

WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT

JUNE 25, 2013
7:30 P.M.

IN THE MATTER OF THE APPLICATION OF:

GARDEN SOLAR, LLC
BLOCK 18, LOT 1
624 BRUNSWICK PIKE
.....

PUBLIC HEARING

B E F O R E:

THE WEST AMWELL TOWNSHIP ZONING BOARD OF ADJUSTMENT

ROB FULPER, Chairman

JOHN CRONCE, Vice Chairman

JOE ROMANO

JOHN DALE

JOHN ASHTON

ROB BORDEN

KEVIN KOVELOSKI

RUTH HALL, Member and Secretary

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59 Old Croton Road
Flemington, New Jersey 08822
(908) 782-0874

A P P E A R A N C E S:

STEWART PALILONIS, ESQ.
148 North Union Street
Lambertville, New Jersey 08530
Attorney for the Board

WALTER N. WILSON, ESQ.
67 Beaver Avenue (Corbit Building)
Annandale, New Jersey 08801
Attorney for the Applicant

A L S O P R E S E N T:

THOMAS DECKER, Engineer

1 THE CHAIRMAN: We will move now to the
2 continuation of the public hearing for Garden
3 Solar. The public hearing has been closed, and
4 it is now at the Board's discretion for a vote.
5 Is there any discussion of the Board?

6 MR. PALILONIS: For the record, let the
7 record indicate that the Board has received a
8 letter from Reed Gusciora, is an Assemblyman
9 for this Legislative District and from Pam
10 Bland, but they were both received after the
11 hearing was closed, so they will not be part of
12 the record.

13 Mr. Wilson, would you like to summarize
14 your position and then I will instruct the
15 Board?

16 MR. WILSON: I will do so very briefly.

17 We spent time on the remand,
18 essentially dealing with the aspect of the
19 relief relating to site plan for the solar
20 array, and most recently, most of the focus has
21 been on the relief that the Board determines is
22 necessary for the second principal use. You
23 may recall, as we have been at this a long
24 time, that our position was that the existing
25 Mason Supply building is a principal permitted

1 use under the schedule, under the ordinance
2 provision, without going to the schedule in the
3 back. I don't say that argumentatively. I
4 know the Board has determined otherwise, but we
5 do stand by that position. Secondly, that
6 there are two uses on the property, that there
7 will continue to be two uses, and in essence,
8 we are substituting a use for a use.

9 The agricultural use will cease, that
10 portion of the property will no longer be
11 farmland assessed, and the solar array, as
12 proposed, will be installed on the formerly
13 agricultural aspect. We don't believe that
14 impacts the use of the Mason Supply on the
15 property, and it does not require relief, but
16 again, you may determine that it does.

17 I have spent quite a considerable
18 period of time looking at the Statute, and
19 reviewing the cases, and without belaboring the
20 point, which I will not do, other than to say
21 we are not even sure that any relief would be
22 required, other than site plan approval. But I
23 think that the closest that we fall within by
24 way of relief is a D2 variance, which is the
25 way the Board has proceeded with the

1 application. The D2 variance is the expansion
2 of a pre-existing non-conforming use. In this
3 case, we have looked at it from the standpoint
4 of the Mason Supply, and I think under the
5 Raspberry v. Kingwood decision of a number of
6 years ago, everybody knows Raspberry's, and it
7 was a non-conforming use. When they expanded
8 the use inside and subdivided a portion of the
9 property off in the Raspberry's case, they
10 subdivided a portion of the property off and
11 they decided that wasn't an intensification of
12 the use because now there was less land
13 available.

14 There are other cases that suggest,
15 however, and I looked to Raspberry's, to say
16 that without a subdivision -- in this case,
17 there is no subdivision, there is in fact not
18 an intensification of use, but assuming we look
19 at it from an intensification of use, or the
20 expansion of the pre-existing use, it is a
21 legal expansion, if at all. There is no actual
22 expansion, there is no expansion outside of the
23 Mason Supply, the area that Mason Supply
24 occupies.

