

BOROUGH OF
ORADELL

**ORADELL LAND
DEVELOPMENT
ORDINANCE
11-9
BOROUGH CODES
Chapter 240**

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ARTICLE I, Title; purpose

§ 240-1.1 Short title.

This chapter shall be known as the "Oradell Land Development Ordinance."

§ 240-1.2 Purpose.

The purposes of this chapter are to establish a pattern for land use based on the Master Plan and to guide appropriate and orderly development which will promote the public health, safety, morals and general welfare. To this end, procedures for submitting and acting upon development applications and setting design standards to guide the preparation of plans are included. This chapter is intended to regulate the use of land within zoning districts; secure safety from fire, flood, and other disasters; provide adequate light, air and open space; limit and restrict buildings and structures to specified districts according to their type and the nature and extent of their use for trade, industry, residence, open space or other purposes; regulate the bulk, height, number of stories and size of buildings and other structures; avoid a conflict with neighboring municipalities, the county and the state; establish appropriate population densities and concentrations contributing to the well being of persons, neighborhoods, communities and regions and the preservation of the environment; provide sufficient space for residential, recreational, business, commercial and industrial uses and open space; encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which result in congestion or blight; promote a desirable visual environment; promote the preservation of valuable historical resources; promote the conservation of buildings and their appearance; preserve open space and valuable natural resources to prevent urban sprawl and degradation of the environment through improper use of land; provide procedures for planned developments which incorporate the best features of design and relate the type, design and layout of residential, business, commercial, industrial and recreational development to the particular site; encourage coordination of various public and private procedures and activities shaping land development and to the more efficient use of land; and to promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy resources.

§ 240-1.3 Clause of severability.

If any chapter, section, subsection or paragraph of this revision shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and such determination shall not be deemed to invalidate the remaining chapters, sections, subsections or paragraphs of this revision.

ARTICLE II, Construction of terms

§ 240-2.1 Construction of terms.

A. For the purposes of this chapter, certain words are defined in this article. Any word not defined herein shall be construed to have the meaning that is conferred on it by standard usage for the context in which the word is used. However, if said word is defined by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., that word shall have the same meaning conferred upon it by that statute unless a contrary intent is clearly expressed from the context of this chapter.

B. Words used in the present tense include the future; words used in the singular number include the plural number and vice versa. The word "occupy" or "use" shall be considered as though followed by the words "intended, arranged or designed to be occupied or used." The words "used for" include "designed for" and vice versa. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word "building" includes the word "structure"; the word "dwelling" includes the words "residence and housing unit"; the word "shall" is mandatory and not directory. The word "lot" shall include the word "plat."

§ 240-2.2 Definition of terms.

The following terms shall have the following definitions:

ACCESSORY BUILDING OR STRUCTURE

A detached subordinate structure, the use of which is clearly incidental and relates to that of the principal use of the land and which is located on the same lot as the principal structure, building or use.

ACCESSORY USE

A subordinate use, clearly incidental and related to the principal structure, building or use of land and located on the same lot as that of the principal use.

ADMINISTRATIVE OFFICER

The Construction Code Official who shall be designated as the administrative officer for purposes of this chapter.

ALLEY

A minor way that is used primarily for vehicular service access to the rear or side of properties that otherwise abuts on a street.

ALTERATION

Any changes in the supporting members or parts of a building, such as a bearing wall, column, beam, girder or similar construction.

APARTMENT

A room or suite of rooms having cooking and sanitary facilities, which is arranged, designed or used or intended to be used as a housekeeping unit for a single family.

APARTMENT HOUSE

A building or that portion thereof containing three or more apartments.

APPROVING BOARD

The Planning Board or Zoning Board of Adjustment, as the case may be, which approves a particular application.

ATTIC

The space between the ceiling beams of the top story and the roof rafters, including uninhabitable space.

AUTO BODY AND AUTO PAINT SHOPS

Premises used for the painting and/or repair of body work of motor vehicles.

AUTOMOBILE SALES

Premises used for the storage and display of vehicles that results in the transfer of title or lease.

AUTOMOBILE SERVICE STATION

A building or place of business where gasoline, fuel, oil, grease, batteries, tires, and automobile accessories are installed and supplied directly to the retail customer and where mechanical repair but not body work may be rendered.

AUTO REPAIR SHOPS

Premises used for the mechanical repair of motor vehicles.

AWNINGS

Any canopy or covering consisting of a rigid frame and canvas or vinyl material covering, which shelters the entrance or window area of a building from the elements.

BASEMENT

That portion of a building that is partly or completely below Grade Plane. A basement shall be considered as a story above Grade Plane where the midpoint between the basement floor and the basement ceiling is above the Grade Plane. A basement shall also be considered as a story above Grade Plane where the finished surface of the floor above the basement is:

1. More than 6 feet above Grade Plane; or
2. More than 9 feet above the finished ground level at any point around the perimeter of the building.

BILLBOARD

Any sign erected or maintained for the purpose of displaying outdoor advertising of products or services provided off-premises.

BOROUGH ENGINEER

A licensed professional engineer of the State of New Jersey hired by the governing body to provide professional services to the Borough of Oradell, the Planning Board, and/or the Zoning Board of Adjustment.

BOROUGH PLANNER

A licensed professional planner of the State of New Jersey hired by the governing body to provide professional services to the Borough of Oradell, the Planning Board, and/or the Zoning Board of Adjustment.

BUFFER

A contiguous area of specified width adjacent to a lot line, either in its natural state or planted with evergreen or other suitable vegetation sufficient to form an effective year-round noise and visual screen. Such areas may contain fences, underground utilities, walls and earth berms but shall not include any principal or accessory building use, parking areas and aisles or storage areas, except that driveways providing access from the street ~~on~~ to the site and which extends through a front yard buffer, and signs approved by the Approving Board, may be included.

BUILDING

Any structure having a roof supported by columns, posts or walls and intended for the shelter, housing or enclosing of persons, animals or property.

BUILDING COVERAGE

The percentage of a lot area which is occupied by buildings and accessory structures, including, but not limited to porches, decks, raised patios, stairs, landings, cabanas, covered patios, gazebos, sheds, garages, chimneys and other related building appurtenances, but not including walkways, driveways, patios, tennis courts and open parking areas.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is situated.

BUILDING PLOT

Any parcel of land upon which a building is located or a building is to be located.

BUILDING SETBACK LINE

A line established by ordinance, setting forth a minimum distance between any structure and any front, side or rear property lines.

BULK

The terms used to describe the size of buildings or other structures and their relationship to each other and to open areas and lot lines and therefore includes:

- (1) The size of buildings or other structures (for example height, length, width, number of stories, FAR) of buildings or other structures.

- (2) The shape of buildings or other structures.
- (3) The location of exterior walls of buildings or other structures in relation to lot lines or other walls to the same building or to other buildings or structures on the lot or adjacent lots.

BUSINESS

See §6.5, G-I, L.

CELLAR

See definition of "basement."

CROSSWALK

A right-of-way, dedicated to public use, to facilitate pedestrian access across a paved public street.

CULTURAL FACILITY

An establishment that documents the social and religious structures and intellectual and artistic manifestations that characterize a society, including museums, art galleries, and botanical gardens of natural, historic, educational, or cultural interest.

DECK

An exterior unroofed floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers or other independent supports.

DENSITY

The permitted number of dwelling units per gross area of land to be developed.

DEVELOPER

Any person who, either directly or through an agent or independent contractor, engages or intends to engage in land subdivision or in the construction of two or more dwelling houses, business or industrial buildings, in any subdivision for the purpose of sale to or occupancy by another person.

DEVELOPMENT

The division or consolidation of land into more or less parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to this chapter.

DISTRICT

Any part of the territory of the Borough of Oradell to which certain uniform regulations and requirements of this chapter apply. See Zone.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations.

DRAINAGE RIGHT-OF-WAY

The lands or interest in lands required for the installation of stormwater sewers or drainage ditches, or land or interests therein required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein so as to safeguard the public against flood damage in accordance with N.J.S.A. 58:1A-1 et seq.

DRIVE-THROUGH

The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons, remaining in motorized vehicles that are in a designated stacking lane. A drive through facility does not include a fuel service station.

DRIVEWAYS

An improved area used for ingress or egress of vehicles from the street onto and within the parcel and/or used for parking. Such improved area shall be constructed of finished stone, concrete, masonry, asphalt or other suitable material.

DRIVEWAY APRON

Driveway space from street line to sidewalk or to right of way line if no sidewalk exists.

DWELLING

A building or portion thereof used exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, motels, lodging houses, boardinghouses or tourist homes.

DWELLING, GARDEN APARTMENT

One or more multiple-family buildings with four or more dwelling units located one above the other, and/or side-by-side units, containing off-street parking, landscaped areas and other appurtenant facilities.

DWELLING, MULTIFAMILY

A structure or building occupied or intended for occupancy as separate living quarters for more than two families or households, with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit.

DWELLING, ONE-FAMILY

A detached building which is completely surrounded by permanent open space, occupied or intended for occupancy exclusively by one family or one household, with cooking, sleeping and sanitary facilities for the use of the occupants of the dwelling unit; also referred to as a "single-family dwelling."

DWELLING, TOWNHOUSE

A one-family dwelling in a row of at least three such units, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

DWELLING, TWO-FAMILY

A building occupied or intended for occupancy as separate living quarters for no more than two families or two households, with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit, which units are separated from each other by vertical walls to and through the roof or by horizontal floors also referred to as a "duplex dwelling."

DWELLING UNIT

A building or part thereof having cooking, living and sanitary facilities for the exclusive use of one household or one family.

EASEMENT

A use or burden imposed on real estate by deed or other legal means to permit the use of land by the public, a corporation or particular persons for specified use.

ENLARGEMENT

An addition to the aggregate floor area or an increase in the height of an existing building or area of the lot covered by a building.

EXTENSION

An increase in the amount of existing floor area used for an existing use within an existing building.

FACADE

The area from grade level to the top of the highest point of the structure and extending the full width of the structure.

FAMILY

One or more persons living together as a single, nonprofit housekeeping unit whose relationship is of a permanent and domestic character, as distinguished from fraternities, sororities, societies, clubs, associations, lodges, combines, half-way houses, shelters, rooming houses,

boardinghouses, specialized housing and other forms of transient associations. Nothing herein contained shall be deemed to interfere with or restrict the placement of children in a group home pursuant to N.J.S.A. 40:55D-66, or any other use of single-family dwellings protected by state statute.

FENCE

An artificially constructed barrier of wood, masonry, stone, wire, plastic, metal, or any other manufactured material or a combination of these materials erected for the enclosure of land, dividing of one piece from another.

FENCE HEIGHT

The vertical height of a fence measured from the highest point of the fence to the lowest grade elevation of the ground within three feet horizontally of the vertical face of the fence.

FINISHED GRADE

The elevation of the land surface following completion of all site preparation work, grading, and disturbances.

FLOOR AREA, GROSS

The sum of the gross horizontal area of all floors of a building from the exterior face of exterior walls, or from the center line of a wall separating two buildings, and including attached or detached garages and accessory buildings, but excluding:

- a. Residential basements;
- b. The floor area of rooms devoted to mechanical equipment accessory to the building and/or rooms with a ceiling height of less than six (6) feet located in basements of non-residential properties, including but not limited to commercial, industrial or business properties;
- c. Any terraces, balconies, open porches or decks extending beyond the exterior face of the building.

FLOOR AREA RATIO

The sum of the gross horizontal area of all stories above grade, except the basement floor of residential buildings or structures, compared to the total area of the site. Detached garages and accessory buildings shall be included in the Floor Area Ratio calculation when the structure is located in a side yard, front yard or in a rear yard and is closer than 20 feet to the farthest rear line of the principal building on the site. The distance between these structure(s) and the principal building's rear line shall be measured in a direction that is perpendicular to the street address front lot line of the principal building.

FRONTAGE

The straight line distance between the end points of the street address front lot line.

FUNERAL HOME

A building used for the preparation of the deceased for burial or cremation and the display of the deceased and rituals attendant to burial or cremation. The definition of "funeral home" does not include facilities associated with cremation.

GARAGE

A. PRIVATE GARAGE

A building or a portion of the building for the storage of three or fewer motor vehicles, without provision for repairing or servicing of vehicles for profit.

B. PUBLIC GARAGE

A building or structure for the storage or parking of more than three passenger motor vehicles or motor-powered boats or more than one commercial motor vehicle and in which provision may be made for the dispensing of fuel, oil or similar products for the servicing of such vehicles.

GAS STATION

See "automobile service station."

GRADE PLANE

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

HEIGHT OF NON-RESIDENTIAL STRUCTURE

The vertical distance of a building measured from the top of the highest point of the structure to the average finished grade taken six feet from the building foundation, at the midpoint of each building wall and at a point six feet from each building corner (measured as if the building wall were extended six feet from the building corner).

HEIGHT OF RESIDENTIAL STRUCTURE

The vertical distance of a building measured from the top of the highest point of a structure to the average finished grade taken six feet from the building foundation, at the midpoint of each building wall and at a point measured diagonally at forty-five degrees from each corner. Where new grades are proposed, the grade measurement cannot exceed a height established at more than one foot six inches above the existing grade.

HOUSE OF WORSHIP

Any building, structure or portion thereof or land maintained and operated by a religious group in which religious services are regularly conducted, but which may include accessory uses in the main building or structure or in accessory buildings or structures for religious education, assembly, food preparation, recreation or library, but not including missions, district offices or regional headquarters of a religious group.

HOUSEHOLD

A social unit comprised of those living together in the same dwelling unit, each member having unrestricted access to all the parts of the total dwelling unit.

ILLCIT CONNECTION

Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Oradell, unless that discharge is authorized, under a NIPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJO 141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE

Nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act [33 U.S.C. § 1317(a), (b), or (c)].

INTERIOR BUILDING SPACE

Defined the same as the term "floor area, net."

[Added 4-28-2009 by Ord. No. 09-02]

LOADING SPACE

An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Loading space for all commercial and industrial zones shall be a minimum of 12 feet by 30 feet.

LOT

A single piece or parcel of land separated from other parcels or portions by legal description, abutting on a street, whose area, in addition to the parts thereof occupied or which may be hereafter occupied by a principal building and its accessory buildings, is sufficient to provide the yard space and lot frontage width required in this chapter and conforming to minimum area requirements of this chapter.

LOT, CORNER

A lot at the junction of and having frontage on two or more intersecting streets. A corner lot is also a lot bounded on two or more sides by the same street. All yards on corner lots abutting any street shall be deemed as front yards and shall comply with all the borough codes and zoning requirements for front yards.

LOT COVERAGE

That percentage of the lot area which is occupied by buildings and structures, decks, swimming pool decks, tennis courts, and all improved surfaces, including but not limited to parking and loading areas, driveways, walkways, patios and pavers.

LOT DEPTH

The shortest horizontal distance between the front and rear lot lines measured perpendicular to (or radial on curved streets) the front lot line.

LOT, INTERIOR

A lot other than a corner lot. All yards on an interior lot abutting any streets, shall be deemed as front yards and shall comply with all the borough codes and zoning requirements for front yards.

LOT, NON-CONFORMING

See non-conforming lot.

LOT LINE

The legal boundaries of a lot as determined by an accurate survey or in the records of the Borough Engineer.

LOT LINE, FRONT

The lot line separating a lot from a street right-of-way. On corner lots and interior lots, all lot lines separating a lot from a street right-of-way are front lot lines.

LOT LINE, REAR

The line that most nearly qualifies as the line most distant and opposite from the street address.

LOT LINE, SIDE

Any lot line other than a front lot line or rear lot line.

LOT WIDTH

The horizontal straight line distance between the side lot lines, measured along the street address front lot line. On a corner lot, the horizontal distance between the non-address front lot line and the opposite side lot line.

MAIN BUILDING

The building in which the principal use of the lot is conducted.

MAJOR SUBDIVISION

All subdivisions not classified as minor subdivisions.

MANUFACTURING

The processing and converting of raw finished or unfinished materials or products or any of these into an article or substance of different character or for use for a different purpose; also, industries furnishing labor in the case of manufacturing, assembling or refinishing of manufactured articles.

MASTER PLAN

A composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to section 19 of P.L.1975, c.291 (C.40:55D-28).

MINOR SUBDIVISION

Any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance or this chapter.

MUNICIPAL BOARD

A Planning Board or Zoning Board of Adjustment or a governing body of Oradell when acting pursuant to this chapter or the Municipal Land Use Act.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Oradell or other public body, and is designed and used for collecting and conveying stormwater.

NJPDEP PERMIT

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NONCONFORMING BUILDING

A legal existing building which fails to comply with the current requirements concerning bulk (for height, number of stories, size, FAR, area, coverages, yards or locations) set forth in this chapter applicable to the zone in which the building is located).

NONCONFORMING LOT

A lot, the area, dimension or location of which, was lawful prior to the adoption, revision or amendment of this chapter but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE

A structure the size, dimension or location of which was lawful prior to adoption, revision or amendment of a zoning ordinance but which fails to conform to the current requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE

A use or activity that was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the current requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONTACT COOLING WATER

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product.

Noncontact cooling water may, however, contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

OFFICIAL MAP

A map adopted in accordance with the Official Map and Building Permit Act, N.J.S.A. 40:55D-32 et seq., or any prior act authorizing such adoption. Such a map shall be deemed to be conclusive with respect to the location and width of the streets, public parks and playgrounds and drainage rights-of-way shown thereon.

OPEN PORCH

A covered entrance to a building which has no walls or other enclosing materials but is open to light and air.

OPEN SPACE

Any part of a lot with a building which is unbuilt upon and intended to meet the side, rear or front yard requirements of this chapter, or an open area of potentially developable use as a park or active recreational area.

OWNER

Any individual, firm, association or legal entity having legal title to the lands sought to be developed or having written consent from the legal owner of said lands to act on his behalf.

PARKING AREA, PRIVATE

An area, improved in the same manner as a driveway, on a residential lot used for the parking of passenger vehicles without provision for repairing or servicing of vehicles for profit.

PARKING AREA, PUBLIC

A paved area, improved in the same manner as a driveway, other than a street or other public way, used for the parking of passenger vehicles and available to the public whether for a fee, free or as an accommodation for employees, guests, clients or customers.

PARKING BAY

An area sufficient to park one passenger vehicle.

PARKING SPACE

An accessory off-street space, for the parking of one passenger vehicle, opened or enclosed and paved, which is accessible and available at all hours when the building to which it is an accessory is in use.

PATIO

A structure which will be no more than eight (8") inches above finished grade at any point and used primarily for passive recreation.

PATIO, RAISED

A structure which is more than eight (8") inches above finished grade used primarily for passive recreation.

PERFORMANCE GUARANTY

Any security that may be accepted pursuant to the New Jersey Municipal Land Use Act to guarantee the completion of the required improvements before approval of a final site plan or final plat and shall include performance bonds with a responsible surety authorized to do business in the State of New Jersey, or escrow agreements secured by cash, certified check or cashier's check.

PERMITTED USE

Any use of the land as permitted according to this chapter. The term "permitted use" or its equivalent shall not include any nonconforming use.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PLANNING BOARD

The Planning Board of the Borough of Oradell unless specifically designated otherwise.

PLAT

The map of a subdivision.

PLAT, PRELIMINARY

The preliminary map indicating the proposed layout of the proposed development which is submitted to the Borough for consideration and tentative approval.

PLAT, FINAL

The final map of all or a portion of the subdivision which is presented to the Planning Board or Zoning Board of Adjustment for final approval in accordance with the regulations of this chapter and which, if approved, shall be filed with the proper County Recording Officer.

POND

Any basin/structure/container above or below ground that contains water from three (3") inches to twenty-four (24") inches in depth used for any reason.

PREMISES

A building or structure or a portion of a lot, vacant or otherwise.

PRINCIPAL BUILDING

See "main building."

PROCESS WASTEWATER

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to leachate and cooling water other than noncontact cooling water.

PROFESSIONAL OFFICE

A space used by a person who is duly licensed by the State of New Jersey and practicing as an architect, attorney at law, certified public accountant, dentist, licensed professional engineer, medical doctor, osteopath or chiropractor. In a residential zone this use must be carried on wholly within a completely enclosed building, in an area not greater than 25% of the gross floor area of the dwelling unit and by a resident of the principal building with not more than two employees none of whom may be practicing the same profession as the resident except for members of his or her family living on the premises. All professional offices are hereafter excluded from all residential zones.

PUBLIC BUILDING

Any building owned or operated by the Borough of Oradell, any public board of education, the County of Bergen, the State of New Jersey, or the United States of America.

REDEVELOPMENT

See development

RESERVE STRIP

That parcel of undeveloped land designated for dedication as a public or quasi-public use.

RESTAURANT

An establishment where food and drink are prepared, served, and consumed, mostly within the principle building.

RIGHT-OF-WAY

The land and space required on the surface, subsurface and overhead for the construction and installation of materials necessary to provide a passageway for vehicular traffic, pedestrians, utility lines, poles, conduits and mains, signs, trees and shrubbery and the proper amount of light and air as established by local authorities. Street rights-of-way shall be measured from lot line to lot line.

