

*From* — OFFICE OF THE TOWNSHIP CLERK  
FRELINGHUYSEN TOWNSHIP, WARREN COUNTY  
P.O. BOX 417, JOHNSONBURG, NEW JERSEY 07846  
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WARREN COUNTY  
PLANNING BOARD

DATE: November 23, 2010

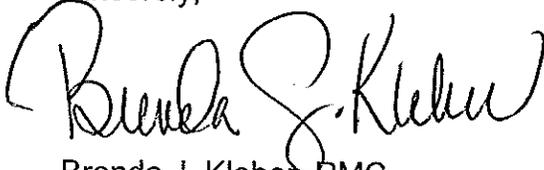
TO: Municipal Clerks

Re: Ordinance #2010-06

Attached, please find copy of a Frelinghuysen Township Land Use Ordinance which was introduced at a meeting of the Township Committee held on November 16, 2010.

The Ordinance will be considered for final reading and passage at a meeting of the Township Committee to be held on December 15, 2010 at 7:30 p.m. at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey.

Sincerely,



Brenda J. Kleber, RMC  
Municipal Clerk

- Allamuchy Township
- Blairstown Township
- Fredon Township
- Hardwick Township
- Hope Township
- Green Township
- Independence Township
- Stillwater Township
- Warren County Planning Board ✓

**Township of Frelinghuysen**

**Ordinance No. \_\_\_\_\_-2010 - 06**

**AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY ESTABLISHING REGULATIONS REGARDING THE ERECTION AND LOCATION OF SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE.**

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

**WHEREAS**, the governing body of the Township of Frelinghuysen has determined the following:

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

**WHEREAS**, New Jersey's Renewable Portfolio Standards (RPS) require each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey to provide a percentage of their retail electricity sales from renewable energy sources, 7.4 percent as of June 1, 2010, and increasing to 22.5 percent by June 1, 2021, and

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

**WHEREAS**, the Governing Body finds that it is necessary to standardize and streamline the requirements for solar panels so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner in our municipality, and

**WHEREAS**, the Frelinghuysen Planning Board and Township Committee adopted a Master Plan and Master Plan Report on September 6, 2007 which states in the Goals and Objective section that the Township "promote utilization of renewable energy resources", and the creation of an ordinance governing alternative energy sources is consistent with the Master Plan and promotes the goals and objectives of the plan.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body for the Township of Frelinghuysen, Warren County, New Jersey to amend and supplement the Land Development Ordinance of the Township of Frelinghuysen (1987) as follows:

**SECTION 1** – Add the following conditional and/or accessory structures and uses to Section 400 District Regulations:

**Section 402C:** add 9. Accessory Solar Energy Systems (see Section 601 for standards)

**Section 403B:** add 10. Accessory Solar Energy Systems (see Section 601 for standards)

**Section 404B:** add 7. Accessory Solar Energy Systems (see Section 601 for standards)

**Section 405B:** add 8. Solar Energy Systems (see Section 601 for standards)

**Section 405.1C:** add 5. Solar Energy Systems (see Section 601 for standards)

**SECTION 2.** Add the following new subsection under 601 as follows:

#### **N. Solar Energy Systems**

1. The primary purpose of a solar energy system will be to provide power for the principal and/or accessory use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a solar energy system designed to meet the energy needs of the principal use. \* For the purpose of this ordinance, the sale of excess power shall be limited so that in no event an energy system is generating more energy for sale than what is otherwise necessary to power the principal use on the property.
2. Solar energy systems shall only be permitted as a conditional accessory use on the same lot as the principal use. All energy systems require approval from the zoning officer and construction official prior to installation. Applications for a solar energy system shall include information demonstrating compliance with the provisions of this ordinance. In the event that the zoning officer or construction official does not believe the provisions of this ordinance will be satisfied, an applicant may request a variance.
3. As a guide to protection of solar access and in the review of development applications, the Planning Board or Board of Adjustment may consider the United States Department of Housing and Urban Development, Office of Policy Development and Research, booklet entitled “Protecting Solar Access for Residential Development, A Guidebook for Planning Officials,” as the same may be updated and revised from time to time.

#### 4. Definitions

**OWNER** - shall mean the individual or entity that intends to own and operate the solar energy system in accordance with this ordinance.

**SOLAR ENERGY SYSTEM** - means a solar energy system and all associated equipment that convert solar energy into usable electrical energy through the use of solar panels.

**SOLAR PANELS** - a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

5. Solar energy systems are permitted in all zones as a conditional accessory use, subject to the following bulk requirements and other conditions:
  - a. Solar panels shall be permitted as a rooftop installation in any zoning district. The solar panels shall not exceed a height of eight inches from the rooftop. Rooftop systems shall be considered a permitted accessory use subject to approval of the Zoning Officer and Construction Official.
  - b. All ground arrays shall be set back a minimum distance equivalent to the setback required for the principal structure according to the underlying zone requirements.
  - c. Ground arrays shall not exceed a height of fifteen feet.
  - d. All electrical wires servicing a ground mount solar system, other than wires necessary to interconnect the solar panels, and the grounding wires shall be located underground.
  - e. In order to obtain a zoning permit for placement of a solar array in the front yard, the applicant must demonstrate to the Zoning Board the necessity for the front yard installation by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property resulting in an exceptional difficulty and undue hardship to the applicant. The clearing of brush or wooded areas alone will not constitute an undue hardship.
  - f. When a solar energy system is proposed in the front yard, the following standards shall apply:
    1. Structure shall be screened according to Figure 601.N.5, generally stated as follows:
      - i. Where natural evergreen or dense deciduous screening is already in existence, no additional screening shall be required between the property line(s) and the solar energy system.
      - ii. The recommended distance and planting material is identified in Figure 601.N.5. It is the intent of this section that the landscaping shall shield the solar energy system when viewed from the street and adjacent properties.
      - iii. Planting is not required between the solar energy system and the residence located on the same lot; only if the array is completely shielded from the front and side property lines.
    2. Front yard solar energy systems are limited to a horizontal coverage equal to one thousand (1,000) square feet.
6. The installation of a solar energy system shall conform to the National Electric Code as adopted by the NJ Department of Community Affairs.
7. Solar energy systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems and as required by the electric utility servicing the parcel.
8. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacture or operator of the system. In no case shall identification be visible from a property line.
9. The design of a solar energy system shall, to the extent practicable, use materials; colors, textures, screening and landscaping that will blend the facility into the natural setting and

existing environment.

10. Permit Requirements:

1. A building and electrical permit shall be required for the installation of a solar energy system.
2. The minor site plan shall include the following:
  - i. Name, address and phone number of the owner and applicant; north arrow, graphic and written scale; date of Preparation; Block and Lot; name & address, signature, and license number of person(s) preparing the survey; revision box & date of each revision; zone data box; and key map;
  - ii. Property lines and physical dimensions of the property;
  - iii. Location, dimension, and types of existing principal and accessory structures on the property;
  - iv. Location of the proposed solar energy system;
  - v. The right-of-way delineation of any public road that is contiguous with the property;
  - vi. Any overhead utility lines;
  - vii. Location and definition of easements;
  - viii. Solar energy system specifications, including manufacturer and model of all components, panel height and width;
  - ix. One photograph of the subject premises depicting the area for which a solar energy system is proposed;
  - x. Valid survey representative of current conditions of the property to be approved by the Board Engineer.

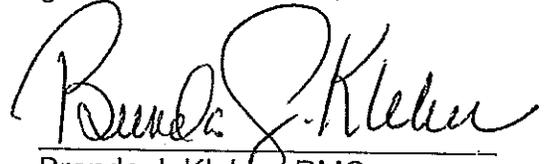
11. Expiration: Any minor site plan or other approval issued pursuant to this ordinance shall expire if:

- a. The solar energy system is not installed and functioning within twenty-four (24) months from the date the permit is issued; or
- b. The solar energy system is out of service or otherwise unused for a continuous 12-month period.

12. Violations: It is unlawful for any person to construct, install, or operate a solar energy system that is not in compliance with this Ordinance or with any condition contained in a building permit issued pursuant to this Ordinance. Solar energy systems installed prior to the adoption of this Ordinance are exempt.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed at the meeting of the Frelinghuysen Township Committee held on November 16, 2010 and will be considered for final reading and adoption at a meeting of the Frelinghuysen Township Committee to be held on December 15, 2010 at 7:30 p.m. at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance.

  
Brenda J. Kleber, RMC