

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: APRIL 7, 2014 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Cann
_____	_____	Committeeman Carson
_____	_____	Committeeman Moynihan
_____	_____	Committeewoman Popko
_____	_____	Township Clerk Eckert
_____	_____	Attorney Kearns
_____	_____	Chief Financial Officer Kocian
_____	_____	Public Works Director Buhrer
_____	_____	Police Chief Nucera

1. Salute to the flag and moment of silence.
2. Roll Call.
3. Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 6, 2014, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was faxed to the REGISTER-NEWS, the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

4. The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.
5. Resolution to meet in closed session:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing Professional Services Contract Matter (Bristol Incinerator).

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

6. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2014-097-7 through #2014-097-14.
7. Resolution #2014-097-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 8. Resolution #2014-097-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.
 9. Resolution #2014-097-9 entitled AUTHORIZING ISSUANCE OF APUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC, T/A CHICKIE'S AND PETE'S.
 10. Resolution #2014-097-10 entitled APPROVE SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF FLORENCE FOR A CERTIFIED RECYCLING PROFESSIONAL (CRP).
 11. Resolution #2014-097-11 entitled APPOINTING MEMBER OF THE TOWNSHIP PROFESSIONAL STAFF: ALTERNATE PUBLIC DEFENDER.
 12. Resolution #2014-097-12 entitled APPROVING RAFFLE LICENSE #RL:400.
 13. Resolution #2014-097-13 entitled APPROVING RAFFLE LICENSE #RL:401.
 14. Resolution #2014-097-14 entitled APPOINTING ZONING BOARD OF ADJUSTMENT MEMBER.
 15. Public Hearing on Ordinance #2014-7 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN TO CREATE SECTION 1200, ENTITLED RENEWABLE ENERGY, AND TO PROVIDE FOR STANDARDS REGARDING SUCH RENEWABLE ENERGY FACILITY USES AND INSTALLATIONS.
 16. Consideration of Adoption of Ordinance #2014-7 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN TO CREATE SECTION 1200, ENTITLED RENEWABLE ENERGY, AND TO PROVIDE FOR STANDARDS REGARDING SUCH RENEWABLE ENERGY FACILITY USES AND INSTALLATIONS.
 17. Public Hearing on Ordinance #2014-11 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING AND SUPPLEMENTING VARIOUS SIGN STANDARDS WITHIN THE LAND DEVELOPMENT ORDINANCE.
 18. Consideration of Adoption of Ordinance #2014-11 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING AND SUPPLEMENTING VARIOUS SIGN STANDARDS WITHIN THE LAND DEVELOPMENT ORDINANCE.

19. Public Hearing on Ordinance #2014-12 entitled ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).
20. Consideration of Adoption of Ordinance #2014-12 entitled ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).
21. Public Hearing on Ordinance #2014-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING A FINANCIAL AGREEMENT WITH K. JOHNSON URBAN RENEWAL, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, QUALIFIED AS AN URBAN RENEWAL ENTITY UNDER THE PROVISIONS OF THE NEW JERSEY LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.
22. Consideration of Adoption of Ordinance #2014-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING A FINANCIAL AGREEMENT WITH K. JOHNSON URBAN RENEWAL, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, QUALIFIED AS AN URBAN RENEWAL ENTITY UNDER THE PROVISIONS OF THE NEW JERSEY LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.
23. Consideration of Introduction of Ordinance #2014-14 entitled (TO BE PROVIDED BY ATTORNEY KEARNS).
24. Consideration of Introduction of Ordinance #2014-15 entitled (TO BE PROVIDED BY ATTORNEY KEARNS).
25. Township Committee and Staff Reports.
26. Public Participation.
Questions, comments or statements from members of the public in attendance.
27. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.

RESOLUTION #2014-097-7

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated April 7, 2014, as submitted by the Office of the Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

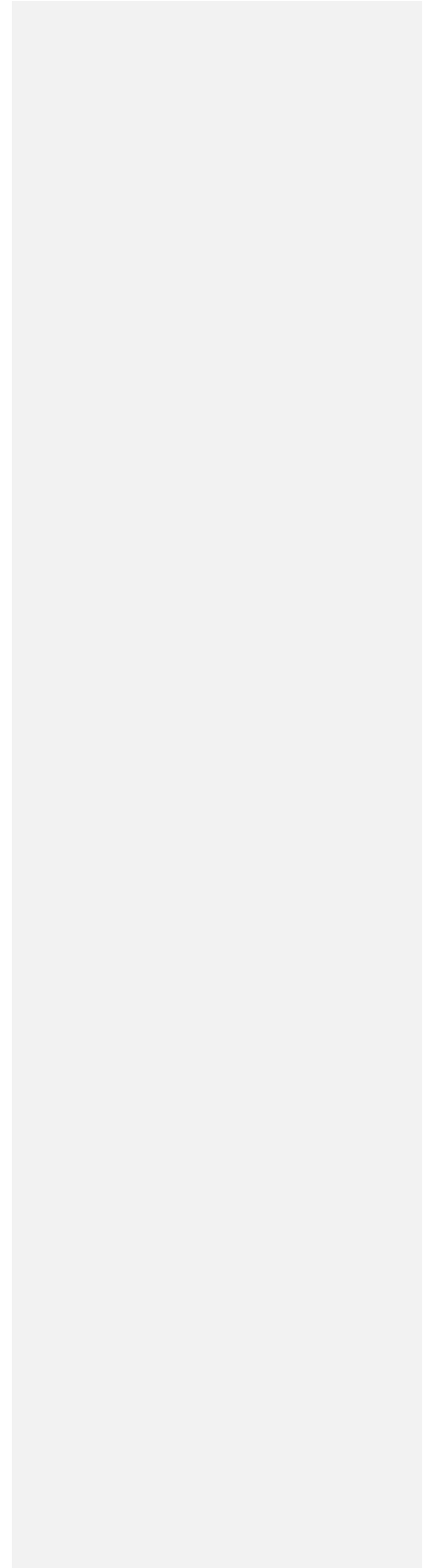
04/07/14

RESOLUTION #2014-097-8

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of March 24, 2014, and the Regular Meeting of March 24, 2014, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (____ submitted) (____ corrected).

04/07/14



RESOLUTION #2014-097-9

AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC T/A CHICKIE'S AND PETE'S

WHEREAS, 130 Crabco NJ, LLC, located at 183 Route 130 North, Bordentown, NJ 08505, has filed an application for a Public Gathering Permit to take place at Chickie's & Pete's in the Township of Bordentown on May 3, 2014; and

WHEREAS, Section 6-4 of the Revised General Ordinances of the Township of Bordentown requires the issuance of a Public Gathering Permit to any association which conducts traveling and other shows, circuses, carnivals, fairs, theatrical performances, motion picture exhibitions, plays, exhibitions, concerts, dances, dinner dances, picnics, outings fetes, parades, etc., in the Township of Bordentown;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it hereby approves the application and authorizes the Township Clerk to issue a Public Gathering Permit to 130 Crabco NJ, LLC, t/a Chickie's and Petes.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 7, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/07/14

RESOLUTION NO. 2014-097-10

**APPROVE SHARED SERVICES AGREEMENT WITH
THE TOWNSHIP OF FLORENCE
FOR A CERTIFIED RECYCLING PROFESSIONAL (CRP)**

WHEREAS, beginning in 2012, every municipality in New Jersey is required by State law to prepare mandatory Recycling Tonnage Reports that must be approved and signed by a Certified Recycling Professional (CRP) and filed electronically with the NJDEP; and

WHEREAS, the Township of Bordentown does not have a Certified Recycling Professional at this time and therefore, must enter into a Shared Services Agreement with a municipality who will provide those services; and

WHEREAS, Thomas A. Sahol of the Township of Florence does possess the necessary qualifications to file the annual Recycling Tonnage Report on behalf of the Township of Bordentown.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey that it hereby authorize a shared services agreement with the Township of Florence for the purpose of providing a Certified Recycling Professional (CRP) as mandated for the filing of the annual Recycling Tonnage Reports.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 7, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/07/14

RESOLUTION #2014-097-11

APPOINTING MEMBER OF THE TOWNSHIP PROFESSIONAL STAFF: ALTERNATE PUBLIC DEFENDER

WHEREAS, the Township of Bordentown published a notice for the solicitation of proposals for Alternate Public Defender to be appointed by the Township Committee; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. Seq; and

WHEREAS, prior to awarding the professional service agreement herein, the Township Committee considered six criteria that included the applicant's qualifications; general experience; specific experience with the Township of Bordentown, if any; quantified achievements within the scope and nature of the services required; compensation; and references; and

WHEREAS, after receiving said proposals, the Township Committee desires to award the following professional service agreements for the year 2014:

Dash Farrow, LLP – Alternate Public Defender

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 7, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/07/14

RESOLUTION #2014-097-12

APPROVING RAFFLE LICENSE #RL:400

WHEREAS, the Foundation for Bordentown Traditions has filed an application with the Township of Bordentown to hold a Raffle at the Scottish Rite located at 103 Dunns Mill Road in the Township of Bordentown on May 10, 2014, and payment of the required fees has been made;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Raffle License #RL:400 be issued to the Foundation for Bordentown Traditions, with the stipulation that the proceeds be used to continue commitment to support community events.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 7, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/07/14

RESOLUTION #2014-097-13

APPROVING RAFFLE LICENSE #RL:401

WHEREAS, the Foundation for Bordentown Traditions has filed an application with the Township of Bordentown to hold a Raffle at the Joseph Lawrence Park located on Ward Avenue in the Township of Bordentown on July 5, 2014, and payment of the required fees has been made;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Raffle License #RL:401 be issued to the Foundation for Bordentown Traditions, with the stipulation that the proceeds be used to continue commitment to support community events.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 7, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/07/14

RESOLUTION #2014-097-14

APPOINTING ZONING BOARD OF ADJUSTMENT MEMBER

WHEREAS, there is a current vacancy on the Zoning Board of Adjustment; and

WHEREAS, it is the desire of the Township Committee to move Eric B. Holliday, the current Alternate No. 1, to the regular member position;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Eric B. Holliday as a regular meeting to the Zoning Board of Adjustment for the Township of Bordentown for the unexpired term expiring December 31, 2014.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 7, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/07/14

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2014-7

An Ordinance of the Township of Bordentown Amending Chapter 25 of the Code of the Township of Bordentown to create Section 1200, entitled Renewable Energy, and to provide for standards regarding such renewable energy facility uses and installations.

WHEREAS, Chapter 25 is the Land Development Code of the Township of Bordentown, and such code provides for various uses and standards of design and installation, and;

WHEREAS, the Township Committee has determined that Renewable Energy facilities are uses that require proper guidance and standards, and;

WHEREAS, the Township Committee has further determined that the Township Code shall be amended in order to provide standards for renewable energy facilities.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1. Chapter 25 (Land Development) is hereby amended to include, **Section 1200** entitled “Renewable Energy Facilities” and Sections 25-1201 – 25-1210 are created as follows:

Section 1200 Renewable Energy Facilities

§ 25-1201. Purpose

- 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 the Bordentown Township Master Plan and State legislation to facilitate development of alternative forms of energy production, and to minimize potential land use conflicts and potential impacts associated with such facilities on surrounding properties. This ordinance is intended to accomplish the foregoing while also:
- (1) Preserving areas with an established rural and/or historic character by avoiding siting such facilities on land within areas of rural and/or historic character, particularly on land which is exposed to public view and where, by reason of topography or other natural features, the facility cannot be effectively screened from view.
 - (2) Protecting the quality of life in residential districts by siting ground mounted facilities in locations that minimize the visibility of such facilities from adjacent residential areas.
 - (3) Providing standards for buffering and screening of renewable energy facilities to protect surrounding properties from glare and to mitigate the visual impact of ground mounted facilities.
 - (4) Providing for proper decommissioning of the renewable energy facility after its useful life.
 - (5) Preventing heat islands or unnatural heat absorption, causing ecological damage and habitat loss.
 - (6) Preserving and protecting existing forested areas which provide multiple direct environmental benefits, such as carbon sequestration, wildlife habitat and local cooling.

- (7) To ensure that only people who have training or understand relative hazards are allowed in certain areas of an electrical installation.
- (8) That all permits and applications for solar Photovoltaic installations must also be reviewed by the Fire Official of the Township of Bordentown to ensure that they comply with fire safety guidelines and all applicable fire codes.
- (9) That the enforcing agency (Construction Office) will coordinate directly with the Fire Officials office for comments and review. The applicant may request a joint meeting with both the Construction Official and the Fire Official.
- (10) That the law has not removed the necessity to prove that the solar facility will not frustrate the overall planning efforts of the Township or become a detriment to the well-being and safety of the community. In other words, inherently beneficial does not mean "permitted". As in all good planning, balance is critical.
- (11) That one of the Townships first objectives is to encourage roof-mounted or other flat installations on existing impervious cover or already disturbed areas.

§ 25-1202. Definitions

A. Definitions. As used in this section, the following definitions shall apply:

ARRAY means an interconnected system of photovoltaic modules that function as a single electricity-producing unit. The modules are assembled as a discrete structure, with common support or mounting.

BIPV (Building-Integrated Photovoltaic) a term for the design and integration of photovoltaic (PV) technology into the building envelope, typically replacing conventional building materials. This integration may be in vertical facades, replacing view glass, or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building envelope systems.

CELL The smallest semiconductor element within a PV module to perform the immediate conversion of light into electrical energy.

ELECTRICAL GRID is an integrated system of electricity distribution, usually covering a large area.

INVERTER is a device that converts direct current electricity to alternating current, either for stand-alone systems or to supply power to an electricity grid.

JUNCTION BOX A PV generator junction box is an enclosure on the module where PV strings are electrically connected and where protection devices can be located, if necessary.

MAJOR GROUND MOUNTED SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE means an energy generating facility that shall be deemed to be a principal use when any of the following conditions are met.

- (1) When the ground mounted facility exceeds a ratio of one to five (1:5) of the land area on which the facility is constructed to the area used for another purpose (including farming).
- (2) When the ground mounted facility comprises an area of 10 acres or greater.
- (3) When the ground mounted facility is the only use or structure on a lot.
- (4) When all of the energy produced by the facility is not used at the site of the facility or on an adjoining contiguous property in common ownership. For purposes of this section, net metering for purposes of smoothing out differences in day-to day production and demand on the site of the facility or on an adjoining contiguous property in common ownership does not constitute offsite use of energy, and facilities constructed with up to 110% of the projected demand of the site of the facility or an

adjoining contiguous property in common ownership or combination thereof, does not constitute offsite use.

MINOR GROUND MOUNTED SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE means an energy facility which does not meet one or more of the conditions to be defined as a Major Solar or Photovoltaic Energy Facility or Structure.

RACK MOUNTS In a rack mount, the photovoltaic modules (solar panels) are supported by a metal framework and are set at a pre-determined angle. The rack mounted solar array is placed above the roof with the racks members bolted to the roofs structural members.

RENEWABLE ENERGY FACILITY means a facility that engages in the production of electric or heat energy from solar technologies, photovoltaic technologies, geothermal, water or wind energy.

ROOF MOUNTED SOLAR OR PHOTOVOLTAIC ENERGY GENERATING FACILITY is a solar or photovoltaic facility mounted to the roof of a building, carport or other structure which provides protection from weather or provides habitable or storage space. This shall not include facilities mounted above surface parking lots.

SOLAR OR PHOTOVOLTAIC PARKING STRUCTURE is a solar or photovoltaic facility mounted on a surface parking lot such that vehicles may park and/or drive beneath.

SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE means a facility or structure for the purpose of supplying energy produced from solar, or photovoltaic technologies, whether such facility or structure is a principal use, a part of the principal use, or an accessory use or structure.

SOLAR ENERGY SYSTEM shall be a system that utilizes solar panels, as defined herein, to convert solar energy to electricity or heat in order to satisfy all or a portion of the energy requirements associated with a dwelling or nonresidential structure and/or to generate electricity for use in the regional high-voltage electrical grid. The conversion may be accomplished by solar radiation absorbed by a medium (such as solar panels, as defined herein) and distributed to a point of use. The "system" shall include the solar panels and all associated equipment, including any base, foundation, structural support, wiring, piping, batteries or other components necessary to fully utilize the system. An auxiliary energy system may be employed to supplement the output provided by the solar energy system and to provide for the total energy demand should the solar energy system become inoperable.

SOLAR PANELS shall mean a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical or heat energy by way of a solar system. This term includes all components necessary to generate, store, transport and/or transfer energy.

TILT ANGLE The angle at which a photovoltaic array is set to face the sun relative to a horizontal position.

SOLAR PANEL AREA shall mean the area contained within 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.

§ 25-1203. General Provisions- Use Standards

Unless otherwise specified, the following general requirements apply to all solar and photovoltaic facilities regardless of whether they are principal or accessory uses.

- A. Solar or photovoltaic energy systems are permitted as a principal use in the REO (research, engineering, office) District in accordance with 40:55D-66.11.

- B. Solar energy generating systems are permitted as an accessory use on the same lot as the principal use, whether roof-mounted or ground-mounted, in all residential and business zone districts (specifically, R-6, R-7, R-8, R-10, R-20, R-30, R-40, R-120, PO, CC, HC, GC-I & GC-II, PUD, PUD (A/T)). The purpose of these accessory systems is to generate energy to satisfy all or a portion of the energy requirements associated with the onsite dwelling(s) or business (es), rather than for sale back into the electrical grid system. This provision shall not be interpreted to prohibit the net metering of excess power generated from time to time from a solar energy system that is designed to meet up to 110% the energy needs of the principal use on the same property. Major Ground Mounted Facilities shall not be accessory uses.
- C. Any solar or photovoltaic energy generating facility mounted to a structure above a surface parking area or a roof shall be deemed an accessory use.
- D. Solar or photovoltaic energy facilities are permitted on the roofs of buildings.
- E. The installation of solar or photovoltaic energy systems by any governmental agency on land owned or leased by said agency shall be permitted as either a conditional accessory use or conditional principal use in any zone district.
- F. Solar or photovoltaic energy systems installed on, within or above a storm water management facility, parking lot, sign structure or any other type of freestanding structure not specifically considered a roof by the Construction Official shall be considered a ground-mounted system. Ground mounted systems must be protected from unauthorized access by an approved fence or other acceptable means as approved by the Fire Department and Construction Official.
- G. Solar or photovoltaic energy systems shall not be used for displaying any advertising. Reasonable identification of the manufacturer and/or operator of the system is permitted using text that does not exceed a height of two inches. Hazard and/or warning signs pertinent to the electrical nature of the equipment shall also be permitted.
- H. Installation of a solar or photovoltaic energy system on a nonconforming structure, or on a site containing a nonconforming structure or use, shall be considered an expansion of the nonconforming structure or use.
- I. No structure or other portion of any Major Ground Mounted Facility or Structure shall occupy any area designated and regulated by the New Jersey Department of Environmental Protection ("NJDEP") as a floodplain, flood hazard area, wetland, wetland transition area or riparian corridor unless approved in that location by the NJDEP.
- J. Notwithstanding the provisions set forth herein, the installation of any solar energy system shall require a Zoning Permit and all applicable regulatory and construction permits and its design shall conform to all applicable prevailing codes, standards and ordinances.
- K. All access driveways shall meet current Land Use requirements and provide emergency access to the entire site.