ROOMING HOUSE

Any building or portion thereof containing sleeping accommodations without individual cooking facilities and rented for compensation to people who are not members of the family as defined in this section. The term "rooming house" shall be deemed to include lodging house and boardinghouse.

SATELLITE RECEPTION ANTENNA

See FCC regulations.

SHED

A structure used exclusively for storage allowed only as an accessory building.

SIDEWALK

That area of the public right-of-way reserved for pedestrian traffic.

SIGN

Any inscription written, printed, painted or otherwise placed on a board, plate, banner or upon any material object or any device whatsoever, which by reason of its form, color, wording, activity or technique, or otherwise, attracts attention to itself, whether it be used as a means of identification, advertisement or announcement. A sign shall also include a description, display or illustration which is affixed to any building, structure or part thereof or any piece of land which

displays or includes any letter, word, banner, model, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. For the purpose of this chapter, the word "sign" does not include the flag, pennant or insignia of any nation, group of nations, states, cities or other governmental unit, or the number and name of the street upon which the building is located. This term shall apply only to such signs as are visible and intelligible to persons located outside the building.

SIGN, AREA

The surface area computed by drawing a rectangle touching the outermost edges of letters comprising the sign or the area established by reason of distinctive variation in background color, by borders or by some other equivalent manner, whichever is greater.

SIGN, GROUND

Any sign which is separate and apart from the building.

SIGN, MOVING

Any sign whereby the sign or a portion thereof is not fixed as a whole or in part moves from its fixed position. This definition shall not preclude a sign from incorporating a clock or temperature reading indicator.

SIGN, PROFESSIONAL

The sign indicating the profession as set forth in the definition of "home professional office" and may be used only to identify actual office premises.

SIGN, TEMPORARY

All signs not of a permanent nature, either attached or freestanding, such as "for sale," "for lease" or "for rent" signs, real estate signs, advertising, promotional or premium signs which may remain on a property for a limited time only, as specifically set forth in Article XII of this chapter.

SIGN, WINDOW

A sign located on the inside of a window, or a sign being visible from the exterior, or a sign secured to the outside face on a window.

SITE PLAN

The plan to be submitted with the final plat of subdivision. It shall set forth all drainage, the present elevations of the subdivision and proposed final elevations of roads, sanitary sewers, storm sewers, the individual lots, the first floor and garage floor, if any, of the building to be constructed thereon and any intermediate grades as may be required by the Borough Engineer.

SKETCH PLAT

The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of this chapter.

SOIL

Any earth, sand, clay, loam, gravel, humus, stone, rock or dirt, without regard to the presence or absence therein of organic matter.

SOIL, MOVE

To dig, excavate, remove, deposit, place, fill, grade, regrade, level or otherwise alter or change the location or contour, transport or supply of soil. This word shall not be construed to include plowing, spading, cultivating, harrowing or discing of soil or any other operation usually and ordinarily associated with the conservation or tilling of soil for agricultural or horticultural purposes.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow-removal equipment.

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway, or which is shown upon a plat heretofore approved pursuant to law, or which is approved by official action as provided by the Municipal Land Use Law, or

which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET LINE

The dividing line between the street right-of-way and a lot. Where title to land extends to the center of a road, easement or right-of-way, the side line of such road, easement or right-of-way shall be deemed to be the street line of a street.

STRUCTURE

Anything constructed or erected which requires permanent location on the ground or attachment to something having such permanent location.

SUBDIVIDER

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for such entity or for another. Such person shall be the owner of the property or shall obtain the owner's consent, in writing, to apply for such subdivision.

SUBDIVISION

The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land and/or consolidation of existing lots into a lesser number for sale or development. The term "subdivision" shall also include the term "resubdivision."

SWIMMING POOL, PRIVATE RESIDENTIAL

A tank, basin or structure capable of holding water over twenty-four (24") inches in depth and which is to be used for private, recreational swimming by private families and their social guests on residential premises and as accessory to the residential use. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas. All other uses are prohibited in all zones.

SWIMMING POOL, PUBLIC

Any swimming pool other than a private residential swimming pool available for use by the public or a private club or association.

TOPSOIL

The natural, undisturbed surface layer of soil having more organic material than subsequent layers.

USE

The specific purpose for which a parcel of land or a building or a portion of a parcel of land or a building is designed, arranged, constructed, altered, converted, occupied, maintained, rented, leased or intended to be used.

VEHICLE

A. PASSENGER VEHICLE

Any noncommercial vehicle.

B. COMMERCIAL VEHICLE

Any vehicle registered as a commercial vehicle, any vehicle equipped with pipe and/or ladder racks, or any vehicle with signage.

C. RECREATIONAL VEHICLE

A self-propelled or towed vehicle, including boats, used for recreational, camping or travel purposes and used solely as a family or personal conveyance.

D. TRAILER

Any vehicle with or without motor power designed for carrying persons or property or that can be drawn by a motor vehicle.

WALKWAY

Any impervious improved pathway on private property used for pedestrian traffic.

YARD

The space on a lot extending along a lot line between such lot line and a principal building or a non-building use occupying such lot.

YARD, FRONT

The open space extending across the full width of the lot, the depth of which is the minimum distance between the nearest point on the street line and the nearest part of the main or accessory building. Yards abutting a street line shall meet minimum zoning for front yards.

YARD, REAR

The yard extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building. Where the rear yard overlaps the front yard the front yard zoning requirements shall take precedence

YARD, SIDE

An open, unoccupied space within a lot between a side lot line and the parts of the building, structure or outbuilding nearest thereto. Such side yard shall extend on both sides of the lot from the building setback line to the rear line of said lot. However, each side of a corner lot or interior lot abutting a street line shall meet the minimum zoning requirements for front yards.

ZONE

An area within which:

- A. Certain uses of land and building are permitted.
- B. Certain other uses are prohibited.
- C. Yards and other open spaces are required.
- D. Lot areas, frontage, and sizes are required.
- E. Building height limits are imposed.
- F. Floor area ratio and various coverage limits are imposed.

ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment of the Borough of Oradell.

ZONING OFFICER

The official designated by the Governing Body to be charged with the enforcement of the provisions of the local zoning ordinances and this chapter.

ARTICLE III, Planning Board

§ 240-3.1 Establishment.

A. There is hereby established pursuant to the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), (hereinafter "MLUL"), in the Borough of Oradell a Planning Board of nine members consisting of the following four classes:

- (1) Class I: The Mayor or designee, in the absence of the Mayor.
- (2) Class II: One of the officials of the municipality, other than a member of the governing body, to be appointed by the Mayor, provided that if there is an Environmental Commission, the

member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be a Class IV Planning Board member, unless there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment or Historic Preservation Commission and a member of the Board of Education, in which case the member common to the Planning Board and Municipal Environmental Commission shall be deemed a Class II member of the Planning Board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

(3) Class III: A member of the governing body to be appointed by it.

(4) Class IV: Six other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one member may be a member of the Zoning Board of Adjustment and one may be a member of the Board of Education.

B. All terms shall run from January 1 of the year in which the appointment was made.

§ 240-3.2 Terms of members.

See Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.)

§ 240-3.3 Alternate members.

A. The Planning Board shall have two alternates.

B. Alternate members of the Planning Board shall be appointed for terms of two years. The terms shall be staggered so that one expires at the end of each year. The Mayor shall appoint the alternates. Alternate members shall meet the qualifications of Class IV members of nine-member Planning Boards. At the time of appointment, the Mayor shall designate the alternates as "Alternate No. 1" and "Alternate No. 2," respectively, and each alternate shall retain said designation during the term for which the alternate was appointed. A vacancy occurring otherwise than by expiration of term shall be appointed by the Mayor for the unexpired term only.

C. Alternate members may participate in discussions of all matters but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

D. During the absence or disqualification of any regular member, the Chairperson shall appoint one of the alternate members to serve in the place of said regular member; provided, however, that where the alternate member is designated to serve in the place of the regular member who is disqualified from participating in the hearing of a particular case, the alternate member shall be designated to serve only with respect to such case.

E. An alternate member who has been designated to sit in place of a regular member and who has participated in any hearing or matter coming before the Planning Board shall continue to act in the place of such regular member until the final disposition of said matter by the Board.

F. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§ 240-3.4 Disqualification or removal of members.

See Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.)

§ 240-3.5 Vacancies; conflicts of interest.

A. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment of the Mayor for the unexpired term.

B. If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by the MLUL from acting on a matter due to the member's personal or financial interests therein, regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board, in order of seniority of continuous service to the Zoning Board of Adjustment until there are the minimum number of members necessary to constitute a quorum, to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairman of the Zoning Board of Adjustment shall make the choice.

§ 240-3.6 Organization of Board.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Planning Board or a municipal employee designated by it.

§ 240-3.7 Planning Board Attorney.

There is hereby created the office of the Planning Board Attorney. The Planning Board may annually appoint the Planning Board Attorney or a firm.

§ 240-3.8 Employment of expert staff and services.

See Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.)

§ 240-3.9 Powers and duties of Board.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. It shall have the powers and duties enumerated by the MLUL.

§ 240-3.10 Time limits for decisions.

A. Major subdivision: - Upon submission of a complete application for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision.

B. Ancillary powers: - Whenever the Planning Board is required to exercise its ancillary powers on an application for site plan, subdivision or conditional use which includes a request for the granting of a variance, the Planning Board shall grant or deny approval of the application within 120 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant.

C. Final approval:

(1) Application for final subdivision approval shall be granted or denied within 45 days of submission of a complete application or within such further time as may be consented to by the applicant.

(2) Final approval of a major subdivision shall expire 95 days from the date of signing of the plat, unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

(3) The Planning Board may extend the 95 days or the 190-day period if the developer proves to the reasonable satisfaction of the Planning Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for an extension either before or after the original expiration date.

§ 240-3.11 Subdivision and Site Plan Committee.

There may be appointed by the Chairman of the Planning Board such committees of at least three members of the Board in accordance with this Chapter to perform such duties as may be conferred on it by the Planning Board.

ARTICLE IV, Zoning Board of Adjustment

§ 240-4.1 Establishment; alternate members.

A. A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq. consisting of seven residents of the Borough of Oradell appointed by the Mayor, with the advice and consent of the Council, to serve for terms of four years from January 1 of the year of their appointment.

B. Alternate members.

(1) The Zoning Board of Adjustment shall have two alternates.

(2) Alternate members of the Zoning Board of Adjustment shall be appointed for terms of two years. The terms shall be staggered so that one expires at the end of each year. The Mayor shall appoint the alternates, with the advice and consent of the Council. At the time of appointment, the appointing authority shall designate the alternates as "Alternate No. 1" and "Alternate No. 2" respectively, and each alternate shall retain said designation during the term for which the alternate was appointed.

(3) During the absence or disqualification of any regular member, the Chairperson shall appoint one of the alternate members, starting with Alternate No. 1 to serve in the place of said regular member; provided, however, that where the alternate member is designated to serve in the place of the regular member who is disqualified from participating in the hearing of a particular case, the alternate member shall be designated to serve only with respect to such case.

(4) An alternate member who has been designated to sit in place of a regular member and who has participated in any hearing or matter coming before the Board shall continue to act in the place of such regular member until the final disposition of said matter by the Board.

§ 240-4.2 Organization of Board.

The Zoning Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall also select a Secretary who may be either a member of the Zoning Board of Adjustment or a municipal employee designated by the Board.

§ 240-4.3 Vacancies; conflicts of interests.

A. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment by the Mayor, with the consent of the Council, for the unexpired term.

B. If the Zoning Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by the MLUL from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve, in order of seniority of continuous service to the Planning Board until there are the minimum numbers of members necessary to conform to the MLUL, to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice.

§ 240-4.4 Zoning Board of Adjustment Attorney.

There is hereby created the office of the Zoning Board of Adjustment Attorney. The Zoning Board of Adjustment may annually appoint the Zoning Board of Adjustment Attorney or a firm.

§ 240-4.5 Employment of experts, additional staff and services.

The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed the amount appropriated by the governing body for its use.

§ 240-4.6 Powers.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. It shall have the powers and duties enumerated by the MLUL.

§ 240-4.7 Additional powers.

A. Appeals and applications for variances: Appeals to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of the Administrative Officer. Each appeal shall be taken within the 20 days prescribed by the statute by filing a notice of appeal with the office from whom the appeal was taken, together with 17 copies of said notice with the Secretary of the Zoning Board of Adjustment or the administrative officer. Said notice of appeal shall specify the grounds for said appeal. The office from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. Interpretations and applications addressed to the original jurisdiction of the Zoning Board of Adjustment without prior application to an administrative officer shall be filed with the Secretary of the Zoning Board of Adjustment or the administrative officer. Seventeen copies of the application shall be filed. At the time of the filing the appeal or application, but in no event less than 14 days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Zoning Board of Adjustment. The applicant shall obtain all necessary forms from the Secretary of the Board who shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

§ 240-4.8 Power to reverse and modify decisions.

See Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.)

§ 240-4.9 Expiration of variance.

A. Any variance from the terms of this chapter hereafter granted by the Zoning Board of Adjustment or the Planning Board permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one year from the date of publication of the notice of the judgment or determination of the Zoning Board of Adjustment or Planning Board; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Zoning Board of Adjustment or Planning Board to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

B. The municipal Board (Zoning Board of Adjustment or Planning Board) which granted the variance may grant an extension of the expiration date if the applicant proves to the reasonable satisfaction of the Board that the applicant was barred or prevented, directly or indirectly, from proceeding with development because of delays in obtaining legally required approvals from other governmental entities or that the applicant has encountered a hardship in proceeding with the development. An applicant shall apply for an extension before the expiration date.

§ 240-4.10 Time limit for decision.

See Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.)

§ 240-4.11 Appeals from Zoning Board of Adjustment to Mayor and Council.

An appeal from any decision of the Zoning Board of Adjustment granting a use variance pursuant to the provisions of N.J.S.A. 40:55D-70d may be taken to the Mayor and Council of the Borough of Oradell, provided that such appeal shall be made within 10 days of the date of publication of such final decision of the Zoning Board of Adjustment.

ARTICLE V, Provisions applicable to both Planning Board and Zoning Board of Adjustment

§ 240-5.1 Conflicts of interest.

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto, except as a member of the public.

§ 240-5.2 Meetings.

A. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process or for such reasons as are set forth in the duly adopted rules and regulations of such Board.

B. Special meetings may be requested by the applicant which are dedicated solely to the applicant's case for efficiency reasons, and then with Board approval shall be conducted on a schedule at the discretion of the Board. The applicant will compensate the Borough for all costs, expenses and fees incurred as a result of the specially scheduled meeting(s). In addition, the applicant shall specify that the time limit(s) for the Board's decision is waived and such waiver may be withdrawn by the applicant within seventy (70) days written notice to the Board.

§ 240-5.3 Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the person appearing and addressing the Board and of the person appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes.

§ 240-5.4 Fees.

Fees: - Fees shall be as indicated in Chapter 115 of the Code of the Borough of Oradell, which establishes fees. All fees shall be payable at the time of filing any application for development. If such fees and

escrows are not maintained at least at a minimum of seventy (70%) percent of the initial escrow on a monthly basis (two full work days before the next hearing), the application/case shall be considered to be put on hold by the applicant, whereby the time limit for decision is put on hold and hearing of the case shall cease until the escrow and fees are reestablished to their required initial levels. If no action/full payment is taken by the applicant for a three (3) month period, the application will be deemed withdrawn and will be dismissed by the Board without prejudice. If the applicant in the future re-applies for any kind of construction or relief on this property or part thereof, all prior expenses shall be paid/covered prior to having the new application deemed complete/acceptable for hearing by the Board.

§ 240-5.5 Hearings.

A. Rules. The Planning Board and Zoning Board of Adjustment shall make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this chapter.

B. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.

C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense.

§ 240-5.6 Notice.

Pursuant to requirements of MLUL prior to commencement of hearing, the municipal Board may require any additional notice it deems necessary to meet the objectives of the notice requirements of this chapter.

§ 240-5.7 List of property owners furnished.

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the administrative office of the municipality shall, within seven days after receipt of a request therefor and upon receipt of payment of a fee as established in the Fee Schedule in Chapter 115, make and certify a list, from the current tax duplicate, of names and addresses of owners and other persons required to receive notice, to whom the applicant is required to give notice.

§ 240-5.8 Decisions on application for development.

A. Each decision on any application for development shall be set forth in writing as a resolution of the Board, which shall include findings of fact and legal conclusions based thereon.

B. A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the Borough Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the municipality.

§ 240-5.9 Publication of decision.

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Administrative Officer with separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

§ 240-5.10 Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessment or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

§ 240-5.11 Rules and regulations.

The Zoning Board of Adjustment and the Planning Board shall each adopt, and may from time to time amend, such rules and regulations with respect to their various functions as may be necessary to carry into effect the provisions and purposes of this chapter, which rules and regulations shall not be inconsistent with this chapter. Said rules and regulations shall be available for inspection at the office of the respective Boards, and copies thereof shall be provided to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the Borough.

§ 240-5.12 Escrow for professional fees.

A. All applicants or appellants to the municipal Board shall deposit and maintain escrows for professional fees as established in Chapter 115 of the Code of the Borough of Oradell, which establishes fees.

B. The Borough shall make all of the payments to professionals for services rendered to the municipality for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of the Municipal Land Use Law. If the Borough requires of the developer an escrow toward anticipated municipal expenses for these professional services, the deposit shall be pursuant to vouchers from the professionals stating the hours spent, the

hourly rate and the expenses incurred. The Borough shall render a written final accounting to the developer setting forth all the charges made to the escrow. Thereafter the Borough shall, upon written request, provide copies of the vouchers to the developer. For professionals, the charge to the escrow shall be at the same rate as all other work of the same nature by the professional for the municipality.

§ 240-5.13 Flood-fringe areas.

In all applications involving a flood-fringe area, the provisions of Chapter 132 of the Code of the Borough of Oradell shall be followed.

§ 240-5.14 Conditional approval; county approval.

The applicant shall comply with reasonable conditions laid down by the approving Board for design, dedication, improvements and the use of the land to conform to the physical and economical development of the municipality and to the safety and general welfare of the future residents/owners in the development and the community at large. Where County Planning Board review or approval is required on an application, the approving authority shall condition any approval it grants upon receipt of a favorable report from the County Planning Board. If the county's report attaches mandatory conditions, the original conditional approval by the approving municipal Board shall be void, and the application shall be denied, and a new resolution shall be adopted which considers the County Planning Board's report.

§ 240-5.15 Simultaneous review and approval.

A. Where an applicant is seeking simultaneous subdivision and/or site plan review and approval of a use variance, the applicant shall submit, in addition to the Zoning Board of Adjustment application, all Planning Board applications accompanied by plats and other supporting documents required for subdivision and site plan approval by the Planning Board.

B. Where an applicant is seeking simultaneous variance approval as part of an application for subdivision and/or site plan, the applicant shall submit, in addition to the Planning Board application, all applications and documents required for variance approval by the Zoning Board of Adjustment.

§ 240-5.16 Appeals to Zoning Board of Adjustment.

An appeal to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of the administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal in the manner set forth in this chapter and in accordance with the provisions of the Municipal Land Use Law.

ARTICLE VI, Zoning districts and regulations

§ 240-6.1 Establishment of zones and regulations.

For the purpose of this chapter, the following zones are hereby created, and the following regulations governing the height, number of buildings and size of buildings and other structures, their construction, reconstruction, alteration or repair, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location, use and extent of use of buildings, structures and lands for trade, commerce, residence and other purposes are hereby approved and shall hereafter apply in the Borough of Oradell.

§ 240-6.2 Zones designated; boundaries established.

A. For the purposes of this chapter, the Borough of Oradell is divided into 13 zones, which are as follows:

- R-1 One-Family Residential Zone
- R-2 One-Family Residential Zone
- R-3 One-Family Residential Zone
- R-4 One-Family Residential Zone
- R-5 Two-Family Residential Zone
- A-1 Garden Apartment and Residential Zone
- B-1 Business Zone
- B-2 Limited Business Zone
- B-3 Business and Apartment Zone
- C-1 Commercial Zone
- CR Conservation/Recreation Zone (Recreation, Watershed, Open Space)
- MX Mixed-Use Development Zone (Residential/Business)

B. The boundaries of these zones are hereby established as shown on the map entitled "Zoning Map of the Borough of Oradell, New Jersey," revised March 1, 2010, which map is hereby adopted by reference and declared to be a part of this chapter.

Editor's Note: The Zoning Map and amendments thereto are on file in the Borough offices.

C. District boundary lines are intended to follow street and railroad center lines and lot or property lines as they exist at the time of enactment of this chapter unless otherwise indicated on the Zoning Map. The exact location of any disputed boundary line shall be determined by the Zoning Board of Adjustment.

D. Where a vacated right-of-way is bounded on either side by more than one district, the former center line of such right-of-way shall become the new district line.

