

**WHITE TOWNSHIP COMMITTEE  
AGENDA FOR MEETING OF DECEMBER 13, 2012**

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**CALL TO ORDER: 7:00 PM**

- A. Open Public Meetings Act Statement

*Adequate Notice of this meeting of December 13, 2012 has been given in accordance with the Open Public Meetings Act by forwarding a notice of the date, time, and location of the meeting to the Star-Gazette and The Express-Times; and by posting a copy thereof on the bulletin board in the Municipal Building and the township website. Formal action may be taken at this meeting. Public participation is encouraged. This agenda is subject to last minute additions and deletions by the White Township Committee.*

- B. Salute to the Flag  
C. Roll Call

**ENGINEERING UPDATE**

- A. Becrett Project status  
B. Nature's Choice updated stormwater submission  
C. Wastewater plan  
D. Reflective markers – Pequest Dr.  
E. Stormwater presentation

**PUBLIC COMMENTS**

**ORDINANCES – PUBLIC HEARING**

- A. Ord. 2012-6: Solar and Photovoltaic Facilities

**An Ordinance Supplementing and Amending Chapter 160 of The Revised General Ordinances of the Township of White Known As The “Land Use Ordinance of The Township of White” Regarding Solar and Photovoltaic Facilities.**

**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, 7.4 percent as of June 1, 2010, and increasing to 22.5 percent by June 1, 2021; and

**WHEREAS**, the Municipal Land Use Law (NJSA 40:55D-2.n) provides intent to promote utilization of renewable energy sources; and

**WHEREAS**, the above requirements have encouraged the development of alternative energy

facilities, in particular alternative solar photovoltaic energy facilities which can consume large amounts of land; and

**WHEREAS**, the Township has determined that there exists the need to regulate the use and placement of alternative energy facilities in light of the current trend toward the development of renewable energy generating systems and that existing zoning regulations do not address this emerging trend as it may impact the use of residential areas in White Township; and

**WHEREAS**, the Township has considered recent legislation enacted in the State of New Jersey declaring certain alternative and renewable energy generating systems inherently beneficial uses to the citizens of this State and the Township believes there is a need to balance the development of these uses with local land use goals and objectives to protect the natural resources of White Township while allowing for the development of alternative solar photovoltaic energy facilities in an orderly way;

**WHEREAS**, existing ordinance standards do not adequately provide for the orderly use and development of lands in the Township of White for solar and photovoltaic facility installations for individual homeowners and business establishments; and for larger installations that are capable of generating electrical power for sale to power utilities;

**NOW THEREFORE**, be it ordained by the Mayor and Township Committee of the Township of White as follows:

**SECTION I** The following definitions of Minor and Major Solar or Photovoltaic Energy Facility or Structure shall be added in its appropriate alphabetical order in Chapter 160, Land Use, Article II, Section 160-5:

**MINOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE**, “Minor solar or photovoltaic energy facility or structure” or “minor solar or photovoltaic energy system” means a fuel cell, solar or photovoltaic panel or system of panels for the production of energy that:

- (1)
  - (a) Uses solar energy as its fuel;
  - (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 energy consumption on site; and
  - (d) Is secondary to the beneficiary’s use of the premises for other lawful purpose(s);
  - (e) Has a DC rating of 25 kW (Kilowatts) or less, unless constructed on an existing roof.
- (2) Is intended to mitigate electrical system improvement requirements; and
- (3) Is designed to generate not more than 125% of the power consumed by the beneficiary’s premises, which shall be documented through the submission of power company electricity usage bills on a yearly basis or another form of documentation acceptable for the White Township Zoning Officer.

MAJOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE, “Major solar or photovoltaic energy facility or structure” or “major solar or photovoltaic energy system” means a system of fuel cells, solar or photovoltaic panels and equipment for the production of energy that is not a minor solar or photovoltaic energy facility or structure.

**SECTION II** Chapter 160 Land Use, Article XXIV, Section 160-172 and Article XXV, Section 160-176 are hereby amended and supplemented by adding the following new subsections as follows:

1. 160-128 A(7) Major Solar or Photovoltaic Energy Facility or Structure as a Conditional Use in accordance with Article XXX Section 160-201C.
2. 160-128 B(9) Minor Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201B.
3. 160-128 C Major Solar or Photovoltaic Energy Facility or Structure as a Conditional Use in accordance with Article XXX Section 160-201C.
4. 160-133 D Minor Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201B.
5. 160-160 H Minor Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201B.
6. 160-163 I Minor Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201B.
7. 160-166 U Minor Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201B.
8. 160-169 B(13) Minor Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201B.
9. 160-172 P Major Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201.
10. 160-172 Q Minor Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201B.
11. 160-176 A(8) Major Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201.
12. 160-176 B(6) Minor Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201B.
13. 160-189 C Major Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201C.
14. 160-189 E Minor Solar or Photovoltaic Energy Facility or Structure in accordance with Article XXX Section 160-201B.

**SECTION III** A new Article XXX entitled “Solar and Photovoltaic Energy Facilities” of the Land Development Ordinance of The Township of White, is hereby created to read as follows:

Article XXX Section 160-201  
Solar and Photovoltaic Energy Facilities

A. Purpose, Intent and Scope

The purpose of this article is to regulate the placement and use of alternative solar photovoltaic energy facilities so as to be consistent with local land use goals and objectives of the Township of White.

#### B. Requirements For Minor Solar and Photovoltaic Energy Facilities

Minor solar or photovoltaic energy facilities or structures shall be permitted as an accessory use in all zoning districts in the Township provided a zoning permit is obtained. A zoning permit will be issued subject to compliance with the following standards:

1. Solar panels shall be permitted as a rooftop installation provided that no part of the solar panel or associated equipment shall exceed a height of three (3) feet above the roof surface. In no event shall the placement of the solar panels result in a total height, including building and panels, greater than that which is permitted in the zoning district where the panels are located.
2. Solar panels shall be permitted as ground arrays in accordance with the following:
  - a) All ground arrays shall meet the setback requirements for accessory structures of the zone district in which the property is located.
  - b) Ground arrays shall not be permitted in a front yard.
  - c) Ground arrays shall be located so that any glare is directed away from an adjoining property to the extent feasible.
  - d) Ground arrays shall not exceed a height of twelve (12) feet.
  - e) If natural screening does not exist, evergreen screening shall be planted to provide a visual buffer as necessary from the street view or adjacent properties, with appropriate plant species to the extent feasible. The buffer shall be planted in accordance with §160-99 and in such a manner that it does not impair the functionality of the system.
  - f) All electrical wires servicing a ground mounted solar system, other than the wires necessary to interconnect the solar panels and the grounding wires shall be located underground.
3. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment. Exposed hardware, supporting structure and frames shall be finished in non-reflective surfaces and, if roof mounted, compatible with the color scheme of the roof.
4. The installation of a solar energy system shall be in compliance with the National Electric Code as adopted by the NJ Department of Community Affairs.

5. Energy systems that connect to the electric utility shall comply with the New Jersey Net Metering and Interconnection Standards for Class I Renewable Energy Systems and as required by the electric utility servicing the parcel.
6. Minor solar or photovoltaic energy facilities or structures located on the ground shall be permitted in any Township Zoning District.

#### C. Requirements For Major Solar or Photovoltaic Energy Facilities

Major solar or photovoltaic energy facilities or structures shall be permitted in the I, IL, I-2, LDI, and SR Zone Districts in the Township of White except as modified by statute.

Major solar or photovoltaic energy facilities or structures shall be a permitted conditional use in the R-1, R-1B, R-2, R-3, and R-4 Zone Districts provided minimum lot size requirements and required setbacks from adjacent residential uses are met as provided in this section.

All major solar or photovoltaic energy facilities or structures shall require site plan approval and shall comply with the following standards:

1. Minimum lot size shall be 20 acres in the I, IL, I-2, LDI, and SR Zone districts, except as modified by statute. The minimum lot size shall be 50 acres in the R-1, R-1B, R-2, R-3, and R-4 Zone Districts.
2. Solar panels shall be permitted as a rooftop installation provided that no part of the solar panel or associated equipment shall exceed a height of three (3) feet above the roof surface. In no event shall the placement of the solar panels result in a total height including building and panels than that which is permitted in the zoning district where the panels are located.
3. Major solar or photovoltaic energy facilities shall be permitted as ground arrays and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is to be located and they shall not be located within 200 feet of an adjacent residential lot line in the I, IL, I-2 and LDI Zone districts or within 300 feet of a residential lot line on an adjacent lot in all other zone districts.
4. Major solar or photovoltaic energy facilities and structures shall be screened from the public traveled way, public open space, or from adjoining residential uses or zones, with said screening by a combination of berms, landscaping and fencing in accordance with §160-99. Where natural screening does not exist a landscaped berm shall be provided not less than 25' in width and of sufficient height to totally obscure any view of all solar energy facilities and structures from adjacent properties and roadways at the time such facilities and structures are placed in service.
5. Permitted height - the maximum permitted vertical height above ground for solar energy panels shall be twelve (12) feet.

6. All electrical wires servicing a ground mounted solar system, other than the wires necessary to interconnect the solar panels and the grounding wires shall be located underground.
7. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment. Exposed hardware, supporting structure and frames shall be finished in non-reflective surfaces and, if roof mounted, compatible with the color scheme of the roof.
8. The installation of a solar energy system shall be in compliance with the National Electric Code as adopted by the NJ Department of Community Affairs.
9. Energy systems that connect to the electric utility shall comply with the New Jersey Net Metering and Interconnection Standards for Class I Renewable Energy Systems and as required by the electric utility servicing the parcel.
10. Maintenance, Soil Stabilization - A Maintenance Plan shall be submitted for the continuing maintenance of all plantings. All ground areas occupied by the major solar or energy facility or structure installation that are not utilized for access driveways shall be planted and maintained with low maintenance sun and shade tolerant grasses for the purpose of soil stabilization. The "OVN" seed mixture is suitable for these purposes. It is a mixture of 40% perennial rye grass, 30% creeping fescue and 30% chewing fescue applied at a rate of 5 lbs. per 1,000 sq. ft.
11. A grading and drainage plan shall be submitted under the seal of a licensed professional engineer and shall provide the details to adequately demonstrate to the reviewing agency that no stormwater runoff or natural water shall be so diverted as to overload existing drainage systems or create flooding. Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater drainage velocities shall not be exceeded in the post development condition.
12. Major solar energy facilities and structures shall not result in reflective glare.
13. The noise level generated by a major solar energy facility at any receiving residential property shall not exceed a maximum A – weighted sound level of 65dB between 7 a.m. and 10 p.m. and 50dB between 10 p.m. and 7 a.m.
14. Requirement for Engineered Drawings - Site Plans and Zoning permit applications for solar energy systems shall be accompanied by standard drawings of the solar panels, inverters, substations and any other required structures. The design shall be signed and sealed by a professional engineer, registered in the State of New Jersey, certifying that the design complies with all of the standards set forth in all applicable

codes then in effect in the State of New Jersey and all sections referred to hereinabove.

15. All photovoltaic facilities including all solar arrays and associated equipment shall be dismantled and removed promptly after 180 continuous days of non-use. Applicants shall be required to submit a decommissioning plan for approval at time of site plan approval.

**NEW BUSINESS**

- A. Oxford Volunteer Fire Dept. – equipment upgrades
- B. Reimbursement of medicare premiums to retirees – attorney report
- C. Hazen-Oxford Road – trash complaint

**RESOLUTIONS**

- A. Res. 2012-51: Refund Tax Overpayment, BK 17, Lot 52

WHEREAS, the tax collector has received a 2013 overpayment of \$747.37 from Mario N. Guarriello Sr., property owner of Block 17 Lot 52; and

WHEREAS, the property owners have requested the overpayment be refunded;

THEREFORE, be it resolved that the Township of White refund Mario N. Guarriello Sr. the amount of \$747.37.

- B. Res. 2012-52: Cancelling Unused Capital Balances

WHEREAS, certain improvement appropriation balances within the General Capital Fund remain dedicated to projects now completed or not being pursued; and

WHEREAS, it is necessary to formally cancel balances so that the unexpended balances may be returned to each prospective Capital Improvement Fund, or Surplus, and unused debt authorization be canceled within the General Capital Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of White that the following unexpended and dedicated balances be canceled:

<u>Ordinance No.</u>	<u>Description</u>	<u>Amount</u>	<u>Funding Source</u>
2006-10	Road Improvements	\$27,707.23	CIF

2009-8	Fire Truck – Unfunded	\$99,187.81	Def. Charges – U/F
2010-2	Pequest/Orchard Drive	\$219,111.72	CIF
2010-7	Castners Road	\$17,784.48	CIF
2011-2	Tamarack Road	\$9,728.81	CIF
2011-4	Free Union Road	\$431.70	CIF
2011-6	Salt Spreader	\$1,817.65	CIF
2011-7	Buckhorn Drive	\$7,410.32	CIF
Res. For Prelim. Expenses	Bldg. Renovations	\$1,325.00	CIF
<b>TOTALS:</b>		<b>\$384,504.72</b>	

**BE IT FURTHER RESOLVED** that two certified copies of this resolution are to be filed with the Director of the Division of Local Government Services.

**OLD BUSINESS**

- A. proposed construction fee increase
- B. generator for DPW
- C. sale of vacant township owned properties

**CORRESPONDENCE**

- A. USAgain – approval for clothing bin, Rt. 46 West

**PUBLIC COMMENTS**

**PRESENTATION OF VOUCHERS**

**PRESENTATION OF MINUTES**

- A. October 11, 2012 Regular Meeting
- B. October 11, 2012 Executive Session Meeting
- C. October 25, 2012 Workshop Meeting
- D. November 8, 2012 Regular Meeting
- E. November 8, 2012 Executive Session Meeting

**ANY OTHER MATTERS/ANNOUNCEMENTS**

- A. Year End Meeting – Thursday, December 27<sup>th</sup> 7PM
- B. 2013 Reorganization Meeting – Tuesday, January 1<sup>st</sup> 11AM

**EXECUTIVE SESSION (if necessary)**

- land acquisition
- litigation
- personnel
- contract negotiations

**ADJOURNMENT**

Date: December 10, 2012

Cc: Mayor & Committee, Attorney, Bulletin Board, Website