

TOWNSHIP OF LOPATCONG

October 5, 2011

The meeting of the Township Council was called to order at 7:30 pm by Mayor Steinhardt. The meeting was held in the Municipal Building located at 232 S. Third Street, Phillipsburg, New Jersey 08865.

Mayor Steinhardt stated “adequate notice of this meeting has been provided indicating the time and place of this meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

A Prayer was offered followed by the Oath of Allegiance.

Present: Mayor Steinhardt, Council President Camporine, Councilmen Baker, Mengucci and Curry. Also present were CFO Dobes, Tax Collector Edinger, Attorney Campbell and Engineer Sterbenz.

Resolution 11-83 was passed to hold an Executive Session to discuss Phillipsburg Sewer Authority issues, DPW equipment purchase, Franklin Court matter.

Old Business:

Minutes – Mayor Steinhardt asked for a motion to approve the minutes of September 7, 2011. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote: AYES: Councilmen Baker, Mengucci, Curry, and Council President Camporine. NAYS: None

Ordinance No. 2011-14 – Second reading and public hearing to create Chapter 106 entitled “Grading” in conjunction with construction of new or additions to residential dwellings. Mayor Steinhardt asked for a motion to open the floor for a public hearing. Motion by Councilman Mengucci, seconded by Councilman Curry. Mr. Hillsenbech asked about this ordinance only pertaining to residential. No other questions from the public. Motion to close the public hearing by Councilman Mengucci, seconded by Councilman Baker.

2011-14

SECOND NOTICE OF ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, October 5, 2011 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN,
STATE OF NEW JERSEY CREATING CHAPTER 106 OF THE CODE OF THE
TOWNSHIP OF LOPATCONG ENTITLED “GRADING”

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Ordinance on second reading. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote: AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt. NAYS: None

New Business:

Road Opening Permits – Permits to authorize road openings at 814 Rugby Road and 805 Young’s Road. There is a five-year moratorium which will be waived for the purpose of these installations. Motion by Councilman Baker, seconded by Councilman Mengucci. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Raffle and Casino License – Approve licenses for St. Philips and St. James. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 11-84 – Approval to insert \$3500 donations into the 2011 Budget.

R 11-84

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY REQUESTING APPROVAL OF INSERTION OF REVENUE AND APPROPRIATIONS INTO THE 2011 BUDGET NJSA 40A:4-87

WHEREAS, NJSA40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of the following item of revenue into the 2011 Municipal budget from:

Donations to refurbish the Announcer’s Booth in the amount of \$3,500.00; and

BE IT FURTHER RESOLVED that the like sum is hereby appropriated into the 2011 Municipal Budget under:

Donations to refurbish the Announcer’s Booth in the amount of \$3,500.00

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 5, 2011.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 11-85 – Energy Efficiency and Conservation Block Grant Program.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY REQUESTING APPROVAL OF INSERTION OF
ITEMS OF REVENUE AND APPROPRIATIONS INTO THE 2011 BUDGET NJSA
40A:4-87

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of the following item of revenue into the 2011 Municipal Budget from:

Energy Efficiency and Conservation Block Grant Program in the amount of \$1249.58, and

BE IT FURTHER RESOLVED that the like sum is hereby appropriated into the 2011 Municipal Budget under:

Energy Efficiency and Conservation Block Program in the amount of \$1249.58.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 5, 2011.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resident Nancy Opdyke – Ms. Opdyke discussed drainage problems on Reservoir Road. Mayor Steinhardt, Council and Township Engineer Paul Sterbenz are aware of the problems and Engineer Sterbenz is preparing an RFP to go out to contractors for quotations.

Ordinance No. 2011-15 – First reading to amend Chapter 243 entitled “Zoning and Land Use”, to add Solar Photovoltaic Facilities as a Permitted Principal Use in the ROM Zone; and Solar-Photovoltaic Facilities as an Accessory Use Permitted in the ROM and the HB Zone South of the Norfolk Southern Right-of-Way and Asphalt and Concrete Manufacturing Facilities as a Conditional Use in the ROM Zone South of the Norfolk Southern Railroad Right-of-Way. This Ordinance was reviewed by the Planning Board and sent to Council for consideration which shall be referred back to the Planning Board on adoption on first reading.

Ordinance No. 2011-15

An Ordinance to Amend Chapter 243, “Zoning & Land Use”, to Add Asphalt and Concrete Manufacturing Facilities as a Conditional Use in the ROM Zone South of the

Norfolk Southern Railroad Right-of Way; Solar-Photovoltaic Facilities as a Permitted Principal Use in the ROM Zone; and Solar-Photovoltaic Facilities as an Accessory Use Permitted in the ROM Zone and the HB Zone South of the Norfolk Southern Railroad Right-of-Way.

WHEREAS, it has been brought to the attention of the Lopatcong Township Planning Board that Asphalt and Concrete Manufacturing Facilities are not permitted in the Township; and

WHEREAS, the omission of Asphalt and Concrete Manufacturing Facilities inhibits development of the ROM Zone; and

WHEREAS, New Jersey's Renewable Portfolio Standards (RPS) 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, 7.4 percent as of June 1, 2010, and increasing to 22.5 percent by June 1, 2021; and

WHEREAS, the Municipal Land Use Law (NJSA 40:55D-2.n) provides intent to promote utilization of renewable energy resources; and

WHEREAS, the Municipal Land Use Law (NJSA 40:55D-66.11) provides that a renewable energy facility on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same entity shall be a permitted use within every industrial district of a municipality; and

WHEREAS, the above requirements have encouraged the development of alternative energy facilities, in particular alternative solar photovoltaic energy facilities which can consume large amounts of land; and

WHEREAS, the Township has determined that there exists the need to regulate the use and placement of alternative energy facilities in light of the current trend toward the development of renewable energy generating systems and that existing zoning regulations do not address this emerging trend as it may impact the use of valuable natural resources and farmland in Lopatcong Township; and

WHEREAS, the Township has considered recent legislation enacted in the State of New Jersey declaring certain alternative and renewable energy generating systems inherently beneficial uses to the citizens of this State and the Township believes there is a need to balance the development of these uses with local land use goals and objectives to protect the natural resources of Lopatcong Township while allowing for the development of alternative solar photovoltaic energy facilities in an orderly way; and

WHEREAS, existing ordinance standards do not adequately provide for the orderly use and development of lands in the Township of Lopatcong for solar and photovoltaic facilities including installations that are capable of generating electrical power for sale to power utilities; and

WHEREAS, the Planning Board held a public hearing on September 28, 2011 regarding an ordinance to permit Asphalt and Concrete Manufacturing Facilities and Solar-Photovoltaic Facilities; and

WHEREAS, after deliberation at the September 28th hearing the Board recommended that Chapter 243 of the Code of Lopatcong Township be amended to include Asphalt and Concrete Manufacturing Facilities and Solar-Photovoltaic Facilities as permitted uses in certain zoning districts under certain standards; and

WHEREAS, the governing body of Lopatcong Township has concluded that the recommendations of the Planning Board regarding the recommended amendments will help to promote development of the HB and ROM districts, which is in the best interest of the citizens of Lopatcong Township.

NOW THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren, and State of New Jersey that Articles II, XIII, XIV and XV of the

Zoning and Land Use Ordinance for Lopatcong Township are hereby amended as follows:

SECTION ONE. ARTICLE II Terminology is hereby amended as follows:

The following definition of Solar or Photovoltaic Energy Facility or Structure shall be added in its appropriate alphabetical order in Chapter 243-5. Definitions:

Solar or Photovoltaic Energy Facility or Structure – A solar or photovoltaic panel or system of panels for the production of energy that uses solar energy as its fuel.

SECTION TWO. ARTICLE XIII General Regulations is hereby amended by adding the following as underlined:

§ 243-64. Height restrictions and exceptions.

- A. Height of accessory buildings and structures. Except on a farm, no accessory building or structure shall exceed 20 feet in height. On a farm, the height limitation of necessary buildings shall be the same as for the principal building.

§ 243-64.2. Outdoor bulk storage and outdoor display of merchandise.

