

Committee Meeting – November 3, 2008
MAYOR’S REPORT

SENATE BILL S-1303, ASSEMBLY BILL A-3062:

Resolution 2008-585 on tonight’s agenda supports opposition by the NJ League of Municipalities to bills S-1303 and A-3062. In essence these bills would allow all wind, solar and photovoltaic facilities to be considered an “inherently beneficial use” and thus would be allowed to be constructed anywhere on our town. Although we the Township Committee fully support the use of alternative energy, we must control the location of these structures. Similar to the cell tower ordinance, we need to enact an ordinance that deals with these issues. I have provided copies of the Leagues letter for anyone interested here tonight.

CELL TOWER ORDINANCE:

Proposed revisions to our Cell Tower Ordinance have been forwarded to the attorneys for the plaintiffs in the Cell Tower litigation by our township attorney. Mr. Dasti has requested they review and comment on the revisions as proposed. As of today we have not received a response.

GET OUT AND VOTE:

I’m sure you are all aware that tomorrow is Election Day and I can’t stress enough that we all need to exercise our civic duty and go out and vote. This is a historic Presidential election that should see record numbers at the polls. Also on this year’s ballot is a local question. I will read you the interpretive statement of this question as it appears on the ballot.

EXPLANATORY STATEMENT

Approval of this non-binding question would authorize the Township to increase the annual local purpose property tax levy by a rate not to exceed 1.0 cents per \$100.00 of total Township equalized real property valuation. The amount raised by the increase in the tax levy would be used to fund the acquisition, development and maintenance of municipal properties for recreation purposes or for the payment of debt service issued or incurred for said purposes.

POLICE VEHICLES:

The computers, cameras & GPS units are now being installed in our police cars.

Jeffrey M. Melchiondo, Mayor, Barnegat Township

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MAYOR’S REPORT

October 20, 2008

**Re: S-1303 & A-3062 Inherently
Beneficial Use**

Dear Mayor:

The League opposes S-1303 and A-3062, which defines “inherently beneficial use” and includes facilities that supply electrical energy produced from wind, solar or photovoltaic technologies.

We understand the intent of the bill, which is to promote alternate forms of energy. However, a statutory definition for the term “inherently beneficial use” is fraught with concerns for local governments and the planning process. If a use is deemed to be “inherently beneficial” it satisfies the positive criteria for a use variance under subsection d of section 70 of the MLUL, and could be located anywhere in a community.

The League has opposed past efforts to introduce a definition for “inherently beneficial use” because special interests have sought additional amendments to exempt their constituencies. If indeed a project is beneficial to the community, the applicant has the option to go through the normal regulatory process. No such change in the statute is necessary.

While the League supports the development of alternate energies, we believe that by defining in the statute “inherently beneficial use” for the purposes of these efforts sets a bad precedent.

The Senate bill, [S-1303](#), was approved by the Senate Economic Growth Committee, and awaits a vote by the full Senate. Its Assembly companion, [A-3062](#), sits with the Assembly Environment committee.

We suggest contacting your legislators and ask them to oppose these bills. Questions on this letter can be directed to Mike Cerra at mcerra@njslom.com or 609-695-3481 x120.

Very truly yours,

**William G. Dressel, Jr.
Executive Director**