

TOWNSHIP COUNCIL WORKSHOP AGENDA

MONDAY, DECEMBER 6, 2021

7:00 P.M.

SALUTE TO THE FLAG

STATEMENT OF PUBLIC NOTICE - TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-10 AS FOLLOWS: A NOTICE OF THE MEETING WAS PROMINENTLY POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING, LOCATED AT 225 MAIN STREET, LITTLE FALLS, NJ ON JULY 22, 2021. A COPY OF THE NOTICE WAS FAXED TO THE NORTH JERSEY HERALD & NEWS AND THE RECORD ON THE SAME DATE. ADDITIONALLY, A COPY OF THE NOTICE WAS FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON SAID DATE.

THIS MEETING IS BEING CONDUCTED UNDER THE CIRCUMSTANCES SURROUNDING THE COVID-19 HEALTH SITUATION. ONLY 25 MEMBERS OF THE PUBLIC WILL BE ALLOWED TO ATTEND THE MEETING IN PERSON. A LINK AND A TELEPHONE NUMBER TO JOIN THE MEETING VIRTUALLY CAN BE ACCESSED ON THE TOWNSHIP WEBSITE AT WWW.LENJ.COM. ELECTRONIC PROVISIONS HAVE BEEN ESTABLISHED FOR THE PUBLIC TO PARTICIPATE DURING THE PUBLIC COMMENT PORTION OF THE MEETING.

ROLL CALL

PROCLAMATION RECOGNIZING WORLD AIDS DAY

RECOGNITION OF PVHS STUDENT ATHLETES

PUBLIC COMMENT - GENERAL MATTERS

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIRTUALLY AND DESIRE TO PROVIDE COMMENT SHALL RAISE THEIR VIRTUAL HAND IN THE ZOOM APPLICATION. THE MEETING MODERATOR WILL QUEUE THE MEMBERS OF THE PUBLIC THAT WISH TO PROVIDE COMMENT AND THE COUNCIL PRESIDENT WILL RECOGNIZE THEM IN ORDER. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING BY CALLING IN MUST PRESS *6 TO MUTE AND UNMUTE THEMSELVES AND *9 TO RAISE THEIR HAND. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIA THE ZOOM APPLICATION MUST CLICK THE REACTIONS ICON AND THEN THE RAISE HAND ICON. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. ONCE THE PROCESS IS COMPLETE, WE WILL RETURN TO THE REGULAR ORDER OF BUSINESS.

ITEMS TO BE DISCUSSED:

MAYOR/ADMINISTRATOR:

1. TAX REFUND RESOLUTION

2. RESOLUTION AUTHORIZING ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE
3. RESOLUTION AUTHORIZING PURCHASE OF ROCK SALT UNDER THE PASSAIC COUNTY COOPERATIVE
4. BUDGET TRANSFER RESOLUTION

ACTION ITEMS:

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE VARIOUS CHECKS TOTALING \$6,600.69 TO REFUND TAX OVERPAYMENTS IN THE YEAR 2021 ON SEVERAL PROPERTIES [A]

RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE [B]

RESOLUTION AUTHORIZING THE PURCHASE OF ROCK SALT UNDER THE PASSAIC COUNTY COOPERATIVE [C]

RESOLUTION AUTHORIZING TRANSFERS IN THE 2021 BUDGET [D]

BILL LIST [E]

NEW BUSINESS

PUBLIC HEARING OF ORDINANCE NO. 1426, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 280 ENTITLED, "ZONING" TO ELIMINATE FLOOR AREA RATIO REQUIREMENTS FROM THE R1-A, R1-B AND R1-C ZONES".

