

# LIBERTY TOWNSHIP LAND USE BOARD

Great Meadows, NJ 07838

April 27<sup>th</sup>, 2022 SPECIAL MEETING AGENDA (Solar Ordinance)

LOCATION: Liberty Township Municipal Building  
349 Mt. Lake Road  
Great Meadows, NJ

TIME: 7:30PM

1. CALL TO ORDER AND FLAG SALUTE
2. STATEMENT OF COMPLIANCE – Sunshine Law
3. OATH OF OFFICE
4. ROLL CALL AND DETERMINATION OF QUORM
5. MINUTES: January 19<sup>th</sup>, 2022 – Reorganization  
December 15<sup>th</sup>, 2021 - Regular meeting
6. RESOLUTIONS (None)
7. PENDING APPLICATIONS (None)
8. NEW APPLICATIONS (None)
9. OTHER BUSINESS – **Ordinance #2022 – 03 Determination\***
  - a. Solar and Photovoltaic facilities
10. BILLS
11. ADJOURNMENT (Automatic at 10:30PM)

Liberty Township Land Use Board

Minutes 4/27/22

Chairman Jarvis opened the meeting at 7:30 and read the Open Public Meeting statement

**Attending were:** Wayne Jarvis, Dave Snyder, Joanne Ward, Doug Wright, Eric Tibak

Autumn Sylvester and Richard Schneider also attended.

**Oath of Office** – Dave Snyder, Joanne Ward for terms ending December 2025 and Doug Wright for a term ending December 2022.

**Minutes** – December minutes were postponed, January 19th minutes moved by Doug Wright seconded by Eric Tibak. Wayne Jarvis and Dave Snyder voted aye.

**Discussion** – Solar Ordinance Draft

Rich Schneider provided background on the solar ordinance. It has already been introduced. Whenever there is a development regulation the Twp Comm is required to refer it to the LUB. LUB is required to provide any findings as to whether the ordinance is not inconsistent with the Twp Master Plan. Not necessarily the role of the Board to express its opinion on the ordinance. Board may still make recommendations to the Township Committee if it thinks appropriate. Might ask the Township Planner for her opinion and may also send to Township Committee suggested changes.

Autumn wrote brief memo saying the Township is rural low density agricultural community, lacking sewer and water infrastructure Preserve environmental and visual resources. Ultimate conclusion is that the ordinance is not inconsistent with the Master Plan.

Wayne had suggestion that the ordinance differential between residential use and “solar farm”. Needs to see comments from Township Engineer.

Board wanted to see escrow set up in the event of abandonment. Attorney Schneider not position one way or the other but it is not until the time that it is determined that the solar farm has been abandoned and decommissioning process begun that the restoration bond is to be posted and may be a problem finding the developer at that time. On the other hand requiring a bond in place from the beginning is expensive and difficult to provide. Send the issue back to the Township Committee.

Attorney Schneider provided comments including solar as an accessory use just for the facility on the property the intent is to permit this. Board should decide whether or not there should be differentiation between zones for this. Autumn read off the zones. It should read in all zones. A question arose regarding the “wooded area” definition. Attorney Schneider suggested perhaps that the Township clarify their intent regarding clearcutting to create a solar farm.

There followed a discussion regarding site plan requirements, the size installation that would require site plan approval, the definition of a commercial solar use. Township should clarify in which zones solar farms as a principal use is permitted. By law they are permitted on any property zoned industrial where there are 20 or more contiguous acres available.

Rich need to understand requirement that it should be effective as of the date of installation. Might say screening shall be at a minimum height of some number. Eric Tibak suggested that there was a need to offset the impact before the project was obsolete. Richard Schneider suggested that there may be some minimum height instead. Height perhaps should be defined during the site plan review process.

There was then a discussion regarding the installation of solar farms on agricultural property. Attorney Schneider reminded the Board that solar facilities are considered in the Municipal Land Use Law to be inherently beneficial. The Board could limit the scope of a solar farm on agricultural property to be consistent with the Right-to-Farm Act as an Agricultural Management Practice.

An additional question was raised on taxation of a commercial scale solar facility. This was best referred to the Tax Assessor. It is not the same as for cannabis.

Autumn was directed to draft a letter to the Township Committee. There was no time remaining to meet the 35 day referral response requirement. However, the Township Committee was unlikely to act on the ordinance at the next day workshop meeting.

#### **Open to the Public**

42 Lakeside Drive E, person from the public. Questioned the lack of provision in the code regarding wetlands. This is already governed by the DEP. Any applicant would have to meet their regulations.

Out of fairness to Autumn the Board might ask the Township Committee to defer action until she is able to have a reasonable amount of time to prepare the letter.

**Bills:** Schneider Doug Wright moved and Dave Snyder seconded. All voted aye.

The meeting was adjourned at 9:10.

Respectfully submitted:

Eric K. Snyder,  
Administrator