

**READINGTON TOWNSHIP COMMITTEE
MEETING SEPTEMBER 4, 2012**

Mayor Auriemma *calls the meeting to order at 6:30 p.m.* announcing that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

PRESENT: Mayor T. Auriemma, Deputy Mayor J. Allen, Mrs. B. Fort, Mr. F. Gatti, Mrs. B. Muir

ALSO PRESENT: Administrator Mekovetz, Attorney S. Dragan, Engineer R. O'Brien

ABSENT: None

EXECUTIVE SESSION:

Clerk read the following Resolution:

RESOLUTION
EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-6 *et seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the act;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the specified subject matter as set forth in the following Exhibit "A."

EXHIBIT A

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Personnel Matters.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Police Department / Lieutenants...	Personnel.....	“ “ “
Police Department	Personnel.....	“ “ “
Professional Services..... Animal Control Solutions	Contract Negotiations.....	“ “ “
Executive Session Minutes..... • August 6, 2012	Attorney-Client Privilege.....	“ “ “
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6 & 8; Block 39, Lot 24 & Block 67, Lot 2 (Solberg Aviation).....	Litigation.....	“ “ “

It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit “A.”

2. This Resolution shall take effect immediately.

A **MOTION** was made by Mrs. Muir to adopt this resolution, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:52 p.m.

Mayor Auriemma led those present in the *Salute to the Flag*.

Executive Session:

Personnel / Personnel Matters

Mayor Auriemma stated that this matter remains in Executive Session.

Personnel / Police Department / Lieutenants

A **MOTION** was made by Mr. Gatti to promote John Insabella to the position of Lieutenant, effective date to be determined, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mrs. Fort	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mayor Auriemma	- Aye

Personnel / Police Department

Mayor Auriemma stated that this matter remains in Executive Session.

Contract Negotiations / Professional Services / Animal Control Solutions

Mayor Auriemma stated that this matter remains in Executive Session.

Attorney-Client Privilege / Executive Session Minutes / August 6, 2012

A **MOTION** was made by Mrs. Fort to approve the Executive Session Minutes of August 6, 2012 for content only, seconded by Mrs. Allen with a vote of ayes all, nays none recorded. Mayor Auriemma and Mr. Gatti abstained since they were not in attendance at that meeting.

Litigation / Solberg Aviation / Block 48, Lot 23; Block 55, Lot 33; Block 56, Lot 1, 3, 6 & 8; Block 39, Lot 24 and Block 67, Lot 2

Mayor Auriemma stated that this matter remains in Executive Session.

Mayor Auriemma read the following statement:

All items listed with an asterisk “*” are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

- * 1. ***Approval of Minutes*** of meeting of August 6, 2012

- * 2. **Blue Light Permit** (Todd Franzen)
- * 3. **Blue Light Permit** (Andrew Hill)
- * 4. **Release of Board of Health Escrow** – (William Wilcox - Block 52, Lot 1.14 / 2 Dorset Lane)
- * 5. **Release of Board of Health Escrow** – (Donna & Peter DeTomasso - Block 64, Lot 37.01 / 2 Partridge Road)
- * 6. **Release of Board of Health Escrow** – (Steven Richards - Block 57, Lot 12.01 / 320 Readington Road)
- * 7. **Release of Board of Health Escrow** – (George Neiss - Block 57, Lot 3.01 / 1 Forty Oaks Road)
- * 8. **Tax Refund – (Block 48.01, Lot 26.13)**

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, the Tax Court of New Jersey has issued a judgment with respect to the tax appeal for 2011 for Block 48.01, Lot 26.31 (13 Selover Road) in Readington Township, and,

WHEREAS, the judgment has resulted in an overpayment for tax year 2011.

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer be authorized to refund the total overpayment for the tax year 2011 in the amount of \$3,774.27 to the property owner.

- * 9. **Tax Refund – (Block 98.01, Lot 2.06)**

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, the Readington Township Tax Collector has recommended the following refund for property taxes:

<u>BLOCK/LOT</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>AMOUNT</u>
2012 98.01/2.06	Anthony L. LaRocca	Duplicate Payment	\$3,318.05

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the amount recommended.

* 10. ***Tax Lien Redemption– (Block 34, Lot 36.199)***

The following resolution was offered for consideration:

READINGTON TOWNSHIP
HUNTERDON COUNTY, STATE OF NEW JERSEY
RESOLUTION

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 34, Lot 36.199 and,

WHEREAS, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$748.71, plus a premium paid in the amount of \$100.00, known as Tax Sale Certificate #11-05, to the lienholder, FWDSL & Associates, LP.

* 11. ***Tax Refund – (Block 555, Lot 3)***

The following resolution was offered for consideration:

READINGTON TOWNSHIP
HUNTERDON COUNTY, STATE OF NEW JERSEY
RESOLUTION

WHEREAS, a reduction in assessment has resulted in an overpayment for 2012 taxes, and

WHEREAS, the Tax Collector has recommended the following refund:

<u>BLOCK</u>	<u>LOT</u>	<u>REFUND TO</u>	<u>AMOUNT</u>
555	3	Verizon Communications, Inc.	\$9,617.42

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Readington, that the Treasurer be authorized to refund the amount recommended.

* 12. ***Payment of Bills – (Complete bill list is on file in Clerk’s Office)***

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND	2-01	\$ 688,700.42
SEWER APPROPRIATIONS	2-02	\$ 102,430.00
TRUST FUNDS	X-03	\$ 27,990.43
MISC REFUND, COUNTY TAX, LIENS	X-05	\$2,741,904.82
PAYROLL DEDUCTIONS	X-06	\$ 370,790.03
REG. & LOCAL SCHOOL TAX	X-07	\$5,411,842.10
2010 CAPITAL	X-10	\$ 1,016.40
2012 CAPITAL	X-12	\$ 98,434.25
TOTAL OF ALL FUNDS		\$ 9,443,108.45

Mayor Auriemma and Mr. Gatti abstained from the approval of the minutes since they were not in attendance at that meeting.

A MOTION was made by Mrs. Allen to approve the Consent Agenda, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mrs. Fort	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mayor Auriemma	- Aye

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

PUBLIC HEARING

As it was after 8:00 p.m., **A MOTION** was made by Mrs. Fort to adjourn the regular meeting to hold a Public Hearing, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

AN ORDINANCE AMENDING CHAPTER 148 OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO THE ROM-2 ZONES

ORDINANCE #19-2012

Mayor Auriemma asked if there were any comments from the Governing Body.

There were none.

Mayor Auriemma asked if there were any comments from the public.

There were none.

A MOTION was made by Mrs. Muir to close the Public Hearing and open the regular meeting, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

Mrs. Allen stated that at the last meeting this ordinance was modified because at that time the ordinance which dealt with solar renewables was deferred; however the Township Planner recommended that the ordinance made more sense in the original format and both ordinances should be introduced together, therefore Ordinance #19-2012 should be withdrawn and re-introduced as the original ordinance.