COUNCIL TOPICS FOR DISCUSSION

PUBLIC COMMENT - AGENDA ITEMS ONLY

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ADJOURN

RESOLUTION [A] 21-12-06 # _____

WHEREAS, the following properties in the Township of Little Falls, New Jersey have overpaid real estate taxes in 2021; and

WHEREAS, the Tax Collector is requesting that the Township Council direct the Treasurer to refund said amounts overpaid listed below;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey that the following listed tax refunds be made by the Township Treasurer:

<u>Tax Year & Qtr.</u>	<u>Block Lot/Q</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	<u>Amount</u>
2021/4	88.05/1 C106	Cantor to Fuhro 300 Main St, #106	Prestige Title Agency 130 Pompton Ave Verona NJ 07044	O/P	\$2,111.29
2021/4	89/8	Avalon Real Estate LLC 1 Cardinal Dr	Avalon Real Estate LLC 121 Old Chester Road Essex Fells NJ 07021	O/P	4,180.92
2021/4	89/8.01	Avalon Real Estate LLC Cardinal Dr	Avalon Real Estate LLC 121 Old Chester Road Essex Fells NJ 07021	O/P	<u>308.48</u>
Total Refunds					\$6,600.69

APPROVED: _____

cc: Finance Dept.
Tax Collector
Dept.

RESOLUTION (B) 21-12-06 # _____

**RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE
CERTIFICATE PURSUANT TO N.J.S.A. 54:5-52.1**

WHEREAS, the Tax Collector of the Township of Little Falls has previously issued a tax sale certificate to Apex Capital Holdings LLC which certificate is dated September 15, 2021 covering premises commonly known and referred to as Block 37 Lot 9, Korek LLC, 198 Nwk Pompton Tpk, Little Falls, NJ 07424 as set out on the municipal tax map then in use which certificate bears number 03-2021.

WHEREAS, the purchaser, John Venutolo, Manager of Apex Capital Holdings LLC of the aforesaid tax sale certificate has indicated to the Tax Collector with an affidavit of lost tax sale certificate that the Passaic County Clerk Register of Deeds office recorded this certificate on October 6, 2021, Book: M17491; Page: 294 and lost and/or misplaced this same Certificate of Sale without returning same to Apex Capital Holdings LLC as no tracking information on their end of mailing and/or returning it to Apex Capital Holdings LLC; and

NOW, THEREFORE BE IT RESOLVED, that the Tax Collector, Mayor and Governing Body waive the charge of \$100.00 for this duplicate Certificate of Sale being that Apex Capital Holdings LLC never received this Certificate returned to him after County recording it and was due to the County's negligence.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss of Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law. Apex Capital Holdings LLC does not need to record this Duplicate Certificate of Sale.

CERTIFICATION

I, Cynthia Kraus, Clerk of the above municipality, do certify the forgoing to be a true and lawful copy of a duly adopted Resolution of the municipality at their meeting held on December 6, 2021.

WITNESS, my hand and seal of the municipality this _____ day of _____, 2021.

Approved: _____

cc: Tax Collector

Dept.

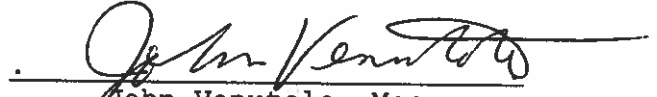
Apex Capital Holdings LLC

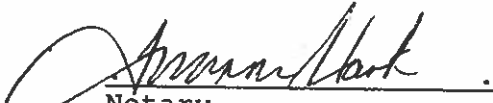
REQUEST FOR DUPLICATE CERTIFICATE BY LIENHOLDER
AFFIDAVIT OF LOST TAX SALE CERTIFICATE

I, John Venutolo, Manager of Apex Capital Holdings LLC, residing at 25 Hughes Place, Summit, New Jersey 07901, of full age, being duly sworn according to the law, upon my oath, depose and say:

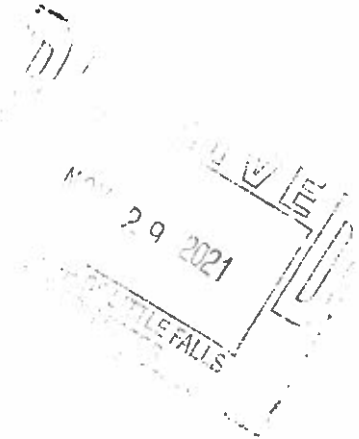
1. Apex Capital Holdings LLC is the true and lawful owner of Tax Sale Certificate # 03-2021 issued by the Municipality of Little Falls, N.J., constituting a third party lien on a property know as Block 37, Lot 9 assessed to ~~Kerek~~ LLC. *Kerek (gw) 11-29-2021*
2. This Tax Sale Certificate was duly recorded in the Office of the County Clerk for the County of Passaic on October 6, 2021 in Mortgage Book M17491 on Page 294.
3. Apex Capital Holdings LLC remains the owner of said certificate and has not sold, assigned, transferred or otherwise hypothecated said certificate.
4. I make this affidavit to induce the municipality to authorize the issuance of a Duplicate Tax Sale Certificate: Due to the Passaic County Register Clerk misplacing this document and ask that the \$100.00 municipal fee be waived due to County of Passaic's negligence.

