

1. CALL TO ORDER

Mayor Mazza called the meeting to order at 7:00 p.m.

- 2. **"Sunshine Law" Announcement**-Adequate notice of this public meeting has been provided by Amended Annual Notice; published in the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.

3. FLAG SALUTE

4. ROLL CALL

	Present	Absent
Mr. Severino	X	
Mr. Hirt	X	
Ms. McBride	X	
Mr. Bischoff	X	
Mr. Mazza	X	

Also present: J.P. Jost, Attorney, Robert Clerico, Engineer, Grace Brennan, CFO, and Ella M. Ruta, Twp. Clerk

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular Session Meeting Minutes of October 7, 2015

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino					X	
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion carried

- b. Regular and Executive Session Meeting Minutes of October 21, 2015

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Ms. McBride					X	
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried

6. VISITORS

- a. Mike Furda – 10 Sam Bonnell Drive Union Hill Fire Victim – Voiced his anguish over the length of time it has taken to rebuild the Units destroyed in the fire that happened in November 2013. Asked the Committee help to resolve the matter by writing a letter to Code Enforcement Office. Mr. Bischoff said it appears there is a lack of communications among the Assn., contractors and the DCA.

MINUTES OF REGULAR MEETING November 4, 2015

- b. Claudia Rocca – 55 Sam Bonnell Drive, Homeowners' Assn. Board Member - Indicated the problem was with the Construction Office. Atty. Jost will write a letter addressing concerns about the lack of progress. The letter will be sent to appropriate parties.
- c. Gary Melillo – 2 Wolf's Farm Road – Voiced his discontent about the train whistles at the Jutland railroad crossing and the distress the whistles cause to nearby residents as they seek to enjoy the peace and tranquility of living in the area. Mr. Melillo had researched information pertaining to "quiet zones" and a process that involves the railroad and the DOT. Ms. McBride said the Committee had looked into the matter in the past. The cost was somewhat prohibitive. Atty. Jost said it could create a liability to the Township. Mr. Melillo had obtained calculations for the specific crossing. The Committee indicated a willingness to revisit the matter.
- d. Mike Gatani, 7 Everett Road – New Township resident – Concurred with Mr. Melillo regarding the whistles.
- e. State Trooper Brian Walsh – Addressed the train whistle issue. Mr. Walsh said there are cameras at the former Pattenburg Quarry and it has been noted there is a significant increase in the number of trains traversing the Township. He also said the State Police have been monitoring the Quarry site for ATV's, campfires, etc. Continuing to investigate theft of catalytic converters.

7. REPORTS RECEIVED - Acknowledged

- a. Road Dept.- Week Ending; 10/16/15; 10/23/15
- b. Engineer's Report
 - Country Acres Project – Essentially complete – Punch list to be prepared.
 - Baptist Church/Frontage Road Intersection – Provided Atty. Jost of sketch and recommendation for stop signs. To be discussed later tonight.
 - DOT Applications filed for Municipal State Aid.
 - Pilot Travel Centers. – Improvements are mostly completed. Waiting for As-Built Plans, after which time a final inspection would be made.
 - Thanked the Committee for their expression of condolences on the passing of his wife. Special thank you to Mayor Mazza for the moment of silence at the October 21, 2015 meeting.
 - Ms. McBride asked Mr. Clerico if Pilot had installed new entrance and exit signs. Mr. Clerico said he did not know. The As-Built Plans would provide that information.

8. CORRESPONDENCE / WRITTEN COMMUNICATIONSMs. McBride mentioned the following correspondence:

- Highlands Preservation Area Approval Application for the Archery and Education Training Facility. Asked Clerk to copy UTEC on letter. Atty. Jost will prepare a letter of response to the NJDEP. Mayor Mazza to sign the letter.
- Mentioned Resolution in support of Reduction of County Government. She indicated her opposition.

Mr. Bischoff mentioned the following correspondence:

- Senate Blocks Sanctuary City Mandate
- Sewer Contract Agreement with Town of Clinton will have a 7% Increase for Union Twp. Sewer Customers

9. PUBLIC COMMENTS

- Bob Wisnosky, PVFC Treasurer – Submitted folder with information requested by Marc Strauss to the Clerk and asked that she give it to him.

10. PUBLIC HEARING

**ORDINANCE 2015-4
AN ORDINANCE AMENDING THE CODE OF THE
TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY,
REGARDING VARIOUS FEES**

To Open Public Hearing

Voice Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried

To Close Public Hearing

Voice Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried

To Adopt on Second and Final Reading

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion carried

11. OLD BUSINESS - None

12. NEW ORDINANCE – None

13. NEW BUSINESS

a. The following resolution was introduced for adoption:

**RESOLUTION #2015-122
UNION TOWNSHIP; HUNTERDON COUNTY
EMERGENCY APPROPRIATIONS
COAH EXPENSES: \$60,000.00**

WHEREAS, an emergency has arisen with respect to COAH expenses; and

WHEREAS, adequate provision was not made in the 2015 budget for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A: 4-46 provides for the creation of emergency appropriations for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$60,000.00; and

WHEREAS, 3% of the total operations in the budget for the year 2015 is \$80,137.17

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2015

NOW, THEREFORE, BE IT RESOLVED that in accordance with N.J.S.A. 40A: 4-48:

1. Emergency appropriations be and the same are hereby made for COAH Expenses, in the amount of \$60,000.00;
2. That said emergency appropriation shall be provided in full in the 2016 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1);
3. That two (2) certified copies of this resolution be filed with the Director of Local Government Services.

Date: 11/04/15

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt	X		X			
Ms. McBride			X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion carried

b. The following resolution was introduced for adoption:

Resolution #2015-123

UNION TOWNSHIP, HUNTERDON COUNTY
APPROPRIATION TRANSFER(S)

Be it resolved by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2015 Appropriations in the following accounts:

TO: General Administration OE	10510020	\$ 5,000.00
Financial Administration OE	10513020	1,500.00
Legal Services	10515520	5,000.00
Buildings and Grounds OE	10531020	5,000.00
Maintenance of Parks OE	10537520	5,000.00

MINUTES OF REGULAR MEETING November 4, 2015

Total \$ 21,500.00

WHEREAS, the following account(s) have sufficient excess funds to meet such demands:

FROM:

Solid Waste Collection Sewer Rent 10530520 \$ 21,500.00
 Total \$ 21,500.00

BE IT RESOLVED that in accordance with the provisions of R.S. 40A: 4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried

c. The following resolution was introduced for adoption:

RESOLUTION APPOINTING - WITHDRAWN
David Apgar
230 MAIN STREET
HAMPTON, NJ 08827
PART TIME EMERGENCY SNOW PLOW STAFF

d. The following resolution was introduced for adoption:

RESOLUTION 2015-124
ESCROW REFUND
Carlos Elizondo
73 Race Street, Pittstown, NJ 08867
Block 25 Lot 2.01

WHEREAS, **Carlos Elizondo** did post an escrow account for a board application, #2015-001, and

WHEREAS, the application is completed and all invoices have been paid, and

WHEREAS, there is a remaining balance of \$1,440.00 in the escrow account

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$1,440.00 be refunded to Carlos Elizondo.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			

Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried

e. The following resolution was introduced for adoption:

RESOLUTION 2015-125

**EXCAVATION BOND REFUND
CRAIG S. NACE
35 FINN ROAD, HAMPTON, NJ 08827
BLOCK 28 LOT 20.02**

WHEREAS, Craig S. Nace posted \$500.00 for an excavation bond in regards to a project at 35 Finn Road, and

WHEREAS, Craig Nace has requested a refund of the bond, and

WHEREAS, the inspections are complete and the Certificate of Occupancy has been issued,

NOW, THEREFORE, BE IT RESOLVED, that the excavation bond of \$500.00 be released to Craig S. Nace.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion carried

14. REPORTS

a. **Attorney’s Report**

- **Baptist Church/Frontage/ Road Stop Sign Ordinance: Referenced diagram provided by Mr. Clerico. Atty. Jost asked for a motion to introduce on First Reading an Ordinance Amending Chapter 7, Traffic Code of the Township of Union, Hunterdon County, NJ regarding Stop Signs at the Intersection of Baptist Church and Frontage Roads.**

NOTICE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 4 day of November, 2015. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 2 day of December, 2015 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

DRAFT 10-5-15

ORDINANCE #2015-5

AN ORDINANCE AMENDING CHAPTER VII, TRAFFIC, OF THE CODE OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY REGARDING STOP INTERSECTIONS AT BAPTIST CHURCH ROAD AND FRONTAGE ROAD

BE IT ORDAINED, by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that the Code of the Township of Union, Chapter VII, Traffic, is hereby amended as follows: (additions ~~thusly~~; deletions ~~thusly~~)

1. Section 7-24, Stop Intersections, is hereby amended to read as follows:

7-24 STOP INTERSECTIONS

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

Intersection

Stop Sign(s) On:

Baptist Church Road
and Frontage Road East

Frontage Road East

Frontage Road West
And Baptist Church Road

Baptist Church Road

Frontage Road East
And Frontage Road West

Frontage Road West

- 2. **Severability.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause of provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.
- 3. **Repealer.** All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.
- 4. **Effective Date.** This Ordinance shall take effect after final passage, adoption and publication according to law.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			
Mr. Mazza	X		X			

Motion carried

Attest:

Ella M. Ruta, Clerk

Frank T. Mazza, Mayor

First Reading: November 4, 2015
Publication: November 12, 2015
Public Hearing: December 2, 2015
Final Publication: December 10, 2015

- Land Use Code Amendments: Atty. Jost said he incorporated comments from Planning Board Atty. Maziarz into the Ordinance.

Attorney Jost asked that the following Ordinance be introduced and adopted on First Reading:

NOTICE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 4th day of November, 2015. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 2nd day of December, 2015, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE 2015-6

AN ORDINANCE AMENDING AND CORRECTING VARIOUS PROVISIONS REGARDING DEFINITIONS, RENEWABLE ENERGY FACILITIES, ACCESSORY USES AND ZONING ENFORCEMENT OF THE LAND USE CODE OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that the Land Use Code of the Township of Union, Chapter XXX, LAND USE, is hereby amended as follows (additions thusly; ~~deletions~~ thusly):

1. Section 30-2, Definitions, is hereby amended as follows:

Floodplain. The definition of "Floodplain" is hereby amended as follows:

Floodplain shall mean:

1. A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; and/or
2. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

The boundaries of the floodplain are delineated on the Flood Insurance Study and the Flood Boundary and Floodway Maps. **An applicant shall designate the boundaries of a floodplain in accordance with N.J.A.C. 7:13.**

Home Occupation or Home Business. Add the following definition of “Home Occupation” or “Home Business”:

“Home Occupation” or “Home Business” shall mean as defined under Section 30-5.5 h.1., “H-1 Home Occupation”.

Mobile Home. The definition of “Mobile home” is hereby amended as follows:

Mobile Home shall mean:

1. Mobile Home: A transportable, ~~single family dwelling~~ structure intended for permanent occupancy, office, or place of assembly which is **constructed on a chassis contained in one (1) unit, or in and may be in one or more units** designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and which is constructed so that it may be used with or without permanent foundation. For the purposes of this ~~chapter~~ **definition**, travel trailers and campers are not considered as mobile homes **and shipping containers and storage containers such as “PODS” are considered as mobile homes.**

Residential Shed. The definition of “Residential shed” is hereby amended as follows:

Residential shed shall mean a building accessory to a detached dwelling unit which is utilized for the storage of tools, lawn and garden equipment and furniture and similar household items and personal property owned by the occupants of the detached dwelling unit. **For the purposes of this definition, travel trailers, campers, mobile homes, shipping containers and storage containers such as “PODS” are not considered as residential sheds.**

2. **Section 30-4, DISTRICT REGULATIONS.** The following incorrect references to Renewable Energy Facilities shall be corrected as follows:

- 30-4.1 a 1 (o) should read “(o) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.2 a 1 (p) should read “(p) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.3-1 a 1 (q) should read “(q) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.3-2 a 1 (q) should read “(q) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.4 a 1 (q) should read “(q) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.5 a 1 (x) should read “(x) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.6 a 1 (aa) should read “(aa) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.7 a 1 (r) should read “(r) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.8 a 1 (x) should read “(x) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.9 a 1 (jj) should read “(jj) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.10 a 1 (h) should read “(h) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.11 a 1 (l) should read “(l) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.13 a 1 (c) should read “(c) ~~H-12 F-6~~ Renewable energy facility, accessory use.”
- 30-4.15 a 1 (h) should read “(h) ~~H-12 F-6~~ Renewable energy facility, accessory use.”

MINUTES OF REGULAR MEETING November 4, 2015

30-4.17 a 1 (h) should read “(h) ~~H-12~~ **F-6** Renewable energy facility, accessory use.”

3. Section 30-4.5, Village Residential District, Subsection b, is hereby amended as follows:

b. *Table of Performance Regulations.* All regulations must be met. These regulations below may be less strict than the performance standards in Section 30-6, Environmental Performance Standards; however, where the environmental performance standards in Section 30-6 are more strict than the standards in this subsection, the environmental protection standards in Section 30-6 shall govern:

<i>Dwelling Type</i>	<i>Maximum Gross Density (DU/AC) (3)</i>	<i>Minimum Open Space Ratio</i>	<i>Maximum Impervious Surface Ratio</i>	<i>Minimum Gross Site Area</i>	<i>Minimum Lot Area</i>
VR Village Residential District					
Single-Family Detached	0.5	—	0.03 (4)	2 acres	2 acres
Single-Family Detached Cluster	0.6	0.25	0.25	15 acres	1.5 acres
Other Residential Uses (1)	1.65	—	0.25	4,500 sq. ft.	4,500 sq. ft. (2)
Other Uses	—	—	0.15	5 acres	5 acres (2)

Footnotes:

- (1) See subsection 30-6.5a,3 regarding common wastewater disposal systems on lots smaller than one and one-half (1.5) acres.
- (2) Or otherwise as required for each specific use in Section 30-5 herein.
- (3) In order to determine the FAR or density for a given site, multiply acreage by the ratio (density or FAR) to determine site's potential yield. The FAR or density yield also may be affected by other bulk requirements, such as impervious coverage, parking, etc.
- (4) Maximum impervious surface ratio of 0.03 or maximum impervious surface coverage of up to 2614 square feet as permitted within the setbacks, whichever is greater, for lots lawfully existing as of January 1, 2015.**

4. Section 30-5.5, Use Regulations, Subsection f. 6. (a) is hereby amended as follows:

- 6. F-6 Renewable Energy Facility.
 - (a) Solar and Photovoltaic Facilities.
 - (1) General Requirements. The following general requirements shall apply to solar and photovoltaic facilities, regardless of whether they are accessory or principal uses.
 - (i) Solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings.

MINUTES OF REGULAR MEETING November 4, 2015

- (ii) Ground-mounted solar facilities which are accessory uses shall not exceed an area of six thousand (6,000) square feet.
- (iii) Ground-mounted solar facilities which are principal uses shall not exceed fifty (50%) percent lot coverage.
- (iv) The following standard shall apply when a proposal for a ground-mounted solar facility exceeds a ratio of one to five (1:5) for the area which the facility is constructed and installed on to the area used for another purpose(s), or when the facility is constructed and installed on an area of ten (10) acres or greater, whichever is first applicable:
 - [a] The facility shall be principal use. Smaller facilities (pursuant to the above) shall be accessory uses.
- (v) All roof-mounted solar facilities shall be accessory uses.
- (vi) Solar facilities shall not be counted in the calculation of maximum lot coverage or maximum impervious cover, unless the area under the facility (excluding the footings) consists of an impervious material, such as pavement. Nevertheless, the design of the systems shall comply with all Township stormwater, grading, and soil disturbance regulations.
- (vii) Ground-mounted solar facilities contained within an area of one thousand (1,000) square feet (including the aggregate area of multiple systems) to ten (10) acres shall require minor site plan approval prior to obtaining a zoning permit; smaller systems shall not require site plan approval. Systems greater than ten (10) acres in size shall require preliminary and final site plan approval prior to obtaining a zoning permit.
- (viii) Solar facilities which generate more than one hundred twenty-five (125%) percent of the average energy demand for the property calculated over the past three (3) years shall require preliminary and final site plan approval.
- (ix) Solar facilities which ~~are accessory uses and which~~ generate more than one hundred twenty-five (125%) percent of the average energy demand for the property calculated over the past three (3) years ~~shall be prohibited~~ **are principal uses**.
- (x) Ground-mounted solar facilities greater than one thousand (1,000) square feet shall provide one or more of the following beneath the structures: meadow grasses or agricultural area for crops or grazing farm animals.
- (xi) Site disturbance including but not limited to, grading, soil removal, excavation, and soil compaction, including beneath a ground-mounted system, shall be minimized to the extent practical.
- (xii) Mounting of the solar structures shall be accomplished without the use of footings, concrete, or other impervious surfaces.
- (xiii) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and associated soil compaction.
- (xiv) Wooded sites may not be clear cut to construct renewable energy facilities.
- (xv) Applicants are encouraged to enter into solar easements with neighboring property owners in order to ensure continuing access to sunlight for solar facilities.
- (xvi) All electrical and control equipment shall be labeled and secured to prevent unauthorized access.

MINUTES OF REGULAR MEETING November 4, 2015

- (xvii) There shall be no signs that are visible from any public road posted on a solar facility or any associated building or structure, except for the manufacturer's or installer's identification, appropriate warning signs, or owner/ operator identification.
- (xviii) Noise generated by any portion of the renewable energy facility including inverters shall not exceed 55 dBA during the day and 40 dBA at night at the property line and shall not be audible within schools both public and private, within houses of worship, in neighboring day care facilities or residential dwellings.
- (xix) A permit issued pursuant to this ordinance shall expire if:
- [a] The solar or photovoltaic facility is not installed and functioning within twenty-four (24) months from the date the permit is issued; or
 - [b] The solar or photovoltaic facility is out of service or otherwise unused for a continuous 18-month period.
 - [c] A solar or photovoltaic facility that is out-of-service for a continuous 12-month period will be deemed to have been abandoned.
 - [d] The Township may issue a Notice of Abandonment to the owner of a solar or photovoltaic facility that is deemed to have been abandoned. The notice shall be sent return receipt requested.
 - [e] The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date.
 - [f] If the owner provides information that demonstrates the solar or photovoltaic facility has not been abandoned, the Township shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.
 - [g] If the Township determines that the solar or photovoltaic facility has been abandoned, the owner of the solar or photovoltaic facility shall remove the photovoltaic panels, inverters, inter-connection hardware, sub-stations, racking or mounting structures, fencing, and all other structures and equipment at the owner's sole expense within six (6) months after the owner receives the Notice of Abandonment.
 - [h] If the owner fails to remove the equipment in the time allowed under paragraph (h) above, the Township may pursue legal action to have the solar or photovoltaic facility removed at the owner's expense.
- (xx) Where site plan approval is required, in addition to those items required for an application to be deemed complete, a site plan application shall depict the following:
- [a] Location of proposed and existing overhead and underground utility and transmission lines.
 - [b] Location of any proposed or existing substation, inverter, transformer or equipment enclosures.
 - [c] Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
 - [d] Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user.
 - [e] For projects over two (~~2MW~~) megawatts, the location and elevations of all transmission lines, support structures and attachments to a substation(s).

MINUTES OF REGULAR MEETING November 4, 2015

- [f] Location of existing hedge-rows and vegetated wind-breaks.
 - [g] Landscape maintenance plan which demonstrates how the ground cover and screening plantings will be maintained.
 - [h] Decommissioning plan documenting how the property will be restored once the renewable energy facility has been removed and an estimate of the cost of decommissioning.
 - [i] Major site plan sub-missions shall include a glint and glare study documenting no adverse impacts on neighboring properties or rights-of-way.
 - [j] Major site plan applications shall include an acoustical analysis.
 - [k] For projects over two (~~2MW~~) megawatts, documentation detailing the available capacity of the existing electric infra-structure in the region and the amount of that capacity the project will absorb.
 - [l] For projects over two (~~2MW~~) megawatts. inter-connection agreement with PJM.
- (2) Principal Use Requirements. The following requirements shall apply to solar and photovoltaic facilities where they are conditional principal uses **considered to be solar farms**.
- (i) The site shall not be located in an Agricultural Development Area (ADA) or the property shall be the subject of a development approval whose vested rights may or may not be valid.
 - (ii) Minimum lot size shall be twenty (20) contiguous acres.
 - (iii) The following setbacks shall apply to ground-mounted systems:
 - [a] Front Yard: 100 feet.
 - [b] Side Yard: 50 feet, or not less than 100 feet where a lot abuts a residential district.
 - [c] Rear Yard: 50 feet, or not less than 100 feet where a lot abuts a residential district.
 - [d] Substations shall be setback a minimum of 150 feet from a property line.
 - (iv) The following minimum screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate, to the satisfaction of the approving Board, that the proposed screening provides a year round visual screen of the facility from neighboring residential proper-ties. Additional screening may be needed to meet this requirement or the design and location of the solar facility shall be revised to mitigate the visual impact upon the neighboring residential properties.
 - [a] Neighboring residential uses shall be defined for this purpose as those properties which abut the subject site, those properties which are located directly across the street from the subject site or, in the case of hillsides or mountainsides overlooking the subject site, properties within 500 feet of the subject site.
 - [1] The proposal shall comply with the Buffer Yards Requirements in sub-section 30-7.4. Regardless of adjoining land uses, the proposal shall comply with subsection 30-7.4.b.1.
 - [b] Substations and other associated transmission structures shall be screened with a double row of evergreen plantings with a minimum height of eight feet.
 - [c] Existing hedgerows or vegetated windbreaks that provide screening of the subject site from neigh-boring properties shall be retained and augmented unless waived by the approving Board.

MINUTES OF REGULAR MEETING November 4, 2015

- (v) Fencing shall be required at a height of six (6') feet on non-residential properties where deemed by the approving Board to be necessary for health, safety or welfare.
 - (vi) Ground-mounted systems shall not be located in wetlands, floodplains, riparian areas, historic districts, or viewshed corridors and shall be subject to all New Jersey Department of Environmental Protection regulations and permitting.
 - (vii) Ground-mounted systems shall not be located on properties with greater than twenty-five (25%) percent prime agricultural soils.
 - (viii) Sites shall not be clear cut to construct solar facilities.
 - (ix) In order to support the goal of providing for large contiguous tracts of farmland within the Township grid-scale renewable energy facilities shall not be located on lots which are adjacent to preserved farmland.
- (3) Accessory Use Requirements. The following requirements shall apply to solar and photovoltaic facility accessory uses whether they are residential scale renewable energy facilities or accessory to commercial uses.
- (i) Solar and photovoltaic panels shall be permitted to be mounted to principal and accessory structures and buildings or ground mounted.
 - (ii) A zoning permit must be issued for all systems.
 - (iii) Roof-mounted systems shall be mounted generally parallel to the roof angle and shall not exceed a height of twelve (12") inches above the roofline and shall not extend above the ridge of the roof. Notwithstanding, systems shall not exceed the maximum building height in the zone district.
 - (iv) Ground systems shall meet the side and rear yard setback standards for accessory structures in the zone which the structure is located.
 - (v) Ground systems shall not be located between a building line and a public street (i.e. ground systems shall not be located in a front yard.
 - (vi) Ground-mounted systems contained within an area of one thousand (1,000) square feet or greater shall be screened from public rights-of-way and residential uses. A solid screen of plantings shall be provided along rights-of-way and plantings or a solid fence shall be provided along property lines shared with a residential zone district. The minimum height of the screening shall be five (5) feet. Existing vegetation shall be retained to the extent practical.
 - (vii) Roof-mounted systems shall not be located facing the street.
- (4) Farm Scale Renewable Energy Generating Facilities, Solar. These conditions relate to farm scale solar applications whether they are non-preserved farms or preserved farms.
- (i) Ground-mounted systems which are rated to generate ten (10 ~~kW~~) kilowatts of electricity or greater shall require minor site plan approval prior to obtaining a zoning permit. Systems covering greater than ten (10) acres are prohibited.
 - (ii) On nonpreserved, agriculturally-assessed farms, ground-mounted facilities shall be permitted on a farm management unit at a ratio of one (1) acre devoted to the solar facility to five (5) acres devoted to agriculture (~~approximately seventeen (17%)~~ **sixteen and two-thirds (16 2/3)** percent) or a maximum of ten (10) acres taken out of agricultural production whichever first applies. This area shall be calculated including required roadways and buffers. In no case shall a facility be rated to generate more than two (~~2MW~~) megawatts of electricity.

MINUTES OF REGULAR MEETING November 4, 2015

- (iii) A preserved farm renewable energy generating facility shall be permitted at a scale of energy production not to exceed one hundred ten (110%) percent of the previous year's energy demand for the farm management unit or may cover a maximum of one (1%) percent of the total acreage of the farm management unit whichever is greater. In no case shall a facility be rated to generate more than two (2-~~MW~~) megawatts of electricity.
- (iv) Ground-mounted farm scale facilities which are to be located as accessory uses on agriculturally-assessed farms or preserved farms shall be placed as far from public rights-of-way and viewsheds in the most visually remote areas as possible.
- (v) All farm scale solar energy generating facilities shall comply with the State Agricultural Development Committee (SADC) agricultural management practice for solar energy generation. The SADC has established an agricultural management practice (AMP), or standards, which commercial farms must meet to be eligible for right-to-farm protection for the on-farm generation of solar energy. This rule was required to implement legislation that extends the protections of the Right to Farm Act to the generation of solar energy on commercial and preserved farms within certain limits. The rule can be found on the SADC website at <http://www.state.nj.us/agriculture/sadc/ruleprop/>.
- (vi) In no case shall such facilities be located closer than three hundred (300') feet to any residential improvement on an adjacent lot.
- (vii) The energy generating facility location shall avoid prime agricultural soils.

5. Section 30-5.5 Use Regulations, Subsection h., Accessory Uses. The H-1 use as regulated by 30-5.5 h.1. is hereby amended as follows:

h. Accessory Uses

1. H-1 Home Occupation. This use shall include ~~such home occupations as the professional practice of architecture, accounting, law, engineering, clergyman, planner, realtor, teacher, family day care, telecommuting and/or other similar occupations~~ **any activity carried out for gain by a resident and carried out within the resident's dwelling** unless otherwise indicated herein provided:

- (a) The home occupation shall be accessory to a residence and carried on wholly indoors and within a dwelling or other structure accessory thereto unless provided herein.
- (b) There shall be no use of show windows, display, or advertising visible outside the premises, except as provided for signs in Section 30-8, herein.
- (c) There shall be no exterior storage of materials, **equipment or vehicles other than employee, visitor and resident parking, visible from any property line. Any home occupation that requires exterior storage of materials, equipment, or vehicles must be reviewed by the Planning Board prior to the issuance of an occupancy permit.**
- (d) In no way shall the appearance of the residential structure be altered or the occupation within the residences be conducted in a manner which would cause the premises to differ from the residential character by the use of colors, materials, construction, lighting, show windows or advertising visible outside the premises to attract customers or clients, other than those signs permitted by Section 30-8 in this chapter.
- (e) No articles shall be sold or offered for sale **at the premises** except such as may be produced on the premises.
- (f) Servicing by commercial vehicles for supplies and materials shall not be permitted.

MINUTES OF REGULAR MEETING November 4, 2015

- (g) The home occupation shall be carried on only by inhabitants of dwelling and not more than ~~one~~ two (+2) additional employees.
- (h) The floor area devoted to a home occupation shall not be more than twenty-five (25%) percent of the ground floor area of the principal residential structure, or four hundred (400) square feet, whichever is less.
- (i) The use shall not include the following: animal hospital; barber shop and beauty parlor; commercial stable and kennel; funeral parlor and undertaking establishment; ~~antique shop~~; tourist home; restaurant; rooming, boarding, and lodging house; and medical and dental office, clinic, and hospital.
- (j) Parking. No more than two (2) additional off-street parking spaces shall be provided in addition to those required for normal residential use. Such parking shall be provided on the lot of the residence.
- (k) Family day care as defined herein is permitted as a home occupation provided:
- (1) Said use is located within single-family detached, semi-detached or attached dwellings only.
 - (2) Said use is exempt from paragraph (h) above provided that an indoor play area of at least fifty (50) square feet per child shall be provided and said area shall not include bedroom areas and a maximum of twenty-five (25%) percent of said requirement may be provided in an eat-in kitchen.
 - (3) After providing for the indoor play area, the remaining portion of the dwelling shall contain a minimum of eight hundred (800) square feet that is solely devoted to residential use.
 - (4) A minimum outdoor play area of at least one hundred (100) square feet per child shall be provided in the rear yard of the subject lot and said play area shall be enclosed with a forty-eight (48") inch high fence when located within twenty-five (25') feet of a street.
 - (5) In addition to the required off-street parking for the residential use, one (1) off-street parking space shall be provided for each nonresident employee and the lot shall have adequate street frontage or additional temporary off-street parking to provide for the drop-off and pickup of children without adversely affecting adjoining properties.
- (l) Accessory home offices ~~such as the residential office of a realtor, insurance salesman, other salesman, physician, lawyer, dentist, or other licensed professional of like character~~, shall be permitted provided:
- (1) The area devoted to the permitted professional use shall be located within either the practitioner's dwelling or a building accessory thereto.
 - ~~(2) There shall be a minimum site area of one and one half (1 1/2) acres.~~
 - ~~(3)~~ (2) The floor area devoted to such professional use shall be equivalent to not more than twenty-five (25%) percent of the floor area covered by the practitioner's dwelling.
 - ~~(4)~~ (3) Not more than three (3) employees, assistants, or associates, in addition to the resident practitioner, shall be employed on the premises.
 - ~~(5)~~ (4) No external alterations shall be made which involve construction features not customary to dwellings.
 - ~~(6)~~ (5) No signs shall be permitted, except as provided for in Section 30-8 herein.