25 With the D2 variance we look to the

1 case of Burbridge v. Mine Hill Board of
2 Adjustment, which was a Supreme Court case,
3 getting old, which makes me feel older because
4 I remember when it came down in 1990, and that
5 case basically said that the benefit to the
6 general welfare is the type of special reason
7 that suits the expansion of a non-conforming
8 use. It went on to say that it is not really
9 the use itself that we look at, but the
10 development of the site in question. And the
11 answer to the question of what is the benefit
12 and general welfare, the Court has said both in
13 the Burbridge case as well as Kohl v. Fair
14 Lawn, another Supreme Court case from 1967,
15 that even if the variance would not be granted
16 today, you could still have the special reason
17 to do so and still have a benefit to the
18 general welfare. In that regard, the benefit
19 to the general welfare can be an improvement.
20 A general aesthetic improvement alone is
21 sufficient or some benefit to the general
22 welfare directed towards that lawfully existing
23 but non-conforming use.

24 In that regard, we have, and I am not
25 going to belabor the point with testimony, but

1 we did describe a number of changes that would
2 be made, an additional row of arborvitae along
3 the easterly side of the array where the Mason
4 Supply is; and we indicated we would provide a
5 six foot high fence, if the Board determined it
6 would be an aesthetic improvement to the Mason
7 Supply; provide a board-on-board fence along
8 the easterly side of the Mason Supply, along
9 the right of way to the rear of the property.
10 I think there was some concern that that may
11 pose more of a hinderance for that, but we
12 indicated that anywhere from the right of way
13 line back, we would be happy to do that, and
14 even to accept that condition -- more or less a
15 field condition that Mr. Decker and/or a
16 subcommittee of the Board felt it would be
17 helpful to put in at some point during the
18 construction process, and we would stand ready
19 to do that.

20 We indicated that we modified the
21 fencing to an architectural style fence rather
22 than chain link, and again, along certain
23 portions of the Mason Supply property to
24 provide a little more of a cleaner look for
25 that. We indicated there would be also

1 aesthetic improvements by way of a bituminous
2 surfaced parking area for handicapped, and that
3 would require special soils on the site, and
4 that fence along the easterly portion of the
5 array would also change from a chain link to a
6 landscape architectural style fence, that the
7 owner of the property was agreeable to cleaning
8 the entrance, to pull the display of product
9 back from the right of way, out of the right of
10 way and into a reasonable distance inside of
11 that right of way. I think, however, the most
12 significant aspect of what is gained by way of
13 benefit to the general welfare is the handle,
14 and by that I mean a handle on Mason Supply,
15 and that can be and is a benefit to the general
16 welfare in that you now have the existing
17 conditions plan, which clearly and perhaps for
18 the first time since the use started in the
19 '60s, had a defined use and limit of use to the
20 Mason Supply.

21 I know there was some concern about
22 what happens in the future, because now we have
23 put the solar array rather than an agricultural
24 use on the balance of the property, and what
25 happens if they want to expand. They can't.

1 Well, that is a choice the property owner is
2 making, and the owner of Mason Supply as the
3 property owner, is making, as I understand it.
4 And if there is to be an intensification or
5 change in any way, they will have to come
6 before this Board, and they will then be
7 subject to your jurisdiction by way of a site
8 plan. I think that that is also an inherent
9 benefit with respect to that second use.

10 So we think all of those factors
11 satisfy the Kohl and the Burbridge standards.
12 We think we have satisfied the negative
13 criteria and not spent a lot of time on that,
14 but we think that with everything added, it is
15 reflected in the lack of a negative impact from
16 the relief that is requested. The question is
17 not do we not like Mason Supply, and the
18 question is not on Saturday morning if I get up
19 early in the morning and I watch the number of
20 trucks that come in and out, and I hear the
21 trucks, and I hear the tailgates banging, is
22 that a problem. That is not the question
23 before us. The favor or disfavor of Mason
24 Supply is really not an issue in this case, it
25 is what impact does the granting of the relief

1 have upon the existence of this business, and I
2 think the only impact it has is to define it,
3 limit it and provide some aesthetic improve-
4 ment.

5 If there are other aspects of aesthetic
6 improvement, we would be happy to consider them
7 in a dialogue with the Board by way of
8 conditions. But in essence, we feel that we
9 have satisfied the obligations of the cases and
10 of the Statute, and that if the relief is
11 required, as you have determined, then we have
12 satisfied those aspects.

13 We believe also that it would be within
14 the realm of this Board's reasonableness when
15 you have two principal uses on a property such
16 as here, that it is within the Board's purview
17 to determine which was first and foremost, not
18 which is the dominant at this time, but which
19 is first and foremost.

20 We know that the property -- that West
21 Amwell Supply began sometime in the 1960s, and
22 I think we know also that the property was more
23 agriculturally related at that time, and that
24 the agricultural use remains on the balance of
25 the property through West Amwell Supply.

