

— ORDINANCE NO. 2008-08

AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF
OLDMANS, COUNTY OF SALEM, STATE OF NEW JERSEY, REGARDING WIND
ENERGY CONSERVATION SYSTEMS (WECS)

BE IT ORDAINED that Chapter 110 captioned "Land Use" shall be amended as follows:

Article VI of the Land Use Code captioned "Exceptions, Modifications and Development Alternatives", §110-41. Conditional Uses. shall be amended to add the following which shall be designated as §110-41C(7):

- (7) Wind Energy Conservation Systems (WECS).
- (a) WECS shall be permitted in AR (Agricultural Residential), R (Residential), C (Commercial), I (Industrial), C/I (Commercial/Industrial) districts, and Industrial park redevelopment areas;
 - (b) In addition to submission of the site plan checklist items required pursuant to the Land Use Ordinance, the following information shall be provided:
 - (i) Location and elevation of proposed WECS;
 - (ii) Location, dimension and type of existing structures and uses on the site;
 - (iii) Location of all above ground utility lines on site within the distance of the height of the WECS;
 - (iv) Zoning designation of the adjacent properties within a two hundred foot radius of the subject property.
 - (c) These conditions must be met when installing a WECS and which shall be provided to the Land Use Board and the Construction Official at the time conditional use approval and/or a building permit is sought:
 - (i) All WECS generators, alternators or other components shall be properly shielded and/or filtered so as to prevent the emission of radio-frequency energy which would, or may, cause any harmful interference with radio and/or television broadcasting or reception. Appropriate certified clearances must be provided, upon request, to the State, County, Local, and Federal agencies such as: the Federal Aviation Administration, Department of Defense, Department of Environmental Protection, Federal Communications Agency, and any other governing agency having appropriate interest and concern.
 - (ii) The maximum aggregate and/or sustained level of noise permitted, in any zone, due to the operation of a WECS shall not exceed 50 decibels, as measured on the standard dBa scale, measured at the property lines of the site.
 - (iii) The installation of WECS in commercial and agricultural

property zones must meet all of the above criteria, standards, and codes referred to, except for *back yard placements*. The installation of a WECS will not be granted approval if the structures or electromagnetic interference in any way jeopardize the safety of commercial and/or private aviation as may be the case for the Philadelphia International Airport and the Oldmans Township Airport.

- (iv) The WECS manufacturer shall document that a wind energy conversation system mode has operated safely in atmospheric conditions for a period of not less than three (3) months.
- (v) All electric lines/utility wires shall be buried under ground;
- (vi) The building permits for WECS shall be accompanied by calculations and certification by a professional engineer, licensed by the State of New Jersey, that all construction and foundations proposed shall sustain wind loadings of 115 miles per hour.
- (vii) Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed with a six-foot fence. The supporting tower shall also be enclosed with a six-foot fence unless the base of the tower is not climbable for a distance of 12 feet.
- (viii) The minimum distance between the ground and any part of the rotor or blade of the WECS shall be a twenty (20) feet, as measured from the lowest point of the arc of the blade.
- (ix) All WECS shall be located within the rear yard. The minimum setback of the tower shall be not less than 1.3 feet times (X) the height of the tower from any property line, inhabited structure, or right-of-way for any overhead electrical transmission or distribution lines. The foundations and guy wire anchors must comply with all applicable building codes.
- (x) The maximum height allowable shall be one hundred twenty (120) feet, unless otherwise prohibited by State or Federal statutes, or restrictions by any other governing agency having appropriate jurisdiction.
- (xi) The tower and generating unit shall be kept in good repair and sound condition as not to threaten the health and safety of any individual or animal.
- (xii) Upon abandonment of use, the tower and related structures (including all footings, guy wires, etc.) shall be dismantled and removed from the property within 60 days. A performance bond shall be posted to assure same.

Sections of Article IV of the Land Use Code captioned "District Regulations" shall be amended to add the following:

§110-16. AR Agricultural Residential District and R Residential District.

A.(11) Wind Energy Conservation Systems (WECS) in the AR and R Districts only as conditional uses under N.J.S.A. 40:55D-67 [See § 110-41C(7) for standards].

§110-18. C Commercial District.

A.(11) Wind Energy Conservation Systems (WECS) in the C Commercial Districts only as conditional uses under N.J.S.A. 40:55D-67 [See § 110-41C(7) for standards].

§110-19. I Industrial District.

A.(6) Wind Energy Conservation Systems (WECS) in the I Industrial District only as conditional uses under N.J.S.A. 40:55D-67 [See § 110-41C(7) for standards].

§110-20. C/I Commercial/Industrial District.

A.(8) Wind Energy Conservation Systems (WECS) in the C/I Commercial/Industrial District only as conditional uses under N.J.S.A. 40:55D-67 [See § 110-41C(7) for standards].

§110-20.1. Industrial park redevelopment area.

A.(9) Wind Energy Conservation Systems (WECS) in the Industrial park redevelopment area only as conditional uses under N.J.S.A. 40:55D-67 [See § 110-41C(7) for standards].

The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-62.1. Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Salem County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

All Ordinances or parts which are inconsistent with the provisions of this Amendment to an Ordinance, are hereby repealed to the extent of such inconsistency.

This Ordinance shall take effect immediately upon posting, publication and final passage in the manner prescribed by law.

If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Township of Oldmans, then the restriction which imposes the greater limitation shall be enforced.

If any section, paragraph, subdivision, clause or provision of this chapter shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the chapter shall remain in full force and effect.

ATTEST:

V. Susan Miller
V. Susan Miller, Clerk

OLDMANS TOWNSHIP

Harry A. Moore
Harry A. Moore, Mayor