

Meeting of January 25, 2016

PUBLIC COMMENT

It was moved by Councilmember Porter, seconded by Councilmember Liess, that the meeting be and it was opened to the public.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

Tom O’Haire- 168 Wilmore Road, distributed material depicting the remedies he implemented on his property as a result of the Peckman River. He indicated the buildup of shoals has caused an impending problem on other residential and County property. He appreciated the Township’s expedient assistance in removal of debris and noted the Township may have some of the equipment necessary to alleviate the situation. He also expressed his gratitude that the Township is actively looking into solutions, and emphasized his plea to accelerate remediations.

Dorothy O’Haire- Turnberry Road, stated she researched flood hazard rules and believes there are some laws that enable the municipality to go in and clean out the shoals. She sent a letter to the County, Freeholders, Mayor Conti and the Assembly requesting assistance. She implored the Council to aide in this effort.

Louis Fernandez, Harrison Street, thanked Mr. Simone and the DPW for their excellent work in the snow storm. He commented lack of diversity with representation on the Committees appointed at the Reorganization Committee. He expressed his disappointment with the failure of the second public comment to be passed by the Council.

Arnold Korotkin- Long Hill Road, raised the issue of abiding by the Council’s procedural decision on November 9, 2014, to provide the most recent set of minutes for review and approval. He applauded the DPW on their work during the recent blizzard, and questioned why the Township did not put out notices to residents and businesses with regard to the expectations of snow removal.

No one further having come forward to be heard, it was moved by Councilmember Porter, seconded by Councilmember Damiano, that the meeting be and it was closed to the public.

Poll: Ayes: Porter, Liess, Damiano, and Council President Fontana
Nays: None

The Council President declared the motion passed.

Mayor Conti announced Mr. Cuccia and the Mayor of Woodland Park will be attending a meeting with the County Administrator to strongly advocate remediation of the Peckman River. Mayor Conti will be unable attend due to a conflict. She also responded to Mr. Hernandez, that the Freeholders will convene a Workshop Meeting at Town Hall on April 26, 2015 at 5:30 p.m., with a regular meeting following.

Mr. Simone indicated he spoke with the County regarding poor snow removal on County roads, and was informed attrition was a contributing factor. He relayed several complaints and miscommunications he received regarding roads where the County is responsible to plow. Mr. Cuccia added he was in contact with the County determine if Little Falls could plow County roads and be compensated, however, the suggestion did not move forward. Councilmember DAMIANO questioned whether the Township was compensated for snow removal on Main Street as it is a County Road. Mr. Simone replied the Township is not compensated and the DPW removes the snow as a matter of convenience to the businesses.

Council President FONTANA addressed the issue of diversity on Township Committees. All residents are given an equal opportunity and no individual is turned away.

Council President FONTANA declared he disagreed with the second public comment, and voted as such.

Mr. Cuccia stated the employee that types the minutes requires the supervision of Ms. Kraus, who is out on maternity leave. The program will resume when Ms. Kraus returns.

Council President FONTANA agreed sending out a notice to remind residents of preparatory efforts for the storm is beneficial. At this time, Lt. Steven Post described the Police Department’s use of the free Nixel service. Mr. Simone suggested a standard form containing all Departments’ information, be sent as an email blast and available on the web site the night prior to a pending storm.

C O N S E N T A G E N D A

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer’s certification as to sufficiency of funds.

CORRESPONDENCE

LETTER FROM OUR LADY OF THE HIGHWAY KNIGHTS OF COLUMBUS REQUESTING PERMISSION TO CONDUCT A CAN SHAKE ON SATURDAY, APRIL 30, 2016 AND SUNDAY, MAY 1, 2016 AT THE INTERSECTION OF MAIN STREET/RT. 23 AND MAIN STREET/STEVENS AVENUE FROM 8 A.M. UNTIL 6 P.M..

APPLICATIONS

Blue Light Permit- Christopher Castro-Rangel, Union Avenue, Paterson, Enterprise Engine Co. #2

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REPORTS

Municipal Clerk's Report – Month of December 2015

MUNICIPAL CLERKS REPORT
Month of December 2015

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$11,885.00	
Pre-paid Business Licenses		
Raffle Licenses		\$11,885.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$288.00	
Marriage Licenses-LF	\$9.00	
Marriage Licenses-NJ	\$75.00	
		\$372.00
MRNA		
Street Maps	\$9.00	
Zoning Maps		
Zoning Ordinances		
Document Copies		
Garage Sales	15.00	
Misc. Fees & Refunds:	45.00	
		\$69.00
TOTAL MRNA		<u>\$12,326.00</u>
TOTAL CURRENT ACCOUNT		<u>\$12,326.00</u>
TOTAL TO TREASURER		<u>\$12,326.00</u>

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF DECEMBER, 2015

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT
Month of December 2015

Dog Licenses issued 12/01/2015 thru 12/31/2015		
Nos. 386 to 387 = 2 Licenses		
Amount due Little Falls		\$13.60
Amount due State		8.40
Total Cash Received		\$16.00
Cat Licenses issued 12/01/2015 thru 12/31/2015		
Nos. 0 to 0		
Licenses Issued 0		
Total Cash Received		\$0.00
	Total to Treas.	<u>\$16.00</u>

**TAX COLLECTOR'S REPORT FOR THE MONTH OF NOVEMBER 2015
MONTHLY REPORT**

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Current Account, Lakeland Bank
Revenues Collector for the Month of November 2015

Categories 01-	November 1-30, 2015	2015 Year to Date
2015 Taxes	\$9,742,110.53	\$44,497,180.92
2014 Taxes	5,386.60	453,217.43
2013 Taxes	0.00	69.70
Prepaid 2016 taxes	31,900.97	122,487.98
Interest	13,822.76	106,164.11
Cost of Tax Sale	92.12	92.12
Duplicate Tax Bills	150.00	395.00
Tax Searches	0.00	4.00
Insufficient Check Charge	40.00	220.00
6% Penalty Fee	0.00	11,089.85
GRAND TOTALS	\$9,793,502.98	\$45,190,921.11

Delinquent 2014 Taxes \$ 100,718.91 (1st-4th Qtrs.), tax sale 12/08/15.
Delinquent 2015 Taxes 1,082,203.78 (1st- 4th Qtrs.).
Total Delinquent Taxes \$1,182,922.69

2015 Refunds this month = -\$ 0.00
2015 Year to date refunds = -\$11,777.06
Breakdown of refunds for years 2012-2015 completed in 2015(see attached).

Prepared by: _____ Dated: January 12, 2016.
Denise Whiteside, Tax Collector

*N.J.S.A. 54:4-73 due to governing body on December 1, 2015.

cc: CMFO, Mayor, Council, Administrator, Clerk, Attorney & Auditor file.

REFUNDS IN THE YEAR 2015

Months	2011 STCJ
January	\$0.00

Meeting of January 25, 2016

February	\$0.00
March	\$0.00
April	\$0.00
May	\$0.00
June	\$0.00
July	\$25,864.41
August	\$0.00
September	\$0.00
October	\$0.00
November	\$0.00
Totals	\$25,864.41

+

Months	2012 STCJ	2013 STCJ	2014 STCJ	2015 STCJ	2015 CBJ	Regular 2015	2015 Veteran/ Widowed	2015 Senior/ Disabled	Exempt 2015	2015 Homestead Benefit	Total by Months
January	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
February	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
March	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
April	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,104.11	\$2,104.11
May	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
June	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,500.50	\$1,500.50
July	\$40,022.30	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$443.39	\$0.00	\$0.00	\$0.00	\$0.00	\$76,571.71
August	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,335.49	\$0.00	\$0.00	\$0.00	\$0.00	\$3,335.49
September	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,220.39	\$0.00	\$0.00	\$0.00	\$0.00	\$2,220.39
October	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,173.18	\$0.00	\$0.00	\$0.00	\$0.00	\$2,173.18
November	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$40,022.30	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$8,172.45	\$0.00	\$0.00	\$0.00	\$3,604.61	\$87,905.38

Municipality of Township of Little Falls
 Office of the Tax Collector
 Township of Little Falls Tax Collector Trust 2 (Lien Premium Monies), Lakeland Bank
 Revenues for the Month of November 2015

	Liens with Premiums Redeemed/(-)	Bal./Dep.(+)
Balance Brought Forward (January 1, 2015)		\$262,400.00
January 2015	\$62,000.00	\$200,400.00
February 2015	\$ 0.00	\$200,400.00
March 2015	\$11,800.00	\$188,600.00
April 2015	\$31,000.00	\$157,600.00
May 2015	\$ 0.00	\$157,600.00
June 2015	\$ 0.00	\$157,600.00
July 2015	\$10,000.00	\$147,600.00
August 2015	\$ 0.00	\$147,600.00
September 2015	\$23,000.00	\$124,600.00
October 2015	\$35,100.00	\$89,500.00
November 2015	\$ 0.00	\$89,500.00
Ending Balance as of November 30, 2015		\$89,500.00

Municipality of Township of Little Falls
 Office of the Tax Collector
 Township of Little Falls Tax Collector Trust 1 (Lien Monies), Lakeland Bank
 Revenues for the Month of November 2015

	Deposit	2015 Year-to-Date
January 2015	\$26,826.41	\$26,826.41
February 2015	\$ 0.00	\$26,826.41
March 2015	\$22,131.51	\$48,957.92
April 2015	\$32,003.85	\$80,961.77
May 2015	\$ 0.00	\$80,961.77
June 2015	\$ 0.00	\$80,961.77
July 2015	\$ 0.00	\$80,961.77
August 2015	\$ 0.00	\$80,961.77
September 2015	\$39,427.13	\$120,388.90
October 2015	\$66,499.84	\$186,888.74
November 2015	\$ 0.00	\$186,888.74
Total Collected as of November 30, 2015		\$186,888.74

TAX COLLECTOR'S REPORT FOR THE MONTH OF DECEMBER 2015
MONTHLY REPORT

Municipality of Township of Little Falls
 Office of the Tax Collector
 Township of Little Falls Current Account, Lakeland Bank
 Revenues Collector for the Month of December 2015

Categories 01-	December 1-31, 2015	2015 Year to Date
2015 Taxes	\$375,460.74	\$44,872,641.66
2014 Taxes	87,147.75	540,365.18
2013 Taxes	0.00	69.70

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Prepaid 2016 taxes	59,271.93	181,759.91
Interest	35,287.65	141,451.76
Cost of Tax Sale	1,330.20	1,422.32
Duplicate Tax Bills	0.00	395.00
Tax Searches	10.00	14.00
Insufficient Check Charge	60.00	280.00
6% Penalty Fee	618.86	11,708.71
GRAND TOTALS	\$559,187.13	\$45,750,108.24

Delinquent 2014 Taxes \$ 392.22 (1st-4th Qtrs.)
 Delinquent 2015 Taxes 685,351.79 (1st- 4th Qtrs.).
Total Delinquent Taxes \$ 685,744.01

2015 Refunds this month = -\$ 1,823.42
 2015 Year to date refunds = -\$13,600.48
Breakdown of refunds for years 2012-2015 completed in 2015(see attached).

Prepared by: _____ Dated: January 19, 2016.*
 Denise Whiteside, Tax Collector

*N.J.S.A. 54:4-73 due to governing body on January 4, 2016.

cc: CMFO, Mayor, Council, Administrator, Clerk, Attorney & Auditor file.
EFUNDS IN THE YEAR 2015

Months	2011 STCJ
January	\$0.00
February	\$0.00
March	\$0.00
April	\$0.00
May	\$0.00
June	\$0.00
July	\$25,864.41
August	\$0.00
September	\$0.00
October	\$0.00
December	\$0.00
November	\$0.00
Totals	\$25,864.41

+

Months	2012 STCJ	2013 STCJ	2014 STCJ	2015 STCJ	2015 CBJ	Regular 2015	2015 Veteran / Widow	2015 Senior/ Disabled	Exempt 2015	2015 Homestead Benefit	Total by Months
January	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
February	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
March	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
April	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,104.11	\$2,104.11
May	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
June	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,500.50	\$1,500.50
July	\$40,022.30	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$443.39	\$0.00	\$0.00	\$0.00	\$0.00	\$76,571.71
August	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,335.49	\$0.00	\$0.00	\$0.00	\$0.00	\$3,335.49
September	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,220.39	\$0.00	\$0.00	\$0.00	\$0.00	\$2,220.39
October	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,173.18	\$0.00	\$0.00	\$0.00	\$0.00	\$2,173.18
November	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
December	\$941.57	\$0.00	\$0.00	\$0.00	\$0.00	\$1,823.42	\$0.00	\$0.00	\$0.00	\$0.00	\$2,764.99
Totals	\$40,963.87	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$9,995.87	\$0.00	\$0.00	\$0.00	\$3,604.61	\$90,670.37

Municipality of Township of Little Falls
 Office of the Tax Collector
 Township of Little Falls Tax Collector Trust 2 (Lien Premium Monies), Lakeland Bank
 Revenues for the Month of December 2015

	Liens with Premiums Redeemed(-)	Bal./Dep.(+)
Balance Brought Forward (January 1, 2015)		\$262,400.00
January 2015	\$62,000.00	\$200,400.00
February 2015	\$ 0.00	\$200,400.00
March 2015	\$11,800.00	\$188,600.00
April 2015	\$31,000.00	\$157,600.00
May 2015	\$ 0.00	\$157,600.00
June 2015	\$ 0.00	\$157,600.00
July 2015	\$10,000.00	\$147,600.00

Meeting of January 25, 2016

August 2015		\$ 0.00	\$147,600.00
September 2015		\$23,000.00	\$124,600.00
October 2015		\$35,100.00	\$89,500.00
November 2015		\$ 0.00	\$89,500.00
December 2015 Tax Sale 12/08/15	+ \$183,500.00	\$273,000.00	
December 2015		\$ 2,700.00	\$270,300.00
Ending Balance as of December 31, 2015			\$270,300.00

Municipality of Township of Little Falls
 Office of the Tax Collector
 Township of Little Falls Tax Collector Trust 1 (Lien Monies), Lakeland Bank
 Revenues for the Month of December 2015

	Deposit	2015 Year-to-Date
January 2015	\$26,826.41	\$26,826.41
February 2015	\$ 0.00	\$26,826.41
March 2015	\$22,131.51	\$48,957.92
April 2015	\$32,003.85	\$80,961.77
May 2015	\$ 0.00	\$80,961.77
June 2015	\$ 0.00	\$80,961.77
July 2015	\$ 0.00	\$80,961.77
August 2015	\$ 0.00	\$80,961.77
September 2015	\$39,427.13	\$120,388.90
October 2015	\$66,499.84	\$186,888.74
November 2015	\$ 0.00	\$186,888.74
December 2015	\$ 3,375.94	\$190,264.68
Total Collected as of December 31, 2015		\$190,264.68

RESOLUTIONS

Award of Contract for Demolition of Five Houses

**RESOLUTION [A] 16-01-25 - #1
 AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
 THE DEMOLITION OF 5 HOUSES UNDER THE FEMA BUYOUT PROGRAM**

WHEREAS the Township of Little Falls solicited bids for the demolition of four (4) houses under the FEMA Buyout Program and one (1) house under the open space account as follows:

Caravella Demolition East Hanover, NJ 07936 Base Bid \$76,021.00 154 Woodcliffe Ave. \$14,160.00	Yannuzzi Group Kinnelon, NJ 07405 Base Bid \$66,500.00 154 Woodcliffe Ave. \$12,000.00
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Titan Demolition & Salvage, LLc Woodbridge, NJ 07095 Base Bid \$70,110.00 154 Woodcliffe Ave. \$13,500.00	Tomco Construction, Inc. Mt. Arlington, NJ 07856 Base Bid \$200,800.00 154 Woodcliffe Ave. \$19,300.00
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WHEREAS, the Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the within Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board, and the appropriation to be charged for this expenditure is various bond ordinances; and

WHEREAS, the contract term will be in effect until completion of the work;

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

- 1) That the proposal of

Yannuzzi Group
 135 Kinnelon Rd, Suite 102
 Kinnelon, NJ 07405

in the amount of

\$66,500.00
 154 Woodcliffe Ave.
 \$12,000.00

be and the same is hereby accepted; and

- 2) That the Mayor and Clerk be and they are hereby authorized to execute a contract in a form approved by the Township Attorney for the purchase of the within designated services subject to the successful contractor's filing the required New Jersey Employee Information Report (Form AA302) or providing a Certificate of Employee Information to the Township.

Extension of Community Development Block Grant Disaster Recovery

**RESOLUTION [B] 16-01-25 - #2
 RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE MAYOR
 TO EXECUTE A NO-COST TIME EXTENSION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER
 RECOVERY (CDBG-DR) SUB-RECIPIENT AGREEMENT, AS AMENDED BETWEEN THE TOWNSHIP OF LITTLE FALLS AND
 THE COUNTY OF PASSAIC, NEW JERSEY**

WHEREAS, the Township of Little Falls has applied for and accepted grant funds from the Passaic County Board of Chosen Freeholders, Resolution R-12-970 adopted on December 11, 2012, through grant funds provided by the NJ Department of Community Affairs (Grant Agreement 2013-02300-0277-00) from the federal allocation of Community Development Block Grant Disaster Recover funds (hereinafter referred to as CDBG-DR) resulting from Hurricane Irene; and

WHEREAS, the Board of Chosen Freeholders requested an extension to the CDBG -DR grant from the NJ Department of Community Affairs; and on November 6, 2015 received a no-cost time extension to the Grant from the NJ Department of Community Affairs with a no-cost time extension for the Township of Little Falls (the "Township") until December 31, 2016 to complete the scope of work including the acquisition and demolition of homes impacted by severe repetitive flooding that can be purchased with the remaining funds; and

WHEREAS, the Board of Chosen Freeholders approved the extension via resolution, R-2015-885 on November 24, 2015; and

WHEREAS, The Township of Little Falls (the "Township") entered into the original agreement (referred to as Passaic County/Little Falls CDBG-DR Sub-Recipient Agreement) on July 22, 2013 with the County of Passaic (the "County") and amended the agreement via Resolution M 14-06-09-#13 and again via Resolution K 14-08-11 # 11 (note attached); and

WHEREAS, the Township would like to enter into an amendment with the County of Passaic to accept the no-cost time extension and authorize the Mayor to execute the amendment between the County of Passaic and the Township; and

NOW, THEREFORE by this resolution authorizes the Mayor to execute the no-cost time extension amendment to the CDBG- DR Sub-Recipient agreement between the County of Passaic and the Township to formally accept the no-cost extension until December 31, 2016.

Meeting of January 25, 2016

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the Consent Agenda be approved as printed.

Poll: Ayes: Porter, Liess, Damiano, and Council President Fontana
Nays: None

The Council President declared the motion passed.

REGULAR AGENDA

NEW BUSINESS

Ordinance No. 1243-It was moved by Councilmember Porter, seconded by Councilmember Damiano, that there be introduced and the meeting of February 22, 2016 set as the date for the public hearing of the following:

ORDINANCE NO. 1243

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS TO HELP THE TOWNSHIP ADDRESS THE POSITIVE AND NEGATIVE IMPACTS OF DEVELOPMENT ON THE COMMUNITY AS WELL AS PROTECT AND ENHANCE THE CHARACTER, ENVIRONMENT, AND CULTURAL HERITAGE OF THE TOWNSHIP.

BE IT ORDAINED by the governing body of the Township of Little Falls, Passaic County, New Jersey, that the Zoning Ordinance of the of the Township of Little Falls is hereby amended to include provisions addressing the impact of larger scaled development. This Ordinance is intended to provide the Board of appropriate jurisdiction with appropriate information to determine whether the proposed development will have any negative impact on the existing community. This Ordinance shall apply except where inconsistent with applicable law.

WHEREAS, the Township has found that information regarding the impact of larger scale development upon the existing community is vital in order to make a determination as to whether or not the proposed development is compatible with existing land uses;

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Governing Body of the Township of Little Falls as follows:

Community Impact Statement

Community Impact Statements, when required, shall conform to the following provisions:

- A. When Required. All applications for major subdivision approval and all applications for major site plan approval shall be accompanied by a community impact statement analyzing the proposed development and its expected impacts upon existing municipal facilities and services. Individual single family homes shall not be required to submit an impact statement. General development plan applications shall be submitted with an abbreviated community impact statement consisting of items B.1 and B.5, below. The community impact statement shall indicate why, in the applicant's opinion, the proposed development is in the public interest as well as providing data and opinions concerning the impacts in subsection B.
- B. Submission Format. All community impact statements shall consist of written and graphic materials which clearly present the required information addressing the following areas:
 - (1) Population impact. An analysis of the number of people expected to be added to the municipal population as a result of the proposed development, including those attracted to the Township for the number of projected jobs in non-residential development, according to the following age cohorts: children, adults and other information about age cohorts.
 - (2) Schools impact. An analysis of the anticipated number of public school students projected to be added and the ability of the existing public school facilities to absorb the additional population projected ten years into the future. The analysis shall provide data on school facility capacity and existing enrollment, cumulative projections of new students, impacts on facilities, support staff and added costs to the school district. Should expanded or new school facilities or increased teaching staff be required, the projected cost for such additions shall be specified.
 - (3) Community facilities impact. An analysis of the existing community facilities and infrastructure available to serve the proposed development and its impact on the adequacy of existing public water facilities, public sewerage facilities; recreational facilities; library facilities, and senior services. Should such facilities be determined inadequate to serve the proposed development, the remedies, either expected or proposed by the applicant, shall be indicated along with the estimated costs for such additional facilities.
 - (4) Services impact. An analysis of the existing services provided by the municipality to serve the proposed development and the impact of the development upon services, including police protection, fire protection, emergency services, solid waste disposal and street maintenance services.
 - (5) Traffic impact. An analysis of the existing road network available to serve the proposed development, as well as the proposed road network within the development itself and the surrounding road network which will be affected by the proposed development, including the capacity of the existing and proposed roadways; the anticipated traffic volumes as a result of the proposed development; the physical structure of both road networks; and any problem areas in the road network affected by the development, including unsafe intersections and vertical or horizontal alignments.
 - (6) Fiscal impact. An analysis of the revenues expected to be generated from the development compared to the anticipated costs which the proposed development is expected to generate. Revenues and costs shall be shown for the municipality, the municipal school system and the municipal library system.
 - (7) Waiver. The Planning Board or Board of Adjustment may waive one or more provisions of this section if deemed not applicable.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Jeff Janota was present to summarize Ordinance No.1243, Ordinance No. 1244, Ordinance No. 1245, Ordinance No. 1246, and Ordinance No. 1247. Mr. Northgrave clarified Mr. Janota’s summarization is only a general explanation and background of the ordinances, in order to prepare the Council and public for the full public hearing on February 22, 2016. Mr. Lindsay added that a dialogue with the Planning Board regarding this ordinance has begun.

Poll: Ayes: Porter, Liess, Damiano, and Council President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance No. 1244-It was moved by Councilmember Damiano, seconded by Councilmember Porter, that there be introduced and the meeting of February 22, 2016 set as the date for the public hearing of the following:

ORDINANCE NO. 1244

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING § 280-2 ENTITLED "DEFINITIONS" AND CHAPTER 280,

ARTICLE 152 ENTITLED "SIGNS" OF THE ZONING PROVISIONS OF THE TOWNSHIP CODE TO PROVIDE NEW DEFINITIONS AND REQUIREMENTS FOR SIGNS.

BE IT ORDAINED by the governing body of the Township of Little Falls, Passaic County, New Jersey, that the Zoning Ordinance of the Township of Little Falls is hereby amended to delete the existing definitions and requirements for signs and replace them with new definitions and requirements that are more user friendly and provide added protections to prohibit the implementation of nuisance signs, promote the implementation of signs that are necessary for the public health, safety and welfare, promote signage that is properly sized for optimal viewing by motorists and pedestrians and promote signage that is aesthetically pleasing.

WHEREAS, the Planning Board desires to provide enhanced guidelines for the regulation of signs that consider the character of Little Falls. The goals of this ordinance are as follows:

- 1) Provide signs in outdoor public places where public health, safety, and welfare are potential concerns
- 2) Allow drivers and pedestrians the ability to utilize signs to safely negotiate passage and inform.
- 3) Protect neighbors from nuisances such as glare from poorly placed, applied, or unshielded light sources upon signs.
- 4) Promote visual aesthetic through efficient sign support,

WHEREAS, the Township has reviewed existing Code provisions for the Township of Little Falls, and found that the existing definitions and ordinance that pertain to signs is outdated and lacking in the protections desired for sign regulation;

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Governing Body of the Township of Little Falls as follows:

§ 280-4, entitled "Definitions," is hereby amended to delete all existing definitions pertaining to "signs" and replace them with the new definitions set forth below.

Abandoned Sign: A sign no longer used for its original intent or a sign on a vacant, unoccupied, or abandoned property.

A-Frame: An A-shaped temporary and easily moveable ground sign, usually two-sided, used for advertising commodities, services or entertainment, usually conducted upon the premises where the sign is located.

Awning and Canopy: A temporary or portable roof-like covering that project from the wall of a building for the purpose of shielding openings from the elements. Under no circumstances can an awning or canopy be opaque or let light through. Awnings and canopies may extend a maximum of six (6) feet from the exterior wall with the building.

Banner or Pennant Sign: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered pennant signs or banners for the purpose of this chapter.

Changeable Copy: A sign, or portion of a sign, that is designed so that characters, letters, or illustrations can be changed or rearranged, manually, without altering the face or the surface of the sign.

Holiday Decoration Sign: Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday or observance.

Identification Sign: A sign giving the nature, logo, trademark or other identifying symbol; address; or any combination of the name, symbol and address of a buildings business development, or establishment on the premises where it is located.

Sign Area: The area of a sign which is computed by multiplying the greatest width of the sign face by the greatest height of the sign face. The sign area shall include the sign face and any framing, trim or molding, but shall not include the supporting structure. (See Signable Facade Area)

Sign Face: The area or display surface used for the message.

Sign Fascia: The vertical surface of a lintel over a storefront that is suitable for sign attachment

Sign Icon: A sign that illustrates by its shape and graphics, the nature of the business conducted within.

Sign, Animated or Moving: Any sign or part of a sign, which changes physical position by any movement, or rotation or which gives the visual impression of such movement or rotation.

Sign, Awning: A sign that is mounted to or painted on, or attached to an awning that is otherwise permitted by this chapter.

Sign, Billboard: A sign which contains a commercial message and which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, Bus Shelter: A sign which contains a commercial message and which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Canopy: A sign that is mounted to or painted on, or attached to a canopy that is otherwise permitted by this chapter.

Sign, Changeable: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face of or the surface of the sign and is not electronic in nature.

Sign, Community Information: A sign which contains messages of civic groups, churches or places of worship, and local special events which direct attention to a church or place of worship, facility, event, club, or organization.

Sign, Construction: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals, or firms having a role or interest with respect to the structure or project.

Sign, Contractor: Any on-site sign advertising the name or business of a mechanic, contractor, or artisan performing work on the premises-where the sign is placed.

Sign, Developer: Any on-site or off-premise sign identifying or directing traffic to a particular site or development for an approved period of time longer than thirty (30) days.

Sign, Directional and Informational: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit". Window signs such as those that indicate hours of operation, credit card acceptance, and business affiliations are considered as informational signs. No sign with a commercial message legible from a position on the street shall be considered directional or informational.

Sign, Directory: Signs listing the tenants or occupants of a building or group of buildings. The respective professions or business activities may also be included as part of the sign.

Sign, Façade: See Sign, Wall

Sign, Freestanding: Any immovable sign not affixed to a building.

Sign, Home Occupation or Sign, Home Professional Office: A sign containing only the name and occupation or professional of a permitted home occupation or permitted home professional office.

Sign, Illuminated: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

Sign, Inflatable: Any display or object capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Sign, Marquee: A sign that is mounted, or painted on, or attached to a marquee that is otherwise permitted by this chapter.

Sign, Memorial or Nameplate: Memorial signs or tablets, names of building and date of erection when cut into any masonry surface, integral to the construction of a building, or when constructed of bronze or other incombustible material mounted on the face of a building, bench or other structure.

Sign, Neighborhood Identification: Signs which identify any type of housing development, by name. No advertising for real estate agents, developers, contractors, builders, architects or other is permitted on Neighborhood Identification Signs.

Sign, Nonconforming: Any sign that does not conform to the regulations of this chapter.