1 That being said, what we are doing is
2 replacing one principal use with another
3 principal use, and that is the agricultural
4 use. Perhaps foremost, not dominant, but
5 foremost, with a second one which I would
6 suggest to you that in fact when you take into
7 account and consideration the aspects of
8 farming, of agriculture, of which we all look
9 to preserve, but which does have and causes
10 problems by way of dust on an annual basis,
11 several times a year, with the planting,
12 turning the soils, with herbicides, pesticides,
13 fertilizers, with parcels that we have heard
14 are a bit soggy, and have water runoff issues
15 at this time, that with all of those aspects we
16 believe that will go away, we will now have a
17 stabilized surface, we will not change the
18 soils, we will have a stabilized surface. We
19 are going to have the condition of no herbicide
20 use or pesticide use. You will have a
21 stabilized surface on a year round basis.

22 You will have the guarantee of a
23 maintenance plan, and I know we have talked
24 about that periodically, but it is important to
25 remember the fact of the uniqueness of this

1 type of application, where we have provided for
2 the continuing maintenance and landscape
3 provisions for the entire life of the array,
4 rather than what is required by either
5 ordinance or statute. A tree dies, a tree is
6 replaced. The grass spots out and there are
7 empty spots within the grass, it has to be
8 replaced, and that ultimately comes to a
9 matting to be placed, in order to have the
10 grass grow, that is what has to be done, and
11 that is at the discretion of the municipal
12 engineer.

13 There is also, from an unprecedented
14 standpoint with any other use, that upon
15 cessation of the use, there is a decommis-
16 sioning plan, and it will be removed. There
17 are buildings built every day that turn into
18 disrepair, and we can all find them in all of
19 our communities. Until they become a specific
20 hazard, it is a very difficult process to
21 enforce by way of removal or remediation of
22 that hazard. In this case, there is a specific
23 time frame. If it doesn't operate for a period
24 of time, it comes out.

25 The coming out aspect of it is not cost

1 ineffective, it does not become cost
2 ineffective to continue to operate the system
3 even after its expected life. It will continue
4 to generate electricity, and as long as it is
5 generating electricity, it is making money,
6 obviously, and there is very little
7 maintenance, as you will see if you grant this
8 approval.

9 Lastly, and I appreciate your
10 attorney's comments with respect to what is not
11 allowed to be entered into the record after the
12 public hearing was closed, but just as an
13 indication there, it is a matter of public
14 record that for example -- and it was just
15 announced this past Friday at the BPU meeting,
16 that the applications for the solar, permission
17 to construct solar on farmland, which is 80
18 megawatts per year for the calendar years '14,
19 '15 and '16, that within those three years
20 there was an under subscription in each and
21 every year. What does that mean? That means
22 that while our anticipation may have been to
23 apply for a 2017 or later construction or
24 service year, the site may be built if approved
25 even sooner. There is a three megawatt under

1 subscription for 2014, there are in excess of
2 20 megawatts of under subscription for 2015,
3 and there are probably 60 megawatts of under
4 subscription for 2016. I think that that is as
5 a matter of public record, but the aspect is,
6 it was not --

7 (Many voices simultaneously.)

8 MR. PALILONIS: I suspect there are
9 objections to the fact that you are referring
10 to new information and putting it on the
11 record.

12 MR. WILSON: But it is a matter of
13 public record. I think the Board can take
14 judicial notice.

15 MR. PALILONIS: But we don't have the
16 public record, so please.

17 MR. WILSON: That is fine.

18 A VOICE: And if the hearing is over,
19 how come he gets to speak?

20 THE CHAIRMAN: The public hearing was
21 closed to the public.

22 A VOICE: But he is not testifying, he
23 is summarizing.

24 ANOTHER VOICE: For a half hour.

25 MR. WILSON: Having said all of that, I

1 believe under any interpretation of the relief
2 that is required, if the Board now reconsiders
3 and says gee, maybe we don't need the D2
4 variance relief, I think there is case law that
5 supports that because the Board would still
6 retain jurisdiction on the basis of the initial
7 relief that was sought. So under any
8 circumstances, we feel we have satisfied the
9 criteria for granting of the relief, and while
10 we understand and appreciate your concerns,
11 most of which were directed towards the current
12 operations of West Amwell Mason Supply, that we
13 would ameliorate conditions that would help
14 that. Also, the Board really is in a position
15 to grant the relief and should grant the relief
16 in our view, and to not grant the relief, we
17 believe would be a capricious and unreasonable
18 decision of the Board.

19 We urge an affirmative vote, and we
20 also urge if there are concerns, that if the
21 conditions were imposed that would make it
22 better in your view, that in accordance again
23 with case law, we would be happy to entertain
24 or engage in those discussions. Thank you.

25 MR. PALILONIS: Okay. I generally

1 agree with Mr. Wilson, except to the extent
2 that the issue is not so much expansion of the
3 non-conforming use, as it is a dual use, which
4 is my understanding of why they are here: Two
5 principal uses on the same property. As far as
6 that goes, West Amwell Mason Supply's a pre-
7 existing non-conforming use that has obviously
8 been expanded over the years, for better or
9 worse, rightly or wrongly, and it is what it
10 is, and we are stuck with that.

11 The solar array use is permitted in
12 this zone. It is an inherently beneficial use.
13 For those Board members who were not here for
14 Green Power, let me quickly tell you what an
15 inherently beneficial use is and how it applies
16 here. An inherently beneficial use means a use
17 that is universally considered a value to the
18 community because it fundamentally is for the
19 public good and promotes the general welfare.
20 Such uses include but are not limited to a
21 hospital, school, child care center or group
22 home or windmill, or solar photovoltaic
23 structure under N.J.S.A. 40:55D-4, and in the
24 same citation, Section 7, wind, solar or
25 photovoltaic energy structure means the

1 facility or structure for the purpose of
2 supplying electrical energy produced in wind,
3 solar or photovoltaic technology, whether such
4 facility or structure is part of the principal
5 use, the part of the principal use that would
6 apply for an accessory use or structure.

7 So the solar use, per se, is not the
8 issue. If the applicant had chosen to
9 subdivide this lot, we wouldn't even be here,
10 it would be before the Planning Board. It
11 might still be here, but the issue would be
12 very narrow at this point, and in fact, it
13 would go by the site plan. So the D variance,
14 as far as the positive criteria, the special
15 reasons is not even an issue, except to the
16 extent of the negative criteria.

17 I will talk about the detriment to the
18 public good, first of all, and there would be
19 no detriment to the public good. The applicant
20 has shown the site plan meets all of the
21 standards for a solar facility under the
22 ordinance. It is hard to see how you can
23 conclude, and again, the use is permitted in
24 this zone, so it is hard to see how the
25 facility, per se, would be detrimental to the

1 public good, which leaves us with whether it
2 impairs the zone plan, and on its face, it
3 does, because again there are two principal
4 uses on the same lot.

5 The question then becomes would the
6 existence of both these uses on this lot be so
7 detrimental to the zone plan, or by some other
8 theory, that it would be detrimental to the
9 public good such that it should not be granted.

10 So I am going to have to ask the Board
11 members if they are going to vote no, to
12 articulate what they believe is a valid reason
13 for turning down this variance. I would expect
14 you to impose conditions, and in that regard,
15 we will see what happens, but if it is
16 approved, I would like to have the transcript
17 within two weeks so I can properly prepare a
18 resolution to incorporate those conditions.
19 They are part of the record.

20 MR. WILSON: Can I comment on that?

21 MR. PALILONIS: Sure.

22 MR. WILSON: We will be happy, or I
23 should say that at arms length, and say that we
24 will supply that in two weeks for you, but I
25 would also indicate that if in that regard, and

1 that would be with an affirmative vote towards
2 the granting of the relief, that we would be
3 happy to do an accumulative list between the
4 engineer and counsel, and assemble the list of
5 conditions, and I am sure there are some that
6 we have neglected to affirmatively mention in
7 the past short period of time.

8 MR. PALILONIS: That is fine, I just
9 wanted to make sure it was part of the record.

10 MR. WILSON: Yes.

11 MR. PALILONIS: So in 20 years somebody
12 can go back and say what you were supposed to
13 do.

14 MR. WILSON: I agree.

15 THE CHAIRMAN: Any questions?

16 MR. ROMANO: I do. You mentioned that
17 this theoretically could be subdivided, and
18 would it not be before our Board, it would be
19 before the Planning Board or something at that
20 time. I just want to ask that of Tom. Is that
21 accurate, in the sense that how would they
22 subdivide the Mason Supply from the farm area?
23 If the Mason Supply is 100 percent impervious,
24 in order for the ratio -- it is not
25 straightforward -- could it be easily

1 subdivided, and would it be outside?

2 MR. DECKER: Without having had a
3 subdivision application to sit down and go
4 through, that is a difficult question and
5 answer.

6 MR. PALILONIS: It is very difficult
7 because you know, again, all of these non-
8 conformities arose, and how, why, or when, and
9 to what extent could you hold their feet to the
10 fire in the subdivision application.

11 MR. ROMANO: I am just saying if you
12 subdivide it, it would be outside of your
13 jurisdiction. I think that we would have to
14 defer comment on that.

15 MR. PALILONIS: Arguably, if they meet
16 the minimum lot area requirement, they would
17 get subdivision approval, notwithstanding it is
18 too high or too much impervious surface,
19 because it should not happen in the first
20 place, really, right? But you know, it is a
21 good question, but it is kind of academic at
22 this point.

23 MR. WILSON: Can I comment on it?

24 MR. PALILONIS: No.

25 MR. WILSON: I think it can be easily

1 done.

2 A VOICE: So he answers it anyway.

3 MR. PALILONIS: Again, how does that go
4 to the issue of whether the combination of
5 these two uses on this property somehow would
6 be a bad situation?

7 MR. ROMANO: I don't want to make more
8 of it, I am commenting on what you said, but we
9 can move on.

10 THE CHAIRMAN: You were talking about
11 the list, if a motion is brought forth, how
12 many stipulations do you want to identify in
13 the motion, or go back to the record with Tom
14 and try to identify a lot of these other
15 restrictions that you want?

16 MR. PALILONIS: They are all in the
17 transcript. I think Tom knows a lot, but I
18 wouldn't want to hold his feet to the fire
19 right now. That is my real point.

20 THE CHAIRMAN: I wanted to say that is
21 in the record, and plus the Board tonight has
22 the opportunity to bring out whatever
23 restrictions they feel is important, because
24 that would be part of the motion tonight.

25 MR. PALILONIS: Sure.

1 THE CHAIRMAN: Does anybody have any
2 more questions or comments?

3 MR. BORDEN: I guess I do. You said
4 that if we vote nay on the granting of the
5 variance, that we need to provide a stipulation
6 or condition by which they would change the
7 vote?

8 MR. PALILONIS: I am respectfully
9 requesting that if you do vote no, just to say
10 why you are voting no, and it should relate to
11 the issue of why the combination of the two
12 uses is somehow more impactful.

13 MR. CRONCE: But I don't have to give
14 you a reason.

15 MR. PALILONIS: Of course you don't.

16 MR. CRONCE: Then why should I?

17 THE CHAIRMAN: Because that is what he
18 has asked for.

19 MR. CRONCE: I just wanted to push
20 that.

21 MR. PALILONIS: I am emphasizing that
22 for obvious reasons.

23 MR. BORDEN: Can I ask a question? We
24 have positive criteria and negative criteria,
25 and the positive criteria is already satisfied.

1 So I am not sure -- we did talk about negative
2 criteria, negative criteria are aesthetics and
3 others.

4 MR. PALILONIS: Those types of issues,
5 if I may respond to that, aesthetics is not an
6 issue. They will comply with all of the
7 standards in the zoning ordinance for a solar
8 array, so how can you say -- I mean, if you can
9 come up with something that is great, I,
10 personally, can't think of any reason why you
11 would make that an issue.

12 MR. BORDEN: Then that would be the
13 positive. So what would constitute the
14 negative criteria?

15 THE CHAIRMAN: Listen, we are on the
16 tape and you all had an opportunity to speak,
17 and now we need to discuss this and we don't
18 need a lot of voices in the background. Could
19 everyone in the audience please keep quiet? If
20 you want to discuss it or laugh about it, then
21 go out in the hall and do so. Go ahead.

22 MR. PALILONIS: In my mind, again, the
23 only issue is -- the reason they are here is
24 there are two uses, so if you can, I would
25 appreciate it if you can articulate a reason

1 why these two uses are just too much. Why they
2 are not acceptable for whatever reason, for a
3 rational reason, and that is what it comes down
4 to, to me.

5 THE CHAIRMAN: You mean legally?

6 MR. PALILONIS: Legally, of course.
7 That is a given. I mean, I have no opinion on
8 any of this, and that is why you are here.

9 THE CHAIRMAN: Any other comments from
10 the Board? Any discussion among the Board
11 members? Otherwise, we are at the point where
12 we need a motion.

13 THE CHAIRMAN: I don't want you to make
14 a motion until you are satisfied that you had
15 ample time to comment on this. You are all set
16 at this point?

17 MR. CRONCE: Yes.

18 MR. ASHTON: I think in this case that
19 I will make a motion that we approve the
20 variance for the two primary uses with the
21 collection of stipulations that have been
22 accumulated on the record to date.

23 THE CHAIRMAN: We need a second to the
24 motion by John Ashton.

25 MR. DALE: I will second it.

1 THE CHAIRMAN: Roll call.

2 MR. CRONCE: Read the motion back to
3 me.

4 MS. HALL: I do need it clarified.
5 Ashton made a motion to approve the variance
6 for the two principal uses with the
7 conditions --

8 MR. ASHTON: That have been set forth
9 along the way.

10 THE CHAIRMAN: Roll call.

11 MS. HALL: Cronce?

12 MR. CRONCE: I would just like to make
13 some things clear: This has been a very hard
14 case for this Board to make a decision on
15 tonight. With the extra time, I searched very
16 hard through all of my notes, and I have
17 studied what the public said. It was very hard
18 on the public, and also equally to the
19 applicant. There were some things that left
20 questions in my mind, but I have to deal with
21 them now. With that in hand, and listening to
22 the attorney here and their attorney through
23 the summary, it is a hard vote, but I vote yes.

24 MS. HALL: Romano?

25 MR. ROMANO: I am with John, it has

1 soon as you can. If it is in the form of a
2 memorandum of agreement, I would appreciate it.

3 MR. WILSON: We do need a vote on the
4 site plan, however.

5 MR. PALILONIS: That is a good point.
6 We didn't really incorporate that into the
7 original motion.

8 I think that was understood, but for
9 purposes of the record, we should do that,
10 specifically.

11 THE CHAIRMAN: Call the role.

12 MS. HALL: Cronic?

13 MR. CRONCE: Aye.

14 MS. HALL: Mr. Romano?

15 MR. ROMANO: Aye.

16 MS. HALL: Myself, aye.

17 Dale?

18 MR. DALE: Aye.

19 MS. HALL: Ashton?

20 MR. ASHTON: Aye.

21 MS. HALL: Mr. Borden?

22 MR. BORDEN: Aye.

23 MS. HALL: Fulper?

24 THE CHAIRMAN: Aye.

25 MR. WILSON: Perhaps we can prepare

1 this with a single condition of the variance,
2 which would be compliant and satisfy the site
3 plan, then usually the conditions from the site
4 plan could be inserted and it might work easier
5 resolution wise.

6 MR. PALILONIS: Yes.

7 MR. WILSON: Just from the resolution
8 standpoint.

9 MR. PALILONIS: Yes, it will be one
10 resolution, but there will be some kind of
11 memorandum of understanding. It will be
12 resolved between, I guess, Mr. Decker and your
13 engineer or you.

14 MR. WILSON: We have a number of forms,
15 just informationally, also. Again, thank you
16 very much for your attention to a difficult
17 application, I understand that, but we do
18 intend to also approach the Township at this
19 point with respect to providing an opportunity
20 for a virtual net meter for the school, so we
21 will be pursuing that.

22 MR. CRONCE: Explain that to me.

23 MR. WILSON: The theory is that the
24 power still connects into the grid, but it is
25 metered as it goes into the grid, and the

1 ultimate municipal user would get credit for
2 that against their electric usage. It is at a
3 much lower rate.

4 THE CHAIRMAN: Discounted?

5 MR. WILSON: Yes, they refer to it as
6 either aggregate or virtual net metering,
7 because the net meter is when it is on site,
8 but since it is not on site, it wouldn't
9 happen, but we will pursue that.

10 MR. PALILONIS: And you have to put an
11 array right back here.

12 MR. WILSON: Yes.

13 THE CHAIRMAN: That is more attractive.

14 MR. PALILONIS: The SRECs are squat
15 now. Excuse me, as long as she is typing, we
16 are not off the record, so we should adjourn
17 this.

18 THE CHAIRMAN: Yes. We will close this
19 hearing, the Board will resume its regular
20 meeting.

21 (Hearing adjourned.)

22

23

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C E R T I F I C A T E

I, JACQUELINE KLAPP, a Certified
Court Reporter and Notary Public of the
State of New Jersey, holding License No.
30X100034700 do hereby certify that the foregoing is a
true and accurate transcript as taken to the best of
my ability of a meeting held on
June 25, 2013.

JACQUELINE KLAPP, CCR 30X100034700

