

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 5, 2012**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at 7:00 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		Excused
Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Daniel Teefy	Present	
Ord. Chairman, William Sebastian	Present	
Solicitor, Amanda Doran	Present	
Planner, Tim Kernan	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 November 8, 2012. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

C.) PUBLIC PORTION

Cncl. Rich DiLucia made a motion to open the Public Portion. The motion was seconded by **Cncl. Walter Bryson** 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

- Chapter 135 "Signs"

Planner Tim Kernan explained the Ordinance Committee requested the Planning Board to review the sign ordinance due to their concerns over changeable copy signs. The Planning Board discussed the ordinance at their November 8th meeting and recommended the revisions addressed in Mr. Kernan's memo dated November 5, 2012. Mr. Kernan explained the recommended revisions include adding a section for changeable copy signs at the end of the ordinance and including language in the beginning dealing with where those types of signs are permitted and what size they can be. The amendment deletes the language in Section E "General Prohibitions", which prohibits those signs since they are now being allowed according to the very strict criteria found at the end of the chapter. Mr. Kernan noted while updating a sign ordinance for another community he did a lot of research through the US Sign Counsel as well as many organizations that deal with signs. He felt he did a good job crafting an ordinance that allows changeable copy/electronic messaging signs in residential areas, but it does not allow them to be obnoxious. The ordinance controls how frequently signs can change and there is still prohibition on twinkling and blinking that would be distracting to drivers. Cncl. Bryson questioned if this also covers large billboards with LCD lighting. Mr. Kernan replied no, billboards fall under a separate ordinance. Cncl. Sebastian suggested Council address them under the billboard ordinance since we have certain zones where billboards are permitted. Mr. Kernan referred to Section C. "Signs in Nonresidential Districts" (1) where he had added the language "including changeable copy signs" and noted that after reviewing it, he felt that language should be removed because it may encourage those signs plus Section (2) includes the language "may contain a changeable copy or electronic message center". Cncl. Sebastian polled Council and all those in attendance were in favor of moving the ordinance forward for First Reading with the changes proposed by Mr. Kernan.

- Small Wind And Solar Energy Systems

Planner Tim Kernan noted Council sent a draft ordinance dealing with solar and wind energy to the Planning Board for review and recommendation. The Board reworked that ordinance by utilizing some other formats that were done for other communities. Some things were removed, such as fees and the zoning permit procedure, as that procedure is already codified whether a person wants solar panels or a shed. He noted the Board discussed the ordinance on November 8th and is proposing that it address both solar and wind energy systems. The Board felt the three acre minimum imposed for solar systems would also be appropriate for wind systems and that the maximum height requirement be 150 feet. Cncl. Sebastian questioned what the maximum height was for a cell tower. Mr. Kernan replied it's within that 150 foot neighborhood and in Pinelands they may be capped at 120 feet. Cncl. Sebastian questioned whether wind systems should be consistent with the requirements of cell towers. Mr. Kernan explained while preparing solar and wind ordinances for other communities he looked at all available information and found that maximum height requirement is typical of the other towns. Some towns have graduated height requirements but they allow the systems to be put on lots less than three acres such as a one acre lot can have a

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D.) ORDINANCES FOR REVIEW (cont'd)

height requirement of 80 feet, a two acre lot 120 feet and three acres or more are capped at 150 feet. Wind turbines to get any results must be up in the air where the wind stream is so it may not even be feasible to erect one around here because the winds in this area of South Jersey are not good. **Cncl. Garbowski** questioned if the three acre minimum was for ground mounted solar panels and ground mounted wind turbines. Mr. Kernan advised that it was and that wind turbines are not permitted on buildings. **Cncl. Bryson** questioned whether if new technology becomes available where wind turbines are small enough to fit on a roof would a person be able to go before the Planning/Zoning Board for a variance. Mr. Kernan noted Home Depot currently sells Honeywell Wind Turbines that can be attached three feet off the roof of a house but he has specifically prohibited them in this draft ordinance because while they may generate a small amount of electricity, they can do more harm than good, as they vibrate and can shake a wood frame house apart. Mr. Kernan noted until those wind turbines are tested and the technology is perfected he would not recommend allowing them; however, if a person doesn't care if their house falls apart, they can apply for a variance. **Cncl. Rich DiLucia** questioned if solar panels were mounted on a roof, is the three acre lot still required and if the section in the ordinance dealing with glare from solar panels is just confined to ground panels or does it also include rooftop panels. Mr. Kernan replied the three acre requirement is only for ground panels and the requirement for glare only pertains to ground panels. The regulations for rooftop panels are only found in the first paragraph (*Section 5 (a)*). **Cncl. DiLucia** noted rooftop panels could also produce glare issues for neighboring homes and he felt they should also be addressed. Mr. Kernan also had some concerns with that issue and noted he hoped new technology would address glare. **Cncl. Bryson** explained the more glare there is the less affective the solar panel is because they are reflecting the energy, not absorbing it. **Cncl. Sebastian** suggested that the regulations for glare be the same for both roof mounted and ground mounted solar systems. Council discussed including language in the ordinance that would require documentation to be submitted with a permit application stating that panels will not produce glare. **Cncl. Sebastian** noted he didn't see anything in the ordinance that prohibited antennas from being installed on wind towers and he questioned whether language should be included to restrict those towers to just wind production. This issue was discussed and it was noted that antennas may cause interference in a wind system so it would be unlikely that anyone would install one on one of those towers. At this time **Cncl. Sebastian** opened the meeting up to the public to address their concerns regarding the proposed Wind/Solar Ordinance.

Robert Stapleton noted the ordinance prohibits wind turbines from being mounted to the roof but questioned if they could be mounted anywhere else on the house such as on the gable side. Mr. Kernan noted that language will need to be tweaked but the intent is that they are not permitted on the structure. Mr. Stapleton distributed information regarding new technology for wind/solar systems and spoke of how these systems are now so small that they can be placed on boats. He also noted glare is not a problem from rooftop systems, which are supposed to be built with non-reflective materials so they do not interfere and reflect up to pilots flying above them. Mr. Stapleton noted the ordinance does not address a commercial solar farm being installed next to residential properties and he questioned whether solar farms would be restricted to height and buffer requirements. Mr. Kernan noted the ordinance does

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D.) ORDINANCES FOR REVIEW (cont'd)

not distinguish between commercial or residential. This is the State's model ordinance for regulating small wind and solar energy systems and it allows for a maximum amount of electricity to be generated. A person installing a commercial system would need to go before either the Zoning or Planning Board for a site plan approval; they would not be able to just get a construction permit. The same buffers would apply unless there would be a greater setback or buffer in that particular district. Cncl. Sebastian explained the process for going before the boards and how residents within 200 feet are notified of an application going before a board. Mr. Kernan added the board has the discretion to look at the setback and what the buffering is from the property line to the panels in order to determine whether or not the impact would be detrimental. Cncl. Sebastian added the ordinance cannot be finite with commercial because no matter what is put on paper, it can be changed when it goes before a board. He gave the example of an applicant requesting a twelve foot array when the ordinance limits them to eight feet and explained that request would be granted by the board if the neighbors do not express concerns with it. Cncl. Teefy expressed his frustration that Council creates ordinances with certain standards but instead of following those standards the Zoning and Planning Boards changes them to what they want. He noted if he was on the Zoning Board and an ordinance required eight feet he would limit it to that because by law he can say no. Cncl. Sebastian explained by law the applicant's attorney has the right to prove the positive and negative criteria. If the board denies him, the matter goes to court, where the judge will say the board does not have the right to deny the application because the positive/negative criteria was proven. Mr. Stapleton noted if there are no minimum requirements for commercial applicant could request whatever they want and it couldn't be denied. Cncl. Sebastian added Council can make the height limit eight feet in all zones but no one should be surprised if it goes before a board and ends up being twelve feet.

Mary Cote referred to the 150 foot height limit for wind towers and noted she would like the ordinance to allow the maximum heights to be less than that like those in the Grenloch ordinance, which includes gradual heights of 50 feet on half acre lots, 80 feet on lots between one and three acres and 150 feet on lots of three acres or more. Cncl. Sebastian explained this ordinance is consistent with that, as it does not allow wind systems to be placed on lots less than three acres and small systems are prohibited from being placed on buildings. Applicants could put up a lower tower on three acres if they wanted to but they cannot go over 150 feet. Cncl. Bryson questioned if towers that tall would need a light on top to comply with FAA regulations. Mr. Kernan advised language is included in the ordinance that requires an applicant to find out if a light is needed based upon flight path and location. Cncl. Sebastian noted for safety reasons the Zoning Board requires lights on all towers regardless of their height and location because the township is serviced by medevac helicopters that do not follow specific flight paths. Cncl. Sebastian requested Mr. Kernan to make the minor changes discussed so the ordinance could be discussed at a future work session meeting rather than waiting until the February Ordinance Meeting.

- **Chapter 4-6 "Time and Date of Regular Council Meetings"**

Cncl. Sebastian noted at the last meeting Cncl. Pres., Caligiuri spoke to Council regarding changing Council meetings back to Mondays due to the conflicts that have occurred

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D.) ORDINANCES FOR REVIEW (cont'd)

with court being held on Tuesdays. He polled Council to get their feelings on changing the meeting days. All members of Council in attendance were in favor of moving the meetings to Monday night and requested the ordinance establishing meeting dates and times be forwarded for First Reading at the December 11th Council Meeting. A list of Monday night meeting dates for 2013 was distributed for Council to review and Cncl. Sebastian questioned whether Council wanted to hold a Regular Meeting on January 14th since the Reorganization Meeting was scheduled for January 8th. Cncl. Teefy felt the date should remain on the meeting schedule and advertised in case it was needed. He also requested a meeting be scheduled on Tuesday, May 29th since Memorial Day falls on the fourth Monday of May and there is only one meeting held in June, July and August. He felt there would be too long a period of time between the first meeting in May and the June meeting that is scheduled for the fourth Monday of the month. Cncl. Sebastian noted Cncl. Pres., Caligiuri asked him to find out the availability of Council members to attend a special meeting on Thursday, December 27th either during the day or in the evening to handle yearend financial matters. Cncl. DiLucia, Garbowski and Sebastian noted they could attend during the day. Cncl. Teefy indicated he is taking some time off from work and may be able to make it then and Cncl. Bryson noted he had to check his calendar. The special meeting date and time will be discussed again at the December 11th Council Meeting.

E.) MATTERS FOR DISCUSSION

• Planning Board Recommendation to Rescind Remcor Redevelopment Zone & Plan

Planner Tim Kernan noted many years ago Remington and Vernick prepared the Remcor Redevelopment Plan. That plan was amended when the Third Round Affordable Housing regulations came out and we needed sites for affordable units. Since that time Hargrove purchased and redeveloped the Remcor property but nothing has happened in the other areas of the pike or Main Street that are included in the plan, so there is no reason to keep it in place anymore. He noted since the zoning map is being updated to address the Acme Redevelopment area and Summerfields West it was the Board's recommendation to remove the Remcor Redevelopment Zone from the map now while it is being amended. He explained the Remcor Redevelopment Plan is dead and should be struck because the old Remcor site cannot be developed in accordance with the plan because of what Hargrove did and the homeowners in that redevelopment area now need to follow zoning regulations. Cncl. Sebastian questioned whether Council could rescind the Mink Lane Redevelopment Plan as well since the court ruled that area did not meet the requirements of a Redevelopment Zone. Mr. Kernan noted he would like to discuss that with Solicitor Fiore before any action would be taken to rescind it. Cncl. Garbowski questioned the status of the Mink Lane site; noting that Council has not received updates/reports on that for quite some time. Cncl. Sebastian advised testing was taking place on the landfill and only on the right-of-way of Ira Taylor's property because he would not give permission for them to go on his property to perform the testing. Mr. Kernan noted within a month of the judge's decision Ira Taylor requested it be a redevelopment zone with him as the developer; not Trevan Houser or anyone else. Cncl. Sebastian felt the Mink

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E.) MATTERS FOR DISCUSSION (cont'd)

Lane Redevelopment Plan should also be rescinded. Mr. Kernan agreed, but indicated he was not sure what the zone would go back to since there is a long history on that property. He spoke of how it was part of the Tanbark lawsuit, which took place in the early 90's and changed the zoning and gave the developer much more density. Ira Taylor purchased the Tanbark property approved for 118 townhouses and then purchased additional property in that area. The Tanbark decision only affects a portion of his property while the redevelopment plan includes all of it as well as the landfill. Mr. Kernan noted the judge didn't strike down the landfill portion of the Mink Lane Redevelopment Zone so the township can still negotiate with Land Resource Solutions (Trevan Houser), which means there are many issues to address before that plan can be totally stricken. Cncl. Bryson questioned how that area can be considered a redevelopment zone if there is no redeveloper assigned to it. Mr. Kernan explained an area can be declared in need of redevelopment and then it can just sit for years or a redevelopment plan can be fashioned and that can sit until the property owner wants to do something with it or the town goes out for an RFP for it. Cncl. Bryson questioned whether a developer must be assigned for it to be officially a redevelopment zone, which cannot be changed. He gave the example of the owner of the old Acme site soliciting a dollar store and noted that blew out the redevelopment plan for that side of the pike. Mr. Kernan explained it didn't blow out the Redevelopment Plan because it didn't affect the area. The judge ruled the dollar store was not in violation of the Redevelopment Plan, as they were not adding on or taking anything down; they were just changing the façade of the building and were not disrupting someone from fulfilling the Redevelopment Plan. Cncl. Bryson questioned whether there was any movement on redeveloping the old Acme site. Mr. Kernan noted the last he heard from the engineer representing the owner, was that he wants to come before the board to request apartments be built on the wooded area but that is what the proposed ordinance removes from the plan. Cncl. Bryson suggested bringing him in to discuss what the township would like to see at that location. Cncl. Sebastian spoke of attending a meeting with RD Management and the Mayor several years ago and how RD didn't want to hear any of their suggestions for the property. Cncl. Bryson noted he has rejected everything this town has offered. He questioned what could be done to force that developer to do something with his unsightly property, which people are complaining about. Cncl. Sebastian noted those people complaining should buy the property because the township cannot dictate to an owner what he can do with his property. Cncl. Bryson questioned than why did we spend money to create Redevelopment Plans that we have no intension of enforcing. Mr. Kernan explained because we are hopeful the owner will step forward and want to improve his center. Cncl. Sebastian added when Williamstown Square is completed the Acme site will increase in value and that's when the owner will move. At that time he will need to come before the Zoning Board, Planning Board or Redevelopment Committee but until that happens there is no way to force him to do something. Mr. Kernan noted his property can be condemned and the right-of-way can be taken for the extension of Main Street but he will need to be compensated for that. Cncl. Bryson questioned how RD could be stopped from building apartments, which would not be beneficial to that location. Mr. Kernan advised by amending the Acme Redevelopment Plan Council has stopped him from doing that and since Council owns the plan for that site, the property owner will need to negotiate with them for a redevelopment agreement. Mr. Kernan indicated he was not sure whether that would come after site plan approval, or at the same

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E.) MATTERS FOR DISCUSSION (cont'd)

time. Cncl. Bryson questioned whether DOT has approved the proposed changes to the intersection. Cncl. Sebastian explained the finalization of that deals with the deceleration lanes along the Black Horse Pike, which will encompass a portion of Dr. Mellish's property. Dr. Mellish is trying to resolve a problem with that property that involves a portion of the hotel parking lot showing within the rectangle property lines on his deed. He had plans drawn up for a new building and that will no longer fit on the property because of the parking lot. Dr. Mellish is holding this up because he wants to negotiate with Wainberg to have the entrance for his new building come in from Wainberg's parking lot since he will be unable to have an entrance from the pike due to the deceleration lanes. Without an entrance his property will basically be landlocked. Cncl. Sebastian noted the original plan called for the traffic signal to be at CVS but that didn't work out because of issues with RD Management. The Mayor said the light would be moved to Charm Road so they had to go back to DOT to change the plan to the new site but in doing that the deceleration lane is not in front of Wainberg's property, it's in front of Mellish's property. Currently Mellish has an attorney investigating how the hotel got a portion of his property, as there is no record of a subdivision and he is not releasing the right-of-way for the deceleration lane until he finds out what he can do with his property and whether he can get an easement through Wainberg's property to get an entrance to his. The discrepancy in the deed has nothing to do with Wainberg it just deals with the motel property. Cncl. Bryson expressed his concern that in the meantime Williamstown Square could fall through, as Wainberg has financial commitments and nothing is happening. He noted the State could take the property by eminent domain. Cncl. Sebastian referred back to the recommendation to rescind the Remcor Redevelopment Plan and polled Council to get their feelings on this issue. All were in favor of rescinding the Remcor Redevelopment Plan. Cncl. Sebastian noted he would check with the Mayor to find out what the latest report is on Mink Lane and whether Council should also seek to remove that as well. Cncl. Teefy suggested dividing the Mink Lane Redevelopment Plan to keep the landfill in the plan. Cncl. Sebastian noted the judge ruled the area cannot be a redevelopment zone but we need to find out whether just the landfill side can be a redevelopment zone and what the criteria is to allow that. He added we may be able to include the trucking company area as long as it is contiguous with the landfill because those areas are already included in the Mink Lane Redevelopment Zone. Then if Ira Taylor wants to do something he can go before the Board. He is the one who fought that it didn't comply with the requirements of a redevelopment zone and now he wants it to be one.

F.) NEW BUSINESS - None

G.) OLD BUSINESS

Cncl. Bryson questioned the status of his recommendations to amend Chapter 272 "Water". The Deputy Clerk advised Chapter 272 was originally scheduled for this meeting but Solicitor Fiore requested it be removed from the agenda as Cncl. Bryson was out of town and he wanted to speak to him about his recommendation before drafting the ordinance. Mr. Fiore noted he would discuss the changes with Cncl. Bryson upon his return and draft the ordinance

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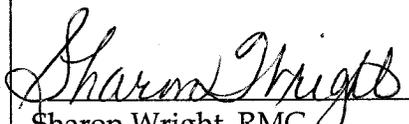
G.) OLD BUSINESS (cont'd)

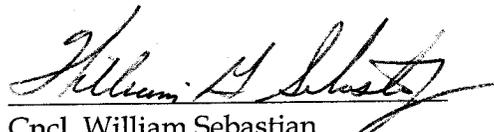
for the next Ordinance Committee Meeting. Cncl. Bryson noted Jerry Moore sent him emails relative to the information received from the DEP and stated in the email that he would cooperate in any way possible. Cncl. Bryson indicated he has the original Williamsburg Village water main plans if Council would like to review them. He noted his request is to extend the rights of the homeowners not included in the Spill Fund area, because right now, this ordinance forces them to hookup to municipal water if they sell or rent their properties. Cncl. Bryson noted he is asking that if wells are still good, residents out of the Spill Fund Zone not be required to connect to municipal water. Cncl. Garbowski noted if those wells go bad and there is a water main in front of the house that home must connect to municipal water according to the Plumbing Code. Cncl. Bryson noted if the MMUA had taken his and the other resident's advice, they would never have installed the water lines the way they did. The homes should have been treated with POET Systems until the entire development was contaminated because the numbers show using POET Systems would never have cost as much as installing the water lines. That didn't happen and then the MMUA changed the plan and installed the lines to Corkery Lane. The least they should have done for the fifteen homes not included in the Spill Fund area was to install connections in the street, as that would have saved those residents a lot of money if they connect in the future. Cncl. Bryson noted they never did because they said it was not included in the plan and for those reasons he is advocating changes to the ordinance for the protection of those residents.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Ronald Garbowski made a motion to adjourn the Ordinance Committee Meeting of December 5, 2012. The motion was seconded by Cncl. Daniel Teefy and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Sharon Wright, RMC
Deputy Clerk


Cncl. William Sebastian
Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of December 5, 2012 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted SW Date 2/6/13
Approved as corrected _____ Date _____