

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 10, 2018**

The meeting was called to order by Mayor Miller at approximately 8:10 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Verrilli, Councilwoman Hamilton, Councilman Kula, Councilman Kaminski, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau.

**SALUTE THE FLAG**

**ORDINANCES**

**2nd READING:**

**2018-10**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND VARIOUS CHAPTERS OF THE TOWNSHIP OF HARDYSTON COMBINED LAND USE CHAPTERS IN ORDER TO ESTABLISH STANDARDS FOR OUTDOOR LIGHTING FOR RESIDENTIAL PROPERTIES**

**BE IT ORDAINED**, by the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

**Section 1.** Chapter 147, Site Plan and General Development Review Section 147-8 Design standards and required site improvements, Subsection (E) of the Township of Hardyston Land Use Code is hereby amended and supplemented to read as follows:

**§147-8 Design standards and required site improvements.**

E. Lighting plans shall be designed to provide adequate lighting for safety while encouraging energy conservation and preventing annoying and destructive light pollution.

**Section 2.** Chapter 185, Zoning of the Township of Hardyston Revised General Ordinances is hereby amended and supplemented to establish a new Article XXVIII Outdoor Lighting as follows:

**Article XXVIII Outdoor Lighting**

**§185-126 Purpose.**

The purpose of this Chapter is to regulate outdoor lighting in a manner which encourages the conservation of energy, improves or maintains the nighttime visual environment, prevents and/or eliminates misdirected or excessive artificial light, light trespass and/or unnecessary sky glow and protects the health, safety, security and welfare of Township residents and the general public

**§185-127 Applicability.**

All outdoor light fixtures installed and thereafter maintained shall comply with the requirements specified in this article. The regulations and standards contained in this Article shall apply to (1) outdoor lighting upon any property for which site plan review and approval is required; and (2) the installation, alteration to and/or the changing of outdoor lighting upon any residential property including single – and multi- family dwelling units. All outdoor light fixtures installed and thereafter maintained shall comply with the requirements specified in this article.

**§185-128 Definitions.**

Artificial Light Source: a man-made object from which light originates (ex: an electrically-powered lamp)

Downward-Aimed Light Fixture: a light fixture aiming no more than 60 degrees in either direction from the center of the lowest light-emitting point of the luminaire.

Externally Illuminated Sign: a sign any face of which is illuminated by one or more artificial light sources located between the viewer and the sign face and directed toward the sign face

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**Floodlight:** an unshielded artificial light source or lamp designed to produce relatively uniform illumination across a broad area

**Footcandle:** (abbreviated “fc”) a unit of measurement of illuminance; 1 footcandle equals 1 lumen per square foot of area

**Fully Shielded Luminaire:** a luminaire that emits no direct upright.

**Glare:** The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance and visibility.

**IESNA:** Illuminating Engineering Society of North America. An organization that recommends standards for the lighting industry.

**Light Trespass:** Any form of artificial illuminance emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance, as specified in §185-130.

**Illumination:** (see “Lighting”)

**Illuminance:** the total amount (density) of visible light incident upon (i.e. illuminating) a point of a surface from all directions above the surface measured in footcandles (note: the "surface" may be a part, or all, of a physical object or an imaginary plane)

**Internally Illuminated Sign:** a sign any face of which is opaque and illuminated by one or more artificial light sources enclosed entirely within the sign cabinet and not directly visible from any point outside of the sign cabinet.

**International System of Units:** (abbreviated “SI”) the modern form of the metric system

**Lamp:** a radiant light source; the replaceable, electrically-powered light source of a light fixture

**Lighting:** the deliberate utilization of one or more artificial light sources to achieve an aesthetic or intended effect

**Light Source:** a thing or object from which light originates (note: an object that reflects light originating from a different object is not a light source)

**Light Spillage:** light projected onto a property from an artificial light source not located upon that property

**Light Trespass:** light spillage not compliant with the requirements of this Chapter

**Lumen:** (abbreviated “lm”) a unit of measurement of luminous flux (i.e., of the total amount of light emitted in all directions per unit time) within the International System of Units

**Luminaire:** a self-contained lighting system component containing a light fixture and, as necessary, an outer shell or housing, a mirror or reflector, an aperture, a lens or refractor and a mounting bracket or pole socket; within this Chapter, the term “luminaire” shall refer to outdoor lighting luminaires unless otherwise stated

**Objectionable Direct Glare Source:** Glare resulting from excessive levels of illumination or insufficiently shielded light sources emanating from light fixtures in the field of view where the lens, lamp or reflector is offensively visible above a height of five (5) feet at a property line or a public roadway.

**Outdoor Lighting:** the lighting of areas exterior to the walls of enclosed buildings and/or within structures having open or partially open walls such as canopies, pavilions, gazebos, etc.

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**Shielded Light Fixture:** A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees from the center of the luminaire facing straight down through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

**Shielded Light Source:** a light source which is positioned and/or equipped with light shielding devices so that it is not directly visible to any person distant 10 feet or more from the light source, or from any point upon or outside of the property boundary.

**Spotlight:** an unshielded artificial light source or lamp designed to produce a narrow, well directed beam of light upon a small area.

**Temporary Lighting:** Temporary lighting is outdoor lighting which does not conform to the provisions of this Chapter and which will not be used for longer than a period of thirty (30) consecutive days; temporary lighting is intended for uses which, by their nature, are of limited duration such as holiday decorations, civic events, or construction projects.

