

**TOWNSHIP OF MAHWAH
COMBINED WORK SESSION AND PUBLIC MEETING AGENDA
THURSDAY, FEBRUARY 24, 2022**

**Honorable Anthony J. Gianni Jr. Chambers
Richard J. Martel Municipal Center
475 Corporate Drive, Mahwah, New Jersey**

7:00PM

Meeting to be held via Zoom Remote Video/Audio Conference

ZOOM INFORMATION

Please click the link below to join the webinar:

<https://zoom.us/j/97457310248?pwd=S0h3Y2pQSU4zSzkxM21BVHdTZ2NWZz09>

Passcode: 239024

Or iPhone one-tap :

US: +13126266799,,97457310248# or +19292056099,,97457310248#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 974 5731 0248

International numbers available: <https://zoom.us/u/acVnqpI7dR>

COUNCIL PRESIDENT'S STATEMENT

SALUTE TO THE FLAG

MOMENT OF SILENCE

- Veterans and Those Serving in the Military
- Those affected by the Coronavirus

ROLL CALL: _____ Ariemma; _____ Bolan; _____ Ervin; _____ Ferguson; _____ May;
_____ Paz; _____ Wong

RESOLUTION ACKNOWLEDGING YEARS OF SERVICE ON ZONING BOARD OF ADJUSTMENT

Mr. Wesley Whiteman

* #113-22

RESOLUTIONS OF ACKNOWLEDGEMENT and THANKS

#095-22 Fire Department
#096-22 CERT
#097-22 Girl Scouts
#098-22 Department of Public Works

WORK SESSION

SUBMISSION OF BILLS AND CLAIMS

ENGINEERING

- 1a. Fire Co. #3; 1 Rozanski Lane; Block 123, Lot 17.01; Authorization of Engineering Services Associated with Preparation of NJDEP General Permit No. 2 Application
- 1b. Verbal Status Report

LEGAL

- 2a. Authorization of Approval; Execution of Purchase and Sale Agreement and Proceeding with Due Diligence on Acquisition of 2168 Jordan Court (Block 70, Lot 2168)
- 2b. Authorization of Approval; Memorandum of Understanding; Extension of Affordability Control; 2003 Arthur Court
- * 2c. ~~Amendment to Chapter 24; Establishment of New MF-1 Multi-Family-1-District~~ Removed
- * 2d. Professional Services Contract Award; ATD Consultants; Property Condition Assessment on Norfolk Village Property

ADMINISTRATION

- 3a. Rejection of Bid #MTB-22-01: Municipal Pool Improvements
- 3b. 2021 Recycling Tonnage Grant Application; Naming of Designee
- 3c. 2021 Recycling Certification Resolution
- 3d. Renewal of Maintenance Agreement; Proprietary Computer Software/Hardware Contract; Mitchell Humphries and Company
- 3e. Request for Authorization to Use Competitive Contracting to Hire a Food Concessionaire at the Municipal Pool
- 3f. Alternate Non-Fair and Open Contract; Swagit Productions LLC
- 3g. Mahwah Recreation Program and Township Events Fees; 2022 Season
- 3h. Ratification; White Collar Contract
- 3i. Ratification; Blue Collar Contract
- 3j. 2022 Budget Presentation

TOWNSHIP COUNCIL and MUNICIPAL CLERK

- 4a. 2022 Budget Meetings; Discussion
- 4b. Jr. Firefighter Application; Bhavan Madala to Fire Company #1

PUBLIC PORTION

Prior to speaking, each Speaker shall provide their Name and Address

- Mahwah Residents shall speak first
- In this Public Portion, Speakers may speak about any topic
- Speaker must direct questions or comments to the Council President
- There will be no back and forth dialogue between the Speaker and Representatives on the dais
- When the Speaker is finished with statement or questions, the Council will respond as appropriate
- Each Speaker shall be limited to 3 minutes, when 3 minutes expires, Council will move on to the next Speaker
- This Public Portion shall be a maximum of 30 minutes
- Speakers may only speak once during each Public Portion

* * * * *

PUBLIC MEETING

APPROVAL OF BILLS AND CLAIMS

APPROVAL OF MEETING MINUTES

Combined Work Session and Public Meeting

February 10, 2022

Closed Session

February 10, 2022

REPORTS OF TOWNSHIP COUNCIL and MUNICIPAL CLERK
TOWNSHIP COUNCIL; COMMENTS, COMMUNICATIONS AND REPORTS OF
SUBCOMMITTEES

REPORTS OF MAYOR and BUSINESS ADMINISTRATOR

RESOLUTIONS

- #099-22 Ratification; White Collar Contract
#100-22 Ratification; Blue Collar Contract

ORDINANCE – INTRODUCTION

- * ~~#1968 An Ordinance of the Township of Mahwah, Amending and Supplementing Chapter 24, “Zoning” of the Land Development Code to Establish a New MF-1 Multi-Family District and to Set Forth the Standards and Criteria Applicable Thereto~~ **Removed**

ORDINANCE – PUBLIC HEARINGS

- #1958 An Ordinance of the Township of Mahwah, County of Bergen, State of New Jersey, Readopting Chapter 24, Entitled Zoning, in its entirety with the Exception of Chapter 24, Section 4.27 MF-1, and as Otherwise Reflected in the Chapter 24 – **TO BE CARRIED TO MEETING OF MARCH 10, 2022**
- #1959 An Ordinance of the Township, County of Bergen, State of New Jersey, Amending Chapter 4, General Licensing, and Chapter 24, Zoning, of the Township Code, to Permit the Licensing and Operation of One Retail Cannabis Business as a Conditional Use in the B-40 Zone at Block 59, Lot 20.01, and Prohibiting Cannabis Consumption Areas in any Cannabis Business Location – **TO BE CARRIED TO MEETING OF MARCH 10, 2022**
- #1961 Ordinance of the Township of Mahwah, County of Bergen, State of New Jersey, Amending Chapter 24, Entitled Zoning, of the Township Code to Permit Instructional Uses in Certain Commercial Zones – **TO BE CARRIED TO MEETING OF MARCH 10, 2022**
- #1965 An Ordinance Setting Salaries for Blue Collar Employees
- #1966 An Ordinance Setting Salaries for White Collar, Management and Non-Union Employees
- #1967 Ordinance of the Township of Mahwah, County of Bergen, State of New Jersey, Amending and Restating in Full Section 21-32, Music, Film and Arts Committee, of the Township Code to Clarify Membership Composition

PUBLIC PORTION

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- **Mahwah Residents shall speak first**
- **In this Public Portion, Speakers may speak about any topic**
- **Speaker must direct questions or comments to the Council President**
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- **This Public Portion shall be a maximum of 30 minutes**
- **Speakers may only speak once during each Public Portion**

CONSENT AGENDA

There will be no separate discussions of Resolutions below. If discussion is desired by any Councilmember on any Resolution(s), that Resolution(s) will be removed from the Consent Agenda and discussed separately.

- #101-22 Professional Services Agreement; Boswell Engineering; Engineering Services Associated with Preparation of NJDEP General Permit No. 2 Application at Fire Co. #3 (1 Rozanski Lane) in Block 123, Lot 17.01
- #102-22 Execution of Purchase and Sale Agreement and Proceeding with Due Diligence on Acquisition of 2168 Jordan Court (Block 70, Lot 2168)
- #103-22 Memorandum of Understanding; Extension of Affordability Control; 2003 Arthur Court
- #104-22 Rejection of Bid #MTB-22-01: Municipal Pool Improvements
- #105-22 2021 Recycling Tonnage Grant Application; Naming of Designee
- #106-22 2021 Recycling Certification Resolution
- #107-22 Renewal of Maintenance Agreement; Proprietary Computer Software/Hardware Contract; Mitchell Humphries and Company
- #108-22 Authorization to Use Competitive Contracting to Hire a Food Concessionaire at the Municipal Pool
- #109-22 Alternate Non-Fair and Open Contract; Swagit Productions LLC
- #110-22 Mahwah Recreation Program and Township Events Fees; 2022 Season
- #111-22 2022 Budget
- #112-22 Appointment of Jr. Firefighter Bhavan Madala to Fire Company #1
- * #114-22 Professional Services Contract Award; ATD Consultants; Property Condition Assessment on Norfolk Village Property

OLD BUSINESS

1. **Merger; Planning Board and Zoning Board of Adjustment**
2. Bergen County Gun Range
3. Security Cameras; Continental Soldiers and Commodore Perry Parks
4. Wildlife Management Forum
5. Repairs to Fire Trucks
6. Garbage Collection
7. Norfolk Village
8. Cell Phone Charging Stations
9. Irrigation Systems
10. Electric Charging Stations
11. Flyover; Route 287
12. Blue House
13. NJ Transit Access Link

NEW BUSINESS

- * **CLOSED SESSION** C1. Litigation

ADJOURNMENT

THIS AGENDA IS SUBJECT TO CHANGE.

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #113-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
May						
Paz						
Wong						

WHEREAS, Wesley Whiteman was a Member of the Zoning Board of Adjustment for approximately 18 years – since August 2003; and

WHEREAS, Wesley has heard, reviewed and voted on many Items which came before him and his fellow Board Members; and

WHEREAS, Wesley was a devoted Member of the Board.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Township Council thank Wesley for the time he served on the Zoning Board of Adjustment. And wish him all the best in the future.

I hereby certify this Resolution consisting of one (1) page was adopted at a Meeting of the Township Council of the Township of Mahwah on the 24th day of February, 2022.

Kathrine G. Coviello
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #095-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
May						
Paz						
Wong						

WHEREAS, there are 5 Fire Companies within the Township and

WHEREAS, in 2021, the Fire Department, in Total, responded to 764 Calls; and

WHEREAS, Responses included several extensive house fires and an 8,000 gallon Tanker Truck with flipped over on the Route 287 Flyover; and

WHEREAS, the Township Fire Department responds to calls no matter the hour or day of the week.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Township Council of the Township of Mahwah thanks the entire Township Fire Department for all they do both in Fire Responses and engaging within the Township.

I hereby certify that this resolution consisting of one page(s), was adopted at a Meeting of the Township Council of the Township of Mahwah, on this 24th day of February, 2022.

Kathrine G. Coviello
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #096-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
May						
Paz						
Wong						

WHEREAS, within the Township is CERT (Community Emergency Response Team), which is comprised 100% of volunteers; and

WHEREAS, during the year, CERT Members assist Township Organizations and Departments in many ways through traffic details, etc.; and

WHEREAS, CERT is a valuable asset to the Township and the Residents.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Township Council thank CERT for all they do in the Township.

I hereby certify that this resolution consisting of one page(s), was adopted at a Meeting of the Township Council of the Township of Mahwah, on this 24th day of February, 2022.

Kathrine G. Coviello
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #097-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
May						
Paz						
Wong						

WHEREAS, in Girls Scouts, girls are prepared to empower themselves and to promote compassion, courage, confidence, character, leadership, entrepreneurship and active citizenship; and

WHEREAS, the Girl Scouts within the Township are hard working individuals who strive for the betterment of the Township and the Residents; and

WHEREAS, just in 2021, the Projects undertaken by the Girl Scouts were:

- Decorating the Township's Holiday Tree at Van Saun Park
- Working on Girl Scout Silver Awards
- Reflection Bench at Lake Henry
- Free Little Library at Continental Soldiers Park
- Planting flowers within the Township

and

WHEREAS, Girls Scouts not only engages the girls but also their families and friends in their journey as they are growing into their best selves; and

WHEREAS, Girl Scouts evolve into their best selves and they are ushered by their parents, families, Leaders and fellow Girl Scouts.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Township Council of the Township of Mahwah thank all Township Girl Scouts for all they do in the Township and their parents, families, Leaders and fellow Girl Scouts for their involvement.

I hereby certify that this resolution consisting of one page(s), was adopted at a Meeting of the Township Council of the Township of Mahwah, on this 24th day of February, 2022.

Kathrine G. Coviello
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #098-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
May						
Paz						
Wong						

WHEREAS, the Township Department of Public Works Employees are hard working Individuals who perform many tasks throughout the Township; and

WHEREAS, the Department of Public Works Employees pick up leaves, plow snow, mow lawns, etc.; and

WHEREAS, the DPW Employees never complain about the never ending tasks they have to accomplish on a regular basis; and

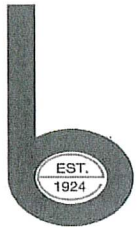
WHEREAS, most do not know how much the DPW does as they do it so well and never look for any recognition or praise.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Township Council of the Township of Mahwah thank the Department of Public Works Employees for going above and beyond for the Residents of the Township in all they do.

I hereby certify that this resolution consisting of one page(s), was adopted at a Meeting of the Township Council of the Township of Mahwah, on this 24th day of February, 2022.

Kathrine G. Coviello
Municipal Clerk

David May
Council President



BOSWELL ENGINEERING

ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

1a.

VIA ELECTRONIC AND REGULAR MAIL

February 17, 2022

Mr. Benjamin Kezmarsky
Township Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, New Jersey 07430-3603

Re: NJDEP Freshwater Wetlands General Permit No. 2
Fire Company No. 3
1 Rozanski Lane
Block 123, Lot 17.01
Township of Mahwah
Bergen County, New Jersey
Our File No. PR-22-11040

Dear Mr. Kezmarsky:

Boswell Engineering (Boswell) is pleased to provide this proposal for the environmental permitting services associated with the above referenced site. It is our understanding that the Township of Mahwah is evaluating options to improve cell service within the area. The subject property encompasses 11.43-acres and is occupied by the Township of Mahwah Fire Department.

The Township of Mahwah received an NJDEP LOI-Line Verification for Mahwah Fire Company No. 3. The wetland/upland boundary has been established and the resource classification has been determined to be 150'. The 150' transition area was based on the findings of threatened and endangered species present on site and the surrounding area.

We reviewed a site plan layout for a proposed cell tower to be constructed on site. Based on the location of the proposed electrical service the Township will require a Freshwater Wetlands General Permit No. 2 (FWWGP2). Specifically, a FWWGP2, is best suited for the proposed activity because the proposed electrical service required for the cell tower operations is located in a disturbed wetlands and transition area along Rozanski Lane

Scope of Work

The following presents Boswell's scope of work:

Task 1 – Freshwater Wetlands General Permit No 2

Boswell will complete all of the necessary plans and documents to submit an application for a FWWGP2 for the installation of a proposed electrical service for a proposed cell tower and ancillary equipment. We will coordinate with the NJDEP during the review process to assist in a timely permit approval. This task includes the following:

1. Property owner certification;
2. Public notice form
3. Freshwater Wetlands Checklist;
4. Site photographs of the project area;
5. Copy of the location maps and figures;
6. Threatened and endangered species inventories
7. Notices to adjacent property owners, certified mail, return receipt requested (to be paid by the Township);
8. Compliance Statement (in accordance with N.J.A.C. 7:7A and 7:13);
9. Environmental Report; and,
10. Application fees (Approximately \$1,000 to be paid by the Township).

The plans and reports, prior to submission, will be thoroughly reviewed and checked for completeness in order to avoid unnecessary delays during the administrative review period. Once complete, the packages will be forwarded to the Township for approval prior to submission to the NJDEP Division of Land Resource Protection. As of October 5, 2021 the NJDEP no longer accepts land use authorizations via paper submissions. As a result, Boswell will electronically submit the entire application via the State's online portal. Once uploaded, the Township will receive an invoice from the NJDEP requiring payment. The NJDEP will not review the application until payment is received from the Township.

It is anticipated that once the NJDEP deems the application complete, the permits are attainable within a 90 to 120-day time frame. During this period, our team will coordinate with Division of Land Resource Protection's engineering and environmental staff to ensure expeditious review process.

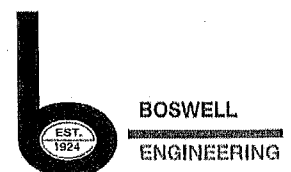
ESTIMATED FEE

We shall provide the environmental consulting services set forth in the Scope of Work. The not to exceed fee is determined on a time and expense basis in accordance with the Boswell standard fee schedule in effect at the time the work is performed.

The estimated fees for the environmental services described above are as follows:

Task Number	Estimated Cost
Task No. 1: Freshwater Wetlands General Permit No. 2	\$ 6,500.00

Grand Total **\$ 6,500.00**



EXCLUSIONS

The following services are not included in this proposal:

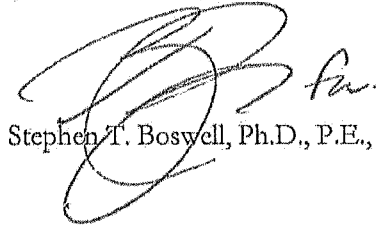
1. Increases in scope of work.
2. Other NJDEP permits not specifically referenced herein (e.g., Freshwater Wetlands, Flood Hazard Area, etc.).

If this proposal meets with your approval, kindly provide us with the necessary authorization to proceed and we will commence the project.

We wish to thank the Township for the opportunity of presenting this proposal and look forward to working with Mahwah on this project. Should you have any questions or require anything further, please do not hesitate to contact Frank J. Rossi, LSRP or me.

Very truly yours,

BOSWELL ENGINEERING



Stephen T. Boswell, Ph.D., P.E., P.P., LSRP, SECB

STB/FJR/cr

220217CRP1_rev 2-23

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #xxx-22

Date: _____, 2022

2a

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT AND PROCEEDING WITH DUE DILIGENCE RELATED TO THE ACQUISITION OF 2168 JORDAN COURT (BLOCK 70, LOT 2168)

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983) and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, municipalities are authorized to purchase and sell existing affordable units, as well as market units that may be converted to affordable units, that become available from time to time, to help satisfy this obligation and to promote affordable housing; and

WHEREAS, the Township of Mahwah desires to purchase real property located at 2168 Jordan Court (Block 70, Lot 2168) in the Township of Mahwah, for a purchase price of \$139,855 to use for municipal purposes including, but not limited to, the fulfillment of the Township's constitutional obligations under the Fair Housing Act; and

WHEREAS, the closing for the purchase is scheduled to take place on or about March 31, 2022; and

WHEREAS, in order to timely close on the purchase, the Township must proceed with its due diligence pending the consideration and passage of an ordinance to authorize the purchase; and

WHEREAS, the Township must also authorize its Chief Financial Officer to execute payments related to the purchase;

WHEREAS, the Chief Financial Officer certifies that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. The Township Administrator, Township Chief Financial Officer, and any other Township officials, as may be appropriate and necessary, are hereby authorized to execute a

Purchase and Sale Agreement, in the amount of \$139,855, or an agreement of similar language, subject to any reasonable amendments made by the Township Attorney to protect the Township's interest and which is agreed upon by the Seller(s).

2. The Township Attorney is hereby authorized to proceed with due diligence and order an appraisal, title search, inspection of the properties, and take any other steps necessary to complete this purchase pending the passage of appropriate ordinances.
3. The Township's CFO is hereby authorized to execute all payments related to the purchase.

I hereby certify that this resolution consisting of one () page(s), was adopted at a meeting of the Township Council of the Township of Mahwah on the ____ day _____, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

MEMORANDUM OF UNDERSTANDING FOR SETTLEMENT

THIS MEMORANDUM OF UNDERSTANDING ("MOU") made this 10th day of February 2022, by and between:

TOWNSHIP OF MAHWAH, a municipal corporation of the State of New Jersey, County of Bergen, having an address at 475 Corporate Drive, Mahwah, New Jersey 07430, (hereinafter the "Township");

And

Christienne Stewen, Mahwah Township affordable unit owners (hereinafter "**Owners**"), with an address of **2003 Arthur Court**, Mahwah, New Jersey 07430 (hereinafter "**Property**") which is part of Franklin Heights.

Collectively, the Township and Owners shall be referred to as the "**Parties**."

WHEREAS, in response to the New Jersey Supreme Court's decision In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 6, 2015, the Township filed an action with the Superior Court of New Jersey ("Court"), entitled *In the Matter of the Application of the Township of Mahwah, County of Bergen*, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan (as defined herein), in addition to related reliefs (the "Compliance Action"); and

WHEREAS, consistent with its proactive approach to achieve its constitutional obligation to provide affordable housing, the Township adopted several compliance mechanisms, which includes an Extension of Controls Program.

WHEREAS, Owners are the owners of a deed restricted affordable unit; and

WHEREAS, Owners have agreed to voluntarily extend controls.

WHEREAS, this Memorandum of Understanding is a non-binding document as several contingencies need to be met in order to determine eligibility for the program.

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, the Parties hereto, agree in this MOU to the terms set forth as follows:

- 1.1 Owners agree to extend its currently existing affordability controls for a period of thirty (30) additional years beginning on April 29, 2023.
- 1.2 The Township agrees to provide a \$20,000 incentive ("**Incentive**") to the Owners for the extension of affordability controls on Owner's affordable dwelling unit;
- 1.3 Payment of the Incentive to the Owners is contingent upon the Owners' eligibility in the extension of controls program and upon the Township inspecting Owners' affordable dwelling unit and determining that it is up to the appropriate building code(s);
- 1.4 The parties agree that the payment of this incentive shall not constitute a legal waiver of the

Township's rights to automatically extend controls, consistent with applicable COAH and UHAC regulations, or an admission that the Township is not entitled to automatically extend these controls, consistent thereto.

Witness/Attest:

Owner

Candace George

By: Christine L. Stewer

Dated: 2/10/22

Witness/Attest:

TOWNSHIP OF MAHWAH

Kathleen G. Orrells

By: James J. Wysocki

Dated: 2/11/22

JAMES J. WYSOCKI, MAYOR

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430
201-5295757

Block: 70 Lot: 2003 Qual: _____
Work Site Location: 2003 ARTHUR COURT
MAHWAH
Owner in Fee: STEWEN, CHRISTIENNE
Address: [REDACTED]
Telephone: [REDACTED]
Agent/Contractor: TOWNSHIP OF MAHWAH
Address: 475 CORPORATE DRIVE
MAHWAH NJ 07430
Telephone: 201 529-5757
Lic. No./Bldrs. Reg.No.: _____ Federal Emp. No.: 20-1529575
Social Security No.: _____

☐ **CERTIFICATE OF OCCUPANCY**

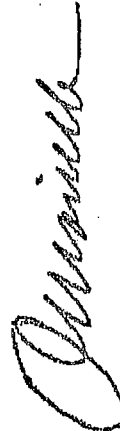
This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ **CERTIFICATE OF APPROVAL**

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☐ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than _____ or will be subject to fine or order to vacate:



Daniel Mairella Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

**CERTIFICATE
IDENTIFICATION**

Date Issued: 02/16/2022
Control #: 86933
Permit #: 20220162

Home Warranty No.: _____
Type of Warranty Plan: _____
Use Group: _____
Maximum Live Load: _____
Construction Classification: _____
Maximum Occupancy Load: _____
Certificate Exp Date: / /
Description of Work/Use: CCO INSPECTION

Update Desc. of Wk/Use: _____

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5-17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work
☐ Partial or limited time period(____ years); see file

☒ **CERTIFICATE OF CONTINUED OCCUPANCY**

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until / /

Fees: \$0.00

Paid/ Check No.: _____

Collected by: _____

PROPOSAL for PROPERTY CONDITION ASSESSMENT

Property Location: 1201 Norfolk Road, Mahwah, NJ

Property Condition Assessment: \$2,950

A 50% deposit is due at the time of the site inspection (or sooner if you would like to mail the check). I will forward a copy of the invoice for your convenience. *The balance is due prior to the issuance of the report.*

We are at a 20 business day turnaround for Property Condition Assessments at this time.

PURPOSE, SCOPE OF WORK

The purpose of a Property Condition Assessment is to observe and document readily visible material and building system defects that might significantly affect the value of the Property, and determine if conditions exist which may have a significant impact on the continued operation of the facility during the evaluation period.

The observations will be performed without removing or damaging components of the existing building systems. Consequently, certain assumptions will be made regarding conditions and operation performance. If any additional information is encountered concerning the facility, it should be forwarded to ATD for possible re-evaluation of the assumptions, conclusions, and recommendations presented in the assessment. All documentation and information received by ATD is deemed to be reliable and accurate. The recommendations and opinions of cost provided are for observed deficiencies based on the understanding that the facility will continue operating in its present occupancy classification.

This assessment will include a site visit, limited interviews with tenant personnel; inquiries to the local building department, zoning department and fire department; a review of available construction documents (drawings and specifications) provided; and visual, non-invasive, non-destructive, observations of the following system components: site development; building structure; building exterior and interior areas; mechanical, electrical, and plumbing systems; conveyance systems, life safety/fire protection, and general ADA compliance.

This assessment is not a pest inspection report. The individuals who completes this assessment is not qualified to perform a termite or pest inspection.

METHODOLOGY

The methodology used in this type of assessment involves inspecting or reviewing items or conditions of an obvious nature that can be readily observed by good commercial and customary practices. The findings and conclusion produced are therefore subject to this intrinsic limitation.

STATEMENT OF LIMITATIONS

The report represents a statement of the physical condition of the buildings and property based upon visual observation, professional analysis and judgment, and is current only as the date of the site observation. The report applies to those portions of the property and/or items and equipment, which were capable of being visually observed, and follows the guidelines of the American Society of Testing Materials ASTM E2018-15. Walls and ceilings were not opened to observe covered, hidden, or concealed conditions. In addition, no sampling was conducted of any property components.

Unless otherwise noted, the following activities are excluded from the scope of the report. These activities should not be construed as all-inclusive or imply that any exclusion not specified or noted below is a requirement of this report:

Removing or relocating materials, furniture, storage containers, personal effects, debris material or finished that obstruct access or visibility;

Conducting exploratory probing or testing of materials, dismantling or operating equipment or appliances;

Preparing engineering calculations to determine any system's, component's or equipment's adequacy or compliance with any specific or commonly accepted design requirements or building codes, or preparing designs or specifications to remedy any physical deficiencies;

Taking Measurements or quantities to establish or confirm any information provided by the owner or user;

Reporting on the presence or absence of pests or insects unless evidence of such presence is readily apparent during the field observer's walk-through survey or such information is provided to the consultant;

Reporting on the presence or absence of mold unless evidence of such presence is readily apparent during the field observer's walk-through survey or such information is provided to the consultant;

Reporting on the condition of subterranean or concealed conditions as well as items or systems that are not permanently installed or are tenant owned and maintained.

Entering or accessing any area of the Property deemed by the field observer to pose a threat to safety of any individual or to the integrity of any building system or material;

Providing an opinion on the operation of any system or component that is shut down as the field observer will not operate any system or piece of equipment;

Evaluating any acoustical or insulating characteristics within the Property;

Providing an opinion on matters regarding security of the Property and protection of its occupants or users from unauthorized access;

Operating or witnessing the operation of lighting or any other system controlled by a time, operated by the Property's maintenance staff or operated by service companies;

Providing an environmental assessment or opinion on the presence of any environmental issues such as asbestos, lead based paint, radon, hazardous wastes, toxic material, the location and presence of designated wetlands, IAQ, etc. unless specifically defined within this report's scope.

This report is not to be construed as a warranty or guarantee of future building conditions or as an estimate of value. Cost estimates used in the report are preliminary in nature and represent a range of probable costs. Firm price quotations from contractors, vendors, or suppliers would be required for more detailed costs, and would be based upon a detailed definition of the proposed scope of work.

No representation is made as to the presence of termite or insect infestation or other wood destroying pests including dry rot fungus. The individuals who complete this assessment is not qualified to perform a termite or pest inspection.

This report is intended to be read in whole. Information provided in the various sections is complementary and in some instances provides additional explanation of information concerning the assessment. Therefore, interpretations and conclusions drawn by reviewing only specific sections are the sole responsibility of the user.

The representations regarding the status of ADA Title III compliance were based on visual observation and without any physical measurement and, thus are only intended to be a good faith effort to assist the client by noting non-conforming conditions along with estimates of costs to correct and are not to be considered to be based on an in-depth study.

This report may be relied upon by the client in determining whether to make a loan evidenced by a note (the "Property Note") secured by the Property. The Report speaks only as of its date in the absence of a specific written update of the Report signed and delivered by ATD. This report has no other purpose and may not be relied upon by any other person or entity without the written consent of ATD.

INSPECTION

We will require access to all basement(s), common area(s), attic (if applicable), roof (if flat), main electric service(s), mechanical areas (heating, cooling, hot water, elevator, etc.), and access to (2) representative apartment units. Supplemental photos of additional unit interiors taken by the tenant are also encouraged (if possible). **Please note that we do not provide ladders to access roofs and it is the property owner's responsibility to provide access to the roofs for our inspection.**

Please note that due to the COVID19 Pandemic, we will be observing those measures recommended by the CDC including face mask and social distancing, and ask for the property contact we will be meeting with to follow these same guidelines. We also ask that the unit(s) chosen for our observation should either be a vacant unit, or one where the tenant is not present if at all possible. In the absence of these options we ask that the tenant(s) remain in an unoccupied bedroom (as appropriate) while we enter the tenant space.

Below is a list of information and questions to be provided if available:

1. A copy of the property survey or a site plan (THIS DOCUMENT IS MOST IMPORTANT).
2. A property description from a previous appraisal or other source.
3. The ages of the mechanical systems, windows, doors and roofs (please break down by building if possible).
4. Name of Waste Hauler, Gas provider, Electric provider, Water provider, and Sanitary Sewerage provider.
5. Information on how many tenant units have been improved and specifics of improvements in the last 10 years.
6. Information on recent site improvements and/or the ages of the pavement, sidewalk, curbs, etc. (where applicable).
7. Age of the building(s).
8. Number of vacancies.

Regarding the areas of our PCA that will be evaluated, the following is ATD's PCA Report standard Table of Contents:

EXECUTIVE SUMMARY

General Description

Conclusions/Recommendations

1.0 INTRODUCTION

- 1.1 Purpose and Scope
- 1.2 Evaluation Definitions
- 1.3 Cost Estimating Methodology
- 1.4 Document Review and Interview
- 1.5 Statement of Limitations

2.0 SYSTEM DESCRIPTION AND OBSERVATION

- 2.1 Overall General Description
- 2.2 Site Visit
- 2.3 Site/Site Improvements
 - 2.3.1 Stormwater Drainage
 - 2.3.2 Parking, Paving and Striping
 - 2.3.3 Curbs
 - 2.3.4 Pedestrian Paving
 - 2.3.5 Site Stairs and Railings
 - 2.3.6 Fences and Retaining Walls
 - 2.3.7 Landscaping, Irrigation and Appurtenances
 - 2.3.8 Utilities
 - 2.3.9 Site Lighting
 - 2.3.10 Waste Storage Area
 - 2.3.11 Site and Building Signage
 - 2.3.12 Other Site Amenities/Recreational Facilities
- 2.4 Structural Frame and Building Envelope
 - 2.4.1 Substructure
 - 2.4.2 Superstructure
 - 2.4.3 Facades
 - 2.4.4 Roofing
 - 2.4.5 Stair and Landing (Exterior and Interior)
 - 2.4.6 Balconies, Elevated Walkways and Patios
- 2.5 Mechanical, Electrical & Plumbing
 - 2.5.1 HVAC Systems
 - 2.5.2 Electrical Systems
 - 2.5.3 Plumbing Systems
- 2.6 Vertical Transportation/Conveyor Systems
 - 2.6.1 Elevators
 - 2.6.2 Escalators

2.7 Fire/Life Safety

2.7.1 Fire Sprinklers

2.7.2 Life Safety/Alarm Systems

2.8 Interior Elements

2.8.1 Apartment Mix

2.8.2 Viewed Spaces

2.8.3 Floor Coverings

2.8.4 Ceilings, Wall, and Windows Covering

2.8.5 Appliances

2.8.6 Furnishing

3.0 ADA COMPLIANCE

4.0 REGULATORY COMPLIANCE

TABLES

Table 1 Immediate Repair/Replacement Needs

Table 2 Deferred Maintenance/Replacement Needs

Table 3 Systems and Conditions

Thank you for considering ATD Consultants.



3a

Township Of Mahwah

Municipal Offices: 475 Corporate Drive
P.O. Box 733 • Mahwah, NJ 07430
Tel: 201-529-5757
Fax: 201-529-0061

Office of Administration

www.mahwahtwp.org

MEMO TO: Township Council
FROM: Joanne Becker, QPA
DATE: February 18, 2022
SUBJECT: Bid MTB #22-01, Municipal Pool Improvements

The Township of Mahwah Bid MTB #22-01, Municipal Pool Improvements was advertised in The Bergen Record on January 13, 2022. The bid opening was held on January 25, 2022, at 11:30 AM. Three bids were requested and received. Please see the attached bid results sheet for the list of bidders and results.

The bids were reviewed by Administration, Boswell Engineering and the Township Attorney.

The low bid received from Premier Pool Renovations, Inc., listed a subcontractor that was not registered pursuant to the Public Works Contractor Registration Act at the time the bid was submitted, rendering their bid nonresponsive.

The remaining two bids received substantially exceed the cost estimates of goods or services.

Therefore, it is the recommendation of this office to reject bid MTB #22-01, pursuant to N.J.S.A. 40A:11-13.2(a).

Administration recommends that a Resolution be considered at the February 24, 2022 Council meeting, to reject Bid MTB #22-01 Municipal Pool Improvements, and re-solicit bids for this project at a date to be determined.

C: Mayor James Wysocki
Ben Kezmarsky, Business Administrator
Fred Semrau, Esq., Township Attorney
Kathrine Coviello, Township Clerk
Joseph Kovalcik, CFO
Michael Kelly, Boswell Engineering
Ben Hanbicki, Integrated Aquatics
Glenn Dowson, DPW Director
Brian Clapp, Pool Director

Boswell Engineering
330 Phillips Avenue
South Hackensack, NJ 07603

**MUNICIPAL POOL IMPROVEMENTS
TOWNSHIP OF MAHWAH
BERGEN COUNTY, NEW JERSEY
OUR FILE NO. MA-1813**

BID DATE: January 26, 2022		Time 11:30 am		Piemont Pool Renovations 6185 Campus Drive, Suite 202 Plymouth Meeting PA 19462		All State Technology, Inc. 110 Lark Lane Oak Ridge NJ 07438		Ray Palmer Associates, Inc. 995 King Street Dover NJ 07801			
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
BASE BID											
1	Clearing Site	L.S.	1	\$77,500.00	\$77,500.00	\$115,000.00	\$115,000.00	\$122,000.00	\$122,000.00		
2	Main Pool Improvements (New Interior Finish, Site Piping, Decking, Various Amenities)	L.S.	1	\$272,000.00	\$272,000.00	\$281,000.00	\$281,000.00	\$324,000.00	\$324,000.00		
	TOTAL BASE BID				\$549,500.00		\$396,000.00		\$446,000.00		
ALTERNATE BID A											
3A	Remove and Install Concrete Pool Decking	S.Y.	500	\$137.00	\$68,500.00	\$225.00	\$112,500.00	\$67.00	\$33,500.00		
	TOTAL ALTERNATE BID A				\$68,500.00		\$112,500.00		\$33,500.00		
ALTERNATE BID B											
1B	Clearing Site	L.S.	1	\$7,500.00	\$7,500.00	\$30,000.00	\$30,000.00	\$40,000.00	\$40,000.00		
4B	Filtration System Improvements (Filter Tanks, Pipes, Pumps, Electrical, Incidental Filter Room Site Work)	L.S.	1	\$167,000.00	\$167,000.00	\$300,000.00	\$300,000.00	\$324,000.00	\$324,000.00		
	TOTAL ALTERNATE BID B				\$174,500.00		\$330,000.00		\$364,000.00		
	TOTAL BASE BID, ALTERNATE BID A, & ALTERNATE BID B				\$592,500.00		\$838,500.00		\$838,500.00		
Notes: Discrepancy in amount											

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RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED be the Township Council of the Township of Mahwah that the Township of Mahwah hereby endorses the submission of the 2021 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Louis Warnet, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust to be used solely for the purposes of recycling.

I hereby certify that this resolution consisting of two page(s) was adopted at a meeting of the Township Council of the Township of Mahwah, 24th day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Township of Mahwah that the Township of Mahwah hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, Chapter 311, in 2021 in the amount of \$ 31,368.33. Documentation supporting this submission is available at 142 North Railroad Avenue, Mahwah, New Jersey and shall be maintained for no less than five years from this date.

I hereby certify that this Resolution consisting of one page was adopted at a meeting of the Township Council of the Township of Mahwah, the 24th day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

2021

MONTH	2020 #TONS	2021.00 #TONS	PER TON	TOTAL	PER TON	REC. TAX TTL	TOTAL
JANUARY	906.62	958.78	\$ 75.00	\$ 71,908.50	\$ 3.00	\$ 2,876.34	\$ 74,784.84
FEBRUARY	771.76	720.53	\$ 75.00	\$ 54,039.75	\$ 3.00	\$ 2,161.59	\$ 56,201.34
MARCH	856.99	905.22	\$ 75.00	\$ 67,891.50	\$ 3.00	\$ 2,715.66	\$ 70,607.16
1ST QTR.	2535.37	2584.53		\$ 193,839.75		\$ 7,753.59	\$ 201,593.34
APRIL	762.75	867.47	\$ 75.00	\$ 65,060.25	\$ 3.00	\$ 2,602.41	\$ 67,662.66
MAY	832.95	861.20	\$ 75.00	\$ 64,590.00	\$ 3.00	\$ 2,583.60	\$ 67,173.60
JUNE	955.21	946.42	\$ 75.00	\$ 70,981.50	\$ 3.00	\$ 2,839.26	\$ 73,820.76
2ND QTR.	2550.91	2675.09		\$ 200,631.75		\$ 8,025.27	\$ 208,657.02
JULY	906.65	876.35	\$ 75.00	\$ 65,726.25	\$ 3.00	\$ 2,629.05	\$ 68,355.30
AUGUST	912.87	867.36	\$ 75.00	\$ 65,052.00	\$ 3.00	\$ 2,602.08	\$ 67,654.08
SEPTEMBER	940.83	903.20	\$ 76.00	\$ 68,643.20	\$ 3.00	\$ 2,709.60	\$ 71,352.80
3RD QTR.	2760.35	2646.91		\$ 199,421.45		\$ 7,940.73	\$ 207,362.18
OCTOBER	807.03	811.98	\$ 76.00	\$ 61,710.48	\$ 3.00	\$ 2,435.94	\$ 64,146.42
NOVEMBER	980.49	884.59	\$ 76.00	\$ 67,228.84	\$ 3.00	\$ 2,653.77	\$ 69,882.61
DECEMBER	1062.79	853.01	\$ 76.00	\$ 64,828.76	\$ 3.00	\$ 2,559.03	\$ 67,387.79
4TH QTR.	2850.31	2549.58		\$ 193,768.08		\$ 7,648.74	\$ 201,416.82
JUNE MISS TKT	36.69		\$76.00	\$ -	\$3.00	\$ -	\$ -
TOTAL YEAR	10733.63	10456.11		\$ 787,661.03		\$ 31,368.33	\$ 819,029.36
							TOTAL
							COST

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RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Inspections, Tax, and Planning and Zoning Departments Computer Software Permit and Escrow Tracking Package with Mitchell Humphrey & Company for Government Software Solutions annual maintenance is set to expire; and

WHEREAS, the software/hardware to the Government Software Solutions Permit and Escrow Tracking Package is proprietary to Mitchell Humphrey & Company and Mitchell Humphrey & Company will provide maintenance support service to the Township of Mahwah Construction, Tax, and Planning and Zoning departments in the amount not to exceed \$9,015.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah that the Annual Maintenance Contract between Mitchell Humphrey & Company for the Government Software Solutions Permit and Escrow Tracking Package for the Inspection, Tax, and Planning and Zoning Departments shall be renewed for the period of February 1, 2022 through January 31, 2021 at a cost not to exceed \$9,015.00, and the Chief Financial Officer has certified that funds are available in Department of Inspections account 01-201-22-195100-214 not to exceed \$2,185.00; Departments of Planning/Zoning account 01-201-21-180100-214 not to exceed \$6,490.00 and Department of Tax Assessor account 01-201-20-150100-214 not to exceed \$340.00.

BE IT FURTHER RESOLVED, that compensation for said contract for the year 2022 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED the Municipal Clerk shall forward a copy of this Resolution to the Business Administrator, QPA, Planning/Zoning Administrative Officer, Construction Official, Tax Assessor, Chief Financial Officer and Mitchell Humphrey & Company, 1285 Fern Ridge Parkway, St. Louis, Missouri 63146-4402.

I hereby certify that this resolution consisting two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, 24th day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

3e

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

**RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING
PROCESS TO HIRE A FOOD CONCESSIONAIRE AT THE MUNICIPAL POOL**

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., defines “concession” as the granting of a license or right to act for or on behalf of the contracting unit, or to provide a service requiring the approval or endorsement of the contracting unit, and which may or may not involve a payment or exchange, or provision of services by or to the contracting unit; and

WHEREAS, the Township of Mahwah has need for a food concessionaire for the Mahwah Municipal Pool; and

WHEREAS, such services may be procured through the Competitive Contracting process under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-4.1(j) Concessions; and

WHEREAS, the Township desires to enter into a contract for up to a five (5) year period that will satisfy the needs of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

The Qualified Purchasing Agent is hereby authorized to commence a Competitive Contracting procurement for a food concessionaire as allowable under the New Jersey Local Public Contracts Law; and

BE IT FURTHER RESOLVED, that the Township Clerk shall keep a copy of this Resolution on file and available for inspection in the office of the Township Clerk and shall provide a copy of this Resolution to the Mayor, Business Administrator, QPA, Pool Manager, and Administrative Support Assistant.

I hereby certify that this Resolution consisting of two pages, was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of February, 2022.

Kathrine Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #

3f

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Township of Mahwah has the need to purchase monthly meeting broadcasting services from Swagit Productions, LLC, under The Interlocal Purchasing System (TIPS), a National Cooperative Purchasing Program, which exceeds the Pay-to-Play threshold of \$17,500 as stated in the NJ Local Public Contracts Law, and

WHEREAS, the Purchasing Agent has determined that the anticipated aggregate of goods and services purchases for the calendar year 2022 to Swagit Productions LLC will exceed \$17,500.00; and,

WHEREAS, Swagit Productions, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Swagit Productions, LLC. has not made any reportable contributions to a political or candidate committee in the Township of Mahwah in the previous one year, and that it is prohibited from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Mahwah authorizes the Township of Mahwah to enter into an Alternate Non-Fair and Open contract with Swagit Productions, LLC for goods and monthly meeting broadcasting services, not to exceed \$18,900.00, for the period of January 1, 2022 through December 31, 2022.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED the Municipal Clerk shall forward a copy of this Resolution to the Business Administrator, QPA, Chief Financial Officer and Swagit Productions LLC, 12801 N. Central Expressway, Suite 900, Dallas, TX 75243.

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, 24th day of February, 2022.

Kathrine Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President



P.O. Box 251002, Plano, TX 75025-1002 • Fax 214-750-9513 • corporate@swagit.com
Make checks payable to Swagit Productions, LLC

SWAGIT QUOTE TO: Mahwah, NJ

Janet Puzo

Created Date: 2/14/2022

Valid for 60 days

TIPS Contract #: 190703

COST FY January 2022-December 2022

Item & Description	Months	Rate	Extended Cost
EASE™ Hands-Free Service – 75 <ul style="list-style-type: none">• Up to 75 indexed meetings per year• Up to 120 hours of specialty video content per year• 24/7 Live Stream	12	\$ 1,575.00	\$18,900.00
Avior™ Hands-Free Production – 75 <ul style="list-style-type: none">• Up to 75 remotely switched meetings per year with lower third character generation			
One Time Cost:			\$18,900.00

RESOLUTION

TOWNSHIP OF MAHWAH

P.O. Box 733

MAHWAH, NJ 07430

Resolution

Date: February 24th, 2022

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Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Ervin						
Ferguson						
Paz						
Wong						
Bolan						
May						

RESOLUTION SETTING RECREATION FEES FOR 2022

BE IT RESOLVED by the Township Council of the Township of Mahwah that the following Fee Schedule shall be effective for the 2022 Season for Mahwah Recreation Programs and Township Events and shall be as follows:

REGISTRATION	FEES - 2021	FEES - 2022
<u>MAHWAH RESIDENTS</u>		
Adult Tennis Clinic	\$87.50	\$87.50
Co-Ed Softball Tournament	\$31.00	\$31.00
Women's Adult Softball	\$41.00	\$41.00
Men's Adult Softball	\$41.00	\$41.00
Co-Ed Adult Soccer	\$41.00	\$41.00
Co-Ed Adult Bowling		
- 6-week league play(3 games/week & shoes)	\$10/wk/bowler	\$10/wk/bowler
- One-day tournament (3 games & shoes)	\$10/bowler	\$10/bowler
Summer Rec:		
- Half Day per week- 9:00 – 12:00	\$46.00	\$75.00
- Half Day per week for additional child in same family	\$36.00	\$65.00
- Summer School kids – 10:00 to 12:00	\$36.00	\$65.00
- CIT per week		\$25.00

Adult Golf Program (5-week league)	\$25.00/person/week	\$25.00/person/week
Town-wide Garage Sale	Mar 1 to April 3=\$10.00 April 4-April 17 = \$15.00	Mar 1 to April 8=\$10.00 April 9-April 22 = \$15.00
<u>Food Truck Festival</u> - <u>Participant Fee</u> - <u>Beer Garden Fee</u>	<u>\$200/truck</u> <u>Up to \$5/person</u> <u>Up to \$15/person</u>	<u>\$225/truck</u> <u>Up to \$5/person</u> <u>Up to \$15/person</u>
<u>NON-RESIDENTS</u>		
Women's Adult Softball	\$51.50	\$55.00
<u>CANCELLED OR LATE</u>		
CANCELLATION FEE FOR ALL CANCELLED/REFUNDED PROGRAMS	\$10.00	\$10.00
LATE REGISTRATION FEE (if applicable)	\$10.00	\$10.00

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a copy of this resolution to the Mayor, Business Administrator, Administrative Support Specialist, Recreation Director, and CMFO.

I hereby certify that this resolution consisting of 2 page(s) was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

Dave May
Council President

3h.



One Bergen County Plaza, Room 396, Hackensack, NJ 07601 Phone: 201.336.6274 Fax: 201.336.6273

Mahwah White Collar Memorandum of Agreement
1/1/2022 - 12/31/2026

WHEREAS, the Township of Mahwah and UPSEU are parties to a Collective Bargaining Agreement (CBA) expiring on December 31, 2021; and

WHEREAS, the parties have bargained in good faith and have agreed to modify the following sections of the CBA; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein and set forth in this Memorandum of Agreement below, the Township and Union agree as follows:

Article II – Term

- o January 1, 2022 – December 31st, 2026

Article VII – Hours of Work

- o The employer shall consider Flextime time and/or remote work, on a case by case basis, as set forth in "Schedule D".

Article VIII – Wage Increase

- o See the attached revised Salary Guide (Schedule A)
- o Those employees that are at Top of Guide or Off Guide shall receive a 2.35% increase each January 1st.
- o Quinquennial incentive: Effective 1/1/2022, at the completion of each fifth year of service after the effective date, the employee would receive a one-time bonus of \$2,000 on that quinquennial anniversary based on their years of service. (e.g. 5th, 10th, 15th, 20th, 25th, etc.). There shall be no retroactive payments.

Article XI – Vacation Leave

Vacation time will be earned based on the employee's normal workday hours. Annual carry over shall remain as per current Article XI.

Article XII – Holidays

- Holiday hours shall be paid based on the employee's normal workday hours.



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- o Employee's birthday will be added to the list of Holidays

Article XIII – Sick leave

Sick time will be earned based on the employee's normal workday hours. Annual carry over shall remain as per current Article XIII.

Article XV – Health Benefits

- Dental

"Management will agree to endeavor to reassess the Dental plan and submit a new plan for Union review no later than June 2022"

- Optical:

- Increase to \$500 annually (\$1000 for 2 years cumulative), effective 1/1/2023
- "Management will agree to endeavor to reassess an additional optical plan and submit a new plan for Union review no later than June 2022"

Article XVI – Personal Leave

Personal Leave time will be earned based on the employee's normal workday hours.
Personal leave will not carry over as per current contract.

Article XXIX – Uniforms and Equipment

- Modify this article to include uniforms approved by department heads for Police Records Secretaries and Construction Inspectors are required. Currently they are a taxable fringe benefit for those employees recommend new line items as follows:
- H. Police Records Secretaries shall continue to receive uniform pants and polo shirts with a patch that identifies them as a Township employee in accordance with current practice.
- I. Inspectors shall continue to receive boots, pants and polo shirts with a patch that identifies them as a Township employee in accordance with current practice.



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- *J. If a Department head deems it necessary for any employee to identify themselves as a township employee by the wearing of any particular article of clothing, the clothing shall be purchased by the Town. Any such clothing shall not be worn by the employee outside of work.*

Article XXXII – Release time

- Change number of Stewards from 2 to 3

Article XXXIX - Dispatchers

- (A5&A6) – Dispatcher's Sunday Overtime rate shall commence effective the start of the overnight shift on Saturday.
- (B#2) Increase night shift differential for Dispatchers as follows:
 - \$1.50 per hour effective 1/1/2022
 - \$\$2.00 per hour effective 1/1/2024
- If a Dispatcher is required to work through lunch because of staffing requirements, they shall be compensated for that period with either pay or CTO time at the employee's option.



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SCHEDULE A – White Collar Clerical

2022 - 2025

CLASS

	A	B	C	D	E	F	G	H	I	J
1	\$37,500.00	\$38,381.25	\$39,283.21	\$40,206.36	\$41,151.21	\$42,118.27	\$43,108.09	\$44,121.09	\$45,157.93	\$46,219.14
2	\$42,500.00	\$43,498.75	\$44,520.97	\$45,567.21	\$46,638.04	\$47,734.04	\$48,855.79	\$50,003.90	\$51,178.99	\$52,381.70
3	\$47,500.00	\$48,616.25	\$49,758.73	\$50,928.06	\$52,124.87	\$53,349.81	\$54,603.53	\$55,886.71	\$57,200.05	\$58,544.25
4	\$52,500.00	\$53,692.50	\$54,915.37	\$56,169.34	\$57,455.11	\$58,773.46	\$60,122.14	\$61,501.93	\$62,913.63	\$64,358.08
5	\$57,500.00	\$58,768.75	\$60,072.02	\$61,401.61	\$62,758.36	\$64,143.11	\$65,555.75	\$66,995.14	\$68,472.22	\$69,986.91
6	\$72,500.00	\$74,203.75	\$75,947.54	\$77,732.31	\$79,559.01	\$81,428.65	\$83,342.22	\$85,300.77	\$87,305.38	\$89,357.01

2026

CLASS

	A	B	C	D	E	F	G	H	I	J
1	\$37,687.50	\$38,573.16	\$39,479.63	\$40,407.40	\$41,356.97	\$42,328.86	\$43,323.59	\$44,341.69	\$45,383.72	\$46,450.24
2	\$42,712.50	\$43,716.24	\$44,743.58	\$45,795.05	\$46,871.23	\$47,972.71	\$49,100.07	\$50,253.92	\$51,434.88	\$52,643.60
3	\$47,737.50	\$48,859.33	\$50,007.53	\$51,182.70	\$52,385.50	\$53,616.56	\$54,876.54	\$56,166.14	\$57,486.05	\$58,836.97
4	\$52,775.00	\$53,979.96	\$55,203.45	\$56,456.18	\$57,736.89	\$59,045.33	\$60,381.20	\$61,744.48	\$63,135.79	\$64,554.02
5	\$57,812.50	\$59,088.59	\$60,399.38	\$61,745.66	\$63,128.28	\$64,548.10	\$65,995.38	\$67,470.82	\$68,975.54	\$70,509.06
6	\$72,862.50	\$74,574.77	\$76,327.28	\$78,120.97	\$79,956.81	\$81,835.79	\$83,758.94	\$85,727.27	\$87,741.86	\$89,803.80

- For entry into the guide, current employees shall be placed on the guide at the Step above their current salary regardless of their years of service.
- In no case shall placement result in an increase less than the general wage increase for Off Guide employees.

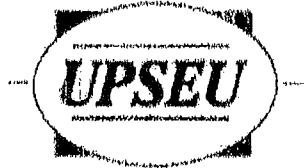


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Schedule B - Dispatchers

<u>15 Year Step Plan</u>	<u>Salary</u>
1	\$ 42,500.00
2	\$ 43,563.00
3	\$ 44,652.00
4	\$ 49,117.00
5	\$ 50,590.00
6	\$ 52,107.00
7	\$ 53,670.00
8	\$ 55,280.00
9	\$ 56,938.00
10	\$ 58,646.00
11	\$ 64,510.00
12	\$ 65,625.00
13	\$ 68,906.00
14	\$ 72,352.00
15	\$ 78,500.00

- For entry into the guide, current employees shall be placed on the guide at the Step above their current salary regardless of their years of service.
- In no case shall placement result in an increase less than the general wage increase for Off Guide employees.
- 2022 placement on the guide shall not waive the right of an employee to discuss or grieve their placement on the guide based on years of service and qualifications at a future date.



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Schedule D -- Flex Time/Remote

Flextime is an arrangement that allows an employer to authorize an alteration to the starting and/or end time of an employee's workday. Employees still work the same number of scheduled hours as they would under a traditional schedule. It is also a flexible work option for positions that do not easily support remote work. The following guidelines are to assist in developing employee flextime arrangements that are equitable, clearly understood, and to the mutual benefit of employer and employee.

Flextime is an arrangement that allows an employer to authorize an alteration to the start and end times of an employee's workday around the employee's regular schedule. The Flex Schedule must be consistent from week to week and prearranged through a Flextime agreement. Core hours are required when all employees must be at the worksite. The core period may vary depending upon the requirements of the position and operational needs of the employer.

Flextime arrangement shall be initiated on a trial basis with the approval of the Department Head/Supervisor and the Business Administrator, and may be discontinued upon reasonable prior notice at any time at the request of either the employee or employer. The employer reserves the right to suspend the arrangement with proper notice in case of unanticipated circumstances regarding employee performance or operational needs.

If the employee and employer agree to a flextime arrangement, they must complete the Flexible Work Schedule Form. Agreements shall be time-specific with a date for review and reconsideration. Modifications and/or renewals shall be appropriately documented. The original shall be maintained in the employee's personnel file, with copies for the employee and supervisor/department head.

Working remotely -- Employer, in its sole discretion, and on a case-by-case basis, may authorize certain employees to work remotely. In such instances, the employees so designated shall still be required to adhere to their regular work schedule, or such other schedule as may be assigned to them by the employer, and will account for all hours worked in a manner prescribed by employer. If an employee requires a temporary medical accommodation and/or is experiencing a family care issue, including with childcare, the employer may permit the employee to work remotely exclusively for a proscribed period. This shall be allowed on a case-by-case basis and require the advanced approval of the Department Head/Supervisor and Business Administrator. The employee shall still be required to adhere to the hours proscribed by their direct supervisor and will account for those hours through varied time keeping and/or work logs.

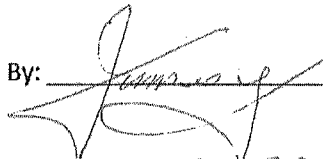


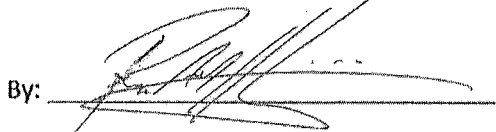
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The terms of this Memorandum constitute the complete changes to the current Collective Bargaining Agreement. All issues presented previously shall be considered withdrawn.


This agreement is subject to ratification of the respective Council and UPSEU membership.

Township of Mahwah

By: 
Dated: 1-24-22

By: 
Dated: 1/24/22

UNITED PUBLIC SERVICE EMPLOYEES UNION

By: 
Mark A. McCart, Labor Representative
Dated: 1/20/2022

UNION COMMITTEE

By: _____

Dated: _____

By: _____

Dated: _____

By: _____

Dated: _____



31

United Public Service Employees Union
New Jersey Division
One Bergen Plaza – Room 396 Hackensack NJ 07601
(201) 336 6274 • Fax: (201) 336 6273

Township of Mahwah – Blue Collar DPW 2022-2026

WHEREAS, the Township of Mahwah and UPSEU are parties to a Collective Bargaining Agreement (CBA) expiring on December 31, 2021; and

WHEREAS, the parties have bargained in good faith and have agreed to modify the following sections of the CBA; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein and set forth in this Memorandum of Agreement below, the Township and Union agree as follows:

ARTICLE II - TERM

This Agreement shall be in force from January 1, 2022 through December 31, 2026.

ARTICLE VII - WORK SCHEDULE AND OVERTIME

A. 1. The normal work week

(NEW): The Administration and Union will discuss annually, no later than April 1st, the adjustment of hours for the summer season.

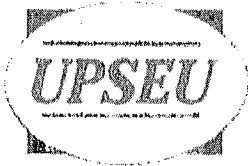
B. Compensation Time (CTO) may be banked up to a maximum of fifty hours.

C. Overtime Equalization (Modify to "Overtime Rotation")

(Replace current language with the following:)

(1) In addition to the workday and work week which has been delineated herein, it is expected that each employee will be available for a reasonable amount of overtime.

(2) In order to establish notice, uniformity and a balanced rotation, the Township will establish and post on or about January 1st of each year a list of all employees by Division which ranks all employees in each Division in order of descending seniority (the "Division List"). The Township will also establish and post on or about January 1st of each year, a list of all employees in the Department of Public Works which ranks all employees in the Department in order of descending seniority (the "Department List"). A divisional signup sheet will be posted as needed weekly.



United Public Service Employees Union
New Jersey Division
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4. Mandatory Overtime – Mandatory Overtime shall be considered as any and all overtime for which all employees on the Division List are offered an overtime opportunity, such as snow plowing overtime.

5. Voluntary Overtime – Voluntary Overtime shall be considered as any and all overtime opportunities which are not Mandatory Overtime.

(a.) When opportunities for Voluntary Overtime work arise, the Township shall initially contact and offer overtime to the most senior employee on the Division List, and thereafter, to each employee in descending order of seniority until the Township has fulfilled its overtime requirement.

When subsequent opportunities for Voluntary Overtime work arise, the Township shall contact and offer overtime to the next most senior employee, on the Division List, until the Township has fulfilled its overtime requirement.

For these purposes, Brush shall be considered part of the Recycling overtime and shall be offered to that Division first.

Leaf Overtime shall be offered to that day's Leaf Crew first. Any vacancies that need to be filled will go to the rotational list.

Should the Township exhaust the Division List without fulfilling its staffing requirements, it shall then offer the Voluntary Overtime opportunity to the most senior employee on the Department List in descending order of seniority.

(b.) Notwithstanding the foregoing, should the Township exhaust the Division List and the Department List without fulfilling its staffing requirement then, the Township shall have the authority to demand that the least senior employee(s) on the Division/Department (whichever is appropriate) List shall report to work.

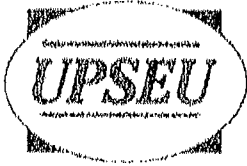
(c.) Notwithstanding the foregoing, the Township shall have the authority, based on the nature of the overtime work, and the skill set and training of available employees, to deviate from the procedures set forth above, and to assign Voluntary Overtime to specific employees.

For purposes of Overtime, the Department shall be defined as the DPW, ~~and~~ ^{the} ~~where~~ Divisions shall be defined as the following:

- | | |
|-------------------------|----------------------|
| - Roads | - Recycling |
| - Buildings and Grounds | - Parks & Playground |
| - Motorpool | |

For purposes of Overtime, the Department shall be defined as Water and Sewer Department.

MMc



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New Jersey Division
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ARTICLE VIII - SALARIES AND WAGES

2) Effective January 1 of each year of the agreement

a. Employees on the step guide will advance one-step annually on the new guide (Schedule A & B)*

*based on new guide with \$2000 increase and 2% each year thereafter

b. Employees who have previously reached the top of the guide(s) or surpassed the top of the step guide(s) will receive the following on January 1st of each year.

1. 2022 -- \$2000 base increase
2. 2022 -- An additional 2.25% base increase
3. 2023 -- 2.25% base increase
4. 2024 -- 2.25% base increase
5. 2025 -- 2.5% base increase
6. 2026 -- 2.5% base increase

9.A. Effective January 1st, 2022 employees in the title of "Mechanic" shall receive an annual tool reimbursement of \$450.00 dollars each year. The allowance will be increased an additional fifty dollars (\$50.00) each year thereafter. The allowance shall be paid no later than January 31st of each year.

ARTICLE X - STANDBY RETAINER

A.2. Water employees on Standby, designated as the person with 'Direct Responsible Charge' (DRC), will be compensated with an additional \$150.00 per week.

ARTICLE XII - HOLIDAY LEAVE

Add Employee's Birthday

ARTICLE XV - HEALTH BENEFITS

- Vision --
 - Increase to \$475 in 2022
 - Increase to \$500.00 in 2023 (\$1000 for 2 years)



United Public Service Employees Union
New Jersey Division
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“Management will agree to endeavor to reassess the Vision plan and submit a new plan for Union review no later than June 2022”

- Dental —

“Management will agree to endeavor to reassess the Dental plan and submit a new plan for Union review no later than June 2022”

ARTICLE XXIX - UNIFORMS AND EQUIPMENT

A. Jackets

- Employees of the Water Department shall be provided with Bloodborne Pathogen rated winter jackets.
- Rain Gear shall include pants and shall be of decent quality

B: Boots

Employees shall receive the following reimbursement for boots:

2022 - \$200
2023 - \$250
2024 - \$275
2025 - \$300

The Tree Repairer shall receive up to \$325.00 annual for required boots.

ARTICLE XXX - TUITION REIMBURSEMENT (AND TRAINING)

(NEW) 3. The employer shall request volunteers for additional on the job training. Employees requesting additional training shall be placed on a list to be assigned, during regular work hours, to train on equipment. The list shall follow seniority rotation.

ARTICLE XXXVI - PROMOTIONS AND TRANSFERS

E. (NEW) Employees promoted to Supervisor shall under no circumstance be promoted to a salary that is less than five percent (5%) higher than the highest employee in that Division.



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Schedules A & B

Guides Effective 1/1/2022*

Guide A

	A	B	C	D	E	F	G	H
1	\$ 34,752.00	\$ 37,088.00	\$ 39,428.00	\$ 41,763.00	\$ 44,099.00	\$ 46,437.00	\$ 48,772.00	\$ 50,981.00
2	\$ 38,388.00	\$ 40,725.00	\$ 43,060.00	\$ 45,398.00	\$ 47,734.00	\$ 50,072.00	\$ 52,408.00	\$ 54,604.00
3	\$ 47,475.00	\$ 49,812.00	\$ 52,148.00	\$ 54,484.00	\$ 56,821.00	\$ 59,157.00	\$ 61,494.00	\$ 63,665.00
4	\$ 56,562.00	\$ 58,899.00	\$ 61,236.00	\$ 63,573.00	\$ 65,909.00	\$ 68,244.00	\$ 70,582.00	\$ 72,729.00
5	\$ 65,648.00	\$ 67,985.00	\$ 70,321.00	\$ 72,659.00	\$ 74,994.00	\$ 77,332.00	\$ 79,668.00	\$ 81,703.00
6	\$ 74,735.00	\$ 77,072.00	\$ 79,409.00	\$ 81,746.00	\$ 84,083.00	\$ 86,420.00	\$ 88,756.00	\$ 90,854.00

Guide B

	A	B	C	D	E	F	G	H	I	J
1	\$ 29,996.00	\$ 32,342.00	\$ 34,688.00	\$ 37,034.00	\$ 39,380.00	\$ 41,726.00	\$ 44,072.00	\$ 46,418.00	\$ 48,764.00	\$ 50,979.00
2	\$ 33,631.00	\$ 35,977.00	\$ 38,323.00	\$ 40,669.00	\$ 43,015.00	\$ 45,361.00	\$ 47,707.00	\$ 50,053.00	\$ 52,399.00	\$ 54,604.00
3	\$ 42,720.00	\$ 45,066.00	\$ 47,411.00	\$ 49,757.00	\$ 52,103.00	\$ 54,448.00	\$ 56,794.00	\$ 59,140.00	\$ 61,486.00	\$ 63,665.00
4	\$ 51,808.00	\$ 54,152.00	\$ 56,498.00	\$ 58,843.00	\$ 61,189.00	\$ 63,535.00	\$ 65,881.00	\$ 68,227.00	\$ 70,572.00	\$ 72,729.00
5	\$ 60,892.00	\$ 63,238.00	\$ 65,584.00	\$ 67,930.00	\$ 70,276.00	\$ 72,621.00	\$ 74,968.00	\$ 77,314.00	\$ 79,660.00	\$ 81,792.00
6	\$ 69,979.00	\$ 72,325.00	\$ 74,671.00	\$ 77,017.00	\$ 79,363.00	\$ 81,709.00	\$ 84,055.00	\$ 86,401.00	\$ 88,747.00	\$ 90,855.00

*based on \$2000 increase and 2% each year thereafter

The terms of this Memorandum constitute the complete changes to the current Collective Bargaining Agreement. All issues presented previously shall be considered withdrawn.

This agreement is subject to ratification of the respective Council and UPSEU membership.

Township of Mahwah

By:

Dated:

By:

Dated:

UNITED PUBLIC SERVICE EMPLOYEES UNION

By:

Mark A. McCart, Labor Representative

Dated:

UNION COMMITTEE

By:

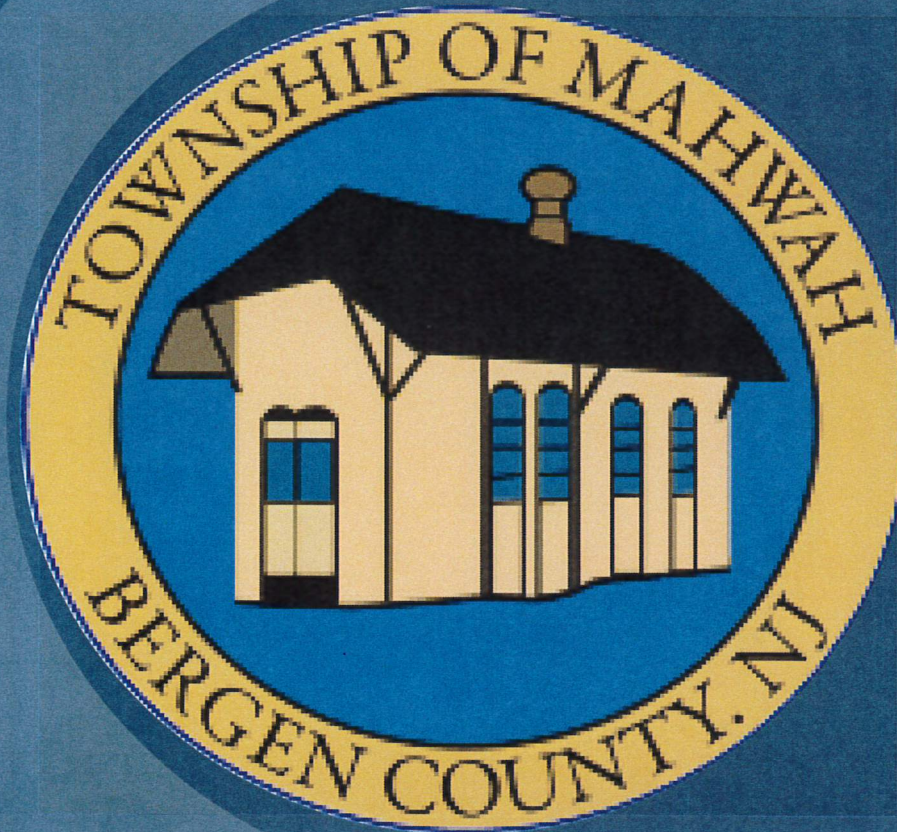
By:

By:

3j.



Township of
MAHWAH, NJ



2022 BUDGET PRESENTATION

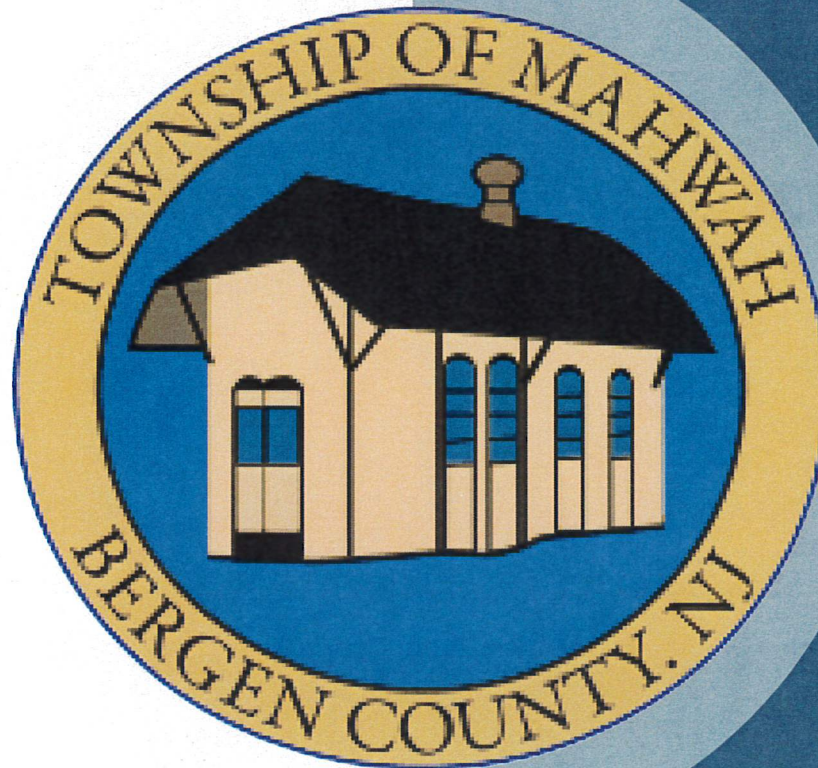
PROPOSED MUNICIPAL BUDGET

- Mayor James Wysocki
- Council President David May
- Council Vice President George Ervin
- Councilmember Janet Ariemma
- Councilmember Kim Bolan
- Councilmember Robert Ferguson
- Councilmember Michelle Paz
- Councilmember Jonathan Wong
- Councilmember James Wysocki

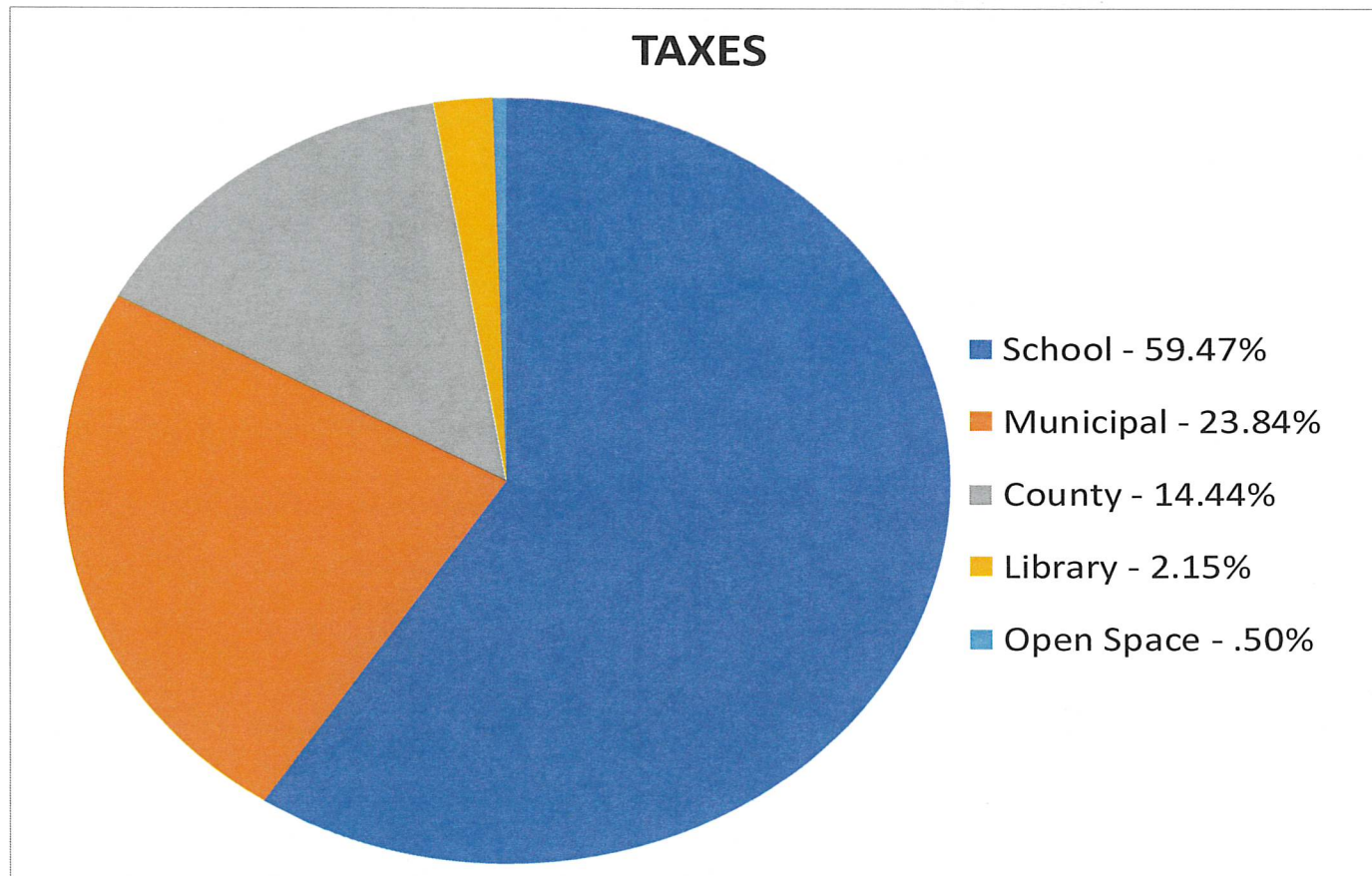


OVERVIEW OF TAX INCREASE

- The municipal tax rate is increasing 3.47%.
- This equates to \$76.21 per year or \$6.35 per month for a home assessed at the average value of \$476,321.77.
- **Without the Pension increases the municipal tax increase would have been 3.30%**



2022 PROJECTED TAX RATE BREAKDOWN



TAX RATE COMPARISON IN CENTS PER \$100 OF ASSESSED VALUATION

	2022 Projected/Estimated	2021 Actual	% Change
School ⁽¹⁾	1.190	1.161	2.498%
County ⁽¹⁾	.289	.280	3.214%
Municipal	.473	.457	3.47%
Library	.043	.042	1.682%
Municipal Open Space	.010	.01	0.00%
Total	2.005	1.950	2.821%

- (1) – Denotes that the County and School tax rates are estimated based on the prior year taxes certified and paid.
- The School Tax Levy is converted to a calendar year tax rate.
- The estimated amounts are used to calculate the Reserve for Uncollected Taxes

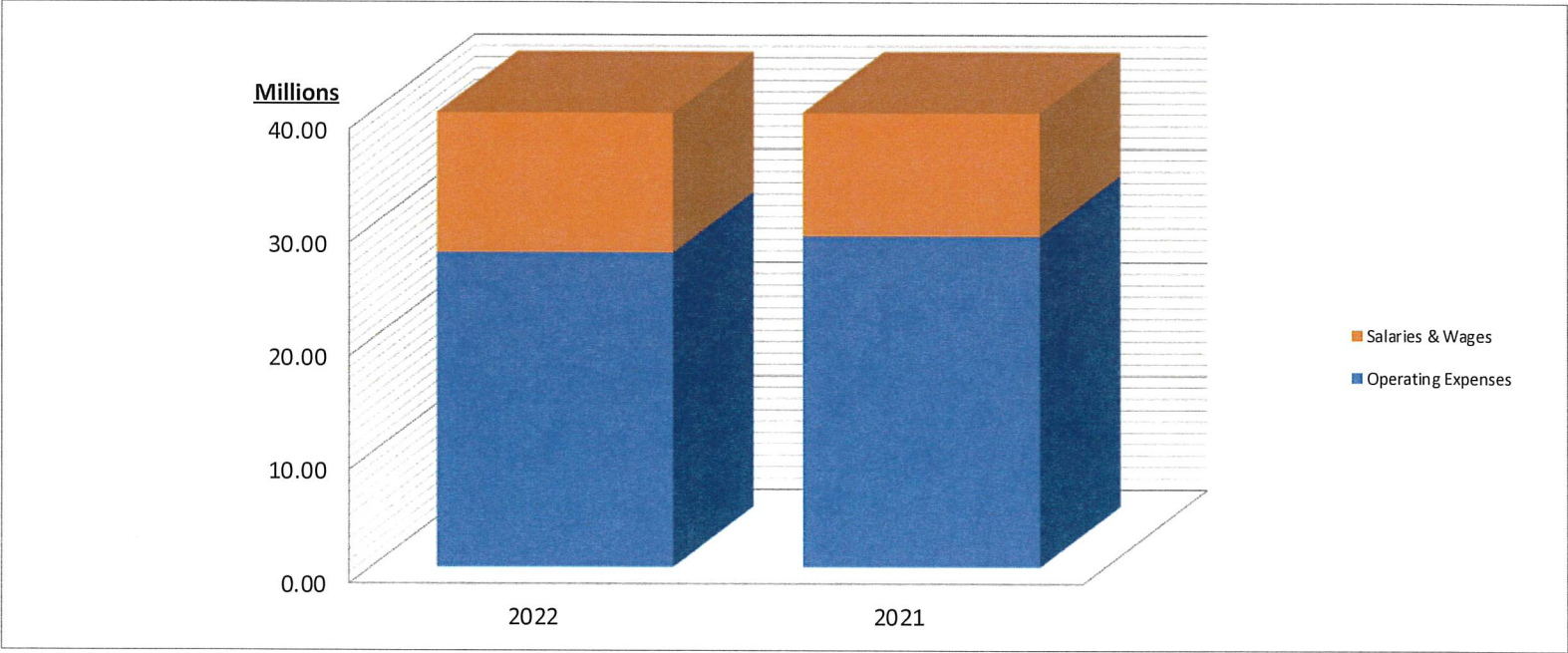
WHAT DO YOUR MUNICIPAL TAX DOLLARS SUPPORT?

- Accredited Police Department
- Support for the Volunteer Fire Department and Fire Equipment
- Public Works Department - maintain roadways, parks, storm water management, drainage, leaf collection, recycling and snow removal
- Board of Health and animal control services
- Emergency Services and Ambulance Corp.
- Recreational, cultural and senior citizen events and programs
- Garbage collection and disposal
- Open Space acquisition and maintenance
- Administrative Departments

2022 BUDGET

- The 2022 Budget is compliant with both the 1977 and 2010 CAPS.
- Chapter 44 of P.L. 2010 (2010 CAP) imposed a 2% cap on local tax levies. The 2% levy cap is in addition to the existing appropriation cap. The cap calculation is subject to various adjustments, including but not limited to the value of increased assessments and other modifications.
- In 1977, the State of New Jersey created an Appropriations CAP (1977 CAP) pursuant to N.J.S.A 40A:4-45.2, "municipalities and counties shall be prohibited from increasing their final appropriations by more than two and one half percent (2.5%)". The allowable annual increase is the Cost of Living Adjustment (COLA) or two and one half percent (2.5%) whichever is lesser. The COLA for CY 2022 is two and one half percent (2.5%). The Township may adopt a COLA ordinance to increase the cap base to three and one half percent 3.5%. The "CAP" may be subject to exceptions.

TOTAL MUNICIPAL BUDGET COMPARISON



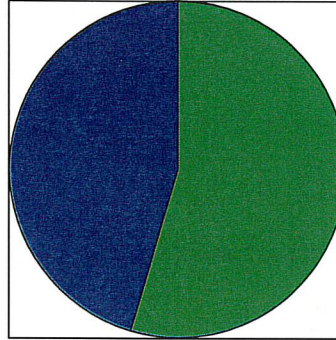
	2022 (Proposed)	2021(Adopted)
Salaries & Wages	\$15,671,669	\$14,823,955
Other Expenses	\$27,719,689	\$29,150,285
Total	\$43,391,358	\$43,974,240

2022 FIXED & STATUTORY MUNICIPAL COSTS

2022 FIXED & STATUTORY MUNICIPAL COSTS

Category	\$ Amount
Utilities / Sanitation	\$3,428,667
Insurance	\$6,615,299
Capital / Debt Service	\$5,862,175
Deferred Charges / Statutory Exp.	\$3,700,657
Reserve for Uncollected Taxes	\$3,184,621
Total	\$22,791,419

2022 PROPOSED MUNICIPAL BUDGET



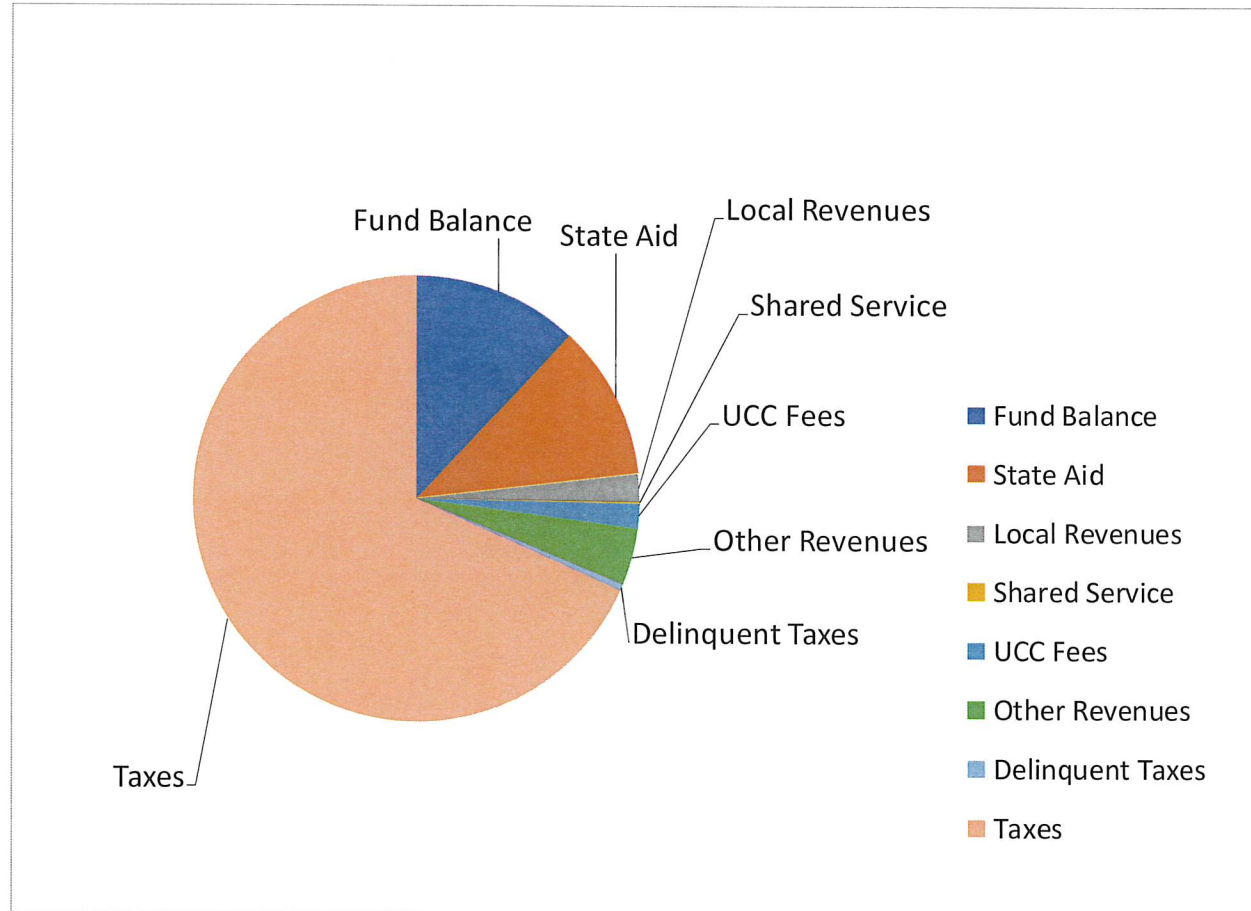
Fixed & Statutory Costs

Utilities / Sanitation	\$3,428,667
Insurance	\$6,615,299
Capital / Debt Service	\$5,862,175
Deferred Charges / Statutory	\$3,700,657
Reserve for Uncollected Taxes	\$3,184,621
Total	\$22,791,419

Department Expenses

Public Safety	\$10,214,478
Public Works	\$3,441,737
Other Government Services	\$3,891,566
Construction / Land Use	\$1,225,050
Parks, Recreation and Pool	\$659,556
Health / Human Services / Senior	\$810,891
Municipal Court	\$356,661
Total	\$20,599,939

2022 MUNICIPAL REVENUE SOURCES



IN SUMMARY

- The preeminent goals in the creation of the 2022 Budget were creating a budget that:
 - Remains both Financially and Operationally Balanced
 - Protects the Township's "AAA" Bond Rating
 - Ensures the Prudent and Methodical Use of Fund Balance
 - Building up Fund Balance during good economic times and drawing down during difficult economic times.
 - Provides for or enhances the level of service provided by the Township
- We would like to thank everyone for their input and assistance.

THANK YOU!

www.mahwahtwp.org



4b.

Mahwah Fire Department Jr. Firefighter Membership Application

Company # 1

Date: 12/22/21

Name Bhavan

First

Initial

Madala

Last

Present Address

Number

Street

Town

Zip Code

For Years

Name of School

Grade

Birth Date

SS#

Home Phone No.

Have you ever been found guilty of or pleaded guilty to a criminal offense or are there any pending criminal charges against you?

If so, explain on an attached sheet the nature, date and disposition of the charges.

Parent or Guardian's Name

Parent or Guardian's Address

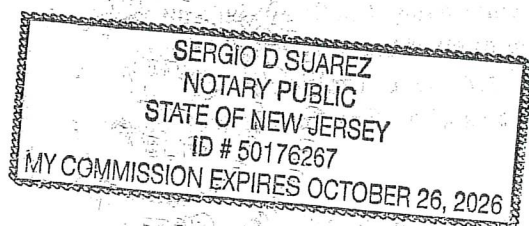
State of New Jersey County of

Bergen

SS:

being duly sworn, doth depose and says that the above statements are true to the best of their knowledge and belief,

Sworn to me this 16 day of Feb, 2022, 19 .



[Signature]
Signature of Notary

Municipal Approval

We hereby certify that this applicant was admitted to active membership in the department and has been approved by the governing body of the Township of Mahwah on the 16 day of Feb, 199 .

2022

Signature of Municipal Clerk

[Signature]
Signature of Chief - Fire Department

Junior Firefighter application must accompany a physical examination, a consent and release form and a medical waiver.

REC'D MUNICIPAL CLERK
FEB 10 10 10 AM '22

Physical Test Record

To Be Filled Out By a Physician Licensed In The State Of N.J. And Returned to the Battalion Chief in the Company of the Mahwah Fire Department The Individual Is Applying. All Sections Must Be Properly Filled Out or The Application Will Be Returned.

Please Print

Name Bhuvan Madala M
First Initial Last Sex

I Certify that as a Practicing Physician in the State of N.J., The Applicant is Free From any Acute or Chronic Disease and Has No Physical Defects That would hinder His/Her Ability to Perform the Duties of a Firefighter.

PediatricCare Associates

400 Franklin Turnpike

Mahwah, NJ 07430

(201) 529-4545

Date Examined 2/9/22

Examined At

Address of Office

Physician's Phone Number

Print Physician's Name

Signature of Physician

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #099-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Township of Mahwah has recently completed negotiation of a successor collective bargaining agreement with the Township of Mahwah United Public Service Employees Union – White Collar Unit, and

WHEREAS, the Township Council has reviewed and approved a Memorandum of Agreement setting forth the terms of a successor contract for the period January 1, 2022 through December 31, 2026;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mahwah that:

1. The Mayor and Township Clerk are hereby authorized to sign the White-Collar Collective Bargaining Agreement for the period January 1, 2022 to December 31, 2026.

BE IT FURTHER RESOLVED that the Municipal Clerk shall retain a copy of this resolution and shall forward a copy of this resolution to the Business Administrator, Chief Financial Officer, HR Officer, and to the White-Collar Unit representatives.

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 24th day of February, 2022.

Kathrine G. Coviello
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #100-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Township of Mahwah has recently completed negotiation of successor collective bargaining agreement with the Township of Mahwah United Public Service Employees Union – Blue Collar Unit, and

WHEREAS, the Township Council has reviewed and approved a Memorandum of Agreement setting forth the terms of a successor contract for the period January 1, 2022 through December 31, 2026;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mahwah that:

1. The Mayor and Township Clerk are hereby authorized to sign the Blue-Collar Collective Bargaining Agreement for the period January 1, 2022 to December 31, 2026.

BE IT FURTHER RESOLVED that the Municipal Clerk shall retain a copy of this resolution and shall forward a copy of this resolution to the Business Administrator, Chief Financial Officer, HR Officer, and to the Blue-Collar Unit representatives.

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 24th day of February, 2022.

Kathrine G. Coviello
Municipal Clerk

David May
Council President

TOWNSHIP OF MAHWAH

ORDINANCE NO. 1958

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, READOPTING CHAPTER 24, ENTITLED ZONING, IN ITS ENTIRETY WITH THE EXCEPTION OF §24-4.27 MF-1, AND AS OTHERWISE REFLECTED IN THE CHAPTER 24.

WHEREAS, on September 14, 2020, the Township Planning Board adopted the 2020 Master Plan and Reexamination Report; after appropriate public notice, to recommend the certain changes to the land use code which recommendations are addressed in the following ordinance;

WHEREAS, on October 15, 2020 the Township adopted revisions to the land-use Chapter 24 of the Township Code under Ordinance 1916 in accordance with the recommendations the 2020 Master Plan and Reexamination Report;

WHEREAS, the readoption of Chapter 24 (Zoning) of Mahwah's Code involved maintaining existing standards, addition of new requirements and language, and the reorganization of the code, including the proposed changes, into a document that is easier to navigate and understand;

WHEREAS, the summary of ordinance 1916 and this re-adoption is contained herein, summarizing the significant changes provided by the Township Planner and the regulations of the land-use ordinance incorporated it therein; and the following definitions were either added or modified;

• **Modified**

- Accessory use or structure
- Basement
- Building
- Carport
- Cellar
- Court
- Critical Land Use
- Dwelling (and underlying sub-definitions)
- Dwelling Unit
- Fitness and health club
- Floor Area
- Garage
- Habitable Space
- Health and Wellness Center
- Home Occupation
- Home Office
- Household
- Household, Low or Moderate Income

- Lot Coverage, Improved
- Lot (and underlying sub-definitions)
- Lot Depth
- Lot line, front
- Mobile Home (Manufactured home)
- Mobile Home Park (Manufactured home park)
- Motor vehicle body repair shop
- Net density
- Public areas
- Restaurant
- Sign (and underlying sub-definitions)
- Story (and underlying sub definitions)
- Variance
- Yard (and underlying sub definitions)
- Definition changes in the MUD-2 Zone to create or modify “Big Box Retail” and “Warehouse” have been moved to the MUD-2 zone.
- Added
 - Auction House
 - Charging Station
 - College
 - Convenience Store
 - Deck
 - Distribution Center
 - Dormitory
 - Family day care home
 - Finance, Insurance and Real Estate
 - Flag Lot
 - Garage, Private
 - Garage, Public
 - Garage, Repair
 - Garage, Shared Residential
 - Gasoline Station and Convenience Center
 - Grade, Natural
 - Hotel
 - Licensed Child Care Center
 - Outdoor storage
 - Place of Assembly
 - Portable on demand storage unit
 - Public facilities
 - Recreation facility
 - Recreation facility, private
 - Recreation facility, personal
 - Recreation facility, public
 - Recreational vehicle

- Restaurant, Fast Food
 - Restaurant, take-out
 - Retail Sales
 - Retail Services
 - School, Elementary and High School
 - Self Storage Facility
 - Sexually Oriented Business
 - Sign, Window
 - Snack Bar
 - Solar energy system, Accessory Use
 - Solar energy system, Principal Use
 - Ground-Mounted Solar Energy System
 - Solar Farm or Solar Garden
 - Terrace
 - Warehouse
 - Zoning Map
- **Removed**
 - Affordable housing plan
 - Patio homes
 - Sign, length
 - Sign, business
 - Sign, Directional or informational
 - Sign, political
 - Sign, Real Estate
- **New Sections**
 - Portable On-Demand Storage Units
 - Residential driveway setbacks
 - Electric Vehicle Charging Stations
 - Solar Energy Systems
 - Zone District Regulations Section. Established sections for all zones, moved new COAH zone requirements here, used it to also centralize zone-specific references that had been dispersed throughout code (C-200 zone, Manufactured Home Parks, Floodplain, Cemetery.
 - ADA Requirements
 - Places of Assembly (Consolidates old churches, synagogues, places of worship AND community buildings, clubs, social halls, lodges, fraternal organizations)
 - Sexually-oriented businesses (replaces Massage Parlors, Bath Parlors and Adult Book Stores)
 - Limited Industrial Conditional Use (previously only in table)
 - Addition of new housing regulations
- **Significant Updates**
 - Elimination of CED Zone (Includes addition of Statement of Purpose for rezoning)
 - Eliminates descriptions of prior zone maps

- Standards for outdoor sales
- Adult Uses
- Corner Lots
- Walls and fences
- Updated names for P-ED and RM
- Projections into required yards provisions also include uncovered decks and patios
- Minor updates to number of buildings restriction
- Accessory Structures and Uses
 - New Chapter 24-3.6. Revises and reorganizes old chapter 24-6.8.
 - Adds exemptions to maximum number of accessory structures, such as pools, children's play structures, tree houses, fountains, decks, sports courts, HVAC units, generators, solar energy systems.
 - Minor revisions to Helistops/Helipads.
 - Revises and updates Private Tennis Court requirements to Personal Recreation Facilities
 - Home Occupations
 - Revised storage requirement. (Previously prohibited outdoor AND indoor display or sale of merchandise, now prohibits outdoor display.)
 - Clarified language governing use. Prohibits housing to be visibly altered in character, other than signage.
 - Clarifies commercial vehicle, and customer/employee parking requirements.
 - Establishes limitation for delivery.
 - Added renting/leasing of vehicles (previously considered a conditional accessory use)
 - Establishes setback requirements for HVAC units and generators from structures and property lines.
 - Establishes limitation on pool cabana heights, detached residential garages and carports
 - Reduction in height of retaining walls and fences in nonresidential zones from 6 feet to 4 feet when located within 5 feet of the property line
- Off-street parking (Note: Many requirements in Ch. 22 Site Plan.)
 - Moved most of 24-7 to 24-3.7
 - Update residential parking to comply with RSIS
 - Clarifies requirements for parking of commercial vehicles in residential zones. Prohibits outdoor parking of vehicles overnight. Previously prohibited ALL parking overnight.
 - Establishes storage requirements for RVs, boats, commercial landscaping equipment and trailers.
- Agricultural Uses—Restrictions on raising of fowl or beekeeping.
- Establishes a 5-acre minimum for keeping of hoofed animals and clarifies language governing space requirements.
- Updates to terminology within use requirements for consistency with new definitions (i.e. Single Family Detached Dwellings in PRD)

- Removed PRD requirements governing Open Space reductions in the event of a school, police station, etc. Removed language from PRD establishing maximum number of units on specific properties (uncodified section). Removed language permitting development on steep slopes adjacent to public lands (uncodified section).
- Updates performance standards and design criteria to apply to all uses.
- Updates requirements for noise
- Updates requirements for Manufactured Home Parks governing setbacks for sheds and mechanical equipment.
- Clarifies language governing community residences to not interfere with state requirements.
- Updates certain conditional uses.
- Motor vehicle body repair. Removes section permitting a single use on the property.
- Health and wellness centers, fitness centers, and private outdoor recreation have been established as conditional uses. Health and wellness and fitness centers were previously uses that had hyper-specific definitions that read as conditions. Private outdoor recreation was previously a supplemental use requirement for country clubs.
- Schedule of Uses table:
 - Updated to identify permitted, accessory, and conditional uses in each zone (previously zones would build upon others).
 - Updated to reflect new uses/terminologies
 - Updated to reflect changes made to code
 - Added uncodified zones
 - Added sexually oriented uses to GI-80 zone
- Schedule of Bulk Requirements Table
- Updated cross references
- Added uncodified zones
- Updated terminology
- Added C-200 bulk requirements (previously separate table)
- Revisions to Education District bulk standards
- Moves
 - Cross references to Mount Laurel (ML-1 and ML-2) Districts
 - Assorted use requirements in former section 24-4.1 either moved to appropriate zones or eliminated
 - New Housing Districts (MUD, MF) to centralized location
 - Moved OP-200 purpose discussion to centralized purpose section
 - Moved OP-200 height requirements to OP-200 zone
 - Moved interpretation of provisions section to introductory section
 - Moved amendments section to introductory section
 - Moved “any use not specifically designated as a principal permitted use...is specifically prohibited...” from General Use Restrictions section to General Regulations
 - Consolidated outdoor sales requirements to centralized location
 - Moved signage from Accessory Use and other sections to centralized location

- Revised supplemental use regulations section to include: Pipelines (from Use Restrictions section); Marijuana (uncodified, from Use Restrictions section); Outdoor Sale of Goods (from Application of Regulations Section); Commercial Trailers for storage (from Application of Regulations Section);
- Moved nonconforming uses and structures to general regulations
- Consolidates Performance Standards, Design Standards, and Buffer Requirements into one section
- Conditional Uses:
 - Cemeteries moved to cemetery zone.
 - Places of assembly, nursing homes, mechanical automobile washing establishments, animal hospitals, hotels, service stations, riding stables, moved from supplemental use requirements.
- Moves wellhead protection and historic preservation to “Additional Regulations” section.
- Moves appendices of pollutant sources from attachment into ordinance.
- **Recommendations from Annual Reports**
 - Reexamine Sign Ordinance and improve its clarity.
 - Addressing height requirements in the fence ordinance.
 - Addressing standards for membrane structures
 - Establishing standards for anchoring detached “carport” structures
 - Permitting decks to project into rear yards (specifically the PRD. Regulations have been updated to permit this for all residential)
 - Exempting single lot, single family from submitting an EIS in the C-200
 - Establishing standards for sports courts
 - Establishing standards for pool cabanas
 - Refining standards for boarding and keeping of animals
 - Permitting retail sales in business zones (instead of specific uses)
- **Language from Uncodified Zones**
 - New Housing Districts (MUD-1, MUD-2, MF-2)
 - Marijuana
 - Cell Towers
 - ORP-200 Zone (Uncodified Zone)

WHEREAS, this re-adoption contains the following titles which establish the land-use code in Chapter 24 of the Township Code;

§24-1 GENERAL PROVISIONS

§24-1.1 Title

§24-1.2 Legislative Intent

§24-1.3 Purposes

§24-1.4 Interpretation of Provisions

§24-1.5 Definitions and Word Usage

§24-2 ESTABLISHMENT OF ZONES AND ZONING MAP

- §24-2.1 Districts Designated
- §24-2.2 Zoning Map
- §24-2.3 Interpretation of Boundaries
- §24-2.4 Amendments

§24-3 GENERAL REGULATIONS

- §24-3.1 Application of Regulations
- §24-3.2 Lot Regulations
- §24-3.3 Height Regulations.
- §24-3.4 Yard Regulations
- §24-3.5 Number of Buildings Restricted
- §24-3.6 Accessory Structures and Uses
- §24-3.7 Off-Street Parking and Loading
- §24-3.8 Supplemental Use Regulations
- §24-3.9 Nonconforming Uses and Structures

§24-4 ZONE DISTRICT REGULATIONS

- §24-4.1 Schedules of Regulations
- §24-4.2 C200 Conservation
- §24-4.3 R80 Single-Family Residential
- §24-4.4 R40 Single-Family Residential
- §24-4.5 R20 Single-Family Residential
- §24-4.6 R15 Single-Family Residential.
- §24-4.7 R10 Single-Family Residential
- §24-4.8 R5 Single-Family Residential
- §24-4.9 R11 Two-Family Residential
- §24-4.10 GA200 Garden Apartment
- §24-4.11 PRD4 Planned Residential Development
- §24-4.12 PRD4S Planned Residential Development - Special
- §24-4.13 PRD6 Planned Residential Development
- §24-4.14 RM6 Manufactured Home Park
- §24-4.15 B200 Shopping Center Business
- §24-4.16 B40 Highway Business
- §24-4.17 B12 General Business
- §24-4.18 B10 Neighborhood Business
- §24-4.19 CB360 Community Business
- §24-4.20 IP120 Industrial Park
- §24-4.21 GI80 General Industry
- §24-4.22 FP Floodplain
- §24-4.23 CEM Cemetery
- §24-4.24 BZ Buffer Zone
- §24-4.25 ML1 Moderate and Low Residential
- §24-4.26 ML2 Moderate and Low Residential
- §24-4.27 [RESERVED]
- §24-4.28 MF-2 Multi-Family-2
- §24-4.29 MUD-1 Mixed-Use Development 1 Overlay
- §24-4.30 MUD-2 Mixed-Use Development 2
- §24-4.31 LOD Limited Office District
- §24-4.32 OP200 Office Park
- §24-4.33 ORP200 Office Research Park
- §24-4.34 POS Public Open Space
- §24-4.35 ED Education

§24-5 PERFORMANCE STANDARDS AND DESIGN CRITERIA

§24-5.1 General Application.

§24-5.2 Compliance with Performance Standards

§24-5.3 Nuisance Elements.

§24-5.4 Performance Standards

§24-5.5 Design Criteria

§24-5.6 Buffer Zone and General Landscaping Requirements

§24-6 SIGNS

§24-6.1 General Requirements

§24-6.2 Exempt Signs

§24-6.3 Prohibited Signs in all zones

§24-6.4 Allowable Signage by Zone

§24-7 CONDITIONAL USES

§24-7.1 Essential Services

§24-7.2 Community Residences

§24-7.3 Motor Vehicle Body Repair Shops

§24-7.4 Places of Assembly

§24-7.5 Nursing and Convalescent Homes.

§24-7.6 Animal Hospitals, Veterinary Offices and Animal Kennels

§24-7.7 Mechanical Automobile Washing Establishments

§24-7.8 Motels, Hotels, Motor Hotels and Similar Uses

§24-7.9 Service Stations.

§24-7.10 Riding Stables, Academies, Riding Clubs.

§24-7.11 Private Recreation Facilities

§24-7.12 Health and Wellness Centers

§24-7.13 Sexually Oriented Businesses

§24-7.14 Limited Industrial

§24-8 AFFORDABLE HOUSING

§24-8.1 Housing Commission

§24-8.2 Housing Regulations

§24-8.3 Affordability Controls

§24-8.4 Development Fees

§24-8.5 Township Set-Aside

§24-9 Wireless Telecommunications Towers and Antennas

§24-9.1 Purpose.

§24-9.2 Definitions.

§24-9.3 Applicability.

§24-9.4 General Requirements.

§24-9.5 Permitted Uses.

§24-9.6 Conditional Use Permits.

§24-9.7 Buildings or Other Equipment Storage.

§24-9.8 Removal of Abandoned Antennas and Towers.

§24-9.9 Existing Towers.

§24-10 ADDITIONAL REGULATIONS

§24-10.1 Historic Preservation

§24-10.2 Wellhead Protection

§24-11 ADMINISTRATION AND ENFORCEMENT

§24-11.1 Enforcement by Zoning Officer.

§24-11.2 Zoning Permits.

§24-11.3 Building Permits.

§24-11.4 Certificate of Occupancy

§24-11.5 Violations and Penalties.

§24-11.6 Board of Adjustment

WHEREAS, legal counsel for the Township and the Township Administration recommends that this ordinance be reintroduced and considered for readoption by the Mayor and Township Council in order to further memorialize and confirm the legislation of former ordinance 1916; and

WHEREAS, this follows the master plan re-examination amendments that was adopted by the Township on September 14, 2020, to confirm the legislation of Chapter 24 except for references to the MF-1 zone and its references reflected therein.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 24 of the Code of the Township of Mahwah is amended it its entirety to read as follows:

Township of Mahwah Chapter XXIV: Zoning

§24-1 GENERAL PROVISIONS

§24-1.1 Title

- a. Long Title. The long title of this Chapter is: "An Ordinance to Amend and Supplement an Ordinance Entitled 'An Ordinance to Limit and Restrict to Specified Districts, and to Regulate Therein Buildings and Structures According to Their Construction, and The Nature and Extent of Their Use in the Township of Mahwah, County of Bergen and the State of New Jersey and To Provide for the Administration and Enforcement Thereof and to Fix Penalties for Violations Thereof' as Amended and Supplemented."
- b. Short Title. This Chapter shall be known and cited as the "Zoning Ordinance of the Township of Mahwah."

§24-1.2 Legislative Intent

- a. The intent of this Chapter is to establish a precise and detailed plan for the use of land and buildings in the Township, enacted in order to promote and protect the public health, safety and morals and the general welfare of the people.
- b. The Zoning Ordinance for the Township shall be viewed as a permissive ordinance. In no instance after the adoption of this Chapter shall any use be permitted in the Township which is not listed as a permitted, accessory or conditional use as specified herein. Any uses not permitted or specified shall be prohibited.

§24-1.3 Purposes

Such regulations are deemed necessary to achieve the following purposes:

- a. *Promote Orderly Development:* to protect the character and maintain the stability of all areas within the Township, and to promote the orderly and beneficial development of such areas.
- b. *Regulate Intensity of Use:* to regulate the intensity of use of zoning lots and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property and to protect the public health, safety and welfare.
- c. *Regulate Location of Buildings and Establish Standards of Development:* to establish building lines and the location of buildings designed for residential, commercial, industrial, office or other uses within such lines and to fix reasonable standards to which buildings or structures shall conform.
- d. *Prohibit Incompatible Uses:* to prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.
- e. *Regulate Alterations of Existing Buildings:* to prevent such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
- f. *Limit Congestion in Streets:* to limit congestion in the public streets and so protect the public health, safety, convenience and the general welfare by providing for off-

street parking of motor vehicles and for the loading and unloading of commercial vehicles.

- g. *Protect Against Hazards:* to provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare.
- h. *Conserve Taxable Value of Land:* to conserve the taxable value of land and buildings throughout the Township.
- i. *Statement of Purpose for PRD4S Zoning:* The purpose of this district (PRD4S) is to provide legislation which mandates the construction of adult and single-family semi-detached type housing, in an area of the Township which is currently impacted by two (2) diverse development types; that of a manufactured home park and low density single family homes.

The mapped location of the PRD4S District will function as a transition use between the manufactured home park and single family homes both in terms of density and building scale.

The provision for multiple family housing in this area of the Township is consistent with current Master Plan and Zoning Policy to provide for a multiplicity of housing types appropriately spread or allocated to the several different physical neighborhoods of the Township.

- j. *Statement of Purpose for Rezoning Lots 1B and 3B Block 32 from R20 to GI80:* Lot 1B is rezoned to GI80 from R20 predicated upon the Master Plan recommendation of the Planning Board. Lot 1B is adjacent to intensive commercial and industrial land uses fronting on Franklin Turnpike and Cedar Hill Avenue. Lot 1B is denuded and is at a lower grade than most all surrounding properties and is ideally suited as a natural drainage/retention area for the surrounding properties, which have been severely flooded in the past and contributed to the continuing flooding problems along the Masonicus Brook and the Mahwah River. The property owners of Lot 1B have proposed a retention pond of six (6) acres to accommodate approximately two hundred fifty (250) acres of adjacent water shed. Lot 3B is rezoned to GI80 to conform it to its current use.
- k. It is the intent of the ML1 and ML2 Zone regulations to provide a realistic opportunity for the construction of a variety of housing types for a variety of income levels in the Township, including housing for lower income households; and to encourage the development of such lower income housing, and other housing, by providing specific land use regulations addressing those needs. These regulations are designed to meet the mandate of South Burlington County N.A.A.C.P. vs. Mount Laurel Township, 92 NJ 158 (1983) also referred to herein as Mount Laurel II. Any provisions of any other ordinance not in conflict with the ML1 and ML2 zoning regulations and which imposes higher standards shall be applicable.
- l. Statement of Purpose for Rezoning lots contained in the CED (Controlled Economic Development) zone. The CED Zone was originally adopted as Ordinance No. 462 on October 12, 1972, and later amended as part of Ordinance No. 914 on December 5, 1985. This ordinance does not appear to have been fully codified, many of which are outdated or inconsistent with the code. These areas have largely been built out consistent with neighboring zones, therefore, it is the intent of this rezoning to

recognize these existing development patterns in order to promote the clear and consistent application of development regulations.

m. Provisions Pertaining to the OP200 Zone.

1. Relationship to Master Plan. As required by law, pursuant to N.J.S.A. 40:55D-62, the Township Council finds that certain provisions to Ordinance No. 883 may not be totally consistent with the Township Master Plan or the land use plan element therein and accordingly determines that the OP200 District established is peculiarly suitable as a result of its location and prior use, for the designated uses.
2. Interpretation. In the interpretation and the application of the provisions of this ordinance, the provisions shall be held to be the minimum requirements for the promotion of health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this ordinance imposes greater restrictions, the provision of this subsection shall apply.

§24-1.4 Interpretation of Provisions

In the interpretation and the application of the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this Chapter imposes greater restrictions upon the use of buildings or premises or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Chapter shall apply.

§24-1.5 Definitions and Word Usage

a. Word Usage

Unless the context otherwise indicates, the following definitions shall be used in the interpretation and construction of this Chapter. Words used in the present tense include the future; the singular number shall include the plural and the plural, the singular; the word "structure" shall include the word "building"; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot"; the word "occupies" includes the words "designated or intended to be occupied"; the word "used" shall include the words "arranged, designed, constructed, altered, converted, rented, leased or intended to be used"; the word "shall" is mandatory and not optional, and the word "may" is permissive.

b. Definitions

As used in this Chapter:

Accessory use or *structure* shall mean use or structure subordinate to the principal use of a building or structure on the same zone lot and serving a purpose customarily incidental to the principal use of the principal building. Examples of accessory structures shall include, but not be limited to, a detached garage, shed, in-ground or above ground pools, pool equipment, pool cabana, gazebo, decorative fountains, children's play structures, tree houses, sports courts, residential decks, pavilion, pergola, solar powered structures, generators and HVAC units.

Adult homes shall mean housing intended exclusively for persons fifty-five (55) years of age or older and the spouses of such persons; when necessary for the care of persons fifty-

five (55) years of age or older, one (1) person other than a spouse under fifty-five (55) years of age is permitted in each household.

Animal hospital shall mean a place where animals or pets are given medical or surgical treatment. Use as a kennel shall be limited to hospital use and treatment.

Animal kennel shall mean any building, structure or premises in which animals are kept, boarded or trained for commercial gain.

Applicant shall mean a developer submitting an application for development.

Application for development shall mean the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to law.

Auction house shall mean a place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Automobile service station or *gasoline station* shall mean a building or place of business where gasoline, fuel, oil and grease and/or batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade and where minor repair service is rendered.

Basement shall mean a space, partly above grade level, having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground.

Board shall mean the Planning Board or Board of Adjustment of the Township.

Building shall mean any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building height shall mean the vertical distance from the average point of the finished grade to the mean level of the roof.

Building, principal shall mean a structure in which is conducted the principal use of the site on which it is situated.

Carport shall mean a single-story roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.

Cellar shall mean a space partly above grade level, having more than one half of its floor-to-ceiling height below the average level of the adjoining ground. No "cellar" or portion thereof shall be used as a dwelling unit.

Charging Station shall mean the physical device that provides a connection from a power source to an electric vehicle. Also known as an Electric Vehicle Charging Station.

College shall mean an educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

Common open space shall mean an open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. "Common open space" may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Convenience Store shall mean a retail establishment selling primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

Court shall mean any open space area, unobstructed from the ground to the sky, which is bounded by three (3) or more attached building walls on the same lot.

Critical Land Use shall mean land use that, if located in the vicinity of an Oil and Hazardous Substance Pipeline, represents an unusually high risk to life in the event of a pipeline failure due to the characteristics of the inhabitants or functions of the use. Critical Land Uses include without limitation:

1. Child care;
2. Places of assembly;
3. Hospitals;
4. High-rise buildings, including hotels, dormitories, apartment complexes, and office buildings, which may not lend themselves to a timely evacuation;
5. Open space uses, including Green Acres and Township of Mahwah-owned lands designated as open space preservation areas, farmland preservation areas, historic preservation areas, Blue Acres preservation areas, active recreation areas, and passive recreation areas;
6. National Park Service designated National Natural Landmarks;
7. New Jersey Department of Environmental Protection ("NJDEP") designated New Jersey Natural Areas and Natural Heritage Priority Sites;
8. Senior and residential care facilities;
9. Institutional uses, including schools, day-care facilities, and public or public buildings;
10. Land traversing sole source aquifers.

Deck shall mean an unroofed platform, either freestanding or attached to a building, located above the finished grade and is usually supported by pillars or posts.

Developer shall mean the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

Development shall mean the division of a parcel of land into two (2) or more 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.

Distribution center shall mean an establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle. Retail sales are not considered part of the distribution process.

District or zone shall mean any portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

Dormitory shall mean a building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.

Dwelling shall mean any permanent building or portion thereof designed or used exclusively for human habitation, which include individual cooking, sleeping and sanitary facilities for the occupants of the household:

1. *Dwelling, one-family detached* shall mean a building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. Also referred to as a "single-family dwelling".
2. *Dwelling, one-family semidetached* shall mean a building attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot. Also known as a patio home.
3. *Dwelling, townhouse* shall mean a one-family dwelling in a row of at least three (3) 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 (1) or more vertical common fire-resistant walls.
4. *Dwelling, two-family* shall mean a building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
5. *Dwelling, multifamily* shall mean a building containing three or more dwelling units that share common horizontal and vertical separations.
6. *Dwelling, Garden Apartment* shall mean one (1) or more multiple family buildings not exceeding two and one-half (2-1/2) stories or thirty-five (35') feet in height, containing off-street parking, outdoor recreational facilities and as more fully required herein.
7. *Dwelling, Triplex* shall mean a building containing three (3) dwelling units, each of which has direct access to the outside or to a common hall.
8. *Dwelling, Quadruplex* shall mean four (4) attached dwellings in one building in which each unit has two (2) open-space exposures and shares one (1) or two (2) walls with adjoining unit or units.

Dwelling unit shall mean one (1) or more rooms, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling for the exclusive use of a single family maintaining a household.

Essential Public Facilities shall mean those public facilities which provide basic health and safety services to residents and visitors of Township of Mahwah, including, without limitation, water sanitation plants, water treatment plants, sewer treatment plants, water storage facilities, municipal telecommunication towers, police stations, fire stations, jails, courthouses, public health facilities, and emergency operations centers.

Essential service shall mean the erection, construction, alteration or maintenance, by public utilities or Municipal or other governmental agencies, of underground, surface or overhead gas, electrical, steam or water transmission systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, light stations, telephone lines, hydrants and other similar equipment and accessories herewith, reasonably necessary for the furnishing of adequate service by such public utilities or Municipal or other governmental agencies or for the public health, safety or general welfare.

Family shall mean a group of persons functioning as a single housekeeping unit and whose relationship is of a permanent, stable and domestic character as distinguished from non-familial institutional uses, boarding homes, fraternities, sororities, clubs, associations, transient housing or other similar forms of housing.

Family day care home shall mean an establishment which is registered with the State of New Jersey pursuant to the Family Day Care Provider Registration Act, P.L. 1987, c.27 (C: 30:5B-16 et seq.) and provides for the care, supervision, and protection of children for five (5) or fewer children below 13 years of age in the private residence of the provider at any one time for no fewer than 15 hours per week. The limitation on the number of children for whom day-care service is provided shall not include children who are legally related to the service provider, being cared for as part of an employment agreement between the family day care provider and an assistant or substitute provider where no payment for the care is being provided, or children who are part of a cooperative agreement between parents for the care of their children by one or more of the parents and where no payment for the care is being provided.

Farm shall mean an area of land which is actively devoted to agricultural or horticultural use which occupies no less than five (5) acres, exclusive of the land upon which the farmhouse is located and such additional land, in conformance with the minimum lot size of the residential zone in which the farm is located, as may actually be used in connection with the farmhouse as provided in N.J.S.A. 54:4-23.3, 54:4-23.4, 54:4-23.5 and 54:4-23.11.

Fitness and health club shall mean a private recreation facility where all uses and activities are completely located within an enclosed building.

Finance, Insurance and Real Estate shall mean establishments such as banks and financial institutions, credit agencies, investment companies, brokers of and dealers in securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents, and developers of real estate.

Flag Lot see *Lot, Flag*

Floor area shall mean the sum of the gross horizontal area of the several floors of a building measured from the exterior walls in a building. "Floor area" shall not include the area devoted to mechanical equipment serving the building, areas devoted exclusively to off-street parking and loading space for motor vehicles or to any space where the floor-to-ceiling height shall be less than six (6') feet six (6") inches.

Floor area ratio shall mean the ratio of floor area to land area.

Garage shall mean a deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Garage, private residential shall mean a structure that is accessory to a single- or two-family dwelling, is used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

Garage, public shall mean a structure or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

Garage, repair shall mean any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Garage, shared residential shall mean a garage used exclusively for the parking and storage of vehicles owned or operated by residents of nearby dwelling units and their guests, which is not available to the general public.

Gasoline Station and Convenience Center shall mean a type of gasoline station containing a convenience store on the same lot and planned, operated, and maintained as an integrated planned development.

Grade, finished shall mean a reference plane representing the average of finished ground level adjoining the building at the four (4) building corners of the structure.

Grade, natural shall mean the elevation of the ground level in its natural state, before construction, filling, or excavation.

Gross density shall mean the total number of dwelling units on the tract divided by the total area of the tract, including environmentally sensitive or restricted areas. The result is expressed as dwelling units per acre (du/ac).

Habitable space shall mean living space and rooms other than common hallways, cellar, storage space, and garage.

Hazardous Substance shall mean any substance designated under 40 CFR 116 pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act, Public Law 92-500; 33 U.S.C. § 1251 et seq.), the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., or Section 4 of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-4 et seq., including without limitation petroleum, petroleum products, pesticides, solvents and other substances.

Health and wellness center shall mean a hospital sponsored establishment that provides services, facilities and education to promote health, healthcare, wellness, fitness and health maintenance. Such services and facilities include exercise and fitness facilities, fitness training and education, restorative health services, physical, speech and occupational therapy, cardiovascular wellness training and similar facilities and services to enhance health, fitness, wellness and well-being. Such services, facilities and education to be provided by professional training, health, nutrition and medical personnel to the general public.

Health care facility shall mean a facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

Height, building shall mean the vertical distance from the average point of the finished grade to the mean level of the roof.

Height, court shall mean the vertical distance from the lowest level of the court to the mean height of the top of the enclosing walls.

Height, story shall mean the vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, when there is not a ceiling, to the top of the roof rafters.

Height, walls shall mean the vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Historic site shall mean any building, structure, area or property that is significant in the history, architecture, archeology or culture of this State, its communities or the nation and has been so designated.

Home occupation shall mean any activity carried out for gain by a resident and conducted in the resident's dwelling unit and is clearly incidental and secondary to the residential use of the premises.

Home office shall mean the use of a portion of a residential dwelling as an office area for use only by members of the household residing on the premises.

Hoofed animals shall mean any animal which is a solid-hoofed or cleft-hoofed quadruped, including but not limited to horses, ponies, sheep, goats, cows, donkeys and mules, but excluding swine and pigs, whether mature animals or their young.

Household shall mean all the people who occupy a housing unit.

Household, Low or Moderate Income – A household whose income level is categorized as low or moderate income in accordance with the Township of Mahwah Housing Element and Fair Share Plan.

Hotel shall mean a facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

Improved lot coverage, see Lot Coverage, Improved.

Industrial park shall mean a contiguous tract of land or ten (10) acres or more upon which the principal use shall be one (1) or more industrial uses, which shall be developed or subdivided as a single planned entity and shall meet the requirements of this Chapter.

Licensed Child Care Center shall mean an establishment providing for the care, supervision, and protection for six (6) or more children below 13 years of age who attend less than 24 hours a day and is licensed by the State of New Jersey. For a facility that is located in a sponsor's or sponsor representative's home, the State shall not count the children residing in the sponsor's or sponsor representative's home in determining whether the facility is serving the minimum number of children that would require it to be licensed as a center.

Lot shall mean a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

1. *Lot, corner* shall mean a parcel of land at the junction of and abutting on two (2) or more intersecting streets.
2. *Lot, Flag*, shall mean a lot not meeting minimum frontage requirements and where access to the public road is by a private right-of-way or driveway.

3. *Lot, interior* shall mean a parcel of land other than a corner lot.
4. *Lot, through* shall mean a parcel of land which fronts on two (2) parallel streets or that fronts on two (2) streets that do not intersect at the boundaries of the lot.

Lot area shall mean the computed area contained within the lot lines.

Lot coverage shall mean that portion of a lot which is occupied by buildings and accessory structures but not including walkways, driveways, patios and open parking lots.

Lot coverage, Improved shall mean the percentage of lot area which is improved with principal and accessory buildings, structures and uses, including but not limited to driveways, parking lots, patios, and garages and other man-made improvements. The use of gravel or other type of stone for the paving of driveways or parking lots shall not be exempt from the calculation of improved lot coverage.

Lot depth shall mean the mean horizontal distance between the front lot line and rear lot line, measured at the following points: (1) at the midpoint of the front lot line to the midpoint of the rear lot line, and (2) at a point where the two opposing side lines are closest to each other, draw a straight line along each side of the lot that extends as close to perpendicular as possible from the front lot line, to the rear lot line. In the case of a triangular shaped lot, wherein there is no discernible rear lot line, the lot depth measurement shall be taken from the midpoint of the front lot line to the intersection of the side lot lines where that occurs most distant from the front lot line.

Lot frontage shall mean the length of the front lot line.

Lot line shall mean a line of record bounding the lot.

1. *Lot line, front* shall mean the lot line separating the lot from the street right-of-way; also referred to as a "street line." In the event of a corner lot, or lot fronting on multiple streets, the determination of the front lot line will be based on the front yard designated on all maps and official record, or absent a map of official record, at the option of the owner or developer.
2. *Lot line, rear* shall mean the lot line opposite and most distant from the front lot line.
3. *Lot line, side* shall mean any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."

Lot width shall mean the distance between the side lines, measured parallel to the front lot line at the required front yard setback line.

Manufactured home shall mean a factory-built, single-family structure that meets the Federal Manufactured Home Construction Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code. Manufactured homes include structures previously referred to as mobile homes, which are structures built prior to enactment of the Federal Manufactured Home Construction and Safety Standards Act. A manufactured home shall not include "recreational vehicles."

