

**WORKSHOP MEETING
OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS WAS
HELD THIS EVENING IN THE MUNICIPAL BUILDING**

Monday, October 4, 2021

Council President Sgobba called the meeting to order at 7:08 p.m. with the following members present: Albert Kahwaty, and Christopher Vancheri. Also present were Mayor James Damiano, Township Attorney Joseph Wenzel, Township Engineer Tom Lemanowicz, Township Administrator Charles Cuccia, Deputy Clerk Melissa DePiro and Township Clerk Cynthia Kraus.

Absent: Councilmember Christine Hablitz and Councilmember Tanya Seber.

Township Employees present.

SALUTE TO THE FLAG.

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting has been provided in accordance with N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on July 22, 2021. A copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date. Additionally, a copy of the notice was filed in the office of the Township Clerk on said date. **This meeting is being conducted under the circumstances surrounding the COVID-19 health situation. Only 25 members of the public will be allowed to attend the meeting in person. A link and a telephone number to join the meeting can be accessed on the Township website at www.lfnj.com. Electronic provisions have been established for the public to participate during the public comment portion of the meeting.**

PROCLAMATION RECOGNIZING DOMESTIC VIOLENCE AWARENESS MONTH - Mayor Damiano read the Proclamation recognizing the month of October 2021 as Domestic Violence Awareness Month in the Township of Little Falls. Councilmember KAHWATY then made comments as Chair of the Domestic Violence Prevention Committee. Resident Marianne Holzach was invited to speak on the history and purpose of the Committee.

PROCLAMATION RECOGNIZING ITALIAN HERITAGE MONTH MONTH – Mayor Damiano read the Proclamation recognizing the month of September 2021 as Italian Heritage Month in the Township of Little Falls. Mayor Damiano announced the flag raising was postponed due to inclement weather.

PROCLAMATION RECOGNIZING BREAST CANCER AWARENESS MONTH – Mayor Damiano read the Proclamation recognizing October 2021 as Breast Cancer Awareness Month in the Township of Little Falls.

PUBLIC COMMENT – GENERAL MATTERS

Anyone wishing to address the Township Council may do so through the Council President. Please give your name and address for the record. Comments are to be limited to three minutes, however, if appropriate, you may be granted additional time at the sole discretion of the Council President.

Members of the public who joined the Meeting virtually and desire to provide comment shall raise their virtual hand in the Zoom application. The Meeting moderator will queue the members of the public that wish to provide comment and the Council President will recognize them in order. Members of the public who have joined the Meeting by calling in must press *6 to mute and unmute themselves and *9 to raise their hand. Members of the public who have joined the meeting via the Zoom application must click the Reactions icon and then raise the Hand icon. Please give your name and address for the record. Once the process is complete, we will return to the regular order of business.

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

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Luis Fernandez, 54 Harrison Street, submitted a query regarding the PNC Parking lot. Mayor Damiano discussed the allotment of parking spots and that the lot was purchased for \$270,000. Mr. Fernandez made comments regarding an increase in the number of applications to the Planning Board and the effects of development, as well as the remote platform of the Planning Board Meetings. Council President SGOBBA provided the rationale for remote Planning Board Meetings. Mr. Wenzel stated the Township cannot put a stop to applications for building permits as it is under State code. The Building Department and Planning Board can place restrictions on development through zoning and on developers when they make an application. Mayor Damiano provided an explanation for the increase in applications and made further remarks to Mr. Fernandez’s statement about overpopulations, and issues related to the sewer system, flooding and traffic.

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

Poll: Ayes: Kahwaty, Vancheri and Council President Sgobba
 Nays: None

Meeting of October 4, 2021

The Council President declared the motion passed.

ITEMS TO BE DISCUSSED:

MAYOR/ADMINISTRATOR:

1. RESOLUTION ACKNOWLEDGING RECEIPT AND REVIEW OF THE ANNUAL REPORT OF AUDIT – Mayor Damiano reviewed the annual nature of this resolution.
2. RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE 2020 ANNUAL AUDIT – Mayor Damiano explained the resolution to approve the corrective action plan to address those items raised by the Auditor during the audit process.
3. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF LITTLE FALLS AND NJDOT _ Mayor Damiano explained the agreement pertains to Route 46 and the Township taking over roadways and traffic signals.
4. RESOLUTION AUTHORIZING EXECUTING OF A GRANT AGREEMENT WITH NJDOT FOR MAIN STREET STREETScape PROJECT – Mayor Damiano highlighted that this agreement involves DOT funds for the Streetscape Project.
5. ORDINANCE NO. 1426 and ORDINANCE NO. 1427- Mayor Damiano provided an overview of floor ratio requirements (FAR), and summarized that without wasting residents’ time or money these ordinances accomplish the calculation of lot coverage, maintain the small town character of the municipality, while also allowing residents to do small renovations.

ACTION ITEMS:

It was moved by Councilmember Kahwaty, seconded by Councilmember Vancheri, to approve the following:

Receipt and Review of Annual 202 Audit

RESOLUTION [A] 21-10-04 - #1

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and, **WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annua audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls, hereby states that it has complied with the promulgation of the Local Finance Board of the state of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Corrective Action Plan for 2020 Audit

**TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY
RESOLUTION [B] 21-10-04 - #2**

WHEREAS, the Director of the Division of Local Government Services has formally directed all municipalities to adopt a Corrective Action Plan as part of their annual audit process; and

WHEREAS, this Corrective Action Plan shall be submitted to the Director of Local Government Services upon adoption of the Governing Body and it shall be kept on file with the Township Clerk; and

WHEREAS, the Plan shall cover all audit findings and recommendations and be prepared in accordance with the Single Audit Act OMB Circular 128 and Local Finance Notice of 92-15; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby approves the attached Corrective Action Plan for the 2020 Annual Audit;

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to maintain said Plan in Township files, available to the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution, including the Corrective Action Plan, be forwarded to the Director of the Division of Local Government Services.

Jurisdictional Agreement with NJDOT for Route 46/Route 3 Valley Road Interchange Project

RESOLUTION [C] 21-10-04 - #3

WHEREAS, the State of New Jersey Department of Transportation has requested that an agreement be entered between the Township of Little Falls and the State of New Jersey, which would allocate the jurisdictional responsibilities for highway maintenance and control between the Township of Little Falls and the State of New Jersey with reference to certain intersections of Route 46/Route 3/Valley Road and streets within the Township; and

Meeting of October 4, 2021

WHEREAS, maps outlining the jurisdictional limits of each have been reviewed and approved by the Township of Little Falls.
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Falls, that the Mayor and Clerk are hereby authorized to execute an agreement between the Township of Little Falls and the State of New Jersey.

Grant Agreement with NJDOT for Main Street Streetscape Project

**TOWNSHIP OF LITTLE FALLS
RESOLUTION [D] 21-10-04 - #4**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Main Street Streetscape Project.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of Little Falls formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *LTPF-Little Falls Township-00028* to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Little Falls and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Bill List

RESOLUTION [E] 21-10-04 - #5

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: Kahwaty, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

NEW BUSINESS

Ordinance No. 1417 - -It was moved by Councilmember Vancheri, seconded by Councilmember Kahwaty, that the public hearing on Ordinance No. 1417, “**AN ORDINANCE AMENDING THE LITTLE FALLS FIRE DIVISION IN THE CODE OF THE TOWNSHIP OF LITTLE FALLS CODE SECTION 3-7.8, ENTITLED, “FIRE DIVISION”**” be and it was opened.

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Luis Fernandez – stated his request to submit questions and obtain a copy of the Ordinance. At this time, Mayor Damiano asked the Council to table Ordinance No. 1417 until the next meeting such that final discussions with the Fire Department may occur.

As no further comments from the public were received, it was moved by Councilmember Kahwaty, seconded by Councilmember Vancheri, that the public hearing on Ordinance No. 1417 be and it was closed.

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Kahwaty, seconded by Councilmember Vancheri, to table Ordinance No. 1417 until the October 25, 2021 Meeting.

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1425 - -It was moved by Councilmember Vancheri, seconded by Councilmember Kahwaty, that the public hearing on Ordinance No. 1425, “**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AMEND AND MODIFY CHAPTER 33 (CANNIBAS REGULATION) OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS,**” be and it was opened.

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

As no comments from the public were received, it was moved by Councilmember Kahwaty, seconded by Councilmember Vancheri, that the public hearing on Ordinance No. 1425 be and it was closed.

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Meeting of October 4, 2021

It was moved by Councilmember Vancheri, seconded by Councilmember Kahwaty, that the Ordinance No. 1424 be and it was adopted.

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No.1426 - It was moved by Councilmember Kahwaty, seconded by Councilmember Vancheri, that there be introduced and the meeting of November 22, 2021 set as the date for the public hearing of the following:

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

WHEREAS, the Township of Little Falls ("Township") is a public body corporate and politic of the State of New Jersey; and
WHEREAS, the Township's Code of General Ordinances ("Code") currently provide for the regulation of development throughout the Township; and

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

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

Chapter 280. Zoning

Article II. Definitions

§ 280-4. Specific definitions.

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

ACCESS DRIVES

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

ACCESSORY

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

ALTERATION

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

ARTISANAL WORKSHOP

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

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

AUTOMOBILE LAUNDRY

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

BRACKET

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

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

BUILDING

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

BUILDING COVERAGE

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

BUILDING, DETACHED

A building surrounded by open space on the same lot.

BUILDING, FULLY ENCLOSED

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

BUILDING, HEIGHT

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

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

BUILDING, PRINCIPAL

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

BULK

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

BULK, NONCONFORMING

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

CONSTRUCTION OFFICIAL

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

CORNICE

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

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

CORNICE LINE

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

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

COVERAGE

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

COVERAGE BY ABOVE GRADE STRUCTURES

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

Meeting of October 4, 2021

DRIVE-IN FOOD ESTABLISHMENT

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

DWELLING

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

DWELLING, MULTIPLE-FAMILY

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

DWELLING, ONE-FAMILY

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

DWELLING, TWO-FAMILY

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

DWELLING UNIT

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

EASEMENT, CONSERVATION

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

EASEMENT, DRAINAGE

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

FAMILY

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

FILLING STATION

See "motor vehicle service station."

FLOODPLAIN

The area designated by FEMA and shown on the most current Flood Insurance Rate Map (FIRM) to be in a special flood hazard area. [Added 5-21-2012 by Ord. No. 1156]

FLOODPLAIN ELEVATION

The height of expected flood levels above mean sea level (per North American Vertical Datum 1988) for a particular location as shown on the most current FIRM maps by FEMA. [Added 5-21-2012 by Ord. No. 1156]

FLOODPLAIN OVERLAY

The residential development area designated by FEMA FIRM maps as special flood hazard areas which shall overlay all zoning boundaries within the Township. [Added 5-21-2012 by Ord. No. 1156]

FLOOR AREA OF BUILDING

See "gross floor area."

FLOOR AREA RATIO

The ratio of a building's gross floor area to the area of the lot on which the building is located. [Amended 8-10-2015 by Ord. No. 1224; 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

FRONT LOT LINE COVERAGE

The width of the building's primary facade measured at the maximum permitted front setback as a percentage of the width of the front street property line. [Added 8-10-2015 by Ord. No. 1224; amended 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

GARAGE, PRIVATE

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

GARAGE, PUBLIC

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

GROSS FLOOR AREA

The sum of the gross horizontal area of all floors of a building and its accessory buildings (on the same lot). Gross floor area does not include cellars, basements, attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts, but the area under roofed porches and roofed terraces shall be included. All dimensions shall be measured between exterior faces of walls. [Amended 8-10-2015 by Ord. No. 1224; 11-28-2016 by Ord. No. 1270; 3-27-2017 by Ord. No. 1284]

GROUND FLOOR AREA

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

HOME OCCUPATION

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

HOTEL

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

HOTEL, APARTMENT

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

IMPERVIOUS COVERAGE

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

IMPROVEMENT COVERAGE

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

JUNKYARD

Meeting of October 4, 2021

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

LOT

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

LOT, CORNER

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

LOT, DEPTH OF

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

LOT FRONTAGE

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

LOT LINE

A boundary line of a lot.

LOT LINE, FRONT

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

LOT LINE, REAR

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

LOT LINE, SIDE

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

LOT, THROUGH

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

LOT WIDTH

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

METEOROLOGICAL TOWER or MET TOWER

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

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

MIXED-USE BUILDING

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

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

MOTOR VEHICLE SERVICE STATION

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

NONBUILDING USE

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

NONCONFORMING STRUCTURE

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

NONCONFORMING USE

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

OWNER

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

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

PARKING DECK

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

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

PARKING GARAGE

Shall reference the definition of "parking deck."

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

PARKING SPACE

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

PARKING STRUCTURE

Shall reference the definition of "parking deck."

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

PERFORMANCE STANDARD

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

PERSONAL SERVICES

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

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

PLANNING BOARD

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

RESIDENTIAL SITE IMPROVEMENT STANDARD (RSIS)

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

ROTOR DIAMETER

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

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

Meeting of October 4, 2021

SHARED PARKING

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

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

SMALL ENERGY SYSTEM

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

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

SOLAR ENERGY SYSTEM

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

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

SOLAR PANEL

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

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

SOLAR PANEL ARRAY

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

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

STORY

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

STORY, HALF

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

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

STREET

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

STREETSCAPE

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

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

TOTAL HEIGHT

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

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

TOTAL ROOF-MOUNTED STRUCTURE HEIGHT

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

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

TOWER

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

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

TRANSIT-ORIENTED DEVELOPMENT (TOD)

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

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

USE, CONDITIONAL

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

USE, PERMITTED

See "use, principal permitted."

USE, PRINCIPAL PERMITTED

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

WIND ENERGY SYSTEM

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

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

WIND GENERATOR

Equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.

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

YARD

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

YARD, FRONT

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

YARD, REAR

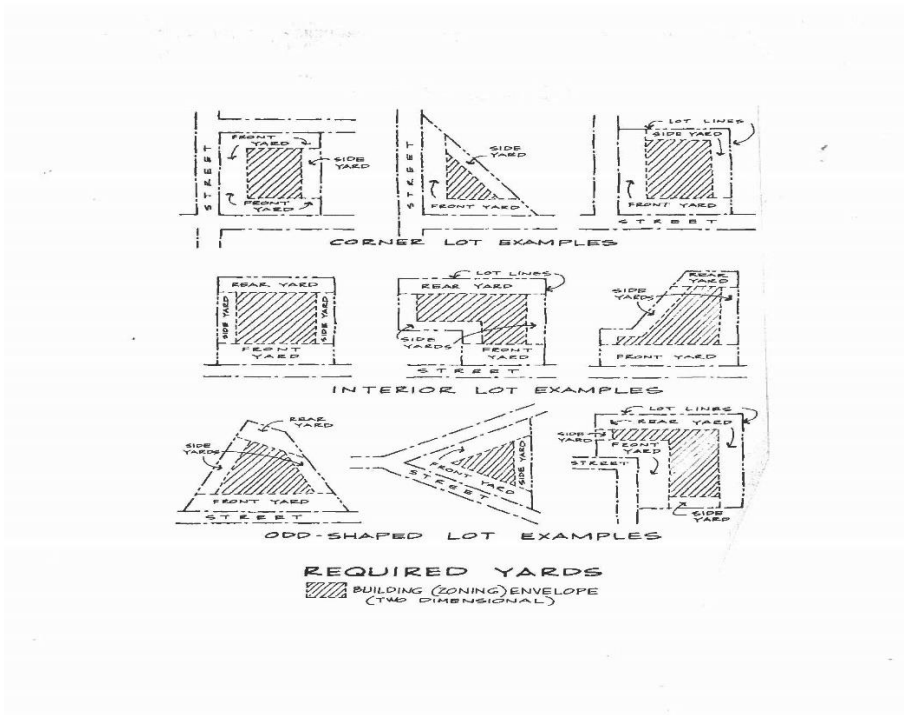
A yard extending the full width of the lot and situated between the rear line of the building and the rear line of the lot.

YARD SETBACK

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

YARD, SIDE

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



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

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Ordinance No.1427 - It was moved by Councilmember Vancheri, seconded by Councilmember Kahwaty, that there be introduced and the meeting of November 22, 2021 set as the date for the public hearing of the following:

ORDINANCE NO. 1427
ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 280-6 ENTITLED ZONING MAP

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and
WHEREAS, the Township’s Code of General Ordinances (“Code”) currently provide for the regulation of development throughout the Township; and

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 280-6 Zoning Map to provide for more compliant building parcels established by the various components of the Zoning Ordinance Chapter 280 of the Code of the Township of Little Falls; and

WHEREAS, it has been determined that the changes to the Zoning Map in the Township of Little Falls affixed to this ordinance will be the official Zoning Map of the Township of Little Falls revised with the adoption of this ordinance:

§ 280-6 Zoning Map.

The districts are bounded and defined as shown on the map entitled Zoning Map of the Township of Little Falls, New Jersey, adopted January 25, 1979, and revised, October 4, 2021, which map, and all explanatory matter thereon is hereby made a part of this chapter.

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

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

COUNCIL TOPICS FOR DISCUSSION

Councilmember VANCHERI expressed his condolences on the passing of Luigi Curcio, owner of Sun-Ray pizza. Councilmember VANCHERI then commented on the success of the Little Falls 5K and the recent PBA Annual Oktoberfest.

Councilmember KAHWATY commented on tonight’s Breast Cancer Awareness Proclamation and discussed his personal experience related to breast cancer.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Anyone wishing to address the Township Council may do so through the Council President. Please give your name and address for the record. Comments are to be limited to three minutes, however, if appropriate, you may be granted additional time at the sole discretion of the Council President.

Members of the public who have joined the Meeting virtually and desire to provide comment shall raise their virtual hand in the Zoom application. The Meeting moderator will queue the members of the public that wish to provide comment and the Council President will recognize them in order. Members of the public who have joined the Meeting by calling in must press *6 to mute and unmute themselves and *9 to raise their hand. Members of the

Meeting of October 4, 2021

public who have joined the meeting via the Zoom application must click the Reactions icon and then raise the Hand icon. Please give your name and address for the record. Once the process is complete, we will return to the regular order of business.

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

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Luis Fernandez –made comments regarding renovations and the calculation of taxes, to which Mayor Damiano responded the Ordinance has no bearing on the Tax Assessor. Mr. Fernandez made comments on the order of Public Comment. Mayor Damiano agreed that Action Items should be included in the first Public Comment and General Comments should be addressed separately later in the Meeting. Councilmember KAHWATY agreed with Mr. Fernandez and reviewed that the Council always has a public hearing before a vote for adoption. Mr. Wenzel discussed that the Council adopted two public comments with the idea of additional transparency and discussed instances when and why Public Comment may be withheld but not stopped. Council President SGOBBA stated the Council will take Mr. Fernandez’s comments under consideration.

It was moved by Councilmember Vancheri, seconded by Councilmember Kahwaty, that the meeting be and it was closed to the public.

Poll: Ayes: Kahwaty, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Kahwaty, seconded by Councilmember Vancheri, that the meeting be and it was adjourned at 8:32 p.m.

Cynthia Kraus
Municipal Clerk