Sworn and Subscribed to before me
this 18th day of November 2021.


John Venutolo, Manager
Apex Capital Holdings LLC


Notary

TOWANNIA HAWK
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2379402
MY COMMISSION EXPIRES OCT. 27, 2023



RESOLUTION [C] 21-12-06 - #_____

ACCEPTING BID AND AWARDING CONTRACT
FOR THE VENDORS LISTED BELOW FOR THE 2021 WINTER PRODUCTS
Under County Cooperative Purchasing
Contract Period December 1, 2021 through November 30, 2022

WHEREAS, the County of Passaic's Purchasing Agent has advised that pursuant to advertising duly made, bids were received by the County of Passaic as lead agency for the Voluntary Cooperative Pricing System for the furnishing and delivery of

Bulk Rock Salt,

for the Contract period December 1, 2021 to November 30, 2022; and

WHEREAS, the County of Passaic as lead agency, based on review of bids and the resulting recommendation, has awarded a master contract for this commodity; and

WHEREAS, the Township of Little Falls wishes to participate in the master contract for the purchase of WINTER PRODUCTS because the price under Contract No. 38PCCP is lower than the prices quoted to the Township by other suppliers; and

WHEREAS the Township Treasurer has provided a Certification of the Availability of Funds pursuant the Local Finance Board; and the appropriation to be charged for this expenditure is Department of Public Works Other Expenses;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls as follows:

- 1) That the following bids be awarded for purchases to be made on an as-needed basis:

Morton Salt
Bid: \$66.54 per ton

the award being based upon the unit price; and payment to be made based upon the unit price multiplied by the quantities), be and the same is hereby accepted; and

- 2) That the Mayor and Clerk be and they are hereby authorized to execute a Contract for the purchase of the within designated goods at the bid price hereinabove cited.

APPROVED: _____

cc: Finance Dept.; DPW Superintendent; Dept.

WHEREAS, Title 40:4-58 of the New Jersey Statutes provides that should it become necessary, during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Little Falls, not less than 2/3 of the members thereof affirmatively concurring, that the Treasurer be and is authorized to make the attached transfers in the 2021 Budget Appropriations.

APPROVED: _____

cc: Finance Dept.
DLGS
Auditor
Budget File
Dept.

Sorted By Transfers

2021 budget transfer Dec meeting

Date	From	Debit	Credit Account	Is Journal	Trans #	Account #
12/01/21		20,000.00	ADMINISTRATION S&W	NON-CASH	42875	01-2010-20-1000-010
12/01/21			15,000.00 FINANCIAL ADM. S&W	NON-CASH	42875	01-2010-20-1300-010
12/01/21			5,000.00 REVENUE ADMIN. O/E	NON-CASH	42875	01-2010-20-1452-238
12/01/21		5,000.00	ASSESSMENTS S&W	NON-CASH	42875	01-2010-20-1500-010
12/01/21		20,000.00	ENGINEERING O/E	NON-CASH	42875	01-2010-20-1652-228
12/01/21		1,000.00	PLANNING BOARD S&W	NON-CASH	42875	01-2010-21-1801-010
12/01/21		30,000.00	CONST. CODE OFF. S&W	NON-CASH	42875	01-2010-22-1951-010
12/01/21		3,000.00	CONST. CODE OFF. O/E	NON-CASH	42875	01-2010-22-1952-229
12/01/21		2,000.00	PLUMBING INSP. S&W	NON-CASH	42875	01-2010-22-2001-010
12/01/21			75,000.00 NUSHBP-GROUP HEALTH	INNON-CASH	42875	01-2010-23-2202-225
12/01/21		15,000.00	POLICE S&W	NON-CASH	42875	01-2010-25-2403-020
12/01/21			25,000.00 POLICE S&W	NON-CASH	42875	01-2010-25-2404-010
12/01/21			11,300.00 AID TO VOL. FIRE - O/ENON-CASH		42875	01-2010-25-2652-217
12/01/21			10,000.00 FIRE HYDRANT SERV.	NON-CASH	42875	01-2010-25-2662-273
12/01/21		70,000.00	DPW S&W	NON-CASH	42875	01-2010-26-2901-020
12/01/21			15,000.00 SHADE TREE COMM O/E	NON-CASH	42875	01-2010-26-3002-251
12/01/21			20,000.00 FIRE PREVENT S&W	NON-CASH	42875	01-2010-27-3501-010
12/01/21		300.00	FIRE PREVENTION O/E	NON-CASH	42875	01-2010-27-3502-207
12/01/21			10,000.00 RECREATION S&W	NON-CASH	42875	01-2010-28-3701-010
12/01/21		10,000.00	TELEPHONE/IT	NON-CASH	42875	01-2010-31-4402-276
12/01/21			5,000.00 WATER	NON-CASH	42875	01-2010-31-4452-272
12/01/21		15,000.00	GAS & ELECTRIC	NON-CASH	42875	01-2010-31-4462-271
12/01/21			1,500.00 DIESEL	NON-CASH	42875	01-2010-31-4472-274
12/01/21		1,500.00	LANDFILL/SOLID WASTE	DNON-CASH	42875	01-2010-31-4552-278

ORDINANCE NO. 1426

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
AMENDING THE TOWNSHIP CODE CHAPTER 280 ENTITLED ZONING
TO ELIMINATE THE FLOOR AREA RATIO REQUIREMENTS
FROM THE R1-A, R1-B AND R1-C ZONES**

WHEREAS, the Township of Little Falls ("Township") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township's Code of General Ordinances ("Code") currently provide for the regulation of development throughout the Township; and

WHEREAS, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 280 to eliminate the Floor Area Ratio requirements from the R1-A, R1-B and R1-C Zones in the Township of Little Falls and the corresponding Schedules of Use Area and Bulk Regulations attached to this Ordinance; and

WHEREAS, it has been determined that the following changes to the Zoning code in the Township of Little Falls will eliminate the Floor Area Ratio from the R1-A, R1-B and R1-C zones:

Chapter 280. Zoning

Article II. Definitions

§ 280-4. Specific definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESS DRIVES

Those drives leading to and from the interior roads and parking areas.

ACCESSORY

The term applied to a building or use which is clearly incidental or subordinate to the principal building or use and located on the same lot with such principal building or use. Any accessory building attached to a principal building is deemed to be part of such principal building in applying the bulk regulations to such accessory building.

ALTERATION

A change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ARTISANAL WORKSHOP

Shops of special trade, including the small-scale manufacturing, compounding, assembly, processing, packaging or similar treatment of such products as: baked goods, candy, ceramics, pottery, china, weaving and other textile arts, painting, woodworking and other artistic endeavors and similar trades. Retail sales on the premises of products made on the premises are required.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

AUTOMOBILE LAUNDRY

A building or premises where automobiles are washed either by automatic equipment or by hand.

BRACKET

A projection from a vertical surface providing support under cornices, balconies, window frames, etc. They can be structural or decorative.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

BUILDING

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which has a roof and is permanently affixed to the land.

BUILDING COVERAGE

The ratio of the horizontal area measured from the exterior surface of the exterior walls of the first story of the principle building on a lot to the total lot area. Accessory structures attached to the principle structure shall be excluded from the calculation of building coverage.

BUILDING, DETACHED

A building surrounded by open space on the same lot.

BUILDING, FULLY ENCLOSED

A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING, HEIGHT

~~The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roof.~~

The vertical distance measured from the average elevation of the finished grade, six feet from every side of the structure to the highest point of a flat roof; to the deck line of a mansard roof and to the midpoint below the highest peak on a gable sloped or hip roof.

BUILDING, PRINCIPAL

A non-accessory building in which a principal permitted use of the lot on which it is located is conducted.

BULK

The volume and shape of a building or of a nonbuilding use in relation to lot lines, center lines of streets, other buildings and all open spaces appurtenant to a building or a nonbuilding use.

BULK, NONCONFORMING

That part of a building or nonbuilding use which does not conform to one or more of the applicable bulk regulations prescribing the maximum floor area ratio, maximum height per foot of distance from each lot line, length, or height of a building or nonbuilding use, or the minimum lot area per dwelling unit, lot frontage, yards, courts, required spacing between detached buildings on the same lot and usable open space on the lot for the district in which such building or nonbuilding use is located.

CONSTRUCTION OFFICIAL

The state-licensed code enforcement official responsible for administering the Uniform Construction Code within the Township of Little Falls. See Chapter 3, Administration of Government, § 3-7.4.

CORNICE

A projecting ornamental molding along the top of a building or wall.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

CORNICE LINE

A continuous horizontal cornice feature that provides a vertical break within the facade and/or defines the roofline along the top of the building.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

COVERAGE

That percentage of the plot or lot area covered by the building area.

COVERAGE BY ABOVE GRADE STRUCTURES

The combined area of all buildings and other above-grade structures on a lot, including but not limited to porches, decks, balconies and cantilevered parts of the building at any level, but excluding however, cornices, eaves and other structures which are specifically excluded by this chapter

DRIVE-IN FOOD ESTABLISHMENT

Those establishments which sell food outside the confines of a building to persons in motor vehicles, but shall not preclude drive-through windows where the retail business may be conducted through a window or other aperture of the building to persons in motor vehicles as an adjunct to the retail business conducted within the building, but where, however, consumption of the food thereby dispensed shall not be permitted on the premises upon which the building is located. In order to meet the definitional requirement of this subsection, an applicant for the drive-in facility shall attach to the application an affidavit representing that consumption of the food thereby dispensed shall not be permitted on the premises on which the building is located. The applicant shall further include with the affidavit a statement that if the building permit is issued for a facility which includes drive-through windows, the owner of the property on which the facility is located will cause to be filed in the office of the Register of Deeds of Passaic County an appropriate restriction which shall be binding upon all purchasers and successors in title.

DWELLING

A building or portion thereof, but not an automobile house trailer, designed or used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels.

DWELLING, MULTIPLE-FAMILY

A building, or portion thereof, containing three or more dwelling units.

DWELLING, ONE-FAMILY

A building designed or used exclusively for occupancy by one family and including one-family detached dwellings and group houses.

DWELLING, TWO-FAMILY

A building designed or used exclusively for occupancy by two families.

DWELLING UNIT

One or more rooms in a residential building which are arranged, designed, used or intended for use as living quarters for one family ~~and up to two roomers.~~

EASEMENT, CONSERVATION

The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity.

EASEMENT, DRAINAGE

Land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

FAMILY

Persons living together as a single nonprofit housekeeping unit, living and cooking together, whose relationship exhibits a kind of stability, permanency and functional lifestyle which is equivalent to that of the traditional family unit, as distinguished from fraternities and sororities, societies, clubs, associations, lodges, halfway houses, shelters and other forms of specialized communal living of a transient nature.

FILLING STATION

See "motor vehicle service station."

FLOODPLAIN

The area designated by FEMA and shown on the most current Flood Insurance Rate Map (FIRM) to be in a special flood hazard area.

[Added 5-21-2012 by Ord. No. 1156]

FLOODPLAIN ELEVATION

The height of expected flood levels above mean sea level (per North American Vertical Datum 1988) for a particular location as shown on the most current FIRM maps by FEMA.

[Added 5-21-2012 by Ord. No. 1156]

FLOODPLAIN OVERLAY

The residential development area designated by FEMA FIRM maps as special flood hazard areas which shall overlay all zoning boundaries within the Township.

[Added 5-21-2012 by Ord. No. 1156]

FLOOR AREA OF BUILDING

See "gross floor area."

FLOOR AREA RATIO

The ratio of a building's gross floor area to the area of the lot on which the building is located.

[Amended 8-10-2015 by Ord. No. 1224; 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

FRONT LOT LINE COVERAGE

The width of the building's primary facade measured at the maximum permitted front setback as a percentage of the width of the front street property line.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

GARAGE, PRIVATE

An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is rented to a nonresident of the premises.

GARAGE, PUBLIC

Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repairs, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

GROSS FLOOR AREA

The sum of the gross horizontal area of all floors of a building and its accessory buildings (on the same lot). Gross floor area does not include cellars, basements, attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts, but the area under roofed porches and roofed terraces shall be included. All dimensions shall be measured between exterior faces of walls.

[Amended 8-10-2015 by Ord. No. 1224; 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

GROUND FLOOR AREA

The first story of the principle building other than a cellar or basement measured from the exterior surface of the exterior walls.

HOME OCCUPATION

A permitted commercial activity conducted entirely within a residential dwelling unit and conducted by members of the family residing therein with no more than one employee, unless otherwise prohibited. The occupational use shall be clearly incidental and accessory to the residential use of the dwelling in a residential zone, does not change the residential character of the dwelling and is in accordance with the provisions of this chapter, unless otherwise prohibited.

HOTEL

A building which has a common entrance or entrances and contains living and sleeping accommodations for 10 or more persons, for hire.

HOTEL, APARTMENT

A hotel which contains dwelling units, or dwelling units and lodging rooms, and in which at least 50% of the gross floor area devoted to residential use shall be allocated to such dwelling units.

IMPERVIOUS COVERAGE

The building area plus the area of any impervious surfaces, including walks, driveways, patios, above and below ground swimming pools, steps, decks, and any other area that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

IMPROVEMENT COVERAGE

The coverage by all buildings and other above-grade structures on a lot as defined by this chapter, plus the coverage of any other structures, including but not limited to driveways, sidewalks, patios, deck, swimming pools, tennis courts, parking areas and other paved areas, whether constructed of asphalt, concrete, brick, stone, gravel or other paving materials susceptible to impaction, but excluding structures, or portions of structures, that are located below the surface of the ground and which are not visible from above the surface of the ground. (Thus, subsurface structures such as dry wells, underground tanks, etc., are excluded from such coverage, whereas swimming pools, which may be located below the surface of the ground, but which are visible from above the surface of the ground, are not excluded.) This definition is intended to include all man-made features except vegetation, organic mulch, soil (including soil retained by retaining walls) and structures that may be specifically excluded by this chapter.

JUNKYARD

An area of land with or without buildings used or occupied for the deposit, collection or the storage outside of a completely enclosed building of used and discarded materials such as waste paper, rags or scrap metal, used building materials, house furnishings, machinery, vehicles, or parts thereof, etc., with or without the dismantling, processing, salvage, sale or other use or disposition of the same. A deposit or the storage on a lot of two or more wrecked or broken down vehicles or parts of two or more such vehicles for one month or more in a residential district or for three months or more in any other district in the Township shall be deemed to be a junkyard.

LOT

One or more contiguous parcels of land united by a common interest or use considered as a unit, occupied by a principal building or use and its accessory buildings and uses, if any, including the open spaces of such unit of land. It may or may not coincide with the deed description thereof or the boundaries of the same as shown on the Tax Assessment Map of the Township or a map filed for record or otherwise.

LOT, CORNER

A lot fronting on two or more streets at their intersection. The minimum front yard setback shall be maintained on both frontages.

LOT, DEPTH OF

The average distance measured from the front lot line to the rear lot line.

LOT FRONTAGE

The horizontal distance measured along the full length of the front lot line.

LOT LINE

A boundary line of a lot.

LOT LINE, FRONT

That boundary of a lot which is along an existing or dedicated public street or, where no public streets exist, is along a public way. The front yard for a corner lot shall be the longer dimension of the lot unless relief is granted by the Planning Board.

LOT LINE, REAR

That boundary of a lot which is most distant from and is most nearly parallel to the front lot line.

LOT LINE, SIDE

Any boundary of a lot which is not a front lot line or a rear lot line.

LOT, THROUGH

A lot that fronts on two parallel streets or that front on two streets that do not intersect at the boundaries of the lot. When determining the street frontages the applicant shall designate the front of the structure, and then the opposite yard shall be considered the rear yard.

LOT WIDTH

The horizontal distance between the side lines of a lot measured at the right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

METEOROLOGICAL TOWER or MET TOWER

A structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

[Added 10-17-2016 by Ord. No. 1246]

MIXED-USE BUILDING

A building of two or more stories comprised of retail/commercial/office located on the ground floor and other permitted uses on the upper floors. The TV-CBD and TV-MD shall only permit residential uses on upper floors.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

MOTOR VEHICLE SERVICE STATION

Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles.

NONBUILDING USE

A use, generally a principal permitted use of land, to which the buildings on the lot, if any, are accessory, such as an advertising sign, trailer camp, or an open storage yard for materials or equipment and on which the buildings, if any, may be used for processing the materials stored in such yard, for storage of the more valuable equipment and materials than that generally stored in the open, or as an office or place of shelter for the keeper of the yard.

NONCONFORMING STRUCTURE

A structure which conforms to the use regulations of this chapter but which violates one or more of the applicable bulk regulations; also a structure which occupies a lot which does not meet one or more of the requirements regarding off-street parking or loading, fences, walls or signs.

NONCONFORMING USE

Any use of land, buildings, or structures which does not comply with all the regulations of this chapter governing use for the zoning district in which such use is located.

OWNER

An individual or entity that intends to own and operate the small wind energy system in accordance with this section.

[Added 10-17-2016 by Ord. No. 1246]

PARKING DECK

A building, or portion thereof, designed exclusively for the purpose of short-term parking or storing of automobiles and not for automobile repairs or service work. This does not include residential garages utilized in single-family detached or townhome uses.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

PARKING GARAGE

Shall reference the definition of "parking deck."

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

PARKING SPACE

An off-street space accessible and available for the parking of one motor vehicle and having dimensions of at least 10 feet by 20 feet, or as otherwise provided in the Residential Site Improvement Standards. In computing the number of spaces in any given parking area, a total of 300 square feet, inclusive of passageways and aisles, shall be used, or as otherwise provided in the Residential Site Improvement Standards.

PARKING STRUCTURE

Shall reference the definition of "parking deck."

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

PERFORMANCE STANDARD

A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings.

PERSONAL SERVICES

Specialized services purchased frequently by the consumer, including barbershops, beauty shops, spas, laundry cleaning, tailoring, shoe repair, and other similar establishments.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

PLANNING BOARD

The Board duly appointed by the governing body to serve in accordance with the provisions of the Municipal Land Use Law and having all of the rights conveyed in this code to serve in such capacity.

RESIDENTIAL SITE IMPROVEMENT STANDARD (RSIS)

This refers to New Jersey Administrative Code Title 5, Chapter 21, entitled "Residential Site Improvement Standards," as promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of Public Law 1993, Chapter 32 (N.J.S.A. 40:55D-40.1 et seq.), and commonly referred to as the "RSIS standards." All references shall be to latest issue unless otherwise noted.

ROTOR DIAMETER

The cross-sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

[Added 10-17-2016 by Ord. No. 1246]

SHARED PARKING

Joint utilization of a parking area for more than one use, either on site or between nearby properties, through a dedicated arrangement (if possible), in order to fulfill their individual parking requirements because their peak-period parking demands, such as entertainment and office uses, do not overlap.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

SMALL ENERGY SYSTEM

A wind energy system that is used to generate electricity and has a nameplate capacity of 100 kilowatts or less.

[Added 10-17-2016 by Ord. No. 1246]

SOLAR ENERGY SYSTEM

An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy through the use of a solar panel or solar panel array and associated equipment.

[Added 10-17-2016 by Ord. No. 1245]

SOLAR PANEL

A photovoltaic panel, or solar shingle or hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

[Added 10-17-2016 by Ord. No. 1245]

SOLAR PANEL ARRAY

A collection of multiple solar panels mounted or arranged together, providing energy to the same primary user, as part of a solar energy system.

[Added 10-17-2016 by Ord. No. 1245]

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purpose of this chapter when the basement ceiling is greater than five feet above the average grade.

STORY, HALF

Habitable space under a sloping roof that has the line of intersection of the roof and the wall face not more than three feet above the floor level and in which the possible floor area with headroom of 6.5 feet or more occupies no more than 50% of the total floor area of the story directly beneath.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

STREET

An existing state, county or municipal road, or a street shown upon a plat approved by the Planning Board of the Township, or a street on a plat duly filed and recorded in the office of the County Clerk prior to the creation of such Planning Board and the grant to such Planning Board of the power to approve plats.

STREETSCAPE

The streetscape is composed of travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians, as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

TOTAL HEIGHT

In relation to a wind energy system, the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.

[Added 10-17-2016 by Ord. No. 1246]

TOTAL ROOF-MOUNTED STRUCTURE HEIGHT

The highest point above the main roof structure, not including architectural features such as a chimney, cupola and similar type features, reached by a rotor blade in the vertical position, or any other part of the structure.

[Added 10-17-2016 by Ord. No. 1246]

TOWER

A monopole, freestanding, or guyed structure that supports a wind generator.

[Added 10-17-2016 by Ord. No. 1246]

TRANSIT-ORIENTED DEVELOPMENT (TOD)

A development approach characterized by higher density, mixed uses, a safe and attractive pedestrian environment, reduced surface parking, and direct and convenient access to a transit facility.

[Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

USE, CONDITIONAL

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefor by the Planning Board.

USE, PERMITTED

See "use, principal permitted."

USE, PRINCIPAL PERMITTED

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained; any use designated as a principal permitted use in this chapter. All required certificates and permits shall be issued without any administrative discretion on the part of any elected or appointed official or duly constituted board, provided the use complies with all requirements of this chapter.

WIND ENERGY SYSTEM

A wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

[Added 10-17-2016 by Ord. No. 1246]

WIND GENERATOR

Equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.
[Added 10-17-2016 by Ord. No. 1246]

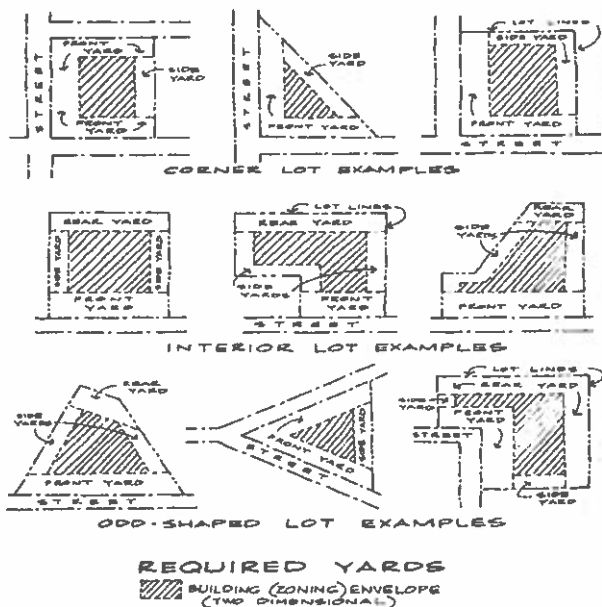
YARD
The space on a lot extending along a lot line between such lot line and a principal building or buildings, or nonbuilding use occupying such lot.

YARD, FRONT
A yard extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required front yard unless otherwise permitted by this chapter.

YARD, REAR
A yard extending the full width of the lot and situated between the rear line of the building and the rear line of the lot.

YARD SETBACK
That portion of a yard which is required by this chapter to be left open and unoccupied by any part of a building or structure other than by exceptions as provided herein such as fences, retaining walls or accessory buildings, such yard being defined by a minimum distance from an adjoining property line or right-of-way line in the bulk and area tables. Accessory building shall be prohibited in the front yard unless otherwise permitted by this chapter.

YARD, SIDE
A yard situated between the building and side lot line extending from the front yard to the rear yard. When determining the side yards on a corner lot or odd-shaped lot refer to image below. Side yards on a corner lot shall comply with the minimum yard dimension labeled corner in the bulk regulation for that zone.



- 1. This ordinance shall be sent to the Planning Board for their review and comments prior to the final adoption by the Governing Body.
- 2. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
- 3. This Ordinance shall take effect upon its final passage by the Municipal Council, and approval by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor