

TOWNSHIP OF WALL

ORDINANCE NO. 10-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL TO AMEND AND SUPPLEMENT CHAPTER 141 ENTITLED WEST BELMAR GATEWAY AREA REDEVELOPMENT PLAN TO ADD PROVISIONS ALLOWING AND REGULATING THE INSTALLATION OF SOLAR ENERGY SYSTEMS AS A CONDITIONAL USE IN THE WEST BELMAR GATEWAY AREA REDEVELOPMENT ZONE

WHEREAS, on July 19, 2018 Wall Township Accepted Bids in Response to a request for proposals (RFP) for Township-owned property within the West Belmar Gateway Redevelopment Area (WBGRA) known as Block 6 Lots 6, 7, and 12

WHEREAS, the RFP sought proposals for redevelopment of the site consistent with the township's Redevelopment Plan, as well as other goals and objectives set forth in the Township's Master Plan.

WHEREAS, there was only one (1) response to the RFP.

WHEREAS, the single response to the RFP was a proposal by Spano Partners Holdings (SPH) and Advanced Solar Products (ASP).

WHEREAS, said proposal was to install a low-profile solar PV system, which would be financed, constructed, owned and operated by SPH and ASP.

WHEREAS, Wall Township Municipal Code Chapter 141-2, "Adoption of Redevelopment Plan," references the West Belmar Gateway Area Redevelopment Plan, prepared by Cheryl Bergailo, P.P., AICP, Schoor DePalma, Inc, dated December 2003 (Redevelopment Plan); and,

WHEREAS, said plan, as amended, is the zoning ordinance for the Gateway Redevelopment Zone; and

WHEREAS, solar energy systems were not contemplated in the original redevelopment plan adopted in the 2003 Redevelopment Plan; and

WHEREAS, solar energy is an abundant, renewable and nonpolluting energy resource; and

WHEREAS, permitting the conversion of solar energy to electricity will help reduce dependence by Township residents and business owners on sources of energy that are nonrenewable and/or degrade air and water quality; and

WHEREAS, the more widespread use of solar energy systems will help to reduce peak power demands from the electric power grid and provide residents and business owners with an alternate source of power; and

WHEREAS, the use of alternative energy systems such as solar power helps to promote competition in the electricity supply market by promoting consumer choice and helping to control or even reduce the cost of electricity; and

WHEREAS, by utilizing creative design standards and addressing additional needs such as parking, conservation, streetscape design, and public spaces solar energy systems can be beneficial and compatible with the existing and future development of WBGRA; and

WHEREAS, the Township Committee finds that combining solar energy with creative design and civic uses in the WBGRA will advance several goals and objectives of the Master Plan while visually and productively protecting and enhancing the Route 71 Corridor for future development and redevelopment; and

WHEREAS, the Township Committee has determined that it is appropriate to provide standardized requirements for the location of energy systems as a permitted conditional use in the WBGRA so that this clean, renewable energy resource can be utilized effectively and without detriment to adjoining properties or the overall intent of the Gateway Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED by the Wall Township Committee of the Township of Wall as follows:

SECTION 1

The West Belmar Gateway Area Redevelopment Plan shall be amended as follows:

A. Definitions:

COLLECTOR SURFACE – Any part of a solar collector that absorbs solar energy for use in the collector’s energy transformation process. “Collector surface” does not include frames, support and mounting hardware.

PUBLIC USE – An area conveyed or otherwise dedicated to the Township, a municipal agency, the Board of Education, a federal, state, or county agency, or other public body for recreational, conservational, or public parking purposes.

RENEWABLE ENERGY FACILITY – A facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or other solar-based technology.

SOLAR COLLECTOR – A device, structure or part of a device or structure in which a substantial purpose is used to transform solar energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY – Direct radiant energy received from the sun.

SOLAR PANEL – A structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create usable electrical energy.

SOLAR ENERGY SYSTEM – One or more solar panels and all associated equipment involved in the conversion of solar radiation to electrical energy which functions as a principal use on the land on which such system is situated.

