



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022

717.367.8917 • 717.367.9208 fax

www.mtjoytp.org

Minutes of a Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, September 9, 2026

- 1) Chairman Gregory R. Hitz Sr. called the meeting to order at 6:00 P.M. in the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022.
- 2) Meeting Attendance
 - Members Present: Gregory R. Hitz Sr., James E. Hershey, Robert F. Newton Jr., & Roni K. Clark
 - Members Absent: None
 - Township Representatives: Justin Evans, Assistant Zoning Officer
 - Lancaster County Court Reporter: Angela Kilby
 - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
- 3) A motion was made by James E. Hershey and seconded by Robert F. Newton Jr. to approve the minutes of the August 5, 2026 meeting. All members present voted in favor of the motion.
- 4) Solicitor John P. Henry provided a procedural briefing for the meeting.
- 5) Old Business:
 - a. Zoning Case #260012 (Continued from the August 5, 2026 meeting)
 - Applicant: SUNN 1015 LLC/Abundant Solar Power Inc.
 - Landowner: Clair Mummau
 - Property Location: 1311 Schwanger Road, Mount Joy, PA 17552, Tax Parcel ID #461-52560-0-0000
 - Zoning District: (A) Agricultural District
 - Special Exception Request:
 - (1) Chapter 135, Article XXIII, §135-313.D(1) – accessory large scale solar energy system

Prior to hearing the application, Solicitor Henry stated that the applicant waived the 60-day deadline in which to commence the hearing. The application was represented by Attorney Jeff Malak of Chariton & Malak. Solicitor Henry then called forward attendees seeking party status to the application.

- Randy Stevens (2541 Mount Pleasant Road) lives within 1 mile of the site and noted potential traffic impacts between this property and the property subject to Case #260013. Attorney Malak asked if Mr. Stevens is an adjoiner to the subject property. He is not but does adjoin the property subject to Case #260013. Mr. Newton asked if he lives on the other side of Route 283 from the site. Yes.

A motion was made by James E. Hershey and seconded by Robert F. Newton Jr. to deny Mr. Stevens' request for party status. All members present voted in favor of the motion.

- Joelle Myers (2706 Mount Pleasant Road) is not an adjoiner but the rear of her property abuts Schwanger Road. Mr. Newton asked if she lives on the other side of Route 283 from the site. Yes. Attorney Malak asked about the direct impact of the proposal to her property, which was limited in nature.

A motion was made by Robert F. Newton Jr. and seconded by James E. Hershey to deny Ms. Myers' request for party status. All members present voted in favor of the motion.

- Kent Mummau (2494 Stauffer Road) requested to speak on behalf of his father, who owns the subject property and is 82 years old. Attorney Malak did not have questions. The Board asked about the location of the property and condition of his father.

A motion was made by James E. Hershey and seconded by Robert F. Newton Jr. to approve Mr. Mummau's request for party status. All members present voted in favor of the motion.

Attorney Malak provided an overview of the site and the proposed agrivoltaics project involving the pasturing of sheep within the solar field area. He then called his first witness, Matthew McGregor, corporate representative of the applicant (Abundant Solar Power, Inc.). Mr. McGregor stated that his company is a subsidiary of Power Bank Corporation and has developed approximately 80 megawatts of solar power projects in the US. They will have a 25-year lease with the landowner and conduct routine operations and maintenance during that period. Mr. McGregor then testified to the following:

- Panels will be installed on a galvanized steel racking system in parallel with AC converters.
- No hazardous materials are present within the panels; components meet industry standards.
- Approximately 16 acres of the site's 34.49 will be within the fenced area of the agrivoltaic project occupied by panels and a meadow to be grazed by sheep.
- System will be decommissioned at end of lease by removing all elements of the project except for the agricultural fence if the landowner wishes for it to remain.
- No major grading is required, reducing stormwater management needs and limiting impacts to agricultural soils.
- The system will generate electricity to the grid, no sewer or water is needed, traffic to and from the facility will be minimal, and no fuel will be stored on site.
- They will coordinate access and emergency response with the fire department.
- Other than emergency service, there will be 3-4 maintenance visits per year.
- Buffering and screening will be provided per the ordinance, and the project will comply with stormwater management regulations.
- Fencing will be agricultural in nature, using timber posts and wire mesh.
- Impacts to neighboring properties will be similar to other agricultural uses.
- No pesticides or herbicides will be used.
- Sound generated by the facility should be limited to inverters and transformers during the daytime, operating at a level similar to a residential HVAC system that is not evident at the property line.
- The system will follow electrical and fire codes.
- These modern solar panels are designed to absorb sunlight and not reflect it, minimizing glare to levels in line with window glass. The FAA will review the project for glare implications to aircraft.
- Panels are not filled with liquid, they are bi-facial with two panels of glass and solar cells in between.
- 24/7 remote monitoring detects issues such as broken panels for servicing.
- A 7' high ag fence will enclose the facility; gates will be locked and warning signs will be posted on the fence as required.
- The facility will be kept in good repair and operating condition.
- No adverse impacts upon neighboring properties are foreseen.
- A decommissioning agreement and financial security will be posted with the municipality.

The applicant's second witness, Cassidy Robinson of LaBella Associates, the consulting engineer for the project was called to testify. She provided her background and professional experience as well as a general overview of the site and layout.

- An access drive will be provided from Cloverleaf Road.
- Stormwater management will accommodate runoff from the driveway and equipment pad.
- Elements of the facility were demonstrated to meet the required setbacks.
- Screening will consist of a mix of existing vegetation and new plantings.
- The ordinance has a maximum height of 20' for the panels; an approximate height of 10' is proposed.
- The facility will not be located within a legal easement or right-of-way.
- A culvert will be installed to cross a drainageway passing through the site, requiring a Chapter 105 permit through DEP.

- The gravel access drive will be 20' wide between Cloverleaf Road and the fenced area, then reduces to 12' wide inside the 7' high fence.
- Emergency service providers will review the project, and their responses will be provided to the township.
- Lighting is not proposed.
- Impervious coverage is limited to the access road and equipment pad and will not exceed the 25% maximum for the entire property.
- The project meets DEP Chapter 102 requirements as well as solar collector requirements.
- Stormwater management BMPs will reduce peak rate and volume while improving water quality.
- Trees will be planted at a height of 6' or greater.

Kent Mummau asked how water would be provided to the sheep grazing at the facility. Mr. McGregor said there is currently no plan for water and this aspect is subcontracted to a sheep herder.

Mr. Hitz asked if the applicant received the Zoning Officer's July 14, 2026 letter with proposed conditions. Attorney Malak confirmed receipt and acknowledged the conditions. Solicitor Henry noted if the application were to be approved, that list of conditions is not exhaustive.

Attorney Malak offered Cassidy Robinson as an expert consulting professional engineer. She reviewed her professional credentials and experience. A motion was made by Robert F. Newton Jr. and seconded by James E. Hershey to accept Ms. Robinson as an expert professional engineer. All members present voted in favor of the motion.

Mr. Hershey requested clarification of the decommissioning plan placing responsibility on the owner. Does that mean landowner or solar facility owner? Mr. McGregor said the responsibility falls on the applicant, who will post financial security in case the project is abandoned or if something else goes wrong. Has any kind of glare study been conducted? Yes, and it has been submitted to the FAA for analysis of impacts to aircraft. They are also open to providing the Board with a visual simulation and glare study. Will there be any kind of batteries or other energy storage devices? No energy storage will take place on site. Where is the stormwater management plan? Ms. Robinson said it is not yet ready, but a full plan will be submitted during the land development phase and for their NPDES permit application.

Mr. Newton asked about the facility's life span. Mr. McGregor said newer panels have a typical life span of 25 years. They can last up to 45 years but the lease is for a 25-year term. What about glare onto Route 283? He reviewed the existing and proposed screening along the highway. Additionally, the panels face south, away from traffic.

Mr. Clark referenced the PPL interconnection agreement and expressed concerns with the length of that approval process. Will fuel be stored on site for the generators? The generators referenced are actually the inverters within the system.

Mr. Hitz suggested extending the buffer along the highway with evergreens. Ms. Robinson noted the residential area to the west is buffered substantially given those circumstances. How often are the panels cleaned? Mr. McGregor stated that rain typically keeps them clean enough for operational purposes. They like to avoid using cleaners to keep the runoff pure. Will a lockbox be provided for emergency responders? Yes, they will coordinate with emergency service providers for their lock box preference and other details. What is the timeline for repairs to the system? The issue is identified within 24 hours and a local contractor is contacted to make the repairs. Mr. McGregor stated his company is responsible for the spacing, watering, maintenance, and the timely replacement of plantings.

Mr. Hitz called attention to language in the application claiming "no adverse impacts to neighboring properties". He requested studies to better confirm that statement.

Mr. Hershey asked if the property is enrolled in Clean & Green. Kent Mummau replied affirmatively. He then asked the applicant if they understood the impacts of establishing a commercial use on such a property. Mr. McGregor confirmed and will coordinate with the landowner. How will the characteristics of a farm be maintained? The project introduces a new agricultural use to the property via grazing, ag fencing, and visual screening. It will continue to be agricultural in nature. Where will the majority of revenue generated by the property come from? Mr. McGregor is not aware of the agricultural revenues to make that determination. Mr. Newton then asked if the

solar system is principal or accessory? It will be an accessory use to the farm and the electricity generated will be used in the farming operations.

Mr. Hershey asked if PennDOT will require a study since the facility is so close to the highway. Ms. Robinson stated a minimum use driveway permit is needed since it will generate less than 25 trips per day, even during the construction phase. She is not aware of any separate steps or studies. Mr. McGregor added that PennDOT will review the project plans as part of the application. They may also require a glare study.

Solicitor Henry asked what or who would access the driveway. Mr. McGregor noted emergency services in case of injury, and personnel for repairs or routine preventative maintenance. How is the proposed fencing different from chain link, which is specifically prohibited by the ordinance unless screened by vegetation. Details for the ag fencing were reviewed. When does the FAA conduct their review? It was submitted a few weeks ago and currently under review. If approved, a letter of no impact to aircraft, airports, etc. is issued. How does the remote 24/7 monitoring work? There will be a camera at the equipment pad. Additionally, they can monitor operations of the panels through the inverter status. Where will replacement panels be stored? They typically purchase more panels than needed for the install, which are kept with the local electrical contractor. A discussion took place regarding farm preservation and any implications from that.

Mr. Hershey asked about the size of the electrical equipment. Transformers are mounted on the concrete pad and are approximately 6' high. The Board requested a glare study for consideration in the decision.

Mr. Mummau asked how this project's glare compares to other solar projects on farms along Route 283. Mr. McGregor reiterated that motorists on the highway should not see the panel fronts. They will prepare the glare study to confirm this. Questioning of the applicant's witnesses concluded.

Mr. Mummau presented his testimony. His father's farm could use all or most of the energy in the future depending on the agricultural operations. Not all farmers grow food, as evidenced by ethanol production, other products, and lumber. Local soils require fertilizer because of continued farming, to which 25 years of grazing will help improve. The sheep will need a water source, which is currently unknown. Pollinator habitat is needed too. He recounted the zoning history of the subject property that went from commercial to agricultural without coordination with the township.

There were no questions for Mr. Mummau from the Board or applicant. Solicitor Henry summarized next steps in the hearing process. Glare, sound, and environmental studies will be prepared and forwarded to the Board. Testimony will remain open and the case is continued to the October 7 meeting. After completing testimony for Case #260012, the Board will then open Case #260013. Those studies will be prepared for both applications.

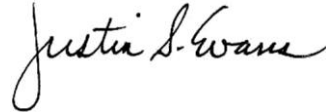
A period of public comment took place.

- Randy Stevens (2541 Mount Pleasant Road): Noted that most of the discussion pertained to the solar panels and not the agricultural status of the property, citing a court case about solar on farms and expressing concern about the Clean & Green status.
- Bob Miller (2625 Stauffer Road): Asked several questions about buffer plantings and facility health, which were not answered due to the nature of public comment.
- Glenn Musser from Mount Pleasant BIC Church was not allowed to make comments since he is not a township resident.
- Donna Bucher (680 Cloverleaf Road): Expressed concern with flooding and other impacts to neighbors, while noting that her solar panels do not emit glare.
- Larry Smith (2361 Rob Drive): Expressed concern with grazing sheep eating down to the roots of the vegetation and creating runoff impacts.
- Ken Landvater (2373 Stauffer Road): Echoed concern for HIA airspace and glare affecting neighbors.
- Kent Mummau (2494 Stauffer Road): Spoke about a disconnect for the township in case the applicant does not properly maintain the facility and plantings; also echoed his prior comments about the need for pollinator habitat.
- Steve Cook (2427 Mount Pleasant Road): Noise at the property line should be determined since testimony was vague; studies should include heat generation, stormwater management, and impacts to neighboring wells; asked how many sheep constitute a sheep farm.

Solicitor Henry reiterated that the applicant would provide noise, glare, and environmental studies plus the FAA glare study results. The case will resume on October 7, 2026. Attorney Malak will provide a written extension for the continuance beyond the MPC timeline.

- 6) A motion was made by Robert F. Newton Jr. and seconded by James E. Hershey to adjourn the meeting at 8:50 p.m. All members present voted in favor of the motion.

Respectfully Submitted,

A handwritten signature in black ink that reads "Justin S. Evans". The signature is written in a cursive, flowing style.

Justin S. Evans, AICP
Assistant Zoning Officer

For: Robert F. Newton, Jr., Secretary
Mount Joy Township Zoning Hearing Board