

**TOWNSHIP COMMITTEE  
SEPTEMBER 9, 2014 MINUTES**

The Tewksbury Township Committee met in a regular session on the above date at the Municipal Building, Mountainville, NJ.

The meeting was called to order at 7:30 PM, roll call held and a quorum established. Mayor Shaun Van Doren presided.

Other officials in attendance were Township Committee members Dana Desiderio, Louis DiMare, Peter Melick and William Voyce.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk and Michael Selvaggi, Township Attorney were in attendance.

There were approximately four members of the public in attendance.

**1. Open Public Meetings Statement**

The Open Public Meetings Statement was read by Mayor Van Doren.

**2. Flag Salute**

Those present stood and pledged allegiance to the American flag.

**3. Moment of Silence**

A moment of silence was observed in memory of lives lost on 09-11-01.

**4. Public Participation**

George Cassa questioned if the Township could do anything to regulate bicycle races in the Township as there have been recent events that could (in Mr. Cassa's opinion) turn into a "wild west situation."

Mayor Van Doren noted that regulating bicycle events would be difficult to enforce, noting that the larger groups do contact local Police departments to advise of an event.

**5. Actions to be taken**

➤ **Ordinance Public Hearing**

Ms. Desiderio made a motion to open the Public Hearing on Ordinance #05-2014, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 08-15-14 Courier News.

There being no comments from the public, Dr. Voyce made a motion to close the Public Hearing on Ordinance #05-2014, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Dr. Voyce moved adoption of Ordinance #05-2014, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**ORDINANCE #05-2014**

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**REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN  
GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF TEWKSBURY, STATE OF  
NEW JERSEY, APPROPRIATING \$4,800,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$4,800,000 BONDS OR NOTES OF THE TOWNSHIP FOR  
FINANCING THE COST THEREOF.**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TEWKSBURY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township of Tewksbury, New Jersey (the "Township") is hereby authorized to pay an aggregate amount not exceeding \$4,800,000 for the redemption, including redemption premium, of \$4,334,000 principal amount of the Township's General Obligation Bonds issued in the original aggregate principal amount of \$8,276,000, dated January 5, 2006, (i) which consists of \$1,880,000 General Improvement Bonds which bonds are subject to redemption (on or after January 1, 2016) prior to their stated dates of maturity, and which mature on January 1, in each of the years 2017 to 2019 in an aggregate amount of \$523,000 inclusive; and (ii) which consists of \$6,396,000 Open Space Bonds which bonds are subject to redemption (on or after January 1, 2016) prior to their stated dates of maturity, and which mature on January 1, in each of the years 2017 to 2026 in an aggregate amount of \$3,811,000 inclusive (the "Refunded Bonds"), and in accordance with the provisions of the resolution of the Township Committee of the Township, duly adopted December 13, 2005 and a copy of which is on file in the office of the Clerk of the Township.

Section 2. An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not exceeding \$4,800,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the

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Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the debt provided in this refunding bond ordinance by an amount not to exceed \$4,800,000 with a maximum deduction from the debt due to the refunding of the Refunded Bonds (i.e. \$4,334,000). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Upon issuance of the Bonds and determination of the final amount thereof, if less than the \$4,800,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Committee shall, by resolution, approve the cancellation of such amount authorized hereby, which has not been issued.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director of the Division of Local Government Services and signed by the Chief Financial Officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

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Shaun C. Van Doren  
Mayor

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Dr. Voyce made a motion to open the Public Hearing on Ordinance #06-2014, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 08-15-14 Courier News and a letter from the LUB noting their review of the Ordinance and finding it not inconsistent with the Master Plan.

George Cassa, speaking as a member of the Scenic Roads and Bridges Commission (SRBC) stated that he would like the Commission to be able to review any applications that may come in for either wind or solar purposes.

Mayor Van Doren tasked the SRBC to review their existing Ordinance at the upcoming meeting and submit comments to the Committee that would amend the Ordinance and give the Commission the ability to review applications as they pertain to scenic roads.

Mayor Van Doren noted an e-mail correspondence from Robert Becker making grammatical corrections to Ordinance #06-2014. It was the consensus of the Committee to incorporate these corrections into the Ordinance as they do not constitute any substantial change.

There being no additional comments from the public, Mr. Melick made a motion to close the Public Hearing on Ordinance #06-2014, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Dr. Voyce moved adoption of Ordinance #06-2014, seconded by Ms. Desiderio.

Mr. Melick stated that he was not in favor of adopting the Ordinance as he felt it was merely “window dressing” as wind powered devices would not be feasible in the Township.

Mayor Van Doren countered that the LUB was in agreement that some standards should be in place so that if an application were to come to them, they would have some criteria to review the application.

A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: Melick.

**TOWNSHIP OF TEWKSBURY  
ORDINANCE 06- 2014**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT ARTICLE VII, SECTION 726 WITH NEW SUBSECTION ‘B’ TO BE ENTITLED “SMALL WIND ENERGY SYSTEMS” OF THE TOWNSHIP OF TEWKSBURY DEVELOPMENT REGULATIONS ORDINANCE ESTABLISHING SMALL WIND ENERGY SYSTEMS AS A PERMITTED ACCESSORY USE WITHIN CERTAIN DISTRICTS OF THE TOWNSHIP**

**WHEREAS**, the Legislature of the State of New Jersey has enacted P.L. 2009, Chapter 244, “An Act concerning small wind energy systems and supplementing Title 40 of the Revised

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Statutes” to establish standards for municipal ordinances regarding the use and regulation of small wind energy systems where said ordinances are adopted; and

**WHEREAS**, in accordance with P.L. 2009, c.244 the Municipal Land Use Law sets forth certain the standards to govern municipal ordinances regulating small wind energy systems in N.J.S.A. 40:55D-66.12; and

**WHEREAS**, it is the purpose of this ordinance to promote the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility-supplied electricity; and

**WHEREAS**, research by the New Jersey Board of Public Utilities, Office of Clean Energy; Rutgers, the State University, Center for Advanced Energy Systems; and Rowan University does find that:

- 1) Wind energy is an abundant, renewable, and nonpolluting energy resource;
- 2) Converting wind to electricity will reduce our dependence on nonrenewable energy resources, and decrease the air and water pollution that results from the use of conventional energy sources;
- 3) Distributed small wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio; and
- 4) Small wind energy systems make the electricity supply market more competitive by promoting customer choice; and

**WHEREAS**, New Jersey’s Renewable Portfolio Standards (RPS) require each supplier/provider, as defined at N.J.A.C. 14:8-1.2 , that sells electricity to retail customers in New Jersey to provide a percentage of their retail electricity sales from renewable energy sources, beginning at 3.5 percent in 2004 and increasing to 22.5 percent by 2021; and

**WHEREAS**, the Township Committee of the Township of Tewksbury has determined upon a favorable recommendation from the Tewksbury Township Land Use Board to establish standards for the installation and operation of small wind energy systems to facilitate this clean, renewable energy resource in appropriate locations in accordance with recognized safety standards.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Tewksbury that Article VII, §726 of the Development Regulations Ordinance of the Township of Tewksbury shall be revised and amended to add a new subsection ‘B’ to permit a small wind energy system as a permitted accessory use in the Mining, Research Office/Mixed Use and Farmland Districts and to include standards regulating same.

**Section 1**

§ 726 “Additional Accessory Use Provisions” is hereby amended and supplemented by adding the new subsection ‘B’ entitled Small Wind Energy Systems as follows:

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A. Purpose

The purpose of this ordinance is to promote the safe effective and efficient use of small wind energy systems to reduce the on-site consumption of utility-supplied electricity in the Mining, Research Office/Mixed Use and Farmland Districts where adequate lot size standards will facilitate reduction of off-site visual and audible impact consistent with the parameters set forth in N.J.S.A. 40:55D-66.12.

B. Applicability

Small Wind Energy Systems, as defined in subsection C, herein, shall be permitted accessory uses in the Mining, Research Office/Mixed Use, and Farmland Districts in accordance with the standards set forth in subsection E, herein.

C. Definitions

1. SMALL WIND ENERGY SYSTEM - A wind energy system conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity consistent with applicable provisions of the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act" P.L. 1975, c. 217 (C.52:27D-119 et seq.) and technical bulletins issued in accordance with the requirements of P.L. 2009, c. 244
2. ROTOR DIAMETER - The cross sectional dimension of the circle swept by the rotating blades of a wind powered energy generator.
4. SYSTEM HEIGHT - The height above grade of the tower plus the wind generator.
5. TOWER HEIGHT - The height above grade of the fixed portion of the tower, excluding the wind generator.
6. VAWT SYSTEMS - The vertical axis wind turbine which utilizes vertical panels as opposed to horizontal propellers.
7. WIND ENERGY SYSTEM - A wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component necessary to fully utilize the wind generator. For the purposes of this ordinance wind energy system refers only to those systems that are outdoors.
8. WIND GENERATOR - The blades and associated mechanical and electrical conversion components mounted on top of the tower.

D. Permit(s) Required

No small wind energy system shall be installed without first having obtained the requisite permits from the Zoning Official and the Construction Code Official.

E. Standards

A small wind energy system shall be permitted subject to the following:

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1. Small wind energy systems shall be permitted as an accessory use exclusive to a conforming lot and only within the Mining, Research Office/Mixed Use and Farmland Districts.
2. Small wind energy systems shall not be located within the required front or side yard setback areas.
3. No more than one (1) small wind energy system shall be permitted on a lot.
4. Towers shall be set back a distance equal to one and one-half times the total system height from all property lines, public roads, power lines, and existing buildings and structures. The distance shall be measured from the center of the tower.
5. Total system height, which includes the blades and associated mechanical and electrical conversion components mounted on top of the tower, shall not exceed a total height of one hundred (100) feet.
6. Small wind energy systems shall be placed in such a manner as to minimize off-site visual impacts.
7. Access restrictions shall be designed as follows:
  - (a) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
  - (b) The tower 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 fifteen (15) feet above the ground.
8. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
9. All wind energy facilities must comply with the applicable Federal Aviation Administration regulations and must receive any necessary Federal Aviation Administration permits.
10. All wind energy facilities must comply with the applicable Department of Environmental Protection regulations and must receive any necessary permits from the Department of Environmental Protection.
11. A small wind energy system shall remain painted or finished in the color or finish of grey or white that was originally applied by the manufacturer.
12. There shall be no signs on a small wind generator system or any associated building except for the manufacturer or installer identification and appropriate warning signs.

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13. Small wind energy systems that connect to the electric utility grid shall comply with the New Jersey Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9.
14. Except for limited overages during short term events such as power outages or severe wind storms, the level of noise produced by wind turbine operation shall not exceed 65 decibels (dBa) as measured at the property boundaries of the parcel on which the small wind energy system is located. The applicant shall provide a post-construction certification on noise levels prepared by a qualified professional.
15. No small wind energy system shall be roof mounted.
16. All wind energy systems shall be mounted on a monopole and shall not utilize a truss frame construction or require wired guyed systems.
17. All wind energy systems shall provide a manual braking system and an over-speed control to prevent over spin during periods of excessively high winds.
18. There shall be a minimum ground clearance of at least thirty (30) feet between the finished grade and bottom of any rotor of a wind energy system mounted on a tower, except a VAWT system may have a vertical panel to ground clearance of twenty (20) or more feet.
19. Any batteries used in conjunction with wind energy systems shall be recycled or properly disposed of in accordance with hazardous waste management regulations.
20. All power lines from the small wind energy system to on-site interconnection equipment and/or to the user facility shall be located underground and installed by a certified professional and must meet all applicable national, state, and local electrical codes.
21. 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.
25. Substations (excluding switchgear stations) shall be set back a minimum of 150 feet, or not less than 200 feet from a residential use or district.
26. 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.
27. The following minimum screening requirements shall be met:
  - a. All ground-based support facilities shall be buffered from view of non-residential properties by a 20 foot wide planted buffer and from view of public roads and residential

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districts and properties (including those located across a public road) by a 40 foot wide planted buffer.

b. The buffer shall consist of an earthen berm and/or solid fence which completely screens all ground mounted equipment and structures from adjacent streets (measured from a height of 4 feet at the centerline of the street) and adjacent property lines (measured from a height of 5 feet at the property line). The buffer shall also consist of a mix of deciduous and evergreen trees and shrubs to provide a year round visual screen.

c. The buffer shall also meet the landscape standards in §631 unless otherwise specified. Deciduous trees shall have a minimum caliper size of 3.5 inches and a minimum height at planting of 14 feet. Evergreen trees shall have a minimum height at planting of 6 feet.

d. Fencing, with the exception of a wooden or approved PVC fence, shall not be visible from the property line in all districts,

e. Existing hedgerows or vegetated windbreaks that provide screening of the subject site from neighboring properties shall be retained and augmented as necessary.

**F. Zoning Permit Requirements for Small Wind Energy Systems**

1. An application for a Zoning Permit for a small wind energy system shall provide the following information on a signed and sealed plot plan or survey:

(a) Location dimension and use of all existing structures on site.

(b) Location and proposed ground elevation of the proposed small energy wind system.

(c) Location of all above ground utilities on the proposed parcel.

(d) Location of all public and private roadways.

(e) Design data indicating the basis of design including manufacturer's specifications and operation requirements.

(f) Verification shall be provided by a design professional that the proposed location on the subject parcel and proposed tower elevation has sufficient wind speeds for operation of the wind energy system. Upon completion a certification from a NJ licensed professional engineer will be required stating that the structure was constructed as per the certified drawings.

(g) Surrounding land uses adjacent to the parcel.

**G. Abandonment** A wind facility that is out-of-service for a continuous 12-month period will be deemed to have been abandoned.

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- a. The Township may issue a Notice of Abandonment to the owner of a wind 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 the Notice receipt date.
- c. If the owner provides information that demonstrates the wind 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 wind facility has been abandoned, the owner of the wind energy facility shall remove the wind 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 wind facility, the Township and/or its employees and/or contractors may enter the property to remove the wind 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 and/or collecting the money owed, the owner shall be obligated to reimburse the Township for the additional costs and expenses, including reasonable attorneys fees.

**H. Compliance with Building Code**

Building permit applications shall be accompanied by standard drawings of structural components of the small wind energy system including support structures tower base and footings. Drawings and necessary calculations shall be certified in writing by a licensed professional engineer that the system complies with the Building Code.

**Section 2**

**Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjusted unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section 3**

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**Section 4**

This Ordinance shall take effect immediately upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Hunterdon County Planning Board.

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Shaun Van Doren  
Mayor

Ms. Desiderio made a motion to open the Public Hearing on Ordinance #07-2014, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 08-15-14 Courier News and a letter from the LUB noting their review of the Ordinance and finding it not inconsistent with the Master Plan.

There being no comments from the public, Ms. Desiderio made a motion to close the Public Hearing on Ordinance #07-2014, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Desiderio moved adoption of Ordinance #07-2014, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**TOWNSHIP OF TEWKSBURY  
ORDINANCE NO. 07-2014**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE TOWNSHIP OF TEWKSBURY DEVELOPMENT REGULATIONS ORDINANCE, SPECIFICALLY ARTICLE II, "PURPOSES" TO ADD NEW SUBSECTION 'U'; ARTICLE III, "DEFINITIONS" TO ADD NEW DEFINITIONS TO SECTION 301, "WORDS AND TERMS DEFINED"; AND ARTICLE VII, "ZONING PROVISIONS" TO ADD "SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES" AS A NEW CATEGORY IN THE PERMITTED ACCESSORY USES FOR THE LAMINGTON DISTRICT, FARMLAND PRESERVATION DISTRICT, PIEDMONT DISTRICT, R-1.5 RESIDENTIAL DISTRICT, SOUTH OLDWICK RESIDENTIAL DISTRICT, VILLAGE RESIDENTIAL DISTRICT, VILLAGE RESIDENTIAL-1 DISTRICT, VILLAGE BUSINESS DISTRICT, VILLAGE OFFICE DISTRICT, RESEARCH OFFICE/MIXED USE DISTRICT, AND MINING DISTRICT; AND TO SUPPLEMENT § 725 "PROHIBITED USES" WITH A NEW CATEGORY TO PROHIBIT SOLAR OR PHOTOVOLTAIC ENERGY SYSTEMS DESIGNED TO PRODUCE FOR OFF-SITE ENERGY POWER CONSUMPTION; AND TO MODIFY SECTION 726, "ADDITIONAL ACCESSORY USE PROVISIONS" WITH NEW SUBSECTION 'C' TO BE ENTITLED "SOLAR OR PHOTOVOLTAIC ENERGY SYSTEMS" SETTING FORTH SPECIFIC ZONING AND REGULATORY STANDARDS FOR SAID ACCESSORY USES.**

**WHEREAS**, the Tewksbury Township Committee is desirous of establishing existing ordinance provisions pertaining to the installation of solar or photovoltaic energy facilities and structures in a manner that serves the public interest and general goals and objectives of the Tewksbury Township Master Plan; and

**WHEREAS**, the Tewksbury Township Committee seeks to achieve uniformity and balance in the application of standards for the utilization of solar and photovoltaic energy facilities and

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structures with the Township's existing land use provisions pertaining to the maintenance of the Township's rural and historic community character, and the protection and retention of farmland, open space, agricultural uses, forests, streams and riparian corridors, steep slopes and natural resource lands including floodplains, wetlands and wetland transition areas; and

**WHEREAS**, the Township Committee acknowledges and recognizes that alternative energy systems development, particularly solar or photovoltaic energy systems, has gained currency in the current economic climate as landowners seek to augment the cost of electricity through on-site development of solar and photovoltaic energy facilities and structures and that local regulations are needed to allow for such facilities to be installed in as inconspicuous and unobtrusive a manner as reasonably possible while balancing the need for electricity with the wider community interest of preserving and promoting the rural and historical characteristics of the Township; and

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Tewksbury that of the Development Regulations Ordinance of the Township of Tewksbury shall be revised and amended to add a new clause regarding renewable energy sources to "Purposes" in Article II; to add new definitions for solar or photovoltaic energy system, solar panel, and net metering to "Words and Terms Defined" in Article III; to supplement Article VII, "Zoning Provisions" to add "Solar and Photovoltaic Energy Systems" as a new category under the Permitted Accessory Uses for the Lamington District (§710), Farmland Preservation District (§710.1), Piedmont District (§710.2), R-1.5 Residential District (§711), South Oldwick Residential District (§714.1), Village Residential District (§715), Village Residential-1 District (§715.1), Village Business District (§716), Village Office District (§716.1), Research Office/Mixed Use District (§717), and Mining District (§718); to supplement § 725 "Prohibited Uses" with a new category to prohibit solar or photovoltaic energy systems designed to produce for off-site energy power consumption; and to create a new subsection C in §726 "Additional Accessory Use Provisions" to be entitled "Solar or Photovoltaic Energy Systems" setting forth specific zoning and regulatory standards for solar or photovoltaic energy systems as accessory uses.

**Section 1**

Purpose Statement: The purpose of this Ordinance is to amend and supplement the Development Regulations Ordinance to regulate solar or photovoltaic energy facilities and structures.

**Section 2**

Article II, § 200 entitled "Purpose" is hereby amended and supplemented by adding new subsection 'U':

To promote the conservation of energy through the use of planning policies and practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources provided such utilization is accessory to and directly supportive of a use permitted by the Tewksbury Development Regulations Ordinance and further provided that such utilization will not undermine the intent and purposes of Tewksbury's Master Plan and Development Regulations Ordinance.

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Article III, § 301, "Words and Terms Defined" is hereby amended and supplemented by adding the following new definitions as follows:

NET METERING - means, as defined in N.J.A.C. 14:8-1.2 as may be amended from time to time, - means a system of metering and billing for electricity in which the supplier/provider and/or the EDC:

1. Credits a customer-generator at the full retail rate for each kilowatt-hour produced by a class I renewable energy system installed on the customer-generator's side of the electric revenue meter, up to the total amount of electricity used by that customer during an annualized period determined under N.J.A.C. 14:5.3; and
2. Compensates the customer-generator at the end of the annualized period determined under N.J.A.C. 14:8-5.3 for any remaining credits, at a rate equal to the supplier/provider's avoided cost of wholesale power.

SOLAR PANEL – means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

SOLAR OR PHOTOVOLTAIC ENERGY SYSTEM - means a system of solar or photovoltaic modules, panels or arrays for the production of electrical energy that:

- (1)
  - (a) generates electrical power by converting solar radiation into electricity;
  - (b) Is located on the power beneficiary's premises;
  - (c) Is designed and intended primarily to offset part or all of the beneficiary's requirements for electric energy consumption on site; and
  - (d) Is accessory to the beneficiary's principal use of the premises for other lawful purpose(s); and/or
- (2) Qualifies as a "net-metering" system as determined by the electric distribution retailer serving the area in which the property upon which the system is located.

**Section 3**

Article VII, § 700 "Zoning Provisions," is hereby amended and supplemented, as follows:

1. § 710, "LT" Lamington District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
  12. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.
    - b. Ground-mounted solar or photovoltaic energy systems.
2. § 710.1, "FP" Farmland Preservation District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
  13. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.

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- b. Ground-mounted solar or photovoltaic energy systems.
3. § 710.2, "PM" Piedmont District, C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
- 12. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.
    - b. Ground-mounted solar or photovoltaic energy systems.
4. § 711, "R-1.5" Residential District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
- 6. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.
    - b. Ground-mounted solar or photovoltaic energy systems.
5. § 714.1, "SO" South Oldwick Residential District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
- 5. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.
    - b. Ground-mounted solar or photovoltaic energy systems.
6. § 715, "VR" Village Residential District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
- 4. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.
7. § 715.1, "VR-1" Village Residential-1 District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
- 4. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.
8. § 716, "VB" Village Business District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
- 3. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.

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- a. Roof mounted solar or photovoltaic energy systems.
9. § 716.1, “VO” Village Office, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
- 3. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.
10. § 717, “RO/MXD” Research Office/Mixed Use District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:
- 7. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.
    - b. Parking lot canopy mounted solar or photovoltaic energy systems for non-residential use.
    - c. Ground-mounted solar or photovoltaic energy systems.
11. § 718, “M” Mining District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by eliminating the term “none” and adding the following new subsection, as follows:
- 1. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
    - a. Roof mounted solar or photovoltaic energy systems.
    - b. Parking lot canopy mounted solar or photovoltaic energy systems for non-residential use.
    - c. Ground-mounted solar or photovoltaic energy systems.

**Section 4**

§ 726 “Additional Accessory Use Provisions” is hereby amended and supplemented by adding the new subsection ‘C’, entitled Solar or Photovoltaic Energy Systems, as follows:

**SOLAR OR PHOTOVOLTAIC ENERGY SYSTEMS**

- a. In order to maintain a desirable visual environment throughout Tewksbury by preserving and promoting the rural and historical characteristics of the Township, it is the intention of this section that the installation of solar or photovoltaic energy systems be installed in as inconspicuous and unobtrusive a manner as reasonably possible.
- b. Roof mounted solar or photovoltaic energy systems. Installation or construction of roof mounted solar/ or photovoltaic energy systems shall be subject to the following requirements:
  - 1. A roof mounted solar or photovoltaic energy system may not be placed on any lot which does not contain a permitted principal structure. A roof mounted system may be installed upon permitted principal and accessory buildings.

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2. A roof mounted solar or photovoltaic energy system shall serve only the lot where it is located. All supporting equipment, such as transformers, inverters, power line interconnections, etc. shall in the first instance be installed only in the rear yard area of any lot. The proposed location for all supporting equipment shall conform to the rear yard and side yard setback requirements for a principal permitted structure in the zone in which the property is located (and in no case shall be located in the front yard).
  3. Roof mounted solar or photovoltaic energy system panels shall not extend above the existing height of the roof, (1) more than 12" on structures with pitched roofs with 3% slope or greater, or (2) more than 24" on structures with flat roofs (flat roof shall be defined as a roof pitch less than 3% slope). Notwithstanding, roof mounted facilities shall not exceed the maximum building height in the zone district.
  4. All solar photovoltaic equipment shall be screened from public view, except for roof-mounted solar or photovoltaic panels as permitted herein, with one or a combination of the following: non-deciduous indigenous deer resistant plantings, fences, and/or walls and shall blend with the immediately surrounding area.
  5. All supporting equipment shall not be any located closer than twenty feet (20) to any other building or structure.
  6. Electrical wiring extending between roof top mounted solar panel arrays, system transformers, inverters, and buildings shall be installed underground.
  7. Installations proposed within a municipally designated historic district or on a historic site shall be subject to the provisions of § 629. In addition, roof-mounted panels shall not be visible from any public right-of-way. Where, upon review by the Historic Preservation Commission, an applicant can demonstrate that roof mounted solar or photovoltaic energy system panels would be rendered ineffective with strict adherence to this provision, such as lack of southern exposure or structural appurtenances e.g. chimneys, dormers, etc. the use of solar shingles (photovoltaic shingles) or solar panels compatible in color to established roof materials may be installed with visibility to the public right-of-way.
- c. Parking lot roof canopy mounted solar or photovoltaic energy systems. Installation or construction of roof canopy mounted solar or photovoltaic energy systems shall be subject to the following requirements:
1. Site plan approval is required.
  2. An applicant for a parking lot roof canopy mounted solar or photovoltaic energy system shall obtain all permits required by the Uniform Construction Code.
  3. Parking lot roof canopy mounted solar photovoltaic energy systems may be constructed above existing parking spaces and shall conform to setback requirements for parking for the zone in which the system is to be located.
  4. The parking lot roof canopy mounted solar or photovoltaic energy system shall serve only the lot upon which it is located. All supporting equipment, such as transformers, inverters, power line interconnections, etc. shall only be placed in the rear or side yard and shall conform to the side and rear setback requirements for that zone.

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5. The proposed location for all supporting equipment shall conform to the rear yard and side yard setback requirements for an accessory building in the zone in which the property is located (and in no case shall be located in the front yard).
    - i. All supporting equipment shall be screened from public view, except for roof-mounted solar or photovoltaic panels as permitted herein, with one or a combination of the following: non-deciduous indigenous deer resistant plantings, fences, and/or walls which shall blend with the immediately surrounding area.
  6. Electrical wiring extending between solar panel arrays, system transformers, inverters, and buildings shall be installed underground.
    - i. A power disconnect and system shut-down device accessible to emergency services personnel shall be installed and marked conspicuously with a sign, which shall identify an emergency contact person and an emergency contact telephone number. The property owner shall provide annual training to local emergency first responders on power disconnect and system shut-down procedures that may be required in the case of an emergency. System diagrams shall be provided to first responders and updated annually.
  7. Installations proposed within a designated historic district or on a historic site shall be subject to the provisions of Section 629.
  8. Facilities mounted above parking lots shall be designed to provide adequate space for access by emergency vehicles whenever necessary.
- d. Ground-mounted solar or photovoltaic energy systems. Ground-mounted solar or photovoltaic energy system shall be subject to the following requirements, which shall be documented by the applicant prior to the issuance of a construction permit:
1. Accessory to principal permitted use.
    - i. A ground-mounted solar or photovoltaic energy system shall not be constructed on any lot which does not contain a permitted principal structure.
    - ii. A ground-mounted solar or photovoltaic energy system shall serve only the permitted principal structure and permitted accessory buildings located on the tax lot upon which the energy system is located.
    - iii.
  2. Nonresidential and commercial agricultural ground mounted solar or photovoltaic energy systems shall require site plan approval.
  3. Issuance of a construction permit. An applicant for a ground-mounted solar or photovoltaic energy system permit shall obtain a Zoning Permit and all permits required by the Uniform Construction Code (UCC).
  4. Access. No new driveway access shall be created. Access shall be provided utilizing existing driveways. Any interior access road required between and among ground-mounted solar or photovoltaic energy system arrays and components shall be designed as grassed roadways to minimize the extent of soil disturbance, water runoff and soil compaction.
  5. Maximum height. The maximum height of solar panel arrays and system components from existing ground level shall not exceed six feet (6).

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6. Yard placement & visual buffering. All components of a ground-mounted solar or photovoltaic energy system (solar panel arrays, supporting equipment including transformers, inverters, electric utility line connections, etc.) shall be installed only in the rear yard area and shall not be located closer to the side property line than the existing side yard setback of the principal building upon the lot, subject to the following visual compatibility, placement and design standards.
  - i. The ground mounted system and its components shall be shielded with landscape buffering from adjoining residences, preserved open space and farmland, the public traveled way, including public rights-of-way, roads and publicly accessible trails, and commonly traveled ways, such as, but not limited to bridle paths.
  - ii. Perimeter landscaped buffer. The ground-mounted system and its components shall be shielded from offsite view by the establishment of a landscaped buffer planted along the perimeter of the installation and designed to blend with the immediately surrounding area. Buffer areas shall be graded and planted to visually screen the installation from adjoining residential property(s).
  - iii. Where existing features may effectively serve to shield portions of the installation and its components from view, such features may be substituted for portions of the required perimeter landscaped buffer. Such features include, but are not limited to:
    - (a) Existing hedgerows or forested areas, which may be supplemented with additional plantings to achieve year-round effective visual screening of the installation and its components;
    - (b) Existing buildings, such as barns, garages, greenhouses, outbuildings, etc,
    - (c) Existing topographic features or structures such changes in elevation, ridgelines, retaining walls and similar features.
    - (d) Where any of the above features may be substituted for the required perimeter landscaped buffer, such features shall be maintained for as long as ground-mounted solar or photovoltaic energy system remains on site. Where such features may be removed over time by will or act of God, the required perimeter landscaped buffer shall be provided within either two (2) months of the removal of such features.
    - (e) Perimeter fence. A safety fence or suitable barrier shall be installed inside the perimeter landscaped buffer. The fence or barrier shall include a locked gate or other secure suitable means of access to the system.
7. Critical areas. No portion of a ground-mounted solar or photovoltaic energy system (solar panel arrays and supporting equipment such as, but not limited to transformers, inverters, power line interconnections, etc.) shall be located in a Critical Areas or Environmentally Sensitive Areas as defined in §301.
8. Solar panel array ground mounting. The use of concrete, asphalt or other impervious surface, including gravel, shall be limited to the location for the

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installation of the panels and ancillary equipment and the ancillary facilities for the panels, including but not limited to the base or foundation of the panel, plate, canopy, or array shall adhere to the applicable zone district lot coverage restrictions. Panels shall not be included in any calculation of impervious surface or impervious cover pursuant to N.J.S.A. 40:55D-38.1. The design of the facilities shall comply with all NJDEP and Township stormwater, grading and soil disturbance regulations, whichever is more restrictive.

9. Grading. The ground-mounted system and its components should be designed to follow the natural topography to the greatest extent possible to minimize the disturbance of soils. Grading and Surface Water Management Plan Ordinance approval may be required.
  10. Soil erosion control, soil stabilization. All ground areas occupied by the ground-mounted solar or photovoltaic energy system shall be planted and maintained with shade tolerant grasses for the purpose of soil stabilization. A seed mixture of native, non-invasive shade tolerant grasses shall be utilized to promote biodiversity and natural habitat.
  11. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
- e. Decommissioning, removal, restoration. All solar or photovoltaic energy systems shall be maintained in continuous operation.
1. Solar and photovoltaic energy facilities and structures (roof, parking lot roof canopy or ground) which have not been in active and continuous service for a period of twelve (12) months shall be decommissioned and removed from the property to a place of safe and legal disposal.
  2. Upon cessation of activity or abandonment, the energy system shall be decommissioned, all equipment removed and all areas disturbed to construct and operate the energy system shall be restored. The property owner shall obtain a demolition permit from the Township of Tewksbury construction official to decommission and remove the energy system and restore all areas disturbed to construct and operate the system.
  3. Removal of the system shall be conducted in conformance with UCC requirements.
  4. Solar energy system structures and equipment (including fencing) shall be removed and, where applicable, surface grade shall be restored.
  5. Where applicable, surface grade shall be re-vegetated with native seed mixes and or plant species suitable to the area, which shall not include any invasive species. Agricultural activities may be conducted in farmland areas.

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6. The lot owner shall document that system decommissioning, removal and restoration activities have been completed in accordance with the requirements of this section with a certification from Township code official(s).
  7. In the event that the owner fails to remove the solar energy facility, the Township and/or its employees and/or contractors may enter the property to remove the solar 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 and/or collecting the money owed, the owner shall be obligated to reimburse the Township for the additional costs and expenses, including reasonable attorneys fees.
- f. In addition to those items required for an application to be deemed complete, a site plan application including a solar or photovoltaic energy generating facility shall include the following:
1. Location of proposed and existing underground or overhead utility or transmission lines.
  2. Location of any proposed or existing substation, inverter or transformer.
  3. Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
  4. 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.
  5. Location of existing hedgerows and vegetated windbreaks. Trees on the site that have a caliper of 12" (dbh) or greater shall be identified by species and overall condition.
  6. Photographic simulation of the view of the proposed facility from ground level from all public roads abutting the property and from adjacent residential uses.
  7. 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.
- g. Safety and Emergency Provisions
1. Solar or photovoltaic roof, parking lot roof canopy and ground mounted systems servicing residential dwellings shall comply with the following safety and emergency response provisions:
    - a. All residential roof mounted systems shall be provided with adequate area on the roof for firefighters to ventilate all planes of the roof upon which solar panels are installed, as follows:
      - i. At least four (4) feet of clear area across the top of the roof along the ridge line and four (4) feet on both sides of the roof leading to the ridgeline shall remain clear of any solar or photovoltaic panels. Roofs with cross gable /

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- valley shall provide four (4) feet clear of any panels, to allow firefighters access to the roof, which shall be provided as at least two (2) feet clear of panels on either side of the center of all valleys.
- b. Residential solar or photovoltaic systems shall be fitted with a 'safety mode' system capable of switching off live DC current from the system in the event that fire or rescue services are required. Safety mode switching shall be readily accessible to and clearly marked for emergency response personnel operation.
  - c. Security fencing and gates shall be fully erected and operational prior to the installation of solar or photovoltaic energy facility installation.
  - d. An exterior electrical disconnect / emergency shutoff which de-energizes the system shall be provided, which shall be plainly marked with a reflective placard identification.
  - e. Site labeling – Each site containing a solar or photovoltaic energy facility shall include a sign indicating that the energy facility exists on site, indicating whether the system is a roof or ground mounted system. Such sign shall be conspicuously mounted at the driveway entry to the site.
  - f. In accordance with the latest edition of the National Electrical Code update, all conduit extending between solar or photovoltaic panel arrays and inverters and transformers shall be marked every 10 feet to indicate electrical danger to firefighters and EMT personnel in the event conduit is accidentally or must be intentionally cut as part of emergency response.
  - g. Safety Data Sheets (SDS) shall be submitted to emergency response providers for all component materials comprising of the solar modules, panels, or arrays or other equipment which contain hazardous or flammable substances.
2. Solar or photovoltaic roof, parking lot roof canopy and ground mounted systems servicing non-residential uses shall comply with the following safety and emergency response provisions:
- a. Individual roof mounted solar or photovoltaic panel arrays shall not exceed 150' x 150' in area. Where more than one panel array is to be installed, 8' separation areas between panel arrays shall be provided such that adjacent panel arrays shall be located not less than 8' from adjacent panel arrays. Each 8' separation area shall be reinforced so as not to cause damage to the roof while maintenance is performed and to ensure that adequate support for firefighter access is provided in the event of an emergency. If skylights or roof hatches are installed in the roof, each skylight or roof hatch shall have a four (4) feet wide walkway leading to each and be clear of solar panels for four (4) feet in all directions.

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- b. Nonresidential roof installations shall provide ventilation access points in the roof, which shall be not less than eight (8) feet x four (4) feet, at intervals in the roof that are not less than 20' distant from each.
- c. Ground mounted systems shall provide emergency vehicle access to all components and shall include access roads not less than twenty (20) feet in width, which shall be reinforced or suitably improved to support the weight of typical fire department apparatus. Turning areas shall be provided and each bend or turn in the access road shall provide an adequate turning radius for firefighting apparatus maneuvering.
  - i. Reinforced access roads shall extend to within 50' of all exterior doors, which provide access to the interior of a building.
  - ii. Where it can be demonstrated to the satisfaction of the Fire Company and First Aid and Rescue Squad that the access road is not required to extend to within 50' of a building, such distance may be increased in accordance with applicable building and fire access codes.
- d. An exterior electrical disconnect / emergency shutoff which de-energizes the system shall be provided, which shall be plainly marked with a reflective placard identification.
- e. Site labeling – Each site containing a solar or photovoltaic energy facility shall include a sign indicating that the energy facility exists on site, indicating whether the system is a roof or ground mounted system. Such sign shall be conspicuously mounted at the driveway entry to the site.
- f. In accordance with the latest edition of the National Electrical Code update, all conduit extending between solar or photovoltaic panel arrays and inverters and transformers shall be marked every 10 feet to indicate electrical danger to firefighters and EMT personnel in the event conduit is accidentally or must be intentionally cut as part of emergency response.
- g. Security fencing and gates shall be fully erected and operational prior to the installation of solar or photovoltaic energy facility installation.
- h. Knox Boxes shall be provided at all locked locations on site (i.e. gates, doors to buildings, etc.)
- i. Ground mounted facilities shall include at least two (2) means of ingress and egress for emergency response. In addition to any fire protection code requirements, all inverter sheds or other electrical equipment buildings shall be fitted with at least two (2) doors with one (1) 20lb CO2 fire extinguisher located immediately inside of each door.
- j. An emergency response plan shall be provided, filed and maintained with the appropriate Fire Companies and emergency squads which shall include site specific training to be provided by the owner of each facility on at least a bi-

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annual basis if requested by emergency providers. The emergency response plan shall include:

- i. emergency response procedures to be followed in the event of an emergency, which shall include Fire Company and First Aid and Rescue Squad training, including training before planning an operation.
  - ii. evacuation procedures (on site and for off site neighboring properties and residents),
  - iii. site specific information concerning the location of panels, grid identification diagrams, contact names and numbers for 24/7 availability of contact personnel named,
  - iv. a system of information placards, which shall be conspicuously mounted at eye level, and which shall be updated within two (2) weeks of any changes to contact information, and which shall include information identifying all possible hazards and exit routes from the facility,
  - v. a two-tag identification system for anyone entering the energy facility site, which shall provide for the following procedures:
    1. 1 tag shall be kept in the service vehicle indicating the name of the individual and his/her employer,
    2. 1 tag (the second tag) shall be placed at the point of entry of any building or in the case of site roaming service, the point of departure into the site. When roaming in the field, the tag shall be clipped to the gate nearest to the location where service will be performed.
- k. Site address – all sites shall secure a street address from the Township 911 Coordinator, which shall be posted at the main entrance gate to the facility.
- l. Safety Data Sheets (SDS) shall be submitted to emergency response providers for all component materials comprising of the solar modules, panels, or arrays or other equipment which contain hazardous or flammable substances.
- m. Prior to the issuance of a certificate of occupancy, the Fire Department(s) will be provided access to the solar facility to allow for review of existing conditions, their conformance with emergency access and allow for emergency responders to gain familiarity to the site.
- n. The use of lead-acid batteries shall not be permitted in non-residential solar energy systems and facilities. This prohibition shall not extend to residential solar or photovoltaic energy facilities.

Section §725 “Prohibited Uses,” is hereby amended and supplemented to add the following:

- A. Solar or photovoltaic energy systems that are designed for off-site electric power consumption.

**Section 5**

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjusted unconstitutional or

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invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section 6**

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**Section 7**

This Ordinance shall take effect immediately upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Hunterdon County Planning Board.

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Shaun Van Doren  
Mayor

➤ **Ordinance Introduction**

Mayor Van Doren noted a correction needed in the title of Ordinance #08-2014.

Mr. Melick made a motion to introduce Ordinance #08-2014, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

The Public Hearing is scheduled for 10-14-14 at 7:30 PM.

**ORDINANCE 08-2014**

**ORDINANCE AMENDING CHAPTER 16, SECTION 20, "TREE CLEARING  
AND REMOVAL," OF THE CODE OF THE TOWNSHIP OF TEWKSBURY,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO REVISE THE TREE  
REMOVAL REGULATIONS**

**###**

Ms. Desiderio made a motion to introduce Ordinance #09-2014, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

It was noted that the metes and bounds need to be included in the publication notice and affected property owners need to be sent a copy of the introduced Ordinance.

The Public Hearing is scheduled for 10-14-14 at 7:30 PM.

**TOWNSHIP OF TEWKSBURY**

**ORDINANCE NO. 09 -2014**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY, VACATING A  
ROADWAY KNOWN AS "FLINT HILL ROAD"**

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➤ **Consent Agenda**

Ms. Desiderio moved adoption of the Consent Agenda, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #98-2014  
REDEMPTION OF A TAX SALE CERTIFICATE**

**BE IT RESOLVED**, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the Chief Financial Officer is hereby authorized to make the following payment for the redemption of a tax sale certificate.

Block Lot	Name	CERT #	Amount
47.01 38	US BANK CUSTODIAN FOR Crestar Capital LLC 50 S 16 <sup>TH</sup> St Suite 1950 Philadelphia, PA 19102	2013-03 PREMIUM	2,630.04 <u>4,700.00</u> 7,330.04

\_\_\_\_\_  
Shaun Van Doren  
Mayor

**RESOLUTION #99-2014**

**A RESOLUTION SETTING THE 2014 SALARIES AND WAGES FOR OFFICERS AND  
EMPLOYEES OF THE TOWNSHIP OF TEWKSBURY**

**BE IT RESOLVED** by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the following salary and wage for the employees so stated is hereby set for the year 2014.

<b>ADMINISTRATION</b>		
Steven Dill	Deputy Fire Marshal	\$23.00/hour Effective 09-15-14
<b>POLICE</b>		
Adam Bergman	Police Officer Special II	\$16.00/hour Effective 09-23-14

\_\_\_\_\_  
Shaun Van Doren  
Mayor

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**MISCELLANEOUS**

- Claims as submitted by the CFO
- Regular and e/s minutes of 08-12-14
- Correspondence List

➤ **Mayoral Appointments**

Mayor Van Doren made the following appointment.

Robert Becker          Land Use Board          Class 4-Citizen  
To complete the unexpired term of Elizabeth Devlin through 12/31/16

**5. Reports**

➤ **Township Committee Sub Committees & Township Committee Comments**

Mr. Melick noted that the chip and seal project was mis-engineered and there was not enough material to complete five Township roads. He expressed his displeasure with the Engineer, adding that the roads are in terrible condition after the winter and Hurricane Sandy. It was stated that the Engineer has agreed to produce an inventory of all Township roads so that the problem of determining road length will not re-occur. General discussion followed regarding road work, road conditions, the purchase of capital items and the upcoming road trip scheduled for 09-23-14.

Ms. Desiderio noted the upcoming HCPB awards dinner scheduled for 09-29-14 at Razberry's Restaurant in Frenchtown and urged Committee members to attend.

Dr. Voyce noted that there were no incidents involving the Rescue Squad in August, although there was a horse issue last weekend.

Mayor Van Doren noted a request from the Equestrian Committee to create a listing of horse owners for e-mail distribution.

Mr. DiMare noted that his wife is currently working on this project and he suggested holding off on creating any new listing until the Equestrian Committee comes to consensus regarding how to format the listing.

Mayor Van Doren noted that the finance subcommittee needs to meet moving into the final quarter of 2014. It was noted that Police overtime needs to be analyzed and reviewed.

It was noted that the bridge T-132 on Mountain Road will be closed for repair for 8-10 weeks and a detour will be posted. It was added that Old Driftway is a private road and the residents are allowed to take action to deter traffic from utilizing the roadway. Mayor Van Doren noted that there is a utility pole on Sawmill Road near the bridge that hopefully can be moved while the bridge work is ongoing.

➤ **Township Attorney**

Mr. Selvaggi noted that two items listed on his report need to be discussed in Executive Session.

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➤ **Township Administrator**

Mr. Landon noted the following items from his report.

- The DEP fees for the Oldwick Sewer have risen considerably. He is reviewing the reason for the increase as there really is nothing to inspect, adding that a DEP representative could give no clear reason for the proposed increase.
- Work is commencing on Uptom Pine Road with reclamation starting 09-10-14 and the top coat work to be done 09-15-14. The road will not have complete closure.
- The Trail Pace is scheduled for 09-14-14 and the Harvest Festival for 09-27-14 (rain date 09-28-14).
- There is an OEM exercise scheduled for 09-17-14.
- Discussion followed regarding the many abandoned properties in the Township and the fact that calls have been coming in to the Administrator regarding same. It was the consensus of the Committee that the Administrator should present photographs and a listing of the properties in question for the 10-21-14 meeting. Mr. Selvaggi stated that he would send a property maintenance Ordinance from Mt. Arlington to Mr. Landon for review.

**6. Executive Session**

At 8:20 PM Ms. Desiderio moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #100-2014  
A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF THE TEWKSBURY  
TOWNSHIP COMMITTEE**

**BE IT RESOLVED**, pursuant to N.J.S.A. 10:4-13 and 10:4-12 that the Tewksbury Township Committee hold a closed session to discuss Advice of Attorney and Contract Negotiations.

It is expected that the discussion undertaken in closed session can be made public at the time official action is taken.

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Shaun Van Doren  
Mayor

**7. Reconvened**

The meeting reconvened at 8:53 PM.

It was the consensus of the Committee that the 9/23/14 meeting should be re-noticed as convening at 6:00 pm, noting that the meeting will be conducted off site from the meeting hall.

**8. Adjournment**

There being no further business, the meeting was adjourned at 8:59 PM.

Roberta A. Brassard  
Municipal Clerk