

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: MAY 19, 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:

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. Mayor’s Proclamation proclaiming the month of May as Senior Citizens Month.
7. Public Hearing on Resolution #2014-139-1 entitled Resolution to Amend 2014 Municipal Budget.

8. Consideration of Adoption of Resolution #2014-139-1 entitled RESOLUTION TO AMEND 2014 MUNICIPAL BUDGET.
9. Consideration of Adoption of Resolution #2014-139-2 entitled RESOLUTION TO READ BUDGET BY TITLE ONLY.
10. Consideration of Adoption of Resolution #2014-139-3 entitled RESOLUTION TO ADOPT 2014 MUNICIPAL BUDGET AS AMENDED.
11. 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 #2014-139-12 through #2014-139-19.
12. Resolution #2014-139-12 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 13. Resolution #2014-139-13 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 14. Resolution #2014-139-14 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 15. Resolution #2014-139-15 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 16. Resolution #2014-139-16 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC, T/A CHICKIE'S AND PETE'S.
 17. Resolution #2014-139-17 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM CME ASSOCIATES FOR TAX MAP MAINTENANCE YR 2014.
 18. Resolution #2014-139-18 entitled APPROVE SHARED SERVICES AGREEMENT WITH THE BORDENTOWN REGIONAL SCHOOL DISTRICT FOR SOLID WASTE COLLECTION SERVICES.
 19. Resolution #2014-139-19 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.
 20. 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.

21. 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.
22. Consideration of Introduction of Ordinance #2014-17 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN RELATING TO LAND DEVELOPMENT, TO INCLUDE A SPECIFIC DEFINITION IN SECTION 202 OF THE CODE TO DEFINE THE TERM “CONVENIENCE STORE”.
23. Consideration of Introduction of Ordinance #2014-18 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE WATERFRONT VILLAGE REDEVELOPMENT AREA REDEVELOPMENT PLAN FOR WATERFRONT VILLAGE TO ESTABLISH REVISED PERMITTED OR CONDITIONAL USES.
24. Township Committee and Staff Reports.
25. Public Participation.

Questions, comments or statements from members of the public in attendance.
26. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.

RESOLUTION 2014-139-1 TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2014 was approved on the 24th day of March, 2014 and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Bordentown, County of Burlington, that the following amendments to the approved budget of 2014 be made:

GENERAL REVENUES	<u>From</u>	<u>To</u>
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:		
Municipal Alliance on Alcoholism & Drug Abuse	\$ 25,907.00	\$ 14,804.00
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues	129,811.12	118,708.12
Summary of Revenues		
3. Miscellaneous Revenues		
Total Section F: Special items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues	129,811.12	118,708.12
Total Miscellaneous Revenues	4,018,278.12	4,007,175.12
5. Subtotal General Revenues (Items 1,2,3 and 4)	5,312,778.12	5,301,675.12
6.Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	6,292,340.75	6,408,695.23
Total Amount to be Raised by Taxes for Support of Municipal Budget	6,292,340.75	6,408,695.23
7. Total General Revenues	<u>11,605,118.87</u>	<u>11,710,370.35</u>
8. GENERAL APPROPRIATIONS		
	<u>From</u>	<u>To</u>

(A) Operations - within "CAPS"		
Administrative & Executive		
Other Expenses	50,800.00	43,397.00
Total Operations {item 8(A)} within "CAPS"	7,002,085.00	6,994,682.00
Total Operations Including Contingent-within "CAPS"	7,002,085.00	6,994,682.00
Detail:		
Salaries and Wages	3,913,755.00	3,913,755.00
Other Expenses (Including Contingent)	3,088,330.00	3,080,927.00
(A) Operations - Excluded from "CAPS"		
Tax Appeals		
Other Expenses	110,025.00	223,350.00
Total Other Operations - Excluded from "CAPS"	125,287.00	238,612.00
Public and Private Programs Offset by Revenues		
Municipal Alliance on Alcoholism & Drug Abuse	25,907.00	14,804.00
Matching Funds for Grant	3,700.00	11,103.00
Total Public and Private Programs Offset by Revenues	133,511.12	129,811.12
Total Operations - Excluded from "CAPS"	792,678.12	902,303.12
Detail:		
Salaries & Wages	288,450.00	288,450.00
Other Expenses	504,228.12	613,853.12
(H-2)Total General Appropriations for Municipal Purposes Excluded from "Caps"	2,834,333.12	2,943,958.12
(O) Total General Appropriations - Excluded from "CAPS"	2,834,333.12	2,943,958.12
(L)Subtotal General Appropriations {items (H-1) and (O)}	10,730,564.12	10,832,786.12
(M) Reserve for Uncollected Taxes	874,554.75	877,584.23
9. Total General Appropriations	11,605,118.87	11,710,370.35
8. GENERAL APPROPRIATIONS	<u>From</u>	<u>To</u>

Summary of Appropriations

(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	\$ 7,888,828.00	\$ 7,896,231.00
(A) Operations- Excluded from "CAPS"		
Other Operations	125,287.00	238,612.00
Public & Private Progs Offset by Revs.	133,511.12	129,811.12
Total Operations- Excluded from "CAPS"	792,678.12	902,303.12
(M) Reserve for Uncollected Taxes	874,554.75	877,584.23
Total General Appropriations	<u>\$ 11,605,118.87</u>	<u>\$ 11,710,370.35</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, introduced by the Township Council on the 19th of May 2014.

Certified by:

Municipal Clerk

RESOLUTION #2014-139-2

RESOLUTION TO READ BUDGET BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995, provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within the municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the 2014 Municipal Budget to be read by title only.

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 May 19, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

05/19/14

RESOLUTION #2014-139-12

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 May 19, 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.

05/19/14

RESOLUTION #2014-139-13

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of May 5, 2014, and the Regular Meeting of May 5, 2014, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected); and

BE IT RESOLVED that the following reports for the month of March 2014 as submitted by the Township Officials are hereby received and filed: Municipal Court; and

BE IT RESOLVED that the following reports for the month of April 2014 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Community Development, Municipal Court and Finance.

05/19/14

RESOLUTION #2014-139-14

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #12-0007 was redeemed on May 2, 2014, in the amount of \$21,934.93.

WHEREAS, US Bank Cust for Crestar Capital, paid tax sale premium, in the amount of \$9,000.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$9,000.00 to US Bank Cust for Crestar Capital; for Lien 12-00007 Block 43 Lot 6, commonly known as 6 Elm Avenue.

MAP
05/26/14

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 May 19, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-139-15

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #12-00015 was redeemed on May 12, 2014, in the amount of \$1,295.77.

WHEREAS, US Bank Cust for Pro Capital I LLC, paid tax sale premium, in the amount of \$100.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$100.00 to US Bank Cust for Pro Capital I LLC; for Lien 12-00014 Block 87 Lot 3, commonly known as 67 Charles Bossert Drive.

MAP
05/19/14

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 May 19, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-139-16

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 June 5, 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 May 19, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

05/19/14

RESOLUTION #2014-139-17

RESOLUTION ACCEPTING THE PROPOSAL FROM CME ASSOCIATES FOR TAX MAP MAINTENANCE YR 2014

WHEREAS, CME Associates submitted a proposal for Tax Map maintenance for Year 2014; and

WHEREAS, it is the desire of the Township Committee to accept said proposal from CME Associates, in an amount not to exceed \$10,000.00 (hourly rate not to exceed); and

WHEREAS, funds are available to accept said proposal, as evidenced by the attached Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from CME Associates, in an amount not to exceed \$10,000.00 to provide maintenance to the Bordentown Township tax maps for the year 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 May 19, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

05/19/14

RESOLUTION NO. 2014-139-18

**APPROVE SHARED SERVICES AGREEMENT WITH
THE BORDENTOWN REGIONAL SCHOOL DISTRICT
FOR SOLID WASTE COLLECTION SERVICES**

WHEREAS, the Township of Bordentown and the Bordentown Regional School District have determined the need to enter into a Shared Services Agreement for solid waste collection services; and

WHEREAS, the form of agreement for the solid waste collection services is attached to this resolution;

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 Bordentown Regional School District for the purpose of providing solid waste collection services; and

BE IT FURTHER RESOLVED that the term of the agreement shall be for a two year six month period effective July 1, 2014 and expiring December 31, 2016.

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 May 19, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

05/19/14

RESOLUTION #2014-139-19

RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT

WHEREAS, pursuant to N.J.S.A. 40A:4-19, the local municipal temporary budget for the year 2014 was approved on the 4th day of January, 2014; and

WHEREAS, pursuant to N.J.S.A. 40A:4-19, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance are excluded from the 26.25% of the prior year budget cap; and

WHEREAS it is desired to amend said temporary budget in order to appropriate sufficient funds for the payment of the Township's capital improvement needs;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, that the following temporary appropriation be made:

TEMPORARY BUDGET

Temporary Appropriations 05.19.14 NJSA 40A:4-19

Municipal Alliance	Other Expenses	8,237.50
		8,237.50

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal temporary budget so amended.

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 May 19, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

05/19/14

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.]~~
- ~~(8+)~~ 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.
- ~~(9+)~~ 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 **which is** 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~~ **a security** fence or **similar means**. ~~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 **Ordinance** requirements and provide emergency access to the ~~entire~~ site **as required elsewhere herein**.

§ 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.

~~[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.]~~

(2) 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. **The system may be mounted at a greater angle if the applicant can demonstrate that it is necessary for adequate solar alignment for power generation.**
- 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~~ **shall be** permitted accessory uses ~~and~~ **on** 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.

(3) 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.]~~ **The system may be mounted at a greater height or angle if the applicant can demonstrate that it is necessary for adequate solar alignment for power generation.** 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~~ **25** feet in width and may be located in the setback required pursuant to the applicable zone. The required buffer shall consist of trees **and shrubs** 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~~ **3** 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. **This provision shall not be interpreted as requiring a completely opaque screen such as multiple rows of evergreen trees and shrubs.** 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., **and that no part of the solar field is more than 300-feet from the access road** . 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}~~ **clearance and turning radii** for access by emergency vehicles ~~{whenever necessary}~~.
 - (2) The maximum permitted height shall be 20 feet.
 - (3) Facilities **for new or existing parking lots** shall only be located within the rear yard. **Facilities for existing parking lots only may also be located in a side yard where parking exists.**
 - (4) The minimum side and rear yard setback for any such facility shall be ~~{35}~~ **25** 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 **vegetative cover** ~~{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 should ~~{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 **proposed grading for the** installation of the ground-mounted system and associated site improvements will create an **adverse** 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~~ **The** owner or operator shall ~~cooperate with local emergency services in developing~~ **develop** 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 **site safety and** 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 **in accordance with the approved site plan.** ~~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] **Stabilization** of soil areas. ~~with native seed mixes, and/or plant species suitable to the area, which shall not include any invasive species.~~

~~Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Township.~~

~~Restoration of the site for agricultural crops or forest resource land, as applicable.~~

~~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.~~

(3) The disposal of all solid and hazardous waste shall be in accordance with all local, state, and federal waste disposal regulations.

- (4) 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 NO. 2014-17

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING
CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN
RELATING TO LAND DEVELOPMENT, TO INCLUDE A SPECIFIC
DEFINITION IN SECTION 202 OF THE CODE TO DEFINE THE TERM
“CONVENIENCE STORE”**

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;

WHEREAS, the Township Committee has determined through its periodic review of the terms and standards of the Code require revision from time to time to provide proper guidance and standards for development, redevelopment and preservation of land within the Township; and

WHEREAS, the Township Committee has further determined that the Township Code shall be amended in order to provide further clarification with respect to certain definitions used in the Code for retail establishments.

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

Section 1. Chapter 25 (Land Development), **Section 202** entitled “Specific Definitions,” containing the definition of various terms in alphabetical order, is hereby amended to include the following definition:

§ 25-202. Specific Definitions

Convenience store: Any retail establishment offering for sale any prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared food meant for consumption off site. A convenience store is meant to include an establishment which also offers for sale fuel for automobiles and light passenger trucks but not commercial trucks. Such establishments are not permitted to engage in engine and/or mechanical repairs, vehicular painting, or body work. No junked or unregistered motor vehicles are permitted to be kept or stored on the premises.

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 NO. 2014-18

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE
WATERFRONT VILLAGE REDEVELOPMENT AREA REDEVELOPMENT
PLAN FOR WATERFRONT VILLAGE TO ESTABLISH REVISED
PERMITTED OR CONDITIONAL USES.**

WHEREAS, the Bordentown Township Committee (the “Township”) is the Redevelopment Authority for Bordentown Township; and

WHEREAS, pursuant to the Waterfront Village Redevelopment Plan, the Township Committee previously designated various permitted and conditional uses within the Waterfront Village Redevelopment Area; and

WHEREAS, pursuant to New Jersey’s Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) any use within a Redevelopment area must be consistent with the Redevelopment Plan approved by the Township Committee and under the MLUL; and

WHEREAS, as the Redevelopment entity for the Township, the Township Committee is the entity with the authority to amend the Waterfront Village Redevelopment Plan so that the Planning Board is not permitted to grant a use variance with respect to any application involving property within a Redevelopment zone; and

WHEREAS, by Bordentown Township Planning Board Resolution # PB-2014-14, the Bordentown Township Planning Board provided a report and recommendation to the Bordentown Township Committee relating to the amendment of certain conditional and permitted uses within the Waterfront Village Redevelopment Area; and

WHEREAS, the Township Committee has reviewed the report and recommendation of the Planning Board with respect to the recommended changes to the Waterfront Village Redevelopment area and seeks to incorporate the recommendations of the Planning Board as it relates to the amending the permitted or conditional uses for certain areas within the Waterfront Village Redevelopment Area; and

WHEREAS, the Township Committee has further determined that it is in the best interests of the Township to further the goals of the Waterfront Village Redevelopment Plan to amend the designation of permitted and conditional uses within the Waterfront Village Redevelopment Area and that doing so does not otherwise limit the Township’s or its Planning Board’s authority to have in place such other conditions, limitations or design

requirements for the Area as are permitted under the law, and so as to be consistent with the specific provisions and goals of the Waterfront Village Redevelopment Plan.

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

Section 1. The portion of the Waterfront Village Redevelopment Area Redevelopment Plan entitled, “Section 1. Redevelopment Plan, Permitted Uses—Planned Waterfront Village Development” shall be amended as follows:

Permitted Uses – 5. (new) Senior Affordable Housing is a permitted use with respect to Block 140, Lot 3.01 and/or 3.02, on Burlington-Bordentown Road, consistent with the Acknowledgement on page 16 of the Waterfront Village Redevelopment Plan of the Obligation to Provide Affordable Housing consistent with the rules promulgated by NJ COAH, and pursuant to Court Order or directive of the Court or Special Master appointed with respect to the Township’s obligation for providing such housing.

(NEW) Conditional Uses – 1. Gas stations or a Convenience Store. Limited to the portion of Block 140, Lots 3.01 and 3.02 fronting Route 130, with the limitation of a maximum of twelve (12) fueling positions for dispensing, storing and the sale of fuel for automobile and passenger trucks. Gas stations or Convenience Stores in this zone are not permitted to dispense, store or sell fuel for large commercial truck vehicles. Gas stations or Convenience Stores in this zone are permitted to operate their business 24 hours per day.

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.

Stephen Benowitz, Mayor

Attest:

Colleen M. Eckert, RMC, Township Clerk

Introduced:

Adopted: