



Clarke Caton Hintz
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Re-examination Report of the Master Plan

May 18, 2010

**Springfield Township,
Burlington County, New Jersey**



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**Adopted by the Springfield Township
Planning Board on May 18, 2010**

Prepared for Springfield Township by:

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REPORT PURPOSE

This report's purpose is to address new legislation that affects the Township, as well as alternative uses for land in the Agricultural Rural zone district. This report is prepared pursuant to C40:55D-89 Periodic Examination of the Master Plan and Regulations.

MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT

Farmland preservation was a concern with the last Re-Examination Report prepared in 2005. Included were issues such as the lack of implementation of a transfer of development rights program, and that in spite of that, the Township had along with the County preserved considerable acreage for farmland preservation. The report at that time emphasized the continual need to safeguard the agricultural character of the Township.

Another issue which was discussed in the 2005 report was the need to limit the amount of commercial zoning in the Township and focus small retail development in the hamlets.

Finally, the report at the time reviewed the Township's viewshed corridor ordinance implemented for Route 206 and Route 68.

EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO THE LAST MASTER PLAN AND LAND REGULATIONS IN 2005

The Township has pursued additional farmland preservation with the County in spite of the inability to develop a transfer of development rights program.

The viewshed corridor ordinance has proved to a valuable tool to protect the scenic and agricultural qualities of the Route 206 and 68 corridors from inappropriate or disruptive land uses. Both the planning board and the board of adjustment have



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upheld the viewshed corridor regulations through their review of development applications.

**THE EXTENT TO WHICH THERE HAVE BEEN CHANGES IN ASSUMPTIONS,
POLICIES AND OBJECTIVES AT THE LOCAL, COUNTY AND STATE LEVELS
INCLUDING ENERGY CONSERVATION AS WELL AS OTHER POLICIES**

Renewable Energy

The State of New Jersey has enacted new legislation over the last year which affects alternative energy generating facilities. Municipalities should review their ordinances to bring them consistent with the new laws. The following is a synopsis of key features of the changes.

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.



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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 = 10% OR 1% of farm



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- Net metering only 10%
- Preexisting facilities on roof tops exempt from 10% cap.
- SADC approval required- no fee- 90 days
- Dept. of Ag approval required for Biomass
- SADC to adopt Rules for standards/ BPU assist

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 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



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- Acreage devoted to energy/agriculture does not exceed 1:5 ratio
- 10 acres maximum/ 2MW max 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 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.



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SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS

Renewable Energy

In light of the new legislation, it is recommended that Springfield amend the Land Use Plan Element of its Master Plan to allow for windmills and solar panels in its zones as appropriate. Since most of the Township is zoned AR-10 Agricultural Rural, these uses would become accessory or conditional uses depending on the application. New ordinances should be prepared incorporating the recommendations to be found in the amended Land Use Plan. 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 Route 206 and 68. Other standards such as appropriate setbacks should be applied as well. Solar installations which do not impact preserved farmland, prime agricultural lands and prime agricultural soils should be considered as conditional uses if there are appropriate buffers to surrounding land uses.

Alternative Uses in the Agricultural Rural Zone

In the Route 206 corridor, it may be 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.

RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS

There are no lands considered for redevelopment at this time.