- A. Outdoor bulk storage. Outdoor bulk storage is defined as the stockpiling or warehousing of vehicles, merchandise, materials and machinery outside the enclosed confines of a building, including but not limited to sand, gravel, soil, asphalt, lumber, pipes, plumbing supplies, metal, concrete, insulation, construction equipment, construction vehicles, construction materials, storage trailers and containers. In zoning districts where outdoor bulk storage is permitted as an accessory use, the following requirements shall apply:

- (2) Outdoor bulk storage shall meet the minimum rear and side yard setback standard for accessory structures for the zone in which the principal building is located subject to the standards set forth in subsection (3). A barrier such as curbing, fencing, or wooden or metal guardrail shall be installed along the storage setback line to prevent encroachment by the storage material. Under no circumstances shall any stored material leave the site by natural causes or forces such as wind or water.
- (3) Outdoor bulk storage shall not exceed a height of fourteen (14) feet above the underlying existing or proposed grade unless the minimum rear and side yard setback standard for accessory structures for the zone in which the principal building is located is increased by one foot for every foot of height above fourteen (14) feet. No outdoor bulk storage shall exceed a height of twenty-five (25) feet.
- (4) Outdoor bulk storage shall be allowed only in conjunction with the principal or conditional use conducted on the property.

SECTION THREE. ARTICLE XIV Zoning District and Use Regulations is amended as follows:

§ 243-74. HB Highway Business Zone, subsection A is hereby amended and supplemented by adding the following as underlined:

- (4) Uses permitted in the ROM Zone, limited to 243-75 A.(4), (10) and (12) with (12) being permitted only in the portion of the HB Zone south of the Norfolk Southern Railroad right-of-way.

§243-74. HB Highway Business Zone, subsection B is hereby amended and supplemented by adding the following:

- (6) Solar or photovoltaic energy facilities or structures shall be permitted as an accessory use provided that the solar or photovoltaic energy facilities are: located on the same property as the principal permitted use; secondary to the use of the property for the permitted principal use; designed to offset part or all of the permitted principal use's on-site energy consumption; and designed to

generate not more than 110% of the power consumed on-site by the permitted principal use.

Solar or photovoltaic energy facilities as an accessory use shall comply with the following standards:

- (a) Solar panels shall be permitted as a rooftop installation provided that no part of the solar panel or associated equipment shall exceed a height of eight (8) inches above the roof surface if installed on a sloped roof or three (3) feet if installed on a flat roof. In no event shall the placement of the solar panels result in a total height including building and panels than that which is permitted in the zoning district where the panels are located.
- (b) Solar panels shall be permitted as ground arrays in accordance with the following:
 - [1] All ground arrays shall meet the setback requirements for accessory structures of the zone district in which the property is located.
 - [2] Ground arrays shall not be permitted in a front yard.
 - [3] Ground arrays shall be located so that any glare is directed away from an adjoining property.
 - [4] Ground arrays shall not exceed a height of six (6) feet if constructed over gravel, concrete or other impervious surface and shall not exceed a height of eight (8) feet if constructed over grass or other vegetative ground cover.
- (c) If natural screening does not exist, evergreen screening shall be planted to provide a visual buffer as necessary from the street view or adjacent residential properties, installed at a minimum height of eight feet, with appropriate plant species and in a design as required by the approving Board. The buffer screening shall be planted in such a manner that it does not impair the functionality of the system.
- (d) All electrical wires servicing a ground mounted solar system, other than the wires necessary to interconnect the solar panels and the grounding wires, shall be located underground.
- (e) The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
- (f) The installation of a solar energy system shall be in compliance with the National Electric Code as adopted by the NJ Department of Community Affairs.
- (g) Energy systems that connect to the electric utility shall comply with the New Jersey Net Metering and Interconnection Standards for Class I Renewable Energy Systems and as required by the electric utility servicing the parcel.

§ 243-75. Research Office and Manufacturing Zone, subsection A is hereby amended and supplemented by adding the following.

- (12) Solar and Photovoltaic Energy Facilities. Solar or photovoltaic energy facilities or structures shall be permitted, subject to the following provisions:
 - (a) Minimum lot area shall be 20 acres.
 - (b) Solar or photovoltaic energy facilities and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is to be located and they shall not be located within 200 feet of the boundary of a residential zone or residential use.
 - (c) No portion of solar or photovoltaic energy facilities and structures shall occupy areas of land designated by NJDEP as floodplains, flood hazard

areas, wetlands, wetland transition areas or riparian corridors. A 300 foot buffer shall be maintained from NJDEP designated Category One waters.

- (d) No soil shall be removed from any site upon which solar or photovoltaic energy facilities and structures are to be constructed. Within areas containing Prime Farmland Soils and Farmland Soils of Statewide Significance as identified by the USDA Natural Resources Conservation Service, there shall be no concrete footings constructed to support solar or photovoltaic racking systems or other structures in order to more readily enable the potential future use of these areas for active agricultural uses. Concrete pads for inverters and similar equipment, and concrete footings for security fencing may be constructed within areas containing these soils. Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads and for construction of equipment pads.
- (e) Solar or photovoltaic energy facilities and structures shall be screened from the public traveled way, preserved open space, preserved farmland and National or State Registered historic resources or from adjoining residential uses or zones, with said screening by a combination of berms, landscaping and fencing.
- (f) The maximum permitted vertical height above ground for solar energy panels shall be eight (8) feet.
- (g) All electrical wires servicing a ground mounted solar system, other than the wires necessary to interconnect the solar panels and the grounding wires, shall be located underground.
- (h) The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
- (i) The installation of a solar energy system shall be in compliance with the National Electric Code as adopted by the NJ Department of Community Affairs.
- (j) Energy systems that connect to the electric utility shall comply with the New Jersey Net Metering and Interconnection Standards for Class I Renewable Energy Systems and as required by the electric utility servicing the parcel.
- (k) A Maintenance Plan shall be submitted for the continuing maintenance of all plantings. All ground areas occupied by the solar energy facility or structure installation that are not utilized for access driveways shall be planted and maintained with low maintenance sun and shade tolerant grasses for the purpose of soil stabilization. The "OVN" seed mixture provided through the South Jersey Farmers Exchange (856-769-0062) is suitable for these purposes. It is a mixture of 40% perennial rye grass, 30% creeping fescue and 30% chewing fescue applied at a rate of 5 lbs. per 1,000 sq. ft.
- (l) A grading and drainage plan shall be submitted under the seal of a licensed professional engineer and shall provide the details to adequately demonstrate to the reviewing agency that no stormwater runoff or natural water shall be so diverted as to overload existing drainage systems or create flooding. Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater runoff rates shall not be exceeded in the post development condition.
- (m) Solar energy facilities and structures shall not result in reflective glare as viewed from second story level (20 ft. above ground) on adjoining properties.

- (n) Site Plans and Zoning permit applications for solar energy systems shall be accompanied by standard drawings of the solar panels, inverters, substations and any other required structures. The design shall be signed and sealed by a professional engineer, registered in the State of New Jersey, certifying that the design complies with all of the standards set forth in all applicable codes then in effect in the State of New Jersey and all sections referred to hereinabove.
- (o) All photovoltaic facilities including all solar arrays and associated equipment shall be dismantled and removed promptly after 180 continuous days of non-use. Applicants shall be required to submit a decommissioning plan at time of site plan application is filed for approval.

§ 243-75. Research Office and Manufacturing Zone, subsection B is hereby amended and supplemented by adding the following.

- (3) Solar or photovoltaic energy facilities or structures shall be permitted as an accessory use provided that the solar or photovoltaic energy facilities are: located on the same property as the principal permitted use; secondary to the use of the property for the permitted principal use; designed to offset part or all of the permitted principal use's on-site energy consumption; and designed to generate not more than 110% of the power consumed on-site by the permitted principal use.

Solar or photovoltaic energy facilities as an accessory use shall comply with the following standards:

- (a) Solar panels shall be permitted as a rooftop installation provided that no part of the solar panel or associated equipment shall exceed a height of eight (8) inches above the roof surface if installed on a sloped roof or three (3) feet if installed on a flat roof. In no event shall the placement of the solar panels result in a total height including building and panels than that which is permitted in the zoning district where the panels are located. Solar panels shall be permitted as ground arrays in accordance with the following:
 - [1] All ground arrays shall meet the setback requirements for accessory structures of the zone district in which the property is located.
 - [2] Ground arrays shall not be permitted in a front yard.
 - [3] Ground arrays shall be located so that any glare is directed away from an adjoining property.
 - [4] Ground arrays shall not exceed a height of six (6) feet if constructed over gravel, concrete or other impervious surface and shall not exceed a height of eight (8) feet if constructed over grass.
- (b) If natural screening does not exist, evergreen screening shall be planted to provide a visual buffer as necessary from the street view or adjacent residential properties, installed at a minimum height of eight feet, with appropriate plant species and in a design as required by the approving Board. The buffer screening shall be planted in such a manner that it does not impair the functionality of the system.
- (c) All electrical wires servicing a ground mounted solar system, other than the wires necessary to interconnect the solar panels and the grounding wires, shall be located underground.
- (d) The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.

- (e) The installation of a solar energy system shall be in compliance with the National Electric Code as adopted by the NJ Department of Community Affairs.
- (f) Energy systems that connect to the electric utility shall comply with the New Jersey Net Metering and Interconnection Standards for Class I Renewable Energy Systems and as required by the electric utility servicing the parcel.

§ 243-75. Research Office and Manufacturing Zone is hereby amended and supplemented by adding the following as underlined.

- C. Conditional uses, subject to standards set forth in Article XV. Conditional Uses, shall be as follows:
 - (1) Advertising signs.
 - (2) Asphalt manufacturing facilities.
 - (3) Concrete manufacturing facilities.
 - (4) Resource recycling facilities.
- D. Special provisions and requirements applicable in the ROM Zone shall be as follows:
 - (4) All outdoor bulk storage shall be in the rear or side yard with a minimum twenty-five (25) foot buffer of dense evergreen plant material and/or fences as deemed necessary by the Board to achieve the intended buffer. The buffer width shall be increased if the height of an outdoor bulk storage structure exceeds fourteen (14) feet as follows: Add one (1) foot to the minimum buffer width for every one (1) foot of height that exceeds fourteen (14) feet.
 - (5) Outdoor equipment storage such as loaders, trucks, and other such equipment and stockpiles of aggregate materials shall be permitted pursuant to standards set forth in § 243-64.2.

SECTION FIVE. Two new sections have been added to ARTICLE XV Conditional Uses as follows:

§ 243-77.6. Asphalt and concrete manufacturing facilities.

- A. The term “Asphalt Manufacturing Facility” as used in this Chapter is a manufacturing facility for the creation of asphalt paving materials (bituminous concrete) by combining asphaltic cement and various aggregates and includes the storage and dispensing of the asphalt paving materials.
- B. The term “Concrete Manufacturing Facility” as used in this Chapter is a manufacturing facility for the creation of concrete building and paving materials (concrete) by combining cement, water, various aggregates and other ingredients used in the production of such materials; and includes the storage and dispensing of the concrete building and paving materials.
- C. Asphalt and/or concrete manufacturing facilities may only be located in the ROM Zone south of the Norfolk Southern Railroad.
- D. Asphalt and/or concrete manufacturing facilities may operate as necessary on a 24-hour basis seven (7) days a week.
- E. A storage silo shall be permitted as accessory to a permitted asphalt and/or concrete manufacturing facility subject to the following restrictions:
 - (1) Storage silos used as accessory structures in a permitted asphalt and/or concrete manufacturing process may be erected to a height that exceeds twenty (20) feet—the maximum height of an accessory structure as set forth in § 243-64.A.—provided:
 - (a) The height does not exceed eight-five (85) feet as measured vertically from the average finished grade level of the silos foundation to the

extreme high point of the silo, exclusive of catwalks, conveyor equipment and similar fixtures; and

(b) The minimum setback is equal to the height of the structure or the setback for accessory structures in the zone where the principal structure is located, whichever is greater.

(2) In instances where such a structure is erected to a height that exceeds thirty (30) feet, the buffer strip required in § 243-75.D.(2) shall be increased to a width of fifty (50) feet.

§ 243-77.7. Resource recycling facilities. The term “resource recycling facility” as used in this Chapter is a facility that accepts, collects, processes, moves, transfers and stores concrete, asphalt and other recyclable materials as related to an asphalt or concrete manufacturing facility and for the resale of the finished recycled materials.

A. Resource recycling facilities are only permitted as a conditional use on properties within the ROM District south of the Norfolk Southern Railroad Right-of-Way.

B. Resource recycling facilities shall conform to the following requirements:

(1) The perceptible noise at the lot line from operation of equipment shall not exceed the limits established by NJDEP pursuant to standards set forth in NJAC 7:29-1 *et seq.*, Noise Control.

(2) No structure dedicated to any recycling process shall be closer than five hundred (500) feet to any lot containing a residential use or a residential zone boundary line.

- (3) Outside bulk storage shall be subject to the standards set forth in §§ 243-64, 64.2, 75.D. and the following:
 - (a) No outside bulk storage of any recyclable material shall be closer than five hundred (500) feet to any lot containing a residential use or a residential zone boundary line, except that office and similar administrative functions may not be closer than one hundred (100) feet to any lot line.
 - (b) While materials may be temporarily stored on-site as part of the operation, and while this may result in the accumulation of piles of recyclable materials that are in the process of being recycled, no individual materials brought to the site are permitted to be permanently left on-site.
- (4) All materials brought to the site shall be separated, ground, pulverized, and/or handled in such a way as to accomplish the recycling operation so that individual products are either reused as part of the primary permitted use or shipped off-site as part of a continuing operation.
- (5) The processing of asphalt and concrete may take place outside of any building so long as the noise level at the property line shall not exceed any New Jersey State, Warren County, or Township laws, rules or regulations, and so long as all storage and processing areas are either paved or of crushed concrete or stone.
- (6) Hours of operation for the resource recycling facilities permitted as a conditional use shall operate independently of the associated asphalt and/or concrete manufacturing facility. To mitigate any noise created by the recycling process, crushing of the material will only be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday; 7:00 a.m. through 3:30 p.m., Saturday local time; and shall not operate on Sundays.

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

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

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of Lopatcong held on October 5, 2011, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Council to be held on Wednesday, November 2, 2011 at 7:00 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC
Township Clerk

Council President Camporine asked for a motion to adopt this Ordinance on first reading. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci and Council President Camporine.
NAYS: None
ABSTAIN: Mayor Steinhardt, Councilman Curry.

Ordinance No. 2011-16 – First reading to amend Chapter 227 entitled “Vehicles and Traffic, including Section 11 “Stopping and Standing Prohibited During Certain Hours on Certain Streets” relative to Powderhorn Drive.

ORDINANCE NO. 2011-16

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 227 "VEHICLES AND TRAFFIC", INCLUDING SECTION 11 "STOPPING AND STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS" RELATIVE TO POWDERHORN DRIVE

WHEREAS, Chapter 227 "Vehicles and Traffic" of the Code of the Township of Lopatcong contains various parking and traffic regulations; and

WHEREAS, there is a need to amend provisions relative to stopping and standing on Powderhorn Drive near the Strykers Road intersection to reduce impacts to residents and avoid conflicts between parked and moving vehicles prior to, during, and immediately after school;

NOW THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that Chapter 227 "Vehicles and Traffic", Section 11 be amended, revised and supplemented as follows:

SECTION 1

The portion of 227-11 relative to stopping and standing prohibitions on Powderhorn Drive shall be amended as follows:

<u>Name of Street</u>	<u>Sides</u>	<u>Hours/Days</u>	<u>Location</u>
Powderhorn Drive	Both	7:00 AM to 4:00 PM on weekdays.	From the west curbline of Strykers Road to the south curbline of Wordsworth Lane

SECTION 2

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

SECTION 3

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4

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

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on October 5, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on November 2, 2011 at 7 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, NJ at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Ordinance. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

Fox Farm Road Work – Mayor Steinhardt asked for a motion for payment of \$13,343.31 to Tilcon for work completed on Fox Farm Road. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, and Council President Camporine.
NAYS: None
ABSTAIN: Mayor Steinhardt

Delaware Park Engine Co. Membership – Councilman Mengucci made a motion to approve membership for Colton Dahlin, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

Announcements – Trick or Treat is scheduled for Monday, October 31, 2011 from 5:30 to 7:30 pm.

Council Reports –

Councilman Baker – Thanks the Mayor for his State of the Township Letter.

Councilman Mengucci – Also thanked the Mayor for his letter and remarked that the Fall Cleanup went well.

Councilman Curry – Thanked the Mayor for his letter, volunteers who helped with cleanup and the DPW for their work on the Announcer's Booth.

Council President Camporine – Thanked the Mayor for his letter.

Mayor Steinhardt – asked for a motion to approve the purchase of snow plow equipment up to a cost of \$24,000.00. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

Public Comment –

Resident Smith – report on neighbors grass. Ms. Dilts will inform the Zoning Officer Wayne Degan to respond to this matter.

Mrs. Bonnie Hayford - asked if Engineer Sterbenz called the resident on Brakeley Avenue and if there was response. Engineer Sterbenz placed numerous calls with no return but will try again.

Mayor Steinhardt asked for a motion to adjourn the meeting. Motion by Councilman Mengucci, seconded by Councilman Baker. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Douglas J. Steinhardt
Mayor