
LAND DEVELOPMENT ORDINANCE

Town of Harrison, Hudson County

November 1998

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LAND DEVELOPMENT ORDINANCE
TOWN OF HARRISON

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ARTICLE I

GENERAL PROVISIONS

17-1 TITLE

The short form by which this Chapter may be known shall be the "Land Development Ordinance of the Town of Harrison."

17-2 STATUTORY AUTHORITY; PURPOSE

This Chapter is adopted pursuant to the Municipal Land Use Law (MLUL), (N.J.S.A. 40:55D-1 et seq.), in order to promote and protect the public health, safety, morals and general welfare. The purposes of this Chapter are as follows:

A. To plan and guide the appropriate use or development of all land in a manner which will promote the public health, safety, morals and general welfare by means including the following:

- (1) By regulating the location of buildings and establishing standards of development; establishing setback lines of buildings designed for residential, commercial, industrial, office or other uses and by fixing reasonable standards to which buildings or structures shall conform.
- (2) By prohibiting incompatible uses; and prohibiting uses, buildings or structures which are incompatible with the character of development of the permitted uses within specified zoning districts and surrounding areas.
- (3) By regulating alterations of existing buildings; and preventing such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
- (4) By conserving the value of land and buildings throughout the Town.

B. To secure safety from fire, flood, panic and other natural and man-made disasters.

C. To provide adequate light, air and open space.

- D. To ensure that land development does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, maintenance of the character of the neighborhoods, preservation of the environment and quality of life.
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- G. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements.
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight.
- I. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- J. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper land use.
- K. To encourage coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
- L. To provide, within the community's resources, for the future housing needs of the citizens of the Town of Harrison.
- M. To encourage senior citizen community housing construction.
- N. To promote utilization of renewable energy sources.

O. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs.

17-3 INTERPRETATION OF PROVISIONS

- A. Where the provisions of this Chapter impose greater restrictions than those imposed by any other law, ordinance, regulation or resolution, the provisions of this Chapter shall control. Where the provisions of any other law, ordinance, regulation or resolution impose a greater restriction than this Chapter, the provisions of such other law, ordinance, regulation or resolution shall control.
- B. Matters not regulated herein shall be governed by applicable provisions of the MLUL. In the event of any conflict between the provisions of this ordinance and the MLUL, the MLUL shall control.
- C. The requirements of this Chapter shall be held paramount to any less restrictive provisions or requirements established by deed restriction, private covenant or agreement. Without limiting the foregoing, where this Chapter imposes a greater restriction or limitation upon the use of buildings or premises or upon the height of buildings or lot coverage; or requires greater lot areas or larger yards, courts or other open spaces than are required by covenants or restrictions imposed by deed or private agreement, the provisions of this Chapter shall control.

17-4 PROHIBITED USES

Following the effective date of this Chapter, the establishment of any use not expressly permitted by this Chapter shall be prohibited.

17-5 WORD USAGE

For the purposes of this Chapter:

- A. The present tense shall include the future.
- B. The singular number shall include the plural and the plural the singular.
- C. The word "shall" is always mandatory; the word "may" is discretionary.

D. The words "zone" and "district" are synonymous, and whenever the term "structure" is used, it shall be construed to mean and include the term "building."

17-6 DEFINITIONS

Definitions And Usages. Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings herein defined. Whenever a term is used in this Chapter which is defined in the MLUL, such term shall have the same meaning as the MLUL. Any word or term not defined below or in the MLUL, shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged (or the latest edition).

ABUTTING COUNTY ROAD - Any existing or proposed county road shown on the adopted County Master Plan or Official Map which adjoins or lies within a lot or parcel of land submitted for subdivision or site plan approval.

ACCELERATION OR DECELERATION LANE - An added roadway lane which permits integration and merging of slower-moving vehicles into the main vehicular stream or slowing down of vehicles. See Figure 1.

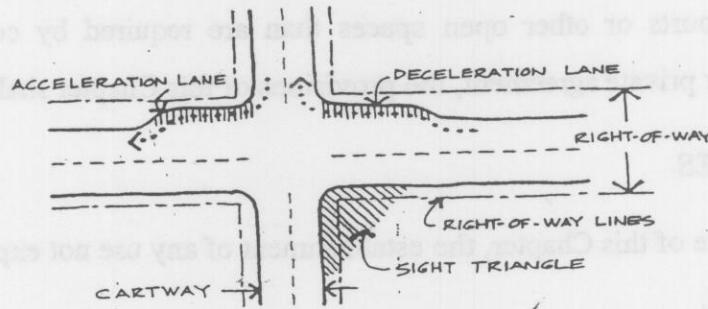


Figure 1

ACCESS - A physical entrance to property.

ACCESSORY BUILDING OR STRUCTURE - A building or structure, the use of which is customarily incidental and subordinate to that of the principal building located on the same lot. When an accessory building is attached in a substantial manner by a wall or roof to a principal building or structure, it shall be considered a part thereof.

ACCESSORY USE - A use of land or of a building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

ADDITION - A structure added to the original structure at some time after the completion of the original structure.

ADMINISTRATIVE OFFICER - The Zoning Officer of the Town of Harrison.

ADVERSE EFFECT - The results of development creating, imposing, aggravating or leading to inadequate, impractical, unsafe or unsatisfactory conditions on a site proposed for development or on off-tract property or facilities. Such conditions may relate to circulation, drainage, erosion, potable water, sewage collection and treatment or those factors specifically set forth in Article V.

ADVERSE ENVIRONMENTAL IMPACT ELEMENT - Any environmental pollutant such as smoke, odors, liquid wastes, radiation, noise, vibrations, glare, trespass lighting or heat.

AISLE - The traveled way by which cars enter and depart parking spaces.

ALTERATION - Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement or diminution of a building or structure. "Alteration" shall also mean and include any conversion of a building or a part thereof from one use to another or the moving of a building or structure from one location to another. Alteration shall not be construed to mean any necessary repairs of an existing structure solely for the purpose of maintenance.

APARTMENT - See DWELLING, GARDEN APARTMENT.

APPLICANT - A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT - The application form and all accompanying documents required by ordinance for approval of a subdivision plan, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to this Chapter.

APPROVED PLAN - A plan which has been granted final approval by the Planning Board or Board of Adjustment of the Town of Harrison.

ASSISTED LIVING RESIDENCE - A facility which is licensed by the State Department of Health 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. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. A coordinated array of supportive personal and health services available 24 hours a day are usually provided.

ASSOCIATION - The entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated.

ATTIC - The open non-habitable space between the ceiling beams of the top habitable story and the roof rafters in any building.

AUTOMOBILE SALES - A lot or building used for the sale or hire of automobiles and including any vehicle preparation or repair work conducted as an accessory use. This shall be interpreted to include new and used car dealerships and auto accessory salesrooms, but not the sale of junked automotive equipment, parts or inoperable motor vehicles.

BASE FLOOD ELEVATION - The highest elevation, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.

BASEMENT - A space partially below grade level having one-half (½) or more of its floor- to- ceiling height above the average level of the adjoining ground and with a floor-to- ceiling height of not less than six and one-half (6½) feet.

BERM - A mound of earth or the act of pushing earth into a mound.

BICYCLE LANE - A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

BICYCLE PATH - A pathway, often paved and separated from streets and sidewalks, designed to be used by bicycles.

BILLBOARD - A sign advertising an occupant, product or service on a lot other than the lot upon which the billboard is located.

BOARD - The Town of Harrison Planning Board when acting within its scope of jurisdiction under this Chapter and/or the MLUL, Zoning Board of Adjustment, or Town Council.

BOARD ENGINEER - A New Jersey licensed professional engineer retained to provide technical advice to the Board.

BOARDER - A person other than a member of a family occupying a part of any dwelling unit who, for a consideration, is furnished sleeping accommodations in such dwelling unit and may be furnished meals as part of this consideration..

BRIDGE - A structure designed to convey vehicles and/or pedestrians over a watercourse, railroad, street or any depression.

BUFFER - A strip of land containing natural woodlands, earth mounds, or other planted screening materials used to physically separate or screen one use or property from another so as to minimize adverse impacts. No building, parking area, driveway (except to provide access to the property and which is perpendicular to the buffer area) street, sign (except directional sign) or storage of materials shall be permitted in such buffer.

BUILDING - A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

BUILDING COVERAGE - The ratio of the horizontal area of all principal and accessory buildings measured from the exterior surface of the exterior walls of the ground floor on a lot to the total lot area. See Figure 2.

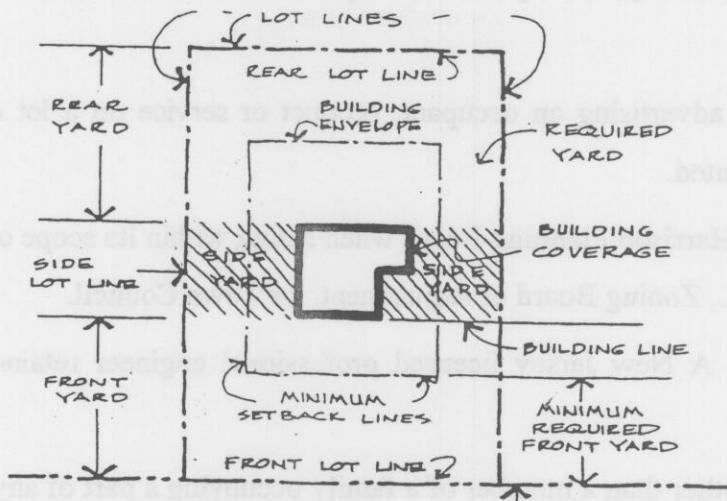


Figure 2

BUILDING ENVELOPE - The two-dimensional space within which a principal structure is permitted to be built on a lot and which is defined by minimum yard setbacks.

BUILDING HEIGHT - See HEIGHT OF BUILDING.

BUILDING LINE - A line parallel to the street line or other lot line which touches that part of a building closest to the street line or other lot line. In the case of a cantilevered section of a building, the building line will coincide with the most projected surface. See Figure 2.

CABLE VISION COMPANY - A cable television company as defined pursuant to Section 3 of P.L. 1972, c. 186 (C. 48:5A3).

CALIPER - The diameter of a tree trunk measured in inches a distance of six (6) inches off the ground.

CANOPY - A self-supporting roof-like shelter or marquee without sides, permanently affixed to the wall of a building and providing overhead protection from the weather at an entrance to said building, which shall be construed to be a part of the building to which it is affixed.

CAPITAL IMPROVEMENT PROGRAM - A timetable or schedule of all future capital improvements to be carried out during a specific period and listed in order of priority, and may also include cost estimates and the anticipated means of financing each project.

CAR WASH, AUTOMATIC - A building or place of business where the washing of motor vehicles is carried on with the use of a chain or conveyor, blower and water and/or steam cleaning device.

CARPOOL - A single-vehicle, share-the-expense method of transportation for two (2) or more individuals who regularly travel together to a common destination.

CARPORT - A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

CARTWAY - The hard or paved area of a street between the curbs, including travel lanes and parking areas but not including curbs, sidewalks or swales. Where there are no curbs, the "cartway" is that portion between the edges of the paved width.

CELLAR - A space with less than one-half ($\frac{1}{2}$) of its floor to ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half ($6\frac{1}{2}$) feet.

CELLULAR COMMUNICATIONS ANTENNAS - Antennas used for the transmission and/or reception of wave frequencies for the purposes of telephone, radio, paging and/or television communication. This definition does not include antennas manufactured and intended for personal or individual use such as antennas affixed to motor vehicles. Cellular antennas are not to be construed or defined as "essential services."

CERTIFICATE OF OCCUPANCY (CO) - A document issued by the Construction Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or renovated according to, and in compliance with all the applicable state codes and municipal ordinances and resolutions.

CHANGE OF USE - Any use which substantially differs from the previous use of a building or land.

CHANNEL - A watercourse with a definite bed and banks which confine and conduct the normal continuous or intermittent flow of water.

CHILD CARE CENTER - An establishment providing for the care, supervision, and protection of children that is licensed by the State of New Jersey pursuant to P.L. 1983, c. 492 (C. 30:5B-1 et seq.).

CIRCULATION - Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

COMMON OPEN SPACE - 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.

COMMON OWNERSHIP - Ownership of two (2) or more contiguous parcels of real property by one (1) person or legal entity. Joint and/or common owners shall be deemed to be one legal entity.

COMMON WATER/SEWERAGE - Water supply and/or sewage disposal systems, whether privately or publicly owned and operated, that serve two (2) or more dwellings or other buildings.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED - Any community residential facility licensed pursuant to P.L. 1977, c. 448 (C. 30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" (P.L. 1971, c. 136; c. 26:2H-1 et seq.). In the case of such community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services.

COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES - A community residential facility licensed pursuant to P.L. 1977, c. 448 providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," 1971, c. 136.

COMMUNITY RESIDENCE FOR THE TERMINALLY ILL - Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, for not more than fifteen (15) terminally ill persons.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE - Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c. 337 (C. 30:14-1 et seq.) providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

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

CONDOMINIUM - The form of ownership of real property under a master deed pursuant to N.J.S.A. 46:8B-1 et seq.

CONFERENCE CENTER - A facility used for conferences and seminars, which may include accommodations for sleeping, food preparation and eating, recreation, resource facilities and meeting rooms.

CONSTRUCTION OFFICIAL - The Construction Official of the Town of Harrison.

CONSTRUCTION PERMIT - Legal authorization for the erection, alteration or extension of a structure.

CONTIGUOUS PARCELS - Tracts of land which share one or more common boundaries.

COUNTY MASTER PLAN - A composite of the plan elements for the physical development of Hudson County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board.

COUNTY PLANNING BOARD - The Hudson County Planning Board.

COURT - Any open space, unobstructed from the ground to the sky, that is bounded on two or more sides by the walls of a building.

CUL-DE-SAC - The turnaround at the end of a dead-end street.

CULVERT - A structure under a driveway, road, railroad or pedestrian walk, not incorporated in a closed drainage system.

CURB CUT (Drop Curb) - The opening along the curb line at which point vehicles may enter or leave the roadway.

CUT - A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface or excavated surface.

DAYS - Calendar days.

DEAD-END STREET - A street or portion of a street which is accessible by a single means of ingress or egress.

DEDICATION FOR STREET PURPOSES - A dedication of land for construction, reconstruction, widening, repairing, maintaining, using or improving a street, public or private, and for the construction, reconstruction or alteration of facilities related to the safety, convenience or carrying capacity of said street, including, but not limited to, curbing, pedestrian walkways, drainage facilities, traffic control devices and utilities in or along road rights-of-way.

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

DETENTION BASIN - See Stormwater Detention.

DEVELOPER - The legal or beneficial owner or owners of a lot or of any land 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 - 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; any mining, excavation, landfill or land disturbances and any use, change in use or extension of use of land for which permission may be required, without limiting the foregoing. The term "development" shall include any alteration or reconstruction of any building facade within any NC zone district.

DEVELOPMENT, CONVENTIONAL - Development other than planned development or cluster development.

DEVELOPMENT REGULATION - Zoning, subdivision, site plan, official map or other municipal regulation of the use and development of land or amendment thereto adopted and filed pursuant to the Municipal Land Use Law

DIVERSION CHANNEL - A drainage channel constructed across or at the bottom of a slope to divert water.

DRAINAGE - The removal of surface water or groundwater from land by drains, grading or other means and includes controls of runoff during and after construction, or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen non-point pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRIVEWAY - A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a lot, building or other structure or facility.

DRY WELL (Seepage Pit) - A covered pit with an open jointed lining into which water is piped or directed from roofs, basement floors, other impervious surfaces or swales or pipes to seep or percolate into the surrounding soil.

DWELLING - A structure or portion thereof that is used exclusively for human habitation. "Dwellings" may include but are not limited to the following types:

- A. **DETACHED SINGLE-FAMILY** - A dwelling for one family that is not attached to any other dwelling by any means.
- B. **ATTACHED SINGLE FAMILY/TOWNHOUSE** - A one-family dwelling in a row of at least three such attached dwellings in which each dwelling has its own front and rear access to the outside, no dwelling is located over another dwelling and each dwelling is separated from all other attached dwellings by one or more vertical common fire-resistant walls.
- C. **TWO-FAMILY/DUPLEX** - A building on a single lot containing two (2) dwelling units, each of which is 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.
- D. **THREE-FAMILY** - A building on a single lot containing three (3) dwelling units.
- E. **GARDEN APARTMENT** - Three (3) or more dwellings located within a single building, with an entrance to each dwelling by direct access from the outside or through a common hall.

"Garden apartments" may include buildings in cooperative or condominium ownership. Also see "dwelling, multi-family."

F. MOBILE - A structure constructed as a vehicle, containing living quarters with accommodations for sleeping, and which may or may not have built-in sanitary and cooking facilities. It may either move from place to place under its own power or be towed by any other vehicle. It may also be immobilized without changing its character. This term includes habitable trailers, camping trailers and similar habitable devices.

G. MULTI-FAMILY - A building containing three (3) or more dwelling units that share common horizontal separations, including garden apartments.

DWELLING UNIT - One (1) or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EMBANKMENT - A man-made or natural deposit of soil, rock or other materials.

ENCROACHMENT, FLOOD PLAIN - Any obstruction within a delineated flood plain.

ENVIRONMENTAL IMPACT ASSESSMENT - A study to determine the potential direct and indirect effects of a proposed development on the environment.

EXCAVATION - Removal or recovery by any means whatsoever of minerals, mineral substances or organic substances, other than vegetation, from the water, land surface or beneath the land surface, whether exposed or submerged.

EXISTING GRADE - The vertical location of the ground surface prior to excavating or filling.

FAMILY - A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

FAMILY DAY CARE HOME - Any private residence approved by the Division of Youth and Family Services or an organization with which the division contracts for family day care in which child care services are regularly provided to no less than three (3) and no more than five (5) children for no less than fifteen (15) hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child care services:

- A. The child being cared for is legally related to the provider; or
- B. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one (1) or more of the parents, where no payment for the care is being provided.

FENCE - A structure made of posts or stakes, joined together by boards, wire or rails, serving as an enclosure, a barrier or as a boundary.

FINAL APPROVAL - The official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

FINANCIAL INSTITUTION - Any structure wherein business of primarily a monetary nature is transacted, such as banks, savings and loans associations, mortgage companies and similar institutions.

FLOOD OR FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD DAMAGE POTENTIAL - The susceptibility of a specific land use at a particular location to damage by flooding and the potential of the specific land use to increase off-site flooding or flood-related damages.

FLOOD FRINGE AREA - That portion of the flood hazard area outside the floodway, based on the total area inundated during the regulatory base flood plus 25 percent of the regulatory base flood discharge. See Figure 3.

FLOOD HAZARD AREA - The flood plain consisting of the floodway and the flood fringe area. See Figure 3.

FLOOD HAZARD DESIGN ELEVATION - The highest elevation, expressed in feet above sea level, of the level of floodwaters which delineates the flood fringe area.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD OF RECORD - The greatest flood in the Town for which accurate records are available.

FLOOD PLAIN - The same as the "flood hazard area".

FLOOD, REGULATORY BASE - Flood having a one (1) percent chance of being equaled or exceeded in any given year.

FLOODWAY - The channel of a natural stream or river and portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river. See Figure 3.

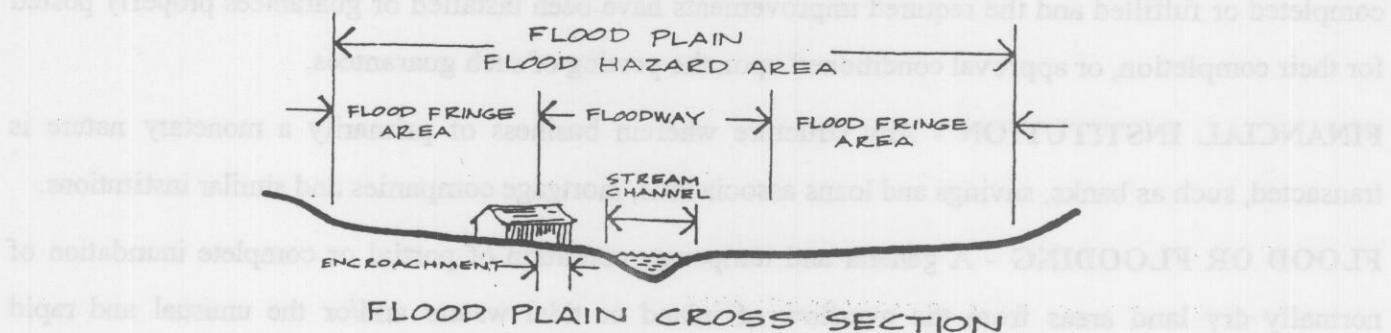


Figure 3

FLOODWAY, REGULATORY - The channel and the adjacent land areas that must be reserved in order to discharge the regulatory base flood without cumulatively increasing the water surface elevation more than two-tenths (0.2) of one (1) foot.

FLOOR AREA, NONRESIDENTIAL - The sum of the area of all floors of buildings measured to the dimensions of the outside walls of the buildings, excluding (1) attic, basement and cellar floor area used solely for storage or utilities; (2) parking garages; (3) open porches, patios, terraces, breezeways, arcades, utility, mechanical and emergency power equipment areas; (4) guard houses; and (5) any open area above the ground floor within an open atrium space.

FLOOR AREA, RESIDENTIAL - The sum of the gross horizontal areas (including enclosed porches) of the several floors of a building or group of buildings on a lot, measured from the exterior faces of exterior walls or from the center line of a wall separating two (2) buildings, but excluding the following:

1. Cellars.

2. Any floors or portions thereof contained on terraces or balconies projecting beyond the exterior face of the building.
3. Decks.
4. Attics.
5. Private garages of less than five hundred (500) square feet (either attached or detached).

FLOOR AREA RATIO (FAR) - The sum of the floor area of all floors of buildings or structures compared to the total area of the site.

FLY ASH - Particles of airborne matter, not including process material, arising from the combustion of fuel, such as coal, wood or oil.

FOOD ESTABLISHMENT - An establishment primarily engaged in the retail sale of food which is processed or otherwise prepared for eventual consumption but not consumed on the premises. Such uses include but are not limited to the following: bakeries, delicatessens, ice cream parlors, and bagel shops. Where such uses have tables, such uses shall be deemed restaurants.

FRONTAGE - See LOT, FRONTAGE.

FUNERAL HOME - A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE, PARKING - A building intended for the parking of motor vehicles.

GARAGE, PRIVATE - A detached accessory building or a portion of the main building used primarily for the storage of a passenger vehicle or vehicles and not more than one (1) commercial vehicle of a rated capacity not exceeding three-quarter (3/4) tons, which commercial vehicle is owned or used by the occupant of the building to which the garage is accessory.

GARAGE, PUBLIC - An enclosed building intended for the storage, servicing, or repair of motor vehicles as a business or any facility that is a part of an agency dealing in new or used motor vehicles. A public garage shall not include a car wash or auto detailing facility.

GASOLINE SERVICE STATION - A place where gasoline or other motor fuel is offered for sale to the public and deliveries are made directly into motor vehicles and which may provide for minor repairs but shall not include auto body work, welding or painting, nor any repair work outside of the enclosed building.

GOVERNING BODY - The Town Council of the Town of Harrison.

GOVERNMENT AGENCY - Any department, commission, independent agency or instrumentality of the United States, the State of New Jersey, and/or any county, municipal or other governmental unit.

GRADE, FINISHED - The final grade or elevation of the ground surface conforming to the proposed design.

GRADING - Any operation that modifies the existing topography such as cutting, stripping, filling, stockpiling or any combination thereof.

GROUND FLOOR - The first floor of a building other than a cellar or basement.

HAZARDOUS MATERIALS - Such elements or compounds which, when discharged in any quantity into the environs of air, water or soil, present potential danger to the public health or welfare and vegetation or any forms of wildlife.

HEIGHT OF BUILDING - The vertical distance from the average finished ground elevation on any side around the foundation of a building or structure to the level of the highest point of the roof surface.

HOME OCCUPATION - An occupation or activity carried out for gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling unit or other structure located on the lot.

HOMEOWNERS' ASSOCIATION - A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

HOTEL, MOTOR HOTEL OR MOTEL - A facility offering transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, entertainment and recreation facilities.

HOUSE OF WORSHIP - A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

HOUSEHOLD - A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

IMPERVIOUS COVERAGE - Any material which generally reduces or prevents absorption of stormwater into the ground, including but not limited to buildings, parking areas, driveways, sidewalks, paving and patios, but not swimming pools. All required parking areas which are permitted to remain unimproved and all gravel areas shall be considered as impervious surfaces.

IMPROVED LOT - A lot upon which exists a structure or building.

INSTITUTIONAL AND PUBLIC USES - Non-profit public or quasi-public institutions and uses, such as public and private schools, libraries and municipally-owned or operated buildings, structures or land used for public purposes, not including houses of worship.

INTERESTED PARTY:

- A. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey.
- B. In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the Town, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this act, or whose rights to use, acquire, or enjoy property under this act, or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this act.

LAND - Including improvements and fixtures on, above or below the surface.

LAND DISTURBANCE - Any activity involving the clearing, cutting, excavating, filling, grading and any other activity which causes land to be exposed to the danger of erosion.

LOCAL UTILITY - Any sewerage authority created pursuant to the "Sewerage Authorities Law," P.L. 1946, c. 138 (C. 40:14A-1 et seq.); any utilities authority created pursuant to the "municipal and county utilities authority law," P.L. 1957, c. 183 (C. 40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof.

LONG TERM CARE FACILITY/NURSING FACILITY/NURSING HOME - A facility that is licensed by the Department of Health to provide health care under medical supervision and continuous nursing care for 24 or more consecutive hours to two (2) or more patients who do not require the degree

of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board.

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

LOT AREA - The total area within the lot lines of a lot but not including any street rights-of-way.

LOT, CORNER - A parcel of land, either at the junction of and abutting on two (2) or more intersecting streets, or abutting a single street at the point where the road tangents deflect by more than forty-five (45) degrees. The greater frontage of a corner lot is its depth and the lesser frontage is its width.

LOT, COVERAGE - That part of one (1) lot or more than one (1) lot which is improved or is proposed to be improved with buildings and/or other structures, including but not limited to driveways, parking lots, pedestrian walkways and other man-made improvements on the ground surface which are more impervious than the natural surface.

LOT DEPTH - The minimum distance between its mean front lot line and its mean rear lot line.

LOT DISTURBANCE - All areas disturbed for the purpose of the construction of buildings or other structures on an individual fee simple lot. This total shall include all disturbance including but not limited to building and structure areas, lawns and areas of tree removal.

LOT FRONTRAGE - The shortest distance between the intersection points of the side lines of a lot with the front street right-of-way line. In the case of corner lots, the frontage shall be measured along the lesser frontage.

LOT, INTERIOR - A lot other than a corner lot.

LOT, THROUGH - A lot that fronts upon two (2) parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT LINE - A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT - The lot line separating a lot from a street right-of-way, also referred to as a "street line." In the case of corner lots, the front lot line shall street line with lesser frontage. In the case of through lots, the front lot line shall be the line on which the primary entrance of the principal building faces. See Figure 2.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line, or the point at which the side lot lines meet.

LOT LINE, SIDE - Any lot line other than a front or rear lot line. See Figure 2.

LOT WIDTH - The distance between the side lot lines measured at the front setback line. On corner lots, lot width shall be measured at the front setback line parallel to the lesser frontage.

MAINTENANCE GUARANTEE - Any security which may be accepted by a municipality for the maintenance of any improvements required by the Municipal Land Use Law, including but not limited to surety bonds and letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (C. 40:55D-53.5), and cash.

MAJOR SUBDIVISION - Any subdivision not classified as a minor subdivision.

MARQUEE - Any hood, canopy, awning or permanent construction that projects from the wall of a building, usually above an entrance.

MASTER PLAN - A composite of one (1) or more written or graphic proposals for the development of the Town of Harrison as set forth in and adopted pursuant to N.J.S.A. 40:55D-28 et seq.

MAYOR - The chief executive of the Town.

MINOR SITE PLAN - A minor site plan means a development:

- A. In compliance with all zoning and land development requirements and not requiring variances or design waivers, and
- B. Not involving adverse development impacts upon surrounding properties or streets, planned development, any new street or the extension of any off-tract improvement, and
- C. Involving (a) a building addition or accessory structures with a gross floor area not exceeding ten (10) percent of the gross floor area of the existing principal building or 1,000 square feet, whichever is less, and/or (b) a site improvement requiring an area of disturbance of one thousand (1,000) square feet or less, and/or (c) the addition of parking spaces not exceeding ten (10) percent of the number of existing spaces, or five (5) new parking spaces, whichever is less.

MINOR SUBDIVISION - Any subdivision containing not more than three (3) lots and which does not involve: a planned development; any new street; or the extension of any off-tract improvement, the cost

of which is to be prorated pursuant to N.J.S.A. 40:55D-42. Any lot or remaining land approved as a minor subdivision shall not be submitted as a minor subdivision within five (5) years from the date of approval as a minor subdivision. Such lot or tract may be submitted as a major subdivision.

MLUL - The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

MUNICIPAL AGENCY - The Planning Board, Board of Adjustment or the Town Council when acting pursuant to the Municipal Land Use Law.

MUNICIPAL LAND USE LAW - N.J.S.A. 40:55D-1 through 55D-92, as amended.

MUNICIPAL USE - Any governmental use made by the Town of Harrison of property owned or leased by it or legally under its control by easement, license or otherwise.

NATURAL GROUND SURFACE - The ground surface in its original state before any grading, excavation or filling.

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

NONCONFORMING SIGN - Any sign lawfully existing on the effective date of an ordinance or any amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of such ordinance.

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

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

NURSING FACILITY/NURSING HOME - See Long Term Care Facility.

OBLIGOR - Any individual, firm, association, corporation or any other legal entity and shall include the owner or subdivider, or both, as may be required by the Town. The "obligor" shall be responsible for posting and executing any required performance guaranty.

OFFICIAL MAP - A map adapted by ordinance pursuant to Article 5 of P.L. 1975, c. 291 (C. 40:55D-32).

OFF-SITE - 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 a contiguous portion of a street or right-of-way.

OFF-TRACT - Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

ON-SITE - Located on the lot in question.

ON-TRACT - 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 - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated 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.

PARKING AREA, PRIVATE - Any open area, including parking spaces and aisles, providing direct access thereto, used for the temporary storage of automobiles and other permitted vehicles for the private use of the owners or occupants of the lot on which the area is located.

PARKING AREA, PUBLIC - Any open area, other than a street or other public way, including parking spaces and access aisles, providing direct access thereto, used for the temporary storage of automobiles and other permitted vehicles and available to the public, with or without compensation, or as an accommodation for clients, customers and employees.

PARKING FACILITY - Any public or private parking area or garage.

PARKING SPACE - A space for the off-street parking of one (1) operable, licensed motor vehicle within a public or private parking area.

PARTY IMMEDIATELY CONCERNED - For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under Section 17-12.3B below.

PATIO - A level, surfaced area directly adjacent to a principal building at or within one and one-half (1-1/2) feet of the finished grade, not covered by a permanent roof.

PERFORMANCE GUARANTEE - Any security which may be accepted by the Town, including cash, provided that a municipality shall not require more than ten (10) percent of the total performance guarantee in cash.

PERFORMANCE STANDARDS - Standards (1) adopted by ordinance pursuant to N.J.S.A. 40:55D-65d regulating noise levels, glare, skyglow, earthborn or sonic vibrations, heat, radiation, television or radio waves, noxious odors, toxic materials, explosive and inflammable materials, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Town or (2) required by applicable Federal or State laws or municipal ordinances.

PERMIT - A certificate issued to perform work under this Chapter.

PERSON - A corporation, company, association, society, firm, partnership or joint-stock company, as well as an individual, the state and all political subdivisions of the state or any agency or instrumentality thereof.

PERSONAL SERVICES - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

PLAT - A map or maps of a subdivision or site plan.

PLAT, FINAL - The final map of all or a portion of a subdivision or site plan which is presented to the Planning Board for final approval in accordance with this Chapter.

PLAT, PRELIMINARY - The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Planning Board for consideration and preliminary approval.

PORCH - A roofed open area, which may be screened, usually attached to or part of and having direct access to and from a building.

PRELIMINARY APPROVAL - The conferral of certain rights, pursuant to Section 17-68, prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS - Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

PRINCIPAL BUILDING - A building in which is conducted the main use of the lot.

PUBLIC DRAINAGE WAY - The land reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen non-point pollution.

PUBLIC OPEN SPACE - 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.

PUBLIC UTILITY FACILITIES - Telephone and electric lines, poles, equipment and structures, water or gas pipes, hydrants, valves, mains or structures or sewer pipes, together with accessories and appurtenances, maintained, operated and conducted for the service, convenience, necessity, health and welfare of the public.

QUORUM - A majority of the full authorized membership of a municipal agency.

RECREATION FACILITY - A place where sports, leisure time activities and customary and usual recreational activities are carried out.

RECREATION FACILITY, PERSONAL - An accessory use located on the same lot as the principal permitted use and designed to be used primarily for the occupants of the principal use and their guests.

RECREATION FACILITY, PRIVATE - Facilities operated by a private organization and open only to bona fide members and guests of such organization.

RECREATION FACILITY, PUBLIC - Facilities operated by the Town, county or other governmental agency.

RECREATIONAL VEHICLE - A vehicle without permanent foundation that can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use.

RESEARCH LABORATORY - A facility limited to laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients.

RESIDENTIAL CLUSTER - A contiguous or non-contiguous 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 - The number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a development.

RESTAURANT - An establishment where food and drink are prepared and/or served and consumed at tables within the principal building without facilities for drive-thru order and for drive-thru pick up.

RESUBDIVISION - The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances made so as to combine existing lots by deed or other instrument.

SATELLITE EARTH STATION - An apparatus capable of transmitting and/or receiving signals from geo stationary orbital satellites.

SCHOOL - Any building or part thereof which is designed, constructed or used for education of students up to and through the secondary level and licensed by the State of New Jersey, Board of Education.

SENIOR CITIZEN - A head of a household who is sixty-two (62) years of age or older.

SENIOR HOUSING - Housing that is located and designed to meet the special needs and accommodate the changing living arrangements of an elderly population.

SETBACK LINE - That line to which a building must be set back from the property line.

SIGHT TRIANGLE - A triangular shaped portion of land established at intersections in accordance with the requirements of this Chapter in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct sight distance of motorists entering or leaving the intersection.

SIGN - Any device, fixture, placard or structure that uses color, form, picture, display, graphic, illumination, symbol or writing to advertise, attract attention to, announce the purpose of, or identify a person, entity or thing, or to communicate any information to the public.

SIGN, ADVERTISING - A sign maintained which advertises or otherwise directs attention to a use, business, products, commodity, service, activity or entertainment manufactured, conducted, sold or offered elsewhere than on the premises where such sign is located.

SIGN, BUILDING - Any sign attached below the roof line to any part of a building, as contrasted to a freestanding sign. Building signs include wall signs, window signs, and canopy signs.

SIGN, CANOPY - Any sign on, or attached to, an awning, marquee, or canopy, fixed or movable, projecting from a building.

SIGN, FREESTANDING - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

SIGN, WALL - Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

SIGN, WINDOW - Any sign that is placed within a window or upon the window panes or glass and is visible from the exterior of the window.

SIGN, WINDOW, PERMANENT - Any window sign that is painted directly on the window glass with permanent paint, or that is mounted by bolts or screw, or otherwise in a permanent fashion, on a permanent structure.

SIGN, WINDOW, TEMPORARY - Any window sign that is not a permanent window sign.

SITE - Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN - A development plan of one (1) or more lots on which is shown:

- A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways.

- B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices;
- C. Any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the Planning Board.

SOIL - All unconsolidated mineral and organic material of whatever origin that overlies bedrock and which can be readily excavated.

SOIL CONSERVATION DISTRICT - The Hudson-Essex-Passaic Soil Conservation District.

SOIL EROSION AND SEDIMENT CONTROL PLAN - A plan which indicates necessary land treatment measures, including a schedule for installation, which will effectively minimize soil erosion and sedimentation. Such measures shall be at least equivalent to the standards and specifications as adopted by the Hudson-Essex-Passaic Soil Conservation District.

STORAGE - The keeping or placing of goods, wares, materials, merchandise or equipment in a warehouse or other structure or in any open space.

STORAGE SHED - An accessory building used for the storage of items such as, but not limited to, tools, lawn and garden equipment and furniture, and similar items of personal property belonging to the occupant of the principal structure.

STORMWATER DETENTION - Any storm drainage technique which retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

STORMWATER RETENTION - Collection and storage of stormwater runoff with release being through infiltration and evaporation.

STORY - 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.

STORY, HALF - A space under a sloping roof that has the line of intersection of the roof decking and wall face not more than three feet above the top floor level and in which space the possible floor area

with a headroom of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

STREAM - A watercourse having a source, terminus, banks and channel through which waters flow at least periodically.

STREET - A street, avenue, boulevard, road, parkway, viaduct, drive or other way:

- A. Which is an existing state, county or municipal roadway; or
- B. Which is shown upon a plat heretofore approved pursuant to law; or
- C. Which is approved by official action as provided by this Chapter; or
- D. Which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purpose of this Chapter, "street" shall be classified as follows:

STREET, COLLECTOR - A street that collects traffic from local streets and connects with major and minor arterials and so designated in the duly adopted Town Master Plan. See Figure 5.

STREET, CUL-DE-SAC - A street with a single common ingress and egress with a turnaround at the end. See Figure 5.

STREET, LOCAL - A street intended primarily for access to individual properties and designed for local traffic and so designated in the duly adopted Town Master Plan. See Figure 5.

STREET, MAJOR ARTERIAL - Any street or road intended to carry large traffic volumes at steady speeds through the Town and so designated in the duly adopted Town Master Plan. See Figure 5.

STREET, SERVICE - A street running parallel to a freeway or major arterial and serving abutting properties, See Figure 5.

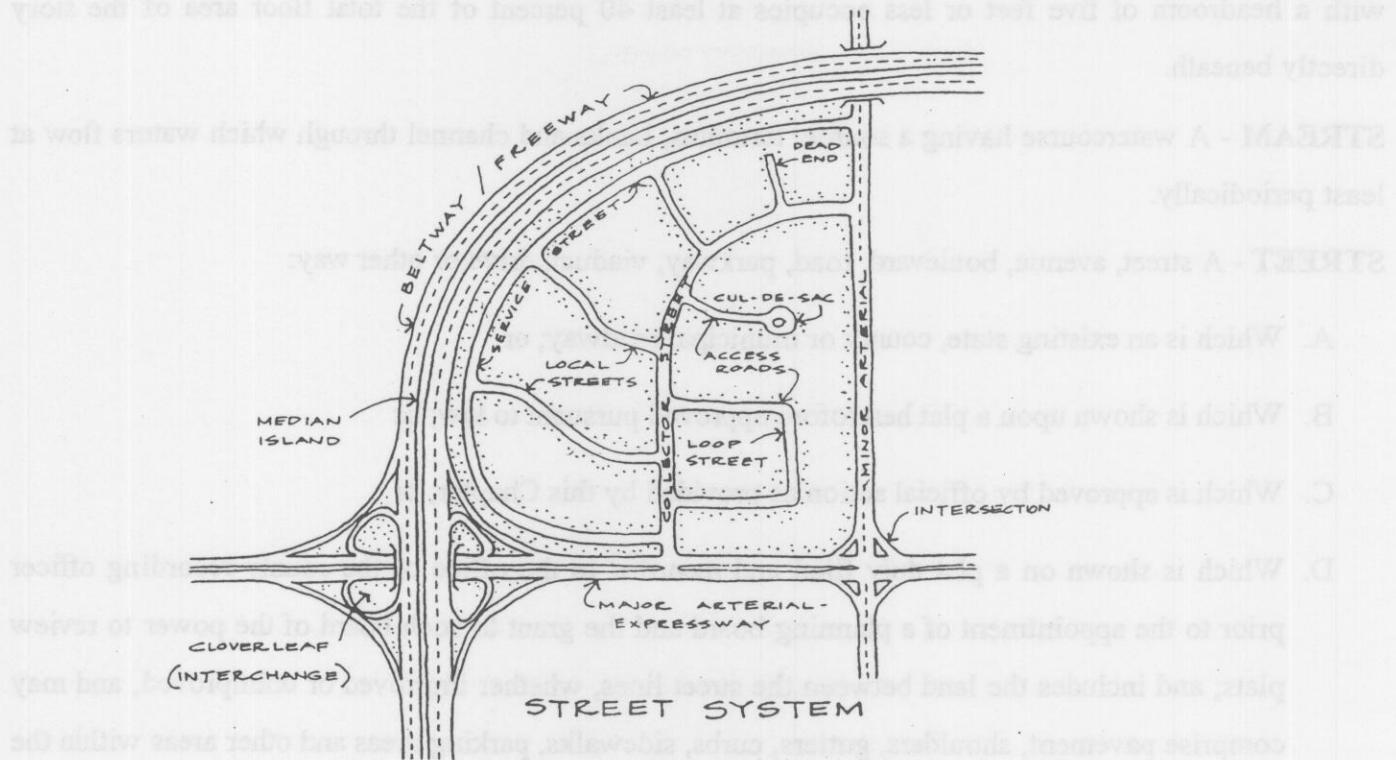


Figure 5

STRUCTURE - 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.

SUBDIVISION - The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this Chapter, if no new streets are created:

- A. Divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are 5 acres or larger in size.
- B. Divisions of property by testamentary or intestate provisions.
- C. Divisions of property upon court order, including but not limited to judgments of foreclosure.
- D. Consolidation of existing lots by deed or other recorded instrument.

E. The conveyance of one (1) or more adjoining lots, tracts or parcels of land, owned by the same person or persons, and all of which are found and certified by the administrative officer to conform to the requirements of the Municipal Development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the Town.

The term "subdivision" shall also include the term "resubdivision."

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SWIMMING POOL, PRIVATE - An artificial basin or other structure for the holding of water, constructed on residential premises for the sole use of the occupant of the premises, his family and guests, for wading, swimming, diving or other aquatic sports and recreation. The term "swimming pool" shall not include any plastic, canvas, rubber or other small receptacle temporarily erected on the ground and which holds less than five hundred (500) gallons of water.

TOPSOIL - The surface soil and soil material to a depth of six (6) inches tillage, its equivalent in cultivated soil or the original or present "A" horizon plus "B" horizon [if in top six (6) inches], as defined by the National Cooperative Soil Survey of the United States Department of Agriculture, before its removal or displacements for any purposes whatsoever. "Topsoil" shall be capable of supporting vegetation indigenous to the area.

TOWN ENGINEER - That person appointed to the position by Town Council.

TRACT - Property which is the subject of a development application.

TRACT DISTURBANCE - All tract disturbance not associated with individual lots including areas disturbed for roadways and drainage systems.

TRAILER - Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

TRESPASS LIGHTING - Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property.

USE - The purpose or activity for which land or buildings are arranged, designed or intended or for which land or buildings are occupied or maintained.

USE, PRINCIPAL - The main or primary activity of any lot or parcel.

VARIANCE - Permission to depart from the literal requirements of the zoning ordinance.

VEGETATIVE PROTECTION - Stabilization of erosive or sediment-producing areas by covering the soil with permanent or short-term seeding, mulching or sodding.

VEHICULAR SALES AREA - An open area, other than a right-of-way or public parking area, used for display, sale or rental of new or used vehicles in operable condition and where no repair work is done.

WALL - A solid, vertical structure of wood, masonry or other material serving to enclose, divide or protect an area.

WATER BODIES - Any natural or artificial collection of water, whether permanent or temporary.

WATER-CARRYING CAPACITY - Ability of a channel or floodway to transport flow as determined by its shape, cross-sectional area, bed slope and coefficient of hydraulic friction.

WATERCOURSE - Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WHOLESALE SALES AND SERVICES - Establishments or places of business primarily engaged in selling merchandise to 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.

YARD - An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

YARD, FRONT - A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at its closest point to the front lot line. Said "front yard" shall be unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this Chapter. See Figure 2.

YARD, REAR - A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at its closest point to the rear lot line. Said "rear yard" shall be unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this Chapter. See Figure 2.

YARD, SIDE - A space extending from the front yard to the rear yard between the principal building and the side lot line. See Figure 2.

ZONING PERMIT - A document signed by the Zoning Officer:

- A. Which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.
- B. Which acknowledges that such use, structure or building complies with the provision of the Town Zoning Ordinance or variance therefrom duly authorized by the appropriate agency of the Town pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

ARTICLE II

PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

17-10 PLANNING BOARD

17-10.1 Establishment Of Planning Board

A. Membership. The Town of Harrison Planning Board shall consist of nine (9) members of the following four (4) classes:

1. Class I: the Mayor.
2. Class II: One (1) of the officials of the Town, other than a member of the Town Council, to be appointed by the Mayor.
3. Class III: a member of the Town Council to be appointed by the Town Council.
4. Class IV members: six (6) other citizens of the Town to be appointed by the Mayor.

The members of Class IV shall hold no other municipal office, position or employment except that one (1) member may be a member of the Board of Adjustment. Not more than one (1) Class IV member may be a member of the Board of Education. For the purpose of this section, membership on a Town board or commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered the holding of Town office.

B. Terms. The term of the Class I member shall correspond to his or her official tenure as Mayor. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his or her Class IV term, whichever occurs first. The term of all other Class IV members shall be four (4) years. If a vacancy in any class shall occur

otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term.

C. Substitute Members When Conflict Exists. If the Planning Board lacks a quorum because any of its members are prohibited by Section 17-10.1.H below from acting on a matter due to the member's personal or financial interest, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between regular members of equal seniority, the Chairperson of the Board of Adjustment shall make the choice.

D. Organization. The Planning Board shall organize annually by selecting from among its Class IV members a chairperson and a vice chairperson. The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee, and create and fill such other offices as established by ordinance.

E. Legal Council And Other Professional Staff. The Planning Board may annually appoint an attorney at law of New Jersey other than the Municipal Attorney as Planning Board Attorney and may fix his or her compensation or rate of compensation not exceeding the amount appropriated. The Planning Board may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

F. Conflict Of Interest. No member of the Planning Board shall be permitted to act on any matter in which he has any personal or financial interest, either directly or indirectly.

G. Removal. Any member other than a Class I member, after a public hearing, if requested, may be removed by the governing body for cause.

17-10.2 Powers And Jurisdiction Of Planning Board

A. Mandatory Powers. The Planning Board shall exercise its powers in accordance with the MLUL in regard to:

1. The Town master plan pursuant to N.J.S.A. 40:55D-28;
2. Subdivision and site plan review pursuant to this Chapter;
3. Any official map adopted by the Town Council pursuant to N.J.S.A. 40:55D-32 et seq.;
4. The zoning ordinance including conditional uses pursuant to this Chapter;
5. Any capital improvements programs pursuant to N.J.S.A. 40:55D-29 et seq.;
6. Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to Section 17-10.3 below.

B. Other Powers. The Planning Board may:

1. Participate in the preparation and review of programs or plans required by State or Federal law or regulation;
2. Assemble data on a continuing basis as part of a continuous planning process; and
3. Perform such other advisory duties as are assigned to it by ordinance or resolution of the Town Council.

17-10.3 Ancillary Powers Of The Planning Board

A. Planning Board Review In Lieu Of Board Of Adjustment. Whenever the proposed development requires approval of a subdivision, site plan or conditional use, but not a variance pursuant to Section 17-11.2A.4 below, the Planning Board shall have the power to grant to the same extent and subject to the same restrictions as the Board of Adjustment:

- a. Variances pursuant to Section 17-11.2A.3;

- b. Direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32; and
- c. Direction pursuant to N.J.S.A. 40:55D-36 for issuance of a permit for a building or structure not related to a street.

B. Notice Of Variance And Other Relief Required. Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for variances or direction for issuance of a permit, as the case may be.

C. Applicant's Right to Bifurcate Application. The applicant may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance or direction of the issuance of a permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

D. Time Periods For Action On Applications Seeking Variance Or Other Relief Under This Section. Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to Section 17-10.3A above, the Planning Board shall grant or deny approval of the application within one hundred twenty (120) days after submission by an applicant of a complete application to the Planning Board or within such further time as may be consented to by the applicant. In the event that the applicant elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance(s) or direction for issuance of a permit. The period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate of the

Planning Board Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County recording officer for purposes of filing subdivision plats.

E. County Approval. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A. 40:27-6.6, in the case of a site plan, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

17-10.4 Referral Powers Of The Planning Board

Prior to the adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to the Town Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate. The Town Council, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the Planning Board to transmit its report within the 35-day period provided herein shall relieve the Town Council from the requirements of this subsection in regard to the proposed development regulation, revision or amendment referred to the Planning Board. Nothing in this section shall be construed as diminishing the application of the provisions of N.J.S.A. 40:55D-32 to any official map or an amendment or revision thereto or of N.J.S.A. 40:55D-62 to any zoning ordinance or any amendment or revision thereto.

17-11 ZONING BOARD OF ADJUSTMENT

17-11.1 Establishment Of Zoning Board Of Adjustment

- A. Membership. The Town of Harrison Zoning Board of Adjustment (herein referred to as the Board of Adjustment), shall consist of seven (7) regular members and two (2) alternate members, each of whom shall be residents of the Town of Harrison and shall be appointed by the Mayor with the advice and consent of the Town Council. All regular members appointed shall serve for terms of four (4) years beginning January 1 of the year of their appointment.
- B. Alternate Members. Alternate members shall be appointed for a term of two (2) years, and at the time of their appointments shall be designated Alternate No. 1 and Alternate No. 2, respectively. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- C. No Other Municipal Office. No member of the Board of Adjustment shall hold any elective office or position under the municipality.
- D. Conflict Of Interest. No member of the Board of Adjustment shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest.
- E. Removal. A member, after a public hearing if requested, may be removed by the governing body for cause. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- F. Election Of Officers. The Board of Adjustment shall annually elect a chairperson and vice chairperson from its members and a secretary who may or may not be a member of the Board or a municipal employee.

G. Substitute Members When Conflict Exists. If the Board of Adjustment lacks a quorum because its regular or alternate members are prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between Class IV members of equal seniority, the Chairperson of the Planning Board shall make the choice.

H. Legal Council And Other Professional Staff. The Board of Adjustment may employ or contract for and fix the compensation of legal counsel, other than the Municipal Attorney, and experts and other staff services as it shall deem necessary, not exceeding, exclusive of gifts and grants, the amount appropriated by the Town Council for its use.

17-11.2 Powers And Jurisdiction Of Zoning Board Of Adjustment

A. The Board of Adjustment shall have the following powers:

1. Appeals. Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by the Zoning Officer or any other Town Official, based on or made in the enforcement of the zoning ordinance; and
2. Interpretations. Hear and decide requests for interpretation of the Zoning Map or Ordinance or for decisions upon other special questions upon which such Board is authorized to pass by any Zoning or Official Map Ordinance in accordance with the MLUL; and
3. Bulk And Dimensional Variances.
 - a) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical

features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, the Board may grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; or

- b) Where in an application or appeal relating to a specific piece of property the purposes of zoning set forth in N.J.S.A. 40:55D-2 would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, the Board may grant a variance to allow departure from such zoning requirements, provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection A.3.a, and provided that no variance from those departures enumerated in subsection A(4) of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has the power to review a request for a variance pursuant to N.J.S.A. 40:55D-60a.
4. Use Variances. In particular cases and for special reasons, the Board may grant a variance to allow departure from zoning regulations to permit (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a nonconforming use, (3) deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4, (5) an increase in the permitted density as defined in N.J.S.A. 40:55D-4 except as applied to the required

lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by ten (10) feet or ten (10) percent the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members.

B. Relief Not Enumerated In Subsection A(4) To Be Decided Under Subsection A(3). If an application for development requests one or more variances but not a variance for a purpose enumerated in subsection A(4) of this section, the decision on the requested variance or variances shall be rendered under subsection A(3) of this section.

C. Requirement For Showing Of No Substantial Detriment. No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

D. Referral Of Application To Other Agencies. An application under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

E. Additional Powers. The Zoning Board of Adjustment shall have the following additional powers:

1. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
2. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
3. To grant to the same extent and subject to the same restrictions as the Planning Board subdivision or site plan approval or conditional use approval whenever the proposed

development requires approval by the Board of Adjustment of a variance pursuant to Section 17-11.2A(4) of this ordinance. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals of a site plan or subdivision by the Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial impairment to the public good and without substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this Chapter for the approval in question, and the special vote pursuant to N.J.S.A. 40:55D-70d shall not be required.

F. County Approval. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A. 40:27-6.6 in the case of a site plan, the Board of Adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time.

17-11.3 Annual Report On Variances Heard By Zoning Board Of Adjustment

The Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the Town Council and Planning Board.

17-11.4 Appeals And Applications To Zoning Board Of Adjustment

A. Time And Procedure For Appeal. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of an official of the Town of Harrison based

on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the official from whom the appeal is taken, with nine (9) copies of the notice given to the Secretary of the Board of Adjustment. The notice shall specify the grounds for the appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- B. **Board Of Adjustment Applications Without Prior Application To Administrative Officer.** A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to the Administrative Officer.
- C. **Board Powers On Appeals.** The Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all powers of the municipal official from whom the appeal is taken.
- D. **Stay Of Proceedings By Filing Of Appeal.** An appeal to the Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the municipal official from whose action the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court of New Jersey upon notice to the municipal official from whom the appeal is taken and on due cause shown.

17-11.5 Time Period For Action By Board Of Adjustment

- A. The Board shall render a decision not later than one hundred twenty (120) days after the date (1) an appeal is taken from a decision of the Administrative Office or other municipal official or (2) of the submission of a complete application for development to the Board of Adjustment, as the case may be.

B. Failure of the Board to render a decision within such one hundred-twenty-day-period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

C. Time Limits For Decision. Whenever an application for development requests relief pursuant to subsection E(3) of Section 17-11.2, the Board of Adjustment shall grant or deny approval of the application within one hundred twenty (120) days after submission by a developer of a complete application to the Board of Adjustment or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid one hundred twenty (120) day provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application, and a certificate of the Board of Adjustment Secretary as to the failure of the Board of Adjustment to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

17-12 PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

17-12.1 Meetings

A. Meeting Schedule. Meetings of both the Planning Board and Board of Adjustment shall be scheduled no less often than once a month and shall be held as scheduled unless canceled for lack of pending applications. Each Board may, in its discretion, eliminate one meeting during the summer months.

B. Special Meetings. Special meetings may be held at the call of the Chairperson or at the request of any two (2) Board members. Board members shall be given at least seventy-two (72) hours advance telephone notice of a special meeting. The public shall

be given notice of such meeting in accordance with the Open Public Meetings Act and, if applicable, MLUL requirements.

- C. Quorum. No action shall be taken at any meeting without a quorum being present.
- D. Voting Requirements. All action shall be taken by majority vote of the members of the respective Board present at the meeting except as otherwise required by the provisions of N.J.S.A. 40:55D-34 and/or 70d. Failure of a motion to receive the number of votes required to approve an application for development shall be deemed an action denying the application. A member of the Board who was absent for one (1) or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted, notwithstanding the absence from one (1) or more of the meetings; provided, however, that a transcript or recording of all of the hearing from which he/she was absent exists, and provided, further, that such Board member certifies in writing to the Board that he/she has read such transcript or listened to such recording.
- E. Meetings Open To Public. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act.
- F. Minutes. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Board Secretary. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his or her use. Such fees may be established by rule by each Board.
- G. Minutes Of Closed Meetings. At least once a year, each Board shall review the minutes of all closed meetings held in conformance with the Open Public Meetings Act to determine whether the minutes may be made public.

17-12.2 Public Hearings

- A. Requirement For Hearing. The Planning Board or Board of Adjustment shall hold a hearing on each application for development or on the adoption, revision or amendment of the Master Plan. Each Board shall make rules governing such hearings.
- B. Maps To Be Available For Public Inspection. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Board Secretary. The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents.
- C. Payment Of Taxes. Every application for development submitted to the Planning Board or to the Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application, or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the Town will be adequately protected.
- D. Oaths And Subpoenas. The officer presiding at the hearings or such person as he/she may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties; and the provisions of the County and Municipality Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.
- E. Testimony And Cross Examination. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer or attorney for the Board, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented,

subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

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

G. Record Of Proceedings. The Board shall provide for the verbatim recording of the proceedings by either a stenographer or mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense. Fees for such expenses shall be established by rules of the Board.

H. Decisions.

1. Resolutions. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Board shall provide the findings and conclusions through:

- a) A resolution adopted at a meeting held within the time period provided in the MLUL for action by the Board on the application for development; or
- b) A memorializing resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9 resulting from the failure of a motion to approve an application, shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the Board and not to be an action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by this subsection H. If the Board fails to adopt a resolution or memorializing resolution

as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time and the cost of the application, including attorney's fees, shall be assessed against the municipality.

2. Copies Of Decision. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or if represented then to his or her attorney, without separate charge, and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be filed by the Board in the office of the Board Secretary. The Board Secretary shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his or her office during reasonable hours.
3. Publication Of Notice Of Decision. A brief notice of the decision shall be published in the official newspaper of the municipality. Such publication shall be arranged at the applicant's expense by the Secretary of the Board, provided that nothing contained in this ordinance shall be construed as preventing the applicant from arranging such publication if he or she so desires. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the Board or the applicant.

17-12.3 Notice Of Applications

- A. Applications Requiring Notice. Public notice of a hearing on an application for development shall be given, except for:

1. Minor site plan applications pursuant to Section 17-67.3 of this ordinance;
2. Minor subdivisions pursuant to Section 17-67.1 et seq. of this ordinance;
3. Final approval of site plans and/or major subdivisions pursuant to Section 17-69.1 et seq. of this ordinance.

4. Notwithstanding the foregoing, public notice shall be given in the event that relief is requested pursuant to Sections 17-10.3, 17-11.2.A3, 4 and/or E of this ordinance as part of an application for development otherwise excepted herein from public notice.

B. Manner Of Giving Notice. Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing in the following manner:

1. To the general public, by publication in the official newspaper of the Town.
2. To all owners of real property as shown on the current tax duplicate, located in the state and within two hundred (200) feet in all directions of the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by serving a copy thereof on the property owner as shown on said current tax duplicate or his or her agent in charge of the property or mailing a copy thereof by certified mail to the property owner at his or her address as shown on said current tax duplicate.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.

3. To the Clerk of any adjoining municipality when the property involved is located within two hundred (200) feet of said adjoining municipality. Notice shall be given by personal service or certified mail.
4. To the County Planning Board when the application for development involves property adjacent to an existing county road or proposed road as shown on the County Official Map or the County Master Plan, adjoining other county land or situated within two hundred (200) feet of a municipal boundary. Notice shall be given by personal service or certified mail.
5. To the Commissioner of Transportation of the State of New Jersey when the property is adjacent to a state highway. Notice shall be given by personal service or certified mail.
6. To the State Planning Commission when the hearing involves an application for the development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Board Secretary pursuant to Section 17-12.2B above. Notice shall be given by personal service or certified mail.
7. On applications for approval of a major subdivision or a site plan not defined as a minor site plan to all public utilities, cable television companies or local utilities which possess a right-of-way or easement within the Town and which have registered with the Town in accordance with N.J.S.A. 40:55D-12.1 by (1) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility or (2) mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

C. List Of Owners And Others. Upon the written request of an applicant, the Town tax assessor shall, within seven (7) days, make and certify a list from current tax duplicates of (i) names and address of owners within the Town to whom the applicant is required to give notice pursuant to Subsection B 2 of this section and the names, addresses and

positions of those persons who, not less than seven (7) days prior to the date on which the applicant requested the list, have registered to receive notice pursuant to Section 17-12.4 below. Failure to give notice to any owner, public utility, cable television or local utility not on the list obtained in such manner shall not invalidate any hearing or proceeding. A sum, not to exceed \$0.25 per name, or \$10.00, whichever is greater, shall be charged for such list.

- D. The applicant shall file an affidavit of proof of service with the Board holding the hearing, at least five (5) days prior to the scheduled meeting.
- E. Contents of Notice. The notice shall state the date, time and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Town tax assessor's office; and the location and times at which any maps and documents for which approval is sought are available for inspection pursuant to Section 17-12.2.B above.
- F. Effect Of Mailing. Any notice made by certified mail pursuant to Section 17-12.3.B shall be deemed complete upon mailing.

17-12.4 Registration By Public Utilities, Cable Television Companies And Local Utilities

- A. Right To Register. Every public utility, cable television company and local utility which holds a right-of-way or easement in the Town and which is interested in receiving notice pursuant to Section 17-12.3B7 above, may register with the Administrative Officer to receive such notice. The registration shall remain in effect until revoked by the public utility, cable television company, or local utility or by its successor in interest.
- B. Registration Fee. A registration fee of ten (\$10) dollars is required for any public utility, cable television company or local utility which registers to receive notice pursuant to this section.

17-12.5 Conditional Approval

- A. In the event that an applicant submits an application proposing a development that is barred or prevented, directly or indirectly by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Board shall process such application in accordance with this Chapter, and if such application complies with all Town regulations, the Board shall approve such application conditioned on removal of such legal barrier to development.
- B. In the event that development proposed by an application requires an approval by a governmental agency other than the Board, the Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency. The Board shall make a decision on any application within the time period provided in this Chapter or within an extension of such period as has been agreed to by the applicant, unless the Board is prevented or relieved from so acting by the operation of law.

17-12.6 Tolling Of Running Of Approval Period

In the event that, during the period of approval heretofore or hereafter granted to an application, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party, or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction, to protect the public health or welfare, and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this Chapter shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

17-12.7 Time Extensions

The Board and an applicant may mutually agree to extend the time limit specified for action. Such extension shall be made in writing or verbally at a public meeting of the Board.

17-12.8 Expiration Of Variance

Any variance from the terms of this Chapter hereafter granted by either Board permitting the erection or alteration of any structure or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such specified use has actually been commenced, within two (2) years from the date of publication of the notice of the decision of the Board granting the variance, except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board to the governing body or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

17-13 APPEAL TO GOVERNING BODY

- A. **Time And Procedure For Appeal.** Any interested party may appeal to the Town Council any final decision of the Board of Adjustment approving an application for development pursuant to Section 17-11.2A4 above. Such appeal shall be made within ten (10) days of the date of publication of such final decision pursuant to Section 17-12.2H.3 above. The appeal to the Town Council shall be made by serving the Town Clerk in person or by certified mail with a notice of appeal, specifying the grounds thereof and the name and address of the appellant and the name and address of his or her attorney, if represented. Such appeal shall be decided by the Town Council only upon the record established before the Board of Adjustment.
- B. **Notice Of Hearing On Appeal.** Notice of the meeting to review the record below shall be given by the Town Council by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to Section 17-12.2H.2 above and to the Board of Adjustment, at least ten (10) days prior to the date of the meeting. The parties may

submit oral and written argument on the record at such meeting, and the Town Council shall provide for verbatim recording and transcripts of such meeting pursuant to Section 17-12.2G above.

C. Appellant's Obligation To Furnish Transcript. The appellant shall:

1. Within five (5) days of service of the notice of the appeal pursuant to subsection A. hereof, arrange for a transcript pursuant to Section 17-12.2.G above for use by the Town Council and pay a deposit of fifty (\$50) dollars or the estimated cost of such transcript, whichever is less; or
2. Within thirty-five (35) days of service of the notice of appeal, submit a transcript as otherwise arranged to the Town Clerk; otherwise, the appeal may be dismissed for failure to prosecute.

D. Time For Decision And Appeal. The Town Council shall conclude a review of the record below not later than ninety-five (95) days from the publication of the notice of the decision below pursuant to Section 17-12.2.H.3 above unless the applicant consents in writing to an extension of such period. Failure of the Town Council to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the Board.

E. Action By Town Council. The Town Council may reverse, remand or affirm, with or without the imposition of conditions the final decision of the Board of Adjustment approving a variance pursuant to Section 17-11.2.A.4 above. The review shall be made on the record before the Board of Adjustment.

F. Voting Requirements. The affirmative vote of a majority of the full authorized membership of the Town Council shall be necessary to reverse or remand to the Board of Adjustment or to impose conditions on or alter conditions to any final action of the Board of Adjustment. Otherwise the final action of the Board of Adjustment shall be deemed to be affirmed; a tie vote of the Town Council shall constitute affirmation of the decision of the Board of Adjustment.

G. Effect Of Appeal. An appeal to the Town Council shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the Board of Adjustment certifies to the Town Council, after the notice of appeal shall have been filed with the Board, that, by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the Board of Adjustment from whom the appeal is taken and on good cause shown.

H. The Town Council shall mail a copy of the decision to the appellant or, if represented, then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than ten (10) days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the Town. Such publication shall be arranged by the Town Clerk, at the applicant's expense, provided that nothing contained herein shall be construed as preventing the applicant from arranging such publication if he so desires. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by the Town or the applicant.

17-14 APPLICATION BY CORPORATION OR PARTNERSHIP

A. Disclosure By Corporate Or Partnership Applicant. A corporation or partnership applying to the Planning Board or the Board of Adjustment for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more dwelling units or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class or at least ten (10) percent of the interest in the partnership, as the case may be.

B. Disclosure By Corporation Or Partnership Owning Ten Percent Or More Of Applicant. If a corporation or partnership owns ten (10) percent or more of the stock of a corporation or interest of ten (10) percent or greater in a partnership, either of which is subject to

disclosure pursuant to paragraph A above, that corporation or partnership shall list the names and addresses of its stockholders holding ten (10) percent or more of its stock or interest of ten (10) percent or greater in the partnership, as the case may be; and this requirement shall be followed by every corporate stockholder or partner in said partnership until the names and addresses of the non-corporate stockholders and individual partners exceeding the ten (10) percent ownership criterion set forth in this section have been listed.

C. No Approval If Disclosure Requirements Not Met. The Board shall not approve the application of any corporation or partnership which does not comply with this section.

D. Penalties. Any corporation or partnership which conceals the names of the stockholders owning ten (10) percent or more of its stock or of the individual partners owning an interest of ten (10) percent or greater in the partnership, as the case may be, shall be subject to a fine of one thousand dollars (\$1,000.) to ten thousand dollars (\$10,000.), which shall be recovered in the name of the Town of Harrison in any court of record in the state in a summary manner pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.).

ARTICLE III

APPLICATION REQUIREMENTS AND DEVELOPMENT PROCEDURES

17-60 COMPLETENESS REQUIREMENTS IN GENERAL

17-60.1 Content

Each application for approval of a minor subdivision, minor site plan, preliminary major subdivision, preliminary site plan, final major subdivision or final site plan, as the case may be, and each application for variance relief, shall include all information and data listed in the appropriate corresponding checklist as set forth below in Sections 17-74.1 through 17-74.5.

17-60.2 Complete Application

The Municipal Agency or its authorized committee or designee (herein called the Municipal Agency) shall review all applications and accompanying documents required by this Chapter to determine that the application is complete. An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the Municipal Agency. In the event that the Municipal Agency does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period unless (i) the application lacks information indicated on the checklist for such application as set forth in Sections 17-74.1 through 17-74.5 below, and (ii) the Municipal Agency has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application. The applicant may request that one or more submission requirements be waived, in which event the Agency shall grant or deny the request within forty-five (45) days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The Municipal Agency may subsequently require correction of any information found to be in error and submission of additional information not specified in the checklist or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for

development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Municipal Agency.

17-60.3 Authorization Of Committee Or Designee For Determining Completeness Of Planning Board Applications

- A. The Planning Board shall create a committee, to be known as the Subdivision and Site Plan Review Committee (SSPRC), to determine completeness of all development applications submitted to the Planning Board. The SSPRC shall consist of:
 1. Four (4) members of the Board, who shall be the only voting members of the SSPRC, each to be appointed by the Board Chairperson.
 2. The Planning Board Engineer.
 3. The Town Zoning Officer.
 4. The Town Construction Official.
 5. The Town Planner.
 6. The Board Attorney.
- B. The term of each Board member appointed to the SSPRC shall be one (1) year, or until a successor has been duly appointed and qualified, whichever happens later. The term of all other members of the SSPRC shall be the same as the term of their official position with the Town of Harrison and/or the Planning Board, as the case may be.
- C. The Board Chairperson shall designate an SSPRC Chairperson and Vice Chairperson from among the Board members appointed to serve as SSPRC members.
- D. The SSPRC Chairperson may request the attendance of other municipal officials at SSPRC meetings in order to facilitate the performance of its duties and responsibilities. In lieu of such attendance, the Chairperson may request and/or accept written reports and/or recommendations from such officials. Such officials may include, without limitation, representatives of the Police Department, Fire Department and Health Department.

17-61 INFORMAL REVIEW

17-61.1 Right To Request Informal Review

Prior to the submittal of an application for development, the applicant may request an informal review before the Planning Board in order to:

- A. Acquaint the applicant with the substantive and procedural requirements of the subdivision and site plan ordinance;
- B. Provide for an exchange of information regarding the proposed development plan and applicable elements of the master plan, zoning ordinance and other development requirements;
- C. Advise the applicant of any public sources of information that may aid the application;
- D. Identify policies and regulations that create opportunities or pose significant constraints for the proposed development;
- E. Consider opportunities to increase development benefits and mitigate undesirable project consequences;
- F. Permit input into the general design of the project.

17-61.2 Documents And Fees To Be Submitted

Applicants seeking review of a concept plan shall provide fifteen (15) copies of the plan and one (1) copy of the completed application and the required review fees to the Planning Board Secretary at least fourteen (14) days before a regularly scheduled meeting of the Board.

17-61.3 Nature Of Concept Plan

The concept plan is a general plan that need not be fully engineered. The plan or plat should be sufficiently detailed to allow the Planning Board to make suggestions on general site design and layout for circulation, stormwater management, location of open space and buffers, building arrangements and to determine how the proposal meets the Town's development goals and objectives.

17-61.4 Effect Of Informal Review

Neither the applicant nor the Board is bound by any concept plan or informal review. The amount of any fees for such informal review shall be a credit toward fees for review of the application for development.

17-62 WHEN SITE PLAN OR SUBDIVISION APPROVAL REQUIRED

17-62.1 Uses And Activities Requiring Site Plan Approval

Site plan approval shall be required before the start of any development and before the issuance of any permit for any development, except that: (a) subdivision or individual lot applications for detached one (1) or two (2) dwelling unit buildings and (b) construction work found by the Zoning Officer to constitute ordinary repairs, shall be exempt from site plan review.

17-62.2 Waiver Of Site Plan Approval

- A. By Planning Board. The Board may waive the requirement for site plan approval where the Board determines that the proposed development is a permitted use in the zone and does not involve substantial site development considerations.
- B. By Zoning Officer. The Zoning Officer may waive the requirement for site plan approval when a proposed development does not involve a change in use and (1) consists solely of non-structural changes in the facade of a structure; (2) an interior change which does not increase parking requirements or stormwater runoff and does not involve any other substantial site development considerations; or (3) where the installation, alteration, replacement, relocation or enlargement of a conforming sign which, in the judgment of the Zoning Officer, does not involve significant aesthetic considerations.

17-62.3 Uses And Activities Requiring Subdivision Approval

Subdivision approval shall be required prior to the recording of any plat or deed affecting the subdivision of any land in the Town of Harrison.

17-63 DEDICATION OF RIGHT-OF-WAY

No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map or the street requirements of this Ordinance shall be

approved unless such additional right-of-way, either along one (1) or both sides of said street(s), as applicable, shall be deeded to the Town or other appropriate governmental agency.

17-64 TRAFFIC IMPACT STATEMENT

17-64.1 When Required

The Board may require a traffic impact statement as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Board, the development could have an adverse impact on the road network, ingress/egress or on-site circulation.

17-64.2 General Provisions

- A. The traffic impact statement shall be prepared by a New Jersey licensed professional engineer having appropriate experience and background.
- B. All relevant sources of information used in the preparation of said statement shall be identified.

17-64.3 Submission Format

All traffic impact statements shall provide a description of the impact and effect of the proposed land 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:
 1. Roadway network
 2. Representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months).
 3. Traffic accident statistics
 4. Availability of public transportation
 5. Level of Service of adjacent roadways
- B. Traffic Generated by the proposed development including:
 1. Trip generation
 2. Trip distribution

3. Modal split
4. Level of Service under proposed conditions
- C. Traffic impacts caused by the proposed development as per change in existing conditions.
- D. Explanation of Traffic Reduction/Traffic Management Plans necessary pursuant to any current Federal, State or County requirements, and, where applicable, proposed interaction with appropriate County Transportation Management Areas (TMA).
- E. Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.
- F. Any other information requested by the appropriate Board reasonably required to make an informed assessment of potential traffic impacts.

17-65 ENVIRONMENTAL IMPACT ASSESSMENT

17-65.1 When Required

The Board may require an environmental impact assessment as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Board, the development could have an adverse affect on the environment. The Board may, at the request of an applicant, waive portions of the environmental impact assessment requirements upon a finding that a complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project.

17-65.2 Submission Format

All environmental impact assessments shall consist of written and graphic materials which clearly present the following information:

- A. Project description. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed and the uses intended. The resident population, working population, and visitor population shall be estimated.
- B. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
 1. Town of Harrison Master Plan and Master Plan Reexamination

2. Hudson County Master Plan
3. New Jersey State Development and Redevelopment Plan

C. Site description and inventory. The suitability of the site for the intended use shall be discussed. This shall include a description of environmental conditions on the site which shall include, but not be limited to, the following items:

1. Topography. A description and map of the topographic conditions of the site shall be provided.
2. Contamination. Information regarding the presence or absence of environmental contamination, including: (i) the presence of known or suspected contaminants on site; (ii) prior uses of the property; (iii) the status of any past or present administrative or judicial proceeding involving contamination or remediation of contamination on the site. In appropriate cases, the Board may require similar information with regard to surrounding sites.
3. Critical Areas. A description and map of the wetland areas, wetland buffers and flood plains on the site shall be provided.
4. Surface water. A description and map of existing watercourses and water bodies that are partially or totally on the site shall be identified and riparian issues which may be relevant to the development.
5. Unique, scenic and/or historic features. Describe and map those portions of the site that can be considered to have unique, scenic and/or historic qualities and any scenic view from the site.
6. Miscellaneous. When warranted, an analysis shall be conducted of existing air quality and noise levels as prescribed by the New Jersey Department of Environmental Protection. When warranted, the Board may also request delineation of conditions on adjacent properties.

D. Impact. The negative and positive impacts of the project during and after construction shall be discussed. The specific concerns that shall be considered include the following:

1. Soil erosion and sedimentation resulting from surface runoff.
2. Flooding and flood plain disruption.
3. Degradation of surface water quality.
4. Sewage disposal.
5. Solid waste disposal.
6. Destruction or degradation of scenic and historic features on and off site.
7. Air quality degradation.
8. Noise levels.
9. Lighting levels including trespass lighting.
10. Effect on the community including projected population increase, increase in municipal and school services, consequences to the municipal tax structure.

E. Environmental Performance Controls. The applicant shall indicate the measures which will be employed during the planning, construction and operation phases of the project to minimize or eliminate negative impacts on and off site. Of specific interest are:

1. Stormwater management plans and plans for soil erosion and sedimentation controls.
2. Water supply and water conservation proposals.
3. Noise reduction techniques.
4. Screening and landscaping intended to enhance the compatibility of the development with adjacent areas.
5. Miscellaneous on-site and off-site public improvements.

F. Alternatives. A discussion of site design and project location alternatives that were considered shall be provided. The discussion shall indicate why an alternative was rejected if it would have resulted in less of a negative impact than the proposed development.

G. Licenses, permits and other approvals required by law. The applicant shall list all known licenses, permits and other forms of approval required by law for the construction and

operation of the proposed project. This list shall include, but is not be limited to, approvals required by the Town and agencies of the county, state and federal governments. Where approvals have been granted, copies of said approvals shall be attached. Where approvals are pending, a note shall be made to that effect.

- H. Documentation. All publications, file reports, manuscripts or other written sources of information which were consulted in preparation of the environmental impact assessment shall be listed and footnoted. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.
- I. Review. Applicants shall be encouraged or required to provide suitable mitigation for all adverse environmental impacts and other conditions identified in the EIS and/or in the course of the public hearings before the Board.

17-66 DEVELOPMENT PHASING

Whenever an applicant intends to construct a development in phases, phasing information shall be included in the plans for preliminary approval, and all phases shall be:

- A. Functionally self-contained and self-sustaining with regard to access, circulation, parking, utilities, open spaces and all other site improvements and physical features and shall be capable of perpetual independent use, occupancy, operation and maintenance upon completion of construction and development.
- B. Properly related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the plan.

17-67 MINOR SUBDIVISION AND SITE PLAN REVIEW PROCEDURES

17-67.1 Submission Requirements

- A. Submission requirements for minor subdivision and site plan approval are provided in the Minor Subdivision And Site Plan Checklist in §17-74.1.
- B. The Secretary of the Board shall forward copies of the application to the following for review and comment, where appropriate:

1. Town Fire Department
2. Town Police Department
3. Town Health Department
4. Town Sewer and Water Department

C. The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

17-67.2 Review By Other Town Agencies And Officials

The officials and agencies cited in Section 17-67.1 above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after receipt of the application.

17-67.3 Board Action

- A. Except for applications governed by the time limits in Section 17-10.3.D and/or 17-11.6 above, the Board shall approve, conditionally approve, or deny a minor subdivision or site plan within forty-five (45) days of the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
- B. Failure of the Board to act within the period prescribed shall constitute minor subdivision or site plan approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Register for purposes of filing subdivision plats or deeds.

17-67.4 Effect Of Approval

Approval of a minor subdivision or site plan shall be deemed final approval provided that the Board may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision or site plan approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of approval is adopted provided that the

approved minor subdivision shall have been duly recorded in accordance with Section 17-67.5 below.

17-67.5 Expiration Of Minor Subdivision

Approval of a minor subdivision shall expire one hundred ninety (190) days from the date on which the resolution of approval is adopted unless within such period a plat in conformity with such approval and the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Register, the Town Engineer and the Town Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Board Chairperson and Secretary. In reviewing the application for development for a proposed minor subdivision, the Board may accept a plat not in conformity with N.J.S.A. 46:23-9.9 et seq.; provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of the said act.

17-67.6 Extensions Of Minor Subdivision Or Site Plan Approval

- A. The Board may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to this Chapter if the developer proves to the reasonable satisfaction of the Board:
 1. That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and
 2. That the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- B. The Board shall grant an extension of minor subdivision or site plan approval for a period determined by the Board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the

273 developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of minor subdivision approval; or (b) the 91st day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.

17-68 · PRELIMINARY MAJOR SUBDIVISION AND SITE PLAN REVIEW PROCEDURES

17-68.1 Submission Requirements

- A. Submission Requirements for preliminary major subdivision and preliminary site plan approval are provided in the Preliminary Major Subdivision and Site Plan Checklist in §17-74.2.
- B. The Secretary of the Board shall forward copies of the application to the following for review and comment, where appropriate:
 1. Town Fire Department
 2. Town Police Department
 3. Town Health Department
 4. Town Sewer and Water Department
- C. The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

17-68.2 Review By Other Town Agencies And Officials

The officials and agencies cited in Section 17-68.1 above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after the receipt of the application.

17-68.3 Board Action

A. Subdivisions.

1. Except for applications governed by the time limits in Section 17-10.3.D and/or 17-11.5 above, the Board shall approve, conditionally approve or deny a preliminary major subdivision application of ten (10) or fewer lots within forty-five (45) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
2. The Board shall approve, conditionally approve or deny a preliminary major subdivision application of more than ten (10) lots within ninety-five (95) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
3. Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the Applicant. Said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be accepted by the County Register for purposes of filing subdivision plats.

B. Site Plans.

1. Except for applications governed by the time limits in Section 17-10.3.D and/or 17-11.5 above, the Board shall approve, conditionally approve or deny a preliminary major site plan which involves ten (10) acres of land or less, and ten (10) dwelling units or less, within forty-five (45) days after the submission of a complete application unless the applicant shall extend the period of time within which the Board may act.
2. The Board shall approve, conditionally approve or deny the preliminary major site plan of more than ten (10) acres or more than ten (10) dwelling units within ninety-five (95) days after the application is certified complete unless the applicant shall extend the period of time within which the Board may act.

3. Failure of the Board to act within the time prescribed shall constitute preliminary major site plan approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. Said certificate shall be sufficient in lieu of a written endorsement or other evidence of approval herein required.

17-68.4 Effect Of Preliminary Approval

Preliminary approval of a major subdivision or site plan, except as provided in paragraph B.(4) of this section, shall confer upon the applicant the following rights for a 3-year period from the date on which the resolution granting preliminary approval is adopted.

- A. That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements; layout and design standards for streets, curbs and sidewalks; lot sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the Town from modifying by ordinance such general terms and conditions of preliminary approval as related to public health and safety.
- B. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.
- C. That the applicant may apply for and the Board may grant extension on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
- D. In the case of a subdivision of or a site plan for a planned development of fifty (50) acres or more, conventional subdivision or site plan for one hundred fifty (150) acres or more, or site plan for development of a non-residential floor area of two hundred thousand (200,000) square feet or more, the appropriate Board may grant the rights referred to in paragraphs A, B and C above for such period of time, longer than two (2) years, as shall

be determined by the appropriate Board to be reasonable taking into consideration (a) the number of dwelling units and non-residential floor area permissible under final approval, (b) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and non-residential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.

- E. Whenever the Board grants an extension of preliminary approval pursuant to paragraphs C or D above and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.
- F. The Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of the preliminary approval, or (b) the 91st day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to paragraphs C or D above.

17-68.5 Simultaneous Preliminary And Final Site Plan Approval

Combined preliminary and final site plan approval may be granted provided all submission requirements for both applications are met. The time limit within which the Board shall act shall be the longest time permitted for either of the two approvals.

17-69 FINAL APPROVAL OF MAJOR SUBDIVISION AND SITE PLAN REVIEW PROCEDURES

17-69.1 Submission Requirements

- A. Submission requirements for final major subdivision and site plan approval are provided in the Final Major Subdivision and Final Site Plan Checklist in §17-74.3.
- B. The Secretary of the Board shall forward copies of the application to the following officials for review and comment where appropriate:
 1. Town Fire Department
 2. Town Police Department
 3. Town Health Department
 4. Town Sewer and Water Department
- C. The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

17-69.2 Review By Other Town Agencies And Officials

The officials and agencies cited in Section 17-69.1 above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after the receipt of the final application.

17-69.3 Board Action

- A. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval, and, in the case of a major subdivision, the standards prescribed in the "Map Filing Law" P.L. 1960, c. 141. In the case of a planned unit development, planned unit residential development or residential

cluster, the Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

- B. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and, in the case of subdivision plans, shall be so accepted by the County Register for purposes of filing.
- C. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.1 or 40:27-6.6, the Board shall condition its approval upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

17-69.4 Effect Of Final Approval

- A. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, pursuant to Section 17-68.3 above, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted; provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in Section 17-69.6A below. If the developer has followed the standards prescribed for final approval and, in the case of subdivision, has duly recorded the plat with the County Register in accordance with Section 17-69.6A below, the Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this Ordinance, the granting of final approval terminates the time period of

preliminary approval pursuant to Section 17-68.3 above, for any section of the development which is granted final approval.

B. In the case of a subdivision or site plan for a planned development of fifty (50) acres or more, conventional subdivision or site plan for one hundred fifty (150) acres or more, or site plan for the development of nonresidential floor area of 200,000 square feet or more, the Board may grant the rights referred to in paragraph A of this section for such period of time, longer than two (2) years, as shall be determined by the Board to be reasonable, taking into consideration:

1. The number of dwelling units and nonresidential floor area permissible under final approval;
2. Economic conditions, and
3. The comprehensiveness of the development.

The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration the following:

- a) the number of dwelling units and nonresidential floor area permissible under final approval;
- b) the number of dwelling units and nonresidential floor area remaining to be developed;
- c) economic conditions; and
- d) the comprehensiveness of the development.

C. Whenever the Board grants any extension of final approval pursuant to paragraphs A or B above, and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

D. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before (a) what would otherwise be the expiration date of final approval, or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to paragraphs A or B above.

17-69.5 Conditions Of Approval

- A. Conditions binding. All conditions of preliminary and final approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successors and assigns.
- B. Failure to maintain. The applicant and any successor in interest shall be responsible for installing and maintaining in good order and condition all required improvements and landscaping, unless such improvements in landscaping are to be installed by, and/or dedicated to and maintained by the Town, County or another party, under the terms of approval granted by the Board. Such required improvements shall include, but not be limited to, parking improvements, buffer zones, drainage facilities, exterior lighting and landscaping. Failure of any responsible party to install and/or maintain required improvements or landscaping, shall constitute a violation of this Chapter and shall be subject to the enforcement procedures set forth herein.

17-69.6 Expiration Of Final Major Subdivision Approval

- A. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the applicant with the County Register. The Board may for good cause shown extend the

period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat. The Board may extend the 95-day or 190-day period if the applicant proves to the reasonable satisfaction of the Board (1) that the applicant was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the applicant applied promptly for and diligently pursued required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for an extension either before or after the original expiration date.

- B. No subdivision plat shall be accepted for filing by the County Register until it has been approved by the Board as indicated on the instrument by the signature of the Chairperson, Secretary of the Board. The signatures of the Board Chairperson and Secretary shall not be affixed until the developer has posted the performance guarantees required by this Ordinance and has satisfied all other applicable conditions of final approval. If the County records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

17-70 AMENDED SITE PLAN OR SUBDIVISION REVIEW

Applications for amended site plan or subdivision review shall be governed by the same requirements as all other applications for subdivision or site plan approval.

17-71 CONDITIONAL USE APPROVAL

The submission requirements and review process for conditional use applications shall be the same as for a major site plan, except as set forth below.

- A. The Board shall grant or deny an application for conditional use approval within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant.
- B. The Board shall approve or deny a conditional use application simultaneously with any accompanying subdivision and/or site plan application. The longest time period for

action by the Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the applicant, notice of the hearing on the application shall include reference to the request for conditional use approval.

17-72 COUNTY APPROVAL

Whenever review or approval of a development application by the County Planning Board is required by N.J.S.A. 40:27-6.3 or 40:27-6.6, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board by its failure to report thereon within the require time period provided by law.

Whenever County Planning Board review or approval is required, the applicant shall be responsible for filing all necessary applications, plans, reports and other documents directly with the County Planning Board.

17-73 SIGNING AND DISTRIBUTION OF APPROVED PLANS

- A. When all conditions of any minor, preliminary or final approval have been met, the applicant shall submit to the Board Secretary eight (8) copies of the approved plan(s) with all revisions required by the conditions of approval. The approved plan(s) shall then be signed by the Board Chairperson, Secretary and Engineer. Two (2) signed copies shall be returned to the applicant and the remaining copies shall be distributed by the Board Secretary.
- B. In addition to the foregoing, whenever any subdivision is to be perfected by the filing of the approval plat with the County Register in conformance with the Map Filing Law, the applicant shall submit to the Board Secretary, simultaneously with the plans described in Paragraph A above, two (2) mylars and at least eight (8) paper prints of the plat intended for recording. Provided that it conforms to the Map Filing Law, the plat intended for recording shall be signed by the Board Chairperson, Secretary and Engineer simultaneously with the signing of the approved plans submitted pursuant to paragraph A

above. After signing, one (1) mylar and all paper prints of the plat so signed shall be returned to the applicant for recording with the County Register.

- C. Following the filing of any approved subdivision plat or minor subdivision deed with the County Register, the applicant shall promptly deliver to the Board Secretary at least six (6) copies of the filed plat or recorded deed, as the case may be. The Board Secretary shall then distribute copies of the same.
- D. Whenever any subdivision is to be perfected by the filing of the approved plat with the County Register, and when the engineering review of such subdivision has been performed by the Board Engineer, the plat intended for recording shall be signed by the Board Engineer. For purposes of such signatures as the municipal engineer, the Board Engineer shall be deemed to act as an Assistant Town Engineer.
- E. The Board Secretary shall return in the Board's files at least one (1) true copy of all signed and approved site plans and subdivision deeds and all signed, approved and filed subdivision plats.

17-74 CHECKLISTS

No application for development shall be deemed complete unless the items, information and documentation listed in the applicable checklist are submitted to the Board. If any required item is not submitted, the applicant must request in writing a waiver and state the reasons supporting each such request.

17-74.1 Minor Subdivision And Minor Site Plan Checklist

APPLICATION FOR APPROVAL OF MINOR SUBDIVISIONS AND MINOR SITE PLANS	Submitted	Not Applicable	Waiver Requested
(Note: For details of all submissions, see Article III. Applicant should check off all items as submitted, not applicable, or waiver requested. If waiver is requested, reasons shall be indicated in separate submission.)			
1. Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.			
2. Scale: 1" = 30' or as approved by Board Engineer.			
3. Current survey upon which plat or plan is based.			
4. Map size: 8 - 1/2" x 13" 15" x 21" 24" x 36" 30" x 42"			
5. Key map.			
6. Title block and basic information: a. Title b. Date of original preparation and date(s) of revision c. North arrow and reference meridian d. Ratio scale and graphic scale e. Tax map block, lot numbers and zone f. Name, address and license number of person preparing plat or plan g. Name and address of owner of record and applicant, if different from the owner			
7. Signature of the applicant, and, if the applicant is not the owner, the signed consent of the owner.			
8. A map of the entire tract or property showing the location of that portion to be divided therefrom, giving all distances and showing all roads abutting or transversing the property. Development boundaries shall be clearly delineated.			
9. The name of all adjoining property owners as disclosed by the most recent Town tax records.			
10. Names of adjoining municipalities within 200 feet.			

APPLICATION FOR APPROVAL OF MINOR SUBDIVISIONS AND MINOR SITE PLANS		Submitted	Not Applicable	Waiver Requested
11.	The location of existing and proposed: a. Property lines b. Streets c. Buildings (with an indication as to whether existing buildings will be retained or removed) d. Buildings within 200 feet of the site e. Parking spaces f. Loading areas g. Driveways h. Water courses i. Railroads j. Bridges k. Culverts l. Drainage pipes and other improvements m. Natural features and treed areas, both on the tract and within fifty (50) feet of its boundary n. Sewer, water and other utilities o. Lighting and landscaping			
12.	Area in square feet of all existing and proposed lots.			
13.	Bearings and distances of all existing and proposed property lines.			
14.	Sufficient elevations or contours at 2-foot intervals.			
15.	The location and width of all existing and proposed utility, drainage and other easements, including but not limited to, sight triangle easements.			
16.	Front, side, and rear setback lines.			
17.	Chart of the zoning requirements for the zone, what is proposed, and variances indicated.			
18.	Delineation of flood plain and wetlands areas.			
19.	A copy of any protective covenants or deed restrictions applying to the lands being subdivided or developed.			
20.	For subdivisions, if the applicant intends to file by deed(s) record of the approved subdivision with the County Register, the following signature block shall be provided on the deed(s):			
APPROVED BY THE TOWN OF HARRISON PLANNING BOARD				
Planning Board Chairperson		Date		
Planning Board Secretary		Date		

APPLICATION FOR APPROVAL OF MINOR SUBDIVISIONS AND MINOR SITE PLANS		Submitted	Not Applicable	Waiver Requested
21. For subdivisions, if the applicant intends to file the approved subdivision with the County Register, the plat shall be prepared in compliance with the "Map Filing Act" P.L. 1960, C.141 (C.46.2309.9 et seq.) and bear the signature block noted in the item 20 above.				
22. Twenty (20) sets of folded plans.				
Checklist prepared by: _____	Date: _____			
Checklist reviewed by Board: _____	Date: _____			
Application found complete on: _____				
Application found incomplete on: _____				
Applicant notified on: _____				
The following variances/waivers were granted: _____				
The following variances/waivers were denied: _____				

17-74.2 Preliminary Major Subdivision And Site Plan Checklist

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS	Submitted	Not Applicable	Waiver Requested
(Note: For details of all submissions, see Article III. Applicant should check off all items as submitted, not applicable, or waiver requested. If waiver is requested, reasons shall be indicated in separate submission.)			
1. Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.			
2. Scale: 1" = 30' or as approved by Board Engineer.			
3. Current survey upon which plat or plan is based.			
4. Map size: 8 - 1/2" x 13" 15" x 21" 24" x 36"			
5. Title block and basic information: a. Title b. Date of original preparation and date(s) of revision c. North arrow and reference meridian d. Ratio scale and graphic scale e. Tax map block, lot numbers and zone f. Name, address and license number of person preparing plat or plan g. Name and address of owner of record and applicant, if different from the owner (Where more than one sheet is required, the above information shall appear on each sheet and all sheets shall be appropriately labeled, numbered and bound.)			
6. The first sheet of a series of plats or plans submitted for preliminary approval shall contain, in addition to the above, the following: a. A keymap at a scale of 1" = 500' or less showing zone boundaries b. The names and addresses, lot and block numbers of all property owners within 200' of the tract boundary line including adjoining municipalities c. Signature blocks for the Board Chairperson, Board Secretary and Board Engineer d. Chart of the zoning requirements for the zone, what is proposed, and variances indicated			
7. For subdivisions, contour lines at vertical intervals not greater than 5 feet for land with natural slopes of 10 percent or greater and at vertical intervals of not greater than 2 feet for land with natural slopes of less than 10 percent.			
8. For site plans, a grading plan showing, at 2 feet contour intervals, existing and proposed contours and elevations.			
9. The location of existing watercourses and any natural features, including flood plains, wetlands and soil types on the site and within 50 feet.			
10. The area of the tract to be subdivided or developed in square footage and the location, lot area, width and depth of any existing lot or lots proposed to be subdivided.			
11. Location of all existing and proposed buildings, with building setbacks, front, side and rear yard distances.			
12. Location of all structures within 200 feet of the property.			

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS	Submitted	Not Applicable	Waiver Requested
13. A stormwater management plan showing the location, type and size of any existing and proposed bridges, culverts, drainpipes, catch basins and other storm drainage facilities.			
14. A soil erosion and sediment control plan prepared in conjunction with Article V.			
15. A circulation plan showing proposed vehicle, bicycle and pedestrian circulation systems. The plan shall include the locations, typical cross-sections, centerline profiles and type of paving for all proposed new streets and paths.			
16. Plans of proposed potable water and sanitary sewer utility systems showing feasible connections to existing or any proposed system. If a public water supply or sanitary sewer system is available, the owner shall show appropriate connections thereto on the plat or plan.			
17. Location of any proposed off-street parking areas with dimensions showing parking spaces, loading docks and access drives and a traffic circulation pattern showing all ingress and egress to the site.			
18. Location and description of all proposed signs and exterior lighting.			
19. Provision for storage and disposal of solid wastes.			
20. For site plans, the preliminary floor plans and preliminary building elevation drawings showing all sides of any proposed building or buildings. The final floor plans and building elevations drawings submitted to the Construction Code Official for issuance of a building permit shall conform with the preliminary plans and drawing approved by the Board. No change, deletion or addition shall be made to said final plans and drawings without resubmission and reapproval by the Board			
21. All proposed buffers, landscaping, fences, walls, hedges or similar facilities. The landscaping plan shall show in detail the location, size and type of all plant material, including ground cover, to be used on the site. Common names of all landscaping material shall be indicated.			
22. A copy of any protective covenants or deed restrictions applying to the land and being subdivided or developed and a notation on the plat or plan of any easements required by the Board, such as, but not limited to, sight triangle easements. Said easements may also include utility lines, public improvements and ingress and egress for emergency vehicles.			
23. A copy of such guarantees, covenants, master deed or other document which shall satisfy the requirements of the Board for the construction and maintenance of any proposed common areas, landscaping, recreational areas, public improvements and buildings.			
24. A list of all licenses, permits or other approvals required by law, including proof of service.			

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS		Submitted	Not Applicable	Waiver Requested
25.	For any subdivision of 6 or more lots, or for a variance to construct a multiple dwelling of 25 or more dwelling units, or for site plan approval of any non-residential use, a corporation or partnership shall list the names and addresses of all stockholders or individual partners owning at least 10 percent of its stock of any class or at least 10 percent of the interest in the partnership, as the case may be. If a corporation or partnership owns 10 percent or more of the stock of a corporation, or 10 percent or greater interest in a partnership, subject to disclosure pursuant to the previous paragraph, that corporation or partnership shall list the names and addresses of its stockholders holding 10 percent or more of its stock or of 10 percent or greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10 percent ownership criterion have been listed.			
26.	The Board may require the applicant to submit an environmental impact assessment as part of preliminary approval if, in the opinion of the Board, the development could have an adverse effect on the environment.			
27.	The Board may require the applicant to submit a traffic impact statement as part of preliminary approval if, in the opinion of the Board, the development could have an adverse effect on off-site traffic and circulation.			
28.	Applicant shall submit twenty (20) sets of folded plans.			
Checklist prepared by: _____ Checklist reviewed by Board: _____ Application found complete on: _____ Application found incomplete on: _____ Applicant notified on: _____ The following variances/waivers were granted: _____ The following variances/waivers were denied: _____		Date: _____	Date: _____	

17-74.3 Final Major Subdivision And Site Plan Checklist

APPLICATION FOR FINAL APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS	Submitted	Not Applicable	Waiver Requested
(Note: For details of all submissions, see Article III. Applicant should check off all items as submitted, not applicable, or waiver requested. If waiver is requested, reasons shall be indicated in separate submission.)			
1. Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.			
2. Scale: 1" = 30' or as approved by Board Engineer.			
3. Current survey upon which plat or plan is based.			
4. Map size: 8 - 1/2" x 13" 15" x 21" 24" x 36"			
5. Title block and basic information: a. Title b. Date of original preparation and date(s) of revision c. North arrow and reference meridian d. Ratio scale and graphic scale e. Tax map block, lot numbers and zone f. Name, address and license number of person preparing plat or plan g. Name and address of owner of record and applicant, if different from the owner (Where more than one sheet is required, the above information shall appear on each sheet and all sheets shall be appropriately labeled, numbered and bound.)			
6. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or deflection angles, radii arcs and central angles of all curves, or as required by the Map Filing Act.			
7. The purpose of any easement or land reserved or dedicated to public use such as, but not limited to, sight triangle easements, and the proposed use of sites other than residential.			
8. The front, side and rear building setback lines.			
9. Improvement plans in accordance with the Town standards for roads and utilities.			
10. Statement that final plan is consistent with preliminary plan, and if not, how and why they differ.			
11. All additional information, changes or modifications required by the Board at the time of preliminary approval.			
12. A statement from the Town Engineer that all improvements required by the Board for preliminary approval have been installed in compliance with all applicable laws.			
13. If improvements have not been installed, then a statement from the Town Clerk shall accompany the application for final approval stating that: a. A recordable developer's agreement with the Town has been executed b. A satisfactory performance guarantee has been posted c. That the Town has received all escrow and inspection fees			

APPLICATION FOR FINAL APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS		Submitted	Not Applicable	Waiver Requested
14.	Proof that all taxes and assessments for local improvements on the property have been paid.			
15.	If the requirement improvements have been installed, the application for final approval shall be accompanied by a statement from the Town Clerk that a satisfactory maintenance bond has been posted.			
16.	Applicant shall submit twenty (20) sets of folded plans.			
Checklist prepared by: _____		Date: _____		
Checklist reviewed by Board: _____		Date: _____		
Application found complete on: _____				
Application found incomplete on: _____				
Applicant notified on: _____				
The following variances/waivers were granted: _____				
The following variances/waivers were denied: _____				

17-74.4 Variance Application Checklist

VARIANCE APPLICATION CHECKLIST	Submitted	Not Applicable	Waiver Requested
1. Name, address and telephone number of applicant(s) and owner(s).			
2. Address of the subject property.			
3. Lot and block number of the premises in question.			
4. Zone in which the property is located.			
5. Description of what the applicant seeks to do.			
6. Specific enumeration of the variances requested or action sought.			
7. Specification of the section(s) of the Zoning Ordinance from which relief is sought.			
8. Specification of each particular zone requirement that the proposal would violate.			
9. If the application is an appeal from a decision or order of the Zoning Officer, the date of the decision or order of the Zoning Officer.			
10. The applicants' reasons for the Board to grant relief.			
11. Summary of specific facts which demonstrate that the relief sought can be granted without substantial detriment to the public good and substantial impairment of the intent and purpose of the Zone Plan and Zoning Ordinance.			
12. If there has been a previous application to the Zoning Board of Adjustment or to the Planning Board involving the premises in question, the date of filing, the nature of the application and the disposition made.			
13. Description of the proposed structure, use of changes.			
14. Size of the lot (in square feet).			
15. Dimensions of the lot.			
16. Percentage of the lot occupied by buildings and impervious coverage.			
17. (a) Height of building, stories and feet. (b) Front yard depth. (c) Rear yard depth. (d) Side yards, width (both).			
18. Prevailing front yard setbacks of adjoining lots.			
19. Where applicable, rear yard setbacks of adjoining lots.			
20. Date of acquisition of property, and from whom.			
21. State of the number of dwelling units in existing building(s).			
22. State whether the applicant or owners own or have under contract to purchase any adjoining lands. Set forth lot(s) and block number(s).			
23. State whether the application is or is not to be accompanied by a separate application for subdivision, site plan or conditional use approval. If it is, see Planning Board checklist.			

VARIANCE APPLICATION CHECKLIST	Submitted	Not Applicable	Waiver Requested
24. Submit the following documents with the application: (a) Copy of an area map showing all lots within two hundred (200) feet of the property. (b) List of names; addresses, lot and block numbers, as they appear on the official tax records of the Town, of all owners of property within two hundred (200) feet of the property affected by the application and upon whom the notice must be served in the manner provided by law. (c) Copy of survey clearly indicating the buildings and improvements thereon with all front, side and rear yard dimensions and setbacks from the property lines. (d) Copies of subdivision, site plan or conditional use applications when applicable. (e) Certification that taxes are paid.			
25. If the survey is more than one (1) year old, attach certification of the applicant or owner that the survey accurately represents the status of the premises and all improvements at the time of filing for the variance.			
26. At least ten (10) days prior to the hearing, the applicant shall serve prescribed notice on all owners of property within two hundred (200) feet. Note: This may require the inclusion of an adjoining municipality; the County Planning Board when county roads or lands are involved; and the Commissioner of Transportation of the State of New Jersey when a state or interstate highway is involved.			
27. The applicant must submit the original and twenty (20) copies of the application, properly completed, and twenty (20) folded copies of a plot plan, map or survey, drawn to scale, an affidavit of proof of service, with a copy of the notice and the list furnished by the Administrative Officer of the municipality of all those persons or entities served (service shall be made by certified mail or personal service).			
28. All applications for consideration of the Board of Adjustment must be filed fourteen (14) days prior to the date of hearing. Proper notice given to those requiring service upon them, and publication made, at least ten (10) days prior to the date of hearing before the Board of Adjustment			
29. Written consent of the owner, if the owner is different from the applicant.			
30. The name, address and phone number of the attorney, if any, representing the applicant.			
Checklist prepared by: _____ Date: _____			
Checklist reviewed by Town: _____ Date: _____			
Application found complete on: _____			
Application found incomplete on: _____			

VARIANCE APPLICATION CHECKLIST	Submitted	Not Applicable	Waiver Requested
Applicant notified on:			
The following variances/waivers were granted:			
The following variances/waivers were denied:			

17-74.5 Application Checklist

TOWN OF HARRISON		Yes	No		
APPLICATION CHECKLIST GENERAL REQUIREMENTS FOR ALL DEVELOPMENT APPLICATIONS					
Applicant's Name _____					
Application # _____					
Items Required:					
<p>1. Fees and escrow.</p> <p>2. Certification of taxes paid.</p> <p>3. Plot plan, site plan or subdivision plan; number of copies specified on applicable checklists.</p> <p>4. Affidavit of Ownership. If applicant is not the owner, applicant's interest in land must be indicated; e.g., tenant, contract/purchaser, lien holder, etc., and permission of property owner to file the application must be submitted.</p> <p>5. If applicant is a corporation or partnership applying to the Board or the Council for permission to subdivide a parcel of land into six (6) or more lots, or applying for a variance to construct a multiple dwelling of twenty-five (25) or more units or for approval of a site to be used for commercial purposes, list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class as required by N.J.S.A. 40:55D-48.1 and 48.2.</p> <p>6. A statement from the property owner granting permission for the Board and any of its experts to enter the subject premises for purposes of inspection in relation to a development application.</p> <p>7. Statements as to any requirements for which waiver or variance is sought, together with a statement of reasons why same should be granted.</p> <p>8. For minor site plans, minor subdivisions, preliminary major site plans and preliminary major subdivisions, a statement of any and all approvals which are required from other governmental or quasi-governmental entities.</p> <p>9. If approval from the Hudson County Planning Board is required pursuant to P.L. 1968, c. 285, a copy of the application submitted to the Hudson County Planning Board must be submitted.</p> <p>10. For minor site plans, minor subdivisions, preliminary major site plans, preliminary major subdivisions and variance applications, a copy of any protective covenants or deed restrictions, if any, affecting the property in question; provided that if none exist, an affidavit from the owner certifying that no such covenants or restrictions exist, shall be submitted.</p> <p>11. Complete checklist provided for one of the following development proposals (Applicant check one or more as required).</p> <p>Minor Subdivision And Minor Site Plan</p> <p>Preliminary Major Subdivision And Site Plan</p> <p>Final Major Subdivision And Site Plan</p> <p>Variance Application</p>					

17-75 THROUGH 17-80 RESERVED

ARTICLE IV

ZONING

17-81 ZONE DISTRICTS

17-81.1 Establishment Of Zones

For the purpose of this Chapter, the Town of Harrison is hereby divided into the following twelve (12) zones known as:

SF-1	Single-Family Detached Residential
SF-2	Single-Family Attached Residential
SF-3	Single-Family Attached Residential
2F-1	Two-Family Detached Residential
2F-2	Two-Family Attached Residential
3F	Three-Family Residential
A	Apartments
SH	Senior Housing
IP	Institutional and Public Uses
NC	Neighborhood Commercial
CC	Community Commercial
I	Industrial

17-81.2 Zoning Map

The location and boundaries of the above zones are hereby established on the Zoning Map dated November 1998 which is attached hereto and made a part of this Chapter.

17-81.3 Interpretation Of Zone Boundaries

Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any zone shown on the map, the following rules shall apply:

- A. Centerlines. Boundary lines indicated as following or approximately following streets, highways or other public or private ways shall be construed to follow the centerlines thereof.
- B. Platted lines. Boundaries indicated as following or approximately following lot lines shall be construed as following such lot lines as the same appear on the Tax Maps of the Town, as revised, from time to time.
- C. Town lines. Boundaries indicated as following or approximately following Town lines shall be construed as following such Town lines.
- D. Shorelines. Boundaries indicated as following or approximately following shorelines shall be construed to follow such shorelines but, in the event of change in the shorelines, shall be construed as moving with the actual shoreline. Boundaries indicated as following streams, rivers or other bodies of water shall be construed as following the centerlines thereof.
- E. In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination shall be made by the Board of Adjustment, except that the Planning Board shall have jurisdiction to determine a disputed zone boundary line when acting on a subdivision, site plan or conditional use application.

17-81.4 Schedule Of Permitted, Conditional And Accessory Uses

The schedule of permitted, conditional and accessory uses is contained in Schedule I at the end of this Article and is hereby made part of this Chapter.

17-81.5 Schedule Of Area, Yard And Building Requirements

The Schedule of Area, Yard and Building Requirements is contained in Schedule II at the end of this Article and is hereby made a part of this Chapter.

17-81.6 Interpretation Of Use Regulations

This Article shall be viewed as permissive. No use or structure shall be permitted in the Town which is not listed as a permitted, accessory or conditional use. All other uses shall be prohibited.

17-82 SUPPLEMENTARY REGULATIONS

17-82.1 General

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, reconstructed, added to or enlarged, nor shall any land, building or structure be designed or used for any purpose or in any manner other than as specified among the uses listed as permitted, accessory or conditional in the zone in which such building, structure or land is located, and subject to all area, yard and building requirements of Schedule II.
- B. No yard or open space surrounding any building shall be encroached upon or reduced in any manner, except in conformity with the yard, area and building regulations designated for the zone(s) in which such building and yard or open space are located.
- C. The area and dimensions of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Article; and, if already less than the minimum required by this Article, such area and/or dimension shall not be further reduced.
- D. The provisions and restrictions contained in this Article shall not apply to or be binding upon the Town.

17-82.2 Lot Regulations

- A. Every lot shall include front, side and rear yards having the areas and dimensions required within the particular zone in which such lot is located.
- B. No yard or other open space provided for any building for the purpose of complying with the provisions of this Article shall be considered as providing a yard or other open space for any other building..

C. No land in a residential zone shall be used to fulfill open space, minimum area, minimum yard and/or setback requirements, parking or other similar requirements for any nonresidential use in a nonresidential zone.

D. In the case of a through lot, the front lot line of such lot, for the purposes of this Article, shall be considered that line upon which the majority of the buildings in the same block front, but in case there has been no clearly defined frontage established, the front lot line shall be the line upon which the primary entrance of the principal building faces, or will face when constructed.

17-82.3 Yard Regulations

A. Projections and Encroachments: Minimum required yards shall be entirely free of buildings, structures (excluding parking) or parts thereof and no building or structure shall project into any minimum required front, side or rear yard nor shall any use be made of any such yard, except as follows:

1. Cornices and eaves may project not more than two (2) feet into any required yard.
2. Sills, leaders and similar ornamental or structural features may project six (6) inches into any required yard.
3. An open fire escape may project into a required rear yard not more than four (4) feet.
4. Bay windows may project no more than three (3) feet into a required rear yard.
5. Balconies may project no more than six (6) feet into a required rear yard.
6. A chimney may project into any required rear yard or court, provided that the projection does not exceed two (2) feet.
7. Uncovered steps may project not more than six (6) feet into any required front and rear yard, and not more than three (3) feet into any required side yard.
8. Freestanding flagpoles are permitted in any required front and rear yard.

9. Television and radio aerial masts, children's playground equipment and outdoor fireplaces are permitted in any required rear yard.

10. Window wells affording light and air to basement and cellar areas are permitted in all required yards.

B. On corner lots, the front yard setback requirement shall be met on all abutting streets, except that individual lots not in common ownership with any adjoining lots which are validly existing and nonconforming in lot width on the date of the adoption of this Article, shall be permitted to have a setback along the lot's greater street frontage equal to not less than one-half (1/2) the minimum front yard depth.

17-82.4 Frontage Upon A Street

Every principal building shall be built upon a lot having minimum street frontage equal to the required minimum lot width upon an approved street which shall be improved in accordance with street standards established by the Town of Harrison or the Residential Site Improvement Standards (RSIS), as applicable.

17-82.5 Principal Buildings

Only one (1) principal building may be erected on each lot in the SF-1, SF-2, SF-3, 2F-1, 2F-2 and 3F residential zones. In all other zones, related compatible buildings under one (1) management may be erected, used or occupied, provided that all yard, open space, setback and coverage requirements of this Article are met.

17-82.6 Height Exceptions

A. Appurtenances attached to principal structures. Church spires, belfries, domes or antennas attached to buildings, penthouses (not for human occupancy), chimneys, ventilators, skylights, water tanks, bulkheads and necessary mechanical appurtenances usually carried above roof level shall not be considered when determining the height of the building, and are not subject to height limitations, except that such features shall not

exceed twenty (20) percent of total roof area and shall not exceed a height such as is necessary to accomplish the purpose for which it is intended to serve.

B. Freestanding non-commercial accessory structures. Water towers, radio and television antennas and flagpoles which are erected as freestanding structures may be erected to a height which can be demonstrated to the Board is necessary to accomplish their intended function. Federally licensed amateur radio facilities shall be subject to Federal Communications Commission rules (47 CFR, Part 97) which govern the height of licensed amateur operator radio antennas. The height of the tower or antennae shall conform with U.S. Federal Communications Commission Regulations governing licensed amateur radio operators and, if required, Federal Aviation Administration (F.A.A.) notification and F.C.C. approval. All freestanding non-commercial accessory structures shall not be located within any required front, side or rear yard setback areas and shall be subject to the structural provisions of the New Jersey Uniform Construction Code.

17-82.7 Accessory Structures And Uses

A. General requirements.

1. No accessory structure may be built upon any lot on which there is no principal building or structure.
2. Accessory structures in the I zone shall not exceed the height of the principal building. In the NC, CC and residential zones no accessory structure shall exceed fifteen (15) feet in height.
3. Accessory structures in all zone districts shall be at least ten (10) feet from any other structure on the same lot.
4. No accessory structure(s) shall be located in a required front yard or in any area, such as the "side" front yard of a corner lot, where front yard setbacks apply.
5. Any accessory structure attached to the main building shall be considered part of the main building.

6. On through lots, no accessory structure erected in the rear yard shall be nearer to the "rear" street line than the minimum front yard setback for the zone in which such lot is located.
7. Except as provided in paragraph 6 above, minimum setbacks from side and rear lot lines for accessory structures shall be three (3) feet.

B. Requirements for specific accessory structures and uses.

1. Swimming pools shall comply with the provisions of Section 17-82.7A, and with the following requirements:

- a) No swimming pool shall be located closer than five (5) feet to any side or rear lot line.
- b) Elevated lights over four (4) feet in height used or maintained in connection with a private swimming pool shall be so located and shielded that the illumination therefrom is not directed upon any adjacent property and shall be turned off by 10:00 PM.
- c) No private swimming pool shall be used other than as accessory to the principal use of the premises upon which it is located.

2. Home occupations. Home occupations shall be permitted as accessory uses in residential zones and shall be exempt from approval by the Board if the following standards are satisfied:

- a) The practitioner must be the owner or lessee of the residence in which the home occupation is contained.
- b) The practitioner must reside in the home as his or her principal residence.
- c) There shall be no external evidence of the home occupation whatsoever.

- d) There shall be no nonresidential employees working on the premises.
- e) There shall be no retail sales, manufacturing or industrial operations conducted on the site.
- f) No clients shall visit the site.
- g) There shall be no sign identifying the home occupation and there shall be no identification of such home occupation upon any mailbox.
- h) There shall be no delivery vehicles other than associated with the residential use on site.
- i) The home occupation shall be clearly incidental and subordinate to the principal use of the dwelling for residential purposes. The maximum area devoted to the home occupation shall be limited to not more than twenty-five (25) percent of the total area of the floor where the home occupation use is located, excluding space used for a private garage, or four hundred (400) square feet, whichever is smaller.
- j) No equipment or process shall be used in such home occupation which creates noise, glare, fumes, odors, electrical interference, medical waste, or other nuisance factors detectable to the human senses outside the lot on which the home occupation is conducted.

3. Satellite earth stations

- a) Permitted Districts.
 - 1) A satellite earth station shall be permitted as an accessory use in all zone districts. Satellite earth stations shall require site plan approval from the Planning Board except where accessory to a one- or two-family residential use. In the case of a satellite earth station which is accessory to a one- or two-family residential use, the application shall be determined by the Zoning

Officer, or by the Board of Adjustment whenever a request for interpretation is necessary, or a variance is requested by the applicant.

2) Whenever a satellite earth station is accessory to a one- or two-family dwelling, and an applicant claims that any general regulation standard herein must be modified because of inability to transmit and/or receive a reasonably satisfactory signal, impracticability, undue hardship, or other criteria for modification under this section, or whenever the adequacy of and/or reasonableness of screening is in issue, such application shall be referred to the Board of Adjustment for interpretation pursuant to N.J.S.A. 40:55D-70b.

b) Performance standards.

- 1) No satellite earth station may be placed in the front yard of any lot in the Town. For purposes of this requirement, a corner lot shall be deemed to have a front yard facing each street.
- 2) Satellite earth stations thirty six (36) inches in diameter or less shall be located on the roof. Receive-only satellite earth stations greater than thirty six (36) inches in diameter shall be placed on a lot only in the rear yard; provided, however, that on a clear and convincing showing by an applicant that a reasonably satisfactory signal cannot be obtained from a rear yard location, the Board may permit the satellite earth station to be located in the side yard, and if such a signal cannot be obtained in either the rear or side yard, the Board may permit the antenna to be located on the roof of any principal or accessory building on the lot.
- 3) A transmit/receive satellite earth station shall be placed on the roof of the principal building on the lot; provided, however, that on a clear and convincing showing by an applicant that this requirement is impracticable or would cause undue hardship, or that installation elsewhere would substantially

further the purposes and objectives of this section without substantial adverse impact on adjoining properties, the Board may permit the satellite earth station to be located in the rear yard of the lot. If a ground mounted transmit/receive type satellite earth station is proposed, the plan for the earth station shall include the proposed location of a protective fence, a minimum of four (4) feet in height, surrounding the antenna on all sides. The proposed fence shall be constructed in accordance with Chapter V of the Land Development Ordinance.

- 4) All satellite earth stations shall not be closer to the side property line than a distance equal to the diameter of the earth station or the side yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.
- 5) All satellite earth stations shall not be closer to the rear property line than a distance equal to the diameter of the earth station or the rear yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.
- 6) When mounted on the ground, the overall height from the surrounding ground level to the lowest point of the antenna shall not exceed two (2) feet except in instances where additional clearance is needed to satisfactorily receive and/or transmit signals. No ground mounted satellite earth station shall exceed twelve (12) feet in height, as measured from the average grade at the base of the antenna to the highest point of the antenna.
- 7) Roof Mounted Antennas:
 - i) Flat Roofs and Mansard Style Roofs: No roof mounted satellite earth station may extend above the roof line more than (9) feet six (6) inches when mounted on a flat roof or mansard style roof. However, upon a

showing that such a roof mounted antenna will not produce adequate reception under the restrictions of this subsection, the minimum height necessary for reasonably satisfactory reception may be allowed. Roof mounted antennas on a flat roof shall be located in the center of the roof structure to reduce visibility.

ii) All Other Style Roofs: No roof mounted satellite earth station may extend above the highest point of the roof more than three (3) feet when mounted on all other style roofs, and, must be located on the portion of the roof facing the rear yard or, if this would unreasonably limit signal reception, the side yard. However, upon a showing that such a roof mounted antenna will not receive adequate reception under the restrictions of this subsection, the minimum height necessary for reasonably satisfactory reception may be allowed.

- 8) The diameter of satellite earth stations shall not exceed twelve (12) feet for C-band technology for receiving and shall not exceed eight (8) feet in diameter for Ku-band V Sat technology for transmitting, subject to subsection (9). All satellite earth stations larger than twenty-four (24) inches shall be of the mesh type only, with not more than eighty five (85) percent of the surface being solid.
- 9) All satellite earth stations shall be painted a solid, dark, non-metallic, non-glossy color if ground mounted. Roof-mounted satellite earth stations mounted on a flat roof or mansard style roof shall be painted a solid, non-metallic, non-glossy light to medium gray. When mounted on any other style roof the satellite earth station shall be painted the color of the surface to which it is attached.

10) The ability of the applicant to install a satellite earth station in an unobtrusive location and to minimize the visual impacts on neighboring properties shall be a major factor in determining whether or not a permit is issued.

11) The number of allowable satellite earth stations are as follows:

- i) For all residential uses in residential zones: one (1) per building.
- ii) For all other uses permitted in residential zones not specifically provided for otherwise (e.g. schools, churches, nursing homes, etc.): one (1) per building.
- iii) For commercial and industrial zones: one (1) per business.

12) The satellite earth station may only be used for occupants of the building located on the property.

13) When the use of the satellite earth station is abandoned, it shall be removed.

14) Satellite earth stations may not be mounted on a portable or movable structure, such as a trailer.

15) No satellite earth station shall be erected on a public utility easement without the consent of the easement holder.

16) The proposed satellite earth station shall be the smallest commercially available equipment feasible based on the current technology so as to minimize the visual impact on surrounding areas.

17) No satellite earth station may be used as a sign.

18) All wiring or connecting cables between any ground mounted satellite earth station and the principal building on the site shall be buried underground. All

wiring or connecting cables between the roof-mounted satellite earth station and the principal building shall be hidden or appropriately screened.

- c) All satellite earth stations, appurtenances, landscaping, and fencing shall be kept and maintained in good condition.

4. Outdoor storage.

- a) No flammable or explosive liquids, solids or gases shall be stored above ground unless as otherwise required by applicable federal, state or local regulations. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
- b) 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 meet all required accessory building setbacks for the zone in which located. This provision shall not apply to outdoor storage of new cars or other vehicles on the premises of a dealer.
- c) No materials or wastes shall be stored on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
- d) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

5. Decks, terraces and patios. Decks, patios and terraces over two (2) feet in height shall be considered part of the principal building and must meet required yard setbacks for principal buildings.

17-82.8 Commercial Vehicles In Residential Zones

In a residential zone not more than one (1) commercial vehicle of a rated capacity of three-quarters (3/4) ton or less may be kept on the premises provided such vehicle is housed in a garage, not a carport, and is not customarily parked in the driveway or on the street.

17-82.9 Parking Of Recreational Equipment

A. Parking of recreational equipment. No mobile dwelling, trailer or any recreational equipment shall be stored or parked on any premises in any residential zone district within the limits of the Town of Harrison, except as hereinafter provided:

1. No recreational equipment shall be stored or parked within any residential district other than that lot upon which the principal residence structure of the actual owner of the recreational equipment is located.
2. No recreational equipment shall be stored or parked at any time when said premises are not being occupied, except for vacation absences.
3. No recreational equipment shall be stored or parked in any district as an accessory building or use, except as herein provided.
4. All recreational equipment shall be stored or parked to the rear of the rear building line of the principal building.
5. All recreational equipment must be kept clean and in good repair at all times and shall carry a current year's license or registration as required by law.
6. All recreational equipment shall be maintained in mobile condition.
7. No recreational equipment shall be used for sleeping or dwelling purposes while on said premises and shall not be commercially stored or offered or displayed for sale. Further, such recreational equipment shall not be connected with any electric, water, gas or sanitary sewer facilities.

8. No recreational equipment shall be stored, parked or maintained so as to create a dangerous or unsafe condition on the premises where parked.

17-82.10 Conditional Uses

A. General. The Board shall not approve a conditional use unless it finds that the use meets all the applicable requirements of this Section. All conditional uses shall be subject to site plan review in accordance with Article III of this Chapter.

B. Requirements for specific uses.

1. Home occupations.

- a) The practitioner must be the owner or lessee of the residence in which the home occupation is contained.
- b) The practitioner must reside in the home as his or her principal residence.
- c) The practitioner shall not utilize the services of more than one on-site employee at any time. Use of any home occupation facility by a group or groups of clients or other persons shall not be permitted.
- d) The home occupation shall occupy less than fifty (50) percent of the total area of the floor where located, excluding space used for a private garage or nine hundred (900) square feet, whichever is smaller.
- e) No clients shall remain on the premises overnight.
- f) The residential character of the neighborhood and the premises shall not be subordinated to the home occupation use.
- g) Adequate on-site parking spaces shall be provided in accordance with this Article so that no parking related to the home occupation shall occur on the street.

h) No retail sales, manufacturing or industrial operations shall be conducted on the site.

i) No more than one (1) business visitor shall be permitted at any one time. There shall be no external evidence of the home occupation, except any parking spaces that may be required pursuant to this Article.

j) No sign identifying the home occupation shall be permitted and there shall be no identification of such home occupation upon any mailbox.

k) No equipment or process shall be used in such home occupation which creates noise, glare, fumes, odors, electrical interference, medical waste or other nuisance factors detectable to the human senses, outside the lot on which the home occupation is conducted.

2. Houses of worship.

a) Compliance with all bulk standards of the zone.

b) Maximum height: 40 feet.

c) In the NC and CC zoning districts, no house of worship shall occupy the ground floor of the structure.

d) Screening and landscaping shall be provided where necessary to minimize the impact on adjacent properties.

3. Gasoline service stations and public garages. All gasoline service stations and public garages shall comply with the following requirements:

a) Minimum lot size. The minimum lot size shall be ten thousand (10,000) square feet.

b) Minimum lot width. The minimum lot width shall be seventy-five (75) feet.

- c) Outdoor storage areas and landscaping requirements. All outdoor storage facilities shall be enclosed by a fence or a wall or other suitable visible screen adequate to conceal such facilities and the contents thereof from adjacent property.
- d) Location of oil drainage pits and hydraulic lifts. No outdoor hydraulic or mechanical lifts or oil drainage or mechanical pits shall be permitted.
- e) Location of gasoline pumps. No gasoline pumps shall be nearer than fifteen (15) feet to any street right-of-way line and no closer than thirty (30) feet to any other lot line.
- f) The sale of used cars and the storage of any unlicensed vehicles shall be prohibited.

4. Automatic Car Wash. All automatic car washing establishments shall comply with the following requirements:

- a) Minimum area requirements.
 - 1) Minimum lot area: Fifteen thousand (15,000) square feet.
 - 2) Minimum lot width: Seventy-five (75) feet.
 - 3) Minimum lot depth: Two hundred (200) feet.
- b) Minimum yard requirements.
 - 1) Front yard: Same as required for the zone.
 - 2) Side yard: One side yard shall be twenty (20) feet and both shall total forty (40) feet.
 - 3) Rear yard: Twenty-five (25) feet.

- c) Off-street parking. In compliance with this Article.
- 5. Cellular Communications Antennas. Cellular communications antennas shall be as permitted in the CC and I zones, subject to compliance with the following requirements:
 - a) Purpose. It is the purpose of these ordinance provisions to provide specific zoning conditions and standards for the location and operation of cellular antennas for telephone, radio, paging and any other personal communication services and/or telephone communication within the Town of Harrison. These ordinance provisions acknowledge that there may be inherent benefits that can be derived from the construction and operation of such antennas and acknowledge that certain state and/or federal laws and/or regulations specifically address such antennas and the towers on which they are located. These ordinance provisions further acknowledge the need to safeguard the public good and preserve the intent and purposes of the Town of Harrison Zone Plan.
 - b) Objectives. The overall objective of these ordinance provisions is to enable the location of necessary cellular antennas within the Town of Harrison in order to provide the fullest extent of communication services while simultaneously limiting the number of towers to the fewest possible. In acknowledgment that more than one service carrier may have the right to provide communication services utilizing cellular antennas within the Town of Harrison, these ordinance provisions encourage several service carriers to locate their various cellular antennas on the same tower in order to limit the total number of such towers within the Town of Harrison to the fewest possible.
 - c) Comprehensive Plan. In order to provide proper evidence that any proposed location of cellular antennas (and any supporting tower and/or ancillary building enclosing related electronic equipment) has been planned to result in the fewest number of towers within the Town of Harrison, the applicant shall submit a

"Comprehensive Plan." Said Comprehensive Plan shall indicate how the applicant proposes to provide full service throughout the Town of Harrison from its proposed location. To the greatest extent possible, said Comprehensive Plan shall also indicate how the applicant's plan is coordinated with the needs of all other providers of cellular communication services within the Town of Harrison.

- d) Major site plan. The Comprehensive Plan does not supplant or supersede any requirements for a site plan under the Land Development Ordinance. An application for a cellular antenna shall meet all applicable requirements for a major site plan.
- e) Maximum height. The applicant shall demonstrate that total requested height for location of the cellular antenna is minimum height necessary to achieve the purposes of the cellular antenna.
- f) Design details.
 - 1) All structures shall be fenced and buffered by landscaping as approved by the Board.
 - 2) Microwave antennas shall be prohibited for transmission of signals where ground lines are reasonably available.
- g) Restoration. The applicant and/or operator of the cellular antennas shall provide the Town with a copy of any notice or letter of intent to cease operations in the event that such a notice or letter is sent by the applicant and/or owner to the FCC. An unused tower for cellular antennas may stand for only one hundred eighty (180) days. The property owner shall be responsible for prompt demolition and removal of an unused tower.

17-82.11 Boarders

In any residential structure, not more than two (2) persons shall be permitted to occupy any dwelling unit as boarders in accordance with the following:

- A. Not more than one (1) boarder may occupy a sleeping room.
- B. Each sleeping room shall be at least eighty (80) square feet.
- C. There shall be no cooking facilities in any sleeping room.

17-82.12 Child Care Centers

Child care centers are permitted uses in all non-residential zones in accordance with the following requirements:

- A. Such use shall meet the area and bulk requirements of the zone where located.
- B. The floor area occupied in any building or structure as a child care center shall be excluded in calculating the following:
 1. Any parking requirement otherwise applicable to that number of units or amount of floor space, as appropriate, as required under this Article.
 2. The permitted density allowable for that building or structure under the applicable zone requirements.

17-82.13 Family Day Care Homes

Family day care homes are permitted as accessory uses in all residential zones. All of the standards governing home occupations as set forth in Section 17-82.7B.2, with the exception of subsections (c) and (f), shall apply.

17-82.14 Essential Services

Public utility lines for the transportation, distribution and/or control of water, electricity, gas, oil, steam and telegraph and telephone communications, and their supporting members, other than buildings and structures, including pipes, shall not be required to be located on a lot, nor shall this Chapter be interpreted to prohibit the use of a property in any zone for the above uses.

17-82.15 Nonconforming Uses, Structures And Lots

- A. Continuance of existing nonconforming uses and structures. Any nonconforming use or structure which lawfully existed at the time of the passage of this Article may be continued, and any existing legally nonconforming building or structure may be reconstructed or structurally altered, but only in accordance with the requirements of this Article.
- B. Abandonment. A non-conforming use of a building or land, which has been abandoned, shall not thereafter be revived. A rebuttable presumption of intention to abandon a non-conforming use shall arise whenever any of the following circumstances are found to exist:
 - a) The owner has made representations in any public forum that the (non-conforming) use of the property has been abandoned; or
 - b) The intent to abandon is manifested by the conduct and/or statements of the owner AND is evidenced by an external act or omissions to act, which is consistent with such intent and contrary to any interest in preserving or continuing the non-conformance; or
 - c) The property is vacant and is not the subject of any current development approvals and has been vacant and substantially unused and inactive for a period of twelve (12) months or more; or
 - d) A cessation of operation or occupancy of any non-conforming use shall occur for a period of twelve (12) consecutive calendar months.
 - e) The characteristic equipment and furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the non-conforming use; or

f) Such non-conforming use has been replaced by a conforming use.

C. Alteration, extension or enlargement of nonconforming use or structure.

1. A nonconforming use of any building, structure or land shall not be increased, enlarged, extended or changed in any manner whatsoever.
2. No building in which a nonconforming use exists shall be enlarged, extended or structurally altered in any manner; provided, however, that:
 - a) Nothing herein shall prevent the repair and maintenance of any building wherein there exists a nonconforming use, provided that such maintenance and repair does not in any way constitute or result in a further extension of a nonconforming use.
 - b) Minor alterations and improvements which do not constitute or require structural changes may be made in or to a building wherein a nonconforming use exists, provided that such nonconforming use will not be increased, extended or enlarged thereby.
 - c) Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is nonconforming.
3. Structural alterations, internal rearrangements and renovations may be made in a building or structure which is nonconforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this Chapter, other than use, so long as the structural alteration or increase, internal rearrangement or renovation does not extend or enlarge the non-conformance of said building or structure.
4. A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use.

D. Restoration of existing buildings or structures nonconforming because of use. Whenever a building or structure is nonconforming by reason of its use, such building or structure

may be restored or repaired if less than eighty (80) percent of the existing floor area is destroyed.

- E. Restoration of existing buildings or structures which are nonconforming for reasons other than use. Whenever a building is nonconforming because it fails to comply with any height, area, yard, off-street parking or requirements of this Chapter, other than use, and such building is partially destroyed, such building may be restored to its prior condition; provided, however, that such restoration shall not enlarge the previously existing non-conformance.
- F. Nonconforming improved lot. When an improved lot in a residential zone exists as a separate isolated lot under separate ownership and does not adjoin any vacant land or vacant lot of the same owner, and such improved lot is nonconforming due to size, shape, area or setback; any existing residential building or structure on the lot may be further improved, provided that:
 1. The number of dwelling units shall not be increased even if such increased number of dwelling units are allowed in the zone.
 2. Any existing nonconforming setbacks from streets, side lot lines or rear lot lines shall not be made more nonconforming, but any improvement may maintain the same nonconforming setbacks; provided, however, that a minimum side yard of three (3) feet shall be maintained.
 3. The Construction Official of the Town of Harrison is hereby authorized and empowered to issue any necessary construction permits in accordance with the provisions of this subsection.

17-83 THROUGH 17-89 RESERVED

Zoning Schedule I
Bulk Regulations - All Districts
Town of Harrison, Hudson County, NJ

District	Minimum Area Requirements			Minimum Setback Requirements			Maximum Bulk Requirements	
	Lot Area (SF)	Lot Width	Lot Depth	Front Yard	Side Yard (each)	Rear Yard	Height (feet)	Density
SF-1 <i>(Single-family detached)</i>	5,000	50'	100'	*	5'	40'	35'	-
SF-2 <i>(Single-family attached, larger lot)</i>	1,800	15'	100'	*	0' interior lot; 5' exterior lot, one side	40'	35'	-
SF-3 <i>(Single-family attached, smaller lot)</i>	850	12'	70'	*	0' interior lot; 5' exterior lot, one side	40'	35'	-
2F-1 <i>(Two-family detached)</i>	2,500	25'	100'	*	3'	25'	35'	-
2F-2 <i>(Two-family attached)</i>	2,300	23'	100'	*	0' interior lot; 5' exterior lot, one side	25'	35'	-
3F <i>(Three-family)</i>	3,000	30'	100'	*	4' one side	15'	40'	-
A <i>(Apartments)</i>	13,500	100	100	*	2.5'	30'	40'	50 dwelling unit/acre
SH <i>(Senior Housing)</i>	20,000	200	200	*	2.5'	25'	40'	50 dwelling unit/acre
IP <i>Institutional and Public Uses</i>	10,000	100'	100'	*	3'	35'	40'	-
NC <i>(Neighborhood Commercial)</i>	2,500	25'	100'	0'	0'	25**	40'	-

Zoning Schedule I
Bulk Regulations - All Districts
Town of Harrison, Hudson County, NJ

District	Minimum Area Requirements			Minimum Setback Requirements			Maximum Bulk Requirements	
	Lot Area (SF)	Lot Width	Lot Depth	Front Yard	Side Yard (each)	Rear Yard	Height (feet)	Density
CC <i>(Community Commercial)</i>	10,000	100'	100'	*	10'	35'	40'/3	-
I <i>(Industrial)</i>	15,000	150'	100'	*	10'	35'	35'/2	-

* The front yard requirement shall be such that where the existing principal buildings on the same side of the street and within 200 feet of any subject lot create an established setback, new buildings shall conform to such established setback or, if none is established, to the average of the setbacks of the principal buildings within 200 feet, provided that in residential zones the minimum front yard setback shall be 20 feet.

** Rear yard in NC zone: If a rear yard abuts a residential use, a minimum 5' high fence shall be erected to screen the commercial use from the abutting residential use.

Zoning Schedule II-A
 Use Regulations - Residential Districts
 Town of Harrison, Hudson County, New Jersey

	<u>SF-1</u>	<u>SF-2</u>	<u>SF-3</u>	<u>2F-1</u>	<u>2F-2</u>	<u>3-F</u>	<u>A</u>	<u>SH</u>
Institutional and Public Uses	P	P	P	P	P	P	P	P
Boarders	A	A	A	A	A	A	A	A
Houses of Worship	P	P	P	P	P	P	P	P
Detached single-family dwellings	P	P	P	P	P	P	P	-
Attached single-family dwellings	-	P	P	-	-	-	P	-
Detached two-family dwellings	-	-	-	P	P	P	P	-
Attached two-family dwellings	-	-	-	P	P	-	P	-
Detached three-family dwellings	-	-	-	-	-	-	P	P
Apartments	-	-	-	-	-	-	P	-
Senior housing	-	-	-	-	-	-	-	P
Essential services	P	P	P	P	P	P	P	P
Accessory uses such as sheds and pools	A	A	A	A	A	A	A	A
Signs	A	A	A	A	A	A	A	A
Parking facilities to serve a principal use	A	A	A	A	A	A	A	A
Family day care	A	A	A	A	A	A	A	A
Community shelters ¹	P	P	P	P	P	P	P	P
Community residences ²	P	P	P	P	P	P	P	P
Home occupations	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C

P = Principal Permitted Use

C = Conditional Use

A = Accessory Use

¹ Housing victims of domestic violence.

² Housing the developmentally disabled, persons with head injuries and the terminally ill.

Zoning Schedule II-B
Use Regulations - Commercial Districts
Town of Harrison, Hudson County, New Jersey

<u>Uses</u>	<u>NC</u>	<u>CC</u>
Apartments	P	P
Automatic car wash	-	C
Automobile sales	-	P
Public garage	C	C
Financial institutions	P	P
Cellular Communications Antennas	-	C
Child care centers	P	P
Essential services	P	P
Funeral homes	P	P
Gasoline service stations	C	C
Houses of worship	C	C
Institutional and public uses	P	P
Nursing homes	P	P
Offices	P	P
Parking facilities/garages (non-truck)	P	P
Research laboratories	-	P
Restaurants	P	P
Retail services	P	P
Retail trade	P	P
Wholesale sales and services	-	P
Parking for principal use	A	A
Signs	A	A

P = Permitted use

C = Conditional use

A = Accessory use

Zoning Schedule II-C
Use Regulations - Industrial District
Town of Harrison, Hudson County, New Jersey

<u>Uses</u>	I
Public garage	P
Gasoline service stations	P
Banks and financial institutions, including drive-in facilities	P
Cellular Communications Antennas	C
Child care centers	P
Customary accessory uses	A
Essential services	P
Institutional and public uses	P
Industrial and manufacturing uses*	P
Parking facilities	P
Parking for principal use	A
Signs	A
Warehouses	P
Auto car wash	P
Auto sales	P

P = Permitted use

C = Conditional use

A = Accessory use

*Industrial and manufacturing uses shall mean, for the purpose of this Chapter, those uses with the following Standard Industrial Classification, Major Group Codes or Industry Group Nos., where specified, as per the 1987 Standard Industrial Classification Manual, as amended:

15 General Building Contractors	31 Leather and Leather Products
16 Heavy Construction	32 Stone, Clay and Glass Products
17 Special Trade Contractors	33 Primary Metal Industries
20 Food and Kindred Products	34 Fabricated Metal Products
202 Dairy Products	35 Industrial Machinery and Equipment

203 Preserved Fruits and Vegetables	36 Electronic and Other Electronic Equipment
204 Grain Mill Products	37 Transportation Equipment
205 Bakery Products	38 Instruments and Related Products
206 Sugar and Confectionery Products	39 Miscellaneous Manufacturing Industries (excluding 3999 Manufacturing Industries not elsewhere classified)
208 Beverages	40 Railroad Transportation
209 Miscellaneous Food and Kindred Products	41 Local and Suburban Transit and Interurban Highway Passenger Transportation
21 Tobacco Products	42 Motor Freight Transportation and Warehousing
22 Textile Mill Products	44 Trucking and Warehousing
23 Apparel and Other Textile Products	45 Water Transportation
24 Lumber and Wood Products	46 Pipelines
25 Furniture and Fixtures	47 Transportation Services
26 Paper and Allied Products	48 Communications
265 Paperboard Containers and Boxes	49 Electric, Gas and Sanitary Services
267 Miscellaneous Converted Paper Products	50 Wholesale Trade - Durable Goods
27 Printing and Publishing	51 Wholesale Trade - Non-durable Goods
28 Chemicals and Allied Products	511 Paper and Paper Products
282 Plastics and Synthetics	512 Drugs, Proprietaries and Sundries
283 Drugs	513 Apparel, Piece Goods and Notions
284 Soaps, Cleaners and Toilet Goods	514 Groceries and Related Products
285 Paints and Allied Products	516 Chemicals and Allied Products
286 Industrial Organic Chemicals	517 Petroleum and Petroleum Products
287 Agricultural Chemicals	518 Beer, Wines and Distilled Beverages
289 Miscellaneous Chemical Products	519 Miscellaneous Non-durable Goods
30 Rubber and Miscellaneous Products	52 Building Materials and Garden Supplies Automotive Dealers and Service Stations

NOTE: This list excludes those industries that process meat products and fats and oils; pulp and paper mills; and industrial inorganic chemicals such as alkalis and chlorines, industrial gases and inorganic pigments.

ARTICLE V

DEVELOPMENT REQUIREMENTS AND STANDARDS

17-90 DESIGN STANDARDS

17-90.1 General

- A. The following standards shall be viewed as guidelines. Applicants are encouraged to follow these standards to the extent possible.
- B. Where applicable, the Residential Site Improvement Standards, as amended from time to time, shall apply.
- C. The design and layout of buildings and parking areas shall provide an aesthetically pleasing design and efficient arrangement compatible with the character of surrounding development. Particular attention shall be given to safety and fire protection and the impact on surrounding development and adjacent buildings and lands.
- D. Groups of related buildings shall be designed to present a harmonious appearance in terms of building silhouette, architectural style and scale; massing of building form; surface material, finish and texture; decorative features; window and doorway proportions, entry way placement and location, signage and landscaping.
- E. Buildings shall be designed so as to have attractive, finished appearances from all public spaces.
- F. Roof form. All roofs on one- and two-story principal buildings in residential districts should be pitched. Flat roofs shall not be permitted.
- G. All additions, alterations and accessory buildings should be compatible with the principal structure in design and materials.
- H. Appurtenances.
 1. In residential districts, window security grates shall be as inconspicuous and as complementary to the facade as possible, and are permitted only on first floor windows. In commercial districts, exterior store window security gates shall not be

permitted. Interior gates may be permitted if they are behind the doorways or display cases, and are separated from storefront display windows by commercial displays or other screening. Aluminum or steel roll-down door and window protectors shall not be permitted in any district.

2. Fire escapes shall be constructed only against the side or rear wall of a building and shall be located and/or screened so as not to detract from the appearance of such buildings.
3. Rooftop equipment shall be screened by facade walls in a manner approved by the Board.

17-90.2 Public Or Common Private Open Space Design

- A. All open space shall incorporate elements such as shrubbery, attractive paving materials, street furniture, lighting, low walls, fountains and other architectural and artistic amenities so as to produce and provide a pleasant environment at all levels and to complement the surrounding buildings. All open space shall be designed to invite and attract the public.
- B. Adequate lighting shall be provided to promote a sense of security in the open space.
- C. Open spaces shall be so located as to provide for maximum usability and to create a harmonious relationship between buildings.

17-90.3 Buffers

Buffers may include fences, walls or landscaping to minimize any adverse impacts or nuisances such as the headlights of vehicles, noise, light from structures and the movement of people and vehicles on the site or from adjacent areas. Buffers may also be used to stop windborne debris from leaving the tract. Buffers shall be used, where appropriate, in the following areas:

1. Along property lines shielding various uses from each other.
2. Within or adjacent to parking areas, garbage collection areas and loading and unloading areas.

17-90.4 Fences Or Walls

Fences or walls in excess of two feet in height shall be considered as accessory uses to a principal permitted use and are permitted in accordance with the standards set forth below:

- A. Fences or walls two (2) feet to four (4) feet in height shall be permitted in all yards.
- B. Fences or walls four (4) feet to six (6) feet in height shall be permitted only in the rear and side yards, up to and behind the front facade of the principal building.
- C. All fences shall be set back at least three (3) inches from the property line.
- D. General regulations for fences and walls.
 1. No fence or wall shall be so constructed or installed so as to constitute a hazard to traffic or safety.
 2. The face or finished side of a fence or wall shall face the adjacent property.
 3. No fence or wall shall be constructed with barbed wire, metal spikes or other such dangerous material or constructed in such manner as to be dangerous to animals or humans.
 4. Conspicuous chain link fencing without screening and/or landscaping shall not be encouraged.
 5. All fences and walls require both zoning and construction permits.

17-90.5 Landscaping

- A. All lots regardless of the type of use shall have a minimum of ten (10) percent of the lot landscaped. All lots having an existing front yard setback or required to maintain a front yard setback under Schedule I - Article IV of this Ordinance, shall provide not less than five (5) percent of such landscaping along the public right-of-way. All areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall be suitably landscaped. No landscaping shall interfere with required sight triangles.
- B. All planting shall be with species with proven resistance to the urban environment in this area.

- C. Deciduous trees shall have at least a three (3) inch caliper at planting, and evergreens shall be at least four (4) feet tall. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen.
- D. Any landscaping which, within two (2) years of planting, dies, for any reason, shall be replaced by the developer(s) at their expense.

17-90.6 Lighting

The following design specifications for lighting shall be followed:

- A. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- B. The maximum height of freestanding lights should not exceed the height of the principal building or twenty-five (25) feet, whichever is less.
- C. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to seventy-five (75) degrees from vertical.
- D. Lights shall be appropriately shielded and directed so that the lighting, to the extent possible, shall not spill over onto adjacent properties.
- E. Freestanding lights shall be so located and protected to avoid being damaged by vehicles.
- F. The following intensity in footcandles shall be maintained:
 1. Parking lots: a minimum of one (1) footcandle throughout.
 2. Intersections between parking area driveways and public streets: a minimum of three (3) footcandles
 3. Maximum at property lines: one-half (0.5) footcandle.
 4. Sidewalks: a minimum of one (1) footcandle entire length.
- G. All wiring shall be laid underground, and the lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential area. Glare from bright electric light bulbs shall be eliminated through the use of diffusers or the equivalent.

17-90.7 Street Appurtenances, Obstructions And Sight Distance

- A. Sidewalks. Sidewalks shall be concrete, are required on all streets and shall have a minimum width of four (4) feet. Sidewalk areas shall be landscaped and durably paved and shall be properly illuminated with adequate lighting as per subsection 17-90.6 above.
- B. Traffic signs and control devices. These improvements, such as "Stop," "Yield" and "One-Way" signs, etc., shall be designed and installed in accordance with applicable federal, state, county and municipal regulations. Recommendation as to their installation may be made by the Police Department or other competent agency.
- C. Street trees.
 - 1. Street trees shall be required on all development applications. Trees shall be approximately forty (40) feet apart and located between the setback line and the street right-of-way line if possible (including the side street on corner lots) and not closer than twenty-five (25) feet from any existing or proposed streetlight or street intersection.
 - 2. The trees shall be planted so as not to interfere with utilities, roadways or sidewalks.
 - 3. Trees shall be nursery grown stock of not less than three (3) inches in caliper at breast height (dbh), with branches commencing not less than eight (8) feet above grade when planted and staked in an approved manner. Where there is adequate existing growth, the Town may waive this requirement. The following species are recommended:

Trees to be Planted in Street Lawns 2.5 to 4 Feet Wide:

Ash, Columnar Oakleaf Mountain	<i>Sorbus thuringiaca fastigiata</i>
Cherry, Autumn Flowing	<i>Prunus sobhirtella Autumnalis</i>
Cherry, Columnar Sargent	<i>Prunus sargentii columnaris</i>
Cherry, Yoshino	<i>Prunus yedoensis</i>
Hophornbeam, American	<i>Ostrya virginiana</i>
Turkish Filbert	<i>Corylus colurna</i>
Yellowwood	<i>Cladrastis lutea</i>

Trees to be Planted in Street Lawns Less Than 30 Inches Wide:

Cherry, Accolade Flowering	<i>Prunus accolade</i>
Cherry, Amanogawa	<i>Prunus serrulata Amanogawa</i>
Crab, Tea	<i>Malus theifera (hupehensis)</i>
Golden Rain Tree	<i>Koelreuteria paniculata</i>
Hawthorn, Crimson Cloud	<i>Crataegus oxyacantha Superba</i>
Hawthorn, Lavalle	<i>Crataegus Lavallei</i>
Hawthorn, Washington	<i>Crataegus cordata Tree Form</i>
Ivory Silk Tree Lilac	<i>Syringa amurensis japonica Ivory Silk</i>
Japanese Tree Lilac	<i>Syringa amurensis japonica</i>
Maple, Japanese	<i>Acer palmatum</i>
Shadblow, Cumulus	<i>Amelanchier Cumulus</i>
Shadblow, Pink	<i>Amelanchier canadensis Robin Hill Pink</i>

D. Street furniture. The site plan shall provide for those elements of street furniture made of the same or similar materials to ensure design continuity and be appropriate to the particular use. They may include phone booths, benches, bike racks, trash receptacles, bus shelters and landscaping planters. All trash receptacles shall be adequately secured, enclosed and screened on all sides by landscaping or other types of attractive materials.

E. Obstructions and sight triangles.

1. On a corner lot in any district, sight triangles shall be required in which no grading, planting or structure shall be erected or maintained more than three (3) feet above the street center line or lower than twelve (12) feet above the street center line. Traffic control devices, street name poles and utility poles shall be permitted in sight triangle areas.
2. Sight triangles shall be provided and shown at all street intersections to assure full visibility of approaching traffic. The sight triangle shall be triangular with the street sides being at least the following lengths: along a county road, as required by the County Planning Board; along an existing municipal street crossing an intersection, fifty (50) feet; and along an existing street ending at an intersection, thirty (30) feet.

17-90.8 Utilities And Facilities

All essential public utilities and related facilities shall be located underground. In such event that they cannot be installed underground, facilities such as pumping stations or transformers shall be enclosed in buildings or effectively screened with an evergreen hedge and/or fencing as approved by the Board.

17-90.9 Recycling Facilities For New Multi-Family Housing Developments

- A. There shall be included in any new multi-family housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located.
- B. The recycling area shall be conveniently located for the disposition of source-separated recyclable materials by residents of the multi-family housing development, preferably near, but clearly separated from, a refuse dumpster.
- C. The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be

taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

- D. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.
- E. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
- F. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

17-91 OFF-STREET PARKING AND LOADING

- A. Where applicable, the Residential Site Improvement Standards, as amended from time to time, shall apply.
- B. Off-street parking and loading areas shall be coordinated with the public street system serving the area in order to avoid conflicts with through-traffic, obstruction to pedestrian walkways and vehicular thoroughfares. Shared parking among mixed-uses shall be encouraged.
- C. A minimum of ten (10) percent of any surface parking facility shall be landscaped and shall include one (1) shade tree for every twenty (20) parking spaces.
- D. All parking and loading areas abutting mixed-use/residential areas shall be landscaped about their periphery with shrubs, trees and/or ground cover.
- E. All parking and loading areas shall be graded and paved with bituminous concrete and shall be adequately drained.
- F. Parking garages. All parking garages shall be designed using materials that are compatible or complementary to the principal buildings on the lot, or, if there are no principal buildings on the lot, to adjacent buildings, so that they blend in architecturally. All voids in structures shall be screened, so that lights and vehicles are not individually visible. No blank walls shall front on the streetscape.

17-91.1 Off-Street Parking

A. Application. Except as noted below, there shall be provided, at the time any building or structure is erected, enlarged, or changed in use, off-street parking spaces and loading and unloading areas in accordance with the requirements set forth in this Article.

B. Standards for off-street parking areas.

1. Dimension of parking spaces. Every such space provided shall measure at least nine (9) feet in width and eighteen (18) feet in length, exclusive of access drives and aisles. Hairpin striping shall be required. End-to-end parking spaces shall measure not less than eight (8) feet in width by twenty-three (23) feet in length. Twenty (20) percent of required parking spaces may be compact spaces measuring eight and one-half (8.5) feet in width by fifteen (15) feet in depth.
2. Size of aisles. The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than ninety (90) degrees.

<i>Parking Angle (degrees)</i>	<i>Aisle Width (feet)</i>
0 (end-to-end parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	24

4. Access. There shall be adequate provisions for safe and convenient ingress and egress to all parking areas. Curb cuts for one way traffic shall not be less than twelve (12) feet nor more than fifteen (15) feet wide. Every parking area shall have direct access to a street or alley and shall conform with the following:

- a) Surface parking. Driveways shall have a minimum width of twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic.
- b) Parking garage. Minimum width for one-way traffic: ten (10) feet; minimum width for two-way traffic: twenty-two (22) feet.
5. Sidewalks and curbing. Any parking area for a commercial use containing more than twenty (20) spaces, where possible, shall provide separate curbed pedestrian ways as provided for below. Such pedestrian ways shall take the form of sidewalks at least four (4) feet wide, raised six (6) inches above the parking area except where crossing streets or driveways, and curbed as a protection for pedestrians. Such sidewalks shall be installed wherever pedestrian traffic occurs. The design of parking areas and sidewalks must provide two (2) additional feet of sidewalk width where cars may overhang or extend over sidewalks and must provide for barrier free access.
6. Calculation of required spaces.
 - a) Minimum required off-street parking schedule for non-residential uses. The number of off-street parking spaces required for any non-residential use shall be determined by reference to Schedule V-1, below.
 - i) Unscheduled uses. Off-street parking requirements for uses not listed in Schedule V-1 shall be established by the Board, based upon accepted industry standards.
 - ii) Combined uses. In the case of a combination of uses, the off-street parking requirement shall consist of the sum of the spaces required for each individual use unless it can be demonstrated that staggered hours would permit modification.
 - iii) Fractional spaces. Whenever the application of Schedule V-1 standards results in the requirement of a major fraction of a space in excess of fifty (50) percent, a full space shall be required.

iv) Credit for spaces in public facilities. Spaces in public parking facilities, where available, may be credited toward the off-street parking requirements of a new or expanded use under the following conditions:

- Such space or spaces are within 1,000 feet of the use.
- Evidence is furnished to the Board that adequate public parking is available.

Schedule V-1
Parking Requirements For Non-Residential Uses

<u>Use</u>	<u>Required Parking Spaces</u>
Bowling establishment	1 for each 4 lanes
Financial institution	1 for each 600 square feet of gross floor area
Funeral home, mortuary	5 for each viewing room
Gasoline service station or repair garage	.5 for each bay, plus .5 for each service vehicle
Industrial use	1 for each 2,500 square feet of gross floor area
Laboratory and research use	1 for each 800 square feet of gross floor area
Hotel	.5 for each rental unit and, in addition, compliance with the requirements for each additional use located on the property, such as retail restaurants, eating and drinking places and meeting rooms
Nursing home	.5 per staff member
Office, dental or medical	1.5 for each doctor
Office, other	1 for each 500 square feet of gross floor area
Places of worship, community buildings, social halls and places of public assembly	1 for each 10 seats. Where the specific amount of seating is undetermined, then 1 parking space shall be required for each 500 square feet of assemblage area.
Recreation uses:	
Court games	1 for every 4 courts
Other	1 for each 500 square feet of gross floor area
Restaurant, eating and drinking establishment and catering hall	1 for each 3 seats

<u>Use</u>	<u>Required Parking Spaces</u>
Retail uses not separately listed	1 for each 300 square feet of gross floor area
Schools	1 for every 4 teachers
Theater	1 for each 4 seats
Wholesale establishment, warehouse, furniture store	1 for each 5,000 square feet of gross floor area

b) Minimum required off-street parking schedule for residential uses. The number of off-street parking spaces required for residential uses shall be determined pursuant to N.J.A.C. 5:21, as amended, and by reference to Schedule V-2, below. Alternative parking standards to those shown in the Table below shall be accepted if the applicant demonstrates these standards better reflect local conditions. Factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location and available off-site parking resources.

Schedule V-2^a

Parking Requirements For Residential Land Uses

<u>Housing Unit Type/Size^b</u>	<u>Parking Requirement</u>
<i>Single-Family Detached</i>	
2 Bedroom	1.5
3 Bedroom	2.0
4 Bedroom	2.5
5 Bedroom	3.0
<i>Garden Apartment</i>	
1 Bedroom	1.8
2 Bedroom	2.0
3 Bedroom	2.1
<i>Townhouse</i>	
1 Bedroom	1.8
2 Bedroom	2.3
3 Bedroom	2.4

<u>Housing Unit Type/Size^b</u>	<u>Parking Requirement</u>
<i>High Rise</i>	
1 Bedroom	0.8
2 Bedroom	1.3
3 Bedroom	1.9
<i>Retirement Community</i>	Values shall be commensurate with the most appropriate housing unit type and size noted above that the retirement community resembles.
<i>Mid-Rise Apartment</i>	"Garden Apartment" values shall apply
<i>Note:</i>	
^a As amended from time to time.	
^b Requirements for attached units (apartment/condominium/townhouse) include provisions for guest parking.	
i) A one-car garage and driveway combination shall count as two (2) off-street parking spaces, provided the driveway measures a minimum of eighteen (18) feet in length between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as three and one-half (3.5) off-street parking spaces, provided a minimum parking area width of twenty (20) feet is provided for a minimum length of eighteen (18) feet as specified for a one-car garage and driveway combination.	
ii) When housing is included in mixed-use development, a shared parking approach to the provision of parking shall be permitted.	
iii) When, in the judgment of the Board, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided in off-street parking facilities. A length of twenty-three (23) feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.	
iv) For projects containing dwelling units required by the New Jersey Uniform Construction Code's Barrier Free Subcode (N.J.A.C. 5:23-7), to be accessible, parking spaces for people with disabilities shall be provided in accordance	

with the requirements of the Barrier Free Subcode and shall be considered part of the total number of required spaces.

- v) Location of parking spaces. All permitted and required off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except as provided in c.iv. above.
7. Waiver of parking and off-street loading and unloading requirements. If any applicant can clearly demonstrate to the Board or if the Board determines that, because of the nature of the operation or use, the parking or loading or unloading requirements of this Chapter are unnecessary or excessive, or that deviations from the requirements are *de minimous*, the Board shall have the power to approve a site plan showing fewer paved parking and loading and unloading areas than are required by this Chapter.
8. Garages in residential zones. Garages for not more than three (3) motor vehicles may be provided on a single lot in any residential zone for any one-, two- or three-family residence as an accessory use.
9. Commercial vehicles in residential zones and parking of recreational equipment. As governed in Article IV of this Chapter.

17-91.2 Off-Street Loading

- A. Application. In any building or building group or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more of non-residential space, there shall be provided and maintained on the same zone lot with such building, off-street loading berths.
- B. Required off-street loading facilities.
 1. Dimension of loading berths. Required off-street loading berths shall be a minimum of sixty (60) feet long, ten (10) feet wide and fourteen (14) feet high.
 2. Location of loading berths. All loading areas shall be on the same lot as the use which is to be served. Such areas shall be located only in a side or rear yard. Such areas shall not encroach upon any required open space, accessway, off-street parking

area or public right-of-way. Where located adjacent to any residential district, they shall be set back a minimum of five (5) feet from such property line.

3. Access. All required off-street loading areas shall provide sufficient turning spaces and access.
4. Calculation of required spaces. The number of off-street loading berths required for any use shall be determined by application of the standards set forth in Schedule V-3.

Schedule V-3
Minimum Off-Street Loading Facility Requirements

<u>Principal Building Size</u>	<u>Required Number of Loading Berths</u>
Up to 20,000 Square Feet	1
20,000 to 50,000 Square Feet	2
Each Additional 100,000 Square Feet	One Additional Space

17-93 SIGNS

17-93.1 Sign Permit Exemptions

Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with applicable provisions of this Chapter. The exemption shall apply to the requirement for sign permit only. No sign permits shall be required for the following signs:

- A. Any public notice or warning required by a valid and applicable federal, state, county or local law, regulation or ordinance.
- B. Any sign which is inside a building, not attached to a window or door, and is not readable from a distance of more than three (3) feet beyond the lot line of the lot or parcel nearest to where such sign is located.
- C. Holiday lights and decorations with no commercial message.

- D. Any sign indicating the name of a building and/or date of construction and/or other incidental information about its construction, which sign is cut into a masonry surface or made of bronze or similar permanent material including historic tablets, cornerstones, memorial plaques and emblems which do not exceed four (4) square feet in area from a single viewpoint.
- E. Traffic control signs on private property, the face of which meets the Department of Transportation standard, and which contain no commercial message of any sort.
- F. Flags of the United States, New Jersey, the Town of Harrison, foreign nations having diplomatic relations with the United States, other flags adopted or sanctioned by an elective legislative body of competent jurisdiction and flags flown in conjunction with the flag of the United States, provided that such a flag does not exceed sixty (60) square feet in area and is not flown from a pole in excess of forty (40) feet in height. A flag's area shall be in reasonable proportion to the length of the pole from which it is displayed. Not more than three (3) flags may be flown from any one (1) pole. The statutory requirements associated with flags and generally accepted standards of flag display etiquette shall be observed.
- G. Signs or banners advertising public or quasi-public events that are posted with the permission of the Town Council or of any person to whom the Town Council has delegated this authority according to guidelines set by the Town Council.
- H. Pump mounted fuel price informational signs subject to the following:
 - 1. Only one fuel price informational sign shall be permitted per fuel pump.
 - 2. Fuel price informational signs shall be limited in size to an area of 216 square inches in accordance with State and Federal regulations.
 - 3. Each fuel price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary.
 - 4. Nothing herein shall be construed to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this section.
- I. U.S. Postal regulation mailboxes.

17-93.2 Permit Procedure

- A. No sign except those exempted by subsection 1. above shall be placed, constructed, erected or modified unless a sign permit shall have been obtained from the Zoning Officer and, where required by the New Jersey Uniform Construction Code, a building permit shall have been obtained from the Construction Official.
- B. When installation or modification of a sign has been approved by the Board as part of a development application, the Construction Official shall issue a sign permit only if the proposed sign is consistent with the Board's approval.
- C. Site plan approval. The Zoning Officer may waive the requirement for site plan approval only if he finds that the proposed signs meet the requirements of this section. If a request for waiver of site plan is denied by the Zoning Officer, the applicant may apply for waiver of site plan or for site plan approval from the Board having jurisdiction.

17-93.3 Measurement Of Sign Area

- A. Measurement of area of individual signs. The area of a sign face [which is also the sign area of a wall sign or other sign with only one (1) face] shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, graphic illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign and used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the sign itself. No sign shall have more than two (2) display faces. The sign area for a sign with two (2) faces shall be computed by adding together the area of all sign faces visible from any one (1) point. When a sign having two (2) faces is such that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of the larger of the two (2) faces. For purposes of calculating window signs, a window shall be considered the glazed area. Signs which are required by county, state or federal agencies are exempt from calculation of permanent and temporary signage

up to the minimum size required by such agencies. The area of the sign in excess of the minimum shall be subject to the sign calculation. In the event no size requirement is imposed by such agency, the sign shall not exceed one (1) square foot.

B. Measurement of height. The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding or excavation solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

17-93.4 General Regulations

- A. Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering, materials, texture and depth. Signs shall not be dominant but shall be proportionate and shall complement the building, existing signs and surroundings.
- B. There shall be consistent sign design throughout a particular project. The design elements include style of lettering, construction material, size and illumination.
- C. Building signs shall not obscure, conflict with or cover any architectural element and must be aligned with major building elements such as windows, trim and structure lines.
- D. No sign shall extend or project above the highest elevation of the wall to which it is attached or above the lowest part of the roofline of the building, whichever is less.
- E. Illuminated signs.
 1. Signs lit by external sources shall be allowed but shall be located in such a manner so as to avoid any glare on adjacent property. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located.

2. External lights used for the illumination of any sign on a building whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.

17-93.5 Prohibited Signs

- A. No off-site advertising sign shall be erected, used or maintained within the Town of Harrison; provided, however, that this regulation shall not apply to temporary signs, otherwise permitted by this Subsection, that advertise special events sponsored by nonprofit social, religious, political or cultural organizations or institutions, or lawful sandwich boards.
- B. No signs shall be placed on fences, utility poles, trees, railway or road bridges, bridge supports or abutments, retaining walls, or water towers unless approved by the Town Council.
- C. No roof sign, known also as a "sky sign," shall be allowed.
- D. No sign shall be placed on an accessory building.
- E. No sign shall be lighted by means of a flashing light, nor shall any sign be in whole or in part moving, mobile or revolving or electrically or mechanically activated.
- F. No sign shall be allowed with optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy.
- G. No commercial sign shall be allowed in a window which serves a residential use.
- H. The use and display of temporary portable signs or windsocks, banners or strings or streamers of flags, pennants or spinners or similar objects and devices across, upon, over or along any premises or building, whether as part of any sign or for advertising or public attraction, or otherwise, is prohibited in any zone, except for:
 1. Temporary displays in business or commercial zones as provided in this section.

2. Temporary decorations customarily used for holidays, or for special events as may be approved by the Town Council.
- I. No signs shall be allowed that are placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity located on the same or nearby property. This is not intended, however, to prohibit signs placed on or affixed to vehicles or trailers where the sign is incidental to the primary use of the vehicle or trailer.
- J. No sign shall be allowed which obstructs any window or door opening used as a means of egress, interferes with an opening required for legal ventilation, or is attached to or obstructs any standpipe, fire escape or fire hydrant.
- K. No sign shall be allowed which obstructs the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare.
- L. No temporary signs shall be allowed except as detailed in subsection A.

17-93.6 Nonconforming Signs

- A. No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity. Existing nonconforming permanent signs may continue to exist; however, when the sign is modified either in shape, size, illumination or structure, the sign shall be altered to conform to the provisions of this section.
- B. Should any nonconforming sign be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this section.

17-93.7 Removal Of Certain Signs

In the event a business ceases operation for a period of time in excess of sixty (60) days, the sign owner or lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby. Upon failure of the sign owner or lessee, or property owner to comply with this section, the Zoning Officer shall issue a written notice to

the sign owner or any lessee and to the property owner, which notice shall state that such sign shall be removed within the following time period: signface: sixty (60) days; posts, columns and supporting structures: one year. If the sign owner or lessee, or property owner, fails to comply with such written notice to remove, the Zoning Officer is hereby authorized to cause removal of such sign, and any expenses incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of this section, the word "remove" shall mean:

- A. The sign face, along with posts, columns or supports of freestanding signs, shall be taken down and removed from the property.
- B. The sign face and supporting structures of "projecting", "roof" or "wall" signs shall be taken down and removed from the property.

17-93.8 Sign Permit Revocable

- A. All rights and privileges acquired under the provisions of this chapter or any amendment thereto, are revocable at any time by the Office of Code Enforcement if the applicant fails to accurately depict the sign erected or to be erected or if the sign which is erected fails to meet the details of the detailed drawing submitted by the applicant. All such permits shall contain this provision.
- B. The following signs and the standards and conditions that govern such signs are set forth below. All other signs are expressly prohibited.

(1) RESIDENTIAL ZONE SPECIFICATIONS

Type	Max. Size (sq. ft.)	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<i>Permanent Signs</i>							
Single-Family/Two-Family/Three-Family Residences							
Nameplate	2 sq. ft.	--	1	--	no	no	
<i>Multi-Family Residences</i>							
Nameplate (per unit)	2 sq. ft.	--	1	--	no	no	
Freestanding	2 sq. ft. per unit or 24 sq. ft. in aggregate, whichever is less	4	1 for each street frontage	1/2 of required front yard setback	yes	yes	
Directional	2 sq. ft.	2	--	1/2 of required front yard setback	yes	no	
<i>Home Occupations</i>							
<i>Institutional Uses</i>							
Building	8 sq. ft.	--	1	--	yes	yes	
Freestanding	24 sq. ft.	6	1 for each street frontage	1/2 of required front yard setback	yes	yes	
Directional	2 sq. ft.	2	--	1/2 of required front yard setback	yes	no	

Type	Max. Size (sq. ft.)	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
Temporary Signs							
Real Estate	4 sq. ft.	4	1	Not located in ROW and can not create a safety hazard	no	no	In the case of a residential subdivision or other residential development, only one sign shall be permitted and shall not exceed 4 sq. ft. per lot or a maximum of 12 sq. ft.
Businesses connected with construction or repair on a lot (e.g. architects, contractors, builders)	4 sq. ft. per business	4	1 per business or a maximum of 3	Not located in ROW and can not create a safety hazard	no	no	Such sign may be displayed for a period not to exceed the duration of the project or one year, whichever is less.
Institutional	8 sq. ft.	4	1 for each street frontage	Not located in ROW and can not create a safety hazard	no	no	Such sign may be displayed for a period of not more than 15 days before the advertised event and no more than 3 days after the event.
Political	4 sq. ft.	4	1	Not located in ROW and can not create a safety hazard	no	no	Such sign may be displayed for a period of not more than 30 days before the election and not more than 3 days after the election.

Type	Max. Size (sq. ft.)	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
(2) NONRESIDENTIAL ZONE SPECIFICATIONS							
<i>Signs as permitted in residential zones</i>							
<i>Permanent signs</i>							
Building							
NC Zone	1.5 sq. ft. for each linear foot of building width or 60 sq. ft., whichever is less	--	--	--	yes	yes	Building signs also include hanging, window, and canopy signs and sandwich boards for purposes of total calculation of sign area. Building signs are only permitted on building facades that front a public right-of-way, a public parking lot or an alleyway for which public access is permitted.
CC Zone	1.5 sq. ft. for each linear foot of building width or 75 sq. ft., whichever is less	--	--	--	yes	yes	
I Zone	1.5 sq. ft. for each linear footage of front facade or 85 sq. ft., whichever is less	--	1	--	yes	yes	Building signs shall not exceed 10 percent of the first story portion of wall to which affixed.
Hanging	8 sq. ft. Also see building signs*	1 per business	--	--	yes	yes	Hanging signs shall only be allowed in the NC zone. Hanging signs shall not project more than 3½ feet from the building and must be at a 90° angle. The signs shall be located at least 8 feet above the sidewalk and shall not extend vertically above the window sill of the second story.

Type	Max. Size (sq. ft.)	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
Canopy							
NC Zone	See building signs*	--	--	--	yes	no	A canopy sign may be placed on the vertical edge of the canopy, marquee or awning provided that no part of said sign extends more than 1 inch beyond the front edge of the canopy marquee or awning. Signage on the canopy shall be calculated as part of the sign area. The bottom of the awning, canopy or marquee shall be at least 8 ft. above the sidewalk. The lettering on the return shall not be more than 6 inches in height.
CC Zone	See building signs*				yes	no	
I Zone	See building signs*	--	--	--	yes	no	
Window							
NC Zone	25% of total glazed area of a storefront or of any individual window also see building signs*				yes	yes	No more than one self illuminated window sign shall be placed in any window.
CC Zone	25% of total glazed area of a storefront or of any individual window also see				yes	yes	No more than one self illuminated window sign shall be placed in any window.

Type	Max. Size (sq. ft.)	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
I Zone	building signs*						
Freestanding							Window signs shall not be permitted.
NC Zone							Freestanding signs shall not be permitted, except for sandwich boards as regulated below.
Sandwich Boards	6 sq. ft. Also see building signs*	4	1	yes	no		The material and lettering shall complement the facade and other signs of the business and shall be made of permanent quality material and have professionally drawn lettering. The sign shall not obstruct pedestrian or vehicular circulation.
CC and I Zones	80 sq. ft.	15 ft. or the height of the principal building, whichever is less	1	10 ft. to any abutting street ROW or property line	yes	yes	No part of the sign shall be less than 18 inches above the ground.
Directional (all nonresidential zones)	2 sq. ft.	2		1/2 of required front yard setback	yes	no	

Temporary signs, except for public garages and motor vehicle service stations	<p>A temporary sign shall be permitted for a period of not more than 45 days within a 120 day period. Temporary sign restrictions can be waived for one period per year up to a maximum of 30 days to advertise a special event. The maximum 30 day period can not be divided or prorated into multiple periods. A no charge application must be filed with the zoning officer for a waiver to advertise a special event. In addition, each year the Town Council will review and approve the suspension of temporary sign restrictions for the holiday shopping period of November 1st to December 31st. Community service advertisements shall be exempt. Such sign shall have the date that the sign is installed in the lower left corner, written legibly. No such sign shall be permitted that would, in the opinion of the Zoning Officer, interfere significantly with vehicular or pedestrian traffic. All such signs shall be of professional quality. A temporary sign which does not comply with the time limitations shall become a permanent sign and shall be calculated as part of the permitted sign area.</p>

Type	Max. Size (sq. ft.)	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
Real Estate	less than 50 ft. frontage - 18 sq. ft.	4	1	Not located in ROW and can not create a safety hazard	no	no	
	50 ft. to 150 ft. frontage - 30 sq. ft.	8	1				
	over 150 ft. frontage - 40 sq. ft.	12	1				
Businesses connected with construction or repair on a lot (e.g. architects, contractors, builders)	6 sq. ft. per business	4	1 per business or a maximum of 3	Not located in ROW and can not create a safety hazard	no	no	Such sign may be displayed for a period not to exceed the duration of the project or one year, whichever is less.
Institutional	8 sq. ft.	4	1 for each street frontage	Not located in ROW and can not create a safety hazard	no	no	Such sign may be displayed for a period of not more than 15 days before the advertised event and no more than 3 days after the event.
Political	4 sq. ft.	4	1	Not located in ROW and can not create a safety hazard	no	no	Such sign may be displayed for a period of not more than 30 days before the election and not more than 3 days after the election.
Window	Not more than 25% of window area				no	no	All window signs shall be attached flat against the window glass.

* Note that the total calculation of sign area shall include building, hanging, window, and canopy signs and sandwich boards as regulated by this chapter.

Type	Max. Size (sq. ft.)	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
(4) PUBLIC GARAGES AND MOTOR VEHICLE SERVICE STATIONS SPECIFICATIONS							
<i>Permanent (See N.J.S.A. 56:2.3)</i>							
Freestanding	45 sq. ft.	20	2	10 ft.	yes	yes	No part of the sign shall be less than 8 ft. above grade and shall be within the property line.
Building (over individual entrance doors or bays)	6 sq. ft.		1 per bay or entrance door	--	yes	no	Such sign shall not exceed 12 inches in height.
Canopy	25% of the area of the facade	--	1 per facade	--	yes	yes	
Temporary	7 sq. ft.	3	1	10 ft.	yes	no	Such sign shall not be displayed more than 30 days cumulatively in any one calendar year.

17-94 PERFORMANCE STANDARDS

A. As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall certify compliance with the performance standards contained herein. Permits and certificates required by other government agencies shall be submitted to the Board as proof of compliance with applicable codes.

B. Temporary certificates of occupancy.

1. In the event that a determination cannot be made at the time of application that a proposed use, process or equipment will meet the standards established in this section, the Board may recommend issuance of a temporary certificate of occupancy. The temporary certificate of occupancy shall be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or installation and operation.
2. Within sixty (60) days after a temporary certificate of occupancy is granted, satisfactory evidence shall be submitted to the Construction Official that all standards established by this section have been met. Upon such submission, a final certificate of occupancy shall be issued.

C. Regulation of nuisance elements.

1. The determination of the existence of nuisance elements shall be made to the following locations:

<u>Nuisance Characteristic</u>	<u>Location of Test</u>
Smoke	Vent or smokestack
Air pollution including solid particles or fly ash	Vent or smokestack
Odors	Property line
Liquid waste	Property line
Solid waste	Property line
Noise	Property line
Vibration	Building wall
Glare	Property line
Temporary change:	
Gas	Vent or smokestack
Liquid or solid	Property line

2. Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the operation of any process or equipment.

D. Standards to be enforced.

1. Air pollution.

a) General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Town. All provisions of Title 7, Chapter 27 of the New Jersey Administrative Code, (N.J.A.C.), or the regulations contained in this section, whichever shall be more stringent, shall apply.

b) Smoke. In any non-residential zone, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provide, however, that smoke emitted during the cleaning of a firebox or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes. Smoke emissions from the combustion of fuel and mobile sources and from stationary internal combustion engines shall not exceed the limits set forth in N.J.A.C. 7:27.

c) No open burning shall be permitted in any district.

d) Odors. In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected.

2. Wastes.

a) Liquid wastes. No liquid waste shall be discharged into any watercourse in the Town without all necessary permits from the New Jersey Department of Environmental Protection (NJDEP). No liquid waste shall be discharged into the

public sewage collection and disposal system unless the appropriate Town official shall have first investigated the character and volume of such wastes and shall have certified that the Town will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

- b) Solid waste. Each property owner shall be responsible for:
 - i) Adequate and regular collection and removal of all refuse, except where the Town assumes such responsibility.
 - ii) Compliance with all applicable provisions of the NJDEP.
 - iii) Compliance with all provisions of Title 7, Chapter 26, of the N.J.A.C., where applicable.
 - iv) No accumulation on the property of any junk or other objectionable materials except in designated trash recepticles.
3. Noise. All applications shall comply with the provisions of N.J.A.C. 7:29.
4. Vibration. In any zone, vibrations discernible without instruments at the measuring location shall not be permitted.
5. Glare. No single standard for glare is promulgated in this Chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.
6. Temperature change. Any use or process shall not produce a temperature change greater than three degrees Celsius (3° C.) at the measuring location.

7. Fire and explosive hazards. If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Board may require the applicant to supply proof of:
 - a) Approval of the use, structure, process or resulting product or material from the State Department of Labor indicating that adequate safeguards against fire and explosion have been taken or installed.

E. Approval from the Town of Harrison Fire Department that the applicant has complied with all applicable Town fire prevention regulations.

17-95 CONSTRUCTION REQUIREMENTS

- A. Town standards. All standards and specifications of the Town as now or hereafter adopted, if any, shall govern the design, construction and installation of all required improvements. Failure of the developer, his contractor or agent to conform to said specifications shall be just cause for the suspension of the work being performed. No developer shall have the right to demand or claim damages from the Town, its officers, agents or servants by reason of said suspension.
- B. Other standards. In the event that the Town has not adopted standards for a specific type of improvement, then generally accepted engineering standards, as set forth in current engineering and construction manuals as may be approved and modified by the Town Engineer for a specific situation, shall be used.
- C. Grades. All construction stakes and grades shall be set by a licensed land surveyor. One (1) copy of all cut sheets shall be filed with the Town Engineer prior to the commencement of any construction.
- D. Approved plans. Prior to commencement of construction of required improvements, the Town Engineer shall have received and approved the complete plans and profiles of all improvements to be installed or constructed. No improvements shall be accepted by the governing body and no performance guaranties released until the Town Engineer has received and approved reproducible drawings showing the plans, grades and profiles of all improvements as finally constructed.

- E. Site conditions. During construction, the site shall be maintained and left each day in a safe, clean and orderly manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Construction Official or other authorized personnel.
- F. Disposal of dead trees, litter, building materials. All stumps, litter, rubbish, brush, weeds, dead and dying trees, debris and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Construction Official prior to issuing an occupancy permit. No such refuse shall be buried on the site.
- G. Changes in elevation.
 - 1. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved preliminary plan.
 - 2. Minimal changes in elevation or contours necessitated by field conditions may be made only after approval by the Town Engineer. All said changes shall be shown on the final plan and indicated as a change from the preliminary, or if final approval has been granted, all changes shall be shown on the as-built plans.
- H. Excavations. No excavation shall be created or maintained, except when required for the foundations of structures or in connection with and during the installation of facilities for permitted uses. Such excavation shall be used for the intended purpose or shall be refilled to the average surrounding ground level, in such a manner as to prevent the collection of water, erosion of earth or collapse or sliding of banks, within six (6) months from the date of commencement of such excavation.
- I. Topsoil removal. No topsoil shall be removed from the site or used as fill unless approved by the Mayor and governing body. Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
- J. Prior to the commencement of construction, the developer shall arrange for and attend a pre-construction meeting in conformance with the requirements of the Town Engineer.

17-96 IMPROVEMENTS

- A. General. Prior to the granting of final approval, the applicant shall have installed or constructed improvements required by the Board or have posted a performance guaranty or surety sufficient to cover the costs of said improvements. The Board may solicit local, county, state, federal, public or semipublic agencies and knowledgeable individuals on what improvements shall be required. Improvements recommended by other agencies, such as a utilities authority, county, state or other governmental agencies, may be required by the Board as a condition of final approval. It is recognized, however, that in certain situations all of the improvements listed below may not be appropriate or needed. These items may then be waived by the Board.
- B. Specific improvements to be constructed or installed.
 1. Stormwater. The on-site stormwater disposal system shall be in accordance with this Chapter.
 2. Sewage disposal. Provisions shall be made to convey effluent from each lot through laterals and interceptors of adequate size, material and capacity to collectors and then to trunk sewers to public treatment facilities.
 3. Water. Provision shall be made to provide each lot with an adequate and continuous supply of potable water.
 4. Utilities. Gas lines, telephone lines, electrical service, cable television and dissimilar utilities shall consist of those improvements required by the applicable utility or federal or state law.
 5. Vehicular and pedestrian improvements. Such improvements shall include paving, curbs, gutters, sidewalks, bicycle paths, driveways, lighting, traffic signs, traffic control devices and guardrails.
 6. Other improvements. These improvements shall include but are not limited to the following: street trees, topsoil, earth removal, borrow and fill and improvements to prevent damage to adjacent property.

7. Monuments. Monuments shall be of such size, shape and location as required by the Map Filing Law.¹
8. Temporary improvements. During construction, the Town Engineer may require the installation or construction of improvements to prevent the installation or construction of improvements to prevent or correct temporary conditions on the site which could cause personal injury, damage to property or constitute a health hazard. These conditions may result from flooding, heavy construction traffic and pollution. Improvements may include grading, planting, retaining walls, culverts, pipes, guardrails, temporary roads and other appropriate to the specific conditions.

¹ Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

ARTICLE VI

FEES, DEPOSITS AND INSPECTIONS

17-100 FEES AND DEPOSITS

A. Application Fees; Review Escrow Deposits; Fees For Property Owner Lists And Copies Of Minutes And Resolutions. Fees, escrow deposits for professional fees related to a development application, fees for property owner lists and copies of minutes and resolutions shall be in accordance with the Fee Schedule below. Fees shall be paid by check payable to the Town of Harrison. Where one (1) application for development includes several approval requests, the sum of the individual required fees shall be paid. Application fees and escrow deposit fees shall be paid in two different checks, one for the total application charges and one for the total escrow deposit.

1. Fee Schedule.

Fee Schedule		
	Application Charge	Review Escrow Deposit
(i) Subdivisions.		
(a) Minor Subdivision Plat	\$400.00	\$500.00 per residential lot. \$750.00 per non-residential lot
(b) Preliminary Major Subdivision Plat	\$1,100.00	\$750.00 per lot first 3 lots \$100.00 per lot, each additional lot
(c) Final Major Subdivision Plat	\$550.00	One-half cost of Preliminary Major Subdivision
(d) Informal Concept Major Subdivision Plat	\$400.00	\$100.00 per lot
(e) Amended Preliminary and/or Final Major Subdivision Plat	\$400.00	\$100.00 per lot preliminary plat \$75.00 per lot final plat

Fee Schedule

	Application Charge	Review Escrow Deposit
(ii). Site Plans		
(a) Minor Site Plan	\$350.00	\$150.00/unit in the case of residential developments, and/or \$50.00 per 100 gross s.f. of building area in the case of nonresidential development or \$.05 per square foot of lot area for applications involving only lot improvements
(b) Preliminary Major Site Plan	\$650.00	\$150.00/unit in the case of residential development and/or \$50.00 per 100 gross s.f. of building area in the case of nonresidential development or \$.05 per square foot of lot area for applications involving only lot improvements
(c) Final Major Site Plan	\$650.00	One-half the cost of Preliminary Major Site Plan
(d) Informal Concept Site Plan	\$450.00	\$1,000.00
(e) Amended Preliminary Major and/or Final Major Site Plan	\$400.00	One-half of the amount otherwise calculated for a Preliminary Major Site Plan or Final Major Site Plan, as the case may be
(iii) Conditional Uses, Not Including Required Site Plan Subdivision Review		
(iv) Appeals (40:55D-70a)	\$200.00	\$500.00
(v) Interpretation (40:55D-70b)	\$175.00	\$500.00
(vi) Variance, Bulk (40:55D-70c)	\$175.00	\$500.00 (residential) \$1,000.00 (non-residential)
(vii) Variance, Use and Other (40:55D-70d)	\$550.00	\$1,500.00 for residential uses; \$2,500.00 for non-residential uses
(viii) Permit (40:55D-34 and 36)	\$175.00	\$500.00
(ix) Approval Time Extensions	\$175.00	\$500.00
(x) Zone Change Requests	\$450.00	\$2,000.00
(xi) Master Plan Amendment Requests	\$450.00	\$2,000.00

Fee Schedule

		Application Charge	Review Escrow Deposit
(xii)	Zoning Permit - One and two-family residences	\$15	None required
(xiii)	Zoning Permit - Other than one or two-family residences	\$50	None required
(xiv)	Certified List of Property Owners	Greater of \$10 or 25¢/name price subject to change per N.J.S.A. 40:55D-12c	None required
(xv)	Copy of Minutes, Resolutions or Decisions*	\$0.75 (1-10 pages) \$0.50 (11-20 pages) \$0.25 (21 and up pages) prices subject to change per N.J.S.A. 47:1A-2	None required

* Applicants will not be charged for copies of their resolutions or decisions.

2. **Nature Of Application Fees.** The application fee is a flat fee to recover administrative expenses including the initial intake and distribution of the application, and is nonrefundable.
3. **Nature Of Review Escrow Deposit.** The review escrow deposit is established to provide payment for technical and professional charges relating to the review of applications and review and preparation of documents. Review of applications shall include, but shall not be limited to, review of application forms, plans, existing physical conditions and ordinance and other legal requirements, as well as attendance by professional staff at all meetings held to review, hear or consider the application. Fees relating to an application may exceed, or be less than, the initial escrow deposit.

The applicant is responsible for paying any excess and is entitled to a refund of any portion of the escrow deposit which is not applied to payment of professional fees.

B. Inspection Fees. No construction or disturbance of land shall be undertaken until all inspection fees have been paid to the Town. The applicant shall deposit a sum not to exceed, except for extraordinary circumstances, the greater of five hundred (\$500.00) dollars or five (5) percent of the cost of improvements, which cost shall be determined pursuant to the procedures established by N.J.S.A. 40:55D-53.4. For those developments for which the reasonably anticipated inspection fees are less than ten thousand (\$10,000.00) dollars, fees may, at the option of the applicant, be paid in two (2) installments. The initial payment deposited by the applicant shall be fifty (50) percent of the reasonably anticipated fees. When the balance on deposit drops to ten (10) percent of the reasonably anticipated fees because the amount deposited by the applicant has been reduced by the amount paid to the Town Engineer or his designee for inspection, the applicant shall deposit the remaining fifty (50) percent of the anticipated inspection fees. For those developments for which the reasonably anticipated fees are ten thousand (\$10,000.00) dollars or greater, fees may, at the option of the applicant, be paid in four (4) installments. The initial amount deposited by the applicant shall be twenty-five (25) percent of the reasonably anticipated fees. When the balance on deposit drops to ten (10) percent of the reasonably anticipated fees because the amount deposited by the applicant has been reduced by the amount paid to the Town Engineer or his designee for inspection, the applicant shall make additional deposits of twenty-five (25) percent of the reasonably anticipated fees. The Town Engineer shall not perform any inspections if sufficient funds to pay for those inspections are not on deposit. Any excess fees not required for inspections shall be returned after the improvements have been installed and accepted by the Town.

C. Administration of Escrow Deposits for Professional Review Fees and Inspection Fees.

1. Separate Accounts Required. All deposits for technical and/or professional charges and/or inspection fees shall be kept in an escrow account for that purpose by the

Town. This account shall be managed by the Chief Financial Officer of the Town who shall administer same in accordance with the terms of this section.

2. Payment By CFO; Limitations on Charges. The Chief Financial Officer of the Town shall make all of the payments for professional services rendered to the Town or the Board for review of applications for development, review and preparation of documents, inspection of improvements and other purposes under Chapter 17 of this Ordinance. The application review and inspection charges shall be limited only to professional charges for review of applications as defined in subsection A(3) above, review and preparation of documents and inspections of developments under construction and review by outside consultants when the application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Town. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. If an in-house municipal professional is utilized for professional services/review, and if the salary, staff support and overhead for a municipal professional are provided by the municipality, the charge shall not exceed two hundred (200) percent of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. The charges by professionals shall be at the same rate as all other work of the same nature by the professional for the Town when fees are not reimbursed or otherwise imposed on applicants or developers.
3. Vouchers; Periodic Accounting. Each payment charged to a deposit for review of applications, review and preparation of documents or inspection of improvements shall be pursuant to a voucher from a professional which voucher shall identify the personnel performing the service, and for each date the service is performed, the hours spent to one quarter (1/4) hour increments, the hourly rate and the expenses

incurred. All professionals shall submit vouchers to the Chief Financial Officer on a monthly basis in accordance with the schedules and procedures established by the Chief Financial Officer. If the municipality requires of the developer a deposit toward anticipated municipal expenses for these professional services, the deposit shall be placed in an escrow account pursuant to Section 1 of P.L. 1985, c. 315 (C. 40:55D-53.1). The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the Town simultaneously to the applicant. The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of the funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are one thousand (\$1,000.00) dollars or less, or on a monthly basis if the monthly charges exceed one thousand (\$1,000.00) dollars.

4. Insufficient Deposits. If an escrow account or deposit contains insufficient funds to enable the Town or Board to perform required application reviews or improvement inspections, the Chief Financial Officer shall provide the applicant with a written notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within ten (10) days post a deposit to the account in an amount to be agreed upon by the Town or the Board, as the case may be, and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds. If the applicant fails to make the additional deposit within the time prescribed herein, the Board shall be authorized to dismiss a pending application without prejudice, subject to the right of the applicant to reinstate the application within sixty (60) days of dismissal by payment of the required deposits. The application shall be reinstated only upon written notification by the Chief Financial Officer to the Board that the deposit has been paid within the sixty (60) day period. With regard to inspection fees, the Town Engineer shall not perform any inspection if sufficient funds to pay for inspections are not on deposit. Failure to post and/or maintain deposits in accordance

with the requirements of this subsection will subject the developer to a "Stop Work" order and/or suspension of construction permits.

5. Close-out Procedures. The applicant and Chief Financial Officer shall follow the following close-out procedures for all escrow deposits established herein. Close-out procedures with respect to escrow deposits for professional fees, shall commence after the Board has granted final approval of the development application including satisfaction of all conditions of the approval and/or has signed the approved site plan or subdivision plat or deed, and with respect to deposits for inspection fees, after all of the improvements have been approved by the Town Council pursuant to Section 17-105.1.H.1. The applicant shall send written notice by certified mail to the Chief Financial Officer and the Board and to the relevant Town professionals that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer within thirty (30) days and shall send a copy simultaneously to the applicant. The Chief Financial Officer of the Town shall render a written final accounting to the applicant on the uses to which the deposit has been put within forty-five (45) days of the receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest, shall be refunded to the applicant along with the final accounting.
6. Reasonableness of Charges. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with the application for development presently pending before the Board or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by a State governmental agency and not under Town jurisdiction except to the extent consultation with the State agency is necessary due to the effect of State approvals on the subdivision or site plan. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving

resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and requirements.

7. Replacement Professionals. If the Town retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection or improvements, the Town or Board shall be responsible for all time and expenses of the new professional to become familiar with the application or the project and the Town or Board shall not bill the applicant or charge the deposit or the escrow account for any such services.

D. Interest on Deposits. Whenever an amount of money in excess of five thousand (\$5,000.00) dollars shall be deposited by an applicant with the Town for professional services employed by the Town or the Board to review applications for development, for inspection fees in accordance with this section or to satisfy requirements for performance or maintenance guarantees pursuant to Article VII, the money until repaid or applied to the purpose for which it was deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided in this section shall continue to be the property of the applicant and shall be held in trust by the Town. Money deposited shall be held in escrow. The Town shall deposit the money in a banking institution or savings and loan association in this State insured by an agency of the Federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Town shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The Town shall not be required to refund an amount of interest paid on a deposit which does not exceed one hundred (\$100.00) dollars for the year. If the amount of interest exceeds one hundred (\$100.00) dollars, that entire amount shall belong to the applicant and shall be refunded to the applicant by the Town annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may

be; except that the Town may retain for administrative expenses a sum equivalent to one-third (1/3) of the entire amount which shall be in lieu of all other administrative and custodial expenses.

E. Transcript Fees and Deposits.

1. **Requirement for Payment; Exemptions.** Each applicant shall be required to reimburse the Town of Harrison for its actual costs for the preparation of a transcript of all hearings on his application, except for hearings on (i) applications for minor subdivision approval involving one-, two-, or three-family residential uses where no new lot will be created, and (ii) any application involving only a single one-, two-, or three-family residence. (These applications are referred to in this Section as "exempt residential applications").

2. Time for Payments; Custody of Deposit; Procedure for Payments Against Deposit.

At the time of filing any application (except an exempt residential application) with the Board, each applicant shall deposit with the Board the sum of \$1,000 to defray the estimated cost of hearing transcripts for the application.

This transcript deposit shall be placed in an escrow account for transcript deposits maintained by the Chief Financial Officer. Payments charged to the transcript deposit shall be pursuant to vouchers from certified shorthand reporters identifying the dates when services were performed, the fee for attendance at each hearing, fee per page of transcript and total charges for attendance and complete transcript.

3. **Replenishing of Transcript Fee Deposit.** Whenever a transcript fee deposit is, or is about to become, depleted as a result of outstanding transcript fees, the applicant shall, on request, pay to the Chief Financial Officer an amount sufficient to (i) satisfy all outstanding transcript fees, and (ii) (when necessary in the judgment of the Chief Financial Officer) return the deposit to its original amount. If an applicant fails to pay the amount requested within ten (10) days after demand, the Town, the reviewing board and all professionals shall have the right to cease all further work on the application immediately, and the reviewing board shall have the right to deny,

without prejudice, any pending application because of the applicant's failure to pay the requested amount. The applicant shall have the right to reinstate the application within sixty (60) days of dismissal by payment of the required deposit. The application shall be reinstated only upon written certification by the CFO to the Board that the deposit has been paid within the sixty (60) day period. In no event shall any approved plans or resolutions be signed or delivered to the applicant, nor shall any construction permits, certificates of occupancy, or other approvals or authorizations be issued to an applicant, when there exists any deficiency with respect to the applicant's transcript fee deposit.

4. Final Accounting. The Chief Financial Officer shall render a final accounting to the applicant with respect to the applicant's transcript deposit simultaneously with the rendering of the final accounting with respect to the applicant's technical review fee deposit. The Chief Financial Officer shall return to the applicant with the final accounting of transcript deposits any unused balance of such deposit.

5. Waiver of Transcript Fee. Where any application is of a minor nature and does not involve significant site development considerations, the reviewing board may waive the requirement for reimbursement of the costs of the transcript.

F. Special Meeting Fees. A fee of \$1,000 shall be charged to the applicant for any special meeting of the Planning Board or Board of Adjustment held at the request of the applicant. Where any application is of a minor nature, and does not involve significant site development considerations, the reviewing board may waive the requirement for a special meeting fee. Nothing herein shall obligate any board to hold a special meeting on any application.

G. Appeals. An applicant shall notify in writing the Town Council with copies to the Chief Financial Officer, the approving Board and the professional whenever the applicant disputes the charges made by a professional for service rendered to the Town in reviewing applications for development, review and preparation of documents, inspection of improvement, or other fees or charges made pursuant to the provisions of P.L. 1975, c.

291 (C. 40:55D-1 et seq.). The Town Council, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals, any charge to an escrow account or a deposit by any municipal professional or consultant, or the cost of the installation of improvements estimated by the Town Engineer pursuant to section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4). An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the Town, approving Board and any professional whose charge is the subject of the appeal. An applicant shall file an appeal within forty-five (45) days from receipt of the informational copy of the professional's voucher required by subsection c. of section 13 of P.L. 1991, c. 256 (C. 40:55D-53.2), except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within sixty (60) days from receipt of the municipal statement of activity against the deposit or escrow account required by subsection c. of section 13 of P.L. 1991, c. 256 (C. 40:55D-53.2). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six (6) months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

17-101 THROUGH 17-104 RESERVED

ARTICLE VII

PERFORMANCE AND MAINTENANCE GUARANTEES

17-105 INSTALLATION OF IMPROVEMENTS OR GUARANTEES

17-105.1 Performance Guarantees Required

- A. Prior to the granting of final approval of a subdivision or site plan, the applicant shall have installed or shall have furnished performance guarantees for the ultimate installation of the improvements that were shown on the approved preliminary plan, required as a condition of preliminary approval, or, in the case of subdivisions only, required by the provisions of the "Map Filing Law."
- B. Improvements for which performance guarantees may be required include without limitation: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space, and, in the case of site plans only, landscaping and other on-site improvements.
- C. The applicant shall file with the Town Clerk a performance guarantee in favor of the Town of Harrison insuring the installation of all uncompleted improvements on or before an agreed upon date. The cost of installation of the required improvements shall be estimated by the Town Engineer pursuant to N.J.S.A. 40:55D-53, and the amount of the performance guarantee shall be of an amount equal to one hundred twenty (120) percent of this estimated cost. Ten (10) percent of the performance guarantee must be in the form of cash.
- D. The form and sufficiency of the guarantee shall be subject to approval of the Town Attorney. Performance guarantees shall be expressly conditioned upon the developer's full compliance with all Town ordinances and regulations governing the installation of

improvements and utilities and faithful performance of the terms of any developer's agreement with the Town.

- E. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Town Council by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount equal to one hundred twenty (120) percent of the cost of the installation as determined by the Town Engineer pursuant to N.J.S.A. 40:55D-53 as of the time of the passage of the resolution.
- F. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Town for the reasonable cost of the improvements not completed or corrected, and the Town may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law."
- G. Upon substantial completion of all required street improvements (except the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may notify the Town Council in writing, by certified mail addressed in care of the Town Clerk, that the Town Engineer prepare, in accordance with the itemized cost estimate prepared by the Town Engineer and appended to the performance guarantee, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the Town Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the Town engineer shall inspect all improvements covered by obligor's request and shall file a detailed list and report, in writing, with the Town Council, and shall simultaneously send a copy thereof to the obligor not later than forty-five (45) days after receipt of the obligor's request.

The list prepared by the Town Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the

incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Town Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount or reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Town Engineer and appended to the performance guarantee.

H.

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

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount of each such improvement, in accordance with the itemized cost estimate prepared by the Town Engineer and appended to the performance guarantee, including any contingency factor applied to the cost of installation. If the sum of the approved improvements would exceed

seventy (70) percent of the total amount of the performance guarantee, then the Town may retain thirty (30) percent of the amount of the total performance guarantee to ensure completion and acceptability of all improvements, as provided above.

2. If the Town Engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection G of this section within forty-five (45) days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Town Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the Town Council fails to approve or reject the improvements determined by the Town Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within forty-five (45) days from the receipt of the Town Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Town Engineer and appended to the performance guarantee; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

3. In the event that the obligor has made a cash deposit with the Town as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.
 - I. If any portion of the required improvements are rejected, the Town Council may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

- J. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Town Council or the Town Engineer.
- K. In the event that final approval is by stages or sections of development, the provisions of this section shall be applied by stage or section.
- L. To the extent that any of the improvements have been dedicated to the Town on the subdivision plat or site plan, the Town Council shall be deemed upon the release of any performance guarantee required, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivisions plats approved by the Board, provided that such improvements have been inspected and have received final approval by the Town Engineer.

17-105.2 Maintenance Guarantees

- A. Upon completion and acceptance by the Town Council of the required improvements or a portion of such improvements, the developer may be required to post a maintenance guarantee with the Town Council for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed fifteen (15) percent of the cost of the improvement, as determined by the Town Engineer pursuant to N.J.S.A. 40:55D-53.
- B. The form and sufficiency of the maintenance guarantee shall be approved by the Town Attorney. The maintenance guarantee for an improvement shall be posted upon final release by the Town Council of the performance guarantee for that improvement and shall be expressly conditioned upon the maintenance by the developer of such improvement for a period of two (2) years, and particularly shall guarantee the remedy of any defects in such improvement which occur during that period.
- C. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance

guarantee, as the case may be, shall be required by the Town for such utilities or improvements.

D. Appeal procedure for disputed guarantee amounts. The cost of the installation of improvements shall be estimated by the Town Engineer based on documented construction costs for public improvements prevailing in the general area of the Town. The developer may appeal the Town Engineer's estimate to the county construction board of appeals.

E. Performance guarantee - acceptance. The Town Council shall accept a performance guarantee or maintenance guarantee which is an irrevocable letter of credit if it:

1. Constitutes an unconditional payment obligation of the issuer running solely to the Town for an express initial period of time in the amount determined pursuant to subsection A;
2. Is issued by a banking or savings institution authorized to do and doing business in this State;
3. Is for a period of time at least one year; and
4. Permits the Town to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this section thirty (30) days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

17-106 THROUGH 17-109 RESERVED

ARTICLE VIII

17-110 THROUGH 17-119 RESERVED

ARTICLE IX

ENFORCEMENT, VIOLATIONS AND PENALTIES

17-120 ENFORCEMENT

- A. Zoning permits. No land shall be occupied or used, in whole or in part, for any purpose, no use of any land, building or structure shall be changed and no building or structure shall be erected, altered or used for any purpose whatsoever unless and until a zoning permit for said use shall have been issued by the Zoning Officer; provided, however, that no zoning permit shall be required for any permitted accessory use for one- and two-family dwellings.
- B. Certificates of occupancy.
 1. No building or structure hereafter constructed, moved, altered or enlarged shall be used or occupied until a certificate of occupancy therefor has first been applied for and issued by the Construction Official.
 2. No certificate of occupancy shall be issued without a written report from the Zoning Officer certifying that the proposed use, improvements and structures are in compliance with all terms, conditions, provisions and regulations of the Land Development Ordinance and all approvals issued pursuant thereto.
 3. A temporary certificate of occupancy may be issued, but only for a specific period and, upon such conditions as the Town Engineer may impose, such as bonding, to ensure the completion and/or installation of any improvements which are unfinished because of weather-related delay. The installation of any required public or private improvements may also be delayed if the Town Engineer warrants in writing to the Construction Official that the delay is in the best interests of the Town of Harrison.

C. Conditions for issuance of permits and certificates. No building permit, zoning permit or certificate of occupancy shall be issued until the applicant has fully complied with all applicable requirements of this Chapter and all approvals granted pursuant thereto, the Uniform Construction Code, all other applicable Town ordinances, regulations and directives, and all state and county laws and regulations.

D. Contents of permits and certificates. A zoning permit or certificate of occupancy shall specify the use of the land, building or buildings, as the case may be, and any terms or conditions imposed thereunder.

E. Records. It shall be the duty of the Zoning Officer and the Construction Official, respectively, to keep records of all applications for building permits, zoning permits and certificates of occupancy and of all such permits and certificates issued, together with a notation of all special terms or conditions imposed thereunder. Each shall be responsible for the filing and safekeeping of plans and specifications submitted to him or her with any application, and the same shall form a part of the records of his or her office and shall be available to all officials of the Town of Harrison.

17-121 VIOLATIONS AND PENALTIES

A. In case any building or structure is erected, constructed, reconstructed, altered, moved or converted or any building, structure or land is used, in violation of or contrary to the provisions of this Chapter, the Town may institute an action to enjoin the violation or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use. In addition, in the event of any violation of this chapter or the terms or conditions of any approval issued pursuant thereto, the Zoning Officer and/or Construction Official may assess administrative penalties as provided for in Section 17-137B below and may issue such stop work orders, and deny, revoke or withhold such permits, as necessary or proper in his judgment to abate, arrest or remedy such violation, to cause such violation to be remediated, abated or cured, and/or to prevent any further violations of this Chapter or the terms or conditions of any approval

issued pursuant thereof. Nothing in this Chapter shall be construed to restrict the right of any other party to obtain relief in regard to a violation of this Chapter from any court of competent jurisdiction according to law.

- B. In any case in which a court has adjudicated any person guilty of illegally establishing a dwelling unit without required approvals per this Chapter, if such unit is occupied by a third party at the time of adjudication, the court may require that the defendant pay the cost of removing the occupants from the illegal unit and relocating them to a lawful, suitable replacement dwelling. Such costs shall include, without limit, moving and real estate brokerage expenses. The court may appoint a licensed real estate broker to find suitable replacement housing at the expense of the applicant.
- C. Any violation of the provisions of this Chapter shall be punishable by a fine not to exceed five hundred dollars (\$ 500), by imprisonment in the county jail for a term not to exceed ninety (90) days, or both. Each day the violation shall continue after a notice and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.¹
- D. It shall be the responsibility of an applicant to (a) maintain in good order and condition all improvements, site work and landscaping shown in the approved plans or required as a condition of approval granted under this Chapter, and (b) comply with all other conditions required by the Board as set forth in the resolution of approval, minutes of the Board or on the site plan or subdivision plat approved as part of the application. Failure to do so shall be considered a violation of this Chapter.
- E. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which Town approval is required, such person shall be subject to a penalty not to exceed

¹ by stop work orders, by revocation, denial or withholding of any permit or approval issued pursuant to the Land Development Ordinance.

one thousand dollars (\$1,000) and each lot disposition so made may be deemed a separate violation.

F. Specific relief.

1. In addition to the foregoing, the Town may institute and maintain a civil action:
 - a) For injunctive relief; and
 - b) To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56 of the Municipal Land Use Law.
2. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the developer or his assigns or successors to secure the return of any deposits made or purchase price paid and, also, a reasonable search fee, survey expenses and title closing expenses, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six (6) years, if unrecorded, as set forth in N.J.S.A. 40:55D-55.

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1079

**AN ORDINANCE AMENDING SECTION 17-74, CHECKLISTS, AND
SECTION 17-100, FEES AND DEPOSITS, OF THE LAND DEVELOPMENT
ORDINANCE OF THE TOWN OF HARRISON**

IT IS HEREBY ORDAINED by the Town Council of the Town of Harrison as follows:

Section One. Section 17-74 of the Land Development Ordinance (Ordinance No. 987), entitled "Checklists," is hereby amended by adding a new subsection 17-74.6 entitled "Site Plan Waiver Checklist" reading in its entirety as follows:

TOWN OF HARRISON		Yes	No
SITE PLAN WAIVER CHECKLIST			
1.	Completed standard development application form.		
2.	Copy of current survey.		
3.	Key Map, Area Map, or Tax Map Sheet showing the property in relationship to its existing street frontage, and the nearest intersecting streets on each side.		
4.	Photographs of front, side, and rear views of existing lot and building(s).		
5.	Location and details of any proposed exterior construction, including but not limited to signs.		
6.	All applicable items on "Application Checklist General Requirements for All Development Applications."		
7.	All applicable items in Minor Subdivision and Minor Site Plan Checklist.		

Section Two. Section 17-74.5 of the Land Development Ordinance (Ordinance No. 987), entitled "Application Checklist General Requirements for All Development Applications," is hereby amended as follows:

(a) Item 8 of the application checklist is amended to read in its entirety as follows:

For minor site plans, minor subdivisions, preliminary major site plans, preliminary major subdivisions, and site plan waivers, a statement of any and all approvals which are required from other governmental or quasi-governmental entities.

(b) Item 11 of the application checklist is amended by adding at the end of that item (following the term "Variance Application") the term "Site Plan Waiver."

Section Three. Section 17-100 of the Land Development Ordinance (Ordinance No. 996), entitled "Fees and Deposits," is amended by inserting the following in the Fee Schedule, Subsection (ii), entitled "Site Plans," as a new item (f) immediately following "Amended Preliminary Major and/or Final Major Site Plan":

	Application Charge	Review Escrow Deposit
(f) Site Plan Waiver	\$350.00	\$1,000.00

Section Four. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section Five. All ordinances of the Town of Harrison which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section Six. This ordinance shall take effect upon final passage and publication hereof as provided by law.

/s/ O. John DiSalvo
Councilman O. John DiSalvo

Introduced: 07-23-03

Adopted: 09-22-03

APPROVED: */s/ Raymond J. McDonough*
Mayor, Raymond J. McDonough

Notice is hereby given that at a Meeting of the Council of the Town of Harrison, County of Hudson and State of New Jersey held September 22, 2003, the foregoing ordinance published in full, was passed on second and final readings, ordered signed by the Mayor, attested by the Town Clerk, engrossed in the ordinance book and published according to law.

Paul J. Zarbetski
Paul J. Zarbetski, Town Clerk

TOWN OF HARRISON
COUNTY OF HUDSON

ORDINANCE NO. 1094

AN ORDINANCE AMENDING THE LAND DEVELOPMENT
ORDINANCE FOR THE TOWN OF HARRISON, ORDINANCE
NUMBERS 988 AND 996 (TITLE 17, ARTICLES IV AND V,
ZONING, OF THE TOWN OF HARRISON MUNICIPAL CODE)
BY AMENDING THE SH-ZONE

WHEREAS, the Mayor and Council of the Town of Harrison have the power to adopt or amend zoning ordinances provided such ordinances or amendments are either (i) substantially consistent with the land use plan element and the housing plan element of the Master Plan or (ii) designed to effectuate such plan elements pursuant to N.J.S.A. 40:55D-62; and

WHEREAS, Heyer, Gruel & Associates prepared a Reexamination Report and Master Plan Amendment dated February 2004 (hereinafter referred to as the "Report") for the Harrison Planning Board concerning proposed amendments to the Harrison Land Development Ordinance and recommending the designation of a new SH- Zone; and

WHEREAS, the Planning Board conducted a public hearing on February 25, 2004 and thereafter adopted the Report as the General Master Plan Reexamination Report required by N.J.S.A. 40:55D-89, and as an amendment to the Town of Harrison Master Plan, thereby recommending that the contents, provisions and changes proposed in the Report concerning the designation of an SH-Zone be adopted as an amendment to the Harrison Land Development Ordinance and that such recommendation was not inconsistent with the Master Plan.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey that:

SECTION 1. Ordinance 988, Section 1 (Chapter 17-81.2 of the Municipal Code), "Zoning Map", shall be amended to reflect the zone changes set forth in the map entitled "Proposed Zoning Changes Town of Harrison December 2003", which is part of the Report, a copy of which is attached hereto and made a part hereof.

SECTION 2. The chart entitled "Zoning Schedule I, Bulk Regulations - All Districts" of

Ordinance 988 (Title 17, Article IV of the Municipal Code) shall be amended and supplemented as follows:

District: SH – (*Senior Housing*)

Minimum Area Requirements:

Lot Area (Square Feet)	60,000
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Lot Width (Feet)	200
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Lot Depth (Feet)	300
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Maximum Impervious Coverage	80%
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Minimum Setback Requirements

Supor Boulevard (Feet)	10
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Wilhelm Street (Feet)	10
-----------------------	----

Other Streets (Feet)	5
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Minimum Space Between Buildings (Feet)	20
--	----

Maximum Height (Stories)	4
--------------------------	---

Maximum Density (Units per acre)	40
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Affordable Units: 20% of the units shall be set aside as affordable units in accordance with COAH regulations.

SECTION 3. Ordinance 996, Section 1 (Chapter 17-90 of the Municipal Code), “Design Standards”, is hereby amended to add a new Section 17-90.10 “Supplemental Design Standards – Senior Housing Zone” to reflect the SH-Zone consistent with the provisions of this Ordinance.

Parking.

- Shall be in accordance with RSIS, however, the Board may factor in mass transit availability, shared opportunities and other considerations when determining requirements.
- No garages, parking or driveways shall be permitted in yard setbacks.

Architectural.

- New buildings shall be oriented to the front and relate to public streets, both functionally and visually. The primary orientation of a building shall not be towards a parking lot.
- Multiple buildings on a single property shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
- Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls. Facades greater than 100 feet in length must incorporate recesses and projections along at least 20% of the length of the facade. Windows, awnings, and balconies must total at least 60% of the facade length abutting a public street.
- All mechanical equipment, such as meters and air conditioners shall be screened from public view, and all utility wires shall be installed underground.
- Common refuse areas are encouraged to be architecturally designed and may not be visible from public right of ways.
- Recyclable materials shall be stored inside until time of collection or in clearly designated areas integrated with outside waste disposal.
- Signage, lighting and landscaping shall be in accordance with Town regulations.

SECTION 4. Any ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect after final passage and publication according to law.

/s/ Michael Rodgers
Councilman Michael Rodgers

Introduced: 02-27-04

Adopted: 03-18-04

APPROVED: /s/ Raymond J. McDonough
Mayor Raymond J. McDonough

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON,
HUDSON COUNTY, NJ

	YES	NO	ABSENT	ABSTAIN
DiSalvo	X			
Dolaghan	X			
Doran			X	
Kelly	X			
Mandaglio	X			
Pettigrew	X			
Rodgers	X			
Villalta	X			
Mayor McDonough	X			


TOWN CLERK

Notice is hereby given that at a Meeting of the Council of the Town of Harrison, County of Hudson and State of New Jersey held March 18, 2004, the foregoing ordinance, duly published, was passed on second and final readings, ordered signed by the Mayor, attested by the Town Clerk, engrossed in the ordinance book and published according to law.


Paul J. Zarbetski, Town Clerk

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1146

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT
ORDINANCE FOR THE TOWN OF HARRISON, ORDINANCE
NUMBER 988 (TITLE 17, ARTICLE IV, ZONING, OF THE
TOWN OF HARRISON MUNICIPAL CODE) REGARDING
CELLULAR/WIRELESS COMMUNICATION TOWERS,
ANTENNAS AND ASSOCIATED FACILITIES AND DEVICES.**

WHEREAS, the Mayor and Council of the Town of Harrison has the power to adopt or amend zoning ordinances provided such ordinances or amendments are either (i) substantially consistent with the land use plan element and the housing plan element of the Master Plan, or (ii) designed to effectuate such plan elements, pursuant to *N.J.S.A. 40:55D-62*; and

WHEREAS, there has been an outcry by Town residents against the placement of cellular/wireless communication towers, antennas and associated facilities and devices (hereinafter collectively referred to as "cellular antennas") in and adjacent to residential areas in the Town; and

WHEREAS, it has always been the intent of the Town's Zone Plan to limit the placement of cellular antennas to non-residential areas, in order to safeguard the public good and preserve the intent and purposes of the Town's Residential Zone Plan; and

WHEREAS, cellular antennas are currently permitted in Industrial (I) and Community Commercial (CC) zones as a conditional use; and

WHEREAS, some of these Industrial (I) and Community Commercial (CC) zones clearly abut residential-only districts, such that the aforementioned purpose of limiting the placement of cellular antennas to non-residential areas is in jeopardy; and

WHEREAS, the Mayor and Council believes that an amendment to the conditional use requirements for cellular antennas is necessary in order to address the aforementioned concerns in areas where the Industrial (I) and Community Commercial (CC) zones abut residential zones.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey that:

Section 1. The following language from Ordinance 988, Section 1 (Chapter 17-82.10(B)(5) of the Municipal Code), shall be deleted in its entirety

“Cellular Communications Antennas. Cellular communications antennas shall be as permitted in the CC and I zones, subject to compliance with the following requirements:”

and replaced with the following:

“Cellular/Wireless Communication Towers, Antennas and Associated Facilities and Devices. Cellular/wireless communication towers, antennas and associated facilities and devices (hereinafter collectively referred to as “cellular antennas”) shall be permitted in the CC and I zones, provided that no cellular antennas shall be sited within two hundred fifty (250) feet of an SF-1, SF-2, SF-3, 2F-1, 2F-2, 3F, A, or SH zone, and further subject to compliance with the following requirements:”

Section 2. Any ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. This Ordinance shall take effect after final passage and publication according to law.

/s/ Michael Rodgers
Councilman Michael Rodgers

Introduced: 03-13-06

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on March 13, 2006, the foregoing Ordinance passed on first reading.

Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON,
HUDSON COUNTY, NJ 03-13-06

	YES	NO	ABSENT	ABSTAIN
DiSalvo	x			
Dolaghan	x			
Doran			x	
Kelly			x	
Mandaglio	x			
Pettigrew	x			
Rodgers	x			
Villalta	x			
Mayor McDonough	x			

Adopted: 03-27-06

Approved: /s/ Raymond J. McDonough
Mayor Raymond J. McDonough

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on March 27, 2006, the foregoing Ordinance, previously published according to law, was adopted on second reading, approved by the Mayor, spread in full in the ordinance book, and published according to law.



Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON,
HUDSON COUNTY, NJ 03-27-06

	YES	NO	ABSENT	ABSTAIN
DiSalvo	x			
Dolaghan	x			
Doran	x			
Kelly		x		
Mandaglio	x			
Pettigrew	x			
Rodgers	x			
Villalta	x			
Mayor McDonough	x			

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1153

STORMWATER MANAGEMENT ORDINANCE OF THE TOWN OF HARRISON, AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWN OF HARRISON

WHEREAS, The Mayor and Council wish to adopt a Stormwater Management Ordinance to govern the Town of Harrison; and

WHEREAS, This Stormwater Management Ordinance will become part of the Land Development Ordinance of the Town of Harrison, to be codified as Title 17, Article VIII, Chapter 17-110.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HARRISON AS FOLLOWS:

Section 1: Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in Section 2.

C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

- a. Non-residential major developments; and
- b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Town of Harrison.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section 2: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Planning Map” means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

“CAFRA Centers, Cores or Nodes” means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

“Compaction” means the increase in soil bulk density.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency is the Hudson County Division of Planning.

“Department” means the New Jersey Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, 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, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhood” means a neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

“Municipality” means the Town of Harrison.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities, which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, the Town of Harrison, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;
- (3) Designated as Urban Enterprise Zones; and
- (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section 3: General Standards

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules provided that any alternative standards provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

Section 4: Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’ Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150.
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G:
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 4.F and 4.G to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Sections 4.F and 4.G, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 4.F and 4.G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 4.F and 4.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 4.E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

2. Nonstructural stormwater management strategies incorporated into site design shall:

- a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
- b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- c. Maximize the protection of natural drainage features and vegetation;
- d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel

from the hydraulically most distant point of the watershed to the point of interest within a watershed;

- e. Minimize land disturbance including clearing and grading;
- f. Minimize soil compaction;
- g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
- h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
- i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 4.E.3. below;
 - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
 - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Site design features identified under Section 4.E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 4.E.3.c below.

- a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground

surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- c. This standard does not apply:
 - (1) Where the Town Engineer determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - (2) Where flows from the water quality design storm as specified in Section 4.G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - (b) A bar screen having a bar spacing of 0.5 inches.
 - (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 4.G.1; or
 - (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 4.F and 4.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

- a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
- b. The minimum design and performance standards for groundwater recharge are as follows:
 - (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 - (2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.
 - (3) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
 - (4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high

water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

- c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
 - (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
 - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if:
 - a. required by the Town Engineer to reduce stormwater impacts to existing drainage facilities including segments of the combined sewer system, and
 - b. the increased volume of stormwater runoff could increase flood damages below the point of discharge.

G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional $\frac{1}{4}$ acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to combined sewers or any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution

Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Section 7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department for approval at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.
3. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 4.F and 4.G.
6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.

Section 5: Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

- a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
 - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge, where required, may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

Section 6: Standards for Structural Stormwater Management Measures

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.D.
3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 8.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section 4 of this ordinance.

C. Manufactured treatment devices may be used to meet the requirements of Section 4 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

Section 7: Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on

stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
2. The Rutgers Cooperative Extension Service, 732-932-9306; and
3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

Section 8: Safety Standards for Stormwater Management Basins

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to all existing and new stormwater management basins.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions

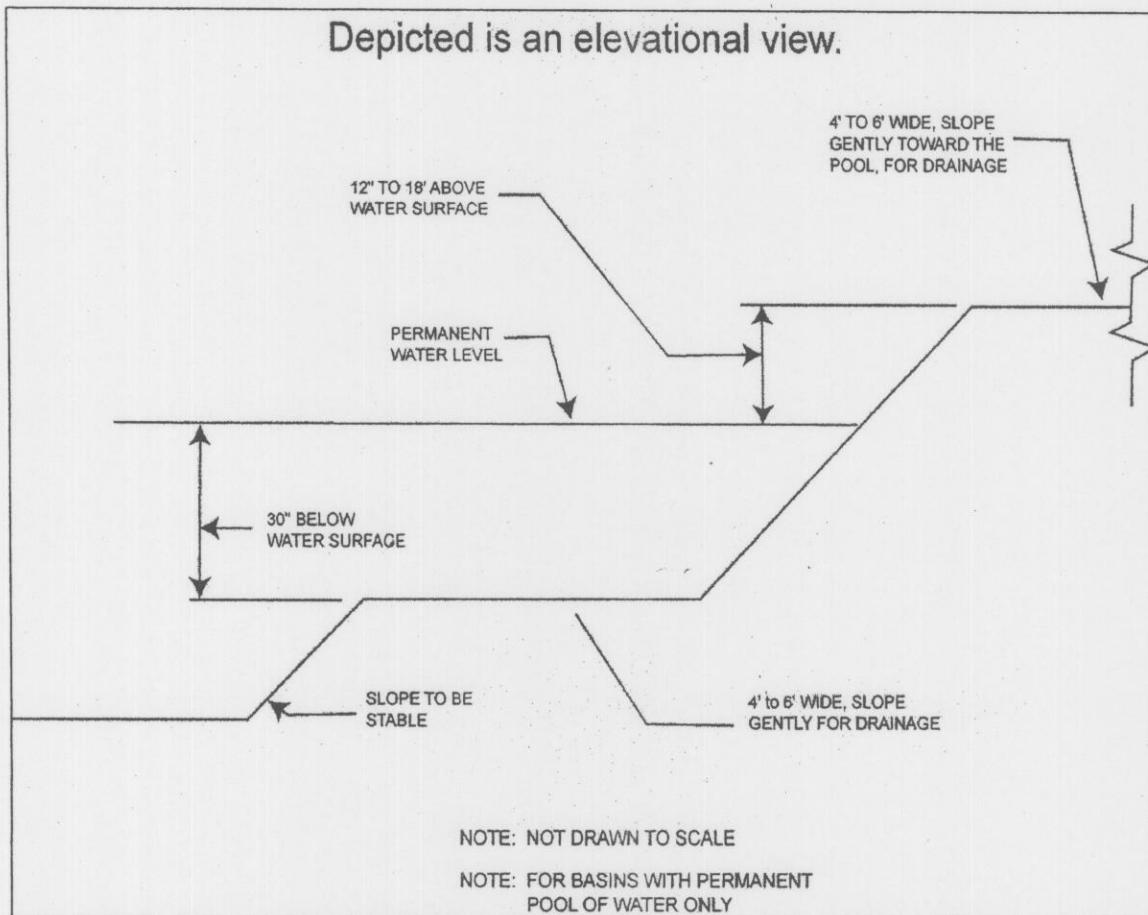
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
 - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

- d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - b. The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 8.C a free-standing outlet structure may be exempted from this requirement.
 - b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 8.D for an illustration of safety ledges in a stormwater management basin.
 - c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (Town of Harrison, Hudson County, or the NJDEP) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin



Section 9: Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 9.C below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall establish a funding mechanism for maintenance of proposed stormwater control facilities.
4. The applicant shall submit twenty (20) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 9.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 3 through 6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.
- b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section 10: Maintenance and Repair

A. Applicability

1. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Sections 10.B and 10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development and the developer shall establish a mechanism for funding in compliance with this ordinance.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Section 10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under Section 10.B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
7. The person responsible for maintenance identified under Section 10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
8. The person responsible for maintenance identified under Section 10.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 10.B.6 and 10.B.7 above.
9. The requirements of Sections 10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the

responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section 11: Effective Date

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

Section 12: Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

/s/ Michael Rodgers
Councilman Michael Rodgers

Introduced: 10-03-06

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on October 3, 2006, the foregoing Ordinance passed on first reading.


Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON,
HUDSON COUNTY, NJ 10-03-06

	YES	NO	ABSENT	ABSTAIN
DiSalvo	x			
Dolaghan	x			
Doran	x			
Kelly	x			
Mandaglio	x			
Pettigrew	x			
Rodgers	x			
Villalta	x			
Mayor McDonough	x			

Adopted: 12-05-06

Approved: /s/ Raymond J. McDonough
Mayor Raymond J. McDonough

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on December 5, 2006, the foregoing Ordinance, previously published according to law, was adopted on second reading, approved by the Mayor, spread in full in the ordinance book, and published according to law.



Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON,
HUDSON COUNTY, NJ 12-05-06

	YES	NO	ABSENT	ABSTAIN
DiSalvo	x			
Dolaghan	x			
Doran	x			
Kelly	x			
Mandaglio	x			
Pettigrew	x			
Rodgers	x			
Villalta	x			
Mayor McDonough	x			

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1155

AN ORDINANCE AMENDING SECTION 17-6, DEFINITIONS (ORDINANCE NUMBER 987, SECTION 1), AND SECTION 17-91.1, OFF-STREET PARKING (ORDINANCE NUMBER 996, SECTION 1) OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWN OF HARRISON

BE IT ORDAINED by the Mayor and Council of the Town of Harrison, County of Hudson, State of New Jersey, as follows:

Section 1. The following definitions are hereby added to Section 17-6, Definitions, of the Land Development Ordinance of the Town of Harrison (Ordinance 987, Section 1), in proper alphabetical order:

CONVENIENCE STORE - A retail establishment containing up to but not more than 5,000 square feet of floor area and selling primarily food products, household items, newspapers and magazines, candy, beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

PLACE OF GROUP INSTRUCTION – An establishment intended to provide groups of five or more individuals with instruction or learning in matters pertaining to art, business, computer training, vocational or technical training, language, sports, self-defense, recreation, or other skills or subjects, but not offering the full curriculum of academic instruction provided by a high school, college or university.

RESTAURANT, TAKE-OUT – An establishment where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place outside the confines of the restaurant.

Section 2. A new clause (v) is hereby added to Section 17-91.1, Subsection B, Paragraph 6, Subparagraph (a), of the Land Development Ordinance of the Town of Harrison (Ordinance 996, Section 1), reading in its entirety as follows:

(v) Non-residential uses other than (a) convenience stores, (b) places of group instruction, and (c) take-out restaurants shall be exempt from the obligation to provide the first six on-site parking spaces required under Schedule V-1 below provided that the following conditions are met:

(a) Such uses must be located within a building that was lawfully existing on December 31, 2006,

or within a future replacement building having the same or lower floor area.

- (b) There shall have been no enlargement, addition or expansion of such building since December 31, 2006.
- (c) There shall have been no reduction or elimination of on-site parking serving such building since December 31, 2006.
- (d) Such building shall be located on a lot in the NC zone having street frontage of 25 feet or less.
- (e) Such lot shall not be in common ownership with any adjoining lot to either side.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. All ordinances of the Town of Harrison which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final passage and publication as provided by law.

/s/ Michael Rodgers
Councilman Michael Rodgers

Introduced: 11-27-06

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on November 27, 2006, the foregoing Ordinance passed on first reading.

Paul J. Zarbetski
Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON,
HUDSON COUNTY, NJ 11-27-06

	YES	NO	ABSENT	ABSTAIN
DiSalvo			x	
Dolaghan	x			
Doran	x			
Kelly	x			
Mandaglio	x			
Pettigrew	x			
Rodgers	x			
Villalta	x			
Mayor McDonough	x			

Adopted: 12-26-06

Approved: /s/ Raymond J. McDonough
Mayor Raymond J. McDonough

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on December 26, 2006, the foregoing Ordinance, previously published according to law, was adopted on second reading, approved by the Mayor, spread in full in the ordinance book, and published according to law.


Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON,
HUDSON COUNTY, NJ 12-26-06

	YES	NO	ABSENT	ABSTAIN
DiSalvo			x	
Dolaghan	x			
Doran	x			
Kelly	x			
Mandaglio	x			
Pettigrew	x			
Rodgers	x			
Villalta	x			
Mayor McDonough	x			

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1168

**AN ORDINANCE AMENDING ORDINANCE NUMBER 1153, CHAPTER 17-110
OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWN OF HARRISON,
REGARDING THE STORMWATER MANAGEMENT ORDINANCE OF THE TOWN
OF HARRISON**

BE IT ORDAINED by the Mayor and Council of the Town of Harrison, County of Hudson, State of New Jersey, as follows:

Section 1. Section 1, Paragraph C, of Ordinance Number 1153, Chapter 17-110 of the Land Development Ordinance of the Town of Harrison (which section contains the Stormwater Management Ordinance of the Town of Harrison), be and hereby is amended to read in its entirety as follows:

C. Applicability.

1. This ordinance shall be applicable to all site plans and subdivisions, including (notwithstanding anything to the contrary in the Harrison Waterfront Development Plan) all site plans and subdivisions within the Harrison Waterfront Redevelopment Area, for the following major developments that require preliminary or final site plan or subdivision review:
 - a. Non-residential major developments; and
 - b. Aspects for residential major developments that are not pre-empted by the Residential Site Improvement Standards at *N.J.A.C. 5:21*.
2. This ordinance shall also be applicable to all major developments undertaken by the Town of Harrison.

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 3. All ordinances of the Town of Harrison which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

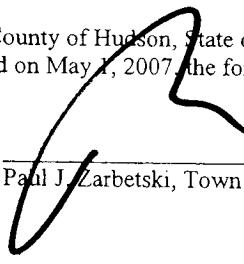
Section 4. This ordinance shall take effect upon final passage and publication as provided by law.

/s/ James P. Doran

Councilman James P. Doran

Introduced: 05-01-07

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on May 1, 2007, the foregoing Ordinance passed on first reading.


Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON,
HUDSON COUNTY, NJ 05-01-07

	YES	NO	ABSENT	ABSTAIN
Huaranga	x			
Dolaghan	x			
Doran	x			
Bennett	x			
Mandaglio	x			
McCormick	x			
Rodgers		x		
Villalta	x			
Mayor McDonough		x		

Adopted: 09-04-07

Approved: /s/ Raymond J. McDonough

Mayor Raymond J. McDonough

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that a Meeting of the Mayor and Council duly held on September 4, 2007, the foregoing Ordinance, previously published according to law, was adopted on second reading, approved by the Mayor, spread in full in the ordinance book, and published according to law.

Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON,
HUDSON COUNTY, NJ 09-04-07

	YES	NO	ABSENT	ABSTAIN
Huaranga	x			
Dolaghan	x			
Doran	x			
Bennett	x			
Mandaglio	x			
McCormick	x			
Rodgers	x			
Villalta	x			
Mayor McDonough	x			

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1192

AN ORDINANCE AMENDING SECTION 17-6, DEFINITIONS (ORDINANCE NUMBER 987, SECTION 1), SECTION 17-81, ZONE DISTRICTS (ORDINANCE NUMBER 988, SECTION 1, AND ORDINANCE NUMBER 1094, SECTION 2), SECTION 17-82, SUPPLEMENTARY REGULATIONS (ORDINANCE NUMBER 988, SECTION 1), AND SECTION 17-93, SIGNS (ORDINANCE 996, SECTION 1), OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWN OF HARRISON

WHEREAS, the Mayor and Council of the Town of Harrison has the power to adopt or amend zoning ordinances provided such ordinances or amendments are either (i) substantially consistent with the land use plan element and the housing plan element of the Master Plan, or (ii) designed to effectuate such plan elements, pursuant to *N.J.S.A. 40:55D-62*; and

WHEREAS, the Harrison Planning Board, on or about December 5, 2007, adopted a new Master Plan, which contains recommendations for amending the Land Development Ordinance and the Official Zoning Map; and

WHEREAS, the Mayor and Council believes that the following amendments to the Land Development Ordinance and the Official Zoning Map are in the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey that:

Section 1. The following definitions are hereby added to Section 17-6, Definitions, of the Land Development Ordinance of the Town of Harrison (Ordinance 987, Section 1), in proper alphabetical order:

Adult Educational Facilities/School- Any building or part thereof which is designed, constructed or used for education of adult students (i.e. students over 18 years of age) that is not part of a licensed State of New Jersey facility, or under the jurisdiction of the Harrison Board of Education.

Affordable Housing - means housing restricted to occupancies in accordance with COAH's Regional Income Limits for the production of low and moderate income housing and satisfying all requirements of COAH for credits toward meting the Town of Harrison's statutorily defined Fair Share Affordable Housing obligation.

Council on Affordable Housing (COAH)- means the New Jersey Council on Affordable Housing established under the Fair Housing Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the State.

Inclusionary Zoning- means zoning that requires development of Affordable Housing units in conjunction with market-rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential, the creation of new Affordable Housing units through the reconstruction of vacant structures.

Public and Quasi-Public - designation is applied to land with structures or uses, such as public and private schools, churches, parks, community buildings, cemeteries, utility facilities and similar uses. Lands currently owned by public agencies, or held in reserve for future development of community facilities owned or operated by a governmental entity or its designee, also receive this designation.

Self Storage Facilities- 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.

Staffing and Employment Agencies- are those businesses dedicated to assisting clients choosing and finding temporary and/or permanent jobs. Such job placement may include, but is not limited to, administrative and executive assistants, receptionists, word processors, secretaries, data entry, customer service representatives as well as day laborers and other skilled labor job placement.

Section 2. A new zone is hereby added to Section 17-81.1, Establishment of Zones, of the Land Development Ordinance of the Town of Harrison (Ordinance 988, Section 1), as follows:

AH Affordable Housing - Overlay

Section 3. Section 17-81.2, Zoning Map, of the Land Development Ordinance of the Town of Harrison (Ordinance 988, Section 1, and Ordinance 1094, Section 2), shall now read as follows:

The location and boundaries of the above zones are hereby established on the Zoning Map dated January 2008, which is attached hereto and made a part of this Chapter.

Section 4. Section 17-81.4, Schedule of Permitted, Conditional and Accessory Uses, and Section 17-81.5, Schedule of Area, Yard and Building Requirements, of the Land Development Ordinance of the Town of Harrison (Ordinance 988, Section 1), is amended as follows:

“Schedule I” and “Schedule II” are amended in conformance with Sections 8, 9, 10 and 11 of this Ordinance.

Section 5. Section 17-82.7, Accessory Structures and Uses, of the Land Development Ordinance of the Town of Harrison (Ordinance 988, Section 1), is amended as follows:

Section (B)(2), Home Occupations, is deleted. The remaining sections shall be re-numbered accordingly.

Section 6. Section 17-82.10, Conditional Uses, of the Land Development Ordinance of the Town of Harrison (Ordinance 988, Section 1), is amended as follows:

The following language shall be added to the end of (B)(1)(a): “If lessee, a letter of approval from the owner is required to be filed with the Application for approval.”

The language of Section (B)(2)(c) is amended to read as follows: “In the NC and CC zoning districts, no house of worship shall occupy the ground floor of any mixed-use structure.”

The following shall be added to Section (B)(4):

- d) Screening and landscaping shall be provided where necessary to minimize the impact on adjacent properties.

Section 7. The following Sections are added to the Land Development Ordinance of the Town of Harrison:

17-83 - AFFORDABLE HOUSING OVERLAY ZONE -

PURPOSE:

The Affordable Housing Overlay Zone seeks to facilitate and encourage the creation of Affordable Housing in the Town of Harrison within portions of the SH and I zones. Nothing in this Section 17-83 shall be construed to prohibit any use permitted by the underlying zone districts. The Affordable Housing Overlay Zone (hereinafter, the “AH Overlay Zone”) will allow the existing uses to continue as well as the current zoning standards should the property owners seek to utilize such provisions. However, in order to develop non-aged restricted, market rate residential development, Affordable Housing must be created.

- A. Affordable Housing units proposed through these AH Overlay Zone provisions are produced through the non-age restricted market-rate densities permitted and set forth herein;
- B. This AH Overlay Zone applies to lands zoned AH as depicted on the Town of Harrison Zoning Map date January 2008;

USE PROVISIONS:

- A. Permitted Uses: Attached townhouses and/or multi-family dwellings. No detached single-family homes or two family homes are permitted.
- B. Accessory: Recreational facilities for permitted residential uses.

17-83.1 - AH Zone Requirements:

- A. Non-age restricted market rate residential development- As depicted in Schedule I- Bulk Standards, this AH Overlay Zone permits a density of up to 50-units per acre provided

that one (1) on-site Affordable Housing unit must be constructed for every 4 (or 1 in every 5) on-site market rate units provided. Notwithstanding the forgoing, in lieu of on-site construction of Affordable Housing units, the developer may donate to the Town of Harrison land sufficient to permit a 100% Affordable Housing development containing at minimum the number of Affordable Housing units which a developer is required to construct on site.

- B. Minimum Lot size 1.5 acres
- C. Land donations require that land dedicated to the Town of Harrison must meet all site suitability criteria under N.J.A.C. 5:94 and must be environmentally clean, as evidenced by a No Further Action Letter (NFA) issued by NJDEP showing that the property conforms with cleanup criteria for residential use or other proof satisfactory to the Town of Harrison and its professionals.
- D. All Affordable Housing units shall meet all applicable COAH guidelines, including but not limited to, guidelines for affordability, design, marketing and construction and must have the appropriate deed restrictions in place in order for the Town of Harrison to gain credit for all such units toward meeting its statutory requirements to provide Affordable Housing under the Fair Housing Act. All Affordable Housing units shall comply with the control provisions set forth in NJAC 5:80-26.5 for owner occupied units and NJAC 5:80-26.11 for rental units.
- E. All Affordable Housing units shall meet the provisions set forth in the Town of Harrison Fair Share Affordable Housing Plan.
- F. A density bonus equal to 10% of the gross permitted density in the AH Overlay Zone shall be permitted provided that;
 1. Land is donated to the Town of Harrison, or its designee in conformance with all requirements of this section 17-83.1
 2. The overall site design is coordinated such that all units are part of a seamless community.
- G. The developer's obligations related to the creation of Affordable Housing shall, as a condition of any site plan approval, be incorporated into a developer's agreement with the Town of Harrison.

17-83.2 - AH OVERLAY ZONE Design Requirements – In addition to the requirements set forth in 17-90 and 17-91, residential construction in this AH Overlay Zone requires:

A. No individual unit driveways will be permitted through the front yard.
B. No surface parking facilities are permitted along any street frontage.

Section 8. Schedule I of the Land Development Ordinance of the Town of Harrison (Ordinance 988, Section 1), is amended to add the following:

AH 1.5 200' 200' 5' 0' 25' 50' 50
 acres dwelling
(Affordable
Housing Overlay)

Section 9. Schedule II-A of the Land Development Ordinance of the Town of Harrison (Ordinance 988, Section 1), is amended so that the following uses shall be added and/or shall read as follows:

Town of Harrison, Hudson County, New Jersey
Zoning Schedule II-A
Use Regulations - Residential Districts

Essential services	P	P	P	P	P	P	P	P	P
Accessory uses such as sheds and pools	A	A	A	A	A	A	A	A	A
Signs	A	A	A	A	A	A	A	A	A
Parking facilities to serve a principal use	A	A	A	A	A	A	A	A	A
Family day care	A	A	A	A	A	A	A	A	C
Community shelters	P	P	P	P	P	P	P	P	P
Community residences	P	P	P	P	P	P	P	P	P
Home occupations	C	C	C	C	C	C	C	C	C

P = Principal Permitted Use

C = Conditional Use

A = Accessory Use

M = Mandatory Use*

¹ Housing victims of domestic violence.

² Housing the developmentally disabled, persons with head injuries and the terminally ill.

* In order to receive the compensatory benefits associated with the AH Overlay Zone, as depicted in 17-83, Affordable Housing contributions must be made in accordance with Council on Affordable Housing Regulations.

Section 10. Schedule II-B of the Land Development Ordinance of the Town of Harrison (Ordinance 988, Section 1), is amended so that the following uses shall be added and/or shall read as follows:

Zoning Schedule II-B
Use Regulations - Commercial Districts
Town of Harrison, Hudson County, New Jersey

<u>Uses</u>	<u>NC</u>	<u>CC</u>
Apartments	C*	C
Automatic car wash	-	-
Automobile sales	-	-
Public garage	-	C
Financial institutions	P	P
Cellular Communications Antennas	-	C
Child care centers	P	P
Essential services	P	P
Funeral homes	P	P
Gasoline service stations	-	C
Houses of worship	C	C
Institutional and public uses	P	P
Mixed-use (ground floor 'P' use; above residential or other 'P' use)	P	P
Nursing homes	-	C
Offices	P*	P
Parking facilities/garages (non-truck)	P*	P
Research laboratories	-	P
Restaurants	P	P
Retail services	P	P
Retail trade	P	P
Self Storage	-	-
Staffing & Employment Agencies	C	P
Wholesale sales and services	-	P
Parking for principal use	A*	A
Signs	A	A
Self Storage	-	-
Staffing & Employment Agencies	C	P

P = Permitted use
 C = Conditional use
 A = Accessory use

* Uses permitted on upper floors only.

Section 11. Schedule II-C of the Land Development Ordinance of the Town of Harrison (Ordinance 988, Section 1), is amended so that the following uses shall be added and/or shall read as follows:

Zoning Schedule II-C
Use Regulations - Industrial District
Town of Harrison, Hudson County, New Jersey

<u>Uses</u>	
Self Storage	I
Staffing & Employment Agencies	P
Auto car wash	C

Section 12. In Section 17-93, Signs, of the Land Development Ordinance of the Town of Harrison (Ordinance 996, Section 1), the Chart entitled "(2) Nonresidential Zone Specifications, Permanent Signs, Building", shall be amended to add the following to the NC Zone, CC Zone, and I Zone under "Max. Size (sq. ft.)":

"except that when the structure has multiple separated business units, the term 'building' shall mean each such unit."

Section 13. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 14. All ordinances of the Town of Harrison which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 15. This Ordinance shall take effect upon final passage and publication as provided by law.

/s/ Francisco Nascimento

Councilman Francisco Nascimento

Introduced: 03-18-08

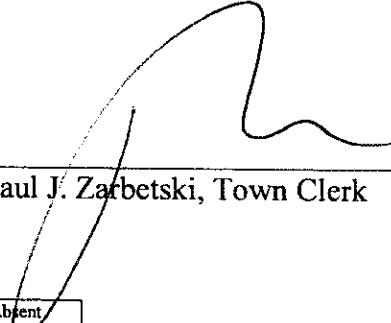
I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Regular Meeting of the Mayor and Council held on March 18, 2008 the foregoing Ordinance passed on first reading.

Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON, HUDSON COUNTY, NJ 03-18-08						
Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT			X			
M. DOLAGHAN			X			
J. DORAN	X		X			
J. HUARANGA			X			
C. MANDAGLIO			X			
M. McCORMICK		X	X			
S. McCORMICK			X			
F. NASCIMENTO			X			
R. McDONOUGH			X			

Approved: /s/ Raymond J. McDonough
Mayor Raymond J. McDonough

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on May 6, 2008, the foregoing Ordinance, previously published according to law, was adopted on second reading, approved by the Mayor, spread in full in the ordinance book, and published according to law.


Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON, HUDSON COUNTY, NJ 05-06-08

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT		X	X			
M. DOLAGHAN			X			
J. DORAN			X			
J. HUARANGA			X			
C. MANDAGLIO			X			
M. McCORMICK					X	
S. McCORMICK					X	
F. NASCIMENTO	X		X			
R. McDONOUGH						X



TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1246

AN ORDINANCE OF THE TOWN OF HARRISON, COUNTY OF HUDSON, STATE OF NEW JERSEY ADOPTING MAPPING AMENDMENTS TO REDEVELOPMENT PLAN, AND ADOPTING AMENDMENTS TO THE PERMITTED USES IN THE MIXED USE AND RESIDENTIAL DISTRICTS IN THE REDEVELOPMENT PLAN FOR THE WATERFRONT REDEVELOPMENT AREA

WHEREAS, the Town Council of the Town of Harrison (“Town”) desires to adopt several amendments to the Waterfront Redevelopment Plan prepared by Heyer, Gruel, & Associates PA; and

WHEREAS, the Town previously established a Redevelopment Area, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et. seq.), which area is commonly referred to as the “Waterfront Redevelopment Area”; and

WHEREAS, a Redevelopment Plan for the Redevelopment Area was prepared by Heyer, Gruel, & Associates and adopted by ordinance on July 23, 2003; and

WHEREAS, during the past seven years since the redevelopment plan was adopted there have been changes to the economy and changed conditions within the redevelopment area; and

WHEREAS, due to these changes it is necessary to amend the redevelopment plan; and

WHEREAS, the amendments will not compromise the core principles and goals of the plan; and

WHEREAS, several major development applications have been approved within portions of the Redevelopment Area which resulted in the amended block configuration which did not align with the Redevelopment District block configuration included in the Plan; and

WHEREAS, it has become necessary to amend the Land Use District boundaries within the Residential and Mixed Use Districts along Guyon Drive, east of Frank E. Rodgers Boulevard, north of Cape May Street and west of Peter Higgins Boulevard to coordinate with the approved block configuration in this area; and

WHEREAS, Riverbend Drive acts as the primary pedestrian access corridor to the stadium; and

WHEREAS, one of the purposes of the Waterfront Redevelopment Plan is to create continuous retail development along the frontage of Riverbend Drive in order to establish a vibrant “Main Street” shopping district with retail sales and restaurants; and

WHEREAS, in order to balance the mix of uses and to permit a variety of complementary and properly integrated use types consistent with the goals and objectives in the 2003 Redevelopment Plan, the blocks south of Riverbend Drive, north of Crucible Drive, west of Peter Higgins Boulevard, and east of Frank E. Rodgers Boulevard should be amended; and

WHEREAS, that within the Residential District, permitted principal uses shall include financial institutions such as retail banking facilities and fitness centers. No drive-thru uses shall be permitted; and

WHEREAS, that within the Mixed Use Districts accessory fitness centers, gyms, and leasing offices shall be permitted on the ground floor except for areas fronting on Riverbend Drive where such accessory uses shall not be permitted on the ground floor; and

WHEREAS, the Mixed Use District shall be amended to require a minimum of 85% of the frontage along Riverbend Drive must consist of retail sales or restaurant uses; and

WHEREAS, the Parks/Walkway District is expanded to the area between Crucible Drive and Cape May Street at the center of Fifth Street; and

WHEREAS, Heyer, Gruel & Associates has prepared a revised Land Use District Map dated April 2011(see attached Land Use District Map) which addresses the above with the following amendments:

- adjust the boundary of the Mixed Use District boundaries along Guyon Drive, north of Cape May Street, east of Frank E. Rodgers Boulevard and west of Peter Higgins; Boulevard;
- add the Parks/ Walkway District between Crucible Drive and Cape May Street and the center of the split of Fifth Street; and
- adjust the boundary of the Mixed Use District between Riverbend Drive and Crucible Drive to have a depth of 80 feet along the southern side of Riverbend Drive and to have a depth of 80 feet along the majority of its frontage with Frank E. Rodgers Boulevard; and
- include within the Residential District the remaining two blocks south of Riverbend Drive, north of Crucible Drive, east of Frank E. Rodgers Boulevard, west of Peter Higgins Boulevard adjacent to the Residential District to the south along Crucible Drive and to add 55 feet of frontage along Frank E. Rodgers Boulevard at the intersection with Crucible Drive that is within the Residential District; and

WHEREAS, to maintain consistency with the mapping included in this Ordinance amending the Redevelopment Plan, all other maps included in the 2003 Redevelopment Plan shall be amended to be consistent with the above amendments to the Redevelopment Plan; and

WHEREAS, the 2011 Zoning Map adopted by Ordinance shall also be amended to be consistent with the above amendments to the Land Use District Boundaries of the Redevelopment Plan; and

WHEREAS, Article IV Section 17-81.2 Zoning Map, shall be amended to read as follows:

“The location and boundaries of the above zones are hereby established on the Zoning Map dated April 2011 which is attached hereto and made part of this Chapter”; and

WHEREAS, the Planning Board adopted a Resolution finding the proposed amendments to be consistent with the Waterfront Redevelopment Plan and the Town of Harrison Master Plan and recommended that the amendments to the Plan be adopted by the Town; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Harrison, that, upon the recommendation of the Planning Board to adopt the proposed amendments to the Redevelopment Plan; such recommendation is hereby accepted, and the amendments, are hereby adopted:

- Page 31: Add within the Mixed Use Districts accessory fitness centers, gyms, and leasing offices shall be permitted on the ground floor except for areas fronting on Riverbend Drive where such accessory uses shall not be permitted on the ground floor
- Page 31: Add that the Mixed Use District shall require a minimum of 85% of the frontage along Riverbend Drive to consist of retail sales or restaurant uses

BE IT FURTHER ORDAINED by the Mayor and Town Council of the Town of Harrison that following amended Redevelopment Plan Maps are hereby adopted:

- Page 31: Land Use District Map

BE IT FURTHER ORDAINED by the Mayor and Town Council of the Town of Harrison that Article IV Section 17-81.2 Zoning Map shall be amended to read as follows:

“The location and boundaries of the above zones are hereby established on the Zoning Map dated April 2011 which is attached hereto and made part of this Chapter”.

BE IT FURTHER ORDAINED that all prior Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

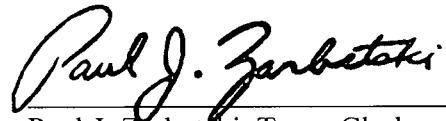
BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon final passage and publication as required by law.

/s/ James P. Doran

Councilman James P. Doran

Introduced: 06-09-11

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council held on June 9, 2011, the foregoing Ordinance passed on first reading.



Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON, HUDSON COUNTY, NJ 06-09-11

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT		X	X			
M. DOLAGHAN			X			
J. DORAN	X		X			
J. HUARANGA			X			
C. MANDAGLIO			X			
M. McCORMICK				X		
A. MILLAN			X			
F. NASCIMENTO			X			
R. McDONOUGH			X			

Adopted: 06-29-11

Approved: /s/ Raymond J. McDonough
Mayor Raymond J. McDonough

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on June 29, 2011 the foregoing Ordinance, previously published according to law, was adopted on second reading, approved by the Mayor, spread in full in the ordinance book, and published according to law.



Paul J. Zarbetski, Town Clerk

ROLL CALL-TOWN COUNCIL, TOWN OF HARRISON, HUDSON COUNTY, NJ 06-29-11

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	X		X			
M. DOLAGHAN		X	X			
J. DORAN			X			
J. HUARANGA			X			
C. MANDAGLIO			X			
M. McCORMICK				X		
A. MILLAN			X			
F. NASCIMENTO			X			
R. McDONOUGH			X			



