

ORDINANCE 2013- 07
LOWER ALLOWAYS CREEK TOWNSHIP

AN ORDINANCE AMENDING SECTION 5.07 KNOWN AS “CONDITIONAL USES” OF
THE LAND USE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to amend the Land Use Code Section 5.07 known as “Conditional Uses”.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Lower Alloways Creek that:

Section 1. Section 5.07 of the Land Use Code of the Township of Lower Alloways Creek is hereby amended as follows:

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Section 5.07 Conditional Uses.

Uses listed as conditional uses in a particular district may be permitted by the Planning Board only if it has been determined that the development proposal complies with the conditions and standards set forth in this chapter for the location and operation of such use.

A. The only conditional uses permitted are those set forth in this section and shall be obtained in accordance with the following procedures:

Before a construction permit or certificate of occupancy shall be issued for any conditional use as permitted by this section, application shall be made to the Planning Board. The Planning Board shall grant or deny said application within ninety-five (95) days of submission of a complete application by a developer or the Administrative Officer, or within such further time as may be consented to by the applicant.

The review by the Planning Board of a conditional use shall include a site plan review as set forth in the Land Development Ordinance of the Township of Lower Alloways Creek Public notice and a hearing shall be required as set forth in the ordinance.

In all requests for approval of conditional uses, the burden of proof shall be on the applicant. The Planning Board shall give due consideration to all reasonable elements which could affect the public health, welfare, safety, comfort and convenience, such as, but not limited to, the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities, and building and structure location(s) and orientation(s).

B. Conditional Uses Permitted.

1. Storage of Low-Level Radioactive Waste (LLW) in the Industrial District.

a. Intent. It has been determined that there may be a need for onsite, temporary storage of LLW generated by the duly licensed nuclear facility(ies) existing in the Township.

b. The storage of LLW shall be permitted only if it complies with the following conditions and standards:

(1) Only LLW generated by a duly licensed nuclear generating facility(ies) existing within the Township on the date of adoption of this ordinance may be stored.

(2) Storage of LLW must take place

(a) On the site of the nuclear generating facility(ies)

(b) Within the nuclear security fence

(c) Within the Nuclear Regulatory Commission licensed exclusion area of a reactor site, as defined in 10 CFR 100.3(a)

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(3) There shall be no more than one (1) LLW storage facility permitted in the Township.

(4) The maximum dimensions of an LLW storage facility shall be:

(a) Area: twenty thousand (20,000) square feet

(b) Height: fifty (50) feet

(c) Storage capacity: sixty-five thousand seven hundred fifty (65,750) cubic feet

(5) The LLW storage facility must be designed and constructed in accordance with applicable NRC regulations and guidelines and any other federal and/or state agency(ies) which have jurisdiction over the storage of LLW.

(6) Provided there is a legally available storage or deposit site for low level radioactive waste, at least fifty (50%) percent of the low level radioactive waste accumulated in the storage facility shall be removed from the Township annually.

(7) Any owner or operator of a low level radioactive waste storage facility existing in the Township on the date of adoption of this ordinance shall be required to make application to the Planning Board for conditional use approval within sixty (60) days of the date of the adoption of this ordinance.

“My opinion with respect to the storage of low level radioactive waste, however, has changed somewhat and I believe that that section can be amended so that Section 5.O1B1(b)(8) only be deleted and replaced with the following:”

~~(8) Any approval granted by the Planning Board for the storage of low level radioactive waste shall terminate no later than five (5) years from the date of approval by the Planning Board.~~

(8) Nothing in this section shall apply to the exclusive Federal regulatory authority granted to the nuclear regulatory authority by the Atomic Energy Act at 42 U.S.C.A. 2021 and the Federal regulations promulgated thereto over radiological safety and protection against radiological hazards. See 42 U.S.C.A. 2021(k).

“therefore I continue to believe that section 5.07B2 and everything below it should be deleted”

~~2. Storage of spent nuclear fuel or radioactive waste of any kind in the Industrial District.~~

~~a. Intent. It has been determined that there may be a need for onsite, temporary storage of spent nuclear fuel or radioactive waste of any kind generated by the duly licensed nuclear facilities existing in the Township.~~

~~b. The storage of spent nuclear fuel and radioactive waste of any kind shall be permitted only if it complies with the following conditions and standards:~~

~~(1) Only spent nuclear fuel produced by a duly licensed nuclear generating facility existing within the Township on the date of this ordinance* may be stored and only at that same generating facility which produced it.~~

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~~(2) Temporary storage of spent nuclear fuel must take place~~

~~— (i) On the site of the nuclear generating facility~~

~~— (ii) Within the nuclear security fence~~

~~— (iii) Within the Nuclear Regulatory Commission licensed exclusion area of a reactor site, as defined in 10 CFR 100.333(a).~~

~~(3) Such temporary storage may only be permitted until such time as space becomes available in a spent fuel depository outside the Township or until any means of spent fuel disposal becomes available outside the Township to the operator of that generating facility, whichever happens first, after allowing for normal spent fuel cooling time.~~

~~(4) Each generating nuclear facility separately licensed for operation by the Nuclear Regulatory Commission shall be treated as a separate generating facility for purposes of this chapter and for this conditional use. For example, under this section, no spent nuclear fuel produced by the Salem II Nuclear Generating Station may be stored or temporarily retained at the Salem I Nuclear Generating Station at any time, or vice versa, nor may spent fuel or radioactive waste produced by any other nuclear generating facilities located outside or inside the Township be stored or temporarily retained at Salem I, Salem II, or Hope Creek generating facilities.~~

~~(5) The temporary storage facility for spent nuclear fuel of any kind must be designed and constructed in accordance with applicable NRC regulations and guidelines and any other Federal and/or State agency(ies) which have jurisdiction over the storage of spent nuclear fuel.~~

~~(6) Any owner or operator of a storage facility for spent nuclear fuel existing in the Township on date of adoption of this ordinance* shall be required to make application to the Planning Board for conditional use approval within ninety (90) days of the date of the adoption of this ordinance.~~

~~(7) Any approval granted by the Planning Board for the storage of spent nuclear fuel or radioactive waste of any kind shall terminate no later than five (5) years from the date of the approval by the Planning Board.~~

~~(Ord. No. 99-5; Ord. No. 99-9; Ord. No. 200-1-6)~~

~~*Editors Note: Ordinance No. 2001-6, codified herein, was adopted July 17, 2001.~~

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THIS ORDINANCE shall take effect according to law following review by the Lower Alloways Creek Township Planning Board for consistency with the Master Plan.

This Ordinance, which was introduced for First Reading on April 16, 2013, shall be published by Title in the News of South Jersey and placed on the Township's Website and Bulletin Board giving notice of said Public Hearing as required by Law.

Public Hearing on this Ordinance shall be on May 20, 2013 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock's Bridge, New Jersey.

Introduction: April 16, 2013

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY		S	Y			
MR. PALOMBO	M		Y			
MRS. POMPPER			Y			
MR. VENABLE			Y			
MAYOR BRESLIN		S	Y			

Final: May 20, 2013

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY						
MR. PALOMBO						
MRS. POMPPER						
MR. VENABLE						
MAYOR BRESLIN						

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

Ronald L Campbell Sr. Twp Clerk

By: _____
Robert F. Breslin III, Mayor