B. Solar Energy Systems as a Conditional Use

Solar energy systems shall be a permitted conditional use in the WBGR Zone pursuant to the following conditional use requirements:

1. Solar energy systems shall be permitted on public property only.
2. Sidewalks shall be installed along all street frontages.
3. Decorative streetscape lighting shall be installed along all lot frontages adjacent to Highway 71 utilizing the JCP&L Ornate Colonial Post Top-II SVL fixture or similar as approved by the Wall Township Planning Board.
4. Any property housing a solar energy system shall be safely secured by a fence with a minimum height of 6-feet to the satisfaction of the Planning Board.
5. The minimum solar panel front yard setback from Highway 71 shall be 80 feet.
 - a. The first 65 feet from Highway 71 shall be an uninterrupted area designated for public use.
 - b. A buffer shall be permanently established and maintained within the required 80-foot front yard setback to shield the solar energy system from view. Said buffer shall be of sufficient height and depth so as to effectively shield the solar energy system from public view year round within two growing seasons. Said

buffer may be within the area designated for public use if approved by the approving authority.

6. No solar panel shall exceed 36 inches in height above final approved grade.
7. The existing elevation of any land in the area used for solar energy systems shall not be altered by more than two feet by means of soil removal, fill, or grading except as necessary to provide for the proper placement, grading, and storm drainage for the solar field.
8. Solar energy systems must be entirely shielded from view on all sides adjacent to residential properties by a buffer at least 10 feet in width consisting of a fence and evergreen trees or shrubs and/or existing vegetation so as to effectively shield views of the solar energy system year round within two growing seasons.
9. All sides adjacent to railroad tracks are exempt from buffer requirements.
10. Solar collector equipment shall not be located within a front yard between any solar panel and a front property line.
11. All solar collector mechanical equipment related to solar energy systems shall be a maximum of eight feet above final approved grade.
12. All solar energy systems must comply with the noise and glare ordinances of the Township.
13. Decommissioning of the solar energy system must meet the requirements set forth in section 140-1391(B)(12).

C. Site Plan approval

A site plan application for a solar energy system shall address, and not be limited to, buffering, care and maintenance of all property associated with the installation, security, visual impacts, drainage, traffic to and from the site. Installations shall be subject to the following requirements:

1. To the extent reasonably possible, solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year round so that glare is directed away from adjoining properties and streets.
2. To the extent reasonably possible, solar energy systems shall be designed using such features as colors, materials, textures, screening and landscaping so as to blend into their settings and avoid visual blight. The solar energy systems shall remain painted or finished in the color or finish that was originally applied by the manufacturer. The exterior surface of any visible components shall be non-reflective, neutral color such as, grey, tan, or another non-obtrusive color. Finishes shall be matte or non-reflective.
3. Solar energy systems shall not be used for the display of advertising.
4. All solar energy system collector installations must be performed by a qualified solar installer, and prior to operation the electrical connections must be inspected by the Construction Office or other appropriate electrical inspection agency as determined by the Township. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.
5. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure meeting the requirements of the New Jersey State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the State of New Jersey and other applicable laws and regulations.
6. Clearing of natural vegetation for the installation of a solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the system and as otherwise prescribed by applicable laws, regulations and ordinances.
7. Any trees to be removed to accommodate the installation of a solar energy system shall be accompanied by a plan demonstrating the need to remove the trees. Any applicant shall locate a solar energy system so that tree removal is not required to the extent practical.

8. Any ancillary buildings and any outside storage associated with a solar energy system must, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment. Appropriate fencing, landscaping, or architecture shall be provided to screen accessory structures from roads and adjacent residences.
9. Solar energy systems shall otherwise comply with the general design standards and bulk requirements in the WBGR Plan and Wall Township Ordinance except where superseded by this Ordinance.

SECTION 3

Validity. If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

SECTION 4

All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION 5

This Ordinance shall take effect upon final passage and publication as provided by law.

Introduced on: September 23, 2020

Adopted: _____

Attest: _____

Roberta Lang, CRMC
Township Clerk

Approve: _____

Carl Braun
Mayor

SUMMARY AND NOTICE

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The purpose of this Ordinance is to amend the West Belmar Gateway Redevelopment Plan to permit solar energy systems as a conditional use in the West Belmar Gateway Redevelopment Zone; and to establish regulations for said systems to ensure that the installation and operation of solar energy collection systems is done in a manner that enhances and protects the Highway 71 corridor.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on September 23, 2020, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on October 28, 2020 at 7:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

**Roberta M. Lang, R.M.C.
Municipal Clerk**