Sign Political: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable: A sign that is not permanent, affixed to a building, structure or the ground.

Sign, Projecting: A sign which is fixed to a building or other structure that which extends beyond the surface to which it is affixed. Projecting signs shall be at least eight (8) feet from the ground and should project no more than four (4) feet from the structure.

Sign, Real Estate: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign, Street Banner: Any banner sign which is stretched across and hung over a public right-of-way.

Sign, Suspended: A sign hanging down from a marquee, awning, canopy, porch, or roof overhang that would exist without the sign.

Sign, Temporary: A sign constructed of paper, cloth, canvas, plastic, plywood, or other lightweight material intended to be displayed for a short period of time, not to exceed thirty (30) days exclusive of construction signs, contractor signs, and developer signs.

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Sign, Vehicle: A sign affixed or painted on a vehicle or trailer and parked at a specific location for a period of four (4) or more days so that its primary purpose is as a commercial message.

Sign, Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than six (6) inches from such building, or structure.

Sign, Window: A sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figure, design, symbols, fixtures, colors, illumination or projected images.

Signable Facade Area: The rectangular, continuous area on the wall of a building, which extends from the top line of windows and doors on the first floor, and the bottom line of the second floor windows, roof, or cornice above, in an area that is uninterrupted by windows, architectural details, or openings.

§ 280-Article 152-162 entitled "Signs" is hereby deleted in its entirety and replaced with the newly established standards for signs as set forth below.

A. The purpose of this chapter is to promote and protect the public health, safety, and welfare by creating a more attractive residential and commercial climate within all areas of the municipality. This code is intended to create a more attractive business climate by further enhancing the streetscape improvement project undertaken by the community. This code seeks to enhance and protect the physical appearance of all areas by reducing the obstructions and hazards to pedestrian and auto traffic caused by indiscriminate placement and use of signs.

B. Applicability

(1) All signs within the Township of Little Falls shall be subject to the provisions of this section.

(2) No sign shall be placed on, or attached to a building, or erected independently, for any purpose other than to advertise a permitted business or use conducted on the same premises unless specifically permitted herein.

C. Approvals Required

(1) Each application for development shall include a sign plan showing a description of the message, trademark, symbol, or insignia, and the specific design, location, size, dimensions, colors, materials, height above ground, construction, and illumination of proposed signs in accordance with the following regulations.

(2) Any sign hereafter erected in Little Falls, which is exposed to public view, shall conform to the provisions of this Ordinance and any other ordinance or regulation of Little Falls, the County, State or Federal government relating to the erection and maintenance of signs. In the event of conflicting regulations, the most restrictive regulation shall prevail.

(3) No existing sign shall be enlarged, rebuilt, structurally altered, or relocated except in accordance with the provisions of this ordinance. Furthermore, the failure to issue a permit for any sign shall not relieve the owner or lessee of the premises from the duty of safely maintaining any such structures.

(4) All development applications shall submit all signs to be approved by the Planning Board or Zoning Board of Adjustment.

(5) In applications where only sign modification is sought and no other site modifications are proposed, any sign exceeding the maximum area, height, or otherwise not in conformance with the requirements of this section shall require application and approval for minor site plan with waiver(s).

(6) No sign, other than exempt signs, shall be erected without first obtaining a sign permit from the Zoning Office. Permit applications shall be accompanied by a plan, drawn to scale, showing details of the sign, type of illumination, type of materials, colors, its size, and location on the building and/or lot. Permits for window signs and changeable copy signs shall be valid as long as there is no change in the sign area, location, and type of such signs that have been authorized by permit.

(7) If applicable, a building permit from the Construction Official may be required.

(8) Fees shall be established pursuant to the requirements of Chapter 280 of the Code of the Township of Little Falls. General Provisions

(1) No sign other than street, traffic or similar official signs shall be erected within or project over the right-of-way of any public street, sidewalk, or public promenade, except as hereafter provided.

(2) Street signs shall be in conformance with the New Jersey Department of Transportation Standards and the Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition. The location of street signs shall be determined by the Township Engineer and shall be free from visual obstruction.

(3) No signs shall be erected, altered or replaced which are not in accordance with the standards established in this section.

(4) No sign shall be placed on any property without the consent of the property owner.

(5) No sign shall be attached to utility poles, public structures, trees, stumps, fence-posts, other signs or sign posts, but shall be free-standing or attached to buildings in accordance with this section, except as otherwise provided herein for "warning signs."

(6) No sign shall be erected so as to project over any property line.

(7) No signs shall be clustered and no Commercial Shopping Center or Office Complex Identification Signs shall contain individual signs for individual tenants except as part of an approved Site Plan or waiver of Site Plan approval by the appropriate municipal agency.

E. Exemptions.

The following signs shall be permitted in any zone without prior approvals, however all signs are subject to the requirements of § 280.

(1) One (1) real estate sign advertising the sale, lease, or rent of the premises upon which the sign is located, which sign shall not exceed eighteen (18) inches high by twenty-four (24) inches wide or three (3) square feet. These signs must be set back three (3) linear feet from all property lines. The sign must be mounted so that the top of the sign is no more than thirty-six (36) inches above the ground.

(2) One (1) temporary construction sign of architects, engineers, real estate agencies, or corporations on the lot(s) to which it relates. Said signs shall not exceed six (6) square feet. In addition, said signs must be removed within seven (7) days of the issuance of the final construction department certificate of occupancy of the project to which the sign relates. It must be mounted so that the top of the sign is no more than forty-eight (48) inches above the ground. The sign shall not be located in any sight triangle.

(3) One (1) temporary contractor sign per contractor shall be permitted only during the period contractor is actively performing work on the lands or premises where the sign is placed. The sign shall not exceed six (6) square feet in area, the top of the sign shall not be more than three (3) feet above the ground. The sign shall not be located in any sight triangle and shall be located behind the street line by a minimum of three (3) feet.

(4) Decorations for a recognized officially designated holiday or observance provided that they do not create a traffic or fire hazard, and provided that said signs are removed within fifteen (15) days after the holiday.

(5) Official municipal, county, state or federal governmental signs.

(6) Political and personal opinion signs shall be permitted throughout the Municipality. Political and personal opinion signs shall be removed within three (3) days after the event they advertise. Political signs and personal opinion signs shall not exceed six (6) square feet and shall not be attached to trees or utility poles.

(7) Temporary garage sale or yard sale. Such signs may not exceed three (3) square feet; may not be erected more than seven (7) days prior to such sale; and must be removed immediately upon conclusion of the event. No premise shall be permitted to erect such signs more than two times in any calendar year.

(8) Flags of the United States of America, the States, County, or municipality, foreign nations having diplomatic relations with the United States, and any other flag adopted and sanctioned by an elected legislative body or competent jurisdiction, provided that such flag shall not exceed twenty five (25) square feet and shall not be flown from a pole that exceeds 35 feet in height.

(9) The following signs will be permitted in any public, quasi-public, commercial, or industrial districts without prior approvals:

a) Change in the copy of a changeable copy, once a permit for the sign has been issued.

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- b) Grand opening signs which shall be no larger than twenty (20) square feet in area, provided that the sign is not placed for more than 30 days. These signs may be banner signs mounted on the facade or building and must be at least eight (8) feet high above sidewalk elevation and no higher than the second habitable floor of the building, or other types of similar temporary signs.
 - c) A portable swinger, "A" frame, or sandwich sign that can be no larger than five (5) square feet when utilized to advertise daily specials, special events, restaurant menu specials and the like, providing the sign is located in front of the establishment and is only displayed when the establishment is open for business. Under no circumstances can these signs impede pedestrian flow or be displayed when the enterprise is not open.
 - d) Restaurant menu when displayed in a glass case affixed to the exterior building wall for that purpose, or when displayed on a signboard located in close proximity to the restaurant entrance located on private property. The area of the signboard or display case shall not exceed the menu size by more than thirty (30) percent.
 - e) Temporary window signs shall not exceed twenty-five percent (25) percent of the total storefront window area, and shall be promptly removed upon termination of the sale or event, and shall not be displayed for longer than thirty (30) days. Paper signs should be hung one foot behind the glass attached to a rigid backer board and highlighted with a spotlight.
 - f) Directional and Informational window signs including hours of operation, credit card acceptance, and business affiliations are considered informational signs, and are not included in the 25 percent maximum permitted window sign area. No sign with a commercial message legible from a position on the street shall be considered directional or informational.
 - g) Temporary banner signs over the public right-of-way shall be approved and permitted by the official action of the Township Council and be permitted by permit for fourteen (14) days. If temporary banner signs are proposed along a County roadway, permission must be granted by Passaic County.
- F. General Sign Design Guidelines.
- (1) The sign's design should complement the design of its host building or site and the overall character of the business district. Signs should be designed and painted by professional sign makers or experienced artists. Each sign should be designed in accordance with the following standards.
 - (2) *Appearance*- Signs should be compatible with their surroundings. Signs for businesses in a common building or contiguous structure, shopping, office, or industrial center should be compatible with each other. Signs attached to the same building should be the same shape, background color and dimension, regardless of individual business ownership or tenancy in the building.
 - (3) *Materials*- High-quality materials will ensure that a sign will look attractive, reduce maintenance costs, and last longer. Sign materials and finished textures should complement the building materials. Permanent signs should be made of wood, high-density foam simulating wood, medium-density overlay and finished plywood, brass, copper, or bronze. Plastic and lexan materials should be used for internally illuminated signs.
 - (4) *Placement*- Signs should be integrated with the building without obscuring important architectural details or storefront windows. Signs should be mounted so as to minimize damage to historic materials, and finished with architectural details to complement the sign, such as ornamental iron or brass supports and routed wood posts and edges to provide detail and relief.
 - (5) *Lettering*- Lettering and character typefaces should match the scale of the building and size of the sign as well as consideration of the adjacent roadway speed limits and whether pedestrians are in the area.
 - (6) *Color*- The colors should be compatible with the style and color scheme of the building and its neighbors. Color schemes should be kept simple, limited to two or three colors, and based on a host building's painted exterior detailing, such as window trim and cornices. Earth tones, primary colors, and pastels are appropriate and can be designed with subtle combinations, and variations. Fluorescent, luminescent and iridescent colors and tones should only be used for traffic safety signs. Signs with a strong color contrast are more legible.
 - (7) *Lighting*- Decorative light fixtures, such as gooseneck, hooded, historic reproduction, and alcove fixtures, are encouraged that are complimentary to the design of building, sign, or site. Signs should be evenly lit with no isolated bright or dark spots. No substantial light or glare may be directed or reflected onto adjacent streets or properties. Internally illuminated signs should use LED lights to the extent feasible and lettering should be channel set.
- G. Specific Design Standards
- (1) All height limitations shall be measured from the average grade at the curb line to the top or bottom of the sign, as is specified, or its supporting structure.
 - (2) Where any sign, flag, or banner is located over a walkway, sidewalk, pedestrian way, or other public area, the bottom of the sign, flag, or banner shall be at least eight (8) feet above grade level of the pedestrian area.
 - (3) Signs shall be located outside of sight triangles.
 - (4) Illuminated signs shall be arranged to reflect the light and glare away from adjoining lots and streets to prevent glare or blinding effects upon motor vehicle traffic and so as not to cause a nuisance to residents of the area. All exterior lighted signs shall be shielded or have translucent fixtures to prevent glare.
 - (5) An application for an illuminated sign must include a lighting fixture catalogue cut or manufacturer's product description sheet with isolux or lumens specifications and mounting information. It shall indicate the lighting intensity (lumens) that would be generated by any lighting devices shining onto the sign and the rest of the property and neighboring properties and the lumens that would be projecting from any illuminated signs as part of the sign plan. (This information is part of the manufacturer's data sheet.) Externally illuminated signs consisting of three or fewer one-hundred-watt incandescent light bulbs, or compact fluorescent lights of comparable illuminating capacity, shall be exempt from submitting a lumens plan.
 - (6) Attached wall signs shall be affixed parallel to wall to which they are attached, and the face of the sign shall project no more than ten (10) inches from the surface of the wall.
 - (7) All signs shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts or landscaping, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The owner of any property on which a sign is located and those responsible for the maintenance of the sign shall be equally responsible for the condition of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary, and free from noxious or offensive substances, rubbish, and flammable waste materials. If the sign is not made to comply with adequate safety standards, the Zoning Officer shall require its removal within thirty (30) days.
 - (8) All signs should have a consistent sign design throughout a particular project. The design theme would include style of lettering, construction, material, type of pole or standard (wood or metal) size and lighting. Color of letters and background should be carefully considered in relation to the color of the material of the buildings or where the signs are proposed to be located.
 - (9) The sign area of two-sided signs shall be computed using one (1) side of the sign, if the signs are identical.
 - (10) The area of wall signs shall be computed by first measuring the initial letter, number, logo, trademark or symbol or letters of the name independently as a rectangle enclosing the letter, number, logo, trademark, or symbol and adding thereto the area of a rectangle enclosing all the remaining letters, numbers, logos, trademarks, or symbols forming the sign. Other wall signs of a solid face construction, which are placed and securely fastened to the building wall and are complete in and of themselves shall have the area computed on the basis of a rectangle formed by a complete sign.
- H. Prohibited Signs
- (1) All signs not expressly permitted under code section 280 or exempt from regulation in accordance with code section 280 are prohibited.
 - (2) No sign of any type shall be permitted to obstruct driving vision, pedestrian or vehicular traffic, traffic signals, traffic directional and identification signs, walkways, entrances, exits, fire escape, doorways, other places of business, 48" wide sidewalks, or other signs or windows of the building on which they are located, or in any way affect the safety of the public. The Township of Little Falls is authorized to remove any such sign at the expense of the permittee or owner of the property upon which it is located or person or entity responsible for erecting the sign.
 - (3) *Billboard or Off-Premise Signs*- The Township of Little Falls hereby prohibits all billboard and/or off-premise signs, except in the B-2 Business Zone
 - (4) Additional prohibited signs include but are not limited to:
 - a) Changeable copy signs, except as otherwise permitted herein,
 - b) Neon or gas tubing like signs,
 - c) Beacons,
 - d) Tethered balloons,
 - e) Signs using red, yellow, and green lights which mimic the operation of any traffic control signal,

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- f) Roof signs or signs mounted on the roof, g) Signs painted directly onto buildings,
- h) Inflatable signs,
- i) Animated, or moving signs,
- j) Mobile signs,
- k) Mechanical or electrical signs employing devices to revolve, flash or display movement or the illusion of movement. Or scrolling text and images
- l) Internally illuminated awning and canopy signs,
- m) Internally illuminated projecting and suspended signs (box signs),
- n) Vehicle(s) or trailer(s) permanently located to serve as a sign in circumvention of this chapter,
- o) Signs which present lewd language or graphic sexual depictions, p) Bench signs, and
- q) Bus shelter signs. I.

Developer Signs.

- (1) One on-site temporary developer sign for projects that have received final site plan or subdivision approval from the board of jurisdiction shall be permitted. The sign shall identify the project and shall be shown on the final site plan or subdivision map. The sign area shall not exceed thirty (32) square feet and the sign height shall not exceed four (4) feet about the adjacent ground level. The sign shall be located outside of site triangles shall be located behind the street line by a minimum of three (3) feet. Once construction is completed, prior to the release of sureties, or when the project is dormant for over three (3) months, the on-site temporary sign shall be removed.

J. Public and Quasi-public Uses.

- (1) Community event signs sponsored by a civic organization, club, municipality or house of worship shall be permitted.
- (2) Community event signs shall be no larger than four (4) feet by six (6) feet.
- (3) Community event signs are setback at least fifteen (15) feet from any street or property line, and that such signs are only erected for a period of fourteen (14) days and are removed immediately following the event.
- (4) These signs are exempt from permit filing, but must register the sign, including sign location, event date, sign specifications and person or persons responsible for aforementioned sign with a contact phone number with the Zoning Officer or other designated official.
- (5) A house of worship may have two (2) signs not to exceed a total of thirty two (32) square feet displayed on the property. One sign may be an identification sign and one sign may be a changeable copy sign.

K. All Residential Districts and Uses located in Little Falls

- (1) A permitted Home Professional Office or approved Home Occupation may have one sign not to exceed four (4) square feet in area or be higher than five (5) feet above surrounding grade level. The sign shall not extend beyond a vertical plane three (3) linear feet from all property lines displayed on the property, where a building housing a permitted Home Occupation is located within six (6) feet of the front lot line or the street line one (1) projecting sign may be used in lieu of a small freestanding sign noted above. The projecting sign shall not exceed four (4) square feet in area. The projecting sign shall be permitted to be located between an imaginary line drawn perpendicular to the top of any first or ground floor windows and/or doors and the top of the floor of the second floor.
- (2) No other displays or changes in facade that alter the residential character of the building shall be permitted in any residential district.
- (3) Neighborhood Identification Signs not to exceed six (6) square feet in area and that is not more than 18 inches above ground level and not to exceed five (5) feet high.

L. Commercial and Industrial Districts.

- (1) Freestanding signs
 - a) One (1) freestanding sign shall be permitted at a rate of one (1) square foot of sign (per side), for every three (3) linear feet of street frontage. Freestanding signs shall not exceed a total maximum area of fifty (50) square feet per side.
 - b) Freestanding signs shall be located a minimum of ten (10) feet away from all property lines and outside of any sight triangles.
 - c) Freestanding signs shall be mounted so that the bottom of the sign is at least eighteen (18) inches above ground level.
 - d) Freestanding signs shall be monument-style and no higher than ten (10) feet above ground level.
 - e) Freestanding signs may be internally illuminated. Freestanding signs may also be illuminated by an exterior light source, facing down, not upwards towards the sky.
 - f) Individual freestanding signs for multiple tenants or tenant structures shall not be permitted.

(2) Building signs

- a) Facade, wall, suspended, projecting, and window signs shall have a maximum total area of four (4%) percent of the total of the area of the building facade fronting on a principal entrance, but in no case shall any individual sign be greater than fifty (50) square feet. One building sign per public entrance (maximum of 2) shall be permitted.
 - b) Wall signs shall be located between the top line of windows or doors on the first floor, and the bottom line of the second floor windows, roof, or cornice above, in an area that is uninterrupted by windows, architectural details, or openings. (See Signable Façade Area)
 - c) Wall signs shall not project beyond the roof or sides of the building. Wall signs may not project more than six (6) inches beyond the front surface of the building.
 - d) In addition to the permitted signs projecting or suspended signs with a display area not greater than four (4) square feet that maintain a height of eight (8) feet over the sidewalk or surrounding grade and do not project more than four (4) feet from the exterior wall, shall be permitted under a canopy for each storefront or business service having an individual public entrance from the exterior of the building. This sign area shall not count against the maximum signage permitted per this ordinance.
 - e) Suspended signs may not extend farther away from the exterior wall of the building than the structure from which it is supported. In no case shall the suspended sign be greater than four (4) feet from the exterior wall of the building.
 - f) One etched or painted permanent window sign shall be permitted in one storefront window of any retail or commercial business, providing it does not exceed twenty-five (25) percent of the window area.
 - g) One awning or canopy sign shall be permitted on the awning or canopy providing the maximum letter height does not exceed eighteen (18) inches. Under no circumstances shall the awning or canopy be internally illuminated. Awnings and canopies are permitted to encroach upon the sidewalk a minimum of three (3) and maximum of six (6) feet, and be located eight (8) feet above surrounding adjacent grade level. The signage should be provided on the valance and should be limited to the store, business name or street number. No other text should be on the awning.
 - h) Changeable copy signs are permitted for gasoline service stations to provide fuel pricing information.
- (3) Directory signs shall be permitted in relation to each building, provided the directory is no more than six (6) square feet in area and four (4) feet in height. The sign shall not be located in the front yard setback.

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- (4) Directional signs. Directional signage shall be permitted on sites where necessary to safely and effectively convey persons to their intended destination. Directional signs shall be consistent with each other and the site's other signage, and shall be limited to six (6) square feet in area and four (4) feet in height. The signs shall not be used for advertising purposes and may be internally illuminated.

M. Maintenance.

- (1) The property owner shall be responsible for maintaining all signs erected on a tax lot. This maintenance shall include repainting, repairing and cleaning, as necessary. No sign shall be permitted to exhibit:
 - a) Excessive chipped or peeling paint or lettering;
 - b) Damaged or broken lettering or signboard;
 - c) Illegible material due to fading, obliteration, or other condition; or dirty, torn, broken, or otherwise damaged awning, canopy, projecting sign, or other sign support structure.
- (2) If the Zoning Officer determines that any sign is in a state of disrepair so as to no longer be reasonably capable of presenting its message, or abandoned or a danger to the public health or public safety, he shall give written notice of the condition of the sign to the owner of the sign and to the owner of record of the tax lot.
- (3) The property owner shall thereafter have 30 days to repair or remove said sign. (4) If said sign is not satisfactorily repaired or removed within the thirty-day period, the Zoning Officer may thereafter take such actions as are permitted pursuant to this Chapter.

N. Abandonment. Abandoned signs and their supporting structures shall be removed within 30 days. The Township may thereafter take such actions as are permitted pursuant to this Chapter.

O. Permits Fees.

- (1) All signs, excluding those specifically exempted within this section, shall require a sign permit from the Zoning Officer and, if applicable, a building permit from the Construction Code Official. The applicant shall furnish the Zoning Officer with a fee as required and the necessary information from which to determine whether the subject sign meets the requirements of this section
- (2) Individual signs placed within a multiple sign structure subsequent to its installation shall require a separate permit.
- (3) Where the erection of a sign has not been completed within six (6) months after the date of issuance of the permit, the permit shall become null and void and subject to reapplication. The Zoning Officer shall have the discretion to grant a reasonable continuation of time where unavoidable conditions prevented the initiation or completion of work within the prescribed time period.
- (4) Fees shall be established pursuant to the requirements of code section 280 of the Code of the Township of Little Falls
- (5) Notwithstanding the provisions of this section, the Township Council in its absolute and sole discretion, or by contract or agreement, may provide advertising for any business, organization or use when such advertising is deemed to be in furtherance of the public good, health, safety and/ or general welfare.

P. Enforcement

- (1) If the Zoning Officer shall find that any sign regulated herein is unsafe, insecure, in need of repair, equipped with flashing or blinking lights, or otherwise in violation of this section, the Zoning Officer shall give written notice to the owner thereof or to his/her attorney. If the owner fails to remove, alter or repair the sign within 30 days after such notice, the Zoning Officer may initiate further action as provided in this section in order to abate or remedy the violation.
- (2) Upon failing to comply with the violation notice from the Zoning Officer within the time specified, the Zoning Officer is authorized to cause the removal of the sign, and any expense incidental thereto shall be paid by the permittee or owner of the property upon which the sign is located.

Q. Violations and remedies.

- (1) Penalties. Any violation of any provision of this section shall be punishable upon conviction by a fine of not less than \$50.00 dollars and not to exceed \$1,000.00 dollars.
- (2) The following individuals shall be subject to potential punishment;
 - a) The owner, tenant or occupant of a building, premises, or part thereof where such a violation has been committed or does exist; and
 - b) Any agent, contractor, corporation or other person who commits, takes part or assists in the violation.
- (3) Each day a violation continues shall constitute a separate and distinct offense, punishable as such in accordance with the following;
 - a) A minimum penalty of \$50.00 dollars per day shall be imposed; and
 - b) Any person or entity who is convicted of violating any provision of this section within one (1) year of the date of a previous violation of the same provision of this section, and who was fined for the previous violation, shall be sentenced by the Municipal Court an additional fine as a repeat offender. The additional fine imposed by the Court upon such person or entity for a repeat offense shall not be less than the minimum fine fixed for a violation of the section, but shall be calculated separately and in addition to the fine imposed for the violation of this section.
 - c) The imposition of penalties herein shall not preclude the Township of Little Falls or any other person from instituting an action to prevent the unlawful construction, reconstruction, installation, alteration, repair, conversion or use of a sign, or to restrain, correct or abate a violation.
- (4) Injunctive and other relief. In addition to the foregoing, the Township of Little Falls may institute and maintain a civil action for injunctive or other relief as provided in the Municipal Land Use Law and other applicable laws.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

Meeting of January 25, 2016

This ordinance shall take effect upon passage and publication as provided by law.

Mr. Janota explained Ordinance No. 1244 is a revamp of the previous ordinance, and provides a cohesive signage plan.

Poll: Ayes: Porter, Liess, Damiano, and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1245-It was moved by Councilmember Damiano, seconded by Councilmember Porter, that there be introduced and the meeting of February 22, 2016 set as the date for the public hearing of the following:

ORDINANCE NO. 1245

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE ZONING PROVISIONS OF THE TOWNSHIP CODE TO ESTABLISH A SOLAR ENERGY SYSTEMS ORDINANCE

BE IT ORDAINED by the governing body of the Township of Little Falls, Passaic County, New Jersey, that the Zoning Ordinance of the Township of Little Falls is hereby amended to establish a Solar Energy Systems Ordinance to promote alternative energy systems implementation, clean domestic energy production and a clean, sustainable environment.

WHEREAS, the Township has found that encouraging solar energy production promotes the public health, safety and general welfare by providing clean energy that can be delivered to the end user efficiently, reducing reliance on fossil fuels and by providing the opportunity for the generation of clean energy at a reduced cost to consumers;

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Governing Body of the Township of Little Falls as follows:

§ 280-4, entitled "Definitions," is hereby amended to add the following new terms: Definitions

Solar Energy System: means 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.

Solar Panel: means 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.

Solar Panel Array: means a collection of multiple solar panels mounted or arranged together, providing energy to the same primary user, as part of a solar energy system.

The Township Ordinance is hereby amended to contain the standards for Solar Energy Systems set forth below.

Purpose; requirements; applicability

The primary purpose of the solar energy system will be to provide power for the principal use of the property whereon the said system is to be located and shall not be for the generation of power for commercial purposes for resale, other than as permitted by net metering laws. Solar Energy systems shall be permitted as a conditional use in all the zones in the Township of Little Falls in accordance with the following standards:

(A) Residential Zones

- (1) Ground-mounted solar energy can be located in the residential zones in accordance with the following:
 - (a) Shall not be located within any front yard, easements or utility line or, along the front wall of the principal building.
 - (b) Such systems shall maintain the side and rear yard setbacks as stipulated within the respective zoning district.
 - (c) Ground-mounted solar energy systems shall not exceed 400 square feet.
 - (d) Such systems shall not exceed ten (10) feet in height.
 - (e) Adequate screening in form of four seasons planting shall be provided along the property line.
 - (f) Ground mounted solar energy systems shall not be categorized as accessory buildings.
 - (g) Systems shall be located and installed so that the sun glare is directed from an adjoining property line or public right of way.
 - (h) System shall be designed by using materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
- (2) Roof-mounted solar energy systems, shall be permitted as on a conforming single-family, two-family residential building provided the systems are in accordance with the following:
 - (a) In no event shall the placement of the solar panels result in the total height, including the building and panels, exceeding what is permitted in the zoning district.
 - (b) In no instance shall any part of the system extend beyond the edge of the roof.
 - (c) If solar systems are attached to accessory buildings, then such systems shall not be located in the front yard and shall not be less than six (6) feet from any side or rear property line.
 - (d) Rooftop installations must not interfere with any operation of plumbing fixtures protruding from the rooftop level as required by the New Jersey Plumbing Codes.
- (3) Utility notifications and interconnection. Solar systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C 14:4-9.

(B) Non-residential zones

- (1) Roof mounted solar energy system in non-residential zones shall be in accordance with the following
 - (a) In no instance shall any part of the system extend beyond the peak of the roof, extend beyond the maximum height of the roof line or exceed the maximum height permitted for principal building in the respective zone.
 - (b) The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
 - (c) Rooftop installations must not interfere with any operation of plumbing fixtures protruding from the rooftop level as required by the New Jersey Plumbing Codes.
 - (d) All applicable building codes must be followed.
 - (e) If located on a flat roof, then adequate screening should be provided in order to not be visible from the public right-of-way, parking lots and adjacent property. Sight line drawings depicting the visual sight lines from the right-of-way, parking lot and adjacent properties should be provided at the time of Site Plan Review.
- (2) Ground-mounted solar energy systems provided:

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- (a) Solar panels may be installed on a ground-mounted apparatus only on lots with a minimum lot size of five (5) acres.
 - (b) Shall not be located within the front yard, easements or utility line and along the front façade of the building.
 - (c) Such systems shall not exceed ten (10) feet in height.
 - (e) Systems shall be located and installed so that the sun glare is directed from an adjoining property line or public right of way.
 - (f) Systems shall be designed by using materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
- (C) Solar energy commercial operations are prohibited as a principal use. These are systems whose main purpose is to generate energy back into the energy grid systems rather than being consumed on site.
- (D) Signs. There shall be no signs that are visible from any public road posted on a solar energy system or any associated building, except for the manufacturer's or installer's identification in accordance with Subsection H below, appropriate warning signs or owner identification. Solar energy systems shall not be used for displaying any advertising except for small and reasonable identification of the manufacturer or operator of the system. In no case shall any identification sign be visible from a property line.
- (E) Utility notifications and interconnection. Solar systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C 14:4-9.
- (F) Labeling requirements.
 - (1) A minimum of one sign shall be posted near ground level on the interconnection cabinet warning of high voltage. In addition, the following information shall be posted on a label or labels on the interconnection cabinet of the solar energy system:
 - (a) The maximum power output of the system
 - (b) Nominal voltage and maximum current.
 - (c) Manufacturer's name, address and telephone number, serial number and model number.
 - (e) Emergency and normal shutdown procedures.
 - (2) Should the solar energy system interconnection cabinet be located on the inside of a structure, a sign notifying the existence of a solar energy system shall be placed on the outside of the building, near the electrical and/or gas meter in order to notify emergency personnel of the solar energy system.
- H. Standards for and regulation of Solar Energy System.
 - (1) Construction. Solar energy system construction shall be in accordance with the appropriate sections of the Basic Building Code as adopted and as currently amended, by the State of New Jersey and any future amendments and/or revisions to same.
 - (2) The installation of a solar energy system shall conform to the National Electric Code as adopted by the NJDCA and/or any other applicable agency with jurisdiction. The installation of a solar energy system is subject to any and all the electric utility company's requirements for interconnection, its successors and assigns, and/or designated by state authority, in perpetuity.
 - (3) The design of any solar energy system shall be signed and sealed by a professional engineer, licensed in the State of New Jersey, certifying that the design complies with all the standards set forth for safety and stability in all applicable codes then in effect in the State of New Jersey and all sections referred to hereinabove.
 - (4) Utility company notification. The appropriate electric utility company, its successors and assigns, and/or as designated by state authority, shall be notified in writing by the applicant of any proposed interface to the company's grid prior to installing such interface and shall conform to any legislated requirements governing installations of solar energy systems so as to comply with the utility tariff specifications. Evidence of such notification shall be submitted at time of application for conditional use approval and building permit.
- I. All electric/utility lines shall be located underground. All electric and utility lines leading down the side of the structure from rooftop installations shall be placed and tacked as aesthetically as possible.
- J. Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system. Although the Township of Little Falls may to an extent possible attempt to mitigate or prevent the occurrence or cause shadows or operating ineffectiveness of existing solar energy systems, the approval of any solar energy system granted by the Township of Little Falls under this article shall not create any future liability or infer any vested rights to the owner and/or property owner of the solar energy system on the part of the Township of Little Falls or by any other officer or employee thereof for any future claims against said issuance of approval of the solar energy system that results from reliance on this article or any administrative decision lawfully made there under.
- K. No equipment, framing or other materials directly related to solar operations for any residential or commercial use shall be abandoned in place and whereby after a unit is non-functional or no longer in use, it must be dismantled and removed in its entirety within 120 days.
- L. Approval Requirements.
 - (1) Site Plan Approval. Site Plan approval from the Planning Board or Board of Adjustment, as appropriate, shall be required for the installation of a solar energy system.
 - (2) Documents. The Site Plan application shall be accompanied by a plot plan, which includes the following:
 - (a) Property lines and physical dimensions of the property;
 - (b) Location of the proposed solar energy system;
 - (c) The right-of-way of any public road that is contiguous with the property;
 - (d) Any overhead utility lines;
 - (e) Manufacturer solar energy system specification/cut sheets certified by a licensed New Jersey Engineer, including manufacturer and model;
 - (f) A visual site distance analysis must be submitted, including all photos of the subject property, that graphically simulates the appearance of any proposed solar energy system and indicating its view from at least five (5) locations around the property.
 - (g) Notification of utility company for interconnection purposes.
 - (h) The documents and plans shall contain enough information and accurately depict the installation of the solar energy system for the Township of Little Falls to make a formal decision on the application. The amount of information and accuracy of information shall be in the sole judgment of the Administrative Officer.

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- M. Expiration. A permit issued for an application approved by the Planning Board or Zoning Board of Adjustment, if appropriate, shall expire if:
- (1) The solar energy system is not installed and functioning within 12 months from the date the permit is issued; or
 - (2) The solar energy system is out of service or otherwise unused for a continuous 12 month period.
- N. Administration and Enforcement.
- (1) This ordinance shall be administered by the Administrative Officer or other official as designated.
 - (2) The Administrative Officer may enter any property for which a permit has been applied for and/or issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
 - (3) At the discretion of the Administrator and/or Township of Little Falls Construction Office for which a zoning, building and/or electrical permit was obtained, as applicable, the Township reserves the right to require the applicant to obtain and submit an "as-built" survey upon completion of the solar energy system evidencing the exact location and height of the structures to ensure said installation is made in accordance with the requirements of the Township of Little Falls.
 - (4) The Administrative Officer may issue orders to abate any violation of this ordinance.
 - (5) The Administrative Officer may issue a citation for any violation of this ordinance.
 - (6) The Administrative Officer may refer any violation of this ordinance to legal counsel for enforcement.
- O. Violations.
- (1) It is unlawful for any person to construct, install, or operate a solar energy system that is not in compliance with this ordinance.
 - (2) Any person who fails to comply with any provision of this article shall be subject to enforcement and penalties as stipulated in this chapter and article.
 - (3) Nothing in this section shall be construed to prevent the Township Council and/or administrative officers of the Township of Little Falls from using any other lawful means to enforce this article.
 - (4) Any solar energy systems installed prior to the adoption of this ordinance are exempt from the provisions of this chapter.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

Mr. Janota explained that NJ is in the forefront of promoting solar energy. This ordinance regulates how a solar panel is installed on a residence and applies to aesthetics as well. Councilmember DAMIANO questioned whether residents in town with pre-existing solar panels would be in compliance, however, Mr. Janota could not provide an answer without visual inspection.

Poll: Ayes: Porter, Liess, Damiano, and Council President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance No. 1246-It was moved by Councilmember Damiano, seconded by Councilmember Liess, that there be introduced and the meeting of February 22, 2016 set as the date for the public hearing of the following:

ORDINANCE #1246

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE ZONING PROVISIONS OF THE TOWNSHIP CODE TO ESTABLISH A SMALL WIND ENERGY SYSTEMS ORDINANCE

BE IT ORDAINED by the governing body of the Township of Little Falls, Passaic County, New Jersey, that the Zoning Ordinance of the Township of Little Falls is hereby amended to include provisions for small wind energy systems.

WHEREAS, the Township has found that regulating wind energy systems promotes the public health, safety and general welfare by requiring that adequate standards be established for residential and commercial uses;

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Governing Body of the Township of Little Falls as follows:

Definitions

"Meteorological Tower or Met Tower" means 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.

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

"Rotor diameter" means the cross-sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

"Small Energy System" means wind energy system that is used to generate electricity; has a nameplate capacity of 100 kilowatts or less;

"Total Height" in relation to a wind energy system means the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.

"Total Roof Mounted Structure Height" means 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.

"Tower" means a monopole, freestanding, or guyed structure that supports a wind generator.

"Wind Energy System" means 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.

"Wind Generator" means 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.

Purpose: requirements: applicability

A small wind energy system shall be permitted as a conditional use in all the zones in the Township of Little Falls in accordance with the following standards:

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- (A) Residential Zones
- (1) Ground-mounted wind energy systems are not permitted in any residential zones.
 - (2) Roof-mounted wind energy systems, whose primary purpose is to provide power for the principal use of the property whereon the said system is to be located and shall not be for the generation of power for commercial purposes for resale, can be located in residential zones in accordance with the following:
 - (a) The minimum distance between a roof-mounted wind energy system and a property line shall be equal or greater than the minimum front, side or rear yard setback applicable to the main building.
 - (b) The total height of the roof mounted structure shall not exceed five (5) feet above the ridge of the roof. The said system shall not be placed on top of any architectural features such as cupola, chimney etc.
 - (c) Wind energy system shall not be artificially lighted.
 - (d) No portion of the roof mounted wind energy system shall extend beyond the edge of the building to which it is attached.
 - (3) Small decorative wind turbines: Small wind turbines less than one meter in diameter that use direct current solely for decorative or yard lighting are exempt from the above-mentioned requirements.
- (B) Non-residential Zones
- (1) Minimum Lot Size. The minimum lot size for a small wind energy system shall be 5 acres.
 - (2) Setbacks. A wind tower for a small wind energy system shall not be located within any front yard, easements or utility line, and shall maintain a setback of the underlying zone. No portion of the wind generator shall extend beyond the setback line, or into the following:
 - (a) Any public road right-of-way.
 - (b) Any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the lines.
 - (3) Pole mounted wind towers shall not be higher than 25 feet from existing grade.
 - (4) Access.
 - (a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (b) The tower shall be designed and installed so as to not provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight feet above the ground.
- (C) Electrical Wires. All wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- (D) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration, and is subject to Planning Board and Board of Adjustment approval as part of the site plan process.
- (E) Appearance, Color and Finish. The wind generator and tower shall be non-obtrusive and shall be painted or finished so as to minimize their visual impact on the surrounding landscape.
- (F) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower building, or other structure associated with a small wind energy system visible from any public road shall be prohibited. Small wind energy systems shall not be used for displaying any advertising except for small and reasonable identification of the manufacturer or operator of the system. In no case shall any identification sign be visible from a property line.
- (G) Code Compliance. A small wind energy system including tower shall comply with all applicable construction and electrical codes, and the National Electrical Code.
- (H) Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems.
- (I) Met towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.
- (J) For wind speeds in the range of 0-25 mph, the noise level of any small wind energy system shall not
- (1) Exceed 60 dBA measured from any property line; or
 - (2) Be in the excess of 5 dBA above the background noise, whichever is greater, as measured at the closest neighboring inhabited dwelling. The measurement will be taken downwind of the turbine to account for the cancelling effect of the sound of the wind itself. The provisions within this section shall not be applicable to the increased sound levels during the occurrence of short-term events such as storms and utility outages.
- (K) Approval Requirements.
- (1) Site Plan Approval. Site Plan approval from the Planning Board or Board of Adjustment, as appropriate, shall be required for the installation of a small wind energy system.
 - (2) Documents. The Site Plan application shall be accompanied by a plot plan, which includes the following:
 - (a) Property lines and physical dimensions of the property;
 - (b) Location, dimensions and types of existing structures on the property;
 - (c) Location of the proposed small wind energy system;
 - (d) The right-of-way of any public road that is contiguous with the property;
 - (e) Any overhead utility lines;
 - (f) Small wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type;
 - (g) Stamped, engineered tower and tower foundation drawings;
 - (h) Noise levels of the proposed wind energy system at all property lines and at the closest neighboring inhabited dwelling.
 - (i) A visual site distance analysis must be submitted, including all photos of the subject property, that graphically simulates the appearance of any proposed small wind energy system and indicating its view from at least five (5) locations around and within one (1) mile of the proposed tower.
- (L) Expiration. A permit issued for an application approved by the Planning Board or Zoning Board of Adjustment, if appropriate, shall expire if:

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- (1) The small wind energy system is not installed and functioning within 24 months from the date the permit is issued; or
- (2) The small wind energy system is out of service or otherwise unused for a continuous 12 month period.

(M) Abandonment

- (1) A small wind energy system that is out of service for a continuous 18-month period will be deemed to have been abandoned.
- (2) The Administrative Officer may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
- (3) The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date.
- (4) If the owner provides information that demonstrates the small wind energy system has not been abandoned, the Administrative Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.
- (5) If the Administrative Officer determines that the small wind energy system has been abandoned, the Owner of the small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within six (6) months after the Owner receives the Notice of Abandonment.
- (6) If the Owner fails to remove the wind generator from the tower in the time allowed under (e) above, the Administrative Officer may pursue legal action to have the wind generator removed at the Owner's expense.

(N) Violations. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance.

(O) Administration and Enforcement.

- (1) This ordinance shall be administered by the Administrative Officer or other official as designated.
- (2) The Administrative Officer may enter any property for which a permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
- (3) The Administrative Officer may issue orders to abate any violation of this ordinance.
- (4) The Administrative Officer may issue a citation for any violation of this ordinance.
- (5) The Administrative Officer may refer any violation of this ordinance to legal counsel for enforcement.

(P) Penalties.

- (1) Any person who fails to comply with any provision of this ordinance shall be subject to enforcement and penalties as stipulated in chapter and section of the appropriate zoning code.
- (2) Nothing in this section shall be construed to prevent the appropriate Township of Little Falls Board from using any other lawful means to enforce this ordinance.

(Q) Severability. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Mr. Janota noted this is a proactive ordinance pertaining to roof or yard mounted small turbines. Mr. Janota replied to Councilmember DAMIANO's question, indicating resident wishing to install a non-compliant wind system would in fact have to present the request before the Planning Board.

Poll: Ayes: Porter, Liess, Damiano, and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1247-It was moved by Councilmembers Damiano, seconded by Councilmember Liess, that there be introduced and the meeting of February 22, 2016 set as the date for the public hearing of the following:

ORDINANCE NO. 1247

ORDINANCE OF THE TOWNSHIP COUNCIL OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO PREVENT THE UNLAWFUL ENROLLMENT OF SCHOOL CHILDREN IN THE TOWNSHIP OF LITTLE FALLS PUBLIC SCHOOL SYSTEM AND TO PROVIDE PENALTIES THEREFORE

BE IT ORDAINED by the Township Council of the Township of Little Falls in the County of Passaic and State of New Jersey that the Code of the Township of Little Falls Code is hereby amended, revised and supplemented to create a New Chapter to Be Entitled "Miscellaneous" as follows:

SECTION 1: Chapter 58. Miscellaneous.

Section 58-1. Ineligible student enrollment prohibition; penalties.

(a) Purpose. A section to prohibit and penalize: (i) any parent or other person enrolling a student in the Township of Little Falls School District, or (ii) any parent or other person enrolling a student in the Passaic Valley Regional High School claiming that his or her child is a resident of Little Falls, seeking free of charge education when such student is ineligible for free of charge education.

(b) Prohibited conduct. It shall be unlawful for any person who is 18 years old and older, to:

(1) Knowingly register or enroll a student in the Township of Little Falls School District, or Passaic Valley Regional High School District, seeking free of charge education or maintain the enrollment of a student receiving free of charge education when the student is ineligible for free of charge education pursuant to N.J.S.A. Title 18A; or

(2) Knowingly assist, aid or permit a student to register or enroll in the Township of Little Falls School District or Passaic Valley Regional High School District seeking free of charge education when the student is ineligible to attend free of charge pursuant to N.J.S.A. Title 18A; or

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- (3) Knowingly permit his or her name, address or other residence designating documentation to be utilized in the registration or enrollment of any student seeking free of charge education in the Township of Little Falls School District or Passaic Valley Regional High School District when the student is ineligible to attend free of charge pursuant to N.J.S.A. Title 18A; or
- (4) Does not notify or inform the Township of Little Falls School District or Passaic Valley Regional High School District when a student is no longer a resident in the household of that person who had previously knowingly permitted his or her name, address or other residence designating documentation to be utilized in the registration or enrollment of the student in the Township of Little Falls School District or Passaic Valley Regional High School District.

(c) Requirements. Upon the request of the Township of Little Falls School District or Passaic Valley Regional High School District, the parent or guardian of a student registered in the Township of Little Falls School District or the Passaic Valley Regional High School District shall be required to complete documentation intended to determine the student’s eligibility to attend school in the Township of Little Falls School District or the Passaic Valley Regional High School District free of charge in accordance with N.J.S.A. Title 18A. All residents hosting other families, with a student enrolled in the Township of Little Falls School District or the Passaic Valley Regional High School District in their residence, must register with the Township of Little Falls School District or the Passaic Valley Regional High School District and must notify the Township of Little Falls School District or Passaic Valley Regional High School District when such other families no longer reside with the resident.

(d) Enforcement.

1. Sections (a), (b) and (c) may be enforced by the administrative officials of the Township of Little Falls School District in their sole discretion.

2. The Ordinance shall also apply to a parent or guardian who improperly claims his or child is a resident of the Township of Little Falls, when the child is not such a resident, and sends his or her child to the Passaic Valley Regional High School. As such, all provisions of this Ordinance will apply to such improper conduct, including, but not limited to, the penalty provisions of this Ordinance.

(e) Penalty. Any person violating the provisions of Sections (a), (b) and (c) shall, upon conviction thereof, be sentenced to pay a fine of up to \$2,000 and to the maximum lawful extent make restitution to the Township of Little Falls Board of Education or Passaic Valley High School Board of Education, respectively. In determining the amount of restitution, the Municipal Court of the Township of Little Falls, Passaic County shall include amounts incurred by the Township of Little Falls Board of Education or Passaic Valley High School Board of Education, including but not limited to tuition costs, investigation expenses and attorneys' fees.

(f) Restitution. Restitution ordered by the Municipal Court of the Township of Little Falls, Passaic County, shall be paid to the Township of Little Falls Board of Education or the Passaic Valley High School Board of Education within thirty (30) days of such an order being final and not subject to further appeal. Unpaid restitution and fines may, upon the petition of the Township of Little Falls Board of Education or the Passaic Valley High School Board of Education to the Municipal Court of the Township of Little Falls, be converted into liens against the properties of the offending parties.

SECTION II: All Ordinance or parts of Ordinances that are inconsistent with the provisions of the within Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION III: If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION IV: This Ordinance shall take effect immediately upon final passage and publication as required by law.

Mr. Cuccia relayed Councilmember LEISS’ suggestions regarding this ordinance were received.

Poll:	Ayes:	Porter, Liess, Damiano, and Council President Fontana
	Nays:	None

The Council President declared the motion passed.

PAYMENT OF BILLS

It was moved by Councilmember Porter, seconded by Councilmember Damiano, that the Council approve the following:

RESOLUTION [BL]

BE IT RESOLVED by the Township Council of the Township of Little Falls the Council having received the Treasurer’s certification of the availability of funds for payment of all bills presented, that payment of all bills approved by the Finance Committee be and is hereby authorized, subject to the availability of funds and subject to the appropriate and available appropriation in the line item.

Poll:	Ayes:	Porter, Damiano and Council President Fontana
	Nays:	None
	Abstained:	Liess

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Damiano, seconded by Councilmember Liess, that the meeting be and it was adjourned at 8:01 p.m.

Cynthia Kraus
Municipal Clerk