E. Where a district boundary line divides one or more lots that are in a single ownership at the time of the passage of this chapter, the use provided for one district shall not extend into the other district.

§ 240-6.3 Application of zoning regulations.

The regulations set forth in this chapter within each zone shall be the minimum regulations and shall apply uniformly to each class or kind of structure of land within said zone.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, altered, reconstructed or moved unless in conformity with all the regulations for the zone in which said building, structure or land is located.
- B. No building or other structure shall hereafter be erected or altered which is in any manner contrary to the provisions of this chapter.
- C. No yards, setbacks or lots existing at the time of the passage of this chapter shall be reduced in dimension or area below the minimum requirements of this chapter for said zone. All yards, setbacks and lots created after the effective date of this chapter shall meet the minimum requirements set forth in this chapter for each zone.

§ 240-6.4 Buffer area.

When a nonresidential use abuts a residential zone on the side or rear, a space not less than ten feet in width on the nonresidential property shall be designated as a buffer area and so indicated on the plat. Buffer areas will be contiguous with residential property lines and shall be of uniform width. If the buffer is less than 20 feet wide, the applicant may be required to erect and landscape a six-foot-high double-sided "sight-proof" fence within the buffer area parallel to the lot line of the abutting residential lot and set back a distance appropriate for the landscaping treatment in the buffer area. No chain-link or cyclone fences shall be permitted. Buffer areas on the nonresidential property between parking areas, loading areas and /or streets shall be at least 10 feet wide. When two or more commercial properties abut on the side or rear, an area of not less than three feet in width shall be designated on each property as a buffer area, and so indicated on the plat.

- A. Buffer areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Any screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one year or one growing season.
- B. No structure, activity, storage of materials or parking of vehicles shall be permitted in the buffer area, except access drives from public streets, one unlighted directional sign per each direction of traffic per access drive, and permitted signs as specified in this Code.
- C. Requirements for planting in the buffer area.
 - (1) A solid and continuous sight proof landscaped screen shall be planted and maintained to conceal the parking and loading areas, eliminate the glare of vehicle lights throughout the year and camouflage the building from the abutting residential areas. The landscape screen shall consist of evergreen trees. Trees shall be planted in an area five to 20 feet from the residential line in a zigzag pattern and not more than six feet apart, except where otherwise authorized by the approving board. Evergreen trees shall not be less than six feet high above the top of the root ball when planted, and the lowest branches shall be not more than one foot above the ground. In the

event that existing evergreens do not provide an adequate buffer, supplemental plantings or sight proof screening may be required.

(2) In addition to the landscaped screen, other trees which are on the currently approved list of the Borough shall be planted by the applicant at a distance of not more than 30 feet from each other.

(3) A landscape plan prepared by a New Jersey licensed landscape architect/professional shall be submitted for review and approval.

§ 240-6.5 Use and bulk regulations.

The uses permitted and the bulk regulations for each zone shall be those set forth below (and as shown in the [Area, Yard and Bulk Regulations Schedule] at the end of this chapter.

A. R-1 One-Family Residential.

(1) Permitted uses shall be as follows:

(a) One-family dwelling.

(b) Community residences specifically permitted by state statute(s).

(c) Family day-care homes specifically permitted by state statute(s).

(2) Accessory uses shall be as follows:

(a) Home office use, meaning an office activity carried on for gain by a resident in a dwelling unit, shall be a permitted accessory use in residential zone districts, provided that:

[1] The use is limited solely to office use by permanent, full-time residents of the home.

[2] No nonresident of the dwelling unit, employees, customers, business invitees or guests shall visit the dwelling unit for business purposes.

[3] Interior storage of materials shall only consist of office supplies.

[4] There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including but not limited to parking, storage, signs or lights.

[5] The use operates no equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with telephone, radio or television reception, detectable by neighboring residents.

[6] The use does not require any increased or enhanced electrical or water supply.

[7] The quantity and type of solid waste disposal is the same as other residential uses in the zone district.

[8] The capacity and quality of effluent is typical of normal residential use and creates no potential or actual detriment to the sanitary sewer system or its components.

[9] Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express and other delivery services providing regular service to residential uses in the zone district. Maximum deliveries shall be 10 per week.

[10] All vehicular traffic to and from the home office use shall be limited in volume, type and frequency to what is normally associated with other residential uses in the zone district.

(b) Private garages, limited to the storage of not more than three vehicles, of which only one may be a commercial vehicle.

(c) Swimming pools and ponds. (See § 240-7.11.)

(d) Fences. (See Article X.)

(e) Tennis courts. (See § 240-8.4D.)

(3) All other uses not set forth above are prohibited in this zone. (See §240- 6.12.)

(4) Lot Dimensions.

(a) The minimum lot dimensions are as follows:

[1] Total area: 18,750 square feet.

[2] Width: 125 feet.

(b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setback: 35 feet.

[2] Rear yard setback: 25 feet or 25% of the property depth, whichever is greater.

[3] Side yard setback: The minimum side yard shall be 20 feet; the minimum total of both side yards shall be 40 feet.

For every foot or part thereof for which the 'Front Yard Lot Width Line' is 5 feet above the 'required front lot width' in a lot in a residential zone, 50% of that additional 'front yard lot width shall be added to the lot's 'Total Both Side Yard Setback Requirements' of that zone and the other 50% may be used for the added building width. If the lot has only one side yard, the additional side yard footage shall be added to the 'Single Side Yard Setback Requirement'. In addition, one

story open front porches that conform to the front yard setback may extend into the side yards along the entire front of the building but limited to each of the building's two side walls.

- (c) Maximum building coverage: 25% of the total lot area.
- (d) Maximum lot coverage, including buildings and impervious material but excluding the water surface area of any swimming pool/pond: 40% of the total lot area.
- (e) Floor area ratio: Not more than 29% for the first 18,750 square feet, and an additional 14.5% for lot square footage between 18,750 and 37,500 square feet. There shall be no additional floor area ratio permitted for lot area above 37,500 square feet.
- (f) Height allowances shall be in accordance with Building Height Diagram 'A' or 'B'.
- (g) The wall length along any side yard must be in accordance with the restrictions shown in Diagram 'C'.

B. R-2 One-Family Residential.

- (1) All uses permitted in the R-1 Zone, including accessory uses, are permitted in this zone.
- (2) All uses prohibited in the R-1 Zone are prohibited in this zone. (See § 240-6.12.)
- (3) Lot Dimensions.

- (a) The minimum lot dimensions are as follows:

[1] Total area: 12,000 square feet.

[2] Width: 100 feet.

- (b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setback: 30 feet.

[2] Rear yard setbacks: 25 feet or 25% of the property depth, whichever is greater.

[3] Side yard setback: The minimum side yard shall be 15 feet; the minimum total of both side yards shall be 35 feet.

For every foot or part thereof for which the 'Front Yard Lot Width Line' is 5 feet above the 'required front lot width' in a lot in a residential zone, 50% of that additional 'front yard lot width' shall be added to the lot's 'Total Both Side Yard Setback Requirements' of that zone and the other 50% may be used for the added building width. If the lot has only one side yard, the additional side yard footage shall be added to the 'Single Side Yard Setback Requirement'. In addition, one story open front porches that conform to the front yard setback may extend into the side yards along the entire front of the building but limited to each of the building's two side walls.

- (c) Maximum building coverage: 25% of the total lot area.
- (d) Maximum lot coverage, including buildings and impervious material but excluding the water surface area of any swimming pool or pond: 40% of the total lot area.
- (e) Floor area ratio: Not more than 31% for the first 12,000 square feet, and a additional 15.5% for lot square footage between 12,000 and 24,000 square feet. There shall be no additional floor area ratio permitted for lot area above 24,000 square feet.
- (f) Height allowances shall be in accordance with Building Height Diagram 'A' or 'B'.
- (g) The wall length along any side yard must be in accordance with the restrictions shown in Diagram 'C'.

C. R-3 One-Family Residential.

- (1) All uses permitted in the R-1 Zone, including accessory uses, are permitted in this zone.
- (2) All uses prohibited in the R-1 Zone are prohibited in this zone. (See § 240-6.12.)
- (3) Lot Dimensions.

- (a) The minimum lot dimensions are as follows:

[1] Total area: 9,000 square feet.

[2] Width: 75 feet.

- (b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setback: 25 feet.

[2] Rear yard setback: 25 feet or 25% of the property depth, whichever is greater.

[3] Side yard setback: The minimum side yard shall be 10 feet; the minimum total of both side yards shall be 25 feet.

For every foot or part thereof for which the 'Front Yard Lot Width Line' is 5 feet above the 'required front lot width' in a lot in a residential zone, 50% of that additional 'front yard lot width shall be added to the lot's 'Total Both Side Yard Setback Requirements' of that zone and the other 50% may be used for the added building width. If the lot has only one side yard, the additional side yard footage shall be added to the 'Single Side Yard Setback Requirement'. In addition, one story open front porches that conform to the front yard setback may extend into the side yards along the entire front of the building but limited to each of the building's two side walls.

- (c) Maximum building coverage: 25% of the total lot area.

(d) Maximum lot coverage, including buildings and impervious material but excluding the water surface area of any swimming pool or pond: 40% of the total lot area.

(e) Floor area ratio: Not more than 33% for the first 9,000 square feet, and a additional 16.5% for lot square footage between 9,000 and 18,000 square feet. There shall be no additional floor area ratio permitted for lot area above 18,000 square feet.

(f) Height allowances shall be in accordance with Building Height Diagram 'A' or 'B'.

(g) The wall length along any side yard must be in accordance with the restrictions shown in Diagram 'C'.

D. R-4 One-Family Residential.

(1) All uses permitted in the R-1 Zone, including accessory uses, are permitted in this zone.

(2) All uses prohibited in the R-1 Zone are prohibited in this zone. (See § 240-6.12.)

(3) Lot Dimensions.

(a) The minimum lot dimensions are as follows:

[1] Total area: 7,500 square feet.

[2] Width: 75 feet.

(b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setback: 25 feet.

[2] Rear yard setback: 25 feet or 25% of the property depth, whichever is greater.

[3] Side yard setback: The minimum side yard shall be 10 feet; the minimum total of both side yards shall be 25 feet.

For every foot or part thereof for which the 'Front Yard Lot Width Line' is 5 feet above the 'required front lot width' in a lot in a residential zone, 50% of that additional 'front yard lot width shall be added to the lot's 'Total Both Side Yard Setback Requirements' of that zone and the other 50% may be used for the added building width. If the lot has only one side yard, the additional side yard footage shall be added to the 'Single Side Yard Setback Requirement'. In addition, one story open front porches that conform to the front yard setback may extend into the side yards along the entire front of the building but limited to each of the building's two side walls.

(c) Maximum building coverage: 25% of the total lot area.

(d) Maximum lot coverage, including buildings and impervious material but excluding the water surface area of any swimming pool or pond: 40% of the total lot area.

(e) Floor area ratio: Not more than 35% for the first 7,500 square feet, and a

additional 17.5% for lot square footage between 7,500 and 15,000 square feet. There shall be no additional floor area ratio permitted for lot area above 15,000 square feet.

(f) Height allowances shall be in accordance with Building Height Diagram 'A' or 'B'.

(g) The wall length along any side yard must be in accordance with the restrictions shown in Diagram 'C'.

E. R-5 Two-Family Residential.

(1) Permitted uses shall be as follows:

(a) All uses permitted in the R-1 Zone, including accessory uses.

(b) Two-family residential-type dwellings.

(2) All other uses not set forth above are prohibited in this zone. (See § 240-6.12.)

(3) Lot dimensions.

(a) The minimum lot dimensions for newly created lots are as follows:

[1] Total area: 7,500 square feet.

[2] Width: 75 feet.

(4) Bulk requirements and setbacks.

(a) The minimum lot dimensions are as follows:

[1] Total area: 7,500 square feet.

[2] Width: 75 feet.

(b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setbacks: 25 feet.

[2] Rear yard setback: 25 feet or 25% of the property depth, whichever is greater.

[3] Side yard setback: The minimum side yard shall be 10 feet; the minimum total of both side yards shall be 25 feet.

For every foot or part thereof for which the 'Front Yard Lot Width Line' is 5 feet above the 'required front lot width' in a lot in a residential zone, 50% of that additional 'front yard lot width' shall be added to the lot's 'Total Both Side Yard Setback Requirements' of that zone and the other 50% may be used for the added building width. If the lot has only one side yard, the additional side yard footage shall be added to the 'Single Side Yard Setback Requirement'. In addition, one story open front porches that conform to the front yard setback may extend into the side yards along the entire front of the building but limited to each of the building's two side walls.

- (c) Maximum building coverage: 25% of the total lot area.
- (d) Maximum lot coverage, including buildings and impervious material but excluding the water surface area of any swimming pool/pond: 40% of the total lot area.
- (e) Floor area ratio: Not more than 35% for the first 7,500 square feet, and a additional 17.5% for lot square footage between 7,500 and 15,000 square feet. There shall be no additional floor area ratio permitted for lot area above 15,000 square feet.
- (f) Height allowances shall be in accordance with Building Height Diagram 'A' or 'B'.
- (g) The wall length along any side yard must be in accordance with the restrictions shown in Diagram 'C'.

F. A-1 Garden Apartment and Residential.

- (1) Permitted uses shall be as follows:
 - (a) All uses permitted in the R-4 Zone, and R-5 Zone including accessory uses. If a single-family home, the bulk requirements of the R-4 Zone are to be met and not those of the A-1 Zone. If a two-family home, the bulk requirements of the R-5 Zone are to be met and not those of the A-1 Zone.
 - (b) Garden apartment buildings housing four or more dwelling units.
- (2) All other uses not set forth above are prohibited in this zone. (See § 240-6.12.)
- (3) Lot dimensions.
 - (a) The minimum lot dimensions are as follows:
 - [1] Total area: 40,000 square feet.
 - [2] Width: 150 feet.
- (4) Bulk requirements and setbacks.
 - (a) The minimum yard requirements of a principal building are as follows:
 - [1] Front yard setback: 40 feet.
 - [2] The rear yard shall be used to provide off-street parking as required by this chapter.
 - [3] Side yard setback: The minimum side yard shall be 20 feet; the minimum total of both side yards shall be 40 feet.
 - (b) Maximum building coverage: 25% of the total lot area.

(c) Maximum lot coverage, including buildings and impervious material but excluding the water surface area of any swimming pool/pond: 40% of the total lot area.

(d) Floor area ratio: no more than 35%.

G. B-1 Business.

(1) Permitted uses shall be as follows:

(a) Business, professional and governmental office, including parking accessory thereto.

(b) Retail stores, or mercantile stores, excluding auction galleries and automotive sales or service establishments.

(c) Dancing, music and art instruction studios.

(d) Radio and television repair, locksmiths, watch, clock and jewelry repair, upholstery and furniture repair and other similar service establishments furnishing services other than of a personal nature, but not including gasoline filling stations and other automotive services.

(e) Residential units in other than the ground floor are permitted, provided that they are efficiency apartments.

(2) Restaurants are permitted as a conditional use.

(3) All other uses not set forth above are prohibited in this zone. (See § 240-6.12.)

(4) Lot Dimensions.

(a) The minimum lot dimensions are as follows:

[1] Width: 150 feet.

(b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setback: 15 feet.

[2] The rear yard shall be used to meet the parking requirements of this chapter.

[3] Side yard setback: The minimum side yard shall be 10 feet; the minimum total of both side yards shall be 25 feet.

(c) Maximum building coverage: 40% of the total lot area.

(d) Maximum lot coverage, including buildings and impervious material but excluding the water surface area of any swimming pool/pond: 85% of the total lot area, except that if all the parking is contained under the building then the maximum lot coverage shall be 80% of the total lot area.

(e) Floor area ratio: no more than 35%.

H. B-2 Limited Business.

(1) Permitted uses shall be as follows:

(a) General and professional office buildings.

(b) Uses incidental to operating a general office building, such as electronic data processing, cafeteria, generators, and other similar uses.

(2) All other uses not set forth above are prohibited in this zone.

(3) Lot Dimensions.

(a) The minimum lot dimensions are as follows:

[1] Width: 150 feet.

(b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setback: 35 feet.

[2] The rear yard shall be used to meet the parking requirements of this chapter.

[3] Side yard setback: The minimum side yard shall be 20 feet; the minimum total of both side yards shall be 50 feet.

(c) Maximum building coverage: 40% of the total lot area.

(d) Maximum lot coverage, including buildings and impervious material but excluding the water surface area of any swimming pool or pond: 75% of the total lot area.

(e) Floor area ratio: no more than 35%.

I. B-3 Business and Apartment.

(1) Permitted uses shall be as follows:

(a) All uses permitted in the B-1 Zone. Bulk requirements of the B-1 Zone apply to construction under this subsection.

(b) Garden apartment buildings housing four or more dwelling units. Bulk requirements of the A-1 Zone apply to construction under this subsection.

(2) All other uses not set forth above are prohibited in this zone. (See § 240-6.12.)

(3) Lot Dimensions.

(a) The minimum lot dimensions are as follows:

[1] Width: 150 feet.

(b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setback: 15 feet.

[2] The rear yard shall be used to meet the parking requirements of this chapter.

[3] Side yard setback: The minimum side yard shall be 10 feet; the minimum total of both side yards shall be 25 feet.

(c) Maximum building coverage: 40% of the total lot area.

(d) Maximum lot coverage including buildings and impervious material but excluding the water surface area of any swimming pool/pond: 85% of the total lot area, except that if all the parking is contained under the building then the maximum lot coverage shall be 80% of the total lot area.

(e) Floor area ratio: no more than 35%.

J. C-1 Commercial.

(1) Permitted uses shall be as follows:

(a) All the uses permitted as set forth in the B-1 Zone, B-2 Zone and B-3 Zone.

(b) Research; wholesale storage and warehousing for a minimum of 30 days in fully enclosed buildings; garages for storage and servicing of motor vehicles which are owned and leased to the owner or operator who is doing the servicing, storing and garaging; and public utility consumer service centers. Self-storage facilities are specifically not permitted.

(2) All other uses not set forth above are prohibited in this zone.

(3) Lot Dimensions.

(a) The minimum lot dimensions are as follows:

[1] Width: 150 feet.

[2] Area: 15,000 square feet.

(b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setback: 15 feet.

[2] The rear yard shall be used to meet the parking requirements of this chapter.

[3] Side yard setback: The minimum side yard shall be 10 feet; the minimum total of both side yards shall be 25 feet.

(c) Maximum building coverage: 40% of the total lot area.

(d) Maximum lot coverage, including building, accessory building and impervious material but excluding the water surface area of any swimming pool/pond: 85% of the total lot area.

(e) Floor area ratio: 35%.

(f) Buffer requirements: as required in § 240-6.4.

K. CR Conservation/Recreation.

(1) Permitted uses shall be as follows:

(a) Watershed and reservoir.

(b) Golf courses, outdoor tennis courts, outdoor skating rinks, hiking trails, public parks, playgrounds, emporiums and botanical gardens, bathing beaches, swimming pools, picnic areas, boating facilities and similar accessory, cultural and recreational uses, provided that the total coverage of buildings, parking lots and driveways does not exceed 10% of the total area. Paved golf cart driveways with a width of less than five feet shall not be considered as driveways. Only buildings necessary for the public accommodations of those engaging in the above permitted uses may be constructed in this zone.

(2) All other uses not set forth above are prohibited in this zone. Any building or structure shall be limited to a height of 20 feet and may not contain more than one story.

(3) Floor area ratio: no more than 33%.

§ 240-6.6 Off-street parking.

Except if specifically stated to the contrary elsewhere in this chapter, all parking required under this chapter shall be off-street, and off-street parking shall comply with the requirements set forth below as well as the New Jersey Residential Site Improvement Standards (RSIS).

A. In the A-1 Zone, B-1 Zone, B-2 Zone, B-3 Zone, MX Zone and C-1 Zone, parking shall be behind the rear building line.

(1) Off-street parking areas shall adhere to the pavement specifications for Borough streets, except those parking areas provided in connection with single-family and two-family dwellings. All parking lots shall have the car spaces clearly marked.

(2) Off-street parking spaces shall be no less than nine feet by 18 feet. However, if the parking lot provides more than 10 parking spaces, then 30% of the parking spaces may be designed for compact cars. A parking space for a compact car shall be no less than eight feet by 16 feet. Access aisles shall be no less than 20 feet in width for angle parking greater than 60°. For angle parking less than 60°, a fifteen-foot width aisle shall be provided.

(3) All parking areas shall be adequately drained. Curbing shall be provided so that vehicles cannot drive onto unpaved areas.

(4) All ingress and egress roads from the property line to the parking area shall be at least 16 feet wide, if one-way and 20 feet wide, if two-way. Any curves in access roads shall have a minimum radius of 20 feet.

(5) Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any other premises and shall conform to any existing Borough lighting ordinances.

(6) All off-street parking areas designed to accommodate five or more vehicles shall be approved by the approving Board with respect to traffic circulation and the location of parking spaces. All such parking areas shall be painted with lines indicating traffic flow and parking spaces.

(7) All parking areas shall be maintained so that the parking spaces are clearly and easily recognized. Restriping of the parking spaces so that the configuration or location of the spaces is altered shall only be allowed if prior approval is obtained from the approving Board.

(8) Time of provision. All minimum requirements for off-street parking shall be met at the time of construction or enlargement or change of use of any main building or structure.

(9) No more than 10 parking spaces in a row shall be permitted. An open space, which shall be a minimum of five feet in width and landscaped as required by the approving Board shall separate a row of 10 parking spaces from the next parking space.

(10) Any commercial or recreational vehicle, as defined in this chapter, which is not registered and owned by an occupant of the building, is prohibited from outside parking at that lot between the hours of 7:00 p.m. and 7:00 a.m. and anytime on Saturday and Sunday. The only exception to this parking limitation is an automobile service or repair center. Such vehicles may be parked during these prohibited hours at these lots, but such exception shall be limited for any specific vehicle to a total of 14 calendar days for any calendar year. At these locations, while parking during these prohibited hours and under this exception the vehicle must be parked behind the existing front building line. No vehicles currently violating this subsection are permitted to continue this violation.

B. In regard to one- and two-family structures, the parking for said structures shall be in accordance with those required for one- and two-family homes under this section, without regard to which zone the one- or two-family premises are located. Driveways located in the front yard shall be no greater than 20 feet in width and 2 feet from the property line. Vehicles shall not be parked within the Borough right-of-way.

C. The following number of parking spaces shall be the minimum number of off-street parking spaces provided for each structure which is used in the indicated manner. In the event that a use is changed to one with a greater off-street parking requirement, then the greater requirement shall apply for that changed use.

(1) For a one-family dwelling structure, there shall be provided a minimum of two spaces of off-street parking.

(2) For a two-family dwelling structure, there shall be provided a minimum of four spaces of off-street parking.

(3) For an apartment dwelling structure, there shall be provided a minimum of two spaces of off-street parking for each dwelling unit.

(4) For a general office building and a business or commercial use structure, there shall be provided a minimum of one space of off-street parking for each 250 square feet of interior building space.

(5) For a business or office and residential mixed-use structure, there shall be provided a minimum of two spaces of off-street parking for each dwelling unit, plus one space of off-street parking for each employee, plus one space of off-street parking for each 250 square feet of interior business or office space. The total number of spaces shall be determined by the approving Board.

(6) For a structure used for a medical or health-related purpose, there shall be provided a minimum of one off-street parking space for each 180 square feet of interior building space.

D. No more than four passenger vehicles per one-family house or two-family house, as defined in this chapter, shall be parked outside on the property anytime between the hours of 7:00 p.m. and 7:00 a.m. The Police Department may grant verbal exceptions from this regulation for a maximum seventy-two-hour period.

E. Any volunteer emergency vehicle (fire department, police department, and ambulance) shall be exempt from the above requirements while the vehicle is assigned to an occupant for standby or on-alert duty exclusively for Oradell residents.

§ 240-6.7 (Reserved)

§ 240-6.8 Parking of commercial vehicles in residential areas.

A. Commercial vehicles, as defined in this chapter, shall not be parked outside on the property in residential zones at any time between the hours of 7:00 p.m. and 7:00 a.m. the following morning and at any time on Sundays and legal holidays. This section does not apply to commercial vehicles providing emergency services to or from that location.

B. Any person violating the provisions of § 240-7.8A shall be subject to a fine of \$100 for each offense; provided, however, that any person violating such provision for a fourth time or more shall, upon each such conviction, be subject to penalties as follows: a fine of not less than \$100 nor more than \$2,000 or imprisonment for a period not exceeding 30 days, or both.

§ 240-6.9 Parking of recreational vehicles.

A. Only vehicles registered to the building occupant may be parked as permitted under the following conditions:

(1) No recreational vehicle, boat or trailer, as defined in this chapter, shall be parked outside between the hours of 7:00 p.m. and 7:00 a.m. in any zone unless parked at the rear of and immediately behind the building on said lot but no closer than 10 feet to the building and 10 feet to any side or rear lot line.

(2) On a corner lot, the vehicle must maintain the front yard clearance of that zone for the portion of the homeowner's yard/property abutting the street line.

(3) An owner or occupant of a building in any of said zones must obtain a recreational vehicle parking permit from the Construction Code Official. The permit shall be issued by the Construction Code Official upon filing of an appropriate application indicating compliance with the provisions of this section. The permit shall expire upon the transfer of ownership of the recreational vehicle. The application shall provide the following information:

(a) Identification of the recreational vehicle.

(b) Description of the recreational vehicle.

(c) Photograph of the recreational vehicle and parking area.

(d) Description of the buffer area.

(e) Survey of plot plan showing location of the parking area.

(f) Copy of the owner's registration and license.

(4) The recreational vehicle shall be screened from adjacent lots and streets by a buffer consisting of shrubbery or hedges which shall be at least six feet high and planted at sufficiently close intervals to provide immediate effective evergreen screening throughout the year.

(5) No recreational vehicle parked or stored in accordance with the provisions of this section shall be used for any type of commercial or business use.

(6) No recreational vehicle shall be occupied or used for human habitation.

B. If the owner or occupant of a building is unable to meet the requirements of this section, an appeal may be filed to the Zoning Board of Adjustment setting forth the need for deviation from these requirements. The appellant shall file said appeal within 10 days of the denial of the recreational permit by the Construction Code Official. The appeal shall be in writing, and notice of the hearing date shall be sent by personal service or certified mail to all property owners located within 200 feet of the property on which the recreational vehicle is to be parked. A fee of \$75 shall be required on filing of an appeal with the Zoning Board of Adjustment. The decision of the Zoning Board of Adjustment shall be final, subject only to the statutory right of appeal. The Zoning Board of Adjustment's decision shall apply only to that specific recreational vehicle [as described in detail as per Subsection A(3) above] on that lot for which the owner/occupant applies for the variation from these requirements. The vehicle must be parked on the lot for a minimum of 72 continuous hours in a six-month continuous period or the approved variation is considered abandoned and the approval will be considered terminated.

C. A recreational vehicle, as defined in this chapter, of the occupant or guest of the occupant may be parked, other than as specified in this chapter, for a maximum period of 72 hours on the driveway after giving notice and receiving written permission from the Police Department. Only four such permits will be permitted per lot in any given calendar year.

§ 240-6.10 Driveways.

A. STONE DRIVEWAYS

1. There shall be required a six-inch compacted based of three-quarter inch quarry process stone with two inches of finished clean stone, three-eighths to three-quarter inch stone on top, for a total of eight inches.

2. If no public sidewalk exists along a property, loose stone driveways shall have a minimum ten-foot concrete apron.

B. CURBING FOR LOOSE STONE DRIVEWAYS

Shall include all sides and edges that do not abut driveway apron, masonry or concrete walkways, garage or any structure and shall be subject to the following criteria:

(1) Loose stone driveways shall have masonry curbing at least four inches wide and a minimum of six inches deep.

(2) Final grade of the driveway curbing shall have a minimum of two inches clearance maintained above finished clean stone.

C. DRIVEWAYS

An improved area used for ingress or egress of vehicles from the street onto and within the parcel and/or used for parking. Such improved area shall be constructed of stone, concrete, masonry, asphalt or other suitable material.

D. DRIVEWAY APRON

Driveway space from street line to sidewalk or to right of way line if no sidewalk exists. A driveway apron must be made of concrete.

§ 240-6.11 Height restrictions.

A. For accessory buildings and height restrictions, see §240-7.6.

B. Except in a CR Zone and as set forth in Subsection C below, the maximum height of buildings in all districts within the Borough of Oradell, except in B-1 and B-2, shall be 32 feet. This height calculation shall be made by adding the height of all four corners of the building measured from the finished grade level six feet off each corner to the highest point on the roof (excluding chimneys) and dividing that number by four. The result would be the height of the building. Notwithstanding the above, the maximum height of any facade including a parapet may not exceed 40 feet.

C. Special height restrictions shall be as follows:

(1) One- and two-family residences. If the slope from any side of the principal building to the parallel or most nearly parallel property line exceeds the rate of two feet for each 10 feet, the height of any building is limited to 31 feet. This height calculation shall be made by taking the vertical distance of a building measured from the top of the highest point of a structure to the average finished grade taken six feet from the building foundation, at the midpoint of each building wall and at a point measured diagonally at forty-five degrees from each corner. Where new grades are proposed, the grade measurement cannot exceed a height established at more than one foot six inches above the existing grade. The result would be the height of the building.

(2) B-2 Zone. If the curb elevation was extended horizontally to the center line of the building and at that point was in the upper 50% of the first floor of the permitted building, the permitted height is 40 feet, but not more than three stories and not that set forth in Subsection B above. The height shall be measured in accordance with the procedures set forth in § 240-6.11B of this chapter.

D. The height shall be calculated based upon the existing or historic grade of the property, whichever shall result in the greatest height. In no event shall the regrading of a property eliminate a height variance.

§ 240-6.12 Uses prohibited in all zones.

A. The following uses are prohibited in all zones. This list is inclusive, but not limited to the following:

- (1) Poolrooms, billiard halls and establishments commonly known as "video arcades" or "amusement arcades."
- (2) Drive-in restaurants or refreshment stands commonly called "snack bars," "dairy bars," "hamburger stands" or "hot dog stands" where customers and patrons are served food, soft drinks, ice cream or similar confections for their immediate consumption at counters, stools or bars outside the confines of the building or structure in which the business is conducted or for consumption in automobiles parked upon the premises, whether brought to the automobiles by the customers or patrons or by waiters or waitresses employed by the operator. The above shall not be construed to prohibit the operation of refreshment stands at parks, beach clubs, swimming clubs, golf clubs, athletic fields or other similar recreation areas or the temporary operation of refreshment stands at properly licensed circuses, bazaars and other social functions.
- (3) Wholesale laundries and dyeing establishments.
- (4) Lumber or coal yards, junkyards, automobile wreckers, automobile graveyards and scrap processors.
- (5) Blast furnaces, crematories or metal foundries.
- (6) Automobile body shops or automobile paint shops.
- (7) Hotels, motels, boardinghouses and bed-and-breakfast facilities.
- (8) Massage parlors, tattoo parlors or stores that sell or rent adult videos, books or similar materials. This chapter does allow for massages only within the confines of a commercial building by a professional duly licensed by the State of New Jersey to administer such massages. [Amended 12-19-2006 by Ord. No. 06-29]
- (9) Drive-thru facilities shall be prohibited in all establishments except for banks.

B. Moreover, no land or building in any zone shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness; electromagnetic or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such

manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises.

ARTICLE VII, General requirements and special regulations

§ 240-7.1 Lot coverage.

The maximum percentage of lot coverage by buildings or structures in required areas of front, rear and side yards and setbacks shall be as provided in Article VII for zones in which the lot is located.

§ 240-7.2 Yards.

The area required in a yard or setback shall be open and unobstructed, except for the following:

- A. Driveways.
- B. Ordinary projections of windowsills and belt courses not to extend more than four inches.
- C. Cornices and other ornamental fixtures not to extend more than 12 inches. Roof overhangs which shall not extend more than 24 inches.
- D. Ground-mounted air conditioners, provided that they are not installed in the front yard and provided further that they do not extend more than four feet into any side or rear yard and no closer than seven feet to the property line. Any existing unit located in the front yard may be replaced at its current location provided that the ground mounted unit is screened by mature shrubbery. Roof-top air conditioning/mechanical units shall be screened from view.
- E. Generators (backup or standby) shall be located in the rear or side yard of the main building or structure only, provided that they do not extend more than five feet from the building or structure and a minimum of ten feet from any property line. The maximum decibel level shall be 72 decibels at normal load and test cycle shall only be conducted Monday through Friday between 9:00 a.m. and 6:00 p.m.
- F. Accessory structures and uses meeting the requirements of this chapter.
- G. Fences meeting the requirements of this chapter.
- H. Swimming pools and ponds meeting the requirements of this chapter.
- I. Front steps which do not extend further than four feet, and walkways.

§ 240-7.3 Area requirements.

- A. The yard lot coverage and lot area regulations required by this chapter shall be considered minimum regulations for each and every building or structure existing at the time of the effective date of this chapter and for any building or structure hereafter erected.
- B. Adoption of this chapter shall have no effect upon lots which were illegally or improperly subdivided without proper approval of the Zoning Board of Adjustment or the Planning Board of the Borough of Oradell. No owner of a lot or lots improperly subdivided shall obtain greater rights by reason of the passage of this chapter than that which that party already had prior to the adoption of this chapter.

§ 240-7.4 Uniformity of dwelling exteriors prohibited.

A. No building permit shall hereafter be issued for any dwelling to be erected in a housing development consisting of two or more houses if the dwelling to be erected is substantially alike or uniform in exterior design and appearance with any existing dwelling situated on the same or opposite sides of the street within 300 feet of the dwelling then in existence or for which a building permit has been issued or is pending. The distance herein specified shall be construed to mean the distance between the street property lines of the respective properties.

B. Dwellings within such specified distances from each other shall be considered alike or uniform in exterior design and appearance if they have the following characteristics:

- (1) The same basic dimensions are used without substantial change in orientation of the houses on the lots.
- (2) The height and design of the roofs are without substantial change in design and appearance.
- (3) The size, type and location of windows and doors in the front elevation are without substantial differentiation.

§ 240-7.5 Determination of percentage of lot coverage.

All accessory buildings shall be added to the principal buildings in determining the percentage of coverage of the lands.

§ 240-7.6 Accessory structures, etc.

A. Accessory structures shall be limited as follows:

- (1) The total of all accessory structures for one- and two-family dwellings shall not exceed a total of 600 square feet.
- (2) A detached garage shall be limited to a maximum of 600 square feet with a maximum height of 15 feet.
- (3) Any additional accessory structure shall be limited to a maximum of 125 square feet with a maximum height of 9 feet.
- (4) If there is more than one accessory structure on the property, there shall be a minimum separation of 10 feet between accessory structures.
- (5) The lot shall be limited to a maximum of 2 accessory structures where only one of them may be a shed or a garage.
- (6) Any detached subordinate structure(s) less than four feet in height and a total of 10 square feet shall not be considered an accessory structure.

(7) There shall be a limit of three parking bay garages (combination of detached and attached) on any one residential property.

(8) All accessory structures shall require a zoning permit.

(9) Any accessory structure 100 square feet or more shall require a building permit.

B. Location of accessory buildings as follows:

(1) All accessory buildings shall be located in the rear yard as follows:

(2) An accessory building in all zones shall be at least 10 feet (measured on a straight line) from any building situated on the same lot.

(3) At least two feet from all lot lines.

(4) In the case of any interior lot fronting upon two or more streets, no accessory building shall be erected or altered so as to encroach either 25 feet or the minimum setback for the zone, whichever is greater, upon that part of the lot depth nearest each street.

(5) To determine the location of an accessory building in the case of a corner lot fronting upon two or more streets, divide the lot into four equal quarters. No accessory building shall be erected in any quarter which adjoins a street.

(6) Garages shall be at least five feet from all lot lines.

C. Notwithstanding any other provisions of this chapter, no building permit shall be granted for the construction of an accessory building until such time as a building permit shall have been granted for the construction of the main building upon said premises. If construction of the main building does not precede or take place concurrently with construction of the accessory building, the Construction Official shall have cause to revoke the building permit for the accessory building. No certificate of occupancy shall be granted for the accessory building until a certificate of occupancy has been granted for the main building.

§ 240-7.7 Nonconforming uses.

A. Continuance of nonconforming use.

(1) Any nonconforming use or structure lawfully existing on the effective date of this chapter may be continued upon the premises or the building so occupied or used.

(2) Any lawful or nonconforming use subject to a condition or conditions of limitation as to terms or duration may continue subject to such condition or conditions or the end of the term or duration to which said nonconforming use was subject.

B. Restoration or repair on partial destruction.

(1) Any nonconforming commercial and/or multifamily residential use or structure existing as of the effective date of this chapter may be restored or repaired in the event of partial destruction thereof, provided that the estimated cost of repair or restoration does not exceed 1/2

the actual value of the building, exclusive of foundations, immediately prior to the destruction or damage.

(2) Any nonconforming single-family residential use or structure existing as of the effective date of this chapter may be restored or repaired to its original predestruction exterior design at its original location in the event of total or partial destruction.

(3) In the event of partial destruction of a structure involved in a nonconforming use, the owner and/or occupant shall, within ninety (90) days after such event, give notice, in writing, to the Construction Official of the Borough of Oradell, of his intention to restore or repair the premises and, within ninety (90) days after the date of said notice, commence and diligently proceed to completion of the work.

C. Extensions, enlargements and discontinuance.

(1) No existing structure or premises devoted to a nonconforming use as permitted by this chapter shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building or premises is located.

(2) No nonconforming use or structure which shall have been discontinued or abandoned for a period exceeding 12 months shall be resumed.

(3) Nothing contained in this chapter shall prohibit the modernization of existing nonconforming structures; provided, however, that such modernization does not entail any extension, enlargement, addition or change of the nonconforming use.

(4) No nonconforming building or structure shall be enlarged, extended or increased. However, in residential zones, a nonconforming single-family dwelling or a single-family dwelling on a nonconforming lot may be enlarged, extended or increased if:

(a) Said enlargement, extension or increase by itself conforms with all requirements of this chapter, and the dimensions and setback of said enlargement, extension or increase, when aggregated with the existing building, does not create or increase any dimensional or setback violation of this chapter; and

(b) The area of said enlargement, extension or increase, does not exceed the maximum building or lot coverage standard or floor area ratio permitted in that zone.

§ 240-7.8 Lands abutting Hackensack River.

A. No buildings or structures shall be erected on any lands abutting the Hackensack River with a setback of less than 75 feet from the high tide mark of the Hackensack River.

B. The Planning Board shall review all site plans which involve improvement on lands which are within 75 feet of the Hackensack River with respect to finished grades, landscaping and treatment of the riverbank and protection of the Hackensack River where certain projects are to be constructed.

§ 240-7.9 Outdoor display of goods not permitted.

No goods, merchandise or other personal property, whether in storage, in transit or available for sale or displayed for sale in the usual course of trade or business, shall be maintained other than within an enclosed building, except for the following which shall be permitted:

- A. Garage sales (see Chapter 137).
- B. Outdoor sales by special permission of Mayor and Council.
- C. Gasoline station:
 - (1) Limited to one tire rack display.
 - (2) Related automobile accessories not to exceed a volume of 50 cubic feet.

§ 240-7.10 Outdoor lighting.

- A. All lighting shall conform with the Illuminating Engineering Society Handbook, most recent edition, and the American National Practice for Roadway Lighting (RP-8) approved by the American Standards Institute, recent edition.
- B. For specifications on light fixtures, see Oradell Development Standards, Exhibit 98A-2113.
- C. The average maintained illumination and the average level-to-minimum point ratio of illumination shall conform with the following:

Classification	Average Maintained Illumination (footcandles)	Average Level to Minimum Point Ratio (:1)
Interior streets (R)	0.4	8
Access drives (R)	0.4	8
Access drives (C)	0.6	6
Parking areas (R)	0.4	6
Parking areas (I)	0.6	4
Intersections	1.0 to 2.0	4
Sidewalks (R)	0.2	8
Sidewalks (C)	0.6	6
Sidewalks (I)	0.6	6

(R) = Residential

(C) = Commercial

(I) = Industrial

approved by the Planning Board.

D. The luminaire light distribution shall be designated as a "cutoff" type.

E. Mounting heights shall not exceed 14 feet above grade. Lower heights shall be used for walkways.

F. The source of light shall be metal halide, or other material

- G. All luminaires shall be shielded to eliminate glare, especially on any other property and public streets of the site. Lamps shall be recessed in the luminaire.
- H. The maximum illumination at any point on adjacent properties shall not exceed 0.2 footcandle.
- I. In business, office and/or research and industrial areas, circuits shall be arranged so that at least 50% of all lighting (alternate luminaires) shall be turned off after business hours, when only lights necessary for security purposes shall be left on.
- J. The average maintained illumination for security purposes shall be 0.4 footcandle.
- K. Provisions shall be made for "cutoff" illumination of loading docks, entrances and other special areas where greater illumination may be required. Each special area shall be on a separate circuit which shall be turned off when the area is not in use.
- L. All wires and cable shall be underground.
- M. The lighting plan shall be designed by a professional lighting designer who shall certify that the lighting plan conforms with these standards. A separate detailed lighting plan with luminaire manufacturer details and illumination diagrams and specifications shall be submitted to the Planning Board for review.
- N. The Planning Board may modify the above requirements where there is sufficient evidence that said requirements are inapplicable, unnecessary or unreasonable.

§ 240-7.11 Swimming pools and ponds.

