

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

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4 )  
5 PUBLIC MEETING ) TRANSCRIPT OF  
6 ) PROCEEDINGS:  
7 )  
8  
9

10 November 6, 2014

11 8:17 PM

12  
13 BEFORE:

- 14 Commissioner Steven L. Rogers
- 15 Commissioner Thomas J. Evans
- 16 Commissioner Joseph Scarpelli
- 17 Mayor Alphonse Petracco

18  
19 ALSO APPEARING:

- 20 Alan Genitempo, Counsel to the Board
- 21 Eleni Pettas, Municipal Clerk

22  
23  
24 Job No. NJ1964523

25 Transcribed by: Nicole Yawn

RECEIVED  
 MUNICIPAL CLERK'S OFFICE  
 2014 NOV 21 A 11:15  
 TOWNSHIP OF NUTLEY

P R O C E E D I N G S

1  
2 MAYOR PETRACCO: Would everyone please rise for  
3 the flag salute?

4 (Pledge of Allegiance)

5 MAYOR PETRACCO: Madam Clerk?

6 MADAM CLERK: Board of Commissioners public  
7 meeting Thursday, November 6th, 2014. The time is now 8:17.

8 Pursuant to the requirements of the Open Public  
9 Meeting Law, chapter 231, notice of this meeting was  
10 published in the December 12th, 2013 issues of the Nutley  
11 Sun, the Star Ledger, the Herald News. A copy of this  
12 notice has been posted on the Nutley town hall bulletin  
13 board, and a copy is on file in the municipal clerk's  
14 office.

15 Commissioner Rogers?

16 COMMISSIONER ROGERS: Here.

17 MADAM CLERK: Commissioner Tucci left at 7:49.

18 Commissioner Evans?

19 COMMISSIONER EVANS: Here.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Here.

22 MADAM CLERK: Mayor Petracco?

23 MAYOR PETRACCO: Here.

24 Thank you.

25 We'll move to minutes.

1 MADAM CLERK: Yes, Mayor. Tonight we have minutes  
2 for October 7, 2014 and October 14th, 2014 continued  
3 meeting.

4 UNIDENTIFIED SPEAKER: Move the minutes.

5 UNIDENTIFIED SPEAKER: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco?

13 MAYOR PETRACCO: Aye.

14 Okay. Communications, please.

15 MADAM CLERK: Yes, we have communications from  
16 CFO, Rosemary Costa. It's in accordance with the N.J.S.A.  
17 54:5-41. She has submitted a statement of proceedings as it  
18 permits to the 2014 tax sale that was held on October 23rd,  
19 2014.

20 We don't need a vote for that, Mayor.

21 MAYOR PETRACCO: Okay. Thank you.

22 I see Commissioner Tucci has a report, a shade  
23 tree report for the month of September.

24 Okay. And now, we move to bills, please.

25 MADAM CLERK: Public Affairs, \$49,968.08; Revenue

1 and Finance, \$7,561,882.20; Public Safety, \$64,243.21;  
2 Public Works, \$197,526.47; Parks and Public Property,  
3 \$638,354.59. Total payroll is \$835,442.90, for a grand  
4 total of \$9,347,417.55.

5 UNIDENTIFIED SPEAKER: Move the bills.

6 UNIDENTIFIED SPEAKER: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Mayor Petracco?

14 MAYOR PETRACCO: Aye.

15 Okay. We move on to ordinance introductions.

16 Commissioner Evans?

17 COMMISSIONER EVANS: Thank you.

18 Ordinance number 3299 for introduction, which I'll  
19 read by title. An ordinance to amend an ordinance codified  
20 in the code of the township of Nutley, chapter 228, entitled  
21 vehicles and traffic, particularly article II, parking on  
22 certain streets, section 14 entitled parking prohibited  
23 during certain hours, and to add a location set forth  
24 herein.

25 I move that this ordinance be passed to a second

1 reading and advertised in the Nutley Sun, together with the  
2 notice required by law and that further consideration of  
3 said ordinance for final passage by the board of  
4 commissioners be held at its second reading on December 2nd,  
5 2014.

6 So move.

7 UNIDENTIFIED SPEAKER: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Mayor Petracco?

15 MAYOR PETRACCO: Aye.

16 COMMISSIONER EVANS: The next ordinance for  
17 introduction relates to -- it's number 3300. It relates to  
18 continuing updates to our zoning ordinance for the township.

19 Previously, the board has worked together to amend  
20 our parking requirements, fences and pool signs, as well as  
21 commercial schools and outdoor cafes. The (indiscernible)  
22 has been to be more supportive and clean up confusion in our  
23 code as all the commissioners are very supportive of  
24 encouraging business to come to our town. So this is  
25 enabling more of that activity.

1           So those ordinances are already on the books.  
2           Tonight these are further amendments that incorporate a  
3           definition for a habitable attic, basically conforming mixed  
4           use requirements in the B-1, B-2, and B-3, B-3A zones,  
5           reducing the size of parking spots to 9 feet, 18 feet to  
6           conform with state standards, and to, basically,  
7           administratively address certain areas where we were having  
8           variance issues where it was more prudent on today's  
9           standards to have those administered by the code enforcement  
10          department.

11           So, with that, I'll read by title. An ordinance  
12          to amend an ordinance codified in the code of the township  
13          of Nutley, chapter 700 entitled zoning. I move that this  
14          ordinance be passed to a second reading and advertised in  
15          the Nutley Sun together with the notice required by law and  
16          that further consideration of said ordinance for final  
17          passage by the board of commissioners be held at its second  
18          reading on December 2nd, 2014.

19           So move.

20          UNIDENTIFIED SPEAKER: Second.

21          MADAM CLERK: Commissioner Rogers?

22          COMMISSIONER ROGERS: Aye.

23          MADAM CLERK: Commissioner Evans?

24          COMMISSIONER EVANS: Aye.

25          MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Mayor Petracco?

3 MAYOR PETRACCO: Aye.

4 COMMISSIONER EVANS: The third ordinance for  
5 introduction tonight is ordinance 3301, and this is an  
6 ordinance to fix the salary ranges for certain employees of  
7 the township, specifically our non-union employees. I move  
8 that this -- I'll read by title.

9 An ordinance to fix the salaries of certain  
10 officers and employees of the township of Nutley, county of  
11 Essex, state of New Jersey effective January 1, 2015. I  
12 move that this ordinance be passed to a second reading and  
13 advertised in the Nutley Sun, together with the notice  
14 required by law and that further consideration of said  
15 ordinance for final passage by the board of commissioners be  
16 held at its second reading on December 2nd, 2014.

17 So move.

18 UNIDENTIFIED SPEAKER: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Mayor Petracco?

1 MAYOR PETRACCO: Aye.

2 COMMISSIONER EVANS: Thank you, Mayor.

3 MAYOR PETRACCO: Thank you.

4 Okay. We have our resolutions.

5 Commissioner Evans, do you want to read

6 Commissioner Tucci's?

7 COMMISSIONER EVANS: Absolutely. Give me one  
8 quick second to get to them.

9 MAYOR PETRACCO: Take your time.

10 COMMISSIONER EVANS: Commissioner Tucci's first  
11 resolution -- BE IT RESOLVED by the board of commissioners  
12 of the township of Nutley, County of Essex, New Jersey that  
13 in accordance with the provisions of R.S. 40A:4-58, the  
14 following transfers of appropriations in the 2014 budget be  
15 and the same are hereby authorized and approved.

16 From parks & playgrounds salary and wage, other  
17 insurance, and shade tree salary and wage, for a total of  
18 \$104,000 to buildings and grounds salary and wage, building  
19 and grounds other expense, shade tree other expense, debris  
20 removal, communications services salary and wage, and senior  
21 citizens Transportation salary and wage, for the same,  
22 104,000.

23 So move.

24 COMMISSIONER SCARPELLI: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Mayor Petracco?

7 MAYOR PETRACCO: Aye.

8 COMMISSIONER EVANS: BE IT RESOLVED by the board  
9 of commissioners of the township of Nutley in the county of  
10 Essex, New Jersey that the township clerk is authorized for  
11 sealed bids for the recreation uniforms and recreation  
12 equipment. Bids to be received Wednesday, November 26th,  
13 2014 in the commission chambers, township hall at 3:00 p.m.  
14 prevailing time, at which time they will be publicly opened  
15 and read.

16 So move.

17 COMMISSIONER SCARPELLI: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Mayor Petracco?

25 MAYOR PETRACCO: Aye.

1           COMMISSIONER EVANS: Resolution number 260-14 is  
2 not on the agenda for this evening. It's been pulled for  
3 the future meeting.

4           Shall I continue?

5           MAYOR PETRACCO: Thank you, please.

6           COMMISSIONER EVANS: Continuing with my  
7 resolutions.

8           WHEREAS, in accordance with N.J.A.C. 17:27-3.2,  
9 each public agency shall designate an individual to serve as  
10 its public agency compliance officer, which serves as the  
11 liaison between the department of the Treasury, the Division  
12 of Public Contracts, Equal Employment Opportunity and the  
13 township and;

14           WHEREAS, the, quote, unquote, the PACO serves as  
15 the public agency's point of contact for all matters  
16 concerning implementation and administration of the above  
17 referenced statute;

18           NOW, THEREFORE, BE IT RESOLVED that the mayor and  
19 board of commissioners, county of Essex, state of New Jersey  
20 that it hereby appoint Eleni Pettas, municipal clerk, as  
21 township's PACO for the calendar year 2015; and

22           BE IT FURTHER RESOLVED that, in accordance with  
23 N.J.A.C. 17:27, the township clerk is hereby authorized and  
24 directed to forward a certified copy of this resolution to  
25 the state of New Jersey Department of Treasury, Division of

1 Contract Compliance and EEO in Public Contracts.

2 So move.

3 COMMISSIONER SCARPELLI: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Aye.

12 COMMISSIONER EVANS: WHEREAS, N.J.S.A. 40A:5-14

13 mandates that the governing body of a municipal corporation

14 shall, by resolution, passed by a majority vote of the full

15 membership thereof, adopt a cash management plan; and

16 WHEREAS, all deposits and investments of its funds

17 shall be made pursuant to said plan;

18 NOW, THEREFORE, BE IT RESOLVED by the board of

19 commissioners of the township of Nutley, county of Essex,

20 New Jersey that the cash management plan annexed hereto is

21 hereby adopted as the official cash management plan for the

22 township of Nutley for the year 2014, and all deposits or

23 investments of its funds be made pursuant thereto.

24 So move.

25 COMMISSIONER SCARPELLI: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco?

8 MAYOR PETRACCO: Aye.

9 COMMISSIONER EVANS: Likewise, I have resolution  
10 number 266-14 related to our township website, which will be  
11 deferred and on our agenda for the next meeting.

12 Thank you, Mayor.

13 MAYOR PETRACCO: Thank you.

14 Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: WHEREAS, the township of  
16 Nutley has implemented a multi-year plan to upgrade our  
17 existing water meters to new wireless meters which can be  
18 read without access to the home; and

19 WHEREAS, estimated water bills are provided to  
20 homeowners when access to an indoor meter cannot be  
21 obtained; and

22 WHEREAS, the inability to regularly read inside  
23 meters occasionally results in significant arrearages once  
24 access is obtained and an accurate reading is made; and

25 WHEREAS, the arrearages can result in a

1 significant hardship to a homeowner, especially in the  
2 current economic environment; and

3 WHEREAS, account number 4183-0 located at 10  
4 Willow Place received a new water meter on August 6th, 2014  
5 and an actual reading was obtained, resulting in a water  
6 bill of \$636.81; and

7 WHEREAS, the township and owner at 10 Willow Place  
8 have both investigated this matter;

9 NOW, THEREFORE, BE IT RESOLVED by the board of  
10 commissioners of the township of Nutley in the county of  
11 Essex as follows. One, the township treasurer be and is  
12 hereby authorized to suspend interest on arrearages and  
13 arrange for the following six month payment plan, as listed  
14 below.

15 Two, the homeowner must remain current in their  
16 existing water meters.

17 Three, if the homeowner does not comply with the  
18 terms of the installment agreement with timely payment, the  
19 agreement is immediately terminated and interest will accrue  
20 back to the date of the original bill.

21 I move the resolution.

22 COMMISSIONER ROGERS: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Mayor Petracco?

5 MAYOR PETRACCO: Aye.

6 That's all I have, Mayor.

7 MAYOR PETRACCO: Commissioner Rogers, you have no  
8 resolutions this evening.

9 COMMISSIONER ROGERS: Nothing, Mayor. Thank you.

10 MAYOR PETRACCO: Okay. I'll read mine then.

11 WHEREAS, N.J.S.A. 40A:4-87 provides that the  
12 director of the division of Local government services may  
13 approve the insertion of any special item in the budget of  
14 any county or municipality when such item shall have been  
15 made available by law and the amount thereof was not  
16 determined at the time of the adoption of the budget; and

17 WHEREAS, said director may also approve the  
18 insertion of any item of appropriation for equal amount;

19 Section 1, NOW, THEREFORE, BE IT RESOLVED that the  
20 board of commissioners of the township of Nutley, county of  
21 Essex, New Jersey hereby request the director of the  
22 division of local government services to approve the  
23 insertion of an item of revenue in the budget of the year  
24 2014 in the sum of \$30,000, which item is now available as a  
25 revenue from the FY 2013 safe and secure communities grant

1 program pursuant to the provisions of the statute;

2 Section 2, BE IT FURTHER RESOLVED that the like  
3 sum of 30,000 be and same is hereby appropriated under the  
4 caption of general appropriations (A) operations excluded  
5 from the 5% CAPS FY 2013 safe and secure communities grant  
6 program for \$30,000.

7 Section 3, BE IT FURTHER RESOLVED that the above  
8 is the result of revenues available for the FY 2013 safe and  
9 secure communities grant program.

10 BE IT FURTHER RESOLVED that the municipal matching  
11 share for FY 2014 safe and secure communities grant program  
12 is the amount of 7,500 is included in the 2014 adopted  
13 budget in accordance with the grant agreement and is hereby  
14 appropriated for the said purpose.

15 I move the resolution.

16 COMMISSIONER ROGERS: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 MADAM CLERK: Mayor Petracco?

24 MAYOR PETRACCO: Aye.

25 BE IT RESOLVED by the board of commissioners of

1 the township of Nutley, county of Essex, New Jersey that, in  
2 accordance with the provisions of R.S. 40A:4e58, the  
3 following transfers of appropriations in the 2014 budget be  
4 and the same are hereby authorized and approved.

5 Department of Public Safety, police salary and  
6 wage, 4-01-308-100, 165,000 to public defender at salary and  
7 wage, 4-01-324-100, 15,000. Planning board O/E, 4-01--15-  
8 200, \$6,000 -- planning board salary and wage, 4-01-015-100,  
9 \$6,000. The total is \$171,000.

10 I move the resolution.

11 COMMISSIONER ROGERS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Mayor Petracco?

19 MAYOR PETRACCO: Aye.

20 WHEREAS, raffle applications have been received  
21 from the following organization and PBA Local number 33,  
22 Nutley Civic Association, Inc. license number 70-14, off-  
23 premise 50/50 cash raffle.

24 WHEREAS, the applications have been reviewed and  
25 approved by the municipal clerk and the police department.

1           NOW, THEREFORE, BE IT RESOLVED by the board of  
2 commissioners of the township of Nutley, county of Essex,  
3 state of New Jersey that aforementioned licenses are  
4 approved and the municipal clerk is authorized to issue the  
5 licenses.

6           I move the resolution.

7           COMMISSIONER ROGERS: Second.

8           MADAM CLERK: Commissioner Rogers?

9           COMMISSIONER ROGERS: Aye.

10          MADAM CLERK: Commissioner Evans?

11          COMMISSIONER EVANS: Aye.

12          MADAM CLERK: Commissioner Scarpelli?

13          COMMISSIONER SCARPELLI: Aye.

14          MADAM CLERK: Mayor Petracco?

15          MAYOR PETRACCO: Aye.

16          That concludes our business portion of the  
17 meeting.

18          Madam Clerk, will you please read our five-minute  
19 rule?

20          MADAM CLERK: Yes, Mayor. All persons addressing  
21 the board of commissioners regarding community concerns  
22 should approach the microphone and provide their name and  
23 address for the record. Unless further time is granted by  
24 the board, each person shall limit their address to five  
25 minutes. All remarks to the board and its individual

1 members must be addressed to the mayor.

2 The mayor may defer citizen comments to the  
3 appropriate member of the board. Dialogue between citizens  
4 and others addressing the board shall be allowed, unless the  
5 mayor or presiding officer or the majority of the membership  
6 of the board shall determine that the interests of decorum  
7 and/or the expeditious conduct of municipal business are  
8 being adversely affected by such dialogue.

9 MAYOR PETRACCO: Thank you, Madam Clerk.

10 MADAM CLERK: You're welcome.

11 MAYOR PETRACCO: Is there anyone this evening that  
12 would like to address the board of commissioners?

13 MS. LANDRY: Penny Landry, 135 Lakeside Drive. I  
14 have a request. No questions tonight.

15 I received an email from Darien Wilson (ph), the  
16 Roche representative, who we have been submitting -- the  
17 townspeople have been submitting questions to during the  
18 public comment segment, which has been extended through the  
19 end of this month, because we made that request. And she  
20 informed me that they are compiling a list of all of the  
21 questions and answers that have been submitted from Nutley  
22 and, I believe, Clifton residents as well.

23 And so, I'm here to make a request that someone  
24 who has communications with Roche on our board that we get a  
25 list, this compiled list of questions and answers that

1 Ms. Wilson has and make them available to the citizens of  
2 Nutley on the nutleynewjersey.org website. And that is just  
3 a request and --

4 MAYOR PETRACCO: But you have talked to her  
5 already?

6 MS. LANDRY: Uh-huh.

7 MAYOR PETRACCO: And did you request that  
8 information from her?

9 MS. LANDRY: Well, she sends me emails answering  
10 my questions that I submit, and I asked her if the complete  
11 list of questions and answers submitted would be made  
12 available. And she said she does have a compiled list and  
13 that it would be put on the Roche website.

14 I am here respectfully requesting that someone  
15 from our board of commissioners contact Ms. Wilson for that  
16 compiled list of questions and answers so that they can be  
17 also made available on the nutleynewjersey.org website so  
18 that all citizens have the questions and answers that have  
19 been submitted.

20 MAYOR PETRACCO: So my question is did she put  
21 them on the Roche website yet, all the questions.

22 MS. LANDRY: I did not check today.

23 MAYOR PETRACCO: Okay. I'll look into it for you.

24 MS. LANDRY: Did you -- would you be responsible  
25 for calling Ms. Wilson?

1           MAYOR PETRACCO: I will.

2           MS. LANDRY: And getting that list. And would you  
3 also be responsible for making sure it goes on our website?

4           MAYOR PETRACCO: I will do that tomorrow.

5           MS. LANDRY: Thank you so much, Mayor.

6           MAYOR PETRACCO: Yes.

7           MS. LANDRY: You all have a good evening.

8           MAYOR PETRACCO: You, too.

9           Is there anyone else this evening that would like  
10 to address the board of commissioners?

11           Seeing no one, --

12           UNIDENTIFIED SPEAKER: Move to adjourn.

13           UNIDENTIFIED SPEAKER: Second.

14           MADAM CLERK: Commissioner Rogers?

15           COMMISSIONER ROGERS: Aye.

16           MADAM CLERK: Commissioner Evans?

17           COMMISSIONER EVANS: Aye.

18           MADAM CLERK: Commissioner Scarpelli?

19           COMMISSIONER SCARPELLI: Aye.

20           MADAM CLERK: Mayor Petracco?

21           MAYOR PETRACCO: Aye.

22           MADAM CLERK: Time is now 8:36.

23           MAYOR PETRACCO: Thank you for coming.

24           MADAM CLERK: The time is 8:36.

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C E R T I F I C A T I O N

I, Nicole Yawn, certify that the foregoing transcript is a true and accurate record of the proceedings.

Nicole Yawn

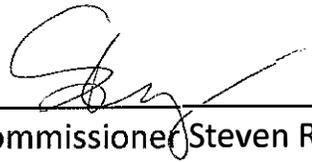
Date: November 12, 2014

**Signature Page/Board of Commissioners  
Meeting Minutes, November 6, 2014**

ATTEST:



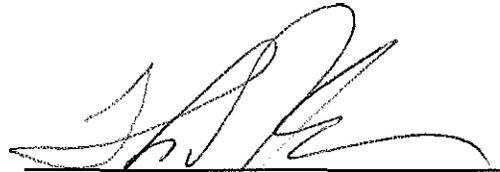
Eleni Pettas, RMC  
Municipal Clerk  
(Meeting Minutes Approved at the  
December 2 Board of  
Commissioners Meeting)



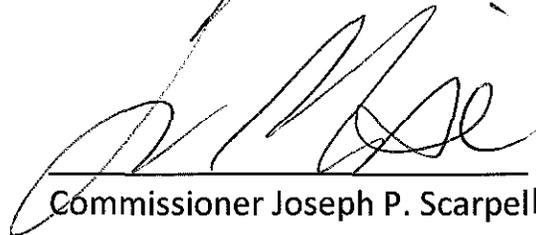
Commissioner Steven Rogers



Commissioner Mauro G. Tucci



Commissioner Thomas J. Evans



Commissioner Joseph P. Scarpelli



Mayor Alphonse Petracco

**AGENDA**  
**BOARD OF COMMISSIONERS**  
**PUBLIC MEETING / 7:00P.M.**  
**TOWNSHIP OF NUTLEY**  
**THURSDAY, NOVEMBER 6, 2014**

**PLEDGE OF ALLEGIANCE:**

**SUNSHINE NOTICE:**

Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the December 12, 2013 issues of the Nutley Sun, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

**ROLL CALL:**

Commissioner Rogers  
Commissioner Tucci  
Commissioner Evans  
Commissioner Scarpelli  
Mayor Petracco

**MINUTES:**

October 7, 2014  
October 14, 2014 Continued Meeting

**COMMUNICATIONS/CORRESPONDENCE (1):**

2014 Tax Sale – Statement of Proceedings

**REPORTS (1):**

Commissioner Tucci/Shade Tree/Month of September 2014

**BILLS:**

**ORDINANCE INTRODUCTIONS (3):**

**Commissioner Evans/Ordinance No. 3299**

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING ON CERTAIN STREETS), SECTION 14 ENTITLED PARKING PROHIBITED DURING CERTAIN HOURS, TO ADD THE LOCATION SET FORTH THEREIN.” (PUBLIC HEARING DECEMBER 2, 2014)

**Commissioner Evans/Ordinance No. 3300** “AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 700, ENTITLED ZONING.” (PUBLIC HEARING DECEMBER 2, 2014)

**Commissioner Evans/Ordinance No. 3301**

AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2015. (PUBLIC HEARING DECEMBER 2, 2014)

**ORDINANCE PUBLIC HEARINGS:**

**RESOLUTIONS (10):**

**Commissioner Rogers:**

None.

**Commissioner Tucci (3):**

**No. 265-14/**Authorize Transfers of Appropriations in 2014 Budget/Total \$104,000.00

**No. 268-14/**Authorize Sealed Bids/Recreation Uniforms and Equipment/To be Received Wednesday, November 26, 2014/Commission Chambers, Township Hall 3<sup>rd</sup> Floor, 1 Kennedy Drive, Nutley, NJ 07110

**No. 260-14/**Authorize Execution of Right-Of-Way Use Agreement/Level 3 Communications, LLC/Local Exchange and Interexchange Telecommunication Services

**Commissioner Evans (3):**

**No. 259-14/**Appoint Township's Public Agency Compliance Officer for 2014/Eleni Pettas, Municipal Clerk

**No. 263-14/**Adopt Official Cash Management Plan for Year 2014

**No. 266-14/**Authorize Contract for Redesign of Municipal Website/Delaware.Net, Inc. DBA Evo Government Websites/\$16,800.00

**Commissioner Scarpelli (1):**

**No. 262-14/**Suspend Arrearages of Water Charges and Arrange 6-Month Payment Plan/10 Willow Place/Total \$636.81

**Mayor Petracco (3):**

**No. 261-14/**Approve Insertion of Item of Revenue into 2014 Budget/Sum of \$30,000.00/From FY 2013 Safe and Secure Communities Grant Program

**No. 264-14/**Authorize Transfers of Appropriations in 2014 Budget/Total \$171,000.00

**No. 267-14/**Approve Raffle License/PBA Local #33 Nutley Civic Association/Off-Premise 50/50 Cash Raffle

**MEETING OPEN TO THE PUBLIC:**

**ADJOURNMENT:**

**REMINDER:**

The next Board of Commissioners meeting is scheduled for Tuesday, November 25, 2014 at 7:00 P.M., Nutley Town Hall, 3<sup>rd</sup> floor Commission Chambers.

# TOWNSHIP OF NUTLEY

DEPARTMENT OF  
REVENUE AND FINANCE  
1 KENNEDY DRIVE  
NUTLEY, NEW JERSEY 07110



THOMAS J. EVANS  
Director

EVELYN ROSARIO  
Municipal Clerk, R.M.C., C.M.C.

ROSEMARY COSTA  
Township Treasurer, C.F.O., C.T.C.

TELEPHONE:  
(973) 284-4961  
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TO: Mayor Alphonse Petracco  
Commissioner Thomas J. Evans  
Commissioner Joseph P. Scarpelli  
Commissioner Mauro G. Tucci  
Commissioner Steven L. Rogers

FROM: Rosemary Costa, Treasurer, and C.F.O, C.T.C.

DATE: October 30, 2014

SUBJECT: 2014 Tax Sale-Statement of Proceedings

In accordance with N.J.S.A. 54:5-41, I am hereby submitting the Statement of Proceedings as it pertains to the 2014 Tax Sale held on October 23, 2014:

Number Sold to Outside Buyers -Property Tax	18
Number Sold to Outside Buyers -Water	85
Number Sold to Outside Buyers-Property Maint.	14
Number Sold to Municipality	<u>4</u>
Total Number of Tax Sale Liens Sold	121
Total Number of Tax Sale Properties Sold	109
Value of Tax Sale Properties Sold -Property Tax	\$ 126,569.14
-Water Rental	58,383.67
-Property Maint.	21,038.09
-Cost of Sale	6,273.29
Total Value of Tax Sale Properties Sold	<u>\$212,264.19</u>
Premium Bid	\$ 530,100.00

Respectfully Submitted

A handwritten signature in cursive script that reads "Rosemary Costa".

Rosemary Costa  
Tax Collector

Cc: Eleni Pettas, Township Clerk

**ORDINANCE #3299**

**INTRODUCED BY: COMMISSIONER THOMAS J. EVANS**

**INTRODUCED ON: NOVEMBER 6, 2014**

**PUBLIC HEARING: DECEMBER 2, 2014**

**ADVERTISE IN THE NUTLEY SUN ISSUE OF THURSDAY, NOVEMBER 20, 2014**

**AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING ON CERTAIN STREETS), SECTION 14 ENTITLED PARKING PROHIBITED DURING CERTAIN HOURS, TO ADD THE LOCATION SET FORTH THEREIN.**

**BE IT ENACTED** by the Board of Commissioners of the Township of Nutley that Section 14 of Chapter 228 of the Code of the Township of Nutley, entitled Parking Prohibited During Certain Hours, is hereby amended to set forth the Addition of the following location:

**228-14. Parking prohibited during certain hours.**

No person shall park a vehicle between the hours specified any day upon any of the streets or parts of street described;

**Add**

<b><u>Name of Street</u></b>	<b><u>Side</u></b>	<b><u>Hours</u></b>	<b><u>Location</u></b>
River Road	West	All	From 369 feet south of Park Avenue, south for 29 feet

**BE IT FURTHER ENACTED** that all other terms and conditions and locations in Section 14 and Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

**BE IT FURTHER ENACTED** that the within ordinance shall become effective after passage and publication, pursuant to law.



# Township of Nutley

AMENDMENT TO

CHAPTER 700

OF THE CODE OF THE TOWNSHIP OF NUTLEY

ZONING ORDINANCE

&

SCHEDULE OF REGULATIONS AS TO

BULK, HEIGHT AND OTHER REQUIREMENTS

NOVEMBER 2014



## EXPLANATION

Matter that is ~~struck through~~ is intended to be omitted in the ordinance.

Matter underlined thus is new matter.



**AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 700, ENTITLED ZONING**

**BE IT ENACTED** by the Board of Commissioners of the Township of Nutley that Chapter 700 of the Code of the Township of Nutley, entitled Zoning, is amended to as follows:

CHAPTER 700 ZONING

[HISTORY: Adopted by the Board of Commissioners of the Township of Nutley 10-15-2002 by Ord. No. 2752 (Ch. 240 of the 1978 Code). Amendments noted where applicable.]

ARTICLE I Title (§ 700-1)

§ 700-1 Short title.

This chapter shall be known and cited by the short title the "Nutley Zoning Ordinance."

ARTICLE II Intent (§ 700-2)

§ 700-2 Purpose.

This chapter is adopted to accomplish the following purposes:

- A. To limit and restrict to specified districts and to regulate therein buildings and structures according to the nature and extent of their use and the nature and extent of the uses of land.
- B. To regulate and restrict the height, number of stories and sizes of buildings and other structures, the percentage of lot that may be occupied, the sizes of yards, courts and other open spaces, the density of population and the location and use and extent of use of buildings and structures and land for trade, industry, residence or other purposes.
- C. To divide the municipality into districts of such number, shape and use as may be deemed best suited to carry out any or all of the purposes herein mentioned.
- D. To regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings or other structures and the nature and extent of the uses of land within such districts.
- E. To regulate and restrict buildings and structures according to the construction and the nature and extent of their use and the nature and extent of the uses of land by the adoption of a Comprehensive Plan designed for one or more of the following purposes:
  - (1) To lessen congestion in the streets.
  - (2) To secure safety from fire, panic and other dangers.
  - (3) To promote health, morals and the general welfare.
  - (4) To provide adequate light and air.

(5) To prevent overcrowding of lands and buildings.

(6) To avoid undue concentration of population.

(7) To conserve the value of property and encourage the most appropriate use of land throughout the municipality.

#### ARTICLE III Terminology (§ 700-3)

##### § 700-3 Definitions; word usage.

For the purpose of interpreting this chapter, certain words and terms used herein are defined as follows:

A. Word usage. All words used in the present tense include the future tense; all words in the plural include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. Unless otherwise specified, all distances shall be measured horizontally. The word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "used" shall be deemed also to include "designed, intended or arranged to be used"; the term "erected" shall be deemed also to include "constructed," "reconstructed," "altered" or "moved"; and the word "shall" is mandatory and not directory. The word "Township" means the "Township of Nutley, in the County of Essex, State of New Jersey." The terms "Board of Commissioners" or "Township Commissioners," "Board of Adjustment," "Planning Board," "Zoning Officer," "Construction Official" and "administrative officer" mean the respective said boards and officers of the Township.

B. Definitions.

##### ACCESSORY BUILDING OR USE

A building or use clearly incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

##### ADMINISTRATIVE OFFICER

The Nutley Township Clerk or his/her designee for purposes of ~~receiving fees; receiving escrow moneys; newspaper publication of decisions; and such other~~ clerical and administrative functions as may be required in the process of filing and processing of development applications; and the Nutley Construction Official, and or Zoning Officer for purposes of technical review of development applications for purposes of determining completeness of the application; determination of whether the public hearing will be before the Planning Board or Board of Adjustment; determination of what type of approval is sought (i.e., subdivision, conditional use approval, site plan approval); and determination of what variances are required.

[Amended 5-3-2005 by Ord. No. 2881]

## ADVERTISING SIGN

A sign which directs attention to a business, commodity, service or entertainment, conducted, sold or offered elsewhere than upon the premises or not exclusively related to the premises.

## "A" FRAME SIGN

An "A"-shaped temporary and easily movable ground sign with a message on two sides, for advertising commodities, services or entertainment, conducted upon the premises where the sign is located. "A" frame signs shall be no greater than two (2) feet x three (3) feet on each side and shall be constructed of material compatible with the building where it is situate. "A" frame signs shall be prohibited from being located in any Township, County or State right-of-way.

## AMUSEMENT DEVICE

Any machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disk or key into a slot, crevice or other opening or by the payment of any price, is operated or may be operated by the public generally for use as a game, entertainment or amusement, whether or not requesting a score, and shall include, without limitation, such devices as pong or other types of electronically operated game devices, skill ball, pinball or baseball games, mechanical games, operations or transactions similar thereto, by whatever name they may be called and shall not include pool or billiard tables, mechanical device commonly known as "jukeboxes," and mechanical riding machines intended for the use and entertainment of children. Amusement devices shall include video-type games or machines or similar devices that use a display screen for points, lines and dots of light that can be manipulated to simulate games or other types of entertainment.

## ANIMATED SIGN

Any sign that uses movement or change of lighting to depict action or the illusion of movement or create a special effect or scene.

## APPLIED LETTER

A type of wall sign utilizing letters or a logo, individually mounted on the facade of the structure to form the sign message.

## APPROVING BOARD

The Nutley Planning Board for all applications except those requiring a "d" variance under N.J.S.A. 40:55D-70, in which case the approving board shall be the Nutley Board of Adjustment.

## AREA IDENTIFICATION SIGN

A sign to identify a common area containing a group of structures, or a single structure, such as a residential subdivision, apartment complex or shopping center, located at the entrance or entrances of the area. Such signs may or may not consist of a fence or wall or archway with letters or symbols affixed thereto.

## ATTIC

A space directly below a pitched roof and located between the roof rafters and the ceiling beams of the story below, ~~which space is not used for human occupancy.~~

### ATTIC – A Habitable

An attic shall be an attic that has a code conforming stairway as a means of access and egress and in which the ceiling area at a height of 7 feet above the attic floor is not more than one-third the area of the next floor below. A habitable attic shall not include a bedroom or bathroom unless authorized by applicable codes. A habitable attic shall not include a kitchen.

## AUTO BODY SHOP

An establishment which is used for auto body work, auto body spray painting and auto body welding.

## AUTOMOBILE SERVICE STATION

An establishment selling gasoline and/or diesel fuel or other motor vehicle fuel at retail, and at which servicing and repair of motor vehicles is offered.

## AWNINGS and CANOPIES

Roof-like coverings, either retractable or non-retractable, extending over a walkway, sidewalk or exterior place, supported by a frame attached to the building and/or ground with a surface made of fabric or a more rigid material, such as plastic or metal, and either retractable against the building or fixed in place.

## AWNING SIGN

Any sign that is part of, attached to or printed on an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

## BALCONY

A railed platform attached to an upper story of a structure which does not extend more than three feet beyond the wall of the structure and which does not have any contact with the ground.

## BANNER

Any sign printed or displayed upon cloth or other flexible material, with or without frames. National flags, state or municipal flags or the official flag of any not-for-profit institution shall not be considered banners for the purposes of this chapter.

## BAR

A room containing a public bar, counter or similar piece of equipment designated for and used to facilitate the sale and dispensing of alcoholic beverages by the glass or other open receptacle for consumption on the licensed premises.

## BASEMENT (also see "story above grade")

A portion of a building the floor of which is below the mean grade at the building perimeter, having at least 1/2 its height above grade.

## BEACON

A stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

## BILLBOARD or OUTDOOR ADVERTISING SIGN

A sign which directs attention to a business, industry, profession, political candidate, groups of candidates for public office, commodity, service or entertainment not necessarily sold or offered upon the premises where the sign is located.

## BOARDINGHOUSE or ROOMING HOUSE

A dwelling which contains sleeping accommodations for more than two but not more than eight persons who are not members of a family as defined in this article. The term "rooming house" shall be deemed to include lodging house and boardinghouse, but not hotel or any accommodations for transient occupancy.

## BUILDING

A combination of materials forming a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land, excluding vehicles, boats and portable furniture.

## BUILDING AREA

The area of a lot which is occupied by the largest perimeter of a building, including uncovered porches and accessory structures.

## BUILDING LINE

A line established by this chapter beyond which no parts of a building, other than those specifically excepted, shall extend. The "building setback line" is a line parallel to the street right-of-way line and removed from it by the depth of the required front yard.

## BUILDING MARKER

Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

## BUILDING SIGN

Any sign attached to any part of a building, as contrasted to a freestanding sign.

## BULLETIN BOARD

Any sign erected by a charitable, educational or religious organization or public body, which is erected upon the same premises as said institution, for purposes of announcing changing events.

## BUSINESS SIGN

A sign which directs attention to a permitted business, industry, profession, commodity, service or entertainment sold or offered upon the premises where such sign is located upon the premises and which sign shall be deemed an integral part of that profession, office, business, commercial enterprise or industry. A "For Sale" or "To or For Rent" sign relating only to the premises on which it is displayed shall be deemed a business sign.

## BULKHEAD

A structure above the roof of the building enclosing a stairway, tank, elevator machinery, ventilating apparatus or other service equipment, or such part of any shaft that extends above the main roof.

## CANOPY

See "Awnings and Canopies."

## CANOPY SIGN

See "Awning Sign."

## CARPORT

A roofed structure providing space for the parking of motor vehicle and enclosed on not more than three sides.

## CELLAR

A portion of a building the floor of which is below the mean grade at the building perimeter, having at least 1/2 its height below grade. A cellar shall not be used as a dwelling unit.

## CENTER LINE OF STREET

A line midway between and parallel to the street right-of-way lines.

## CERTIFICATE OF USE AND OCCUPANCY

The certificate issued by the Construction Official permitting the occupancy of a building or the use of land in accordance with the approved plans and specifications which certifies compliance with the provisions of law for the use and occupancy of the building and its several parts and/or the use of land, together with any special stipulations or conditions of the construction permit or those established pursuant to this chapter.

## CHANGEABLE MESSAGE

A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign, including, without limitation, electronic or digital message boards or tickers.

## CLUB or CLUBHOUSE

Premises or building reserved for the exclusive use of members of an organization and their guests for civic, charitable, social or recreational purposes not conducted for gain, provided that there are not conducted any merchandising or commercial activities, except as required by the membership for the purposes of such club.

## COMMERCIAL MESSAGE

Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

## COMMERCIAL SCHOOL

A school limited to special instructions, ~~such as~~ included, but not limited to art, business, dancing school, fine art, handicraft, music, physical training or trades.

## COMMERCIAL VEHICLE

Every type of vehicle used for commercial purposes, such as transportation of goods, wares, merchandise and passengers, excepting vehicles of a passenger car type, passenger vans and pickup trucks under 10,000 gross vehicle weight, ~~but including~~ including pickup trucks over 10,000 gross vehicle weight, tractors and/or trailer trucks, dual-wheel vehicles, tow trucks, step vans, buses, dump trucks, flatbed trucks, backhoes, front-end loaders and construction equipment of any kind in a residential zoned district.

#### COMMON OWNERSHIP

Lots or parcels that are owned by the same person, persons or legal entity.

#### COMPLETE APPLICATION

An application for development which has been declared complete by the Planning Board or Board of Adjustment as meeting all submission requirements for which approval is sought in Chapter 630 and is deemed complete when declared by the Construction Official in Chapter 600 (Site Plan Review)

#### CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the Zoning Ordinance, and upon the issuance of an authorization therefor by the Planning Board, or in the case of a "d" variance, by the Board of Adjustment.

#### CORNER LOT

A lot fronting on two streets at their intersection.

#### COURT

Unoccupied open, uncovered space other than a yard. An "outer court" is one which extends to the side, front or rear yard. An "inner court" is any other court.

#### COVERAGE

That percentage of the lot area covered by all buildings, principal and accessory.

#### CURB LEVEL

The mean level of the existing curb measured between the side lot lines projected to the curb or, if there is no curb, the mean level of the finished grade of the lot at the street line.

#### DAY-CARE FACILITY

A facility the function and purpose of which is to provide daily care for children of preschool or school age in a setting which is staffed and equipped therefor in compliance with all applicable requirements of law.

#### DECORATIVE MASONRY

Concrete or cinder block with a patterned or openwork face, brick or stone.

## DECK

An unroofed platform either free standing or attached to a structure that is supported by pillars or posts.

## DIRECTIONAL SIGN

A sign intended to direct or point toward a place or which gives directions. Such signs shall carry no advertising copy describing the activities carried on at the premises where such signs are located.

## DIRECTORY SIGN

A sign listing the tenants or occupants of a building.

## DISCOUNT STORE

Any retail business whose general line of new merchandise includes apparel, automotive parts, dry goods, hardware, groceries, housewares and home furnishings, with none of the lines predominating and whose name may include: Dollar, Discount, 99 cent, Dollarama, A Buck or Two, or similar language or any store that may be described as a dollar or discount variety store with substantially all sales of any individual unit of merchandise being promoted as limited to \$10 or less.

[Added 1-26-2010 by Ord. No. 3128]

## DISPLAY SURFACE AREA

The net geometric area enclosed by the display surface of the sign, including the outer extremities of all letters, characters and delineations, the surfaces upon which they are presented, voids between elements of the sign or any element of the display that goes beyond the primary surface, whichever is greatest; provided, however, that display surface area shall not include the structural supports for freestanding signs; provided, further, that each side of a double-faced sign as defined shall be considered in determining the display surface area.

## DRIVEWAY

An area of land acceptably surfaced used to provide the vehicular access into or travel within a lot.

## DWELLING

A permanent building or part of a permanent building designed or used for permanent living quarters for one or more families and not deemed to include hotels or other accommodations used for transient occupancy, rooming houses, group quarters or mobile homes.

#### DWELLING UNIT

A dwelling or portion thereof designed for occupancy by one family and having living, cooking, sleeping and sanitary facilities for its exclusive use.

#### ERECT

To construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish, but not including any of the foregoing activities when performed as incidental to the normal maintenance or repair of a sign or sign structure.

#### ESTABLISHMENT

An economic unit where business is conducted or services or industrial operations are performed. More than one establishment could be located at a single street address.

#### EXEMPT SIGNS

Any sign which does not require a sign permit to be issued by the Township for their installation.

#### EXTERNALLY ILLUMINATED SIGN

Any illuminated sign whose illumination is derived from an external artificial source outside the display portion of the sign.

#### FACADE

The total wall surface, including door and window area, of a building's principal face. A mansard roof shall be considered as part of the facade.

#### FAMILY

One or more persons related by blood, marriage or adoption and foster children placed by the New Jersey Board of Child Welfare or a duly incorporated child-care agency, living together as a single housekeeping unit, and not more than two roomers or boarders; or a group of persons, not necessarily related by blood or marriage, living together as a bona fide, single nonprofit housekeeping unit.

#### 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 and no more than five children for no less than 15 hours per week.

## FLAG

Any fabric or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other not-for-profit institution.

## FLASHING SIGN

An illuminated sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs that indicate the time, temperature, weather or similar public service information, without other ancillary advertising or information, shall not be considered flashing signs.

## FLAT SIGNS

Any sign attached or erected parallel to, or painted upon, the outside wall, fascia, awning, canopy or parapet of a building and not extending more than 9 inches from such outside wall, fascia, awning, canopy or parapet.

## FLOOR AREA TOTAL

Existing or potential area of all floors within a building, measured from outside wall to outside wall.

## FREE STANDING OR GROUND SIGN

Any sign supported by permanent structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, not exceeding five (5) feet in height.

## FRONT YARD

Space between the nearest point of the building and the front property line, extending across the full width of the lot.

## GARDEN APARTMENT

A multifamily dwelling which conforms to the regulations of Article IX of this chapter.

## GASOLINE FILLING STATION

An establishment selling gasoline and/or diesel fuel or other motor vehicle fuel at retail, and at which servicing and repair of motor vehicles is not offered.

## HEIGHT OF BUILDING

The vertical distance measured, in the case of flat roofs exclusive of bulkheads, from the natural average level of the ground along the front wall of the main structure to the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs, from the natural average level of the ground along the front wall of the main structure to the mean height of the gable.

When a building faces on more than one street, the height shall be measured from the average of the natural grades at the center of the wall of the main structure which faces each street.

HOME OCCUPATION OR PROFESSION: CATEGORY A (to be permitted in R1, R-1A, R-1AA, R2 and R3 ~~Zones~~ Zoning Districts on any floor)

An occupation which is customarily carried on in a dwelling by a member of the resident family, the occupation or profession being clearly incidental and secondary to the use for dwelling purposes, and not resulting in a change of character thereof. The home occupation or profession practiced under Category A is one practiced by a single individual with no employees and no clients who come to the home; and which do not produce noise, smoke, vibration, dust, odor, heat, glare or electrical disturbance which would adversely affect the quiet enjoyment of life by nearby residents.

HOME OCCUPATION OR PROFESSION: CATEGORY B (to be permitted in R-1, R-1A and R-1AA Zoning Districts on first floor only)

An occupation which is customarily carried on in a dwelling by a member of the resident family, the profession or occupation being clearly incidental and secondary to the use of the dwelling for dwelling purposes. Such resident would be permitted to practice his or her occupation with up to two additional employees at any one time; with clients, customers, and students who visit the residence, with a demand for parking space; but not producing noise, smoke, vibration, dust, heat, odor, glare or electrical disturbance which would adversely affect the quiet enjoyment of life of nearby residents.

#### HOSPITAL

An institution licensed by state law providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments and staff offices that are an integral part of the facilities.

#### HOTEL

A building or group of buildings arranged or used for the shelter and sleeping accommodation for pay of more than eight persons not a family. The term "hotel" includes "motel," "tourist court" and similar designations for sleeping accommodations for hire not conforming to the definition of "rooming house."

#### ILLUMINATED SIGN

A sign which is lighted by a self-contained interior light or by lights projected or directed onto it.

#### IMMEDIATE CARE FACILITY

A medical service staffed by licensed physicians for outpatient care of humans where emergency or immediate service is customarily rendered on a walk-in basis without appointment.

## IMPERVIOUS SURFACE COVERAGE

The percentage of lot area covered by buildings and paved areas, including but not limited to swimming pools, driveways, patios, decks, tennis or any other recreational courts, or any other paved or concrete surfaces.

## INCIDENTAL SIGN

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as parking, directional and warning signs, and signs reading "loading only," "telephone," "open/closed," "hours of operation" and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

## INTERNALLY ILLUMINATED SIGN

Any sign whose sole source of artificial illumination is contained within the display portion of the sign, including neon-type signs and internally and backlit signs.

## JUNKYARD

Any area or structure used for the storage, sale or abandonment of scrap materials or for the dismantling, demolition or abandonment of vehicles, boats, machinery, fixtures or other goods or parts thereof.

## LOADING SPACE OR BERTH

Any off-street space not less than 10 feet wide and 25 feet long surfaced to be available in all weather, suitable for the loading or unloading of goods and having direct access to a street.

## LOT

A parcel of land having frontage on a street and occupied or capable of being occupied by a building or buildings, together with the open spaces appurtenant to such building or buildings. Except for subdivisions approved after January 1, 1979, or those lots or parcels which conform to the Nutley Schedule of Regulations as to Bulk, Height and Other Requirements,

Editor's Note: Said schedule is included at the end of this chapter.

all parcels that are situate in the same residential zone and are contiguous, in common ownership and containing only one principal conforming use shall be considered as merged into one lot for the purposes of this chapter, notwithstanding anything to the contrary on the Tax Map or elsewhere.

## LOT COVERAGE

The total building area of all buildings on a lot including all areas under a solid roof, ~~whether or not the area is enclosed with walls~~ enclosed with walls to grade. Lot coverage shall also include all accessory structures, balconies, garages, carports, porte-cocheres, overhangs, decks, porches and exterior stairways.

[Amended 8-10-2008 by Ord. No. 3069]

## LOT DEPTH

The mean distance from the street line to the rear lot line measured in the mean direction of the side lines of the lot.

## LOT WIDTH

The mean width measured at right angles to its depth at the building setback line.

## LUNCHEONETTE

An establishment serving food for on-premises or off-premises consumption and limited to seating at tables or a counter for not more than 20 patrons.

## MARQUEE

A type of canopy with a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building and possibly supported in part from the ground, generally constructed above an entrance.

## MARQUEE SIGN

Any sign attached to, in any manner, or made a part of a marquee.

## MEDICAL LABORATORIES

As an accessory or a principal use, for testing or providing analysis relating to the medical care of humans and excluding use of animals for testing or experimentation.

## MIXED USE BUILDING

A building in ~~the a B-1, B-2, B-3, B-3A and B-4 Zone District~~ containing more than one use and ~~limited to~~ such as professional and business offices ~~(second floor only)~~; restaurants and bars which serve food (first floor only); service establishments (personal and household); and retail stores ~~; or a building in the B-1, B-2 and B-3 Zones containing a mixture of commercial and residential uses.~~

## MOBILE HOME

A vehicle or portable structure mounted or designed for mounting on wheels used for dwelling purposes, including structural additions, except parked or unoccupied recreational vehicles. Any

such vehicle or structure shall be deemed to be a "mobile home" whether or not the wheels have been removed and whether or not resting upon a temporary or permanent foundation.

#### MOBILE HOME CAMP

A parcel of land occupied by two or more mobile homes in use for living purposes.

#### MULTIFAMILY DWELLING

Any dwelling under a single roof, with or without fire wall partitions or party walls, containing three or more dwelling units.

#### MUSEUM

An institution for the acquisition, preservation, study and/or exhibition of works of artistic, historical or scientific value.

#### NAIL SALON

A nail salon includes any business whose primary business is providing manicure, pedicure or other fingernail or toenail cosmetic treatment. No nail salon shall be located within 500 feet of another nail salon business; the distance between such nail salon businesses shall be measured from the nearest entrance of the existing nail salon to the nearest entrance of the premises where the other establishment is sought to be located along the route that a pedestrian would normally walk.

[Added 12-28-2004 by Ord. No. 2865]

#### NAMEPLATE SIGN

A sign which states the name or address, or both, of the occupant of the premises where the sign is located and not exceeding 1 and 1/2 square feet in area.

#### NEIGHBORHOOD RETAIL STORE

A retail store designed to provide for the daily needs of residents in the neighborhood, such as food stores, bakeries in which all of the products are sold on the premises, drugstores, variety stores, package liquor stores and stationery stores.

#### NEON SIGN

Selfluminous electric signs usually constructed of glass tubing containing a vapor or gas configured to form a display or lettering.

#### NONCOMMERCIAL SWIMMING POOL

An outdoor or indoor swimming pool or pool or swimming tank, whether permanently installed, portable, collapsible or otherwise, situated above or below grade level, with a wide water depth

in excess of 36 inches or a surface in excess of 120 square feet or a capacity in excess of 1,400 gallons, designed or maintained upon any premises by any person for use by himself, his family or guests, and shall include all buildings, structures, equipment and appurtenances thereto.

#### 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 which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

#### NONCONFORMING SIGN

Any sign that does not conform to the requirements of this chapter.

#### NONCONFORMING STRUCTURE

A structure the size, dimension or location of 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 reason 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 reason of such adoption, revision or amendment.

#### NURSERY SCHOOL

A facility the function and purpose of which is to provide a structured, formal educational program for children of pre-elementary school age which is staffed and equipped therefor in compliance with applicable requirements of law.

#### NURSING HOME

A facility for medical or convalescent care of patients or the elderly with full supervision and licensed by state law.

#### OFFICIAL SIGN

Any sign, symbol or device erected and maintained by the federal government, State of New Jersey, County of Essex, the Township or a public utility for the purpose of informing or guiding the public or for the protection and promotion of the health, safety, convenience and general welfare of the public.

#### OPEN PORCH

A porch open on either two or three sides, completely roofed, except for screening or detachable and interchangeable storm windows and screens for seasonal use. This type of porch shall not be used as permanent living quarters.

## OPEN SPACE

Land within or related to a planned residential development, not individually owned or dedicated for public use, that is designated and intended for the common use or enjoyment of the residents of the development and their guests, and which may include such complementary permitted structures and improvements as are necessary and appropriate. Impervious areas and buildings shall not be included in determining the amount of open space.

## OUTDOOR CAFE

Any eating establishment where food and other refreshments are served out of doors directly on the side of or to the rear of any restaurant or other place of business where food and/or other refreshments are served.

## OUTDOOR SIDEWALK CAFE

Any eating establishment where food and other refreshments are served out of doors directly in front of any restaurant or other place of business where food and/or other refreshments are served.

## OUTDOOR ADVERTISING SIGN

See "Billboard."

## OVERHANGING SIGN

A sign suspended from a building marquee, awning, canopy or a wooden or metallic bar where such sign is located within the public right-of-way or other than parallel to the building facade.

## OWNER

Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

## PARKING LOT

An area not within a building where passenger vehicles may be stored for the purpose of short-term, daily or overnight off-street parking.

## PARKING SPACE

An off-street space available for the parking of one motor vehicle and having minimum dimensions of nine (9) feet in width and eighteen (18) feet in length, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct usable access to a street.

## PARKING SPACE – COMPACT CAR

An offstreet space available for the parking of one motor vehicle and having minimum dimensions of seven and one half (7.5) feet in width and fifteen (15) feet in length, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct usable access to a street. No more than 20% of the parking requirement may consist of compact parking spaces.

## PATIO

A level, landscaped and/or surface area, also referred to as a terrace, attached or adjacent to a structure or within 30 inches of the finished grade and not covered by a roof structure.

## PENNANT

Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually, but not necessarily, in series, designed to move in the wind.

## PERSON

Any individual, association, company, corporation, firm, organization, partnership, private or governmental entity.

## PLACE OF PUBLIC ASSEMBLY

A structure, room or space used as a gathering place for 25 or more persons for meeting, religious, recreational or educational purposes, except instruction of elementary or secondary school students or religious instruction of pupils under the age of 17 years.

## PLANNED RESIDENTIAL DEVELOPMENT

An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential clusters; appropriate quasipublic uses may be included if such uses are primarily for the benefit of the residential development.

## POLITICAL SIGN

Signs advancing the candidacy of any candidate or group of candidates for public office.

## PORTABLE SIGN

Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including but not limited to signs designed to be transported by means of wheels; A-frame and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

## PREMISES

Land and building and structures existing at a designated location as considered, assessed and designated on municipal property maps.

## PRIMARY ROAD

An internal roadway which provides direct access to a public right-of-way.

## PRINCIPAL BUILDING

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

## PRINCIPAL USE

The primary purpose for which a lot is used. If any lot contains two or more separate businesses or other enterprises, the lot shall be considered to have two or more principal uses.

## PRIVATE BUSINESS GARAGE

An accessory building used for the storage of motor vehicles operated only by those residing on or working on the premises, except that space for one permitted vehicle only may be rented to a non-occupant of the premises.

## PRIVATE RECREATIONAL FACILITIES

A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

## PRIVATE RESIDENTIAL GARAGE

An accessory building used for the storage of passenger automobiles operated only by those residing on the premises, except that space therein for one passenger automobile only may be rented or used by a non-occupant of the premises and except that one permitted commercial vehicle owned by a person residing on the premises may be stored therein.

## PROFESSIONAL SIGN

A sign listing only the name, profession, degree and/or specialty of each practitioner.

## PROJECTING SIGN

Any sign affixed to a building or wall in such a manner that its leading edge extends more than one foot beyond the surface of such building or wall. Projecting signs shall be designed of material compatible with the building to which it is affixed and is no greater than two (2) feet x three (3) feet if four sided or thirty – six inches (36”) in circumference if circular or oval in shape

## PROPERTY LINE

Legally defined boundary lines of a parcel of land; includes lot line.

## PUBLIC GARAGE

A building used for the repair, greasing, servicing, adjusting, painting, washing or equipping of motor vehicles or for the storage of commercial vehicles as a principal use or for the rental of storage space for more than one vehicle, but not for the sale of gasoline or diesel fuel, except as incidental and necessary to a repair.

## PUBLIC RIGHT-OF-WAY

Improved or unimproved public property dedicated or deeded to the Township for the purpose of providing vehicular, pedestrian and public use. That area immediately outside of and contiguous to any restaurant, cafe, cafeteria or place of business which is currently used or reserved for use by the public.

## PUMP ISLAND CANOPY SIGN

A flush-mounted sign on the vertical surface and canopy, which is the ornamental or protective roof-like structure erected above the pumps of a gasoline station.

## PYLON SIGN

Any business sign supported by uprights, braces or masonry wall which is attached to the ground and is not attached to any building, exceeding 5 feet in height to the top of the sign. Pylon signs are prohibited in all zones. An example of a pylon sign is a gas station sign.

## REAL ESTATE SIGN

A temporary sign placed upon the property for the purpose of advertising to the public the availability for sale, rent or lease of said property.

## REAL ESTATE OPEN HOUSE SIGN

A sign which directs attention to a business, commodity, service or entertainment, conducted, sold or offered elsewhere than upon the premises or not exclusively related to the premises.

## REAR YARD

The space between the furthest extension of the rear wall of the building and the rear line of the lot extending across the full width of the lot.

## RESIDENTIAL DEVELOPMENT

The construction of two or more dwellings on two or more adjacent lots within one twelve-month period, unless such lots have been held by separate owners for a period exceeding 12 months.

## RECREATIONAL VEHICLE

A vehicle or trailer not over 30 feet long, primarily designed as temporary living quarters for recreation, camping or travel use (including boats), which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered.

## RESTAURANT

A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

## RESTAURANT, DRIVE-IN

An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises

## RESTAURANT FAST-FOOD

An establishment or business which is essentially designed to dispense a limited variety of food and beverages, which are so prepared, packaged in paper or in other types of disposable wrappers and containers, but specifically excluding establishments commonly known as "luncheonettes." See also "take-out food establishment."

## RETAIL STORE

A building in which any article, excluding automotive vehicles, boats and building materials, is offered for sale at retail.

## RIGHT-OF-WAY

That portion of the highway intended for the use of pedestrians and utilities between the curb line of a roadway and the property line.

## ROOF

**A roof is part of a building envelope, both the covering on the uppermost part of a building or structure and the framing or structure which supports the covering.**

## ROOF SIGN

Any sign erected, constructed and maintained upon or over the roof of any building with the principal support of the roof structure or parapet wall.

## SATELLITE DISH

Any apparatus with a flat or parabolic surface which is designed for the purpose of receiving television, radio, microwave, satellite or similar electronic signals and is larger than two meters (78.74 inches) but no larger than 10 feet in diameter.

(1) SATELLITE DISH, SMALL

— A satellite earth station antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite service, that is one meter (39.37 inches) or less in diameter.

(2) SATELLITE DISH, MEDIUM

— A satellite antenna used for "fixed wireless signals," which are commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location, that is two meters (78.74 inches) or less in diameter.

SENIOR CITIZEN HOUSING

A group of dwelling units sponsored by a nonprofit sponsor under a program financed by the United States Department of Housing and Urban Development. Such dwelling units shall be designed, intended and reserved for the use of households, the single member of which, or either husband or wife of which, is 62 years of age or over or who is handicapped, except that the foregoing provisions shall not apply to any resident manager and/or the family of such resident manager who resides on the premises.

SEPARATE OWNERSHIP

Lots or parcels that are not owned by the same person, persons or legal entity.

SERVICE ESTABLISHMENT, BUSINESS

An establishment primarily engaged in rendering non-repair services, such as advertising, blueprinting, building cleaning or equipment rental, to business enterprises on a fee or contract basis.

SERVICE ESTABLISHMENT, PERSONAL AND HOUSEHOLD

A business conducted to render either a personal service, such as haircutting, nail salons, shoe repair or dry cleaning, or a household service, such as insect extermination, the repair of furniture, small household appliances or television sets. A service establishment, personal and household, shall not include mortuary services, the repair on the premises of furnaces, refrigerators, air conditioners and other articles of similar bulk and weight.

[Amended 12-28-2004 by Ord. No. 2865]

SETBACK

The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

SHOPPING CENTER OR MALL

A building or group of related buildings of more than three units having a common entrance or with more than one entrance not on a public road or highway.

## SIDEWALK

That area of the public right-of-way reserved for pedestrian traffic and designated by the construction of cement, brick paver or like material, and existing in varying degrees between the curb and the front line of the building housing an eating establishment.

## SIDE YARD

An open unobstructed space between the building and the side line of the lot extending through from the front to the rear yard or to another street, into which space there is no extension of the building above the grade level.

## SIGN

Shall mean and include every object, device, frame, figure, character, mark, point, fixture, graphic design, picture, stroke, stripe, trademark, model, emblem, placard, symbol, display, light, logo or reading matter which is used or intended to be used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, colors, illumination or projected images, when the same is placed in the view of the general public, either outdoors or indoors. Any of the above which is not placed out of doors, but which is illuminated with artificial or reflected color or otherwise made visible from out of doors, shall be considered a sign within the meaning of this chapter, when placed in such a way as to be used to attract attention or convey information to motorists or pedestrians.

## SIGN STRUCTURE

The method employed to support any sign except a window sign.

## SINGLE-FAMILY DWELLING

A detached dwelling containing one dwelling unit and permitted accessory uses only.

## STORY

That part of a building included between any floor and the floor or ceiling next above. When applying to the permissible height of a building, the term "story" shall include a basement as defined in this article.

## STORY ABOVE GRADE

Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is more than six feet above the finished ground level for more than 50% of the total building perimeter.

## STORY, HALF

That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to 1/2 the floor-to-ceiling height of the story below.

## STREET

Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county or municipal roadway, or a street or way shown upon any plat heretofore approved pursuant to law or heretofore approved by official action, including all streets or ways on plats duly filed and recorded in the office of the County Recording Officer prior to the appointment of a planning board and prior to the grant to such board of the power to review plats. The word "street" includes the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, planted strips, parking areas and other areas within such street lines.

## STREET LINE

A boundary line of a dedicated street; a lot line coinciding with such line.

## STRUCTURE

A combination of materials forming a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land, excluding vehicles, boats and portable furniture.

## TAKE-OUT FOOD ESTABLISHMENT

An establishment with limited seating where the principal business is the dispensing of a limited menu of items prepared to order or already prepared and held for service, or heated in a device such as a microwave oven, which are so prepared and packaged in disposable containers or wrappers in a form for ready consumption off premises.

## TEMPORARY SIGN

Any sign that is used only temporarily and is not permanently mounted, with the exception of "Open House" Real Estate signs, all temporary signs must bear the date of original installation affixed in the lower right hand corner of such sign.

## TERRACE

A level, landscaped and/or surface area, also referred to as a patio, attached or adjacent to a structure or within 30 inches of the finished grade and not covered by a roof structure.

## TOWNHOUSE DWELLING GROUP

A group of two or more townhouse structures.

## TOWNHOUSE STRUCTURE

A building containing at least four and no more than six townhouse units.

## TOWNHOUSE UNIT

A one-family dwelling unit attached to other townhouse units separated from each unit by a fire separation wall.

## TRUCK TERMINAL

Any lot on which more than three trucks over 1 1/2 tons' gross vehicle weight are parked overnight out of doors.

## TWO-FAMILY DWELLING

A dwelling containing two dwelling units and permitted accessory uses only.

## USABLE OPEN SPACE

An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces which is free from structures of any kind and which is available and accessible to all occupants of the building or buildings on said lot for purposes of active or passive outdoor recreation. Said usable open space may include fenced or screen-planted children's play areas.

## USE

The specific purpose for which a lot, structure or premises is designed, arranged, intended or occupied.

### (1) PERMITTED USE

A use allowed in a district under the terms of this chapter and not deemed to include any nonconforming use.

### (2) PROHIBITED USE

A use not permitted in a district under the terms of this chapter. All uses not permitted are prohibited, and the listing of certain uses as specifically prohibited reiterates the implied prohibition regarding those uses to avoid doubt or confusion.

## WAREHOUSE

### (1) ACCESSORY WAREHOUSE

A completely enclosed building used for storage of merchandise to be sold at retail in an establishment located on the same lot and constituting an accessory use to such establishment.

## (2) INDUSTRIAL WAREHOUSE

A completely enclosed building used for storage of products manufactured or processed or goods to be manufactured or processed on the premises and constituting an accessory use, but not including a truck terminal as defined herein.

## (3) WHOLESALE WAREHOUSE

A completely enclosed building used for the storage of goods to be resold through retail outlets or retail mail sale and constituting the principal use of the property, but not including a truck terminal as defined herein.

## WALL SIGN

Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purposes of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

## WINDOW

A glass area presented to the public for purposes of display.

## WINDOW SIGN

A sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes of glass or is hanging within 18 inches inside of the window and is visible from the exterior of the window.

## WIRELESS TELECOMMUNICATIONS FACILITY

A commercial facility providing for selling transmitting/receiving air time, available equipment and customary support facilities in accordance with and in compliance with the regulations promulgated by the Federal Communications Commission (FCC) in the Telecommunications Act of 1996, and shall include wireless telecommunications antennas, wireless telecommunications towers and wireless telecommunications compounds.

## WIRELESS TELECOMMUNICATIONS ANTENNAS

A system of electrical conductors that transmit or receive radio frequency signals, digital signals, analog signals or electromagnetic waves for wireless communications, but shall not include small or medium satellite dish antennas as defined above.

## WIRELESS TELECOMMUNICATIONS EQUIPMENT COMPOUND

A fenced-in area which houses any combination of wireless telecommunications structures, buildings, antennas, equipment and/or towers.

WIRELESS TELECOMMUNICATIONS TOWER

A vertical structure specially designed to support wireless telecommunications antennas.

ZONING OFFICER

The officer or other personnel charged with the administration and enforcement of this chapter, or his duly authorized representative.

ARTICLE IV Zoning Districts (§ 700-4 — § 700-6)

§ 700-4 Establishment; Zoning Map.

A. The territory of the Township is hereby divided into the following 16 classes of zoning districts:

R-1	Residential One-Family, to a maximum net density of approximately eight families per acre
R-1A	Residential One-Family, to a maximum net density of approximately seven families per acre
R-1AA	Residential One-Family, to a maximum net density of approximately six families per acre
R-2	Residential Two-Family, to a maximum net density of approximately 15 families per acre
R-3	Garden Apartment Groups, to a maximum net density of 20 dwelling units per acre; townhouses, to a maximum density of 16 dwelling units per acre
R-SC	Residential-Senior Citizen, to a maximum density of 87 dwelling units per acre
PRD	Mixed Residential Development, to a net density of 12 dwelling units per acre and an approximate gross density of 9.25 units per acre

B-1	Professional and Business Offices and Research Laboratories
B-2	Neighborhood Business
B-3	Downtown Business
B-3A	Downtown Business, Retail and Service Establishments
B-4	General Business and Light Assembly
M	Manufacturing
M-O	Industry and Office Work
M-1	Industry and Garden Apartment Groups
M-2	Industry

B. The aforesaid districts are hereby established by the designations, locations and boundaries thereof set forth and indicated on a map entitled "Township of Nutley, N.J., Zone Use," which map is hereby annexed and adopted as a part of this chapter insofar as it indicates said designations, locations and boundaries;

1. The following Area shall be comprised within the M-2 District;
  - A. Block 6800 Lots 1,2,3 and 4;
  - B. Block 6801 Lots 2,3,5 and 6;
  - C. Block 6902 Lots 2,3 and 4
  - D. Block 9604 Lots 14;
  - E. Block 9700 Lots 9;
  - F. Block 9701 Lots 3,4, and 6;

~~Editor's Note: The Zoning Map is on file in the office of the Township Clerk.~~

~~except that the designations, locations and boundaries of the R-1AA Zone, PRD Zone and part of the R-SC Zone are not set forth in said map, but are specifically set forth hereafter by block and lot as they appear on the current Township of Nutley Tax Maps.~~

~~(1) R-1AA Zone.~~

~~(a) Area A: Block 204A, Lots 1, 3, 4, 6, 7, 9, 10 and 12; Block 204B, Lots 3, 4, 6, 7, 8, 10, 11 and 14; Block 210, Lots 14, 15A, 16, 17 and 18; Block 210B, Lots 18, 19, 21 and 21A; Block 212A, Lots 1, 3, 5, 6, 7 and 8; and Block 212, Lots 1, 2, 3 and 5.~~

~~(b) Area B: Block 265, Lots 1, 2, 4, 9, 12, 14, 15, 17, 19, 21 and 23; Block 266, Lots 1 and 3; Block 257, Lots 73, 74, 75, 77, 80, 81 and 82; Block 428, Lots 18, 19, 20, 22, 27, 30, 33, 34, 36, 40 and 41; Block 448, all lots; Block 450, all lots; Block 453, Lots 5, 7, 12, 20, 20A, 20B, 22, 24, 28, 34, 36, 40, 44, 46, 47, 49, 51, 53, 57, 63 and 65; Block 454, all lots; Block 456, Lots 1, 2, 5, 6, 8, 9, 11, 12, 13, 14, 14A, 19, 19A, 21, 25 and 29; Block 455, Lots 1, 2, 8, 13, 37 and 40; Block 473, Lots 1, 3, 5, 7, 14, 17 and 19; Block 469, Lots 33, 36, 39, 42 and 43; Block 433, all lots; Block 437, Lots 20, 24, 29, 32, 25, 38, 39 and 40; Block 435, Lots 10, 12, 15, 15A, 20, 21, 22, 25, 26 and 27; Block 432, all lots; Block 430, all lots; Block 429, Lots 8, 10, 15, 18, 22, 26, 28, 30, 34, 38, 40, 41, 42, 44, 45, 46, 51, 53, 56, 57, 59, 63, 67 and 68; Block 427, Lots 1, 3, 6, 8, 9, 33, 36, 39, 42, 45, 47, 51, 52, 53, 54, 55 and 60; and Block 426, Lots 1, 2, 5, 7, 40, 44, 48, 50, 51, 54, 57 and 61.~~

~~(c) Area C: Block 233, Lots 13, 16, 18, 21, 23 and 25; Block 236, Lot 10; Block 248, all lots; Block 239, Lots 22, 25, 29 and 31; Block 250, Lots 11, 14, 18, 21, 22 and 24; and Block 249, all lots.~~

~~(2) PRD Zone: Block 458, lot 2; Block 464, Lot 1; Block 480, Lot 1; Block 486, Lots 1, 1A and 50; Block 504, Lots 1, 17, 24, 27, 29, 30 and 32; Block 510, Lots 1 and 50; and Block 512, Lots 1, 1A and 50.~~

~~(3) R-SC Zone: Block 175, Lot 16.~~

#### § 700-5 Determination of boundaries.

In construing the map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following the center lines of streets, alleys, railroads, waterways or the boundary lines of parks or other publicly owned land, such lines shall be construed to be such boundaries.

B. Where such boundaries are indicated as approximately following the lines of lots or other parcels of record and are not more than 10 feet distant therefrom, such lot or parcel lines shall be construed to be such boundaries.

C. Where a district boundary divides a parcel of land, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

#### § 700-6 Merger of contiguous lots.

Except for subdivisions approved after January 1, 1979, or those lots or parcels which conform to the Nutley Schedule of Regulations as to Bulk, Height and Other Requirements,

Editor's Note: Said schedule is included at the end of this chapter.

all lots or parcels that are situate in the same residential zone and are contiguous, in common ownership and containing only one principal conforming use shall be considered as merged into one lot for the purpose of this chapter. The Tax Assessor is directed to remove all lot lines between such lot or parcels as soon as practicable. Notwithstanding the existence of lines creating separate lots on the Tax Map, such lines shall be deemed as removed for the purposes of this chapter.

ARTICLE V General Regulations (§ 700-7 — § 700-22)

§ 700-7 Regulations applicable in all districts.

A. No building shall hereafter be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose other than is included among the uses listed in this article as permitted in the district in which such building or land is located nor in any manner contrary to any of the requirements specified in this article.

B. No building shall hereafter be erected, reconstructed or structurally altered to exceed in height the limit designated in Article VIII for the district in which such building is located.

C. No building shall hereafter be erected nor shall any existing building be structurally altered, enlarged, rebuilt or moved nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the yard, lot width and area, building location, percentage of lot coverage by building area and by impervious surface, minimum habitable floor area, off-street parking space, off-street loading space and other space and area regulations designated in Articles VIII and XIII for the district in which such building or space is located, subject to such modifications thereof and such general provisions as are set forth in said articles.

D. Off-street parking space and off-street loading space shall be provided as specified in Article XIII and shall be provided with necessary passageways and driveways appurtenant thereto and giving access thereto. All such parking space and loading space, together with such passageways and driveways, shall be deemed to be required space on the lot on which the same is situated and shall not thereafter be encroached upon or reduced in any manner except as otherwise provided in said article.

E. No yard or other open space provided contiguous to any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

F. Where a lot is formed from part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair any of the requirements of this chapter with respect to the existing building and all yards and other open spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this chapter.

G. Nothing in this chapter shall be deemed to require any change in the plans, construction or designated use of any building, the actual construction of which was lawfully begun prior to the time this chapter or any amendment thereof affecting the same takes effect and on which building actual construction is completed within one year after such time.

H. Any use establishment in any district shall meet all the requirements of § 700-42, Performance standards.

§ 700-8 Permitted uses in all districts.

A. The following uses may be established in any district except the PRD Zone without regard to any other provision of this article:

(1) Uses and buildings that are customarily accessory and incidental to uses permitted in the district on the same lot therewith, except as otherwise regulated in this chapter.

(2) Fences and retaining walls as regulated by § 700-71 of this chapter.

(3) Uses of land and erection of buildings by the Township for governmental purposes, including municipal uses which are proprietary in their function.

B. The following uses may be established in any district ~~except the B-3A Zone~~ **except the B-3A District** and PRD ~~Zone-District~~ without regard to any other provision of this article:

(1) Public parks and playgrounds, together with recreational, administrative and service buildings appurtenant thereto.

C. Family day-care homes shall be permitted in all residential zoning districts in accordance with Municipal Land Use Law.

D. Child-care centers shall be permitted in all nonresidential districts in accordance with Municipal Land Use Law.

§ 700-9 Permitted uses in R-1 Zoning District.

The following uses are permitted in the R-1 Zoning District:

A. Single-family dwellings, not to exceed one dwelling unit on each lot. No other principal use is permitted on the same lot with a single-family dwelling. Each single-family dwelling shall have two parking spaces, at least one of which is in a garage.

B. Home occupation and home professions, Categories A (on any floor) and B (on first floor only) provided that:

(1) Space. The space occupied by a home occupation or profession in a dwelling may not exceed an area equal to 1/3 of the area of the first floor of the building.

(2) Nameplate. No commercial display or advertising is permitted except a nameplate as permitted in Article XII.

C. A one-story private automobile garage housing no more than ~~two~~ three motor vehicles as an accessory building or attached to the dwelling structure is required.

D. A noncommercial swimming pool as an accessory use, subject to the following:

(1) The pool shall be located on the rear 50% of the lot and in no case closer to a street line than 50 feet.

(2) The pool shall be no closer than eight feet to any side or rear lot line; or nearer to the side street line of a corner lot than the main building on the lot; or if the abutting lot to the rear faces said street line, then the distance equal to the depth of the front yard required on said lot to the rear. However, in no case shall a swimming pool on a corner lot be required to be set back more than 25 feet from a side street.

(3) An approved fence at least four feet high shall surround such a structure and shall contain a gate capable of being securely fastened and locked by the owner, except that above-grade pools shall be exempt from this section if it complies with applicable state codes.

(4) Before issuing a construction permit, the Construction Official shall consult the Township Health Office to ascertain that the plans submitted will not result in construction detrimental to the health of the community.

(5) Application for a construction permit shall include three sets of plans and specifications or proper descriptive brochures, together with a site plan, drawn to scale, showing the entire lot upon which the pool is proposed to be constructed, including elevations, and shall show the location of any overhead electrical conductors in the pool area. Plans shall also include information sufficient to indicate the means for water disposal and maintaining the pool in a generally sanitary condition.

(6) All pumps, heaters and filtration systems shall be kept at a maximum distance from all property lines and shall be at least ~~eight~~ four feet from any property line.

(7) All outside lights for illumination of the pool and the area devoted to the pool shall be so installed and maintained as to eliminate glare and to prevent annoyance to occupants of adjoining premises.

(8) All electrical wiring for lights and power in connection with swimming pools shall be installed in strict accordance with the requirements of the National Electrical Code.

(9) The swimming pool and surrounding area shall comply with standard state codes and all other applicable codes.

E. Home occupations and home professions during national emergencies.

(1) If, as a result of any national emergency, any resident engaged in a home profession or home occupation is ordered by the government of the United States or the government of the State of New Jersey or any of their various political subdivisions, departments or agencies to actively serve the United States of America and as a result thereof such individual finds it

necessary to leave his occupation or profession, then, notwithstanding the definitional language contained in § 700-3, said residents may locate and hire another or others as are necessary to adequately cover and maintain the profession or occupation in his absence, provided a certificate of change of occupancy is obtained by said resident.

(2) In addition to the period of time the resident is actively serving the United States of America, the individual or individuals who are covering and maintaining the occupation or profession may assist him during transition periods immediately prior to his departure and immediately subsequent to his return. These periods shall be sufficient to ensure an adequate transfer of information and to maintain the occupation or profession in a businesslike manner, not to exceed 90 days.

§ 700-10 Permitted uses in R-1A Zoning District.

The following uses are permitted in the R-1A Zoning District:

A. Uses and buildings permitted in the R-1 District, as prescribed.

§ 700-11 Permitted uses in R-1AA Zoning District.

The following uses are permitted in the R-1AA Zoning District:

A. Uses and buildings permitted in the R-1A Zoning District as prescribed.

§ 700-12 Permitted uses in R-2 Zoning District.

The following uses are permitted in the R-2 Zoning District:

A. Uses and buildings permitted in the R-1 (except home occupation and professions, see § 700-12C) District, as prescribed.

B. Two-family dwellings, not to exceed one ~~dwelling units~~ **building or structure** on each lot.

C. Home occupations and professions, Category A.

§ 700-13 Permitted uses in R-3 Zoning District.

The following uses are permitted in the R-3 Zoning District:

A. Uses and buildings permitted in the R-1 (except home occupation and professions, see § 700-13D) and R-2 Districts, as prescribed.

B. Garden apartments, as provided in Article IX.

C. Townhouses as permitted in Article X.

D. Home occupations and professions, Category A.

§ 700-14 Permitted uses in R-SC Zoning District.

The following uses are permitted in the R-SC Zoning District:

- A. Senior citizen housing units.
- B. Accessory uses to senior citizen housing, including parking areas, community facilities and recreation areas.

§ 700-15 Permitted uses in B-1 Zoning District.

The following uses are permitted in the B-1 Zoning District:

A. Professional offices and uses necessarily incidental thereto, provided that any residential use of the structure, lot or premises involves only occupancy by a resident professional practitioner and his family and shall not be subleased in part or full.

B. Business offices used for the condition and operation of general commercial or mercantile enterprises and endeavors, but not involving sales, storage or handling of goods, wares or merchandise upon the premises, except the interior display of samples not visible from the exterior of the structure, provided that any residential use of the structure, lot or premises involves only occupancy by a resident businessman and his family and shall not be subleased in part or full.

C. Financial institutions without drive-in facilities.

D. Medical laboratories as an accessory use or a principal use, for the testing related to the medical care of humans and excluding use of animals for testing or experimentation.

E. Neighborhood retail stores and personal and household service establishments, as defined in Article III. No loading or unloading across any sidewalk is permitted. No crating, outdoor display and/or outdoor sales are permitted, except that occasional outdoor sales may be held as provided by Ordinance No. 1845.

Editor's Note: Said Ord. No. 1845, adopted 4-15-~~19~~75, as amended 7-2-1991 by Ord. No. 2358, and which comprised original Ch. 190, Sales and Displays, Outdoor, of the 1978 Code, was repealed 12-4-2007 by Ord. No. 3039.

F. Mortuaries.

G. Business services, as defined in Article III.

H. Restaurants, but excluding drive-in restaurants.

I. Take-out food establishments.

J. Amusement devices as an accessory use and subject to the requirements of § 700-38 hereof.

K. Mixed use buildings for commercial and residential uses.

L. Discount store, except that no discount store shall be located within 1,000 feet of another discount store business; the distance between such discount store businesses shall be measured from the nearest entrance of the existing discount store to the nearest entrance of the premises where the other establishment is sought to be located along the route that a pedestrian would normally walk.

M. Automobile parking lots on premises other than those upon which the use is located and which are needed for partial or complete compliance to minimum off-street parking requirements of Article XIII, subject to the following standards:

(1) The Zoning Official must review the proposed off premises site and make a determination of suitability.

(2) All such spaces through ownership or long-term lease shall be under the control of the owner or operator of the use to which such spaces are appurtenant. The legal instrument containing proof of ownership or lease shall be filed with the application. The certificate of occupancy for use or uses served by the off-premises parking spaces granted under this subsection shall be valid only for such time period as the facilities are available as required, unless application is made for an alternate location or variance, as the case may be.

(3) All such parking areas shall be located on the same street and within 500 feet of the entrance to the building which the parking area serves.

(4) No such parking areas shall be located in any district where the use it serves is prohibited.

(5) During or prior to approval, reports from the Department of Public Safety concerning policing, traffic and pedestrian activity shall be received and considered. The Construction Official may impose conditions in approving the use to insure that the parking lot shall be properly integrated and sufficiently screened so as not to be offensive or detrimental to adjoining residential properties. The Construction Official shall also have the authority to specify any conditions as to security and operations it may deem reasonably necessary.

(6) Notwithstanding any other section of this chapter, where an off-premises parking lot adjoins a residential use or residential zone, there shall be a minimum of a six-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least a minimum of six feet high at planting.

N. Commercial schools.

[Added 1-26-2010 by Ord. No. 3128]

§ 700-16 Permitted uses in B-2 Zoning District.

The following uses are permitted in the B-2 Zoning District:

A. Neighborhood retail stores and personal and household service establishments, as defined in Article III. No loading or unloading across any sidewalk is permitted. No crating, outdoor display

and/or outdoor sales are permitted, except that occasional outdoor sales may be held as provided by Ordinance No. 1845.

Editor's Note: Said Ord. No. 1845, adopted 4-15-1975, as amended 7-2-1991 by Ord. No. 2358, and which comprised original Ch. 190, Sales and Displays, Outdoor, of the 1978 Code, was repealed 12-4-2007 by Ord. No. 3039.

B. Professional and business offices.

C. Bars and taverns.

D. Restaurants, but not drive-in restaurants or fast-food establishments.

E. Take-out food establishments.

F. Financial institutions without drive-in facilities.

G. Residence on the second floor of business buildings only.

H. Amusement devices as an accessory use as defined in and subject to requirements of § 700-38 hereof.

I. Mixed use buildings for commercial and residential uses.

J. Discount store, except that no discount store shall be located within 1,000 feet of another discount store business; the distance between such discount store businesses shall be measured from the nearest entrance of the existing discount store to the nearest entrance of the premises where the other establishment is sought to be located along the route that a pedestrian would normally walk.

K. Commercial School.

L. Automobile parking lots on premises other than those upon which the use is located and which are needed for partial or complete compliance to minimum off-street parking requirements of Article XIII, subject to the following standards:

(1) The Zoning Official must review the proposed off premises site and make a determination of suitability.

(2) All such spaces through ownership or long-term lease shall be under the control of the owner or operator of the use to which such spaces are appurtenant. The legal instrument containing proof of ownership or lease shall be filed with the application. The certificate of occupancy for use or uses served by the off-premises parking spaces granted under this subsection shall be valid only for such time period as the facilities are available as required, unless application is made for an alternate location or variance, as the case may be.

(3) All such parking areas shall be located on the same street and within 500 feet of the entrance to the building which the parking area serves.

(4) No such parking areas shall be located in any district where the use it serves is prohibited.

(5) During or prior to approval, reports from the Department of Public Safety concerning policing, traffic and pedestrian activity shall be received and considered. The Construction Official may impose conditions in approving the use to insure that the parking lot shall be properly integrated and sufficiently screened so as not to be offensive or detrimental to adjoining residential properties. The Construction Official shall also have the authority to specify any conditions as to security and operations it may deem reasonably necessary.

(6) Notwithstanding any other section of this chapter, where an off-premises parking lot adjoins a residential use or residential zone, there shall be a minimum of a six-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least a minimum of six feet high at planting.

[Added 1-26-2010 by Ord. No. 3128]

§ 700-17 Permitted uses in B-3 Zoning District.

The following uses are permitted in the B-3 Zoning District:

- A. Professional and business offices.
- B. Financial institutions.
- C. Restaurants, bars and taverns, but excluding drive-in restaurants.
- D. Bowling alleys, theaters and other indoor amusement services, including amusement devices as an accessory use as set forth in § 700-38 hereof, commercial schools and colleges.
- E. Take-out food establishments.
- F. Service establishments - Personal and Household.
- G. Printing establishments, provided that no individual motor exceeds five horsepower.
- H. Telephone exchange, bus or railroad passenger station, United States Post Office.
- I. Stores devoted to retail commerce where goods are sold directly to the customer for personal use or household use, with or without processing on the premises for such retail sale, but excluding the processing, repair or renovating of bedding and excluding the sale of motor vehicles, boats, lumber, masonry, roofing or siding where an inventory is maintained on the premises. No crating, outdoor displays and/or outdoor sales are permitted except that occasional outdoor sales may be held as provided by Ordinance No. 1845.

Editor's Note: Said Ord. No. 1845, adopted 4-15-1975, as amended 7-2-1991 by Ord. No. 2358, and which comprised original Ch. 190, Sales and Displays, Outdoor, of the 1978 Code, was repealed 12-4-2007 by Ord. No. 3039.

J. Mixed use buildings for commercial and residential uses.

K. Business establishments having amusement devices as a principal use, provided that all of the following requirements are met:

(1) There shall be 60 square feet of operating area for each amusement device. The calculation of the operating area shall exclude any area of the premises which is used for other purposes but shall include access and walkways primarily serving said amusement device.

(2) At least one attendant over the age of 18 years shall be present at all times the business is open.

(3) Amusement devices in such establishments shall not be operated after 11:00 p.m. and before 9:00 a.m.

(4) No amusement device shall be used, placed, maintained or operated in any back room of the premises where the device is licensed.

(5) Parking requirements of § 700-91 are met.

(6) No amusement device shall be used, placed, maintained or operated in any premises within 500 feet of a school, church or other house of worship. The distance shall be measured from the nearest entrance of the school or church to the nearest entrance of the premises on which the amusement device is located or is sought to be located along the route that a pedestrian would normally walk.

(7) No business establishment having amusement devices as a principal use shall be located within 2,000 feet of another business establishment having amusement devices as a principal use. The distance shall be measured from the nearest entrance of the existing establishment to the nearest entrance of the premises where the other establishment is sought to be located along the route that a pedestrian would normally walk.

(8) No business establishment having amusement devices as a principal use shall be located in a building in which any portion of such building is used for residential purposes.

L. Discount store, except that no discount store shall be located within 1,000 feet of another discount store business; the distance between such discount store businesses shall be measured from the nearest entrance of the existing discount store to the nearest entrance of the premises where the other establishment is sought to be located along the route that a pedestrian would normally walk.

M. Commercial school.

N. Automobile parking lots on premises other than those upon which the use is located and which are needed for partial or complete compliance to minimum off-street parking requirements of Article XIII, subject to the following standards:

(1) The Zoning Official must review the proposed off premises site and make a determination of suitability.

(2) All such spaces through ownership or long-term lease shall be under the control of the owner or operator of the use to which such spaces are appurtenant. The legal instrument containing proof of ownership or lease shall be filed with the application. The certificate of occupancy for use or uses served by the off-premises parking spaces granted under this subsection shall be valid only for such time period as the facilities are available as required, unless application is made for an alternate location or variance, as the case may be.

(3) All such parking areas shall be located on the same street and within 500 feet of the entrance to the building which the parking area serves.

(4) No such parking areas shall be located in any district where the use it serves is prohibited.

(5) During or prior to approval, reports from the Department of Public Safety concerning policing, traffic and pedestrian activity shall be received and considered. The Construction Official may impose conditions in approving the use to insure that the parking lot shall be properly integrated and sufficiently screened so as not to be offensive or detrimental to adjoining residential properties. The Construction Official shall also have the authority to specify any conditions as to security and operations it may deem reasonably necessary.

(6) Notwithstanding any other section of this chapter, where an off-premises parking lot adjoins a residential use or residential zone, there shall be a minimum of a six-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least a minimum of six feet high at planting.

[Added 1-26-2010 by Ord. No. 3128]

§ 700-18 Permitted uses in B-3A Zoning District.

A. The following uses are permitted in the B-3A Zoning District:

- (1) Professional and business offices, ~~(first and second floor only).~~
- (2) Restaurants and bars which serve food, excluding drive-in restaurants; take-out or fast food.
- (3) Take-out food establishments.
- (4) Theaters.
- (5) Service establishments (personal and household).
- (6) Printing and copier services for retail customers.
- (7) United States Post Office.
- (8) Bus station.

(9) Stores devoted to retail commerce where goods are sold directly to the customer for personal use or household use, with or without processing on the premises for such retail sale, but excluding the processing, repair or renovating of bedding and excluding the sale of motor vehicles, boats, lumber, masonry, roofing or siding where an inventory is maintained on the premises. No crating, outdoor displays and/or outdoor sales are permitted except that occasional outdoor sales may be held as provided by Ordinance No. 1845.

Editor's Note: Said Ord. No. 1845, adopted 4-15-1975, as amended 7-2-1991 by Ord. No. 2358, and which comprised original Ch. 190, Sales and Displays, Outdoor, of the 1978 Code, was repealed 12-4-2007 by Ord. No. 3039.

(10) Mixed use buildings for retail, service and office uses.

(11) Discount store, except that no discount store shall be located within 1,000 feet of another discount store business; the distance between such discount store businesses shall be measured from the nearest entrance of the existing discount store to the nearest entrance of the premises where the other establishment is sought to be located along the route that a pedestrian would normally walk.

[Added 1-26-2010 by Ord. No. 3128]

B. A dense evergreen screening at least five feet in height and width shall be provided and maintained along the side and rear lot lines of any premises in the B-3A District devoted to commercial or industrial use where abutting a residence or an R Zoning District.

C. No outdoor storage operation shall utilize a front yard.

D. Commercial schools

E. Automobile parking lots on premises other than those upon which the use is located and which are needed for partial or complete compliance to minimum off-street parking requirements of Article XIII, subject to the following standards:

(1) The Zoning Official must review the proposed off premises site and make a determination of suitability.

(2) All such spaces through ownership or long-term lease shall be under the control of the owner or operator of the use to which such spaces are appurtenant. The legal instrument containing proof of ownership or lease shall be filed with the application. The certificate of occupancy for use or uses served by the off-premises parking spaces granted under this subsection shall be valid only for such time period as the facilities are available as required, unless application is made for an alternate location or variance, as the case may be.

(3) All such parking areas shall be located on the same street and within 500 feet of the entrance to the building which the parking area serves.

(4) No such parking areas shall be located in any district where the use it serves is prohibited.

(5) During or prior to approval, reports from the Department of Public Safety concerning policing, traffic and pedestrian activity shall be received and considered. The Construction Official may impose conditions in approving the use to insure that the parking lot shall be properly integrated and sufficiently screened so as not to be offensive or detrimental to adjoining residential properties. The Construction Official shall also have the authority to specify any conditions as to security and operations it may deem reasonably necessary.

(6) Notwithstanding any other section of this chapter, where an off-premises parking lot adjoins a residential use or residential zone, there shall be a minimum of a six-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least a minimum of six feet high at planting.

§ 700-19 Permitted uses in B-4 Zoning District.

A. The following uses and buildings shall be permitted in B-4 District:

(1) Neighborhood retail stores and personal and household service establishments, as defined in Article III. No loading or unloading across any sidewalk is permitted. No crating, outdoor display and/or outdoor sales are permitted, except that occasional outdoor sales may be held as provided by Ordinance No. 1845.

Editor's Note: Said Ord. No. 1845, adopted 4-15-1975, as amended 7-2-1991 by Ord. No. 2358, and which comprised original Ch. 190, Sales and Displays, Outdoor, of the 1978 Code, was repealed 12-4-2007 by Ord. No. 3039

(2) Storage and sales facilities for building materials.

(3) Laboratories for research, analysis, design and/or experimentation.

(4) Bar, restaurants and take-out food establishments.

(5) Automotive sales agencies for the sale of new motor vehicles and parts within a building and external building sales of vehicles only.

(6) Laundries, dry-cleaning and dyeing plants.

(7) Printing establishments, provided that no individual motor exceeds 10 horsepower.

(8) Commercial greenhouses.

(9) Commercial schools

(10) Light assembly as follows: the manufacture, compounding, processing, packaging or treatment of apparel, art goods, photographic equipment, millinery, precision instruments, musical instruments, housewares and similar items.

(11) Amusement devices as an accessory use as defined in § 700-38 hereof.

~~(1012) Discount store, except that no discount store shall be located within 1,000 feet of another discount store business; the distance between such discount store businesses shall be measured from the nearest entrance of the existing discount store to the nearest entrance of the premises where the other establishment is sought to be located along the route that a pedestrian would normally walk. Mixed use commercial and retail.~~

(13) Service Establishment – Business.

[Added 1-26-2010 by Ord. No. 3128]

B. A dense evergreen screening at least five feet in height and width shall be provided and maintained along the side and rear lot lines of any premises in the B-4 District devoted to commercial or industrial use where abutting a residence or an R Zoning District.

C. No outdoor storage operation shall utilize a front yard.

D. Automobile parking lots on premises other than those upon which the use is located and which are needed for partial or complete compliance to minimum off-street parking requirements of Article XIII, subject to the following standards:

(1) The Zoning Official must review the proposed off premises site and make a determination of suitability.

(2) All such spaces through ownership or long-term lease shall be under the control of the owner or operator of the use to which such spaces are appurtenant. The legal instrument containing proof of ownership or lease shall be filed with the application. The certificate of occupancy for use or uses served by the off-premises parking spaces granted under this subsection shall be valid only for such time period as the facilities are available as required, unless application is made for an alternate location or variance, as the case may be.

(3) All such parking areas shall be located on the same street and within 500 feet of the entrance to the building which the parking area serves.

(4) No such parking areas shall be located in any district where the use it serves is prohibited.

(5) During or prior to approval, reports from the Department of Public Safety concerning policing, traffic and pedestrian activity shall be received and considered. The Construction Official may impose conditions in approving the use to insure that the parking lot shall be properly integrated and sufficiently screened so as not to be offensive or detrimental to adjoining residential properties. The Construction Official shall also have the authority to specify any conditions as to security and operations it may deem reasonably necessary.

(6) Notwithstanding any other section of this chapter, where an off-premises parking lot adjoins a residential use or residential zone, there shall be a **minimum of a six-foot-wide landscaped strip** adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least **a minimum of six feet high at planting.**

§ 700-20 Permitted uses in M Zoning District.

A. The following uses shall be permitted in the M Zoning District:

- (1) The manufacture, compounding, processing, packaging or treatment of goods or materials.
- (2) Commercial warehouses.
- (3) Printing establishments.
- (4) Commercial greenhouses.
- (5) Laboratories for research, analysis, design and/or experimentation.

B. No outdoor storage operation shall utilize a front yard.

C. A dense evergreen screening at least five feet in height and width shall be provided and maintained along the side and rear lot lines of any premises in the M Zoning District devoted to commercial or industrial use where abutting a residence or an R Zoning District.

§ 700-21 Permitted uses in M-O Zoning District.

The following uses are permitted in the M-O Zoning District:

- A. Any use and building permitted in an M Zoning District as prescribed.
- B. Office buildings.

§ 700-22 Permitted uses in M-1 Zoning District.

The following uses are permitted in the M-1 Zoning District:

- A. Any use and building permitted in B-4 and M Zoning Districts.
- B. Garden apartment dwelling groups, as provided in Article IX and pursuant to the requirements in an R-3 Zoning District.

§ 700-22.1 Permitted uses in M-2 Zoning District

The following uses are permitted in the M-2 Zoning District:

- A. Any use and building permitted in B-4 District;
- B. Any use and building permitted in M Zoning District;

ARTICLE VI PRD District (§ 700-23 — § 700-37)

§ 700-23 Permitted uses.

A. Permitted principal uses. Permitted principal uses in the PRD District may include detached single-family dwellings, planned residential developments, municipal facilities and uses and nonprofit museums and related nonprofit uses. Planned residential developments shall include detached single-family residential dwellings and attached single-family residential dwellings (townhouses).

B. Permitted accessory uses. Permitted accessory uses in the PRD District may include off-street parking and loading, passive open space, private recreation facilities, inclusive of clubhouses, swimming pools, tennis courts, satellite dish antennas, jogging trails, physical fitness stations and similar and related activities serving the residents of the planned residential development, signage, fences and related elements which are commonly ancillary to the principal permitted use.

§ 700-24 Area and bulk requirements for planned residential development.

A. Minimum yard setback to internal street:

- (1) Without sidewalks: 22 feet.
- (2) With sidewalks: 25 feet.
- (3) The setback from non-dedicated streets is measured from the face of the curb ledge paving.

B. Minimum distance between buildings (townhouse):

- (1) Front-to-front units: 60 feet.
- (2) Back-to-back units: 60 feet.
- (3) Front-to-back units: 60 feet.
- (4) Front-to-side units: 45 feet.
- (5) Side-to-side units: 30 feet.
- (6) Side-to-back units: 30 feet.

C. Minimum usable open space/recreational use: 500 square feet per dwelling.

D. Minimum landscaped open space: 45%.

E. Maximum PRD density: 9.25 dwelling units per acre.

F. Maximum building length: 175 feet.

G. Additional requirements: As set forth in Nutley Schedule of Regulations as to Bulk, Height and Other Requirements: PRD District.

Editor's Note: Said schedule is included at the end of this chapter.

§ 700-25 General regulations.

A. The maximum permitted gross density for the entire planned residential development shall be 9.25 dwelling units per acre. A developer of a PRD shall be permitted to subdivide the overall PRD into individual sections, provided that the minimum lot area for a subdivided section shall be seven acres. The maximum permitted townhouse net density in each section of the PRD shall be 12 dwelling units per acre.

B. The standards for the establishment of any open space organization, and the maintenance thereof, shall be as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-43.

C. Except for the required number of parking spaces, the parking requirements set forth in Article XIII of Chapter 700 (Township Zoning Ordinance) and in Article X, Townhouses, § 700-60, shall apply to residential uses in the PRD Zone, provided that the average foot-candle of illumination to be maintained in parking areas shall be 0.5 foot-candle maximum.

D. Internal roadways and access drives serving the planned residential development shall be in as set forth in Article X, Townhouses, § 700-61.

E. Individual single-family dwellings, public facilities and uses and nonprofit museums which are not part of a planned residential development shall comply with the area and bulk requirements of the R-1A Zone.

F. The development shall maintain a 0% increase in the rate of runoff from existing conditions, based on a twenty-five-year storm history.

G. All utilities within a PRD shall be underground.

H. All recreation facilities, exclusive of jogging trails and passive open space, and parking areas serving these recreational uses, shall be set back minimally 200 feet from tract boundary lines.

I. Commercial vehicles shall not be permitted to be parked within a PRD between the hours of 10:00 p.m. and 7:00 a.m., except for vehicles required for service by the homeowners' association and for emergency repair.

J. Mobile homes shall be prohibited within a PRD.

K. A PRD shall be permitted to have main entrance signage and secondary entrance signage. A main entrance sign shall not exceed 100 square feet in size and a secondary entrance sign shall not exceed 20 square feet in size. Signage in a PRD shall be governed by the applicable provisions set forth in Chapter 700, Zoning, Article XII, Signs. Signs may be located in the buffer area.

L. In the event there are any conflicts between the regulations set forth herein for planned residential development and any other Township of Nutley development ordinances, the PRD regulations shall govern as to a planned residential development. Chapter 700, Zoning, shall apply to all other issues not regulated herein.

M. The number of parking spaces for each townhouse unit shall be determined in accord with § 700-60A of this chapter. Parking spaces for any clubhouse shall be at the rate of five parking spaces for each 1,000 square feet of gross floor area.

§ 700-26 Detached single-family residential dwellings.

A. The design of any PRD shall include the provision of detached single-family dwellings. Said single-family dwellings and associated buffer areas shall be provided in an area along Washington Avenue, south of Lot 18, in Block 504, for a depth of minimally 290 feet.

B. The detached single-family dwellings may be developed on fee simple lots or be made part of an overall condominium development. If lotted as individual parcels, or for the purposes of establishing setbacks and other standards where individual lots are not proposed, the regulatory controls of the R-1A Zone shall apply.

C. Each detached single-family dwelling shall contain at least one enclosed parking space.

§ 700-27 Attached single-family residential dwellings.

A. Individual townhouse units may be combined into one building, provided that the structure shall not contain more than eight dwelling units.

B. No more than two adjacent townhouse units shall be constructed without providing a staggered front building wall offset of no less than two feet. Furthermore, differences in adjacent townhouses shall be accentuated by material, color or facade design.

C. Each townhouse shall have no fewer than two means of ingress and egress.

D. Each townhouse shall have no fewer than two walls with window exposures.

E. Each townhouse unit may be provided with a patio or deck. A first-floor patio or deck may extend a minimum of 12 feet in distance from the rear wall of the townhouse structure and shall not be counted as part of the setback. Second- and third-story decks must be contained within the building footprint.

F. Grouped utility meters serving a townhouse building shall be appropriately screened.

G. The basement of each townhouse may be used for the location of utilities, storage, recreation room, bathroom or garage, and for no other purpose.

H. Each townhouse unit shall have at least one enclosed parking space.

§ 700-28 Distribution of units.

A. Delineation on plan. The applicant shall identify the gross acreage which is proposed to be allocated to residential use, open space and other components comprising the planned residential development.

B. Minimum and maximum limits for various types of unit. The distribution of units with a planned residential development shall comply with the following:

(1) A minimum of 5% of the dwelling units within the PRD shall be detached single-family residential units.

(2) A minimum of 70% of the total number of dwelling units within the PRD shall be attached townhouse units. In no event shall the number of attached townhouse dwelling units exceed 95% of the total number of dwellings in the PRD.

§ 700-29 Buffer requirements.

A. A minimum buffer width of 30 feet shall be provided around the perimeter of the PRD, provided that a minimum forty-foot buffer shall be provided along Washington Avenue. Buffers shall not be required adjacent to any utility property which bisects a PRD. Buffers may be bisected by a roadway(s) to provide access from the public right-of-way into the planned residential development.

B. The buffer area shall be suitably landscaped and planted to provide an attractive year-round visual and physical separation between the development and adjoining lots and streets. The buffer shall be permitted to be calculated in determining the site's compliance to the applicable open space and coverage requirements set forth herein.

C. The use of low maintenance native vegetation, which requires less fertilizer and watering, is encouraged.

[Added 7-5-2007 by Ord. No. 3014]

§ 700-30 Accessory building and uses.

A. Accessory buildings and uses shall comply with the following:

(1) Any proposed clubhouse and associated parking shall be located a minimum of 200 feet from a tract boundary line.

(2) Any proposed clubhouse, pool, tennis court and similar use shall be set back a minimum of 15 feet from a parking area, 25 feet from a roadway and 50 feet from a residential structure, and such structure shall not exceed two stories and a height of 35 feet.

(3) Any proposed gatehouse shall be set back a minimum of 50 feet from a public right-of-way.

B. The regulatory controls set forth in Article XI, Accessory Buildings, Uses and Fences, shall also apply only to the PRD Zone, except as specifically set forth in this section.

§ 700-31 General development plan; contents.

A. The applicant for a planned residential development in the PRD Zone shall submit a general development plan for the property which is the subject of the development application. The general development plan shall include the following:

(1) A general land use plan at a scale no greater than one inch equals 100 feet, including tract area and general location of the land uses to be included in the planned development. The total number of dwelling units, their bedroom distribution count, the proposed acreage to be devoted to residential and related uses and the density by section shall be identified.

(2) A circulation plan showing the general location and types of transportation facilities, including facilities for vehicular access and roadways, pedestrian access, parking facilities and any proposed physical improvement to the existing transportation system, if determined to be necessary, accompanied by a traffic report identifying the impacts of the project on the area and assessing the need for improvements.

(3) An open space plan showing the proposed area and general location of the land to be set aside for open space, recreation and landscape amenity, and a general description of improvements to be made, including a plan for the operation and maintenance of any common open space and recreation lands.

(4) A utility plan indicating the need for and showing the proposed location of water and sewerage lines, underground telephone, electric and cable lines and any drainage facilities necessitated by the proposed development and the proposed methods of handling solid waste disposal.

(5) A stormwater management plan setting forth the proposed method of controlling and the management of stormwater on the site.

(6) An environmental inventory, including a general description of vegetation, soils, topography, geology, surface hydrology and existing structures, and the probable impact of the development on the environmental attributes of the site.

(7) A housing plan outlining the number and type of housing units to be provided, their bedroom distribution count and size of unit.

(8) A fiscal report describing the anticipated demand on municipal services to be generated and impacts to be faced by the municipality and local school district as a result of the project completion and relative to the project's anticipated timing schedule, and a projection of property tax revenue.

(9) A proposed timing schedule, in the case of a planned residential development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who may occupy a section of the planned development prior to the completion of the development in its entirety.

B. The approving authority may waive the submittal of one or more of the component elements set forth in Subsection A above upon a determination that a particular component is not necessary to facilitate its review of the plan or its impact upon the community.

§ 700-32 Findings for planned residential development.

A. The approving authority shall find the following facts and conclusions regarding the planned residential development:

(1) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate and consistent with a sound planning design standards.

(2) That the provisions for the physical design of the development for public services, control over the vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate to meet the needs of the facility.

(3) That the proposed development will not have an unreasonably adverse impact upon the area in which it is to be located.

(4) In the case of proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents and owners of the development are adequate.

(5) That departures by zoning regulations otherwise applicable to the property confirm to the provisions of this article and the Municipal Land Use Law.

B. In the deliberations of the proposed sequence of any staging of the development, the approving authority shall be guided by the following criteria and factors:

(1) That each stage is substantially self-functioning and self-sustaining with regard to access, utility services, parking, open space and other similar physical features.

(2) That each stage is properly related to every other segment of the development and to the community as a whole and to all necessary community services which are available or which may be needed to service the development.

(3) That adequate protection will be provided to ensure proper disposition of each stage through the use of maintenance and performance guaranties, covenants, etc.

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

§ 700-33 Compliance with general development plan.

A developer, without violating the terms of the general development plan approval, may, in undertaking any section of the development, reduce the number of residential units by no more than 15% or reduce the residential density by no more than 15%.

§ 700-34 Plan submittal.

A. An applicant may submit an application for site plan and/or subdivision approval for the entire planned residential development or for individual sections of the planned residential development. All such submittals shall be prepared, signed and sealed by a licensed engineer, architect or professional planner as prescribed by statute. It shall bear the signature and seal of a licensed surveyor as to boundary survey and topographic data.

B. Plans shall contain the information as set forth in the Township ordinance enumerating site plan and subdivision submittal requirements as determined to be applicable.

§ 700-35 Pre-application meeting.

A. Any applicant intending to submit a development application for a planned development may request a pre-application meeting with the approving authority for the purpose of preliminary discussions, to acquaint the approving authority with the project and to ensure that the applicant is familiar with the Township procedures and requirements.

B. Requests for a pre-application meeting shall be submitted to the Chairperson of the Planning Board not less than 10 days prior to a regularly scheduled meeting of the approving authority. The following information and plans shall be submitted:

(1) General information, including the names of the applicant and owner of the property, boundary of the tract, utilities serving the site, easements affecting the property, the proposed type and density of the residential component of the project and the relationship of the proposed development to existing development in the area.

(2) A sketch plan showing the general concept, indicating the preliminary arrangement of structures, location of roadways and distribution of uses and topographic map of the site.

C. In accordance with N.J.S.A. 40:55D-10.1 of the Municipal Land Use Law, the developer shall not be bound by any concept plan for which review is requested, and the approving authority shall not be bound by any such review.

§ 700-36 Procedure for general development plan; required submittal.

The general development plan shall contain the information as required and set forth in § 700-31 above. The required data shall be submitted to and certified by the administrative officer no less than 10 days prior to a regularly scheduled meeting of the approving authority.

§ 700-37 Procedure for site plan and subdivision approval.

A. The applicant may submit site plan and subdivision plans for sections of the planned development at any time, either concurrent with the general development plan or following the submittal of the general development plan. Action on site plans or subdivision plans shall not be undertaken until the general development plan is approved.

B. All plans for development shall be substantially consistent with the approved general development plan, as provided herein.

C. Site plan and subdivisions shall be submitted pursuant to the applicable site plan and subdivision regulations of the applicable Township ordinances.

Editor's Note: See Ch. 600, Site Plan Review, and Ch. 630, Subdivision of Land, respectively.

ARTICLE VII Use Regulations (§ 700-38 — § 700-45)

§ 700-38 Amusement devices as accessory uses.

Except as a principal use in the B-3 Zoning District, amusement devices are only permitted as an accessory use in the B-1, B-2, B-3 and B-4 Zoning Districts and only if all of the following requirements are complied with:

A. There shall be 60 square feet of operating area for each amusement device. The calculation of the operating area shall exclude any area of the premises which is used for other purposes but shall include access and walkways primarily serving said amusement device.

B. The maximum area devoted for all amusement devices at a ratio of 60 square feet for each device shall not exceed 20% of the gross floor area of the establishment or 360 square feet, whichever is less. Use of more than 360 square feet of operating area for amusement devices shall be deemed to be a principal use.

C. No amusement device shall be used, placed, maintained or operated in any back room of the premises where the device is licensed.

D. No amusement device shall be used, placed, maintained or operated in any premises within 500 feet of a school, church or other house of worship. The distance shall be measured from the nearest entrance of the school or church to the nearest entrance of the premises on which the amusement device is located or is sought to be located along the route that a pedestrian would normally walk.

§ 700-39 Prohibited uses in all districts.

The following uses and buildings are deemed inappropriate to the Township of Nutley, inimical to the public health, safety, welfare and morals and may not be established in any zoning district created by this chapter:

A. Mobile home.

- B. Mobile home camp.
- C. Hotel.
- D. Junkyard.
- E. Truck terminal.
- F. Drive-in restaurant.
- G. Fast-food restaurant.
- H. Advertising signs, ~~projecting signs,~~ roof signs and pylon signs.
- I. Boarding and rooming houses.
- J. Any use violating the performance standards of § 700-42.
- K. The raising and keeping of livestock and poultry.
- L. Sewage treatment plants or processing, conversion storage or treatment of by-products derived therefrom.

§ 700-40 Mixed use.

A "mixed use" is the use of a building, multi-stories in height, in B-1, B-2 or B-3 Zoning District for residential and business uses, the residential use of which shall be permitted in the second story of the building. A mixed use is permitted in accordance with the following regulations and restrictions:

- A. Where more than 50% of the street frontage between intersecting streets or between an intersecting street and the Township boundary line is developed with business uses, the front yard requirement shall be equal to the average front yards of the existing business buildings between the intersecting streets, or between an intersecting street and the Township boundary line, on the same side of the street calculated to the nearest foot. However, in no case shall a building be located closer than three feet to the right-of-way line of Franklin Avenue.
- B. Where less than 50% of the street frontage between intersecting streets, or between an intersecting street and the Township boundary line, is developed with business uses, the front yard requirement shall be three feet from the right-of-way line of Franklin Avenue and 10 feet from the right of way line of any other street.
- C. The required rear yard for a mixed use building shall be the height of the building in B-1 District and twice the height of the building in B-2 and B-3 Districts.
- D. Each side yard required in conjunction with a mixed use building shall be at least four feet and the total of both sides shall be at least 14 feet.
- E. The maximum height of a mixed use building two stories.

F. The maximum lot coverage of a mixed use building shall be 45%.

G. The required off-street parking in conjunction with a mixed use building shall be equal to the sum of the required off-street parking in Article XIII per each use.

H. The requirements for minimum lot area, minimum lot width, or lot area per dwelling unit shall not apply to a mixed use.

#### § 700-41 Outdoor cafes and sidewalk cafes.

A. The purpose of this section is to establish a procedure and authorize rules and regulations thereunder for the licensing of outdoor sidewalk cafes and outdoor cafes (hereinafter collectively called "cafes") in all business zones where restaurants are permitted. In any business zone in which restaurants are a prohibited use, such cafes are a prohibited use.

B. Definitions. For the purpose of this section, the following words shall have the meanings respectively ascribed in this subsection:

##### OUTDOOR CAFE

Any eating establishment where food and other refreshments are served out of doors directly on the side of or to the rear of any restaurant or other place of business where food and/or other refreshments are served.

##### OUTDOOR SIDEWALK CAFE

Any eating establishment where food and other refreshments are served out of doors directly in front of any restaurant or other place of business where food and/or other refreshments are served.

##### PUBLIC RIGHT-OF-WAY

Improved or unimproved public property dedicated or deeded to the Township for the purpose of providing vehicular, pedestrian and public use. That area immediately outside of and contiguous to any restaurant, cafe, cafeteria or place of business which is currently used or reserved for use by the public.

##### SIDEWALK

That area of the public right-of-way reserved for pedestrian traffic and designated by the construction of cement, brick paver or like material, and existing in varying degrees between the curb and the front line of the building housing an eating establishment.

C. It shall be unlawful for any person, firm, partnership, corporation, association or organization of any kind (hereinafter collectively referred to as "person") to create, establish, operate, maintain or otherwise be engaged in the business of conducting an outdoor sidewalk cafe or an outdoor cafe unless such person shall hold a currently valid license issued pursuant to the terms of this section.

D. A person may apply for a license to operate an outdoor sidewalk cafe if the cafe is directly in front of an existing restaurant, cafe, cafeteria or place of business where food and/or other refreshments are served. The outdoor sidewalk cafe may operate in the public right-of-way and on the sidewalk, provided that a minimum of four feet of unobstructed sidewalk remains available for pedestrian traffic around or through such cafe. No food or drinks served at such cafe shall be prepared or stored other than in the interior of the eating establishment. The term "directly in front of" shall confine the cafe to the area represented by an extension of each side of the store occupied by the eating establishment projected directly to the curblin immediately in front thereof.

E. A person may apply for a license to operate an outdoor cafe if the cafe is not directly in front of an existing restaurant or other place of business where food and/or other refreshments are served, but is directly to the side of or in the rear of said establishment. The outdoor cafe may not operate in the public right-of-way unless the public right-of-way is strictly and solely for pedestrian use. If the public right-of-way includes a sidewalk, a minimum of four feet of unobstructed sidewalk must remain available for pedestrian traffic around or through such cafe. No food or drinks served at such cafe shall be prepared or stored other than in the interior of the eating establishment.

F. Application for the license required hereunder shall be made to the Construction Code Official and shall be signed by the applicant. The application shall contain the following information:

(1) The name, residence address and telephone number of each individual, owner, partner or, if a domestic corporation, the names, residence addresses and telephone numbers of the directors and officers owning a 10% or greater interest in the corporation and the chief operating executive of the corporation, and if a nondomestic corporation, the name, residence address and telephone number of the managing officer for service of process within the State of New Jersey and a copy of the qualification of said nondomestic corporation to conduct business in the State of New Jersey.

(2) A copy of the trade, corporate, business or fictitious name in which the applicant intends to do business pursuant to this section.

(3) The address and description of each place where the applicant intends to establish or operate an outdoor cafe or sidewalk cafe.

(4) The name and address of the person owning the premises, if other than the applicant, and the consent of the owner of the premises to the application.

(5) Layout plan.

(a) Three sets of a proposed layout plan containing scaled drawings clearly illustrating the number, type of materials, color and location of all tables, chairs, umbrellas or other furnishings or fixtures intended to be located in the cafe. The perimeter of the cafe shall be defined and set off by an ~~portable type enclosure~~, which may include live plantings. The enclosure shall define the perimeter of the area to be used as a cafe and shall separate it from the pedestrians

traversing the adjacent sidewalk. The enclosure shall not contain doors or windows ~~nor air conditioning or heating equipment~~ and shall be open at all times to the air from a height of not more than three feet. Awnings or outdoor umbrellas extending over the enclosure are permitted but must conform to all existing regulations, including the municipal Sign Ordinance.

(b) The scaled drawings shall also illustrate the following:

[1] The location of any doors leading from the eating establishment to the cafe. No such doors may be obstructed in any manner.

[2] The number of feet and location of unobstructed space permitting free passage of pedestrian traffic around or through the cafe.

[3] The location of the place where any food or drink is intended to be prepared.

[4] An illustration of the enclosure or protective barrier separating the eating and serving area of the cafe from pedestrian traffic.

[5] The location of all fire hydrants, parking meters, utility poles, benches, handicap ramps, street furniture, trees and any other fixtures permanently located on the sidewalk in front of the eating establishment or within 10 feet thereof on either or any side.

[6] The type and location of any proposed outdoor lighting and fixtures.

[7] An application fee shall be \$100.

[Amended 4-18-2006 by Ord. No. 2943]

G. The Construction Code Official will review the application for completeness and compliance with the terms of this section. If the application is complete, the Construction Code Official will act upon the same within 10 business days of the submittal of the application or within 10 business days after the application becomes complete. If the application is not complete, the Construction Code Official will so notify the applicant within 10 business days of the submission and specifically detail the areas in which the application lacks compliance with the requirements of this section.

H. If the application complies with this section, the Construction Code Official shall issue a license strictly subject to the terms and conditions of this section.

I. The license is personal to the applicant, and any change or transfer of ownership of the cafe shall terminate the license and shall require new application and a new license in conformance with all of the requirements of this section.

J. Acceptance of the license by the applicant shall operate as a consent to the health, fire, police and building officials of the Township to inspect the cafe and eating establishment for continued compliance with the terms and conditions of this section and any federal, state, county or local law, regulation or ordinance, including, but not limited to, municipal parking requirements.

K. No license required by this section shall be granted to any person to operate a cafe until such person shall have filed with the Construction Code Official a statement agreeing to indemnify and hold harmless the Township of Nutley, its agents, servants, representatives or employees from any or all claims, damages, judgment costs or expenses, including attorney fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the cafe for which the license is issued.

L. Liability insurance requirement.

(1) No license required by this section shall be granted to any person to operate a cafe until such person shall have first filed with the Construction Code Official a comprehensive general liability policy issued to such person by a public liability insurance company authorized to do business in the State of New Jersey affording the coverage set forth below in the amounts specified. Such insurance policy shall name the Township of Nutley, Nutley, New Jersey 07110, its agents, officers, servants, representatives and employees as additional insured's with respect to the operation and maintenance of the cafe in the following amounts:

(a) Bodily injury.

[1] Each person: \$300,000.

[2] Each accident: \$1,000,000.

(b) Property damage.

[1] Each person: \$300,000.

[2] Each accident: \$1,000,000.

(2) The insurance coverage required by this subsection shall at all times be maintained for the full amount. The policy of insurance required by this subsection to be filed with the Construction Code Official shall contain a clause obligating the company issuing the same to give not less than 30 days' written notice to the Township Clerk before cancellation or amendments of any of the terms thereof. Notice of cancellation shall not relieve the company issuing such policy of liability for any injury or claim arising before the cancellation becomes effective. The cancellation of any such policy shall have the immediate effect of suspending the license of such person to operate the cafe covered thereby until a new policy complying the provisions of this section is filed with the Construction Code Official and a letter in writing confirming the new effective date of the license is issued by the Construction Code Official.

M. Every insurance policy required hereunder shall contain a provision for continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon, that the liability of the insured shall not be affected by the insolvency or the bankruptcy of the insured and that until the policy is canceled the insurance company will not be relieved from liability on account of nonpayment of premium or of any act or omission by the named insured. Such policy of

insurance shall be further conditioned for the payment of any and all judgments up to the limits of such policy.

N. No license required by this section shall be granted to any person to operate a cafe until such person shall have filed with the Construction Code Official any written approvals which may be required from the County of Essex and State of New Jersey. If the establishment is located on a county or state road, the Construction Code Official shall presume that the approvals of the respective governmental entities are required. If the entity declines to take a position on the application, the applicant must produce a letter from the entity so indicating.

O. Revocation or suspension of license. Any license issued hereunder is issued solely as a revocable license, which shall be subject to revocation or suspension by the Code Enforcement Official for failure of any licensee to comply with this section or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. Any license issued hereunder is issued upon the express understanding that the licensee obtains no property right thereunder nor any interest in the continuation of said license.

P. It shall be unlawful for any person to operate a cafe after the suspension or termination of the applicable license.

Q. Each licensee is responsible for keeping the area of the cafe and the adjacent walks and streets free and clear of any debris or litter occasioned by the cafe. Areas must be cleaned as needed and at the time that business is closed and at the beginning of each business day, but not later than 9:00 a.m.

R. No vending machines of any kind are permitted on the exterior of any building operating a cafe.

S. Signs. No signs shall be permitted in the area of the cafe except signs on awnings and umbrellas which comply with the Sign Ordinance of the Code of the Township.

Editor's Note: See Art. XII, Signs.

Any language, logos, pictures or other expressions contained on awnings or umbrellas are strictly prohibited.

T. In addition to the powers of suspension or revocation as set forth above, the Township reserves the right to modify, suspend or revoke any license on 10 days' written notice if the Township determines that pedestrian traffic is, in fact, impeded or made unsafe because of the operation of the cafe or because of any other safety issue which the Township determines adversely affects the Township because of such operation. The license may also be suspended or revoked on 10 days' written notice in the event that the Township determines that it is necessary to utilize the area or any part thereof for the maintenance or installation of underground utilities. In the event of an emergency, which emergency is certified by the Director of Public Safety, the license may be suspended or revoked without notice.

U. If the applicant is the holder of an alcoholic beverage control license pursuant to the laws of the State of New Jersey, it shall be the applicant's responsibility to cause the alcohol beverage control license to be amended to include the premises utilized for cafe purposes in order to serve alcoholic beverages therein.

V. Cafes shall be permitted to operate throughout the calendar year.

[Amended 4-16-2006 by Ord. No. 2943; 1-4-2011 by Ord. No. 3156]

W. Application for a license renewal can be accomplished on an expedited basis by the applicant submitting a renewal application to the Construction Code Official, accompanied by the required licensing fee. The application shall contain a sworn statement by the applicant that the ownership, name and layout of the cafe is the same as set forth in the original application, and the applicant is aware that any false information submitted in the original or renewal application shall be cause for immediate revocation of the license. The renewal application may also contain such other information as the Code Enforcement Office may require.

X. No tables, chairs or other equipment used in the cafe shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk or property of the Township of Nutley within or near the licensed area.

Y. The licensee agrees that after the end of the license period, or in the event that the license is temporarily or permanently suspended or revoked, the licensee will, at its own cost and expense, vacate the sidewalk space and promptly remove any property placed thereon. Failure to do so on five days' written notice shall grant to the Township the right to remove any property on the sidewalk, and the licensee agrees to reimburse the Township for the cost of removing and storing the same.

Z. The licensee shall not direct nor permit to be directed to or from the area occupied by the cafe any bell, chime, siren, whistle, loudspeaker, public address system, radio, sound amplifier or similar device.

AA. No cafe shall open for business prior to 7:00 a.m. nor remain open for business after 11:00 p.m. All persons occupying the cafe are required to vacate the cafe no later than 11:30 p.m.

BB. Table service is required.

§ 700-42 Performance standards.

A. No use shall be established, maintained or conducted in any district so that the same will cause any of the following:

- (1) Dissemination of smoke, fumes, gas, dust, fly ash or any other atmospheric pollutants.
- (2) Vibration beyond the boundaries of the lot on which such use is conducted.
- (3) Odors noticeable at the lot line or beyond.

(4) Direct or reflected glare visible at the lot line.

(5) Physical hazard by reason of fire, explosion, radiation or similar cause to the property in the same or adjacent district.

B. Any use established in any district shall meet all requirements of the New Jersey Air Pollution Control Code, as amended and augmented by regulations now in effect or hereafter adopted; the New Jersey Noise Control Act of 1971, as amended and augmented by regulations now in effect or hereafter adopted; the New Jersey Water Pollution Control Act of 1977, as amended and augmented by regulations now in effect or hereafter adopted; and all other applicable state and federal environmental control legislation.

C. Enforcement of performance standards. Satisfactory evidence shall be presented to the administrative officer that the proposed use shall conform to the performance standards above. The administrative officer may obtain expert advice, at the expense of the applicant, regarding performance standards.

D. Revocation of construction permit and/or certificate of occupancy. In the event of failure to comply with any provisions of this section, and any performance standard as stated herein, the Administrative Officer shall revoke the construction permit or certificate of occupancy or take such other steps as may be lawful to enforce such provisions.

#### § 700-43 General standards for all conditional uses.

A. Site plan approval required. All conditional uses are subject to site plan approval as set forth in Chapter 600, Site Plan Review.

#### § 700-44 Schedule of Conditional Uses.

The following uses are established as conditional uses in the zones designated below, subject to the requirements of §§ 700-43 and 700-45.

Editor's Note: The Schedule of Conditional Uses is included at the end of this chapter.

#### § 700-45 Permitted conditional uses.

The following specific standards shall apply to the conditional uses listed in the Schedule of Conditional Uses:

A. Elementary and secondary schools, provided that all requirements for the zone are met except as follows:

(1) Elementary and secondary uses subject to public school facility regulations pursuant to N.J.S.A. 18A:18A-16 as now or hereafter amended, provided that the following condition is met: The capital project plan proposed shall have been presented to the Nutley Township Planning Board pursuant to N.J.S.A. 40:55D-31.

(2) Elementary and secondary uses which are exempt from the provisions of N.J.S.A. 18A:18A-16 shall be subject to fulfillment of the following conditions:

(a) Site plan approval as set forth in Chapter 600, Site Plan Review.

(b) The lot shall be sufficient size for the following:

[1] The placement of the school facility.

[2] The placement of all other structures such as greenhouses, storage buildings, school bus maintenance buildings or garages and any other structures, above or below ground, which is to be placed thereon.

[3] There shall be multipurpose physical education and recreation field(s), both indoor and outdoor, which are required to support the achievement of the Core Curriculum Content Standards as defined by the educational specifications under New Jersey law and to ensure participation in traditional physical education programs and organized team activities such as softball, soccer, etc.

[4] There shall be disabled-access pedestrian walkways, roadways, and parking areas on which people and vehicles access the building.

[5] There shall be public and service access roads onto the site, including, where warranted, a one-way school bus road of thirty-foot width and a two-way road of thirty-six-foot width; a school bus drop-off area sufficient to accommodate at least four school buses; and an eighteen-foot wide posted fire lane for fire apparatus.

[6] There shall be thirty-foot wide access around the entire building.

[7] There shall be sufficient access for fire and emergency vehicles from at least two separate access points.

(c) Minimum lot size shall be sufficient to accommodate the foregoing, but in no event less than five acres.

(d) Minimum side yard: 30 feet.

(e) Minimum rear yard: 30 feet.

(f) A drop-off area shall be provided for at least four buses, type 1, 40 passengers.

(g) Notwithstanding any other section of this chapter, where any elementary school or secondary school adjoins a residential use or residential zone, there shall be a ten-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet high at planting.

B. Nursery schools and day-care centers, both licensed by the State of New Jersey, provided that:

(1) Any outdoor play area is located at least 10 feet from any property line in any residence zone and that such play area is screened by an evergreen hedge or landscaped wood fence or landscaped solid decorative masonry wall at least four feet in height in conformance with applicable codes.

(2) The lot containing the nursery school or day-care center shall contain at least 10,000 square feet and shall be at least 75 feet wide.

(3) A drop-off area accommodating at least two cars shall be provided on the property.

C. Satellite dishes, as defined in § 700-3, except a small and/or medium dish, are a permitted use when located in the rear yard. If they are to be located in the side yard or upon a roof, they are permitted as a conditional use as an accessory structure to a principal use. All satellite dishes are subject to the following standards:

(1) There shall be one satellite dish per lot or principal structure, whichever is less, and shall be solely an accessory structure to a principal use.

(2) The dish shall be no more than 10 feet in diameter and no higher than 11 feet from the base (including the stand) to the highest point of its outer circumference, with any extensions.

(3) The satellite dish shall be the mesh variety, shall contain no lettering, advertising or identification markings and shall be of a color which best blends with the surroundings.

(4) The location of satellite dish shall be as follows:

(a) Rear yard.

[1] Satellite dishes shall be located in the rear yard. It shall be at least 10 feet away from the principal structure, eight feet away from adjoining property line, at least 50 feet away from any side street line and at least 50 feet away from any front street line.

[2] If the location of the satellite dish in the rear yard is satisfactory for purposes of receiving satellite signals but the applicant is unable to comply with the setback requirements of this subsection, then the Planning Board, without application fee, shall have the authority to adjust the setback requirements consistent with the purpose of this subsection.

(b) Side yard.

[1] The satellite dish must be at least five feet away from the principal structure, 10 feet away from any side street line, eight feet away from adjoining property line and at least 50 feet from the front street line.

[2] If the location of the satellite dish in the side yard is satisfactory for purposes of receiving satellite signals but the applicant is unable to comply with the setback requirements of this

subsection, then the Planning Board, without application fee, shall have the authority to adjust the setback requirements consistent with the purposes of this subsection.

(c) In the event that the location of the satellite dish in the side yard and the rear yard imposes an unreasonable limitation on or prevents the reception of satellite-delivered signals by the applicant or imposes costs on the applicant that are excessive in light of the purchase and installation costs, then the Planning Board, without application fee, may authorize a permit to place a satellite dish on top of existing structures, consistent with the safety, health and aesthetic objectives of the Township and the ability to receive signals.

(5) Where the applicant desires a permit for the placement of a satellite dish in a location other than the rear yard, the applicant shall have the burden of proving the unreasonableness of the rear or side yard location. A location shall be considered reasonable if the applicant is able to receive usable satellite signals from the major communication satellites.

(6) Whenever the satellite dish is placed in the rear yard or in a location other than atop the principal structure, all wiring to or from the dish shall be placed underground.

(7) It is the purpose of this subsection to regulate the construction, erection and use of satellite dishes consistent with a citizen's right to receive and utilize satellite signals. The size and shape of satellite dishes present health, safety and aesthetic concerns to the community, and it is the purpose of this subsection to locate the satellite dishes in the rear yard whenever and wherever possible. It is further the purpose of this subsection to locate the satellite dishes on the ground. Finally, it is the purpose of this subsection to limit rooftop locations of satellite dishes to those applicants who are unable to receive satellite signals at other reasonable locations upon the property.

(8) The Planning Board shall not be permitted to charge any fees for consultants retained by the Board in connection with any application under this subsection.

(9) A transmitting dish in a residential zone or a residential use in a mixed use zone is not a permitted use, except for amateur radio operators licensed by the Federal Communications Commission at the licensee's authorized station location. The Planning Board is hereby authorized to grant a conditional use permit for such antennas subject to reasonable requirements, consistent with orders and opinions of the Federal Communications concerning public health and aesthetics.

(10) All applications for satellite dishes shall be accompanied by a certified survey map showing location, setbacks, height, size, type of construction and direction of orientation of the dish. Plans shall be drawn to scale. Height shall be measured from the ground level.

(11) Notwithstanding the above, in a PRD Zone, a single maximum ten-foot-diameter master satellite dish serving the townhouse units in individual sections of the PRD Zone shall be permitted, provided that the satellite dish shall be set back a minimum of 50 feet from the boundary lines of the PRD and a minimum of 10 feet from the structures.

D. Public utility buildings and facilities.

- (1) The proposed installations shall meet all the requirements of the Public Utilities Commission.
- (2) The minimum lot area for the zone district in which the use is located shall be met.
- (3) All yard and setback requirements of the zone district shall be met; provided, however, that no yard shall be less than the height of the facility nor shall any facility be located within 100 feet of a residential district boundary line.
- (4) Adequate off-street parking shall be provided. Parking areas and driveways shall meet parking setback requirements of the zone district.
- (5) Building design shall be consistent with the character of the neighborhood in which the use is to be located.
- (6) The Board may impose such conditions as it may deem appropriate with respect to, among other matters, traffic and parking arrangement, the amount of off-street parking, building design and appearance and landscaping.
- (7) Notwithstanding any other section of this chapter, where a public utility building or facility abuts a residential use or residential zone, there shall be a ten-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet high at planting.

E. Community residences for the developmentally disabled and community shelters for victims of domestic violence, subject to the following standards:

- (1) Shall be permitted as a conditional use in all residence districts, provided the group home houses more than six persons, but no more than 15 persons, excluding resident staff.
- (2) All setbacks, maximum lot coverage and height shall comply with the requirements for the residence district in which the group home is located.
- (3) One off-street parking space shall be provided for each staff member on the shift with the greatest number of staff members.
- (4) All principal and accessory structures shall be designed and constructed so as to be compatible with the appearance of a one-family residence.
- (5) No such residence shall be located within 1,500 feet of another property devoted to the same use.
- (6) All such residences shall be fully licensed by the State of New Jersey.
- (7) A conditional use permit need not be issued if the facilities within the Township exceed, exclusive of residential staff, 50 persons or 1/2 of 1% of the population of the Township, whichever is greater.

F. Houses of worship, together with religious uses related thereto, subject to the following standards:

- (1) Minimum lot size: 25,000 square feet.
- (2) Minimum lot width: 200 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum front yard: 25 feet.
- (5) Minimum side yard: 20 feet.
- (6) Minimum rear yard: 25 feet.
- (7) Maximum height (exclusive of steeples): three stories; 35 feet.
- (8) Maximum coverage: 35%.
- (9) Notwithstanding any other section of this chapter, where a house of worship adjoins a residential use or residential zone, there shall be a ten-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet height at planting.

G. Clubhouses for civic, charitable, recreational, cultural, veterans or fraternal organizations, subject to the following standards:

- (1) Minimum lot size: 25,000 square feet.
- (2) Minimum lot width: 200 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum front yard: 25 feet.
- (5) Minimum side yard: 20 feet.
- (6) Minimum rear yard: 25 feet.
- (7) Maximum coverage: 35%.
- (8) Maximum building height: two stories; 30 feet.
- (9) Parking: two for each five persons of maximum seating capacity by the Uniform Construction Code.
- (10) Notwithstanding any other section of this chapter, where a clubhouse adjoins a residential use or residential zone, there shall be a ten-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet high at planting.

~~H. Automobile parking lots on premises other than those upon which the use is located and which are needed for partial or complete compliance to minimum off-street parking requirements of Article XIII, subject to the following standards:~~

~~(2) All such spaces through ownership or long-term lease shall be under the control of the owner or operator of the use to which such spaces are appurtenant. The legal instrument containing proof of ownership or lease shall be filed with the application for a conditional use. The certificate of occupancy for use or uses served by the off-premises parking spaces granted under this subsection shall be valid only for such time period as the facilities are available as required, unless application is made for an alternate location or variance, as the case may be.~~

~~(3) All such parking areas shall be located on the same street and within 500 feet of the entrance to the building which the parking area serves.~~

~~(3) No such parking areas shall be located in any district where the use it serves is prohibited.~~

~~(4) During or prior to the required public hearing, reports from the Department of Public Safety concerning policing, traffic and pedestrian activity shall be received and considered. The Planning Board Official may impose conditions in approving the conditional use to insure that the parking lot shall be properly integrated and sufficiently screened so as not to be offensive or detrimental to adjoining residential properties. The Planning Board Construction Official shall also have the authority to specify any conditions as to security and operations it may deem reasonably necessary.~~

~~(5) Notwithstanding any other section of this chapter, where an off-premises parking lot adjoins a residential use or residential zone, there shall be a ten~~six~~ feet wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet high at planting.~~

I. Gasoline filling stations, automobile service stations, auto repair shops and public garages, subject to the following standards:

Editor's Note: See also Ch. 580, Service Stations, Automobile.

(1) Minimum lot area: 10,000 square feet.

(2) Minimum lot width: 100 feet.

(3) Minimum lot depth: 100 feet.

(4) Minimum front yard: 20 feet to canopy or nearest pump island; 30 feet to principal building.

(5) Minimum rear yard: 10 feet.

(6) Minimum side yard: 10 feet.

(7) Maximum coverage: 20%, including canopy.

(8) Maximum height: one story, 15 feet.

(9) Required parking pursuant to Article XIII. There shall be a minimum of one on-site parking space for each two employees, and one parking space for each service vehicle. There shall be no repairs conducted outside of the building. There shall be no sale or rental of vehicles.

(10) A report shall be obtained from the Police and Fire Departments, and any recommendations in that report shall be considered by the Planning Board.

(11) All signs shall comply with the regulations of this chapter.

(12) Notwithstanding any other section of this chapter, where a gasoline filling station abuts a residential use or residential zone, there shall be a ten-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet high at planting.

J. Used car lots, subject to the following standards:

Editor's Note: See also Ch. 679, Vehicles, Sale of Used.

(1) Minimum lot area: 10,000 square feet.

(2) Minimum lot width: 100 feet.

(3) Minimum lot depth: 100 feet.

(4) Minimum front yard: 10 feet for parked cars; 20 feet for building.

(5) Minimum rear yard: 10 feet.

(6) Minimum side yard: 10 feet.

(7) Maximum coverage: 15%.

(8) Maximum height: one story; 15 feet.

(9) There shall be a minimum of one on-site parking space for each two employees. There shall be no repairs conducted on the site. There shall be no string lighting, banners or pennants. All signs shall comply with the regulations of this chapter.

(10) A report shall be obtained from the Police and Fire Departments, and any recommendations in that report shall be considered by the Planning Board.

(11) All necessary state permits and licenses shall be obtained.

(12) Notwithstanding any other section of this chapter, where a used car lot abuts a residential use or residential ~~zone~~ district, there shall be a ten-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet high at planting.

K. Car washes, subject to the following standards:

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum lot width: 100 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum front yard: 25 feet.
- (5) Minimum rear yard: 10 feet.
- (6) Minimum side yard: 10 feet.
- (7) Maximum coverage: 20%.
- (8) Maximum height: one story; 15 feet.
- (9) There shall be a minimum of one on-site parking space for each three employees. There shall be no repairs conducted on the site. There shall be no string lighting, banners or pennants. All signs shall comply with the regulations of this chapter.
- (10) There shall be stacking for at least eight cars at the site.
- (11) Drainage plans and calculations prepared by a licensed engineer shall be submitted and approved by the Township Engineer.
- (12) A report shall be obtained from the Police and Fire Departments, and any recommendations in that report shall be considered by the Planning Board.
- (13) Notwithstanding any other section of this chapter, where a car wash abuts a residential use or residential ~~zone~~ district, there shall be a ten-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet high at planting.

L. Hospitals and nursing homes for the intermediate or long term care of human beings as regulated by state law, subject to the following standards:

- (1) Minimum lot size: four acres.
- (2) Minimum lot width: 400 feet.
- (3) Minimum lot depth: 400 feet.
- (4) Minimum front yard: 35 feet.
- (5) Minimum rear yard: 25 feet.
- (6) Minimum side yard: 20 feet.

(7) Maximum coverage: 35%.

(8) Maximum height: three stories; 35 feet.

(9) Off-street parking shall be provided in accordance with Article XIII of this chapter.

(10) Notwithstanding any other section of this chapter, where a hospital or nursing home abuts a residential use or residential ~~zone~~ district, there shall be a ten-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet high at planting.

M. Immediate care facilities, subject to the following standards:

(1) Minimum lot area: 40,000 square feet.

(2) Minimum lot width: 200 feet.

(3) Minimum lot depth: 200 feet.

(4) Minimum front yard: 25 feet.

(5) Minimum rear yard: as per zone requirements.

(6) Minimum side yard: as per zone requirements.

(7) Maximum coverage: 35%.

(8) Maximum building height: two stories; 25 feet.

(9) Parking: one space for each 200 square feet of total floor area.

(10) Notwithstanding any other section of this chapter, where an immediate care facility abuts a residential use of a residential ~~zone~~ district, there shall be a ten-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least six feet high at planting.

ARTICLE VIII Bulk, Height and Other Requirements (§ 700-46 — § 700-48)

§ 700-46 Schedule of Regulations as to Bulk, Height and Other Requirements.

A. The schedule entitled "Schedule of Regulations as to Bulk, Height and Other Requirements," hereto attached and made a part of this article, is hereby adopted and declared to be a part of this chapter and may be amended in the same manner as any other part of this chapter.

Editor's Note: The Schedule of Regulations as to Bulk, Height and Other Requirements is included at the end of this chapter.

B. The regulations listed in said schedule for each district are hereby adopted and prescribed for such district and, unless otherwise indicated, shall be deemed to be minimum requirements in every instance of their application, except as modified by the following special provisions:

(1) The required schedule regulations per Article VIII for the construction, alteration or addition of a one-family dwelling shall not apply to any lot having less than the required area or width at the time of the adoption of this chapter and held at that time in separate ownership from that of adjoining land, provided that the area and width of such existing lot shall be no less than 80% of the required minimum set forth in the Schedule of Regulations.

(2) Penthouses, stage towers, scenery lifts, elevators, bulkheads, clock towers, cupolas, water tanks and similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit for the district in which the building is located, provided that no such exception shall cover at any level more than 25% of the area of the roof on which it is located; provided, further, that no such exception shall be used for sleeping or housekeeping purposes or for any commercial purpose other than such as may be incidental to the permitted use of the main building.

(3) The height limitations of this chapter shall not apply to chimneys, church spires, belfries, standpipes, water towers, flagpoles, monuments or antennas or a satellite dish.

(4) Extensions of a structure into a required front or rear yard shall be permitted as follows:

(a) By cornices, canopies and similar extensions which are 10 feet or more above grade: one foot.

(b) By open, fireproof fire escapes: four feet, in rear yards only.

(c) By eaves: two feet.

(d) By any terrace or porch having its floor level no higher than the floor level of the first story of the building and having no railing or other member higher than three feet above floor level: six feet.

[Amended 12-7-2004 by Ord. No. 2862]

(5) Extension of a structure into a required side yard shall be permitted as follows:

(a) Same as permitted for extensions into required rear yards, except that no uncovered porch or terrace shall project more than three feet into any required side yard.

(6) In specified areas, the depth of front yards for one-family dwellings to be hereafter erected in an R-1, R-1A or R-1AA District and for one- or two-family dwellings to be hereafter erected in an R-2 District shall be as follows:

[Amended 8-10-2008 by Ord. No. 3068]

(a) In the area between two intersecting streets or between an intersecting street and the Township limit or between an intersecting street and a zoning district boundary ("intersecting streets," for the purpose of this section, are those which intersect the same side of the street on which the lot which is to be developed fronts), the depth of the front yard of a lot to be developed in the area shall not be less than the average depth of the front yards of other

buildings on the same side of the street, in the same zoning district and having frontage upon the same street, provided that 50% of the frontage of the lots in the same area is developed, but not less than the setback required for the district by the Schedule of Regulations.

(b) Where the distance from the lot to be developed to an intersecting street, Township limit or zoning district boundary exceeds 200 feet, only those lots within 200 feet on each side of the lot to be developed (on the same side of the street, in the same zoning district and having frontage upon the same street) shall be included in determining the average depth of a front yard. Where the distance on one side of said lot to be developed to an intersecting street, Township limit or zoning district boundary does not exceed 200 feet, such distance plus the 200 feet on the other side of said lot shall be included in determining the average depth of a front yard.

(c) In the above specified areas, the required depth of a front yard shall not exceed 50 feet.

(7) The required maximum lot coverage regulations for the alteration of or addition to a one-family or two-family dwelling shall not apply to any lot to the extent such lot coverage exceeds 35% prior to July 25, 1987.

(8) The required minimum side, front and rear yard dimensions for the alteration of or addition to a one-family or two-family dwelling, provided that the same do not increase the existing lot coverage and/or footprint of existing building outline, shall not apply to the extent that said side, front, and rear yard dimensions (meet or exceed the requirements for side, front and rear yards set forth in the Schedule of Regulations, prior to July 25, 1987) shall be no less than 80% of the required minimum set forth in the Schedule of Regulations.

[Amended 12-7-2004 by Ord. No. 2862]

#### § 700-47 Buffers.

A. A buffer shall consist of an area set aside primarily for the purpose of reducing the impact of commercial, industrial and parking lot activities on residential uses.

B. The minimum width of buffers shall be as follows:

(1) Parking and loading area buffers shall be in accordance with regulations of this chapter.

(2) For conditional use buffer, see § 700-44 of this chapter.

(3) Buffer areas shall be screened and/or landscaped in accordance with Chapter 600, Site Plan Review.

#### § 700-48 Landscaping of front yard for residence lots.

Any lot containing a residence for one or two families shall have at least 60% of the required front yard in landscaping. This area shall not be covered with paving, walkways or any other impervious surface. Landscaping may consist of grass, ground cover, shrubs and other plant material.

ARTICLE IX Garden Apartments (§ 700-49 — § 700-54)

§ 700-49 Computation of lot area.

For the purpose of computing the lot area, there will be disregarded bays or strips of land which would not be deemed to form a natural or material part of the lot upon which a garden apartment is erected, it being the purpose of these regulations to provide adequate light, air and access to such building.

§ 700-50 Location of principal buildings.

A. Each principal building shall have uninterrupted frontage upon a street or upon a court which in its least dimension shall be not less than twice the average height of the opposite bounding walls of the building fronting upon the court.

B. If the rear of any principal building shall be opposite any other principal building, it shall be distant therefrom not less than the width of a court, twice the average height of the opposite bounding walls.

C. The side of a principal building, if opposite the side of another principal building, shall be separated therefrom by a distance not less than the average height of the opposite walls, except that where two principal buildings front on a public street, the distance between them shall be not less than the width of a court, twice the average height of the opposite bounding walls.

D. An offset to a court or yard may be considered as a part of such court or yard, provided that the offset is not deeper in any part than it is wide on the open side and that such open side in no case shall be less than six feet wide.

§ 700-51 Maximum length of principal buildings.

No principal building shall exceed 160 feet in length in its longest dimension. No wall of a principal building nor the combined walls of two attached principal buildings running approximately parallel to a street shall exceed 100 feet in length.

§ 700-52 Prohibited front yard uses.

No front yard shall be used for service to the family dwelling units, such as clothes drying, automobile parking, storage, etc.

§ 700-53 Usable open space requirements.

There shall be provided on the garden apartment site usable open space at the rate of 400 square feet per dwelling unit in garden apartment buildings. For every dwelling unit containing three or more rooms, there shall be provided usable open space for outdoor play area for children at the rate of 50 square feet per dwelling unit. Such outdoor play area for children shall be not less than 25 feet in its least dimension and shall be reserved and maintained by the owner and may be suitably fenced or screen-planted. Such outdoor play area for children may be counted as part of the required usable open space per dwelling unit.

§ 700-54 Gross floor area.

A. The minimum amount of square feet of gross floor area per dwelling unit for a dwelling unit in a garden apartment shall conform to the following table:

Dwelling Unit Size	Minimum Gross Floor Area (square feet)
One-room or studio apartment	500
One-bedroom apartment	650
Two-or-more-bedroom apartment	650, plus 250 for each bedroom over 1

B. In each dwelling unit, every room over 69 square feet in area, except one kitchen and one living room, shall be considered a bedroom regardless of the designation of such room on the building plans.

C. For the purposes of this section, "gross floor area" shall be interpreted to mean all floor area within a dwelling unit, including interior and exterior walls and closets.

ARTICLE X Townhouses (§ 700-55 — § 700-66)

§ 700-55 Dimensions; distance between structures.

A. No townhouse structure shall exceed a measurement of 120 feet in its longest dimension.

B. The distance between townhouse structures shall be a minimum of 30 feet.

§ 700-56 Appearance.

The townhouse structure shall be designed to discourage the appearance of a barracks through the use of one or more of the following: staggered setbacks, variety of facade treatment, differing heights and variety of roof treatments or the equivalent.

§ 700-57 Setback.

The required setback along street frontages shall be maintained as open space and shall not be used for service of any kind such as vehicle parking, clothes drying or storage.

§ 700-58 Incinerators; refuse areas.

No incinerators shall be permitted in any townhouse district. Refuse areas containing dumpsters or compactors shall be provided in such number and locations and having such capacities as may be determined necessary by the Health Officer to adequately serve the health and welfare of the occupants of each group or groups of townhouses. Such refuse areas shall be effectively screened by decorative fencing or landscaping high enough to conceal the full height of the facility.

§ 700-59 Public utility facilities.

All public utility facilities, including but not limited to electrical and telephone wires, sewers and sewer connections and gas and water lines, shall be installed beneath the surface of the ground.

§ 700-60 Parking areas.

A. Parking area shall be provided in the amount of two parking spaces per townhouse unit. There shall be no parking area within 10 feet of a front lot line. Proper screening and landscaping shall be required of other areas located in the side and rear yards. In addition to the foregoing parking area requirements, additional parking area shall be provided for visitors in the amount of one parking space for each four dwelling units, which cannot be leased or sold.

B. All parking areas shall be lighted in such manner as to provide not less than one foot-candle of illumination at all times in all parts of such parking areas. All lighting shall be shielded and directed away from neighboring properties.

C. Parking spaces, if leased or sold, shall be leased or sold only to the tenants of the individual townhouses. If leased, the leasing fee shall be included in the unit rentals.

§ 700-61 Rights-of-way and access drives.

A. Widths of rights-of-way and construction of primary interior streets shall conform to the prevailing Township street standards for local streets (thirty-foot pavement). Parking for visitors may be permitted only on one side of primary interior streets.

B. Access drives shall be 12 feet wide for one-way traffic and 24 feet wide for two-way traffic. No parking shall be permitted on access drives.

§ 700-62 Lot coverage.

The coverage by the principal building shall be limited to 25% of the lot area. Accessory buildings shall be permitted to cover up to an additional 10% of the lot area. Parking areas and drives shall not be permitted to cover more than 30% of the lot area. At least 35% of the lot must be maintained as non-impervious surface.

§ 700-63 Basements.

The basement of each townhouse may be used for the location of utilities, storage, recreation room or garage and for no other purpose.

§ 700-64 Use of townhouses.

A. No townhouse or any part thereof may be used as and for professional or business office space by the occupant or by any other person or persons.

B. No townhouse may be used or occupied by more than one family.

§ 700-65 Recreation areas.

In any group or groups of townhouses, usable open space for outdoor play areas and for outdoor recreation shall be provided in the amount of 500 square feet per individual townhouse unit. Such required recreation space shall not be located in the required setback area nor within 10 feet of the side and rear property lines.

§ 700-66 Accessory buildings and structures.

The following accessory buildings and structures shall be permitted: accessory community facilities buildings for recreation purposes and meeting rooms only, which shall be designed and used exclusively to serve the townhouse occupants; garages not exceeding one story in height; and swimming pools and other recreational facilities, provided that all such accessory buildings and structures shall comply with setback requirements of § 700-67 of Article XI of the Zoning Code of the Township of Nutley.

ARTICLE XI Accessory Buildings, Uses and Fences (§ 700-67 — § 700-75)

§ 700-67 Accessory buildings and uses.

A. Detached accessory buildings and accessory uses may occupy in the aggregate an area not to exceed 30% of the area of any rear yard. The height of a detached accessory building shall be one story not to exceed 14 feet.

B. No detached accessory building or accessory use shall be located:

(1) Nearer than three feet or 1/2 the height of such building up to a distance of six feet, whichever is greater, to a side or rear lot line.

(2) Within 50 feet of the front lot line of the lot.

(3) Within six feet of a rear lot line that abuts a side lot line of a contiguous lot.

(4) Nearer to the side street line of a corner lot than the main building on the lot or, if an abutting lot to the rear faces said street line, then a distance equal to the depth of the front yard required on said lot to the rear, except in no case shall a garage on the corner lot and facing the side street be required to be set back more than 25 feet.

C. No detached accessory building shall be located nearer than 10 feet to a main building.

D. An attached accessory structure or accessory use shall be considered to be a part of the main building.

§ 700-68 Satellite dish antennas in rear yard.

A. Satellite dish antennas located in the rear yard only are permitted accessory uses, subject to standards of § 700-45C.

B. Transmitting dish in a residential zone or a residential use in a mixed use zone is not a permitted use, except for amateur radio operators licensed by the Federal Communications Commission at the licensee's authorized station location. The Planning Board is hereby authorized to grant a conditional use permit for such antennas subject to reasonable requirements, consistent with orders and opinions of the Federal Communications Commission concerning public health and aesthetics.

C. All applications for satellite dishes shall be accompanied by a certified survey map showing location, setbacks, height, size, type of construction and direction of orientation of the dish.

§ 700-69 Small satellite dish antennas.

A small satellite dish, as defined in § 700-3, is permitted as an accessory structure attached to a principal building, subject to the following:

A. The small dish shall be mounted on any roof in conformance to FCC regulations or wall surface which does not face a street, except that where, in the opinion of the Zoning Officer, such a placement does not permit reasonable reception, the small dish may be mounted on a roof surface which faces a street. No satellite dish (larger than one meter) as defined in this chapter shall be permitted on a residential lot for a satellite earth station antenna.

§ 700-70 Medium satellite dish antennas.

A medium satellite dish, as defined in § 700-3, is permitted in a nonresidential zone as an accessory structure attached to and used only by that principal building, but nonresidential use, and subject to the following:

A. Installation shall be done by a qualified professional installer.

(1) The location will be such that RF radiation shall not exceed federal health and safety agencies standards beyond the lot line.

(2) The transmitting stations shall have clear signage marked with a warning of RF danger and indicate the danger area.

(3) A copy of the specifications of unit, plus direction and distance that RF radiation will emanate from the unit shall be filed with the Code Enforcement Department.

(4) A letter certifying the measured RF radiation at the lot line directly in front of the sending unit will be supplied to the Code Enforcement Office prior to issuance of a certificate of occupancy.

#### § 700-71. Fences and retaining walls

The yard requirements in this chapter shall not apply to fences and retaining walls. The height and other requirements pertaining to fences and retaining walls shall be as herein set forth.

- A. No fences of any type shall be permitted in any front yard.
- B. A fence erected along the side lines from the front line of a main structure to the rear line of such structure and within such lines shall not exceed four feet in height and shall be not less than two feet in height and shall be of 50% open construction (i.e., the open spaces in the fence shall be at least the same width of each picket, slat or other construction element of such fence). The setback for any such fence shall be in line with the furthest setback of the adjacent property or the property upon which the fence is being erected, whichever setback is greater.
- C. A fence erected along the side lines from the rear line of a main structure to the rear property line and along said rear property line and within such lines shall not exceed six feet in height and not be of solid construction. A stockade fence is hereby deemed to be of solid construction.
- D. A fence erected on any corner lot shall conform to the fence requirements for the adjoining properties.
- E. If, by the application of the provisions of this chapter, because of the location or position of any interior lots, the owners of lands along a common boundary line are restricted to the erection of fences of one or the other of two maximum heights, then, in such case, notwithstanding such provisions, all owners along said common boundary line shall be permitted to erect a fence of the greater maximum height, provided the fence so erected is the kind or type required by the provisions of this article.
- F. No permit shall be issued for the construction of any fence, the apparent purpose of which is to obstruct light and air in relation to adjoining property for any fence which shall constitute a hazard, including but not limited to spike, barbed-wire, electrical fences and "spite" type fences. A spite-type fence is any fence that creates a detrimental impact on adjacent surrounding property owners, such as increased restricted use of a vehicle, creates a safety risk or potential motor vehicle damage.
- G. The finished side of the fence, as determined by the Construction Official, shall face toward the direction of the adjoining properties.
- H. Notwithstanding the foregoing, a stockade fence with no open construction may be erected in accordance with the location and height limitations contained in Subsection C hereof if the written consent of the adjoining property owner or owners is filed with the Construction Official.

- I. Notwithstanding the foregoing, fences in all zones other than residential zones shall not exceed eight feet in height, and front yard fences shall also be permitted in such nonresidential zones, not including residential uses, subject to all other provisions of this chapter not inconsistent herewith.
- J. All fences erected in a residential zone shall be located a minimum of four inches (4") in from the property lines for fences that require a foundation. At no time can a fence either above or below ground encroach on the adjacent property.
- K. Temporary fences such as snow fences, silt fences, garden fences and construction fences do not need permits.

§ 700-72 Fees.

Fees shall be as per construction permit fee schedule.

§ 700-73 Effect of provisions.

The provisions of this article shall be superseded or supplemented by more stringent requirements relative to swimming pools and screening as specified elsewhere in this chapter and Chapter 600, Site Plan Review.

[Amended 10-1-2013 by Ord. No. 3249]

§ 700-74 Appeals; fee.

[Added 12-4-2007 by Ord. No. 3037]

Application for appeal from the decision of the Construction Official shall be made to the Zoning Board of Adjustment in accordance with the provisions of § 85-17 of the Code of the Township of Nutley, except that notice of appeal shall be filed, in writing, within 20 days of receipt of the decision of the Construction Official, and the fee for such appeal shall be \$75. The Zoning Board of Adjustment is hereby granted power and authority to hear and decide appeals for relief from the application of this chapter under standards and procedures contained in Chapter 700 or Chapter 85 of the Code of the Township of Nutley.

§ 700-75 Corner sight clearance.

On every corner lot within the triangle formed by the street lines on such lot and a line drawn between points on such lines at the distance from their intersection specified below, there shall be no fence or wall higher than 2 1/2 feet nor any other obstruction to vision other than a post, column or tree not exceeding in cross section one square foot or one foot in diameter between a height of three feet and a height of 10 feet above the established grade of either street.

- A. For a lot having an interior angle of 90° or more at the street corner thereof: 20 feet.
- B. For a lot having an interior angle of less than 90° at the street corner thereof: 20 feet plus one foot for every 10 feet or major fraction thereof by which such interior angle is less than 90°.

## ARTICLE XII Signs (§ 700-76 — § 700-90)

### General Provisions.

Purpose. The attractiveness of the Township of Nutley (the "Township") contributes to the general welfare and economic well-being of its citizens, property owners and business enterprises. The reasonable control of signage promotes a desirable visual environment and enhances public safety. The purposes of the regulations and standards that follow are:

- A. To encourage the effective use of signs as a means of communication,
- B. To maintain and enhance the aesthetic environment and the Township's ability to attract beneficial sources of economic development,
- C. To improve pedestrian and traffic safety,
- D. To attempt to minimize the possible adverse effect of signs on nearby public and private properties values,
- E. To prevent unnecessary and dangerous vehicular traffic distractions,
- F. To enable fair and consistent enforcement of these regulations. This section is adopted under the zoning authority of the Township in furtherance of the more general purposes set forth in this chapter.

### Applicability.

The effect of this section, as more specifically set forth herein, is:

- A. To require the continuation of the Township's existing permit system to allow a variety of types of signs subject to the standards and the permit procedures of its local ordinances;
- B. To allow certain signs that are small, unobtrusive and incidental to the use of the respective buildings on which they are located, subject to the requirements of this chapter, but without a requirement for permits;
- C. To provide for temporary signs without commercial messages in limited circumstances; and
- D. To prohibit all signs not expressly permitted by this chapter.

### Exempt Signs.

The following signs shall not require a sign permit to be issued by the Township for their installation and shall be permitted as follows:

- A. Temporary civic, cultural and public service window posters, when posted inside windows of commercial establishments, provided they are only permitted in one window per establishment and do not, individually or combined, occupy more than 20% of the total area of said window or 5 square feet, whichever is less. Temporary window signs

are permitted on ground-floor windows only. Temporary civic, cultural and public service banners shall also be permitted to be posted on areas designated by the Township of Nutley Public Works Department as public areas. Any such banner shall comply with the requirements of this ordinance and may be erected up to two (2) weeks prior to the advertised event and must be removed ***no later than five (5) days*** following the advertised event.

- B. Temporary promotional or special sales signs in windows of a commercial establishment when advertising that commercial establishment, provided they do not, individually or combined with other window signs, exceed 50% of the total area of the display windows, ~~or 16 square feet, whichever is less.~~ Temporary signs advertising a business opening or change in ownership of a commercial establishment, located on the premises of the commercial establishment, are also permitted, provided such signage ~~is placed in only one window per establishment per street frontage and does not exceed 50% of the window, or an area of 16 square feet, whichever is less.~~ All temporary signs shall have the date of installation printed clearly on the lower right-hand corner, as viewed from the exterior, and shall be permitted for a period not to exceed 30 days. Temporary promotional signs are permitted on ground-floor windows only. When more than one establishment is located at a single street address, the aggregate size of the signs for all establishments permitted by this subsection shall not exceed 50% of any one window, ~~or 16 square feet, whichever is less.~~
- C. Temporary signs of a nonprofit or charitable organization located on the premises of such organization, provided such signs shall not exceed one per premises per event and do not exceed 32 square feet in area. Said signs shall be put in place no earlier than 60 days before the event and shall be removed within five (5) days after completion of said event.
- D. One bulletin board sign not exceeding 12 square feet in surface display area shall be permitted for a house of worship or private, public and parochial schools, provided that, if not attached to the facade of the building, it shall be located no closer than 10 feet to the street line and not exceeding five feet in height. Such signs may be illuminated by direct exterior lighting, provided that the latter is so screened that light is not directed or reflected toward any adjacent residence or street.
- E. Incidental signs, and signs posting property as "private property", "no trespassing" or similar signs, which do not exceed 2 square feet in area. No such signs shall be neon signs. No property or structure shall contain more than five (5) incidental signs.
- F. Temporary signs denoting the architect, engineer or contractor, when placed upon the site under construction, provided such signs shall be limited to one sign per site and shall not exceed 16 square feet in area per sign face. Signs shall be located not less than five feet beyond the front property line; shall not be illuminated, and shall be limited to a time period of 30 days from the start of said services. Contractor signs are allowed in all zoning districts and shall require a permit.
- F. Flags or emblems of religious, educational, civic or governmental organizations flown from supports on the building or grounds occupied by the organizations and the American flag, wherever flown in accordance with the laws and rules promulgated by the federal government.

- G. All signs located within buildings that are not visible to the public from the outside of said building.
- I. Banners and flags used to signify a "Grand Opening" or special occasion, provided such banners and flags which shall require a permit may be erected up to two (2) weeks prior to the event and are removed within 30 days of the date first erected.

Prohibited signs.

The following signs shall be prohibited:

- A. Fluorescent signs.
- B. Neon signs or lighting, except when used in a window to advertise a particular product sold by the establishment seeking to install the sign, which shall be limited to no more than two such signs per street frontage.
- C. Marquee signs, except for uses that typically utilize such signs.
- D. Signs on roofs, dormers and balconies.
- E. Billboards, billboard signs or. No sign otherwise lawful under this section shall be prohibited because of this provision.
- F. Signs mounted upon the exterior side or rear walls of any building or structure, except as otherwise permitted hereunder.
- G. Animated, moving or revolving signs and signs using blinking, flashing, vibrating, flickering, tracer or sequential lights, which display movement or the illusion of movement, including interior signs visible from the exterior of the premises, except for clocks, temperature displays, or signs commonly known as barber poles used in conjunction with barbershops.
- H. Changeable message signs, except when utilized in connection with municipal, Township school or houses of worship property.
- I. Signs erected, painted or composed of fluorescent, phosphorescent or similar material.  
  
Banners, strings of banners and pinwheels, strings or streamers of flags, pennants, spinners or other similar devices strung across, upon, over or along any premises or building, whether part of a sign or not. . These items shall not be affixed to public service utility pole, telephone utility pole or any other pole, street sign, traffic signal pole, tree or installation on or along any public street, public right-of-way or any other public property. or on any public building.
- J. Balloons and inflatable signs.

- K. Signs attached to vehicles. It shall be unlawful to use a vehicle or a trailer to display a sign in circumvention of this section. Printed signage on the sides of commercial vehicles shall not be precluded hereunder.
- L. A-frame signs, except as permitted herein.
- M. Signs painted on the exterior walls or facade of a building.
- N. Signs on accessory buildings or structures.
- O. It shall be unlawful for any person to erect, locate, relocate or maintain any sign which falsely identifies the premises or occupant of any premises or building, or which falsely advertises for sale on any premises or in any building any product or service not available therein.
- P. Whenever there is a change in occupancy of a building or premises, including any vacancy of such building or premises, the message of any sign or signs which identify or advertise an individual, business, service, product or other item that is no longer present or available in the building or on the premises, and any attendant or incidental supporting framework or signage structure shall be promptly removed.
- Q. Any other type of sign not otherwise permitted.
- R. Pylon Signs - Any business sign supported by uprights, braces or masonry wall which is attached to the ground and is not attached to any building, exceeding 5 feet in height to the top of the sign. Pylon signs are prohibited in all zones. An example of a pylon sign is a gas station sign

#### Lighting and illumination.

Any sign permitted by the provisions of this chapter may be illuminated as permitted in this section, except that real estate signs shall be non-illuminated. Signs may be externally illuminated, provided that they comply with the following standards. For the purpose of administering this section, an "internally illuminated" sign shall be defined as a sign that is illuminated by a light source that shines through the letters or logos from the back of the sign. "externally illuminated" signs shall be defined as signs that are illuminated by a light source that shines directly on the surface of a sign or which shines on the wall upon which applied letters are installed, and which light source is designed specifically to illuminate only the sign or applied letters.

- A. Internally Illuminated Signs - Internally illuminated signs are allowable
- B. Externally Illuminated Signs. - Externally illuminated signs shall only be permitted where the sources of illumination are shielded in such a manner that light is not directed to the street or adjoining property.
- C. No sign shall be lighted by means of flashing or intermittent illumination.
- D. Floodlights or spotlights used for the illumination of signs, whether or not such lights are attached to or separate from the building, shall not project light beyond the sign.

Gooseneck reflectors and lights shall be permitted; provided, however, that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

- E. In no instance shall the light intensity of any illuminated sign exceed 75 foot-candles measured with a standard light meter measured at any point in front of the sign at a distance that is no greater than the smallest horizontal or vertical dimension of said sign.
- F. All sign lighting shall be turned off no later than 30 minutes after the closing, except signs in residential zones shall not be lit beyond 10:00 p.m.

#### A-frame signs

A-frame signs shall be permitted as follows:

- A. The area of each signboard, single-sided, does not exceed six square feet;
- B. The signboard is constructed of building compatible material;
- C. Letters are painted, vinyl die cut or legibly handwritten;
- D. The sign shall not be located within the County, State or Township right-of-way, and sidewalks, and its location does not interfere with pedestrian or vehicular circulation;
- F. The information displayed is limited to daily specials and/or hours of operation; and
- G. The sign is removed at the end of the business day.
- H. No more than one (1) A-frame sign shall be permitted for use in connection with any structure

#### § 700-76

Signs in R-1A, R-IAA, R-1, R-2 and R-3 Zoning Districts.

In R-1 A, R-1 AA, R-1, R-2 and R-3 Zoning Districts, no sign shall be permitted except the following: a nameplate sign bearing the name of the residence or professional person residing on the premises and, in the case of a professional person, indicating his profession, provided that such sign shall not exceed 1 and 1/2 square feet in area; a temporary sign not exceeding 12 square feet in display area pertaining to the lease or sale of the lot or buildings on which it is placed. Not more than one nameplate for each dwelling unit or more than one "for sale" sign per lot shall be permitted. In single-structure multifamily dwellings, one identification sign shall be permitted for each multifamily dwelling. Such sign shall be a facade sign or a ground sign limited to eight square feet in area. If a ground sign, the sign shall be no higher than five feet above the ground and shall be set back 18 feet from the front property line.

Signs in B-1 and B-2 Zoning Districts.

- A. In Zoning Districts B-1 and B-2, no sign or any portion thereof shall be permitted except the following business signs:

- 1) Flat signs which shall not project more than nine inches beyond the building facade.
- 2) Any illuminated flat signs, which shall not project more than nine inches beyond the building facade.
- 3) Projecting signs provided same are designed of material compatible with the building to which it is affixed and is no greater than two (2) feet x three (3) feet if four sided or thirty – six inches (36”) in circumference if circular or oval in shape.

B. The permitted total surface display area of business signs for a premises shall not exceed, in number of square feet, the figure produced by the application of the following formulas:

- 1) For premises not located on a corner lot, the maximum signage surface area shall be no greater than the building frontage width in linear feet multiplied by a factor of 1 ½.

$$\text{Building Width} \times 1.5 = \text{Maximum Square Footage}$$

- 2) In the case of a corner lot, such square foot display area may be increased by the number of square feet equal to 1/3 of the product obtained by multiplying the number of linear feet in the length of the building that faces the secondary street by 1 ½. The increased display area shall only be utilized by the erection of a permitted sign on that part of the premises which fronts the secondary street on the corner lot.

Secondary Street

$$\frac{\text{Building Length}}{3} \times 1.5 = \text{Maximum Square Footage for Corner Lot Secondary Street Display}$$

- 3) For premises on a lot abutting a public parking lot, the maximum permitted signage surface area shall be no greater than the building frontage width in linear feet for the primary street multiplied by a factor of 1 ½, plus the sum of the building frontage width in linear feet for the section abutting the public parking lot multiplied by a factor of 1 ½, then multiplied by a reduction factor of one third ( 1/3) which said increased display area shall only be utilized by the erection of a permitted sign on that part of the premises which abuts said public parking lot.

Building Width fronting

$$\frac{\text{Public Parking}}{3} \times 1.5 = \text{Maximum Square Footage for Building Side Display Abutting Public Parking Lot}$$

C. In no event shall the maximum display area for a premises exceed 150 square feet.

**Signs in B-1, B-2, B-3, B-3A, B-4 and M-O Zoning Districts.**

A. In Zoning Districts B-3, B-3A, B-4 and M-O, no sign or portion thereof shall be permitted except the following business signs:

- 1) Signs permitted in B-1 and B-2 Districts.
- 2) Ground signs not exceeding five feet in height, which shall not be erected within five feet of any property line and which shall have a maximum display area not exceeding 25 square feet.

B. The permitted total surface display area of business signs, including ground signs, shall be the number of square feet determined by the application of the formula set forth above, including the exception for a corner lot and the exception where premises abut a public parking lot. In no event shall the maximum display area for a premises exceed 150 square feet. The total surface display shall include both sides of a double-faced sign.

**Signs in M and M-1 Zoning Districts.**

In Zoning Districts M and M-1, the controls governing signs shall be the same as those for the B-3, B-4 and M-O Zoning Districts, except that in no event shall the maximum display area for a premises exceed 200 square feet.

**Private schools, clubs and permitted institutional uses.**

Private schools, clubs and permitted institutional uses may identify themselves with one nameplate sign not exceeding nine square feet of surface display area, provided that, if the sign is not attached to the facade of the building, it shall be set back from the street line a distance of 18 feet.

**Garden apartment and townhouse developments.**

Bulletin board directory signs not exceeding 12 square feet of surface display area shall be permitted in garden apartment and townhouse developments, provided that only one such sign shall be maintained for each street frontage upon which the garden apartment or townhouse development fronts, that such sign or signs shall be set back from the street line a distance of 18 feet and that only backlighting shall be used to provide artificial illumination.

**Termination of business.**

At the termination of a business, commercial or industrial enterprise, all signs pertaining thereto shall be removed from the public view within 30 days from the date the premises are vacated. Removal shall include the face of the sign and any framing, brackets or supports. Any replacement signs shall require new sign permits. Responsibility for violation shall reside with the property owner, according to the latest tax roll's listing.

### **Location of signs using the colors red, amber or green.**

Signs in which the colors red or amber or green are used in direct illumination or in high reflection by the use of special preparations such as fluorescent paint or glass shall not be located within 100 feet of any approved traffic light or other safety device using red or green.

### **Required signature on signs.**

All applications for signs herein permitted shall be signed by the owner of the property or his authorized or designated agent.

### **Political signs.**

- A. For purposes of this section, the term "political signs" shall be defined as signs advancing the candidacy of any candidate or group of candidates for public office; and any such signs posted or displayed on licensed motor vehicles in operating conditions; provided, however, that no such vehicle is parked or placed in any location for the primary purpose of displaying any such sign, it being the intention of this section to eliminate the distracting or unsightly condition created by the parking or standing of motor vehicles bearing signs at or adjacent to trafficked areas for the purpose of displaying such sign.
- B. Restrictions. [Amended 3-16-2008 by Ord. No. 30541~~1~~]
  - 1) No political sign shall be permitted on any public service utility pole, telephone utility pole or any other pole, street sign, traffic signal pole, tree or installation on or along any public street,[or] public right-of-way or any other public property. or on any public building.
  - 2) Any political sign erected on a vacant lot shall conform to the square foot limitations of political signs in the zone in which it is located and be set back from the street at least 10 feet, and there shall be no more than five political signs placed on any vacant lot or property.
  - 3) Political signs in R-1A, R-1AA, R-1, R-2 and R-3 Zoning Districts shall not exceed four (4) square feet for each sign set at least 15 feet back from the property. No permit shall be required for any political sign in these zones.
  - 4) Political signs in B-1, B-2, B-3, B-3A, B-4, M-O, M and M-1 Zoning Districts shall not exceed sixteen (16) square feet and shall meet the setback requirements for temporary signs in those districts where the signs are posted. Each candidate shall be limited to twelve (12) signs in these zones (exclusive of signs at a designated campaign headquarters) located in the Township for which a permit shall be required. The number of signs on each property in these zones will be limited to the number of public offices available for each category. For example: if three Board of Education Seats are up for election ,three signs would be permitted regardless of the number of candidates.

- 5) Any privately owned building or part thereof designated and serving as the campaign headquarters of any candidate or groups of candidates for election for public office, shall be permitted one or more signs not exceeding a total of thirty (30) square feet cumulatively in B-2, B-3, B-3A, B-4, M-O, M and M-1 Zoning Districts or a total of sixteen (16) square feet cumulatively in R-1A, R-1AA, R-1p R-2 and R-3 Zoning Districts.
- 6) No such sign shall be erected, posted or displayed more than 30 days prior to the date of the election to which such sign pertains, and any such sign shall be removed not more than five calendar days after the date of such election.
- 7) Political Billboards are prohibited.

#### **Awnings and awning signs.**

- A. Awnings are permitted in all zoning districts.
- B. Awning signs shall be permitted only in Zoning Districts B-1, B-2, B-3, B-3A, B-4, M, M-O and M-1o
  - 1) Awnings and awning signs which are located in a zoning district wherein awning signs are permitted shall be subject to the following minimum design standards:
    - a. Awnings and awning signs shall project no more than three feet from the facade of the building to which they are attached, but not farther than the awnings on the same side of the street within 200 feet on either side.
    - b. Awnings and awning signs or any other type of projecting sign which projects over a street right-of-way shall be subject to an indemnification and hold harmless agreement between the store or the property owner and the Township, in a form acceptable to the Township, such that the Township is not held responsible for the loss of or damage to property or injury to persons occurring in or about the premises of the property owner by reason of installation and presence of said awnings.
    - c. Any lettering or logos displayed on the awning sign shall be included in the permitted surface display area established in Article XII of this chapter.
    - d. The lettering or logos on awnings shall represent no more than 35% of the total permitted surface display area for signs for the subject premises.
    - e. No lettering or logo is permitted on the side of the awning.

- f. Awnings that are lit by external lights that are intended to highlight the awning and are not for security reasons shall be considered an awning sign.
- g. Segmented lighting on an awning sign shall be prohibited.
- h. The surface display area of an awning sign shall include the area that has any lettering or logos displayed and any area which is lighted internally or externally, whether or not the lighted area has lettering or logos.
- i. The minimum height above the sidewalk for awnings and the awning signs shall be at least seven feet six inches at the lowest point of the awning, but not higher than the awnings on the same side of the street within 200 feet on either side. Awnings signs shall not extend over the second story, nor over 12 feet six inches above grade, whichever is less.
- j. Awnings and awning signs shall meet all requirements of the Uniform Construction Code.
- k. Awnings shall be limited to: tan, brown, hunter green, Navy blue, black, maroon.

**Signs-Old Towne District.**

- A. In addition to all signage permitted in B-1 and B-2 Zoning Districts, the following signs shall also be permitted in the Old Towne District:
  - 1) "A"-frame signs;
  - 2) Projecting signs provided same are designed of material compatible with the building to which it is affixed and is no greater than two (2) feet x three (3) feet if four sided or thirty-six inches (36") in circumference if circular or oval in shape.

For the purpose of this section, the term "Old Towne District" shall mean, that area of the Township (i) on Passaic Avenue from Chestnut Street to Nutley Avenue and (ii) on Chestnut Street from Park Drive to Passaic Avenue.

[Amended 1-24-2014 by Ord. 3274]

**ARTICLE XIII Parking Spaces and Loading Berths (§ 700-91 — § 700-102)**

§ 700-91 Schedule of minimum required parking spaces.

A. No building or premises shall be used nor shall any building be erected nor shall any building be altered so as to expand its usable floor area unless there is provided parking spaces upon the same premises upon which the use or building is located, or as provided for in § 700-45H in accordance with the following schedule:

<b>Type of Use</b>	<b>Minimum Required Parking Spaces</b>
Single-family dwelling	2, at least one space must be in a garage if garage attached
Two-family dwelling	4, at least one space must be in a garage if garage attached
Multifamily dwelling	1 1/2 for each dwelling unit, except 2 for each dwelling unit of 2 or more bedrooms
Multifamily dwelling for senior citizens	1 for each 2 dwelling units
Banks and savings institutions	1 for each 300 square feet of total floor area
Retail stores and service establishments, except as noted below	1 for each 200 square feet of total floor area
Retail food markets with over 3,000 square feet of total floor area	1 for each 200 square feet of total floor area
Retail stores in B-3 and B-3A <del>Zones-Districts</del> on first floor only	1 for each 200 square feet of establishment, except if the lot size is less than 20,000 square feet, no parking is required
Service Establishments (Personal and Household)	1 for each 200 square feet of establishment, except if the lot size is less than 20,000 square feet, no parking is required
Retail printing and copier service	1 for each 200 square feet of total floor area
Offices	1 for each 300 square feet of total floor area
Restaurants and bars	1 for each 10 seats, to be based on maximum seating capacity
Bowling alleys	3 per alley
Place of public assembly	2 for each 5 persons of maximum capacity

<b>Type of Use</b>	<b>Minimum Required Parking Spaces</b>
	as permitted by the Uniform Construction Code
Public, private and parish schools	3 for each 2 classrooms or, if an auditorium or gymnasium is part of the school, spaces as required by place of public assembly above
Houses of worship	1 for every 50 square feet of seating area
Funeral home	10 for each parlor
Nursing homes	1 for each 3 beds, plus 1 of each 3 employees on maximum working shift
Hospitals	1 for each 2 beds, plus one for each 3 employees on maximum working shift, plus one for each doctor on staff
Bus and railroad passenger stations	1 for each 100 square feet of total platform and station area
Automobile sales rooms	1 for each 1,000 square feet of sales area, plus 1 for each 500 square feet of auto service area, plus 1 for each 300 square feet of office area
Repair garages and automobile service	1 for each 500 square feet of total floor area
Auto body shops	1 for each 250 square feet of total floor area
Factories and laboratories	1 for each 4 employees, but in no case less than 1 for each 1,000 square feet of total floor area
Warehouses	1 for each 4 employees, but in no case less than 1 for each 3,000 square feet of total floor area
Amusement devices as principal use	1 for each device
Uses not listed above	According to that category which most nearly approximates the use

<b>Type of Use</b>	<b>Minimum Required Parking Spaces</b>
More than 1 use on a premises	The sum of the component requirements

B. In addition to parking requirements for each use specified above, off-street parking in nonresidential zones shall be provided for each service or delivery vehicle used by the occupant of the property (excluding B-3A ~~Zone~~ District, none required).

C. In addition to parking requirements for each use specified above, no more than 20% of the parking requirement may consist of compact spaces with minimum dimensions of seven and one half (7.5) feet in width and fifteen (15) feet in length.

**§ 700-92. Off-premises parking.**

**Parking spaces required by this chapter may be provided in certain districts on premises other than those upon which the use is located as a ~~conditional use granted by the Planning Board~~ - Construction Official as provided in § 700-45H.**

§ 700-93. Reduction of required off-street parking spaces.

Required off-street parking space shall not be reduced or encroached upon in either of the two following circumstances only:

- A. Such space may be reduced by the amount to which other off-street parking space is provided for the use or uses involved, satisfying the requirements of §§ 700-91 and 700-92 of this article.
- B. Such space may be reduced by such amount as may be justified by a reduction in the need for such space by reason of a reduction in the size or change in the nature of the use to which such space is appurtenant.

§ 700-94. Additional regulations on off-street parking for one- and two-family dwellings.

A. Notwithstanding any other section of this chapter, no front yard of a lot upon which is located a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the front yard. Similarly, in the case of corner lots, no side yard facing a street on a lot upon which is located a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the side yard. The use of a driveway for the parking of motor vehicles shall be subject to the following limitations:

- (1) Front yard. The driveway shall consist of the area directly opposite to an attached garage, detached garage or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet. However, if there is no garage and no available side yard, a driveway not to exceed 16 feet in width from the side lot line may be constructed.

(2) Side yard of corner lots. The driveway shall consist of the area directly opposite and adjacent to an attached garage, detached garage or depressed garage or the extension of the rear yard into the side yard which abuts a street. However, if there is no garage and no available rear yard, a driveway not to exceed 16 feet in width from the rear lot line may be constructed.

(3) Each property shall not have more than one driveway and one curb cut. Curb cuts are subject to the following standards:

(a) Curb cuts in R-1, R-1A, R1-AA R-2 and R-3 Districts shall not exceed 16 feet in length.

(b) Curb cuts in all other districts shall not exceed 20 feet in length.

~~Each property shall not have more than one driveway and one curb cut approved by the Township. Curb cuts are subject to the following standards:~~

~~(a) A curb cut for a one-car garage shall not exceed 12 feet in length.~~

~~(b) A curb cut for a two-car garage shall not exceed 16 feet in length.~~

~~(c) In no case shall a curb cut exceed 20 feet in length.~~

§ 700-95. Off-street parking accessory to professional office or home occupation.

Off-street parking area accessory to a professional office or home occupation located in a one- or two-family dwelling and off-street parking areas accessory to a multifamily dwelling shall not be located in the front yard or side yard abutting a street. The minimum setback of off-street parking area from any other lot line shall be five feet.

§ 700-96. Location of off-street parking for other uses.

Except for uses specified above in §§ **700-94** and **700-95**, parking and loading areas located in any front yard or side yard abutting a street shall not be permitted within 10 feet of the right-of-way line of a street. The minimum setback of off-street parking and loading area from any other lot line shall be five feet. The five-foot parking and loading area setback need not be provided between properties which have common access and/or common parking areas.

§ 700-97. Parking lot landscaping.

All parking lots of over 20,000 square feet in area shall have at least 5% of the area within the parking lot devoted to landscaping, including shade trees. Such areas shall be not less than five feet in least dimension and shall be located between, within or at the ends of parking rows. The use of low maintenance native vegetation, which requires less fertilizer and watering, is encouraged.

§ 700-98. Buffer for parking areas.

Where any parking or loading area adjoins a lot in any R District, a landscaped buffer strip at least six feet in width containing plantings at least ~~three~~ six feet high shall be provided.

§ 700-99. Permitted commercial vehicles.

No commercial vehicle or truck having lettering exceeding three inches in height, having racks, platforms, ladders or other equipment affixed thereto shall be parked in a residential zone between 10:00 p.m. and 7:00 a.m. except in a completely enclosed garage. Any lettering on a permitted commercial vehicle shall contain only the information required by state law.

§ 700-100. Prohibited commercial vehicles.

The following types of commercial vehicles shall not be parked or stored in a residential zone: tractors and/or trailers, step vans, dual-wheel vehicles, tow trucks, trucks, buses, dump trucks, flatbed trucks, backhoes, front-end loaders and construction equipment of any kind.

§ 700-101. Trailer and boat parking and storage.

- A. Open parking and storage prohibited; storage on private premises. No person shall park or store any camper, trailer or boat in the open or on any street, highway or other public place within the Township of Nutley or on any lot or tract of land therein, except that a camper, trailer or boat may be parked or stored by the owner thereof in a garage or behind his dwelling house in that 1/2 of the rear yard closest to such dwelling, and then only in such fashion that no part of such camper, trailer or boat shall project beyond the walls of the dwelling nor above the highest point of the lowest roof thereof. No camper, trailer or boat while stored or parked as permitted in this section shall be occupied or used for living, sleeping or housekeeping purposes.
- B. Emergency or temporary parking or storage. Emergency or temporary parking or stopping of a camper, trailer or trailed boat is permitted on any driveway, street or highway within the Township of Nutley for not longer than two hours, subject, however, to any other further prohibitions or limitations imposed by the traffic and parking regulations for that street or highway.
- C. Parking or storage on corner lots; occupancy as dwelling prohibited. In the case of corner lots, a camper, trailer or boat may be parked or stored by the owner thereof behind his dwelling house in that 1/2 of the rear yard closest to such dwelling, or if the side yard is larger than the rear yard, the camper, trailer or boat shall be parked or stored by the owner thereof adjacent to his dwelling house in that 1/2 of the side yard closes to such dwelling, and then only in such fashion that no part of said camper, trailer or boat shall project beyond the walls of the dwelling nor above the highest point of the lowest roof thereof. No camper, trailer or boat while stored or parked as permitted in this section shall be occupied or used for living, sleeping or housekeeping purposes.

§ 700-102. Schedule of minimum loading spaces.

A. No building or premises shall be used nor shall any building be erected or reconstructed, nor shall any building be altered so as to expand its usable floor area unless there is provided off-street loading space in accordance with the following schedule:

<b>Type of Use</b>	<b>Minimum Required Loading Spaces</b>
Garden apartment or multifamily dwelling	1 for each development of 50 or more units
Retail commercial uses	1 for each 10,000 square feet of floor area or major fraction thereof, but in no case less than 1 per building of 2,000 square feet of floor area or more
Retail stores in B-3 and B-3A <del>Zones-Districts</del> only	1 for each lot, except if the lot is less than 20,000 feet, none required
Other business and commercial uses, places of public assembly and schools	1 per building of 2,000 square feet of floor area or more
Manufacturing, industrial and warehouse uses, for each principal building	1 for each 5,000 square feet of total floor area, or fraction thereof, plus one for each 10,000 square feet of total floor area or fraction thereof in excess of the first 10,000 square feet

B. Each loading space shall be at least 12 feet wide, 56 feet long and 14 feet high, except that, in the case of establishments which demonstrate to the satisfaction of the approving body or office that no deliveries will be by trailer or semitrailer trucks, each loading space shall be at least 10 feet wide and 25 feet long or of such larger dimension as will accommodate the expected delivery or service vehicles.

[Amended 7-5-2013 by Ord. No. 3014]

ARTICLE XIV Wireless Telecommunications Facilities (§ 700-103 — § 700-110)

§ 700-103 Purpose.

This article is designed to create the opportunity to locate state-of-the-art wireless telecommunications facilities in areas which, in the opinion of the Township, there will be no appreciable impact on the residential character of the community nor will they encroach on the reasonable expectations of the residents of the Township, and their homes and personal safety remain protected. The intent of this article is to limit the location of such facilities to areas which

are both acceptable to communications companies wishing to provide service and consistent with the above objectives; to ensure that competition is fostered among local wireless service providers; to ensure that opportunities for economic development are created; and to ensure that the local government benefits from the services offered by telecommunications providers. The intent and purpose of this article is supported by the Township Master Plan and advances the goals and objectives outlined therein. The overriding objective of this provision is to ensure that the public health, safety and welfare is safeguarded and that the following purposes of the Municipal Land Use Law as set forth at N.J.S.A. 40:55D-2 are advanced:

- A. To secure safety from fire, flood, panic and other natural and man-made disasters.
- B. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- C. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
- D. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- E. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the state and to prevent urban sprawl and degradation of the environment through improper use of land.
- F. To encourage coordination of the 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.

#### § 700-104 Utilization of Township land and buildings.

Land and buildings and other structures owned by the Township of Nutley may be utilized for the placement of wireless telecommunications facilities, provided that:

- A. The wireless telecommunications facility is located on the land, buildings or other structures owned by the Township of Nutley; and
- B. The Board of Commissioners of the Township of Nutley consents to the location of the facilities, said consent being evidenced by the execution of a license agreement between the municipality and the provider of telecommunications services.

#### § 700-105 Bulk standards.

An applicant desiring to construct a wireless telecommunications tower shall satisfy the following bulk standards:

A. Minimum lot size: as required in the zone district where located or 1,000 square feet, whichever is smaller.

B. Minimum setback of wireless telecommunications tower from:

(1) Any property line: 25 feet.

(2) Any public street: 50 feet.

(3) Any wireless telecommunications tower: 1,500 feet.

C. Minimum setback for equipment compound from any property line: 50 feet.

D. Maximum height of telecommunications tower (exclusive of lightning rod):

(1) Where tower is located on land owned by the municipality, and where tower is designed to accommodate:

(a) Three or more vendors: 250 feet.

(b) Two vendors: 125 feet.

(c) Single vendor: 100 feet.

(2) Where tower is located on buildings or other structures owned by the municipality: 25 feet.

E. Maximum height of attached antenna: 10 feet beyond the top edge of the tower.

§ 700-106 Site plan application requirements for the installation of wireless telecommunications towers.

Site plan application requirements for the installation of wireless telecommunications towers shall be as follows:

A. All site plan details required by § 600-5 of the Code of the Township of Nutley.

B. Land uses and structures on abutting parcels.

C. A report from a qualified expert certifying that the wireless telecommunications tower and equipment facility comply with the latest structural and wind and loading requirements as set forth in the applicable state code, as it may be updated or amended, or such other codes as may apply to these facilities, including a description of the number and type of antennas it is designed to accommodate.

D. A letter of commitment by the applicant to lease excess space on the tower to other potential users at prevailing market rates and conditions. The letter of commitment shall be recorded prior to issuance of a building permit. The letter shall commit the tower owner and successors in interest.

E. Elevations of the proposed tower and accessory building, generally depicting all proposed antennas, platforms, finish materials and all other accessory equipment.

F. A copy of the license agreement with the Township of Nutley.

G. A plan which shall reference all existing wireless telecommunications facilities in the Township, and such facilities in the abutting municipalities which provide service to areas within the municipality.

H. Any changes to facilities proposed within the following twelve-month period, including plans for new locations and the discontinuance or relocation of existing facilities.

§ 700-107 Design standards.

A. The wireless telecommunications tower shall be designed and constructed so as to accommodate a minimum of three antenna arrays of separate telecommunications providers (the applicant's, plus two collectors).

B. Signs shall not be permitted except for a sign displaying owner contact information, warnings, equipment information and safety instructions. Such sign shall not exceed two square feet in area. No commercial advertising shall be permitted on any wireless telecommunications facility.

C. No lighting is permitted except as follows:

(1) Wireless telecommunications equipment compounds enclosing electronic equipment may have security and safety lighting at the entrance, provided that the light is attached to the facility, is focused downward and is on timing devices and/or sensors so that the light is turned off when not needed for safety or security purposes.

(2) No lighting is permitted on a wireless telecommunications tower.

D. Wireless telecommunications antennas and towers shall be maintained to assure their continued structural integrity. The owner of the tower or antenna shall also perform such other maintenance of the structure and of the site as to assure that it does not create a visual nuisance.

E. Wireless telecommunications towers shall be of a color appropriate to the tower's locational context and to make it as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration (FAA).

F. Wireless telecommunications facilities shall be surrounded by a fence. All towers shall be designed with anti-climbing devices in order to prevent unauthorized access. Additional security and safety devices shall be permitted or required, as needed, and as approved by the approving authority.

G. Any proposed new telecommunications tower shall be a monopole unless the applicant can demonstrate that a different type pole type is necessary for the co-location of additional antennas on the tower. Such towers may employ camouflage technology.

H. No equipment shall be operated so as to produce noise in excess of the limits set by N.J.A.C. 7:29-1.1 et seq., except for in emergency situations requiring the use of a backup generator.

I. Wireless telecommunications towers and antennas shall be constructed to the applicable state code, as it may be updated or amended, or such other code as may apply to these facilities, as they may be updated or amended.

§ 700-108 Equipment compounds.

A. A wireless telecommunications equipment compound consisting of no more than 1,500 square feet may be erected in support of wireless telecommunications antennas, provided that the wireless telecommunications equipment compound is located on land or on or within buildings or other structures owned by the Township of Nutley; and if erected on the exterior of a building or other structure, then:

(1) Situated behind existing vegetation, tree cover, structures, buildings or terrain features which will shield the wireless telecommunications compound from public view; or when a location out of public view is not possible, a landscape buffer of no less than eight feet in width shall be provided outside the fence around the wireless telecommunications equipment compound to shield the facility from public view. Landscaping shall include native evergreen and deciduous trees at least eight feet high at the time of planting, and the number of trees shall be based on the equivalent of staggered double rows at 15 feet on center;

(2) Located to avoid being visually solitary or prominent when viewed from residential areas and when in public view; and

(3) Enclosed within a fence at least six feet high, as approved by the Code Enforcement Officer of the Township of Nutley, which shall include a locking security gate.

B. The height of the equipment building shall not exceed 15 feet.

§ 700-109 Discontinuance of operations.

Operators of wireless telecommunications towers and antennas shall notify the municipality when the use of such towers and antennas is discontinued. Facilities that are not in use for wireless telecommunications purposes for 12 months shall be removed by the operator at its costs. This removal shall occur within 120 days of the end of such twelve-month period. Upon removal, the site shall be cleared, restored and re-vegetated to blend with the existing surrounding vegetation at the time of abandonment. Any license agreement between the municipality and an operator shall contain a requirement that the operator shall post a bond to cover the costs of removal in the event of abandonment by the operator, and the agreement shall be recorded prior to the issuance of a zoning permit or construction permit.

§ 700-110 Co-location and shared facilities and sites.

FCC licensed wireless telecommunications providers are encouraged to construct and site their facilities with a view toward sharing facilities with other utilities, co-locating with other existing wireless facilities and accommodating the co-location of other future facilities where technically, practically and economically feasible.

ARTICLE XV Planning Board and Board of Adjustment (§ 700-111)

§ 700-111 Regulations concerning establishment and procedure.

The regulations concerning the establishment and procedure of the Planning Board and Board of Adjustment shall be as set forth in Chapter 85, Land Use Procedures, of the Code of the Township of Nutley.

ARTICLE XVI Nonconforming Uses and Structures (§ 700-112 — § 700-113)

§ 700-112 Continuance; interpretation.

Any nonconforming use or structure or any lawful use on a nonconforming lot may be continued on the lot or in the structure so occupied. Nothing in this article shall be deemed to constitute a waiver of a violation of any Zoning Ordinance heretofore adopted or to make lawful any unlawful nonconforming use or structure.

§ 700-113 Restrictions on modifications to nonconforming uses.

A. No nonconforming use nor structure nor any lawful use on a nonconforming lot shall be enlarged, extended, reconstructed or structurally altered, except that such structure or use may be structurally altered to correct an unsafe condition. A nonconforming structure or a lawful structure on a nonconforming lot may be restored or repaired in the event of partial destruction thereof.

B. Notwithstanding other sections of this article, a nonconforming structure or a structure on a nonconforming lot may be enlarged except as to height, provided that:

- (1) Such structure does not contain a nonconforming use.
- (2) The enlargement will not increase the nonconformity of the nonconforming features.
- (3) The enlargement will not violate any other provisions of this chapter.

C. An existing open porch may only be enclosed in cases where there is no expansion or addition and the renovation would not be detrimental to public health, safety and general welfare.

ARTICLE XVII Impact Fees (§ 700-114)

§ 700-114 Off-tract improvements.

A. Purpose. The purpose of this section is to ensure a pro rata share allocation of the costs for off-tract improvements necessitated by new development.

B. Definition of principles.

(1) As a condition of final subdivision and/or site plan approval, the municipal agency may require an applicant to either install or pay his pro rata share of the costs of providing necessary circulation improvements, water, sewerage, drainage facilities, any other public improvements or facilities (i.e., public recreation, public buildings, public equipment), including land and easements and all items necessary to administer and maintain the Township's public functions, located off tract of the property limits of the subdivision or development but necessitated or required by the development. "Necessary improvements" are those clearly and substantially related to the development in question.

(2) The municipal agency shall provide, in its resolution of approval, the basis of the required improvements.

(3) The capacity and design of proposed improvements shall be based upon sources, including, but not limited to, the adopted Nutley Township Master Plan, the adopted Nutley Township Zoning Ordinance and the adopted Nutley Township Site Plan Ordinance.

(4) The improvement and/or widening of a stream or the construction of drainage or other improvements in a street or road fronting on the tract to be subdivided and/or developed shall not constitute an off-tract improvement, and the cost of said improvement shall not be allocated.

(5) The proportionate or pro rata amount of the cost of such facilities within a related or common area shall be based on the criteria contained herein.

C. Cost allocation.

(1) Full allocation. In cases where off-tract improvements are necessitated by the proposed development and no other property owner(s) receive(s) a special benefit thereby, the applicant may be required at his sole expense and as a condition of approval to provide and install such improvements.

(2) Proportionate allocation.

(a) Where it is determined that properties outside the development will also be benefited by the off-tract improvement, the following criteria shall be utilized in determining the proportionate share of the cost of such improvements to the developer, provided that the improvements are not required because the developer has realigned existing easements in order to obtain the maximum density for development.

(b) Allocation formula.

[1] Drainage improvements. The applicant's proportionate share of stormwater and drainage improvements, including the purchase of land for easements, the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, riprap, improved drainage ditches and appurtenances thereto, and installation, relocation or replacement of other storm drainage facilities or appurtenances associated herewith, shall be determined as follows:

[a] The capacity and the design of the drainage system to accommodate stormwater runoff shall be based on the methods and standards consistent with this chapter, computed by the developer's engineer and approved by the engineer and the municipal agency.

[b] The capacity of the enlarged, extended or improved system required for the development and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer and shall be subject to the approval of the engineer of the municipal agency. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the engineer of the municipal agency. The pro rata share for the proposed improvement shall be computed as follows:

Total cost of enlargement or improvement		Capacity of enlargement or improvement (total capacity expressed in cubic feet per second)
	=	
Developer's cost		Development-generated peak rate of runoffs expressed in cubic feet per second to be accommodated by the enlargement or improvement

[2] Roadways and transportation facilities. The applicant's proportionate share of street improvements, alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, street\_lighting, trees, utility improvements uncovered elsewhere, the construction or reconstruction of new or existing streets and other associated street or traffic improvements shall be as follows:

[a] The applicant shall provide the engineer of the municipal agency with the existing and anticipated future peak-hour flows for the off-tract improvements.

[b] The applicant shall furnish a plan for the proposed off-tract improvement, which shall include the estimated peak-hour traffic generated by the proposed development and the proportion thereof which is to be accommodated by the proposed off-tract improvement. The ratio of the peak-hour traffic development, which is to be accommodated by the off-tract improvement, to the future additional peak-hour traffic anticipated to impact the proposed off-tract improvement

shall form the basis of the proportionate share. The proportionate share shall be computed as follows:

Total cost of enlargement or improvement		Capacity of enlargement or improvement (peak-hour traffic)
	=	
Developer's cost		Development peak-hour traffic to be accommodated by the enlargement or improvement

[3] Sanitary sewers. The applicant's proportionate share of distribution facilities, including the installation, relocation or replacement of collector, trunk and interceptor sewers and associated appurtenances, shall be computed as follows:

[a] The capacity and the design of the sanitary sewer system shall be based on the requirements and standards set forth in this chapter.

[b] The Nutley Township Municipal Engineer shall provide the applicant with the existing and reasonably anticipated peak-hour flows as well as capacity limits of the affected sewer system.

[c] If the existing system does not have adequate capacity to accommodate the applicant's flow, given existing and reasonably anticipated peak-hour flows, the pro rata share shall be computed as follows:

Total cost of enlargement or improvement		Capacity of enlargement or improvement (gallons per day-gpd)
	=	
Developer's cost		Development-generated gallons per day to be accommodated by the enlargement or improvement

[4] Water supply. The applicant's proportionate share of water distribution facilities, including the installation, relocation, or replacement of water mains, hydrants, valves and associated appurtenances, shall be computed as follows:

[a] The capacity and the design of the water supply system shall be based on the requirements and standards set forth in this chapter.

[b] The Nutley Township Municipal Engineer shall provide the applicant with the existing and reasonably anticipated capacity limits of the affected water supply system in terms of average demand, peak demand and fire demand.

[c] If the existing system does not have adequate capacity as defined above to accommodate the applicant's needs, the pro rata share shall be computed as follows:

Total cost of enlargement or improvement		Capacity of enlargement or improvement (gallons per day-gpd)
	=	
Developer's cost		Development-generated gallons per day to be accommodated by the enlargement or improvement

[5] Other improvements. The applicants' proportionate share of other capital improvements shall be computed as follows:

Total cost of enlargement or improvement		Capacity of enlargement or improvement
	=	
Developer's cost		Development share of enlargement or improvement

D. Escrow accounts.

(1) Where the proposed off-tract improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited in an interest-bearing account to the credit of the Township in a separate account until such time as the improvement is constructed.

(2) If the off-tract improvement is not begun within 10 years of deposit, all monies and interest shall be returned to the applicant upon his request. An off-tract improvement shall be considered "begun" if the Township has taken legal steps to provide for design and financing of such improvement.

(3) If the applicant does not request the return of the money within a period of one year, the money shall be placed in the Township's general capital improvement fund and shall not be returnable to the applicant thereafter.

#### E. Redetermination upon completion of improvements.

(1) Upon completion of offtract improvements required pursuant to this section, the developer's liability hereunder shall be recalculated in accordance with the actual, as compared with the estimated cost of the improvements. To the extent that it shall decrease the amount thereof, the Township shall forthwith refund the amount of such decrease to the developer.

(2) In the event that the payment by the applicant provided for herein is less than his share of the actual cost of the off-tract improvements, then the applicant shall be required to pay the appropriate share of the cost thereof.

#### F. Referral to Board of Commissioners.

(1) Where an application for development suggests the need for off-tract improvements, whether to be installed in conjunction with the development in question or otherwise, the municipal agency shall forward to the Board of Commissioners a list and description of all such improvements, together with a request that the Board of Commissioners determine and advise the municipal agency of the procedure to be followed in installation thereof, including timing. The municipal agency shall defer final action on the application for development until receipt of the Board of Commissioners' determination or the expiration of 90 days after the forwarding of such a list and description to the Board of Commissioners without determinations having been made, whichever comes first.

(2) The Board of Commissioners, within 90 days after receipt of said list and description, shall determine and advise the municipal agency of the procedure to be followed and may suggest conditions of approval, if any, to adequately protect the Township.

(3) In the event that the municipal agency is required by statute to act on the application prior to receipt of the Board of Commissioners' determination as to installation and/or payment of pro rata share of off-tract improvements, it shall request the applicant to consent to an extension of time, within which to act, of sufficient duration to enable the Board of Commissioners to make the aforesaid determination. In the event that the applicant is unwilling to consent to the requested extension of time, the municipal agency shall, in its discretion, either itself determine the procedure to be followed in installation and/or payment of pro rata share of the aforesaid off-

tract improvements or shall condition its approval upon the subsequent determination of the Board of Commissioners.

(4) The municipal agency shall only grant a preliminary approval until all off-tract improvements have been completed and approved by the appropriate municipal, county, state and/or federal agency having jurisdiction there over.

#### G. Implementation of off-tract improvements.

(1) In all cases, applicants shall be required to enter into an agreement with the Township in regard to installation and/or payment of their pro rata share of off-tract improvements in accordance with this chapter and any other ordinances, policies, rules and regulations of Nutley Township, Essex County, the State of New Jersey and any departments, authorities or agencies thereof deemed necessary.

(2) Where properties outside the subject tract will be benefited by the improvements, the Board of Commissioners may require the applicant to escrow sufficient funds in accordance with this chapter to secure the applicant's pro rata share of the eventual cost of providing future improvements and/or facilities based on the standards set forth herein.

#### (3) General improvement.

(a) Where properties outside the subject tract will benefit by the improvement, the Board of Commissioners may determine that the improvement is to be installed by the Township as a general improvement, the cost of which is to be borne as a general expense.

(b) If the Board of Commissioners determines that the improvement shall be installed as a general improvement, the Board of Commissioners may direct the municipal agency to estimate, with the aid of the engineer of the municipal agency or such other persons who have pertinent information or expertise, the amount (if any) by which the total cost thereof will exceed the total amount by which all properties, including the subject tract, will be specifically benefited thereby, and the applicant shall be liable to the Township for such expense.

(c) If the Board of Commissioners determines that the improvement shall be installed as a local improvement, all or a part of the cost of which is to be assessed against properties benefited thereby in proportion to the benefits conferred by the improvement in accordance with Chapter 56 of Title 40 of the Statutes of the State of New Jersey, the applicant may be required to sign an agreement acknowledging and agreeing to this procedure. In addition, the Board of Commissioners may require that the applicant be liable to the Township in addition to the amount of any special assessments against the subject property for benefits conferred by the improvement, the difference between the total amount by which all properties, including the subject tract, are specially benefited by the improvement as may be determined by the Township.

(4) If the Board of Commissioners determines that the improvement is to be installed by the applicant, such agreement may contain provisions consistent with the standards in this chapter and any other ordinances, rules, regulations or policies of the Township of Nutley, County of

Essex, the State of New Jersey and any departments, authorities or agencies thereof with jurisdiction therein, whereby the applicant shall be reimbursed by the Township or otherwise as a result of any participation fees, connection charges, charges paid in regard to developer's agreements with other applicants and the like, all in accordance with an agreement between the Board of Commissioners and the applicant.

(5) In determining the procedures to be followed in the event of the submission of a list and request from the municipal agency, the Board of Commissioners shall be guided by the following:

(a) The local trends in regard to the potential of development within the drainage or circulation area in question and the intensity of such development.

(b) The risk or exposure that neighboring areas are subject to in the event that required improvements are delayed.

(c) The extent to which temporary measures may sufficiently alleviate the condition or conditions requiring the off-tract improvements and the likelihood that larger, regional or sub regional facilities will be required in the future to serve the development tract and the general area of the Township in which the same is located.

(d) The extent to which the health, safety and welfare of both present and future municipal residents depend upon the immediate implementation of the off-tract improvement.

(e) Provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., as it now exists or as it may hereafter be amended.

#### ARTICLE XVIII Administration (§ 700-115 — § 700-119)

##### § 700-115 Enforcement.

A. The provisions of this chapter shall be enforced by the Construction Official, who shall be known as the "Zoning Officer" for the purpose of this chapter. It shall be his duty to keep a record of all applications for zoning permits and a record of all such permits issued, with a notation of any conditions that may have been imposed under the provisions of the Site Plan Ordinance.

Editor's Note: See Ch. 600, Site Plan Review.

He shall file and safely keep copies of all plans submitted. He shall also keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and of the action taken on the complaint. All such records and plans shall form a part of the records of his office.

B. In addition to the enforcement authority contained in Subsection A of this section, patrolmen and officers of the Nutley Police Department may issue summons and/or complaints for a violation of Article XIII, Parking Spaces and Loading Berths, covering §§ 700-91 through 700-

102, occurring or being observed between the hours of 5:00 p.m. and 9:00 a.m. or at such other times as the Zoning Officer may request of the Chief of Police.

§ 700-116 Zoning permits; certificates of occupancy; review fees.

A. A construction permit or a certificate of occupancy issued in accordance with the New Jersey State Construction Code shall satisfy the purpose of a zoning permit, upon satisfaction of the further conditions and requirements set forth in this chapter. Every application for a zoning permit shall be made, in writing, by the owner or his authorized agent and shall include a survey to scale, a statement of the use or intended use of a structure or vacant land and shall be accompanied by a plan drawn to lot and street lines. The Zoning Officer shall grant or refuse a zoning permit within 10 days after receipt of the application, except when site plan approval is required, in which case the Zoning Officer shall grant or refuse the permit upon receipt of notice of final action on the site plan by the Planning Board. If the Zoning Officer refuses to issue a permit hereunder, he shall state, in writing, the grounds of his refusal.

B. Permit required.

(1) A zoning permit shall be obtained from the Zoning Officer for any of the following:

(a) The construction or alteration of any building or part of a building or any sign.

(b) The painting of a sign on a building.

(c) Occupancy and use of vacant land.

(d) Occupancy and use or change in the occupancy, ownership or use of any building, including but not limited to tenants, lessors, owners or other persons in all single-family, two-family or multiple dwellings units.

(e) Change in the use of land or part of a lot.

(2) No such construction, alteration, occupancy, use or change of occupancy, ownership or use shall take place until a zoning permit therefor has been issued by the Zoning Officer, and no excavation for any building or use of land shall commence until a zoning permit for such building or use has been issued by the Zoning Officer.

C. If the occupancy and use of a building or of land for which a zoning permit has been issued in the form of a certificate of occupancy are not commenced within six months after the date of such issuance or such longer period as the Zoning Officer may authorize, in writing, because of the occurrence of conditions unforeseen at the time of issuance, such occupancy permit shall expire and a new occupancy permit shall be obtained before such occupancy and use are commenced. No such extension of time for a longer period than 90 days shall be authorized except upon approval by the Planning Board.

D. A certificate of occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect as long and only as long as such building and the use thereof or the use of such land are

in full conformity with the provisions of this chapter and any requirements made pursuant thereto.

E. Upon written request by the owner, the Zoning Officer shall, after inspection, issue a certificate of occupancy for any building or use thereof or of land existing at the time of the adoption of this chapter certifying such use and whether or not the same and the building conforms to the provisions of this chapter.

F. Zoning review fees.

[Added 9-2-2003 by Ord. No. 2796]

<b>Residential Structures</b>	<b>Fee</b>
Fences	\$10
Signs (each)	\$10
Non-structure (i.e., driveways, walks, patios, impervious surface, lot coverage)	\$10
Accessory structure (i.e., sheds, garages, swimming pools)	\$15
Attached structure (i.e., garages, porches, additions, decks)	\$15
New structures (principal structure on lot for principal use)	\$50
Alterations	\$25

<b>Nonresidential Structures</b>	<b>Fee</b>
Fences	\$25
Signs (each)	\$25

Additions on existing buildings	\$50
New structure (i.e., principal structure on lot or for principal use)	\$75
Change in <del>use</del> <u>commercial tenancy</u>	\$25
Alterations	\$50
<u>Awnings</u>	\$25
<u>Accessory Structure (Sheds, Garage, etc.)</u>	\$50
<u>Non-Structural (Driveways, walks, retaining walls)</u>	\$25
<u>Sight Work and Parking Lots</u>	\$100

§ 700-~~147~~ Violations and penalties.

Every person, firm or corporation who shall violate any provision of this chapter shall, for each and every violation, be subject to a fine of not ~~less than \$250 or~~ more than \$500 or imprisonment not to exceed 90 days, or both. Each and every day that such violation continues shall be considered a separate and specific violation of this chapter.

§ 700-~~148~~ Interpretation and application of provisions.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity and general welfare.

§ 700-~~149~~ Repealer.

The purpose and intent of this chapter is to embody herein all regulations limiting and restricting to specified districts and the regulation therein of buildings and structures according to the nature and extent of their use and the nature and extent of the use of land, and any such regulations for the purposes aforesaid not included in this chapter are hereby repealed, and the provisions of any ordinance or parts of ordinances which are inconsistent with the provisions of this chapter are hereby repealed.

ARTICLE XIX Affirmative Marketing of Affordable Housing (§ 700-120 — § 700-126)

Editor's Note: See also Ch. 115, Officers and Employees, Art. XXIV, Municipal Housing Officer.

[Added 4-10-2005 by Ord. No. 2877]

§ 700-120 Purpose and application.

A. The purpose of this article is to establish an affirmative marketing plan and compliance program.

B. This article will apply to all developments that contain proposed low- and moderate-income units. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan addresses the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Township of Nutley is in Housing Region 2, consisting of Essex, Union, Morris and Warren Counties.

§ 700-121 Marketing requirements.

The affirmative marketing program is a continuing program and will meet the following requirements:

A. All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following daily newspapers/publications: The Star Ledger; The Nutley Sun; and The Nutley Journal.

B. The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an "as needed" basis.

C. The advertisement will include the street address; direction to housing units; number of bedrooms per unit; range of selling prices/rents; size of units; household income limits; and location of applications, including business hours and where/how applications may be obtained.

D. All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in the following neighborhood-oriented weekly newspapers,

religious publications and organizational newsletters within the region: The Nutley Sun and The Nutley Journal.

E. The following is the location of applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region: Municipal Building; Municipal Library; developer's sales/rental office on site; senior center.

F. The following is a list of community contact person(s) and/or organization(s) in Essex, Union, Morris, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least like to apply for housing within the region: Essex County Department of Human Services; Union County Department of Human Services; Morris County Department of Human Services; Warren County Department of Human Services.

G. Applications will be mailed to prospective applicants upon request.

H. Additionally, applications will be sent to the chief administrative employees of each of the following agencies in the counties of Essex, Union, Morris and Warren: Office of Aging; Housing Agency or Authority; Library; area community action agencies.

#### § 700-122 Random selection method.

The following is a description of the random selection method that will be used to select occupants of low- and moderate-income housing: Advertisements will be placed in the appropriate newspapers with a deadline for filing applications. Applications will be received and each application will be assigned a number. There will be a lottery, which will prioritize the applications. The application will then be reviewed for certification in the order which resulted from the lottery.

#### § 700-123 Administration.

The Township of Nutley is ultimately responsible for administering the affirmative marketing program. The Township of Nutley has delegated this responsibility to the Housing Officer. The Housing Officer will income qualify low- and moderate-income households; place income-eligible households in low- and moderate-income units upon initial occupancy; provide for the initial occupancy of low- and moderate-income units with income qualified households; continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; assist with advertising and outreach to low- and moderate-income households if in contract; and enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26. The Housing Officer will provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, responsibilities of homeownership, rental lease requirements and landlord/tenant law. Subject to the approval of COAH, the Township may contract with or authorize one or more persons, agencies, or government entities to administer all or part of these responsibilities.

§ 700-124 Qualification and selection.

Households who live or work in the COAH-established housing region may be given preference for sales and rental units constructed within the housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. The Township of Nutley intends to comply with N.J.A.C. 5:93-11.7.

§ 700-125 Marketing by developers.

Developers of low- and moderate-income housing units may assist in the marketing of the affordable units in their respective developments if so designated by the Township of Nutley.

§ 700-126 Time frame for marketing; monitoring and reporting requirements.

A. The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low- and moderate-income housing units are initially occupied and for as long as affordable units are deed-restricted and occupancy or re-occupancy of units continues to be necessary.

B. Nutley will comply with monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 12.1.

BE IT FURTHER ENACTED that all other terms and conditions and locations in Chapter 700 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

BE IT FURTHER ENACTED that the within ordinance shall become effective after passage and publication, pursuant to law.

**Zoning**  
700 Attachment 1  
**Township of Nutley**

Schedule of Conditional Uses

Conditional Use	See § 700-45	Where Permitted														
		R-1	R-1A	R-1AA	R-2	R-3	R-SC	B-1	B-2	B-3	B-3A	B-4	M	M-O	M-1	PRD
Elementary & secondary school	A	X	X	X	X	X		X	X	X	X	X				
Nursery schools and day-care centers	B	X	X	X	X	X		X	X	X	X	X	X	X	X	
Satellite dishes on rooftop or sideyard	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Public utility buildings and facilities	D											X	X	X	X	
Community residences and shelters accommodating seven or more persons	E	X	X	X	X	X	X									
Houses of worship	F	X	X	X	X	X		X	X	X		X				
Clubhouses	G							X	X	X		X	X	X	X	X
Off-premises auto parking lots	H							X	X	X		X	X	X	X	
Auto and gasoline service stations	I											X			X	
Used car lots	J											X			X	
Car washes	K											X			X	
Hospitals, nursing homes, intermediate and extended care facilities	L											X		X		
Immediate care facility	M											X		X		

**Zoning**  
700 Attachment 2  
**Township of Nutley**  
Schedule of Regulations as to Bulk, Height and Other Requirements

Residential Districts

District	Type of Use	Minimum Lot Size				Minimum Yard Dimensions				Maximum Height		Maximum Lot Coverage (percent)	Surface Coverage Maximum Impervious Coverage (percent)
		Area (square feet)	Width (square feet)	Depth (feet)	Per Dwelling Unit (square feet)	Front <sup>2</sup> (feet)	Rear (feet)	1 Side (feet)	Side other (feet)	Stories	Feet		
R-1A	1-family dwelling												
	Interior	6,500	60	100	6,500	25	30	8	10	2.5	30	35%	65%
	Corner	6,500	60	100	6,500	25	30	8	25 <sup>1</sup>	2.5	30	35%	65%
R-1AA	1-family dwelling												
	Interior	7,000	70	100	7,000	25	30	8	10	2.5	30	35%	60%
	Corner	7,000	70	100	7,000	25	30	8	25 <sup>1</sup>	2.5	30	35%	60%
R-1	1-family dwelling												
	Interior	5,000	50	100	5,000	25	30	6	6	2.5	30	35%	70%
	Corner	6,000	60	100	6,000	25	30	6	25 <sup>1</sup>	2.5	30	35%	70%
R-2	1-family dwelling												
	Interior	5,000	50	100	5,000	25	30	6	6	2.5	30	35%	70%
	Corner	6,000	60	100	6,000	25	30	6	25 <sup>1</sup>	2.5	30	35%	70%
	2-family dwelling												
	Interior	6,000	60	100	3,000	25	30	6	6	2.5	30	35%	70%
R-3	1-family dwelling												
	Interior	5,000	50	100	5,000	25	30	6	6	2.5	30	35%	70%
	Corner	6,000	60	100	6,000	25	30	6	25 <sup>1</sup>	2.5	30	35%	70%
	2-family dwelling												
	Interior	6,000	60	100	3,000	25	30	6	6	2.5	30	35%	70%
	Corner	6,500	65	100	3,250	25 <sup>1</sup>	30	25	6	2.5	30	35%	70%

**Zoning**  
700 Attachment 2  
**Township of Nutley**  
Schedule of Regulations as to Bulk, Height and Other Requirements

Residential Districts

District	Type of Use	Minimum Lot Size				Minimum Yard Dimensions				Maximum Height		Maximum Lot Coverage (percent)	Surface Coverage Maximum Impervious Coverage (percent)
		Area (square feet)	Width (square feet)	Depth (feet)	Per Dwelling Unit (square feet)	Front (feet)	Rear (feet)	1 Side (feet)	Side other (feet)	Stories	Feet		
R-3	Garden Apartment	43,560	150	100	2,178 (20 Dwelling Units per acre)	35	50	15	15	2.5	30	25% See § 700-62	65%
	Townhouse	43,560	150	200	2,722 (16 Dwelling Units per acre)	35	50	20	20	2.5	30	25% See § 700-62	65%
R-SC	Senior Citizen	36,000	125	125	500 (87 Dwelling Units per acre)	20	20	20		6	65	32%	90%

- 
1. Larger yard is to be located adjacent to side street line on corner lots or prevailing setback.
  2. See Article VII, § 700-46B(6), for exceptions

**Zoning**  
700 Attachment 3  
**Township of Nutley**  
Schedule of Regulations as to Bulk, Height and Other Requirements  
Business Districts

District	Type of Use	Minimum Lot Size				Minimum Yard Dimensions				Maximum Height		Maximum Lot Coverage (percent)	Surface Coverage Maximum Impervious Coverage (percent)
		Area (square feet)	Width (square feet)	Depth (feet)	Per Dwelling Unit (square feet)	Front (feet)	Rear (feet)	1 Side (feet)	Both Sides (feet)	Stories	Feet		
B-1	Residential with offices												
	Interior Lots	5,000	50	100	2,500	20	30	6	10	2.5	30	45%	N/A
	Corner Lots	5,000	50	100	2,500			6	20	2.5	30	45%	N/A
	Offices, labs, mortuaries, business service, restaurants and clubs	5,000	50	100	N/A	20	20	6	10	2	25	50%	N/A
	Commercial Schools	5,000	50	100	N/A	20	20	6	10	2	25	50%	N/A
	Mixed Use See § 700-40												
B-2	Residential above business	5,000	50	100	2,500	10	30	6	10	2	25	45%	N/A
	Neighborhood business	5,000	50	100		10 <sup>1</sup>	20	6	10	2	25	50%	N/A
	Commercial Schools	5,000	50	100	N/A	10	20	6	10	2	25	50%	N/A
		Mixed Use See § 700-40											
B-3	Downtown business	3,000	30	100	N/A	3	10; height of building if adjacent to R Zone	None required, except height of building if adjacent to R Zone minimum of 10 feet		3	40	50%	N/A
	Commercial Schools	5,000	50	100	N/A	3				2	25	50%	N/A
		Mixed Use See § 700-40	5,000	50	100	N/A				3	3	40	50%
B-3A	Retail and service offices	5,000	50	100	N/A	0	30	0; 10 if provided		2	25	70%	N/A
	Commercial Schools	5,000	50	100	N/A	3	10; height of building if adjacent to R Zone	None required, except height of building if adjacent to R Zone minimum of 10 feet		2	25	50%	N/A

**Zoning**  
 700 Attachment 3  
**Township of Nutley**  
 Schedule of Regulations as to Bulk, Height and Other Requirements  
**Business Districts**

District	Type of Use	Area (square feet)	Width (square feet)	Depth (feet)	Per Dwelling Unit (square feet)	Front (feet)	Rear (feet)	1 Side (feet)	Both Sides (feet)	Stories	Feet	Maximum Lot Coverage (percent)	Surface Coverage Maximum Impervious Coverage (percent)
B-4	Building supply yards, labs, printing, greenhouses, auto sales and services	5,000	50	100	N/A	20	10; 30 if adjacent to R Zone	1/2 building height (10 feet minimum); height of building is adjacent to R Zone	Height of building 10 foot 20 foot <sup>2</sup>	2	25	60% for buildings and storage areas	N/A
	<u>Commercial Schools</u>	<u>5,000</u>	<u>50</u>	<u>100</u>	<u>N/A</u>	<u>20</u>	10; height of building if adjacent to R Zone	<u>0: 10 if adjacent to R Zone</u>	<u>0: 10 if adjacent to R Zone</u>	<u>2</u>	<u>25</u>	<u>50%</u>	<u>N/A</u>

<sup>1</sup> If over 50% of the frontage in the B-2 Zone on one side of the street between intersecting streets or between an intersecting street and a Township boundary line is developed with business uses, the front yard requirement shall be equal to the average of the front yard depths of such business uses, but no less than three feet.

<sup>2</sup> Larger yard is to be located adjacent to side street line on corner lots

**Zoning**  
700 Attachment 4  
**Township of Nutley**

Schedule of Regulations as to Bulk, Height and Other Requirements

Industrial Districts

District	Type of Use	Minimum Lot Size				Minimum Yard Dimensions				Maximum Height		Maximum Lot Coverage (percent)	Surface Coverage Maximum Impervious Coverage (percent)
		Area (square feet)	Width (square feet)	Depth (feet)	Per Dwelling Unit (square feet)	Front (feet)	Rear (feet)	1 Side (feet)	Side other (feet)	Stories	Feet		
M	Manufacturing, warehouses, greenhouses, printing and auto service	10,000	100	100	N/A	20	Height of building; 50 if adjacent to R Zone	10	20	4	50	50%	N/A
M-1	Industry	10,000	100	100	N/A	20	Height of building; 50 if adjacent to R Zone	10	20	4	50	50%	N/A
	Garden Apartment group	43,560	150	100	2,178 (20 Dwelling Units per acre)	35	Height of building; 50 if adjacent to R Zone	15	30	2.5	30	25%	N/A
M-O	M uses and office building	43,560	150	150	N/A	Height of building, minimum 20	Height of building minimum 20; 50 if adjacent to R Zone	10	20	8	100	50%	N/A
M-2	Industry	10,000	100	100	N/A	20	Height of building; 50 if adjacent to R Zone	10	20	4	50	50%	N/A

**ORDINANCE #3301**  
**INTRODUCED BY: COMMISSIONER THOMAS J. EVANS**  
**INTRODUCED ON: NOVEMBER 6, 2014**  
**PUBLIC HEARING: DECEMBER 2, 2014**

**ORDINANCE NO. 3301**

**AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2015.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:**

**SECTION 1**

**The salaries of certain officers and employees, either permanent or temporary, as the case may be, of the Township of Nutley, herein mentioned, shall be as follows:**

**NON-UNION EMPLOYEES**

**LEGAL DEPARTMENT**

<b>TITLE</b>	<b>BASE SALARY MINIMUM</b>	<b>BASE SALARY MAXIMUM</b>
<b><u>TOWNSHIP ATTORNEY</u></b>		
Township Attorney	\$ 55,000.00	\$ 75,000.00
<b><u>MUNICIPAL PROSECUTOR</u></b>		
Municipal Prosecutor	\$ 45,000.00	\$ 65,000.00
Municipal Prosecutor – Per Diem	\$200.00/session	\$400.00/session
<b><u>PUBLIC DEFENDER</u></b>		
Public Defender	\$ 12,000.00	\$ 22,000.00
Public Defender – Per Diem	\$200.00/session	\$500.00/session
<b><u>PLANNING BOARD</u></b>		
Attorney, Planning Board	\$ 20,000.00	\$ 30,000.00
Attorney, Planning Board – Special Meeting	\$800.00/meeting	\$800.00/meeting
Recording Secretary, Planning Board	\$150.00/meeting	\$150.00/meeting
<b><u>RENT LEVELING BOARD</u></b>		
Attorney, Rent Leveling Board	\$ 6,500.00	\$ 10,000.00
<b><u>ZONING BOARD OF ADJUSTMENT</u></b>		
Attorney, Board of Adjustment	\$ 20,000.00	\$ 30,000.00
Attorney, Board of Adjustment – Special Meeting	\$800.00/meeting	\$800.00/meeting
Recording Secretary, Board of Adjustment	\$150.00/meeting	\$150.00/meeting

**DEPARTMENT OF PUBLIC AFFAIRS**

<b>TITLE</b>	<b>BASE SALARY MINIMUM</b>	<b>BASE SALARY MAXIMUM</b>
Director of Public Affairs	\$ 2,250.00	\$ 2,250.00
<b><u>HEALTH DEPARTMENT</u></b>		
Assistant to Commissioner	\$ 45,000.00	\$ 65,000.00
Clerk Stenographer 3	\$ 20,000.00	\$ 40,000.00
Administrative Clerk / Registrar	\$ 30,000.00	\$ 45,000.00
Keyboarding Clerk 3	\$ 30,000.00	\$ 65,000.00
Registered Environmental Health Specialist–Public Health	\$ 20,000.00	\$ 50,000.00
Public Health Coordinator – P/T	\$ 10,000.00	\$ 25,000.00
Public Health Investigator / Clerk 1	\$ 20,000.00	\$ 35,000.00
Public Health Physician	\$ 20,000.00	\$ 25,000.00
Graduate Nurse	\$ 45,000.00	\$ 60,000.00
Graduate Nurse – P/T	\$ 30,000.00	\$ 40,000.00
Graduate Nurse Public Health P/T	\$18.00/hour	\$40.00/hour
Graduate Nurse – P/T	\$15.00/hour	\$35.00/hour
Clerk 1 – P/T	\$8.00/hour	\$25.00/hour
Clerk 1 – Seasonal	\$8.00/hour	\$20.00/hour
<b><u>MILITARY AND VETERANS AFFAIRS BUREAU</u></b>		
Clerk 1	\$ 20,000.00	\$ 40,000.00
Clerk 1 – P/T	\$10.00/hour	\$25.00/hour
Clerk 1 – Seasonal	\$8.00/hour	\$20.00/hour

**DEPARTMENT OF REVENUE AND FINANCE**

<b>TITLE</b>	<b>BASE SALARY MINIMUM</b>	<b>BASE SALARY MAXIMUM</b>
Director of Revenue and Finance	\$ 2,250.00	\$ 2,250.00
<b><u>ASSESSMENT OF TAXES</u></b>		
Tax Assessor	\$ 90,000.00	\$132,000.00
Keyboarding Clerk 2	\$ 39,000.00	\$ 52,000.00
Clerk 1 – P/T	\$ 17,000.00	\$ 32,000.00
<b><u>COLLECTION OF TAXES</u></b>		
Tax Collector	\$ 50,000.00	\$ 60,000.00
Assistant Municipal Tax Collector	\$ 40,000.00	\$ 55,000.00
Clerk 1	\$ 30,000.00	\$ 52,000.00
<b><u>TREASURER'S OFFICE</u></b>		
Municipal Treasurer / Chief Financial Officer	\$ 85,000.00	\$150,000.00
Executive Assistant – Purchasing	\$ 50,000.00	\$ 69,000.00
Senior Purchasing Assistant	\$ 40,000.00	\$ 59,000.00
Account Clerk / Clerk 2	\$ 45,000.00	\$ 53,000.00
Account Clerk	\$ 35,000.00	\$ 56,000.00
Account Clerk	\$ 35,000.00	\$ 56,000.00
Clerk 1	\$ 38,000.00	\$ 63,000.00
Clerk 1 – Seasonal	\$10.00/hour	\$20.00/hour
<b><u>TOWNSHIP CLERK'S OFFICE</u></b>		
Township Clerk	\$ 65,000.00	\$ 87,000.00
Keyboarding Clerk 1	\$ 36,000.00	\$ 55,000.00
Clerk 1 – P/T	\$ 28,000.00	\$ 30,000.00
<b><u>WATER BILLING</u></b>		
Account Clerk / Cashier	\$ 36,000.00	\$ 57,000.00
<b><u>INFORMATION TECHNOLOGY</u></b>		
Computer Service Technician	\$ 40,000.00	\$ 77,000.00
Computer Service Technician	\$ 30,000.00	\$ 44,000.00
Computer Service Technician	\$ 30,000.00	\$ 44,000.00
<b><u>CODE ENFORCEMENT</u></b>		
Construction Code Official – P/T	\$ 15,000.00	\$ 15,000.00
Building Sub-Code Official / Zoning Officer	\$ 50,000.00	\$ 80,000.00
Building Sub-Code Official – P/T	\$ 25,000.00	\$32,000.00
Building Inspector	\$ 62,000.00	\$ 90,000.00
Electrical Sub-Code Official – P/T	\$ 25,000.00	\$ 37,000.00
Electrical Sub-Code Official – Per Diem	\$30.00/hour	\$35.00/hour
Fire Protection Sub-Code Official – P/T	\$ 15,000.00	\$ 15,000.00
Plumbing Sub-Code Official – P/T	\$ 20,000.00	\$ 32,000.00
Plumbing Sub-Code Official – Per Diem	\$25.00/hour	\$30.00/hour
Assistant Zoning Officer – P/T	\$20.00/hour	\$25.00/hour
Keyboarding Clerk 2	\$ 38,000.00	\$ 50,000.00
Keyboarding Clerk 1	\$ 39,000.00	\$ 51,000.00
Clerk 2	\$ 41,000.00	\$ 63,000.00
Clerk 1	\$ 35,000.00	\$ 45,000.00
Clerk 1	\$ 40,000.00	\$50,000.00
Traffic Safety Coordinator	\$ 70,000.00	\$ 86,000.00
Traffic Safety Coordinator – P/T	\$ 40,000.00	\$ 69,000.00

**DEPARTMENT OF PUBLIC SAFETY**

TITLE	BASE SALARY MINIMUM	BASE SALARY MAXIMUM
Mayor and Director of Public Safety	\$ 2,700.00	\$ 2,700.00
<b><u>FIRE DEPARTMENT</u></b>		
Keyboarding Clerk 2	\$ 43,000.00	\$ 55,000.00
Clerk Stenographer 1	\$ 40,000.00	\$ 48,000.00
Clerk 1	\$ 33,000.00	\$ 52,000.00
Signal Systems Technician 1	\$ 33,000.00	\$ 36,000.00
Fire Prevention Specialist	\$ 30,000.00	\$ 52,000.00
Fire Alarm Operator	\$ 30,000.00	\$ 52,000.00
Volunteer Fire Chief	\$ 4,000.00	\$ 6,000.00
Clerk 1 – P/T	\$10.00/hour	\$25.00/hour
<b><u>MUNICIPAL COURT</u></b>		
Municipal Magistrate	\$ 50,000.00	\$ 65,000.00
Municipal Magistrate – Per Diem	\$200.00/session	\$500.00/session
Municipal Court Administrator	\$ 60,000.00	\$ 75,000.00
Deputy Municipal Court Administrator	\$ 49,000.00	\$ 59,000.00
Assistant Violations Clerk Typing	\$ 41,000.00	\$ 51,000.00
Violations Clerk	\$ 39,000.00	\$ 49,000.00
Clerk 1	\$10.00/hour	\$20.00/hour
<b><u>POLICE DEPARTMENT</u></b>		
Keyboarding Clerk 1	\$ 56,000.00	\$ 66,000.00
Clerk 1	\$ 55,000.00	\$ 65,000.00
Clerk 1	\$ 47,000.00	\$ 55,000.00
Clerk Stenographer 1	\$ 41,000.00	\$ 46,000.00
Keyboarding Clerk 1	\$ 50,000.00	\$ 60,000.00
Clerk 1 – P/T	\$10.00/hour	\$25.00/hour
Supervising Mechanic	\$ 55,000.00	\$ 75,000.00
Mechanic	\$ 55,000.00	\$ 64,000.00
Special Law Enforcement Officer	\$10.00/hour	\$35.00/hour
School Traffic Guard	\$ 18.94/hour	\$ 19.32/hour
<b><u>OTHER EMPLOYEES</u></b>		
Aide to the Mayor	\$ 40,000.00	\$ 50,000.00
Municipal Alliance Coordinator – Stipend	\$ 3,300.00	\$ 3,300.00
Election Guards	\$100.00/day	\$100.00/day

**DEPARTMENT OF PUBLIC WORKS AND WATER**

TITLE	BASE SALARY MINIMUM	BASE SALARY MAXIMUM
Director of Public Works	\$ 2,250.00	\$ 2,250.00
<b><u>ENGINEERING DEPARTMENT</u></b>		
Engineering/Chief Project Coordinator-Construction	\$ 75,000.00	\$100,000.00
Clerk Stenographer 1	\$ 25,000.00	\$ 40,000.00
<b><u>ROAD DEPARTMENT</u></b>		
General Supervisor Roads	\$ 65,000.00	\$ 90,000.00
Supervising Equipment Operator	\$ 60,000.00	\$ 85,000.00
Supervising Mechanic	\$ 69,000.00	\$ 85,000.00
Supervisor Traffic Maintenance	\$ 55,000.00	\$ 75,000.00
Clerk 1	\$ 25,000.00	\$ 40,000.00
Clean Communities Coordinator - Stipend	\$ 2,000.00	\$ 2,000.00
Sign Maker	\$ 22,000.00	\$ 31,000.00
Senior Mason	\$ 50,000.00	\$ 65,000.00
Laborer 1 – P/T	\$ 25,000.00	\$ 45,000.00
Laborer 1 – Seasonal	\$12.00/hour	\$15.00/hour
<b><u>SEWER DEPARTMENT</u></b>		
Sewer Repair Supervisor/Water Repair Supervisor	\$ 60,000.00	\$ 85,000.00
Laborer 1 – P/T	\$ 25,000.00	\$ 45,000.00
Laborer 1 – Seasonal	\$12.00/hour	\$15.00/hour
<b><u>WATER DEPARTMENT</u></b>		
Public Works Superintendent	\$ 80,000.00	\$120,000.00
Assistant Public Works Superintendent	\$ 65,000.00	\$ 90,000.00
Assistant Water and Sewer Superintendent / Operator	\$ 65,000.00	\$ 96,000.00
General Supervisor Water	\$ 60,000.00	\$ 85,000.00
Supervising Equipment Operator	\$ 60,000.00	\$ 85,000.00
Supervising Mechanic	\$ 69,000.00	\$ 85,000.00
Keyboarding Clerk 2	\$ 25,000.00	\$ 35,000.00
Data Processing Technician	\$ 35,000.00	\$ 61,000.00
Clerk 1 – P/T	\$ 25,000.00	\$ 40,000.00
Clerk 1 – P/T	\$ 25,000.00	\$ 40,000.00
Clerk Stenographer 1 – P/T	\$ 25,000.00	\$ 40,000.00
Laborer 1 – P/T	\$ 25,000.00	\$ 45,000.00
Laborer 1 – Seasonal	\$12.00/hour	\$15.00/hour

**DEPARTMENT OF PARKS AND PUBLIC PROPERTY**

TITLE	BASE SALARY MINIMUM	BASE SALARY MAXIMUM
Director of Parks & Public Property	\$ 2,250.00	\$ 2,250.00
<b><u>PARKS AND PLAYGROUNDS</u></b>		
General Supervisor Parks	\$ 70,000.00	\$110,000.00
Maintenance Supervisor Grounds	\$ 60,000.00	\$ 85,000.00
Supervising Mechanic	\$ 53,000.00	\$ 85,000.00
Assistant Supervisor Recreation Maintenance	\$ 55,000.00	\$ 75,000.00
Keyboarding Clerk 3	\$ 50,000.00	\$ 65,000.00
Account Clerk	\$ 45,000.00	\$ 70,000.00
Account Clerk – Insurance Stipend	\$ 1,000.00	\$ 5,000.00
Clerk 1	\$ 35,000.00	\$ 50,000.00
Clerk 1 – P/T	\$12.00/hour	\$20.00/hour
Clerk 1 - Seasonal	\$12.00/hour	\$20.00/hour
Receptionist/Telephone Operator	\$ 30,000.00	\$ 47,000.00
Receptionist/Telephone Operator – P/T	\$ 8.00/hour	\$20.00/hour
Laborer 1 – P/T	\$ 8.00/hour	\$20.00/hour
Laborer 1 – Seasonal	\$ 8.00/hour	\$18.00/hour
<b><u>SHADE TREE</u></b>		
Tree Maintenance Supervisor	\$ 55,000.00	\$ 85,000.00
Keyboarding Clerk 2	\$ 38,000.00	\$ 60,000.00
Keyboarding Clerk 2 – Insurance Stipend	\$ 1,000.00	\$ 5,000.00
Laborer 1 – P/T	\$ 8.00/hour	\$20.00/hour
Laborer 1 – Seasonal	\$ 8.00/hour	\$20.00/hour
<b><u>BUILDINGS AND GROUNDS</u></b>		
Supervising Carpenter	\$ 53,600.00	\$ 80,000.00
Building Maintenance Worker	\$ 27,000.00	\$ 42,000.00
Building Maintenance Worker	\$ 27,000.00	\$ 42,000.00
Building Maintenance Worker P/T	\$12.00/hour	\$24.00/hour
Construction Supervisor – P/T	\$ 20,000.00	\$ 40,000.00
Laborer 1 – P/T	\$ 8.00/hour	\$20.00/hour
Laborer 1 – Seasonal	\$ 8.00/hour	\$20.00/hour
<b><u>RECREATION</u></b>		
Recreation Director	\$ 95,000.00	\$105,000.00
Recreation Leader	\$ 42,000.00	\$ 52,000.00
Recreation Leader	\$ 42,000.00	\$ 52,000.00
Recreation Leader – Insurance Stipend	\$ 1,000.00	\$ 5,000.00
Recreation Leader	\$ 28,000.00	\$ 38,000.00
Recreation Leader – P/T	\$ 7.50/hour	\$25.00/hour
Recreation Leader – Seasonal	\$ 7.50/hour	\$25.00/hour
Special Recreation Instructor	\$10.00/hour	\$35.00/hour
Bus Driver – P/T	\$14.00/hour	\$25.00/hour
<b><u>RECREATION COMMISSION</u></b>		
Art Teacher	\$20.00/hour	\$40.00/hour
Building Supervisors	\$10.00/hour	\$25.00/hour
Fitness Instructor	\$25.00/hour	\$50.00/hour
Fitness Instructor – Boot Camp	\$50.00/hour	\$75.00/hour
Latin Aerobics Instructor	\$20.00/hour	\$40.00/hour
Recreation Leader – Art/Music/Dance	\$10.00/hour	\$35.00/hour
Senior Fitness Instructor	\$10.00/hour	\$35.00/hour
Site Supervisor	\$10.00/hour	\$25.00/hour
Special Recreation Instructor	\$15.00/hour	\$30.00/hour

Summer Clinic Instructor	\$10.00/hour	\$25.00/hour
Summer Clinic Instructor	\$1,800.00/session	\$2,000.00/session
Yoga Instructor	\$20.00/hour	\$40.00/hour

**RECREATION COMMISSION – SPORTS OFFICIALS**

Basketball Officials	\$ 8.00/game	\$75.00/game
Basketball Score Keepers	\$ 7.50/game	\$40.00/game
Flag Football Officials	\$10.00/game	\$40.00/game
Lacrosse Officials	\$ 8.00/game	\$75.00/game
Soccer Referees	\$ 8.00/game	\$75.00/game
Softball Umpires	\$ 8.00/game	\$75.00/game
Tackle Football Officials	\$25.00/game	\$75.00/game
Volleyball Officials	\$15.00/game	\$40.00/game
Wrestling Officials	\$ 7.50/game	\$75.00/game

**BUS TRANSPORTATION**

Bus Driver	\$25,000.00	\$40,000.00
Senior Citizen Bus Driver – P/T	\$10.00/hour	\$25.00/hour
Bus Driver – P/T	\$10.00/hour	\$25.00/hour
Bus Driver – Seasonal	\$10.00/hour	\$25.00/hour

**CAMP NUTLEY**

Camp Director	\$15.00/hour	\$35.00/hour
Camp Teacher	\$10.00/hour	\$18.00/hour
Camp Counselor – College	\$ 8.00/hour	\$12.00/hour
Camp Counselor – High School	\$ 8.00/hour	\$12.00/hour
Bus Driver	\$10.00/hour	\$30.00/hour

**SUMMER PLAYGROUND PROGRAM**

Playground Director	\$10.00/hour	\$25.00/hour
Playground Teacher	\$10.00/hour	\$20.00/hour
Playground Counselor	\$ 8.00/hour	\$12.00/hour

**PRE-K PROGRAM**

Pre-K Program Director	\$15.00/hour	\$25.00/hour
Pre-K Program Helper	\$ 8.00/hour	\$12.00/hour

**SECTION 2**

The annual salaries of the employees of the Departments of Public Works, Water, Parks and Public Property, excepting office employees, shall be on the basis of forty (40) hours per week. When overtime is required, it shall be paid on a "time and one-half" basis. The provisions for overtime as stated in this paragraph shall not apply to the Public Works Superintendent, Municipal Engineer and Construction Code Official.

**SECTION 3**

Payment of vacation time in advance may be made upon request in writing to the Treasurer at least one month in advance of the pay period requested. Written request must be approved by the Department Head before submission to the Treasurer.

**SECTION 4**

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed and this ordinance shall take effect twenty (20) days after final passage in accordance with the law.

**SECTION 5**

To the extent not set forth herein, all total salaries per annum will include longevity as set forth in Nutley Municipal Code Chapter 103.

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

Introduced by:           e e e Commissioner Mauro G. Tucci          e e e Date:           e November 6, 2014          

Seconded by:                           Commissioner Joseph P. Scarpelli                           No.                           265-14                          

**BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the **2014 Budget** be and the same are hereby authorized and approved:

**DEPARTMENT OF PARKS & PUBLIC PROPERTY**

<b>FROM:</b>	<b>TO:</b>
Parks & Playgrounds S/W 4-01-504-100                 \$42,000.00	Pub. Bldgs. & Grounds S/W 4-01-508-100                 \$ 30,000.00
Other Insurance 4-01-522-200                 50,000.00	Pub. Bldgs. & Grounds O/E 4-01-508-200                 50,000.00
Shade Tree S/W 4-01-512-200                 12,000.00	Shade Tree O/E 4-01-512-200                 12,000.00
	Debris Removal 4-01-514-200                 5,000.00
	Communication Serv. S/W 4-01-510-100                 1,000.00
	Sr. Citz Transport S/W 4-01-517-100                 6,000.00
<b>Total                                 \$ 104,000.00</b>	<b>Total                                 \$ 104,000.00</b>

. . .

I, *Eleni Petraco*, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held           November 6, 2014            
Eleni Petraco

<b>Record of Vote</b>	<b>Commissioner Rogers</b>	<b>Commissioner Tucci</b>	<b>Commissioner Evans</b>	<b>Commissioner Scarpelli</b>	<b>Mayor Petracco</b>
Yes	X		X	X	X
No					
Not Voting					
Absent/Excused		X			

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

## Resolution

*Introduced by:* Commissioner Mauro G. Tucci *Date:* November 6, 2014  
*Seconded by:* Commissioner Joseph P. Scarpelli *No.* 268-14

**BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley in the County of Essex New Jersey, that the Township Clerk is authorized for sealed bids for recreation uniforms and recreation equipment.

Bids to be received on Wednesday, November 26, 2014 in the Commission Chambers, Township Hall at 3:00 (prevailing time) at which time they will be publicly opened and read.

. . .

I, Eleni Petras, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Eleni Petras

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 6, 2014

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scarpelli</i>	<i>Mayor Petracco</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

RESOLUTION  
260-14  
PULLED AT MEETING  
OF 11-6-2014  
NUMBER NOT USED

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

## Resolution

*Introduced by:*           e          Commissioner Thomas J. Evans e e e           *Date:*           November 6, 2014            
*Seconded by:*           Commissioner Joseph P. Scarpelli           *No.*           259-14          

### DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER

**WHEREAS**, in accordance with N.J.A.C. 17:27-3.2 each public agency shall designate an individual to serve as its Public Agency Compliance Officer (PACO), which serves as the liaison between the Department of the Treasury, Division of Public Contracts Equal Employment Opportunity and the Township of Nutley and;

**WHEREAS**, the PACO serves as the Public Agency's point of contact for all matters concerning implementation and administration of the above referenced statute;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Board of Commissioners, County of Essex, State of New Jersey, hereby appoints Eleni Pettas, Municipal Clerk, as the Township's PACO for the calendar year 2015; and

**BE IT FURTHER RESOLVED**, that in accordance with NJAC 17:27 the Township Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the State of New Jersey Department of the Treasury Division of Contract Compliance and EEO in Public Contracts.

. . .

I, *Eleni Pettas*, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held           November 6, 2014          

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scarpelli</i>	<i>Mayor Petracco</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

## Resolution

*Introduced by:* Commissioner Thomas J. Evans e e *Date:* November 6, 2014  
*Seconded by:* Commissioner Joseph P. Scarpelli *No.* 263-14

**WHEREAS**, N.J.S.A. 40A: 5-14 mandates that the governing body of a municipal corporation shall, by resolution, passed by a majority vote of the full membership thereof, adopt a cash management plan; and

**WHEREAS**, all deposits and investments of its funds shall be made pursuant to said plan;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the cash management plan annexed hereto is hereby adopted as the Official Cash Management Plan for the Township of Nutley for the year **2014** and all deposits or investments of its funds be made pursuant thereto.

. . .

I, Eleni Petras, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 6, 2014

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scarpelli</i>	<i>Mayor Petracco</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

RESOLUTION 266-14  
PULLED AT  
MEETING OF  
11-6-2014  
NUMBER NOT USED

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

## Resolution

Introduced by: ee Commissioner Joseph P. Scarpelli ee Date: November 6, 2014

Seconded by: Commissioner Steven Rogers No. 262-14

**WHEREAS**, the Township of Nutley has implemented a multi-year plan to upgrade our existing water meters to new wireless water meters which can be read without access to the home; and

**WHEREAS**, estimated water bills are provided to homeowners when access to an indoor meter cannot be obtained; and

**WHEREAS**, the inability to regularly reads inside meters occasionally results in significant arrearages once access is obtained and an accurate reading is made; and

**WHEREAS**, the arrearages can result in a significant hardship to a homeowner, especially in the current economic environment; and

**WHEREAS**, Account # 4183-0 located at 10 Willow Place received a new water meter on August 6, 2014 and an actual reading was obtained resulting in a water bill of \$636.81; and

**WHEREAS**, the Township and owner at 10 Willow Place have both investigated this matter;

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley in the County of Essex as follows:

- The Township Treasurer be and is hereby authorized to suspend interest on arrearages and arrange for the following six (6) month payment plan.

Payment #	Due Date	Amount
1	11/24/2014	\$106.14
2	12/24/2014	\$106.14
3	1/24/2015	\$106.14
4	2/24/2015	\$106.14
5	3/24/2015	\$106.14
6	4/24/2015	\$106.11
<b>TOTAL</b>		<b>\$636.81</b>

- The homeowner must remain current in their existing water charges.
- If the homeowner does not comply with the terms of the installment agreement with timely payment, the agreement is immediately terminated and interest will accrue back to the date of the original bill.

. . .

I, Eleni Petras, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 6, 2014

Record of Vote	Commissioner Rogers	Commissioner Tucci	Commissioner Evans	Commissioner Scarpelli	Mayor Petracco
Yes	X		X	X	X
No					
Not Voting					
Absent/Excused		X			

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* Mayor Alphonse Petrucco *Date:* November 6, 2014  
*Seconded by:* Commissioner Steven Rogers *No.* 261-14

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**SECTION 1:**

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2014** in the sum of **\$30,000.00**, which item is now available as a revenue from the **FY 2013 Safe and Secure Communities Grant Program** pursuant to the provisions of statute;

**SECTION 2:**

**BE IT FURTHER RESOLVED**, that a like sum of **\$30,000.00** be and same is hereby appropriated under the caption of:

**General Appropriations**

**(A) Operations-Excluded from 5% CAPS**

**FY 2013 SAFE AND SECURE COMMUNITIES GRANT PROGRAM .....\$ 30,000.00**

**SECTION 3:**

**BE IT FURTHER RESOLVED**, that the above is the result of revenues available for the **FY 2013 Safe and Secure Communities Grant Program**;

**BE IT FURTHER RESOLVED**, that the municipal matching share for the **FY 2013 Safe and Secure Communities Grant Program** in the amount of **\$7,500.00** is included in the 2014 adopted budget in accordance with the grant agreement and is hereby appropriated for said purpose.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Eleni Pettas

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 6, 2014

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scarpelli</i>	<i>Mayor Petrucco</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

Introduced by:           e  e          Mayor Alphonse Petracco          e  e           Date: e  November 6, 2014e  
 Seconded by:           e  e          Commissioner Steven Rogers           No.           264-14          

**BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the **2014 Budget** be and the same are hereby authorized and approved:

**DEPARTMENT OF PUBLIC SAFETY**

FROM:		TO:	
Police S/W 4-01-308-100	\$ 165,000.00	Public Defender S/W 4-01-324-100	\$ 15,000.00
Planning Bd. O/E 4-01-015-200	6,000.00	Planning Bd. S/W 4-01-015-100	6,000.00
		Police O/E 4-01-308-200	150,000.00
<b>Total</b>	<b>\$171,000.00</b>	<b>Total</b>	<b>\$171,000.00</b>

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 6, 2014

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scarpelli</i>	<i>Mayor Petracco</i>
Yes	X		X	X	X
No					
Not Voting					
Absent/Excused		X			

**BOARD OF COMMISSIONERS**

**TOWNSHIP OF NUTLEY, NEW JERSEY**

**Resolution**

**Introduced by:** Mayor Alphonse Petracco **Date:** November 6, 2014  
**Seconded by:** Commissioner Steven Rogers **No.** 267-14

**WHEREAS**, raffle applications have been received from the following organizations; and

PBA Local # 33 Nutley Civic Association Inc.	License No. 70-14	Off-Premise 50/50 Cash Raffle
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**WHEREAS**, the applications have been reviewed and approved by the Municipal Clerk and the Police Department.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the  
 Eleni Pettas  
 foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 6, 2014

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scarpelli</i>	<i>Mayor Petracco</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			