MINUTES OF REGULAR MEETING November 4, 2015

- (76) Parking. No more than two (2) off-street parking spaces in addition to spaces otherwise required. Any use that requires off-street parking must be reviewed by the Planning Board prior to the issuance of an occupancy permit.

6. Section 30-12, ENFORCEMENT is hereby amended to read as follows:

30-12 ENFORCEMENT.

30-12.1 Application of Regulations.

- a. Hereafter, no land shall be used or occupied, and no building or structure shall be erected, altered, used or occupied except in conformity with the regulations herein established for the district in which such land, building, or structure is located.
- b. In cases of mixed occupancy, the regulations for each use shall apply to the portion of the building or land so used.
(Ord. No. 85-9, §1200)

30-12.2 Zoning Officer.

- a. *Appointment and Qualifications.* The provisions of this chapter shall be administered and enforced by the Zoning Officer with the aid of the governing body and other municipal agencies. The Zoning Officer shall be appointed and compensated by the governing body and shall not hold any elective office in the municipality.
- b. It shall be the duty of the Zoning Officer and said officer shall have the power to:
 1. Receive and examine all applications for zoning and other development permits.
 2. Process zoning permit applications for all uses as enumerated in Section 30-5 as permitted within the applicable districts. Where required, applications shall be forwarded to the Planning Board, Construction Official, Township Engineer, and Board of Adjustment for approval or disapproval.
 3. Review applications for zoning and other development permits for erection or alterations of structures or changes of use in order to determine whether such construction or use is in accordance with general requirements of the chapter, all other applicable ordinances, and the laws and regulations of the State of New Jersey. Permits for construction of uses requiring a use variance shall be issued only upon order of the Board of Adjustment. Permits requiring conditional approval by the Planning Board shall be issued only after receipt of approval from the Planning Board.
 4. Conduct inspections and surveys of uses, structures, lots, and signs to determine compliance or noncompliance with the terms of this chapter. In carrying out such surveys, the Zoning Officer or his representative may enter upon any land but shall in all cases notify the property owner or other party in possession, in advance, of his intention to enter any dwelling house, unless he shall first have secured a search warrant.
 5. Issue stop, cease, and desist orders; and order in writing correction of all conditions found to be in violation of the provisions of all applicable municipal ordinances. Such written orders shall be served personally or by certified mail upon persons deemed by the Zoning Officer to be violating terms of this chapter. It shall be unlawful for any person to violate any such order issued lawfully by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this chapter.
 6. With the approval of the governing body, or when directed by them, institute in the name of the municipality any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, occupancy, or use of any building,

MINUTES OF REGULAR MEETING November 4, 2015

structure, or land in order to restrain, correct, or abate such violation, so as to prevent such occupancy or use of any building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises **and to do all things necessary to pursue the prosecution of said violation(s).**

7. With the approval of the governing body, or when directed by them, institute in the name of the municipality a citation for a violation of this chapter before the Municipal **Judge Court, and to do all things necessary to pursue the prosecution of said violation(s).**
8. Revoke any order or zoning or development permit issued under a mistake of fact or contrary to the law of the provisions of this chapter.
9. Record and file in the municipal building all applications for zoning and other development permits with accompanying plans and documents. All applications, plans, and documents shall be public record.
10. Maintain a map showing the current zoning classification of all land which shall be posted at the municipal building.
11. Maintain a map and register showing the registration, identity, location, and type of all nonconforming uses and structures, which shall be posted at the municipal building.
12. Be available to testify in all proceedings before the Board of Adjustment; present facts and information to assist the Board in reaching a decision.
13. Keep a record of all plans and applications for permits and all permits issued, with notations as to special conditions attached thereto.
14. Review final site plans for issuance of building and zoning permits. However, the Zoning Officer, at the time of application for a permit may not approve minor variations in the final site plan. Site plans involving such variations shall require Planning Board review of the change and a determination by the Board that the change does not affect the basic considerations of site plan review.
(Ord. No. 85-9, §1201; Ord. No. 2001-8, §11)

15. Receive, review, process and approve or disapprove in a timely manner applications for zoning clearance/local approval for construction permits to be issued by the Township Construction Official and/or New Jersey Department of Community Affairs. Applications with supporting documentation and plans may be forwarded by the Zoning Officer to the Township Engineer as may be required or appropriate.

30-12.3 Zoning Permits Required.

a. *Use Permits.*

1. Requirement of Use Permits. It shall be unlawful for any person to make any use of any building, farming unit, or other structure or land until a use permit has been duly issued therefore. Use permits shall be required prior to any of the following:
 - (a) Use of any building or other structure hereinafter erected, altered, or enlarged for which a **construction building** permit or frontage improvement plan is required;
 - (b) Change in use in any building or structure;
 - (c) Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a use or occupancy permit;
 - (d) Change in the use or expansion of a nonconforming use.

MINUTES OF REGULAR MEETING November 4, 2015

2. Applications for Use Permits. All applications for use permits shall be made to the Zoning Officer in writing on forms furnished by the municipality and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this chapter. Whenever the use of a premises involves a new building or structure or alterations to an existing structure, application for a use permit shall be made prior to application of a building permit. When no construction or alteration is involved, application for a use permit and an occupancy permit may be made simultaneously at any time prior to the use or occupancy of the structure or land.
 3. Issuance of Use Permits. No use permit shall be issued until the Zoning Officer has certified that the proposed use of land or existing or proposed building or structure complies with the provisions of the applicable district and other provisions of this chapter. Issuance of a use permit does not permit occupancy; an occupancy permit is also required.
 4. Fees for Zoning Permit. The application fee for a Zoning Use Permit shall be ~~twenty five (\$25.00) dollars~~ **in accordance with the fee schedule herein.**
- b. **Building Construction Permits.**
1. Requirement of **Building Construction** Permits.
 - (a) ~~Building Construction~~ Without a Permit Unlawful. **Local clearance by the Zoning Officer for a ~~A~~ building construction permit shall be required prior to the erection, alteration, or enlargement of any building, other structure, or portion thereof. It shall be unlawful for any person to commence work for the erection, alteration, or enlargement of any building, structure, or portion thereof until a zoning permit (local clearance) has been duly issued therefore, prior to the issuance of a construction permit pursuant to the New Jersey Uniform Construction Code.**
 - (1) **Provisional Approval For Alterations. Local zoning clearance for alterations in residential one-family structures, including plumbing, electrical work, etc., may be provisionally obtained upon the certification of the owner or owner's authorized applicant, by completion and signing of a prescribed form from the zoning office website or the municipal building, and the filing of the original of same with the Zoning Officer, by fax, e-mail or other delivery, together with the applicable fee, if any, and a copy thereof with the local construction official. Provisional local clearance shall be sufficient authority for the construction official to issue construction permits for alterations; however, if the Zoning Officer subsequently determines that the said zoning certification was incomplete, incorrect or contrary to the provisions of law, the Zoning Officer may revoke the local clearance for such alteration(s).**
 - (b) Nonresidential Farm Buildings. A nonresidential farm building requires an application for a building permit. However, if a nonresidential farm building is to be placed more than one hundred fifty (150') feet from any road or property line, if the proposed construction is found by the municipality to be outside the floodplain, and, if a permit has been applied for, no building requirements other than yard requirements need be complied with.
 2. Application for Construction Permit. All applications for **local clearance for** construction permits shall be made to the ~~Zoning Officer Construction Official~~ in writing on a form furnished by the municipality and shall be accompanied by a plot plan drawn accurately showing the exact size and location of any buildings or other structures existing on the lot in question or upon abutting land within one hundred (100') feet of the side and rear lines of such lot and the lines within which the proposed building or other structures shall be erected, altered or enlarged. The plot plan shall also indicate the location of any existing easements on the property, including but not limited to utility, drainage, conservation, landscape and rights-of-way, as well as the location of all natural resource areas defined in subsection 30-6.4b. There shall in addition be included with all applications such

MINUTES OF REGULAR MEETING November 4, 2015

other plans, documents, and information as may be necessary to enable the Zoning Officer Construction Official to ascertain compliance with this chapter, ~~the Uniform Construction Code~~ and all other pertinent ordinances, including Section 13-2.16 of the Union Township Code relating to driveways.

3. Issuance of ~~Construction~~Building Permits. Before a zoning, use or local clearance for construction building permit is issued for a new building or for an extension or relocation of an existing building or before zoning approval is issued for any a permit is issued required for the installation of any improvements required by this chapter or by a subdivision or site plan approved by the Planning Board, a licensed engineer or land surveyor shall visibly locate the building or improvements together with the lot lines of the intended site for inspection by the Zoning Officer Construction Official. The ~~Zoning Officer Construction Official~~ shall ascertain that all requirements of this chapter and/or the approved plot plan are complied with before issuing local clearance for a building construction permit.
4. After completion of foundation for new buildings, a location survey shall be made by a land surveyor to ascertain the exact location of the structure and driveway in respect to lot lines.

c. *Occupancy Permits.*

1. Requirement of Zoning Occupancy Permits. It shall be unlawful for any person to occupy any building, farming unit, or other structure or land under any of the conditions listed below until a zoning occupancy permit has been duly issued therefore. Occupancy permits shall be required prior to any of the following:
 - (a) Occupancy of any building or other structure hereinafter erected, altered, or enlarged for which a building permit is required;
 - (b) Change in use of any building or structure;
 - (c) Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require an occupancy permit.
 - (d) Change in the use or expansion of a nonconforming use.
2. Application for Occupancy Permits. All applications for occupancy permits shall be made to the Zoning Officer in writing on forms furnished by the municipality and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this chapter. When use of premises involves a new building or structure, application for a use permit and local clearance for a use permit, then a building construction permit shall be made prior to application for an occupancy permit. When no alteration or construction is involved, application for a use permit and an occupancy permit may be made simultaneously at any time.
3. Issuance of Occupancy Permits. No land, or building or structure erected pursuant to obtaining a use permit and/or ~~building~~ local clearance for a construction permit shall be occupied until inspected and certified as to compliance with all zoning, erosion and sedimentation control, final grading, construction, safety, and sanitary ordinance, codes, and regulations, and until an occupancy permit has been issued by the Zoning Officer. Prior to, and as a condition of, the issuance of an occupancy permit for new residential construction, the Zoning Officer shall require that all easements shown on the final subdivision plan for the property in question are recorded against the property. No local clearance for a construction building permit shall be issued for a single-family residential dwelling served by a well unless the well is certified to produce six (6) gallons per minute over a three (3) hour period by the well driller.
4. Issuance of Temporary Occupancy Permits. Approval for a ~~A~~-temporary use or occupancy permit may be granted for a period not to exceed ninety (90) days prior to completion of construction,

MINUTES OF REGULAR MEETING November 4, 2015

provided that all structural work is completed, all permits relating to sewage and water have been obtained and filed with the municipality and all permit fees have been paid, and provided further that the person seeking the temporary use and occupancy permit posts with the municipality pursuant to an escrow agreement in a form satisfactory to the Township Attorney, sufficient funds to complete the construction, grading, etc. **and provided further that the applicant has complied with the requirements of Section 13-2.16 of the Union Township Code relating to driveways.**

5. Fee for Occupancy Permit. The application fee for an occupancy permit shall be ~~twenty-five (\$25.00) dollars~~ **in accordance with the fee schedule herein.**

d. *Certificate of Occupancy.*

1. Applicability. Prior to the change in use or occupancy of any commercial or industrial use within the Township, the owner of record or with the written authorization of the owner, shall apply for and receive a change of use and/or occupancy permit from the Township Zoning Officer.
2. Procedure. The owner/applicant in requesting a change in use or occupancy permit shall supply and certify to the satisfaction of the Zoning Officer the following information:
 - (a) The names, addresses and telephone numbers of the proposed owners and tenants of the premises;
 - (b) The type(s) and brief description(s) of the proposed use of the premises including:
 - (1) The size in square feet of all use areas on the premises. In the event that more than one use is located on the premises (i.e. manufacturing with office space) all use areas shall be separately indemnified;
 - (2) Number of employees;
 - (3) Hours of operations;
 - (4) Current parking available on-site;
 - (5) Location and size of signage; and
 - (6) Identification of any hazardous materials stored or used on-site.
 - (c) The proposed use of the premises including the provisions of paragraphs d.2.(b)(1) through d.2.(b)(6) above.
 - (d) Certification that all municipal taxes and all other applicable fees and charges are current on or in regard to the subject premises.
3. Administration. The Zoning Officer upon application for a certificate of occupancy permit should:
 - (a) Review the Township's land use, building, and other applicable records to determine compliance with the Land Use Code;
 - (b) Review the most recent approval resolution of the Planning Board or Board of Adjustment as the case may be and insure compliance therewith;
 - (c) Verify that the parking, signage and other requirements of the Land Use Code and prior approvals are being met by inspection, if deemed necessary by the Zoning Officer;
 - (d) Verify that all fees and taxes for the subject property are current;
 - (e) Upon compliance with the Land Use Code and other applicable regulation, issue a certificate of use and occupancy permit. In issuing a permit, the Zoning Officer may attach any reasonable conditions as may be deemed appropriate to insure continued compliance with the Land Use Code.

MINUTES OF REGULAR MEETING November 4, 2015

- (f) Verify receipt of application fee in accordance with **the fee schedule herein.** Fee of twenty-five (\$25.00) dollars, unless otherwise established by the Township.

e. *Use and Occupancy Permits for Mining Extraction.*

1. Requirement for Such Permits. No extraction shall commence or continue on a site within a district in which operation of a quarry is permitted unless a use and occupancy permit has been duly issued. Therefore, such permit shall be required prior to any of the following:
 - (a) The removal or extraction of clay, rock, sand, or minerals;
 - (b) The process of crushing or grading stone, sand, clay, or other materials.
 - (c) The leaching of minerals from clay, rock, or sand;
 - (d) The use of any portion of the site for truck loading and unloading of clay, rock, sand, or minerals; and,
 - (e) The stockpiling of stone, sand, clay, or other materials.
2. Application for Such Permits. All applications for such permits shall be made to the Zoning Officer in writing to ascertain compliance with this chapter.
3. Issuance of Such Permits. No such permit shall be issued until the Zoning Officer has received the following:
 - (a) A copy of all reports and permits, except for financial and test bore data, as required by the New Jersey Bureau of Mines. Such reports and permits shall have been submitted and/or issued within one (1) year of the date of application for such a permit.
 - (b) A contour plat, drawn to a scale of one hundred (100') feet to the inch and contour intervals of five (5') feet showing:
 - (1) The legal outbound as described in the deed and all adjacent tax parcels;
 - (2) The zoning district boundary lines;
 - (3) The existing excavation pit, if applicable, and proposed location and extent of the pit or lake;
 - (4) The location of all existing and proposed overburden;
 - (5) The location of all structures, including all residences on adjacent parcels;
 - (6) All setback and yard requirements;
 - (7) All existing and proposed access points and internal circulation; and,
 - (8) A reclamation plan.
 - (c) A copy of the current, valid quarrying license issued in accordance with Section 20-1 of the Union Township Land Use Code, regarding licensing of quarrying.
4. Annual Renewal of Such Permits and Fees.
 - (a) All quarries, whether or not such quarries have been in operation prior to the adoption of this chapter, must renew the use and occupancy permits for mining extraction and pay an annual fee to the municipality before April 15 beginning the year following the year in which a permit for the operation of a quarry has been secured.
 - (b) The application for an annual permit shall be in accordance with subparagraph 3. above.

MINUTES OF REGULAR MEETING November 4, 2015

- (c) Upon receiving such application the Township Engineer shall inspect the site to determine that the operation is in conformance with the Bureau of Mines permits and reports, and the required setbacks and all other provisions of this chapter. The Township Engineer shall submit his written findings to the governing body. If the governing body finds that the application for an annual permit conforms with this chapter, an annual use and occupancy permit for mining extraction shall be issued. If the governing body finds that the application does not conform with the requirements of this chapter, the governing body shall authorize the Zoning Officer to issue a cease and desist order as provided within this chapter until such violation is corrected.
- f. *Sign Permit.* Every new sign shall have a permit indicating compliance with the requirements and regulations of this chapter and other applicable codes and ordinances, including the Sign Regulations of the Township of Union, Section 30-8 of the Union Township Land Use Code. No sign, except for those exemptions designated below, shall be constructed or altered until such a permit has been issued.
1. Exemptions. Any sign listed in exempt signs in Section 30-8.7 herein shall be exempt from the requirements for a sign permit, provided that they conform to the requirements and regulations of this chapter and have no electrical parts or usage.
 2. General Regulations.
 - (a) Any sign within an historic area shall be reviewed by the Planning Board prior to the issuance of a permit.
 - (b) No permit shall be issued for any electrical sign which is manufactured by a company not listed in the current Electrical Construction Manufacturers List Manual, or for which no label number has been approved by the Fire Underwriters Laboratories.
 - ~~(c) No permit shall be issued for roof signs unless all required drawings of structural elements are signed and certified by a licensed professional engineer.~~
 - ~~(d) All signs shall display the proof of permit issuance.~~
 3. Application Requirements. To obtain a sign permit, an applicant shall make application on a form provided by the municipality, pursuant to Section 30-8 of the Union Township Land Use Code. (Ord. No. 85-9, §1202; Ord. No. 87-13, §3; Ord. No. 93-12, §1; Ord. No. 2002-01, §3)

30-12.4 Fees.

The fees for each permit shall be in accordance with the permit fee schedule herein. ~~adopted by resolution by the municipality where the permit application is made.~~ (Ord. No. 85-9, §1203)

30-12.5 Conditional Issuance of Permits and Certificates.

The issuance of any development permit or certificate of occupancy may be conditioned upon the express approval of appropriate State, County, or municipal agencies. (Ord. No. 85-9, §1204)

30-12.6 Suspension and Revocation of Permits and Certificates.

Any permit or certificate of occupancy may be suspended or revoked by the Zoning Officer if he shall determine that the development is being undertaken, used or occupied in violation of the permit or certificate, and the suspension or revocation may be rescinded by the Zoning Officer upon correction of the violation. Such suspension or revocation shall be in addition to other remedies. (Ord. No. 85-9, §1205)

30-12.7 Sale of Land Prior to Subdivision Approval; Penalty; Actions.

- a. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which approval is required by the chapter, such person shall be subject to a penalty not to exceed one thousand (\$1,000.00) dollars and each lot deposition so made may be deemed a separate violation.
- b. In addition to the foregoing, the municipality may institute and maintain a civil action for injunctive relief and to set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale, or conveyance of the land, or within six (6) years if unrecorded.
(Ord. No. 85-9, §1206)

30-12.8 Certificate of Approval of Subdivision.

- a. The prospective purchaser, prospective mortgagee or any other person interested in any land which forms a part of a subdivision may apply in writing to the Township Clerk for the issuance of a certificate certifying whether or not such subdivision has been approved by the Planning Board. Such application shall contain a diagram showing the location and dimensions of the land to be covered by the certificate and the name of the owner thereof.
- b. The Township Clerk shall make and issue such certificate within fifteen (15) days after the receipt of such written application and the fees therefore. The officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his office.
- c. Each such certificate shall be designated a certificate as to approval of subdivision of land and shall certify:
 1. Whether there exists in the Township a duly established Planning Board and whether there is an ordinance controlling subdivision of land adopted under the authority of the Municipal Land Use Law; and
 2. Whether the subdivision, as it relates to the land shown in said application, has been approved by the Planning Board, and, if so, stating the date of such approval and any extensions and terms thereof and that the subdivision of which the lands are a part is a validly existing subdivision.
 3. Whether such subdivision, if same has not been approved, is statutorily exempt from the requirement of approval as provided in this act.
- d. The Township Clerk shall be entitled to demand and receive for such certificate issued by **him** a reasonable fee not in excess of those provided in N.J.S.A. 54:5-14 and 54:5-15. The fee so collected by such officer shall be paid by **him** to the municipality.
(Ord. No. 85-9, §1207)

30-12.9 Rights of Owner of Land Covered by Certificate or Failure to Issue Certificate.

- a. Any person who shall acquire for a valuable consideration an interest in the lands covered by any such certificate of approval of a subdivision in reliance upon the information therein contained shall hold such interest free of any right, remedy, or action which could be prosecuted or maintained by the municipality pursuant to the provisions of subsection 30-12.7.
- b. If the Township Clerk fails to issue any such certificate within fifteen (15) days after the receipt of the application and fees therefore, any person acquiring an interest in the lands described in such application shall hold such interest free of any right, remedy or action by the municipality pursuant to subsection 30-12.7.

(Ord. No. 85-9, §1208)

30-12.10 Injunctive Relief.

In case any development is undertaken, occupied or used in violation of this chapter or any rule, regulation, or order made under the authority of this chapter or in case such violation is threatened, the Zoning Officer, in his own official behalf or on behalf of the municipality or any municipal agency or any interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such violation or to restrain, correct, or abate such violation or to prevent any illegal act, conduct, business, occupancy, or use in or about the premises that are subject of the development; provided that no such action or proceeding shall be instituted by the Zoning Officer in any court other than the Municipal Court, except in case of emergency, unless the governing body shall first have authorized the same. (Ord. No. 85-9, §1209)

30-12.11 Right of Entry.

The Zoning Officer or his representative shall have the right to enter any premises any reasonable time for the purpose of making inspections in the course of his duties, or, as permitted by law, to investigate violations of this chapter. (Ord. No. 85-9, §12-10)

30-12.12 Fines and Penalties.

- a. Except as otherwise provided in subsection 30-12.7, any owner, contractor, general agent, architect, building contractor, tenant, or any other person who commits, takes part in, or assists in promulgating any violation of this chapter, or who maintains any land, structure or premises in which a violation of this chapter shall exist, and who fails to abate said violation within five (5) days after written notice served upon him by either mail or personal service by the Zoning Officer, or by the Planning Board, Zoning Board or Township Attorney on behalf of the Zoning Officer shall be in violation of this chapter. For each and every violation of this chapter, the responsible person(s) as indicated above shall be subject to one or more of the following: Imprisonment in the Hunterdon County Jail for any term not exceeding ninety (90) days, or by a fine not exceeding one thousand (\$1,000.00) dollars, or by a period of community service not exceeding ninety (90) days. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this chapter.
- b. In addition to the powers given to the Zoning Officer as aforesaid, the owner of, or any person having an interest in, any property in Union Township may make complaint for any violation of this chapter or any provision or section thereof and upon conviction in such case, the penalties hereinbefore provided shall be imposed.
- c. Penalties relating to soil erosion are as set forth in Section 15 of Chapter 251, Soil Erosion and Sedimentation Control Act of 1975 (N.J.R.S. 4:24-53).
(Ord. No. 85-9, §1211; Ord. No. 94-4, §1)

30-12.13 Enforcement Remedies.

In case any building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this chapter, the governing body or, with the approval of the governing body, the Zoning Officer may institute in the name of the municipality, in addition to other remedies, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or land or to prevent in or about such premises any act, conduct, business or use constituting a violation. (Ord. No. 85-9, §1212).

ZONING PERMIT FEES

Driveway	\$ 75
Sign	75
New Home	125
Residential Addition	125
Alterations	50
In-kind replacement of existing equipment or facility	no fee
Telecommunications Towers	
Existing	
Fee	2,500
Escrow	5,000
New	
Fee	5,000
Escrow	10,000
Commercial/Industrial Structures	
New	150
Addition	150
Barns/Pole Barns/Agricultural	50
Home Occupation	50
Temporary Use/Structure	75
All Other Zoning	75

7. **Severability.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.
8. **Repealer.** All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.
9. **Effective Date.** This Ordinance shall take effect after final passage, adoption and publication according to law, and upon the filing of a copy of this Ordinance with the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-16.

Attest:

Ella M. Ruta, Municipal Clerk

Frank T. Mazza, Mayor

First Reading: November 4, 2015
 Publication: November 12, 2015
 Public Hearing: December 2, 2015
 Final Publication: December 10, 2015

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt				X		
Ms. McBride		X	X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried

b. Committee Report

Mr. Severino reported the following:

- County Hazardous Waste Day – Asked if the event had been noticed on the Township Website. Ms. McBride said she would notice.
- Water Testing - Asked when the next Test would be scheduled. Ms. McBride will advise UTEC that the Committee thought another event should be scheduled soon, perhaps in the spring of 2016.

Mr. Bischoff reported the following:

- Quote “A closed mouth gathers no feet!”
- COAH Subcommittee Meeting Status Report – Court has granted an Extension of Time until March 31, 2016. Sub-Committee will meet prior to that date. The number of COAH Units to be determined. Report due from Planner by January 8, 2016. Cost to the Township a major consideration.
- Asked about status of Fire Dept. Ordinance – Atty. Jost understood it was still being studied by the Committee.
- Personnel Policy Letter 2015-1 – Prepared Personnel Policy regarding municipal office coverage. The Committee discussed the Policy and recommended some changes.

Atty. Jost asked that the Personnel Policy Letter 2015-1 be approved as amended by the Committee

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion carried

Ms. McBride reported the following:

- Gov/Deal.com – Sales generated \$15,275.00. Suggested another sale be held in the Spring of 2016.
- Route 579 Report of Clearcutting – Accompanied Zoning Officer to site in response to resident’s complaint. Fencing was being installed for a horse paddock and that is allowed under Farmland Assessment laws. Zoning Officer will advise resident.

Mayor’s Report

- Asked that Resolution to appoint MaryBeth Hurford as part-time emergency clerical assistant be discussed. After brief discussion the following Resolution was adopted:

RESOLUTION NO. 2015 - 126

**APPOINTING PART TIME EMERGENCY
CLERICAL ASSISTANT - MARYBETH HURFORD
225 MAIN STREET
HAMPTON, NJ 08827**

WHEREAS, the Township Committee has deemed it necessary to have someone to cover the office at all times, and

WHEREAS, due to the current staffing levels of the Township Municipal Building, there are times when help is needed to cover the office, and

WHEREAS, Marybeth Hurford has the necessary qualifications to fill in on a temporary emergency as needed basis,

NOW, THEREFORE, BE IT RESOLVED that Marybeth Hurford is hereby appointed to the position of Part Time Emergency Clerical Assistant at an hourly rate of \$15.00 per hour.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Ms. McBride	X		X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion carried

- Pattenburg Volunteer Fire Company – Report requested by Public Safety Coordinator Marc Strauss received. Mr. Strauss will be asked to review and report to the next Committee Meeting – December 2, 2015

d. Finance Officer

- Reported that two sheds at Finn Road Park are in a state of disrepair, one is in desperate need. Mayor Mazza will follow up regarding repair/replacement.
- Mentioned that Appreciation Dinner invitations have been distributed/mailed or will be mailed tomorrow.
- Notes for Ordinance 2014-2, as amended by 3 - New notes issued for Country Acres Drive, buying vehicles, multiple Ordinance - \$949,500.00 came in at net interest of .84%, will come due in June 2016.

15. PUBLIC COMMENTS - NONE

16. PAYMENTS OF BILLS

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date paid and that all checks listed hereinafter issued in payment thereof.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion carried

17. ADJOURNMENT

MINUTES OF REGULAR MEETING November 4, 2015

There being no further business to come before the Township Committee at this time Mr. Bischoff made a motion to adjourn the meeting at 9.08 p.m. Mr. Severino seconded the motion. Motion carried by unanimous favorable roll call vote.

Voice Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion carried

Transcribed by: Grace A. Kocher, Deputy Clerk

Frank T. Mazza, Mayor