§ 25-1204. Standards – Types of Solar Energy Systems Installation

- A. Roof Mounted systems
 - (1) Roof-mounted systems which satisfy the provisions set forth herein shall require Construction and Zoning Permits, but may not require site plan approval. If, in the opinion of the Zoning Officer, the installation of the solar energy system does not satisfy the provisions of this section, the applicant shall be directed to file a site plan or variance application with the reviewing board having jurisdiction.
 - (2) When any type of renewable energy facility is proposed to be installed on an existing roof (roof-mounted), the applicant shall provide to the Construction Code Official, engineered drawings, detailed

calculations and/or a structural analysis verifying the structural integrity of the roof system and any other details or calculations as requested by the Construction Official.

(3) Residential Properties in all Zone Districts and Commercial Properties in the Highway Commercial and General Commercial Zoning Districts.

- a. The panels and all accessory equipment on principal or accessory buildings shall not project beyond the vertical plane of the roof edge. This requirement includes installations on flat roofs.
- b. On all pitched roofs which face public rights of way, solar panels shall be as co-planar as possible with the roof surface and shall be mounted no more than 18 inches above the roof surface.
- c. Solar energy facilities or structures may be attached to any accessory building that satisfies zoning location, setback and height requirements for the zone. However, in no event shall solar energy facilities or structures be attached to more than two accessory buildings on a single lot. Solar energy facilities or structures shall not be exempt from applicable height or setback requirements.
- d. Solar energy facilities or structures are permitted accessory uses and structures in condominium complexes, apartment complexes and on fee-simple townhouse lots in developments with a homeowner's association with a design-approval function, in accordance with all accessory use requirements and standards governing residential uses above. Such solar energy facilities or structures are permitted subject to written pre-approval of the homeowner's association, condominium association or apartment association and must be submitted with the necessary permits and applications for the Township.

(4) Nonresidential Properties in all Commercial Districts.

- a. Roof-mounted solar energy facilities or structures on principal or accessory buildings shall be mounted with no more than 15-degrees of angle to the roof line and shall not exceed a height of 3 feet above the roofline to which it is mounted. However, the reviewing board may permit the system to be mounted at a greater height or angle if the Applicant can demonstrate that no part of the system will be visible from any roadway on which the building has frontage. In no instance shall any part of the system extend beyond the vertical plane of the edge of the roof or exceed the applicable height requirement of the zone in which it is located, whether located on a principal or accessory structure. Commercial installations are classified as small commercial (100' by 200') or smaller; and large commercial which are greater in dimension than the small commercial dimensions.
- b. Roof-mounted systems shall not be permitted to be installed on temporary buildings.

B. Ground-mounted systems.

- (1) Residential. A ground-mounted system installed on a single or two-family residential lot which satisfies the provisions set forth herein shall require Construction and Zoning Permits, but shall not require site plan approval.
- (2) Nonresidential. A ground-mounted system installed on a nonresidential or multi-family residential lot shall require a site plan application with the reviewing board having jurisdiction.

§ 25-1205. Standards for Major Ground Mounted Solar or Photovoltaic Energy Facilities or Structures as a Principal Use

- A. All Major Solar or Photovoltaic Energy Facility or Structure installations shall comply with the following area, yard and height requirements:

- (1) Minimum lot area: 10 acres.
 - (2) Minimum front, side and rear yards: 35 feet.
 - (3) Maximum height of any structure, including panels and inverters shall be 15 feet.
- B. No structure or other portion of the facility except for fencing, access roads and non-energy-generating equipment shall be situated less than 200 feet from any residence or less than 50 feet from any accessory structure, whether located on the same or adjacent property.
- (1) Major solar or photovoltaic energy facility applications shall submit a landscape plan conforming to the following requirements. A landscape buffer shall be installed around the facility to buffer the facility and all related accessory structures and parking areas so as to soften the public view and the view of any adjoining uses on a lot having a common lot line on which such facility or structure will be located. The vegetative buffer shall be not less than 35 feet in width and may be located in the setback required pursuant to the applicable zone. The required buffer shall consist of trees which may include existing vegetation, new plantings, or a combination thereof providing year-round screening. Deciduous trees shall be at least 1.5 inch caliper and 10 feet in height at the time of planting. Evergreen trees shall have a minimum height at planting of four feet. Trees shall be planted 10 feet on center in staggered rows. Existing hedgerows or vegetated windbreaks that provide screening of the subject site from neighboring properties shall be retained and augmented as necessary. Substations and other associated transmission structures shall be screened with a double row of evergreen plantings with a minimum height of four feet at planting. Buffers and screening that have been planted or natural buffers that have been utilized to form an effective screen must be retained in perpetuity. Any areas in which the effect of the buffer has been reduced, for any cause or reason, must be replanted and returned to an effective buffer as described in this section.
 - (2) All Major facilities shall have a durable, all-weather access road extending from the site driveway or parking/loading area to the solar field so that direct access for emergency vehicles and maintenance is provided to at least one-half of the perimeter of the field, plus all electrical equipment, including transformers, inverters, power conditioners, etc. The access road may be constructed of proprietary "grass-paver" systems which will adequately support emergency vehicles.

§ 25-1206. Standards for Ground Mounted Minor Solar or Photovoltaic Energy Facilities or Structures as an Accessory Use

- A. All minor ground-mounted solar or photovoltaic energy installations shall be considered accessory uses and shall comply with the following standards:
- (1) The purpose of a Minor Solar or Photovoltaic Energy Facility or Structure shall be to provide power for the principal use on the property. The Facility shall be sized to accommodate no more than 110 % of the average annual electric use for the property, or in the case of new construction, 110 % of the projected annual electrical use of the property.
 - (2) Maximum height of any structure, including panels and inverters shall be 15 feet.
 - (3) Minor ground mounted solar or photovoltaic energy facilities or structures shall only be located in the rear yard.
 - (4) All non-residential minor ground mounted solar or photovoltaic energy facilities or structures shall be buffered by providing at least one row of evergreen trees or shrubs to soften the view from neighboring properties. This provision shall not be interpreted as requiring a completely opaque screen such as multiple rows of evergreen trees and shrubs.

- (5) All other bulk standards shall be as otherwise required for accessory structures in the applicable Zone District of the subject property.
- B. Facilities mounted above parking lots shall be considered accessory uses and shall meet the following requirements:
 - (1) Facilities mounted above parking lots shall be designed to provide adequate space for access by emergency vehicles whenever necessary.
 - (2) The maximum permitted height shall be 20 feet.
 - (3) Facilities shall only be located within the rear yard.
 - (4) The minimum side and rear yard setback for any such facility shall be 35 feet if adjacent to a non-residential use or district and 50 feet if adjacent to a residential use or district.
 - (4) The facility shall be buffered on all sides by a planted or natural buffer which softens the view of the facility. This provision shall not be interpreted as requiring a completely opaque screen such as multiple rows of evergreen trees and shrubs.
 - (5) Existing vegetation shall be retained and utilized to the extent practical.

§ 25-1207. Standards Applicable to All Ground Mounted Major and Minor Solar or Photovoltaic Energy Facilities or Structures

- A. Ground mounted facilities shall be located to minimize views of the facilities from public roadways and from adjacent residences and residentially-zoned property.
- B. All onsite utility lines associated with the renewable energy system shall be underground.
- C. Soil erosion control, soil stabilization. All ground areas occupied by the solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with crops or pasture for farm animals, or native or non-invasive shade-tolerant vegetation for the purpose of soil stabilization. Plants such as clovers, vetches and other low-growing blooming plants supportive of pollinators shall be included in any ground cover seeding mix. The vegetative cover must be established prior to the setting or construction of a solar array. Stone ground cover is prohibited. Ground cover shall be maintained primarily by using mechanical means; however, herbicides may be used on a spot basis for targeted weeds. Broadcast application of herbicides for routine maintenance of ground cover is prohibited.
- D. Sound levels from the energy system shall comply with the New Jersey State Noise Control Regulations (N.J.A.C. 7:24).
- E. The use of concrete, asphalt or other impervious surface is prohibited on the site of such facilities, except in the following locations:
 - (1) The mounting of inverters, transformers, power conditioning units, control boxes, pumps and other such facility components.
 - (2) The mounting of solar photovoltaic panels, films and arrays when used as ballast.
 - (3) Driveway aprons.
 - (4) Dual-use site driveways.
- F. All electrical and control equipment shall be labeled and secured to prevent unauthorized access.