- A. It shall be unlawful for any person to alter, construct or install a swimming pool or pond in the Borough of Oradell without first having complied with the provisions of this chapter or having obtained a permit therefor in the manner hereafter provided.
- B. Applications for such a permit shall be made to the Construction Official and shall be accompanied by duplicate sets of the following:
 - (1) Plans and specifications or proper descriptive brochures.
 - (2) Plot plans showing property lines of the premises upon which the swimming pool is to be constructed or installed should be prepared and signed by a land surveyor or licensed engineer of the State of New Jersey and should show accurately all existing houses and structures thereon, abutting streets and properties, the location and dimensions of the proposed pool and its auxiliary structures, including a description of the enclosure or fence to be used. In addition, said plot plan must show all existing and proposed elevations and methods of drainage in and around the pool area.
- C. The Construction Official shall file the duplicate set of plans and specifications with the Board of Health for public swimming pools only, prior to the issuance of a permit.
- D. Fees shall be as indicated in Chapter 115, Fees.

E. The Construction Official shall issue a permit for the construction and installation of a swimming pool or pond if the same complies with the regulations and standards established by this chapter and the current New Jersey Uniform Construction Code.

F. The Construction Official shall, within 20 days after receiving an application for a permit, act upon the same as follows. He shall:

- (1) Approve the applications submitted and cause a permit to be issued; or
- (2) Require an amendment to the application to assure proper compliance with the provisions of this chapter and then cause a permit to be issued; or
- (3) Reject the application when it is determined that the permit should not be issued. Appeal shall be available to the applicant pursuant to § 240-4.8 if the rejection is based upon zoning consideration. When a question of sanitation is involved, such appeal should be to the Board of Health.

G. No private swimming pools or ponds shall be constructed, installed, located, maintained or operated on any premises unless a residence building is also located thereon, or unless said premises is part of a residence curtilage, and then only in the rear yard of said premises. No private swimming pool shall be constructed, installed, located, maintained or operated within 10 feet of any dwelling nor within 10 feet of the rear property line and 15 feet of any side line.

H. No swimming pool or pond shall be permitted to drain into a public street. A swimming pool drain shall be connected to the sanitary sewer according to New Jersey regulations. However, any overflow water from rain may be dispersed onto the owner's property.

I. Whenever any swimming pool or pond, by reason of mechanical defects or failure to comply with the requirements of this chapter, is a hazard to the health of users thereof, the Health Officer may summarily close such pool and keep such pool closed until no further hazard to users of the same exists, subject to the right of appeal to the Board of Health by the owner of such pool, which appeal shall not stay the action of the Health Officer.

J. Lights used to illuminate any pool or pond shall be so arranged and shaded as to reflect light away from the adjoining premises in accordance with § 240-7.10.

K. The owner of any swimming pool, portable pool, wading pool or pond within the Borough of Oradell shall allow the Construction Official, Health Officer or other authorized official access to the pool and appurtenances for the purpose of the inspections to ascertain compliance with this chapter at all reasonable times.

L. The Construction Official shall issue a certificate of approval to the owner of the property after the Uniform Construction Code and any other requirements have been complied with and a certification by the Borough Engineer as to the correctness of the elevations has been received.

M. It shall be unlawful for any person to cover a swimming pool or pond with what is known as a "bubble-type cover" or to enclose a swimming pool unless the enclosure is of the same architectural design and materials as the residence building on said premises and the plans for said enclosure shall be first approved by the Planning Board of the Borough.

N. The surface of a swimming pool must be at least four inches above the existing grade and constructed as to prevent return of surface water to the pool.

O. A pond may not exceed 100 square feet in surface area, except those that are part of a stormwater management plan or provide detention and/or retention for the property.

ARTICLE VIII, Conditional Uses

§ 240-8.1 Intent of conditional uses.

Whereas certain uses, activities, structures and buildings are considered necessary to serve the needs and convenience of the community and, at the same time, recognizing that such uses may be or become detrimental to the public health, safety and general welfare if located and operated without proper consideration being given to the existing conditions and character of the community and surrounding neighborhood, such uses and activities may be permitted in certain specified areas under the terms of this chapter and pursuant to the provisions of this section.

§ 240-8.2 Procedure and standards of review.

Before any permit shall be issued for a conditional use, applications shall be made to the Planning Board, which shall grant or deny the application after public hearing within 95 days of submission of a complete application or within such further time as may be consented to by the applicant. Notice of the hearing shall include reference to all matters being heard, including site plan and/or subdivision, and the Planning Board shall review and approve or deny any applicable subdivision or site plan simultaneously with the conditional use application. Failure of the Planning Board to act within the required time period shall constitute approval of the application. In reviewing the application, the Planning Board shall review the number of employees or users of the property and the requirements set forth in this chapter, and shall give due consideration to elements that would affect the public health, welfare, safety, comfort and convenience, such as, but not limited to, the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities and structural location(s) and orientation(s). Each conditional use shall be considered as an individual case. In all requests for approval of conditional uses, the burden of proof shall be on the developer even though a conditional use shall be a permitted use in the district in which it is located. Prior to making its decision, the Board shall be satisfied that the conditional use is reasonably necessary for the convenience of the public in the location proposed.

§ 240-8.3 Application details.

The application shall follow the submission requirements and the fees and escrows for site plan review as outlined in this chapter. The fees and escrow requirements for a conditional use application under this section shall be the same as for a site plan application, and the procedures for approval of a conditional use shall be the same as those for site plan approvals.

§ 240-8.4 Specific standards for certain conditional uses.

A. Community residences, as defined in N.J.S.A. 40:55D-66.2, shall be permitted in all residential districts of the Borough and shall be subject to the requirements of single-family dwelling units in such districts subject to the following exceptions:

(1) Any such residence having more than six persons, excluding resident staff, shall require a conditional use permit, to be granted by the Planning Board, in accordance with N.J.S.A. 40:55D-67. No such permit shall be issued if:

(a) The proposed residence is located within 1,500 feet of an existing such residence or shelter;

(b) The number of persons, other than resident staff, residing at existing community residences or community shelters exceeds 50 persons or 0.5% of the population of the Borough, whichever is greater;

(c) The proposed residence or shelter is to be located in a district other than residential; or

(d) The proposed residence or shelter fails to comply with:

[1] The minimum requirements for fire safety, sanitary facilities and structural safety as established by the current edition of the New Jersey Uniform Construction Code;

[2] All applicable Borough Health ordinances;

[3] The minimum current requirements of the barrier-free design regulations as established by the government agencies having jurisdiction thereover.

(2) The application for such a conditional use permit shall be accompanied by a detailed site plan, drawn to scale and certified by a licensed professional engineer or land surveyor, detailing all dimensions of the lot, including yard areas; size of proposed residence or shelter to be constructed or converted; number, type and location of rooms; proposed number of residents; proposed number of resident staff and location of staff rooms and facilities; proposed number and location of parking spaces for staff members and visitors; drainage facilities; and any other relevant information that may be requested by the Planning Board.

(3) There shall be at least one parking space for each proposed resident and staff member.

(4) The Planning Board shall have the power to impose landscaping, shrubbery, buffer and safety device requirements that may be necessary or expedient as a result of the configuration of the lot and its location with respect to surrounding properties and thoroughfares.

B. Automobile service stations and automobile repair shops may be permitted only in B-1 and B-2 Zones and shall require a conditional use permit. No such permit shall be granted unless the proposed station complies with the following requirements:

(1) Lot size. The lot or parcel of land so to be used shall have a street frontage of at least 100 feet and an average depth of at least 125 feet.

(2) Setbacks.

(a) Buildings. The walls of any building shall be set back at least 50 feet from any residential zone boundary or existing residential property, at least 25 feet from any adjoining property line and at least 40 feet from a street right-of-way line.

(b) Gasoline pumps. All fuel and oil pumps and other apparatus shall be so located as to permit safe and convenient traffic circulation. Every gasoline or oil tank, pump or other device, appliance or apparatus shall be located at least 40 feet from a street right-of-way line or property line and at least 50 feet from a residential zone boundary or existing dwelling. Canopies covering gasoline pumps or pump stands may be permitted with the approval of the municipal Board hearing the application. Canopies shall be permitted, provided that any proposed canopy is consistent in color, shape and size with the building and gasoline pumps located on the site. In addition, any proposed canopy shall be designed so as to be no greater in size than is reasonably necessary to provide shelter from the weather to customers whose vehicles are being serviced at the gasoline pumps.

(c) Paved areas. All paved areas within the property shall be at least five feet from a property line, 10 feet from a street right-of-way line and 25 feet from a residential zone boundary or existing residential use and shall be bounded by concrete curbing at least six inches above the surface.

(d) Driveways. Entrance and exit driveways shall be at least 30 feet in width with a three-foot radius at the curbline. There shall be a safety zone between driveways of at least 30 feet, and the driveway shall be at least 10 feet from adjoining property lines. Driveways shall be at least 100 feet from an intersection of street lines. No more than two driveways shall be permitted for each 200 feet of street frontage.

(3) Location. The nearest boundary line of the lot or parcel of land to be used as an automobile service station shall be at least 300 feet from the boundary line of property which is used as, or upon which is erected, a public or private school playground, church or other place of worship, hospital, public building or place of public assembly, theater or other building or structure used or intended to be used for public entertainment, public playground or civic center, firehouse or fire station. The distance shall be measured in a straight line from the center line of streets forming the shortest route from a point opposite the nearest side boundary line of the public entrance to a point opposite the nearest boundary line of the service station or garage lot. No automobile service station shall be located within 2,000 feet of another service station or existing public garage.

(4) Landscaping. A five-foot planted strip, suitably landscaped, shall be provided between curb cuts and along all property lines. All unpaved areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as may be deemed suitable by the Planning Board.

(5) Parking. Adequate parking for service vehicles and automobiles of employees and patrons shall be provided. Not less than three or more than five patron parking spaces shall be provided for each service bay.

(6) Prohibited uses:

(a) No new or used automobile sales shall be conducted on the premises, except by special permit issued by the Borough Clerk, which will allow the sale of no more than two vehicles at any one time.

(b) No merchandise shall be sold or kept for sale except petroleum products and auto accessories reasonably necessary for the safe, lawful or convenient operation of motor vehicles.

(c) No servicing of vehicles shall be permitted outdoors except for emergency repairs and unless the entire service of that specific vehicle can be completed within one hour.

(d) Commercial/retail mini-marts.

C. Antennas.

(1) Objective. The objective of this subsection is to regulate antennas for safety and aesthetic reasons. Antennas may cause a safety hazard if not positioned and secured properly. The conditions set forth in this subsection are intended to address these safety concerns.

(2) Approval of antenna as conditional accessory use.

(a) In all zones, a building permit shall not be required for the construction, erection or alteration of an antenna one meter or less in length or width or depth or one meter or less in diameter. In the B-1 and B-2 Districts, a building permit shall not be required for the construction, erection or alteration of an antenna two meters or less in length or width or depth or two meters or less in diameter.

(b) Except as provided herein, no antenna shall be constructed, erected or installed in the Borough unless and until a building permit is issued by the Building Inspector, following the procedures set forth herein.

(c) Upon proper application and hearing as provided herein, one antenna requiring a building permit shall be permitted as a conditional accessory use in any residential or business district in the Borough, provided that the Planning Board finds and determines that the following conditions have been met:

[1] The antenna surface area shall be no more than 12 square feet.

[2] The equivalent diameter of the dish shall be no more than four feet.

[3] The height of the antenna, including its base or mounting structure, measured vertically from the ground to the highest point of the antenna when positioned for operation, shall be no more than six feet.

[4] Any antenna shall be mounted on a base affixed to the ground and shall be erected on a secure foundation. No antenna may be erected or mounted on another structure or portion thereof, such as, but not limited to, a roof or wall.

[5] Any antenna shall be located only in the rear yard of the lot for which it is to be installed and shall comply in all respects with the minimum requirements for the rear yard and side yards of the zone in which such lot is situated.

[6] Any antenna shall be located in such a position on the lot and screened in such a way as to minimize noise as may be perceived from the street or streets adjacent to the lot and from adjacent properties. Plants and trees equal to or greater in height than the antenna itself shall be planted to provide maximum screening.

[7] All power, control and signal cables from the antenna to the structure which it is designed to serve shall be installed underground and shall comply with all applicable provisions of the Borough Building Code.

[8] Any antenna shall be designed only for the reception of signals for the use, benefit and enjoyment of the occupants of the structure on the lot on which the antenna is proposed to be installed.

[9] No more than one antenna shall be permitted as an accessory for any primary use.

(3) Application procedure.

(a) No building permit shall be issued for the construction, erection or installation of an antenna unless a conditional use approval therefor has been granted by the Planning Board. As set forth in this section, in all zones, a building permit or conditional use approval shall not be required for the construction, erection or installation of an antenna one meter or less in length or width or one meter or less in diameter. In the B-1 and B-2 Districts, a building permit or conditional use approval shall not be required for the construction, erection or installation of an antenna two meters or less in length or width or two meters or less in diameter.

(b) For a conditional use approval for an antenna, the procedure shall be as follows:

[1] An application shall be submitted to the Planning Board Administrator, in writing, in duplicate, on forms supplied by the Planning Board, furnishing the name and address of the owner and applicant and an identification, by street number and lot and block designation, of the property involved.

[2] The application shall be accompanied by 17 copies of a survey of the property prepared by a New Jersey licensed engineer or land surveyor depicting the boundaries of the lot and all existing structures and improvements on the property. There shall be further shown or marked on the survey, and drawn to scale, the proposed location of the antenna on the property.

[3] The application shall also be accompanied by 17 copies of a drawing showing the dimensions of the antenna and the planting or screening as required hereunder.

[4] The fee for such application shall be as set forth in the Fee Ordinance, Chapter 115.

(c) Upon filing of a completed application for an antenna as a conditional accessory use, the Planning Board shall conduct a hearing in accordance with the provisions of this subsection.

(d) On such hearing the applicant shall give notice in accordance with the provisions of this Code.

D. Private tennis courts. Private tennis courts shall require conditional use approval and may be permitted in accordance with the following conditions:

- (1) The tennis court shall not be used for commercial purposes.
- (2) The tennis court shall be an accessory use, not a principal use, and shall only be located within a residential zone.
- (3) The tennis courts shall not be erected in the side or front yards.
- (4) The tennis courts shall be set back from side and rear property lines a minimum of the height of backstops and sidesteps, but not less than the distance of the required side yard. Said backstops and sidesteps shall not exceed 12 feet in height.
- (5) A buffer area shall be provided between the tennis court and any adjoining properties, in accordance with the standards and specifications of § 240-6.4 of this chapter.
- (6) No artificial lighting shall be maintained or operated in connection with any tennis court after 10:00 p.m., and lights used to illuminate any tennis court shall be so arranged and shaded to reflect light away from the adjoining premises.
- (7) All lighting shall conform to the outdoor lighting requirements of this chapter.

E. Restaurants. Restaurants are permitted in the B-1 Zone and Mixed-Use Development Zone as a conditional use. A restaurant may be permitted on the following conditions:

- (1) A restaurant permitted under this subsection, as well as permitted by the Outdoor Dining Ordinance (Ordinance No. 1079), Editor's Note: See Ch. 80, Cafes, Outdoor is defined as a commercial establishment in which food and beverages are prepared and sold.
- (2) A restaurant establishment must provide an area for refuse storage. Such refuse storage area shall be located in the rear of the building, shall be screened on four sides and shall be at least five feet from the property line.
- (3) The restaurant shall provide adequate access facilities for pedestrian traffic from public sidewalks, so as to assure safety and to avoid congestion on public sidewalks. If the restaurant provides parking for patrons, this provision shall apply to vehicular access as well as pedestrian access.
- (4) All entrances and exits shall be clearly visible from the street and sidewalk.
- (5) An adequate loading and servicing area shall be provided and shall not interfere with traffic circulation.
- (6) The restaurant establishment shall comply with all applicable building and fire codes.
- (7) Signs shall comply with Article XI of this chapter.
- (8) The application for such a conditional use shall be accompanied by a site plan, drawn to scale and certified by a licensed professional engineer or architect, detailing the dimensions and location of all tables, seats, cooking, sanitary facilities and all requirements of this chapter. When adequate on-site space is available for the exclusive use of an applicant, the applicant shall provide one off-street parking space for every 2 1/2 seats.

(9) The above shall not prohibit a restaurant from permitting customers to supply their own wine or beer in an indoor restaurant subject to ABC regulations.

F. Houses of worship are conditional uses in all zones, shall require conditional use approval and may be permitted in accordance with the following conditions:

(1) Bulk requirements:

(a) Minimum lot area: 1.5 acres.

(b) Minimum lot width: 200 feet.

(c) Minimum lot depth: 300 feet.

(d) Minimum front yard: 75 feet.

(e) Minimum side yards: 50 feet.

(f) Minimum rear yard: 50 feet.

(g) Maximum building height provided in that zone: 32 feet.

(h) Maximum building coverage: 30%.

(i) Maximum impervious coverage: 50%.

(j) Minimum buffer width: 50 feet.

(2) External lighting with proper shielding for adjacent and/or surrounding properties is provided in accordance with the commercial lighting and outdoor lighting (§ 240-7.10) provisions of this Code.

(3) Off-street parking shall be provided in accordance with § 240-6.6A(1) and A(3) through A(10). One off-street parking space shall be provided for each 100 square feet of interior building space. On a mid-block lot, no front yard parking shall be allowed, and on a corner lot no front or side yard parking shall be allowed on the yards that abut the street.

(4) The facility may not also serve as a residence.

(5) No commercial activity shall be allowed, including leasing of the facility; provided, however, that the facility may be used for nonprofit activities which are accessory or incidental to the primary use, including the operation of a day-care center for children or adults and wedding receptions, and the hours of operation shall be limited to 7:00 a.m. to 12:00 midnight. The proposed use shall in no way adversely affect the safe and comfortable enjoyment of property rights of the surrounding property owners/occupants.

(6) Any condition not specifically addressed above shall conform to the applicable zoning codes of the zone in which it is proposed.

- (7) The proposed use shall provide seating in conformance with the current Fire Protection Code.

G. Public, private and parochial child-care centers and schools (nursery through secondary) not operated for profit shall require conditional use approval and may be permitted in accordance with the following conditions:

- (1) The facility shall be certified by the appropriate licensing authority of the State of New Jersey.
- (2) Bulk requirements:
 - (a) Minimum lot area: two acres.
 - (b) Minimum lot width: 225 feet.
 - (c) Minimum lot depth: 300 feet.
 - (d) Minimum front yard: 75 feet.
 - (e) Minimum side yards: 50 feet.
 - (f) Minimum rear yard: 50 feet.
 - (g) Maximum building height: as specified in the applicable zone.
 - (h) Maximum building coverage: 25%.
 - (i) Maximum impervious coverage: 40%.
 - (j) Minimum buffer width: 50 feet.
- (3) External lighting with proper shielding for adjacent and/or surrounding properties is provided in accordance with the commercial lighting and outdoor lighting (§ 240-7.10) provisions of this Code.
- (4) Off-street parking shall be provided in accordance with § 240-6.6A(1), A(3) through A(10) and C.
- (5) On a mid-block lot no front yard parking shall be allowed, and on a corner lot no front or side yard parking shall be allowed on the yards that abut the street.
- (6) Hours of operation shall be confined to the period between 7:00 a.m. and 7:00 p.m. The facility shall be closed on Saturday and Sunday.
- (7) The facility may not serve as a residence, or allow any overnight activities.
- (8) No commercial activity shall be allowed.
- (9) Any condition not specifically addressed above shall conform to the applicable zoning codes of the zone in which it is proposed.

(10) No facility shall be approved if it is within 1,000 feet of a similar facility.

H. Nonprofit libraries, museums and public buildings, except Borough owned, shall require conditional use approval and may be permitted in accordance with the following conditions:

(1) Floor area ratio (FAR), coverages, lot sizes, height, and front, side combined and rear yard setbacks for the applicable zone shall be met.

(2) Buffer areas and landscaping dimensions as required for commercial properties adjacent to residential zones shall be met.

(3) External lighting with proper shielding for adjacent and/or surrounding properties is provided in accordance with the commercial lighting and outdoor lighting (§ 240-7.10) provisions of this Code.

(4) Off-street parking shall be provided in accordance with § 240-6.6A(1), A(3) through A(10) and C(4). On a mid-block lot no front yard parking shall be allowed, and on a corner lot no front or side yard parking shall be allowed on the yards that abut the street.

(5) The facility may not serve as a residence, or allow any overnight activities.

(6) Any commercial activity must be ancillary to the operation of the facility (less than 10% of the floor area).

(7) Any condition not specifically addressed above shall conform to the applicable zoning codes of the zone in which it is proposed.

(8) The minimum lot size shall be 1/2 acre.

I. Funeral homes shall require conditional use approval and may be permitted only in the B-1 and B-2 Zones, in accordance with the following conditions.

(1) Floor area ratio (FAR), coverages, lot sizes, height and front, side combined and rear yard setbacks for the applicable zone shall be met.

(2) Buffer areas and landscaping dimensions as required for commercial properties adjacent to residential zones shall be met.

(3) External lighting with proper shielding for 2 adjacent and/or surrounding properties is provided in accordance with the commercial lighting and outdoor lighting (§ 240-7.11) provisions of this Code.

(4) Off-street parking shall be provided in accordance with § 240-6.6A(1) and A(3) through A(10). One off-street parking space shall be provided for each 100 square feet of interior building space. On a mid-block lot no front yard parking shall be allowed, and on a corner lot no front or side yard parking shall be allowed on the yards that abut the street.

(5) The facility shall be certified by the appropriate licensing authority of the State of New Jersey.

- (6) No facility shall be approved if it is within 1,000 feet of a similar facility.
- (7) The minimum lot size shall be 1.5 acres. If a lot is situated in more than one zone, the entire acreage may be computed in the calculation of minimum lot area so long as the structure housing the funeral home and the parking area is entirely within the applicable (B-1 or B-2) zone.
- (8) Buildings may include a single residence, the residence of the owner, manager or a full-time employee of the facility. The floor space dedicated to the residence portion of the facility shall not be included in the 100-square-foot off-street parking calculation.

ARTICLE IX, Affordable Housing Zone

§ 240-9.1 Purpose.

In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules. This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees.

§ 240-9.2 Basic requirements.

The Borough of Oradell shall not spend development fees until COAH has approved a plan for spending such fees and Oradell has received third-round substantive certification from COAH or a judgment of compliance.

§ 240-9.3 Definitions.

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH

The New Jersey Council on Affordable Housing.

DEVELOPMENT FEE

Funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

EQUALIZED ASSESSED VALUE

The value of a property determined by the municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal Tax Assessor.

§ 240-9.4 Residential development fees.

- A. Residential developers shall pay a fee of 1% of the equalized assessed value for any eligible residential development, provided no increased density is permitted.
- B. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized.

§ 240-9.5 Nonresidential development fees.

- A. Nonresidential developers shall pay a fee of 2% of the equalized assessed value for any eligible nonresidential development.
- B. If an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% of the equalized assessed value for nonresidential development. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

§ 240-9.6 Eligible exactions, ineligible exactions and exemptions.

- A. Affordable housing developments shall be exempt from development fees. All other forms of new construction shall be subject to development fees unless exempted below.
- B. Developer of new nonresidential structures, except as excluded herein, and new residential structures, shall pay a development fee in the manner prescribed herein.
- C. Developments that have received preliminary or final approval prior to the imposition of a municipal development fee shall be exempt from development fees unless the developer seeks a substantial change in the approval.
- D. Developers that expand an existing nonresidential structure and expand a residential structure where it results in additional dwelling units shall pay a development fee. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- E. Developers of any church, library, school, college, governmental facility, hospital for humans, or nursing home shall be exempt from paying a development fee.

§ 240-9.7 Collection of fees.

Fifty percent of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

§ 240-9.8 Contested fees.

Imposed and collected development fees that are challenged shall be placed in an interest-bearing escrow account by the Borough of Oradell. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

§ 240-9.9 Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing housing trust fund in Valley National Bank for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this article shall be deposited into this fund.
- B. Within seven days from the opening of the trust fund account, the Borough of Oradell shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, Valley National Bank, and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).
- C. No funds shall be expended from the Affordable Housing Trust Fund unless the expenditure conforms to a spending plan approved by COAH. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

§ 240-9.10 Use of funds.

- A. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the municipal fair share. Such activities include, but are not limited to: rehabilitation, new construction, RCAs subject to the provisions of N.J.A.C. 5:94-4.4(d), ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Housing Element and Fair Share Plan. The expenditure of all funds shall conform to a spending plan approved by COAH.
- B. Funds shall not be expended to reimburse the Borough of Oradell for past housing activities.
- C. After subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the Borough of Oradell affordable housing obligation, at least 30% of the balance remaining shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, and rental assistance.

(2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the third-round municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Borough of Oradell to bonus credits pursuant to N.J.A.C. 5:94-4.22.

(3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The Borough of Oradell may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.

E. No more than 20% of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

§ 240-9.11 Monitoring.

The Borough of Oradell shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

§ 240-9.12 Ongoing collection of fees.

The ability for the Borough of Oradell to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Oradell has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough of Oradell fails to renew its ability to impose and collect development fees, it may resume the imposition and collection of development fees only by complying with the requirements of N.J.A.C. 5:94-6. The Borough of Oradell shall not impose a development fee on a development that receives preliminary or final approval after the expiration of its substantive certification or judgment of compliance, nor will the Borough of Oradell retroactively impose a development fee on such a development. The Borough of Oradell will not expend development fees after the expiration of its substantive certification or judgment of compliance.

ARTICLE X, Fences

§ 240-10.1 Fences.

A. No fence shall be constructed, installed or replaced without a building permit.

- B. No fence shall be in excess of six feet in height, and, in the case of an interior lot, no fence shall be built in the required front yard in excess of 36 inches in height, and, on a corner lot, no fence in excess of 36 inches in height shall be erected within the required front yard setback of all street lines. No fence post, including any decorative finial, shall be in excess of six feet, six inches. No fence shall be erected on a wall or retaining wall or within three feet from the wall or retaining wall, which when measured from the top of the wall or retaining wall to the top of the fence the highest point exceeds four feet.
- C. No fence shall be built or constructed over a stream, brook or any drainage area so as to interfere with the free flow of water when said water is at its maximum height in said stream, brook or drainage area. Any fence located in a nonresidential zone shall be finished on both sides.
- D. All fences shall be built or constructed in such a manner as to permit the finished side of such fence to face either adjacent properties or the street, as the case may be.
- E. No fence shall be built or constructed of barbed or razor wire, or topped with metal spikes, or made of cloth, string, rope, wire, canvas, poultry netting, or constructed of any material or in any manner that may be dangerous to persons or animals. No chain-link or "cyclone" fence shall be permitted in the front yard setback.
- F. In any zone on any corner lot, no fence, sign or structure, planting, line of site, or other obstruction to vision higher than twenty-eight (28") inches shall be erected or maintained along street lines within 25 feet of the intersection of any street lines.

ARTICLE XI, Signs and Awnings

§ 240-11.1 General rules and regulations.

Except for those signs meeting the requirements of § 240-11.2A, B, C or D, no sign, awning or canopy shall be erected without a permit issued by the Construction Official, which permit shall only be issued for signs, awnings or canopies that comply with the following rules and regulations:

- A. No sign shall be erected or replaced upon the roof of a building.
- B. A sign may be affixed to a parapet; provided, however, that no part of the sign so affixed shall extend more than three feet above the roof deck of the building or from the base of the parapet.
- C. Where a nonconforming sign exists on the property, all applications for additional signs shall first be reviewed by the Sign Committee of the Planning Board and then require the approval of the Zoning Board of Adjustment.
- D. Window signs shall not exceed 20% of the total area of the window, and no window sign shall be more than two feet in height. If there is more than one sign in any window, then said signs shall be grouped together but shall not, as a group, cover more than 20% of the square footage of said window. Telephone numbers, if included, shall not exceed 5 inches in height. No window sign or group of signs shall be permitted above the first floor of any building unless the user of the space occupies the area above the first floor only. No such sign shall be illuminated. All civic or charitable organization signs

shall be confined to two feet in height and considered temporary and shall be subject to § 240-11.2M of this chapter. Civic or charitable organization signs shall not be included in the 20% coverage permitted for window signs.

E. No sign shall consist of more than four colors, inclusive of black and white.

F. If a sign which is conforming is destroyed, it may be rebuilt or repaired to its original condition without obtaining a permit. The Construction Code Official and Zoning Officer must be notified in writing of the restoration of the conforming sign.

G. No sign shall be illuminated by lighting of intermittent or varying intensity nor by channel light. Lights shall not be so arranged they line the perimeter of any window.

H. Business signs may be illuminated but shall not be painted with or composed of neon, fluorescent, phosphorescent, LED, or similar material. Illuminated signs shall have sources of reflective light shielded in such a manner that the same are not visible from the street or adjoining properties.

I. All signs and all external lighting used in connection with the operation of any business shall be extinguished by 11:00 p.m. Notwithstanding the foregoing, the Construction Official, with the consent and advice of the Chief of Police, may authorize lighting specifically designed for the safety and the protection of properties otherwise subject to this section, which lighting, when so authorized, shall be exempt from the provisions hereof.

J. Permitted lighting for illuminated shall be limited to that concentrated upon the face of the sign. No internally illuminated or back lit signs shall be permitted. All outdoor lighting shall conform to the standards established for outdoor lighting under this chapter. All bulbs illuminating the sign must be working. If a bulb is not illuminated, then all the bulbs illuminating the sign must be turned off. Flashing bulbs are not permitted.

K. Signs in residential areas shall not exceed a maximum size of one square foot and may be illuminated only between the hours of 8:00 a.m. and 10:30 p.m., except that the sign of a physician, surgeon or dentist shall not have any time restriction. Such lighting shall be arranged so as to prevent glare.

L. No billboards are permitted.

M. Pennants, buntings, or "Grand Opening" signs are permitted, subject to the approval of the Construction Official, for a consecutive period of no more than 30 days and for no more than 30 days in one calendar year. Said signs shall not exceed 24 square feet. No pennants or buntings shall be displayed upon public property, streets, or rights-of-way. The United States flag, the New Jersey state flag, the county flag and the municipal flag may be displayed. In addition, flags of other states of the United States and other sovereign nations may also be displayed. However, when such referenced flags are displayed on a flagpole on residential property within the Borough of Oradell, such flagpole shall comply with the following requirements:

- (1) Flagpoles shall not exceed the overall maximum height level of 25 feet as measured from the top of the highest point of the flagpole to the average finished grade of the flagpole.
- (2) No flagpole shall be erected closer to any roadway located adjacent to a residence than the midpoint of the extended line created by the terminal point of the

municipal right-of-way located most proximate to any structure located on the property and the structure itself.

- N. No signs shall be permitted which compete for attention with, or may be mistaken for, a traffic signal.
- O. No sign shall extend more than eight inches beyond the face of a building or fascia to which it is attached.
- P. No sign shall be permitted on a property unless it is related to the occupancy of that property. It is the responsibility of the owner to remove all signs which do not relate to an occupancy of the property.
- Q. Company logos may be permitted on a commercial sign only after specific approval of the Board having jurisdiction over the site plan approval for the project, if applicable.
- R. No vehicle or mobile sign shall be used to circumvent those regulations.
- S. No sandwich signs or similar temporary signs are permitted.
- T. Change of occupancy. Upon termination of an occupancy of any premises, it shall be the duty of the owner of such premises to require that any signs used in connection with that occupancy be removed from the premises within five days after termination of said occupancy.
- U. No revolving or moving sign shall be permitted.
- V. No paper signs will be permitted on doors.
- W. Except as otherwise specifically provided in this article, no freestanding signs shall be permitted.
- X. No sign shall be permitted on any antenna, except for the manufacturer's logo.

§ 240-11.2 Permitted signs.

The following signs shall be permitted in all zones of the Borough:

- A. A nonilluminated nameplate, with the name of the principal occupant or the street number or name of a private dwelling, with an area of not more than one square foot.
- B. A single informational sign with an area of not more than one square foot, which may include, but not be limited to, "exit," "enter," "beware of dog," "house protected," or "use back door." No commercial name or logo is permitted on an informational sign.
- C. A single-faced sign or bulletin board for a church, school, library, club or other public or quasi-public building or use, with an area of not more than 24 square feet and a maximum length of 61/2 feet. Such signs may be illuminated but shall be arranged so as to prevent glare. Such signs shall not be lighted between the hours of 1:00 a.m. and 6:00 a.m.
- D. A nonilluminated temporary sign for announcing or advertising for educational, charitable, philanthropic, civic, religious or similar drive, movement or event, for four non-consecutive periods (not

exceeding 30 days per period) in any calendar year. The total area of all such signs on a lot shall not exceed 24 square feet or six feet in length.

E. Signs for sale or lease of premises; "open house" signs.

(1) A single nonilluminated temporary sign for advertising the immediate premises for sale or lease, which is located upon the premises and which may have an area of not more than four square feet in surface. Said sign shall not remain for more than 90 consecutive days for commercial premises and not more than 180 days for residential premises and must be set back 10 feet from the street property line.

(2) A single nonilluminated temporary sign conforming to the size and locational restrictions set forth in Subsection E(1) of this section advertising an "Open House" at the immediate premises for sale or lease, which sign shall be posted only on the day(s) on which an open house is actually being conducted and for a period not exceeding eight hours on such day.

F. A nonilluminated temporary political sign regarding any government election, whether national, state, county or local, which shall not exceed six square feet in area.

G. Wall signs for retail use shall be limited to one illuminated or nonilluminated sign on the principal front facade of the building, provided that, where a retail use is located on a corner lot, it may have a second sign on the wall facing the side street not exceeding 50% of that permitted on the principal front facade. The front facade sign shall not exceed a size of 1.5 square feet for each linear foot of the front facade of the building or 24 square feet, whichever is less. The lettering on retail signs shall be limited to the principal name of the company and its principal product of sale or occupation.

H. In the event of multiple use of a retail building, one sign shall be permitted for each such use on the first floor of the front facade. The sign for each such retail use shall not exceed 24 square feet or 1.5 square feet of sign area for each linear front foot of the building, whichever is less. Where a retail use is located on a corner, such use may have a second sign on the wall facing the side street, which second sign shall not exceed 50% of that permitted on the principal front facade.

I. Wall signs for office buildings, laboratories or nonretail commercial uses shall have the same requirements as the signs for retail uses covered under this article, with the exception that its lettering shall be limited to the names of the occupants, a numerical sign indicating the street address of the building and the name of the building. Also, buildings exceeding 10,000 square feet of front facade can increase their sign size to 5% of the area of the front facade or a size of 100 square feet, whichever is less.

J. Ground signs for office buildings, laboratories, nonretail commercial or retail uses are permitted with the limitation of one double-face illuminated or nonilluminated sign allowed per building at a location at least 10 feet back from the street property line and of a size not to exceed 18 square feet and/or nine feet in length. The top of the sign shall not exceed six feet above the average grade at the sign location. The lettering on such sign shall be limited to the name of the building or of the occupant and its principal product of sale or its occupation. Multi-use buildings will be permitted to list their occupants; however, no increase in size from a single occupancy will be permitted.

K. Directory signs are permitted. The total area shall not exceed eight square feet. The directory sign shall not be included in computing the footage of ground and/or facade signs.

L. A double-faced or single-faced entrance/exit sign shall be permitted for any building. The square-foot area of the sign will not be deducted from the allowed square footage permitted for the ground and

wall signs for property. Such signs shall be uniform in size, comply with the standards of the "Uniform Manual of Traffic Control Devices" and shall at a minimum meet the following requirements:

- (1) Size. The size shall be two feet in height; four feet in length; 12 inches in depth.
- (2) Lettering shall be limited to only the name of the principal occupant and the word "Entrance" or "Exit."
- (3) Coloring. Black letters on a white background shall be employed
- (4) Illumination. The sign must have a reflective surface or illumination which shall conform to the standards established for outdoor lighting under this chapter.
- (5) Height. The height of the sign from mean ground level shall not exceed four feet.
- (6) Location. The sign shall be placed on the far side of the entrance driveway relative to the direction of the traffic flow and shall be located on the owner's property with no required setback from the property line.

M. Canopy and awning signs shall be permitted, provided that the proposed canopy or awning is consistent in color, shape and size with the building to which it is annexed and is consistent with the character of any existing canopy or awning signs in the neighborhood, and further provided that the metal or rigid frame portion of the sign shall not extend more than five feet from the face of the building and must be a minimum of seven feet in height from the base of the door. In no event shall any canopy or awning consist of more than four colors, inclusive of black and white. The lettering on a canopy sign shall be limited to the name, type of business and address of the occupant only, which shall be included in determining the color and other sign calculations. In the event that a building has more than one canopy, then all canopies shall be uniform in color, shape and design.

N. Service station, automobile repair shop or public garage signs.

(1) Notwithstanding any other provisions of this section to the contrary, a gasoline service station or a public garage may display:

- (a) One freestanding or pylon sign advertising the name of the station or garage and for the principal product sold on the premises, including any special company or brand name, insignia or emblem, provided that such sign shall not exceed 32 square feet in total sign area and shall not be hung closer than five feet to the property line and not less than 10 nor more than 20 feet above the ground, and/or one sign on the building.
- (b) One temporary sign attached to the wall of the building and specifically advertising special seasonal servicing of automobiles, provided that said sign does not exceed seven square feet in area.
- (c) Directional signs or lettering displayed over individual entrances, doors or bays, limited to one sign, not exceeding 12 inches in height and the total of which shall not exceed six square feet, for each entrance or bay.
- (d) Customary lettering or insignias which are not a structural part of a gasoline pump, consisting only of the brand name of the gasoline sold, a lead warning sign, a price

indicator and any other sign required bylaw, not exceeding a total of three square feet on each pump.

(e) One nonilluminated credit card sign, not exceeding two square feet in area, to be placed on or near the gasoline pump.

(2) Nothing contained in this subsection shall be construed to create a permitted use for a gasoline service station.

(3) The construction of a canopy over gasoline pumps or pump islands shall be in conformance with this article and the requirements set forth in § 240-8.4B.

240-11.3 Intent, administration.

A. It is the intention of this article to classify signs and awnings as an accessory to the building. Thus, all signs and awnings shall be designed to maintain and be consistent with the aesthetic design of the structure and the character of the neighborhood, in addition to identifying the structure and the services rendered therein.

B. All sign and awning applications shall be submitted to the Construction Official and shall depict on a drawing all the sign or awnings data necessary to evaluate compliance with this article, including size, colors, the method of illumination of any materials of the sign and a location drawing showing the full facade of the building on which any proposed wall sign is to be placed. A copy of said application shall also be submitted to the Planning Board for aesthetic review and recommendation by a three-person Sign Subcommittee of the Planning Board, two members of which shall constitute a quorum.

C. A site plan bearing the seal of a New Jersey engineer or architect must be submitted with each ground sign application, indicating thereon the location of the ground sign and setback measurements from the street lines.

D. All signs or awnings shall be properly maintained so as to be free of any unsightly condition, unkempt appearance or safety hazard that adversely affects the aesthetic quality of the surrounding neighborhood.

ARTICLE XII, Subdivision of Land

§ 240-12.1 Submission of sketch plat.

A. Any subdivider of land within the Borough of Oradell shall, prior to subdividing or resubdividing land, as defined in this chapter, submit to the Administrative Official, at least 10 working days prior to the regular meeting of the applicable board, the original and 17 copies of a sketch plat of the proposed subdivision for purposes of classification and preliminary discussion. All sketch plats shall indicate all property owners and addresses within 200 feet of the proposed subdivision, and those owners shall be properly notified pursuant to statute.

B. If classified and approved as a minor subdivision by the applicable board, a notation to that effect will be made on the sketch plat. A public hearing shall not be required prior to classification and approval of a minor subdivision, unless the applicable Board shall determine that the classification and approval of the subdivision as minor may detrimentally affect adjacent property. The plat will then be forwarded to

the applicable Board applicable Board Secretary and Borough Engineer for their signatures and returned to the subdivider within two weeks following the next regular meeting of the local board. No further local Board approval shall be required. A plat requiring Zoning Board of Adjustment approval shall be processed by that Board.

C. Before the Administrative Official returns any approved sketch plat to the subdivider, the Official shall furnish one copy to each of the following:

- (1) Borough Clerk
- (2) Borough Engineer.
- (3) Building Inspector.
- (4) Zoning Officer.
- (5) Tax Assessor.
- (6) County Planning Board.
- (7) Tax Collector.

D. Either a deed or a plat map drawn in compliance with the applicable statutes shall be recorded or filed by the subdivider with the County Recording Officer within 190 days from the date of return of the approved sketch plat. If any final plat is not filed within this period, the approval shall expire.

E. If the plat is classified as a major subdivision, a notation to that effect shall be made on the plat, which will be returned to the subdivider for compliance with the procedures in § 240-15.2.

§ 240-12.2 Submission of preliminary plat.

A. At least 17 blueprints of the preliminary plat, together with 17 completed application forms for preliminary approval, shall be submitted to the Administrative Official of the appropriate Board 10 working days prior to the applicable Board meeting at which consideration is desired. At the time of filing, a fee and a deposit as specified in the Fee Ordinance, Chapter 115, for each lot in the subdivision, shall be paid the Administrative Official. A fee shall be paid to the Administrative Official to cover costs in connection with providing the names and addresses of the property owners required to be notified of the public hearing. The filing fee shall be retained and the balance of the deposit shall be applied to costs of publication, inspection, engineering and legal fees, and the updating of tax map. Any balance after deducting the foregoing expense shall be returned to the subdivider, and if the amount is insufficient to cover such costs, the subdivider shall maintain an escrow balance or trust equal to that required by the Fee Ordinance, Chapter 115. Any failure to maintain the minimum escrow balance shall permit the Construction Official to issue stop-work orders. The Administrative Official shall notify the Secretary of the applicable Board of the receipt of a preliminary plat at its next regular meeting.

B. The subdivider shall notify, by certified mail or personal service, at least 10 working days prior to the hearing, all owners within 200 feet of the property to be subdivided, as the names of such owners appear on the municipal tax record. Said notice shall note the time and place of hearing, a brief description of the property involved, a list of maps and other documents to be considered and a summary statement of the matters to be heard. The applicant shall cause notice of the hearing to be published in the

official newspaper or a newspaper of general circulation in the municipality at least 10 working days prior to the hearing.

C. Copies of the preliminary plat shall be forwarded by the Building Department, prior to the hearing, to the following persons and agencies:

- (1) Administrative Official.
- (2) County Planning Board.
- (3) Borough Engineer.
- (4) Board of Health.
- (5) Such other municipal, county or state officials and agencies as directed by the applicable Board.

D. The subdivider shall be required, at the time of the public hearing, to submit to the applicable Board an affidavit that the procedures required by the New Jersey statutes and the Subdivision of Land Ordinance of the Borough of Oradell have been fully complied with in all respects and shall include in the affidavit the following:

- (1) That the subdivider is the owner of the property sought to be subdivided or has written permission to represent the owner. A copy of the deed and written permission of the owner shall be attached to said affidavit.
- (2) That the subdivider has notified all persons entitled to notification, setting forth the names and addresses of such persons.
- (3) A copy of said notice shall be attached to and made a part of the affidavit.
- (4) That the required notice of the public hearing has been published in an official newspaper, with a copy of said publication to be attached to the affidavit, and the date of said publication.
- (5) That the Building Department has forwarded copies of the preliminary plat to all persons required under Subsection C above.
- (6) That the names and addresses of the property owners were obtained from the Building Department.

E. The applicable Board shall act on the preliminary plat within 90 days after submission to the Building Department but in no case before the expiration of the twenty-day period within which the County Planning Board may submit a report on said subdivision. In all cases, the recommendations of the County Planning Board shall be given careful consideration in the final decision of the local applicable Board. If the County Planning Board has approval authority pursuant to N.J.S.A. 40:55D-37, its action shall be noted on the plat, and, if disapproved, two copies of the reasons for disapproval shall be returned with the plat. If either the applicable Board or County Planning Board disapproves a plat, the reasons for disapproval shall be remedied prior to further consideration. The person submitting a plat shall be notified of the action of applicable Board within 90 days of its submission. If approval is required by any other officer or public body, the same procedure as applies to submissions and approval by the County Planning Board shall apply.

F. If the applicable Board acts favorably on a preliminary plat, a notation to that effect shall be made on the plat, signed by the applicable Board Chairman, and shall be returned to the subdivider for compliance with final approval requirements.

G. Preliminary approval shall confer upon the applicant these following rights for a three-year period from the date of approval:

(1) The general terms and conditions under which the preliminary approval was granted will not be changed.

(2) Said applicant may submit on or before the expiration date the whole or a part or parts of said plat for final approval.

§ 240-12.3 Submission of final plat.

A. The final plat shall be submitted to the Construction Official for forwarding to the applicable Board for final approval within three years from the date of preliminary approval. The Construction Official shall immediately notify the Secretary of the applicable Board upon receipt of a final plat, and the applicable Board shall act upon the final plat within 45 days after the date of submission for final approval to the Construction Official or within such further time as the subdivider shall agree to.

B. The original tracing, one sepia copy, 17 blueprints and 17 of the application forms for final approval shall be submitted to the Administrative Officer at least 10 working days prior to the date of a regular applicable Board meeting. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications required by the applicable Board.

C. The final plat shall be accompanied by:

(1) A statement by the Borough Engineer that he is in receipt of a map showing all utilities in exact location and elevation identifying those portions already installed and those to be installed.

(2) Proof that the subdivider has installed all improvements in accordance with the requirements of this chapter or that a performance guaranty has been posted with the Building Official in a sufficient amount to assure the completion of all required improvements, inspections, engineering and legal fees.

(3) A site plan approved by the Borough Engineer.

(4) Deeds of dedications for all easements, streets or rights-of-way.

D. Any plat which requires County Planning Board approval pursuant to N.J.S.A. 40:55D-37 shall be forwarded to the County Planning Board for its action prior to final approval.

E. Upon final approval, the applicable Board shall file copies of the approved site plan with the Borough Clerk, Borough Engineer and Building Official, and copies of the final plat shall be filed with the following:

(1) Borough Clerk.

- (2) Borough Engineer.
- (3) Construction Official.
- (4) Tax Assessor.
- (5) County Planning Board.
- (6) Official issuing certificates of approved lots.

F. The final plat, after final approval, shall be filed by the subdivider with the County Recording Officer within the time required by the Municipal Land Use Law. If any final plat is not filed within this period, the approval shall expire.

G. No plat shall be accepted for filing by the County Recording Officer unless it has been duly approved and signed by the officials of the Borough of Oradell and the county as required by the Municipal Land Use Law.

§ 240-12.4 Sketch plat.

The sketch plat shall be based on tax map information, or some other similarly accurate base, and shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals 100 feet to enable the entire tract to be shown on one sheet and shall show or include the following information:

- A. The location of that portion which is to be subdivided in relation to the entire tract.
- B. All existing structures within the portion to be subdivided and all existing structures within 200 feet of the portion to be subdivided.
- C. The names of all adjoining property owners within 200 feet from the property to be subdivided, as disclosed by the most recent municipal tax records.
- D. The tax map sheet, block and lot numbers.

§ 240-12.5 Preliminary plat.

The preliminary plat shall clearly and legibly drawn or reproduced at a scale of not less than one inch equals 100 feet. The preliminary plat shall be designed and drawn by a licensed New Jersey land surveyor or professional engineer. The plat shall be designed in compliance with the provisions of this chapter and shall show or be accompanied by the following information:

- A. A key map showing the entire subdivision and its relation to surrounding areas.
- B. The tract name, the tax map sheet, block and lot number, the date, reference meridian, graphic scale and the following names and addresses:
 - (1) The name and address of the record owner or owners.

- (2) The name and address of the subdivider.
- (3) The name and address of the person who prepared the map.
- C. The acreage of the tract to be subdivided to the nearest tenth of an acre.
- D. Sufficient elevations or contours to determine the general slope and natural drainage of the land and the high and low points and tentative cross-sections and center-line profiles for all proposed new streets.
- E. The location of existing and proposed property lines; also the location of existing streets, buildings, watercourses, railroads, bridges, culverts, drainpipes, any natural features, such as wooded areas and rock formations, and all streets, roads, streams and wooded areas within 200 feet of the subdivision.
- F. Plans of proposed utility layouts (sewers, storm drains, communication, data, water, gas and electricity) showing feasible connections to existing or any proposed utility systems. When an individual water supply and/or sewage disposal system is proposed, the plan for such system must be approved by the appropriate local, county or state health agency. When a public sewage disposal system is not available, the developer shall have percolation tests made and shall submit the results with the preliminary plat. Any subdivision or part thereof which does not meet with the established requirements of this chapter or other applicable regulations shall not be approved. Any remedy proposed to overcome such a situation shall first be approved by the appropriate local, county or state health agency.
- G. A copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat.

§ 240-12.6. Final plat

The final plat shall be drawn, by a New Jersey Professional Land Surveyor or Professional Engineer, at a scale of not less than one inch equals 50 feet and in compliance with all provisions of N.J.S.A. 46:23-9.9 et seq. The final plat shall be accompanied by the following or shall show:

- A. The date, name and location of the subdivision, name of the owner, graphic scale and reference meridian.
- B. The tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.
- C. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
- D. Each block shall be numbered, and the lots within each block shall be numbered consecutively beginning with No. 1.
- E. The minimum building setback line on all lots and other sites.
- F. The location and description of all monuments.

- G. The names of the owners of adjoining unsubdivided land.
- H. Certification by an engineer or surveyor as to the accuracy of the details of the plat.
- I. Certification that the applicant is the agent or owner of the land or that the owner has given consent under an option agreement.
- J. When approval of a plat is required by any officer or body of such a municipality, county or state, approval shall be certified on the plat.
- K. Cross-sections and profiles of streets, approved by the Borough Engineer, shall be required to accompany the final plat.
- L. Plans and profiles of storm and sanitary sewers and water mains.
- M. A certificate from the Borough Tax Collector that all taxes are paid to date.

§ 240-12.7. Installation of improvements prior to final approval.

A. Prior to the granting of final approval, the subdivider shall have installed or shall have furnished performance guaranties for the ultimate installation of the following:

- (1) Streets.
- (2) Street signs.
- (3) Curbs and/or gutters.
- (4) Sidewalks.
- (5) Streetlighting.
- (6) Shade trees. Shade trees shall be located so as not to interfere with utilities or sidewalks, shall be at least 2.5 inches in diameter as measured six inches from the ground, and shall be such types as permitted by the Shade Tree Committee or Department of Public Works. A minimum of one tree shall be planted per building lot frontage. Said trees shall be planted pursuant to specifications, standards and regulations adopted by the Shade Tree Committee or Department of Public Works.
- (7) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed as to provide at least four inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
- (8) Monuments. Monuments shall be of the size and shape required by N.J.S.A. 46:23-9.11 and shall be placed in accordance with said statute.
- (9) Water mains, culverts, storm sewers and sanitary sewers.

B. All such installations shall be properly connected with an approved system and shall be adequate to handle all present and probable future development.

C. All improvements required by the Borough Council and applicable Board shall be subject to inspection and approval by the Borough Engineer. The developer shall notify the Borough Engineer at least 24 hours prior to the commencement of any construction. No underground installation shall be covered until inspected and approved.

§ 240-12.8 Design standards/conformance required.

The subdivider shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof:

A. The subdivision plat shall conform to design standards that will encourage good development patterns within the municipality. Where either or both an Official Map or Master Plan has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon.

B. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted Master Plan or Official Map shall be considered in approval of subdivision plats. Where no Master Plan or Official Map exists, streets and drainage rights-of-way shall be shown on the final plat in accordance with N.J.S.A. 40:55D-38 and shall be such as to lend themselves to the harmonious development of the municipality and enhance the public welfare in accordance with the following design standards.

§ 240-12.9 Streets.

A. The arrangements of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets.

B. The right-of-way width shall be measured from lot line to lot line and shall not be less than 50 feet.

C. Grades of streets shall not exceed 10%. No street shall have a minimum grade of less than 1/2 of 1%.

D. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 60°.

E. The block corners at intersections shall be rounded at the curblines with a curve having a radius of not less than 25 feet.

F. Street jogs with center-line offsets of less than 125 feet shall be prohibited.

G. A tangent at least 100 feet long shall be introduced between reverse curves on streets.

H. When connecting street lines deflect from each other at any one point by more than 100 and not more than 45°, they shall be connected by a curve with a radius of not less than 100 feet.

L. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.

J. Dead-end streets (cul-de-sacs) shall not be longer than 600 feet and shall provide a turnaround at the end with a radius of not less than 50 feet and tangent whenever possible to the right side of the street.

K. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.

L. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

§ 240-12.10 Blocks.

A. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for a convenient access, circulation control and safety of street traffic.

B. In blocks over 1,000 feet long, pedestrian crosswalks may be required in locations deemed necessary by the applicable Board. Such walkway shall be 10 feet wide and shall be straight from street to street.

C. For commercial, group housing or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

§ 240-12.11 Lots.

A. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.

B. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

C. Each lot must front upon an approved street at least 50 feet in width.

D. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line and all setbacks shall be measured from such line.

E. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the applicable Board may, after adequate investigation, withhold approval of such lots.

§ 240-12.12 Maintenance of easements; natural features.

A. Maintenance of easements.

(1) In large-scale development, easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least 15 feet wide and located in consultation with the companies or municipal departments concerned.

(2) Where a subdivision is traversed by a watercourse, drainageway channel or street, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse of such further width or construction, or both, as will be adequate for the purpose.

B. Natural features, such as streams, brooks, hilltops and views, shall be preserved whenever possible in designing any subdivision containing such features.

§ 240-12.13 Transfer or sale of unapproved lots; violations and penalties; civil actions.

. If the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirements for a building permit under N.J.S.A. 40:55D-32 et. seq., the municipality may institute and maintain a civil action:

(1) For injunctive relief; and

(2) To set aside and invalidate any conveyance made pursuant to such a such a contract or sale if a certificate of compliance has not been used in accordance with N.J.S.A. 40:55D-56, but only if the municipality has an applicable Board or committee thereof with power to act and which meets regularly on a monthly or more frequent basis, and whose governing body has adopted standards and procedures in accordance with N.J.S.A. 40:55 t -38 et seq.

B. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid and also a reasonable search fee, survey expense and title closing expense, if any.

ARTICLE XIII, Site Plan

§ 240-13.1 Approval required; exceptions.

When an application for a building permit is made, preliminary site plan approval must be obtained before the issuance of such permit. The exceptions are:

A. One or two-family dwellings, or an accessory use thereof.

B. Repairs or improvements to any premises that do not change the exterior dimensions of the structure or the use of the premises.

§ 240-13.2 Preliminary site plan approval.

An application for approval of a site plan shall contain all the data and information required in §240-13.3.

§ 240-13.3 Details of preliminary site plan plat.

The site plan plat shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals 50 feet and shall be designed by a licensed New Jersey surveyor or a licensed New Jersey professional engineer. The plat shall be designed in compliance with the provisions of this chapter and shall show or be accompanied by the following information:

- A. All lot hue dimensions, elevations and contours, at five-foot intervals on 10% slopes and at two-foot intervals on lesser slopes.
- B. Building setback, side line and rear yard distances.
- C. The location of all buildings.
- D. The location of off-street parking areas, with dimensions, showing parking spaces, loading docks, off-street loading space, access and egress drives, traffic circulation and location and description of any lighting in connection with the parking area.
- E. The location and description, of all proposed lighting and signs.
- F. The type of surface paving, curbing and sidewalks.
- G. All landscaping, fences, walls or similar facilities, and open spaces as well as the buffer areas which shall be provided for the purpose of isolating the activities conducted on the site from adjoining residential-zoned areas, if any. The location of all shade trees to be provided in accordance with this chapter shall be shown. A detailed landscaping plan showing the number and type of plantings shall be submitted. The plans shall also show the size of plantings as proposed as well as the anticipated height of the planting at mature growth.
- H. The location of all structures within 200 feet of the property lines, and curb cuts within 125 feet of the property lines.
- I. Size, height, location and arrangement of all proposed buildings and structures, including building plans, showing front, side and rear elevations. A description of the structure or structures, including the architect's rendering, and a description of all facing materials to be used. Facing materials shall be brick, stone and other approved material.
- J. A written description of the proposed use sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire hazards or safety hazards.
- K. The location, size and nature of all existing and proposed rights-of-way, easements, community areas, buffer zones and other encumbrances which may affect the lot or lots in question and the location, size and description of any lands to be conveyed to the Borough. There shall also be submitted a copy of any covenants or deed restrictions that are intended to cover all or any part of the site.
- L. Location of all water mains, fire hydrants, potable water systems, storm drainage facilities and sanitary sewer lines existing and proposed.

M. The name, title and address of the applicant and the owner and the name, address and title of the person preparing the plan or maps and appropriate seal of the professional participating in the preparation of same. Maps shall include a place for the signatures of the Chairperson and Secretary of the approving authority, as well as a place for the signature and seal of the Borough Engineer. The municipal tax map lot and block numbers of the lot or lots, or portion thereof, the tax sheet number and key location map for all properties shall be on the map or plan. The map shall include all dates of preparation and revised dates as the case may be.

N. Indication of proposed traffic access and ways showing alignment and visibility and safety considerations.

O. Location and width of proposed driveways and curb cuts.

P. Parking layout, showing number of stalls in each block and any required buffer area.

Q. A three-column table indicating in the left column the requirements of this chapter, in the middle column the existing conditions of the property, and in the right column the proposed development. The following table shall be used:

	Code Allowance or Requirement	Existing Development	Proposed Development
Zone Code per § 240-6.2:			
Lot area:			
Lot width:			
Lot depth:			
Structure height:			
Stories:			
Floor area:			
Floor area ratio:			
Front yard:			
Side yard:			
Combined side yard:			
Rear yard:			
Building coverage:			
Lot coverage:			
Buffer zone dimensions:			
Off-Street parking spaces:			
Distance to nearest residential zone line:			
Number of employees at building:			
List of required variances:			

R. Such other information and data as may be required by the applicable Board in order to determine that the details of the site plan are in accord with the standards of this chapter and other ordinances of the Borough, and further that the building or use will not be detrimental to the public interest.

§ 240-13.4. Minor site plan.

A. Definition. A "minor site plan" shall mean a development plan that does not involve a planned unit development, any new street or extension of any off-tract improvement that is to be prorated pursuant to N.J.S.A. 40:55D-42 and which contains the information reasonably required in order to make an informed determination as to whether the requirements established by this chapter for approval have been met. A "minor site plan" shall additionally mean a site plan for a development or building alteration requiring less than 10 parking spaces as required by this chapter, containing less than 2,500 new or additional square feet of floor area and not having more than 50% lot coverage. The approving Board, upon receipt of a site plan application, shall, by a vote of a majority of its members, decide whether or not to treat the said application as a minor site plan.

B. The approving Board may waive public notice of a public hearing for application for development if it finds that such application conforms to the definition of a minor site plan.

C. Minor site plan approval shall be deemed to be final approval of the site plan by the approving Board, provided that the approving Board may condition such approval on terms ensuring the provision of improvements pursuant to N.J.S.A. 40:55D-38, 40:55D-41 and 40:55D-53.

D. The zoning requirements and general terms and conditions, whether conditioned or otherwise, upon which minor site plan approval is granted shall not be changed for a period of two years after the date of minor site plan approval.

§ 240-13.5. Final site plan application.

An application for approval of a final site plan shall contain all the data and information required by § 240-13.3. An application for final site plan approval shall also be accompanied by:

A. A letter containing a list of all items to be covered by a performance guaranty (cash or certified check), the quantities of each item, the cost of each of them and the total amount of all items.

B. A letter from the Borough Engineer stating that the required improvements have been installed to the Engineer's satisfaction in accordance with the applicable Borough specifications and that the performance guaranty is adequate to cover the cost of the remaining improvements.

C. A letter from the developer's New Jersey Licensed Professional Engineer stating that the final plat plan conforms to the preliminary plan as submitted and approved. The developer shall be liable for additional engineering fees incurred by the Borough where such certification is found to be incorrect.

§ 240-13.6. Joint site plan application.

Where the approving Board deems it appropriate, a combined preliminary and final application may be submitted simultaneously.

§ 240-13.7. Minimum standards for site plan approval.

A. In reviewing a site plan application, the approving Board shall ascertain that the following minimum standards are complied with:

- (1) That the provisions of this chapter with respect to height, minimum lot areas, mandatory open spaces, floor area ratio and the like are complied with.
- (2) That adequate provision is made for off-street parking in accordance with the ordinances of the Borough of Oradell and that adequate traffic circulation and protection to adjoining properties are provided.
- (3) That adequate provision is made for disposal of stormwater, as approved by the Borough Engineer, so that no runoff onto any adjacent property shall occur.
- (4) That the location, design or construction of any building is not likely to involve risks of traffic congestion, public safety or hazard.
- (5) That the design or construction of any building will not be so markedly incongruous with the character of the neighborhood as to materially affect the value of adjacent or nearby property.
- (6) That all other applicable provisions of the ordinances of the Borough of Oradell are met.
- (7) That the applicant has obtained necessary approvals of any federal, state, county or municipal agencies, or that the Planning Board's approval is conditioned upon the applicant obtaining such necessary approvals.
- (8) That the proposed plan is suitable as to appearance and nature of use in relation to the district in which it is located and that the impact of the proposed use upon other properties in the area is considered.
- (9) That consideration is given to the environmental protection for the health, safety and welfare of the community.
- (10) That the landscaping plan as submitted by the applicant is suitable and that shade trees are provided for as set forth in any regulation of the Borough Shade Tree Committee or Department of Public Works.
- (11) That a landscape plan prepared by a New Jersey licensed landscape architect/professional is submitted for review and approval, and that open spaces as well as buffer areas are provided for the purpose of isolating the activities conducted on the site from adjacent residential areas, if any.

(12) That all raw materials, fuels, finished products, machinery and equipment, including but not limited to motor vehicles, vents, prefabricated chimneys and ducts, that are used in the operation or maintenance of the premises are located entirely within an enclosed building, provided that same may be located on the roof or in the side or rear yards of the premises if they are adequately screened so that they are not visible from the street or adjacent residential premises.

B. The approving Board shall give consideration to such other elements or aspects of the site plan and proposed use as may relate to the design of the plan, the general environment of the area or the health, safety and general welfare of the public and in so doing may refer the application to such other agencies as may be desirable for report and recommendation.

ARTICLE XIV, Guaranties

§ 240-14.1 Performance and maintenance guaranties required.

Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65, the approving Board may require and shall accept, in accordance with the standards adopted by this chapter, for the purpose of assuring the installation and maintenance of on-tract improvements:

A. The furnishing of a performance guaranty acceptable to the Borough's Chief Financial Officer in favor of the Borough in the amount of 120% of the cost of installation, which cost shall be determined by the Borough Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4, for improvements which the approving Board may deem necessary or appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyor's monuments as shown on the final map and required by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping. The Borough Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guaranty, which itemized cost estimate shall be appended to each performance guaranty posted by the obligor.

B. Provision for a maintenance guaranty, to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in the amount of 15% of the cost of the improvement, which cost shall be determined by the Borough Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the municipality for such utilities or improvements.

§ 240-14.2 Extension of time limits for installation of improvements.

A. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guaranty shall be increased or reduced, as the case maybe, to the amount of 120% of the cost of the installation, which cost shall be determined by the Borough

Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 as of the time of the passage of the resolution.

B If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may, either prior to or after the receipt of the proceeds thereof; complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

§ 240-14.3 Completion of improvements.

A. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the Borough Clerk and the Borough Engineer, prepare, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guaranty pursuant to this article, a list of all incomplete or unsatisfactorily completed improvements. If such a request is made, the obligor shall send a copy of the request to the Borough Engineer. The request shall indicate which improvements have been completed and which improvements remain incomplete in the judgment of the obligor. Thereupon the Borough Engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

B. The list prepared by the Borough Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Borough Engineer shall identify each improvement determined to be complete and satisfactory, together with a recommendation as to the amount of reduction to be made in the performance guaranty relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guaranty pursuant to Subsection A of this article.

C. The governing body, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Borough Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guaranty relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guaranty pursuant to this article. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Borough Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guaranty, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of performance guaranty posted may be retained to ensure completion and acceptability of all improvements.

D In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guaranty, then any partial reduction granted in the performance guaranty pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guaranty.

E. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification as set forth in this section shall be followed.

F. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Borough Engineer for the foregoing inspection of improvements, provided that the Borough may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$1,000 or 10% of the cost of improvements, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4.

ARTICLE XV, Effect of Approval of Subdivision and Site Plans

§ 240-15.1 Minor site plan and minor subdivision approval.

The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan or subdivision approval was granted shall not be changed for a period of two years after the date of approval.

§ 240-15.2. Preliminary approval.

Preliminary approval of major subdivision or site plan applications shall be for a period of three years from the date on which the resolution is adopted and shall confer upon the applicant the rights set forth in N J S A 40:55D-49.

§ 240-15.3. Final approval.

Final approval of major subdivision or site plan applications shall be for a period of two years from the date on which the resolution is adopted and shall confer upon the applicant the rights set forth in N.J.S.A. 40:55D-52.

§ 240-15.4. Extension.

The municipal Board granting approval may grant extensions to the time limits pursuant to the provisions of the Municipal Land Use Act

ARTICLE XVI, Soil Moving

§ 240-16.1 Storage of removed topsoil; transport of unused topsoil.

A. Persons excavating and developing said lands shall store topsoil from the land within the boundaries of the land and shall remove therefrom only that topsoil which may be permitted by the Planning Board as herein provided; and the topsoil or balance thereof shall be spread uniformly over the land.

B. All soil permitted to be removed from the premises must be transported in such a manner that the same shall not be caused to spill on the roadways of the Borough. In the event that soil is spilled upon any Borough road, the Superintendent of the Department of Public Works or his agent shall cause such soil to be removed by the Borough sweeper at a charge of \$100 per man hour during normal working hours and \$200 per man hour at other times, plus \$150 per equipment hour, which cost shall be certified to the Mayor and Council and the Construction Official and, upon approval by resolution of the Mayor and Council, shall be charged against the performance bond posted by the applicant.

§ 240-16.2 Final layer of topsoil required.

No owner of land shall deposit or cause to be deposited any soil upon his land without providing for a final layer of topsoil at least four inches in depth to be placed thereon.

§ 240-16.3 Examination and inspection of land.

For the purpose of administering and enforcing this chapter, any officer, agent or employee of the Borough authorized to enforce this Chapter shall have the right to enter into and upon any lands in or upon which soil moving operations are being conducted to examine and inspect such lands.

§ 240-16.4 Permit required.

No owner, developer or person shall move or cause, allow, permit or suffer to be moved any soil in, upon or from any lot in the Borough, nor shall any owner, developer or person raise or lower or cause to be raised or lowered the grade of any land unless and until a permit therefor shall first have been approved by the Planning Board if over 100 cubic yards or the Construction Official is less than or equal to 100 cubic yards and obtained from the Construction Official of the Borough, as per the following calculations:

- A. Under 30 cubic yards
 - \$1,000.00 escrow (Borough Engineer review and inspection, balance will be refunded)
 - survey (3 copies) showing storm water management (type of system, location, measurements)
- B. 30 cubic yards up to 100 cubic yards
 - \$1,000.00 escrow (Borough Engineer review and inspection, balance will be refunded)
 - site plan (3 sets by a licensed engineer showing storm water system, location, soil calculation, grades, etc.)
- C. 100 cubic yards and above

- application to the Planning Board for a Soil Moving Permit, fees for application
- site plan (3 sets by a licensed engineer showing storm water system, location, soil calculation, grades, etc.)

The permit required under the provisions of this section shall be designated a soil permit. The Borough of Oradell shall have first option receive any soil removed from a site or building lot at no cost to the Borough and to designate the placement of soil within the Borough.

§ 240-16.5 Filing of applications; fees.

- A. Applications shall be filed with the Planning Board or Borough Engineer as the case may be, in duplicate, together with a fee payable to the order of the Borough of Oradell.
- B. Fees shall be as indicated in Chapter 115, Fees.

§ 240-16.6 Information required on application.

- A. The applications for soil permits shall contain the following information:
 - (1) The name and address of the owner of the land.
 - (2) A description of the land as to size and location.
 - (3) The lot and block numbers of the lands, as shown on the current Assessment Map of the Borough.
 - (4) The reason for moving, removing, or adding the soil.
 - (5) The type and quantity of soil to be moved, removed or added.
 - (6) The location to which the soil is to be moved, removed or added.
 - (7) The dates of commencement and completion of the movement, removal or addition of the soil.
 - (8) The final condition in which the land shall be placed.
 - (9) A map of the premises showing the contour lines and the present and proposed slopes of land.
 - (10) The present and proposed surface water drainage.
 - (11) Such other pertinent data as the Planning Board may hereafter require.
 - (12) A certification that the soil is "clean and not contaminated" under ISRA or any successor standards. EN(5)
 - (13) A performance bond in the amount of \$750.00.

§ 240-16.7 Consideration and review of application.

The Planning Board shall consider and review each application for a soil permit within forty-five (45) days after its submission in proper form. Notice of the time and place of the Planning Board's consideration of the application shall be given by letter to the applicant.

§ 240-16.8 Right of applicant to be heard and present evidence.

The applicant shall have the right to present testimony and evidence in support of the application.

§ 240-16.9 Planning Board review criteria.

The Planning Board, in considering and reviewing an application for a soil permit and in determining its decision, shall be guided by the general purpose of municipal planning and shall take into consideration the following factors in particular:

- A. Soil erosion by water and wind.
- B. Surface water drainage.
- C. Soil fertility.
- D. Lateral support slopes and grades of abutting streets and lands.
- E. Public health and safety.
- F. Land values and uses.
- G. Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Borough.

§ 240-16.10 Issuance of permit; refusal; appeals.

If an application for a soil permit is approved by the Planning Board or Borough Engineer as the case may be, the Construction Official shall issue the soil permit forthwith and with such special conditions as the Planning Board or Borough Engineer as the case may be deem necessary to carry out the purposes of this chapter.

The Zoning Board of Adjustment shall have the same authority to grant soil moving permits for applications which it has jurisdiction over.

§ 240-16.11 Records to be kept.

A record of all soil permits issued shall be kept by the Building Department.

§ 240-16.12 Form of permit.

The form of the soil permit shall be prescribed by the Construction Official.

ARTICLE XVII, Administration

§ 240-17.1 Enforcement by Zoning Officer.

The provisions of this chapter, and all rules, conditions and requirements adopted or specified pursuant thereto, shall be enforced by the Construction Official, his duly authorized agents and subcode officials, who shall be known as the "Zoning Officer." Nothing in this chapter shall prevent any property owner or resident of the Borough, the Borough itself or any board or agency of the Borough from availing themselves of any lawful remedy in preventing or abating any violation of any provision of this chapter.

§ 240-17.2 Duties of Zoning Officer.

A. The Zoning Officer or his duly authorized assistant shall have the right to enter any building or enter upon any land at any reasonable hour as is essential in the execution of his duties, provided that:

(1) The Zoning Officer or his duly authorized assistant shall display proper identification upon commencing an inspection.

(2) Inspections shall be commenced in the presence of the owner or his representative or tenant, whenever reasonably possible, provided that any representative or tenant shall be over the age of eighteen (18).

B. The Zoning Officer shall maintain files and records of all applications for building permits and plans submitted therewith and for certificates of occupancy issued by him, with notations of all special conditions involved. He shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and of the action taken consequent to each such complaint. These files and records shall be public records, open to public inspection.

C. The Zoning Officer shall report to the governing body, monthly, on the period since has last previous report summarizing all zoning permits and certificates of occupancy issued by him. The governing body may request and shall be furnished with information regarding all complaints of violations and the action taken by him consequent thereto.

§ 240-17.3 Permits.

A. Zoning permits shall hereafter be secured from the Zoning Official prior to the construction, erection or alteration of any building or structure, as defined in this chapter or in any part thereof A building permit issued in accordance with the Building Ordinance of the Borough shall satisfy the purposes of a zoning permit, provided that it conforms to all such further conditions and requirements set forth in this chapter. The fee for each such zoning building permit shall be as set forth in the Fee Schedule.

B. All requests for zoning permits shall be made, in writing, by the owner or the owner's authorized representative and shall contain a statement of the use or intended use of the building, structure or land and shall be accompanied by, among other things which the Zoning Board of Adjustment, Planning Board or Zoning Office shall require, a plan and elevation of the survey or plot plan drawn to scale of 1 inch equals 10 feet or 1 inch equals 20 feet, showing the proposed building in its exact relation to lot and street lines and all other improvements on the lot in a scale not to exceed 1:20.

C. No zoning permit shall be issued for the construction or alteration of any building upon a lot without access to a street.

D. No zoning permit shall be issued for any building where the site plan of such building is subject to approval by the Planning Board or Zoning Board of Adjustment, until the appropriate Board approves the site plan and any required approvals of county and state agencies have been obtained.

E. No zoning permit shall be issued for a building to be used for any conditional use in any zone where such use is allowed only by approval of the Planning Board or Zoning Board of Adjustment as the case may be, unless and until such approval has been duly granted by the appropriate Board.

F. The zoning permit application and all supporting documentation shall be made in duplicate. Upon the issuance of a zoning permit, the Zoning Officer shall return one copy of all filed documents to the applicant.

G. The Zoning Officer shall, within 20 working days after the filing of a complete and properly prepared application, either issue or deny a zoning permit. If a zoning permit is denied, the Zoning Officer shall state, in writing, to the applicant the reasons for such denial.

H. Every zoning permit shall expire if the work authorized has not commenced within one year after the date of issuance. If no zoning amendments or other codes or regulations affecting subject property have been enacted and there has been no publication of notice of a hearing on such amendment or code or regulation in the interim, the Zoning Officer may authorize, in writing, the extension of the above periods for an additional one year.

§ 240-17.4 Violations and penalties.

A. Any owner, lessee, contractor, agent or other person who uses or maintains, or causes to be used or maintained, any building or premises or part thereof in the Borough for any purposes other than the uses permitted therefor in this chapter, or who erects, enlarges or alters, or causes to be erected, enlarged or altered, any building or any part thereof in the Borough, except in conformity with the provisions of this chapter, or who otherwise violates or causes to be violated any provision of this chapter shall, upon conviction, be subject to penalties as follows: a fine of not less than \$100 nor more than \$2,000 or imprisonment for a period not exceeding 30 days, or both.

B. Except as otherwise provided, each and every day in which a violation of any provision of this chapter shall exist shall constitute a separate violation.

ARTICLE XVIII, Miscellaneous Provisions

§ 240-18.1 Miscellaneous Provisions

All sections of the Land Subdivision Ordinance, Zoning Ordinance, Site Plan Review Ordinance or any other ordinance of the Borough of Oradell which contains provisions contrary to the provisions of this chapter shall be and are hereby to the extent of such inconsistency repealed.

§ 240-18.2. Effect on prior applications.

All applications for development filed prior to the effective date of this chapter may be continued. Time for the Board to consider and decide each such pending application shall be the shortest period of time as permitted under this chapter or the prior ordinance and statute.

§ 240-18.3. Copy to be filed with County Planning Board.

Immediately upon adoption of this chapter, the Borough Clerk shall file a copy of this chapter with the clerks of every adjacent municipality and with the County Planning Board as required by law. The Clerk shall also file with said County Planning Board copies of all other ordinances of the municipality relating to land use, such as the Subdivision, Zoning and Site Plan Review Ordinances.

(CHART AND DIAGRAMS TO FOLLOW ON SEPERATE PAGE)

LAND DEVELOPMENT
240 Attachment 1
Borough of Oradell
Area, Yard and Bulk Requirements (Maximums and Minimums) see note 1&2
(Referenced from § 240-6.5)

Zone	R-1	R-2	R-3	R-4	R-5	A-I	B-1	B-2	B-3	C-I	CR	MX	AH
Lot Area (square feet)	18,750	12,000	9,000	7,500	7,500	40,000	- -	- -	- -	15,000	- -	174,240	- -
Lot Width (feet)	125	100	75	75	75	150	150	150	150	150	150	500	- -
Front Yard, setback from street line (feet)	35	30	25	25	25	40	15	35	15	15	35	35 - 100	- -
Rear Yard (larger of feet or %)	25	25	25	25	25	Parking	Parking	Parking	Parking	Parking	Parking	25	- -
Side Yard (feet)	20	15	10	10	10	20	10	20	10	10	- -	25 -75	- -
Total of Side Yards (feet)	40	35	25	25	25	40	25	50	25	25	- -	50 - 150	- -
Height (feet)	Diagram A or B	Diagram A or B	Diagram A or B	Diagram A or B	Diagram A or B	35	35	35	35	35	20	35	35
Building Coverage	25%	25%	25%	25%	25%	25%	40%	40%	40%	40%	- -	25%	- -
Lot Coverage	40%	40%	40%	40%	40%	40%	80% - 85%	75%	80% - 85%	90%	10%	50%	- -
Floor Area Ratio	§240-6.5	§240-6.5	§240-6.5	§240-6.5	§240-6.5	.35	.35	.35	.35	.33	.33	.33	- -

Notes:

¹ For further detailed information, see § 240-6.

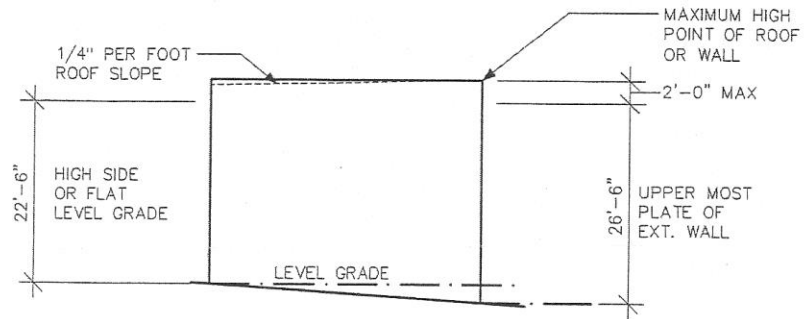
² If there are any differences between this chart and the sections setting these requirements, the associated section(s) shall take priority over this chart

Date: 9/4/2012

12 - 15 - 2012

BUILDING HEIGHT

DIAGRAM "A"



LOW SLOPE AND FLAT ROOFS
FRONT OR SIDE PROPERTY LINES

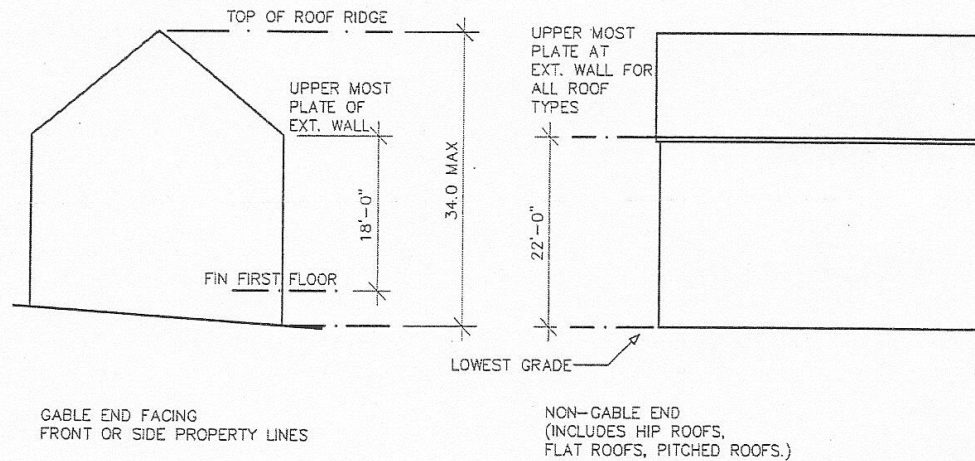
Residential structures with flat roofs with roof pitches not exceeding 1/4" per foot rise shall not exceed the dimensions shown in diagram "A".

Heights measurements shall conform to definition of height as set forth in The Oradell Zoning Code Section 240-2.2 Definition of terms.

Date: 9/4/2012

BUILDING HEIGHT

DIAGRAM "B"



Residential structures with a pitched roof shall not exceed the dimensions shown in diagram "B".

Within attics above a second floor dormers and similar architectural enhancements (such as eyebrow windows) are allowed. The total square foot area of the facing surface (front) of all dormers or similar enhancement may not exceed 15% of the roof area in which it sits. Dormers within the attic above a second floor may not exceed 7'6" in width.

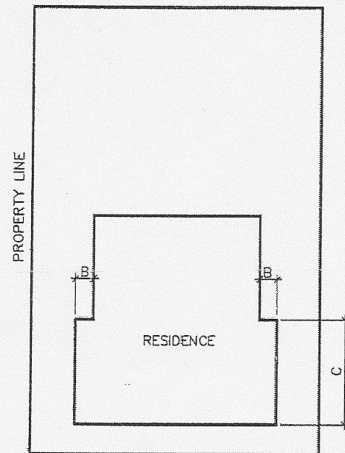
A calculation of such amenities must be included within plans submitted for review for any municipal board application or permit application.

Heights measurements shall conform to definition of height as set forth in The Oradell Zoning Code Section 240-2.2 Definition of terms.

Date: 9/4/2012

Side Yard Wall Setbacks

Diagram C



ZONE	OFFSET "B"	MAX WALL LENGTH "C"
R-1	6'	35'
R-2	6'	35'
R-3, R-4, R-5	2'	40'

A wall length along any side yard may not exceed the dimensions shown in diagram "C" and shall be measured as a horizontal plane as defined below.

The measurement of a horizontal plane is the length of a building measured along the longest length of a wall surface on any single building face by projecting all wall surfaces, of all floors, vertically to the grade below.

For the purpose of diagram "C" the horizontal plane measurement shall be continuous through all projections from the walls for fireplaces chimneys, oriel windows such as bay, box bay or other similar ornamental projection of less than 15 feet in width. Those projections 15'0" in length or greater must be 2'0" or greater in depth and continuous in height to the intersecting point of the gable end or roof eave above to be considered as a separate horizontal plane measurement.

Open covered porches, decks and patios are not included in the length of wall calculation.

Date: 9/4/2012

Ordinance #11-9

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY
ORDINANCE #11-9

AMEND CHAPTER 240 OF THE CODE OF THE BOROUGH OF
ORADELL ENTITLED "ORADELL LAND USE
DEVELOPMENT ORDINANCE"

This ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Oradell, in the County of Bergen and State of New Jersey, held on November 22nd, 2011. It will be further considered for final passage after public hearing thereon, at a Special Meeting of said Borough Council to be held in the Town Hall, on December 13, 2011, at 7:00 P.M. and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Town Hall to the members of the general public who shall request the same.


LAURA J. GRAHAM, RMC
Administrator/Borough Clerk

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY
ORDINANCE #11-9

AMEND CHAPTER 240 OF THE CODE OF THE BOROUGH OF
ORADELL ENTITLED "ORADELL LAND USE
DEVELOPMENT ORDINANCE"

Introduced: November 22, 2011

Passed 1st Reading: November 22, 2011

Public Hearing: December 13, 2011

Adopted: December 13, 2011

Approved: December 13, 2011


DARNE CAMELO O'DON, MAYOR

ATTEST:


Laura J. Graham, Borough Clerk

This to certify that the foregoing ordinance was finally passed and adopted at the Regular Meeting of the Borough Council of the Borough of Oradell, New Jersey on December 13, 2011, and the same was approved by the Mayor of the Borough of Oradell on December 13, 2011.


Laura J. Graham, RMC
Administration/Borough Clerk