

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
AUGUST 1, 2012**

**A.) CALL TO ORDER & ROLL CALL**

The Ordinance Committee Meeting of the Township of Monroe was called to order at 7:05 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (NJSA 10:4-6 thru 10:4-21). Notices were placed in the official newspapers for the Township of Monroe (i.e.: Gloucester County Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

**SALUTE TO THE FLAG**

**Cncl. Walter Bryson** led the assembly in the Pledge of Allegiance to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia		Excused
Cncl. Ron Garbowski	Present	
Cncl. Daniel Teefy		Excused
Ord. Chairman, William Sebastian	Present	
Solicitor, Charles Fiore	Present	
Police Officer, Andy Pease	Present	
Deputy Clerk, Sharon Wright	Present	

**B.) APPROVAL OF MINUTES**

**Cncl. Ronald Garbowski** made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of July 11, 2012. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council in attendance.

**C.) PUBLIC PORTION**

**Cncl. Walter Bryson** made a motion to open the Public Portion. The motion was seconded by **Cncl. Pres., Frank Caligiuri** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. Ronald Garbowski** made a motion to close the Public Portion. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

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D.) ORDINANCES FOR REVIEW

- **Renewable Energy Ordinance**

Cncl. William Sebastian noted he had some concerns with the draft ordinance. He referred to page 2, "Definitions" and requested "approved by the Administrator/Board" be included under appearance, color and finish in the event an application goes before the Zoning or Planning Board, as the boards dictate appearance through their process. He also recommended the verbiage "prohibiting panels from exceeding the peak of the roof" be included on page 3, under §175-172 "Standards", Section A. "Solar Energy Systems" (1) "Rooftop Solar Panel Installations", Section (a). He also suggested language be included regarding the installation of panels on a flat roof, as the ordinance currently does not address that issue. Council discussed the sizes and heights of panels and how they could be installed on a flat roof. Solicitor Fiore suggested including language prohibiting solar panels on a flat roof in residential zones; noting then if a person wants to apply for a variance they can. Cncl. Sebastian expressed concern that unsightly solar panels could be installed on a flat roof commercial building that backs up to a residential area. He went on to explain how many communities are requiring commercial buildings to have either a mansard type roof or a short wall around the roof to hide the panels so they cannot be seen from the ground level. They will not affect sunlight on the panels just what is seen from the ground. Cncl. Garbowski noted the college does not install solar panels on the roof because it's very expensive when the roof needs to be serviced. In the future the college will be installing panels over parking lots, which is what was done at Stockton College and seems to be reliable. The panels are high enough so parking can still be utilized and they help with snow removal and lighting. Cncl. Sebastian polled council and all were in favor of prohibiting solar panels on a flat roof in residential areas and adding language to the ordinance that would require solar energy systems requested in a commercial zone to go before the proper board. Cncl. Sebastian also questioned whether Council wanted to keep the buffer at 250 feet. Solicitor Fiore noted State legislation allows municipalities when creating an ordinance to be sympathetic to residential homeowners within smaller subdivisions where these systems are cropping up. A way to deal with it is by the ordinance having a minimum three acre requirement in a residential zone and a 250 foot setback requirement for backyard/rear yard and side yard. If there is a unique property then that property owner can apply to the board, which is equipped to deal with land use issues. Mr. Fiore spoke of discussing this issue with solicitors from other towns and of how Vineland's Zoning Official sends every solar panel application before either their Planning or Zoning Board. Our Zoning Official's interpretation is that they are an accessory use and therefore permits them in residential zones. Mr. Fiore noted none of the sample ordinances reviewed addresses a flat roof or makes the distinction between residential and commercial and even though Council would like to try to address every possible scenario when there is a unique situation the appropriate place to deal with that is with one of the boards. He noted in the draft ordinance wind systems are considered a conditional use required to go before one of the boards. The board will decide what the setback requirements and landscaping buffers will be and everyone within 200 feet will be notified and then those people can address their concerns to the board. He explained to the residents in attendance that even if Council adopts the draft ordinance the law allows individuals to seek relief from the ordinance by going before a board

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D.) ORDINANCES FOR REVIEW (cont'd)

and when that happens the applicant must demonstrate to the board why there should be a deviation from the law.

**Mary Cote** of the Fries Mill Civic Association referred to Section 175-175 "Abandonment and removal of solar and energy systems" and questioned who and how that would be monitored. Solicitor Fiore explained because there is only one Zoning Officer in this municipality of 47 square miles the neighbors will probably be the ones that will complain about an abandoned property. Mrs. Cote also questioned if a person complied with all requirements for a ground solar system and the neighbors did not like it would he be responsible to install landscaping to aesthetically improve the area. Cncl. Sebastian explained Council could not get into requiring that but the ordinance does require solar panels to be a distance of 250 feet away from the property line.

**Patrick McDevitt** questioned the process when an application for a solar panel system does not meet all the requirements of the ordinance. Cncl. Sebastian explained the Zoning Officer determines whether or not an application meets all requirements and he will advise the applicant if he needs to go before the Zoning Board of Adjustment to ask for relief from the ordinance. When an application goes before the board all residents within 200 feet of the applicant will be notified of the application and they have the opportunity to go to the meeting and state their views regarding the matter. Mr. McDevitt questioned whether Monroe has height restrictions on such things as flagpoles or trees. Cncl. Sebastian replied no. Solicitor Fiore went on to explain the boards handle conditional uses and determine what the appropriate height will be for such things as cell towers, which have no height limits. He added the applicant usually has a study from an engineer or the manufacturer saying what the recommended height should be and then the township engineer or planner will review that to determine whether or not it will be the appropriate height for the location. Mr. Fiore went on to speak of how cell towers are now being placed on moveable platforms so that if a property is developed the tower can be moved.

**Robert Stapleton** commented on how the ordinance doesn't mention height for solar ground systems. He also spoke of articulating solar panel systems that turn to follow the sun and of thin film systems that are fabricated to match the contour of whatever is on the roof, such as an air conditioner. Cncl. Sebastian felt articulating hydraulic systems that are computerized to follow the sun should not be permitted in residential zones, as there are a number of issues that could come up from them. In commercial zones there are much deeper pockets so any issues that would come up can be addressed.

**Cncl. Bryson** noted the draft ordinance covers solar and wind types of renewable energy but other types will come along in the future that Council will also need to address. Solicitor Fiore noted if something does come up that is not addressed in writing it will go before the board. Cncl. Sebastian explained every year the Zoning Board of Adjustment must give a report to the Planning Board on the number of issues that come before them. The Planning Board reviews the report and makes a recommendation to Council if an ordinance should be adopted to cover a specific issue. Cncl. Sebastian felt the ordinance should be sufficient if the solar panel issue is covered in depth, by including the paragraph about wind energy and the

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language that all other types of renewable energy would be considered a conditional use, which would go before a board. In the future if the Zoning Board gets an inordinate amount of people coming before them they will notify the Planning Board who will send Council a recommendation to adopt an ordinance dealing with the issue.

Cncl. Sebastian questioned if the residents felt the draft ordinance addressed their concerns. Mary Cote referred to the Greenwich Township ordinance and noted it includes a ten foot height limitation. She also indicated she would like to see more written in the ordinance regarding wind energy systems. Cncl. Sebastian explained Council doesn't want to police every type of energy system, as they would like to leave it up to a board to do the research, require neighbors to be notified on every application and make an in depth decision based upon a particular location. Mr. Fiore explained just on the concept of a conditional use the board is empowered to place conditions when assessing and voting upon the application. Cncl. Sebastian added when an issue goes before a board they can make whatever changes they want, they do not have to stay within the limits of an ordinance and if the applicant doesn't comply, approval will not be granted. Cncl. Sebastian advised the residents that Mr. Fiore will make the discussed changes to the draft ordinance and bring it back to the next Ordinance Committee Meeting for review.

E.) MATTERS FOR DISCUSSION

• **No Left Turn Signs - Black Horse Pike into Wal-Mart**

Traffic Officer Andy Pease explained Officer Burton emailed DOT and the Walmart engineer before the store officially opened in May regarding left hand turns from the Black Horse Pike. The issue was not resolved and since the store has opened the traffic conflicts are enormous and need to be addressed. Another issue is at Peter's Diner. When the intersection at Malaga and the pike was redesigned some of the intervening space between the two yellow lines was reduced. Typically that space was 7.5 feet from South Main Street all the way to the township border. That space has now been reduced by half, so a car does not safely fit in that area to make a left turn. Officer Pease explained the law allows left turns along the pike wherever there is a break in the double yellow line. Improper turns have been addressed with Judge Lacovara and his interpretation is that we should let it be. The judge feels that the law should not be enforced in one area but not everywhere else. Because it is just a matter of time before we have a horrific event the police department is seeking an ordinance for the specific areas where traffic conflicts are being created, such as at Peter's Diner where there have already been numerous accidents involving westbound vehicles turning into the diner. Officer Pease explained the Police Department would like to see an ordinance adopted as soon as possible prohibiting left turns on the pike in the areas of Walmart, WAWA on Corkery and the pike, Rite-Aid on Corkery and the pike and Peter's Diner at Malaga and the pike. Solicitor Fiore noted he was surprised and disagrees with the State saying we need an ordinance to enforce the law because all these projects were reviewed by DOT and the traffic control devices and signage are within the State's right-of-way. Officer Pease indicated he had the same discussions with

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the State and they told him that this is how it must be done. Cncl. Sebastian noted the ordinance actually gives police officers the right to enforce the law. Officer Pease noted Walmart has already installed signs around the store and that has helped to curtail some of the left hand turns from the pike. Solicitor Fiore advised a left hand turn into the Rite-Aid located at Corkery Plaza is already prohibited under Chapter 267-39. Mr. Fiore will prepare the ordinance to include Walmart, Peter's Diner and WAWA on Corkery Lane/Black Horse Pike for first reading at the August 28<sup>th</sup> Council Meeting.

Cncl. Bryson questioned the left hand turn onto Concord Drive. Officer Pease advised that turn is legal as there is a break in the yellow lines and the intervening space is wide enough for a vehicle to make the turn.

**F.) NEW BUSINESS**

Cncl. Ronald Garbowski noted he was approached by a business owner who wants to install an electronic sign but was asked to hold off on that until the ordinance regulating them is adopted. This man wants to move forward with the sign because he feels he is losing business without one. Cncl. Sebastian noted Council addressed this issue months ago because those signs were popping up all along the Black Horse Pike and there were no regulations in place for them. He noted that issue will need to be brought back to the table if Council chooses to do so but if the business wants the sign now, the issue can go before the Zoning Board of Adjustment. Cncl. Sebastian spoke of how the Zoning Board of Adjustment approved an electronic sign for the car wash with the standards that it would not be a flashing/scrolling sign. It was supposed to have a message that would scroll in, be up for a period of time and then go off. It was not supposed to be a continuous scroll, which is what it has turned out to be so now we need to address enforcement. Cncl. Bryson spoke of electronic billboards and questioned whether that would be included in this. Solicitor Fiore spoke of Council creating a billboard corridor and noted we never addressed the LED billboards. Cncl. Sebastian explained they were not addressed because our existing ordinance says we cannot have flashing, scrolling or any other type of electronic movement signs but our Zoning Official was issuing permits based on one line in the ordinance that says as long as the sign gives public information such as time, date and temperature it was allowed. Cncl. Sebastian pointed out another paragraph in the ordinance to the Zoning Official and now every applicant requesting those types of signs must go before the Zoning Board of Adjustment. Cncl. Bryson questioned whether the billboard fee was one time or a yearly fee. Solicitor Fiore advised billboards are rateables and are assessed by the Tax Assessor based upon the revenue the owner receives. Cncl. Sebastian noted Taylor's, the car wash, Walgreens and The Bank went before the board for their signs but there were others that didn't. He polled Council and all were in favor of placing this matter on the September Ordinance Committee Meeting for further discussion.

Solicitor Fiore also requested the no parking on Virginia Avenue be placed on the September meeting for discussion as he has requested measurements from Captain Wiemer in order to prepare the draft ordinance.