A MOTION was made by Mrs. Allen to withdraw Ordinance #19-2012 as written, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mrs. Fort	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mayor Auriemma	- Aye

The following ordinance was offered for introduction:

AN ORDINANCE AMENDING CHAPTER 148 OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO THE ROM-2 ZONE / CONDITIONAL USES / SOLAR CHANGES

ORDINANCE #20-2012

WHEREAS, the Township of Readington recognizes the need to maintain and promote a healthy commercial/industrial economy within the Township that is balanced with residential uses; and

WHEREAS, the Township of Readington recognizes that warehousing, as a principal use, can contribute to the commercial/industrial economy of the Township; and

WHEREAS, the existing ROM-2 Research Office Manufacturing zone district contains lands, buildings, facilities and thoroughfares that are well-suited to commercial/industrial uses; and

WHEREAS, the Township of Readington finds that, under certain circumstances, warehousing can be an appropriate commercial/industrial use within the ROM-2 Research Office Manufacturing zone district;

WHEREAS, the statutory permission to develop renewable energy facilities as a principal use within industrial zone districts is predicated on a minimum lot size of 20 acres;

NOW BE IT ORDAINED, by the Township Committee of the Township of Readington, that the following amendments to the Land Development Regulations, Article IV District Regulations, and Article V Conditional Uses, Exceptions, Modifications and Critical Areas are enacted in order to permit warehousing as a conditionally-permitted principal use within the ROM-2 Zone district, subject to having favorable vehicular access to the signalized intersection of County Line Road and US Route 22, and to require a minimum lot size of 20 acres for the development of stand-alone renewable energy facilities;

(Insertions are indicated **thus** and deletions are indicated **~~thus.~~**)

Section 1. Article IV entitled “District Regulations” shall be amended as follows:

§ 148-24. ROM-2 Research Office and Manufacturing Park Zone.

A. Purpose - ROM-2 Zone. This district is intended to permit the development of small research, office and manufacturing uses on smaller size lots within a planned park.

B. Permitted principal uses - ROM-2 Zone.

- (1) Professional, administrative and business offices.
- (2) Light manufacturing.
- (3) Research, testing and analytical laboratories.
- (4) Computer centers.
- (5) Agriculture.
- (6) Child-care centers.
- (7) Public and private open space and parks.
- (8) Product Assembly~~Stand-alone renewable energy facilities.~~
- (9) Wholesaling~~Product Assembly~~
- (10) On a parcel or parcels of land comprising 20 or more contiguous acres that are in common ownership the following uses shall be permitted:

Ordinance #20-2012 cont'd:

- (a) Stand-alone solar energy facilities as regulated in §148-60.2.
- (b) Stand-alone wind energy facilities as regulated in §148-60.2.

Wholesaling

C. Accessory uses - ROM-2 Zone.

- (1) Signs as regulated in Article XII.
- (2) Private garages off-street parking and truck loading spaces.
- (3) Eating facilities not open to the general public.
- (4) Display showrooms for products of permitted on-site research, testing or manufacturing.
- (5) Fences and walls as regulated in Article VI.
- (6) Child-care centers for the sole use of employees of the principal use. (The floor area occupied by the accessory child-care center shall be excluded in calculating any parking requirements otherwise applicable to that number of units or amount of floor space and the permitted density allowable for that building or structure.)
- (7) Warehousing.
[Amended 5-7-2012 by Ord. No. 14-2012]
- (8) Repair and service of vehicles that are used, solely, in the operation of a permitted principal use. Repair and service are only permitted when conducted within an enclosed building.
[Amended 5-7-2012 by Ord. No. 14-2012]
- (9) Accessory solar energy facilities as regulated in §148-60.2.
[Amended 5-7-2012 by Ord. No. 14-2012]
- (10) Integrated solar energy facilities as regulated in §148-60.2.

D. Conditional uses - ROM-2 Zone (subject to regulations set forth in Article V).

[Amended 7-6-2009 by Ord. No. 19-2009]

- (1) Public utilities.
- (2) Assembly uses.
- (3) Warehousing.

E. Prohibited uses - ROM-2 Zone.

[Amended 5-7-2012 by Ord. No. 14-2012]

- (1) Retail sale of goods and services to the general public
- (2) All residential uses.
- (3) Trucking facilities or truck terminals.
- (4) Outdoor storage of any loose bulk material.
- (5) Outdoor storage of material that is not completely and opaquely screened from public streets or rights-of-way or adjacent properties. Outdoor storage includes all vehicles that are not used by employees solely for travel to and from the work site.

F. Area and yard requirements - ROM-2 Zone

- (1) Minimum tract area: 25 acres (sites less than 25 acres shall develop under the ROM-1 standards).
- (2) Minimum lot area: 108,700 square feet.
- (3) Minimum lot circle, per lot: 300 feet.
- (4) Minimum street frontage: 50 feet.
- (5) Minimum setbacks:

Ordinance #20-2012 cont'd:

- (a) Front yard: 50 feet.

(b) Side yard: 30 feet.

(c) Rear yard: 30 feet.

(6) Buffers. Minimum width of screening buffer adjacent to a residential zone or existing residential use (screening buffers shall be planted in accordance with § 148-63): 50 feet.

(7) Height: 35 feet.

(8) Maximum floor area ratio (F.A.R.):

Percentage Primary Access

0.20 Onto County Line Road with public water and public sewer service

0.17 Onto County Line Road without public sewer or public water service

0.18 On to a road other than County Line Road with public sewer and public water service

0.15 On to a road other than County Line Road and without public sewer or public water service

(9) Maximum impervious coverage (MIC) ratio:

Percentage Primary Access

0.40 Onto County Line Road with public water and public sewer service

0.35 Onto County Line Road without public sewer or public water service

0.35 Onto a road other than County Line Road with public sewer and public water service

0.30 Onto a road other than County Line Road and without public sewer or public water service

G. Minimum off-street parking - ROM-2 Zone. Each individual use shall provide parking spaces according to the following provisions. No parking area shall be permitted in a front yard. No parking area shall be located within 25 feet of any property line. Where wider buffer areas are required, the parking and driveways shall comply with the buffer requirements.

(1) Professional, administrative and business offices under 50,000 square feet of gross floor area shall provide one space per 200 square feet of gross floor area.

(2) Professional, administrative and business offices from 50,000 to 99,999 square feet of gross floor area shall provide one space per 250 square feet of gross floor area.

(3) Professional, administrative and business offices 100,000 square feet or greater in gross floor area shall provide one space per 285 square feet of gross floor area.

(4) Wholesaling shall provide one space per 5,000 square feet of gross floor area. [Amended 5-7-2012 by Ord. No. 14-2012]

(5) Research, testing and analytical laboratories shall provide one space per 1,000 square feet of gross floor area.

(6) Computer centers shall provide one space per 200 square feet.

(7) Light manufacturing and the processing, bottling, packaging and distribution of milk and milk products shall provide one space per 800 square feet of gross floor area.

(8) Child-care centers shall provide one space per three children.

(9) Product assembly shall provide one space per 800 square feet of gross floor area.

(10) Warehousing shall provide one space per 5,000 square feet of gross floor area.

[Added 5-7-2012 by Ord. No. 14-2012]

Ordinance #20-2012 cont'd:

SECTION 2. Article V entitled “Conditional Uses, Exceptions, Modifications and Critical Areas” is hereby amended to add the following:

§148-34. Warehousing

Warehousing shall be permitted as a principal use subject to the following:

- A. The use is located on a property that has direct, primary access to County Line Road, Commerce Street, Tannery Road or Boundary Road;
- B. The maximum total number of tractors, trailers and tractor/trailers that may be on-site at any one time shall not exceed the total number of exterior freight loading spaces and freight loading docks of the warehouse facility;
- C. Other than exterior freight loading spaces and freight loading docks, there shall be no other places designated for parking/storage of tractors, trailers or tractor/trailers on-site.
- D. No maintenance, repair or fueling of tractors, trailers or tractor/trailers is permitted on-site.

SECTION 3. All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

SECTION 4. This ordinance supersedes any ordinances, sections or portion(s) of the Land Use or any other Township ordinance inconsistent herewith.

SECTION 5. If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 6. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

A **MOTION** was made by Mrs. Allen to introduce this ordinance, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mrs. Fort	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mayor Auriemma	- Aye

The Public Hearing was scheduled for October 1, 2012 at 8:00 p.m.