- G. The only signs permitted on a solar or photovoltaic facility or any associated building or structure are those depicting the manufacturers or installer's identification, appropriate warning signs, or owner identification.
- H. The system shall be constructed in such a manner that exposed hardware, supporting structures, frames and piping are finished with non-reflective surfaces.
- I. In the event that the system is secured with fencing, emergency personnel shall be provided with the necessary keys, codes, etc. to gain access for emergency operations.

§ 25-1208. Application Requirements.

- A. Permits. A zoning permit and construction permit shall be required for the installation of a renewable energy system.
- B. Except for roof-mounted solar applications, a non-residential facility will require a Major Site Plan approval. The application, plans, and supporting documents shall include the following, in addition to the items listed Section 800 of Land Development Ordinance:
 - (1) The location, dimensions, and types of existing major and accessory structures on the property.
 - (2) The location of the all components of the renewable energy system, including substations, inverters, transfer switching and transformers.
 - (3) The location of proposed and existing overhead and underground utility and transmission lines.
 - (4) Schematic plans for the interconnection to the electrical distribution or transmission system of the intended energy user.
 - (5) Description of any necessary upgrades or modifications to the existing off-site electrical system infrastructure. For projects over 2 MW, the information shall also include the location and elevations of all transmission lines, support structures and attachments to any substation(s).
 - (6) A grading and drainage plan including the details necessary to adequately demonstrate to the reviewing Board that storm water management is in compliance with Township Ordinance standards. Notwithstanding that the surface of a solar panel shall not be considered to be impervious for the purpose of calculating storm water runoff, the applicant shall provide storm water calculations and/or improvements to determine if the installation of the ground-mounted system and associated site improvements will create an impact to the onsite or offsite drainage or increase storm water runoff from the pre-development condition.
 - (7) A maintenance plan and land surface management plan shall be submitted that sets forth provisions for the continuing maintenance of the entire site including all solar panels and associated equipment, required plantings, area not devoted to solar production, including a schedule of specific maintenance activities to be conducted. On site, but outside of the solar facility, shall be maintained to a level that will discourage successional growth or the establishment of invasive species. Planting of warm-weather native grasses which allow for mid to late summer mowing, providing beneficial critical habitat to native bird species and other wildlife is encouraged. The use of herbicides, pesticides and chemical cleaners or solvents shall not be permitted as an acceptable maintenance practice.
 - (9) A construction staging and sequencing plan shall be provided which details all pertinent information related to construction activities.
 - (12) Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

- (13) The owner or operator of a major ground mounted solar installation shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Official and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access roads serving the site.

§ 25-1209. Decommissioning Plan

- A. All applications for a major solar facility as a principal use shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of solar energy systems. Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Township Attorney, which shall be based upon an estimate approved by the Board Engineer, assuring the availability of adequate funds to restore the site to a useful, non-hazardous condition in accordance with the Decommissioning Plan. Prior to removal of solar energy systems, a permit for removal activities shall be obtained from the Bordentown Township Construction Official. The Decommissioning Plan shall include the following provisions:
 - (1) Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - (2) Restoration of soil areas with native seed mixes, and/or plant species suitable to the area, which shall not include any invasive species.
 - (3) Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Township.
 - (4) Restoration of the site for agricultural crops or forest resource land, as applicable.
 - (5) The parcel must be restored in accordance with NJAC 7:50-6.24 unless it will be put into active agricultural use or approved for other development in accordance with Township Ordinances.
 - (6) The disposal of all solid and hazardous waste shall be in accordance with all local, state, and federal waste disposal regulations.
 - (7) Owners of major ground mounted solar photovoltaic facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Township must remove the installation and remediate the landscape, in the amount and form deemed to be reasonable by the Township Engineer. Such surety will not be required for Municipal, State or Utility Company-owned facilities. The owner of the facility shall submit a fully inclusive estimate of the cost associated with removal, prepared by a Professional Engineer.

§ 25-1210. Abandonment

- A. A solar energy facility that is out of service for a continuous twelve-month period will be deemed to be abandoned. The Zoning Officer shall issue a notice of abandonment to the owner of a solar energy facility that is deemed to be abandoned.
- B. The property owner shall have 30 days to respond to the Notice of Abandonment from the receipt date of the notice.
- C. If the property owner provides information that demonstrates the solar energy facility has not been abandoned, the Zoning Officer shall withdraw the notice of abandonment and notify the property owner that the notice has been withdrawn.

- D. If the Zoning Officer determines the solar energy facility has been abandoned, the property owner shall remove the facility in its entirety at the owner's sole expense within six months after the owner receives the Notice of Abandonment.
- E. If the property owner fails to remove the facility in the time allowed, the Township may, at its sole discretion, compel the Owner to perform the removal, take action to capture the proceeds of the surety guarantee, or enter the property to remove the solar energy facility and 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 attorney fees.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

**TOWNSHIP OF BORDENTOWN
ORDINANCE NUMBER 2014-11**

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING AND
SUPPLEMENTING VARIOUS SIGN STANDARDS WITHIN THE LAND
DEVELOPMENT ORDINANCE**

Whereas, the Township Committee of the Township of Bordentown desires to provide enhanced guidelines for the regulation of signs that better represent the aesthetic character of Bordentown Township. The goals of the ordinance are to as follows:

- 1) ~~Provide~~ marketing exposure for all business uses,
- 2) ~~Provide~~ a strong business friendly setting, and
- 3) ~~Promote~~ traffic safety for drivers and pedestrians, and

Whereas, the Township Committee has reviewed the existing codes as they apply to sign sage within the Township of Bordentown.

Now, therefore, be it ~~its~~ ordained by Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey that the Land Development Ordinance of the Township of Bordentown is hereby amended as follows:

Section One -- Delete Existing Amend Section 25:514 202 and Replace with the following:

25:514 Signs

A. -- Sign and Sign-Related Definitions

~~Attached sign: Any sign erected, constructed or maintained on a building with the principal support of the sign being the building, including specifically the painting of signs or displays on the exterior surface of a building. "Attached signs" shall not extend more than twelve inches (12") off the building to which they are attached.~~

Awning: A temporary or removable roof-like covering that projects from the wall and is physically secured to the wall of the building for the purpose of shielding openings from the interior area of the building.

Business sign: An on-premises sign which directs attention to a business, commodity, service, industry, or other activity which is sold, offered, or conducted on the premises on which the sign is located or to which it is affixed.

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Billboard: Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than on a building or grounds to which the advertising applies. (Refer to Conditional Uses 25:601.C. Billboards)

Canopy, Attached: An architectural projection supported to or attached to the building which may be ~~supported by~~ supported by columns or piers

Canopy, Freestanding: A multi-sided overhead structure supported by columns, however, not enclosed by walls.

Development Sign: A sign designating the name of a subdivision of residential homes, whether single-family or multi-family, attached or detached or apartment complex.

Dilapidated Sign: A sign which is structurally unsound; contains faulty wiring or loose fastenings; is illegible, in poor condition and/or disrepair; or is otherwise detrimental to public health, safety or welfare.

Directional Sign: Any sign which is designated and erected solely for the purpose of traffic or pedestrian direction which is placed on the property to which or on which the public is directed.

Facade: The front wall of any building or the sides of a building that faces a public street, which shall be distinguished by the architecture of the building as the front

Final Approval - Final approval of all signs shall be subject to review and inspection in the field by the Township Code Official or its designee. ~~Any fees incurred by this inspection will be the responsibility of the applicant.~~

Flag, Feather: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Feather flags are generally a single sign attached to a support post and typically having a dimensional ratio of 4 high to 1 wide. This definition ~~includes so-called~~ also applies to Tear Drop Flags, Windfeather Flags, Feather Banners, Bow Flags, and other similar type signs.

Functional Sign: Directional, informational or public service signs, such as signs advertising locations of rest rooms, telephones or similar facilities of public convenience, including entry and exit signs from parking areas. Functional signs shall not include any name or business or message other than the directional or informational material as above.

Grade Level of Sign: The lowest point of elevation of the finished surface of the ground where the sign support meets the ground.

Internal Sign: Any sign erected, constructed or maintained inside of a building and visible from outside the building, whether illuminated or non-illuminated.

Internally Lighted Sign: Any sign whose sole source of artificial illumination is contained within the display portion of the sign.

Mobile Sign: A sign which is not permanently attached to a building or not placed in the ground in a fashion as to be permanent in a manner conforming to the Uniform Construction Code or which is located or attached to a trailer, on wheels, or similar attachment so that the sign may be moved from place to place, either within the lot or to another location.

~~Portable Sign: Refers to a sign that is fixed on a movable stand or which is not self-supporting or which is not firmly secured to the ground or a building or other structure or which is not supported by other objects or other secure means of installation; or a sign which is mounted on wheels or movable vehicles; or which is easily movable by forces of nature, or other means.~~

~~Projecting Sign: A sign, other than a wall sign, which is attached to and projects more than twelve (12) inches from a wall or building.~~

Sign: Any building or structure or portion thereof on which any announcement, declaration, demonstration, display, illumination, insignia, or other visual communication is used to advertise or promote the interest of a person, products or service when the same is placed in view of the general public.

Sign, Animated: Any sign or part of a sign, which changes physical position by any movement and/or rotation or gives the appearance of motion or rotation. These signs include devices activated by the wind, electric power, or similar methods.

Sign Area Measurement: The area of a sign shall be measured around the edges of a framed or enclosed sign or by the area utilized by isolated words and/or symbols, including the background whether open or enclosed, by the area shall not include any supporting framework and bracing incidental to the display itself

Sign, Awning: A sign mounted to, painted on, or secured to the surface of the awning. Signs on awnings which are less than ten square feet in net area shall not be considered as signs and thus shall not be regulated.

Sign, Banner or Pendant: A sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation that is applied to paper, plastic or fabric of any kind. National flags not conveying a commercial message shall not be considered pendant signs.

Sign, Canopy: A sign that is mounted to, painted on, or secured flat against the surface of the canopy that is otherwise permitted.

Sign, ~~E~~lectronic ~~C~~hangeable-~~C~~opy ~~S~~ign - A sign or portion thereof that displays electronic, non-pictorial, text information in which alphanumeric character, graphics symbols or combination is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. For the purpose of this Chapter, "Electronic changeable copy sign" shall include, but not limited to, signs commonly referred to as "LED", "plasma" or "electronic" signs.

Sign, Freestanding - Any immovable sign supported by columns, posts, poles, footings and/or braces placed in or upon the ground and not affixed to a building

Sign Height: In the case of a freestanding sign, will be computed from grade level to the greatest height at any one point in the sign. In the case of an attached sign, no sign can be higher than the level of a second floor window sill in a two-or-more-story building, nor can it be higher than the lowest point of the roofline in a single-story building, except where a roof sign is expressly permitted in certain zones.

Sign Message: No sign shall contain messages advertising and/or depicting any obscene materials and/or any adult entertainment material.

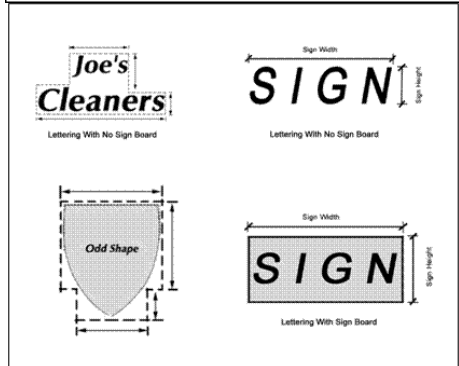
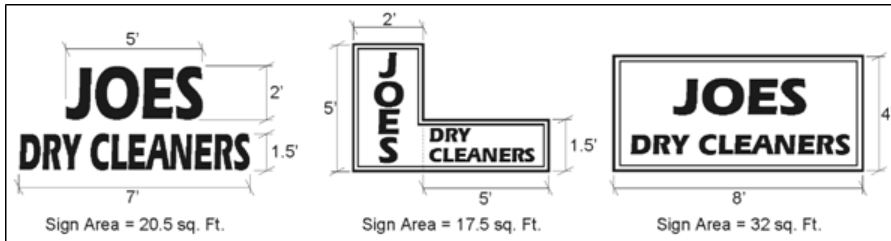
~~Sign, Mobile: Any sign designed to be transported, including signs transported or mounted on a trailer or wheels that do not contain any interior volume for storage or transportation.~~

Sign, Monument - A sign in contact with the base or monument that is physically in contact with the ground

Sign, Non-conforming: Any sign that does not conform to the regulations of this section.

Sign, Off-premises: Any sign located off the site for which the sign is advertising.

Sign Size: The square foot area of a sign computed by multiplying its greatest width by its greatest length, exclusive of supporting structures and bracing devices, unless the supporting structures and bracing devices are illuminated or are in the form of a symbol or certain words or symbols, in which case the supporting structure shall also be computed in determining sign size. Two sided signs carrying substantially the same message on each side shall be measured by using the surface of one (1) side in the case of two-sided signs. When there is a substantially different message on each side of the sign, each side will be considered a separate sign.



Sign, Temporary - A sign which is not permanently attached to a building structure or permanently affixed to a free-standing structure and which may be erected for a limited period of time in compliance with the provisions of this chapter. A sign constructed of paper, cloth, canvas, plastic, plywood, vinyl or other light weight material intended to display a message on a temporary basis, not lasting more than 60 consecutive days in duration within a given calendar year.

Site/Use Abandonment: If the use of the site is abandoned, then its associated sign permit shall also be considered abandoned. Provisions for removal of the sign must be addressed once the sign is no longer in use. Signs which are dormant or unused for more than one (1) year shall be completely removed, including below ground structures, at the owner's expense upon notification by the municipality.

Sign Protrusion and Arrangement: No portion of the sign, excluding lighting or basic structural elements, shall project more than six (6) inches from the face of the sign and shall be parallel with the face of the sign. The sign is to be arranged so it is perpendicular to the right-of-way on which the property fronts.

Street sign - Street signs shall be of the type, design and standard previously installed elsewhere in the Township. The location of the street signs shall be determined by the Township, but there shall be at least two (2) street signs furnished at each intersection. All signs shall be installed free of visual obstruction.

Wall fascia or attached signs. Wall fascia or attached signs shall be firmly attached to the exterior wall of a building and shall not project more than ~~twelvesix (126)~~ inches from the building.

Warning Sign: A sign indicating that trespassing, fishing and/or hunting is prohibited or advising of an existing or potential danger where such a message providing a warning is legally required or permitted.

Window sign - Interior window signs shall not be considered in computing the allowable signs provided, however, that the interior signs shall not exceed one third of the total window area.

Section Two – Amend Section 25:514 – Signs

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A1. **Permit required.** No person shall erect a sign without first having obtained a permit therefore.

B. **Application requirements.** An applicant for a permit to erect a sign shall submit the following to the Township Zoning Officer

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1. Applicant's name and address
2. Block and lot number of the property on which the sign is to be erected.
3. name and address of the property owner, if different from that of the applicant.
4. Sketch or survey of the property showing the location of the proposed sign.
5. Description of the sign, including size, height, location and construction material, If the sign is to be lighted, details of the proposed lighting shall be provided.
6. Purpose for which the sign is to be erected.

C. **Application Permit Fee.** The fee for a sign permit shall be set forth in Section 25:900 of this Chapter and shall be submitted with the application. The application fee is non-refundable.

D. **Action on application.** The Township Zoning Officer shall review each application to determine whether the proposed sign meets the requirement of this Chapter. If the proposed sign is found to meet Chapter requirements, the permit shall be issued; otherwise it shall be denied. Reasons for denial shall be set forth in writing. The Township Zoning Officer may refer any sign permit to the Planning Board for advice and comment. All permit applications shall be acted upon within ten (10) Days after submission, or within ten (10) days after the first Planning Board meeting is held following a referral thereto, as the case may be.

1a. For lots under 10,000 square feet, the Zoning Officer shall determine whether the monument sign conforms to the requirements. If the monument sign is in conflict with or blocks visibility of a ~~monument~~ sign on an adjacent lot, a waiver may be granted by the Zoning Officer for sign location only.

E. **General Provisions.**

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1. ~~1.~~ **Prohibited features and designs:**

(a) No signs shall be placed on or attached to a building or erected independently for any purposes other than to advertise a permitted business or use conducted on the same premises unless specifically permitted herein.

2. **Animated, flashing and illusionary signs.** Signs using mechanical, -electrical or similar devices to revolve, flash or display movement of the illusion of movement are prohibited. No distracting displays are permitted including: moving parts, flashing lights, animated displays, scrolling displays, video displays, or displays that turn. Any sign which has text that changes more than once every 30 seconds shall be prohibited. Transition between sign changes shall be no longer than two (2) seconds. That portion of the sign which contains changeable text shall consist of no more than twenty (20) percent of the overall sign area, inclusive of conforming signs displaying the time, date or temperature. No more than one (1) electronic sign is permitted per street frontage.

3. **Height.** No attached sign shall be higher than twenty ~~five (25)~~ feet (20). No monument sign shall be higher than twelve (12) feet.

4. **Monument Signs.** One monument sign shall be permitted for each street frontage, except where the frontage exceeds 2,600 feet, in which case two signs shall be permitted. The base of the monument sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.

a. Size - (abutting right of way)

<u>Posted Speed (mph)</u>	<u>Max. area (sf)</u>	<u>Max. height (ft.)</u>
30 - 40	48 s.f.	Six (6) ft.
45 - 55	120 s.f.	Twelve (12) ft.

Monument signs shall be mounted so that the bottom of the sign is at least eighteen (18) inches above ground level. The base of the sign is not calculated in the size of the sign itself.

5. **Illuminated signs** - Illuminated signs shall be arranged to reflect the light and glare away from adjoining streets, vehicular circulation and residential properties. The light from the sign shall not interfere with the ability of the operator of a motor vehicle to have clear and unobstructed view of the streets, ~~approaching~~ approaching, merging or intersecting ~~traffic~~ traffic, or official signs, signals or traffic control devices. In order to improve safety, and prevent confusion or conflict with emergency vehicles, no red lighting shall be utilized. They shall conform to the following:

a. No sign with red, green, blue or amber illumination in a beam, beacon or flashing form resembling an emergency light shall be erected in any location.

b. No sign, display or advertising device shall be erected which in any way resembles any standard traffic control device. The sign shall not exhibit exposed incandescent bulbs, neon tubes or mirrors.

c. "Dark Sky" considerations shall be addressed for all lighting. This consideration refers to the use of ~~revised~~ standards for lighting to reduce and minimize the effect of obtrusive and excessive outdoor lighting while promoting the aesthetic enhancements which result from more efficient and quality outdoor lighting. The reduction of light pollution should be addressed for all signs. Energy efficient options that direct the light where it is intended ~~should~~ be provided.

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d. Top mounted external light fixtures shall have illumination light levels designed that the beam angle ~~is~~ not greater than the size of the sign. Illumination from other positioned light fixtures shall continue to be restricted to the sign area. Directional control devices shall be used to eliminate light spillage. Detailed plans are to be provided to illustrate the light distribution patterns. Upon installation, the light fixtures are to be permanently affixed and maintained in the approved position according the terms of the approving resolution.

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e. ~~Light~~ fixtures shall be directed to prevent any direct glare source visible from any adjacent property. The light fixtures shall contain devices to prevent light spill and glare upward and onto adjacent properties. Wiring to the sign for power or control shall be underground.

f. Light fixtures are not to be attached or mounted to public property (i.e. buildings, utility poles, street lights, road signs).

g. Light fixtures shall be installed within the setback areas of the property.

h. Electronic changeable copy signs shall include computer programmable, microprocessor-controlled displays, but shall not include time and temperature signs. In addition, electronic changeable-copy signs shall comply with NJ-DOT Regulations, NJAC 16:41C-8.8 with respect to the following:

(1) All portions of the sign shall be shielded so as to prevent light from being directed at any portion of the main-traveled way of a street or roadway, of if not being so shielded, be of such low intensity or brilliance as not to cause glare or impair the operation of a motor vehicle.

(2) All portions of the sign must have a minimum duration of eight (8) seconds and a message change shall be accomplished completely within one second or less

(3) All portions of the sign must be a static display. Message crawls are not permitted.

(4) The sign must be equipped with automatic dimming technology, which automatically adjusts the signs brightness in accordance with ambient light, and which shall limit the lighting level to no more that 0.3 footcandle over ambient levels, as measured using a footcandle meter at a distance of 100 feet.

(5) ~~Only~~ ~~no more than~~ one (1) electronic sign ~~shall be is~~ permitted ~~for each~~ ~~property~~ ~~per street frontage~~.

(6) The sign shall contain a default design that will freeze the sign in one position if a malfunction occurs

(7) In addition to the signs authorized in the zone permitting gasoline service stations may display one (1) digital changeable copy sign for the purpose of indicating their gasoline price only. The additional price sign shall not be attached to

the building. The sign shall be attached to the approved freestanding monument sign located on the site. The size of the price sign shall not exceed twelve (12) square feet in area.

(8) Electronic changeable copy signs are not permitted in residential zones, excepting institutional uses.

6. Information and direction signs. Street number designations, postal boxes, "private property", "no hunting", on-site directional and parking signs and warning signs are permitted in all zones but are not considered in calculating sign area. None of those signs shall exceed two (2) square feet in area, nor do those signs require a sign permit. Street address numbers shall be at least three (3) inches high and of a contrasting color to the background and shall be prominently displayed on buildings so as to be easily visible at all times and under all weather conditions.

7. Maintenance. Every permitted sign must be constructed with durable materials, must conform to the requirements of the Uniform Construction Code (UCC), and must be kept in good condition and repair.

The sign shall be maintained by the owner, including painting, repairing, and cleaning as necessary. Any sign that, because of improper maintenance, is deemed to be in a state of disrepair shall be repaired by the owner of said sign within fourteen (14) days of the notice of requiring repair. If the repair is not satisfactorily completed, the sign shall be considered as subject to the regulations of the Property Maintenance Code of Bordentown Township.

8. Non-profit organization event signs. Any organization formed for or exclusively engaged in nonprofit charitable or benevolent activities may erect not more than six (6) signs, temporary in nature as described herein, announcing an event sponsored by the organization, to take place within the Township of Bordentown, subject to the following conditions:

a. A written application shall first be submitted by the organization to the Zoning Officer, naming a Bordentown Township resident as the organization's local contact person, identifying the name of each property owners where signs shall be posted, and containing the owner's written permission for display of the signs. No fee shall be charged for filing the application.

b. The application shall be accompanied by a sketch showing:

- 1 The proposed signs, and
2. The locations where the signs will be ~~dis~~displayed

c. One (1) sign may be located on the property owned by the nonprofit organization, if and wherever the property exists, and up to five (5) signs may be located on properties other than that which may be owned by the nonprofit organization, provided the properties are situated within non-residential Zoning Districts.

d. Permitted signs may be free-standing or attached. Each sign shall not exceed ~~thirty-~~
~~two~~thirty (3230) square feet in ~~area~~. If free standing, the sign shall not exceed five (5)

Comment [J1]: Planning Board recommendation to increase the size of the sign. 30 s.f. is currently permitted

feet in height and shall be set back from all street, driveway, and property lines a distance equivalent to one (1) linear foot for each two and one-half (2.5) square feet of sign area.

e. The permitted signs shall not be illuminated and shall be located so as to not interfere with driver vision.

f. All signs shall be constructed of durable material, shall be neatly painted and shall be adequately secured for aesthetic and safety purposes.

g. No more than one (1) sign for any particular non-profit organization shall be permitted on any particular property at the same time and no more than two (2) non-profit organization event signs shall be permitted on any particular property at the same time.

h. Permitted signs may be displayed for not more than two (2) weeks and the specific time period for the display of signs shall be indicated on the written application, unless the advertised event occurs earlier, in which instance the sign shall be removed three (3) days after the event.

i. It shall be the responsibility of the organization to remove all permitted signs prior to the expiration of the specified time period for their display.

9. **Political signs.** Political signs, temporarily giving notice of political campaigns, shall be located on private property and shall be set back at least ten (10) feet from all side property lines and shall not exceed sixteen (16) square feet in area. Signs shall be permitted within sixty (60) days prior to any municipal, county, state or national election and shall be removed within five (5) days after the election. No political sign shall be erected on any public property or within the right-of-way of any street. Political signs erected in conformance with this provision do not need a sign permit.

10. **Real estate signs.** Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof shall be located on private property and, if not attached to the building, shall be set back from all side property lines a minimum distance of ten (10) feet. Signs shall not exceed four (4) square feet in area on individual residential lots and thirty two (32) square feet in area within non-residential districts and within major residential subdivisions of four (4) or more lots where the signs are used to advertise the development and signify the location thereof. All real estate signs shall be removed at the expense of the advertiser within fifteen (15) days after the termination or completion of the matter of business being advertised or, in the case of major residential subdivisions, when ninety-five percent (95%) of the lots have been initially sold. "Sold" signs shall be permitted between the signing of the contract of sale and the date of the legal closing. Real estate signs do not require a construction permit.

11. **Billboard and off premises signs.** Billboards and Off-premises signs are classified as Conditional Uses in the districts where authorized in The Township Code, currently in

Section 25:400 with standards established in Section 25:601.C., including amendments per Ordinance No. 2007-13.

12. Flags of the United States of America, the State of New Jersey, the Township of Bordentown and those specifically authorized or required by Federal or State law. The flags of the United States of America, the State of New Jersey, the Township of Bordentown and those specifically authorized or required by Federal or State law may be displayed in all zones and do not need a construction permit. A flagpole shall, however, be considered a sign structure and shall comply with standards applicable to signs, including setback and height requirements, except that the height of a flag pole for the display of the Flags of the United States of America, the State of New Jersey, the Township of Bordentown and those specifically authorized or required by Federal or State law shall not exceed the height of the principal building by more than ten (10) feet.

13. Signs permitted without a zoning permit

a. Temporary and permanent traffic signs and signals installed by the Township, County and/or State for the purpose of directing and regulating traffic flow.

b. Signs indicating public transportation stops when installed by the Township or public transportation utility.

c. Historic tablets, cornerstones, memorial plaques and emblems which do not exceed six (6) square feet in area and which are installed by government agencies or civil or religious organizations.

d. ~~No trespassing~~ trespassing signs; signs indicating the private nature of a road driveway or premises; provided that area of one side of any such sign shall not exceed two (2) square feet.

e. Signs for garage sales, provided that not more than six (6) signs not exceeding two (2) square feet in size are posted no earlier than one week before the beginning of the ~~sale, sale and~~ are removed the day following the sale and are not otherwise prohibited.

f. Relocation information signs for a period of thirty (30) days. Relocation signs shall be restricted to the present location of the relocating business and the future location of the relocating business.

g. Permanent and temporary window signs and internal signs visible from the exterior of the building, provided that they do not individually or collectively exceed one-third (thirty three and a third percent) of all available window space on the wall on which the signs are located.

h. Temporary signs promoting special events, such as grand openings, sales or ~~similar events~~ similar events shall conform to the following:

1. Only three (3) temporary ground signs for each street frontage shall be allowed, which include streamers, flags, pennants, spinners, blades or similar devices.
2. Temporary signs shall exceed twenty (20) square feet in area. They shall not exceed ten (10) feet in height and shall be set back inside the property line.
3. Temporary signs shall be firmly imbedded in the ground and securely _____anchored for safety purposes..
4. All temporary signs shall be non-illuminated.
5. All temporary signs shall be removed after thirty (30) days.
6. Temporary signs shall not be permitted on telephone poles or trees.
7. Temporary signs must be maintained in good condition
8. ~~All such signs shall be submitted to the Zoning Officer~~ shall be notified in the form of a written notification at least seven (7) days prior to the event. Said notification shall include information on the proposed signs or a certification that they will conform to the requirements set forth herein. for calculating the dates of the event.

i. 'Feather flag or feather banner' signs shall conform to the following:

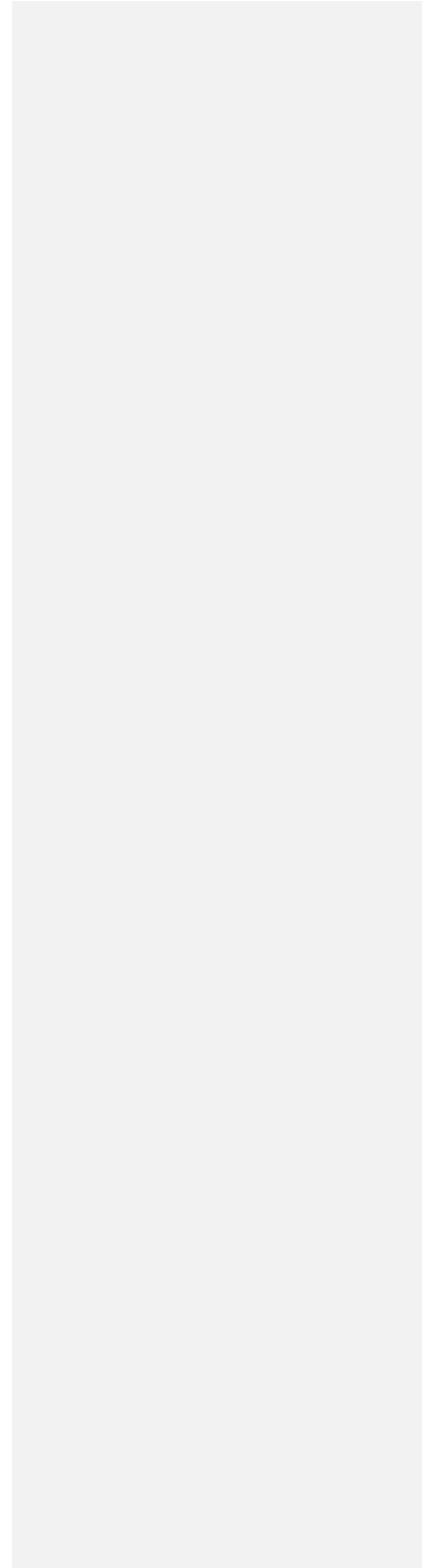
1. A maximum of three (3) signs are permitted per street frontage
2. They shall be a maximum of 11.5 feet high x 2.5 feet wide
3. The sign may only remain in place no more than 90 continuous calendar days in any year. y shall not exceed 365 days
4. The sign shall be firmly imbedded in the ground
5. All signs shall be non-illuminated
6. All signs shall be set back inside the property line
7. They shall be maintained in good condition
8. Prior to installing any All sign, the owners shall be submitted to the Zoning Officer in the form of a written notification to the Zoning Officer, including pictures of the area, fourteen (14) days prior to installation.

j. If a property owner shall have installed any of the above signs that do not meet the criteria of this code; or should the property owner fail to notify the Zoning Officer as required, the Zoning Officer may institute enforcement measures consistent with the Land Development Ordinance to cause their removal and/or pay penalties.

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14. **Prohibited signs** - The following signs are prohibited in all zones in the Township:

- a. Freestanding signs are prohibited. Existing free-standing signs which have been approved and installed prior to the effective date of this provision are permitted to remain in place. However, a change of use, change of ownership or other transference of business will require that the free-standing sign is replaced with a monument sign.
- b. Signs using red, yellow and green lights placed within 100 feet of any traffic control signal now or hereafter erected.
- c. Moving or revolving signs and signs using blinking, flashing, vibrating, flicker, tracer or sequential lighting.
- d. Signs using any material which sparkles or glitters, but nothing herein contained is intended to prohibit the use of reflective paint on signs directing traffic or identifying various locations within a lot or parcel. Signs which emit smoke, visible vapors or particles, sound or odor.
- e. Roof signs, except mansard facade signs.
- f. Signs or advertising matter of indecent or obscene nature.
- g. Signs using words such as "stop", "look" or "danger", or which are placed in a manner or position which constitutes a traffic hazard or otherwise interferes with the free flow of traffic.
- h. Signs which attempt to imitate or otherwise cause confusion with existing signs erected by any governmental board, body or agency.
- i. Flags, string of banners, pinwheels and any sign within the public right-of-way.
- j. Signs attached, affixed or painted on trees, fences, utility poles, light poles, attached to motor vehicles which are continuously or repeatedly parked in a conspicuous location to serve as a sign, but nothing herein contained is intended to prohibit the placement of signs directing traffic or identifying various locations within a lot or parcel on light poles and utility poles erected therein.
- k. Vehicular signs
- l. Mobile or portable signs, including 'A' and 'T' frame signs, menu or sandwich board signs, tethered balloons and inflatable signs.

m. No billboards shall be erected or replaced, except where authorized and approved as a conditional use pursuant to this Chapter.

n. No signs shall be erected, altered or replaced which are not in compliance with the State Uniform Construction Code and the standards established in this Chapter.

o. No sign of any type shall be permitted to obstruct driving vision, traffic signals, traffic directional and identification signs, other places of business, or other signs or windows of building on which they are located.

p. Any sign located along the right-of-way of a state or federal highway shall comply with any more restrictive requirements of the state and federal government relating thereto.

q. No monument sign shall block the view of any existing sign

~~r. Portable signs, as defined herein, are prohibited, i.e. fixed on a movable stand, self supporting without being firmly imbedded in the ground; supported by other objects; mounted on wheels or movable vehicles; or made easily movable by other means~~

15. Unlawful cutting of trees and shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

a. Within the right-of-way of any public street or road, unless the work is being done pursuant to the express written authorization of the Township or agency having jurisdiction over the streets

b. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is being done pursuant to the express authorization of the person owning the property where such trees and shrubs are located.

F. Signs permitted in all Residential Zones - including the R-40, R-40/R-40S, R-120, R-30, R-20, R-10, R-8, R-7, R-6 and A/T Zones

1. Detached dwellings. Information and direction signs shall not exceed two (2) square feet in area, nor do those signs require a sign permit. Street address numbers shall be at least three (3) inches high and of a contrasting color to the background and shall be prominently displayed on buildings so as to be easily visible at all times and under all weather conditions.

2. Churches, schools, farms, fire and emergency service stations and other public or quasi-public ~~institution may~~ institution may have one (1) monument sign not to exceed ten (10) in height and not to exceed sixteen (16) square feet in area.

3. For all other signs the maximum height shall not exceed six (6) feet and a maximum area shall not exceed two (2) square feet, except for home occupation signs which shall not exceed four (4) square feet in area.

4. The minimum setback for a sign shall be fifteen (15) feet from all property lines.

G. Signs permitted in the PO Professional Office

1. ~~4.~~ Detached dwellings:

- a. Information and directions signs shall not exceed two (2) square feet in area, nor do those signs require a sign permit. Street address numbers shall be at least three (3) inches high and of a contrasting color to the background and shall be prominently displayed on buildings so as to be easily visible at all times and under all weather conditions.
- b. For all other signs, the maximum height shall not exceed six (6) feet and maximum area shall not exceed two (2) square feet, except for a home occupation sign which shall not exceed four (4) square feet in area.
- c. The minimum setback for a sign shall be ten (10) feet from all property lines.

2. Churches, schools, farms, fire and emergency service stations and other public or quasi-public ~~institution may~~ institution may have one (1) monument sign not to exceed ten (10) in height and not to exceed sixteen (16) square feet in area.

3. For all other signs the maximum height shall not exceed six (6) feet and a maximum area shall not exceed two (2) square feet, except for home occupation signs which shall not exceed four (4) square feet in area.

4. The minimum setback for a sign shall be ten (10) feet from all property lines.

H. CC - Community Commercial; HC Highway Commercial

1. Uses in the CC District:

- a. Each principal commercial building not part of a shopping center may have one monument sign and one facade sign. .
- b. For buildings having two street frontages, on a corner lot, or two sides facing the public, as viewed from the street, two (2) facade signs may be ~~permitted, permitted;~~ however, the total aggregate area of both signs shall not exceed fifteen (15) percent of the front facade area. The second facade sign may not be at the rear of a building when the rear is a primary service and/or loading area.
- c. Monument signs shall be set back at least ten (10) feet from all street and property lines.
- d. The height of the monument sign shall not exceed twelve (12) feet
- e. When a principal building occupying at least 750 square feet of segregated area has direct access from the outside, a sign not exceeding fifteen (15) percent of the front facade or ~~four~~ twenty four (24) square feet in area, whichever is less,

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identifying the name of the activity ~~or company, and a /or company logo no larger than four (4) square feet, whichever is smaller, shall be permitted.~~

— Facade signs shall be attached flat against the building and shall not be higher than the roofline.

f.

~~a. When a principal building occupying at least 750 square feet (of segregated area) has direct access from the outside, a sign not exceeding four (4) square feet in area, that indicates the corporate logo shall be permitted. The additional sign shall be either attached flat against the building, on an awning or canopy that is attached to the building.~~

Comment [J2]: Increase the size of the sign, which will also allow for a company logo

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Comment [J3]: Simplifying the number of signs by increasing the size of the facade sign and allowing for more room for a company logo, etc.

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2. Uses in the HC District:

- a. Each principal commercial building not part of a shopping center or each shopping center may have one (1) monument and one (1) facade sign.
- b. The height of the monument sign shall not exceed twelve (12) feet.
- c. For buildings having two (2) street frontages, on a corner lot, two (2) facade signs may be permitted, however, the total aggregate area of both signs shall not exceed 15 percent of the front facade area. The second facade sign may not be at the rear of a building when the rear is a primary service and/or loading area.
- d. Monument signs shall be set back at least ten (10) feet from all street and property lines.

~~e. When a principal building occupying at least 750 square feet of segregated area has direct access from the outside, a sign not exceeding fifteen (15) percent of the front facade or twenty four (24) square feet in area, whichever is less, identifying the name of the activity or company, and a company logo no larger than four (4) square feet, shall be permitted. .~~

~~f. Facade signs shall be attached flat against the building and shall not be higher than the roofline.~~

~~When a principal building occupying at least 750 square feet of segregated area has direct access from the outside, a sign not exceeding fifteen (15) percent of the front facade or four twenty four (24) square feet in area, identifying the name of the activity and/or company logo, whichever is smaller, shall be permitted..~~

~~Facade signs shall be attached flat against the building and shall not be higher than the roofline.~~

I. GC-I - General Commercial and GC-II - General Commercial

1. Uses permitted in the GC Districts:

- a. Each principal commercial building not part of a shopping center may have one (1) monument and one (1) facade sign.
- b. For buildings having two (2) street frontages, on a corner lot, two (2) facade signs may be permitted, however, the total aggregate area of both signs shall not exceed fifteen (15) percent of the front facade area. The second facade sign may not be at the rear of a building when the rear is a primary service and/or loading area.

c. Monument signs shall be set back at least ten (10) feet from all street and property lines.

d. The height of the monument sign shall not exceed twelve (12) feet.

e. When a principal building occupying at least 750 square feet of segregated area has direct access from the outside, a sign not exceeding fifteen (15) percent of the front facade or twenty four (24) square feet in area, whichever is less, identifying the name of the activity or company, and a company logo no larger than four (4) square feet, shall be permitted.

f. Facade signs shall be attached flat against the building and shall not be higher than the roofline.

~~Where a principal use building occupancy at least seven hundred fifty (750) square feet of segregated area has direct access from the outside, a sign not exceeding fifteen (15) percent of the front facade or eight twenty four (24) square feet in area, whichever is smaller, identifying the name of the activity and/or company logo, shall be permitted.~~

~~a. Facade signs shall be attached flat against the building and shall not be higher than the roofline.~~

J. REO - Research, Engineering and Office

1. Uses permitted in the REO District:

- a. Each principal office building, research and engineering building may have one (1) monument and one (1) facade sign.
- b. For buildings having two (2) street frontages, on a corner lot, two (2) facade signs may be ~~permitted~~,permitted; however, the total aggregate area of both signs shall not exceed fifteen (15) percent of the front facade area.
- c. Monument signs shall be set back at least ten (10) feet from all street and property lines.
- d. The height of the monument sign shall not exceed twelve (12) feet.
- e. ~~If attached, the Facade signs~~ shall be attached flat against the building and shall not be higher than the roofline.
- ~~g. When a principal building occupying at least 750 square feet of segregated area has direct access from the outside, a sign not exceeding fifteen (15) percent of the front facade or twenty four (24) square feet in area, whichever is less, identifying the name of the activity or company, and a company logo no larger than four (4) square feet, shall be permitted.~~
- ~~—When a principal building occupying at least seven hundred and fifty (750) square feet of segregated area has direct access from the outside, a sign not exceeding fifteen (15) percent of the front facade or four twenty four (24) square feet in area indentifying the name of the activity and/or corporate logo, whichever is smaller, shall be permitted.~~
- ~~h. Facade signs shall be attached flat against the building and shall not be higher than the roofline.~~
-

2. Each subdivided development park may have one (1) sign along each arterial or collector road which the tract in question abuts, provided that there exists at least two hundred fifty feet (250') of unbroken frontage. The sign(s) shall not exceed twelve (12) feet in height, shall be set back from the street right-of-way, driveways and property lines at least thirty (30) feet, shall not exceed an area of one hundred (100) square feet, and shall be used only to display the development's name.

~~**Section Two – Delete Existing Section 25:408 H. in its entirety.**~~

~~**Section Three – Delete Existing Section 25:409 H. in its entirety.**~~
~~(DRAFT – Feb 27, 2014 Revised)~~

Revised March 10, 2014 bkj

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Section Four – Delete Existing Section 25:410, H. in its entirety.

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ORDINANCE #2014-12

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Bordentown in the County of Burlington finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.0% increase in the budget for said year, amounting to \$224,040.54 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Bordentown in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Bordentown shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$261,380.63 and that the CY 2014 municipal budget for the Township of Bordentown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2014-13**

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING A FINANCIAL AGREEMENT WITH KJOHNSON URBAN RENEWAL, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, QUALIFIED AS AN URBAN RENEWAL ENTITY UNDER THE PROVISIONS OF THE NEW JERSEY LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.

WHEREAS, the Township Committee of the Township of Bordentown, in the County of Burlington, New Jersey (the "**Township**") caused to be undertaken an investigation to determine whether certain lands located between Routes 130 and 206 and now designated as Block 57, Lot 6 on the Official Tax Map of the Township (the "**Property**"), commonly known as a portion of the Agway(Growmark)/Yates Redevelopment Area (the "**Redevelopment Area**"), constitute an area in need of redevelopment; and

WHEREAS, following an investigation conducted by the Planning Board of the Township and a public hearing, by Ordinance No. 2003-04 the Township Committee declared that the Property constituted an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq; and

WHEREAS, the Township Committee adopted the Redevelopment Plan for the Property as prepared by Remington & Vernick Engineers, Inc. and dated October 2007 (the "**Redevelopment Plan**") for the redevelopment of a certain redevelopment area, including the Property; and

WHEREAS, in July of 2008, the Township and KJOHNSON URBAN RENEWAL, LLC, a New Jersey limited liability company (the "**Entity**"), qualified as an urban renewal entity under the provisions of the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "**Tax Exemption Law**"), entered into a Redevelopment Agreement, as amended on June 29, 2011 (the "**Redevelopment Agreement**") whereby the Entity, agreed, among other things, to develop the Property in accordance with the Redevelopment Plan; and

WHEREAS, the Entity obtained approval from the Planning Board and Township Committee to redevelop the Property by constructing directly, or through its ground lessees, certain improvements in accordance with the Resolution of Site Plan Approval adopted by the Planning Board of Bordentown Township on June 12, 2008 by Resolution No. P-2008-14, as amended on March 12, 2009 by Resolution No. P-2009-10, and on January 10, 2013 by resolution No. P-2012-15 (collectively, the “**Improvements**” and together with the Property, the “**Project**”); and

WHEREAS, the Tax Exemption Law permits a municipality to exempt from the payment of real estate taxes, for a limited period of time, any rehabilitation or improvements made in the redevelopment of a redevelopment area, subject to the terms and conditions of a financial agreement complying with the requirements of N.J.S.A. 40A:20-9 to 11; and

WHEREAS, in order to improve the feasibility of Project, the Entity made an application for a long term tax exemption and financial agreement (the “**Application**”) pursuant to the Tax Exemption Law, which Application is on file with the Township Clerk; and

WHEREAS, the Township has reviewed the terms of a proposed financial agreement (the “**Financial Agreement**”), a copy of which has been filed with the Township Clerk and which by this reference incorporated herein; and

WHEREAS, the Financial Agreement sets forth findings that the relevant benefits of Project to the redevelopment of the Redevelopment Area outweigh the costs, if any, associated with the long term tax exemption for the Project; and

WHEREAS, the Township hereby determines that the assistance provided to Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

Application for Exemption Approved.

The Application, which is on file with the Township Clerk and has been recommended for approval to the Township Committee by the Mayor, is hereby accepted and approved.

Approval Of Financial Agreement

(a) The form of the Financial Agreement, as set forth in Exhibit A attached hereto and made a part hereof, is hereby approved. The Mayor is hereby authorized to execute and deliver on behalf of the Township the Financial Agreement in the form attached hereto, with such changes as counsel may advise and the Mayor may approve, such

approval to be evidenced by the Mayor's execution thereof. The Township Clerk is hereby authorized to attest to the execution of the Financial Agreement by the Mayor and to affix the corporate seal of the Township to such Financial Agreement.

(b) The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township and the Director of the Division of Local Government Services within the Department of Community Affairs in accordance with Section 12 of the Tax Exemption Law.

Severability.

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Inconsistencies.

All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Effective Date.

This ordinance shall take effect according to law. immediately upon adoption and publication of notice of adoption as provided by law.