

**16 June 2010**  
**Land Use Plan Amendment**  
**Springfield Township, Burlington County, NJ**

This Land Use Plan amendment of the Master Plan addresses new renewable energy legislation that affects the Township, as well as alternative uses for land in the Agricultural Rural zone district. This amendment has been prepared following the Report on the Periodic Re-examination of the Master Plan and Development Regulations that was adopted by the Planning Board on 18 May 2010.

**Renewable Energy**

The State of New Jersey has enacted new legislation over the last year which affects alternative energy generating facilities. Springfield Township has reviewed its ordinances and intends to make them consistent with the recent legislation, which include the following:

**40:44D-66.11 Wind and Solar Facilities Permitted in Industrial Zones**

(March 31, 2009)

- Renewable Energy Facilities shall be a permitted use in every industrial zone district in a municipality.
- Conditions require a minimum of 20 contiguous acres, one owner and the electric energy generated from solar, photovoltaic and/or wind.

**40:55D-66.12 Municipalities Authority to Regulate Small Wind Energy Systems**

(January 16, 2010)

- Ordinances shall not unreasonably limit installation or unreasonably hinder the operation of small wind energy systems. This means that they cannot prohibit small wind systems, restrict tower height which ignores wind towers, noise limits lower than 55 decibels, setbacks greater than 150% of tower height, or impose regulations which exceed UCC standards.

**52:27D-141.1 Residential Development Solar Energy Systems Act**

(March 31, 2009)

- Developers of 25 or more single family residential dwelling units shall offer installation of solar energy systems as an option to homeowners. This includes provisions that the developer must advertise the availability, cost, benefits and savings, and information of credits, rebates and incentives.

**40:55D-4 and 7 Municipal Land Use Law (MLUL) Definitions Amended To Define “*inherently beneficial use*” and “*wind, solar, photovoltaic energy facilities*”**

(November 20, 2009)

- “Inherently beneficial use” means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.
- “Wind, solar or photovoltaic energy facility or structure” means a facility or structure for the purpose of supplying electrical energy produced from wind, solar, or photovoltaic technologies, whether such facility or structure is a principal use, a part of the principal use, or an accessory use or structure.

**P.L. 2009 c. 213 Concerning Agriculture, and Biomass, Solar and Wind**  
(January 16, 2010)

This bill was signed into law in January and modifies several laws regarding alternative energy facilities on preserved farms, right to farm protection and farmland assessment.

**Preserved Farms:**

‘Biomass’ means an agricultural crop, crop residue, or agricultural byproduct that is cultivated, harvested , or produced on the farm and which can be used to generate energy in a sustainable manner.

**Conditions:**

- May improve buildings for energy facilities;
- No significant interference with an agricultural operation;
- Facilities must be owned by landowner;
- Energy must be used on farm and limited to annual energy from previous calendar year equal to 10% or 1% of the farm;
- Net metering only 10%;
- Preexisting facilities on roof tops exempt from 10% cap;
- New Jersey State Agricultural Development Committee (SADC) approval required- no fee- 90 days;
- Department of Agricultural approval required for biomass;
- SADC to adopt rules for standards with assistance from the New Jersey Board of Public Utilities.

**Right to Farm Protection**

Right to Farm Act amended to include engaging in the generation of power or heat from biomass, solar, or wind energy provided the activity is consistent with the limitations/ conditions of the law and rules once adopted.

### **Commercial Farms (Not Preserved)**

'Biomass' means an agricultural crop, crop residue, or agricultural byproduct that is cultivated, harvested, or produced on the farm or directly obtained from a farm where it was cultivated harvested or produced and which can be used to generate energy in a sustainable manner. Right to farm protection is not granted if the materials are bought from another farm.

SADC is to develop Management Practices for Biomass and the Department of Agriculture will develop rules for biomass facilities.

### **Farmland Assessment**

Land upon which energy generating facilities are located is eligible for Farmland Assessment with the following conditions:

- Energy is not an agricultural product;
- Farm must remain in production for the year farmland assessment is sought;
- Farm must have had farmland assessment for the preceding year;
- Power/heat must be used but not exclusively on the farm;
- Approved conservation plan from Soil Conservation District;
- Must attempt to "shadefarm" under solar panels;
- Acreage devoted to energy/agriculture does not exceed 1:5 ratio;
- 10 acres maximum/ 2 megawatt (MW) maximum production.

For projects which exceed the maximum limitations above, three year roll back taxes would be due upon conversion from agriculture and the lands would be taxed as either commercial or industrial use as determined by the municipal tax assessor.

### **P.L. 2010 c.4 An Act Concerning Solar Panels and Impervious Surfaces**

(April 22, 2010)

- This bill exempts solar panels from impervious surface or impervious cover calculations.
- The New Jersey Department of Environmental Protection (NJDEP) shall not include solar panels in calculations of impervious surface or impervious coverage calculations in applying stormwater reviews.
- Stormwater management plans and ordinances shall not be construed to prohibit solar panels to be constructed and installed on a site.

### **AR-10 Agricultural Rural Zone along Route 206**

With regard to the Agricultural Rural (AR-10) Zone, changes have occurred along the Route 206 corridor requiring a review of the land use factors affecting properties. The Columbus

Market has expanded adding to “flex-space” buildings, a John Deere Tractor Sales operation, and storage for the vendors for the various farm market operators. The overall site plans have been approved, and have honored the viewshed corridor including buffering. Burlington County has acquired significant lands on the west side of the highway for the county fairgrounds. Considerable other lands in the corridor have been placed in the farmland preservation program, or are targeted for preservation. In an effort to further foster the proper development of the corridor, lands should be considered which meet the goals of the viewshed protection while allowing reasonable land use choices.

## **SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS**

### **Renewable Energy**

In light of the new legislation, it is recommended that Springfield amend its development regulations for windmills and solar panels in its zones as appropriate. The new ordinances should incorporate the recommendations of this amended Land Use Plan. Since most of the Township is zoned AR-10 Agricultural Rural, these uses would become accessory or conditional uses depending on the application. Small scale wind or solar installations for residential application should be accessory to the primary uses. No installations of such energy facilities should be located in the viewshed corridors of Routes 206 or 68. Other standards such as appropriate setbacks should be developed as well. Solar installations which have minimum impact on preserved farmland, prime agricultural lands, prime agricultural soils and statewide important soils should be considered as conditional uses. There should also be appropriate buffers to surrounding residential land uses.

### **Alternative Uses in the Agricultural Rural Zone**

In the Route 206 corridor, the Planning Board finds that it is appropriate to consider more flexibility in the AR-10 zone where properties have existing historic farmsteads which can be adaptively reused. Notably Lot 9.01, Block 801 should allow some low intensity use of the historic farm house, as well as the reuse of the barns for specialty retail that do not generate a great deal of traffic. Impervious coverage should be minimized and the viewshed corridor should be protected to maximum extent possible. The establishment of conditional uses would be the most effective way to control the uses. These conditions should include the following:

- Specialty retail such as art studios, art galleries, woodworking, specialty decorative ironworking, sculpture studios, and stained glass artisans;
- Nursery products including specialty flower growers and retailers;
- Farm stands;
- Full service restaurants (not fast food or drive through);

- Minimal parking facing Route 206, and all parking to be buffered/screened from the highway;
- Adaptive reuse of historic buildings;
- Additional new buildings or structures shall not exceed 6,000 square feet and should be set back behind existing historic structures/buildings from the highway;
- Only applicable to properties which have their only access to Route 206 and not from any side streets;
- Accessory apartments located in any existing historic buildings, including provision of affordable units as may be required by New Jersey Council of Affordable Housing (COAH);
- Outside of the developed area of the site where there are existing buildings, the viewshed corridor of 500 feet should be respected.
- The lot size for such uses shall be a minimum of twenty (20) acres.

Land Use Plan Amendment 5675.