CORRESPONDENCE / OTHER INFORMATION

1. Memorandum dated August 15, 2012 from Laurie Gompf, Municipal Clerk, Township of Hopewell regarding **A Resolution Opposing A-323/S-2074**. No action taken.
2. Legal Notice from Michael O’Grodnick, Esq., Mauro, Savo, Camerino, Grant & Schalk regarding **Stavola Quarries, LLC Application to Tewksbury Township Planning Board for a minor three lot subdivision of approximately 318 acres along each of the three Township zone lines**. No action taken.
3. Notice to Public Service Electric and Gas Company Customers from Martin Rothfelder, Esq., Associate of General Regulatory Counsel **In the Matter of the Petition of Public Service Electric and Gas Company for Approval of Changes in its Electric and Gas Societal Benefits Charge Rates; For a Change in its Electric Non-Utility Generation Charge Rate; and for Changes in the Tariff for Electric Service; and Changes in the Tariff for Gas Service**. No action taken.

4. Letter dated August 21, 2012 from Mark Mader, Director of Rates & Regulatory Affairs *In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2013*. No action taken.
5. Letter dated August 17, 2012 from Donna Burham, Township Clerk, Township of Clinton regarding *An Ordinance Supplementing and Amending Chapter 165 Entitled “Land Use Regulations of The Code of the Township of Clinton, 2003, as Heretofore Supplemented and Amended is hereby Supplemented and Amended the Affordable Housing Development Fee Provisions of Article XXII of Chapter 165*. No action taken.
6. Public Hearing Notice from NJ Transit regarding *Gathering Information and Receiving Comments from Interested Parties Concerning Programs Developed Pursuant to the Senior Citizen and Disabled Resident Transportation Assistance Act*. No action taken.

OLD BUSINESS

1. *An Ordinance Amending Chapter 148 of the Land Use Ordinance of the Township of Readington, County of Hunterdon and State of New Jersey Pertaining to the Solar/Renewable Energy Facilities*

Mrs. Fort asked Mrs. Allen if the Planning Board had addressed the noise level concern of the wind energy facilities. Mrs. Allen stated that this was discussed and it was understood that the reason to have the noise expert review this, giving the rationale for the decibel number, was that it could be done after the ordinance was adopted.

The following ordinance was offered for introduction:

AN ORDINANCE AMENDING CHAPTER 148 OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO THE SOLAR / RENEWABLE ENERGY FACILITIES

ORDINANCE #21-2012

WHEREAS, the Township of Readington, County of Hunterdon, State of New Jersey, recognizes the growing interest among owners of residential and commercial properties to install structures to capture renewable energy;

WHEREAS, the Township of Readington recognizes the increasing demand for locating renewable energy generating facilities in New Jersey;

WHEREAS, the generation of renewable energy is one way to reduce the impact of human activity on the environment;

WHEREAS, the New Jersey Legislature has amended the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (“MLUL”) to permit renewable energy facilities in industrial zones on sites of 20 or more acres (N.J.S.A. 40:55D-66-11), to recognize renewable energy facilities and structures as inherently beneficial uses (N.J.S.A. 40:55D-4), and to require that solar panels, as defined in the MLUL, not be included in the calculation of impervious surface or impervious cover in subdivision, site plan, and converted development applications, or in connection with storm water management plans (N.J.S.A. 40:55D-38.1, -46.6, -95);

Ordinance #21-2012 cont’d:

WHEREAS, the Farmland Assessment Act has been amended to permit renewable energy facilities, structures, and equipment to be constructed or installed on no more than 10 acres of property subject to farmland assessment, provided also that such development does not exceed a ratio of one (1) acre of land devoted to such facilities, structures, and equipment to five (5) acres

of land devoted to agricultural or horticultural operations (N.J.S.A. 54:4-23.3c) and that any power generated is limited to no more than 2 megawatts (MW);

WHEREAS, the Right to Farm Act permits renewable energy facilities, structures, and equipment on preserved farmland provided they do not interfere significantly with the use of the land for agricultural or horticultural production, generate no more than 110% of the previous year's energy demand (with certain exceptions) and occupy no more than one percent (1%) of the farm land area (N.J.S.A. 4:1C-32.4);

WHEREAS, stand-alone, multi-megawatt renewable energy generating facilities are consumptive of land and as such, are competitors with agriculture for the use of prime agricultural soils;

WHEREAS, renewable energy facilities create visual impacts on the landscape that may, significantly, degrade the visual and spatial character of the surrounding areas, especially in historic and scenic locations, which, therefore, warrants screening to mitigate the negative visual and spatial impacts;

WHEREAS, site development considerations may be so intertwined with the consideration of negative impacts arising from use variance applications for renewable energy facilities that the board with jurisdiction may not be able to make accurate findings as to the use without simultaneous site plan review;

WHEREAS, pursuant to state law, even where permitted, renewable energy facilities are not exempt from an assessment of negative impacts and, consideration of appropriate conditions for mitigation or from satisfying both positive and negative criteria when requesting "C" variances (those pursuant to N.J.S.A. 40:55D-70.c);

NOW THEREFORE IT BE ORDAINED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that the Land Development Code of the Township of Readington shall be amended as follows (deletions are shown ~~thus~~ and additions are shown thus):

SECTION 1. Article II "Definitions of Terms", Section 148-9 Definitions shall be amended as follows;

FARM

~~An area of land which is actively devoted to agricultural, silvicultural or horticultural use and which occupies no less than five acres, exclusive of the land upon which any residential use is located and such additional land as may be provided.~~

A.

PRINCIPAL USES

~~— A lot with at least five acres devoted to the growing and harvesting of crops and/or the raising and/or breeding of animals, including truck farms, fruit farms, nurseries and greenhouses, silviculture operations, dairies and livestock produce.~~

B.

ACCESSORY USES

~~— Structures incidental to farms such as barns and packing, grading and storage buildings for produce raised on the premises; fences; buildings for keeping of poultry and livestock; and garages for keeping of trucks and other equipment used in farm operations.~~

Ordinance #21-2012 cont'd:

AGRICULTURE

The use of land for common farm-site activities, including but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management,

fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. Activities defined by the NJ State Agriculture Development Committee as constituting agriculture shall, whether or not specifically identified in this chapter, shall be considered agriculture within Readington Township.

FARM-SCALE RENEWABLE ENERGY FACILITIES

Renewable energy facilities on permitted, commercial farms which meet the applicable provisions in the New Jersey Farmland Assessment Act (N.J.S.A. 54:4-23.1 et seq.), the New Jersey Right to Farm Act (N.J.S.A. 4:1C-1 et seq.) and NJ State Agricultural Development Committee Agricultural Management Practice for the Construction, Installation, Operation or Maintenance of Solar Energy Generation Facilities, Structures and Equipment on Commercial Farms. Renewable energy facilities on farms that are not classified as “commercial farms” pursuant to the State of NJ are not included under this definition. Such facilities located on commercial farms where agriculture is not a permitted use shall be deemed an expansion of a pre-existing non-conforming use and shall require appropriate variance relief pursuant to N.J.S.A. 40:55D-70.d(2). Farm-scale renewable energy facilities shall be required to obtain major site plan approval in order to demonstrate to the Approving Authority that the requirements of the AMP are met.

NET METERING

A system of metering and billing for electricity in which the public utility credits a customer-generator for energy produced by a renewable energy system and which further meets the standards for such in the New Jersey Board of Public Utilities Net Metering and Interconnection Rules, N.J.A.C. 14:8-4.3.

RENEWABLE ENERGY

Energy produced from solar, photovoltaic, wind or biofuel technologies.

SOLAR ENERGY FACILITY

A photovoltaic energy generating facility or structure, and all associated equipment, for the purpose of generating electrical energy or heat or hot water produced from photovoltaic technologies. This shall not include other solar energy harnessing technologies, such as, but not limited to, solar reflective or concentrating technology.