### **§185-129 Design Standards.**

A. Residential Uses. All outdoor lighting fixtures serving residential dwellings shall comply with the requirements specified in this section:

- (1) All outdoor light fixtures serving one- and two-family dwellings and having initial light outputs greater than 1,500 lumens shall be of a type which provides a luminaire that is recessed or enclosed within the fixture so as to eliminate sky glow and glare. Light fixtures with initial light outputs less than 1,500 lumens, such as decorative porch lights, wall sconces, post top lanterns and walkway fixtures, may contain lamps and glass/plastic diffusing devices that extend beyond the opaque fixture enclosure. All outdoor fixtures shall comply with the requirements as specified below:
  - a) Outdoor light fixtures properly installed and maintained shall be directed so that there will not be any direct glare source visible from any adjacent residential property.
  - b) Pole-mounted lighting fixtures shall not exceed sixteen (16) feet (base plus pole) in height.
  - c) Light fixtures installed within any setback area, including front, rear or side yard setbacks, shall contain shielding devices to prevent light spill and glare upward and onto adjacent properties.
  - d) Accent lighting used to enhance the architectural features, materials color, style of buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark sky or cause glare or direct light beyond the facade onto a neighboring property or streets.

B. Where used for security purposes or to illuminate walkways, roadways and parking lots, only outdoor light fixtures having luminaires that are shielded from public view and having the performance characteristics of a cutoff light fixture shall be used.

C. Heights. Mounting heights (base plus pole) shall not exceed sixteen (16) feet above grade. Lower heights shall be used for walkways.

D Shielding. All luminaires shall be shielded to eliminate glare. Lamps shall be recessed in the luminaire.

E. Adjoining properties. The maximum illumination at any point on adjoining properties shall not exceed 0.2 footcandles. The light source shall not be visible from adjacent properties.

F. Hours of operation. All outdoor lighting fixtures serving residential dwellings, except those used for security purposes, shall be turned off from 11:00 p.m. until dawn.

H. Security lighting. The average maintained illumination for security purposes shall be 0.4 footcandles.

I. Underground installation. All wires and cables shall be underground, inside of the pole of a pole mounted fixture or inside an electrical conduit when wiring is attached to a building. No visible wires shall be permitted for outdoor lighting.

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### **§185-130 Light Trespass (nuisance light).**

All light fixtures, except street lighting maintained by a governmental authority or that was part of an approved subdivision or site plan, shall be designed, installed and maintained to prevent light trespass, as specified below:

- A. Outdoor light fixtures properly installed and thereafter maintained shall be directed so that there will not be any direct glare source visible from another property.

### **§185-131 Prohibitions.**

The use or installation of the following outdoor light fixtures is prohibited:

- A. Outdoor lighting fixtures for purposes of private, commercial or industrial usage shall not be attached or mounted to public property (i.e., public buildings, utility poles, telephone poles, streetlights, road or street signs) or to any trees located within a public road right-of-way.
- B. No outdoor lighting fixtures for purposes of private, commercial or industrial usage shall be erected within a public road right-of-way unless approval is obtained from the Township Council.

### **§185-132 Enforcement.**

A. Construction. All lighting fixtures and mounting structures shall be constructed in compliance with applicable construction codes.

- 1) Issuance of building permit. No building permit shall be issued by the Construction Official for any proposed outdoor lighting unless found to be in accordance with this Chapter.
- 2) Certificate of occupancy. No certificate of occupancy shall be issued by the Construction Official unless and until proof has been submitted to him/her or her that all proposed outdoor lighting has been installed in compliance with the site plan approval or in the case of residential dwellings or commercial uses not requiring a site plan, that the outdoor lighting conforms to

§ 185-129 of this Chapter.

B. The requirements of this chapter may be enforced on the basis of a valid, formal complaint filed in writing with the Planning and Zoning Department.

C. Violations. If the Zoning Official determines that an outdoor light is in excess of the standards established by this article, or that artificial light is emanating from inappropriate or misdirected light fixtures not in compliance with the provisions of this article, the Zoning Official shall give written notice by certified mail to the owner or tenant that the outdoor light(s) be returned to good repair, be made to comply or be removed as required by such notice. Noncompliance by the owner or tenant upon whom the notice is served for any violation of the terms and conditions of this article shall be subject to a fine in accordance with procedures established by law at §185-92.

**Section 3.** Chapter 185, Zoning Section 185-67 Standards to be enforced Subsection (E) of the Township of Hardyston Land Use Code is hereby amended and supplemented to read as follows:

### **§185-67 Standards to be enforced**

E. Glare. The standards promulgated at Article XXVIII, Sections 185-126 thru 185-132 shall be enforced in order to regulate the nuisance elements potentially generated as a result of glare from outdoor lighting fixtures.

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**Section 4.** This Ordinance may be renumbered for codification purposes.

**Section 5.** All Ordinances of the Township of Hardyston which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 6.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**Section 7.** This Ordinance shall take effect immediately following adoption and publication as required by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Hamilton to approve Ordinance 2018-10 on second reading, seconded by Verrilli. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Resolution #56-18 – Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Silver Grove Road Improvement Project

A motion was made by Kaminski to approve the resolution as presented, seconded by Hamilton. All in favor. Motion carried.

**BILLS TO BE PAID:** A motion was made by Hamilton to approve the bill list as presented, seconded by Kula. All in favor. Motion carried.

**PUBLIC PORTION:** A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Hamilton to adjourn at approximately 8:20 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk