property. He believes they are green, yellow or red but whether there are residential homes or not, we applied the necessary setback for them.

Loxton, during the hearing, we were talking about the length of time the project is going to be there and It was stated 35 years with the potential of extension. Most of us will be gone but this project will still be there, correct? Are you aware that the greater Hazleton area is having a housing crisis due to the influx of people looking for housing? Katalon testified he was not aware of that.

Loxton, So you identified the properties? Katalon pointed out the properties on the map that was on display.

Loxton stated so the properties that you identified, they are residential, buildable properties? Did you identify how far away you will be from them? Katalon testified that is correct. Any existing residential property, we have maintained the 1000-foot barrier. Loxton referred to the map, there is some commercial, but he believes the ones in yellow are residential. The site in blue and green are conservation and industrial. When you look at site 1, which is the lighter green, all the property in yellow below that is residential, correct? Katalon testified that is correct. Loxton asked if the residential property on the map is current residence or residential zoned property? Katalon testified they would have put the structures on the map if they were there. Katalon, referring to the map testified the area

looks pretty vacant but as you can see, we are still maintaining the 1000-foot setback in case there are residential properties built in the future.

Loxton to the board, referring to the map, the area in yellow is residential and not yet developed. He is asking the questions to see if this has the potential of becoming more residential in the future.

McNelis, referring to map asked Katalon, is this the property line and are you staying 1000 feet from that? Katalon testified yes to both. McNelis asked if only the landlord would be able to construct residential homes there? Katalon testified that would be a question for the landlord. McNelis stated, we will have him testify later on but he will confirm that he will not allow any residential properties to be built on his land.

Loxton, what I was referring to as you look at the outline of the map, I am not talking about the southern portion of the property owned by the landowner, I am talking about the property that appears to be the yellow residential properties. Katalon testified that is correct. McNelis asked it that still meets the 1000-foot setback required. Katalon testified, it would meet the 1000-foot setback, but it does have the potential to be developed into residential property.

McNelis stated the zoning board should look at the zoning requirements and see if there is a specific requirement that a residential area cannot be developed if it is near a solar project. That is not standard.

Loxton, part of the ordinance states in 17-08-C2B that they have to review the criteria of the character of the surrounding neighborhood. We are talking about this project being there for 50 years, there is the potential to be developed into residential properties. That is the criteria we have to look at.

McNelis, note for the record, this application is for present tense, it does not contemplate specifically for future development. He does not think the argument holds any bearing. You are stuck with what is there now. Sordoni stated his objections are noted for the record.

Loxton asked, how many access roads will there be? Katalon testified, two continuous access roads, one going west to the Stockton Road and one going east to the site.

Loxton, that is all the questions I have.

Sordoni asked Loxton to put on record who he is representing. Loxton responded; he is representing John Schweer Sr. who is a property owner who's property adjoins to the proposed project property. I would like to call John Schweer Jr who is the power of attorney for his father. He will give some testimony as to the testimony on record. Sordoni stated we will give you the same opportunities that we afforded the applicant.

McNelis asked, since when do we allow power of attorney testimony? Sordoni stated that she believes most of the expert testimony in regard to the reports, most of the people were not present and we allowed you to submit numerous here say. McNelis, I am objecting, and I am requesting that the power of attorney be submitted into record. Then before we begin, I need his father to identify where his

property is on the map so we can determine if he has standing or not Sordoni advised to Loxton that he establish standing in how it relates to Schweer Sr. McNelis, I would like you to swear Sr in for this, Korinchock attempted to swear in John Schweer Sr. McNelis commented that he does not think that he understands the question. McNelis took the map to John Schweer Sr and asked him to point out where his home is on this map? Schweer Jr stated he has power of attorney to make all decisions for his father and this is an embarrassment to have this man look at this and attempt to identify his property. McNelis, this is clearest thing I could possibly ask. Argumentative statements, Korinchock interjected and said one at a time or we will start sending people out. Sordoni stated she is directing them to the Twp Exhibit A2, He was already identified as an adjacent property owner at 171 Club 40 Road. You were already provided with this information. Does that satisfy you Attorney McNelis? McNelis responded, no I want to see it on this map. Sordoni, I am telling you where it is. McNelis, then come over and show me. Sordoni, it is 171 Club 40 Road. McNelis so just so the record is clear, we have an objector who refuses to identify where he resides in relation to the property. Loxton, no one is refusing to testify where he lives. We already know where he lives. Sordoni, based up the township exhibit and the notifications of neighbors. Mr Schweer was identified as an adjacent property owner and that was provided to the applicant well ahead if time of today's hearing. You may continue Attorney Loxton.

McNelis interjected; we need the board to know where the property is. Sordoni asked how many times do we have to say the address Mr McNelis? McNelis, go ahead counselor, I will wait until you are done.

Loxton, I would like to make this part of the evidence as Schweer 1 or objectors 1, Power of Attorney Document.

Loxton asked John Schweer Jr to say and spell his name for the record. We just submitted to the board as we identified as Objectors#1, Can you identify that document? Schweer Jr testified that is the power of attorney that my father had created in 2010. This ensures that my brother and I can take care of his needs, I take care of my father's financial needs. When he received the notice of the hearing in his father's mail, he attended the very first meeting and made it very clear for the record that he had Power of Attorney for his father, and I was here to be sure this was in the best interest of his property.

Loxton asked, what is the address of your father's property? Let's go one at a time. Schweer Jr, The first one is 175 Club 40 Road. Loxton asked if that was his residence? Schweer Jr testified, yes that is his home. Loxton, where are the other properties? Schweer Jr testified. The property numbers I am not totally clear on. Looking south, it is two properties to the left and one property to the right so that is four parcels total.

Loxton, would you be able to show the board on the map where those properties are located? Schweer Jr testified – explaining on the map where the properties are. The four properties were notified on the Phase 1A study impact report. They talked about further study would be taken into Phase 1B and those homes would have direct visual image of this project. When the Phase 1B study came out, it did not go into detail as to what the visual impact was and if it was relevant for historic significance. His grandfather originally bought the property, and they are there for almost 92 years. It does not hold a historic significance, but it does hold a significance on how this project will impact the home properties.

If he ever wanted to transact any of those parcels for someone to build, it is going to have a bad effect on the property value impact.

Price asked, to be clear is this all tall vegetation? Schweer Jr testified it is high but not really high. If you go to Pardee St and 7th or 8th street and you are looking towards the Stockton Mtn Road, you can see the top of the warehouse that is being built. You will see the full array of the solar project there. In the winter time, you will see full view of where the project is on their property and the adjacent properties down the road. There were 11 properties that would have a significant impact. But it did not say if it was Spring, Summer, Fall or Winter, it just said significant impact.

Loxton asked Schweer Jr, the properties that your father owns, would they be facing the solar farm? Schweer Jr testified, yes.

Loxton asked Schweer Jr, how do you see the impact this project would have on the neighborhood? Schweer Jr testified, we have stripping pits behind us. We know the impact of what is behind us but we do not know what the impact will be of what will be in front of us. As he read through the reports, he got more concerned as he read through them because it was talking more so about the consequences of historical impact which is fine if you want to look at the old school house or Easter rocks etc... but the idea is that the project will be of no consequence to the residents that are on that road. These are the people's homes, and it does not matter what each home is worth, but it is his opinion that there will be a significant financial impact to the properties. There is a lot of other real estate that can be used for this project. He has read the reports, and he appreciates that they state based on research and study, that everything seems to be okay but it's only not a problem until it becomes a problem. It has been put into record that this is a full rock mountainside. You will have runoff. Earlier testimony states there will be barriers installed for water runoff. They are putting this on top of rock. The water will find its way under or around the barriers no matter how you look at it. You have to look at it as will it be good for the community, is it essential? If approved, this may die in planning, but we don't want to count on that. The residents do not need this.

Loxton asked Schweer Jr what he thinks the marketability of the two lots that are not built on yet will be? Schweer Jr testified, what his father plans to do with the two properties has yet to be determined.

Loxton asked Schweer Jr, when I asked the gentleman about the properties that are located to the south, are you familiar with the area in general? Schweer Jr testified, yes. Loxton asked are they residentially zoned properties? Schweer Jr testified, to his knowledge, yes. Loxton asked if Schweer Jr took a look at some of the other studies and are you satisfied in any way that the developer reduced the risk of any accidents or hazardous material on the property? Schweer Jr testified, I am not a specialist but understand what I heard, you are dealing with water rolling and when we have heavy rain, we have water issues in the basement. I can only imagine how it is going to be when there are no trees holding the water back.

Korinchock asked Schweer Jr- so you are saying when it rains, you have water issues. Is that from water runoff from the mountain? Schweer Jr testified, yes, directly across from my father's house, there is an access that can go up to calf high water during a heavy rainstorm, currently today.

Loxton asked Schweer Jr, there has been some testimony regarding visual impact and that you will not be able to see the project from the residential properties. Would you be able to see the project from your father's property? Schweer Jr testified there is a very good chance that we will see the project from my father's home. He read the report that stated there were 11 residential properties that would have a direct visual impact from the project. He would lean to that being true.

Loxton to Schweer Jr, There are two separate zones on the proposed property- C-1 Conservation which is south of your father's property and the I-1 Industrial zoned property. Are you more concerned about the C-1 or I-1 property? Schweer Jr testified You have an I-1 district for a reason, that is the way zoning is designed. You also have a C-1 Conservation zone for a reason and there has been a lot of folks who don't want to talk about this, the wildlife, the vegetation, the area itself regarding bird migration and other things. The idea that it is a conservation zone to begin with, why would you want to change something like that?

Loxton asked Schweer Jr, will the project change the character of the neighborhood? Schweer Jr testified, yes Loxton asked if by them calling the Solar Energy Farm, industrial be accurate. Schweer Jr testified yet.

Loxton asked Schweer Jr, as far as the open space, soil, scenic view and wildlife, will that be affected? Schweer Jr testified, in his opinion, the trees hold things together and it will take a very long time for them to grow back if at all.

Loxton asked Schweer Jr, according to testimony, there is no emergency plan in place, as far as handling the types of fires that could happen up there and as far as the emergency apparatus being able to access and turn around, does that concern you? Schweer Jr testified, right now there are two access roads being planned for the proposed project, which is over 355 acres, there is a wide array of issues they could have to deal with. Hazle Township has great fire apparatus, but he does not think anything they have can pivot around to try to get into such a large area and to try to get into the area that has the emergency on. His opinion is there would be a direct challenge.

Loxton asked Schweer Jr, John you were at the first hearing, I understand you are not a real estate professional but in your opinion was there adequate testimony provided that the property values would not be affected or impacted by the project? Schweer Jr testified, no there was nothing presented that clearly stated that property values would not be affected. Loxton, so there was no real estate professional or appraiser testifying? Schweer Jr, No.

Loxton asked Schweer Jr, the testimony that was provided, regarding sound and noise. Do you have any other additional concerns about noise or sound coming from the project? Schweer Jr testified, years ago you had the old breaker running 24/7. Atlantic Carbon rebuilt the facility and now you can barely hear that operating. The company did everything possible to keep the noise level very low. What concerns him is what happens and what if? I can only say what was, what is that is a great improvement, but we don't know what it will be.

Loxton asked if Schweer Jr feels this use is compatible with the neighborhood? Schweer Jr testified, no.

Sordoni asked Atty McNelis if he has any questions for this witness? McNelis asked for a 5-minute recess. Korinchock responded yet.

Meeting called back to order.

McNelis, Quick Questions and then we believe it will be more efficient to conclude our presentation. Anything else will be addressed with rebuttal witnesses. I only have a few questions for the witness and then Mr. Green has some questions.

McNelis to Schweer Jr, do you have any expertise in the study of glare? Schweer Jr testified, no. McNelis asked if Schweer Jr has any expertise in sound levels? Schweer Jr testified, no. McNelis asked if Schweer Jr has any expertise in vibration? Schweer Jr, testified, no.

Joe Green asked Schweer Jr, Couple of questions about when we are siting projects, we are always focused on topography. When we evaluated the homes in the area, topography is very much in our favor. The elevation is 1,260' to the crest of the mountain where it is 1,760'. Is your father's home a one-story house? Schweer Jr testified two stories. Green stated, so you are looking at the foot of the slope from the house. Schweer Jr testified, it depends on where you are standing at the time. Green asked if the back of the property is lower? Schweer Jr testified, yes.

Green asked if the water can be calf deep on the south side of the Club 40 Road. Has the water broken over the road? Schweer Jr testified, it has on some occasions when there is a heavy storm.

Green asked regarding the coal mine operation. When you are near a coal mine, you have a certain decrease in property value. Do you think the property value will decrease worse with this project that is 1000 feet up in the air? Schweer Jr testified that the coal mine was there before the house was built 93 years ago. The coal mine was accepted because it was there over 100 years ago. Taking another project across the road will impact the value of the property. To say one will impact more than the other does not make sense because we have something that was pre-existing, and this proposal would be something that is new. From a transactional standpoint, it will diminish the property value. You have two negatives and that will not work out to a net positive. You have to look at this from a global standpoint. If you are as far away as 9th Street and Pardee Street, you will have a direct view of the project. You will have a visual impact from a street level view and a greater community impact from the view. Green stated he is not familiar with the streets.

McNelis stated there are no further questions for this witness.

Sordoni asked if Loxton had any rebuttal questions for this witness? Loxton stated – no rebuttal questions for this witness.

Korinchock swore in Tom Ogorzalek,

Loxton to Ogorzalek, he is the attorney representing John Schweer Sr. Loxton asked if Ogorzalek is an owner or equity partner in a company that owns interest in the Cabot property? Ogorzalek testified that he is manager and officer of Butler Enterprises for 40 years.

Loxton, in regard to the property proposed for the solar project, does Butler Enterprises own property adjacent to the property? Ogorzalek testified; we own adjoining property to the east side of the Cabot property.

Loxton asked, he was asking previously about mineral rights. Does Butler Enterprises have forestry or mineral rights in relation to the Cabot property? Ogorzalek testified Butler Enterprises has extensive rights to the Cabot property. He spoke to Mr Green today and he gave him some maps and deeds. In 1956 Hazleton Industrial Development Corp found out the Beryllium wanted to come into the area with a production plant for their highly toxic material. They bought 1900 acres from Pagnotti for a buffer zone for hazardous dust. HADC arranged to buy from Pagnotti and Butler Enterprises, but they only bought the surface rights, everything else on that property, trees, soil, streams still belong to Butler because Butler bought them out in 1968 and all the rights went with it. So, anything that takes place on Cabot Corporation property, Butler has rights to. The only rights that Butler does not own is oil, gas and uranium.

Loxton asked if Butler Enterprises gave the rights to Cabot? Ogorzalek testified, no, we were never contacted.

McNelis, no questions for this witness.

Korinchock swore in Richard Wienches who testified, he reviewed all the documents provided to Hazle Township. One concern he has is if this company no longer remains in business and the property needs to be put back to its original state, will the township be liable for the expense and the work? It is not a building, it is equipment. He read that the cost would be 7 million dollars. Would it be a planning or zoning issue to be sure that there is a bond that escalates as time goes on over the 30-year period.

Korinchock, was it said that there would be money put into an escrow account for clean up? Green testified, prior to starting construction, the report is in place. A Bond is in place at the start of construction and the bond is reviewed every five years because the costs change.

Rashko asked How much is the bond? Green testified; it is an amount that would have to be negotiated with Hazle Township. Typically, the salvage value of the equipment far exceeds the projected cost of the removal. What they end up doing is posting a certain percentage of the removal cost. Somewhere around 15-20%.

Anthony Duncan- I have a petition to present to the board from residents of the Greater Hazleton area who are opposing the project. Sordoni advised Duncan to come up and present the petition. McNelis interjected advising the board to give the weight it deserves and it's quite prejudicial, we don't know who these people are and he doubts that signatures are notarized or where they are and we cannot

cross examine them. Sordoni advised that the petition be accepted and made part of the record and the appropriate weight will be given to it. Petition admitted into record as Exhibit O-2.

Bob Skulsky, Was there an Archeology Study? James Dell testified that Archeology and above ground study was done. We sent a crew up there in the summer. They did approximately 700-750 test units. There were no findings of prehistoric contact. Skulsky asked how far down did you go? Dell testified to bedrock which in some cases was very shallow.

Rashko asked Dell if they came up with anything called Easter Rocks? Dell testified yes, it is a natural feature not in the actual project area. The crew did take a look at it and nothing was obvious from the ground surface.

Matt Senick stated the water flows over that road every time we get significant rainfall.

Michell Girosky- Have you ever built a solar farm on top of a mountain? Green, yes in New England states. Girosky asked if they are aware that several homes have wells? Green, no, I was not aware of wells. Girosky- this is something that I want addressed. Also with the water runoff, I must have two sump pumps running. Any terrain change will affect the homes.

Brad Blanner- close to the property and is an avid user of Rails to Trails. He understood all the testimony and asked what will be at the Ashmore Road, generators? Approached the map to point out the area.

Katalon testified the substation is about 270 feet from Ashmore Road. Blanner asked, not 1000 feet? Katalon testified, No.

Robert Sagan asked if Ashmore Road be used for building the solar farm. Green testified Ashmore Road will be used for construction and maintenance. Sagan, for how long? Green a little longer than a year. Sagan asked what about when the project is complete? Green testified only for periodic maintenance. Sagan asked if it will be 1000 feet away? Green testified it will be a long way away. Sagan, 1000 feet from the residential properties even if they are not built on? Green testified, yes.

Senick, will artesian springs be affected on Club 40 Road? Max Ojserkis testified that there are no impacts to the wetlands on the project area. Senick asked what Ojserkis definition of wetlands is? Ojserksi testified that they are using the Army Corp of Engineers definition. Senick asked what about the ponds on the property? Ojserkis testified, we do not anticipate any effect on aquatic resources.

Mike Barron stated he used the area frequently for recreation. How long will the construction take? What kind of machinery will be used? Are they diesel machines? What will contain any spillage of contamination from going into the stream and into Drek Creek? The public water supply is less than a quarter mile from the project. Naik testified there are models for storm water runoff. One constraint is it is rock. They will be excavating basins for a year and then convert those to containment. Barron, so you will have runoff containment. Path testified yes.

Barron asked the burning materials, what are they made of? What about vandalism and clean up? What is going to protect the people of Hazleton from the water supply being contaminated from the start of construction right through to the end of the project life? Katalon, Storm water pollution plan permit is secure. Two different ways, Seventy different types of berms or basins so sedimentation is on site rather than off site. Before we start construction, we have to have a secondary spill prevention control plan. We cannot begin construction without providing a plan to the conservation district and they have to be good with it before construction can start.

Rashko asked, is it true that you have had no contact with the Hazleton City Authority regarding this reservoir. Green testified that the water quality report was not part of the project.

Barron asked what is the actual footage from Ashmore Road? Green testified the ordinance calls for 500 feet from a road and 1000 feet from a residential property line. Katalon referred to the map.

Barron asked, what about sound, rock vibration, drive line moving, invertors and 3 items making noise at the same time? Green testified; noise is very complicated. Niak testified, the rock vibration will only be happening during construction. Barron stated that Rails to Trails was created for peace and quiet and the noise from the project should not be heard there.

Sagan asked if there were measurements done and will they be staying 1000 feet from Ashmore Road and 1000 feet from Beryllium Road? Katalon testified, it will be 1000 feet from the corners that are closest to the property and 1000 feet from Drek Creek. The map was discussed. There is a 500-foot setback from the Stockton Mtn Road and 1000-foot setback from the residential properties. Map was discussed.

Sagan asked, influence on the wells from the project, will that be the property owners' responsibility to have the wells tested? Green testified that he was unaware of the wells, and he would like to talk to them about it.

Price asked if there is a representative from Ray Technolgoes present? Has this been used before in a coal mine area? Dealing with coal mining dust. If it were to fail due to the coal mining dust, that is constantly in the air, what is the solution for that? Will this environment affect the ground water? Are they going to add some type of chemical compounds to lubricate it or change the mechanics? Green testified that he did not have the answer to that. This is one of the largest tracker manufacturers. Price stated she wanted to make sure they have a solution for this so it would not be pollution inground or to the water supply.

James Dell testified; he wanted to clarify a fedw points on visual effects of this project. Our industry in Pennsylvania uses standards that are set up by the PHMC. For solar projects we are asked to evaluate visual effects on any potential properties eligible for the national register within a ¼ mile of the project. That is what we did here. We had eleven properties that were visually impacted that were older that 45 years and fell within that ¼ mile buffer. We did not do any visualization study, but we are using the standard methodology that the state provided us whether there could be an impact on the properties. There is very specific specifications that you would have to fulfil before a property is eligible for the

national register. Following the criteria, there were no properties that would meet the criteria to be eligible for the National Register.

Katalon, Storm water management reports that were approved by the Township, County and the state. Three things come into consideration: Storm Water Mitigation, Storm Water Volume Management and Quality. Whenever we build something new, we have to make sure that the proposed development must be equal or less than what the existing runoff was prior to construction. If it does not, we would not be given a permit. Berms will be installed to be sure the volume is equal to or less than the volume before construction.

Niak testified, he pointed out Club 40 Road on the map, this will be bermed up so there will be less water runoff after the physical barriers are installed will be less than it is now. He referred to the map as he was speaking.

McNelis, mention was made as to the size of the roadway and the turnaround area for first responders. Katalon testified the roads will be gravel and 20 feet wide with a turn around area. In addition, for Emergency Response Vehicles, there will be a clearing of 12-14 feet by the fence perimeter to access around the site. McNelis, will this all be confirmed with the fire company and emergency responders? Katalon testified, yes. McNelis, based on your preliminary review and your experience with other sites, it should be okay, correct? Katalon testified, yes that is correct.

Loxton asked, The Stormwater Management Plan, was this submitted or will this be done in the future? Katalon, in the future

Lamar Reiff testified; I would like to address a few of the concerns. Obviously, Club 40 Road up to the project is 160 feet and add to that it is wooded. He believes the project would not be visible from the Club 40 Road. He does not see this being an issue but if it is, they will add shrubbery or do something to rectify the issue. As far as the project hurting the property values, he would take the opposite approach to that. He feels this is going to preserve what you are seeing for the next 35 years. A lot of other things could be put in there that you would actually see because of the drastic setbacks.

McNelis asked Reiff if he had taken the time to look at the ordinance? Reiff testified, yes he has. McNelis asked if he looked into what else could be built on the I-1 property. Sordoni commented, this was already mentioned in his testimony.

Reiff testified, there was mention of the stripping of the mountainside, The area that is going to be built on is pretty flat. Concerns about fire and runoff if there was a fire... on the side that is Industrial, there could be a lot of things that could be put there that would have potentially larger impacts, a large warehouse could catch fire and create an issue with fuel and forklifts. Industrial size trucks, back up beepers, side yard setback of 20 or 80 feet and the structure could be 60 feet high. That could potentially be a lot more noise.

Sordoni asked if anyone had any questions or anything else?

Sordoni called for closing arguments.

Attorney Loxton: I am here for the first time tonight for this hearing. This is not a not in my backyard matter. It is a legitimate concern that people who testified here tonight have. This is a 35-year plus commitment with options to extend the lease. It is a major undertaking, and it will be there for a long time. That is why you have such a good zoning ordinance here in the township. Arguably this is not going to benefit the township. Where is all the solar energy going? It will go on the grid, not in the township. Only Red Mill will benefit by having a long lease on their property. As far as credibility, the people that are here to testify as experts told you everything you want to hear. The credibility is your determination to make. You are in the best situation to determine the credibility for your community. What I don't like or did not want to hear is I don't want you to give up your power. Don't let them skip over your requirements to get to planning. They must meet the zoning requirements or a permit will not be issued. . Their duty to meet all zoning requirements was not met. They have no EMS plan. That is a requirement of the zoning ordinance. There is a lot of no answers or question marks. Throwing it to the Planning department is not the way to go. There was testimony that the fire company was at least aware of the project but there is not EMS Plan. Part of the ordinance required for the special exception is to be sure the project is not detrimental or burdensome in any way to the taxpayers. That is what you need to hear from the Fire Company and EMS. Knowing the proximity to the HCA reservoir, they should have had a representative here from the HCA. That solar farm will be sitting right next to this town's water supply. They did not know about the property owners with wells. I know this is new technology but this needs to be addressed. Not enough definitive answers. Talking about the surrounding neighborhood. The existing residential properties will be less developable in the future because you are putting something undesirable next to developable residentially zoned property. In terms of the property values, there was not appraiser to tell you what the effect would be on those properties. This is something the developer should have done. We also have the Butler Enterprise issue. Butler Enterprise has not consented to any work being done on the Cabot property. When you take a look at the criteria, it was not met for reducing the risk of hazardous materials, not be detrimental to the health, safety and welfare of the public and not a danger to the character of the surrounding neighborhood. As far as drainage, we just heard from a gentleman regarding drainage. This is something that should have been discussed with zoning, not planning commission. Storm water management needs to be adequate to protect that water supply. Police, Fire protection and EMS, we talked about that, the fire chief should have been aware and here to speak if the fire company is prepared to handle this project or if they would need more revenue, more apparatus to handle it. When you take a look at this, there is a very comprehensive solar ordinance you have in the township. I am asking tonight for you to follow the ordinance.

McNelis, Thank you for your patience and your attention throughout these evenings. I am sure the board recognizes this is a special exception case. Nothing special or exceptional at all. With that, the law assumes it will be granted unless property owners establish that the criteria will not be met and the effect of the use will far exceed what the supervisors could have envisioned when they allowed this. It was mentioned to have the ordinance changed. Why would we ask for the ordinance to be changed when this is permitted by special exception. When you look at your ordinance, it has a specific section that deals with the requirements for a grant of a special exception. This side of the room has provided data from numerous studies to make an intelligent decision as to whether or not they have established if this will adversely affect the properties. The other side of the room did not present a single report on

storm water or prove that there will be a storm water problem or investigated vibration noise. We had real experts that have fully investigated all the criteria in the ordinance and have given proof in writing that the standards will be met. The location of this project could not be better, as far as not creating an adverse impact on any surrounding properties being residential or otherwise. All of the requirements, the site plan and all the general requirements have been addressed. People are speculating that this is going to cause a problem. There is nothing to support it. Zoning ordinances offer protection and safeguards on these matters. Your ordinance itself by way of example talks about surface water runoff issues. It says if you are going to create any surface water runoff issues, that is supposed to be reviewed by DEP and soil conservation. Everyone in this room realized this project cannot go forward unless and until it is approved by the Luzerne County Conservation Office and the DEP. It also says the plan should be reviewed by the township engineering firm. I have never been to a planning commission meeting where the township engineer is not the most important person in the room. He is more important than the lawyers because he is the guy who knows if the criteria is being met. This ordinance says that you and your solicitor should be reviewing with the engineer and reaching independent determinations on an issue. You should rely on your experts. We brought experts and we did that. They brought no experts, they only brought speculation. The applicant has provided clear proof for this special exception case. There will be plans for decommissioning and detailed storm water plans. This issue with Butler Enterprises is a private property issue between Butler Enterprises and Cabot. The amount of Cabot land used for the project is miniscule. Arrangements can be made, and Butler could be compensated for an easement. Zoning hearing boards and the solicitors are not supposed to interpret as to whether or not an application be denied based on some title issue. Simple summary, all of the requirements of Article 6 have been complied with. Proof has been given to this board. Nothing has been validly rebutted, which is the duty of those opposing this application.

Article 17, Solar Energy System Ordinance was reviewed very closely by his clients and their consultants. Every effort was made to provide this board with everything that is required in the 14 page document seeking approval for a major solar system. My client has clearly established the right to a special exception.

Korinchock motioned to break for executive session. Price 2nd the motion.

Korinchock called the meeting back to order.

Nina Sordoni thanked everyone for their patience over the course of the hearings. She advised the matter has been taken under advisement. The decision will be rendered at the December 2, 2024, hearing. Once the decision is rendered, parties have 45 days to appeal.

The record is now closed. Decision will be rendered publicly at the December 2, 2024, hearing beginning at 5PM in the same building.

The next regularly scheduled hearing date is Monday, December 2, 2024, at 5 P.M.

Motion to adjourn: Jamie Price 2nd Paul Rashko vote all-aye

Time Adjourned: 9:40 pm.

HAZLE TOWNSHIP ZONING HEARING BOARD OF APPEALS

PO BOX 506, HARLEIGH, PA. 18225

December 2, 2024

Meeting Minutes

Meeting called to order by Chairman, Rick Korinchock at 5PM.

Pledge of Allegiance

Roll Call:

Chairman- Rick Korinchock- Present

Secretary- Jamie Price-Present

Vice-Chairman- Paul Rashko- Present

Zoning Officer- Chuck Krone-Present

Solicitor- Nina Sordoni- Present

Court Stenographer- Laura Baranko- Present

Recording Secretary-Tammy Blasko-Present

Aggrievement statement: Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Supervisors of Hazle Township may appeal to the Court of Common Pleas of Luzerne County by petition duly verified setting forth that such decision is Arbitrary, Capricious and an abuse of their discretion or otherwise not in accordance of law and specifying the grounds on which he relies

The Continued hearing regarding the application of LU-Club Ford 1 LLC C/O MNB Energy, 1155 Avenue of the Americans, New York, NY 10036, who is requesting a Special Exception for a Major Solar System (Solar Panels) on parcels owned by Red Mill Holdings and the Cabot Corp. located in a C-1 (Conservation) and I-1 Heavy Industrial zone located along Club 40 Road near the intersection of Stockton Mountain Road.

Korinchock advised this is a continuation of the solar farm hearing. The board will render their decision tonight. There is no further testimony being presented.

Korinchock asked for a motion to break for executive session. Rashko - motioned, Price - seconded.

Korinchock called the meeting back to order. Korinchock thanked everyone for their patience during the course of the hearings. Asked for a motion.

Rashko motioned to deny the application below due to failure to meet the criteria outlined in section 1708C2: of the Hazle Township Zoning Ordinance.

Motion Seconded by Price.

Vote: all aye

The application of LU-Club Ford 1 LLC C/O MNB Energy, 1155 Avenue of the Americans, New York, NY 10036, who is requesting a Special Exception for a Major Solar System (Solar Panels) on parcels owned by Red Mill Holdings and the Cabot Corp. located in a C-1 (Conservation) and I-1 Heavy Industrial zone located along Club 40 Road near the intersection of Stockton Mountain Road.

Sordoni advised she will issue an opinion to Attorney McNelis as well as all the objectors

Approve the minutes of the November 4, 2024 meeting:

Motion to Approve: Price 2nd: Rashko All: Aye

Korinchock made a motion to accept the suggested dates of the 2025 Zoning Hearings

With the exception of July. Corrected date will be July 8th.

Motion to Approve: Rashko 2nd: Price All: aye

Motion to approve any bills:

Motion: Korinchock 2nd: Price All: Aye

The next regularly scheduled hearing date is Monday, January 12, 2025, at 5 P.M.

Motion to adjourn: Paul Rashko 2nd Jamie Price vote all-aye

Time Adjourned: 6 pm.