SOLAR ENERGY FACILITY, ACCESSORY

A solar energy facility which is accessory to and provides power to a permitted principal use on the lot and that cannot be classified as an integrated solar energy facility. This includes solar parking canopies. Major site plan approval is required prior to the issuance of a zoning permit or construction permit.

SOLAR ENERGY FACILITY, GROUND-MOUNTED

A solar energy facility mounted directly on the ground, whether paved or unpaved. This shall not include solar parking canopies.

SOLAR ENERGY FACILITY, INTEGRATED

A solar energy facility which is accessory to and provides power to a permitted principal use and is either a ground-mounted solar energy facility that does not exceed 500 square feet in size or is mounted to a building that is conforming as to use and bulk requirements. Site plan approval is not required, but a zoning permit and construction permit are required.

Ordinance #21-2012 cont'd:

SOLAR ENERGY FACILITY, STAND-ALONE

A ground-mounted solar energy facility that is a principal use on a site. Major site plan approval is required prior to the issuance of a zoning permit or construction permit.

SOLAR PANEL

An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate or photovoltaic photo cells and excludes the base or foundation of the panel, plate or array.

SOLAR PARKING CANOPY

A an accessory solar energy facility mounted above a surface parking lot or the top level of a parking structure such that vehicles may park and/or drive beneath. Major site plan approval is required prior to the issuance of a zoning permit or construction permit.

WIND ENERGY FACILITY, STAND-ALONE

A wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, battery or other component necessary to fully utilize the wind generator. Major site plan approval is required prior to the issuance of a zoning permit or construction permit.

WIND GENERATOR

Equipment that converts energy from the wind into electricity, including the rotor, blades and associated mechanisms.

SECTION 2. Article IV “District Regulations”, Section 148-14 SRR Special Resource Residential Zone is hereby amended to add the following subsection B, Accessory Uses – SRR Zone:

B. Accessory Uses – SRR Zone.

(10) Integrated solar energy facilities as regulated in §148-60.2.

SECTION 3. Article IV “District Regulations”, Section 148-15 AR Agricultural Residential Zone is hereby amended to add the following subsection B, Accessory Uses – AR Zone:

B. Accessory Uses – AR Zone.

(12) Integrated solar energy facilities as regulated in §148-60.2.

SECTION 4. Article IV “District Regulations”, Section 148-16 RR Rural Residential Zone is hereby amended to add the following subsection B Accessory Uses – RR Zone:

B. Accessory Uses – RR Zone.

(12) Integrated solar energy facilities as regulated in §148-60.2.

SECTION 5. Article IV “District Regulations”, Section 148-16.1 HR Hamlet Residential Zone is hereby amended to add the following subsection B Accessory Uses – HR Zone:

B. Accessory Uses – HR Zone.

(12) Integrated solar energy facilities as regulated in §148-60.2.

Ordinance #21-2012 cont’d:

SECTION 6. Article IV “District Regulations”, Section 148-17 R-1 Residential One-Acre Zone is hereby amended to add the following subsection B Accessory Uses- R-1 Zone:

B. Accessory Uses – R-1 Zone.

(12) Integrated solar energy facilities as regulated in §148-60.2.

SECTION 7. Article IV “District Regulations”, Section 148-18 VR Village Residential Zone is hereby amended to add the following subsection B Accessory Uses – VR Zone:

B. Accessory Uses – VR Zone.

(12) Integrated solar energy facilities as regulated in §148-60.2.

SECTION 8. Article IV “District Regulations”, Section 148-19 PND Planned Neighborhood Development Zone is hereby amended to add the following subsection B, Accessory Uses – PND Zone:

B. Accessory Uses – PND Zone.

- (9) Integrated solar energy facilities as regulated in §148-60.2.

SECTION 9. Article IV “District Regulations”, Section 148-20 PND-1 Planned Neighborhood Development Zone is hereby amended to add the following subsection B, Accessory Uses – PND-1 Zone:

B. Accessory Uses – PND-1 Zone.

- (9) Integrated solar energy facilities as regulated in §148-60.2.

SECTION 10. Article IV “District Regulations”, Section 148-21 B Business Zone is hereby amended to add the following subsection B, Accessory Uses – B Zone:

B. Accessory Uses –B Zone.

- (8) Integrated solar energy facilities as regulated in §148-60.2.

- (9) Accessory solar energy facilities as regulated in §148-60.2.

SECTION 11. Article IV “District Regulations”, Section 148-22 VC Village Commercial Zone is hereby amended to add the following subsection B, Accessory Uses – VC Zone:

B. Accessory Uses –VC Zone.

- (8) Integrated solar energy facilities as regulated in §148-60.2.

- (9) Accessory solar energy facilities as regulated in §148-60.2.

SECTION 12. Article IV “District Regulations”, Section 148-22.1 PO-Professional Office Zone shall be amended to add the following subsection B, Accessory Uses – PO Zone and renumber it as follows:

Ordinance #21-2012 cont’d:

B. Accessory Uses –PO Zone.

- (4) Integrated solar energy facilities as regulated in §148-60.2.

- (5) Accessory solar energy facilities as regulated in §148-60.2.

- (4 ~~6~~) Other uses and structures customarily incidental to a principal permitted use.

SECTION 13. Article IV “District Regulations”, Section 148-22.2 Village Hospitality Commercial Zone shall be amended to add the following subsection B, Accessory Uses – VH Zone and renumber it as follows:

B. Accessory Uses –VH Zone.

- (5) Integrated solar energy facilities as regulated in §148-60.2.

- (6) Accessory solar energy facilities as regulated in §148-60.2.

- (~~5~~ 7) Other uses and structures customarily incidental to a principal permitted use.

SECTION 14. Article IV “District Regulations”, Section 148-23 ROM-1 Research Office and Manufacturing Zone shall be amended to revise subsections B and C of that section as follows:

B. ~~Principal permitted~~ Permitted Principal uses – ROM-1 Zone

- (3) On a parcel or parcels of land comprising 20 or more contiguous acres that are in common ownership the following uses shall be permitted:
 - (c) Stand-alone solar energy facilities as regulated in §148-60.2.
 - (d) Stand-alone wind energy facilities as regulated in §148-60.2.

C. Accessory Uses – ROM-1 Zone

- (9) Integrated solar energy facilities as regulated in §148-60.2.
- (10) Accessory solar energy facilities as regulated in §148-60.2.

SECTION 15. Article IV “District Regulations”, Section 148-25 RO Research Office Zone is hereby amended to add the following subsection C, Accessory Uses - RO Zone as follows:

C. Accessory Uses –RO Zone.

- (9) Integrated solar energy facilities as regulated in §148-60.2.
- (10) Accessory solar energy facilities as regulated in §148-60.2.

SECTION 16. Article IV “District Regulations”, Section 148-26 RO-1 Research Office Zone is hereby amended to add the following subsection C, Accessory Uses – RO-1 Zone as follows:

Ordinance #21-2012 cont’d:

C. Accessory Uses –RO-1 Zone.

- (9) Integrated solar energy facilities as regulated in §148-60.2.
- (10) Accessory solar energy facilities as regulated in §148-60.2.

SECTION 17. Article IV “District Regulations”, Section 148-27.1 SC-2 Senior Citizen Zone - 2 Zone is hereby amended to add the following subsection D, Accessory Uses as follows:

D. Accessory Uses.

- (14) Integrated solar energy facilities as regulated in §148-60.2.

SECTION 18. Article IV “District Regulations”, Section 148-27.3 SC-4 Senior Citizen – 4 Overlay Zone shall be amended to add the following subsection D, Build Requirements (13) Accessory Uses, as follows:

D. Bulk Requirements.

- (13) Accessory Uses.
 - (l) Integrated solar energy facilities as regulated in §148-60.2.

SECTION 19. Article VI “General Provisions” shall be amended to add the following new section entitled “ Section 148-60.2 Renewable Energy Facilities”

- A. The purpose of this ordinance is to permit renewable energy facilities in appropriate locations in the Township in a way that is consistent with duly enacted State legislation to facilitate alternative forms of energy production and to minimize potential land-use conflicts and impacts associated with such facilities. This ordinance is intended to accomplish the foregoing while also:
- (1) Retaining prime agricultural soils for agricultural use by avoiding locating such facilities on lands within the Agricultural Development Area (ADA) and lands with significant areas of prime farmland soils and soils of statewide importance; and
 - (2) Preserving the industry of agriculture and character of agricultural lands and districts by avoiding locating such facilities on lands adjacent to, or across a public road from permanently preserved farmland; and
 - (3) Preserving areas with an established rural, scenic or historic character by avoiding locating such facilities on land within areas of rural, scenic or historic character, particularly on land that is exposed to public view and where, by reason of topography or other natural features, the facility cannot be effectively screened from view; and
 - (4) Protecting the quality of life in residential districts by avoiding the placement of accessory and principal renewable energy facilities in locations where they would be visible from adjacent residential uses and areas; and
 - (5) Providing standards for buffering and visual screening of renewable energy facilities to protect surrounding properties from degradation of visual character and to mitigate the negative visual impacts of renewable energy facilities; and

Ordinance #21-2012 cont'd:

- (6) Providing for proper decommissioning and land restoration of the renewable energy facility after its useful life.
- B. Building-mounted integrated solar energy facilities and structure-mounted accessory solar facilities shall meet the following requirements:
- (1) The facility shall provide net metering for a principal use located on the tract.
 - (2) The facility’s maximum offset/height above a roof plane upon which it is mounted shall be 12 inches.
 - (3) The solar panels shall be mounted parallel to the roof plane upon which they are mounted on a pitched roof.
 - (4) No portion of the solar panels shall be located within four (4) feet of the edges of the roof plane and, in the case of gabled roof, the ridge of the roof of the building upon which it is mounted.
 - (5) The facility shall not exceed the applicable (principal or accessory) maximum permitted building height.
 - (6) Removal of trees larger than 6” dbh for the purpose of installation or solar access is prohibited.
 - (7) Additional lighting is prohibited.
 - (8) Shall not be mounted to fences.
- C. Ground-mounted integrated solar energy facilities shall meet the following requirements:
- (1) The area of the facility shall measured by the aggregate horizontal area of all photovoltaic panels constructed on a lot, including space between panels, but excluding transmission lines and subterranean elements. (See diagram entitled “Area Measurement of Solar Facilities”).
 - (2) The facility shall provide net metering for a principal use located on the tract.
 - (3) The facility shall not be located in a stream corridor, wetland transition area or areas with slopes of 15% or greater.

- (4) The maximum height of the facility shall be 8 feet.
- (5) The facility shall not be located in a front yard (between the front façade of the principal building and a street).
- (6) The facility shall conform to the minimum required side and rear yard setbacks for accessory buildings.
- (7) Removal of trees larger than 6” dbh for the purpose of installation or solar access is prohibited.
- (8) The site shall meet the buffer standards of the zone district which the facility is located and those in §148-63, Buffers. Additionally, the site shall meet the standards in §148-66, Landscaping.
- (9) Additional lighting is prohibited.

D. Ground-mounted accessory solar energy facilities shall meet the following requirements:

- (1) The area of the facility shall be measured by the aggregate of all horizontal facilities constructed on a lot, excluding transmission lines and subterranean elements. (See diagram entitled “Area Measurement of Solar Facilities”.)

Ordinance #21-2012 cont’d:

- (2) The total horizontal area occupied by the facility shall contribute toward floor area and shall be included in the calculation of total floor area ratio.
- (3) The facility shall provide net metering for a principal use located on the tract.
- (4) The facility shall not be located in a stream corridor, wetland transition area or areas with slopes of 15% or greater.
- (5) The maximum height of the facility shall be 8 feet.
- (6) The facility shall not be located in a front yard (between the front façade of the principal building and a street).
- (7) The facility shall conform to the minimum required side and rear yard setbacks for principal buildings in the zone which it is located.
- (8) The facility shall provide one or more of the following beneath the structures: lawn, meadow grasses or an agricultural area for crops or grazing farm animals. Meadow grass plantings shall include wildflowers in addition to appropriate grass species.
- (9) Where the prior use of a facility site consists of agriculture, the facility shall be installed such that it can be returned to active agricultural production after the useful life and removal of the facility. As such, site disturbance including but not limited to, grading, cut and fill, excavation, and soil compaction, shall be minimized; soil removal is prohibited.
- (10) Removal of more than two (2) trees larger than 6” dbh for the purpose of installation or solar access shall be prohibited.
- (11) Additional lighting shall be prohibited.

E. Solar parking canopy facilities shall meet the following requirements:

- (1) The horizontal area occupied by the facility shall be measured by the aggregate of all facilities constructed on a lot, including space between panels, excluding transmission lines and subterranean elements. (See diagram entitled “Area Measurement of Solar Facilities”.)
- (2) The horizontal area occupied by the facility shall contribute toward floor area and shall be included in the calculation of total floor area ratio. (see diagram entitled “Area Measurement of Solar Facilities”)
- (3) The facility shall provide net metering for a principal use located on the tract.
- (4) The maximum permitted height of the facility shall be 20 feet.
- (5) The facility shall not be located in a front yard (not located between the front façade of a principal building and a street).

- (6) The facility shall conform to the minimum required side and rear yard setbacks for principal buildings in the zone which it is located.
- (7) Removal of trees larger than 6” dbh for the purpose of installation or solar access shall be prohibited.
- (8) Facilities shall provide adequate space for access by emergency vehicles.
- (9) Limited encroachments upon pre-existing or standard parking space sizes to accommodate the facility are permitted, provided that safe and convenient accessibility to and from all parking spaces is maintained. Nevertheless, this provision does not authorize reduction in the minimum required dimensions of parking stalls without consent of the approving authority.

Ordinance #21-2012 cont’d:

- (10) The facility shall meet the lighting and landscape standards of the Land Development Code, with the exception of §148-70.A(3).
- (11) The facility shall be designed in such a manner that neither water nor snow accumulate and have concentrated flow off the structure.

F. Stand-alone solar energy facilities shall meet the following requirements:

- (1) The horizontal area of the facility shall measured by the aggregate of all facilities constructed on a lot, including space between panels, excluding transmission lines and subterranean elements. (See diagram entitled “Area Measurement of Solar Facilities”.)
- (2) The horizontal area occupied by the facility shall contribute toward total floor area and shall be included in the calculation of total floor area ratio.
- (3) The facility shall not be located in a stream corridor, wetland transition area or areas with slopes of 15% or greater.
- (4) The maximum height of the facility shall be 12 feet.
- (5) The facility shall conform to the minimum required front, side and rear yard setbacks for principal buildings in the zone which it is located.
- (6) Substations (excluding switchgear stations) shall be setback a minimum of 150 feet, or not less than 200 feet from a residential use or district.
- (7) Substations and other associated above-ground transmission structures shall be screened with a double row of evergreen plantings with a minimum height of 8 feet at planting.
- (8) The extent of roads and driveways shall be minimized to the extent possible and shall be constructed so as to minimize soil compaction.
- (9) Tree removal for the purpose of installation or solar access shall be prohibited, except to the extent required for site access from a public road.
- (10) Visual screening of the site shall include a opaque fence or wall with a minimum height of six (6) feet and a 50 foot screening buffer pursuant to §148-63.
- (11) The facility shall provide one or more of the following beneath the structures: lawn, meadow grasses or an agricultural area for crops or grazing farm animals. Meadow grass plantings shall include wildflowers in addition to appropriate grass species.
- (12) Where the prior use of a facility site consists of agriculture, the facility shall be installed such that it can be returned to active agricultural production after the useful life and removal of the facility. As such, site disturbance including but not limited to, grading, cut and fill, excavation, and soil compaction, shall be minimized; soil removal is prohibited.
- (13) There shall be no increase in illumination levels at property lines and no visible light source from adjacent properties or public streets/rights-of-way, except for security/emergency lighting.
- (14) In addition to those checklist items required for an application to be deemed complete, a site plan application for a stand-alone solar energy facility shall include the following elements in order to be considered a complete application:

- (a) Location of proposed and existing underground or overhead utility or transmission lines.

Ordinance #21-2012 cont'd:

- (b) Location of any proposed or existing substations, inverters or transformers.
- (c) Description of any necessary upgrades or modifications to existing substations and utility lines, both on and off site.
- (d) Description of any new substations and utility lines, both on and off site.
- (e) Description of how the energy generated by the facility will be connected to the electrical distribution or transmission facility or the electrical facility of the intended energy user.
- (f) Location of existing hedgerows and vegetated windbreaks. Trees on the site that have a caliper of 8" (dbh) or greater shall be identified by species and overall condition. An accurate canopy depiction shall be included.
- (g) Photographic simulations of the views of the proposed facility from ground level from all public roads abutting the property and from adjacent residential uses.
- (h) Maintenance plan which describes the applicant's approach to maintaining the facility after construction, including the panels and associated supporting structures, as well as the property on which the facility is installed.
- (i) A decommissioning plan, pursuant to §148-60.2.I.

G. Additional standards for all solar energy facilities.

- (1) Sound pressure levels at a property line shall not exceed 40 dba.
- (2) Solar panels shall not be counted in the calculation of maximum impervious cover unless the area under the panels (excluding any footings) consists of an impervious material. The design of the facilities shall comply with all NJ DEP and Township stormwater, grading, and soil disturbance regulations, whichever is more restrictive.
- (3) Ground-mounted solar energy facilities shall avoid prime farmland soils and soils of statewide significance to the maximum extent possible.
- (4) Existing hedgerows or vegetated windbreaks that provide screening of the subject site from neighboring properties shall be retained and augmented as necessary.
- (5) Ground-mounted solar energy facilities shall be located to minimize views of the facilities from public roadways and from existing residences not located on-site and from neighboring undeveloped residentially-zoned property by utilizing existing required visual barriers including, but not limited to, buildings, trees, hedgerows and natural topography to the maximum extent possible, in addition to visual screening.
- (6) The use of concrete, asphalt or other impervious surface, including gravel, is prohibited on the site of ground-mounted facilities, except in the following locations:
 - (j) The mounting of inverters, transformers, power conditioning units, control boxes, pumps and other such facility components;
 - (k) The mounting of solar panels, films and arrays when used as ballast; and
 - (l) Driveway aprons.

Ordinance #21-2012 cont'd:

- (m) Portions of roads and driveways where necessary to provide stability for vehicles.
- (7) Applicants are encouraged to enter into solar easements with neighboring property owners in order to ensure continuing access to sunlight for a solar energy facility. Site Plan approval or the

issuance of a zoning permit for a solar energy facility does not imply the existence of a solar easement.

- (8) All electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (9) Transmission lines shall be underground.
- (10) The only signs permitted on a solar energy facility or any associated building or structure are those depicting the manufacturers or installer's identification, appropriate warning signs, or owner identification.

H. Stand-alone wind energy facilities.

- (1) Sound pressure levels at a property line shall not exceed 40 dba.
- (2) Height of a wind energy facility shall be measured by the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.
- (3) The maximum permitted height of the facility shall be the maximum permitted building height in the zone district which it is located.
- (4) The facility shall be set back from all property lines and utility lines a horizontal distance equal to 150% of the facility height.
- (5) Substations (excluding switchgear stations) shall be setback a minimum of 150 feet, or not less than 200 feet from a residential use or district.
- (6) No portion of the wind generator shall extend into any public right-of-way, unless written permission is granted by the government entity with jurisdiction over the right of way or any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the lines.
- (7) The facility shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of 8 feet above the ground.
- (8) All electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (9) The only signs permitted on a facility or any associated building or structure, are those depicting the manufacturers or installer's identification, appropriate warning signs, or owner identification.
- (10) Transmission lines shall be underground.
- (11) The extent of roads and driveways shall be minimized to the extent possible and shall be constructed so as to minimize soil compaction.
- (12) Tree removal shall be prohibited, except to the extent required for site access from a public road.
- (13) Visual screening of the site shall include an opaque fence or wall with a minimum height of six (6) feet and a 50 foot screening buffer pursuant to §148-63.
- (14) There shall be no increase in illumination levels at property lines and no visible light source from adjacent properties or public streets/rights-of-way, except for security/emergency lighting.

Ordinance #21-2012 cont'd:

- (15) Lighting of the wind generators shall be prohibited unless such lighting is required by the Federal Aviation Administration.
- (16) The facility shall be a neutral color that is appropriate for its location and will allow the tower to be as unobtrusive as possible, unless otherwise required by the FAA.
- (17) Facilities must comply with the applicable Federal Aviation Administration regulations and must receive any necessary Federal Aviation Administration permits.
- (18) Facilities must comply with the applicable Department of Environmental Protection regulations and must receive any necessary permits from the Department of Environmental Protection.
- (19) In addition to those items required for an application to be deemed complete, a site plan application for a stand-alone wind energy facility shall include the following:
 - (n) Location of proposed and existing underground or overhead utility or transmission lines.

- (o) Location of any proposed or existing substations, inverters or transformers.
- (p) Description of any necessary upgrades or modifications to existing substations and utility lines, both on and off site.
- (q) Description of any new substations and utility lines, both on and off site.
- (r) Description of how the energy generated by the facility will be connected to the electrical distribution or transmission facility or the electrical facility of the intended energy user.
- (s) Location of existing hedgerows and vegetated windbreaks. Trees on the site that have a caliper of 8" (dbh) or greater shall be identified by species and overall condition. An accurate canopy depiction shall be included.
- (t) Photographic simulations of the views of the proposed facility from ground level from all public roads abutting the property and from adjacent residential uses.
- (u) Maintenance plan which describes the applicant's approach to maintaining the facility after construction, including the wind generator and associated supporting structures, as well as the property on which the facility is installed.
- (v) A decommissioning plan, pursuant to §148-60.2.J.

I. Abandonment. A renewable energy facility that is out-of-service for a continuous 18 -month period shall be deemed to have been abandoned.

- (a) The Township may issue a Notice of Abandonment to the owner of a renewable energy facility that is deemed to have been abandoned. The notice shall be sent return receipt requested.
- (b) The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date.

Ordinance #21-2012 cont'd:

- (c) If the owner provides information that demonstrates the renewable energy facility has not been abandoned, the Township shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.
- (d) If the Township determines that the renewable energy facility has been abandoned, the owner of the renewable energy facility shall remove the renewable energy facility and properly dispose of the components at the owner's sole expense within 6 months after the owner receives the Notice of Abandonment.
- (e) In the event that the owner fails to remove the renewable energy facility, the Township or its employees or contractors may enter the property to remove the renewable energy facility (but shall not be obligated to remove same) and, in the event that the Township performs the removal, all costs of such removal shall be reimbursed to the Township by the owner. In the event the owner fails to reimburse the Township, the Township may place a lien on the property in the amount of the costs of said removal and, in the event that the Township incurs any additional costs in enforcing the lien or collecting the money owed, the owner shall be obligated to reimburse the Township for the additional costs and expenses, including reasonable attorneys fees.

J. All applications for accessory ground-mounted or stand-alone renewable energy facilities shall be accompanied by a Decommissioning Plan to be implemented upon abandonment in conjunction with removal of the facility. Before beginning any decommissioning activities the applicant shall submit a performance bond in a form and amount satisfactory to the Township Attorney which shall be based upon an estimate approved by the Township Engineer assuring the availability of adequate funds to restore the

site to a useful non-hazardous condition in accordance with the Decommissioning Plan. The Plan shall include the following provisions:

- (a) Deactivate, disconnect and remove all structures, unless otherwise noted herein.
- (b) Restore the surface grade and soil after removal of above ground structures and equipment, including but not limited to removal of all components of the facility within the top 12” of the soil profile.
- (c) Soil replacement, as necessary, within the top 12” of the soil profile shall be comprised of topsoil meeting the texture of loam as described in the USDA soil classification system and that the pH shall be in the range of 6.5-7. Tests shall be reviewed and approved by Township.
- (d) All land shall be de-compacted where necessary to promote healthy plant growth prior to installation of topsoil and vegetation subject to approval of Township. Tests to be reviewed and approved by Township.
- (e) Restoration of soil areas with native grasses, agricultural crops or plant species suitable to the area and which do not include any invasive species;
- (f) Provide quantities take-offs, unit prices and overall cost estimates for decommissioning in current dollars as well as projections for 15 years and 25 years.
- (g) The plan may provide for restoration of agricultural crops or forest resource land.
- (h) The plan may provide for the retention of access roads, fences, gates, buildings and buffer plantings at the discretion of the Township.

Ordinance #21-2012 cont’d:

- (i) If the property owner fails to remove the facility and restore the facility in accordance with the Decommissioning Plan, the Township may perform in place of the owner. All costs incurred by the Township in connection with same shall be a first priority lien enforceable pursuant to municipal tax lien statutes.

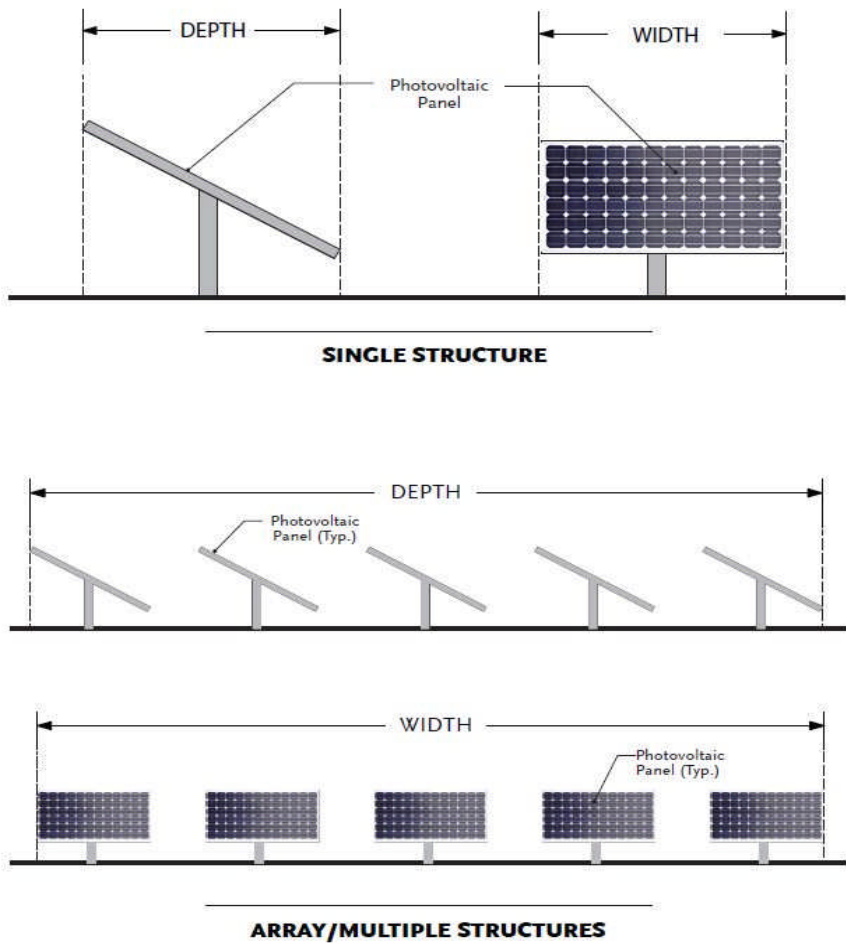
SECTION 20. All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

SECTION 21. This ordinance supersedes any ordinances, sections or portion(s) of the Land Use or any other Township ordinance inconsistent herewith.

SECTION 22. If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 23. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

AREA MEASUREMENT OF SOLAR FACILITIES



A MOTION was made by Mrs. Allen to introduce this ordinance, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

- | | |
|----------------|-------|
| Mrs. Allen | - Aye |
| Mrs. Fort | - Aye |
| Mr. Gatti | - Aye |
| Mrs. Muir | - Aye |
| Mayor Auriemma | - Aye |

The Public Hearing was scheduled for October 1, 2012 at 8:00 p.m.

- Recommendations from the Sewer Advisory Committee** – memo dated August 1, 2012 from Karin Parker, Sewer Advisory Committee

Attorney Dragan stated that although Mr. Cunha had written a letter to appeal the denial and/or restriction of sewer allocation for 2 Whitehouse Avenue (Block 32, Lot 9) there appeared to be some confusion as to the process; although Mr. Cunha did not agree with the recommendation from the Sewer Advisory Committee, there was nothing to appeal since the Township Committee had not yet considered this and they would be the one to make the final decision on sewer capacity.

Mr. Cunha was present to discuss his request for transfer of sewer allocation for 2 Whitehouse Avenue. Attorney Dragan stated that after researching this matter she had provided a letter to the Committee with an interpretation of the sewer ordinance explaining what is meant by the Township's right to reserve its sewer capacity to meet NJDEP requirement. Attorney Dragan explained to Mr. Cunha that requesting two market rates is not provided for in the ordinance and what he is asking for is a variance which requires another analysis because there is no

variance component to the sewer ordinance. Mr. Cunha continued that he was requesting that the Township Committee waive its priority allocations as they are set up under the sewer ordinance. Mrs. Allen stated that Mr. Cunha came before the Sewer Advisory Committee to request 2 sewer units of 700 gallons for two market rate units with no COAH restrictions which the Sewer Advisory Committee denied to recommend.

Ron Monaco, Chairman of the Sewer Advisory, explained the reasoning behind the Sewer Advisory Committee recommendations to the Township Committee. Mr. Monaco continued that many applicants have come before the Sewer Advisory Board requesting sewer capacity without COAH restrictions which have been denied since capacity is limited for COAH and emergencies.

A MOTION was by Mrs. Allen made to approve two (2) sewer units (700 gallons) for this property commensurate with the recommendation of the Sewer Advisory Committee which stipulates that one of the units be deed restricted for a COAH unit, conditioned upon entering into a sewer agreement within two (2) years otherwise it will expire, seconded by Mrs. Muir and on Roll Call vote the following be recorded:

Mrs. Allen	- Aye
Mrs. Fort	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mayor Auriemma	- Aye

NEW BUSINESS

1. ***Flooding Issue: Block 14, Lot 34; Culvert-R-58, Pulaski Road***
letter dated August 6, 2012 from Luke Maczynski requesting letter of support for reconstruction of Culvert R-58 project

Mayor Auriemma stated that Mr. Maczynski has a long history of flooding on his property and the proposed remedy from the County is to replace the culvert. Mayor Auriemma continued that along with the letter from Mr. Maczynski was a letter from John Glynn, Director of Roads, Bridges and Engineering, suggesting support from the Township Committee to move this project along. Mr. Gatti expressed concern that the County will also widen the bridge at the culvert which will potentially increase the speeding, making the intersection at School Road, Pulaski Road and Kosciuszko Road even more dangerous. Mayor Auriemma suggested that Engineer O'Brien write a letter to the County to address these concerns.

A MOTION was made by Mrs. Muir to send a letter of support for the project to Reconstruct Culvert R-58 along with expressing the concerns that speeding will increase with the widening of the bridge, seconded by Mrs. Fort with a vote of ayes all, nays none bncorded.

2. ***Request to Hang Banner*** – letter dated August 10, 2012 from Aisling Carroll, Events Coordinator, Hunterdon County Chamber of Commerce / 24th Annual Business EXPO

Mayor Auriemma stated that there is a request the from Hunterdon County Chamber of Commerce to hang a banner promoting the Annual Business Expo near the Kings entrance. Mrs. Fort stated that there should be a stipulation to remove the banner within a certain amount of time.

A MOTION was made by Mrs. Fort to approve hanging the banner from October 3rd through October 17th with the stipulation that it be removed within 3 days after the event, seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

- * 3. **Blue Light Permit** (Todd Franzen)

This matter was addressed under the Consent Agenda.

- * 4. **Blue Light Permit** (Andrew Hill)

This matter was addressed under the Consent Agenda.

- * 5. **Release of Board of Health Escrow** – (William Wilcox - Block 52, Lot 1.14 / 2 Dorset Lane)

This matter was addressed under the Consent Agenda.

- * 6. **Release of Board of Health Escrow** – (Donna & Peter DeTomasso - Block 64, Lot 37.01 / 2 Partridge Road)

This matter was addressed under the Consent Agenda.

- * 7. **Release of Board of Health Escrow** – (Steven Richards - Block 57, Lot 12.01 / 320 Readington Road)

This matter was addressed under the Consent Agenda.

- * 8. **Release of Board of Health Escrow** – (George Neiss - Block 57, Lot 3.01 / 1 Forty Oaks Road)

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported that she had contacted John Anderson from JCP&L to schedule a *Citizen Information Meeting* and he had offered the dates of September 26th, 27th, October 3rd or 4th. Mrs. Fort suggested that this be advertised in the Readington News therefore it was recommended that the meeting be postponed to a later date, possibly the 9th or 10th of October.

ATTORNEY'S REPORT

Attorney Dragan suggested that the Committee re-consider (Item #1 of Correspondence) adopting a similar resolution passed by Hopewell Township opposing legislation that the General Assembly approved, allowing special occasion events, wedding and other lifetime milestone events, to be permitted as a right on preserved farms. Attorney Dragan advised that this could be introducing a commercial enterprise on a regular basis on these farms.

The following resolution was offered for introduction:

#R-2012-105

TOWNSHIP OF READINGTON

A RESOLUTION OPPOSING A-323/S-2074

WHEREAS, A-323 was approved by the General Assembly on March 15, 2012 and has been received in the state Senate and referred to the Senate Economic Growth Committee, joining its Senate companion, S-2074; and

Resolution #R-2012-105 cont'd:

WHEREAS, A-323/S-2074 would permit owners of preserved farmland to hold “special occasion events,” such as weddings or other “lifetime milestone events,” on their farms, provided that the annual income from those events account for less than 50% of the annual gross income of the preserved farmland; and

WHEREAS, A-323/S-2074 would permit activities on farmlands that no connection to agriculture, and would transform farms into convention commercial or quasi-commercial “event venues”; and

WHEREAS, A-323/S-2074 would subvert the purpose of Farmland Preservation Program, as well as the purpose of the New Jersey Right to Farm Act; and

WHEREAS, A-323/S-2074 directly contradicts the sensible interpretation of the Right to Farm Act that has been advanced by the State Agricultural Development Committee, which has determined that weddings and other “life milestone events” are not agricultural-related activities within the meaning of the Right to Farm statute; and

WHEREAS, A-323/S-2074 makes no provision for local control or regulation over these events, despite the obvious noise, traffic and public safety issues they raise; and

WHEREAS, A-323/S-2074 makes no provision for interests of other municipal stakeholders – such as residents of the surrounding neighborhood, other commercial enterprises, or local elected officials – that might be directly affected by the frequency and duration of the events it permits; and

WHEREAS, A-323/S-2074 takes a “one-size-fits-all” approach that fails to recognize the diversity of New Jersey municipalities, and that does not permit each municipality to tailor its approach to “special events” to its particular balance of residential, agricultural, commercial and rural land uses; and

WHEREAS, the Township of Readington, County of Hunterdon, believes it is in the its best interests, and in the best interests of the State of New Jersey, that A-323/S-2074 not be enacted in its present form; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Readington, County of Hunterdon, New Jersey formally opposes the enactment of A-323/S-2074 into law as written, for the reasons set forth above, and urges all members of the state legislature to oppose the legislation and to work for its withdrawal or amendment; and

BE IT FURTHER RESOLVED, that copies of this resolution, once adopted, be forwarded to Senator Shirley Turner, Senate President Sweeny, New Jersey State Legislators of the 16th District, Hunterdon County Mayors and the Governor of the State of New Jersey.

A MOTION was made by Mrs. Allen to adopt this resolution, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

ENGINEER’S REPORT

Engineer O’Brien reported that the road reclamation projects are completed and complimented Scott Hulcher and the Department of Public Works on the storm drainage work, paving the roads and coming in under budget.

Engineer O’Brien also reported that he had reviewed the State Aid for Fiscal Year 2013 with Scott Jesseman, due December 16th, and recommended that the Township apply for Summer Road -Section 2. Engineer O’Brien stated that they are currently working on Section-1 design which the Township had received money for this year.

A MOTION was made by Mrs. Allen to apply for Summer Road-Section 2 State Aid, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

Engineer O'Brien requested that the Committee take a look at and provide guidance on his recommendation for the removal of large tree in front St. Elizabeth Ann Seton Church.

COMMITTEE REPORTS

Thomas Auriemma

Mayor Auriemma reported that David Chandra, Director of Division of Fish and Wildlife, had contacted him and assured him that no active recreation would be considered on the YES property and also any passive recreation would not be considered with the approval of the Township Committee.

Julia Allen

Mrs. Allen stated that she had nothing further to report.

Betty Ann Fort

Mrs. Fort reported that the Museum lecture on "Ghosts" was very well attended. Mrs. Fort stated that there is concern that the school museum programs are in jeopardy and that members of the museum committee are planning to meet with the Superintendent and Humanities Coordinator.

Mrs. Fort also commended the Director of Public Works and Road Superintendent on the road reclamation. Mrs. Fort continued that the drainage work on Foothill Road has begun.

Mrs. Fort reported that she had received a favorable evaluation report on Readington Township Municipal Court in terms of case management assessment and backlog reduction and commended Judge Shamey and the Municipal Court staff.

Frank Gatti

Mr. Gatti thanked Michael Kaulius for his years of service on the Readington Township Police Department.

Beatrice Muir

Mrs. Muir briefly reviewed the Permit Review Log from the Construction Code Department.

COMMENTS FROM THE PUBLIC

There were none.

COMMENTS FROM THE GOVERNING BODY

As there was no further business, ***A MOTION*** was made by Mr. Gatti at 9:15 p.m. to adjourn the meeting, seconded by Mrs. Muir with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk