

TOWNSHIP OF WANTAGE

AN ORDINANCE AMENDING CHAPTER 13 OF THE COMPREHENSIVE LAND USE ORDINANCE OF THE TOWNSHIP OF WANTAGE TO PERMIT AND REGULATE SMALL WIND ENERGY SYSTEMS AS A CONDITIONALLY PERMITTED USE ORDINANCE #2011-13

WHEREAS, the purpose of this Ordinance is to promote the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility supplied electricity, and

WHEREAS, the governing body of the Township of Wantage has determined the following:

1. Wind energy is an abundant, renewable, and nonpolluting energy resource.
2. Converting wind to electricity will reduce our dependence on nonrenewable energy sources, and decrease air and water pollution that results from the use of conventional energy sources.
3. Distributed wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio.
4. Small wind energy systems make the electricity supply market more competitive by promoting customer choice.

WHEREAS, New Jersey's Renewable Portfolio Standards require each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey, to provide a percentage of their retail electricity sales from renewable energy sources, 6.5 percent as of June 1, 2008, and increasing to 22.5 percent by June 1, 2020, and

WHEREAS, the Governing Body finds it is necessary to standardize and streamline the requirements for small wind energy systems so that these clean, renewable energy resource can be utilized in a cost-effective and safe manner in our municipality, and

WHEREAS, the Wantage Township Committee adopted a Master Plan and Master Plan Update which recommend that ordinances should be updated to reflect changing trends and conditions and the creation of an ordinance governing alternative energy sources is a response to changing trends in the production of renewable energy throughout New Jersey and the United States.

NOW THEREFORE, BE IT ORDAINED by the Governing Body for the Township of Wantage, Sussex County, New Jersey that Chapter XIII, The Land Use Ordinance of the Township of Wantage, is hereby amended as follows.

Section 1. Section 13-2 is amended by the addition of the following definitions:

“Ridgeline”— the highest elevation of a mountain chain or line of hills

“Small Wind Energy System” means a wind energy system relying upon a Wind Turbine to generate electricity, and has a nameplate capacity of 100 kilowatts or less.

“Wind Turbine” means equipment that converts energy from wind into electricity. This term includes the support pole, rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.

Section 2. Section 13-14 is amended by adding the following permitted accessory structures and uses in the RE-5, HC, NC, LI, RC and the I Zone:

13-14.5 Small Wind Energy Systems, as defined in Section 13-2, as accessory uses, in accordance with the standards set forth in Section 13-14.5A.

Section 3. Section 13-14.5A is added as a new section, as follows:

13-14.5A. SMALL WIND ENERGY SYSTEMS.

a. The primary purpose of a small wind energy system, as defined in section 13-2, will be to provide power for the principal and accessory uses on the property but shall not be used for the generation of power for commercial purposes. This provision shall not be interpreted to prohibit the sale of any excess power generated from a wind energy system. For the purpose of this Ordinance, the sale of excess power shall be limited to generate no more energy for sale than what is otherwise necessary to power the uses on the property on a daily basis.

b. Small wind energy systems shall only be permitted as an accessory use and located on the same lot as the principal use. All energy systems require site plan approval from the Land Use Board prior to installation. Applications for an energy system shall include information demonstrating compliance with the provisions of this Ordinance. Further since it is important to preserve the scenic beauty of the Township’s ridgelines as commonly understood, the Land Use Board shall make the final selection as to the location of wind turbines taking into consideration ridgelines, scenic vistas, the size of the turbine proposed, the location of the residence and other structures on the property, nearby residences and other pertinent factors. Tree removal on slope plateaus or ridge faces shall be subject to a tree management plan which shall be approved by the Township. No small wind structures shall be erected which would lie atop the crest of an unwooded hill or plateau. Structures may be erected on hilltops or plateaus only where such hills or plateaus are substantially wooded by trees of at least thirty-five (35) feet in height and would remain that height or higher by either an approved tree management plan and/or appropriate conservation restrictions regulating the use of the property.

c. A small wind energy system shall be permitted in the R-5, HC, I, LI and AH zoning districts and is subject to the following requirements:

1. Minimum Lot Size. The minimum lot size for a small wind energy system shall be 5 acres.
2. Setbacks. The support tower for a small wind energy system shall be set back from any property line, easements, or utility lines a distance of 250 feet and from any principal structure a distance of 150 feet.
3. Small wind energy systems shall not be permitted in any front yards, unless in the opinion of the Land Use Board the front yard is the most suitable place, based upon topographic conditions.
4. Maximum Height. The maximum height of the wind turbine shall not exceed a height of 120 feet and the height shall include the height of the blade at its highest point. Any approved tower must be monopole construction.
5. No more than one wind turbine shall be permitted on any parcel of property.
6. Wind turbines shall not be allowed as rooftop installations.
7. Access.
 - (a) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - (b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 15 feet above the ground.
8. Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
9. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration, and is subject to Planning Board or Board of Adjustment approval as part of the site plan application.
10. Appearance, Color, and Finish. The wind generator and tower shall be finished so as to minimize their visual impact on the surrounding landscape.
11. Signs. All signs, other than the manufacturers or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
12. Code Compliance. A small wind energy system shall comply with all applicable construction and electrical codes, and the National Electrical Code.
13. Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems.

d. Design Criteria.

1. Small wind energy systems shall be designed with an automatic brake or other similar device to prevent over-speeding and excessive pressure on the tower structure.
2. All moving parts of the small wind energy system shall be a minimum of thirty-five (35) feet above ground level.
3. The blades on the small wind energy system shall be constructed of a corrosive resistant material.

e. Noise. All wind energy systems shall comply with the following:

1. Between a residential use or zone, sound levels of the wind energy system shall not exceed a 55 dBA at a common property line and 50 dBA to the closest occupied structure.
2. In all other cases at a common property line sound levels of the wind energy system shall not exceed 65 dBA.
3. These levels may be exceeded during short-term events such as utility outages and/or severe windstorms, for a maximum of four (4) hours.

f. Electromagnetic Interference.

1. If documentation is provided that indicates that the installation is causing electromagnetic interference to any abutting property, the installation shall be deemed a public nuisance which nuisance shall be corrected within ninety (90) days of receipt of a notice of violation. If the electromagnetic interference cannot be remedied, the installation shall be removed or relocated, as appropriate.

g. In addition to a site plan approval for a small wind energy system, a zoning permit and building permit shall be required for the installation of a small wind energy system. Documents required for a zoning permit shall include the following:

1. Survey of the property.
2. Location, dimensions (including height) of existing major structures on the property.
3. Location, dimension and type of proposed energy system including all structures accessory to the system.
4. Proof of notification of the utility company for interconnection purposes.
5. Other documents and plans containing enough information concerning the installation of the system for the zoning official to make a formal decision concerning conformance with the ordinance standards. The amount and accuracy of information provided shall be in the judgment of the zoning official.

h. Abandonment.

1. A small wind energy system that is out of service for a continuous 12-month period will be deemed to have been abandoned.
2. The zoning office shall issue a "Notice of Abandonment" to the owner. The notice shall be sent via regular mail and certified mail return receipt requested to the owner of record.
3. Any abandoned system shall be removed at the owner's sole expense within six months after the owner receives the "Notice of Abandonment" from the municipality, If the system is not removed within six months of receipt of notice from the Township notifying the owner of such abandonment, the Township may remove the system as set forth below.
4. When an owner of a wind energy system has been notified to remove same and has not done so six months after receiving said notice, then the Township may remove such system and place a lien against the property for the cost of the removal. If removed by the owner, a demolition permit shall be obtained before the facility is removed. Upon removal, the site shall be cleaned, restored, and revegetated to blend with the existing surrounding vegetation at the time of abandonment.

i. Notice. Notice of hearings for consideration of small wind energy systems by the Land Use Board shall be given of the application in accordance with N.J.S.A. 40:55D-10.

j. Fees and escrows shall be in accordance with applicable Ordinances.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provisions) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 5. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 6. Public Notice. The Municipal Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all other entities thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 8. Effective Date. This ordinance shall take effect after publication and passage according to law.

William DeBoer, Mayor

ATTEST:

James R. Doherty, Administrator/Clerk

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Committee of the Township of Wantage, County of Sussex, New Jersey, held on November 10, 2011, and will be considered for final passage after public hearing at a regular meeting of the Mayor and Township Committee to be held on December 8, 2011, at 7:00 p.m. in the Municipal Building, 888 Route 23 South, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

James R. Doherty, Administrator/Clerk