Manufactured home park or *Manufactured housing community* shall mean one (1) or more parcels of land which have been planned for the placement of two (2) or more manufactured homes, appurtenant structures or additions.

Motor vehicle body repair shop shall mean a place of business within a principal building where the bodies of motor vehicles are repaired and/or rehabilitated. Motor vehicles shall

be limited to passenger cars, vans and small trucks not exceeding five (5) tons in weight classification. Permitted activities include metal fabricating and refinishing, sanding and painting and other related mechanical activities necessary to repair auto bodies.

Multi-family housing ---see Dwelling, Multifamily.

Net density shall mean the total number of dwelling units within a designated parcel divided by the total land area of the designated parcel less the acreage on which residential building is prohibited. The result is expressed as dwelling units per acre (du/ac).

Nonconforming lot shall mean a lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this Chapter, but which 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 shall mean a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nonconforming use shall mean a use or activity which was lawful prior to the adoption, revision or amendment of this Chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nuisance shall mean any unlawful use or uses which are unreasonable under all circumstances or which will endanger the health or welfare of the adjacent properties.

Off-site shall mean located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

Off-tract shall mean not located on the property which is the subject of a development application, nor located on a contiguous portion of a street or right-of-way.

Oil and Hazardous Substance Pipeline shall mean a pipeline, whether above or below ground, which transports or is designed to transport Oil or other Hazardous Substance. As used herein, a pipeline includes all parts of those physical facilities through which Oil or a Hazardous Substance moves or is meant to move in transportation, including pipes, valves, and other appurtenances attached to pipes, compressor units, pumping stations, metering stations, regulator stations, delivery stations, emergency response terminals, holders, breakout tanks, fabricated assemblies, and other surface pipeline appurtenances.

On-site shall mean located on the lot in question.

On-tract shall mean located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

Open space shall mean any parcel or area of land or water essentially unimproved and set aside, dedicated, designed or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Outdoor storage shall mean the keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Parking area, private shall mean any open area used for the temporary storage of automobiles and other vehicles for the private use solely by the occupants thereof to which such use is accessory.

Parking area, public shall mean any open area other than a street or other public way used for the temporary storage of automobiles and other vehicles and available to the public, whether for a fee or without compensation, or as an accommodation for clients, customers or employees.

Patio see terrace.

Person shall mean any individual, association, partnership, corporation or cooperative group.

Pipeline Operator shall mean the company, entity, or person(s) responsible for the operation, maintenance and management of an Oil and Hazardous Substance Pipeline.

Pipeline Owner shall mean the company, entity, or person(s) that owns an Oil and Hazardous Substance Pipeline.

Place of Assembly shall mean any structure or building devoted to the gathering together of persons for a common reason, such as legislative, religious, civic, educational, recreational or social purposes and that is used as the regular site for traditional services, meetings and/or gatherings of an organized body or community, which services, meetings or gatherings are presided over by the ordained or otherwise officially recognized leader of that body or community. Exempted are incidental, temporary or sporadic meetings attended by a small number of persons such that the character of the zone district in which it is located is not compromised for occupants of properties in that area.

Plan shall mean the provisions for development of a planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, public or private streets, ways and parking facilities, open space and public facilities. The phrase "provisions of the plan," when used in this Chapter, shall mean the written and graphic materials referred to in this definition.

Planned commercial development or *shopping center* shall mean an area of a minimum contiguous size as specified in this Chapter to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate commercial or office uses, or both.

Planned development shall mean planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

Planned industrial development shall mean an area of a minimum contiguous size as specified in this Chapter to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate industrial uses.

Planned residential development shall mean an area with a specified minimum contiguous acreage to be developed as a single entity according to a plan containing one

(1) or more residential clusters, which may include appropriate commercial or public or quasi-public uses all primarily for the benefit of the residential development.

Planned unit development shall mean an area with a specified minimum contiguous acreage to be developed as a single entity according to a plan, containing one (1) or more residential clusters or planned unit residential development and one (1) or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in this Chapter.

Planning board shall mean the Planning Board of the Township.

Professional and business office shall mean a use or uses conducted entirely within a structure for the purpose of providing a professional service or conducting a business office therein, restricted solely to administrative office activities, specifically excluding the sale or transfer of any physical products or goods from the site.

Portable on demand storage unit—shall mean a storage container not exceeding twenty (20) feet in length, often known as a POD, which is intended for the temporary storage of non-disposable household items during a period of home repair, construction, renovation or relocation.

Public facilities shall mean any building used exclusively for public purposes by any department or branch of government.

Public areas shall mean public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for public buildings and structures.

Public open space shall mean an open space area conveyed or otherwise dedicated to a Municipality, Municipal agency, Board of Education, State or County agency, or other public body for recreational or conservational uses.

Recreation facility shall mean a place designed and equipped for the conduct of sports and leisure-time activities.

Recreation facility, private shall mean a recreation facility open to the public for a fee or to bona fide members and guests.

Recreation facility, personal shall mean a recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests. A personal recreation facility may include, but is not limited to, such outdoor facilities as sports courts and tennis courts, as well as indoor recreation facilities.

Recreation facility, public shall mean a recreation facility open to the general public.

Recreational vehicle shall mean a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.

Residential cluster shall mean an area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

Residential density shall mean the number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a planned development.

Restaurant shall mean a building or structure designed, used or intended for use in which either food or beverage or both are sold and consumed primarily within the confines of an enclosed structure on the site.

Restaurant, Fast Food shall mean an establishment whose emphasis is on convenience and speed of service, that are generally part of a restaurant chain or franchise, and that provide a limited menu and minimal table or fast counter service, and whose meals are typically inexpensive and made from standardized ingredients that are partially or fully cooked in bulk in advance and kept hot and then finished and packaged to order. Ordering and pickup of food may take place from an automobile.

Restaurant, take-out shall mean an establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant.

Retail Sales shall mean an establishment engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.

Retail Services shall mean establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places; finance, real estate, and insurance offices; personal services; theatres; amusement and recreation services; health, educational, and social services; museums; and galleries.

School, Elementary and High School shall mean public and private nonprofit day schools accredited by the State Department of Education, per the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-66.b).

Self storage facility shall mean a building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

Sexually Oriented Business shall mean a commercial established, as defined by the state of New Jersey per N.J.S.A. 2C:34-6 as follows:

- (1) A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following: Books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a "specified sexual activity" or "specified anatomical area"; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a "specified sexual activity" or "specified anatomical area"; or instruments, devices, or paraphernalia which are designed for use in connection with a "specified sexual activity"; or

- (2) A commercial establishment which regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity," or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a "specified sexual activity" or "specified anatomical area."

As used in this definition of sexually oriented business, "specified anatomical area" means: (1) less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if covered, and "specified sexual activity" means: (1) the fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast; or (2) any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

Shopping center — See "planned commercial development".

Sign shall mean any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Sign height shall mean the measurement of a free-standing sign from the base of the sign to the highest point of the sign structure.

Sign Area, Aggregate shall mean the sum total of the area of all identification signs on a property.

Sign, advertising shall mean a sign which directs attention to an individual, business, product or service conducted, sold, leased or offered elsewhere than on the premises where the sign is located. For the purpose of this Chapter, a billboard shall be considered an advertising sign.

Sign, area of shall mean that area included within the frame or edge of the sign, including all accompanying lettering, wording, designs, logos, and symbols. Sign area shall not include any supporting framework, bracing, or trim which is incidental to the display, provided it does not contain any lettering, wording, or symbols. Where the sign has no such frame or edge, the area shall be the minimum area which can be defined by an enclosed four (4) sided (straight side) geometric shape which most clearly outlines the said sign. For signs that are visible on multiple sides, the area of the sign is computed by adding together the area of all sign faces visible from any one point. For double sided identical signs, only one side constitutes total sign area.

Sign, identification shall mean a sign used to identify a single business or use conducted on the site, or a group of structures, , such as residential subdivisions, apartment complexes, industrial parks, manufactured home parks, or shopping centers; located at the entrance or entrances of the area or building.

Sign, banner shall mean a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

Sign, flashing shall mean an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Sign, free-standing shall mean a sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or structure whether portable or stationary. Freestanding signs include ground signs and pylon signs.

Sign, ground shall mean a freestanding sign that is permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building.

Sign, incidental shall mean a sign that provides information or directions that are necessary for the physical use of the site, including but not limited to signs that provide warnings, parking rules or wayfinding information.

Sign, moving shall mean a sign which rotates or shifts, or appears to rotate or shift position.

Sign, portable or "A" frame shall mean an advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable and not permanently attached thereto and which is usually two-sided.

Sign, projecting shall mean any sign that is affixed at an angle or perpendicular to the wall or facade upon which it is mounted, projects more than twelve (12") inches from the wall or facade upon which it is mounted or projects above the top or beyond either side of the wall or facade upon which it is mounted.

Sign, pylon shall mean a freestanding sign which is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or base structure.

Sign, roof top shall mean any sign wholly erected, constructed or maintained on the roof or parapet of a structure.

Sign, temporary shall mean a non-permanent, non-illuminated wall or free-standing sign that may easily be moved or removed and that can feasibly be displayed for a limited period of time in any one location.

Sign, wall shall mean a sign affixed to or painted on and parallel with the surface of a wall or facade. A sign affixed to or painted on an awning, marquee or canopy shall be considered a wall sign.

Sign, window shall mean any permanent or temporary sign, including any decal, that is legible from the outside, including plazas, public streets, and parking lots, and that is placed on the outside or inside face of a window or mounted within two feet of the inside face of the window.

Site plan shall mean a representation of the proposed development, redevelopment, expansion or improvement of one (1) or more parcels of land and/or buildings in accordance with the rules and procedures of the Mahwah Township Site Plan Ordinance.

Snack bar shall mean a food establishment where service is provided from a counter and consumption takes place outside of the structure or in a common food court area.

Solar energy system—Accessory Use shall mean one (1) or more photovoltaic, concentrated solar thermal, or solar hot water devices either free-standing ground, building integrated or roof mounted, as well as related equipment which is intended for the purpose of reducing or meeting the energy needs of the property's principal use.

Solar energy system—Principal Use shall mean an area of land or other area (e.g. parking lot canopy, landfill, brownfield, etc.) used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

Solar Energy System, Ground Mounted shall mean a solar energy system that is directly installed on solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home or building. Ground-mounted systems may be appropriate when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.

Solar Farm or Solar Garden shall mean a set of solar collection devices designed to capture sunlight and convert it to electricity primarily for offsite consumption and use; some electricity may be used by an onsite building or structure.

Standards of performance shall mean standards adopted by ordinance regulating noise levels, glare, earth borne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matter, explosive and flammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Township, or standards required by applicable Federal, State or interstate law.

Story shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements shall be included as a story for height measurements if the distance from grade to the finished surface of the floor above the basement is more than six (6') feet (1829 mm) for more than fifty (50%) percent of the total perimeter or more than twelve (12') feet (3658 mm) at any point.

Story, half shall mean a space under a sloping roof that has the line of intersection of the roof and wall face not more than 3 feet above the floor level and in which space the possible floor area with headroom of 5 feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

Street shall mean 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 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 of 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.

Structure shall mean a combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above, or below the surface of a parcel of land.

Swimming pool shall mean any structure having a depth greater than two (2') feet and a water surface area in excess of two hundred fifty (250) square feet which is used for swimming, bathing or wading purposes.

Terrace shall mean a level, landscaped, and/or surfaced area, also referred to as a patio, directly adjacent to a principal building at the finished grade and not covered by a permanent roof.

Townhouse see Dwelling, Townhouse

University see College.

Use shall mean the specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

Variance shall mean the Board's authorized departure from the literal requirements and terms of this Chapter in accordance with the procedures contained herein.

Warehouse shall mean a building used primarily for the storage of goods and materials.

Yard shall mean an open space which lies between the principal or accessory building or buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted:

1. *Yard, front* shall mean an open space extending the full width of the lot between a principal building and the front lot line, unoccupied and unobstructed from the ground upward except as may be specified elsewhere in this Chapter. The depth of the front yard shall be measured parallel to and at right angles to the front lot line. Lots that front on multiple streets shall be considered to have multiple front yards.
2. *Yard, rear* shall mean a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal or accessory building. The depth of the rear yard shall be measured parallel to the rear property line.
3. *Yard, side* shall mean a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Zoning Board shall mean the Board of Adjustment as continued under this Chapter.

Zoning Map shall mean the Zoning Map of the Township of Mahwah, New Jersey, prepared by Maser Consulting, P.A. dated July 28, 2020 together with all amendments subsequently adopted.

Zoning Officer shall mean the Municipal official designated to enforce the provisions of the zoning ordinance, and to whom an application for a zoning permit is made and by whom such permits are issued.

Zoning permit shall mean a document signed by the Zoning Officer which is required by this Chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion, or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of this Chapter or variance therefrom duly authorized by the Board or the Township Council.

§24-2 ESTABLISHMENT OF ZONES AND ZONING MAP

§24-2.1 Districts Designated

For the purpose of this Chapter, the Township is hereby divided into the following types of zone districts, differentiated according to use, area and bulk regulations, and to be designated as follows:

Zone Designation	Zone Description
C200	Conservation
R80	Single-Family Residential
R40	Single-Family Residential
R20	Single-Family Residential

R15	Single-Family Residential
R10	Single-Family Residential
R5	Single-Family Residential
R11	Two-Family Residential
GA200	Garden Apartment
PRD4	Planned Residential Development
PRD4S	Planned Residential Development - Special
PRD6	Planned Residential Development
RM6	Manufactured Home Park
B200	Shopping Center Business
B40	Highway Business
B12	General Business
B10	Neighborhood Business
CB360	Community Business
IP120	Industrial Park
GI80	General Industry
FP	Floodplain
CEM	Cemetery
BZ	Buffer Zone
ML1	Moderate and Low Residential
ML2	Moderate and Low Residential
MF1	Multi-Family-1 (Reserved)
MF2	Multi-Family-2
MUD-1	Mixed-Use Development 1 Overlay
MUD-2	Mixed-Use Development 2
LOD	Limited Office District
OP200	Office Park
ORP200	Office Research Park
POS	Public Open Space
ED	Education

§24-2.2 Zoning Map

- a. ~~2020~~-Zoning Map. The location and boundaries are hereby established as shown on the document entitled "Zoning Map of the Township of Mahwah, Bergen County, New Jersey," prepared by Maser Consulting, P.A., dated ~~July 28, 2020~~, which Zoning Map is hereby made a part of this chapter. The Map and all notations, references and designations shown thereon shall be in such a part of this chapter as if same were all fully described as set forth herein. The ~~2020~~- Zoning Map may be found at the end of this chapter.

§24-2.3 Interpretation of Boundaries

- a. *Designation of Zone Boundaries.* The zone boundary lines are intended generally to follow the center lines of streets; the center lines of railroad rights-of-way; existing lot lines; the center lines of rivers, streams and other waterways; and Municipal boundary lines. When a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance, in feet, from a street line or other boundary line as indicated.

- b. *Determination of Doubtful Lines.* In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall lie with the Board of Adjustment.

§24-2.4 Amendments

All amendments to this Chapter and to the Zoning Map, which forms a part hereof, shall be adopted in accordance with the provisions of New Jersey law.

§24-3 GENERAL REGULATIONS

§24-3.1 Application of Regulations

Except as hereinafter otherwise provided:

- a. Any use not specifically designated as a principal permitted use, an accessory use or a conditional use is specifically prohibited from any zone district in the Township.
- b. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.
- c. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- d. No building or structure shall be erected, no existing buildings or structures shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.
- e. No yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot.
- f. No minimum off-street parking area or loading or unloading area shall be considered as providing off-street parking, loading or unloading for a use or structure on any other lot or parcel than the principal use to which it is ancillary, except as provided herein.

§24-3.2 Lot Regulations

- a. Existing Zone Lots of Record.
 1. In any residential zone, only a one-family dwelling may be erected on a nonconforming zone lot of official record at the effective date of this Chapter, irrespective of its area or width; provided, however, that no adjacent or adjoining vacant land exists or existed at the time of the effective date of this Chapter which would create a "conforming" lot if all or part of the vacant land were combined with subject lot. No lot or lots in single ownership hereafter shall be reduced so as to create one (1) or more nonconforming lots.

2. Notwithstanding any other Township Land Use Regulations, the owner of a lot in the C200 zone which lot is non-conforming as to the area, width and/or depth may construct or alter a single family home on the undersized lot as of right if all the following requirements are satisfied:
 - (a) The lot was a conforming lot in all aspects at the time the Municipality adopted an ordinance which rendered the lot non-conforming.
 - (b) No property adjacent or contiguous to the subject lot was in common ownership with the subject lot at the time of adoption of the ordinance which rendered the lot non-conforming or at any time subsequent thereto.
 - (c) The construction or alteration shall comply with all the requirements which were applicable to the subject lot at the time of adoption of the ordinance which rendered the lot non-conforming.
3. Notwithstanding any other provisions of the Township Code, for purposes of any future applications for development, the following lots will be deemed to have the lot size and lot dimensions which existed as of October 10, 1994 immediately prior to an eminent domain taking affecting the properties.

Block	Lot
69	5
70	1
70	7
70	8
70	32
70	35
70	40
70	43
70	46
70	120
70	121
71	4
71	5
71	6

- b. Lot Width. The minimum lot width shall be measured either at the required front yard setback line or at the front lot line as required for the district in which it is located. In cases of irregularly shaped lots whose sides are not parallel, where the lot width is measured at the required front yard setback line, the street frontage shall not be less than seventy-five (75%) percent of the minimum lot width required; provided the lot width measured at the front yard setback line shall be no less than the minimum lot width specified in the zoning schedule for the district in which the lot is contained.

In the case of irregularly shaped lots whose sides are not parallel, where the lot width is measured at the front lot line, the width of the lot measured at the required front yard setback line shall not be less than eighty-five (85%) percent of the required lot width measured at the front lot line.

- c. Corner Lots.

1. At all street intersections, no obstruction exceeding thirty (30") inches in height above the established grade of the street at the property line, other than an existing building, post, column, hedge or tree, shall be erected or maintained on

- any lot within the area bounded by the line drawn between points along such street lot lines thirty (30') feet distant from their intersection.
2. The determination of the front yard of a corner lot shall be at the option of the owner or developer and shall be so designated on all maps and official records.
 3. A corner lot, or lot fronting on multiple streets, shall be considered to have multiple street frontages, all of which shall be subject to the front yard requirements of the Zoning Schedule of this chapter.
 4. When a corner lot is located in a zone district that are subject to side yard requirements that are not equal on each side (e.g. R15, R10, R5, R11, G200, B200, IP120), the greater dimension must be met.
 5. The required side and rear yards will be determined based on the location of the front yard, as identified in c.2 above.
- d. *Through Lots.* A through lot shall be considered as having two (2) street frontages, both of which shall be subject to the front yard requirements of the Zoning Schedule of this Chapter.
- e. *Required Area or Space Cannot Be Reduced.* The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Chapter, and if already existing as less than the minimum required by this Chapter, the area or dimension may be continued and shall not be further reduced.
- f. *Frontage Upon a Street.*
1. Every principal building shall be built upon a lot with frontage upon an improved and approved street in accordance with the street standards established by the Township.
 2. Any property which contains access to one (1) or more approved and improved streets at its property line but does not contain sufficient street frontage as required herein shall not be construed to be landlocked. Where such conditions do exist or are created by virtue of a subdivision, no building permit or occupancy permit shall be granted unless and until the property contains the required amount of street frontage as required herein.
 3. This provision is not to be construed to provide any building or zone lot which contains less street frontage than required herein or to create a building or zone lot, with an existing structure or structures located thereon, with less street frontage than as required herein.
- g. *Lot Located in More than One (1) Zone.* For any zone lot which is located in more than one (1) zone district, which districts differ in character by permitting residential, commercial or industrial uses, all yard, bulk and other requirements shall be measured from the zone boundary line and not the true lot line.

§24-3.3 Height Regulations.

- a. *General Application.* No building or structure shall have a greater number of stories or greater number of feet than are permitted in the district where such building is located.

- b. Permitted Exceptions. Height limitations stipulated elsewhere in this Chapter shall not apply to church spires, belfries, cupolas and domes, monuments, chimneys, flagpoles, fire towers, water towers or masts and aerials or to necessary mechanical appurtenances or to parapet walls, except that no parapet wall may extend more than four (4') feet above the limiting height of the building, or to farm silos, provided that the silo is located no less than one hundred (100') feet from any lot line.

§24-3.4 Yard Regulations

- a. General.

- 1. Required yards shall be open to the sky, unobstructed except for the ordinary projection of parapets, windowsills, doorposts, rainwater leaders and similar ornamental or structural fixtures which may not project more than six (6") inches into such yards.
- 2. Cornices and eaves may project not more than two (2') feet over any required yard.
- 3. Chimneys or flues may be erected within any yard, provided that they do not exceed seventy-five (75) square feet in aggregate external area.

- b. Front yard Requirements Affected by Official Map. Where any lot shall front on a street right-of-way which is proposed to be widened as indicated on the Official Map of the Township, the front yard and the front or side yard of a corner lot in such district shall be measured from such proposed right-of-way line.

- c. Side Yard Exceptions.

- 1. Corner Lot. Any corner lot delineated by subdivision after the adoption of this Chapter shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street, as provided in the schedule identified in §24-4 herein.

- d. Projection into Required Yards. Certain architectural features may project into required yards as follows:

- 1. Cornices, canopies, eaves, bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys, uncovered decks, patios, and other similar architectural features may project a distance not to exceed two (2') feet.
- 2. Patios may be located in any side or rear yard, provided that they are not closer than five (5') feet to any property line.
- 3. Self-supporting walls and fences may project into any required yard, provided that any accessory retaining wall or fence is not higher than six (6') feet in height from the finished grade and when located behind the front façade of the principal structure. Walls and fences located within the front yard are not to exceed four (4') feet in height from the finished grade and shall not obstruct automobile vision. For fences located on corner lots, walls and fences located in each front yard shall not exceed four (4') feet in height from the finished grade and shall not obstruct automobile vision.

The requirements of §24-3.2 c and §24-5.6 b shall also apply where applicable. If there is a conflict between §24-3.4 d3 and §24-5.6, the requirements of §24-5.6 shall have priority.

Retaining walls located in a side or rear yard must be setback a minimum of two feet (2') from a side or rear lot line when the wall height is up to three feet (3') in exposed height from the finished grade. Retaining walls with an exposed height greater than three feet (3') from the finished grade must be setback a minimum of five feet (5') from a side or rear lot line.

The height of tiered retaining walls is measured from the bottom of lowest wall to the top of the highest wall, unless the upper wall is setback a minimum of twice the height of the lower wall. The setbacks between walls is measured from the rear of the lower wall to the face of the upper wall.

4. Residential driveways may project into any required yard, provided they are not closer to any side or rear property line than two (2') feet.

§24-3.5 Number of Buildings Restricted

- a. Except where permitted in in the Township Code for Planned Development Groups, CB360 permitted uses, OP200 permitted uses, MUD-2 permitted uses, and elsewhere in this chapter, there shall be no more than one (1) principal building on each zone lot in any district.

Where more than one (1) principal building is provided on a site outside the OP200 District, there shall be a minimum distance of twenty-five (25) feet separating buildings from one another or as otherwise regulated by said zone standards.

- b. In the event more than one (1) principal building is located on a parcel in the OP200 District as a planned office building complex, the minimum distance between buildings shall be equal to twice the height of the taller of the two buildings if they are measured front-to-front or front-to-rear and one times the height of the taller building if they are measured side-to-side, front-to-side, or rear-to-rear of the building.

§24-3.6 Accessory Structures and Uses

a. General

1. Attached Accessory Structures in Residential Districts. When an accessory structure is fully integrated with and subsumed by ~~attached to~~ the principal building by way of a separately approved addition, it shall comply in all respects with the requirements of this Chapter applicable to the principal building, including all setback requirements applicable to principal buildings. In all other circumstances, accessory structure(s) shall be in full compliance with the provisions set forth herein, including, but not limited to, whenever an accessory structure is connected or attached to a principal building by way of a partially enclosed or covered walkway (referred to herein as a "breezeway"), or fully enclosed hallway or corridor.
2. No portion of an accessory structure shall be used for living quarters, except where permitted as accessory apartments under §24-3.68h.
3. Agricultural or Horticultural Purposes. Notwithstanding any other regulations, accessory structures located on properties actually used for agricultural or horticultural purposes shall be subject to the following requirements.

- (a) The requirements of Code Sections §24-3.6b1, b2, b3, b4, b7 and 24-3.6a2 apply.
 - (b) The maximum area of an agricultural or horticultural accessory structure shall be five ~~(5%)~~ percent (5%) of the lot upon which the structure is located.
 - (c) The maximum height of the structure shall be the same as the maximum height for a principal residential structure.
4. Permanent and Portable Swimming Pools.
- (a) Permanent and portable swimming pools accessory to a residential use shall be erected on the same zone lot as the principal structure. The pool may be erected in the side or rear yard of the zone lot. The wall of the swimming pool shall be located no closer than ten ~~(10')~~ feet (10') to a side or rear yard line. All such pools shall be suitably fenced in accordance with Township requirements.
 - (b) These regulations shall not apply to portable swimming pools which are less than two ~~(2')~~ feet (2') in height.
 - (c) Pools and spas/jacuzzis shall be considered accessory structures; however, shall not be counted toward the maximum number of accessory structures of a residential lot, see §24-3.6b6.
5. Outdoor Storage Areas. Such uses, where permitted, shall not abut existing residential development or use, a residential street or any R District, and the operation thereof shall be governed by the following provisions:
- (a) Flammable and Explosive Liquids. All flammable or explosive liquids, solids or gases shall be stored in appropriate containers as regulated in the Fire Prevention Code.
 - (b) Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property and shall be subject to the provisions of §24-5.6.
 - (c) Deposit of Wastes. No material or wastes which might cause fumes or dust or which might constitute a fire hazard or which may be edible by or otherwise attractive to animals or insects shall be stored outdoors unless in closed containers.
6. Helistops and Helipads.
- (a) Where permitted as accessory uses, helistops and helipads shall be subject to approval of the New Jersey Department of Transportation and the Federal Aviation Administration where applicable.
 - (b) Roof top heliports and helipads shall be prohibited.
 - (c) The location of landing sites and the regulation of helicopter operations shall reflect the following:
 - (1) Good locations to best serve present and potential helicopter traffic;
 - (2) Minimum obstructions in the approach and departure path;
 - (3) Minimum disturbances to the public from noise and dust; and

- (4) Easy access to surface transportation; and
 - (5) The Federal design guides, prepared by the F.A.A. (Heliport Design Guide, November 1964 as amended) shall be used as guidelines concerning heliport layout, approach and departure paths, obstruction clearances as well as the construction of heliport surfaces, landing and takeoff area, structural design, impact load, landing surface, turbulence and visibility.
7. Personal Recreation Facilities. Where permitted as accessory uses, personal tennis and sports courts shall conform to the following requirements:
- (a) The improved lot coverage does not exceed that permitted by the schedule of District Area, Yard, and Bulk requirements.
 - (b) The sports court shall not be located closer than forty ~~(40)~~ feet (40') to any side lot line and not closer than fifty ~~(50)~~ feet (50') from any rear lot line.
 - (c) The sports court can only be located in the rear yard portion of the premises.
 - (d) A fence with a maximum height of ten ~~(10)~~ feet (10') shall be permitted incidental to the sports court.
 - (e) Lighting designed for illumination of the sports court for night use is prohibited.
 - (f) The sports court may be used only by the residents of the premises and their guests.
8. Home Occupations. Home occupation uses are permitted as accessory uses in all residential zones in a manner that will not impact upon adjacent properties and shall conform with the following standards.
- (a) A home occupation shall be subordinate to the principal use of a dwelling unit for residential purposes. The area set aside for home occupations and/or for storage purposes in connection with a home occupation shall not exceed thirty ~~(30%)~~ percent (30%) of the gross floor area (G.F.A.) of such residence, excluding the area of garages, basements and attics in calculation of G.F.A. even though such garage, basement and attic areas may be used for home occupation and/or storage purposes.
 - (b) There shall be no outdoor storage or outdoor display of materials or equipment.
 - (c) Any alteration to the dwelling for the home occupation shall not substantially alter or change the character of the premises or give an appearance that the premises are being used for other than residential occupancy. No advertising displays or signs shall be permitted, except as permitted in §24-6.
 - (d) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odor detectable to the normal senses off the property. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in the line voltage off the premises. No hazardous or toxic materials as defined by State or local codes shall be stored on the premises.

- (e) The home occupation must be conducted by a person who occupies the premises as his or her principal residence.
 - (f) All parking of motor vehicles for the persons engaged in the home occupation and for business visitors shall be provided on the premises. On-street parking for business visitors is prohibited.
 - (g) Not more than one (1) nonresident shall be engaged in the home occupation on the premises at any time.
 - (h) Not more than two (2) clients, customers, patients or students shall be permitted on the premises at any time.
 - (i) Home occupations shall be limited to lots which abut a County or State road.
 - (j) The occupant who conducts the home occupation must apply for and obtain a zoning permit prior to commencement of the home occupation.
 - (k) Parking of commercial vehicles shall be in accordance with the off-street parking requirements in residential zones, per §24-3.7.
 - (l) No goods, chattels, materials, supplies or items of any kind shall be delivered either to or from the premises in connection with a home occupation except in passenger automobiles or vans with a maximum length of twenty feet (20')20 feet.
 - (m) No more than two additional off-street parking spaces may be created on the premises for home occupations. Such additional parking spaces shall be located behind the dwelling unit and effectively screened from view by neighbors and shall be approachable via existing driveways. Paving of front or side yard setbacks for additional parking spaces for home occupations shall be considered obtrusive and damaging to the character of the neighborhood and is not permitted.
 - (n) Signage for home occupations shall be in accordance with §24-6.
9. Home Offices. Home offices are permitted as accessory uses in all residential zones subject to the following standards:
- (a) The office area shall not occupy more than five hundred (500) square feet nor more than twelve and one-half (~~12.5%~~) percent (12.5%) of the gross floor area (G.F.A.) of the dwelling unit, whichever is less, excluding the area of garages, basements and attics in the calculation of gross floor area;
 - (b) The office area shall not have direct access to the outside via a door, but shall be an existing room or area within dwelling unit which is integrated within the overall floor plan of the dwelling;
 - (c) The office area shall not contain any kitchen or bathroom facilities which are separate from the remainder of the detached dwelling unit;
 - (d) The office area shall have only typical office equipment limited to computers, telefax machines, telephones, copying machines and similar office equipment;
 - (e) No supplies or furnishings shall be permitted other than typical office supplies and furnishings;

- (f) No signs or other evidence of the office area shall be shown to the outside of the dwelling unit;
- (g) No persons shall be permitted on the property regarding the office area other than people making deliveries or service calls as otherwise might occur on the property regarding the dwelling unit.
- (h) A zoning permit is not required for a home office.

10. Electric Vehicle Charging Station.

- (a) An electric vehicle charging station is permitted as an accessory use to any principal use in nonresidential zones and multifamily zones.
- (b) An electric vehicle charging station space may be included in the calculation for minimum required parking spaces required in accordance with §22-6.2.
- (c) Lighting of electric vehicle charging stations shall be done in accordance with Chapter XXII, Site Plan Review.
- (d) Charging stations shall be designed to current industry standards, including the provision of adequate protection to charging equipment.

11. Leasing or Renting of Vehicles

- (a) The leasing or renting of vehicles shall not occupy more than ten ~~(10%)~~ percent (10%) of the total area of the site.
- (b) Off-street parking in accordance with the requirements of Chapter ~~XXII~~ 22, shall not be used for the parking or storage of inventory related to the leasing or renting operation.

b. Accessory Structures in Residential Districts. Accessory structures which are not fully integrated with and subsumed by ~~attached to~~ a principal structure as part of a separately approved addition to the principal structure, may be erected on a residential lot provided that:

- 1. Accessory structures, except for private storage sheds in compliance with §24-3.6b3, shall comply in all respects with the setback requirements applicable to the principal building on the lot except when located in the side and/or rear yard(s).
- 2. No accessory structure is located closer to the street right-of-way line than the required front yard setback of the principal structure, except as provided by §24-3.4d and §24-5.6b for fencing. Sections §24-3.2c- and §24-3.4b- shall also apply to all accessory structures hereunder.
- 3. Private ~~S~~storage sheds shall be permitted accessory uses within all residential zones. A private storage shed is a structure used for storage subordinate, incidental and customary to the principal dwelling and permitted residential use within all residential zones. The maximum area of a private storage shed in a residential zone shall not exceed one hundred twenty (120) square feet and the maximum height shall not exceed ten ~~(10')~~ feet (10'). No private storage shed can be located closer to any lot line than five ~~(5')~~ feet (5'). No private storage shed can be located closer to the street right-of-way line than the required front yard setback for the principal structure. Sections §24-3.2c- and §24-3.4b- shall also apply to all private storage sheds in residential zones.

4. In all districts, accessory structures shall not be located less than ten (10') feet (10') from the side wall or rear wall of the principal structure. Attached decks and balconies which do not comply with this provision, shall be considered part of the principal structure and the entire structure shall be required to comply with the provisions of the regulations governing structures in that district and not the regulations for accessory structures. HVAC units and generators shall be located within ten ~~(10)~~ feet (10') from the side wall or rear wall of the principal structure.
 5. The maximum area of any accessory structure in a residential zone, except for private storage sheds, shall be one thousand (1,000) square feet. The maximum height of any accessory structure other than a private storage shed shall be twenty ~~(20)~~ feet (20') and shall not exceed the height of the principal structure. These standards shall not apply to the MUD-2 District.
 6. The maximum number of accessory structures, excluding private storage sheds, pools, children's play structures, tree houses, decorative fountains, decks, sports courts, pool equipment, HVAC units and generators, and solar energy systems, on a single lot shall be one (1). Nothing herein shall be construed to authorize an addition or expansion of a principal structure by connecting a principal structure to an accessory structure by way of a breezeway (partially enclosed or covered walkway) or fully enclosed hallway to circumvent the numerical limits of accessory structures in Residential Districts.
 7. Except for lots located in a zone district that is/are subject to side yard requirements that are not equal on each side, An accessory structure located in any the side and/or rear yard(s) may be erected in one-half (1/2) of the required side yard and rear yard setback of the principal structure with a minimum of five ~~(5)~~ feet (5') for the side yard, if otherwise permitted in the particular zone. Any lot located in a zone district that is/are subject to side yard requirements that are not equal on each side (e.g. R15, R10, R5, R11), the greater dimension must be met. HVAC units, propane and oil tanks, and generators shall be located in the side or rear yard, provided that such structures are located no closer than five ~~(5)~~ feet (5') from any property line; and shall be screened from view of any adjacent property and public right-of-way.
 8. Pool cabanas shall not exceed one (1) story.
 9. Detached private residential garages and carports shall be considered accessory structures, and shall meet the requirements governing same.
 10. Carports shall be properly anchored to a permanent solid base to prevent movement or upheaval from wind forces.
- c. Accessory Structures in Other Districts.
1. In any nonresidential district, no accessory structure or use shall be located closer to any lot line than five ~~(5)~~ feet (5'). The requirements shall not apply to retaining and decorative walls and fences, provided same do not exceed four ~~(4)~~ feet (4') in height and are otherwise in full compliance with the provisions of §§ 24-3.4d3 and 24-5.6b, as applicable.

2. In any nonresidential district, the aggregate area covered by accessory structures shall not exceed twenty-five (~~25%~~) percent (25%) of the rear yard.
3. In any nonresidential district, all accessory structures shall be located no less than twenty (~~20'~~) feet (20') from the side or rear of the principal or main building.
4. In any nonresidential district, no accessory structure shall be located closer to the street right-of-way line than the required front yard setback of the principal structure, except where specified. Sections §24-3.2c and §24-3.2b shall also apply to all accessory structures hereunder.

§24-3.7 Off-Street Parking and Loading

- a. Off-Street Parking and Loading Spaces Required. In all districts, in connection with every industrial, business, institutional, recreational or residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking and loading spaces for automobiles and other vehicles in accordance with the requirements set forth in Chapter XXII, Site Plan Review, §22-6.2 (Off-Street Parking) and §22-6.3 (Off-Street Loading) and with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1.1) for residential uses. Such facilities shall be completed prior to the issuance of a certificate of occupancy. In cases where site plan approval is not required, the standards established herein shall prevail.
- b. Joint Facilities. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one (1) use unless otherwise approved by the Board as provided in Chapter XXII, Site Plan Review.
- c. Maintenance of Off-Street Parking and Loading Areas. Every parcel of land hereafter used as a public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All pavement areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guardrails, markings, signs, landscaping and other improvements shall be maintained in workable, safe and good condition.
- d. Off-Site Parking Facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than four hundred (400') feet from that lot, and provided further that required spaces are provided off the site in accordance with the provisions set forth herein or in Chapter XXII, Site Plan Review, and that such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in the office of the County Clerk in Bergen County, binding the owner and their heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.
- e. Off-Street Parking Residential Zones.

1. Residential structures shall comply with the off-street parking requirements of the Residential Site Improvement Standards (N.J.A.C. 5:21-1.1).
2. Commercial vehicles with a gross vehicle weight exceeding ten thousand (10,000) lbs., including buses used or designated for public conveyance of any nature, shall not be parked out of doors overnight in any residential zone in the Township.
 - (a) Commercial vehicle is defined as any motor driven vehicle used or designed to be used for commercial purposes on the highways or roadways or in construction, whether or not the vehicles are registered as, and bear commercial type license plates.
 - (b) Not more than one commercial vehicle may be kept on any one family or two family lot. The one permitted shall not exceed a vehicle gross vehicle weight of ten thousand (10,000) lbs. and must be used by a resident of the premises. The permitted vehicle must be parked a minimum of ten (10') feet from all property lines of the premises.
3. In parking lots of townhouse, apartment, or other multifamily developments, commercial vehicles may be parked overnight provided that:
 - (a) Each vehicle does not have a gross vehicle weight exceeding ten thousand (10,000) lbs.;
 - (b) The vehicle is used by a resident of the premises;
 - (c) Not more than one commercial vehicle may be parked by the residents of any unit; and
 - (d) The vehicle is parked a minimum of ten (10') feet from the nearest building and ten (10') feet from all property lines.
4. The provisions of this section shall not apply to vehicles regulated by Chapter XI of the Township Code entitled "Trailers and Trailer Parks".
5. Recreational vehicles (RVs), boats, and commercial landscaping equipment and commercial trailers that do not meet the requirements of subsection 2 above, that are stored on a residential property shall be stored on sand, gravel, or pavement, behind the front yard setback line, and no less than 10 feet from the side and rear property lines. Any such vehicle stored in accordance with this section shall not be occupied and shall not be provided with utility connections other than for the maintenance of such vehicle.

§24-3.8 Supplemental Use Regulations

a. Unregulated Pipeline.

1. Pipelines that are not public utilities that distribute services to end users and are not regulated by the State of New Jersey, Board of Public Utilities, are prohibited in all zone districts.
2. Oil and Hazardous Substance Pipelines.
 - (a) Applicability. The provisions in this section apply to all Oil and Hazardous Substance Pipelines proposed for construction and siting within the Township of Mahwah. To the extent any regulations within this paragraph conflict with State or Federal regulations or laws regulating oil

and Hazardous Substance pipelines, those State or Federal regulations and laws shall take precedence over this paragraph a.2.

- (b) Uses. Oil and Hazardous Substance Pipelines that are not providing services to the public as end users and are not regulated by the New Jersey Board of Public Utilities are prohibited in all residential zones and districts within the Township of Mahwah and shall constitute conditional uses in all other zones and districts within Township of Mahwah subject to the provisions of this paragraph a.2.
- (c) Development and Construction of Oil and Hazardous Substance Pipelines. The following requirements and standards shall apply for the development and construction of any Oil or Hazardous Substance Pipeline within the Township of Mahwah:
 - (1) Application and approvals. A resolution of approval by the Township of Mahwah Board shall be required prior to the construction of any Oil and Hazardous Substance Pipeline within the Township of Mahwah. An original Development Application-Site Plan for a pipeline approval and permit shall be submitted to the Township of Mahwah Board Secretary with a copy submitted to the Township Engineer. Such application shall include:
 - [a] Eighteen (18) sets of plans showing the dimensions, valving frequency, and proposed construction and siting of the Oil and Hazardous Substance Pipeline, related appurtenances and facilities;
 - [b] Detailed cross-section drawings for all proposed pipeline public street right-of-way, closings and easements, wetlands and New Jersey open waters crossings;
 - [c] A flow diagram showing the daily design capacity of the proposed Oil and Hazardous Substance Pipeline;
 - [d] A description of any changes in flow in the Oil and Hazardous Substance Pipeline once in operation;
 - [e] The proposed maximum operating pressure, in pounds per square inch gauge (psig) at all points of change in elevation greater than 500 feet, or every 500 feet in length as a minimum; and
 - [f] Diagrams and descriptions of all pipeline monitoring facilities and shut off/flow control valves proposed to be located in or closest to the municipality.
 - (2) Required Setbacks. To promote the public health, safety, and general welfare and to mitigate the aesthetic and environmental impacts of the Oil and Hazardous Substance Pipeline and to minimize the potential damage or interruption to Essential Public Facilities by the Oil and Hazardous Substance Pipeline, the construction and siting of the Oil and Hazardous Substance Pipeline in Township of Mahwah shall be subject to the following setbacks:
 - [a] Wellhead Protection or Sole Source Aquifer Areas. In accordance with §24-10.2 of the Township Code titled "Wellhead Protection", a pipeline,

except a natural gas pipeline, is considered a Major Potential Pollutant Source and shall be prohibited within a Tier 1 and 2 Wellhead Protection Area. All other provisions of §24-10.2 must be complied with.

[b] 100-Foot Setbacks. Except as otherwise set forth in this section, Oil and Hazardous Substance Pipelines shall not be constructed and sited closer than 100 feet from:

[1] Any wetlands;

[2] Any year-round naturally occurring creek, stream, river, private or public well, or pond, unless approved by the Township of Mahwah Engineer as part of the pipeline permit and approval process where adequate mitigation measures have been demonstrated by the applicant; or

[3] Any property in a business district or where a business is located.

[c] 150-Foot Setbacks. Except as otherwise set forth in this section, Oil and Hazardous Substance Pipelines shall not be sited closer than 150 feet from any residential property, zone or district on level grade.

[d] 250-foot setbacks. Except as otherwise set forth in this section, Oil and Hazardous Substance Pipelines shall not be constructed and sited closer than 250 feet from any residential property, zone or district where the residential property, zone or district is located downhill from the pipeline at a grade equal to or greater than 5%, except that no Oil and Hazardous Substance Pipelines shall be located on slopes of a grade equal to or greater than 15%.

[e] 1000-Foot Setbacks. Except as otherwise set forth in this section, Oil and Hazardous Substance Pipelines shall not be constructed and sited closer than 1000 feet from any Critical Land Use lot or Essential Public Facilities structure.

(3) Submittal of Additional Information. If requested by the Township of Mahwah Engineer, preliminary as-built information, including, without limitation, as-built drawings, a copy of GIS shapefiles of the pipeline and its related appurtenances and facilities within the Municipality, and any additional requested information about the Oil and Hazardous Substance Pipeline shall be filed 90 days before the date the pipeline is proposed to become operational with the Township of Mahwah Engineer. Updated as-built information, including, without limitation, as-built drawings, a copy of GIS shapefiles of the Oil and Hazardous Substance Pipeline and its related appurtenances and facilities within the Municipality, and any additional information requested by the Township of Mahwah Engineer about the pipeline shall be filed within 60 days after the Oil and Hazardous Substance Pipeline has become operational with the Township of Mahwah Engineer.

(4) Construction. The Pipeline Owner and Pipeline Operator shall give notice 48 hours prior to the proposed start date of construction of the Oil and Hazardous Substance pipeline to all affected residents, businesses

(including agricultural businesses) and to the Township of Mahwah Engineer and Police Department. Private property owners and business owners shall have access to their properties at all times during pipeline construction.

- (d) Emergency Preparedness Plan. Sixty (60) days prior to the first date of operation of the Oil and Hazardous Substance Pipeline, the Pipeline Owner and Pipeline Operator shall meet with the Township of Mahwah Police Department and Engineer and submit to them an emergency preparedness plan ("EMP") for any and all emergencies that may result in an accidental leak or failure incident regarding the pipeline and its related appurtenances and facilities. The EMP shall cover the requirements stated in 49 CFR 195.402 and 195.403 and shall identify a responsible local emergency response official and a direct twenty-four (24) hour emergency phone number. No Oil and Hazardous Substance Pipeline shall become operational, nor shall any Oil and Hazardous Substance be introduced into the Oil and Hazardous Substance Pipeline prior to the Pipeline Owner and Pipeline Operator receiving the prior written approval of the EMP by the Township of Mahwah Engineer and Chief of Police.
- (e) Insurance. No Pipeline Owner or Pipeline Operator shall operate any Oil and Hazardous Substance Pipeline or introduce any Oil or Hazardous Substance into an Oil and Hazardous Substance Pipeline without first obtaining insurance policies covering general liability, environmental incidents and contamination, and property damage in an aggregate amount to be determined by the Township of Mahwah based upon reasonable estimates of potential liability and property damage that would result from a leak, spill or other failure of the Oil and Hazardous Substance Pipeline. Prior to the first operation of the Oil and Hazardous Substance Pipeline and every year in which the Oil and Hazardous Substance Pipeline is in operation thereafter, the Pipeline Owner or Pipeline Operator shall submit insurance coverage certificates and endorsements to the Township of Mahwah adding the Township of Mahwah as an additional named insured on the insurance policies, demonstrating that the required policies and levels of insurance have been obtained.
- (f) Indemnification and Hold Harmless. Prior to the first operation of the Oil and Hazardous Substance Pipeline, the Pipeline Owner and Pipeline Operator shall both agree in writing to indemnify and hold harmless the Township of Mahwah, as well as its officers, officials, supervisors, employees, agents, contractors, and assigns, from any and all liability relating to or arising from the Oil and Hazardous Substance Pipeline, including, but not limited to, any failure, leak, spill, contamination, cleanup, remediation, property damage, and personal injury from and related to such pipeline. The indemnification and hold harmless agreement shall include a provision for the payment of Mahwah's reasonable attorneys' fees and litigation costs.
- (g) Easements. Any easements or rights-of-way obtained by the Pipeline Owner or Pipeline Operator for the Oil and Hazardous Substance Pipeline shall be recorded by the Pipeline Owner or Pipeline Operator in the office of the County Clerk.

- (h) Marking. The Pipeline Owner or Pipeline Operator shall install and maintain markers to identify the location of the Oil and Hazardous Substance Pipeline in accordance with all applicable federal and state requirements.
 - (i) Pipeline Failure and Remediation. In the event that a leak, spill, or failure has occurred with the Oil and Hazardous Substance Pipeline, the Pipeline Owner and Pipeline Operator shall notify the Township of Mahwah Engineer, the Township of Mahwah Police Department, and all property owners within 1000 feet of the affected pipeline area within one hour of discovery of the leak, spill or failure. The Pipeline Owner and Pipeline Operator shall cooperate with Township of Mahwah officials and make every effort to respond as soon as possible to protect the public's health, safety, and welfare. All leak or spill remediation plans shall be made in consultation with the Township of Mahwah, and no remediation may be deemed complete without final approval thereof by the Township of Mahwah. In the event that the Oil and Hazardous Substance Pipeline is shut down due to a leak, spill, or failure, the Pipeline Owner and Pipeline Operator shall not restart the pipeline without the written approval of the Township of Mahwah Engineer.
 - (j) Repair. Following any repair(s) of an Oil and Hazardous Substance Pipeline, any areas disturbed by such repair(s) shall be revegetated and restored in accordance with the applicable provisions of the Township Ordinances at the Pipeline Owner's and Pipeline Operator's sole cost and expense.
- b. Marijuana establishments. The operation of retail marijuana establishments, which includes retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities; and the operation of retail marijuana social clubs are prohibited within the Township of Mahwah and, therefore, all activities related to the abovementioned retail uses such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing are expressly prohibited within the Township of Mahwah.

Medical Use of Marijuana. This ordinance shall not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary pursuant to the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1.

- c. Outdoor Sale of Goods
- 1. The sale of goods outside the confines of a building or structure is prohibited except for the following:
 - (a) The sale of automobiles by automobile sales dealerships.
 - (b) The sale of agricultural and horticultural products as provided in §24-3.8 e.
 - (c) The sale of products for garden supply and building material establishments.
 - (d) The sale of gasoline and related automobile parts and fluids at automobile service stations may be permitted between the fueling pumps.
 - (e) Garage sales subject to the issuance of a special permit by the Township Council.

- (f) Outdoor sales on public or quasi-public lands subject to the issuance of a special permit by the Township Council in accordance with Chapter IV of the Code of the Township of Mahwah.
- (g) Outdoor sales of seasonal goods subject to the issuance of a special forty-five (45) day approval by the governing body.
- (h) The temporary outdoor display and/or sale of products by a retail business establishment subject to the issuance of a forty-five (45) day permit by the Zoning Officer and subject to any applicable restrictions and/or any prohibition pursuant to a development approval by the appropriate land use board and applicable ordinances, rules and regulations and statutes. Such outdoor display and/or sale of such products permitted herein shall not extend further than ten (10') feet beyond the storefront, shall be located a minimum of four (4') feet from the curb line, shall not impede pedestrian traffic on public sidewalks and shall not block any existing parking spaces. No permit shall be issued to any single retail business establishment more than four (4) times per calendar year and no more than one (1) time per each calendar quarter. The permit fee shall be twenty-five (\$25.00) dollars.
- (i) The permanent display and/or sale of newspapers, newsletters and catalogues and the display and/or sale of goods provided that such display and/or sale shall not occupy more than a sixty (60) square foot area, shall be located a minimum of four (4') feet from the curb line, shall not extend further than ten (10') feet beyond the storefront, shall not impede pedestrian traffic on public sidewalks and shall not block any existing parking spaces.
- (j) The on-premises sale, distribution, consumption or delivery of goods or materials to any customers, including but not limited to wholesale, retail or club member customers shall be permitted in IP120 Zone District subject to the issuance of a warehouse sale permit by the Township Council. The standards for warehouse sales shall be as follows:
 - (1) The size and occupancy of the warehouse sale area shall be based upon both available parking and the allowable occupancy loads as determined by the building code adopted by the NJ UCC.
 - (2) A sufficient number of restroom facilities shall be available for warehouse sale patrons as determined by the plumbing code adopted by the NJ UCC.
 - (3) All sale areas shall meet the provisions of the NJ UCC Barrier Free Subcode.
 - (4) Sale events shall comply with all local health and safety codes.
 - (5) A maximum of 21 sale days per tenant shall be permitted per year.
 - (6) No single sale event shall occur for more than seven consecutive days.

d. Storage

- 1. With the exception of Portable On Demand Storage Units, which are subject to the regulations described in §24-3.8 d2, -no commercial trailers, or vehicles used or intended for conveyance upon public highways either under their own power or by attachment a motor vehicle or through other means of transportation, shall be used for the storage of any type of goods or materials on any premises in any

zoning district within the Township. Any commercial trailers or vehicles described in the preceding sentence shall be deemed to be used for storage purposes if the trailer or vehicle remains on the premises in excess of seven (7) days.

2. Portable On Demand Storage Units shall be permitted in all zones, subject to the following:
 - (a) A Zoning Permit shall be required prior to the delivery of a Portable On Demand Storage Unit. As part of the application, the Applicant shall provide the following information to the Township Zoning Officer: external dimensions of the Portable On Demand Storage Unit, location on property, date of delivery, and date of removal.
 - (b) No Portable On Demand Storage Unit shall be placed closer than ten (10') feet from any side or rear lot line.
 - (c) Portable On Demand Storage Units shall be placed on a driveway or other impervious surface.
 - (d) Portable On Demand Storage Units shall not be permitted in a street or right-of-way, nor shall it interfere or obstruct a sidewalk.
 - (e) Portable On Demand Storage Units shall not be used for human occupancy.
 - (f) No more than one (1) Portable On Demand Storage Unit shall be located on a property at one time.
 - (g) A permit for a Portable On Demand Storage Unit shall allow for the use of a Portable On Demand Storage Unit for a maximum of 30 days. The Applicant may apply to the Zoning Officer for an extension of time not to exceed an additional 120 days.
- e. Agricultural Uses. Agricultural uses, including customary farm occupations and land which qualifies as farmland as specified in §24-1.5 herein, where permitted, shall be subject to the following conditions:
 1. Building utilization for horticulture, nurseries and greenhouses and for raising and housing agricultural crops, livestock and poultry and for any other activity incidental to agricultural and farming uses is permitted, provided that no building shall be nearer than one hundred (100') feet from any lot line, except residential buildings and greenhouses which may be located in conformity with the standards for residences within those districts in which they are located.
 2. The display for sale of products grown or raised by the owner, tenant or lessee shall only be permitted where:
 - (a) The products sold are in their natural state.
 - (b) The sale of such products is within the confines of the property upon which they have been grown or raised.
 - (c) The place of sale, whether of a permanent or temporary nature, shall not be located closer than fifty (50') feet to any lot line, nor shall the storage of any such products outside a structure be located closer than twenty-five (25') feet to any lot line.

- (d) The sale of any such products shall also require that a suitable amount of off-street parking and loading space be required.
- 3. Properties utilized for raising of fowl or beekeeping must have a minimum lot area of five (5) acres.
- f. Extraction or Excavation Operations. The extraction or excavation of soil, sand, gravel, rock and other surface or subsurface materials and/or the processing of same shall meet the following requirements:
 - 1. Performance Standards. The performance standards of §24-5 shall also apply to the excavation and extraction of natural resources.
 - 2. Structural Maintenance. All buildings and structures shall be maintained in an adequate and safe condition at all times.
 - 3. Protective Fencing. The Board or Construction Official shall require protective fencing or other means of protection at the site of an excavation.
 - 4. Rehabilitation. All land which has been excavated must be rehabilitated within one (1) year after the termination of operations, at the expense of the operator and in accordance with standards set. It is further provided that where an excavation operation has lasted longer than one (1) year, rehabilitation of land, in accordance with standards set, must be begun and completed within one (1) year's time. The Township may require a performance bond or some other financial guaranty that the conditions of this Chapter shall be satisfied.
 - (a) All excavations must either be made to a water-producing depth or be graded and backfilled.
 - (b) Excavations made to a water-producing depth shall be properly sloped to the waterline, with banks sodded or surfaced with soil of quality equal to adjacent land area topsoil. Such topsoil required under this subsection shall be planted with trees, shrubs, legumes or grasses.
 - (c) Excavations not made to a water-producing depth must be graded or backfilled with nonnoxious, nonflammable, noncombustible solid material and in a topographic character which will result in substantial general conformity to adjacent lands. Such grading or backfilling shall be designed to minimize erosion and shall be surfaced with a soil equal in quality to that of adjacent land area and planted with trees, shrubs, legumes or grasses. All buildings and structures used in such operations shall be dismantled and removed by and at the expense of the operator within one (1) year following the termination of the operations.
- 5. Buffer Zones and Landscaping. The provisions of §24-5.6 shall apply.
- 6. Soil Mining Ordinance. In addition, all requirements of Chapter XXVIII – Soil Management-- of the Code, as may be amended, shall be complied with. In the event that any of these subsections are inconsistent with the Chapter, the more restrictive provisions shall apply.
- g. Garden Apartment Uses
 - 1. Density Requirements.

- (a) The maximum number of dwelling units per acre for garden apartments shall be determined by the following schedule:

Density Requirements for Garden Apartments

Number of Rooms per Dwelling Unit Exclusive of Kitchen and Bathroom	Minimum Lot Area Per Dwelling Unit (sq.ft.)	Number of Units per Acre
1	1,975	22
2	2,560	17
3	3,351	13
4	4,356	10
5 or more	5,445	8

- (b) In determining the maximum number of dwelling units permitted, where the number of rooms in dwelling units varies, a weighted proportion of each type to the total distribution shall be utilized.
2. Distances Between Buildings. The minimum distance between any two (2) buildings shall not be less than as required under the following formula:

$$S = \frac{La + Lb + 2 (Ha + Hb)}{5}$$

Where S = The required minimum horizontal distance between any wall of Building A, at any given level, and any wall of Building B, at any given level, or the vertical prolongation of either.

La = The total length of Building A. Building A shall be that structure which is of equal or greater length of the two (2) buildings selected.

Lb = The total length of Building B.

Ha = The height of Building A. The height of Building A is the average height above the finished grade of the nearest wall facing Building B.

Hb = The height of Building B. The height of Building B is the average height above finished grade of the nearest wall or walls facing Building A.

3. Maximum Number of Dwelling Units Per Grouping; Length; Design.
- (a) Each building shall contain not more than eight (8) dwelling units, and in attached buildings not more than twenty-four (24) dwelling units, with no portion of the building below the first story used for dwelling purposes, except that a basement where the floor is not more than three (3') feet below finished grade may contain living quarters for the building superintendent and his family.
- (b) The maximum length of any garden apartment building shall not exceed one hundred sixty (160') feet.
- (c) The building design shall not be inaccessible to emergency vehicles.
4. Courts. Where a court is provided, it shall have dimensions the minimum of which shall be forty (40') feet.

5. Recreation Space. There shall be provided on the site of such development an area or areas of not less than one hundred (100) square feet of recreation space for each dwelling unit but in no case shall there be less than two thousand (2,000) square feet devoted to joint recreational use by the residents thereof. Such recreation space shall be appropriately located in other than a front yard and shall be required to be developed with passive and/or active recreational facilities.
6. General Landscaping Requirements. Any unenclosed use or area may be required by the Board to be landscaped and provision, when deemed necessary, shall also be made for landscaping in accordance with §24-5.6 herein.
7. Other Required Conditions. All performance and design standards established in §24-5.5 shall be complied with where applicable.
- h. Accessory Apartment Uses. Notwithstanding any other provisions in this Code or any ordinance or state requirement, accessory apartments shall be permitted in any residential zone upon the following conditions:
 1. A maximum of one (1) accessory apartment shall be permitted for each existing or future single family residence. The accessory apartment must be located entirely within the habitable portion of the principal dwelling, and no apartment or portion thereof will be permitted in any garage, outbuilding or accessory structure.
 2. The minimum floor area of the accessory apartment shall be four hundred (400) square feet and the maximum floor area shall be eight hundred (800) square feet. In no instance shall the apartment represent more than thirty (30%) percent of the habitable living space of the principal dwelling.
 3. A maximum of three (3) occupants per apartment shall be permitted.
 4. Each dwelling unit shall be required to have its own kitchen and bath facilities, and each apartment must have at least one (1) separate entrance to the outdoors, although an entrance on a hallway leading to the outside will be permitted. No additional entrances will be permitted on the front of the principal dwelling, and the main dwelling must continue to resemble a single family home.
 5. The building in question must be owner occupied at all times. Occupancy of the accessory apartment by the owner will be permitted.
 6. The owner shall demonstrate that adequate off-street parking exists on the property or will be provided for both the principal and accessory dwelling units.
 7. The owner shall be required to obtain a certificate of occupancy prior to renting the accessory apartment. To obtain the certificate of occupancy the owner shall complete an application form supplied by the Construction Official. The completed application shall indicate the size of both proposed units, the proposed monthly gross rental, the name(s) of the occupants of both units, a notarized statement from the head of the lower income household indicating the gross household income for the prior two (2) years.
 8. The certificate of occupancy shall be issued only if the application satisfies all the requirements of this section and only if at least one (1) of the households has a low or moderate income as defined in §24-1.5.

9. The certificate of occupancy shall expire if any of the following events occur: sale of the subject building; vacation of the unit occupied by the lower income household; or occupancy by more than three (3) persons. Upon expiration of the certificate for any of the above reasons, the owner may apply for a new certificate.
10. Every three (3) years after issuance of the certificate of occupancy, the owner shall file a further statement with the Township Housing Commission as required by the Commission.
11. After July 1, 1997, there shall be no new affordable accessory apartments created. Affordable accessory apartments legally existing as of July 1, 1997 may continue until such time as they cease being used and occupied as an affordable accessory apartment.

i. Solar Energy Systems

1. Purpose

The purpose of this ordinance is to provide for the use of solar energy, including specifications related to the land development, installation and construction of solar energy systems in Mahwah Township, subject to reasonable conditions to protect the public health, safety, and welfare. This section applies to solar energy systems to be installed and constructed on any property.

2. Setbacks

- (a) The location of a Ground-Mounted System shall meet all applicable accessory-use setback requirements of the zoning district in which it is located.
- (b) Roof-Mounted Systems shall be located to ensure adequate pathways exist for access along roof edges and ridge lines for first responders in case of a fire or for maintenance crews in the case of system repair. As such, the design of the solar energy system shall conform to applicable local, state and national solar codes and standards. A building permit reviewed by department staff shall be obtained for a solar energy system. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected solar systems).

3. Height

- (a) For a roof-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- (b) For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to exceed the district's height limit by up to fifteen (15) feet above the rooftop to which it is attached.
- (c) Ground-mounted or freestanding solar energy systems shall not exceed applicable maximum accessory structure height in the zoning district in which the solar energy system is located.
- (d) A solar energy system may exceed the applicable maximum accessory structure height if it will cover an impervious surface parking area. Height may not exceed the height of the primary structure that the parking area

serves. Minimum height of the parking canopy must allow clearance for emergency service and service vehicles:

j. Hoofed Animals in Residential Zones

Every person who owns, keeps, harbors or maintains a hoofed animal shall keep and maintain the property on which the animals are kept and all buildings and facilities thereon in accordance with the following regulations:

- (a) Animal Shelter. Where all hoofed animals are kept, harbored or maintained, there shall be provided a separate stable or building for the shelter of the animal. The property shall also include a fully enclosed corral or sty for the containment of the hoofed animal.
- (b) Minimum Distances from Property Lines.
 - (1) For the maintenance of all hoofed animals there shall be provided a corral (exercise area), which shall not be less than fifty (50') feet from all property lines, and a grazing area not closer than eight (8') feet to any property line. No stable shall be located closer than fifty (50') feet to any property line.
- (c) Lot Area Requirements. The minimum lot area required to keep, harbor or maintain hoofed animal(s) is five (5) acres. Inclusive of the minimum lot area, the number of hoofed animals permitted on a site shall be calculated as follows: one (1) for the first sixty thousand (60,000) square feet of lot area, and one (1) for each additional thirty thousand (30,000) square feet of lot area thereafter.
- (d) Other Requirements. The provisions of §24-5 herein and all regulations of the Board of Health shall be adhered to.

k. Planned Residential Developments.

- 1. *Permitted Uses.* In planned residential developments, no building or structure shall be erected and no existing building or structure shall be reconstructed, moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose other than as follows:
 - (a) Single-family detached dwellings.
 - (b) Townhouses and single-family semidetached dwellings.
 - (c) Townhouse-duplex combination in the PRD6 Zone, only.
 - (d) Triplexes, quadruplexes, and garden apartments.
 - (e) Public and private educational facilities.
 - (f) Places of assembly.
 - (g) Public utilities and essential services.
 - (h) Parks, playgrounds, firehouses and library or Municipal buildings.
 - (i) Indoor and outdoor recreational facilities, including publicly and privately owned and operated golf courses and clubs, tennis courts and clubs, swimming pools and clubs, country clubs, skiing facilities, arboretums, botanical gardens, hiking trails and other similar facilities. Indoor tennis courts are excluded from this listing.

2. *Land Use Where Development Does Not Qualify as a Planned Residential Development.* In areas of the PRD Zone which do not qualify as planned residential developments or do not elect to proceed as planned residential developments, all of the controls and requirements of the R20 Residential Zone shall apply.

3. *Size of Planned Residential Development.*

- (a) No tracts, parcels or lots or tract, parcel or lot shall be developed as a planned residential development unless it shall contain a minimum of fifty (50) or more acres of adjoining and contiguous land and shall contain sufficient access to an approved and improved street. For the purpose of this section, internal streets, roads and rights-of-way shall not be deemed to divide acreage of a planned residential development. In the PRD4S District the total project site area shall contain a minimum of thirty-five (35) acres.
- (b) The Board shall have the authority to waive this requirement where:
- (c) One (1) or more parcels contain at least twenty-five (25) acres; and
- (d) The twenty-five acre site is contiguous to and abuts a planned residential development site.

4. *Buffer Areas.*

- (a) The landowner shall provide and maintain a buffer zone no less than one hundred (100') feet wide from all external lot lines of a planned residential development, except for that portion which fronts upon an existing external street or roadway. Such buffer zone shall be kept in its natural state where wooded; and when natural vegetation is sparse or nonexistent, the landowner may be required to provide a year-round visual screen as determined by the Board. In the PRD4S District, the landowner shall provide and maintain a buffer no less than seventy-five (75') feet wide, subject to the same requirements as noted above. Road access ways may be permitted within said PRD4S District buffer area, provided that they be no closer than ten (10') feet from any property line and the ten (10') foot area shall be densely planted to provide maximum screening.
- (b) The Board, upon specific findings or particular circumstances relating to conditions of topography, natural features, lot configuration, natural vegetation or the lack of same, soil conditions, drainage or other similar site characteristics or where the proposed development is compatible with existing development, may decrease the required buffer area to a minimum of fifty (50') feet, or increase the required buffer area to a maximum of two hundred (200') feet.
- (c) The Board may modify or eliminate the requirements for a buffer area upon finding that the planned residential development abuts another planned residential development, a buffer zone designated on the zoning map of the Township or a natural or man-made barrier and that by reason thereof, the buffer area may be modified or eliminated without detriment to existing or proposed uses.
- (d) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Board may, upon a finding of

reasons therefor, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property.

- (e) The required buffer area may be included in the area of a planned residential development for the purpose of computing compliance with the open space requirements of this Chapter.

5. *Area, Bulk and Yard Requirements.*

- (a) Boundary Line Setback Requirements. All buildings and structures shall be set back no less than thirty-five (35') feet from any external street right-of-way line or a distance equal to the height of any building or structure from the right-of-way line, whichever is greater, within a planned residential development.
 - (b) Area, Yard and Bulk Controls. Area, yard and bulk controls shall be in accordance with the Schedule of Area, Yard and Bulk Controls for Planned Residential Developments herein.
 - (c) Measurement of Setbacks. All setbacks shall be measured from the right-of-way line of the street, but if the Master Plan or Official Map of the Township shows the location of a right-of-way line different from the existing right-of-way line, the required setbacks shall be measured from the right-of-way line as shown on the Official Map, if any, or the Master Plan.
 - (d) At all street intersections, no obstruction to vision exceeding thirty (30") inches in height above the grade to be established at the curb, other than existing buildings, posts, columns or other trees or proposed necessary traffic control devices, shall be permitted in an area bounded by the intersecting curblines and a line joining points each thirty (30') feet distant from the intersection of the curblines along the curblines of each street.
6. *Building Height.* No building or structure shall have a height greater than two and one-half (2 1/2) stories or thirty-five (35') feet in a planned residential development.
7. *Distance Between Buildings.* The minimum distance between any two (2) buildings, other than buildings containing common walls and used as townhouses, duplexes, etc., shall be no less than as computed under the following formula:

$$S = \frac{La + Lb + 2 (Ha + Hb)}{5}$$

Where S = The required minimum horizontal distance between any wall of Building A, at any given level, and any wall of Building B, at any given level, or the vertical prolongation of either.

La = The total length of Building A. Building A shall be that structure which is equal to or greater in length than the other of the two (2) buildings selected.

Lb = The total length of Building B.

Ha = The height of Building A. The height of Building A is the average height above finished grade of the nearest wall or walls facing Building B.

Hb = The height of Building B. The height of Building B is the average height above finished grade of the nearest wall or walls facing Building A.

8. *Land Use Intensity and Distribution.*

- (a) Overall Residential Density. Within the PRD4 Zone, the overall residential density shall be four (4) units per acre of total land area in the planned residential development. Within the PRD6 Zone, the overall residential density shall be six (6) units per acre of total land area in the planned residential development. For the purpose of this section, internal streets, roads and rights-of-way shall be included in the acreage calculations.
- (b) Net Residential Densities. The maximum net residential density in each planned residential development shall be as set forth in the following table.

Maximum Residential Densities for Planned Residential Development

Maximum Number of Units per Acre*		PRD4	PRD6	PRD4S
Type of Dwelling				
(a)	Single family detached	3	6	n.a.
(b)	Townhouse, Single-family semidetached	6	8	3.55**
(c)	Garden apartment, triplex, quadruplex	10	14	n.a.
(d)	Townhouse - duplex combination	n.a.	10	n.a.
(e)	Adult	n.a.	n.a.	11**

* **Note:** Acreage does not include street rights-of-way and other travelled ways, recreation and open space areas and other permitted uses in the planned residential development

** The density per acre limit expressed in gross density.

- (c) Distribution of Residential Units. Within the PRD4, PRD4S, and the PRD6 Zones, the distribution of residential dwelling units shall be governed by the standards presented in the following table:

Minimum and Maximum Limits for Various Types of Dwellings in Planned Residential Development							
Dwelling Type		Percent of Total Housing Units to be Developed					
		Minimum		Maximum			
		PRD4	PRD6*	PRD4S	PRD4	PRD6	PRD4S
(a)	Single family detached	5	5	n.a.	50	50	n.a.
(b)	Townhouse, one-family semidetached	20	20	50	75	80	50
(c)	Garden apartment triplex, quadruplex	20	20	n.a.	35	35	n.a.
(d)	Townhouse-duplex combination	n.a.	n.a.	n.a.	n.a.	100	n.a.
(e)	Adult	n.a.	n.a.	50	n.a.	n.a.	50

***Note:** If the developer of a PRD6 elects to construct one hundred (100%) percent Townhouse-Duplex combination units, then the minimum percentages set for the PRD6 Zone shall not apply.

9. *Planned Residential Development Open Space.*

- (a) Required Amount. Each planned residential development area shall contain a minimum of twenty (20%) percent of its total land area in planned residential open space.
- (b) Computation. Any required planned residential development open space may include common recreation areas for residential uses, and required buffer areas for computation purposes as well as other permitted open space functions as defined herein.
- (c) Ownership. If any area designated for open space of any type is to be retained by private interests, such private interests shall be required to file easements or specify reversionary interests in a deed or other similar conveyance, as determined by the Board Attorney, to the appropriate governmental body or environmental commission to ensure the intended use and function of such area.

10. *Circulation and Off-Street Parking Requirements in Planned Residential Developments.*

- (a) Off-Street Parking and Loading. In any planned residential development, off-street parking and loading facilities and standards shall be in accordance with the Township Site Plan Ordinance.
- (b) Street Requirements.
 - (1) The right-of-way and pavement widths of all internal streets, roads and vehicle-traveled ways shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full proposed development and the traffic to be generated thereby. They shall be adequate in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting and police vehicles.
 - (2) All streets and roads, either dedicated public streets or privately owned and maintained, or any combination thereof, shall be subject to all Township ordinances as well as the laws of the State of New Jersey with regard to construction.
 - (3) The Board shall be guided by the following criteria of street grades, but shall have the authority to modify same where exceptional circumstances warrant: six (6%) percent for major and arterial streets and ten (10%) percent for collector and local streets. Exceptions to these limitations shall be made after review and written approval by the Township Engineer and Planning Consultant.
 - (4) When deemed necessary by the Board, the applicant shall provide a continuous street circulation system with adjoining land areas.
 - (5) Where an Official Map or Master Plan, or both, have been adopted, the proposed street system shall conform to the proposals and conditions shown thereon except as may be modified by the Board or governing body, as provided by law.

11. *Other Improvements.*

- (a) Utility Improvements.

- (1) Every planned residential development shall be serviced by a centralized water and sanitary sewerage system.
 - (2) All utility improvements, including storm drainage systems, sanitary sewage collection and disposal and water supply systems, shall be in accordance with standards and procedures as established by local, County and State regulations. Improvements shall be subject to review and approval by the Township Engineer and the Township Board of Health, as well as appropriate County and State agencies. Water supply facilities shall be subject to review and approval by the Township Engineer, the Township Fire Prevention Bureau and the Township Water Department and the Water and Sewer Consultant, and must also meet all of the environmental requirements of this Chapter.
- (b) Electric, Gas and Telephone Service.
- (1) Electric, gas and telephone service shall be provided by the developer in concert with the appropriate public utilities providing such service. Service shall be provided as part of an underground system.
 - (2) If such facilities cannot be reasonably provided due to topographic or geologic condition of the land due to technological circumstances, and if the landowner shall adequately demonstrate the lack of feasibility of such an undertaking to the satisfaction of the Board, a waiver of this requirement may be granted by the Board.
- (c) Street improvements. Monuments, street names and other traffic control devices, shade trees, streetlights, sidewalks, curbs, fire hydrants and all aspects of street construction as well as other improvements shall be subject to local regulations and Township Engineer approval.
12. *Environmental Standards.* Any application for a planned residential development shall adhere to the environmental criteria established in Chapter XXII, Site Plan Review. All buildings or structures which shall be erected and any existing buildings or structures which are to be moved, enlarged, altered or added to and any land, buildings or structures which are to be designed, used or intended to be used shall comply with these requirements.
- (a) There shall be a zero (0%) percent increase in runoff for all property in its natural or existing state in accordance with Township requirements.
 - (b) All principal buildings shall be set back a minimum of twenty (20') feet from the high watermark of any stream or watercourse. All stream and watercourse corridors within this twenty (20') foot distance shall remain in their natural state except where necessary to provide utility easements or connecting roadways. The Board shall, in addition, require an easement of not less than fifteen (15') feet along each side or edge of the body of water, provided same is not wholly within the subject property.
 - (c) No sanitary sewage disposal systems through land disposal shall be located within four (4') feet of any water table during any period of the year. Where natural water levels are closer than four (4') feet to the ground surface during any period of the year, there shall be no fill permitted in order to create an otherwise satisfactory land disposal, except where permitted by the Township

Board of Health. No seepage field for sanitary sewage disposal shall be located nearer than three hundred (300') feet to any channel or surface watercourse. There shall be no point source pollution in any stream or waterway in the Township, as measured against the most recent studies or measurements of these waterways.

- (d) All Federal and State requirements affecting potable water shall be adhered to.
- (e) All groundwater sources in areas of limestone or fractured bedrock shall not be located within one hundred (100') feet from any sewage disposal facility.
- (f) No development shall impede the existing waterways or streams or substantially alter the hydrology of the area.
- (g) In any planned residential development, no development shall occur in any area with a topographic slope of sixteen (16%) percent or greater.
- (h) All environmental criteria shall be adhered to as promulgated by the Township and all appropriate County, regional, State and Federal requirements.

13. *Comprehensive Plan.* The applicant for a planned residential development shall be required to submit a comprehensive plan for the entire area so zoned and under the applicant's control. The plan shall be submitted in accordance with Chapter XXVI, Land Subdivision, Chapter XXII, Site Plan Review, Chapter XXIV, Zoning, and other applicable Municipal, County and State regulations.

The comprehensive plan shall be submitted as a part of the preliminary application.

14. *Staging.* As permitted under N.J.S. 40:55D-39 subsection C.(6), each planned residential development shall be developed in stages as outlined herein:

Application for final site plan approval or final subdivision approval or both shall be limited to a maximum of thirty-three (33%) percent of the total number of housing units authorized by the Approving Authority at the preliminary application stage described in subsection 13. above. Once a final stage is approved by the approving authority, the second stage shall not be submitted for consideration by the approving authority for a period of less than six (6) months. All subsequent stages shall likewise have a waiting period of no less than six (6) months from the time of approval granted by the approving authority of the preceding stage.

15. *Sequence of Stages.* In the deliberation of the proposed sequence of stages, the approving authority shall be guided by the following criteria and factors:

- (a) That each stage is substantially self-functioning and self-sustaining with regard to access, utility services, parking, open space and other similar physical features and shall be capable of occupancy, operation and maintenance upon completion of construction and development.
- (b) That each stage is properly related to every other segment of the planned development and to the community as a whole and to all necessary community services which are available or which may be needed to serve the planned development in the future.

(c) That adequate protection will be provided to ensure the proper disposition of each stage through the use of maintenance and performance guarantees, covenants and other formal agreements.

(d) That the land owner will provide a balanced distribution for development in each stage. The disposition shall be judged on the basis of the level of improvement costs, physical planning and coordination required and other relationships which may be necessary to undertake each stage or segment.

16. *Final Approval, Compliance with Comprehensive Plan.* A plat submitted for final approval shall be required to be in total compliance with the Township zoning ordinance and to be in substantial compliance with the comprehensive preliminary plan, granted by the approving authority. For an entire site, a plan shall be deemed to be in substantial compliance where the plat does not:

(a) Vary the proposed residential density or intensity of use by more than two (2%) percent;

(b) Does not involve a reduction in open space or the substantial relocation of such area, or increase by more than three (3%) percent of the total lot coverage;

(c) Nor involve the increase in height of any building greater than permitted in the zoning ordinance.

Any plat which is not in compliance with the comprehensive preliminary plan for the entire site shall require an amendment to the preliminary approval including new public hearings.

17. No person, firm or corporation, or agents, servants or representatives of any of the foregoing, shall occupy, or permit the occupancy of any adult home dwelling unit unless and until a certificate of occupancy shall first have been obtained from the Construction Official of the Township, to assure that occupancy will not be in violation of any of the terms and conditions of this Chapter.

§24-3.9 Nonconforming Uses and Structures

a. Continuation of Use. A use, building or structure which is lawfully in existence at the effective date of this Chapter and shall be made nonconforming at the passage of this Chapter or any applicable amendment thereto may be continued, except as otherwise provided in this section.

b. Regulation of Nonconforming Uses. No existing use, building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming use or when required to do so by law and as follows:

1. Restoration. Any nonconforming structure damaged to less than eighty (80%) percent of its previous existing area may be restored, reconstructed or used as before, provided that the area of such use, building or structure shall not exceed the area which existed prior to such damage. The Board shall determine the time period in which complete restoration shall take place.

2. Repairs. Normal maintenance and repair of a structure containing a nonconforming use is permitted, provided that it does not extend the area or

volume of space occupied by the nonconforming use and does not increase the number of dwelling units.

3. Nothing in this Chapter shall prevent the strengthening or restoring to a safe or lawful condition any part of any building or structure declared unsafe or unlawful by the Construction Official or other authorized State or Township Official.
 4. Change of title or ownership does not discontinue a nonconforming use.
- c. Termination of Nonconforming Uses.
1. Abandonment. A nonconforming use not used for one (1) year and/or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof, and such nonconforming use shall not thereafter be revived.
 2. Partial Destruction. When eighty (80%) percent or more of the existing area of a nonconforming structure is destroyed by fire or other casualty or an act of God, the use of such structure as a nonconforming use shall thereafter be terminated.
 3. Nonconforming Buildings Lawfully Under Construction. Any nonconforming building or structure lawfully under construction on the effective date of this Chapter, pursuant to plans filed with the Construction Official and approved by him and all other Municipal boards and agencies as required under law, may be completed and may be used for the nonconforming use for which it was designed, to the same extent as if such building had been completed and been in use on the effective date of this Chapter, provided that such building or structure shall be completed within one (1) year after the effective date thereof.

§24-4 ZONE DISTRICT REGULATIONS

§24-4.1 Schedules of Regulations

- a. The restrictions and controls intended to regulate development in each district are set forth in the attached schedules, which are supplemented by other sections of this Chapter.

§24-4.2 C200 Conservation

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 2. Notwithstanding any other Township Land Use Regulations, the owner of a lot in the C200 zone which lot is non-conforming as to the area, width and/or depth may construct or alter a single family home on the undersized lot as of right if all the following requirements are satisfied:
 - (a) The lot was a conforming lot in all aspects at the time the Municipality adopted an ordinance which rendered the lot non-conforming.

- (b) No property adjacent or contiguous to the subject lot was in common ownership with the subject lot at the time of adoption of the ordinance which rendered the lot non-conforming or at any time subsequent thereto.
 - (c) The construction or alteration shall comply with all the requirements which were applicable to the subject lot at the time of adoption of the ordinance which rendered the lot non-conforming.
- d. Conditional Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 - 1. Parking shall comply with §24-3.7.
- f. Signs
 - 1. Signage shall comply with §24-6, signs.
- g. The Conservation Zone is designated to be consistent within the special and unique character of the land. Regulations are designed to assure that the natural assets of the community such as the wooded slopes of the Ramapo Mountains and the water recharge areas of the Ramapo River are not disturbed and that potentially dangerous natural occurrences such as flooding and erosion are not aggravated. Accordingly, the following regulations are applicable:
 - 1. Environmental Impact Statement (EIS). An environmental impact report shall be required to accompany any application for development, including major subdivision applications, site plan approval, use variance request or any other action requiring a permit or approval from the Township with the exception of a development of an individual lot for a single family residential dwelling. An application for development shall not be deemed complete until the EIS is submitted to all approving agencies, including any County, State or Federal agencies having jurisdiction over the project. The municipal approving authority shall condition any approval it grants upon timely receipt of a favorable report from the County, State or Federal reviewing agency.
 - 2. Site Development Limit. To retain the existing character of the landscape and to prevent environmental degradation of the surrounding area, land use requiring disturbance, grading, clearance and/or tree removal shall be limited to twenty (20%) percent of individual building lots.
 - 3. Slope Protection.
 - (a) The applicant shall adequately demonstrate that erosion, siltation, soil slippage or other soil displacement caused by water, wind, vehicular traffic, pedestrian traffic, structural load, agricultural activity, recreational activity, etc., shall be completely prevented through necessary engineering, design and construction.
 - (b) Damage to roots, bark, trunks or limbs of trees, poisoning of vegetation, or any other degradation of the natural ground cover except where such vegetation must be removed and replaced by other forms of ground stabilization to allow the intended use as may be caused by vehicular or pedestrian traffic, agricultural or recreational activities, construction or

structural disturbances, or other unnatural causes shall be completely prevented through necessary engineering, design and construction.

4. Pollution Control. Adequate proof and guaranty that pollution or any degradation of the purity or temperature of surface water or groundwater from any source, including sewage, solid waste, petroleum residue, chemical fertilizers, building materials, heating or cooling systems, etc., shall be provided to the Board, Township Engineer and Environmental Commission.
5. In order to assure compliance with the requirements of §24-4.2 g, the approving authority may retain and/or require professional consultants or other governmental agencies to verify the information submitted by a developer. the costs for such authorized professionals shall be collected and processed as provided for in §22-3.4 h and §26-3.2 f.
6. The development of all lands within the Conservation Zone are environmentally sensitive as provided in the New Jersey State Development Guide Plan and the New Jersey Development and Redevelopment Plan as promulgated by the New Jersey State Planning Commission. In order to preserve and enhance the environmental qualities of the area and to restrict "growth-inducing activities", no development within the C200 Zone shall be permitted to be served by a public sanitary sewer system of any size or any facilities which is dependent upon linkage with the Northwest Bergen County Sewer Authority or any similar sewer system.

§24-4.3 R80 Single-Family Residential

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.4 R40 Single-Family Residential

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements

1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.5 R20 Single-Family Residential

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.6 R15 Single-Family Residential

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.7 R10 Single-Family Residential

- a. Permitted Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 - 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 - 1. Parking shall comply with §24-3.7.
- f. Signs
 - 1. Signage shall comply with §24-6, signs.

§24-4.8 R5 Single-Family Residential

- a. Permitted Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 - 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 - 1. Parking shall comply with §24-3.7.
- f. Signs
 - 1. Signage shall comply with §24-6, signs.

§24-4.9 R11 Two-Family Residential

- a. Permitted Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 - 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 - 1. See Attachment 4—Schedule of District Use Regulations

- e. Off-street parking requirements
 - 1. Parking shall comply with §24-3.7.
- f. Signs
 - 1. Signage shall comply with §24-6, signs.

§24-4.10 GA200 Garden Apartment

- a. Permitted Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 - 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements.
 - 2. In addition to the standards outlined in Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements, Garden Apartments shall meet all area, bulk, and yard requirements detailed in §24-3.8 g.
- d. Conditional Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 - 1. Parking shall comply with §24-3.7.
- f. Signs
 - 1. Signage shall comply with §24-6, signs.
- g. Design
 - 1. Garden Apartments shall meet all requirements detailed in §24-3.8 g.

§24-4.11 PRD4 Planned Residential Development

- a. Permitted Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
 - 2. See §24-3.8 k.
- b. Accessory Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 - 1. For one-family uses, See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 - 2. For Planned Residential Developments
 - (a) See Attachment 6—Schedule of Area, Yard and Bulk Controls for Planned Residential Developments

- (b) In addition to the Area, Yard and Bulk Controls for Planned Residential Developments in subsection 2(a) above, see §24-3.8 k for area, yard, bulk, and buffer requirements.

- d. Conditional Uses

- 1. See Attachment 4—Schedule of District Use Regulations

- e. Off-street parking requirements

- 1. Parking shall comply with §24-3.7.

- f. Signs

- 1. Signage shall comply with §24-6, signs.

- g. Design

- 1. Development of a planned residential development shall comply with §24-3.8 k.

§24-4.12 PRD4S Planned Residential Development – Special

- a. Permitted Uses

- 1. See Attachment 4—Schedule of District Use Regulations
 - 2. See §24-3.8 k.

- b. Accessory Uses

- 1. See Attachment 4—Schedule of District Use Regulations

- c. Area, Bulk and Yard Requirements

- 1. For one-family uses, See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 - 2. For Planned Residential Developments
 - (a) See Attachment 6—Schedule of Area, Yard and Bulk Controls for Planned Residential Developments
 - (b) In addition to the Area, Yard and Bulk Controls for Planned Residential Developments in subsection 2(a) above, see §24-3.8 k for area, yard, bulk, and buffer requirements.

- d. Conditional Uses

- 1. See Attachment 4—Schedule of District Use Regulations

- e. Off-street parking requirements

- 1. Parking shall comply with §24-3.7.

- f. Signs

- 1. Signage shall comply with §24-6, signs.

- g. Design

- 1. Development of a planned residential development shall comply with §24-3.8 k.

§24-4.13 PRD6 Planned Residential Development

- a. Permitted Uses

1. See Attachment 4—Schedule of District Use Regulations
2. See §24-3.8 k.
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. For one-family uses, See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 2. For Planned Residential Developments
 - (a) See Attachment 6—Schedule of Area, Yard and Bulk Controls for Planned Residential Developments
 - (b) In addition to the Area, Yard and Bulk Controls for Planned Residential Developments in subsection 2(a) above, see §24-3.8 k for area, yard, bulk, and buffer requirements.
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.
- g. Design
 1. Development of a planned residential development shall comply with §24-3.8 k.

§24-4.14 RM6 Manufactured Home Park

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 2. Manufactured home parks shall comply with the following standards:
 - (a) Minimum Lot area. The minimum lot area for manufactured home parks shall be ten (10) acres.
 - (b) Maximum Density Requirements. The maximum number of manufactured homes shall be six (6) units per gross acre of land area, exclusive of public and private rights-of-way and traveled easements.
 - (c) Minimum Size of Manufactured Home Lot or Area. The minimum lot size or living area used exclusively for one (1) manufactured home shall be five

thousand (5,000) square feet and shall measure, as a very minimum, fifty (50') feet in width and one hundred (100') feet in depth.

- (d) Boundary Line Setbacks. All manufactured homes shall be set back a minimum of seventy-five (75') feet from all external lot lines.
- (e) Separation Between Manufactured Homes. Manufactured homes shall be separated from each other and other buildings by at least thirty (30') feet, except where modified by §24-4.14 c2 (i) and (j).
- (f) Required Utility Services. Each manufactured home site shall be provided with approved connections for water, sewer, electricity, heating and telephone service.
- (g) Buffer Zone and Landscaping Requirements. The provisions of §24-5.6 shall apply to manufactured home parks.
- (h) Compliance with Other Required Provisions. Application for a manufactured home park shall be subject to the Mahwah Site Plan Ordinance and Manufactured Home Ordinance. In the event that any of these subsections are inconsistent with the ordinances, the more restrictive provisions shall apply.
- (i) Air conditioners, generators, and other external mechanical equipment accessory to a manufactured home shall be located adjacent to the manufactured home structure in accordance with applicable building and safety codes and manufacturer clearance specifications.
- (j) Sheds and other structures accessory to a manufactured home shall be located no closer than five (5) feet to the property line.

d. Conditional Uses

- 1. See Attachment 4—Schedule of District Use Regulations

e. Off-street parking requirements

- 1. Parking shall comply with §24-3.7.

f. Signs

- 1. Signage shall comply with §24-6, signs.

§24-4.15 B200 Shopping Center Business

a. Permitted Uses

- 1. See Attachment 4—Schedule of District Use Regulations

b. Accessory Uses

- 1. See Attachment 4—Schedule of District Use Regulations

c. Area, Bulk and Yard Requirements

- 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- 2. Side Yard Requirements in the B200 Zone

- (a) No building or group of attached buildings shall have an aggregate front building wall in excess of seventy-five (75%) percent of the actual lot width in the B200 Zone.

- d. Conditional Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 - 1. Parking shall comply with §24-3.7.
- f. Signs
 - 1. Signage shall comply with §24-6, signs.

§24-4.16 B40 Highway Business

- a. Permitted Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 - 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 - 2. Side Yard Requirements in the B40 Zone
 - (a) No building or group of attached buildings shall have an aggregate front building wall in excess of seventy-five (75%) percent of the actual lot width in the B40 Zone.
- d. Conditional Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 - 1. Parking shall comply with §24-3.7.
- f. Signs
 - 1. Signage shall comply with §24-6, signs.

§24-4.17 B12 General Business

- a. Permitted Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 - 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 - 1. Parking shall comply with §24-3.7.
- f. Signs

1. Signage shall comply with §24-6, signs.

§24-4.18 B10 Neighborhood Business

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.19 CB360 Community Business

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 2. Side Yard Requirements in the CB360 Zone
 - (a) No building or group of attached buildings shall have an aggregate front building wall in excess of seventy-five (75%) percent of the actual lot width in the CB360 Zone.
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.20 IP120 Industrial Park

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses

1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 2. Side Yard Requirements in the IP120 Zone
 - (a) No building or group of attached buildings shall have an aggregate front building wall in excess of seventy-five (75%) percent of the actual lot width in the IP120 Zone.
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.21 GI80 General Industry

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 2. Side Yard Requirements in the GI80 Zone
 - (a) No building or group of attached buildings shall have an aggregate front building wall in excess of seventy-five (75%) percent of the actual lot width in the GI80 Zone.
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.22 FP Floodplain

- a. Restrictions in Floodplain and Flood Hazard Areas
 1. No permanent structure or building or any enlargement of same which is used or designated to be used for housing, commerce, industry or public activity shall be located in a floodplain or flood hazard area. Exceptions to this restriction shall include uses which are developed above the maximum flood elevation with

appropriate access provided or as provided in Chapter XXVII --Flood Prevention -- of the Code, as may be amended.

2. Where an area has not been formally designated as a floodplain or flood hazard area by any Federal, State, or County governmental agency and the area is not designated as a floodplain or flood hazard area in the Township Zoning Ordinance or Official Map, the Board may designate such an area as a floodplain or flood hazard area, after public hearings and after consultation with some or all of the following: the Township Engineer, the Army Corps of Engineers, the Federal Emergency Management Agency (FEMA), the Bergen County Planning Board, the Township Environmental Commission, the Bergen County Department of Public Works and the New Jersey Department of Environmental Protection.
3. The following uses shall be permitted within a floodplain or flood hazard area:
 - (a) Agricultural and horticultural uses as defined in this Chapter, except a farmhouse.
 - (b) Outdoor recreational facilities, including golf courses, ice-skating rinks, swimming pools, parks, playfields and other similar facilities.
 - (c) Essential services.
 - (d) In addition, all requirements of Chapter XXVII --Flood Prevention-- of the Code, as may be amended, shall be complied with. In the event that any of these subsections are inconsistent with the Chapter, the more restrictive provisions shall apply.
4. All of the requirements of N.J.A.C. 7:13 -- Flood Hazard Area Control Act Rules must be complied with.
- b. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- c. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.23 CEM Cemetery

- a. Permitted Uses
 1. See Attachment 4--Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4--Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5--Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4--Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs

1. Signage shall comply with §24-6, signs.
- g. Cemetery Uses.
 1. Any of these uses shall be provided with an entrance on a street or road which shall have a pavement width of not less than twenty (20') feet, with ingress and egress so designed as to minimize traffic congestion, and a minimum six (6') foot high fence or evergreen or evergreen-type hedge or shrubs at intervals of not more than six (6') feet, or a minimum of ten (10') feet of permanently maintained planting strip on all property lines abutting any R District or residential street.
 2. No interment shall take place closer than fifteen (15') feet to any street right-of-way line. In the event of a wider street right-of-way line as designated on the Official Map or Master Plan of the Township, the requirements shall be deemed to be measured from the proposed realignment or widened alignment as indicated.

§24-4.24 BZ Buffer Zone

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.
- g. Buffer zones shall comply with §24-5.6.

§24-4.25 ML1 Moderate and Low Residential

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements

1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.26 ML2 Moderate and Low Residential

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.27 ~~MF 1 Multi-Family 1 (Reserved)~~

~~The following standards shall apply to development within the MF 1 Zone. When the standards herein conflict with other provisions of Chapter 24, the standards herein shall apply.~~

- a. ~~Permitted Uses.~~
 1. ~~Townhomes.~~
 2. ~~Stacked townhomes, which are defined as a one (1) family unit in a row of at least three (3) such units, where units are stacked on each other. Units may be multi-level; however, all units shall have common fire-resistant walls and have direct access from the outside.~~
 3. ~~Affordable housing units within a townhome configuration, which may be designed as one-over-one condominium flats.~~
- b. ~~Accessory Uses.~~
 1. ~~Home occupations subject to §24-3.6 a8.~~
 2. ~~Parks, playgrounds, open space, and tenant recreation facilities.~~
 3. ~~Fences and walls subject to §24-5.6 b.~~
 4. ~~Surface parking subject to §24-3.7.~~
 5. ~~Community rooms and amenity spaces for the use of building owners and/or tenants.~~
- e. ~~Signs~~
 1. ~~Signage shall comply with §24-6, signs.~~

- ~~2. In addition to the above, a ground sign, next to the site entrance, identifying the development shall be permitted. Said sign shall not exceed twenty five (25) square feet, may be illuminated and shall be setback ten (10') feet from any property line.~~

~~d. Area, Bulk and Yard Requirements.~~

- ~~1. Area, Yard and Bulk Controls shall be in accordance with the Zoning Schedule of Area, Bulk and Yard Requirements at the end of this chapter.~~
- ~~2. Density. Maximum density of the site shall not exceed fourteen (14) units per disturbed/impervious acre. In no event shall the density within the zone exceed a total of forty two (42) residential units including any affordable housing units.~~
- ~~3. Internal setbacks.~~
 - ~~(a) Buildings shall be setback at least twenty five (25') feet from one another.~~
 - ~~(b) No building shall exceed one hundred and fifty (150') feet in length.~~
 - ~~(c) Buildings shall be setback a minimum of five (5') feet from parking lots.~~
 - ~~(d) No parking shall be permitted within twenty (20') feet of an adjacent single family use.~~

~~e. Affordable Housing.~~

- ~~1. Twenty (20%) percent of the units shall be reserved for, and affordable to, low- and moderate income households. The units shall be family units available to the general public and not restricted to any specific segment of the population and meet the low/moderate income split required by the Uniform Housing Affordability Controls ("UHAC") except in lieu of ten (10%) percent of units at thirty five (35%) of median income the developer shall provide at least thirteen (13%) percent of the units within each bedroom distribution as very low income units at thirty (30%) percent of median income if the affordable units are rental in tenure.~~
- ~~2. The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.~~
- ~~3. The units shall meet the bedroom distribution required by the UHAC.~~
- ~~4. The developer shall be responsible for retaining a qualified Administrative Agent, as approved by the Township, at the developer's sole cost and expense.~~
- ~~5. All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.~~

~~f. Off Street Parking Requirements.~~

- ~~1. Off street parking shall be in accordance with the Township Off street and Loading Ordinance, §24-3.7.~~
- ~~2. All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.~~
- ~~3. Off street parking shall be provided in accordance with RSIS.~~

4. ~~Parking lot lighting shall comply with §22-6.4.~~
5. ~~Within surface parking lots one (1) landscape island shall be provided for every twenty (20) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs. Said shade tree shall be three (3") inches in caliper at installation.~~

~~g. Building Design.~~

1. ~~Building wall offsets, including both projections and recesses, shall be provided along any street facing building wall measuring greater than forty (40') feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.~~
2. ~~The maximum spacing between such offsets shall be thirty five (35') feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1') foot.~~
3. ~~Vertical offsets can include, but are not limited to, pilasters, projecting bays, changes in façade materials and balconies.~~
4. ~~The architectural treatment of a façade shall be completely continued around all street facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.~~
5. ~~If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.~~
6. ~~Roofline offsets shall be provided along any gable roof measuring more than forty (40') feet in length.~~
7. ~~Building façades visible from any street shall consist of durable, long-lasting materials such as brick, stone, cast stone, Hardie plank or other high-quality material.~~
8. ~~Heating, ventilating and air conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right of way and adjacent properties.~~

~~h. Landscaping.~~

1. ~~Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.~~
2. ~~Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.~~

- ~~3. There shall be a minimum ten (10') foot wide landscaped buffer adjacent to any existing single family properties. The only improvements that are permitted to encroach on this buffer are utilities and driveways.~~
- ~~4. Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs. Existing shade and evergreen trees within the buffer area may be counted in fulfilling the required buffer planting.~~
- ~~5. Buffer plants shall include, at a minimum, the following:
 - ~~(a) One shade tree for every seventy five (75') linear feet of buffer;~~
 - ~~(b) One evergreen tree for every forty (40') linear feet of buffer;~~
 - ~~(c) Ten (10) shrubs for every fifty (50') linear feet of buffer.~~~~
- ~~6. Buffer plants shall be the following size at the time of planting:
 - ~~(a) Shade trees shall be planted at a minimum three (3") inch caliper and shall be a minimum of twelve (12) to fourteen (14) feet in height, balled and burlapped.~~
 - ~~(b) Evergreen trees shall be planted at a minimum height of seven (7') feet, balled and burlapped.~~
 - ~~(c) Shrubs shall be planted at a minimum of three (3') feet in height. All shrubs shall be evergreen.~~~~
- ~~7. Foundation plantings shall be provided around all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.~~
- ~~8. If an outdoor dumpster is utilized for the storage of trash and recycling, it shall be screened and fully enclosed with a solid enclosure a minimum six (6') feet in height. Alternatively, refuse and recycling may be stored inside of the building(s).~~
- ~~9. The above standard shall supplement the requirements of §22-6.5, paragraph a and supersede said design standards when there is a conflict.~~

§24-4.28 MF-2 Multi-Family-2

The following standards shall apply to development within the MF-2 Zone. When the standards herein conflict with other provisions of Chapter 24, the standards herein shall apply.

- a. Permitted Uses.
 1. Multi-family housing.
 2. Municipal uses, including off-street parking.
- b. Accessory Uses.
 1. Home occupations subject to §24-3.6 a8.
 2. Parks, playgrounds, open space, and tenant recreation facilities.
 3. Fences and walls subject to §24-5.6 b.

4. Surface parking subject to §24-3.7.
 5. Community rooms and amenity spaces for the use of building owners and/or tenants.
- c. Signs.
1. Signage shall comply with §24-6, signs.
 2. In addition to the above, a ground sign, next to the site entrance, identifying the development shall be permitted. Said sign shall not exceed twenty-five (25) square feet, may be illuminated and shall be setback a minimum of ten (10') feet from any property line.
- d. Area, Bulk and Yard Requirements.
1. Area, Yard and Bulk Controls shall be in accordance with the Zoning Schedule of Area, Bulk and Yard Requirements at the end of this chapter.
 2. Density. Maximum density of the site shall not exceed fifteen (15) units per acre.
 3. Internal setbacks.
 - (a) Buildings shall be setback a minimum of five (5') feet from driveways and parking areas.
 - (b) No parking shall be permitted within twenty (20') feet of an adjacent single-family use.
- e. Affordable Housing.
1. One-hundred (100%) percent of the units shall be reserved for, and affordable to, low- and moderate-income households. The units shall meet the low-/moderate-income split required by the Uniform Housing Affordability Controls ("UHAC") except in lieu of ten (10%) percent of units at thirty-five (35%) of median income the developer shall provide at least thirty (13%) percent of the units as very-low income units at thirty (30%) percent of median income within each bedroom distribution
 2. The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
 3. The units shall meet the bedroom distribution required by the UHAC.
 4. The developer shall be responsible for retaining a qualified Administrative Agent, as approved by the Township, at the developer's sole cost and expense.
 5. All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.
 6. The affordable units shall be reserved for families or special needs households.
- f. Off-Street Parking Requirements.
1. Off-street parking shall be in accordance with the Township Off-street and Loading Ordinance, §24-3.7.
 2. All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.

3. Off-street parking shall be provided in accordance with RSIS.
4. Parking lot lighting shall comply with §22-6.4.
5. Within surface parking lots one (1) landscape island shall be provided for every twenty (20) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs. Said shade tree shall be a minimum of three (3) inches caliper at installation.

g. Building Design.

1. Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than forty (40') feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.
2. The maximum spacing between such offsets shall be thirty-five (35') feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1') foot.
3. Vertical offsets can include pilasters, projecting bays, changes in façade materials and balconies.
4. The architectural treatment of a façade shall be completely continued around all street-facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
5. If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
6. Roofline offsets shall be provided along any gable roof measuring more than fifty (50') feet in length.
7. Building façades visible from any street shall consist of durable, long-lasting materials such as brick, stone, cast stone, Hardie plank or other high-quality material.
8. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

h. Landscaping.

1. Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.
2. Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.

3. There shall be a minimum ten- (10') foot-wide landscaped buffer adjacent to any existing single-family homes. The only improvements permitted to encroach on this buffer are utilities.
4. Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs. Existing shade and evergreen trees within the buffer area may be counted in fulfilling the required buffer planting.
5. Buffer plants shall include, at a minimum, the following:
 - (a) One shade tree for every seventy-five (75') linear feet of buffer;
 - (b) One evergreen tree for every forty (40') linear feet of buffer;
 - (c) Ten (10) shrubs for every fifty (50') linear feet of buffer.
6. Buffer plants shall be the following size at the time of planting:
 - (a) Shade trees shall be planted at a minimum three (3") inch caliper and shall be a minimum of twelve (12) to fourteen (14) feet in height, balled and burlapped.
 - (b) Evergreen trees shall be planted at a minimum height of seven (7') feet, balled and burlapped.
 - (c) Shrubs shall be planted at a minimum of three (3') feet in height. All shrubs shall be evergreen.
7. Foundation plantings shall be provided around all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
8. If an outdoor dumpster is utilized for the storage of trash and recycling, it shall be screened and fully enclosed with a solid enclosure a minimum six (6') feet in height. Alternatively, refuse and recycling may be stored inside of the building(s).
9. The above standard shall supplement the requirements of §22-6.5, paragraph a and supersede said design standards when there is a conflict.

§24-4.29 MUD-1 Mixed-Use Development 1 Overlay

The following standards shall apply to development within the MUD -1 Overlay Zone. When the standards herein conflict with other provisions of Chapter 24, the standards herein shall apply:

- a. Permitted Uses.
 1. Ground floor uses with frontage on Ramapo Avenue shall be non-residential.
 2. Permitted principal B10 Zone uses, excluding the following:
 - (a) Places of assembly.
 - (b) Social recreational buildings.
 - (c) Offices, business and professional.
 - (d) Public schools, parks, playgrounds, firehouses, libraries.

- (e) Undertakers and funeral parlors.
- 3. Multi-family housing.
- 4. A mixture or combination of the above uses.
- b. Accessory Uses.
 - 1. Off-street parking subject to §22- 6.2 and §24- 3.7.
 - 2. Parking decks or structures, subject to the following limitations:
 - (a) Decks or structures shall not face East Ramapo Avenue or Franklin Turnpike.
 - (b) Access shall be from King Street or Siding Place.
 - (c) The height of the deck or structure shall be five (5') feet lower than the height of the principle building on the lot.
 - (d) The required setbacks shall be the same as that required for a principal building.
 - (e) The deck or structure shall be architecturally consistent or compatible with the principal building.
 - 3. Loading facilities subject to §22- 6.3 and §24- 3.7.
 - 4. Community rooms and amenity spaces related to the residential use for the use of building owners and/ or tenants, including, but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mailrooms.
 - 5. Fences and walls subject to §24- 5.6 b.
 - 6. Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
 - (a) Tables may be located on private property or on the public sidewalk, so long as five (5') feet of sidewalk clearance is maintained.
 - (b) Fencing, bollards or planters shall be used to define the outdoor dining area.
 - (c) No outdoor dining shall be permitted after 12:00 a.m.
 - (d) All lighting shall be downward -facing and shall be turned off no later than 12:30 a.m.
- c. Prohibited Uses.
 - 1. Drive-through facilities.
 - 2. Gas and service stations.
 - 3. Non-residential uses shall be prohibited on the second or third floor.
- d. Area, Bulk and Yard Requirements.
 - 1. Minimum lot area — 3 acres
 - 2. Minimum lot width — 150 feet
 - 3. Maximum setback from Ramapo Avenue and Franklin Turnpike—15 feet; however, up to 25% of the linear building frontage may be set back a maximum of 30 feet

4. Minimum setback from Siding Place—10 feet
 5. Minimum setback from King Street—40 feet
 6. All other yard setbacks—15 feet
 7. Maximum improved lot coverage — 85%
 8. Maximum lot coverage — 80%
 9. Maximum building height — 3 stories and 38 feet
 10. Maximum density — 14 units per acre
- e. Affordable Housing.
1. Twenty (20%) percent of the units shall be reserved for, and affordable to, low- and moderate-income households. The units shall be family units available to the general public and not restricted to any specific segment of the population and meet the low-moderate-income split required by the Uniform Housing Affordability Controls ("UHAC") except in lieu of ten (10%) percent of units at thirty-five (35%) of median income the developer shall provide at least thirteen (13%) percent of the units as very-low income units at thirty (30%) percent of median income within each bedroom distribution if the affordable units are rental in tenure.
 2. The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
 3. The units shall meet the bedroom distribution required by the UHAC.
 4. The developer shall be responsible for retaining a qualified Administrative Agent, as approved by the Township, at the developer's sole cost and expense.
 5. All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.
- f. Off-Street Parking Requirements.
1. Off-street parking shall be in accordance with the Township Off-street and Loading Ordinance, §24-3.7.
 2. All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.
 3. Off-street residential parking shall be provided in accordance with RSIS, non-residential parking shall be provided in accordance with §22-6.2 a. All required parking shall be provided on site.
 4. Parking lot lighting shall comply with §22-6.4.
 5. Within surface parking lots one (1) landscape island shall be provided for every twenty (20) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs. Said shade tree shall be three (3") inches in caliper at installation.

6. Sidewalks and landscaped beds along the East Ramapo Avenue street frontage shall be a minimum of eight (8') feet wide.

g. Building Design.

1. Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than fifty (50') feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.
2. The maximum spacing between such offsets shall be forty-five (45') feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1') foot.
3. A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
4. Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground floor tenants.
5. Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint and such details as piers, columns, and framing should be utilized to reinforce verticality.
6. The architectural treatment of a facade shall be completely continued around all street-facing facades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
7. If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
8. Building facades visible from any street shall consist of durable, long-lasting materials.
9. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
10. All rooftop mechanical equipment shall be screened from view from all vantage points at grade or below the roof.
11. Placement of any packaged terminal air conditioner units within the facade is prohibited.

h. Landscaping.

1. Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.
2. Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The

landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.

3. Foundation plantings shall be provided around all buildings if the sidewalk is not directly adjacent to the structure. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
 4. If an outdoor dumpster is utilized for the storage of trash and recycling, it shall be screened and fully enclosed with a solid enclosure a minimum six (6') feet in height. Alternatively, refuse and recycling may be stored inside the building(s).
- i. Signs, subject to §24-6, except that:
1. Non-residential ground floor uses shall be permitted one (1) wall sign per street frontage, subject to the following parameters:
 - (a) A maximum sign area of thirty-six (36) square feet.
 - (b) The horizontal dimension of the sign shall not exceed eighty (80%) of the width of the building frontage occupied by the individual use.
 - (c) The top edge of a wall sign shall not be installed above the bottom of any second -floor windows or within three (3) feet of the top of a parapet.
 - (d) Said signs may be illuminated.
 2. Residential uses shall be permitted one ground or wall sign per street frontage, which identifies the development, subject to the following parameters:
 - (e) A maximum sign area of fifty (50) square feet.
 - (f) The top edge of a wall sign shall not be installed above the bottom of any second -floor windows or within three (3) feet of the top of a parapet.
 - (g) Said signs may be illuminated.

§24-4.30 MUD-2 Mixed-Use Development 2

- a. Purpose. The Mixed-Use Development Zone is intended to develop an underutilized site by constructing a mixed-use development that simultaneously provides credits towards the Township's affordable housing obligation. The zone will have three distinct areas. The first would be a hotel/office area. The second would be a multi-family area that may include some commercial space. The third would be a commercial area. The MUD-2 Zone regulations are intended to capitalize on the zone's unique location.
- b. Permitted Uses.
 1. Office park uses on a minimum of 30 acres, as further defined in subsection c.1. below.
 2. Business/retail/industrial uses on a minimum of 30 acres as further defined in subsection d.1. below.

3. Mixed-use inclusionary residential development uses on a minimum of 58 acres, as further defined in subsection e.1. below.
 4. It should be noted that as long as the above acreage requirements are met in total, subdivisions creating smaller lot sizes are permissible.
- c. Office park use standards and regulations.
1. Principal, conditional, and accessory uses shall be limited to those listed for the OP200 Zone.
 2. Area, bulk, and yard standards shall be as follows:
 - (a) Maximum improved lot coverage – 60%
 - (b) Maximum lot coverage – 30%
 - (c) Maximum building height – 300 feet and 25 stories
 - (d) Minimum front, side and rear yard building setback – 50 feet, which shall be measured from the development area boundary and not the true lot line.
- d. Business/retail/industrial use standards and regulations
1. Principal uses shall include the following:
 - (a) Up to 300,000 square feet of any B40 Zone permitted principal use under the same bulk requirements as prescribed therein, excluding the following uses:
 - (1) Service stations
 - (2) Auto service and repair
 - (b) Big box retail. For the purposes of the MUD-2 zone, big box retail shall mean single-retail establishment having no less than 100,000 square feet of gross floor area. Business may have supplemental in-store services including but not limited to medical offices, vision centers, and snack bars. A big box retail facility shall not include an exterior fuel dispensing station or auto service and repair. This does not include tire changes.
 - (c) Industrial uses, which includes all principally-permitted uses within the IP120 and warehouses. This shall exclude Major Potential Pollutant Sources (§24-10.2 g1) and Minor Potential Pollutant Sources (§24-10.2 g2).
 - (1) For the purposes of the MUD-2 zone, a warehouse shall mean a building used, by one or more tenants, primarily for the storage of goods and materials. A warehouse may include an office component, which does not exceed fifteen (15%) percent of the building's total floor area.
 2. Accessory uses shall include the following:
 - (a) Off-street parking and loading facilities.
 - (b) Signs.
 - (c) Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises.
 3. Conditional uses shall include the following:
 - (a) Outdoor storage subject to §24-3.6 a5.

(b) Essential services subject to §24-7.1.

4. Area, Bulk and Yard Requirements.

- (a) Bulk requirements shall be measured from the development area boundary and not the true lot line.
- (b) Development shall include new rights-of-way, either public or private, for building access and site circulation.
- (c) Buildings shall be set back from one another a minimum of fifty (50') from all building facades.
- (d) Buildings shall be set back a minimum of fifteen (15') feet from parking areas. This requirement does not apply to driveways, loading areas or service bays.
- (e) Buildings shall be set back a minimum of fifty (50') feet from the development area boundary.
- (f) No parking shall be permitted within twenty (20') feet of a lot line.
- (g) Bulk and yard requirements for big box retail and industrial uses shall be as follows:
 - (1) The maximum improved lot coverage shall be 80%.
 - (2) The maximum lot coverage shall be 40%.
 - (3) The maximum building height shall be forty-five (45') feet and two (2) stories.
 - (4) In accordance with §24-3.2 g, bulk and other requirements shall be measured from the development area boundary and not the true lot line.
 - (5) Buildings shall be set back a minimum of fifty (50') feet from the development area boundary.
 - (6) No parking shall be permitted within fifty (50') feet of a lot line.

5. Affordable Housing. Projects must comply with the State-wide Non-residential Fee Act.

6. Circulation and Off-Street Parking Requirements.

- (a) Off-Street Parking and Loading facilities and standards shall be in accordance with the Township Off-street and Loading Ordinance, §24-3.7. However, warehouses shall provide one (1) parking space for every one thousand (1,000) square feet. Office space within a warehouse shall provide one (1) parking space for every two hundred and fifty (250) square feet. Big box retail shall provide one (1) parking space for every two hundred and fifty (250) square feet.
- (b) All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length, however, retail and big box retail shall provide spaces that measure ten (10') feet in width by twenty (20') feet in length.
- (c) All lighting for off-street parking areas shall be so arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, residential zones and residential uses.

(d) Parking lot lighting shall provide a maintained minimum average of one-half (0.5) footcandles.

(e) Within surface parking lots one (1) landscape island shall be provided for every twenty (20) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs.

(f) Right-of-Way Requirements.

(1) The right-of-way and pavement widths of all internal streets, roads and vehicle-traveled ways, whether public or private, shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full proposed development and the traffic to be generated thereby. They shall be adequate in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting and police vehicles.

(2) Sidewalks shall be required along all streets and roads, whether dedicated public streets or privately owned and maintained, or any combination thereof. Sidewalks shall have a minimum width of four (4) feet.

(3) All streets and roads, either dedicated public streets or privately owned and maintained, or any combination thereof, shall be subject to all Township ordinances as well as the laws of the State of New Jersey with regard to construction. The developer's private internal road network shall comply with RSIS.

(4) The Board shall be guided by the following criteria of street grades but shall have the authority to modify same where exceptional circumstances warrant: six (6%) percent for major and arterial streets and ten (10%) percent for collector and local streets. Exceptions to these limitations shall be made after review and written approval by the Township Engineer and Planning Consultant.

(5) When deemed necessary by the Board, the applicant shall provide a continuous street circulation system with adjoining land areas.

(6) Where an Official Map or Master Plan, or both, have been adopted, the proposed street system shall conform to the proposals and conditions shown thereon except as may be modified by the Board or governing body, as provided by law.

(g) Right-of-Way Improvements.

(1) Monuments, street names and other traffic control devices, shade trees, streetlights, sidewalks, curbs, fire hydrants and all aspects of street construction as well as other improvements shall be subject to local regulations and Township Engineer approval.

(2) Shade trees along all public and private rights-of-way shall be provided in accordance with the Township's Tree Preservation Ordinance, Section 14-10.

7. Building Design for Retail and Big Box Retail uses.

- (a) Buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc., as a means to provide a visually attractive environment.
- (b) A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
- (c) Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground floor tenants.
- (d) Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint and such details as piers, columns, and framing should be utilized to reinforce verticality.
- (e) The architectural treatment of a façade shall be completely continued around all street-facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
- (f) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
- (g) A variety of materials may be appropriate. Masonry, which works well at the base of a building, can vary in size, color and texture and enables the provision of a decorative pattern or bend.
- (h) The use of fabric or metal canopies is to be encouraged, especially over storefronts, at entrances, or over display windows.
- (i) Integration of large-scale graphics into the façade, where appropriate, is encouraged. Logos and trademarks shall be considered signage for the purposes of this ordinance.
- (j) Outdoor dumpsters shall be enclosed with a six (6') foot high wood fence or masonry wall.

8. Landscaping

- (a) All landscaping is subject to compliance with the Township's Landscaping and Buffer requirements, §22-6.5.
- (b) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.

- (c) Site entrances and unique areas shall have special landscaping treatment. Flowerbed displays are encouraged.
 - (d) A minimum of thirty (30%) percent of the plantings proposed shall be indigenous to the region.
 - (e) Foundation plantings shall be provided at all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
- e. Mixed-use inclusionary residential development standards and regulations.
 - 1. Permitted uses within the mixed uses area shall include the following:
 - (a) Multi-family residential buildings, however, a minimum of two hundred (200) and a maximum of two hundred and sixteen (216) of the units shall be age-restricted. Age-restricted units shall have a head of household with a minimum age of 55 years old, subject to compliance with federal law, except that no more than two (2) age-restricted residential units may be occupied by employees of the developer or the operating entity for the development, who are employed as superintendents for the development and members of their household under the age of 18 who reside in the development.
 - 2. Conditionally permitted uses within the mixed uses area include mixed-use multi-family residential buildings, subject to the following conditions:
 - (a) Non-residential uses shall be limited to the B200 Zone permitted uses.
 - (b) For each 10,000 gross square feet of non-residential space, one additional acre shall be added to the required minimum lot size.
 - (c) A maximum of 75,000 square feet of non-residential space shall be provided.
 - (d) Non-residential space is limited to the first floor.
 - (e) Parking for the non-residential uses shall be required as outlined in §24-3.7.
 - 3. Accessory uses permitted within the mixed uses area include:
 - (a) Parks, playgrounds, open space, dog parks, and tenant recreation facilities including but not limited to clubhouses, swimming pools and tennis courts, subject to 24-3.6. This is a requirement per §24-4.30 e5 below.
 - (b) Fences and walls subject to §24-5.6 b.
 - (c) Surface, garage, and structured parking subject to §24-3.7.
 - (d) Leasing and maintenance offices to support residential use.
 - (e) Community rooms and amenity spaces for the use of building owners and/or tenants.
 - (f) Signs, subject to §24-6.
 - 4. Area, Bulk and Yard Requirements.
 - (a) The maximum improved lot coverage shall be 65%

- (b) The maximum lot coverage shall be 35%.
 - (c) The maximum building height shall be 65 feet and 5 stories. This is limited to four residential floors over one floor of parking. Or in the case of the conditionally-permitted use, four residential floors over one floor of non-residential.
 - (d) More than one (1) structure shall be permitted on a single tract.
 - (e) In accordance with §24-3.2 g, bulk and other requirements shall be measured from the development area boundary and not the true lot line.
 - (f) Development shall include new rights-of-way, either public or private, for building access and site circulation.
 - (g) Setbacks
 - (1) Buildings shall be set back a minimum of fifteen (15') feet from driveways and parking areas. This requirement does not include access drives into buildings.
 - (2) Buildings shall be set back from one another a minimum of fifty (50') feet from all building facades.
 - (3) Buildings shall be set back a minimum of fifty (50') from the development area boundary.
 - (4) No parking shall be permitted within fifty (50') of a lot line.
 - (h) Density. Maximum density shall not exceed fourteen (14) units per acre, based on a minimum of fifty-eight (58) acres within the area. In no instance shall the total number of units exceed 800.
 - (i) Buffer Areas and Landscaping.
 - (1) Buffer provisions of §24-5.6 apply. Such buffer zone shall be kept in its natural state where wooded; and when natural vegetation is sparse or nonexistent, the landowner may be required to provide a year-round visual screen as determined by the Board.
 - (2) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Board may, upon a finding of reasons therefor, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property.
 - (3) The area shall provide a minimum of 20 acres of open space within the acreage requirement running parallel to the Ramapo River.
5. Amenities. In accordance with the permitted accessory uses, recreational space is permitted, and shall be herein required as follows. Applicant must provide a minimum six thousand (6,000) square foot clubhouse(s) and two thousand (2,000) square foot pool for the use of residents and their guests. By the time a final certificate of occupancy is issued for the one hundredth (100th) residential unit, the developer shall construct four thousand (4,000) square feet of clubhouse space. The remaining two thousand (2,000) square feet of clubhouse space and the pool shall be constructed by the time a certificate of occupancy is issued for the three hundredth (300th) residential unit.

6. Market-rate residential unit standards.
 - (a) Market-rate residential units shall have the following minimum unit sizes:
 - (1) One (1) bedroom – seven hundred (700) square feet
 - (2) Two (2) bedroom – eight hundred fifty (850) square feet
 - (b) No three (3) bedroom market-rate units are permitted.
 - (c) Nothing shall preclude an additional room as a den, as long as a closet is not provided. The lease shall preclude any den used as a bedroom.
7. Affordable Housing.
 - (a) Fifteen (15%) percent of the total residential units shall be reserved for, and affordable to, low and moderate income households. The units shall be rental and meet the low/moderate income split required by the Uniform Housing Affordability Controls and provide at least thirteen (13%) percent of the units as very-low income units within each bedroom distribution. Affordable housing units shall be included within the age-restricted component of the development and shall include at least 30 age-restricted affordable units, but no more than 32 age-restricted affordable units.
 - (b) The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
 - (c) The units shall meet the bedroom distribution for family and age-restricted units as required by the Uniform Housing Affordability Controls.
 - (d) The low and moderate income rental units required to be provided by the developer, as noted herein, shall be distributed among the buildings proposed.
 - (e) The developer shall be responsible for retaining a qualified Administrative Agent, as approved by the Township, at the developer's sole cost and expense.
8. Circulation and Off-Street Parking Requirements.
 - (a) Parking shall be provided in accordance with RSIS. No parking space shall be used for the storage of goods and materials.
 - (b) Tandem parking is permitted under the building when dedicated and/or reserved. However, no more than sixty (60%) percent of the parking space under any one building may be tandem.
 - (c) Off-Street Parking and Loading facilities and standards shall be in accordance with the Township Off-street and Loading Ordinance, §24-3.7.
 - (d) All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.
 - (e) All lighting for off-street parking areas shall be so arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, single-family detached residential zones and single-family detached homes.

(f) Parking lot lighting shall provide a maintained minimum average of one-half (0.5) footcandles.

(g) Within surface parking lots one (1) landscape island shall be provided for every twenty (20) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs.

(h) Right-of-Way Requirements.

(1) For the non-residential component of the area, the right-of-way and pavement widths of all internal streets, roads and vehicle-traveled ways, whether public or private, shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full proposed development and the traffic to be generated thereby. They shall be adequate in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting and police vehicles.

(2) For the residential component of the area, all streets and roads, either dedicated public streets or privately owned and maintained, or any combination thereof, shall be subject to all Township ordinances as well as the laws of the State of New Jersey with regard to construction. The developer's private internal road network shall comply with RSIS.

(3) The Board shall be guided by the following criteria of street grades but shall have the authority to modify same where exceptional circumstances warrant: six (6%) percent for major and arterial streets and ten (10%) percent for collector and local streets. Exceptions to these limitations shall be made after review and written approval by the Township Engineer and Planning Consultant.

(4) When deemed necessary by the Board, the applicant shall provide a continuous street circulation system with adjoining land areas.

(5) For the non-residential component of the area, sidewalks shall be required along all streets and roads, whether dedicated public streets or privately owned and maintained, or any combination thereof. Sidewalks shall have a minimum width of four (4) feet.

(6) Where an Official Map or Master Plan, or both, have been adopted, the proposed street system shall conform to the proposals and conditions shown thereon except as may be modified by the Board or governing body, as provided by law.

(i) Right-of-Way improvements.

(1) Monuments, street names and other traffic control devices, shade trees, streetlights, sidewalks, curbs, fire hydrants and all aspects of street construction as well as other improvements shall be subject to local ordinance requirements and Township Engineer approval.

(2) Shade trees along all public and private rights-of-way shall be provided in accordance with the Township's Tree Preservation Ordinance, 14-10.

9. Building Design.

- (a) No single building shall have a street-front length of more than two hundred seventy (270') feet.
- (b) Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than fifty (50') feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.
- (c) The maximum spacing between such vertical offsets shall be forty (40') feet. The minimum projection or depth of any individual vertical offset shall not be less than eight (8") inches.
- (d) Vertical offsets can include pilasters, projecting bays, changes in façade materials and balconies.
- (e) The architectural treatment of a façade shall be completely continued around all street-facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
- (f) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
- (g) Roofline offsets shall be provided along any gable roof measuring more than fifty (50') feet in length.
- (h) All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and other such elements, where appropriate.
- (i) Building façades visible from any street shall consist of durable, long-lasting materials such as brick, stone, cast stone, Hardie plank or other high-quality material.
- (j) Tenant refuse collection systems shall be inside all residential buildings. Outdoor dumpsters are permitted so long as they are screened on three (3) sides by a masonry wall and the gate(s) is composed of a sturdy, solid material.

10. Landscaping

- (a) All landscaping is subject to compliance with the Township's Landscaping and Buffer requirements, §22-6.5.
- (b) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.

- (c) Site entrances and unique areas shall have special landscaping treatment. Flowerbed displays are encouraged.
- (d) A minimum of thirty (30%) percent of the plantings proposed shall be indigenous to the region.
- (e) Foundation plantings shall be provided at all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.

11. Traffic Improvement and Recreational Fee. The developer(s) of MUD-2 District shall pay the Township for off-tract traffic improvements and recreation improvements to be made within the Township in accordance with the tables below. A pro rata amount of the fee shall be paid by the developer to the Township when a building permit and certificate of occupancy is issued for residential units or for the tenant fit out of non-residential square footage. Fifty percent (50%) shall be due when building permits are issued, and fifty percent (50%) shall be due when certificates of occupancy are issued. The contributions by the developer(s) to pay this fee shall be in addition to any traffic improvement required by the New Jersey Department of Transportation for the inclusionary mixed-use development, which the developer shall install at its own cost and expense. The Township shall have the discretion to allocate the fee between traffic improvements and recreational improvements within the Township.

<u>Non-Residential Table</u>
<u>All Retail Development</u>
<u>0-200,000 square feet: No Fee</u>
<u>200,001-300,000 square feet: \$10 per square foot not to exceed a fee of \$1,000,000</u>
<u>All Industrial/Office Development</u>
<u>0-300,000 square feet: No Fee</u>
<u>300,001-500,000 square feet: \$5 per square foot</u>
<u>500,001-1,000,000 square feet: \$2.50 per square foot</u>
<u>Combination of Retail/Industrial/Office Development</u>
<u>If 200,001 square feet of retail or 300,001 square feet of industrial space (or more of either use) is proposed, any additional retail use beyond 200,001 square feet shall have a fee of \$10 per square foot and any additional industrial use beyond 300,001 square feet is in accordance with the "All Industrial/Office Development"</u>
<u>Residential Table</u>
<u>\$3,750 per unit including affordable units, not to exceed \$3,000,000</u>

12. Site access. Vehicular access to and from the MUD-2 District shall be subject to the review and approval of the Township Police Chief. No vehicular access shall be permitted on the bridge located to the east of the District.
- f. Supplemental requirements for development in the MUD-2 Zone.
 1. Side Yard Requirements in the MUD-2 Zone. No building or group of attached buildings shall have an aggregate front building wall in excess of seventy-five (75%) percent of the actual lot width in the MUD-2 Zone.
 2. Private Tennis Courts. Private tennis courts are permitted as an accessory use in the MUD-2 zone, subject to §24-3.6 a 7.

§24-4.31 LOD Limited Office District

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. One parking space required for each 125 square feet of floor area.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.32 OP200 Office Park

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
 2. Accessory Retail Sales in Office Buildings in the OP200 Zone.
 - (a) Accessory retail and service uses shall be permitted within office buildings in the OP200 Zone.
 - (b) The permitted accessory uses identified in paragraph (a) above, shall be contained entirely within the building. Direct access to any one (1) or more accessory uses from the outside shall be prohibited. Such space shall have no exterior signs or other appurtenances of any kind whatsoever.
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 2. Yard Requirements in the OP200 Zone.

- (a) The minimum front yard requirement in the OP200 Zone shall be equal to sixty (60') feet plus one (1') foot for each one (1') foot of building height in excess of sixty (60') feet.
- (b) The minimum side yard in the OP200 Zone for each side yard shall be equal to thirty (30') feet plus one-half (1/2') foot for each one (1') foot of building height in excess of thirty (30') feet.
- (c) The minimum rear yard in the OP200 Zone shall be equal to forty (40') feet plus one (1') foot for each one (1') foot of building height in excess of forty (40') feet.

3. Side Yard Requirements in the OP200 Zone

- (a) No building or group of attached buildings shall have an aggregate front building wall in excess of seventy-five (75%) percent of the actual lot width in the OP200 zone.

4. The maximum floor area ratio for the Office Park Zone, OP200, shall be 0.40. This regulation shall be applicable to the entire zone district but any parcel within the district may exceed the floor area ratio by twenty (20%) percent for the overall site under the jurisdiction of the applicant provided the floor area ratio of the entire district is not exceeded.

5. Building Height in the OP200 Zone. Building heights in the OP200 Zone shall be limited by the setback requirements of the zone, the floor area ratio, and by the limitations established in the Bulk Schedule of this Chapter for the OP200 Zone.

For all buildings that exceed six (6) stories, there shall be no two (2) adjacent or abutting buildings of the same height. Any abutting or adjacent building shall minimally have a height differential, in feet, equal to ten (10%) percent of the height of the taller building.

d. Conditional Uses

- 1. See Attachment 4—Schedule of District Use Regulations

e. Off-street parking requirements

- 1. Parking shall comply with §24-3.7.
- 2. Off-street parking and loading facilities in the OP200 Zone shall be provided in accordance with the requirements established in Chapter XXII, Site Plan Review.
- 3. A minimum of fifty (50%) percent of all required parking shall be required to be provided either in a below grade parking facility or above grade parking garage or deck, in the OP200 Zone.

f. Signs

- 1. Signage shall comply with §24-6, signs.

§24-4.33 ORP200 Office Research Park

a. Permitted Uses

- 1. See Attachment 4—Schedule of District Use Regulations

b. Accessory Uses

1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
 2. Side Yard Requirements in the ORP200 zone
 - (a) No building or group of attached buildings shall have an aggregate front building wall in excess of seventy-five (75%) percent of the actual lot width in the ORP200 zone.
 3. The maximum floor area ratio for the Office Research Park Zone, ORP200, shall be 0.30. This regulation shall be applicable to the entire zone district and to each parcel that is created within the zone.
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.34 POS Public Open Space

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements
- d. Conditional Uses
 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 1. Parking shall comply with §24-3.7.
- f. Signs
 1. Signage shall comply with §24-6, signs.

§24-4.35 ED Education

- a. Permitted Uses
 1. See Attachment 4—Schedule of District Use Regulations
- b. Accessory Uses
 1. See Attachment 4—Schedule of District Use Regulations
- c. Area, Bulk and Yard Requirements
 1. See Attachment 5—Zoning Schedule of Area, Bulk and Yard Requirements

- d. Conditional Uses
 - 1. See Attachment 4—Schedule of District Use Regulations
- e. Off-street parking requirements
 - 1. Parking shall comply with §24-3.7.
- f. Signs
 - 1. Signage shall comply with §24-6, signs.

§24-5 PERFORMANCE STANDARDS AND DESIGN CRITERIA

§24-5.1 General Application.

All uses are subject to the following performance standards and procedures.

§24-5.2 Compliance with Performance Standards

- a. Prior to Construction and Operation. Any application for a building permit for a use which shall be subject to performance standards shall be accompanied by a sworn statement by the owner of subject property that the use will be operated in accordance with the performance standards set forth herein.
- b. Continued Compliance. Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be enforced by the Construction Official.

§24-5.3 Nuisance Elements.

- a. Definition of "Nuisance Elements." A "nuisance element" is any noise, radioactivity, vibration, glare, smoke, odor, air and water pollution or dust which exceeds the performance standards established under this section.
- b. Locations where determinations are to be made for enforcement of performance standards. The determination of the existence of nuisance elements shall be made:
 - 1. At or outside property lines of the use creating such element, for noise, vibration, glare, dust, smoke, air pollution or water pollution.
 - 2. At the zone district boundary line, for odor.

§24-5.4 Performance Standards

- a. Vibration. No vibration shall be permitted which is detectable without instruments at points of measurement specified in §24-5.3 b.
- b. Glare. No direct or sky-reflected glare shall be visible, whether from floodlights or from high-temperature processes, so as to be visible at the points of measurement specified in §24-5.3 b.
- c. Smoke.
 - 1. The emission standards of this Chapter or as promulgated by the New Jersey Department of Environmental Protection, whichever is more restrictive, shall pertain.
 - 2. No emission shall be permitted, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc., copyright 1954,

being a direct facsimile reduction of a standard Ringelmann Chart as issued by the United States Bureau of Mines.

3. The provisions of this paragraph shall not apply to:
 - (a) Smoke emitted during the cleaning of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 3 of the Power's Micro-Ringelmann Chart for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes.
 - (b) Smoke resulting from any fire ignited solely for the purpose of training or research in fire prevention or protection.
 - (c) Smoke from locomotives the shade or appearance of which is equal to but not darker than No. 3 of the Power's Micro-Ringelmann Chart for a period or periods aggregating no more than thirty (30) seconds in any three (3) consecutive minutes, or smoke of the density for a period aggregating no more than four (4) minutes in any fifteen (15) consecutive minutes when building a new fire.
 - (d) Household fireplaces.
- d. Odors. No emission of odorous gases or other odorous matter in such quantity as to be readily detectable shall be permitted.
- e. Dust. Solid particles shall not be emitted in concentrations exceeding standards established by the New Jersey Department of Environmental Protection.
- f. Fly Ash. No emission of any fly ash shall be permitted to be discharged from any stack or chimney into the open air in excess of the quantity set forth in regulations promulgated by the New Jersey Department of Environmental Protection.
- g. Noise. No activities shall exceed the noise standards established by the State of New Jersey, including, but not limited to the Noise Control Act (N.J.S.A. 13:1G-1 et seq.) and state noise control regulations (N.J.A.C. 7:29-1.1 et seq.).
- h. Radioactivity or Electrical Disturbance. No activities shall be permitted which emit dangerous radioactivity or electrical disturbances adversely affecting the operation of any equipment. All applicable Federal and State regulations shall be complied with.
- i. Fire and Explosion Hazards. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of State and local laws and regulations shall also apply.

§24-5.5 Design Criteria

In accordance with the spirit and intent of this Chapter, the following design criteria shall be adhered to, except where otherwise provided.

- a. Traffic Access. All proposed site traffic accessways are adequate but not excessive in number; adequate in grade, width, alignment and visibility; and not located too near street corners, entrances to schools or places of public assembly; and other similar considerations.

- b. Circulation and Parking. Interior circulation is adequate and that all required parking spaces are provided and are easily accessible. All off-street parking and loading areas shall be surfaced with a durable and dust-free surface. All areas shall be properly marked so as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.
- c. Lighting. All exterior lighting devices shall be arranged so as to reflect the light away from adjoining premises. No rotating or flashing signs or lights shall be permitted.
- d. Drainage, Water Supply and Sewage Disposal Facilities. All development shall be provided with adequate water supply, sewage disposal and drainage facilities in accordance with the Township requirements.
- e. Disposal of Usable Open Space. Usable open space shall be so arranged as to ensure the health and safety and to promote the general welfare.
- f. Arrangement of Buildings. Adequate provision shall be made for light, air, access and privacy in the arrangement of buildings.
- g. Landscaping. Landscaping, where required, shall be provided in order to enhance and protect the natural and scenic qualities of the land. Where adjacent land use dictates, screening and buffer areas shall be required.
- h. Americans with Disabilities Act (ADA) Regulations. All newly designed and constructed or altered Local Government Facilities, public accommodations and commercial facilities are to be readily accessible to and usable by Individuals with Disabilities. All requirements of the Americans with Disabilities Act of 1990 (ADA), 2004 ADA Accessibility Guidelines (ADAAG) and 2010 ADA Standards for Accessible Design. In addition, Compliance Design and Construction Certification Forms must be completed and provided to the Township Engineer.
- i. On-site utility service shall be provided as part of an underground system, consistent with §22-6.6.

§24-5.6 Buffer Zone and General Landscaping Requirements

a. Buffer Zone Requirements.

1. All commercial, industrial and apartment uses adjoining or abutting a residential zone or institutional or public use shall provide a buffer strip or buffer zone on the side or sides facing said use or zone in accordance with the following table.

Buffer Zone Requirements

Zone District	Depth of Buffer Zone	Buffer Zone (feet)	
		Minimum	Maximum
GA200 B200 IP120 RM6 ORP200 MUD-2	10% of lot depth or width on the side or sides facing such use or residential zone	50	100
B40 GI80	7 ½% of the lot depth or width on the side or sides facing such use or residential zone	25	50
B10	5% of the lot depth or width on the side or sides facing such use or residential zone	10	25
ED Zone. A minimum buffer of fifteen (15') feet shall be provided along every area that abuts a property used for residential purposes.			

2. No principal or accessory structure, other than as may be provided herein, nor any off-street parking or loading areas or other use shall be permitted within the buffer zone.
 3. No access or driveways, other than as may be permitted herein, shall be permitted within the buffer zone.
 4. The buffer zone shall be kept in its natural state where wooded, and when natural vegetation is sparse, plant material at least six (6') feet in height and a solid or tightly woven fence may be required so as to provide a year-round visual screen by the Board. The planting may be placed in suitable areas in the buffer zone as shall be required by the Board and the Shade Tree Commission of the Township.
 5. Within the buffer zone, underground utility easements shall be permitted.
 6. The area encompassed in the buffer zone may be utilized for the purpose of computing lot coverage and yard setbacks.
 7. The provisions of paragraph b., 3. shall also apply.
- b. General Landscaping Requirements.
1. Fencing. All fences erected in the Township must be erected so as to have the finished side facing the neighboring lot. No fence shall be erected higher than six (6') feet in height above the finished grade when located behind the front facade line of the principal structure. No fence shall be erected higher than four (4') feet in height above the finished grade when located within the front yard as defined in §24-1.5. Notwithstanding anything contained in this subsection, the fencing of private personal recreation facilities shall comply with the provisions of §24-3.6 a 7.
 2. Fencing on corner lots shall meet the same requirements as set forth in paragraph b 1. for interior lots.
 3. No fence can be erected within the sight triangle of an intersection as provided for by the existing land use regulations of the Township.
 4. Enclosed Uses. Any enclosed use required by this Chapter to be landscaped shall be provided with a fence or a visual screen designed to produce a dense cover consisting of evergreen or evergreen-type hedges or shrubs, spaced at intervals of not more than six (6') feet, located and maintained in good condition within ten (10') feet of the property line or as shall be determined by the Board. The Board, in the alternative, may require a landscaped earth berm not less than five (5') feet in height.
 5. Unenclosed Uses. Any use which is not conducted within a completely enclosed building, such as required off-street parking, shall be entirely enclosed by a solid or closely woven fence or by evergreen hedges or shrubs spaced at intervals of not more than six (6') feet, located and maintained in good condition, within ten (10') feet of the property line or the zone district boundary line or as shall be determined by the Board. In the alternative, the Board may require a landscaped earth berm not less than five (5') feet in height.
 6. Maintenance.
 - (a) Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this Chapter. Failure to

maintain fencing or to replace dead or diseased landscaping or any refuse which may collect therein shall be considered a violation of this Chapter, in accordance with §24-11.5, paragraph c.

(b) Whenever a buffer or landscaping requirement is imposed, and to the extent that same is in fulfillment of the requirements of this Chapter or any other Township ordinance, a guaranty in the form of a surety bond, cash or security deposit shall be required.

7. Temporary fences (including but not limited to snow fences, construction fences, safety fences and filter fences) are not permitted in the Township of Mahwah for periods in excess of thirty (30) days except when such fences are being actually used in connection with immediate or current construction activity or safety protection activity on the site.

§24-6 SIGNS

§24-6.1 General Requirements

- a. Sign Illumination: Direct illumination or back lighting shall not exceed twenty-five (25) watts of incandescent power or seventy-five (75) foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension for any sign.
- b. Glare: All signs shall be so designed, located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon streets, driveways and surrounding property.
- c. Exempt Signs: Exempt signs as provided herein shall be exempt from permitting requirements, but must otherwise comply with the Township's regulations. Exempt signs shall be permitted within all zoning districts of the Township of Mahwah.
- d. See §15-8 for procedures for the erection of temporary non-commercial signs within right-of-ways.
- e. Any permanent or temporary sign that is legible from the outside and is placed on the outside or inside face of a window, or mounted within two (2) feet of the inside face of the window shall not exceed 20 percent of window area.
- f. Signs Related to Service Stations
 1. Signage used to advertise fuel prices shall comply with the required provisions of N.J.A.C. 18:19-2 MOTOR FUELS--RETAIL SALES POSTED PRICES: ADVERTISING; REBATES; ALLOWANCES; TRADEMARKS
 2. Automatic service and/or gasoline stations may have one (1) ground, pylon or free-standing sign not to exceed the maximum area as provided where permitted in the schedule of permitted sign regulations and where not permitted, not to exceed a maximum area of fifty (50) square feet. Canopy signage may be permitted up to (4) square feet in area on each of two (2) sides of the canopy. Except as provided in the schedule of permitted sign regulations, no other signage shall be permitted.
- g. A home occupation may be permitted to display an identification sign with a maximum sign area of two (2) square feet.
- h. No part of a wall sign, where permitted, shall exceed the wall height of the structure to which it is affixed.

- i. Sign height shall be measured from the mean finished grade of the street closest to the sign to the highest point of the sign structure.
- j. All required setbacks shall be measured from the property line.
- k. Wall signs may not be located along facades not ordinarily accessed by the public.
- l. Calculation of sign area. Sign area shall be calculated as follows:
 - 1. Sign area shall be measured based on the smallest convex polygon that contains the entire sign, excluding those architectural embellishments and supports on which no advertising material or lighting is displayed.
 - 2. Where a sign is painted on a wall or other surface, the sign area shall include the entire area of the background color(s) of the sign that differentiate it from the general color of the wall or other surface.
 - 3. Signs on awnings shall be measured using smallest convex polygon that contains the entire sign, excluding those architectural embellishments and supports on which no advertising material or lighting is displayed.
 - 4. For blade or double-faced signs, the sign area shall be the area of one display face where the interior angle formed by the faces is 90 degrees or less. Otherwise the sign area shall include the area of all sign faces.
 - 5. Aggregate sign area shall be calculated as a percentage of the main façade of the principal structure.
 - (a) The main building facade used for signage calculations shall be the largest facade of the principal structure. For the purpose of sign calculations, no building shall have more than one main facade. The area of the main building facade shall be the total area measured from side to side of the structure and from the ground level to the top of the roof on flat roof structures, excluding parapets, and to the top of the highest occupied story on peak roof structures.
 - (b) For vacant land, outdoor uses without a principal structure, or properties containing multiple principal structures, the maximum aggregate sign area shall be one square foot for each linear foot of street frontage, but not to exceed the maximum area of any single sign permitted in the zone.
- m. Temporary Signs.
 - 1. Restrictions applicable to all temporary signs:
 - (a) Signs may be freestanding or attached to buildings.
 - (b) Signs shall not be illuminated.
 - (c) Signs shall not be permitted on telephone poles or trees.
 - (d) Temporary signs shall not be subject to the total aggregate sign area.
 - 2. Temporary sign types.
 - (a) In addition to any other permitted sign, each residential property offered for sale or rental may display a temporary sign that is visible from the public right of way. This sign shall be removed seven (7) days after the execution of a contract or the expiration of the listing agreement. Such signs shall be set back at least fifteen (15') feet from the curblin and shall not block the vision of the driver of an automobile.
 - (b) Major subdivision signs. A major subdivision that has received preliminary plot plan approval by the Board may display temporary signs that shall not

exceed two (2) in number, each located on a separate lot of the major subdivision. No sign shall exceed twenty (20) square feet in area. Said signs shall be removed within ninety (90) days after the completion of construction work within the subdivision or within ten (10) days after the issuance of the last certificate of occupancy, whichever is sooner.

(c) Temporary yard signs.

(1) Temporary yard signs shall not exceed four (4) square feet in area for each sign.

(2) Temporary yard signs shall not be installed in the public right-of-way, public property, or on private property without the permission of the owner or tenant.

(d) For new construction, remodeling or other modifications during which there is no occupancy of the building and for which fencing of the construction site is provided, screening attached to the fence may bear images or text. Such text and numbers shall occupy no more than 120 square feet on each street frontage, or 20 percent of the area of the screening on a construction fence along each street frontage, whichever is larger.

(e) Temporary window signs.

3. Temporary signs that exceed eight (8) square feet in area shall be subject to the following:

(a) Temporary signs and fees. There shall be a twenty (\$20.00) dollar fee for a permit to erect a temporary sign except for a not-for-profit entity sponsoring an event for which a temporary sign permit is issued. For a temporary sign issued to a not-for-profit entity, the fee shall be ten (\$10.00) dollars per application.

(b) There shall be a fifty (\$50.00) dollar fine imposed upon the property owner or the owner's agent or applicant for any violation of the regulations which apply to temporary signs. A fifty (\$50.00) dollar fine shall be imposed for each and every day the violation continues to exist. Permits issued for temporary signs shall be issued for a period not to exceed six (6) months or when the reason for the issuance of the permit no longer exists or is otherwise described herein whichever is shorter.

§24-6.2 Exempt Signs

- a. Any display or official notice of and by a governmental agency of the United States, the State, the County, the Township or any of their political subdivisions.
- b. Any official traffic control device.
- c. Any flag, emblem or insignia of a governmental agency of the United States.
- d. Any sign located completely within an enclosed structure provided that the sign is not visible or directed to be seen from the outside of the structure.
- e. Exempt signs may be two sided.
- f. Incidental signs. Incidental signs shall not count against the aggregate sign area allowed for a site. Incidental signs shall meet the following requirements:
 1. Incidental signs shall not be illuminated;
 2. Incidental signs shall not exceed four (4) square feet in total area; and,
 3. Incidental signs shall not exceed four (4) feet in height.

- g. Temporary Signs not exceeding eight (8) square feet in area.

§24-6.3 Prohibited Signs in all zones.

- a. Strings of streamers, flags, pennants, spinners or other similar devices.
- b. Signs limiting official traffic control devices or signs.
- c. Signs which obstruct doors, sidewalks, driveways or streets.
- d. Signs placed on trees, rocks or utility poles.
- e. Search lights or beacons.
- f. Banners, pennants, streamers, bunting, balloons, gas-filled figures or similar devices.
- g. Portable or "A" frame signs.
- h. Signs which utilize mechanical movement or provide the appearance of movement through flashing or intermittent lights.
- i. Signs affixed to parked motor vehicles the primary purpose of which signs is to direct the attention of the public to any business or activity conducted on the premises upon which the vehicle is parked.
- j. Signs placed in the public right-of-way or on public property without first obtaining prior approval of the Township Council.
- k. Signs which display video or simulate the appearance of movement.

§24-6.4 Allowable Signage by Zone

Except as where modified by this Chapter, signage shall comply with the following requirements.

	Zone						
	C200, R80, R40, R20, R15, R10, R5, R11	MF-1, MF-2	GA200, RM6, PRD4, PRD4S, PRD6, ML1, ML2	B40, B200, CB360	IP120, OP200, ORP200, G180, LOD	B10, B12	FP, BZ, POS, ED, CEM, RM6
Signage Type							
Identification	X	P	P	P	P	P	P
Incidental	P	P	P	P	P	P	P
Temporary	P	P	P	P	P	P	P
Structural Type							
Awning	X	X	X	X	X	P	X
Freestanding	P	P	P	P	P	P	P
Ground	X	P	P	P	P	P	P
Pylon	X	P	P	P	P	P	P
Projecting	X	X	X	X	X	P	X
Wall	P	X	P	P	P	P	P
Window	X	X	X	P	X	X	X
Illumination							
Internal	x	P	P	P	P	P	X
External	x	P	P	P	P	P	P

Dimensions							
Maximum Height	4	10	10	25	25	15	10
Minimum Setback from Property Lines	10	10	15	15	15	15	15
Maximum Aggregate Sign Area (% of main façade)	n/a	n/a	n/a	10%	10%	10%	n/a
Maximum Area of any Individual Sign	4	25	50	100	100	100	50
Key: P- Permitted X- Not Permitted							

§24-7 CONDITIONAL USES

§24-7.1 Essential Services

a. Enclosed or Permanent Structures.

1. Public utility services. Such uses shall include electric substations, transformers, switches and auxiliary apparatus serving a distribution area, and water pumping station in R Districts and shall be subject to the following regulations:
 - (a) Such facility shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
 - (b) The location, design and operation of such facility may not adversely affect the character of the surrounding residential area.
 - (c) Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with §24-5.6.

b. Open.

1. Such uses shall be limited to the erection, construction, alteration or maintenance, by public utilities or Municipal or other governmental agencies, of underground or overhead electrical, gas, water transmission or distribution systems or collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such public utilities or Municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Open essential services shall not include any human or animal fecal matter or material.
2. Landscaping requirements and performance standards established in §24-5 shall be adhered to.

§24-7.2 Community Residences.

Community residences, as described in New Jersey Municipal Land Use Law for community residences, shelters, and adult family care homes (N.J.S.A. 40:55D-66.1 and 40:55d-66.2), shall be a permitted use in all residential districts of the township, pursuant to the requirements for single family dwelling units within such districts. Community residences exclusive of those described in the New Jersey Municipal Land

Use Law for community residences, shelters, and adult family care homes (N.J.S.A. 40:55D-66.1 and 40:55d-66.2), shall comply with the following requirements.

- a. No dwelling unit housing more than six (6) persons excluding resident staff may be used or converted to use as a community residence for shelter for victims of domestic violence or a community residence for persons with head injuries unless a conditional use permit has been obtained in advance from the Township Board.
- b. No community residence or community shelter shall be located within fifteen hundred (1,500') feet of an existing such residence or shelter.
- c. No additional permits may be issued if the number of persons, other than resident staff, already residing in community residences or community shelters within the municipality exceeds fifty (50) persons, or five tenths (0.5%) percent of the population of the municipality, whichever is greater.
- d. Standards.
 1. The requirements for residences occupied by six (6) or fewer persons, excluding resident staff, shall be the same as for single family dwelling units located within such districts.
 2. The additional minimum requirements for residences occupied by seven (7) persons plus one (1) resident staff member are:
 - (a) A minimum lot area consistent with the zoning requirement.
 - (b) A minimum of three (3) parking spaces.
 - (c) A minimum of two thousand (2,000) square feet of building area.
 - (d) A separate bedroom for the staff member.
 - (e) Two (2) bathroom facilities.
- e. The further additional minimum requirements for residences occupied by more than seven (7) persons excluding resident staff members are:
 1. There shall be an increase in building area by one hundred fifty (150) square feet for each additional occupant.
 2. There shall be an increase in the minimum zoning lot area by twenty (20%) percent for each additional occupant.
 3. There shall be one (1) additional parking space for every two (2) additional occupants.
 4. There shall be one (1) additional bathroom facility for every three (3) additional occupants.
 5. There shall be an increase in common congregating areas, e.g. living rooms, by twenty-five (25) square feet for every one (1) additional occupant.
- f. Definitions.
 1. The term "person" shall be synonymous with the term person in N.J.S.A. 40:55D-66.1.
 2. The term "occupant" shall include persons and resident staff as described in N.J.S.A. 40:55D-66.1.

§24-7.3 Motor Vehicle Body Repair Shops.

- a. Motor vehicle body shops shall have a minimum lot area at least one-third (1/3) greater than the minimum required lot area of the commercial zone district in which it is located.
- b. All property boundaries shall have a thickly landscaped buffer at least ten (10') feet wide. Buffers adjacent to any Residence District shall have a minimum width of twenty-five (25') feet. This buffer area shall be located outside of any area required to be fenced.
- c. All garage door or interior bay accesses shall face and be oriented toward the property's side lot line, except where such side yard faces and is adjacent to a residential use.
- d. Motor vehicles under repair shall be kept either within the principal building or outside within a fenced and screened compound. No vehicle shall remain on-site for more than forty-five (45) days.
- e. Improved building, paved areas, used parts and scrap storage compound coverage shall not exceed sixty (60%) percent of the total lot area.
- f. Building coverage shall not occupy more than thirty (30%) percent of the total lot area.
- g. Outdoor storage of used parts (motor vehicle components) shall be stored in a fully enclosed container or fenced and paved compound area separate from the outside vehicle parking area. This compound shall not exceed two hundred (200) square feet in area.
- h. Additional parking spaces shall be provided on site as follows:
 1. One (1) space for each employee and two (2) spaces for customer estimates.
- i. Any conditional use application for motor vehicle body repair shop use shall be accompanied by a Site Plan incorporating the above requirements and be in accordance with Chapter XXII, Site Plan Review, of this Code.

§24-7.4 Places of Assembly.

- a. Area, Bulk and Yard Requirements.
 1. Minimum lot area: five (5) acres.
 2. Minimum lot width: two hundred (200') feet.
 3. Minimum lot depth: four hundred (400') feet.
 4. Minimum front yard:
 - (a) Principal building: thirty-five (35') feet.
 - (b) Accessory building: thirty-five (35') feet.
 5. Minimum side yard:
 - (a) Principal building: twenty (20') feet.
 - (b) Accessory building: twenty (20') feet.
 6. (Minimum rear yard:

- (a) Principal building: fifty (50') feet.
- (b) Accessory building: twenty (20') feet.
- 7. Maximum lot coverage: thirty (30%) percent.
- 8. Maximum improved lot coverage: seventy-five (75%) percent.
- b. The minimum lot area of a place of assembly that includes facilities for education and instruction including but not limited to after-school learning, day care, or any other type of education or instruction within the same building or structure as the place of assembly, or in a separate building or structure, but do not include facilities that meet the definition of an Elementary or High School, shall be increased by an additional one (1) acre.
- c. The minimum lot area of a place of assembly that includes facilities for social functions, such as, but not limited to, weddings, funerals, bar/bat mitzvahs, dances, banquets, dinners and other similar events within the same building or structure as the place of assembly or in a separate building or structure shall be increased by two (2) acres.
- d. Where a cemetery is provided as a part of the property, the following provisions shall also apply.
 - 1. Cemetery uses shall be provided with an entrance on a street or road which shall have a pavement width of not less than twenty (20') feet, with ingress and egress so designed as to minimize traffic congestion, and a minimum six (6') foot high fence or evergreen or evergreen-type hedge or shrubs at intervals of not more than six (6') feet, or a minimum of ten (10') feet of permanently maintained planting strip on all property lines abutting any R District or residential street.
 - 2. No interment shall take place closer than fifteen (15') feet to any street right-of-way line. In the event of a wider street right-of-way line as designated on the Official Map or Master Plan of the Township, the requirements shall be deemed to be measured from the proposed realignment or widened alignment as indicated.
- e. A place of assembly may include one (1) residential structure or unit on the same grounds.
- f. A Place of Assembly shall be located on a Major Arterial, Minor Arterial, or Collector Street as identified in the Township's Circulation Element.

§24-7.5 Nursing and Convalescent Homes.

- a. Area, Bulk and Yard Regulations.
 - 1. Minimum lot area: one hundred twenty-five thousand (125,000) square feet.
 - 2. Minimum lot area per patient bed: one thousand (1,000) square feet.
 - 3. Minimum lot width: two hundred (200') feet.
 - 4. Minimum lot depth: four hundred (400') feet.
 - 5. Maximum lot coverage: thirty (30%) percent.
 - 6. Maximum improved lot coverage: seventy-five (75%) percent.
 - 7. Maximum building height:

(a) Thirty-five (35') feet.

(b) Three (3) stories.

8. Minimum yard requirements:

Yard	Principal Building (feet)	Accessory Building (feet)
Front	75	50
Side, one	50	30
Side, both	100	60
Rear	75	10

b. Courts. Where a court is provided, it shall have dimensions the minimum of which shall be forty (40') feet.

c. Recreational Space. There shall be provided on the site of such development an area or areas of not less than five thousand (5,000) square feet plus fifty (50) square feet per patient bed which shall be utilized for the recreational use of the patients therein.

§24-7.6 Animal Hospitals, Veterinary Offices and Animal Kennels.

a. Animal hospitals, veterinary offices, and kennels shall be located no closer than two hundred (200') feet to any residential zone line.

b. Such facilities shall be maintained in an enclosed structure and shall be of soundproof construction and so operated as to produce no objectionable odors at the zone lot boundary line in accordance with §24-5.4 d.

c. Open kennels, exercise pens or runways shall not be located closer than four hundred (400') feet to any property line and shall be subject to noise and odor controls established for an enclosed building.

d. The maximum improved lot coverage shall not exceed seventy-five (75%) percent.

§24-7.7 Mechanical Automobile Washing Establishments.

a. Minimum Area Requirements.

1. Minimum lot area: forty-five thousand (45,000) square feet.

2. Minimum lot width: one hundred fifty (150') feet.

3. Minimum lot depth: three hundred (300') feet.

b. Minimum Yard Requirements.

1. Front yard: eighty (80') feet.

2. Side yard:

(a) One: fifty (50') feet.

(b) Both: eighty (80') feet.

3. Rear yard: seventy (70') feet.

c. Location. Such establishments shall not be located closer than four hundred (400') feet to any residential zone boundary line, school, hospital, nursing home or other similar institutional or public use.

d. Off-Street Parking. Such establishments shall provide a reservoir parking area equal in number to seven (7) times the maximum capacity of the laundry for automobiles

awaiting entrance to the premises and one and one-half (1 1/2) times the maximum capacity of the laundry for automobiles beyond the exit end of the equipment so situated as to be usable for the hand-finishing of the washing process and which shall be no closer than fifty (50') feet to any street right-of-way line. "Maximum capacity" in this instance shall mean the greatest possible number of automobiles undergoing some phase of laundering at the same time, which shall be determined by dividing the equipment line by twenty (20') feet.

- e. Performance and Design Standards. Such establishments shall comply in all respects with the performance standards in §24-5.
- f. Landscaping. Such establishments shall comply in all respects with the landscaping and buffer zone requirements for side and rear yards as established in §24-5.6.
- g. Maximum Improved Lot Coverage. The maximum improved lot coverage shall not exceed seventy-five (75%) percent.

§24-7.8 Motels, Hotels, Motor Hotels and Similar Uses

- a. Minimum Habitable Room Area. Such uses shall have a minimum area for each unit of occupancy of two hundred (200) square feet and shall include a minimum of one (1) bedroom and a shower or bath, sink and a water closet.
- b. Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be in accordance with the requirements established in the Site Plan Ordinance. Off-street parking shall not be permitted within thirty (30') feet of any street right-of-way line.
- c. Motels, hotels and motor hotels in the OP200 zone shall be subject to the following bulk standards:

Minimum lot size (square feet)	600,000
Minimum lot width (feet)	400
Minimum lot depth (feet)	400
Maximum improved lot coverage (%)	75
Maximum lot coverage (%)	30
Maximum floor area ratio	0.4
Minimum front yard	(See §24-4.32 c2.)
Minimum side yard (each)	
Minimum rear yard	

- d. Accessory uses permitted and associated with hotels and motels may include automobile rental establishments, banks, barber and beauty shops, book and stationery stores, confectionery and tobacco sales, florists, gift shops, newspaper stands, restaurants and travel agencies, and other similar uses as approved by the Board.

§24-7.9 Service Stations.

- a. No gasoline station or vehicular repair service shop shall be located on property within five hundred (500') feet of the following uses: schools, playgrounds, churches, hospitals, public libraries or institutions for dependent children.
- b. Vehicular access to the above uses shall not be closer to the intersection of any two (2) street lot lines than fifty (50') feet, nor shall any such use be located within twenty-five (25') feet of any boundary line of any R-District.

- c. Location of Appliances or Pits. Service stations shall not be permitted where any gasoline or oil pump or oil draining pit or visible appliance for any such purpose is located within thirty (30') feet of any street lot line, except where such appliance or pit is within a building.
- d. Buffer Zone and Landscaping Requirements. Service stations shall comply with the provisions of §24-5.6.

§24-7.10 Riding Stables, Academies, Riding Clubs.

- a. Riding stables, academies, riding clubs and other similar activities shall be permitted where a minimum area of ten (10) acres is maintained for these purposes and all buildings for the housing, feeding, exercise or rental of such animals are maintained at least three hundred (300') feet from all residential buildings, structures and property lines and are appropriately screened and fenced.

§24-7.11 Private Recreation Facilities

- a. Fitness and health clubs.
 - 1. May contain space for one or more athletic activities, including, but not limited to free weights, cardiovascular areas, workout floors, swimming pools, basketball courts, racquetball courts, tennis courts, rock-climbing facilities, sports facilities, running tracks, boxing areas.
 - 2. Hot tub/Jacuzzi facilities, if provided, shall not exceed one (1%) percent of the gross floor area.
 - 3. Retail/food operations, if provided, shall not exceed ten percent (10%) of the gross floor area.
 - 4. Office spaces devoted to membership sales, maintenance and operation of the fitness and health club facility, if provided, shall not exceed four (4%) percent of the total floor area.
 - 5. Fitness and health club facilities may contain facilities directly related to its operation, including storage facilities, maintenance facilities, and laundry facilities.
 - 6. Child care facilities, if provided, shall be for client use while at the facility.
- b. Private Outdoor Recreational Facilities.
 - 1. In R Districts, no building shall be located within fifty (50') feet of any property line.
 - 2. In R Districts, there may be included retail sales for members and their guests only.
 - 3. Unenclosed recreational facilities shall be located not less than twenty-five (25') feet from any property line, except where greater distances are otherwise required herein, and shall be effectively screened from adjoining residential uses.
 - 4. No public address system shall be permitted except where such system will not be audible at any property line.
 - 5. Other factors, such as lighting, drainage, parking and surfacing, shall be governed under §24-5.5 and landscaped in accordance with §24-5.6.

§24-7.12 Health and Wellness Centers

- a. Nursing and physicians' offices and medical exam rooms affiliated with the use of the Health and Wellness Center shall not exceed four (4%) percent of the gross floor area.
- b. Child care facilities, if provided, shall be for client use while at the facility.
- c. Cafe serving food and beverages, if provided, shall not to exceed three (3%) percent of the gross floor area of the proposed facility with no more than fifty (50) seats.
- d. Retail sales of durable medical equipment and health related merchandise, vitamins and supplements, apparel, educational material, and other items consistent with the Health and Wellness Center use, if provided, shall not exceed two (2%) percent of the gross floor area.
- e. Health and wellness centers may contain facilities directly related to its operation, including maintenance and laundry facilities.

§24-7.13 Sexually Oriented Businesses

- a. A sexually oriented business may not be located within 1,000 feet of any existing sexually oriented business, any place of assembly, any school, any public playground or park, any public facility, or any hospital or any child care center, or within 1,000 feet of any residential area or area zoned for residential use.
- b. A sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width with plantings, fence, or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located.
- c. Signage shall comply with the requirements of Title 2C of the New Jersey Code of Criminal Justice.

§24-7.14 Limited Industrial

- a. Uses may include the finishing or assembling or packaging of previously prepared goods or materials, except those of a chemical, biological or radiation basis.
- b. Limited industrial uses shall be subject to the performance standards in §24-5.

§24-8 AFFORDABLE HOUSING

§24-8.1 Housing Commission

- a. There is hereby established a Municipal Housing Commission consisting of seven (7) members appointed by the Township Council to serve without compensation. This Commission shall not serve as a Municipal Housing Authority as defined by statute.
- b. The Commission shall consist of the Mayor, one (1) member of the Township Council, one (1) member of the Planning Board who is not a member of the Township Council, the Municipal Housing Liaison, and three (3) citizens of the Municipality.
- c. The terms of Commission members who are members of the Township Council or Planning Board shall be for a period of two (2) years or shall terminate at the termination of their respective term of office, whichever comes first.
- d. The term of the Human Services and Affordable Housing Director shall be for as long as they remain Human Services and Affordable Housing Director.

- e. The terms of the citizens at large shall be for a period of three (3) years with the initial appointments being staggered terms of one (1), two (2) and three (3) years.
- f. The Municipal Housing Commission is an advisory board organized with the purpose of advising and making recommendations to the Township Council, Planning Board and other boards and agencies.
- g. The specific duties of the Municipal Housing Commission shall be:
 - 1. To review and comment upon any applications for development of lower income housing referred to the Commission by any other Municipal agency or department.
 - 2. To evaluate the housing needs of the Municipality and the region and specifically to evaluate the existing lower income housing programs in the Municipality and to make periodic reports to the Township Council and Planning Board regarding these evaluations at least annually.
 - 3. To provide public relations, counseling and outreach services for housing opportunities within the Municipality.
 - 4. To recommend changes to the Planning Board and Township Council regarding modifications of the Municipal Housing Plan, Master Plan, or Land Use Regulations so as to meet the Municipal Housing Plan goals.
 - 5. The Commission may utilize the services of the appointed Township officials and hire a secretary.

§24-8.2 Housing Regulations

- a. Statutory authorization.

The Legislature of the State of New Jersey has, in the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., delegated the authority to local governments to adopt an ordinance to provide a realistic opportunity for sound shelter for low- and moderate-income households. Therefore, the Council of the Township of Mahwah does ordain as follows:

- b. Monitoring and Reporting Requirements.

The Township of Mahwah shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- 1. Beginning on the first anniversary of the Judgment of Compliance and Repose, and on every anniversary of that date through July 1, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (LGS), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the NJDCA, COAH, or LGS. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

2. Beginning on the first anniversary of the Judgment of Compliance and Repose, and on every anniversary of that date through July 1, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
3. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall provide the opportunity for any party to submit comments to the municipality, which comments shall be provided to all parties to this litigation regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented.
4. Within 30 days of the third anniversary of the Judgment of Compliance and Repose, and every third year thereafter until July 1, 2025, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low-income requirements, including its family very-low-income requirements. Such posting shall provide the opportunity for any party to submit comments to the municipality, which comments shall be provided to all parties to this litigation, on the issue of whether the municipality has complied with its very-low-income housing obligation.

c. Definitions.

1. The following terms when used in this Ordinance shall have the meanings given in this Section:

Act shall mean the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

Adaptable shall mean constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

Administrative Agent shall mean the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26) and responsible for administering the affordability controls on low- and moderate-income units created in the Township of Mahwah to ensure that the restricted units are affirmatively marketed and sold or rented, as applicable, only to very-low-, low- and moderate-income households.

Affirmative Marketing shall mean a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

Affordability Average shall mean the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

Affordable shall mean a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of

an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

Affordable Housing Development shall mean a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable housing development.

Affordable Housing Program(s) shall mean any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

Affordable Unit shall mean a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

Agency shall mean the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

Age-Restricted Unit shall mean a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

Alternative Living Arrangement shall mean a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

Assisted Living Residence shall mean a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

Certified Household shall mean a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

Coah shall mean the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

Court shall mean the Superior Court of New Jersey, Law Division, Bergen County.

Dca shall mean the State of New Jersey Department of Community Affairs.

Deficient Housing Unit shall mean a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

Developer shall mean any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

Development shall mean the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use 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 N.J.S.A. 40:55D-1, et seq.

Inclusionary Development shall mean a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

Low-Income Household shall mean a household with a total gross annual household income equal to fifty (50%) percent or less of the regional median household income by household size.

Low-Income Unit shall mean a restricted unit that is affordable to a low-income household.

Major System shall mean the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

Market-Rate Units shall mean housing not restricted to low- and moderate-income households that may sell or rent at any price.

Median Income shall mean the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

Moderate-Income Household shall mean a household with a total gross annual household income in excess of fifty (50%) percent but less than eighty (80%) percent of the regional median household income by household size.

Moderate-Income Unit shall mean a restricted unit that is affordable to a moderate-income household.

Municipal Housing Liaison shall mean the municipal employee duly designated by the governing body with the responsibility for monitoring, reporting oversight and general administration of the affordable housing program for the Township of Mahwah.

Non-Exempt Sale shall mean any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

Random Selection Process shall mean a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

Regional Asset Limit shall mean the maximum housing value in each housing region affordable to a four-person household with an income at eighty (80%) percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

Rehabilitation shall mean the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

Rent shall mean the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

Restricted Unit shall mean a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under the Urban Home Ownership Recovery Program ("UHORP") or the Market Oriented Neighborhood Investment Program ("MONI").

Uhac shall mean the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

Very-Low-Income Household shall mean a household with a total gross annual household income equal to thirty (30%) percent or less of the regional median household income by household size.

Very-Low-Income Unit shall mean a restricted unit that is affordable to a very-low-income household.

Weatherization shall mean building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

d. Applicability.

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Mahwah pursuant to the Township's most recently adopted Housing Element and Fair Share Plan.

2. Moreover, this Ordinance shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
- e. Rehabilitation Program.
1. Mahwah's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 2. Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.
 3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of ten (10) years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
 4. The Township of Mahwah shall dedicate approximately fifteen thousand (\$15,000) dollars for each unit to be rehabilitated through this program.
 5. The Township of Mahwah shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Township.
 6. The Township of Mahwah shall designate, subject to the approval of the Court, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner-occupancy rehabilitation program and a rehabilitation manual for the rental-occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
 7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and UHAC, but shall be administered in accordance with the following:
 - (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - (c) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.
- f. Alternative Living Arrangements.

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
 2. With the exception of units established with capital funding through a twenty (20)-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty (30) year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
 3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.
- g. Inclusionary Zoning.

1. To implement the fair share plan in a manner consistent with the terms of the June 8, 2018 Settlement Agreement, ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning shall be permitted on the following properties consistent with the provisions of Mahwah's Housing Element and Fair Share Plan and the terms of the Settlement Agreement.
 - (a) Mahwah will rezone the site known as Crossroads, identified as Block 26, Lot 2 and Block 183, Lot 1 to permit a mixed-use inclusionary development of up to 800 units with a fifteen (15%) percent set-aside.
 - (b) ~~(Reserved) Mahwah will rezone the site known as 1 Fyke Road, identified as Block 21, Lots 21, 22 and 23 to permit an inclusionary multi-family development with a twenty (20%) percent affordable housing set aside.~~
 - (c) Mahwah will rezone Block 82 in its entirety to permit a mixed-use inclusionary development with a twenty (20%) percent affordable housing set-aside.
 - (d) Mahwah will rezone the site known as 70 Island Road, identified as Block 56, Lot 74 to permit an inclusionary multi-family development that is one hundred (100%) percent affordable.
 - (e) Developments in the ML1 Zone District shall be required to provide one hundred (100%) percent of all dwelling units to be affordable to low- and moderate-income households.
 - (f) Developments in the ML2 Zone District shall be required to provide twenty-two (22%) percent of all dwelling units to be affordable to low- and moderate-income households. This provision shall not apply to the project known as Beaver Creek / Paddington Square (Block 109, Lots 16 and 19) which has one hundred (100%) percent market rate units as a result of a Settlement Agreement in the Urban League lawsuit which provided for a monetary payment in lieu of on-site construction of affordable units.

- h. Phasing Schedule for Inclusionary Zoning.

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

i. New Construction.

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

- (a) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least thirteen (13%) percent of all restricted rental units shall be very-low-income units (affordable to a household earning thirty (30%) percent or less of regional median income by household size). The very-low-income units shall be counted as part of the required number of low-income units within the development.
- (b) In each affordable development, at least fifty (50%) percent of the restricted units within each bedroom distribution shall be very-low- or low-income units.
- (c) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (1) The combined number of efficiency and one-bedroom units shall be no greater than twenty (20%) percent of the total low- and moderate-income units;
 - (2) At least thirty (30%) percent of all low- and moderate-income units shall be two bedroom units;
 - (3) At least twenty (20%) percent of all low- and moderate-income units shall be three bedroom units; and
 - (4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- (d) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

- (a) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- (b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (1) An adaptable toilet and bathing facility on the first floor; and

- (2) An adaptable kitchen on the first floor; and
- (3) An interior accessible route of travel on the first floor; and
- (4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (5) If not all of the foregoing requirements in 2(a) through 2(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2(a) through 2(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- (6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Mahwah has collected funds from the developer sufficient to make ten (10%) percent of the adaptable entrances in the development accessible:
 - [a] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [b] To this end, the builder of restricted units shall deposit funds within the Township of Mahwah's Affordable Housing Trust Fund sufficient to install accessible entrances in ten (10%) percent of the affordable units that have been constructed with adaptable entrances.
 - [c] The funds deposited under paragraph (f)(2) above shall be used by the Township of Mahwah for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [d] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Mahwah for the conversion of adaptable to accessible entrances.
 - [e] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
 - [f] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

3. Design:

- (a) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

- (b) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

- (a) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth in the Settlement Agreement dated June 8, 2018.

- (1) Regional income limits shall be established for the region that the Township is located within (i.e. Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be eighty (80%) percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be fifty (50%) percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very-low-income unit for a household of four shall be thirty (30%) percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- (2) The income limits attached to the Settlement Agreement are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017 and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

- (3) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty (60%) percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than fifty-two (52%) percent of median income.

- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least thirteen (13%) percent of all low- and moderate-income rental units shall be affordable to very-low-income households, which very-low-income units shall be part of the low-income requirement.
- (d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70%) percent of median income, and each affordable development must achieve an affordability average of fifty-five (55%) percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (e) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (1) A studio shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (3) A two-bedroom unit shall be affordable to a three-person household;
 - (4) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (5) A four-bedroom unit shall be affordable to a six-person household.
- (f) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - (1) A studio shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to ninety-five (95%) percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty-eight (28%) of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (h) The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty (30%) percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 - (i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
 - (j) The rents of very-low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine (9%) percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
- j. Utilities.
- 1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
 - 2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.
- k. Occupancy Standards and Preference.
- 1. Standards. In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
 - (a) Provide an occupant for each bedroom;
 - (b) Provide children of different sexes with separate bedrooms;
 - (c) Provide separate bedrooms for parents and children; and
 - (d) Prevent more than two persons from occupying a single bedroom.
 - 2. Preference. In accordance with N.J.S.A. 52:27D-311(j) the Township and Developer or residential development owner may enter into an agreement to provide a preference for affordable housing to low- and moderate-income veterans who served in time of war or other emergency, as defined in section 1 of P.L.1963, c.171 (C. 54:4-8.10), of up to 50 (50%) percent of the affordable units in that particular project. This preference shall be established in the applicant selection process for available affordable units so that applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, and who apply within ninety (90) days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first ninety (90) days of the initial one hundred and twenty (120) day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy.

Following the initial one hundred and twenty (120) day marketing period, previously qualified applicants and future qualified applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, shall be placed on a special waiting list as well as the general waiting list. The veterans on the special waiting list shall be given preference for affordable units, as the units become available, whenever the percentage of preference-occupied units falls below the agreed upon percentage. Any agreement to provide affordable housing preferences for veterans pursuant to this subsection shall not affect a municipality's ability to receive credit for the unit from COAH, or its successor.

l. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Mahwah takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

m. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
 2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
 4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See §24-8.2 p.
- n. Buyer Income Eligibility.
1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to fifty (50%) percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than eighty (80%) percent of median income.
 2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
 3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
 4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed thirty-three (33%) percent of the household's eligible monthly income.
- o. Limitations on Indebtedness Secured by Ownership Unit; Subordination.
1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing

that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety-five (95%) percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.6(b).

p. Capital Improvements To Ownership Units.

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten (10)-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

q. Control Periods for Restricted Rental Units.

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Mahwah takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within thirty (30) days of the receipt of a Certificate of Occupancy.
3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

- (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure on the property containing the unit.
- r. Rent Restrictions for Rental Units; Leases.
- 1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
 - 2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - 3. Application fees (including the charge for any credit check) shall not exceed five (5%) percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
 - 4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least fifteen (15%) percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.
- s. Tenant Income Eligibility.
- 1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to thirty (30%) percent of the regional median household income by household size.
 - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to fifty (50%) percent of the regional median household income by household size.
 - (c) Moderate-income rental units shall be reserved for households with a gross household income less than eighty (80%) percent of the regional median household income by household size.
 - 2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five (35%) percent (forty (40%) percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- (a) The household currently pays more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- 3. The applicant shall file documentation sufficient to establish the existence of the circumstances in s.1 (a) through s.2 (e) above with the Administrative Agent, who shall counsel the household on budgeting.
- t. Establishment of Municipal Housing Liaison position and compensation; powers and duties.
 - 1. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Township of Mahwah.
 - 2. Subject to the approval of the Court, the Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
 - 3. The Municipal Housing Liaison shall be responsible for monitoring, reporting, oversight and general administration of the affordable housing program for the Township of Mahwah, including the following responsibilities which may not be contracted out to an Administrative Agent:
 - (a) Serving as the Township of Mahwah's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households;
 - (b) Monitoring the status of all restricted units in the Township of Mahwah's Housing Element and Fair Share Plan;
 - (c) Compiling, verifying and publishing on the Township's website all referenced monitoring reports as required by the Court;
 - (d) Coordinating meetings with affordable housing providers and the administrative agent(s) as applicable; and
 - (e) Attending continuing education programs as required to obtain and maintain certification as a Municipal Housing Liaison.
 - 4. Subject approval by the Court, the Township of Mahwah may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of the Township of Mahwah. If the Township of Mahwah contracts with another entity to administer all or any part of the

affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting administrative agent.

5. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of Municipal Housing Liaison.

- u. Establishment of Administrative Agent position; powers and duties.

An Administrative Agent may be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:

- (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Mahwah and the provisions of N.J.A.C. 5:80-26.15; and
- (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (c) Notifying the following entities of the availability of affordable housing units in the Township of Mahwah and providing them with copies of or links to application forms: Fair Share Housing Center, the Latino Action Network, Bergen County NAACP, Bergen Urban League and Bergen County Housing Coalition.

2. Household Certification:

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (f) Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Mahwah when referring households for certification to affordable units; and

3. Affordability Controls:

- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or Bergen County Clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resales and Re-rentals:
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- (or very-low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.
5. Processing Requests from Unit Owners:
- (a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 - (c) Notifying the municipality of an owner's intent to sell a restricted unit; and
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- (a) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

- (c) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (e) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
- (f) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

- (a) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (b) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.
- (c) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

v. Affordable Marketing Requirements.

- 1. The Township of Mahwah shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- 2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- 3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- 4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township of Mahwah shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
 7. The affirmative marketing process for available affordable units shall begin at least four (4) months (120 days) prior to the expected date of occupancy.
 8. Applications for affordable housing shall be available in several locations, including, at a minimum, the Sussex County Main Library; the Hudson County Administration Building; the Passaic County Administration Building; the Bergen County Administration Building; the Mahwah Municipal Building; the Mahwah Public Library; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
 9. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Mahwah along with copies of the preliminary application forms to the following entities: Fair Share Housing Center, the Latino Action Network, Bergen County NAACP, Bergen Urban League and Bergen County Housing Coalition.
 10. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.
- w. Enforcement of Affordable Housing Regulations.
1. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
 2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of sixty (60) days after service of the written notice:
 - (a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - (1) A fine of not more than five hundred (\$500.00) dollars per day or imprisonment for a period not to exceed ninety (90) days, or both, provided that each and every day that the violation continues or exists shall be

considered a separate and specific violation of these provisions and not a continuation of the initial offense;

- (2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Mahwah Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (b) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
- (1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - (2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two (2)-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
 - (3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the

purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

x. Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

§24-8.3 Affordability Controls

a. Fees.

Sellers or resellers of restricted ownership units will be charged a fee of 3 percent of the sale price for services provided by the Administrative Agent related to the sale or resale of their unit. This fee shall be collected at closing and paid directly to the Administrative Agent. Owners will be charged a fee of \$175.00 to process requests for subordination or home equity loans.

§24-8.4 Development Fees

a. Purpose.

This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very-low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

b. Basic Requirements.

1. This Ordinance shall not be effective until approved by the Court.
2. The Township of Mahwah shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

c. Definitions.

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

Affordable Housing Development shall mean 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 (100%) percent affordable housing development.

COAH or the Council shall mean the New Jersey Council on Affordable Housing established under the Fair Housing Act.

Development Fee shall mean money paid by a developer for the improvement of property as authorized by *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and regulated by applicable COAH Rules.

Developer shall mean the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

Equalized Assessed Value shall mean the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

Green Building Strategies shall mean those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

d. Residential Development Fees.

1. Imposition of Fees.

(a) Within the Township of Mahwah, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one and one-half (1.5%) percent of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

(b) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of six (6%) percent of the equalized assessed value for each additional unit that may be realized, except that this provision

shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four (4) units to be constructed on a site that was zoned for two (2) units, the fees would equal one and one-half (1.5%) percent of the equalized assessed value on the first two units; and six (6%) percent of the equalized assessed value for the two (2) additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application

2. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments.

- (a) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Township of Mahwah, shall be exempt from the payment of development fees.
- (b) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, except that expansion of an existing residential structure which increases the living space by less than twenty (20%) percent and/or the volume of the existing structure by less than twenty (20%) percent shall be exempt from paying a development fee. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- (c) Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

e. Non-Residential Development Fees.

1. Imposition of Fees.

- (a) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to two and one-half (2.5%) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (b) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to two and one-half (2.5%) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half (2.5%) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued.

If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.

2. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development.

- (a) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a two and one-half (2.5%) percent development fee, unless otherwise exempted below.
- (b) The two and one-half (2.5%) percent development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- (c) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.
- (d) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies and shall make the payment of the non-residential development fee, in that event, within three (3) years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.
- (e) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within forty-five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Mahwah as a lien against the real property of the owner.

f. Collection Procedures.

- 1. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.
- 2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/ Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

3. The Construction Official responsible for the issuance of a Construction Permit shall notify the Township Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.
4. Within fifteen (15) days of receipt of such notification, the Township Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
5. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
6. Within ten (10) business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
7. Should the Township of Mahwah fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (C.40:55D-8.6).
8. Half (50%) of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected prior to the issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.
9. Appeal of Development Fees.
 - (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township of Mahwah. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (b) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township of Mahwah. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- g. Affordable Housing Trust Fund.

1. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Township of Mahwah for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
 2. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction or for a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Township of Mahwah;
 - (b) Funds contributed by developers to make ten (10%) percent of the adaptable entrances in a townhouse or other multi-story attached dwelling unit development accessible;
 - (c) Rental income from municipally-operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with Mahwah's affordable housing program.
 3. In the event of a failure by the Township of Mahwah to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Mahwah, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
 4. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.
- h. Use of Funds.

1. The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Township of Mahwah's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.
2. Funds shall not be expended to reimburse the Township of Mahwah for past housing activities.
3. At least thirty (30%) percent of all development fees collected and interest earned on such fees 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 thirty (30%) percent or less of the median income for Housing Region 1, in which Mahwah is located.
 - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - (b) Affordability assistance to households earning thirty (30%) percent or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income. The specific programs to be used for very-low-income affordability assistance shall be identified and described within the Spending Plan.
 - (c) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Township of Mahwah, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
4. The Township of Mahwah may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

5. No more than twenty (20%) percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.

(a) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the twenty (20%) percent of collected development fees that may be expended on administration.

(b) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Township's executed Settlement Agreement requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.

i. Monitoring.

The Township of Mahwah shall provide annual reporting of Affordable Housing Trust Fund Activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or LGS. The reporting shall include an accounting of all Affordable Housing Trust Fund activity including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended.

j. Ongoing Collection of Fees.

1. The ability for the Township of Mahwah to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Township of Mahwah has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.

2. If the Township of Mahwah fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).

3. The Township of Mahwah shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance, nor shall the Township of Mahwah retroactively impose a development fee on such a development. The Township of

Mahwah also shall not expend any of its collected development fees after the expiration of its Judgment of Compliance.

§24-8.5 Township Set-Aside

- a. Any property in the Township of Mahwah that receives Board approval, a zoning change, density variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, which multi-family residential development will yield five (5) or more new dwelling units, shall provide a minimum affordable housing set-aside of twenty (20%) percent as the Township is located in the Highlands Region.
- b. This requirement shall not apply to residential development on sites that are zoned for inclusionary residential development as part of the Township's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.
- c. This requirement does not, and shall not be construed to, grant any property owner or developer the right to any rezoning, variance or other relief, nor does this requirement establish any obligation on the part of the Township of Mahwah to grant any such rezoning, variance or other relief.
- d. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.
- e. All affordable units created pursuant to this Section shall be governed by the provisions of §24-8, "Affordable Housing Regulations".

§24-8.6 Ordinance 1294, as May Be Amended

- a. For all Deeds which contain a reference to "Ordinance 1294" or "Ordinance 1294, as may be amended," or similar language, the following provisions shall apply:
- b. Definitions. The following terms, as used in this Section, shall have the following meanings:

95/5 UNIT

Shall mean a restricted ownership unit that is a part of a housing element that received substantive certification from COAH or a court of competent jurisdiction prior to October 1, 2001.

FAIR MARKET VALUE

Shall mean the unrestricted price of a low- or moderate-income housing unit if sold at a current real estate market rate.

MAXIMUM RESTRICTED RESALE PRICE

Shall mean a price calculated for the sale of an ownership unit by applying the allowable annual percentage increase corresponding with each calendar year since the Seller bought the house to the price the Seller paid for the unit at the time of purchase. No increase is permitted during the balance of the calendar year immediately after the sale.

REPAYMENT OPTION

Shall mean the option of a Seller of a low- or moderate-income unit to sell a unit at fair market value subject to compliance with the terms of a repayment clause.

PRICE DIFFERENTIAL

Shall mean the difference between the controlled unit sale price and the fair market value as determined at the date of a proposed contract of sale.

c. Control Periods and Affordable Deed Restrictions.

1. Low and moderate income sales units approved by the Planning Board prior to January 1, 1997 shall remain affordable to low and moderate income households for a period of not less than 25 years.
2. The purchaser of all low and moderate income units shall include a deed-restriction and mortgage lien on all such units that shall include an option to permit the Township to purchase the unit at the maximum allowable restricted sales price at the time of the first non-exempt sale after the controls on affordability has expired and an option permitting the Township to recapture 95 percent of the price differential at the time of the first non-exempt fair market value sale.
3. The deed restriction, including the repayment clause, and the mortgage lien shall have priority over all mortgages on the property except for a first mortgage placed on the property by the mortgagee prior to the expiration of resale controls.
4. The failure of the Buyer or Seller to execute and record the appropriate mortgage lien and deed restriction, as well as the failure of the Buyer or Seller to provide the Township with a copy of these documents, shall not change the right of the Township, at its exclusive election, (i) to extend the deed restriction on the affordable unit; (ii) to buy the unit at the maximum restricted price; or (iii) to allow the owner of the unit to sell the unit at fair market value following the expiration of the deed restriction and to capture 95 percent of the price differential so those monies can be used for affordable housing.

d. Option to Buy Units

1. Each 95/5 unit shall be subject to an option permitting purchase of the unit at the maximum allowable restricted sales price at the time of the first non-exempt sale after the controls on affordability have expired, as determined by the Administrative Agent. The option to buy shall be available to the Township, the DCA, the HMFA, or a qualified non-profit entity as defined in this section.
2. The owner of a 95/5 unit shall notify the Township's administrative agent by certified mail of any intent to sell the unit 90 days prior to entering into an agreement for the first non-exempt sale after the period of controls on affordability have expired.

3. Upon receipt of such notice, the option to buy the unit at the maximum allowable restricted sales price or any mutually agreed upon sales price that does not exceed the maximum allowable restricted sales price shall be available for 90 days. The administrative agent shall notify the municipality, the DCA, and the HMFA, that the unit is for sale. The municipality shall have the right of first refusal to purchase the unit. If the municipality exercises this option, it may enter into a contract of sale. If the municipality fails to exercise this option within 90 days, the first of the other entities giving notice to the seller of its intent to purchase during the 90-day period shall be entitled to purchase the unit. If the option to purchase the unit at the maximum allowable restricted sales price is not exercised by one of the above entities by a written offer to purchase the housing unit within 90 days of receipt of the intent to sell, the owner may exercise the Seller Options on 95/5 Units, as set forth in Section g below. If the owner does not sell the unit within one year of the date of the delivery of notice of intent to sell, the option to buy the unit shall be restored and the owner shall be required to submit a new notice of intent to sell to the Township's administrative agent 90 days prior to any future proposed date of sale.

4. Any option to buy a housing unit at the maximum allowable restricted sales price shall be exercised by certified mail and shall be deemed exercised upon mailing.

e. Township Option on 95/5 units

If the Township elects to purchase a 95/5 unit pursuant to N.J.A.C. 5:93-9.4, it may:

1. Convey or rent the unit to a low-or moderate-income purchaser or tenant at a price or rent not to exceed the maximum allowable restricted sales price or rent for low or moderate income households as the case may be. The Township shall impose a deed restriction on such unit in accordance with Appendix A of the UHAC regulations or an alternative form approved by a court of competent jurisdiction; or
2. If the unit is a moderate-income unit, then the Township may elect to convey the unit at fair market value and deposit the proceeds from the sale into the Township's affordable housing trust fund, to be expended according to a court-approved Spending Plan.

f. State and Nonprofit option on 95/5 units

1. When the DCA or the HMFA elects to purchase a 95/5 unit pursuant to this section, it may:
 - (a) Convey or rent the 95/5 unit to a low-or moderate-income purchaser or tenant at a price or rent not to exceed the allowable restricted sales price or rental; or
 - (b) Convey the unit at fair market value and utilize the price differential to subsidize the construction, rehabilitation or maintenance of low-

and moderate-income housing within the appropriate housing region.

2. Non-profit entities that have been designated by COAH or a court of competent jurisdiction as having the right to purchase 95/5 units subsequent to the period of controls on affordability shall be eligible to purchase low-or moderate-income units for the sole purpose of conveying or renting the housing unit to a low-or moderate-income purchaser or tenant at a price or rent not to exceed the allowable restricted sales price or rental. Low-income units shall be made available to low-income purchasers or tenants and the housing unit shall be regulated by the deed restriction and lien in accordance with Appendix B of the UHAC regulations. The term of the controls on affordability remain in place for an appropriate period of not less than 30 years.

g. Seller Options on 95/5 units

1. Upon the expiration of the period of affordability controls on a 95/5 unit, an eligible seller who has provided the requisite notice of an intent to sell may proceed with the sale if no eligible entity, as outlined in sections e through f above, exercises its option to purchase within 90 days of the notice.
2. Subject to N.J.A.C. 5:93-9.9, the seller may elect to:
 - (a) Sell to a certified household at a price not to exceed the maximum permitted restricted sales price, provided that the unit is appropriately deed restricted for at least 30 years. If the sale will be to a qualified low-or-moderate-income household, the administrative agent shall certify the income qualifications of the purchase of the purchaser and shall ensure that the housing unit is regulated by the necessary deed restriction and lien.
 - (b) Exercise the repayment option and sell to any purchaser at fair market value, provided that 95 percent of the price differential between the maximum resale price and fair market value is paid to the administrative agent, as an instrument of the Township, at closing, and:
 - (1) The seller of the low or moderate income household shall provide the administrative agent any contract of sale and the administrative agent shall examine the contract of sale containing a repayment option to determine if the proposed sales price bears a reasonable relationship to the housing unit's fair market value. The administrative agent shall not approve any contract of sale where there is a determination that the sales prices does not bear a reasonable relationship to fair market value. The administrative agent shall make a determination within 20 days of receipt of the contract of sale and shall calculate the repayment option payment.

- (2) The administrative agent shall adopt an appeal procedure by which a seller may submit written documentation requesting the administrative agent to recompute the repayment obligation if the seller believes an error has been made, or to reconsider a determination that a sales price does not bear a reasonable relationship to fair market value. A repayment obligation determination made as a result of an owner's appeal shall be a final determination of the administrative agent appealable under N.J.A.C. 5:80-26.18.
- (3) The repayment shall occur at the date of closing and transfer of title for the first non-exempt transaction after the expiration of controls on affordability.
- (4) The administrative agent shall deposit all repayment proceeds into the Township's affordable housing trust fund.

h. Township Rejection of Repayment Option on 95/5 units

1. The Township shall have the right to determine that the most desirable means of promoting an adequate supply of low-and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period of the controls on affordability. Such determination shall be made by resolution of the Township's Governing Body and shall be effective immediately upon adoption of the Resolution. The Resolution shall specify the time period for which the repayment option shall not be applicable. During such period, no seller in the Township may utilize the repayment option permitted in this section of the ordinance.
2. Prior to exercising this option, the Township shall:
 - (a) Provide public notice in the official newspaper of the Township and a newspaper of general circulation;
 - (b) Notify the administrative agent of the Governing Body's intended action.
3. The administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls.

§24-9 Wireless Telecommunications Towers and Antennas

§24-9.1 Purpose.

The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in nonresidential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antenna to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and

antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Township of Mahwah shall give due consideration to the Township of Mahwah's Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

§24-9.2 Definitions.

As used in this section, the following terms shall have the meanings set forth below:

Alternative tower structure shall mean manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna shall mean any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul network shall mean the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA shall mean the Federal Aviation Administration.

FCC shall mean the Federal Communications Commission.

Height shall mean when referring to a tower or other structure, the distance measured from the lowest finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Preexisting towers and preexisting antennas shall mean any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

§24-9.3 Applicability.

- a. *New Towers and Antennas.* All new towers or antennas in the Township of Mahwah shall be subject to these regulations, except as provided in §24-9.3 b through d, inclusive.
- b. *Amateur Radio Station Operators/Receive Only Antennas.* This section shall not govern any tower, or the installation of any antenna, that is under seventy (70') feet

in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

- c. *Preexisting Towers or Antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of §24-9.4 f and g, absent any enlargement or structural modification or the addition of any structures.
- d. *AM Array.* For purposes of implementing this section, an AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- e. *Satellite Dish Antennas.* This section shall not govern any satellite dish antennas regulated under Township Code Section 10-6.

§24-9.4 General Requirements.

- a. *Principal or Accessory Use.* Antennas and towers may be considered either principal or accessory uses. Notwithstanding any other Township Land Use Regulation, a different existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use.
- b. *Lot Size.* For purposes of determining whether the installation of a tower or antenna complies with zone development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- c. *Inventory of Existing Sites.* Each applicant for an antenna and/or tower shall provide to the Administrative Officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township of Mahwah or within three (3) miles of the border thereof, including specific information about the location, height, and design of each tower. The Administrative Officer may share such information with other applicants applying for administrative approvals or permits under this section or other organizations seeking to locate antennas within the jurisdiction of the Township of Mahwah, provided, however that the Administrative Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- d. *Aesthetics.* Towers and antennas shall meet the following requirements:
 - 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that

is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- e. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If *lighting* is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- f. *State or Federal Requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- g. *Building Codes: Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township of Mahwah concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- h. *Not Essential Services.* Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- i. *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township of Mahwah have been obtained and shall file a copy of all required franchises with the Administrative Officer.
- j. *Public Notice.* For purposes of this section, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in §24-9.6 e2, Table 2, in addition to any notice otherwise required by the Zoning Ordinance.
- k. No signs shall be allowed on an antenna or tower.
- l. *Buildings and Support Equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of §24-9.7.
- m. *Multiple Antenna/Tower Plan.* The Township of Mahwah encourages and mandates the users of towers and antennas to collocate antennas. Applications for approval of collocation sites shall be given priority in the review process.

§24-9.5 Permitted Uses.

- a. *General.* The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a conditional use permit.
- b. *Permitted Uses.* The following uses are specifically permitted:

Antennas or towers located on property owned, leased, or otherwise controlled by the Township of Mahwah provided a license or lease authorizing such antenna or tower has been approved by the Township of Mahwah. However, the Township may, as a condition of such lease, require site plan approval. The decision to extend such leases to an applicant shall be vested solely with the Municipality, and shall not be governed by this section.

- c. *Wireless Facilities in the Right -of -Way.*

Notwithstanding anything else in Chapter 24 Zoning of the Code of the Township of Mahwah, the installation of antennas, small cells and other communication devices and associated equipment in the public municipal roadway either on existing or new poles are permitted if a Right -of -Way Use Agreement and Right -of -Way Permits are obtained under §15- 2. 4 Encroachments in the Public Right -of -Way.

§24-9.6 Conditional Use Permits.

- a. *List of Conditional Uses.* The following uses may be approved by the Approving Authority as conditional uses.

1. Antennas on existing structures or towers consistent with the terms of paragraphs a,1(a) and (b) below.

- (a) Antennas on existing structures. Any antenna which is not attached to a tower may be attached to any existing business, industrial, office or institutional structure not located in a residential zone provided:

- (1) The antenna does not extend more than the maximum building height for the zone wherein the structure is located as fixed by §24-3.3 a. without the §24-3.3 b. exceptions;
- (2) The antenna complies with all applicable FCC and FAA regulations; and
- (3) The antenna complies with all applicable building codes.

- (b) Antennas on existing towers. An antenna may be attached to an existing tower in a nonresidential zone and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

- (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Administrative Officer allows reconstruction as a monopole.
- (2) Height.

[a] An existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this section.

[b] The height change referred to in paragraph a,1(b), (2)[a] may only occur one (1) time per communication tower.

[c] The additional height referred to in paragraph a,1(b)(2)[a] shall not require an additional distance separation as set forth in §24-9.6. The tower's premodification height shall be used to calculate such distance separations.

(3) Onsite location.

[a] A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50') feet of its existing location.

[b] After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site.

[c] A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to §24-9.6 e. The relocation of a tower hereunder shall in no way be deemed to cause a violation of §24-9.6 e.

2. New Towers.

(a) New towers may be constructed to hold antennas. In addition to any information required for applications for conditional use permits pursuant to Chapter XXIV of the Zoning Ordinance, applicants for a conditional use permit for a tower shall submit the following information:

(1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other Municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in §24-9.6 e, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Administrative Officer to be necessary to assess compliance with this section.

(2) Legal description of the entire tract and leased parcel (if applicable).

(3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to §24-9.4 c shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(5) A landscape plan showing specific landscape materials.

(6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

- (7) A description of compliance with §24-9.4 c–g, j, l and m. and §24-9.6 d and e and all applicable Federal, State and local laws.
 - (8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - (9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Municipality.
 - (10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - (11) A description of the feasible location(s) of future towers or antennas within the Township of Mahwah based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
 - (12) A visual study depicting where, within a three (3) mile radius any portion of the proposed tower could be seen.
 - (13) A statement of intent on whether excess space will be leased.
- b. *Factors Considered in Granting Conditional Use Permits for Towers.* In addition to any standards for consideration of conditional use permit applications pursuant to Chapter XXIV of the Zoning Ordinance, the Board shall consider the following factors in determining whether to issue a conditional use permit.
1. Height of the proposed tower;
 2. Proximity of the tower to residential structures and residential district boundaries;
 3. Nature of uses on adjacent and nearby properties;
 4. Surrounding topography;
 5. Surrounding tree coverage and foliage;
 6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 7. Proposed ingress and egress; and
 8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in §24-9.6 c of this section.
 9. Availability of proposed tower to other potential users.
- c. *Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board related to the availability of suitable existing

towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following (although meeting one (1), some, or all of the following shall entitle the applicant to approval):

1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- d. *Setbacks.* The following setback requirements shall apply to all towers for which a conditional use permit is required:
1. Towers must be set back a distance equal to at least one hundred (100%) percent of the height of the tower from any adjoining lot line and all non-appurtenant buildings.
 2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
 3. No tower shall exist within required buffer areas, if adjacent to residential zones and as prescribed under local ordinance.
 4. The minimum tower setback from a residential zone district line and from any school and from any site designated on the Federal, State or Municipal historic register shall be five hundred (500') feet.
- e. *Separation.* The following separation requirements shall apply to all towers and antennas for which a conditional use permit is required:
1. Separation from Off-Site Uses/Designated Areas.

- (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
- (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

TABLE 1

Off-site Use/Designated Area	Separation Distance
Residential, Public parks, schools or places of assembly	200 feet or 300% height of tower whichever is greater
Vacant residentially zoned land	200 feet or 300% height of tower whichever is greater
Non-residentially zoned lands or nonresidential	None; only zoning code setbacks apply

2. **Separation Distances Between Towers.** Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

TABLE 2 Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft. in Height	Monopole Less Than 75 Ft. in Height
Lattice	5,000	5,000	1,500	712
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft. in Height	1,500	1,500	1,500	750
Monopole Less Than 75 Ft.	750	750	750	750

- f. **Security Fencing.** Towers shall be enclosed by security fencing not less than six (6') feet in height and shall also be equipped with an appropriate anti-climbing device.
- g. **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required.
 1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
 3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
 4. **Height.** The maximum height of new towers shall be:
 - (a) For single user, up to ninety (90') feet in height;
 - (b) For two (2) users, up to one hundred twenty (120') feet in height;
 - (c) For three (3) or more users, up to one hundred fifty (150') feet in height.

h. *General Requirements.* The following provisions shall govern the issuance of conditional use permits for towers or antennas by the Approving Authority:

1. If the tower or antenna is not a permitted use under §24-9.5 of this section, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in designated zoning districts.
2. Applications for conditional use permits under this section shall be subject to the procedures and requirements of Chapter XXIV of the Township Code, except as modified in this section.
3. In granting a conditional use permit, the Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer in the State of New Jersey.
5. An applicant for a conditional use permit shall submit the information described in this section and a nonrefundable application fee and an escrow deposit as required by the Township Code for conditional use applications.
6. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna are permitted as conditional uses only in the following zones. Districts: B40, B200, IP120, GI80, LOD, OP200, ORP 200, and ED west of I-287.
7. No towers or antennas shall be permitted as conditional uses in residential zone districts unless located upon property owned by the Township of Mahwah.
8. An application fee and escrows shall be paid as required by the Township Code.

§24-9.7 Buildings or Other Equipment Storage.

- a. *Antennas Mounted on Structures or Rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following:
 1. The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than ten (10') feet in height. In addition, for buildings and structures which are less than forty (40') feet in height, the related unmanned equipment structure, shall be located on the ground and shall not be located on the roof of the structure.
 2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10%) percent of the roof area.
 3. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- b. *Antennas Mounted on Utility Poles or Light Poles.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
 1. In a front or side yard provided the cabinet or structure is no greater than six (6') feet in height or one hundred (100) square feet of gross floor area and the cabinet/structure is located a minimum of seventy-five (75') feet from all lot lines.

The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight (42"-48") inches and a planted height of at least thirty-six (36") inches.

2. In a rear yard, provided the cabinet or structure is no greater than eight (8') feet in height or one hundred twenty (120) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8') feet and a planted height of at least forty-eight (48") inches.
 3. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6') feet in height or an evergreen hedge with an ultimate height of eight (8') feet and a planted height of at least seventy-two (72") inches.
- c. *Antennas Located on Towers.* The related unmanned equipment structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10') feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

§24-9.8 Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township of Mahwah notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Township may condition the issuance of any permit to demolish or remove a tower or antenna on the posting of an appropriate performance bond or other suitable guarantee in a face amount of not less than one hundred twenty (120%) percent of the cost (as determined by the Board Engineer) of such removal, grading and restoration to a state required under all applicable Township Ordinances, including but not limited to the Township Property Maintenance Code.

§24-9.9 Existing Towers.

- a. *Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.* Nonconforming towers or antennas that are damaged or destroyed may not be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet the separation requirements specified in §24-9.6 d and e. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in §24-3.9 c.

§24-10 ADDITIONAL REGULATIONS

§24-10.1 Historic Preservation

- a. *Historic Sites.* In accordance with the Historic Preservation Plan Element of the Master Plan the following sites are designed as historic sites:

	Site Name	Block	Lot	Location
a.	Issac Bogert House	147.02	61	640 Campgaw Road
b.	Hopper-Van Horn	17	12	398 Ramapo Valley Road
c.	Garret Garrison	25	39	988 Ramapo Valley Road
d.	Young House	150	19.07	81 Youngs Road
e.	Ramapo Reformed Church	56	65	West Ramapo Avenue
f.	Hopper Gristmill	51	8	156 Ramapo Valley Road
g.	William Stivers	18	2	345 Ramapo Valley Road
h.	Quackenbush Barn			Winters Park
i.	Crocker Mansion	21.03	1.02	Crocker Mansion Drive
j.	Masonicus School House	123	8	59 Masonicus Road
k.	Westervelt-Hosey House	123	14	3 Masonicus Road
l.	Erie RR Station Museum	58	29	142 N. Railroad Avenue
m.	Joyce Kilmer House	105	54	162 Airmount Road
n.	Fletcher House	105	123	103 Oweno Road
o.	Oldbrook/P. Messenger	61	37	49 West Airmount Road
p.	Darlington School House	19	7	600 Ramapo Valley Road
q.	Rodger Baldwin House	1	152.04	40 Stabled Way
r.	Terhune Dodge House	148	45	373 Campgaw Road
s.	Bogert House	147.02	60	636 Campgaw Road
t.	Deepdale	25	14	1174 Ramapo Valley Road
u.	Abraham Garrison	25	37	1010 Ramapo Valley Road
v.	Brown-Waite House	95	21	83 Oweno Road
w.	Valentine House	161	6	234 Forest Road
x.	Waterman House	98	42 and 43	43 Alcott Road
y.	Ellis House	86	20 and 21	40 Armour Road
z.	Erie RR Station Museum, Erie Caboose, the Wannamaker Shed	58	29	142 N. Railroad Avenue

b. Historic Designation Criteria. In considering whether an individual site, building or structure is of particular historical, archaeological, scenic or architectural significance to the Township, the County of Bergen, the State of New Jersey or the nation and reflects or exemplifies the cultural, political, scenic, economic or social history of the nation, State, or locality the Historic Preservation Commissions shall give consideration to the following criteria.

1. That it is associated with events that have made a significant contribution to the broad patterns of our history; and/or
2. That it is associated with the lives of persons significant in our past; and/or
3. That it embodies the distinctive characteristics of a type, period or method of construction or that it represents the work of a master, or that it possesses high artistic values, or that it represents a significant and distinguishable entity whose components may lack individual distinction; and/or
4. That it has yielded or may be likely to yield information important to pre-history or history.
5. Ordinarily cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purpose, structures that have been moved from their original locations, reconstructed historic buildings properties primarily commentated in nature, and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for

designation as a landmark. However, such properties will qualify if they are integral parts of landmarks that do meet the criteria or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance or
- (b) A building or structure removed from its original location but which is significant primarily for architectural value or which is the surviving structure most importantly associated with a historic person or event or
- (c) A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building associated with his productive life; or
- (d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events; or
- (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of the restoration master plan, and when no other building or structure with the same association has survived or
- (f) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance or exceptional importance.
- (g) A property achieving significance within the past fifty (50) years, if it is of exceptional importance.

c. Historic Design Guidelines.

1. In reviewing matters referred to it under §24-1, the Historic Preservation Commission shall take into consideration the following specific standards:
 - (a) The impact of the work proposed under an application on the subject site's historic and architectural character.
 - (b) The site's importance to the Township and the extent the historic or architectural interest would be adversely affected to the detriment of the public interest.
 - (c) The extent to which there would be involvement of textures and materials that could not be reproduced only with great difficulty.
 - (d) Any change of use of the structure or site involved.
2. The following factors shall be used in determining the visual compatibility of a building, structure, or appurtenance thereof with the buildings and places to which they are visually related and shall be known as "Visual Compatibility Factors."
 - (a) Height. The height of the proposed building shall be visually compatible with existing or adjacent buildings.
 - (b) Proportion of the Building's Front Facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with the buildings and places to which it is visually related.

- (c) Proportion of Openings within the Facility. The relationship of the width of the windows to the height of the windows in a building shall be visually compatible with the buildings and places to which it is visually related.
 - (d) Rhythm of Solids to Voids on Front Facade. The relationship of solids to voids in the front facade of a building shall be visually compatible with the buildings and places to which it is visually related.
 - (e) Rhythm of Spacing of Buildings on Streets. The relationship of the building to the open space between it and the adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
 - (f) Rhythm of Entrance and/or Porch Projections. The relationship of the entrance or entrances and the porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
 - (g) Relationship of Materials, Texture and Color. The relationship of materials, textures and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
 - (h) Roof Shapes. The roof shapes of a building shall be visually compatible with the buildings to which it is visually related.
 - (i) Walls of Continuity. Appurtenances of a building such as walls, open-type fencing, every green landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
 - (j) Scale of Building. The size of a building, the mass of a building in relation to open spaces, and to the existing windows, door openings, porches and balconies shall be visually compatible with the existing structure of streets and places to which it is visually related.
 - (k) Directional Expression of Front Facade. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or non-directional character.
3. In making its determinations and recommendations, the Historic Preservation Commission shall also take into consideration specific standards, as set forth below.
- (a) Demolitions. In regard to an application to demolish a landmark, the following matters shall be considered:
 - (1) Its historic, architectural, archaeological and/or aesthetic significance;
 - (2) Its use;
 - (3) Its importance to the Municipality and the extent to which its historical, architectural or archaeological value is such that its removal would be determined to the public impact;
 - (4) The extent to which it is of such old, unusual or uncommon design craftsmanship, texture or material that it could not be reproduced or should be reproduced only with great difficulty.

- (5) The extent to which its retention would promote the general welfare by maintaining real estate values, generating business, creating new jobs. Attracting tourists, student writers, and historical artists. Attracting new residents, encouraging study and importance in American History, stimulating interest and study in architecture and design educating citizens in American culture and heritage or making the Municipality a more attractive and desirable place in which to live.
- (b) Removals Out of the Township. In regard to an application to move an historic landmark to a location outside of the Township, the following matters shall be considered:
 - (1) The historic loss to the site at the original location.
 - (2) The compelling reasons for not retaining landmark at its present location.
 - (3) The proximity of the proposed new location to the Township including the accessibility to the residents of the Township and other citizens.
 - (4) The probability of significant damage to the landmark, as a result of the move.
 - (5) The applicable matters set forth in this section.
- (c) Removals Within the Township. In regard to an application to move an historic landmark, to a location within the Township, the following matters shall be considered in addition to the other matters set forth in this section.
 - (1) The compatibility, nature and character of the current and of the proposed surrounding areas as they related to the intent and purposes of the section.
 - (2) The visual compatibility factors as set forth in this section.

§24-10.2 Wellhead Protection

- a. Statement of Findings. The governing body of the Township of Mahwah finds that:
 1. The groundwater underlying this Municipality is the sole-source of existing and future water supplies, including drinking water. Groundwater is stored and transmitted within bedrock and unconsolidated glacial aquifers beneath the Township. Bedrock aquifers are encountered in Precambrian igneous and metamorphic in the western portion of the Township and within Triassic-Jurassic encountered beneath the eastern portion of the Township. Glacial aquifers are present primarily but not exclusively in the Ramapo River Valley and along tributaries to the Ramapo River.
 2. The groundwater aquifers are integrally connected with, are recharged by, and flow into the surface waters, lakes and streams, which also constitute a major source of water for drinking, commercial and industrial needs.
 3. Spills and discharges of toxic or hazardous materials may contaminate or pollute groundwater supplies and related water sources.
 4. Contaminated water from any source is a detriment to the health, welfare and comfort of the residents of this Municipality, and other users of these water resources.

- b. **Purpose.** The purpose of this section is to protect the public health, safety and welfare through the protection of the groundwater resources underlying the Municipality to ensure a supply of safe and healthful drinking water for the present and future generations of local residents, employees and the general public in this Municipality, as well as users of these water supplies outside this Municipality. Areas surrounding each public community well and public non-community well; known as Wellhead Protection Areas (WHPAs), from which contaminants may move through the ground to be withdrawn in water taken from the well have been delineated by the New Jersey Geological Survey (NJGS). Through regulation of land use, physical facilities, placement of toxic and hazardous materials, and other related activities within these areas, the potential for groundwater contamination can be reduced and any such contamination can be more readily found and remediated before reaching a public well. The purpose of the regulations contained in this section is to protect public community wells and public non-community wells from contamination.
- c. **Statutory Authority.** The Municipality of the Township of Mahwah is empowered to regulate these activities under provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use to secure a safe and adequate drinking water supply for its residents. Under provisions of the Underground Storage of Hazardous Substances Act, N.J.S.A. 13:1D et seq., a municipality may adopt, with State approval, a municipal ordinance that is more stringent than N.J.A.C. 7:14B but is obligated to ensure the provisions of the section are not carried out in a manner that is inconsistent with N.J.A.C. 7:14B. The Board of Health of this Municipality has autonomous power granted by the State Legislature to develop this section to protect public health, safety and welfare, as set forth in the New Jersey Local Boards of Health Law, N.J.S.A. 26:3-1 et seq., and the New Jersey County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.
- d. **Definitions.**

Administrative Authority – The Administrative Officer or a Municipal Land Use Board (Planning or Zoning Board), with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

Applicant – Person applying to the Administrative Officer, a Municipal Land Use Board (Planning or Zoning Board), the Board of Health, or the Construction Office and proposing to engage in an activity that is regulated by the provisions of this section, that would be located within a regulated Wellhead Protection Area.

Aquifer – A formation, group of formations, or part of a formation that contains sufficient saturated permeable rock, sand, or gravel which is capable of storing and transmitting usable quantities of water to wells and springs.

Best Management Practices (BMP) – Performance or design standards established to minimize the risk of contaminating groundwater or surface waters while managing the use, manufacture, handling or storage of hazardous substances or hazardous wastes (see §24-10.2 h).

Contamination – The degradation of natural water quality so that the water is not suitable for human consumption.

Development – Any construction, reconstruction, alteration of surface or structure or change in the nature or intensity of land use.

Discharge – Any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective Federal or State permit, resulting in the releasing, spilling, pumping, emitting, emptying or dumping of a hazardous substance into the waters or lands of the State or into waters outside the jurisdiction of the State when damage may result to the lands, waters or natural resources within the jurisdiction of the State.

Groundwater – Water contained in interconnected pores or bedrock fractures of a saturated zone in the ground that is available for wells and springs. A saturated zone is a volume of ground in which the voids in the rock or soil are filled with water.

Hazardous Substance – Any substance designated under 40 CFR 116 pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act) (Public Law 92-500; 33 U.S.C. 1251 et seq.), the Spill Compensation and Control Act, N.J.S.A. 58:10-23.1 et seq., or “hazardous pollutant” as defined by the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.). Substances listed include petroleum, petroleum products, pesticides, solvents and other substances.

Hazardous Waste – Any solid waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E et seq., N.J.A.C. 7:26-8, or 40 CFR Part 261.

Maximum Contaminant Level (MCL) – Maximum permissible level of a contaminant in water measured at the point of entry to the distribution system or at the free-flowing outlet of the ultimate user of a public water system or other water system to which State primary drinking water regulations apply. Any contaminant added to the water under circumstances controlled by the user, except a contaminant resulting from corrosion of piping and plumbing caused by water quality, is excluded from this definition. (New Jersey Safe Drinking Water Act N.J.A.C. 7:10)

NJDEP – New Jersey Department of Environmental Protection.

Person – Any individual, public or private corporation, company, partnership, firm, association, owner or operator, political subdivision of this State, and any State, Federal or interstate agency or an agent or employee thereof.

Polluted Water – Drinking water exceeding a Federal and/or State maximum contaminant level (MCL).

Potential Pollutant Source (PPS) – An activity or land use which may contribute to contamination of a source of drinking water. For the purposes of this section Potential Pollutant Sources are defined in §24-10.2 g.

Public Community Well – A public water supply well which services at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

Public Non-Community Well – A public water supply well that is not a public community well and that regularly serves at least twenty-five (25) of the same persons for more than six (6) months in any given calendar year.

Sole Source Aquifer – Any drinking water aquifer upon which more than fifty (50%) percent of a population group depends and for which there is no practicable or affordable alternate water supply.

Tier 1 Wellhead Protection Area – The area of land within a WHPA from which groundwater may travel to the well within two (2) years. (See maps referenced under §24-10.2 e.)

Tier 2 Wellhead Protection Area – The area of land within a WHPA from which groundwater may travel to the well within five (5) years. (See maps referenced under §24-10.2 e.)

Tier 3 Wellhead Protection Area – That area of land within a WHPA from which groundwater may travel to the well within twelve (12) years. (See maps referenced under §24-10.2 e.)

Time of Travel (TOT) – The average time that a volume of water will take to travel in the saturated zone from a given point to a pumping well.

Wellhead – The well borehole and appurtenant equipment.

Wellhead Protection Area (WHPA) – An area described in plan view around a well, from which groundwater travels to the well and groundwater pollution, if it occurs, may pose a significant threat to the quality of water withdrawn from the well.

e. Establishment of Wellhead Protection Areas and Maps.

1. *Wellhead Protection Area Map:*

(a) The delineations of Wellhead Protection Areas for public community wells and public non-community wells, which were published by the New Jersey Geological Survey and the New Jersey Department of Environmental Protection, are incorporated herein and made a part of this section. The Department of Environmental Protection will periodically update the WHPA maps and these maps, published by the New Jersey Geological Survey, will be available at the web-site; www.state.nj.us/dep/njgs/geodata/. The most recent WHPA maps available through the New Jersey Geological Survey should replace the maps used for reference in this section. A map of the Wellhead Protection Areas located within the Township of Mahwah as shown on the document entitled, "Wellhead Protection Areas for Public Community & Non-Community wells in Mahwah Township, Bergen County, New Jersey," prepared by Boswell McClave Engineering, dated April 12, 2017 which is hereby made part of this Chapter.

(b) Wellhead Protection Areas, as shown on the maps described in §24-10.2 e1 (a) or as periodically updated and delineated by the Department of Environmental Protection and published by the New Jersey Geological Survey shall be considered to be superimposed over any other established zoning district. Land in a Wellhead Protection Area may be used for any purpose permitted in the underlying district, subject to the additional restrictions presented herein.

(c) *Assignment of Restrictions within Wellhead Protection Areas:* Properties located wholly or partially within a Wellhead Protection Area shall be governed by the restriction applicable to the more restrictive Wellhead Protection Area Tier, if partially within one or more Tiers.

f. Regulation of Wellhead Protection Areas for Public Wells.

1. The Administrative Authority for administering the provisions of this section shall be the Administrative Officer or a Municipal Land Use Board (Planning or Zoning Board) of the Township of Mahwah.
 2. Any applicant for a permit requesting a change in land use or activity which is subject to review under the provisions of the Municipal Land Use Law and other pertinent regulations of the Township of Mahwah and which is located within a delineated WHPA as defined in this section, and involves a Potential Pollutant Source as defined in §24-10.2 g, shall comply with the requirements of this section.
 3. Any applicant for a permit requesting a change in land use or activity, which is subject to the requirements of this section, shall file an Operations and Contingency Plan, as required by §24-10.2 j, with the Administrative Authority. No permit that allows a change in land use or activity, which is subject to the requirements of this section, shall be granted unless an Operations and Contingency Plan for the proposed change has been approved by the Administrative Authority. Any plan approved by the Administrative Authority shall be kept on file in the office of the Administrative Officer of the Township of Mahwah, and shall be available to the public for inspection.
 4. Any change in land use or activity that introduces a Major or Minor Potential Pollutant Source, as defined in §24-10.2 g, shall be prohibited within a Tier 1 WHPA.
 5. Any change in land use or activity that introduces a Major Potential Pollutant Source, as defined in §24-10.2 g, shall be prohibited within a Tier 2 WHPA.
 6. Any change in land use or activity that involves any Major or Minor Potential Pollutant Source, as defined in §24-10.2 g, within any WHPA, that is not prohibited pursuant to §24-10.2 f4 or f5, and located within a Tier 3 WHPA shall comply with the Best Management Practice Standards, as defined in §24-10.2 h.
 7. This section is supplementary to other laws and ordinances in this municipality. Where this section or any portion thereof imposes a greater restriction than is imposed by other regulations, the provisions of this section shall supersede. These Rules and Regulations shall in no way affect the limitations or requirements applicable in the underlying municipal land use and zoning districts.
 8. The use limitations noted herein shall be considered as limitations stipulated in the permitted list of uses in each zone. The activities regulated herein shall be considered limitations accessory to permitted uses in each zone.
- g. Potential Pollutant Source Listed. The following are Major and Minor Potential Pollutant Sources subject to the requirements of this section. These listings are consistent with the New Jersey Safe Drinking Water Act regulations (N.J.A.C. 7:10-11.4(a)4). The Administrative Authority of the Township of Mahwah may determine whether any other proposed change in land use or activity is of sufficient risk to the water supply to be considered a Major or Minor Pollutant Source.
1. Major Potential Pollutant Sources include the types of facilities and land uses listed below.
 - (a) Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills.

- (b) Collection and transfer facility for hazardous wastes, solid wastes that contain hazardous materials; and radioactive materials.
- (c) Any use or activity requiring the underground storage of a hazardous substance or waste and regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.), which includes farm or residential underground storage tanks of motor fuel for noncommercial purposes with a capacity greater than 1,100 gallons.
- (d) Above-ground storage or treatment facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
- (e) Underground heating oil storage for on-site consumption with a capacity greater than 2,000 gallons.
- (f) Unlined retention/detention pond that receives stormwater discharge from a highway.
- (g) Industrial or sanitary wastewater treatment plant.
- (h) Pipeline, except natural gas.
- (i) Automotive service center (repair & maintenance), car or truck washing facility, truck, bus, or locomotive maintenance yard or terminal.
- (j) Petroleum refinery, bulk station, terminal, or fuel dispensing or loading facility.
- (k) Road salt storage facility.
- (l) Site for storage and maintenance of heavy construction equipment and materials.
- (m) Junkyard, auto recycling, scrap metal, or scrap industry facility.
- (n) Resource Conservation Recovery Act (RCRA) treatment, storage, and disposal facility.
- (o) Toxic Catastrophe Prevention Act facility.
- (p) Solid waste recovery facility (SWRRF), solid waste transfer facility (SWE), or Class B recycling facility.
- (q) Disinfecting and pest control service.
- (r) Solvents recovery service.
- (s) Industrial or commercial laundry, dry cleaner, or carpet/upholstery cleaner.
- (t) Quarry and/or mining facility.
- (u) Textile mill with finishing operations (dyeing, coating, etc.) or leather tanning and finishing.
- (v) Manufacturing, repair or product processing facility using hazardous substances for wood preserving, reconstituting wood products, furniture, or fixtures with metal finishing.
- (w) Manufacturing or processing facility for inorganic chemicals, alkalis, chlorine, industrial gases, inorganic pigments, plastic materials, synthetic resins, pharmaceuticals, soaps, detergents, paints, gum and wood chemicals,

industrial organic chemicals, pesticides and agricultural chemicals, photographic chemicals, adhesives, sealants, rubber or plastic.

- (x) Steel mill.
 - (y) Metal foundry, smelter, forging, fabricating, plating, coating, or finishing facility.
 - (z) Manufacturing, assembly or packing of ordinance with explosive load.
 - (aa) Manufacturing or processing facility for electronic equipment, carbon and graphite products, cathode ray tubes, printed circuit boards, semiconductors, electronic crystals, controlling instruments or batteries.
 - (bb) Manufacturing or processing facility for transportation equipment or ship building.
 - (cc) Repair shop with metal finishing.
 - (dd) Pulp, paper, and paperboard mill.
 - (ee) Printing and publishing facility (except digital facilities).
 - (ff) Weapons testing grounds.
 - (gg) Military facility.
 - (hh) Electrical power plant or substation.
 - (ii) Research organization using hazardous substances.
 - (jj) Cemetery or funeral home or such facilities with embalming facilities.
 - (kk) Site for storage and maintenance of equipment and materials for landscaping.
 - (ll) Livestock operation.
 - (mm) Agricultural use that does not use NJDEP approved Best Management Practices for agricultural chemical bulk storage, mixing or loading, including crop dusting or spraying.
 - (nn) Nursery that does not use NJDEP approved Best Management Practices.
 - (oo) Golf course that does not use NJDEP approved Best Management Practices.
2. Minor Potential Pollutant Sources include the types of facilities and land uses listed below:
- (a) Underground storage of hazardous substance or waste of less than 50 gallons.
 - (b) Underground heating oil storage tank for on-site consumption with a capacity of less than 2,000 gallons.
 - (c) Farm or residential underground storage tanks used for storing motor fuel for noncommercial purposes with a capacity of 1,100 gallons or less.
 - (d) Sanitary sewer system, including sewer line, manhole, pump station within 100 feet of a regulated well. (See conditions in subsection 3 below.)
 - (e) Industrial waste line (See conditions in subsection 3 below.)

- (f) Septic leaching field.
- (g) Facility requiring a groundwater discharge permit issued by the NJDEP pursuant to N.J.A.C. 7:14A et seq., unless required for remediation of a contaminated site.
- (h) Stormwater retention-recharge basin.
- (i) Dry well (See conditions in subsection 3 below.)
- (j) Storm water line within 100 feet of a regulated well. (See conditions in subsection 3 below.)
- (k) Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
- (l) Any "industrial establishment" facility subject to the rules of the Industrial Site Remediation Act (N.J.A.C. 7:26B) and listed in §24-10.2 g that is deemed by the Administrative Authority of the Township of Mahwah to be of sufficient risk to the water supply to be considered a Minor Potential Pollutant Source.

3. Conditions.

- (a) Sanitary sewer lines, industrial waste lines and storm water lines may be located within 100 feet of a regulated well, only if they are constructed of watertight materials and joints and provided with suitable corrosion protection.
- (b) Manholes and/or connections to a sanitary sewer system are prohibited within 100 feet of a regulated well.
- (c) Dry wells dedicated to roof runoff and serving residential properties or commercial or industrial properties not listed in §24-10.2 g are permitted in any tier may not be located within 100 feet of a regulated well.
- (d) Above ground heating oil storage tanks, 2,000 gallons or less, shall be permitted in any tier subject to approval by the Administrative Authority of containment provisions in accordance with §24-10.2 h herein and shall not be located within 100 feet of a regulated well. The new above ground tank and containment measures as specified herein shall be exempt from impervious coverage requirements for the zone. The above ground containment volume shall be at least as large as required to contain a spill of the contents of an above ground tank. The above ground tank is permitted within any side or rear yard but shall conform to the minimum setback requirement for accessory structures. The above ground tank site shall also include fencing or landscaping sufficient to provide a screen of the proposed above ground tank and containment apparatus from adjacent properties.
- (e) An above ground fuel storage tank for emergency electrical generators with maximum fuel storage capacity of 2,000 gallons or less shall be permitted in any Tier subject to approval by the Administrative Authority of containment provisions in accordance with §24-10.2 h herein and shall not be located within 100 feet of a public community or public nontransient noncommunity well.

h. Best Management Practice Performance Standards.

1. Any applicant proposing any change in land use or activity that involves any Major or Minor Potential Pollutant Source as defined in §24-10.2 g, which would be located either wholly or partially within any WHPA shall demonstrate that they have applied for all required State permits or control documents. No final approvals under the authority of the Municipal Land Use Law shall be issued until all required State permits or control documents are final issuance or determination. Underground storage tanks regulated at N.J.A.C. 7:14B shall also be operated in a manner consistent with N.J.A.C. 7:14B.
2. Any new or modified activity that involves a Major or Minor Potential Pollutant Source located wholly or partially within any WHPA shall comply with and operate in a manner consistent with the following Best Management Practices:
 - (a) All portions or areas of a facility in which hazardous substances or hazardous wastes are stored, processed, manufactured or transferred outdoors, shall be designed so that the discharges of hazardous substances will be prevented from overflowing, draining, or leaching into the groundwater or surface waters.
 - (b) Outdoor storage, dispensing, loading, manufacturing or processing areas of hazardous substances or hazardous wastes must be protected from precipitation, stormwater flows or flooding.
 - (c) Wherever hazardous substances are stored, processed, manufactured or transferred outdoors, the design features shall include secondary containment and/or diversionary structures which may include by not be limited to:
 - (1) Containers, dikes, berms or retaining walls sufficiently impermeable to contain spilled hazardous substances for the duration of a spill event.
 - (2) Curbing.
 - (3) Gutter, culverts and other drainage systems.
 - (4) Weirs, booms and other barriers.
 - (5) Lined diversion ponds, lined lagoons and lined retention basins, holding tanks, sumps, slop tanks and other collection systems.
 - (6) Drip pans.
 - (d) Secondary containment and/or diversionary systems, structures or equipment must meet the following standards:
 - (1) The system must block all routes by which spilled hazardous substances could be expected to flow, migrate, or escape into the groundwater or surface waters.
 - (2) The system must have sufficient capacity to contain or divert the largest probable single discharge that could occur within the containment area, plus an additional capacity to compensate for any anticipated normal accumulation of rainwater.
 - (3) In order to prevent the discharge of hazardous substances into groundwater, all components of the system shall be made of or lined with impermeable materials sufficient to contain the substance for the duration

of a spill event. Such material or liner must be maintained in an impermeable condition.

(4) No manufacturing area, processing area, transfer area, dike storage area or other storage area, or secondary containment/ diversion system appurtenant thereto shall drain into a watercourse or into a ditch, sewer, pipe or storm drain that leads directly or indirectly into a surface or subsurface disposal area, unless provision has been made to intercept and treat any spilled hazardous substances in an NJDEP approved industrial wastewater or pre-treatment facility, or other NJDEP approved facility.

(5) Catchment basins, lagoons and other containment areas that may contain hazardous substances should not be located in a manner that would subject them to flooding by natural waterways.

(e) Stormwater shall be managed so as to prevent contamination of groundwater and so as to be in accordance with applicable laws and regulations of the State of New Jersey and of the Township of Mahwah.

i. BMP Signage and Postings.

1. The Best Management Practices Signage utilized by regulated applicants to provide a source of continuous education to persons handling regulated substances.

(a) Locations conducting activities regulated under this section shall be required to have posted, at a minimum, the signage adopted by the Municipality to protect wellhead areas. The signage will be posted in each of the following areas in a regulated facility or regulated well:

(1) At hazardous material loading areas.

(2) At drum storage areas.

(3) On the water heater.

(4) Above slop sinks.

(5) In the ground floor lavatory.

(6) On the oil furnace.

(7) At gasoline or diesel pump areas.

(8) At waste storage areas.

(9) Other locations as appropriate.

(b) The signage shall be plastic, laminated and waterproof.

j. Operations and Contingency Plan.

1. An applicant proposing a change in land use or activity that involves a Potential Pollutant Source, as defined in §24-10.2 g, that would be located either wholly or partially within any WHPA shall submit an Operations and Contingency Plan to the Administrative Authority. This Operations and Contingency Plan shall inform the Administrative Authority about the following aspects of the proposal:

(a) Types of Potential Pollutant Source proposed for the site;

- (b) Types and quantities of hazardous substances or hazardous wastes that may be used or stored on site;
 - (c) Means to be employed to contain or restrict the spillage or migration of hazardous substances or hazardous wastes from the site into groundwater;
 - (d) Means to be used to remediate accidental spillage of such materials;
 - (e) Means to notify Administrative Authority about any accidental spillage of such materials;
 - (f) Demonstration that the proposed use and/or activity would employ, to the maximum extent possible, Best Management Practices as set forth in §24-10.2 h to protect groundwater contamination.
- 2. The Administrative Authority shall review and approve any Operations and Contingency Plan prior to final approval of the application for a land use change or activity.
- 3. Any Operations and Contingency Plan submitted shall be available for public review and comment.
- k. Enforcement. A prompt investigation shall be made by the Township Engineer in conjunction with the Administrative Officer of the Township of Mahwah of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this section is discovered, a civil action in the Special Civil Part of the Superior Court, or in the Superior Court if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this section shall be construed to preclude a Municipality's right, pursuant to N.J.S.A. 26:3A-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any subsection of this section shall constitute a separate and distinct offense independent of the violation of any other subsection, or of any order issued pursuant to this section. Each day a violation continues shall be considered a separate offense.
- l. Nonconforming Regulated Activities.
 - 1. An otherwise lawful usage or activity which exists at the time of the effective date of this section that does not conform to this section shall be considered an allowed nonconforming activity and may continue.
 - 2. No allowed nonconforming activity shall be expanded, enlarged or modified in any way which is deemed by the Administrative Officer of the Township of Mahwah to increase its threat to groundwater or otherwise contravene the purposes and intent of this section.
 - 3. In the event that an allowed nonconforming activity is stopped, suspended or abandoned for a period of twelve (12) months or longer, the activity shall permanently desist and shall be subject to the requirements of this section.
 - 4. Notwithstanding the foregoing, if any allowed nonconforming activity is found to pose an imminent health hazard or threat to the Municipality's water supply, it shall be deemed a violation of this section.
- m. Application Requirements.

1. In addition to the standard requirements for an application for consideration of a subdivision or site plan by the Board, the applicant shall provide the following:
 - (a) Pre-Application Checklist. Any individual, corporation or entity applying to the Board for a well permit or approval of an individual water supply for other than residential purposes, must complete and sign a Wellhead and Aquifer Protection Checklist.
 - (b) Application. A Wellhead/Aquifer Protection Application will be required if an applicant indicates affirmatively that he/she will conduct one or more regulated activities on the pre-application checklist.
 - (c) Application Requirements. The applicant will provide the following information to the Board:
 - (1) A site plan at a minimum scale of 1 inch equals 50 feet. The plan shall show property boundaries; all potable wells on site and within one thousand (1,000) feet off site and all Wellhead Protection Areas affecting the site or within one thousand (1,000) feet of the site; all buildings on site; dry wells; septic systems; stormwater retention/detention ponds; curbs and paving; bedrock aquifer geology; the location of any regulated uses, facilities or activities identified in this section; the slope of the property toward the well(s) on site or any well off site whose interim or wellhead protection radius intersects the subject property boundary and the location of the installation of applicable Best Management Practices as defined in this section. The applicant may utilize base maps or plans prepared for the Board or other agencies.
 - (2) A copy of the "Right to Know" draft filing prepared for the Fire Department which lists the quantities and names of regulated hazardous substances expected on site, or
 - (3) A list of known or probable hazardous substances or toxic wastes on site and their maximum/minimum expected quantities each month (see Definitions for Hazardous Substances and Hazardous Wastes).
 - (4) A copy of the applicant's draft "Industrial Stormwater Pollution Prevention Plan" as prepared for NJDEP, if applicable.
 - (5) A list of potable wells on site and within one thousand (1,000) feet off site as determined by the regulated activity, including names and addresses of the well owners and tax lot and block identifiers.
 - (6) A copy of any well record for the subject site.
 - (7) The completed and signed Wellhead/Aquifer Protection Checklist.
 - (8) A report describing the implementation of the applicable Best Management Practices to be employed on this project, including the location of the BMP signage.
 - (9) Bind and submit all of the information listed above in report format including a site map. Upon approval of this application, a copy of the final report will be filed with the Administrative Officer.

§24-11.1 Enforcement by Zoning Officer.

The Zoning Officer is hereby given the duty, power and authority to enforce the provisions of this Chapter. The Zoning Officer shall examine all applications for zoning permits and issue said zoning permits for all uses which are in accordance with the requirements of this Chapter. The Zoning Officer shall also record and file all applications for zoning permits, with accompanying plans and documents, and make reports to the Township Council, the Construction Official, and the Tax Assessor.

§24-11.2 Zoning Permits.

- a. Purpose. The zoning permit looks to the location and use of the building in light of the requirements of this Chapter, and certifies that such location and use is permitted, or that it exists as a nonconforming use and/or nonconforming structure, or is permitted by the terms of a variance. To ensure compliance with the provision of this Chapter, no person shall erect, alter or convert any structure or building or part thereof or alter the use of any land subsequent to the adoption of this Chapter, until a zoning permit has been issued by the Zoning Officer.
- b. Application for Zoning Permit. All zoning permit applications shall be made in writing by the owner or his authorized agent and shall include a statement to the use or intended use and shall be accompanied by a plan of the plot showing thereon the exact size, shape and location of all proposed structures and such other information as may be necessary to provide for the enforcement of this Chapter. The zoning permits shall be granted or denied within ten (10) business days from the date that a written application is filed with the Zoning Officer.
- c. Issuance of Zoning Permit. Zoning permits shall be secured from the Zoning Officer prior to construction, erection or alteration of any structure or part of a structure or use of a structure or land. It shall be the duty of the Zoning Officer to issue a zoning permit, provided that person is satisfied that the proposed use conforms with all requirements of this Chapter. It is the applicant's responsibility that all other reviews and actions, if any, called for in this Chapter or any other Township ordinance have been complied with and all necessary approvals secured therefor.
- d. Denial of Zoning Permit. When the Zoning Officer is not satisfied that the applicant's proposed development will meet the requirements of this Chapter, the Zoning Officer shall refuse to issue a zoning permit. When an application for a zoning permit is denied, it is the duty of the Zoning Officer to specify what sections of the application are not in conformance with the zoning ordinance. The applicant may appeal to the Zoning Board of Adjustment.
- e. Records of Zoning Permits. It shall be the duty of the Zoning Officer to keep a record of all applications for zoning permits issued, together with a notation of all special conditions involved. The Zoning Officer shall prepare a monthly report for the Township Council, Planning Board, Zoning Board of Adjustment, and Tax Assessor, summarizing for the period since their previous report all zoning permits issued and all complaints of violations and the action taken.
- f. Fees for Zoning Permits.
 1. There shall be a one hundred (\$100.00) dollar fee for an application for a zoning permit.

2. There shall be a fifty (\$50.00) dollar fee for an application for a zoning permit for fences or sheds of one hundred twenty (120) square feet or less.

§24-11.3 Building Permits.

- a. Relationship to Zoning Permit. Where new construction is proposed, no building permit shall be issued by the Construction Official unless a zoning permit covering the use and location of the proposed structure has first been obtained.
- b. Issuance of Building Permit. All building permits shall be issued in duplicate and one (1) copy shall be kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operation has been displayed as required by this Chapter, nor shall anyone perform building operations of any kind after notification of the revocation of said building permit.
- c. Revocation of Building Permit. If it shall appear, at any time, to the Construction Official that the application or accompanying plan is in any respect false or misleading, or that work is being done on the premises differing from that called for in the application that has been filed under existing laws or ordinance, the Construction Official may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the Construction Official. After the building permit has been revoked, the Construction Official may, in the Official's discretion, before issuing the new building permit, require the applicant to file an indemnity bond in favor of the Township of Mahwah, with sufficient surety conditioned for compliance with this Chapter and all laws and ordinances then in force, and in a sum sufficient to cover the cost of removing the building or structure if it does not so comply.
- d. Other Requirements. Building permits for a variance from the requirements of this Chapter and plans requiring site plan approval shall only be issued upon receipt of a written resolution of approval from the Board or the Township Council.
- e. Records of Building Permits. It shall be the duty of the Construction Official to keep a record of all applications for building permits issued, together with a notation of all special conditions involved. The Construction Official shall prepare a monthly report for the Township Council, Planning Board, Zoning Board of Adjustment, and Tax Assessor, summarizing for the period since their previous report all building permits issued and all complaints of violations and the action taken by them consequent thereon.

§24-11.4 Certificate of Occupancy

- a. Relationship to Building Permit. The purpose of a certificate of occupancy is to indicate that the construction authorized by the building permit has been completed in accordance with the building permit, the State Uniform Construction Code and this Chapter.
- b. Certificate of Occupancy for New Uses.
 1. Compliance with Zoning Ordinance. No building hereafter erected and no building hereafter enlarged, extended or altered, wholly or in part, so as to change its use classification shall be used or occupied or used in whole or in part until such time as a certificate of occupancy is issued by the Construction Official. Such

certificate shall be issued upon application by the owner, prospective occupant or purchaser only after the Construction Official determines that the facts represented on the application are correct and that the building, structure or use is in conformance with all of the provisions of this Chapter. No certificate of occupancy shall be issued unless a zoning permit has first been obtained. Said certificate shall be issued by the Construction Official to the owner or his agent within ten (10) days after written application if all conditions under this section are complied with.

2. Compliance with Other Ordinances. A certificate of occupancy shall not be issued until the Construction Official receives written confirmation from any or all of the following that all applicable codes and ordinances administered and enforced by the following named department(s) have been complied with:

- (a) The Board of Health.
- (b) The Fire Prevention Bureau.
- (c) The Recreation Commission.
- (d) The Water Department.
- (e) The Water and Sewer Consultant.
- (f) The Township Engineer.
- (g) The Township Police Department.
- (h) The Planning Board.
- (i) The Board of Adjustment.
- (j) The Township Council.
- (k) The Environmental Commission.
- (l) The Historic Preservation Commission.
- (m) The County Planning Board.
- (n) Any other applicable Federal, State, County or Township department, board or agency.

c. Certificate of Occupancy for Existing Uses.

1. Upon written request from the owner, tenant, occupant or purchaser under contract for a certificate of occupancy for existing uses, a determination shall be made by the Zoning Officer, as to compliance to this Chapter. The Construction Official, upon the Zoning Officer determination, shall cause an inspection to be made and after inspection, shall issue an occupancy permit for a use legally existing at the time this Chapter is made effective.
2. No change or extension of use and no alterations shall be made in a nonconforming use or premises without a zoning permit having first been issued by the Zoning Officer, stating that such change, extension or alteration is in conformity with the provisions of the zoning ordinance.

- d. Certificate of Occupancy For Change of Use. No owner, tenant or other person shall use or occupy any building or structure thereafter erected or altered, the use of which shall be changed after the passage of this Chapter, without first procuring a zoning

determination, and a certificate of occupancy for change of use. The certificate of occupancy for change of use, once granted, shall continue in effect as long as there is no change of use regardless of change in tenancy or occupancy.

- e. Certificate of Occupancy Records. A record of all certificates of occupancy shall be kept in the office of the Construction Official and copies shall be furnished upon request to any person having a proprietary interest or tenancy in the building affected.

§24-11.5 Violations and Penalties.

- a. Complaints for Violations of Zoning Ordinance. Any person may file a complaint if there is any reason to believe a violation of this Chapter exists. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate.
- b. Procedures for Abatement of Violations.
 - 1. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Chapter or of any ordinance or regulation made under authority conferred hereby, the Zoning Officer or other proper official, in addition to other remedies, may request from the Business Administrator commencement of legal action in the proper forum, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use about such premises.
 - 2. A violation of any of these terms of this Chapter shall be abated within five (5) days, or within as reasonable time as may be determined, after written notice has been served, either by mail or personal service.
- c. Penalties. Any person, firm or corporation violating any provision of this Chapter shall, upon conviction, be subject to penalty, as stated in Chapter I, Section 1-5 of the Code of the Township of Mahwah.

§24-11.6 Board of Adjustment

- a. Continuance. All ordinances applicable to the Board of Adjustment are expressly not repealed or amended by this Chapter.

SCHEDULE OF DISTRICT USE REGULATIONS

SCHEDULE OF DISTRICT USE REGULATIONS TOWNSHIP OF MAHWAH

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
C200 Conservation	<ol style="list-style-type: none"> 1. Agricultural uses, farms, subject to §24-3.8, paragraph e. 2. Municipal facilities. 3. Public open space, including hiking, horseback riding, wildlife preserves, arboretums, botanical gardens, historical edifices, wood- land areas, hunting and fishing facilities, other similar uses. 4. Single-family detached residences, with 200,000 sq. ft. minimum lots. 	<ol style="list-style-type: none"> 1. Accessory uses customarily incidental to a permitted principal use. 2. Family day care homes per N.J.S.A. 40:55D-66.5b 3. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 4. Personal recreation facilities, subject to §24-3.6 a7. 5. Private garages subject to §24-3.6 a. 6. Solar Energy Systems 7. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §24-7.1 2. Riding Stables, Academies, Riding Clubs subject to §24-7.10.
R80 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day care homes per N.J.S.A. 40:55D-66.5b 4. Home occupations subject to §24-3.6 a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Personal recreation facilities, subject to §24-3.6 a7. 7. Private garages subject to §24-3.6 a. 8. Solar Energy Systems 9. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Places of assembly subject to §24-7.4.
R40 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day care homes per N.J.S.A. 40:55D-66.5b 4. Home occupations subject to §24-3.6 a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to §24-3.6 a. 7. Solar Energy Systems 8. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Places of assembly subject to §24-7.4.
R20 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day care homes per N.J.S.A. 40:55D-66.5b 4. Home occupations subject to §24-3.6 a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to §24-3.6 a. 7. Solar Energy Systems 8. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Places of assembly subject to §24-7.4.
R15 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day care homes per N.J.S.A. 40:55D-66.5b 4. Home occupations subject to §24-3.6 a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to §24-3.6 a. 7. Solar Energy Systems 8. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Places of assembly subject to §24-7.4.
R10 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day care homes per N.J.S.A. 40:55D-66.5b 4. Home occupations subject to §24-3.6 a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to §24-3.6 a. 7. Solar Energy Systems 8. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Places of assembly subject to §24-7.4.

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
R5 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day care homes per N.J.S.A. 40:55D-66.5b 4. Home occupations subject to §24-3.6 a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to §24-3.6 a. 7. Solar Energy Systems 8. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Nursing homes subject to §24-7.5. 3. Places of assembly subject to §24-7.4.
R11 Two-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 4. Two-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day care homes per N.J.S.A. 40:55D-66.5b 4. Home occupations subject to §24-3.6 a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to §24-3.6 a. 7. Solar Energy Systems 8. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Nursing homes subject to §24-7.5. 3. Places of assembly subject to §24-7.4.
GA200 Garden Apartment	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Planned multiple-family development groups, garden apartments subject to §24-3.8 g. 3. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 4. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Electric Vehicle Charging Stations 4. Family day care homes per N.J.S.A. 40:55D-66.5b 5. Home occupations subject to §24-3.6 a8. 6. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 7. Private garages subject to §24-3.6 a. 8. Solar Energy Systems 9. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Nursing homes subject to §24-7.5. 3. Places of assembly subject to §24-7.4.
RM6 Manufactured Home Park	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Manufactured home parks 3. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 4. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day care homes per N.J.S.A. 40:55D-66.5b 4. Home occupations subject to §24-3.6 a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to §24-3.6 a. 7. Solar Energy Systems 8. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Places of assembly subject to §24-7.4.
PRD4 Planned Residential Development	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Planned residential developments subject to §24-3.8 k. 3. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 4. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory Apartments subject to §24-3.8 h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Electric Vehicle Charging Stations 4. Family day care homes per N.J.S.A. 40:55D-66.5b 5. Home occupations subject to §24-3.6 a8. 6. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 7. Private garages subject to §24-3.6 a. 8. Solar Energy Systems 9. Swimming pools subject to §24-3.6 a4. 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Places of assembly subject to §24-7.4.
PRD6 Planned Residential Development	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to §24- 3.8 e. 2. Planned residential developments subject to §24-3.8 k. 3. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 4. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory uses customarily incidental to a permitted principal use. 2. Family day care homes per N.J.S.A. 40:55D-66.5b 3. Home occupations subject to §24-3.6 a8. 4. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 5. Private garages subject to §24-3.6 a. 6. Solar Energy Systems 7. Swimming pools subject to §24-3.6 a4. 8. Accessory Apartments subject to §24-3.8 h. 9. Electric Vehicle Charging Stations 	<ol style="list-style-type: none"> 1. Essential services subject to §26-7.1. 2. Places of assembly subject to §24-7.4.
B40 Highway Business	<ol style="list-style-type: none"> 1. Assembly or packaging of products from previously prepared materials. 2. Automobile sales 3. Bus Terminal, Offices and Garage and facilities for servicing, repairing, maintaining and parking buses and other related equipment and vehicles. 	<ol style="list-style-type: none"> 1. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 2. Accessory uses customarily incidental to a permitted principal use. 	<ol style="list-style-type: none"> 1. Animal hospitals, veterinary offices, and kennels as provided in §24-7.6 2. Essential services subject to §24-7.1

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
	4. Distribution terminals. 5. Finance, Insurance and Real Estate Offices 6. Funeral Parlor 7. Health care facilities 8. Licensed child care centers 9. Offices, business and professional 10. Parks 11. Planned commercial development 12. Planned industrial developments. 13. Printing plants or publishing houses. 14. Public Facilities 15. Public Recreation facility 16. Public utility buildings, telephone exchange, telegraph. 17. Research laboratories. 18. Restaurant 19. Restaurant, Fast Food 20. Restaurant, Take Out 21. Retail sales 22. Retail services 23. Self-storage facilities 24. Solar Energy Systems 25. Warehouse and/or distribution facility.	3. Electric Vehicle Charging Stations 4. Leasing or renting of new or used cars, subject to §24-3.6 a11 5. Off-street parking facilities. 6. Solar Energy Systems	3. Fitness and health clubs subject to §24-7.11 a. 4. Light manufacturing operations, subject to §24-7.14. 5. Mechanical automobile washing establishments as provided in §24-7.7. 6. Motels, hotels, as provided in §24-7.8. 7. Motor vehicle body repair shop subject to §24-7.3 8. Outdoor storage subject to the requirements described in §24-3.6 a5. 9. Places of assembly subject to §24-7.4 10. Service stations subject to §24-7.9.
B200 Shopping Center Business	1. Finance, Insurance and Real Estate 2. Health care facilities 3. Licensed child care centers 4. Offices, business and professional 5. Parks 6. Planned commercial development 7. Public Facilities 8. Public Recreation facility 9. Retail sales 10. Retail services 11. Restaurant, Take Out 12. Restaurant, Fast Food 13. Restaurant 14. Solar Energy Systems	1. Off-street parking and loading facilities. 2. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 3. Solar Energy Systems 4. Electric Vehicle Charging Stations	1. Outdoor storage subject to the requirements described in §24-3.6 a5. 2. Essential services subject to §24-7.1 3. Service stations subject to §24-7.9. 4. Places of assembly subject to §24-7.4. 5. Fitness and health clubs, subject to §24-7.11a.
B12 General Business	1. Automobile sales 2. Bus Terminal, Offices and Garage and facilities for servicing, repairing, maintaining and parking buses and other related equipment and vehicles. 3. Distribution terminals. 4. Finance, Insurance and Real Estate Offices 5. Funeral Parlor 6. Health care facilities 7. Licensed child care centers 8. Offices, business and professional 9. Parks 10. Planned commercial development 11. Public Facilities 12. Public Recreation facility 13. Restaurant 14. Restaurant, Fast Food 15. Restaurant, Take Out 16. Retail sales 17. Retail services 18. Solar Energy Systems	1. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 2. Accessory uses customarily incidental to a permitted principal use. 3. Electric Vehicle Charging Stations 4. Leasing or renting of new or used cars, subject to §24-3.6 a11 5. Off-street parking facilities. 6. Solar Energy Systems	1. Animal hospitals, veterinary offices, and kennels as provided in §24-7.6 2. Essential services subject to §24-7.1 3. Fitness and health clubs subject to §24-7.11 a. 4. Mechanical automobile washing establishments as provided in §24-7.7 5. Motor vehicle body repair shop subject to §24-7.3 6. Outdoor storage subject to the requirements described in §24-3.6 a5. 7. Places of assembly subject to §24-7.4 8. Service stations subject to §24-7.9.
B10 Neighborhood Business	1. Finance, Insurance and Real Estate Offices 2. Funeral Parlor 3. Health care facilities 4. Licensed child care centers 5. Offices, business and professional 6. Parks	1. Off-street parking and loading facilities. 2. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises.	1. Essential services subject to §24-7.1 2. Fitness and health clubs subject to §24-7.11 a.

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
	<ul style="list-style-type: none"> 7. Planned commercial development 8. Public Facilities 9. Public Recreation facility 10. Restaurant, Take Out 11. Restaurants 12. Retail sales 13. Retail services 14. Solar Energy Systems 	<ul style="list-style-type: none"> 3. Leasing or renting of new or used cars, subject to §24-3.6 a11 4. Solar Energy Systems 5. Electric Vehicle Charging Stations 	<ul style="list-style-type: none"> 3. Motor vehicle body repair shop subject to §24-7.3. 4. Places of assembly subject to §24-7.4 5. Service stations subject to §24-7.9.
OP200 Office Park	<ul style="list-style-type: none"> 1. Finance, Insurance and Real Estate 2. Health Care Facilities 3. Professional offices and general business offices provided there is no sale of products on the premises. 4. Public Facilities 5. Restaurants other than fast food establishments. 6. Scientific or research laboratories, testing experimental or computation centers, provided that there shall be no use thereof that is noxious, offensive or hazardous by reason of emission of odor, dust, smoke, noise or electric, magnetic, radioactive waves or bacteria. 7. Solar Energy Systems 8. Warehouse and/ or distribution facility. 9. Warehouses and/or distribution facilities containing an office use. 	<ul style="list-style-type: none"> 1. Accessory retail sales in office buildings wholly within an office building subject to §24-4.32 b2. 2. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 3. Accessory uses customarily incidental to permitted principal uses. 4. Electric Vehicle Charging Stations 5. Helistop or helipad subject to §24-3.6 a6. 6. Off-street parking facilities. 7. Solar Energy Systems 	<ul style="list-style-type: none"> 1. Essential services subject to §24-7.1. 2. Hotels subject to §24-7.8.
ORP200 Office Research Park	<ul style="list-style-type: none"> 1. Health Care Facilities. 2. Professional offices and general business offices provided there is no sale of products on the premises. 3. Scientific or research laboratories, testing, experimental or computation centers, provided there shall be no use thereof that is noxious, offensive or hazardous by reason of emission of odor, dust, smoke, noise or electric, magnetic, radioactive waves, or bacteria. 4. Solar Energy Systems 5. Warehouse and/or distribution facility. 6. Warehouses and/or distribution facilities containing an office use. 	<ul style="list-style-type: none"> 1. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 2. Accessory uses customarily incidental to permitted principal uses. 3. Electric Vehicle Charging Stations 4. Off-street parking facilities. 5. Recreation facilities and ballfields. 6. Solar Energy Systems 	<ul style="list-style-type: none"> 1. Essential services subject to §24-7.1. 2. Limited Industrial uses subject to §24-7.14.
IP120 Industrial Park	<ul style="list-style-type: none"> 1. Assembly or packaging of products from previously prepared materials. 2. Light manufacturing operations, provided that all performance requirements in §24-5 are complied with. 3. Planned industrial developments. 4. Printing plants or publishing houses. 5. Public utility buildings, telephone exchange, telegraph. 6. Research laboratories. 7. Self-storage facilities 8. Solar Energy Systems 9. Warehouse and/or distribution facility. 	<ul style="list-style-type: none"> 1. Electric Vehicle Charging Stations 2. Off-street parking and loading facilities 3. Solar Energy Systems 	<ul style="list-style-type: none"> 1. Essential Services subject to §24-7.1 2. Fitness and health clubs subject to §24-7.11 a. 3. Health and Wellness Centers, subject to §24-7.12. 4. Motor vehicle body repair shop subject to §24-7.3. 5. Places of assembly subject to §24-7.4 6. Service stations subject to §24-7.9.
GI80 General Industry	<ul style="list-style-type: none"> 1. Assembly or packaging of products from previously prepared materials. 2. Contractor's equipment sales and service. 3. Dance Studio 4. Distribution center. 5. Extraction or excavation operations subject to §24-3.8 f 6. Glass and textile manufacture. 7. Instructional, Karate/Martial Arts 8. Lumber and building materials sales. 9. Planned industrial developments. 10. Printing plants or publishing houses. 11. Public parks, playgrounds or athletic fields 12. Public utility buildings, telephone exchange, telegraph. 13. Research laboratories. 14. Self-storage facilities 15. Solar Energy Systems 16. Tool, die and pattern making, other machine shop operations. 	<ul style="list-style-type: none"> 1. Electric Vehicle Charging Stations 2. Off-street parking and loading facilities 3. Solar Energy Systems 	<ul style="list-style-type: none"> 1. Essential Services subject to §24-7.1 2. Fitness and health clubs subject to §24-7.11 a. 3. Health and Wellness Centers, subject to §24-7.12. 4. Limited Industrial uses subject to §24-7.14. 5. Motor vehicle body repair shop subject to §24-7.3. 6. Places of assembly subject to §24-7.4 7. Service stations subject to §24-7.9.

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
	17. Truck terminals. 18. United States Post Office 19. Warehouse and/or distribution facility. 20. Wholesale business storage and warehousing. 21. Woodworking, furniture repair and custom upholstery, metalworking, electrical sales, contracting.		8. Health and Wellness Centers, subject to §24-7.12. 9. Sexually Oriented Businesses, subject to §24-7.13.
FP Floodplain	See §24-4.22	See §24-4.22	See §24-4.22
CEM Cemetery	Cemeteries, including mausoleums, vaults, chapels, crypts, other structures intended to hold or contain the dead.	Accessory uses customarily incidental to a permitted principal use.	None
BZ Buffer Zone	See §24-5.6	See §24-5.6	See §24-5.6
POS Public Open Space	1. Agricultural uses, farms, subject to §24-3.8 e. 2. Public open space, including hiking, horseback riding, wildlife preserves, arboretums, botanical gardens, historical edifices, wood- land areas, hunting and fishing facilities, youth camps, other similar uses. 3. Public recreational facilities	1. Accessory uses customarily incidental to a permitted principal use. 2. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 3. Swimming pools subject to §24-3.6 a4.	1. Essential services subject to §24-7.1.
CB360 Community Business	1. Finance, Insurance and Real Estate 2. Funeral Parlors 3. Health care facilities 4. Instructional karate/martial arts schools and dance studios 5. Licensed child care centers 6. Offices, business and professional 7. Parks 8. Planned commercial development 9. Public Facilities 10. Recreation Facility, Private 11. Recreation facility, Public 12. Restaurant 13. Restaurant, Take Out 14. Retail sales 15. Retail services 16. Solar Energy Systems	1. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 2. Electric Vehicle Charging Stations 3. Off-street parking and loading facilities. 4. Solar Energy Systems	1. Essential services subject to §24-7.1 2. Fitness and health clubs subject to §24-7.11 a. 3. Motor vehicle body repair shop subject to §24-7.3. 4. Outdoor storage subject to §24-3.6 a5. 5. Places of assembly subject to §24-7.4. 6. Service stations subject to §24- 7.9
ML1 Mount Laurel Housing District	Residential Dwelling Units	1. Recreational facilities 2. Off street parking	
ML2 Mount Laurel Housing District	Residential Dwelling Units	1. Recreational facilities 2. Off street parking	
LOD Limited Office District	Professional and business offices	1. Electric Vehicle Charging Stations 2. Landscaping 3. Lighting 4. Parking 5. Solar Energy Systems 6. Walkways	
ED Education District	1. Elementary and High Schools 2. Colleges and Universities 3. Solar Energy Systems	1. Accessory uses customarily incidental to a permitted principal use 2. Electric Vehicle Charging Stations 3. Solar Energy Systems	1. Essential services subject to §24-7.1.
MUD-1 Mixed-Use Development 1 Overlay Zone	See §24-4.29		
MUD-2 Mixed-Use Development Zone	See §24-4.30		
MF-1 Multi-Family-1 Zone	See §24-4.27-(Reserved)		
MF-2 Multi-Family-2 Zone	See §24-4.28		

ZONING SCHEDULE OF AREA, BULK AND YARD REQUIREMENTS TOWNSHIP OF MAHWAH

		Minimum Area Requirements			Maximum Bulk Requirements				Minimum Yard Requirements**			
Zone	District	Lot Area (Sq. Ft.)	Lot Width (Ft.)	Lot Depth (Ft.)	Improved Lot Coverage (%)	Lot Coverage (%)	Bldg. Ht. Principal*		Front Yard (Ft.)	Side Yard		Rear Yard (Ft.)
							Feet	Story		One (Ft.)	Both (Ft.)	
C200	Conservation	200,000	300	400	15	5	35	2 1/2	75	50	100	75
PCS	Public Open Space	200,000	300	400	15	5	35	2 1/2	75	50	100	75
R80	One-Family	80,000	200	300	20	10	35	2 1/2	60	40	80	50
R40	One-Family	40,000	150	175	30	15	35	2 1/2	40	30	60	40
R20	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35
R15	One-Family	15,000	90	125	40	20	35	2 1/2	30	10	25	30
R10	One-Family	10,000	75	100	40	25	35	2 1/2	30	10	25	30
R5	One-Family	5,000	50	100	40	30	35	2 1/2	25	6	18	25
R11	One-Family	5,000	50	100	40	30	35	2 1/2	25	6	18	25
	Two-Family	11,000	80	100	50	30	35	2 1/2	25	10	25	25
GA200	One-Family	10,000	75	100	40	25	35	2 1/2	30	10	25	30
	Garden Apt.	200,000	300	400	70	30	35	2 1/2	50	30	60	75
	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35
PRD4	Other Uses (PRD)	See §24-3.8 k. and Attachment 6 (Schedule of Area, Yard, and Bulk Requirements for Planned Residential Developments)										
PRD6	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35
	Other Uses (PRD)	See §24-3.8 k. and Attachment 6 (Schedule of Area, Yard, and Bulk Requirements for Planned Residential Developments)										
RM6	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35
	Manufactured Homes	400,000	400	500	50	30	35	2 1/2	See §24-4.14			
C8360	Community Business	90,000	300	400	70	25	40	3	75	40	80	75
B200	Shopping Center	200,000	300	400	80	40	40	3	75	40	75	75
B40	Highway Business	40,000	150	200	80	40	40	3	75	20	40	40
B12	General Business	12,000	80	100	80	40	40	3	40	15	30	40
B10	Neighborhood Business	10,000	50	100	80	50	40	3	10	10	20	40
OP200	Office Park	200,000	300	400	60	30	300	25	See §24-4.32 c2			
ORP200	Office Research Park	200,000	300	350	60	30	40	3	75	40	80	75
IP120	Industrial Park	120,000	300	400	70	35	40	3	60	40	75	65
GI80	General Industry	80,000	200	300	80	40	40	3	50	25	50	65
CEM	Cemetery	200,000	300	400	--	35	35	--	See §24-4.23			
FP	Flood Plain	See §24-4.22										
BZ	Buffer Zone	See §24-5.6										
PRD4S	Adult/Patio Housing	See §24-3.8 k. and Attachment 6 (Schedule of Area, Yard, and Bulk Requirements for Planned Residential Developments)										
*LOD	Limited Office District	80,000	200	200	30	5	35	2	60	30	60	40
ED	Education District	200,000	150	300	65	30	35	2	45	25	50	35
ML1	Mount Laurel	See §22-1.6										
ML2	Mount Laurel	See §22-1.6										
MF-1	Multi-Family 1 (Reserved)	4.5 Acres			20	30	38	3	55	15	30	55
MF-2	Multi-Family 2	21,780	75	100	70	35	35	3	25	10	20	25
MUD-1	Mixed-Use Development	See §24-4.22										
MUD-2	Mixed-Use Development	See §24-4.30										

* See §24-4.32 c5 concerning height limits in the OP200 Zone.

** See §24-4.32 c concerning yard requirements in the OP200 Zone.

SCHEDULE OF AREA, YARD AND BULK CONTROLS FOR PLANNED RESIDENTIAL DEVELOPMENTS

SCHEDULE OF AREA, YARD AND BULK CONTROLS FOR PLANNED RESIDENTIAL DEVELOPMENTS TOWNSHIP OF MAHWAH

Requirements	Single Family Uses		Townhouse Uses **		Garden Apartment Uses		Single Family Semidetached Use	Adult Home Use
	PRD4	PRD6	PRD4	PRD6	PRD4	PRD6	PRD4S	PRD4S
Minimum Lot Area (square feet)	14,500	10,800	3,000	2,500	Not Applicable		4,400***	1,200****
Minimum Lot Width (feet)	125	100	30	25	200	200	40	22
Maximum Improved Lot Coverage (percent)	50	50	70	70	75	75	36	50
Maximum Lot Coverage (percent)	30	30	50	50	25	25	28	33
Minimum Required Yards (feet)								
<i>Front</i>	30	30	25	25	50	50	20	20
<i>Side: One</i>	10	10	--*	--*	30	30	10	8
<i>Side: Both (if provided)</i>	25	20	--	--	60	60	10	8
<i>Rear</i>	30	25	25	25	75	75	10	10

NOTES:

* None required, but where provided, a minimum of twenty (20) feet, except where abutting a street, a minimum of twenty-five (25) feet.

** No building group in the PRD4 Zone shall exceed the lesser of six (6) dwelling units or one hundred eighty (180) feet in any horizontal dimension, and no building group in the PRD6 Zone shall exceed the lesser of eight (8) units or one hundred eighty (180) feet in any horizontal dimension.

*** Overall unit density shall not exceed 3.55 units per acre dedicated to such use.

**** Overall unit shall not exceed eleven (11) units per acre dedicated to such use and unit size shall not exceed one thousand (1,000) square feet in total floor area, basements and garages excluded.

ZONING MAP



SECTION 2. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced:

Adopted:

Effective Date:

TOWNSHIP OF MAHWAH

David May, Council President

ATTEST:

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

**TOWNSHIP OF MAHWAH
ORDINANCE 1959**

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 4,
GENERAL LICENSING, AND CHAPTER 24, ZONING, OF THE
TOWNSHIP CODE, TO PERMIT THE LICENSING AND OPERATION OF
ONE RETAIL CANNABIS BUSINESS AS A CONDITIONAL USE IN THE
B-40 ZONE AT BLOCK 59, LOT 20.01, AND PROHIBITING CANNABIS
CONSUMPTION AREAS IN ANY CANNABIS BUSINESS LOCATION**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, a majority of Mahwah Township voters approved Public Question No. 1; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, cannabis use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, sections 31a-c of the Act, N.J.S.A. 24:6I-45a-c, authorizes municipalities to adopt ordinances and regulations prohibiting outright and/or limiting the number of any class of licensed "cannabis establishment" (defined in section 33 of the Act, N.J.S.A. 24:6I-33, as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributor and cannabis delivery service allowed to operate within its municipal boundaries; and the location, manner and times of operation of such cannabis establishment, cannabis distributor and cannabis delivery service, except that the transportation and time of operations for cannabis delivery services, shall only be subject to the regulation by the Cannabis Regulatory Commission (the "Commission" or "CRC"); and

WHEREAS, section 31a of the Act, N.J.S.A. 24:6I-45a, also authorizes municipalities to establish certain civil penalties for violations of any ordinance or regulations governing cannabis establishments, distributors or delivery services; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, authorizes municipalities to prohibit, by ordinance, the operation of any one or more classes of cannabis establishment, cannabis distributor, and the principal premises of a cannabis delivery service from anywhere in the municipality, but not the actual delivery and transportation of cannabis items and related supplies by a licensed cannabis delivery service operating from a principal location outside the boundaries of the municipality; and

WHEREAS, section 31c of the Act, N.J.S.A. 24:6I-45c, authorizes municipalities to impose a separate local licensing or endorsement requirement as part of its restrictions on the number of cannabis establishments, distributors or delivery services; and

WHEREAS, section 32 of the Act, N.J.S.A. 24:6I-21 authorizes municipalities by ordinance to regulate and prohibit the operation of cannabis consumption areas operated by licensed cannabis retailers or permit holders; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, also stipulates, however, that any municipal prohibition must be adopted within 180 days of the effective date of the Act (August 21, 2021); and

WHEREAS, to preserve and protect the Township's rights and legal options under the Act to control such zoning decisions in light of the August 21, 2021 deadline imposed by N.J.S.A. 24:6I-45b, the Township Council on July 8, 2021 adopted Ordinance 1939, which prohibits any class of cannabis business in the Township, specifically noting that the Township Council wished to consider the operation of cannabis licenses exclusive of Class 1 Cultivator at a later date, pending further review; and

WHEREAS, on August 19, 2021, the Commission adopted its first set of regulations and rules governing the licensing and operation of cannabis establishments, distributors and delivery

services, which regulations and rules are set forth at N.J.A.C. 17:30-1 through N.J.A.C. 17:30-17.9 ("CRC's Rules"); and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(b) of the CRC's Rules, any municipality that has timely adopted an ordinance prohibiting outright the operation of any cannabis establishment, distributor or the principal location of any cannabis delivery service business within a municipality in accordance with N.J.S.A. 24:6I-45b, may thereafter amend its ordinances to allow for, zone, license and regulate such cannabis establishments, distributors and the principal locations of cannabis delivery service businesses; and

WHEREAS, Section 40 of the Act, N.J.S.A. 40:48I-1, authorizes municipalities to adopt ordinances imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis retailer located in the municipality on receipts from the sale of cannabis or cannabis items, and sets forth the limits for same; and

WHEREAS, the Township Council recognizes the importance of fostering economic opportunities that provide jobs and ratables to the community, while ensuring that such uses can safely and seamlessly fit into the fabric of the community; and

WHEREAS, the Township Council has determined that the cultivation, manufacturing, wholesale, distribution, retail sale and delivery of cannabis and cannabis items under the Act present special local concerns that should be strictly regulated by the Township through its local zoning and licensing powers; and

WHEREAS, the Township Council desires to amend its ordinances to authorize the local licensing and regulation of one (1) cannabis retailer and to permit operation of such cannabis retailer in the B-40 zone, limited to Block 59, Lot 20.01, subject to municipal regulation where appropriate in the Township, while also continuing to prohibit outright the local licensing and operation of all other classes of cannabis establishments, cannabis distributors and the primary operating location for cannabis delivery services, from within the geographic boundaries of the Township.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 4, "General Licensing," of the Township Code is hereby amended to establish § 4-11, "Cannabis Licensing and Regulation" to read as follows in its entirety:

§ 4-11.1 Purpose and Application.

- a. Purpose. This Section has been adopted by the Township Council of the Township of Mahwah for the following purposes:

1. To protect the public health, safety, and general welfare of the residents of the Township of Mahwah by establishing strict licensing limits and regulations on the lawful sale and use of legal cannabis to persons age 21 years or older only, and at all times in conformity with the laws of the State of New Jersey, including without limitation, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), the rules and regulations of the New Jersey Cannabis Regulatory Commission (the “Commission” or “CRC”), and the Township Code, as may be amended from time-to-time hereafter.
 2. To regulate the local licensing and operation of licensed Cannabis Establishments, Cannabis Distributors, and principal locations of Cannabis Delivery Services, each as defined in N.J.S.A. 24:6I-33 of the Act, to protect against the unlawful operation, sale and use of cannabis and marijuana.
 3. To establish certain conditions and limitations on the number of cannabis licenses authorized to be issued within the municipal boundaries of the Township through the local licensing process.
 4. To establish local regulations on the time, location and manner of licensed cannabis businesses and activities in accordance with State law.
 5. To prohibit the operation of any Cannabis Establishment, Cannabis Distributor and Cannabis Delivery Service within the Township unless strictly in conformance with State and local laws.
 6. To establish limitations on the number and types of Cannabis Establishment, Cannabis Distributor and Cannabis Delivery Service licenses and cannabis marketplace activities.
- b. Applicability. The provisions herein shall apply to all licensees, persons, organizations and businesses operating and/or seeking to operate within the Township as any class of licensed Cannabis Establishment, Cannabis Distributor and Cannabis Delivery Service pursuant to the Act.

§ 4-11.2 Definitions.

ACT

The “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L. 2021, c. 16, N.J.S.A. 24:6I-31, et seq., as may be amended from time-to-time in accordance with State law.

ALTERNATIVE TREATMENT CENTER or PRE-EXISTING ALTERNATIVE TREATMENT CENTER

An organization issued a permit, conditional permit, and/or a vertically integrated permit pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, C. 307 (C. 24:6I-1 et al.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary or clinical registrant prior to February 22, 2021; and includes any alternative treatment center deemed pursuant to section 7 of the "Jake Honig Compassionate Use Medical Cannabis Act" (C. 24:26I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit and/or any alternative treatment center deemed to concurrently hold any one or more class(es) of Cannabis Licensed Marketplace license(s) pursuant to PL. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34, amending N.J.S.A. 24:6I-7.

APPLICANT

A Cannabis Regulatory Commission Licensed Cannabis Entity applying to the Township for a Local Annual License to operate within the Township.

CANNABIS

All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds and/or flower thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-47 2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

CANNABIS CONSUMER

A person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

CANNABIS CONSUMPTION AREA

A "Cannabis Consumption Area" as defined under § 3, N.J.S.A. 24:6I-33, of the Act.

CANNABIS CULTIVATOR

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. "Cannabis Cultivators" refers to those uses and activities that require issuance and possession of a valid current Class 1 Cannabis Cultivator license from the New Jersey Cannabis Regulatory Commission and the Township of Mahwah in accordance with the Act, the regulations promulgated by the Cannabis Regulatory Commission and the local ordinances of the Township.

CANNABIS DELIVERY SERVICE

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. "Cannabis delivery service" refers to those uses and activities that require issuance and possession of a valid current Class 6 Cannabis Delivery license from the Cannabis Regulatory Commission in accordance with the Act and the regulations promulgated by the Cannabis Regulatory Commission.

CANNABIS DISTRIBUTOR

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. "Cannabis distributors" refers to those uses and activities that require issuance and possession of a valid current Class 4 Cannabis Distributor license from the New Jersey Cannabis Regulatory Commission and the Township of Mahwah in accordance with the Act, the regulations promulgated by the Cannabis Regulatory Commission and the local ordinances of the Township.

CANNABIS ESTABLISHMENT

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer, as defined under the Act.

CANNABIS ITEM

Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin available for lawful consumption pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.). "Cannabis Item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

CANNABIS LICENSED MARKETPLACE

A license issued under relevant State law including a license that is designated as either a:

- a. Class 1 Cannabis Cultivator license
- b. Class 2 Cannabis Manufacturer license
- c. Class 3 Cannabis Wholesaler license
- d. Class 4 Cannabis Distributor license
- e. Class 5 Cannabis Retailer license
- f. Class 6 Cannabis Delivery license

The term shall also include a conditional license for any one or more of the above designated class(es) except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

The term shall also include any activity related to cannabis cultivation, cannabis manufacturing, cannabis wholesale, cannabis distribution, cannabis retail and/or cannabis delivery service by a pre-existing alternative treatment center deemed to concurrently hold any one or more class(es) of the above-listed cannabis license(s) pursuant to P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 § 34 of the Act, amending N.J.S.A. 24:6I-7; but shall not include the pre-existing alternative treatment's activities related to medical cannabis cultivation, medical cannabis manufacturing, medical cannabis processing and/or medical cannabis dispensing by a pre-existing medical cannabis alternative treatment center pursuant to a license or conditional license issued by the State of New Jersey pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.).

CANNABIS MANUFACTURER

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. "Cannabis manufacturer" refers to those uses and activities that require issuance and possession of a valid current Class 2 Cannabis Manufacturer license from the New Jersey Cannabis Regulatory Commission and the Township of Mahwah in accordance with the Act, the regulations promulgated by the Cannabis Regulatory Commission, and the local ordinances of the Township.

CANNABIS PRODUCT

A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. "Cannabis retailer" refers to those uses and activities that require issuance and possession of a valid current Class 5 Cannabis Retailer license from the New Jersey Cannabis Regulatory Commission and the Township of Mahwah in accordance with the Act, the regulations promulgated by the Cannabis Regulatory Commission and the local ordinances of the Township."

CANNABIS REGULATORY COMMISSION or COMMISSION or CRC

The administrative agency of the State of New Jersey established pursuant to section 31 of P.L. 2019, c. 153, N.J.S.A. 24:6I-24, to review and approve or deny applications and issue licenses to operate as a Cannabis Establishment or Cannabis Delivery service at the State level independent of the Township's local license regulations established by ordinance.

CANNABIS WHOLESALE

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

“Cannabis wholesaler” refers to those uses and activities that require issuance and possession of a valid current Class 3 Cannabis Wholesaler license from the New Jersey Cannabis Regulatory Commission and the Township of Mahwah in accordance with the Act, the regulations promulgated by the Cannabis Regulatory Commission and the local ordinances of the Township.

CONSUMPTION

Shall mean the act of ingesting, inhaling, or otherwise introducing medical cannabis items and/or cannabis items into the human body.

DELIVERY

Shall mean the transportation of cannabis, cannabis items and related supplies to a consumer. “Delivery” shall also mean the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

INDOOR PUBLIC PLACE

Shall mean a structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; public and nonpublic elementary or secondary school building; board of education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility licensed pursuant to P.L.1971, c. 136 (C.26:2H-1 et seq.); patient waiting room of the office of a health care provider licensed pursuant to Title 45 of the Revised Statutes; child care center licensed pursuant to P.L.1983, c. 492 (C.30:5B-1 et seq.); race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

LICENSEE

Shall mean a person or entity that holds a valid local annual cannabis license issued by the Township pursuant to this Code and simultaneously holds a valid license issued by the Cannabis Regulatory Commission under P.L. 2021, c. 16 (C.24:6I-31 et al.) including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor License, a Class 5 Cannabis Retailer License, a Class 6 Cannabis Delivery license, and also includes: a person or entity that holds a conditional license for a designated class; a person or entity holding a pre-existing Medical Cannabis Cultivator License, pre-existing alternative treatment center permit first issued by the State of New Jersey, Department of Health, Division of Medicinal Marijuana in accordance with the provisions of the "Jake Honig Compassionate Use Medical Cannabis Act" (P.L. 2009, c. 307, N.J.S.A. 24:6I-1 et seq., and P.L. 2015, c. 158, N.J.S.A. 18A:40-12.22 et seq.) prior to February 22, 2021, and approved by the Township to hold a concurrent municipal license to operate as a Class 1 Cannabis Cultivator, Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler and/or Class 4 Cannabis Distributor in accordance with the provisions hereinafter and P.L. 2021, c. 16 § 33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34, (amending N.J.S.A. 24:6I-7) of the Act.

LICENSED CANNABIS ENTITY

A Licensed Cannabis Establishment or a Licensed Medical Marijuana Facility as defined in this section.

LICENSED CANNABIS ESTABLISHMENT

Shall mean a duly licensed Cannabis Cultivator, a Cannabis Manufacturer, a Cannabis Wholesaler, or a Cannabis Retailer (including Microbusiness(es) at each class and tier) licensed under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

LICENSED MEDICAL MARIJUANA FACILITY

Shall mean a duly licensed Medical Cannabis Cultivator, a duly licensed Medical Cannabis Manufacturer, a duly licensed Cannabis Dispensary, or an Alternative Treatment Center lawfully operating pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al.

LOCAL ANNUAL LICENSE

Shall mean an annual license issued by the Township of Mahwah which a Licensed Cannabis Establishment, Cannabis Distributor and/or Cannabis Delivery Service, shall be

required to obtain in order to lawfully operate within the jurisdictional boundaries of the Township in accordance with the Township's ordinances and L. 2021, c. 16 §31 C (2), N.J.S.A. 24:6I-45C(2), in addition to a valid and current license separately issued by the Cannabis Regulatory Commission at the same license class and tier for the same location

MANUFACTURE

Means the drying, processing, compounding, or conversion of usable cannabis into cannabis products, cannabis items, or cannabis resins. "Manufacture" does not include packaging or labeling.

MOVABLE OR MOBILE STRUCTURE

Means any vehicle, wagon, food truck, temporary modular structure, or other movable structure that may be used for sale or cannabis items.

PERSONAL USE or RECREATIONAL USE

Means the purchase, sale, possession, and/or consumption of cannabis items by person(s) who are not a Registered Qualifying Patient under the "Jake Honing Compassionate Use Medical Cannabis Act" P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.).

PREMISES or LICENSED PREMISES

Means the following areas of a location licensed under P.L.2021, c.16 (C. 24:6I-31 et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

PUBLIC PLACE

Shall mean any place to which the public has access that is not privately owned, including but not limited to any property owned by the Township of Mahwah, the County of Bergen, and or any other government subdivision of the State of New Jersey situated within the geographic boundaries of the Township; or any place to which the public has access , including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

TARGETED MICROBUSINESS

Shall mean a Licensed Cannabis Entity located within the Township which qualifies as a microbusiness pursuant to the definitions and qualifications as set forth in N.J.S.A. 24:61-33 and N.J.S.A. 24:61-36(f)(2) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, and employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof, and/or any other requirements set forth therein.

WHOLESALE TRADE

Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

§ 4-11.3 Prohibitions on other Cannabis Establishments, Cannabis Distributors, Cannabis Delivery Services and Cannabis Consumption Areas.

- a. Pursuant to section 31 of the Act (N.J.S.A. 24:6I-45b), Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacturing, Class 3 Cannabis Wholesale and Class 4 Cannabis Distribution is prohibited within the geographic boundaries of the Township of Mahwah and no State or local licenses shall be authorized to be issued for same.
- b. Pursuant to section 31 of the Act, N.J.S.A. 24:6I-45b, the operating premises of any cannabis delivery service, including any New Jersey licensed Class 6 Cannabis Delivery Service, is prohibited from being located within the geographic boundaries of the Township of Mahwah, and no local licenses shall be authorized to be issued for same. Nothing herein shall be construed to prohibit the transport or delivery of cannabis items and related supplies within the Township by a New Jersey licensed Class 6 Cannabis Delivery Service on private property to a consumer of 21 years of age or older for personal use from the licensed premises of a Class 6 Cannabis Delivery Service located

outside the geographic boundaries of the Township in accordance with the Act and the regulations of the Commission.

- c. Pursuant to section 32 of the Act, N.J.S.A. 24:6I-21, all Cannabis Consumption Areas are prohibited from being located or otherwise operated within the geographic boundaries of the Township of Mahwah.

§ 4-11.4 Numerical Limit on Local Cannabis Licenses and Class Types of Cannabis Businesses Permitted.

- a. The following number and type of Township cannabis business licenses, otherwise known as “local annual cannabis license” is/are authorized to be available for issuance by the Township on an annual basis pursuant to the Act and the regulations of the Commission and the Township Code, first commencing August 22, 2021:
 - 1. One (1) Class 5 Cannabis Retailer license is authorized to be issued by the Township as an annual license to one qualified Cannabis Retailer located or proposed to be located in the B-40 zone, and holding a current valid and active Class 5 Cannabis Retailer permit issued by the Commission in accordance with the Act, which authorizes the entity to sell recreational cannabis from a retail location approved by the Township in accordance with Chapter 24, Zoning, of the Township’s Code, and the Act and the regulations of the Commission, as may hereafter be amended. At no time shall such local annual license be transferrable from the initial licensee to another entity without prior formal licensing approval from the Commission and the Township.
- b. Except as provided in a.1 above, , no additional licenses or license class types shall be issued or otherwise made available by the Township except by formal adoption of an ordinance amending the provisions of the Township Code herein.
- c. Any person, organization and/or business, including a licensed cannabis business or operation of limited class type operating outside the scope of a license, found to engage in the cultivation, manufacturing, wholesale, distribution and/or retail sale of cannabis or cannabis items without first possessing a valid local annual cannabis license issued by the Township shall be subject to a civil fine and penalty as set forth herein below.
- d. Any person, organization and/or business found to operate a Cannabis Delivery Service from any premises within the geographic boundaries of the Township shall be subject to a civil fine and penalty as set forth herein below.

§ 4-11.5 Municipal Licensure Requirements.

- a. Prior to commencing and engaging in any cannabis retail activities and uses within the Township permitted by the Commission pursuant to a State-issued Class 5 Cannabis Retail license validly issued in accordance with the Act, any person, business, and/or organization shall first apply for and secure from the Township a local annual cannabis license. Except that nothing herein shall be read or construed to conflict with the statutory provisions as to Cannabis Delivery Services licensed by the Cannabis Regulatory Commission.
- b. The Township Council shall begin accepting applications for Class 5 Retailer local annual cannabis licenses 15 days following final passage of this ordinance.
- c. The initial local annual cannabis license shall be valid until December 31, 2022. Thereafter the period of each annual local cannabis retail license shall commence on January 1 and expire on December 31 of the calendar year.
- d. By no later than December 1 of any existing license year, the licensee shall be required to file an application for the renewal of a local annual cannabis license to be authorized to continue operation as a Class 5 Cannabis Retailer within the Township.
- e. All local annual cannabis licenses shall be conditional, and shall remain subject to all State and local laws and regulations. Failure of any licensee to comply with such applicable laws shall be grounds for revocation and/or nonrenewal of the local annual cannabis license by the Township Council.
- f. The initial application fee for each local annual cannabis license, of each class-type, shall be \$5,000 and the renewal application fee shall be \$2,500. In addition, an escrow shall be established with the Township by the licensee for Township administrative and professional fees and costs relating to the application and oversight during the term of the license.
- g. Unless the Township issues a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products/items from the premises of any license after the expiration date recorded on the face of the license.
- h. All local annual cannabis licenses shall be non-transferrable. All local annual cannabis licenses shall be specific to the property location authorized and approved by the Township and shall not otherwise be considered a "pocket license."

- i. The licensed premises of all licensees shall be subject to unannounced inspections by a designated representative of the Township. Access shall be permitted by the designated representative on demand by the Township's authorized representative.

§ 4-11.6 Application for Local License and Annual Local License Fee

- a. Non-refundable Application Fee. The applicant shall submit a non-refundable application fee of two thousand dollars (\$2,000.00) to the Office of the Municipal Clerk under oath on a form furnished by the Township of Mahwah.
- b. Annual Licensing Fee. The annual fee for successful applicants operating cannabis establishments or distributors in the Township of Mahwah shall be implemented as required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive an annual license:

Class 5 Cannabis Retailer license: five thousand dollars (\$5,000.00)

The annual fee for microbusinesses shall be half of the class annual fee.

- c. Upon the filing of the application, the Applicant shall pay to the Township an application fee of \$2,000.00. The Office of the Municipal Clerk shall then transmit the application to the Office of Police Chief for the Mahwah Police Department or the Chiefs designee, the Mayor, the Township Administrator, and the Township Council for review of the application. These departments shall review the application and forward their comments to the Clerk's Office fifteen (15) business days from transmission of the application.
- d. The Clerk shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete and shall not be processed by the Clerk and transmitted for review until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
 1. The name and home address of the Applicant. If the Applicant is not a natural person, the Applicant shall submit a statement setting forth the names and home addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners

owning 10% or greater interest in that partnership, as the case may be, shall also be listed with its home address. The disclosure shall be continued until names and home addresses of every non-corporate stockholder, and individual partner, exceeding the 10% ownership criteria has been listed.

2. The name of any other business entities in which any of the individuals identified pursuant to subsection (b)(1) of this provision have or have had an ownership interest which: (i) cultivates, manufactures, wholesales or dispenses cannabis or cannabis products; (ii) invests or finances in any such entity; or (iii) is regulated by any governmental entity.
3. A copy of the license issued by the Cannabis Regulatory Commission authorizing the Applicant to operate as a Licensed Cannabis Entity with a copy of all application materials and documents submitted to the Commission for a license.
4. The applicant shall submit an affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
5. Plans prepared by a duly licensed architect, engineer, or planner which shall depict the layout and design for the proposed location of the Licensed Cannabis Entity within the Township.
 - (a). The required plans shall depict the proposed security measures for the location. The plans shall be deemed confidential consistent with state law.
 - (b) The Applicant shall also provide either a lease agreement or agreement of sale for the property where the Applicant intends to operate the Licensed Cannabis Entity. The lease agreement or agreement of sale may be contingent upon the Applicant's ability to successfully: (i) obtain a Local License; and (ii) if applicable, obtain approval from the Mahwah Planning Board and/or the Mahwah Zoning Board of Adjustment.

6. Traffic Impact Assessment
Applicant shall provide a traffic impact assessment prepared by a New Jersey licensed professional engineer having appropriate experience and education. The traffic impact assessment shall provide a description of the impact and effect of the proposed development upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items: (a) existing conditions in the vicinity of the proposed project including the roadway network, representative traffic counts, traffic accident statistics, level of service of adjacent roadways, (b) traffic generated by the proposed project including trip generation, trip distribution, modal split, level of service under proposed conditions, (c) traffic impact caused by the proposed development, (d) recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern, and (e) any other information requested by the Township Council reasonably required to make an informed assessment of potential traffic impact.
 7. Acknowledgment and agreement authorizing the Mahwah Police Department to perform background checks and/or investigations regarding any individuals disclosed pursuant to subsection (b)(1) of this provision and any employees of the Applicant.
 8. If the Applicant is applying for a Local License as a Targeted Microbusiness, a copy of any and all documents issued by the Cannabis Regulatory Commission declaring the Applicant as microbusiness under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act with a copy of all application materials and documents submitted to the Commission for such a declaration.
- e. The Office of Police Chief for the Mahwah Police Department or the Chief's designee, the Mayor, the Township Administrator, and the Township Council shall evaluate any and all applicants and issue a notification of award after consideration and evaluation of the following criteria:
1. Qualifications and Experience
Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of non-owner principal, submission of

formal business plan for the proposed Licensed Cannabis Entity including pro forma is required.

2. Security Plan

Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement, and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance and digital storage, security personnel and their qualifications, and visitor and employee security management.

3. Research Experience

Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research with IRB approval shall outweigh plans to conduct such research, whether the applicant has had any assurance accepted by the U.S. Department of Health & Human Services indicating the applicant's commitment to complying with 45 CFR Part 46, and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis-related research.

4. Labor Peace Agreement

Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to application for a Cannabis Establishment license, in an effort to create well-paying jobs with employee benefits within the municipality. If possible, applicant entity or parent entity should submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.

5. Environmental Plan

Summary of the applicant's environmental impact and sustainability plan;

whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability; and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system.

6. Community Commitment

Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in the Township of Mahwah for five or more years in the past ten years or at least one shareholder's continuous ownership of a business based in the Township of Mahwah for five or more years in the past ten years.

7. Workforce Development Plan

Applicant's workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed Licensed Cannabis Entity; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.

8. Customer Advocacy Plan

Applicant's customer advocacy plan, which may include information on the applicant's history of customer counseling and planned customer counseling at the proposed Licensed Cannabis Entity; education, training and resources to be made available for customers.

9. Community Impact Plan

Applicant's community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed Licensed Cannabis Entity is to be located; which shall include an economic impact plan and a description of outreach activities and potential contributions to the community.

10. New Jersey Minority-Owned

Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business.

- f. Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall allow the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended in the Township Council's discretion for an additional 6 months for good cause. No license to operate shall be issued until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Municipal Clerk shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

§ 4-11.7 Additional Requirements.

- a. Cannabis businesses shall meet all of the requirements for licensure pursuant to the Act, the regulations of the Commission and all other applicable State and local laws.
- b. Cannabis businesses shall at all times hold a valid current license or permit issued by the State of New Jersey, along with a local annual cannabis license issued by Township to undertake cannabis activities at the permitted property. Both the Township and State-issued licenses are valid only for the location identified on the licenses and until the expiration date printed on the license. Both the Township- and State-issued licenses shall be prominently displayed inside the permitted cannabis business in a location where it can be easily viewed by State and local law enforcement and administrative authorities.
- c. Cannabis businesses shall be conducted solely within the confines of the licensed location of the licensed premises on the permitted property. No cannabis business shall be permitted to operate from a movable, mobile or transitory location, except for the permitted transportation of cannabis products to and from the facility pursuant to State law by a licensed Class 6 Delivery Service.
- d. Cannabis businesses shall comply with the Act, the regulations of the Commission, and the Township Code, including without limitation the Zoning Code, the Building Code, and the Property Maintenance Code, at all times.
- e. With the exception of loading activities incidental to the operation of the cannabis business, all operations shall occur indoors, within the enclosed licensed building, except as otherwise authorized for licensed Class 6 Delivery Services only.

- f. All cannabis businesses shall at all times adhere to the safety and security standards and plan established and approved by the Commission, including the requirements for the maintenance of a security system that meets State law requirements. In addition, all cannabis businesses shall also comply with the following:
1. Cannabis businesses shall have security systems in place, along with a continuous recording system that records for a minimum 30-day archive. This system shall be shared with the Mahwah Township Police Department via web browser providing direct access to real-time and archived video.
 2. Cannabis businesses shall provide the Mahwah Township Police Department with the name and telephone number of one staff person to notify during operating hours, and the name and cellphone number of at least two staff persons to notify after operating hours regarding suspicious activity.
 3. Cannabis businesses shall have at least one contracted uniformed and armed security guard from an N.J. SORA-licensed firm on the premises during all hours of operation to provide presence and compliance enforcement on the premises, including the interior structure and the exterior parking area.
 4. Outside areas of the premises shall be well-illuminated for safety and security, but not in a way that is counter to Township Code requirements for outdoor lighting and screening, or in a way that is obtrusive to pedestrians, drivers or other users of the public right-of-way.
 5. All cannabis in whatever form stored at the permitted premises shall be kept in a secure manner and shall not be visible from outside the permitted premises, nor shall it be processed, exchanged, displayed or dispensed outside the confines of the licensed structure of the premises. No cannabis products shall be visible from a public sidewalk, public street or right-of-way, or any other public place.
 6. Cannabis businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with local and State laws, including the rules and regulations of the Commission.
 7. Cannabis businesses shall be equipped with ventilation systems sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by the ordinary senses. The ventilation system shall be inspected and approved by the Township Construction Official.

8. The hours of operation for all cannabis businesses shall be limited to 9:30 a.m. to 9:00 p.m. Eastern Standard Time.
9. To discourage loitering around any cannabis business, parking spaces reserved for customer use shall be limited to a maximum of 15 minutes per vehicle, to be enforced during business hours of operation by a designated representative of the Cannabis Retailer (staff member or security guard). Appropriate signage shall be conspicuously posted to notify visitors of this requirement.
10. Cannabis businesses shall post conspicuous signage inside and outside the building that consumption of cannabis is prohibited anywhere on the premises, including the parking area and inside vehicles in the parking area.
11. Prohibition on Mobile Structures. Each Cannabis Establishment shall at all times conduct business within the confines of a licensed premises. No Cannabis Establishment shall be housed or operated in a vehicle or any movable or mobile structure. Nothing herein shall be deemed to apply to or otherwise conflict with the statutory and regulatory provisions applicable to Cannabis Delivery Service holding a valid and current license issued by the New Jersey Cannabis Regulatory Commission

§ 4-11.7 Local Cannabis Transfer and User Taxes.

- a. Establishment of Transfer and User Tax. Pursuant to section 40 of the Act, N.J.S.A. 40:48I-1a(1), the following user and transfer taxes are hereby established on all cannabis businesses operating within the Township, at the maximum amount as permitted by the laws of the State of New Jersey or the amounts set forth below, whichever is greater:
 1. A transfer tax of 2% shall be imposed on the gross receipts from each sale of all cannabis and cannabis items by any cannabis retailer to any cannabis business and any consumers.
 2. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.
 3. The transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.

4. In addition, there shall be a 2% user tax imposed on any concurrent license holder operating more than one cannabis business.
 5. The user tax shall be assessed at 2% of all receipts from each sale by a cannabis retailer to any other cannabis business.
 6. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed on the license holder's business that is located in the Township to any other of the license holder's businesses, whether located in this municipality or any other municipality.
 7. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
 8. Any transaction for which the user or transfer tax hereinabove is imposed, is exempt from the tax imposed under the Sales and Use Tax Act, except for those which generate receipts from the retail sales by cannabis retailers.
- b. Collection of transfer and user tax. In accordance with the provisions of N.J.S.A. 40:48I-1, every cannabis business required to collect the transfer and user taxes imposed by this Chapter shall be personally liable for the transfer and user tax imposed, collected, or required by this Chapter and N.J.S.A. 40:48I-1.
1. Any cannabis business collecting a transfer tax or user tax shall have the same right with respect to collecting the tax from another cannabis business or the consumer as if the tax was a part of the sale and payable at the same time.
 2. With respect to non-payment of the transfer tax or user tax by the cannabis business or consumer, as if the tax was part of the purchase price of the cannabis or cannabis item and payable at the same time, provided that the Chief Financial Officer of the municipality that imposes the transfer tax and user tax is joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
 3. No cannabis business required to collect the transfer and user taxes imposed by this Chapter shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis business or the consumer or that the transfer tax or user tax will be refunded to the cannabis business or the consumer.

c. Remittance of Cannabis Taxes; Delinquencies.

1. Each cannabis business collecting transfer and user taxes pursuant to this Chapter shall be remitted to the Township's Chief Financial Officer on a monthly basis.
2. Delinquent taxes. If the transfer tax or user tax is not paid when due, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis business's premises.
3. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
4. The Township shall file in the office of its Tax Collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis business's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
5. Failure of the Cannabis business to make full payment of the user and transfer taxes hereinabove imposed shall be grounds for the immediate revocation and/or termination of any local annual cannabis license and/or any local annual cannabis license shall not be renewed unless until all outstanding user and transfer taxes are paid in full. All user and transfer taxes shall also be paid should the licensee make application to the Township's Zoning and/or Planning Boards for any land use approvals.

§ 4-11.8 Odor Mitigation and Control.

- a. The emission into the outdoor atmosphere of any volatile organic compounds, solid particles, liquid particles, vapors and/or gases in excess of the rates, limits/levels established by the New Jersey Department of Environmental Protection are hereby prohibited.
- b. Cannabis businesses are prohibited from causing, permitting, or allowing to be emitted into the outdoor atmosphere any odors detectable by the ordinary human senses, substances and/or other air contaminants, in such quantities and for such duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property on any public or private property within the Township.

- c. The business/facility location of all retail cannabis businesses shall have a fully integrated self-contained air treatment, HVAC, ventilation and exhaust system which shall be regularly maintained and fully operational and running at all times.
- d. All cannabis businesses shall be required to retain a qualified environmental consultant approved by the Township, who shall be available to promptly respond to the site in the event of an incident or adverse event within a reasonable period of time not to exceed 12 hours.
- e. All cannabis businesses shall be required to monitor all activities for the presence and prevention of odors and the maintenance and trouble-shooting of all odor control equipment on a daily basis. All retail cannabis businesses shall maintain written records of all odor monitoring, equipment maintenance/repairs, odor investigations, air quality studies and any adverse events, and odor complaints.
- f. All records as to odor control monitoring, investigations, odor control equipment maintenance/repairs, air quality studies and adverse events shall be produced to the Township upon request.
- g. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution, in accordance with the Township Code and applicable State law.

§ 4-11.9 Corporate Designee Contact.

All cannabis businesses operating within the Township shall be required to designate a corporate representative of the business who shall be available 24 hours daily to serve as the primary person of contact for the business, and shall have full authority to make decisions on behalf of the business in the event of an emergency. The business shall provide the up-to-date direct telephone and email contact information for the corporate designee to the Township Police Department and the Township Administrator and shall assure that such contact information remains current at all times. At a minimum, the corporate designee shall be responsible to respond to the Township in the event of a report of criminal activity, adverse odor event, or any suspected violation of applicable State and/or local laws.

§ 4-11.10 Manner of Delivery of Cannabis and Cannabis Items.

- a. The actual sale, transfer, and/or delivery of cannabis and cannabis items by any Class 5 Cannabis Retailer and any Class 6 Cannabis Delivery Service to a consumer occurring within the Township shall be prohibited from taking place in any public place or on any public property, and otherwise shall at all times be as follows:
 - 1. Class 5 Cannabis Retailers shall only be permitted to sell, deliver or transfer cannabis and cannabis items to consumers within the confines of the Class 5 Cannabis Retailer's licensed premises or through a separately licensed Class 6 Cannabis Delivery service.
 - 2. Class 6 Cannabis Delivery Services shall only be permitted to deliver cannabis and cannabis items to private property, and only with the express permission and authorization of the owner of the property. Nothing herein shall be read or construed to conflict with any regulations and/or license conditions established by the Commissions with respect to the transport and delivery of cannabis and cannabis items by Class 6 Cannabis Delivery services.

§ 4-11.11 Civil Fines and Penalties.

- a. Any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed cannabis retail business, found in violation of any provision(s) of the Township Code shall be subject to a civil fine and penalty not exceeding \$2,000, in accordance with § 1-5 of the Township Code.
- b. Any violation of the Township Code by a licensed cannabis retail business may be grounds for revocation and/or nonrenewal of any issued local annual cannabis license. Upon reasonable notice to the licensee by the Township Administration, a hearing shall be conducted before the Township Council to decide whether sufficient grounds exist to revoke any and all classes of local annual cannabis licenses issued to the licensee. The licensee may be permitted to be represented by legal counsel during the hearing, to present evidence, testimony and witnesses.
- c. Each and every day any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed cannabis retail business, remains in violation of the provisions of the Township Code after the deadline for compliance set forth in any notice of violation issued by the enforcing officer(s) of the Township, shall be considered a continuing violation punishable as a separate and distinct offense and subject to a separate civil fine and penalty for each and every day the violation continues.

- d. The Municipal Court or Superior Court shall have jurisdiction to hear and decide any action(s) brought to enforce the provisions of the Township Code, the hearing for which shall be conducted in a summary manner pursuant to N.J.S.A. 2B12-16a, and any final order imposing fines and penalties for a violation of this code shall be enforceable in the Municipal Court or Superior Court and collectible as a lien against the property of the violator in accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.

SECTION 2. Chapter 24, "Zoning," Section 24-3.8b, "Supplemental Use Regulations," Paragraph b, "Cannabis establishment, distributors and delivery services prohibited," of the Township Code is hereby amended and supplemented to read as follows:

b. Cannabis establishments, distributors and delivery services prohibited.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) (N.J.S.A. 24:6I-45b) ("Act") all Cannabis Establishments, Cannabis Distributors and Cannabis Delivery Services based in the Township are hereby prohibited from operating anywhere in the Township, except for one (1) Class 5 Cannabis Retailer licensed in accordance with Chapter 24 of the Township Code, and in such circumstances, only as permitted as a conditional use pursuant to § 24-7.15. Nothing herein shall be read or construed to restrict the transport and delivery of cannabis items and cannabis supplies directly to a consumer on private property for personal use by a New Jersey licensed Class 6 Cannabis Delivery Service having its licensed premises based at a location outside the geographic boundaries of the Township, and which the transport and delivery of such cannabis items and related supplies is initiated from such licensed location.

SECTION 3. Chapter 24, "Zoning," Attachment 4, "Schedule of District Use Regulations," is hereby amended and supplemented to include the following:

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
B40 Highway Business	(no change)	(no change)	<u>11. Cannabis Retailer, subject to §24-7.15.</u>

SECTION 4. Chapter 24, "Zoning," § 24-7, "Conditional Uses," is hereby amended and supplemented to add § 7.15, "Cannabis Retailer."

§ 7.15 Cannabis Retailer.

- a. The purpose of this Section is to protect the public health, safety, and welfare of the residents, businesses and property in the Township of Mahwah by prescribing the manner in which cannabis businesses can be conducted within its borders, regulating those uses that are not expressly prohibited in a manner that is consistent with New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), and the regulations of the Cannabis Regulatory Commission, set forth at N.J.A.C. 17:30-1 et seq., first adopted on August 19, 2021, and to minimize negative impacts on the community.
- b. A Class 5 Cannabis Retailer may be permitted as a conditional use at Block 59, Lot 20.01 subject to the following conditions:
 1. The Cannabis Retailer shall be required to secure a valid current license by the State of New Jersey, Cannabis Regulatory Commission, and the Township of Mahwah in accordance with Chapter 24 of the Township Code.
 2. With the exception of loading activities incidental to the operation of the Cannabis Retailer, all operations shall occur indoors, within an enclosed building.
 3. A Cannabis Retailer shall not contain a drive-thru.
 4. A Cannabis Retailer shall not be located within a building that contains a residence, or within a mixed-use development that includes residential uses.
 5. A Cannabis Retailer shall not be permitted to sell food, beverages, alcohol or tobacco on the premises of the business.
 6. If zoning approval is granted, the Cannabis Retailer shall not be permitted to transfer the location of the cannabis business to another location within the Township without first applying for and obtaining any and all required approvals from the State of New Jersey, Cannabis Regulatory Commission, and the Township of Mahwah and its appropriate Planning and Zoning Boards.

7. Signage.
- (a) A Cannabis Retailer shall comply with all respective signage regulations in Chapter 24, subsection 6 for the B-40 Zone and the regulations and rules as to signage and advertisements adopted by the Cannabis Regulatory Commission.
 - (b) A Cannabis Retailer shall not display cannabis and cannabis paraphernalia in a manner that is clearly visible to a person from the exterior of the principal structure.
 - (c) Signage shall not include a cannabis plant leaf or other outward glorification of cannabis consumption, including but not limited to shape of, or a shape bearing the likeness or containing characteristics of, a realistic or fictional human, animal, or fruit, or part thereof, including artistic, caricature, or cartoon renderings.
 - (d) Signage shall be conspicuously posted inside and outside the building that consumption of cannabis is prohibited anywhere on the premises, including the parking area and inside vehicles in the parking area.
8. A Cannabis Retailer shall be equipped with ventilation systems sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by the ordinary senses in accordance with Chapter 4 of the Township Code.
9. A Cannabis Retailer shall comply with the performance requirements under § 24-5 of the Township Code.
10. A Cannabis Retailer shall comply with the off-street parking requirements for retail uses, in accordance with § 22-6.2 of the Township Code.
11. A Cannabis Retailer shall designate all off-street parking spaces for either customer or employee use. Customer spaces shall be signed and limited to no more than 15 minutes in duration, to be enforced during business hours of operation by an authorized representative of the Cannabis Retailer (security officer or staff member).

12. A Cannabis Retailer shall comply with the Buffer Zone Requirements in accordance with § 24-5.6 of the Township Code. In addition, a masonry wall measuring no less than 8 feet in height shall be provided to further screen the Cannabis Retailer from adjacent residential properties. The side of the masonry wall facing the Cannabis Retailer may be planted with vines or finished with a façade treatment that is complementary to the principal structure. The side of the masonry wall facing adjacent residential properties shall be finished with a façade treatment resembling stacked stone, brick, or other design acceptable to the Board.

SECTION 5. Any article, section, paragraph, subsection, clause, or other provision of the Mahwah Township Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 7. This ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

Introduced: January 20, 2022

Adopted:

Effective Date:

TOWNSHIP OF MAHWAH

David May, Council President

ATTEST:

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

TOWNSHIP OF MAHWAH

ORDINANCE NO. 1961

ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 24, ENTITLED ZONING, OF THE TOWNSHIP CODE TO PERMIT INSTRUCTIONAL USES IN CERTAIN COMMERCIAL ZONES

WHEREAS, the Ordinance Committee has reviewed the Township's zoning requirements concerning instructional uses in the commercial zones, and has recommended certain amendments to permit their use in other commercial zones; and

WHEREAS, the Planning Board of the Township of Mahwah adopted a 2020 Reexamination and Master Plan Amendment on September 14, 2020, following a review of the Township's Master Plan and Development Ordinances; and

WHEREAS, one of the recommendations of the 2020 Reexamination and Master Plan Amendment was to reevaluate non-residential zoning to ensure that permitted and conditional uses are relevant and flexible to meet current and future demands and business types; and

WHEREAS, the Township Council of the Township of Mahwah has determined that it is in the best interest of the Township to clarify Attachment 4 "Schedule of District Use Regulations" of Chapter 24.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Attachment 4 "Schedule of District Use Regulations" of Chapter 24, entitled Zoning, is hereby amended to read as follows:

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
B200 Shopping Center Business	<ol style="list-style-type: none">1. Finance, insurance and real estate.2. Health-care facilities.3. Instructional, karate/martial arts schools and dance studios.4. Licensed child-care centers.5. Offices, business and professional.6. Parks.7. Planned commercial development.8. Public facilities.9. Public recreation facility.10. Retail sales.11. Retail services.12. Restaurant, take-out.13. Restaurant, fast food.14. Restaurant.15. Solar energy systems.	No Change	No Change

GI180 General Industry	<ol style="list-style-type: none"> 1. Assembly or packaging of products from previously prepared materials. 2. Contractor's equipment sales and service. 3. Distribution center. 4. Extraction or excavation operations subject to § 24-3.8f. 5. Glass and textile manufacture. 6. Instructional, karate/martial arts and dance studios. 7. Lumber and building materials sales. 8. Planned industrial developments. 9. Printing plants or publishing houses. 10. Public parks, playgrounds or athletic fields. 11. Public utility buildings, telephone exchange, telegraph. 12. Research laboratories. 13. Self-storage facilities. 14. Solar energy systems. 15. Tool, die and pattern making, other machine shop operations. 16. Truck terminals. 17. United States Post Office. 18. Warehouse and/or distribution facility. 19. Wholesale business storage and warehousing. 20. Woodworking, furniture repair and custom upholstery, metalworking, electrical sales, contracting. 	No Change	No Change
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SECTION 2. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ZONING

24 Attachment 4

Township of Mahwah

Schedule of District Use Regulations

[1976 Code Ch. 179; Ord. #574; Ord. #622; Ord. #742; Ord. #938, § I; Ord. #955, § 4; Ord. #1000; § I; Ord. #1008, § I; Ord. #1120, § 4; Ord. #1121, § I; Ord. #1124, § I; Ord. #1161, § IX; Ord. #1280, § II; Ord. #1321, § I; Ord. #1401, § II and § IV; Ord. #1589, § 3; Ord. #1653, § 3; Ord. No. 1916]

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
C200 Conservation	<ol style="list-style-type: none"> 1. Agricultural uses, farms, subject to § 24-3.8, paragraph c. 2. Municipal facilities. 3. Public open space, including hiking, horseback riding, wildlife preserves, arboreta, botanical gardens, historical edifices, wood-land areas, hunting and fishing facilities, other similar uses. 4. Single-family detached residences, with 200,000-square-foot minimum lots. 	<ol style="list-style-type: none"> 1. Accessory uses customarily incidental to a permitted principal use. 2. Family day-care homes per N.J.S.A. 40:55D-66.5b 3. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 4. Personal recreation facilities, subject to § 24-3.6a7. 5. Private garages subject to § 24-3.6a. 6. Solar energy systems. 7. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Riding stables, academies, riding clubs subject to § 24-7.10.
R80 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day-care homes per N.J.S.A. 40:55D-66.5b. 4. Home occupations subject to § 24-3.6a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Personal recreation facilities, subject to § 24-3.6a7. 7. Private garages subject to § 24-3.6a. 8. Solar energy systems. 9. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Places of assembly subject to § 24-7.4.
R40 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day-care homes per N.J.S.A. 40:55D-66.5b. 4. Home occupations subject to § 24-3.6a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to § 24-3.6a. 7. Solar energy systems. 8. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Places of assembly subject to § 24-7.4.
R20 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day-care homes per N.J.S.A. 40:55D-66.5b. 4. Home occupations subject to § 24-3.6a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to § 24-3.6a. 7. Solar energy systems. 8. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Places of assembly subject to § 24-7.4.

MAHWAH CODE

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
R15 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day-care homes per N.J.S.A. 40:55D-66.5b. 4. Home occupations subject to § 24-3.6a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to § 24-3.6a. 7. Solar energy systems. 8. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 26-7.1. 2. Places of assembly subject to § 24-7.4.
R10 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day-care homes per N.J.S.A. 40:55D-66.5b. 4. Home occupations subject to § 24-3.6a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to § 24-3.6a. 7. Solar energy systems. 8. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 26-7.1. 2. Places of assembly subject to § 24-7.4.
R5 Single-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day-care homes per N.J.S.A. 40:55D-66.5b. 4. Home occupations subject to § 24-3.6a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to § 24-3.6a. 7. Solar energy systems. 8. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 26-7.1. 2. Nursing homes subject to § 24-7.5. 3. Places of assembly subject to § 24-7.4.
R11 Two-Family Residential	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 3. Single-family detached dwellings. 4. Two-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day-care homes per N.J.S.A. 40:55D-66.5b. 4. Home occupations subject to § 24-3.6a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to § 24-3.6a. 7. Solar energy systems. 8. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 26-7.1. 2. Nursing homes subject to § 24-7.5. 3. Places of assembly subject to § 24-7.4.
GA200 Garden Apartment	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Planned multiple-family development groups, garden apartments subject to § 24-3.8g. 3. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 4. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Electric vehicle charging stations. 4. Family day-care homes per N.J.S.A. 40:55D-66.5b. 5. Home occupations subject to § 24-3.6a8. 6. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 7. Private garages subject to § 24-3.6a. 8. Solar energy systems. 9. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 26-7.1. 2. Nursing homes subject to § 24-7.5. 3. Places of assembly subject to § 24-7.4.

ZONING

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
RM6 Manufactured Home Park	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Manufactured home parks. 3. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 4. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Family day-care homes per N.J.S.A. 40:55D-66.5b. 4. Home occupations subject to § 24-3.6a8. 5. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 6. Private garages subject to § 24-3.6a. 7. Solar energy systems. 8. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 26-7.1. 2. Places of assembly subject to § 24-7.4.
PRD4 Planned Residential Development	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Planned residential developments subject to § 24-3.8k. 3. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 4. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory apartments subject to § 24-3.8h. 2. Accessory uses customarily incidental to a permitted principal use. 3. Electric vehicle charging stations. 4. Family day-care homes per N.J.S.A. 40:55D-66.5b. 5. Home occupations subject to § 24-3.6a8. 6. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 7. Private garages subject to § 24-3.6a. 8. Solar energy systems. 9. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 26-7.1. 2. Places of assembly subject to § 24-7.4.
PRD6 Planned Residential Development	<ol style="list-style-type: none"> 1. Agricultural uses, farms subject to § 24-3.8e. 2. Planned residential developments subject to § 24-3.8k. 3. Public parks, playgrounds, libraries, firehouses, not-for-profit volunteer ambulance or volunteer first aid facilities. 4. Single-family detached dwellings. 	<ol style="list-style-type: none"> 1. Accessory uses customarily incidental to a permitted principal use. 2. Family day-care homes per N.J.S.A. 40:55D-66.5b. 3. Home occupations subject to § 24-3.6a8. 4. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 5. Private garages subject to § 24-3.6a. 6. Solar energy systems. 7. Swimming pools subject to § 24-3.6a4. 8. Accessory apartments subject to § 24-3.8h. 9. Electric vehicle charging stations. 	<ol style="list-style-type: none"> 1. Essential services subject to § 26-7.1. 2. Places of assembly subject to § 24-7.4.
B40 Highway Business	<ol style="list-style-type: none"> 1. Assembly or packaging of products from previously prepared materials. 2. Automobile sales. 3. Bus terminal, offices and garage and facilities for servicing, repairing, maintaining and parking buses and other related equipment and vehicles. 4. Distribution terminals. 5. Finance, insurance and real estate offices. 6. Funeral parlors. 7. Health-care facilities. 8. Licensed child-care centers. 9. Offices, business and professional. 10. Parks. 11. Planned commercial development. 12. Planned industrial developments. 13. Printing plants or publishing houses. 14. Public facilities. 15. Public recreation facility. 16. Public utility buildings, telephone exchange, telegraph. 17. Research laboratories. 18. Restaurant. 19. Restaurant, fast-food. 	<ol style="list-style-type: none"> 1. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 2. Accessory uses customarily incidental to a permitted principal use. 3. Electric vehicle charging stations. 4. Leasing or renting of new or used cars, subject to § 24-3.6a11. 5. Off-street parking facilities. 6. Solar energy systems. 	<ol style="list-style-type: none"> 1. Animal hospitals, veterinary offices, and kennels as provided in § 24-7.6. 2. Essential services subject to § 24-7.1. 3. Fitness and health clubs subject to § 24-7.11a. 4. Light manufacturing operations, subject to § 24-7.14. 5. Mechanical automobile washing establishments as provided in § 24-7.7. 6. Motels, hotels, as provided in § 24-7.8. 7. Motor vehicle body repair shop subject to § 24-7.3. 8. Outdoor storage subject to the requirements described in § 24-3.6a2. 9. Places of assembly subject to § 24-7.4. 10. Service stations subject to § 24-7.9.

MAHWAH CODE

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
B200 Shopping Center Business	<ul style="list-style-type: none"> 20. Restaurant, take-out. 21. Retail sales. 22. Retail services. 23. Self-storage facilities. 24. Solar energy systems. 25. Warehouse and/or distribution facility. 		
	<ul style="list-style-type: none"> 1. Finance, insurance and real estate. 2. Health-care facilities. 3. Licensed child-care centers. 4. Offices, business and professional. 5. Parks. 6. Planned commercial development. 7. Public facilities. 8. Public recreation facility. 9. Retail sales. 10. Retail services. 11. Restaurant, take-out. 12. Restaurant, fast-food. 13. Restaurant. 14. Solar energy systems. 	<ul style="list-style-type: none"> 1. Off-street parking and loading facilities. 2. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 3. Solar energy systems. 4. Electric vehicle charging stations. 	<ul style="list-style-type: none"> 1. Outdoor storage subject to the requirements described in § 24-3.6a5. 2. Essential services subject to § 24-7.1. 3. Service stations subject to § 24-7.9. 4. Places of assembly subject to § 24-7.4. 5. Fitness and health clubs, subject to § 24-7.11a.
B12 General Business	<ul style="list-style-type: none"> 1. Automobile sales. 2. Bus terminal, offices and garage and facilities for servicing, repairing, maintaining and parking buses and other related equipment and vehicles. 3. Distribution terminals. 4. Finance, insurance and real estate offices. 5. Funeral parlors. 6. Health care facilities. 7. Licensed child-care centers. 8. Offices, business and professional. 9. Parks. 10. Planned commercial development. 11. Public facilities. 12. Public recreation facility. 13. Restaurant. 14. Restaurant, fast-food. 15. Restaurant, take-out. 16. Retail sales. 17. Retail services. 18. Solar energy systems. 	<ul style="list-style-type: none"> 1. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 2. Accessory uses customarily incidental to a permitted principal use. 3. Electric vehicle charging stations. 4. Leasing or renting of new or used cars, subject to § 24-3.6a11. 5. Off-street parking facilities. 6. Solar energy systems. 	<ul style="list-style-type: none"> 1. Animal hospitals, veterinary offices, and kennels as provided in § 24-7.6. 2. Essential services subject to § 24-7.1. 3. Fitness and health clubs subject to § 24-7.11a. 4. Mechanical automobile washing establishments as provided in § 24-7.7. 5. Motor vehicle body repair shop subject to § 24-7.3. 6. Outdoor storage subject to the requirements described in § 24-3.6a5. 7. Places of assembly subject to § 24-7.4. 8. Service stations subject to § 24-7.9.
B10 Neighborhood Business	<ul style="list-style-type: none"> 1. Finance, insurance and real estate offices. 2. Funeral parlors. 3. Health-care facilities. 4. Licensed child-care centers. 5. Offices, business and professional. 6. Parks. 7. Planned commercial development. 8. Public facilities. 9. Public recreation facility. 10. Restaurant, take-out. 	<ul style="list-style-type: none"> 1. Off-street parking and loading facilities. 2. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 3. Leasing or renting of new or used cars, subject to § 24-3.6a11. 4. Solar energy systems. 5. Electric vehicle charging stations. 	<ul style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Fitness and health clubs subject to § 24-7.11a. 3. Motor vehicle body repair shop subject to § 24-7.3. 4. Places of assembly subject to § 24-7.4. 5. Service stations subject to § 24-7.9.

ZONING

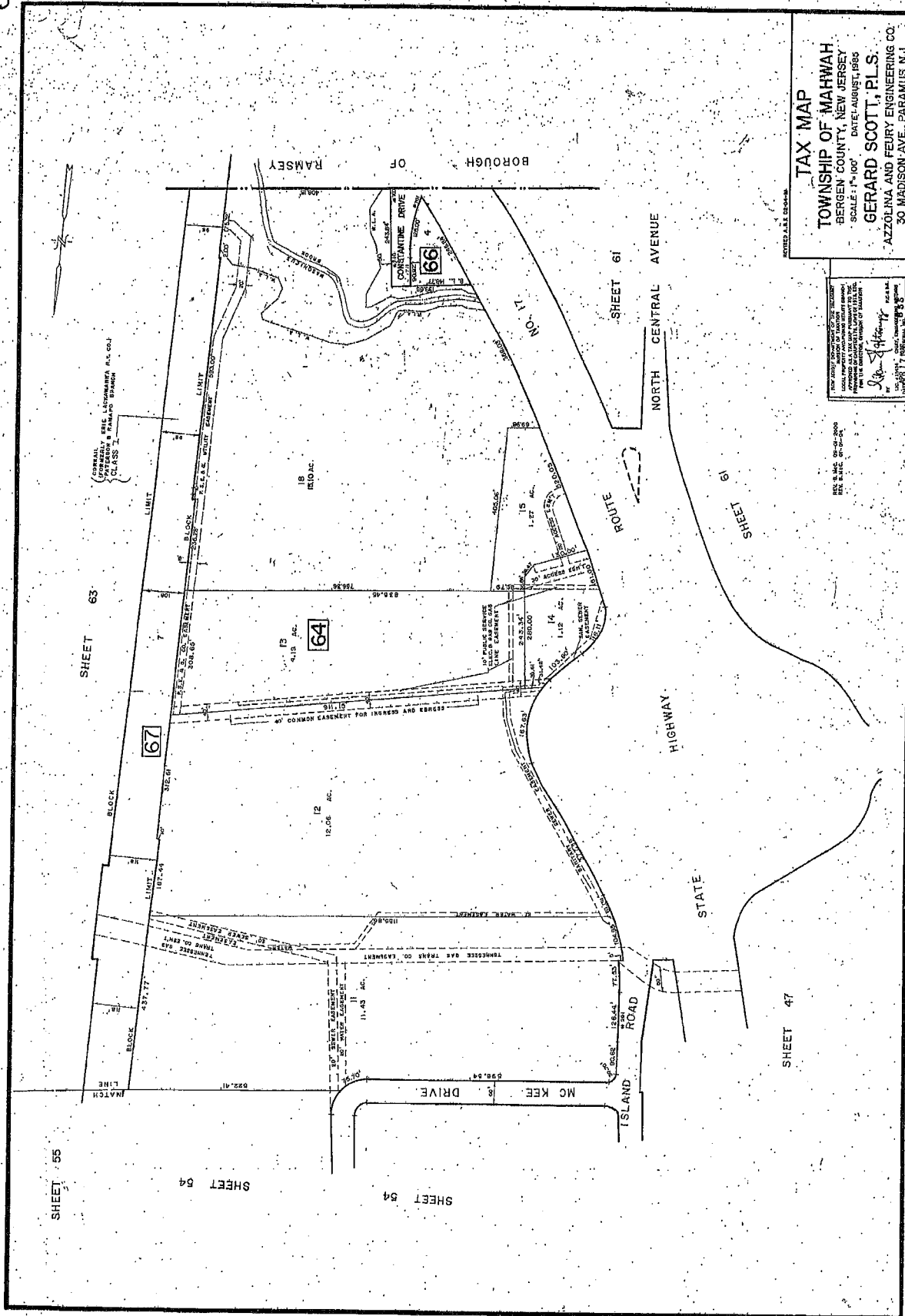
Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
OP200 Office Park	<ol style="list-style-type: none"> 11. Restaurants. 12. Retail sales. 13. Retail services. 14. Solar energy systems. 1. Finance, insurance and real estate. 2. Health-care facilities. 3. Professional offices and general business offices provided there is no sale of products on the premises. 4. Public facilities. 5. Restaurants other than fast food establishments. 6. Scientific or research laboratories, testing experimental or computation centers, provided there shall be no use thereof that is noxious, offensive or hazardous by reason of emission of odor, dust, smoke, noise or electric, magnetic, radioactive waves or bacteria. 7. Solar energy systems. 8. Warehouse and/or distribution facility. 9. Warehouses and/or distribution facilities containing an office use. 	<ol style="list-style-type: none"> 1. Accessory retail sales in office buildings wholly within an office building subject to § 24-4.32b2. 2. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 3. Accessory uses customarily incidental to permitted principal uses. 4. Electric vehicle charging stations. 5. Helistop or helipad subject to § 24-3.6a6. 6. Off-street parking facilities. 7. Solar energy systems. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Hotels subject to § 24-7.8.
ORP200 Office Research Park	<ol style="list-style-type: none"> 1. Health-care facilities. 2. Professional offices and general business offices provided there is no sale of products on the premises. 3. Scientific or research laboratories, testing, experimental or computation centers, provided there shall be no use thereof that is noxious, offensive or hazardous by reason of emission of odor, dust, smoke, noise or electric, magnetic, radioactive waves, or bacteria. 4. Solar energy systems. 5. Warehouse and/or distribution facility. 6. Warehouses and/or distribution facilities containing an office use. 	<ol style="list-style-type: none"> 1. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 2. Accessory uses customarily incidental to permitted principal uses. 3. Electric vehicle charging stations. 4. Off-street parking facilities. 5. Recreation facilities and ballfields. 6. Solar energy systems. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Limited industrial uses subject to § 24-7.14.
IP120 Industrial Park	<ol style="list-style-type: none"> 1. Assembly or packaging of products from previously prepared materials. 2. Light manufacturing operations, provided that all performance requirements in § 24-5 are complied with. 3. Planned industrial developments. 4. Printing plants or publishing houses. 5. Public utility buildings, telephone exchange, telegraph. 6. Research laboratories. 7. Self-storage facilities. 8. Solar energy systems. 9. Warehouse and/or distribution facility. 	<ol style="list-style-type: none"> 1. Electric vehicle charging stations. 2. Off-street parking and loading facilities. 3. Solar energy systems. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Fitness and health clubs subject to § 24-7.11a. 3. Health and Wellness Centers, subject to § 24-7.12. 4. Motor vehicle body repair shop subject to § 24-7.3. 5. Places of assembly subject to § 24-7.4. 6. Service stations subject to § 24-7.9.

MAHWAH CODE

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
GI80 General Industry	<ol style="list-style-type: none"> 1. Assembly or packaging of products from previously prepared materials. 2. Contractor's equipment sales and service. 3. Dance studio. 4. Distribution center. 5. Extraction or excavation operations subject to § 24-3.8f. 6. Glass and textile manufacture. 7. Instructional, karate/martial arts. 8. Lumber and building materials sales. 9. Planned industrial developments. 10. Printing plants or publishing houses. 11. Public parks, playgrounds or athletic fields. 12. Public utility buildings, telephone exchange, telegraph. 13. Research laboratories. 14. Self-storage facilities. 15. Solar energy systems. 16. Tool, die and pattern making, other machine shop operations. 17. Truck terminals. 18. United States Post Office. 19. Warehouse and/or distribution facility. 20. Wholesale business storage and warehousing. 21. Woodworking, furniture repair and custom upholstery, metalworking, electrical sales, contracting. 	<ol style="list-style-type: none"> 1. Electric vehicle charging stations. 2. Off-street parking and loading facilities. 3. Solar energy systems. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Fitness and health clubs subject to § 24-7.11a. 3. Health and Wellness Centers, subject to § 24-7.12. 4. Limited industrial uses subject to § 24-7.14. 5. Motor vehicle body repair shop subject to § 24-7.3. 6. Places of assembly subject to § 24-7.4. 7. Service stations subject to § 24-7.9. 8. Health and Wellness Centers, subject to § 24-7.12. 9. Sexually oriented businesses, subject to § 24-7.13.
FP Floodplain	See § 24-4.22.	See § 24-4.22.	See § 24-4.22.
CEM Cemetery	Cemeteries, including mausoleums, vaults, chapels, crypts, other structures intended to hold or contain the dead.	Accessory uses customarily incidental to a permitted principal use.	None
BZ Buffer Zone	See § 24-5.6.	See § 24-5.6.	See § 24-5.6.
POS Public Open Space	<ol style="list-style-type: none"> 1. Agricultural uses, farms, subject to § 24-3.8e. 2. Public open space, including hiking, horseback riding, wildlife preserves, arboreums, botanical gardens, historical edifices, wood-land areas, hunting and fishing facilities, youth camps, other similar uses. 3. Public recreational facilities. 	<ol style="list-style-type: none"> 1. Accessory uses customarily incidental to a permitted principal use. 2. Off-street parking subject to the Mahwah Township Site Plan Ordinance. 3. Swimming pools subject to § 24-3.6a4. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1.
CB360 Community Business	<ol style="list-style-type: none"> 1. Finance, insurance and real estate. 2. Funeral parlors. 3. Health-care facilities. 4. Instructional karate/martial arts schools and dance studios. 5. Licensed child-care centers. 6. Offices, business and professional. 7. Parks. 8. Planned commercial development. 9. Public facilities. 10. Recreation facility, private. 11. Recreation facility, public. 12. Restaurant. 13. Restaurant, take-out. 14. Retail sales. 15. Retail services. 16. Solar energy systems. 	<ol style="list-style-type: none"> 1. Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale or consumption on the premises. 2. Electric vehicle charging stations. 3. Off-street parking and loading facilities. 4. Solar energy systems. 	<ol style="list-style-type: none"> 1. Essential services subject to § 24-7.1. 2. Fitness and health clubs subject to § 24-7.11a. 3. Motor vehicle body repair shop subject to § 24-7.3. 4. Outdoor storage subject to § 24-3.6a5. 5. Places of assembly subject to § 24-7.4. 6. Service stations subject to § 24-7.9.

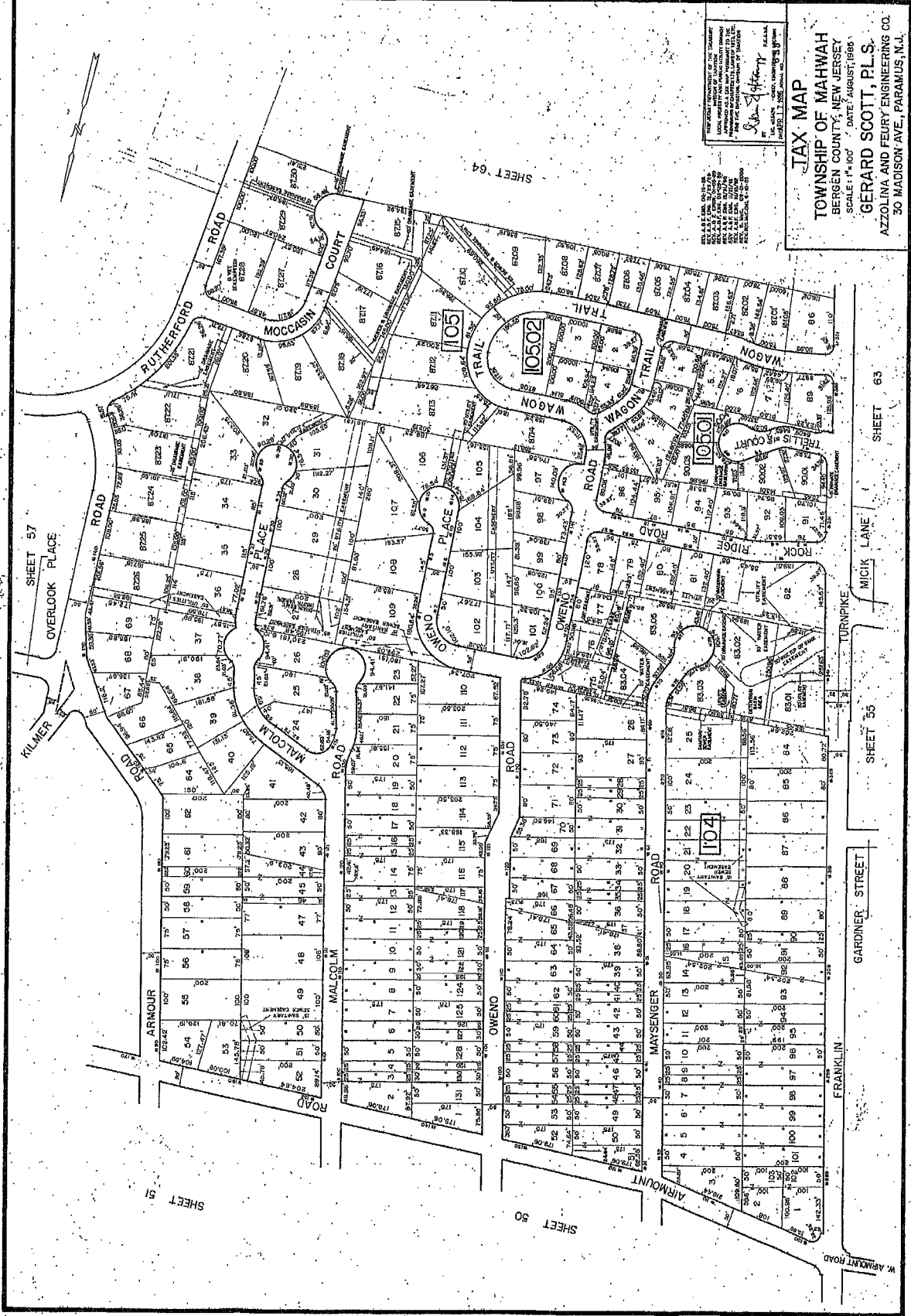
ZONING

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
ML1 Mount Laurel Housing District	Residential dwelling units	1. Recreational facilities. 2. Off-street parking.	
ML2 Mount Laurel Housing District	Residential dwelling units	1. Recreational facilities. 2. Off-street parking.	
LOD Limited Office District	Professional and business offices	1. Electric vehicle charging stations. 2. Landscaping. 3. Lighting. 4. Parking. 5. Solar energy systems. 6. Walkways.	
ED Education District	1. Elementary and high schools. 2. Colleges and universities. 3. Solar energy systems. See § 24-4.29.	1. Accessory uses customarily incidental to a permitted principal use. 2. Electric vehicle charging stations. 3. Solar energy systems.	1. Essential services subject to § 24-7.1.
MUD-1 Mixed-Use Development 1 Overlay Zone			
MUD-2 Mixed-Use Development Zone	See § 24-4.30.		
MF-1 Multifamily-1 Zone	See § 24-4.27.		
MF-2 Multifamily-2 Zone	See § 24-4.28.		



TAX MAP
TOWNSHIP OF MAHWAH
 BERGEN COUNTY, NEW JERSEY
 SCALE: 1"=100' DATE: AUGUST, 1985
GERARD SCOTT, P.L.S.
 AZZOLINA AND FEURY ENGINEERING CO.
 30 MADISON AVE., PARAMUS, N.Y.

THIS MAP WAS PREPARED BY THE ENGINEER FOR THE TOWNSHIP OF MAHWAH, BERGEN COUNTY, NEW JERSEY, AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.



THIS MAP IS FOR THE PURPOSE OF TAXATION ONLY. IT IS NOT A SURVEY. THE TAXPAYER IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE TAXPAYER IS ADVISED THAT THE MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE TAXPAYER IS ADVISED THAT THE MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.

TAX MAP
TOWNSHIP OF MAHWAH
BERGEN COUNTY, NEW JERSEY
SCALE: 1" = 100' DATE: AUGUST, 1985
GERARD SCOTT, P.L.S.
AZZOLINA AND FEURY ENGINEERING CO.
30 MADISON AVE., PARAMUS, N.Y.

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1965**

WHEREAS, the Township of Mahwah established salary ranges for all employee salaries, and

WHEREAS, the Township of Mahwah has approved a collective bargaining agreement for calendar years 2022 – 2026 with the UPSEU Blue Collar Unit; and

WHEREAS, the Township of Mahwah establishes salary adjustments for nonunion employees in accordance with the related collective bargaining unit adjustments, and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Mahwah that the salary ranges for white collar employees (and associated management employees) for the year 2022 be as follows:

<u>TITLES</u>	<u>ANNUAL SALARY</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
DEPARTMENT OF PUBLIC WORKS		
Director of Public Works	\$100,000	\$148,500
Foreman- DPW	\$69,980	\$90,855
Public Works Maintenance Worker	\$42,720	\$72,308
Custodian	\$42,720	\$45,065
Mechanic	\$51,806	\$70,572
Tree Service Maintenance Worker	\$51,806	\$63,535
WATER AND SEWER UTILITY		
Superintendent- Water/Sewer	\$69,980	\$106,340
Licensed Water Utility Operator	\$5,000	\$18,000
Licensed Sewer Utility Operator	\$5,000	\$18,000
Foreman- Water/Sewer	\$69,980	\$92,859
Senior Mechanic	\$69,980	\$87,299
Mechanic	\$51,806	\$68,227
Utility Person	\$42,720	\$83,989
DEPARTMENT OF PUBLIC WORKS & WATER/SEWER UTILITY		
Laborer/Summer/Seasonal	\$8.00/hr.	\$20.00/hr.

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1966**

WHEREAS, the Township of Mahwah established salary ranges for all employee salaries, and

WHEREAS, the Township of Mahwah has approved a collective bargaining agreement with the UPSEU White Collar Unit, and

WHEREAS, the Township of Mahwah establishes salary adjustments for nonunion employees in accordance with the related collective bargaining unit adjustments, and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Mahwah that the salary ranges for white collar employees (and associated non-union employees) for the year 2022 be as follows:

<u>TITLES</u>	<u>ANNUAL SALARY</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
LEGISLATIVE		
Council President	\$11,000	\$11,000
Council Vice President	\$10,000	\$10,000
Council Person	\$10,000	\$10,000
OFFICE OF TOWNSHIP CLERK		
Township Clerk	\$72,500	\$101,948
Deputy Township Clerk	\$55,000	\$67,789
Senior Clerk	\$42,500	\$42,500
OFFICE OF THE MAYOR		
Mayor	\$20,000	\$20,000
DEPARTMENT OF ADMINISTRATION & FINANCE		
Business Administrator	\$100,000	\$199,999
Administrative Support Specialist	\$47,500	\$47,500
Assistant to the Business Administrator	\$55,000	\$58,970
Executive Secretary to the Mayor	\$62,500	\$83,342
Qualified Purchasing Agent (with Cert)	\$62,500	\$80,694
HR Manager	\$62,500	\$89,357
PT Public Relations	\$10,000	\$20,000

TITLES**ANNUAL SALARY****MINIMUM****MAXIMUM****BUREAU OF TREASURY**

FT Chief Financial Officer	\$100,000	\$150,000
Deputy Chief Financial Officer (retro - 9/1/21)	\$85,000	\$115,000
Assistant Municipal Treasurer	\$72,500	\$89,358
Assistant to the Chief Financial Officer	\$55,000	\$57,616
Assistant to the Municipal Treasurer	\$55,000	\$60,356
PT Chief Financial Officer	\$52,800	\$52,800

BUREAU OF COLLECTION

Tax & Utility Collector (combined)	\$72,500	\$107,468
Deputy Tax Collector (w/Cert.)	\$55,000	\$58,970
Senior Account Clerk	\$42,500	\$42,500

BUREAU OF ASSESSMENT

Tax Assessor	\$72,500	\$93,139
Principal Assessor Clerk	\$47,500	\$60,664

Access Transportation

Van Driver/Clerk	\$42,500	\$42,500
Senior Van Driver	\$47,500	\$57,201
Van Driver - (Temp) Hourly	\$15.00/hr.	\$19.00/hr.

SENIOR CITIZENS CENTER

Director	\$72,500	\$75,948
Senior Clerk		\$57,616

DEPARTMENT OF PLANNING & ZONING

Administrative Officer/Zoning Officer	\$72,500	\$81,792
Principal Escrow/Soil Clerk	\$47,500	\$57,201
Senior Clerk	\$42,500	\$43,499
Zoning /Property Maintenance Inspector	\$42,500	\$56,291
Zoning/Property Maintenance Inspector - P/T	\$15.00/hr.	\$25.00/hr.
Construction/ Planning and Zoning Manager	\$60.00/hr	\$70.00/hr.

DEPARTMENT OF PUBLIC WORKS

Administrative Clerk	\$55,000	\$55,000
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DEPARTMENT OF HEALTH

Health Officer	Contractual	Contractual
Environmental Health Specialist	\$62,500	\$86,722
Administrative Secretary/Registrar of Vital Statistics	\$55,000	\$75,453
Health Inspector - P/T Hourly	\$20.00/hr.	\$45.00/hr.
Senior Clerk	\$42,500	\$50,004

DEPARTMENT OF POLICE

Administrative Secretary	\$55,000	\$73,261
Senior Dispatcher (15 + years)	\$78,500	\$78,500
Senior Dispatcher (11 -15 years)	\$64,510	\$64,510
Intermediate Dispatcher 5-10	\$50,590	\$58,646
Junior Dispatcher 1-4	\$42,500	\$49,117
Records Technician	\$47,500	\$57,201
Records Clerk	\$42,500	\$45,568

DEPARTMENT OF INSPECTIONS

Construction Code Official	\$72,500	\$134,913
Building Subcode Official - P/T	\$5,000	\$14,911
Building Inspector	\$62,500	\$78,367
Plumbing Subcode Official	\$72,500	\$94,618
FT Electrical Subcode Official	\$72,500	\$94,281
Fire Subcode Official - P/T	\$18,720	\$33,041
Control Person	\$47,500	\$58,545
Senior Clerk	\$42,500	\$42,500
PT Clerk	\$15.00/hr.	\$18.00/hr.

DEPARTMENT OF EMERGENCY SERVICES

Director Department of Emergency Services	\$5,500	\$5,500
Coordinator Emergency Management Services	\$10,000	\$10,000
Logistics Coordinator	\$7,500	\$7,500
Deputy Coordinators	\$1,745	\$1,745
CERT Coordinator	\$1,200	\$1,200

TITLES**ANNUAL SALARY****MINIMUM****MAXIMUM****FIRE DIVISION**

Fire Chief	\$8,000	\$8,000
First Assistant Fire Chief	\$5,000	\$5,000
Second Assistant Fire Chief	\$5,000	\$5,000
Secretary - Fire Department - P/T	\$4,000	\$8,500
Training/Records Secretary - Fire Department - P/T	\$2,000	\$2,500
LOSAP Secretary - Fire Depart/Ambulance - P/T	\$1,500	\$2,000

**BUREAU OF FIRE
PREVENTION**

Fire Official	\$72,500	\$75,948
Fire Inspector	\$62,500	\$67,011
Fire Inspector - P/T	\$15.00/hr.	\$30.00/hr.

**MUNICIPAL
COURT**

Municipal Judge	\$30,000	\$52,199
Municipal Judge - Special Sessions	\$400/ses.	\$400/ses.
Municipal Court Administrator	\$72,500	\$92,115
Deputy Court Administrator	\$47,500	\$56,187
Violations Clerk	\$42,500	\$43,763
Senior Clerk	\$42,500	\$45,568

WATER AND SEWER UTILITY

Senior Clerk	\$42,500	\$42,500
Senior Account Clerk	\$42,500	\$42,500

AGENCIES; BOARDS; COMMITTEES

Recording Sec. Planning Board - P/T	\$4,000	\$4,500
Recording Sec. Zoning Board - P/T	\$4,000	\$4,500
Secretary Environmental Commission - P/T	\$4,000	\$4,000
Secretary Historic Preservation Commission - P/T	\$4,000	\$4,000

TITLES**ANNUAL SALARY****MINIMUM****MAXIMUM****PART TIME AND HOURLY RATE EMPLOYEES****A. ADMINISTRATIVE AND EXECUTIVE**

Secretarial/Clerical - P/T	\$12.00/hr.	\$18.00/hr.
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C. MUNICIPAL POOL

Municipal Pool Manager	\$25,000	\$33,543
Assistant Managers	\$8,000	\$9,500
Head Swim Team Coach	\$950	\$1,500
Assistant Swim Team Coach	\$800	\$1,000
Head Dive Team Coach	\$800	\$800
Gate Attendants /Vendor Operator	\$8.00/hr.	\$12.50/hr.
Gate Attendants/Vendor Operator (Age 18 and Up)	\$11.00/hr.	\$15.00/hr.
Lifeguard	\$8.25/hr.	\$16.00/hr.
Lifeguard (Age 18 and up)	\$11.10/hr.	\$18.50/hr.
Swim Instructors	\$8.50/hr.	\$13.00/hr.
Swim Instructors (Age 18 and up)	\$11.10/hr.	\$15.00/hr.

B. DEPARTMENT OF POLICE

School Crossing Guards	\$14.00/hr.	\$25.00/hr.
Dispatchers - per diem	\$12.00/hr.	\$25.00/hr.

C. RECREATION

Recreation Director - P/T	\$20,000	\$47,710
Mahwah Day Coordinator	\$1,000	\$3,079
Secretary Recreation Commission - P/T Program	\$4,000	\$4,000
Director	\$6,000	\$6,243
Assistant Program Director	\$13.50/hr.	\$20.00/hr.
Professional Staff	\$13.50/hr.	\$20.00/hr.
Counselor	\$8.00/hr.	\$15.50/hr.
Counselor (Age 18 and up)	\$ 11.10/hr.	\$18.50/hr.

TITLES**ANNUAL SALARY****MINIMUM****MAXIMUM****D. DEPARTMENT OF INSPECTIONS**

Building Inspector (Temp)	\$20.00/hr.	\$32.50/hr.
Electrical Inspector (Temp)	\$20.00/hr.	\$55.00/hr.
Plumbing Inspector (Temp)	\$20.00/hr.	\$32.50/hr.

E. MUNICIPAL COURT

Municipal Court Administrator (Temp)	\$20.00/hr.	\$30.00/hr.
Clerical - P/T Hourly	\$12.00/hr.	\$20.00/hr.

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1967**

**ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AMENDING AND RESTATING IN
FULL SECTION 2-32, MUSIC, FILM AND ARTS COMMITTEE, OF THE
TOWNSHIP CODE TO CLARIFY MEMBERSHIP COMPOSITION**

WHEREAS, on September 23, 2022 the Township Council of the Township of Mahwah adopted Ordinance No. 1949, amending Chapter 2, Administration, of the Township Code to establish new Section 2-32, Music, Film and Arts Committee; and

WHEREAS, on November 4, 2021, the Township Council adopted Ordinance No.1955, to clarify staggered terms on the Committee; and

WHEREAS, the Township desires to amend and restate Section 2-32 to clarify membership composition.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, and State of New Jersey, as follows:

SECTION 1. Chapter 2, Administration, Section 2-32, of the Township Code is hereby amended and restated to read as follows in its entirety:

§ 2-32.1. Establishment.

There is hereby established in the Township of Mahwah a Music, Film and Arts Committee ("Committee").

§ 2-32.2. Members; composition; compensation.

- a. The Committee shall consist of seven voting members to be nominated by the Mayor and appointed by the Council. Of those seven members, at least two shall be Township residents and at least two shall be scholars and/or persons with professional film acumen.
- b. In addition to the seven regular members, two alternate members shall be nominated by the Mayor and appointed by the Council.
- c. One Township Council Member shall additionally be appointed by the Council to serve as Council Liaison to the Committee.
- d. All Committee members shall serve without compensation.

§ 2-32.3. Terms of members; appointment; vacancies.

- a. All appointments, except for the Council member, shall be for a full term of two years. The Council Liaison shall serve for a one-year term.
- b. The Township Council shall appoint the Council Liaison on January 1 of each year, or as soon thereafter as appointments are made.
- c. The Council shall appoint three members and one alternate on January 1 of each odd-numbered calendar year, or as soon thereafter as appointments are made.
- d. The Council shall appoint four members and one alternate on January 1 of each even-numbered calendar year, or as soon thereafter as appointments are made.
- e. Any vacancies occurring by reason of death or by resignation shall be filled for the unexpired term only.

§ 2-32.4. Organization.

The Committee shall organize annually, within 30 days of January 1, by the election of one of its members as President and one of its members as Secretary.

§ 2-32.5. Duties.

The Committee shall have the following duties:

- a. Recommend to the Mayor and Council any and all projects that the Committee has determined to be in the best interests of the Township for the promotion of filmmaking, the promotion of film programming in the public schools, the promotion of the history of Township.
- b. Recommend to the Mayor and Council any and all projects that can be accomplished in concert with the Township Historic Preservation Commission.
- c. Recommend to the Mayor and Council the operation of film festivals.
- d. Recommend to the Mayor and Council means by which funds may be raised toward the Committee's major goal of promoting filmmaking and the history of filmmaking in the Township.
- e. Recommend to the Mayor and Council means by which artifacts and the heritage of Township filmmaking may be preserved and promoted.
- f. Make findings upon and recommendations to the Mayor and Council concerning utilizing Township resources to promote filmmaking and the heritage of Township filmmaking.
- g. Undertake any and all actions authorized by the Mayor and Council with respect to the

promotion of filmmaking, operation of film festivals, raising of funds and preservation of the heritage of Township filmmaking.

- h. To meet at least six times each year.
- i. Any and all other and further duties and/or powers that may be delegated by the Mayor and Council.

SECTION 2. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #101-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Arlemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, there exists a need for Professional Engineering Services for the Township of Mahwah in connection with DEP permitting for the cell tower at Rozanski Lane ; and

WHEREAS, by Resolution #011-22, dated January 6, 2022 the Township Council entered into a Professional Service Contract with Boswell Engineering, Inc., as Township Engineer for the year 2022; and

WHEREAS, Boswell Engineering has submitted a written Proposal, dated February 17, 2022, to perform said Professional Engineering Services, as outlined in the proposal at a cost not to exceed \$6,500; and

WHEREAS, the CMFO has provided a Certification as to Availability of Funds in Account 01-201-20-165100-219 in the amount of \$6,500;

NOW, THEREFORE, BE IT RESOLVED that a contract be and is hereby awarded to Boswell Engineering, in accordance with their proposal dated February 17, 2022 to perform the Engineering Services in connection with the project at a cost not to exceed the sum of \$6,500; and

BE IT FURTHER RESOLVED, that the contract amount shall not exceed \$6,500 without the further authorization of the Governing Body and the CMFO has certified that the funds are available; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk be and are hereby authorized to execute the aforesaid Contract in form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Township Clerk shall keep a copy of this Resolution and Contract on file and available for inspection in the office of the Township Clerk and shall forward a copy of this Resolution to the Mayor, Business Administrator, QPA, CMFO, Administrative Support Specialist, and Boswell Engineering, Inc., 330 Phillips Avenue, South Hackensack, New Jersey 07606-1722.

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th Day of February, 2022.

Kathrine Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #102-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT AND PROCEEDING WITH DUE DILIGENCE RELATED TO THE ACQUISITION OF 2168 JORDAN COURT (BLOCK 70, LOT 2168)

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983) and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, municipalities are authorized to purchase and sell existing affordable units, as well as market units that may be converted to affordable units, that become available from time to time, to help satisfy this obligation and to promote affordable housing; and

WHEREAS, the Township of Mahwah desires to purchase real property located at 2168 Jordan Court (Block 70, Lot 2168) in the Township of Mahwah, for a purchase price of \$139,855 to use for municipal purposes including, but not limited to, the fulfilment of the Township's constitutional obligations under the Fair Housing Act; and

WHEREAS, the closing for the purchase is scheduled to take place on or about March 31, 2022; and

WHEREAS, in order to timely close on the purchase, the Township must proceed with its due diligence pending the consideration and passage of an ordinance to authorize the purchase; and

WHEREAS, the Township must also authorize its Chief Financial Officer to execute payments related to the purchase;

WHEREAS, the Chief Financial Officer certifies that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. The Township Administrator, Township Chief Financial Officer, and any other Township officials, as may be appropriate and necessary, are hereby authorized to execute a

Purchase and Sale Agreement, in the amount of \$139,855, or an agreement of similar language, subject to any reasonable amendments made by the Township Attorney to protect the Township's interest and which is agreed upon by the Seller(s).

2. The Township Attorney is hereby authorized to proceed with due diligence and order an appraisal, title search, inspection of the properties, and take any other steps necessary to complete this purchase pending the passage of appropriate ordinances.
3. The Township's CFO is hereby authorized to execute all payments related to the purchase.

I hereby certify that this resolution consisting of two (2) page(s), was adopted at a meeting of the Township Council of the Township of Mahwah on the 24th day February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #103-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, in response to the New Jersey Supreme Court's decision In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 6, 2015, the Township filed an action with the Superior Court of New Jersey ("Court"), entitled **In the Matter of the Application of the Township of Mahwah, County of Bergen**, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan (as defined herein), in addition to related reliefs (the "Compliance Action"); and

WHEREAS, consistent with its proactive approach to achieve its constitutional obligation to provide affordable housing, the Township adopted several compliance mechanisms, which include an Extension of Controls Program; and

WHEREAS, Christienne Stewen are the owners of a deed restricted affordable unit located at 2003 Arthur Court; and

WHEREAS, the affordability controls on the Owner's affordable unit will expire on April 29, 2023; and

WHEREAS, the Owner has agreed to voluntarily extend controls and the Township has agreed to make an incentive payment of \$20,000.00 in exchange for said extension; and

WHEREAS, the CMFO has provided a Certification as to Availability of Funds in Account 24-286-60-000-000-001 (\$20,000.00);

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Mahwah that the Mayor is hereby authorized to sign the attached Memorandum of Understanding for Settlement with Christienne Stewen for the unit located at 2003 Arthur Court, Mahwah, New Jersey; and

BE IT FURTHER RESOLVED, that the Township Clerk shall keep a copy of this Resolution and MOU on file and available for inspection in the office of the Township Clerk and shall forward a copy of this Resolution to the Mayor, Business Administrator, QPA, CMFO, Administrative Support Specialist, and Christienne Stewen of 2003 Arthur Court, Mahwah, NJ 07430.

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 24th day of February, 2022.

Kathrine G. Coviello
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #104-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, bids were solicited and three bids were received for MTB#22-01 "Municipal Pool Improvements" at the Bid Opening held on January 25, 2022; and

WHEREAS, the bids were reviewed by Administration, the Township Engineer, and the Township Attorney; and

WHEREAS, it was discovered that the lowest bidder, Premier Pool Renovations, Inc., listed a subcontractor that was not registered pursuant to the Public Works Contractor Registration Act at the time the bid was submitted as required by N.J.S.A 34:11-56.51, rendering the bid nonresponsive; and

WHEREAS, the remaining two bids, from All State Technology, Inc. and Ray Palmer Associates, Inc., substantially exceed the cost estimates for the goods or services.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah that the three bids received for Bid MTB#22-01 "Municipal Pool Improvements" are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(a) as the Township Council has determined that the lowest bid is nonresponsive and the two remaining bids substantially exceed the cost estimates for the goods or services, and that the Township will re-solicit bids for this project at a date to be determined.

BE IT FURTHER RESOLVED, that the Township Clerk shall keep a copy of this Resolution on file and available for inspection in the office of the Township Clerk and shall forward a copy of this Resolution to the Business Administrator, QPA, Chief Financial Officer; Township Attorney, Pool Manager, DPW Director and all unsuccessful bidders.

I hereby certify that this resolution consisting of one page, was adopted at a meeting of the Township Council of the Township of Mahwah, 2^{4th} day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #105-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED be the Township Council of the Township of Mahwah that the Township of Mahwah hereby endorses the submission of the 2021 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Louis Warnet, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust to be used solely for the purposes of recycling.

I hereby certify that this resolution consisting of two page(s) was adopted at a meeting of the Township Council of the Township of Mahwah, 24th day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #106-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Township of Mahwah that the Township of Mahwah hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, Chapter 311, in 2021 in the amount of \$ 31,368.33. Documentation supporting this submission is available at 142 North Railroad Avenue, Mahwah, New Jersey and shall be maintained for no less than five years from this date.

I hereby certify that this Resolution consisting of one page was adopted at a meeting of the Township Council of the Township of Mahwah, the 24th day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

2021

MONTH	2020 #TONS	2021.00 #TONS	PER TON	TOTAL	PER TON	REC. TAX TTL	TOTAL
JANUARY	906.62	958.78	\$ 75.00	\$ 71,908.50	\$ 3.00	\$ 2,876.34	\$ 74,784.84
FEBRUARY	771.76	720.53	\$ 75.00	\$ 54,039.75	\$ 3.00	\$ 2,161.59	\$ 56,201.34
MARCH	856.99	905.22	\$ 75.00	\$ 67,891.50	\$ 3.00	\$ 2,715.66	\$ 70,607.16
1ST QTR.	2535.37	2584.53		\$ 193,839.75		\$ 7,753.59	\$ 201,593.34
APRIL	762.75	867.47	\$ 75.00	\$ 65,060.25	\$ 3.00	\$ 2,602.41	\$ 67,662.66
MAY	832.95	861.20	\$ 75.00	\$ 64,590.00	\$ 3.00	\$ 2,583.60	\$ 67,173.60
JUNE	955.21	946.42	\$ 75.00	\$ 70,981.50	\$ 3.00	\$ 2,839.26	\$ 73,820.76
2ND QTR.	2550.91	2675.09		\$ 200,631.75		\$ 8,025.27	\$ 208,657.02
JULY	906.65	876.35	\$ 75.00	\$ 65,726.25	\$ 3.00	\$ 2,629.05	\$ 68,355.30
AUGUST	912.87	867.36	\$ 75.00	\$ 65,052.00	\$ 3.00	\$ 2,602.08	\$ 67,654.08
SEPTEMBER	940.83	903.20	\$ 76.00	\$ 68,643.20	\$ 3.00	\$ 2,709.60	\$ 71,352.80
3RD QTR.	2760.35	2646.91		\$ 199,421.45		\$ 7,940.73	\$ 207,362.18
OCTOBER	807.03	811.98	\$ 76.00	\$ 61,710.48	\$ 3.00	\$ 2,435.94	\$ 64,146.42
NOVEMBER	980.49	884.59	\$ 76.00	\$ 67,228.84	\$ 3.00	\$ 2,653.77	\$ 69,882.61
DECEMBER	1062.79	853.01	\$ 76.00	\$ 64,828.76	\$ 3.00	\$ 2,559.03	\$ 67,387.79
4TH QTR.	2850.31	2549.58		\$ 193,768.08		\$ 7,648.74	\$ 201,416.82
JUNE MISS TKT	36.69		\$76.00	\$ -	\$3.00	\$ -	\$ -
TOTAL YEAR	10733.63	10456.11		\$ 787,661.03		\$ 31,368.33	\$ 819,029.36
							TOTAL
							COST

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #107-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Inspections, Tax, and Planning and Zoning Departments Computer Software Permit and Escrow Tracking Package with Mitchell Humphrey & Company for Government Software Solutions annual maintenance is set to expire; and

WHEREAS, the software/hardware to the Government Software Solutions Permit and Escrow Tracking Package is proprietary to Mitchell Humphrey & Company and Mitchell Humphrey & Company will provide maintenance support service to the Township of Mahwah Construction, Tax, and Planning and Zoning departments in the amount not to exceed \$9,015.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah that the Annual Maintenance Contract between Mitchell Humphrey & Company for the Government Software Solutions Permit and Escrow Tracking Package for the Inspection, Tax, and Planning and Zoning Departments shall be renewed for the period of February 1, 2022 through January 31, 2021 at a cost not to exceed \$9,015.00, and the Chief Financial Officer has certified that funds are available in Department of Inspections account 01-201-22-195100-214 not to exceed \$2,185.00; Departments of Planning/Zoning account 01-201-21-180100-214 not to exceed \$6,490.00 and Department of Tax Assessor account 01-201-20-150100-214 not to exceed \$340.00.

BE IT FURTHER RESOLVED, that compensation for said contract for the year 2022 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED the Municipal Clerk shall forward a copy of this Resolution to the Business Administrator, QPA, Planning/Zoning Administrative Officer, Construction Official, Tax Assessor, Chief Financial Officer and Mitchell Humphrey & Company, 1285 Fern Ridge Parkway, St. Louis, Missouri 63146-4402.

I hereby certify that this resolution consisting two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, 24th day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

TOWNSHIP OF MAHWAH

REQUEST FOR CERTIFICATE OF FUNDS

DATE: 2/14/22

TO: JOSEPH KOVALCIK, CFO

FROM: JOANNE BECKER, QPA

RE: CERTIFICATION OF FUNDS FOR A PROFESSIONAL SERVICES AGREEMENT WITH MITCHELL HUMPHREY SOFTWARE FOR PERMIT AND ESCROW TRACKING PACKAGE ANNUAL MAINTENANCE CONTRACT.

Please certify that the following accounts have sufficient funds for Professional Services Agreement with Mitchell Humphrey & Company for Permit and Escrow Tracking Package for Construction, Tax, and Planning/Zoning February 1, 2022 through January 31, 2023 annual maintenance contract in the amount of \$9,015.00.

Account #01-201-22-195100-214	Amount: \$2,185.00	U/B \$ 4,500.00 (temp. budget)
Account #01-201-21-180100-214	Amount: \$6,490.00	U/B \$ 7,000.00 (temp. budget)
Account #01-201-20-150100-214	Amount: \$ 340.00	U/B \$ 100.00 (temp. budget)


DEPARTMENT HEAD

DO NOT WRITE BELOW THIS LINE

TOWNSHIP COUNCIL

Pursuant to N.J.A.C. 5:30 – 1.10, I hereby certify that as of 2/22/22,

the free and unencumbered balance in the appropriation account (s) entitled

01-201-22-195100-214 Construction 4,500.00
01-201-21-180100-214 Pt2 Repair Rental + Maint 7,000.00
01-201-20-150100-214 Tax assess. is \$ 100.00 and that there are

adequate funds available for the proposed contract noted above.


Joseph Kovalcik, C.F.O.

Resolution No.: _____

Ordinance No.: _____

This is to certify that the required funds needed in connection with the attached been or will be available in the 2022 Budget under Account #: _____

Dated: 2/18/22


Ben Kezmarsky
Business Administrator

REC'D MUNICIPAL CLERK
FEB 22 '22 AM 8:10

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #108-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

**RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING
PROCESS TO HIRE A FOOD CONCESSIONAIRE AT THE MUNICIPAL POOL**

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., defines “concession” as the granting of a license or right to act for or on behalf of the contracting unit, or to provide a service requiring the approval or endorsement of the contracting unit, and which may or may not involve a payment or exchange, or provision of services by or to the contracting unit; and

WHEREAS, the Township of Mahwah has need for a food concessionaire for the Mahwah Municipal Pool; and

WHEREAS, such services may be procured through the Competitive Contracting process under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-4.1(j) Concessions; and

WHEREAS, the Township desires to enter into a contract for up to a five (5) year period that will satisfy the needs of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

The Qualified Purchasing Agent is hereby authorized to commence a Competitive Contracting procurement for a food concessionaire as allowable under the New Jersey Local Public Contracts Law; and

BE IT FURTHER RESOLVED, that the Township Clerk shall keep a copy of this Resolution on file and available for inspection in the office of the Township Clerk and shall provide a copy of this Resolution to the Mayor, Business Administrator, QPA, Pool Manager, and Administrative Support Assistant.

I hereby certify that this Resolution consisting of two pages, was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of February, 2022.

Kathrine Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #109-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

WHEREAS, the Township of Mahwah has the need to purchase monthly meeting broadcasting services from Swagit Productions, LLC, under The Interlocal Purchasing System (TIPS), a National Cooperative Purchasing Program, which exceeds the Pay-to-Play threshold of \$17,500 as stated in the NJ Local Public Contracts Law, and

WHEREAS, the Purchasing Agent has determined that the anticipated aggregate of goods and services purchases for the calendar year 2022 to Swagit Productions LLC will exceed \$17,500.00; and,

WHEREAS, Swagit Productions, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Swagit Productions, LLC. has not made any reportable contributions to a political or candidate committee in the Township of Mahwah in the previous one year, and that it is prohibited from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Mahwah authorizes the Township of Mahwah to enter into an Alternate Non-Fair and Open contract with Swagit Productions, LLC for goods and monthly meeting broadcasting services, not to exceed \$18,900.00, for the period of January 1, 2022 through December 31, 2022.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED the Municipal Clerk shall forward a copy of this Resolution to the Business Administrator, QPA, Chief Financial Officer and Swagit Productions LLC, 12801 N. Central Expressway, Suite 900, Dallas, TX 75243.

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, 24th day of February, 2022.

Kathrine Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant to N.J.S.A. 19:44A-20.8
TOWNSHIP OF MAHWAH

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that

Sungit Productions, LLC located at 12801 N. Central Exp., #900, Dallas, TX 75243
has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding January 1, 2021 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Mahwah as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Mayor James Wysocki	Robert M. Ferguson, III
Janet Ariemma	David May
Kimberly Bolan	Michelle Crowe Paz
George Ervin	Jonathan Wong

Part II – Ownership Disclosure Certification

☒ I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

☒ Partnership ☐ Corporation ☐ Sole Proprietorship ☐ Subchapter S Corporation
☐ Limited Partnership ☐ Limited Liability Corporation ☐ Limited Liability Partnership

Name of Stock or Shareholder	Home Address
<u>Bryan Halley</u>	[REDACTED]
<u>David Ounsu</u>	[REDACTED]
<u>Daniel Kerr</u>	[REDACTED]

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Sungit Productions, LLC

Signed: [Signature]

Title: President

Print Name: Bryan Halley

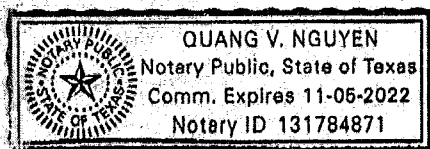
Date: 2-14-2022

Subscribed and sworn before me this 14 day of

February, 2022

My Commission expires: 11-05-2022

[Signature]
(Affiant)
QUANG V NGUYEN
(Print name & title of affiant) (Corporate Seal)



RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #110-22

Date: February 24th, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

RESOLUTION SETTING RECREATION FEES FOR 2022

BE IT RESOLVED by the Township Council of the Township of Mahwah that the following Fee Schedule shall be effective for the 2022 Season for Mahwah Recreation Programs and Township Events and shall be as follows:

REGISTRATION	FEES - 2021	FEES - 2022
<u>MAHWAH RESIDENTS</u>		
Adult Tennis Clinic	\$87.50	\$87.50
Co-Ed Softball Tournament	\$31.00	\$31.00
Women's Adult Softball	\$41.00	\$41.00
Men's Adult Softball	\$41.00	\$41.00
Co-Ed Adult Soccer	\$41.00	\$41.00
Co-Ed Adult Bowling		
- 6-week league play(3 games/week & shoes)	\$10/wk/bowler	\$10/wk/bowler
- One-day tournament (3 games & shoes)	\$10/bowler	\$10/bowler
Summer Rec:		
- Half Day per week- 9:00 – 12:00	\$46.00	\$75.00
- Half Day per week for additional child in same family	\$36.00	\$65.00
- Summer School kids – 10:00 to 12:00	\$36.00	\$65.00
- CIT per week		\$25.00

Adult Golf Program (5-week league)	\$25.00/person/week	\$25.00/person/week
Town-wide Garage Sale	Mar 1 to April 3=\$10.00 April 4-April 17 = \$15.00	Mar 1 to April 8=\$10.00 April 9-April 22 = \$15.00
<u>Food Truck Festival</u> - <u>Participant Fee</u> - <u>Beer Garden Fee</u>	<u>\$200/truck</u> <u>Up to \$5/person</u> <u>Up to \$15/person</u>	<u>\$225/truck</u> <u>Up to \$5/person</u> <u>Up to \$15/person</u>
<u>NON-RESIDENTS</u>		
Women's Adult Softball	\$51.50	\$55.00
<u>CANCELLED OR LATE</u>		
CANCELLATION FEE FOR ALL CANCELLED/REFUNDED PROGRAMS	\$10.00	\$10.00
LATE REGISTRATION FEE (if applicable)	\$10.00	\$10.00

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a copy of this resolution to the Mayor, Business Administrator, Administrative Support Specialist, Recreation Director, and CMFO.

I hereby certify that this resolution consisting of 2 page(s) was adopted at a meeting of the Township Council of the Township of Mahwah, on the 24th day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

Dave May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH NJ 07430

Resolution #112-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Arlemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

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BE IT RESOLVED by the Township Council of the Township of Mahwah Bhavan Madala of 40 Glasgow Terrace is hereby appointed as a Junior Firefighter of the Mahwah Fire Department Fire Company #1.

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a copy of this resolution to the Fire Chief and Jr. Firefighter Madala.

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 24th day of February, 2022.

Kathrine G. Coviello
Municipal Clerk

David May
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #114-22

Date: February 24, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Ervin						
Ferguson						
Paz						
Wong						
May						

RESOLUTION OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING ATD CONSULTANTS TO PERFORM A PROPERTY CONDITION ASSESSMENT ON THE NORFOLK VILLAGE PROPERTY

WHEREAS, there exists a need for consultant services to be rendered to the Township of Mahwah in connection with an affordable housing matter; and

WHEREAS, the Township wishes to retain ATD CONSULTANTS to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$2,950; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection; and

WHEREAS, the Township Council finds it in the best interest of the Township and its taxpayers to authorize a contract with ATD CONSULTANTS.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, in the County of Bergen, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized to enter into the Professional Services Agreement with ATD CONSULTANTS.
2. A copy of this Resolution shall be kept on file in the Office of the Township Clerk for examination by the public.
3. This Resolution shall take effect immediately.

I hereby certify that this resolution consisting of two (2) pages, was adopted at a meeting of the Township Council of the Township of Mahwah on the 24th day of February, 2022.

Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

David May
Council President