

MEMORANDUM REGARDING NONCONFORMING USE ISSUE

To: Members of the Village of Ridgewood
Zoning Board of Adjustment

From: Robert J. Inglima, Jr., Esq., on behalf of
The Religious Society of Friends / Ridgewood Friends Meeting,
and the Friends Neighborhood Nursery School

Re: Application of Les Dann, LLC

The following Memorandum is respectfully submitted to the Village of Ridgewood Zoning Board of Adjustment on behalf of interested parties with respect to the request by Applicant Les Dann, LLC for Certification of a Nonconforming Auto Body Shop Use pursuant to N.J.S.A. 40:55D-68, with respect to Lot 12 in Block 3905 (located at 246 South Broad Street) and Lot 14 in Block 3905 (located at 264 South Broad Street). This Memorandum is divided into three sections, relating to the relevant history of the municipal zoning ordinance, the facts and conditions of the use and development of the subject properties, and a brief legal argument in supplementation of the Memorandum of Law previously supplied by Bruce E. Whitaker, Esq.

I RELEVANT HISTORY OF ZONING ORDINANCE ENACTMENTS.

A. Introduction. It appears that the earliest version of a Zoning Ordinance regulating uses and structures in the Village of Ridgewood was adopted in 1931. Ordinance #764 adopted April 14, 1931; see Hearing Exhibits A-73 and O-5 , as well as Appendix A hereto (reference to prior ordinance set forth in repealer provision of Ord. 993, §25). It is not known whether any of the uses or structures developed on Lot 14 thereafter were permitted or prohibited by the 1931 Zoning Ordinance.

The earliest zoning ordinance that is available for review in this matter is Ordinance 993, adopted April 23, 1946. It was subsequently amended on seventeen occasions between July 1946 and April 1963. The original ordinance and effect of the subsequent amendments are reflected in Appendix A hereto.

The 1946 ordinance governed the uses of properties designated within three residential zone districts and two business zones (Retail Business and General Business) of the municipality. Although the original “Building Zone Map” dated November 10, 1945 is not available for review (see Ord. 993, §3; , App. A, at sheet 16¹), it appears that the subject premises were originally designated within the General Business Zone, as the Retail Business Zone District was located in and near the Central Business District of the Village. See also, 1964 Master Plan adopted July 21, 1964 (Appendix B hereto).

¹ The “sheets” of the various Appendix documents set forth herein refer to the pages of the attached pdfs themselves; for example, the sixteenth sheet of Appendix A actually bears an original page number “6” at the bottom of the document.

B. The 1946 Zoning Ordinance. Ordinance #993 contained the following provisions:

Section 1 DEFINITIONS (App. A, sheets 14 and 15):

PRIVATE GARAGE. A “private garage” is an accessory building in which no business, commercial service or industry connected with motor vehicles is carried on.” [Ord. 993, §1(v)]

PUBLIC GARAGE. A “public garage” is any garage other than a private garage. [Ord. 993, §1(w)]

FILLING STATION. A “filling station” is any establishment supplying and selling motor fuel or oil direct to motor vehicles. [Ord. 993, §1(x)]

ELECTRIC MOTIVE POWER. “Electric motive power” is power which is developed by an electric motor from electricity not generated in the premises. [Ord. 993, §1(y)]

Section 7 RETAIL BUSINESS ZONE USES (App. A, sheets 20 and 21):

Within any Retail Business Zone no building or lands shall be used in whole or in part for any industrial or manufacturing purpose, or for any other than the following specified purposes:

* * *

(3) Retail store, . . . ; public garage, filling or service station for motor vehicles, *including repair shop*; . . . ; all provided that in the permitted stores or shops no merchandise shall be carried other than that intended to be sold at retail on the premises: that only electric motive power be used for operating any machinery used incidentally to a permitted use, and further provided that no supplies, materials or goods be stored outdoors.” [Ord. 993, §7(3); emphasis added.]

Section 8 GENERAL BUSINESS ZONE USES (App. A, sheets 24 and 25):

Within any General Business Zone no building or lands shall be used in whole or in part for any industrial or manufacturing purpose, except as permitted in this Section, or for any other than the following specified purposes:

(1) Any use specified in Sections 4, 5, 6 and 7 as permitted in one-family, two-family, multi-family and retail business zones. [Ord. 993, §8(1)]

Section 15 GARAGES, STABLES, FILLING STATIONS (App. A, sheets 33 - 35):

* * *

(c) Public Garages, Filling and Service Stations:

- (1) No part of any public garage, filling or service station shall be used for residence or sleeping purposes.
- (2) No part of any filling station, bus terminal or public garage accommodating more than five motor vehicles, nor any driveway, entrance or exit to or from the same, shall be within three hundred (300) feet of any lot line of any plot on which is located any building used as a theatre, auditorium, or other place of public assembly seating over one hundred (100) persons, or used as a church, hospital, college, school, or institution for dependents or children, or any public playground or athletic field.
- (3) No part of any building used as a public garage or filling station and no pump or other service appliance used to supply motor vehicles shall be erected within twenty (20) feet of any boundary line of any residential zone.
- (4) No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance installed in connection with any filling station or public garage shall be within ten (10) feet of any street, and no gasoline storage tank or pump shall be permitted within any building. [Ord. 993, §15(c)(1 thru 4)]

Section 16. GENERAL PROVISIONS (App. A, sheet 35):

- (1) No lot hereafter may be used and no building or part thereof hereafter may be erected, constructed, reconstructed, moved, repaired, extended, converted, altered, maintained or used, except in conformity with the provisions of this ordinance. [Ord. 993, §16(1)]

The version of Ordinance 993 contained in Appendix A was in effect as of April 1963, the date of its last posted revision (i.e., Ord. #1268). It appears that, to the extent that there were business uses or structures developed on Lot 12 or Lot 14 during the period from April 1946 through April 1965, they would have been governed by the foregoing provisions.

C. The 1965 Zoning Ordinance. On September 14, 1965, a comprehensive revision of the Zoning Ordinance was effected upon the adoption of Ordinance #1316 and a new undated Zone Map (Exhibits A-71A and A-71B). This ordinance created new business zone districts (B-1, B-2, B-3, C and P), and designated the subject premises within the B-2 Zone. For ease of review, selected provisions of Ordinance 1316 have been transcribed in Appendix C hereto.

Ordinance #1316 established more extensive regulations affecting the use and development of lands in the non-residential zones of the municipality. In particular, although it permitted the continuation of certain legal nonconforming uses and structures located in Ridgewood prior to its enactment, it required any alterations of same to be compliant with the new regulations [Ord. #1316, §§303 and 411] and prohibited any enlargement or extension of same. [id., §602] It barred multiple principal structures on a single lot [id., §§324 and 406], as well as mixtures of residential and business uses on the same property in the B-2 Zone [id., §1802].

It created new requirements for outdoor storage in non-residential zones [Ord. #1316, §412] and established a set of standards and conditions for operation of “public garages” in the B-2 and C Zone Districts [id., at Article 5]. In particular, it refined the definition of “public garage” to state that “a public garage or gasoline service station is any building, structure, lot or land in or upon which a business, service of industry involving the storage, maintenance, washing or servicing, and storage in connection therewith, of motor vehicles is maintained, conducted, operated or rendered” (id., §326). It established setback requirements and separation distances for the principal use from places of public assembly and other public garages (id., §§503, 506 and 510).

It barred the use of a public garage for any other purposes, restricted the location of structures by reference to lot boundaries as well as residential zone districts, imposed requirements on outdoor storage of vehicles and certain materials, and prohibited outdoor repair work [Ord. #1316, §§504, 509, 511, 512 and 1801(e)]. Most important, it prohibited any alteration or expansion of any existing public garage or gasoline service station except upon compliance by the applicant with all provisions of Article 5 [id., §§303 and 513].

By Section 1901 of the 1965 Zoning Ordinance, the “primary intended uses” of public garages and gasoline service stations as regulated in Article 5” were also permitted in the B-3 Retail Business District [Ord. #1316, §1901(a)]. In addition, Ordinance #1316 established a new zone district, the C Commercial District, and the Village Council enacted the following provisions:

Section 2001 PRIMARY INTENDED USE. The C commercial Zone District shall be limited to those uses permitted in the B-3 retail business Zone District *as well as the following additional uses:*

(a) Auto body repair shop” [Ord. 1316, §2001(a); emphasis added]

Interestingly, unlike “public garages,” the use and development of an “auto body repair shop” in the C Zone was subject to a set of “Performance Standards” established in the 1965 Zoning Ordinance [Ord. 1316, §2004; see Appendix C hereto]. Thus, upon its adoption of Ordinance #1316, the Village Council established that an “auto body repair shop” was not considered a subset of the “public garage” use classification but was to be treated differently for all land use purposes under the Zoning Ordinance.

The “auto body repair shop” principal use was perpetuated in all subsequent zoning ordinances, and consistently permitted only in the C Commercial Zone District, until the adoption on March 23, 2016 of Ordinance #3492 (Appendix D hereto), which changed the classification to “automotive repair shops” [Ord. #3492, §190-114.B.(13)].

D. The 1974 Zoning Ordinance. It appears from available documents that Chapter 33 (Zoning) of the Code of the Village of Ridgewood was adopted prior to August 1974 (see Appendix E hereto; references to “Supp. # 1, 8-74”). Chapter 33 codified Ordinance #1316 as well as amendments that were adopted during the preceding nine years.² These changes eliminated the B-3 Zone but added several additional non-residential districts (O-B, O-B-2 and P-2 Zones).

Definitions contained in Sections 301, 302, 303, 324, 325 and 326 of Ordinance #1316 were continued in Chapter 33. It also reorganized and contained refinements of certain prior provisions relating to business uses in the B-1, B-2 and C Zone Districts. Provisions contained in the 1965 Zoning Ordinance relating to limitations on principal uses and structures were continued in the 1974 version.

Public garages continued to be permitted in the B-2 and C Zone Districts, subject to the provisions of Article III of Chapter 33 (§§33-36, 33-116(d), 33-118(b) and 33-121). Most of the regulations applicable to “public garage” uses in the B-2 Zone were continued (Articles III and XVII), and the distinct use classification of “auto body repair shop” in the C Zone District and applicable performance standards were also retained (Article XVIII; §§33-121(a) and 33-124).

Chapter 33 also contained essentially the same provisions as Article 6 (Non-conforming Uses and Structures) and Article 7 (Site Plan Review by the Planning Board) of Ordinance #1316 that are set forth in Appendix C hereto, within Articles IV and V of Chapter 33. Section 33-48 was also included, and slightly revised the original Section 601 of Ordinance #1316, to state that “[a]ny nonconforming use or structure which lawfully existed on September 16, 1965, may be continued and any such existing nonconforming building or structure may be reconstructed or structurally altered provided it shall meet the requirements of this article.”

The provisions of Chapter 33, the 1974 Zoning Ordinance (Appendix E), were in effect on September 25, 1974 when the Board of Adjustment denied the Application of Karl Montick (Sr.) seeking to expand the auto body shop business at that time known as “Ridgewood Auto Body Shop” (see, 1974 Resolution, originally attached to the Application forms filed in this matter, copy of which is annexed as Appendix F hereto). The “autobody shop” on Lot 14 was clearly nonconforming at all relevant times after September 1965, due to the fact that an “auto body repair shop” use was permitted only in the C Zone District. The Board obviously denied the application based on the legal standards applicable to the proposed expansion of a nonconforming use (see discussion, *infra*).

E. Other subsequent enactments. Chapter 35, Land Use and Development, was enacted by the Village in order to comply with creation of the *New Jersey Municipal Land Use Law*, in which procedural and jurisdictional regulations affecting development applications and zoning

² Ord. ##1347, 1348, 1360, 1385, 1395, 1422, 1450, 1488, 1516, 1518, 1538, 1549, 1564, 1568, 1588, 1591, 1592; revisions were added to Appendix E (Section 33) through December 1975.

enforcement were established. Ordinance #1645 adopted August 9, 1977 (Appendix G hereto) amended the definition of “accessory use” set forth in Chapter 35 to state that it is “a use naturally and normally incident and subordinate to the principal and primary use upon any premises, located upon the same premises and not separated from the principal and primary use by any lot line, zone line, public street or thoroughfare” [Ord. #1645, §1].

Ordinance #1695 adopted December 26, 1978 deleted former Chapters 33 (Zoning) and 35 (Land Use and Development) in their entirety and substituted a new Chapter 35 as the “Comprehensive Zoning Regulations for the Village of Ridgewood.” This version of Chapter 35 would subsequently be titled “Land Use and Development” and later renumbered as Chapter 190 in a revised version of the Official Code of the Village of Ridgewood (see Ord. #2375, *infra*).

This was the body of land use law in effect on October 24, 1979, when the Village of Ridgewood Zoning Board of Adjustment granted the application of Karl Montick (Sr.) to construct an eight-foot high chain link fence completing the enclosure of the Ridgewood Vehicle Company business and building on Lot 12.

By Ordinance #1949 adopted October 9, 1984 (Applicant’s Exhibit A-76), Lots 12, 13 and 14 in Block 3905 were rezoned from the B-2 Zone to the R-3 Zone District. Not long after that date, Ordinance #2047 adopted June 24, 1986 (Appendix H hereto) further amended Chapter 35 to add the right for a party having an interest in property upon which a nonconforming use or structure to seek a certification of such prior nonconforming condition [Ord. #2047, §35].

The foregoing revisions to Chapter 35 and the R-2 zoning of the subject premises were in effect on November 11, 1987 when the Board granted the application of Karl E. Montick and Kadich Realty Corp. to construct a spray booth addition to the Ridgewood Vehicle Company building on Lot 12, in the R-3 Zone District (Resolution marked as Exhibit A-85; copy annexed hereto as Appendix I).

F. Relevant ordinance revisions after 1987. Ordinance #2260 adopted June 12, 1990 (Appendix J hereto) amended Section 35-85.1 to require site plan review and approval for “any permitted non-residential use” other than a municipally-owned or leased building [Ord. #2260, §5]. Ordinance #2375 adopted October 13, 1992 renumbered former Chapter 35 as Chapter 190 in a revised version of the Official Code of the Village of Ridgewood. This ordinance was further amended on November 27, 1995 and February 15, 1996.

By Ordinance #2561 adopted April 9, 1996, Chapter 190 (as adopted by Ord. #1695) was repealed and completely replaced with a revised version bearing the same Chapter 190 designation. Ordinance #3493 adopted March 23, 2016 (Appendix K hereto) amended §190-124.E.(2) to state that “outdoor storage of any kind is prohibited in the residential zones, except for a legal one-family or two-family detached or two-family dwelling” [Ord. #3493, §5].

The current version of Chapter 190 available on the municipal website reflects revisions to the 1996 Zoning Ordinance, as aforesaid. However, there have not been any revisions to the Zoning Ordinance that have relaxed the development standards and restrictions imposed upon the R-3 Zone or the Applicant’s property after 1987.

II. FACTUAL BACKGROUND OF APPLICANT'S REQUEST FOR CERTIFICATION.

A. The Application, Certification Request and Hearings. On or about September 9, 2022, Les Dann, LLC filed an application to the Village of Ridgewood Board of Adjustment seeking variance relief pursuant to N.J.S.A. 40:55D-70(c) and (d), site plan and other approvals, with respect to the subject premises. The existing development of the property was described in the application form as an "Auto Body shop and one family dwelling" and the proposed development was described as "[t]he Applicant seeks to replace the existing house and expand the existing Auto Body shop to cover all three lots."

An initial public hearing occurred on January 10, 2023, at which Michael Daniel, a principal of the Applicant, testified regarding his company's purchase of the subject premises and proposal to redevelopment same as a new auto body shop. After the issuance of a revised notice of hearing on May 12, 2023, the case was recommenced at the May 23, 2023 meeting of the Board, and Mr. Daniel proceeded to repeat his testimony and was presented for cross-examination by counsel for the objectors.

After objections were raised by my client in the course of the May 2023 hearing, the application was amended to include a request for certification of a non-conforming use. A new notice of hearing was published on July 28, 2023 which stated that the Applicant was seeking "[a] certificate of nonconforming use (preexisting) for an autobody shop with related offices, indoor and outdoor storage on Block 3905, Lots 12 & 14" (hereinafter referred to as the "Certification Request"), in addition to site plan approvals, variances and other relief.

Testimony was presented from Mr. Daniel regarding the Certification Request on August 8, 2023 and January 23, 2024. The Applicant also called the prior owner of the subject premises, Karl Montick, to testify at the October 24, 2023 meeting. Alexander Saavedra, who was described as an investigator, also testified on October 24, 2023. The Applicant's planning witness, Steven Lydon, testified at the March 26, 2024 meeting.

In addition to cross-examination of the Applicant's witnesses, the objectors called Peter Steck, a professional planner, to provide an analysis of the relevant zoning and planning criteria for the Certification Request, at the March 26, 2024 meeting. He was cross-examined by counsel for the Applicant at the August 27, 2024 meeting of the Board.

Transcripts have been provided to the Board with respect to all of the hearings with the exception of the August 27, 2024 meeting and cross-examination of Mr. Steck. If such a transcript is filed after September 17, 2024, my client respectfully reserves the right to respond to any argument made by the Applicant based on that testimony, in the course of oral summation immediately prior to the Board's vote on the Certification Request.

B. Relevant Facts - Testimony of Michael Daniel. Mr. Daniel stated that his company, Les Dann LLC had acquired all three lots comprising the subject premises in June 2021 from Karl Montick, and that they also acquired Mr. Montick's business previously known as Ridgewood Vehicle Company (which occupied Lot 12 and the building on the property commonly known as 246 South Broad Street). He testified that, prior to the date of his company's acquisition of the

subject premises, the business activities of Mr. Montick had spread across both Lots 12 and 13, which contains a single-family residential dwelling. He said that Les Dann entered the property prior to closing, in April 2021, to assess the Ridgewood Vehicle Company business and modify the property to reflect the “culture” of Les Dann.

He stated that the activities of Ridgewood Vehicle Company included outdoor disassembly and storage of automobile parts and vehicles in a state of repair, as well as freshly painted auto parts placed outdoors to dry on racks. He shared his observations regarding the “junkyard” appearance of the properties, that resulted from a lack of property maintenance and general disrepair of the sites, and that trash and unusable or damaged auto parts and components found behind buildings on all three lots. He introduced photos (Exhibits A-12 through A-17, A-20, A-29 through A-49) that depicted conditions of the subject premises in May 2021 and immediately prior to the date of closing.

Mr. Daniel’s testimony focused on his company’s efforts to “clean up” the sites. He commented on the number of vehicles and roll-off and other containers found at the site, and construction debris and piles of soil and other materials along the rear property lines of the site, and said they removed several dumpsters of trash and other materials. He stated that Les Dann eliminated encroachments of Ridgewood Vehicle Company upon Lot 13, and required third parties (M&K Landscaping, Michael Dunnegan and Rick’s Pool Service) to remove their business trucks, trailers and vehicles from the property. He testified that the clean up work was complete as of August 2023.

Notwithstanding same, he testified that an accessory structure on Lot 13 was previously used by Ridgewood Vehicle Company to store auto parts, and that his business (Mountainview) continued that business use of Lot 13. He said there was a residential tenant of the dwelling on Lot 13 who remained until February or March 2023, but that the residential tenant was not involved with any of the business entities that occupied the site.

With respect to the conditions of Lot 14, Mr. Daniel also testified that a former auto body shop business operated on a portion of Lot 14, Barry’s Ridgewood Auto Body, Inc. (hereinafter referred to as “Barry’s”), occupied two buildings in the center of the lot, but had strewn car parts and other materials and waste behind those structures and elsewhere on Lot 14. Some of the photos introduced by the witness depicted the haphazard “storage” of auto parts, tires and other materials removed from vehicles serviced by Barry’s. He confirmed that Barry’s business activities had also encroached upon Lot 13, in the rear half of that residential property.

Mr. Daniel testified that Barry’s as well as a second business that occupied the garage structure in the westernmost portion of Lot 14 (E&G Auto Repair, LLC; referred to variously through the hearings as “E&J” or E&G”) were tenants of Lot 14 at the time that Les Dann acquired same. In the case of both tenants, he confirmed that they terminated their leases and left Lot 14 at or around the date of closing of title (June 16, 2021).

With respect to Barry’s, Mr. Daniel confirmed that the business operated by Barry Rozema and his son were merely tenants of Karl Montick and not participants in the Ridgewood Vehicle Company business on Lot 12, and that they did not occupy the rear building on the property. He

stated that it was his understanding that E&G performed repairs of autos in the same building formerly occupied by Ridgewood Taxi. He stated that the Barry's business was the only tenant of Lot 14 that was licensed in the State of New Jersey as an auto body repair facility.

Upon cross-examination, Mr. Daniel confirmed that, shortly after the closing of title, his company had performed repairs to the building formerly occupied by Barry's located nearest to the E&G garage, and that they had been served a notice of violation and assessed a fine for performing the work without proper permits and approvals. He stated that the work was performed in order to remove a paint spray booth and to install a new concrete floor (to fill in a repair pit) and to repair damaged roof and wall elements and utilities in the building. He confirmed that his company had not received any land use approvals for the construction activities on Lot 14.

He also testified that Les Dann had entered into a lease arrangement with S. Shuart Contracting, a flooring contractor, for the use of one of the former Barry's buildings. He stated that Shuart occupied the property until August 2023, more than two years after Les Dann purchased the property. Mr. Daniel conceded that during the pendency of the application and Certification Request hearings, Les Dann began to use Lot 14 to perform work on vehicles in conjunction with the Mountainview Auto Body business on Lot 12.

Testimony of Karl Montick. The Applicant called Karl Montick, the previous owner of the subject premises, to testify at the October 24, 2023 meeting. Born in 1955, he testified regarding his personal recollections of observations at the subject premises that began around 1967. He stated that his grandfather, Michael Montick, previously owned Lot 14 and operated an auto body shop known as Ridgewood Auto Body from that location. He stated that his father Karl Montick (Sr.) acquired the property from his father Michael, and subsequently it was acquired by the witness, Karl Montick (Jr.)

He confirmed that, during the time Ridgewood Auto Body existed, there was also a taxi garage at the site; in other words, two separate businesses on Lot 14. He testified that Ridgewood Auto Body was operated for a time by Ed Knyfd and was later sold to Barry Rozema. During the same period Ridgewood Auto Body was operated by Michael Montick, Mr. Knyfd and Mr. Rozema on Lot 14, the witness testified that his father (Karl Montick Sr.) owned and operated Ridgewood Vehicle Company as a separate business on Lot 12 (see discussion, *infra*).

In describing the business activities of Barry's, he stated that Ridgewood Auto Body occupied the two buildings in the center portion of Lot 14, and that they stored auto parts on the ground outdoors, as well as parked vehicles all over Lot 14. He was not aware of the issuance by Village officials, to himself or the tenants of Lot 14, of any notices of violation or summonses with respect to the condition of the property.

The witness stated that he was not sure whether Ridgewood Taxi occupied Lot 14 during the period when his grandfather owned the property.³ With respect to the building occupied by Ridgewood Taxi at the rear of Lot 14, he stated that it was used as a taxi garage and repair garage

³ Lot 14 was conveyed from Michael Montick to Karl Montick and his wife by Deed dated October 31, 1968.

for their own vehicles, and that the tenant also stored its taxi cabs on Lot 14. He recalled that Ridgewood Taxi left the property in 2017 or 2018, when they lost their lease with the town.

He testified that, immediately following Ridgewood Taxi's departure, E&G (referred to in the transcript as "E&J") took possession of the rear building on Lot 14 pursuant to an oral agreement, and paid rent to Mr. Montick. He stated that the new tenant was engaged in the repair of customers' vehicles (i.e., automobiles that they didn't own themselves). He confirmed that the businesses of E&G and Barry's were both operated on Lot 14 and paying rent to Mr. Montick concurrently. He stated that Barry's was still on Lot 14 on the date of the closing of its sale to Les Dann.

With respect to Lot 13, Mr. Montick stated that he purchased the property from Cecilia Poortstra in 2002 subject to a life estate that permitted the seller to retain possession of the dwelling. However, Ms. Poortstra permitted Ridgewood Vehicle Company to store materials in an accessory building at the rear of Lot 13 during her continued possession of the house.

As to Lot 12, the witness stated that a partnership between his father Karl Montick (Sr.) and others (Kadich Realty Corp.) built the auto body shop at 246 South Broad Street around 1962 and operated a collision repair auto body business named Ridgewood Vehicle Company from that location.⁴ He stated that he acquired the Ridgewood Vehicle Company business in the mid-1980's and operated same until its sale to Les Dann. He testified that he acquired Lot 12 (as well as Lot 14) when his father died in 2018.

Mr. Montick stated that, during the period of his recollection, Ridgewood Vehicle placed or stored auto parts on the ground in the rear of Lot 12 and parked or stored vehicles under repair in the front and rear parking areas at the site. He admitted that in the years prior to the sale of the subject premises to Les Dann, he rented space in the rear of Lot 12 to M&K Landscaping and that he rented space at the rear of Lot 14 to Rick's Pool Service as well as a contractor named Michael Dunnegan, for storage of their vehicles.

He described the applications filed by his father for the expansion of the nonconforming auto body shop use on Lot 14 which was denied in 1974, which he said his father tried to put up some buildings to add a "transmission guy, and a glass guy" to the same site as Ridgewood Auto Body. He also admitted that he expanded Ridgewood Vehicle Company into Lot 13 after buying the property. However, he testified that he never expanded used Lot 14 for the business of Ridgewood Vehicle Company.

There were no exhibits marked or identified by Mr. Montick during his testimony. He did not produce any leases, instruments of title, certificates or permits, resolutions or other land use documents of any kind. In short, his entire testimony was based on recollection and remembrances from when he was a teenager and/or worked at Ridgewood Vehicle Company, and later owned or operated the Ridgewood Vehicle Company and the three lots. To the extent that any dates of transfers of ownership of the businesses are relevant to the Certification Request, my clients respectfully contend that the documents of record filed in the various offices of the

⁴ Exhibit A-85 (Appendix I) states that Lot 12 was acquired by Deed dated August 1, 1963.

Village, County of Bergen or State of New Jersey should be considered in lieu of the undocumented testimony of Mr. Montick. With respect to his testimony regarding changes in ownership of the subject premises, deeds and other instruments in the chains of title to the three lots on file in the Office of the Bergen County Clerk should be relied upon by this Board.

Testimony of Alexander Saavedra. After Mr. Montick completed his testimony, the Applicant called Alexander Saavedra. The witness stated that he was an investigator, but his testimony consisted of a review of newspaper clippings and archival articles obtained in a search of records maintained by or accessible in a database search at the Ridgewood Public Library. He merely described the documents, in the absence of any first-hand knowledge of the meaning, accuracy or context of the statements and other depictions contained therein.

For these reasons, my clients respectfully object to the consideration of Mr. Saavedra's testimony. To the extent the exhibits marked during his testimony as Exhibits A-50 through A-70A are to be considered for any purpose by this Board, my clients maintain that they speak for themselves but cannot be relied upon solely as the basis of establishing any dates when uses, structures or other events occurred that are relevant to the Board's deliberations regarding the Certification Request, or whether they uses, structures or other events continued uninterrupted during the entire period from their alleged commencement to the date of the Applicant's filing of the Certification Request.

Testimony of Steven Lydon. On January 23, 2024, the Applicant presented the testimony of Steven Lydon, a professional planner engaged by the Applicant to provide an opinion in support of its applications for variance relief and site plan approvals, as well as the Certification Request. Mr. Lydon did not submit a report in support of his opinion that the Applicant was entitled to certification that the properties contained a protected nonconforming use.

Instead, he relied exclusively on the direct testimony of the witnesses as well as a conclusion that conflated a "public garage" with an auto body shop. He asserted that the Ridgewood Taxi and E&G Auto Repair uses, as well as the Ridgewood Auto Body businesses on Lot 14 constituted "public garage" uses. He ignored the fact that there was no evidence that the Ridgewood Taxi building or principal use on Lot 14 existed prior to the adoption of the 1965 Zoning Ordinance (#1316) as well as the fact that the Zoning Ordinance purposefully distinguished an "auto body repair shop" (which was permitted only in the C Commercial Zone) from other "public garage" uses (that were permitted in the B-2 Zone, subject to certain conditions).

Mr. Lydon also sidestepped the obvious facts that the extent of the uses and principal structures developed and observed on Lot 14 were effectively established in 1974 in the Resolution previously adopted by this Board (see Appendix F hereto), more than nine years after the auto body shop use regulations in Ordinance #1316 were enacted by the Village (and such uses were effectively outlawed in the B-2 Zone District). Instead, Mr. Lydon went to extremes in an effort to conflate an auto body shop with a public garage, and sought to have the Board deem the former Ridgewood Taxi and E&G Auto Repair uses that occupied the rear building on Lot 14 in the same manner as an auto body shop. His efforts to argue that the auto body shop business formerly operated by Barry's were spread upon the entirety of Lot 14 were without logic or factual support.

With respect to Lot 12, Mr. Lydon's testimony overlooked the fact that this Board deliberately granted a "d" variance to permit the enlargement of a principal structure housing a nonconforming auto body shop (and thereby, expansion of a nonconforming principal use in the R-3 Zone), that the rights of the applicant were effectively established by that approval, and that any certification of a nonconforming use were effectively obviated thereby. Rather than focus on the four corners of the Board's Resolution to guide the limits of the use permitted by variance, Mr. Lydon's opinion suggested that the Board should indulge further unpermitted expansions of the use that took place after 1987 - such as unlimited outdoor storage, encroachment upon Lot 13, rental and storage of third party vehicles, and other illegal activities – and grant them the same protections accorded to the specific uses and activities approved by the Board.

Clearly, this Board should look first and foremost to its own Resolutions denying the 1974 application affecting Lot 14, and approving the 1987 application seeking a minimal expansion of the building and use of Lot 12) as the baseline for its determination of any protected nonconforming activities on those properties, in the course of the Certification Request.

Timeline of Relevant Events. From the foregoing testimony of the witnesses and the materials placed in the record of the hearing, the following timeline⁵ may be developed:

- 1942 Earliest advertisement for Ridgewood Auto Body Shop at 264 South Broad Street, Mike Montick, Prop. (Exhibit A-52)
- 1946 Zoning Ordinance was adopted by Village of Ridgewood; later amended July 1946, October 1948, June 1950, July 1951; it states that "public garage, filling or service station for motor vehicles, including repair shop" use(s) were permitted in the "Retail Business" and "General Business" Zone Districts (Exhibit A-73)
- 1948 Sanborn Fire Insurance Company 1930/1948 Map (Exhibit A-50) shows dwelling and two small accessory structures on Lot 12, Building #2 dwelling on front of Lot 13 and detached garage (possibly Building #3) towards rear of Lot 13, dwelling on front of Lot 14, Building #4 in middle of Lot 14 labelled "Auto Body RER & Painting," and Building #5 on Lot 14 towards rear of property
- 1953 An aerial photo bearing this date submitted by Applicant shows buildings formerly occupied by Ridgewood Auto Body on Lot 14, dwellings on all three lots; at the time, Lot 14 was owned by the grandfather of Karl E. Montick, Jr., and a business named "Ridgewood Auto Body" was operated by Michael Montick on Lot 14
- 1957 An aerial Photo bearing this date submitted by Applicant shows buildings formerly occupied by Ridgewood Auto Body on Lot 14, dwellings on all three lots, but no building in the west portion of Lot 14 (i.e., no indication of the building later occupied by Ridgewood Taxi) (Exhibit A-82B)

⁵ The objectors do not accept the dates indicated in the timeline as definitive statements of when any particular events occurred; rather, they merely reflect the approximate dates of such alleged events based on testimony and documents presented to the Board by the Applicant's witnesses.

- 1963 On January 22, 1963, Karl E. Montick, Sr. and partners operating as Kadich Realty acquire Lot 12 (Exhibit A-84A, page 1); the existing building occupied by the Applicant is constructed on Lot 12 and a business named “Ridgewood Vehicle Company” is opened and operated by Karl E. Montick, Sr. on Lot 12.
- 1963 September 1963 Ad seeking auto body mechanic for business “moving to new shop,” inquiries directed to Ed Knyfd at Ridgewood Auto Body Shop, 264 South Broad Street; this is consistent with testimony from Karl Montick (Jr.) that Mr. Knyfd had taken over or purchased his grandfather’s business (apparently as a tenant of Lot 14) (Exhibit A-56)
- 1965 Ordinance No. 1316 adopted on September 14, 1965 (Exhibits A-71A & A-71B); in Section 335 of that ordinance, a “Public Garage or Gasoline Service Station” is defined as “any building, structure, lot or land in or upon which a business, service of industry involving the storage, maintenance, washing or servicing, and storage in connection therewith, of motor vehicles is maintained, conducted, operated or rendered.”
- 1965 September 16, 1965 Zone Map that accompanied Ordinance No. 1316 depicts the subject premises in the B-2 Zone District. (Exhibit A-71A)
- 1966 An aerial Photo bearing this date submitted by Applicant shows the two buildings formerly occupied by Barry’s as well as the building formerly occupied by Ridgewood Taxi on Lot 14, the building currently occupied by the Applicant on Lot 12, and dwellings on Lots 13 and 14. (Exhibit A-82B)
- 1968 By Deed dated October 31, 1968, Michael Montick and Katherine Montick, his wife, convey Lot 14 to Karl Montick (Sr.).
- 1970 January 27, 1970 revision to September 16, 1965 Zone Map depicts Lots 12, 13 and 14 in the B-2 Zone District. (Exhibit A-74)
- 1974 Karl Montick, Sr. seeks a variance to permit construction of additional structures on Lot 14, to serve the auto body shop on the property; the Ridgewood Board of Adjustment characterizes same as an “expansion of a nonconforming use” and denies the application. The Board adopts a Resolution denying the Lot 14 application in which it states that Lot 14 contained a residential dwelling, a building occupied by Ridgewood Taxi, and a business operated by Ridgewood Auto Body (Appendix F).
- 1975 October 28, 1975 revision to September 16, 1965 Zone Map depicts Lots 12, 13 and 14 in the B-2 Zone District. (Exhibit A-75)
- 1979 An aerial photo bearing this date submitted by Applicant shows three buildings on Lot 14, and what appears to be a shed between the two buildings formerly occupied by Barry’s. The former dwelling on Lot 14 does not appear in this photo. This photo also shows the house on Lot 13 as well as an accessory building on the rear of Lot 13. It also shows the building occupied by the Applicant on Lot 12. (Exhibit A-82B)

- 1979 On August 10, 1979, Karl Montick, Sr. files an application to the Board of Adjustment seeking approval of variance relief to permit a new fence and gate on Lot 12. Following a public hearing on September 26, 1979, the application is approved on October 24, 1979. (Exhibit A-84A). The Survey prepared by Andrew Marshall dated July 30, 1979 depicts a perimeter fence along the south, west and north property lines of Lot 12 that enclose the rear of the property.
- 1983 April 3, 1983 newspaper advertisements state that Barry Rozema is the owner of “Barry’s Ridgewood Auto Body, Inc.” (Exhibit A-60)⁶ and that Barry’s Ridgewood Auto Body has the same driveway as Ridgewood Taxi. (Exhibit A-60A)⁷
- 1984 On October 9, 1984, the subject properties are all rezoned from the B-2 Zone District to the R-3 Zone District by Ordinance No. 1949. (Exhibits A-76 and A-77)
- 1987 An Aerial Photo bearing this date submitted by Applicant shows three buildings on the west half of Lot 14, and no dwelling on that lot. There is no change to Lot 13. The building on Lot 12 occupied by the Applicant may include a small addition along the west side, that did not appear in prior photos. This photo shows a significantly larger number of cars on all three lots, by comparison to prior aerial photos. (Exhibit A-82B)
- 1987 On July 30, 1987, Kadich Realty Corp. conveys Lot 12 to Karl E. Montick (Sr.).
- 1987 In September, Karl E. Montick, Jr. and Kadich Realty Corp. (owner of Lot 12) seek variances to permit the construction of a new paint spray booth for a “auto body repair shop” operated by Ridgewood Vehicle Company, Inc. at the rear of the building on Lot 12, as well as a change from a flat roof to a peaked roof (and hip roof for the area of the addition; the application is characterized as “expansion of a nonconforming structure.”⁸ (Exhibit A-70)
- 1987 The unofficial minutes of the October 28, 1987 meeting of the Board indicate that Karl Montick advised the Board that “once the car is painted, it will be put in the back which is now used for storage and parking” and (in response to a concern expressed by a Board member) confirmed that small jobs or spot jobs “will probably be done inside the existing building.” (Exhibit A-79)

⁶ This is consistent with records maintained by the New Jersey Division of Commercial Recording that indicates a business having that name (Entity #0100137937) was organized as a Domestic Profit Corporation (with an office in North Haledon) in April 1981.

⁷ This is consistent with the issuance of an auto body shop license to Barry’s Ridgewood Auto Body by the State of New Jersey Motor Vehicle Commission for Lot 14, under ABR License No. 01294A.

⁸ This is consistent with the issuance of an auto body shop license to Ridgewood Vehicle Co Inc. by the State of New Jersey Motor Vehicle Commission for Lot 12, under ABR License No. 01183A.

- 1987 On October 28, 1987, the Montick/Kadich Application is heard and approved by the Board of Adjustment (Exhibit A-79) and a Resolution is adopted on November 11, 1987. The Resolution states that “[t]here is an existing one story brick building used solely for the use of an auto body repair shop” on Lot 12, and that the application is for “expansion of a nonconforming use.” It accepted the Applicant’s testimony that the new enclosed spray painting machine/booth would not intensify the work being done and would eliminate approximately 95% if the [paint] fumes as compared to the current system, both inside the building and fumes vented outside the building. The Resolution includes a condition of approval that “[a]ll other regulations of the Village of Ridgewood be complied with without exception” by the Applicant (Exhibit A-85).
- 1990 A September 16, 1990 newspaper advertisement states that Barry’s Ridgewood Auto Body, Inc. is operated by Barry Rozema and Barry Rozema Jr., a “father & son operation.” (Exhibit A-65)
- 2002 On September 10, 2002, Cecilia Poortstra conveys Lot 13 to Karl E. Montick, Jr. and Donna Montick (his wife), retaining a life estate in the property.
- 2002 An aerial photo bearing this date submitted by the Applicant shows three buildings on Lot 14, together with other possibly temporary structures. There is no apparent change to Lot 13. The building on Lot 12 has been expanded and modified in accordance with the 1987 approvals. However, the photo reveals additional encroachment of vehicles and other activity on the rear of Lot 13, as well as additional vehicle parking behind the Ridgewood Vehicle Company building on Lot 12. The fence shown on the October 2 July 30, 1979 site plan (Exhibit A-84B) appears to have been removed to permit vehicles to cross the common boundary of Lots 12 and 13 (Exhibit A-82B)
- 2007 An aerial photo bearing this date submitted by the Applicant shows the same conditions as the 2002 Aerial Photo as well as an additional structure next to the shed on Lot 13, that did not appear in prior photos. Additional encroachment on Lot 13 as well as stacked vehicle storage on the front portion of Lot 14 is obvious. (Exhibit A-82B)
- 2012 An aerial photo bearing this date submitted by the Applicant shows the same conditions as the 2007 Aerial Photo, as well as small changes to the shed on Lot 13, as well as the possible removal of an additional structure that appeared in prior Aerial Photos. (Exhibit A-82B)
- 2016 On March 8, 2016, Karl E. Montick, Jr. and Donna Montick convey Lot 13 to 246 South Broad LLC (their business entity).
- 2017 Mr. Montick testified that Ridgewood Taxi vacated the westerly building on Lot 14 sometime in 2017 or 2018 and was replaced immediately thereafter by E&G Auto Repair pursuant to an oral agreement between “George” and Mr. Montick.⁹

⁹ This is consistent with records maintained by the New Jersey Division of Commercial Recording that indicates a business having the name E&G Auto Repair, LLC (Entity #0600360823) was formed by George Miniotis of Midland Park, New Jersey on June 14, 2010.

- 2018 On October 7, 2018, Karl E. Montick, Sr. died. By two separate Deeds dated December 6, 2018, the Estate of Karl Montick conveyed Lots 12 and 14 to Karl E. Montick (Jr.).
- 2019 An aerial photo bearing this date submitted by the Applicant is of poor quality and does not provide sufficient detail to be helpful. (Exhibit A-82B)
- 2021 On April 20, 2021, a Municipal Approval Certificate for Business License is signed by Heather A. Mailander, Ridgewood Municipal Clerk, with respect to Lesdan Corp.'s proposed auto body shop license for 246 South Broad Street.¹⁰ (Exhibit A-86)
- 2021 On June 16, 2021, 246 South Broad LLC conveyed Lot 13 to Karl E. Montick (Jr.) and Karl E. Montick conveyed Lots 12, 13 and 14 to Les Dann LLC (by three separate deeds).
- 2021 According to the testimony of Mr. Montick and Mr. Daniel, the lease with Barry's Ridgewood Auto Body Shop terminated upon the sale of Lot 14 to Les Dann. According to Mr. Montick, both Barry's and E&G were still operating businesses on Lot 14 at the time of the conveyance to Les Dann. According to Mr. Daniel, both Barry's and E&G vacated Lot 14 shortly after the purchase of the property by Les Dann.
- 2021 A Notice and Order of Penalty were issued to Les Dann based on work previously performed on the westerly building formerly occupied by Barry's on Lot 14. That work included the removal of a paint spray booth, according to Mr. Daniel. S. Shuart Contracting LLC, a flooring contracting business, became a tenant of the Applicant and occupied the easterly building on Lot 14.
- 2022 An aerial photo bearing this date submitted by the Applicant reveals that the properties have been cleared of materials and vehicles, as there are very few cars behind the former Ridgewood Vehicle Company building on Lot 12 and fewer vehicles on Lot 14 by comparison to previous photos. (Exhibit A-84B)
- 2023 On March 11, 2023, Shuart Contracting was still using the easterly building formerly occupied by Barry's and had installed a wall sign on the east side of the building. Later in 2023, Shuart Contracting vacated Lot 14 and Mountainview Auto Body began using Lot 14 for the storage and preliminary work on vehicles that were repaired on Lot 12.

Testimony of Peter Steck. The objectors called their expert witness, Peter Steck, a professional planner, to testify at the March 26, 2024 meeting of the Board. He provided his opinion, based on the history of land use regulations, testimony of the Applicant's witnesses, timeline of events and indisputable facts relating to the use and development of Lots 12 and 14, that it was unnecessary for the Board to consider the Certification Request for Lot 12, and the Applicant was not entitled to a Certification of Nonconforming Use for the entirety of Lot 14 as an "auto body shop" use.

¹⁰ This is consistent with the issuance of an auto body shop license to Lesdan Corp. by the State of New Jersey Motor Vehicle Commission for Lot 12, under ABR License No. 03835A.

Mr. Steck's opinion was based on the following indisputable facts:

1. There was already a determination by the Board that a nonconforming auto body shop use of Lot 12, as modified by a grant of "d" variance relief, based on the 1987 approval of the Board. He further opined that the nature and extent of that nonconforming use should be established and confined to the conditions observed, documented and approved by the Board in the course of its prior decision approving the spray booth application filed by Karl Montick (Sr.) and Kadich Realty;
2. The protected nonconforming use of Lot 12 does not include any unpermitted or illegal expansions of the auto body repair shop use that occurred after 1987, including any subsequent activities on Lot 12 in violation of the zoning ordinance, or encroachment of same upon adjacent properties;
3. The use of a portion of Lot 14, estimated to be one-third of the total land area, by Ridgewood Auto Body and Barry's, constituted a prior nonconforming use of that lot, but only to the extent that the Applicant could demonstrate that the said principal use of Lot 14 was continuous and had not been abandoned, terminated or replaced at the site;
4. The use by Ridgewood Taxi of the westernmost building on the rear one-third of Lot 14 did not constitute an "auto body shop use" based on the utilization of that portion of the property as follows:
 - a. The date of commencement of the Ridgewood Taxi use was never established. However, its business involved repairs and storage of the taxicab vehicles owned by that tenant, rather than vehicles of customers or the general public;
 - b. In any event, the work performed by Ridgewood Taxi did not include "auto body shop" activities but rather constituted generalized repairs of vehicles owned by the tenant;
 - c. There was no evidence that Ridgewood Taxi ever possessed a license or equipment to perform auto body repair work, or actually performed such services for any vehicles;
 - d. The Board, in its denial of the 1974 application of Karl Montick to expand the nonconforming "auto body shop" use of Lot 14, noted that Lot 14 contained three principal uses and principal structures at the time of the application (consisting of a single-family dwelling on the easterly one-third of the property, the Ridgewood Auto Body use on the central one-third, as well as the Ridgewood Taxi use on the westerly one-third, and it did not characterize either the dwelling or Ridgewood Taxi uses as "auto body shop" uses, or permit the expansion of the Ridgewood Auto Body use upon Lot 14 in any way. It should also be noted that the Board never characterized any of the prior uses of Lot 14 as a "public garage";

- e. The ordinances of the municipality in effect on the date of the Board's decision as aforesaid did not permit auto body repair shop principal structures or uses in the B-2 Zone District, or at any time thereafter, but restricted such uses to the C Commercial Zone;
- f. The Village Council subsequently rezoned the subject premises, including Lot 14, into the R-3 Zone District, further limiting business or commercial use thereof;
- g. It appeared that, notwithstanding the decision of the Board denying the 1974 application, the property owner demolished the former dwelling and the tenant of the property expanded the Ridgewood Auto Body business (later Barry's) onto the areas of the lot previously used for residential purposes; and
- h. There was no evidence of any certificates of occupancy, subsequent site plan or variance approvals with respect to auto body shop uses, activities or structures.

Mr. Steck further noted that, after acquiring the property, the Applicant had leased at least one of the buildings formerly occupied by Barry's to a flooring contractor, S. Shuart, and noted that this was an act inconsistent with the continued use of the central one-third of Lot 14 for "auto body shop" purposes.¹¹ He also pointed out that, after filing a Certification Request, the Applicant sought to occupy the entirety of Lot 14 as an adjunct to its own Mountainside Auto Body business activities on Lot 12. Mr. Steck observed that such use constituted an unpermitted expansion of the nonconforming use of Lot 14 and violation of the Zoning Ordinance provisions that prohibit the accessory use of one lot in the residential zone to support the business activities taking place on a different lot. Most important, the Applicant did not obtain any land use permits or approvals, and it was cited for failing to obtain building permits for the work on Lot 14.

In addition, to the extent that the Applicant had previously and voluntarily discontinued or removed any uses or activities that did not comply with the current zoning ordinance from the subject premises, Mr. Steck observed that it could not claim that it retained any legal right to continue or reinstate same unless they were the subject of a prior grant of variance relief. This would be true with respect to any prior encroachment of business activities on Lot 13, or the repair of vehicles outside the confines of a building, the unscreened outdoor storage of auto parts and vehicles under repair, the use of the subject properties to store or provide parking for trucks and trailers of third party contractors, or the failure to maintain the properties in any manner that violates the current standards of the Ridgewood Zoning Ordinance.

For all of the foregoing reasons, the objectors respectfully submit that the Board must find that the Applicant is entitled to continue only those business activities on Lot 12 that were approved by the Board in 1987, and that its rights to operate an auto body shop on the central one-third of Lot 14 had lapsed and been voided based on the conduct of the Applicant described hereinabove. A discussion of the applicable legal authorities for this position are set forth below.

¹¹ As noted previously, the Shuart lease also took place after the Applicant had removed a paint spray booth from a building formerly occupied by Barry's and made other renovations of the areas used for "auto body repair shop" purposes.

III LEGAL ARGUMENT.

The *New Jersey Municipal Land Use Law* (MLUL), N.J.S.A. 40:55D-1, et seq., recognizes and provides certain rights to a pre-existing, nonconforming use or structure. In that regard, the MLUL provides that "[a]ny nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied[.]" N.J.S.A. 40:55D-68. Accordingly, "a nonconforming use or structure is deemed to have acquired a vested right to continue in such form despite the zoning provisions." Bonaventure Int'l, Inc. v. Borough of Spring Lake, 350 N.J. Super. 420, 431-32 (App. Div. 2002).

The protection accorded to a pre-existing, nonconforming use, however, is limited. The spirit of zoning laws is to restrict, rather than to increase, nonconforming uses. Bove v. Board of Adjustment of Borough of Emerson, 100 N.J. Super. 95 (App. Div. 1968). The policy of the law with respect to nonconforming uses is to subordinate the individual interests of nonconforming users to the interests which the community has in preserving its zoning plan. Heagen v. Borough of Allendale, 42 N.J. Super. 472 (App. Div. 1956). Nonconforming uses are inconsistent with the spirit and purpose of zoning; although the MLUL permits their continuation, they represent a condition which should be reduced to conformity as speedily as is compatible with justice. Township of Stafford v. Stafford Tp. Zoning Board of Adjustment, 154 N.J. 62 (1998); Berkeley Square Ass'n, Inc. v. Zoning Bd. of Adjustment, 410 N.J. Super. 255, 263 (App. Div. 2009); Town of Belleville v. Parrillo's, Inc., 83 N.J. 309, 315 (1980).

"[A]n existing nonconforming use will be permitted to continue only if it is a continuance of substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance." Town of Belleville v. Parrillo's, Inc., 83 N.J. 309, 316 (1980); Stop & Shop Supermarket Co. v. Board of Adjustment of Tp. of Springfield, 162 N.J. 418 (2000). A nonconforming use "is ordinarily restricted to its character and scope at the time the ordinance making it a [nonconforming] use was enacted." Bonaventure Int'l., Inc. v. Bor. of Spring Lake, 350 N.J. Super. 420, 432 (App. Div. 2002).

In determining whether there has been an expansion of a nonconforming use, the issue is whether the present use is substantially similar to the use which existed at the time of adoption of the zoning ordinance, or whether there has been an illegal extension of the use. If the present use is substantially similar to the use at the time it became nonconforming, it will be permitted to continue. On the other hand, if there has been an illegal extension of use, a variance must be obtained. [Id. at 433 (citations omitted).]

The MLUL authorizes any person with an interest in land upon which the nonconforming use exists, to "apply in writing for the issuance of a certificate certifying that the use . . . existed before the adoption of the ordinance which rendered the use . . . nonconforming." N.J.S.A. 40:55D-68. The burden of proof is on the applicant seeking the certification. Ibid. *See also* Berkeley Square Ass'n, Inc., 410 N.J. Super. at 269.

A party can file an application for a certification of non-conforming use either with "the administrative officer" (usually the zoning official) within one year of the adoption of the ordinance changing the zoning, "or at any time to the board of adjustment." N.J.S.A. 40:55D-68.

To establish the existence of a nonconforming use, an applicant must show that the use existed on the subject property when the zoning ordinance was adopted and the use conformed to the zoning laws in effect at its inception. See DEG, LLC v. Twp. of Fairfield, 198 N.J. 242, 272 (2009). Moreover, the evidence presented to the zoning board must "establish exactly what the use was at the time of adoption of the ordinance, its character, extent, intensity and incidents." Bonaventure Int'l, Inc., 350 N.J. Super. at 433 (quoting William M. Cox, N.J. Zoning & Land Use Administration §11-2.2 (2002)).

The use in question must also be continuous and exist on the date of the application for certification. The right to continue a nonconforming use may be lost through actual abandonment (Id., at 265, *citing* Borough of Saddle River v. Bobinski, 108 N.J. Super. 6, 16 (Ch. Div. 1969)), or through other termination or cessation of the use. Fred McDowell, Inc. v. Board of Adjustment of Tp. of Wall, 334 N.J. Super. 210 (App. Div. 2000), certification denied 167 N.J. 88, certification denied 167 N.J. 631 (2001); Borough of North Plainfield v. Perone, 54 N.J. Super. 1 (App. Div. 1959), certification denied 29 N.J. 507 (1959).

Abandonment occurs when there is both an intention to abandon and some overt act or failure to act that implies the owner is no longer retaining an interest in the pre-existing use. S & S Auto Sales, Inc. v. Zoning Bd. of Adjustment, 373 N.J. Super. 603, 613-14 (App. Div. 2004) (*citing* Borough of Saddle River v. Bobinski, 108 N.J. Super. at 16-17). The applicant bears the ultimate burden of demonstrating that a preexisting, nonconforming use was not abandoned, however, an objector must initially present "sufficient evidence of temporal or physical abandonment[.]" Berkeley Square Ass'n, Inc., 410 N.J. Super. at 269.

The Applicant seeks Certification of an auto body repair shop as a nonconforming use of Lot 12, apparently based on a condition that existed immediately prior to the date when Les Dann purchased the property from Mr. Montick. Such a certification is not necessary; the Applicant was granted "d" variance relief by this Board in 1987, and that approval constitutes the limit of the Applicant's rights to operate an auto body repair shop on Lot 12. That is especially true in view of the fact that the property was designated in the R-3 Zone at the time of the approval. In short, the Applicant is entitled to no more, and no less.

The evidence, testimony and cross-examination of the Applicant's witnesses established that the Ridgewood Vehicle Company business had expanded significantly after the 1987 approval was granted by this Board, that additional tenants and uses were added to the property, that the business activities spilled over onto adjoining land(s), and that the subject premises were subject to a state of neglect and disrepair. Respectfully, the Applicant should not be permitted to seek legal protection or endorsement of those subsequent unlawful changes from this Board.

To the credit of the Applicant, it eliminated the "junkyard" appearance of the site shortly after it completed the purchase, and terminated many of the offending conditions. But now that the illegal aspects of the former Ridgewood Vehicle Company have been removed, the Applicant is not entitled to obtain "certification" that the discontinued activities which were not specifically approved in 1987 may be reinstated at the site.

Rather, the rights to engage in the nonconforming auto repair shop business must be limited to the specific activities, extent and areas of the site occupied by Ridgewood Vehicle Company in 1987 and approved by the Board at that time. To the extent that the 1987 approval was predicated or conditioned upon the Applicant's compliance with post-approval conditions imposed by the Board or stipulations made by the Applicant, those guardrails must guide the Board in its interpretation and enforcement of the prior approvals.

The Applicant has argued that it is entitled to certification of a nonconforming auto body repair shop use of the entirety of Lot 14 and all of the buildings located thereon. There is simply no basis for this contention. Karl Montick (Jr.), the prior owner of Lot 14, admitted that Ridgewood Auto Body occupied only two buildings in the center of Lot 14. Mr. Montick testified that his father sought an approval to expand the auto body shop by constructing additions to the buildings in question. The record is clear that the Board refused to permit the Ridgewood Auto Body use to expand beyond the confines of the existing buildings after 1974.

At the time of the 1974 application, there was a dwelling and single family residential use on the easterly one-third of Lot 14; it was demolished shortly after the Board issued its denial. In defiance of the Board's ruling, and violation of the zoning ordinance then in effect, the Ridgewood Auto Body use expanded onto the front portion of the lot. Further expansions of the business, in the form of temporary structures, expanded outdoor storage of automobile parts and supplies, including "chop shop" components, took place over the succeeding years. All of these changes to Lot 14 occurred in the absence of any site plan or other land use applications or approvals.

In addition, Mr. Montick as well as Michael Daniel, admitted that Ridgewood Auto Body (later Barry's) was a mere tenant of Lot 14. Although this tenant occupied Lot 14 on the date the Applicant acquired title to the property in June 2021, Barry's (as well as E&G) were eliminated shortly thereafter. And more than three years later, the Applicant has still not leased the central portion of Lot 14 to any tenant that operates a licensed auto body repair shop.

Instead, it "fixed up" the former Barry's buildings and initially leased them to S. Shuart, a flooring contractor. It removed Shuart from the former Barry's building(s) after the filing of the Certification Request, and substituted its own "satellite" use of all of Lot 14 (in support of its own principal business activities on Lot 12). This change in use constituted a transparent - and illegal - attempt to retain an argument (for use during its underlying application) that a prior nonconforming condition has been preserved. The Applicant has not obtained any variances, site plan or other land use approvals that would permit its use of any portion of Lot 14 for an auto body shop. The spreading of the Mountainview business across all of Lot 14 effectively constitutes an enlargement or expansion of any nonconforming use operated by Barry's prior to June 2021, in violation of many zoning regulations applicable to the R-3 Zone. And it also violates the prohibitions against the use of one lot for accessory uses in support of a principal use on the other.

There is no competent evidence in the record rebutting the objectors' claim that the Applicant abandoned or effectively terminated the nonconforming auto body shop use of Lot 14 previously operated by Barry's. The Applicant has not provided any evidence of a "continuing and definite"

intent to resume those nonconforming uses, in the absence of an approval of its pending variance and site plan application affecting Lots 12, 13 and 14. *See Berkeley Square Ass'n*, 410 N.J. Super. at 268; *S & S Auto Sales, Inc.*, 373 N.J. Super. at 624.

Rather, the Applicant's rental of the property to S. Stuart, the change of use constituted thereby, and the substantial passage of time since the two former nonconforming uses of Lot 14 were last operated by tenants, all support the conclusion that the Applicant intended to abandon the nonconforming uses in question. *See S & S Auto Sales, Inc.*, 373 N.J. Super. at 623. Accordingly, the Applicant is not entitled to certification of any specific pre-existing, nonconforming uses that are no longer operated by tenants of Lot 14.

Even if the objectors' argument fails, the Applicant is not entitled to certification of an "auto body shop" principal use with respect to any portion of Lot 14 that was not approved by this Board and permitted for Ridgewood Auto Body (and subsequently, Barry's), or predated the 1974 application. The 1974 Resolution sets forth a detailed description of the extent of the prior nonconforming auto body shop use; that is the limit of nonconforming use rights that can ever be conferred upon the Applicant.

In its approach to the Certification Request for Lot 14, the Applicant has focused all of its attention on Ridgewood Auto Body. Notably, the date when Ridgewood Taxi first arrived at Lot 14 has not been established. Mr. Montick was unsure of the date when it was installed, and his recollections went back only to 1967. The Applicant has not provided evidence of the date when Ridgewood Taxi first operated its business at the site.

Additionally, neither Ridgewood Taxi, nor its successor E&G, ever performed auto body shop services; and they did not possess licenses from the State of New Jersey or land use approvals from the municipality with respect to such a specialized use. Upon the adoption of Ordinance #1316 in 1965, they could not engage in that business activity in the B-2 Zone, as the use was reserved to the C Zone District.

For these reasons, the claim that the uses or activities of either tenant could properly be characterized as "public garages" is irrelevant. In addition; the Applicant seeks certification of the more specific "auto body repair shop" use, and not a generic "public garage" use at the subject premises. Whether either business engaged in a "public garage" activity is immaterial. To prevail on this Certification Request, the Applicant must establish that Ridgewood Taxi or E&G operated licensed auto body repair shop facilities. It has not done so.

For all of the foregoing reasons, the objectors respectfully request that the Ridgewood Board of Adjustment issue rulings consistent with the positions and arguments expressed herein.

Respectfully submitted,



Robert J. Inglima, Jr.

APPENDIX A

VILLAGE OF RIDGEWOOD
BERGEN COUNTY, NEW JERSEY



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SEP 2 2012

ZONING ORDINANCE NO. 993 AS AMENDED

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ZONING ORDINANCE

Village of Ridgewood

Bergen County, New Jersey

As Amended to April 23, 1963

ZONING ORDINANCE #993, April 1946

Amendments:

998	July 1946
1028	October 1948
1051	June 1950
1065	July 1951
1078	March 1952
1098	August 1953
1103	December 1953
1130	September 1955
1156	October 1956
1172	June 1957
1201	November 1958
1217	December 1959
1222	May 1960
1239	March 1961
1256	October 1961
1264	March 1963
1268	April 1963

NOTE: This copy consists of Ordinance #993, with the changes, revisions and supplements made by the above Amendments inserted in the body of the Ordinance. Its purpose is to provide a working copy of the Ridgewood Zoning Ordinance as corrected to date. In case of any question as to legal validity of any section, reference should be made to the copy of Ordinance #993 and the Amendments thereto on file in the Office of the Village Clerk, 131 North Maple Avenue, Ridgewood, New Jersey.

VILLAGE OF RIDGEWOOD

ORDINANCE NO. 993

AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED DISTRICTS AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE IN THE VILLAGE OF RIDGEWOOD, IN THE COUNTY OF BERGEN, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED, FIXING PENALTIES FOR THE VIOLATION THEREOF, AND PROVIDING FOR THE REPEAL OF PRIOR ZONING ORDINANCES.

The Board of Commissioners of the Village of Ridgewood in the County of Bergen, do ordain:

Section 1. DEFINITIONS.

Certain words and phrases are used in this Ordinance which for the purposes hereof are defined as follows:

- (a) Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "occupied" includes the words "designed or intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used".
- (b) LOT. A "lot" is a parcel of land the location, dimensions and boundaries of which are determined by the latest official record, and occupied or intended to be occupied by one building or one unit group of buildings and its accessory buildings and uses, and including such open spaces as are provided, or as are required by this Ordinance.

- (c) CORNER LOT. A "corner lot" is a lot at the junction and fronting on two or more intersecting streets.
- (d) INTERIOR LOT. An "interior lot" is any lot other than a corner lot.
- (e) LOT LINE. A "lot line" is any boundary line of a lot.
- (f) DEPTH OF LOT. The "depth of a lot" is the mean distance between its front lot line and its rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
- (g) WIDTH OF LOT. The "width of a lot" is its width measured along a line parallel to the front lot line and distant therefrom the required front yard depth for said lot. (Amended by Ordinance No. 1156).
- (h) FRONT YARD. A "front yard" is an open unoccupied space within and extending the full width of the lot between the front lot line and the parts of the main building thereon setting back from and nearest such line.
- (i) REAR YARD. A "rear yard" is an open unoccupied space within and extending the full width of the lot between the rear walls of the main building thereon and the rear lot line.
- (j) SIDE YARD. A "side yard" is an open unoccupied space within the lot between a side lot line and the parts of the building erected thereon and nearest thereto. Such side yard shall extend through from the street or front lot line, or from the front yard to the rear yard.
- (k) STREET. A "street" is any road, avenue, street, lane or other way set aside for common street purposes and shall extend from lot line to lot line.
- (l) COURT. A "court" is an open unoccupied space either on the ground or above, excepting the roof, and not a front yard, side yard or rear yard, and bounded on at least two sides by a building on the same lot.

- (m) OUTER COURT. An "outer court" is a court which extends its full width from a front or rear yard or from a street.
- (n) INNER COURT. An "inner court" is any court except an outer court.
- (o) THE WIDTH OF AN OUTER COURT is its horizontal dimension parallel with its principal open end.
- (p) THE WIDTH OF AN INNER COURT is its lesser horizontal dimension.
- (q) THE HEIGHT OF A COURT is to be measured from the lowest level it is required to serve up to the top of the highest wall which bounds it within the same lot.
- (r) HEIGHT OF BUILDING. The "height of a building" shall be measured in the manner prescribed in the Building Code of the Village. If there be no average or mean established curb level, the measurement to the roof shall be made from the mean natural level of the ground immediately adjacent to the base of the building.
- (s) FAMILY. A "family" is any number of individuals living privately together as a single housekeeping unit and using certain rooms and cooking facilities in common, but not including the residents of an apartment hotel, or of a boarding house or lodging house serving more than two paying guests.
- (t) NON-CONFORMING USE. A "non-conforming use" is one that does not comply with the regulations of this Ordinance for the zone in which it is located.
- (u) ACCESSORY BUILDING. An "accessory building" is a building, or other structure, which is subordinate and accessory to a main building on the same lot.
- (v) PRIVATE GARAGE. A "private garage" is an accessory building in which no business, commercial service or industry connected with motor vehicles is carried on.

- (w) PUBLIC GARAGE. A "public garage" is any garage other than a private garage.
- (x) FILLING STATION. A "filling station" is any establishment supplying and selling motor fuel or oil direct to motor vehicles.
- (y) ELECTRIC MOTIVE POWER. "Electric motive power" is power which is developed by an electric motor from electricity not generated in the premises.
- (z) OPEN PORCH. An "open porch" is a roofed piazza, porch or portecochere which projects beyond the main wall of a building into a yard, of which the columns supporting the roof shall present the minimum obstruction to the view and the circulation of air.
- (aa) INN, HOTEL OR APARTMENT HOTEL. An "inn, hotel or apartment hotel" is a building containing rooms or apartments which are available for compensation for the more or less temporary residence of individuals or families, with or without meals.
- (bb) BOARDING HOUSE. A "boarding house" is a building, other than an inn, hotel or apartment hotel, where lodging and meals for three or more persons are provided for compensation.
- (cc) LODGING HOUSE. A "lodging house" is a building, other than an inn, hotel or apartment hotel, where lodging for three or more persons is provided for compensation.
- (dd) RESIDENTIAL ZONE. The "residential zone" shall include the one-family, the two-family and the multi-family zones.
- (ee) HEIGHT OF FENCE OR WALL. The height of fence or wall at any point shall be measured from the finished grade elevation at the location of the fence or wall. (Amended by Ordinance No. 1239).
- (ff) OUTSIDE OF FENCE OR WALL. The outside of a fence or wall is that side, commonly known as the face or finished side, which is away from any supporting construction. (Amended by Ordinance No. 1239).

(gg) OPEN SPACE ZONING OR OPEN SPACES SUBDIVISION. "Open space zoning or open spaces subdivision" as permitted by other sections of this Ordinance shall refer to the creation of lots of less area or frontage than that normally required in a conventional subdivision and clustered or arranged in such a manner as to preserve the standard density requirements for the area in which open space zoning is permitted as an optional method for developing property and includes the use of the additional area remaining as open space by virtue of the clustering of the homes as public park and recreational facilities, the title to which is vested in the Village of Ridgewood. (Amended by Ordinance No. 1264).

Section 2. CLASSES OF ZONES.

For the purposes of this Ordinance, the Village of Ridgewood is hereby divided into five classes of districts or zones, as follows:

One-Family Zones
Two-Family Zones
Multi-Family Zones
Retail Business Zones
General Business Zones

Section 3. BOUNDARIES OF ZONES.

(a) Building Zone Map:

The boundaries of each of the above zones are hereby established as shown on a map entitled "Building Zone Map, Village of Ridgewood, Bergen County, New Jersey, scale 1" = 300', dated November 10, 1945, revised to April 23, 1963" (by Ordinance No. 1268) and signed by the Mayor and Village Clerk, which map accompanies and is hereby declared to be a part of this ordinance.

(b) Zone Boundary Lines:

The zone boundary lines are intended generally to follow street lines, existing lot lines, the mean water level of streams or ponds, or railroad right-of-way lines as indicated on the Building Zone Map; but where a boundary line does not coincide with

such line its location or relation to another boundary line is indicated on said map by means of figures expressing distance in feet from a street line, or other boundary line.

(c) Determination of Doubtful Lines:

In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall lie with the Board of Adjustment as hereinafter provided.

Section 4. ONE-FAMILY ZONE USES.

Within any one-family zone no building or lands shall be used in whole or in part for any industrial, manufacturing, trade or commercial purpose or for any other than the following specified purposes:

- (1) (A) A residence for not more than one family.
(Amended by Ordinance No. 1256).
- (B) Such residence may contain the office of a practitioner licensed by the State of New Jersey for the practice of any of the following: Chiropody-Podiatry; Dentistry; Medicine, Chiropracty; and Osteopathy, which practitioner is the owner or lessee of such residence subject, however, to the following terms and conditions:
 - (I) Such practitioner shall reside therein;
 - (II) Such practitioner shall not have the services of more than one associate practitioner similarly licensed, who need not be a resident therein;
 - (III) Such office shall be limited to either the first floor or basement of such residence and shall not occupy an aggregate amount of space in excess of 50 per cent of the area of such first floor or basement;
 - (IV) No patient shall remain therein overnight.

- (C) Such residence may contain the office of an ordained clergyman of any faith or Christian Science practitioner provided such clergyman or practitioner is the resident owner or resident lessee of such residence, and further provided that such office be limited to either the first floor or basement of such residence and shall not occupy an aggregate amount of space in excess of 50 per cent of the area of such first floor or basement.
- (D) None of the terms of this ordinance shall be deemed to repeal or diminish any other requirements imposed upon any practitioner referred to in Paragraph (B) of this Subsection (1) of this Section 4 of this ordinance by any other ordinance of this municipality.
- (2) Church or other place of worship, including Sunday School building; hospital, library, museum or art gallery, provided that the street or streets, upon which such building faces, or abuts, shall be at least 50 feet in width. (Amended by Ordinance No. 1103).
- (3) Private garage, private stable or other accessory building customarily incident to any use permitted in this section, and provided that no such accessory building shall be occupied for residence purposes by other than a servant or domestic employee of the owner or tenant of the premises.
- (4) Accessory building used privately for horticultural or agricultural purposes, provided that no greenhouse heating plant be operated within twenty (20) feet of any lot line and no fertilizer be stored within fifty (50) feet of any lot line.
- (5) Repealed by Ordinance No. 1237.
- (6) Any municipally owned or operated building, structure, or use. (Amended by Ordinance No. 1103).

Section 5. TWO-FAMILY ZONE USES.

Within any two-family zone no building, or lands, shall be used

in whole or in part for any industrial, manufacturing, trade or commercial purpose, or for any other than the following specified purposes:

- (1) Any use specified in Section 4 as permitted and as regulated in One family Zones.
- (2) A residence for not more than two families.
- (3) Customary home occupations, such as dressmaking, hat trimming, hair dressing, manicuring and home cooking; provided that such occupation shall be conducted and operated solely by resident occupants of the main building, that not more than the equivalent of one-quarter the area of each floor shall be used for such purpose, and that no display of products shall be visible from the street.
- (4) Repealed by Ordinance No. 1237.

Section 6. MULTI-FAMILY ZONE USES.

Within any multi-family zone, no building, or lands, shall be used in whole or in part for any industrial, manufacturing, trade or commercial purpose, or for any other than the following specified purposes:

- (1) Any use specified in Sections 4 and 5 as permitted and as regulated in one-family and two-family zones.
- (2) Residences for three or more families built separately or in groups in accordance with all the requirements of this ordinance and with the following:
 - (a) Height. No building shall be erected to a height in excess of thirty (30) feet or two and one-half (2-1/2) stories exclusive of cellar or basement.
 - (b) Length. The longest dimension of any wall of any building or of any site of a U, L, or irregular-shaped building shall not exceed one hundred and fifteen (115) feet, provided, however, that the total width or total depth of any building, including courts,

shall not exceed one hundred and fifty (150) feet. In cases of uncertainty or disagreement as to this measurement, its determination shall be left to the Board of Adjustment.

- (c) Size of Courts and Distance between Buildings. The distance between single buildings on any one lot shall not be less than thirty (30) feet. In any U-shaped building the main court shall face on the street and shall have a minimum width of sixty (60) feet and a depth of not less than the width of the court.
- (d) Open Space. There shall be left open on each lot at least three (3) square feet for every square foot of the aggregate gross ground floor area of all the buildings on the lot.

- (3) Buildings used for club, fraternal, recreation, athletic or social purposes and maintained by a membership organization, in which lodging, the temporary use of rooms or meals may be supplied to the public incidentally to serving its members. For the use in this subsection no restaurant or other room available to the public shall have immediate access from the street.

- (4) Repealed by Ordinance No. 1237.

Section 7. RETAIL BUSINESS ZONE USES.

Within any Retail Business Zone no building or lands shall be used in whole or in part for any industrial or manufacturing purpose, or for any other than the following specified purposes:

- (1) Any use specified in Sections 4, 5 and 6 as permitted in One-family, Two-family and Multi-family Zones, without the therein specified restrictions for professional offices in Section 4 and for customary home occupations in Section 5.
- (2) Hotel, inn, apartment hotel, boarding house, lodging house, apartment house, building used for club, fraternal, recreation, athletic or social purposes without the restriction

on location of public restaurant as specified in Section 6, but no trailer camp, lunch wagon, diner, road-stand or eating place of a similar type is permitted.

- (3) Retail store, office, office building, business or vocational school, bank, theatre, assembly hall, commercial greenhouse, public parking lot, undertaking establishment, personal service establishment, such as tailor shop, shoe shop, hand laundry, barber shop or beauty parlor; restaurant, confectionery, butcher shop, quick freeze and frozen food locker establishment, retail bakery, shop of a plumber, electrician or similar tradesman; automobile sales room, including accessory repair shop in rear; public garage, filling or service station for motor vehicles, including repair shop; billiard room, gymnasium or athletic establishment, bowling alley, newspaper or job printing plant; cleaning, dyeing, pressing and tailoring operations done exclusively for local and individual customers, but not including work done for the trade or for other establishments; all provided that in the permitted stores or shops no merchandise shall be carried other than that intended to be sold at retail on the premises: that only electric motive power be used for operating any machinery used incidentally to a permitted use, and further provided that no supplies, materials or goods be stored outdoors.
- (4) The words "retail store" as used in the preceding subdivision are not intended and shall not be construed to include establishments handling or storing coal, lumber, oil, sand, stone, gravel, brick, tile, masonry material or other bulk structural building materials.
- (5) Repealed by Ordinance No. 1237.
- (6) Amended by Ordinance No. 1098.
 1. Repealed by Ordinance No. 1098.
 2. Off-street parking facilities for motor vehicles shall be provided in connection with the use of any property

in the Retail or General Business Zone for retail or wholesale mercantile business, or for hotel, restaurant or any similar purpose likely to attract a number of customers using motor vehicles. Such facilities shall be provided for in accordance with the requirements of this ordinance upon any plans or specifications required to be filed under the provisions of any ordinance of the Village.

3. Amended by Ordinance No. 1156:

Such off-street parking facilities shall be located upon the property to be occupied by such business establishment, or upon property adjoining or not more than five hundred (500) feet from a customer's entrance to such establishment. A municipally-owned public parking lot shall be deemed to meet the parking requirements of any adjoining property.

4. For a commercial structure designed for retail or wholesale mercantile establishments to be used by the general public, there shall be provided:
- (a) A usable area for off-street parking equivalent in area to three (3) square feet of parking space for each square foot of usable net floor area of such structure, or
 - (b) A usable area for off-street parking equivalent to two (2) square feet of parking space for each square foot of gross floor area of such structure.
5. For buildings intended to be used and designed architecturally for occupancy for office or professional purposes, there shall be provided a usable area for off-street parking equivalent in area to one (1) square foot of parking space for each square foot of gross floor area of such structure.
6. For buildings intended to be used in whole or in part as a theatre, auditorium, restaurant or place of public assembly, there shall be provided a usable area for off-street parking sufficient to accommodate one motor

vehicle for each three seats installed or usable by the public in the portion of such building used for any of the purposes stated in this section, and such additional parking area for the portion used for other purposes as is required by the other sections of this ordinance.

7. For buildings intended to be used for business purposes not hereinabove provided for, there shall be provided a usable area for off-street parking equivalent to two (2) square feet of parking space for each square foot of gross floor area of such building.
8. (a) "Usable net floor area" shall be construed to mean the area open to general public use, including the space occupied by counters, display booths, cashiers' and office facilities, rest rooms for customers and similar customer uses, but not including the space occupied for heating or ventilating systems, facilities for storing or preparing merchandise for public display, or space permanently designed for use in the operation of the building.

(b) "Gross floor area" shall be construed to mean the total floor area of the building as measured by the interior dimensions contained within the outside walls on all floors open to general public use.

(c) "Usable area for off-street parking" shall be construed to mean the area set apart for actual parking purposes and the space required for access to such space, but not the area of any driveway in excess of fifty (50) feet in length used to reach such parking space.
9. An area of two hundred (200) square feet, exclusive of driveways, is hereby determined as the minimum space necessary for the parking of a single motor vehicle.

10. Parking area required to be provided shall be paved with a minimum of four (4) inch standard macadam type pavement and shall be properly drained.
11. No parking space shall be reduced in area when once established without special permit from the Superintendent of Buildings, which permit shall only be issued when the reduced area complies with the provisions hereof.
12. For any and every violation of this ordinance in addition to the penalties provided by Ordinance No. 993, the Superintendent of Buildings shall have authority to refuse to issue a building permit or a certificate of occupancy or in case of violation hereof subsequent to the issuance thereof, to revoke the building permit or the certificate of occupancy.
13. The Board of Adjustment is authorized upon appeal for a special exception in particular cases, and after a hearing, to grant a variance from the specific requirements of this ordinance where by reason of peculiar or exceptional practical difficulties, the strict application of any provision of this ordinance would result in exceptional or undue hardship upon the owner of the property involved.
14. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unconstitutional or invalid.

Section 8. GENERAL BUSINESS ZONE USES:

Within any General Business Zone no building or lands shall be used in whole or in part for any industrial or manufacturing purpose, except as permitted in this Section, or for any other than the following specified purposes:

- (1) Any use specified in Sections 4, 5, 6 and 7 as permitted in one-family, two-family, multi-family and retail business zones.

- (2) Storage warehouse, electric transformer or switching station; wholesaling, jobbing or distributing establishment, provided that only electric motive power be used for operating any machinery used incidentally to a permitted use.
- (3) Cleaning, dyeing, pressing, tailoring, laundering, or similar operations employing not over twenty (20) operatives; blacksmith shop, welding plant; establishment, including storage yard, supplying coal, wood, oil and building material; provided that in any fabricating or other operations connected therewith only electric motor power be used.
- (4) Plant supplying or connected with the supply of water, gas or electricity under such conditions and regulations as may be prescribed by the Board of Adjustment.
- (5) Repealed by Ordinance No. 1237.

Section 9. HEIGHT OF BUILDINGS. (Amended by Ordinance No. 1172).

- (a) Except as specified in the Section, no building shall be erected in excess of the following heights:

	<u>Main Building</u>	<u>Accessory Building</u>
Within One-Family Zones	30-ft.	18-ft.
Within Two-Family Zones	30-ft.	18-ft.
Within Multi-Family Zones	30-ft.	18-ft.
Within Retail Business Zones	45-ft.	20-ft.
Within General Business Zones ...	45-ft.	20-ft.

- (b) The hereinbefore specified height limits shall not apply to churches, or other places of worship, parish houses, Sunday Schools, hospitals, libraries and public schools, masts, flag poles, or monuments nor to any municipally owned or operated building, structure or use.

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- (c) The hereinbefore specified height limits shall not apply to domes, cupolas (church spires), belfries, chimneys, water tanks, (elevator pent-houses, scenery lofts), and similar parts of a building, provided that the aggregate horizontal area of such parts shall not exceed twenty (20%) per cent of the ground area covered by the main building; nor shall the specified height limits apply to parapet walls not over four (4) feet high.

Section 10. FRONT YARDS.

(a) Requirements in Residence Zones:

Within any residential zone a front yard is required on every lot which shall be at all points of a depth of not less than the following:

Within One-Family Zones	40 ft.
Within Two-Family Zones	40 ft.
Within Multi-Family Zones	30 ft.

Provided, however, that where the existing front yards in the same block frontage are of a greater or a lesser depth than above specified, then the front yard shall be at least equal in depth to the average of such existing front yards in the same block frontage, but in no case shall the front yard be less than thirty (30) feet.

(b) Requirements in Retail Business Zones:

On any lot within a Retail Business Zone which is within the same block on the same side of the street and within fifty (50) feet of the boundary line of any dwelling or Multi-Family Zone, a front yard or equivalent open space is required of a depth not less than one-half the front yard depth prescribed herein for that class of dwelling or Multi-Family Zone which adjoins the hereinbefore mentioned Retail Business Zone.

(c) Maintaining Established Building Lines:

Nothing in this section shall justify or cause the violation of any existing ordinance, regulation or contract

which prescribes in any zone a building line along any street, the adherence to which building line would create a front yard or equivalent open space of a depth greater than is specified in this section.

(d) Amended by Ordinance No. 1201:

The street walls of every building hereafter erected shall be set back from the center line of the following streets for a distance not less than the setback called for in the following table:

Street	Distance	Setback
S. Broad St.....	From LeRoy Place southerly to Village line.....	37½ ft.
Chestnut St.....	From Franklin Ave., northerly to end of street.....	30 ft.
Oak St.....	From Franklin Ave., northerly to Mastin Place.....	30 ft.
E. Ridgewood Ave..	From Oak St. easterly to easterly line of Retail Business Zone.....	42 ft.
Franklin Ave.....	From Oak St. easterly to N. Maple Ave.....	42 ft.
S. Maple Ave. & N. Maple Ave.....	For their entire length within the Retail Business Zone.....	42 ft.
Franklin Tpke.....	For its entire length within the Retail Business Zone.....	42 ft.
E. Ridgewood Ave..	From Eastside Ave. easterly to Village line.....	42 ft.
Goffle Road.....	For its entire length within the General Business Zone....	30 ft.

The center line of North Maple Avenue in the Retail Business Zone created immediately south of First Street shall be considered to be twenty (20) feet seven and one-half ($7\frac{1}{2}$) inches west of the present easterly property line on this street.

The center line of South Maple Avenue in that section of the Multi-Family Zone southerly from the center line of Spring Avenue a distance of 144.825 feet shall be considered to be twenty (20) feet seven and one-half ($7\frac{1}{2}$) inches east of the westerly property line of the street.

Section 11. REAR YARDS.

- (a) Requirements in All Zones: (Amended by Ordinance No. 1156).

Within any zone a rear yard is required on every lot and shall be at all points of a depth not less than the following:

Within the One-Family, Two-Family and Multi-Family Zones	30 ft.
Within any Retail and General Business Zones	10 ft.

- (b) Within any Business Zone where the main building is used in any part for resident or sleeping purposes, the minimum depth of the rear yard shall be twenty (20) feet, and for each foot that the height of said building exceeds fifteen (15) feet there shall be added four (4) inches to the required depth.

- (c) Modification and Exceptions:

Within any Business Zone no rear yard is required on any corner lot where the building has a width of fifty (50) feet or less, except that where the rear lot line within any Business Zone is a boundary line of a One-Family, Two-Family or Multi-Family Zone, a rear yard shall be provided on the lot within the Business Zone which shall have a depth of not less than ten (10) feet.

Section 12. SIDE YARDS.

(a) Requirements in all Residential Zones:

Within One-Family, Two-Family and Multi-Family Zones, two side yards are required, each of a minimum width of one-sixth of the width of the lot at the building line.

(b) Requirements in Business Zones:

Within any Business Zone a side yard is required along any side lot line which serves as a boundary line between that lot and any residence zone. The width of such side yard shall be not less than one-sixth of the width of the lot at the building line.

Within any Business Zone, except as specified in the immediately preceding subsection, no side yard is required except where the building is occupied in part for residential purposes, in which case a court shall be required as hereinafter provided.

Where one-family, two-family and multi-family residences are erected in the Business Zone, they shall have two side yards each of a minimum width of one-sixth of the width of the lot at the building line.

(c) Exception for Corner Lots. (Amended by Ordinance No. 1156).

Within any zone, on any corner lot a previously specified required side yard which abuts a side street line shall be at least one-third the width of the lot but not less than twenty (20) feet. Such side yard abutting a street need not be wider than the depth of the front yard required as a minimum on that side street block front.

Section 12.1. SCREENING BETWEEN RESIDENCE AND BUSINESS ZONES.

(Added by Ordinance No. 1239)

Wherever property in a business zone adjoins or lies within twenty-five (25) feet of any One-Family, Two-Family, or Multi-Family Zone boundary, there shall be provided and

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maintained within the business zone suitable planting to produce a year-round effective and visual screen between the adjoining properties in residence zones and any business use, including automobile parking, truck loading and access driveways accessory thereto. Such planting screen shall be not less than four (4) feet in width, shall be comprised of trees and shrubs at least three (3) feet in height at time of planting, and may be combined with a decorative type of fence or wall not more than six feet in height, provided that the outside of any fence or wall shall face the residence zone, and provided further that trees or shrubs are planted beside the fence or wall on the side facing a residence zone.

Section 13. COURTS.

(a) When Required:

Within any zone a court is required wherever any room in which people live, sleep, work or congregate cannot be adequately lighted or ventilated directly from a street or a yard on the same lot to afford natural light and ventilation to such room, but no court need extend below the room, or rooms, it is required to serve.

(b) Required Size:

Within any zone the minimum width of an outer court shall be in the ratio of eight (8) inches to each foot of its height, and not less than eight (8) feet; and of an inner court in the ratio of ten (10) inches to each foot of its height, and not less than twelve (12) feet. No outer court shall be longer than twice its width, and no inner court shall be shorter than twice its width.

Section 14. SIZE OF LOT. (Amended by Ordinance No. 1156).

- (a) A map entitled "Plot Size Map, 1956 Revision, Village of Ridgewood, Bergen County, N. J.", dated October 1, 1956 and signed by the Mayor and Village Clerk, is attached hereto and hereby declared a part of this Ordinance.

- (b) No building shall hereafter be erected on a lot of less width than shown on said map for the particular location where said building is to be erected, except in cases where an open spaces major subdivision has been approved by the Planning Board of the Village of Ridgewood and the Board of Commissioners of the Village of Ridgewood. (Amended and supplemented by Ordinance No. 1264).
- (c) A minimum depth of one hundred and twenty (120) feet is hereby fixed for lots in One-Family, Two-Family and Multi-Family Zones.
- (d) In each of the aforesaid residential zones as shown on said map, the square area of each lot upon which a building is to be built, shall not be less than as set forth below:

60 ft. width zone	8,400 sq. ft.
75 ft. width zone	10,500 sq. ft.
100 ft. width zone	14,000 sq. ft.

except that lots situated within the 100-foot zone may, however, be considered buildable lots though less than one hundred (100) feet in width or less than 14,000 square feet or both provided that such lots have been created as provided by this Ordinance by virtue of the approval of an open spaces major subdivision. (Amended and supplemented by Ordinance No. 1264).

- (e) Each lot hereafter created shall have a continuous street frontage of at least eighty (80%) percent of the required lot width.
- (f) The requirements of this section may be modified by the Board of Adjustment whenever by reason of exceptional circumstances the strict application of the provisions of this section would prevent the reasonable use of a particular property.

Section 14.1. OPEN SPACES ZONING SUBDIVISION. (Amended and supplemented by Ordinance No. 1264).

- (a) In certain cases as hereinafter provided open spaces may be created by action of the Planning Board in what shall be known as an open spaces subdivision, which subdivision shall apply only to major subdivisions for which approval is required by the Board of Commissioners.
- (b) The purpose of such an open spaces subdivision shall be to permit the creation by a developer, at his option, of undersized lots with the total number of lots created not to exceed the amount which would be permitted under the conventional requirement of the other sections of this Ordinance and the Subdivision Ordinance of the Village of Ridgewood.
- (c) This option shall apply only to undeveloped lands situated in the one hundred (100) foot zone and shall be limited further to use as one-family residential units.
- (d) The Planning Board shall have full discretion to deny requests for approval of an open spaces subdivision if in its opinion, it would not be suitable for the orderly development of the area in question or if it would not conform to the general pattern of the development of park lands existing at the time of the request or as shown on any master plan or official map in the Village of Ridgewood.
- (e) The Planning Board shall have discretion to permit a reduction in the width of each lot from one hundred (100) feet to not less than ninety (90) feet measured at the front street setback line and to reduce the area of each lot from 14,000 square feet to not less than 12,600 square feet or both.
- (f) The additional land made available by virtue of the clustering of homes in the aforesaid open spaces subdivision shall be deeded gratuitously by the subdivider to the Village of Ridgewood for public park and recreational facilities in a manner agreed upon and recommended by the Planning Board to the Board of Commissioners.

- (g) In no case shall the provisions of this section accord the open spaces option to a developer unless the amount of open space available for dedication is two acres or more except that this limitation shall not apply when the area to be so dedicated is adjacent to or contiguous to an existing parcel of Village-owned property or adjacent to or contiguous to an area shown on the master plan or official map of the Village of Ridgewood, in which case the discretion of the Planning Board as provided in Section 14.1 (d) shall control.
- (h) In no case shall the Planning Board depart from the minimum standards provided for in this section without the subdivider first having obtained a variance as may be permitted by law from the Board of Adjustment of the Village of Ridgewood.
- (i) The remaining terms of this ordinance concerning courts, coverage, sideyards, setback, rear yards, etc., shall apply to any lot created by approval of an open spaces subdivision just as if the lot remained conforming to width and area requirements applicable to a conventional subdivision.

Section 15. GARAGES, STABLES, FILLING STATIONS.

- (a) A stable shall be deemed equivalent to a garage:

For the purposes of this ordinance a stable for horses, or mules, shall be deemed to be equivalent to a garage, and one horse or one mule and one vehicle shall be deemed to be equivalent to one motor vehicle.

- (b) Garages in Residential Zones:

- (1) A private garage, or a group of private garages, is permitted in any zone on any lot of an area adequate for the accommodation thereof in conjunction with any other principal buildings on the same lot, and for the provision of the open spaces required by this ordinance, but public garages are permitted only in the business zones.

(2) Amended by Ordinance No. 1065:

Within any residential zone the use of a driveway or other open space for the parking of a commercial vehicle and the rental of a garage space for the use of a commercial vehicle are prohibited.

- (3) In any zone where buildings are used for more than two families, there shall be provided within the buildings or on the lot, garage space to accommodate at least one motor vehicle for each two apartments. Not more than one-half of such space shall be rented or used by other than the occupants of the premises and the rental of the space for the use of commercial motor vehicles is prohibited. In addition, there shall be provided on the lot sufficient parking space to accommodate at least one motor vehicle for each apartment and adequate ingress and egress.

(c) Public Garages, Filling and Service Stations:

- (1) No part of any public garage, filling or service station shall be used for residence or sleeping purposes.
- (2) No part of any filling station, bus terminal, or public garage accommodating more than five motor vehicles, nor any driveway, entrance or exit to or from the same, shall be within three hundred (300) feet of any lot line of any plot on which is located any building used as a theatre, auditorium, or other place of public assembly seating over one hundred (100) persons, or used as a church, hospital, college, school, or institution for dependents or children, or any public playground or athletic field.
- (3) No part of any building used as a public garage or filling station and no filling pump or other service appliance used to supply motor vehicles shall be erected within twenty (20) feet of any boundary line of any residential zone.

- (4) No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance installed in connection with any filling station or public garage shall be within ten (10) feet of any street, and no gasoline storage tank or pump shall be permitted within any building.

Section 16. GENERAL PROVISIONS.

- (1) No lot hereafter may be used and no building or part thereof hereafter may be erected, constructed, reconstructed, moved, repaired, extended, converted, altered, maintained or used, except in conformity with the provisions of this ordinance.
- (2) Any building or use permitted in a more restricted zone shall be allowed in a less restricted zone, provided, however, that one-family, two-family and multi-family residences in whatever zone erected, shall conform to the requirements of their respective zones, and where a building containing apartments is erected in any business zone, that portion of the building used for residence shall conform to all the requirements for courts as specified in Section 13 and for side yards as specified in Section 12.
- (3) Non-Conforming Uses:
 - (a) Any non-conforming use or structure existing at the time of the passage of this or any previous Zoning Ordinance of the Village of Ridgewood may be continued upon the lot or in the building so occupied, but nothing in this Ordinance shall validate or authorize any non-conforming use or structure which existed or exists in violation of a previous Zoning Ordinance unless such use or structure is specifically permitted and authorized by this Ordinance.
 - (b) Any non-conforming use or building existing at the time of the enactment of this Ordinance may be continued upon the lot or in the building so occupied even though the building may be partially damaged or

destroyed, provided that in case a building is destroyed or damaged to the extent that it must be rebuilt then such new building may be devoted to the said prior non-conforming use, but shall in all respects conform to the regulations prescribed by this Ordinance for the zone in which it is constructed.

- (c) Nothing in this Ordinance shall prevent the strengthening or restoring to a safe and lawful condition of any part of any building declared unsafe or unlawful by the Superintendent of Buildings, the Chief of Fire Department or other duly authorized Village official.

(4) Projections and Encroachments into Required Open Spaces:

Except as hereinafter specified, yards and courts required under this Ordinance shall be entirely free of buildings or parts thereof.

(a) Cornices and Eaves:

Cornices and eaves may project not to exceed two (2) feet over any required yard or court.

(b) Ornamental Features, Balconies, etc.:

Sills, leaders, belt courses and similar ornamental or structural features may project six (6) inches into any required yard or court. An open fire balcony or fire escape may project into a required yard not more than four (4) feet.

(c) Amended by Ordinance No. 1051:
Bay Windows, Porches, etc.:

Ground story bay windows or oriels may project not more than three (3) feet into any required front yard or side yard, and one-story open porches may project not more than ten (10) feet into any required rear yard.

(d) Chimney, Shafts, etc.:

A chimney, smoke stack, flue or elevator shaft may project into any required yard or court provided the horizontal section of the projection does not exceed four (4) square feet in any residential zone, or nine (9) square feet in any business zone.

(e) Walls, Fence, Steps, etc.:
(Amended by Ordinance No. 1239).

The requirements of this Ordinance respecting yards and courts shall not apply to any necessary retaining wall or steps, nor to any fence or wall which is four (4) feet or less in height, nor to any fence or wall up to six (6) feet in height which is expressly authorized in Section 12.1 of this Ordinance for screening business uses from residence zones.

(f) Accessory Buildings: (Amended by Ordinance No. 1156).

No accessory building permitted by this Ordinance shall be placed in any required front or side yard.

No accessory building in any zone, when located in the rear yard, shall be within three (3) feet of a rear or side lot line and the aggregate ground area covered by accessory buildings in any required rear yard including the ground area covered by any projections permitted in this section shall not exceed thirty (30) per cent of the required rear yard area in any residential zone and forty (40) per cent in any business zone in which a ground level rear yard is required.

No accessory building on any lot the rear line of which is the side line of a lot fronting on a side street shall be built closer to said rear line than $1/8$ the depth of lot if one hundred and ten (110) feet or more in depth, nor closer to said rear line than ten (10) feet if the said lot is less than one hundred and ten (110) feet in depth.

No accessory building shall exceed one and a half stories in height in any residential zone as defined in this ordinance and in a Retail or General Business Zone shall not exceed two stories in height.

No accessory building in a residential zone may be used for residence purposes except by domestic employees of the owner or tenant of the premises, and in a business zone no building accessory to a building used for business shall be used for any residence purposes.

(g) Garages in Basement and Terraces:

Within any Residential Zone no garage built into a basement or terrace shall project in any part, except the doors when open, more than four (4) feet into a front yard.

(h) Corner Lot Modifications.
(Amended by Ordinance No. 1156).

Within the limitations hereinbefore recited in this section, any accessory building on a corner lot within any residential or retail business zone shall be distant from any side street line of such lot not less than the required front yard setback on the side street prescribed by this ordinance.

(5) Determining Lot Frontage:

In the case of a lot running through from one street to another, the front of such lot shall, for the purposes of this ordinance, be considered that frontage upon which the majority of the buildings in the same block front; but in case there has been no clearly defined frontage established, the owner may, when applying for a building permit, specify which lot line shall be considered the front lot line.

(6) Calculating Open Space Requirements:

No open space which has been counted or included as a part

of a side yard, rear yard, front yard, court or other open space as required by the Ordinance for one building may, by reason of change of ownership or for any other reason, be counted or included in order to comply with the yard, court or other open space requirement of any other building.

(7) Reducing Lot Areas:

No lot shall hereafter be so subdivided, or reduced in area, as to cause the same, or any yard or open space thereon, to be less in any dimension than is required by this Ordinance.

(8) Two Buildings on One Lot:

In the One-Family and Two-Family Zones, not more than one such building shall be erected, used or occupied on any one lot, except accessory building as defined and permitted by this Ordinance.

Section 17. INTERPRETATION AND PURPOSE.

In their interpretation and application the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, morals and general welfare; for lessening the congestion in the streets; for securing safety from fire, panic and other dangers; for the provision of adequate light and air, for preventing overcrowding of lands or buildings; for the avoidance of undue concentration of population and for facilitating adequate provision of transportation, water, sewage, schools, parks and other public improvements. It is not intended by this Ordinance, except as hereinafter provided, to repeal, abrogate, annul or in any way to impair or interfere with any existing law or ordinance, or any rules, regulations or building permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use or construction of buildings, or the provisions of yards, courts or other open spaces, provided, however, that the provisions and requirements of this Ordinance shall be held paramount to any corresponding or similar but less restrictive provisions of any existing law, ordinance, rule or regulation.

Section 18. ENFORCEMENT.

(a) Authority and Duties of the Superintendent of Buildings:

This Ordinance shall be administered and enforced by the Superintendent of Buildings who shall in no case grant any permit for the construction or alteration of any building, and who shall not grant any Certificate of Occupancy in respect of any building where the proposed construction, alteration or use thereof would be in violation of any provisions of this Ordinance.

(b) All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions, radii, and angles of the lot to be built upon, the exact size and location on the lot of the building to be erected and such other information as may be necessary to provide for the enforcement of this Ordinance.

(c) Certificate of Occupancy:

It shall be unlawful to use or permit the use of any building, or part thereof, hereafter created, erected, changed, converted, altered, enlarged, wholly or in part until a Certificate of Occupancy shall have been applied for and issued by the Superintendent of Buildings. An application for a Certificate of Occupancy shall be made in duplicate upon form provided by the Superintendent of Buildings and accompanied by such plans or other information as may be required by the Superintendent, and by the payment of a fee of five (5) dollars. In case the Superintendent shall decline to issue a Certificate of Occupancy, his reasons for so doing shall be stated on one copy of the application and that copy returned to the applicant.

Section 19. BOARD OF ADJUSTMENT:

(a) The Board of Adjustment now existing is hereby continued and it shall in appropriate cases and subject to appropriate conditions and safeguards, have authority to make special exceptions to the terms of this Ordinance in harmony with its general purpose and intent, and in

accordance with the rules herein contained and by law established.

- (b) Said Board of Adjustment shall continue to consist of five (5) members to be appointed by the Board of Commissioners, and to serve without pay. Successors to such appointees shall be appointed for the term of three years. Vacancies in said board shall be filled in the same manner for the unexpired term of any member whose term becomes vacant.
- (c) A Quorum shall consist of three members, and in order to reverse a decision of the Superintendent of Buildings, or authorize a variance from the terms of this Ordinance, an affirmative vote of at least three members shall be required. The meetings of the Board of Adjustment shall be held at the call of the chairman, and at such other times as the Board may determine. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Said Board shall perform all the duties and have all of the powers provided by law to be exercised by Boards of Adjustment, and shall exercise special powers hereinbefore specified.
- (d) There shall accompany each and every application to the Board of Adjustment a filing fee of ten (10) dollars, no part of which shall be refundable. (Amended by Ordinance No. 1222).

Section 20. VIOLATIONS AND PENALTIES.

For any and every violation of the provisions of this Ordinance, the owner, contractor or other persons interested as lessees, tenants, or otherwise in any building or premises where such violation has been committed or shall exist, and who refuses to abate said violation within five (5) days after written notice has been served upon him either by mail or by personal service, shall for each and every violation be subject to a fine of not more than one hundred (100) dollars or to five (5) days' imprisonment in the County Jail or both, at the discretion of the court or judicial officer before whom a conviction

may be had. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this Ordinance and not as a continuing offense.

Section 21. AMENDMENTS.

This Ordinance may be amended, revised or repealed by the Board of Commissioners in the manner provided by Statute.

Section 22. VALIDITY.

Should any section, part or provision of this Ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so held unconstitutional or invalid.

Section 23. SHORT TITLE.

This Ordinance shall be known by the short form title of "The Zoning Ordinance of the Village of Ridgewood, N. J."

Section 24. WHEN EFFECTIVE.

This Ordinance shall take effect immediately on adoption and publication as provided by Statute.

Section 25. EXISTING ORDINANCE REPEALED.

The existing Zoning Ordinance of the Village of Ridgewood, passed April 14, 1931, and known as Ordinance No. 764, together with all amendments thereto, is hereby repealed.

NOTICE

Notice is hereby given that the foregoing Ordinance was passed on final reading at a regular meeting of the Board of Commissioners of the Village of Ridgewood, held on the 23rd day of April, 1946.

WILBUR MORRIS, Village Clerk

NOTE: Ordinances No. 995, 998, 1028, 1051, 1065, 1098, 1103, 1156, 1172, 1201, 1217, 1222, 1239, 1256, 1264, and 1268 amending Ordinance No. 993, are incorporated in the text of this Ordinance.

RESOLUTION
BOARD OF ADJUSTMENT
VILLAGE OF RIDGEWOOD

WHEREAS, an application was submitted to the Ridgewood Board of Adjustment ("Board"), by Cellular Telephone Company d/b/a AT&T Wireless (the "Applicant") for a use variance, and site plan approval ("Application") for the property located at 601 Franklin Turnpike, known and designated as Block 4703, Lot 17 ("Premises"), on the Village Tax Map, in the OB-2 zone; and

WHEREAS, an existing wireless communications facility consisting of a 120 foot flagpole ("Pole") and accessory storage cabinets ("Telecommunications Facility") is presently located on the Premises which was previously approved by the Board by Resolution dated March 27, 2002, in accordance with the Order of the Honorable Jonathan Harris reversing the Board's prior denial of that application; and

WHEREAS, Applicant proposed to mount three (3) additional telecommunication antennas IN the Pole, and to place electronic equipment cabinets on the roof of an existing building located on the Premises; and

WHEREAS, the Application requires that use variance relief be granted to the Applicant from the provisions of Section 190-123E(3)(c), Article X of the Ridgewood Village Code; and

WHEREAS, Section 190-37 requires Site Plan Approval for the Applicant's proposal; and

WHEREAS, the Applicant provided adequate proof to the Board that public notice of the hearing was effectuated in accordance with the Municipal Land Use Law Section 40:55D-12; and

WHEREAS, a public hearing was held on November 23, 2004, during at which the Board heard testimony from the Applicant's professionals and witnesses, objectors

and received into evidence certain exhibits which exhibits are hereby incorporated into this Resolution; and

WHEREAS, on November 23, 2004, the Board voted seven in favor, zero against, granting the conditional use variance and site plan approval sought by the Applicant. By adopting this Resolution, the Board does hereby intend to conform to the requirements of N.J.S.A. 40:55D-10g(2).

In granting all aspects of this application, the Board makes the following findings of fact and conclusions:

1. The Premises consisting of 17,305 square feet located in the OB-2 Zone contain an existing 120 ft. flagpole with panel antennas, and nine equipment cabinets located on the roof of the building existing on the Premises.

2. This Application consisted of a request by the Applicant to install three additional telecommunication antennas at 88 feet, inside the existing flag pole, along with 4 electronic equipment cabinets on the roof of the existing building located on the Premises. The Applicant seeks conditional use approval as well as Site Plan Approval.

3. While cellular telecommunications antennas are permitted as conditional uses in the OB-2 Zone, pursuant to Village Ordinance Section 190-123(E)(3)(c), the Applicant's proposal does not meet the conditions which are imposed by the Ordinance.

4. The Applicant presented in evidence this Board's prior Resolution dated March 27, 2003, indicating that Sprint Spectrum, L.P. had previously been granted approval to install a 120 ft. flagpole on the Premises by virtue of Judge Harris' judgment entered on January 2, 2002, reversing this Board's decision.

5. The Applicant presented the testimony of Peter McTygue, the site engineer, who established that the Applicant is merely seeking to add three (3) antennas which will be concealed within the existing monopole structure.

6. The Applicant also presented the testimony of Mark Kealey, a licensed Planner in the State of New Jersey, who testified that the site could accommodate the additional three (3) antennas with no impact whatsoever, that this Application was simply a modification of the site for an additional user which satisfied the positive criteria, and could be granted without any substantial detriment.

7. The Applicant also presented the testimony of Pierre Colson, an electrical engineer, who offered in evidence (A-4) an RF study of the "Telecommunications Facility" which established that the RF emissions from the Facility are 70% below the FCC limit for RF emissions.

8. The Board determines that the Applicant's proposal for conditional use, and site plan approval to install three (3) additional antennas in the existing flagpole located on the Premises is particularly suitable for the existing location. The Board finds the Applicant has demonstrated that there is not reliable coverage in the areas surrounding the proposed site.

9. The Board finds to grant the variance and site plan approval as requested is consistent with the reasons expressed by Judge Harris in the Judgment entered on January 2, 2002, in that the requested variances can be granted without substantial detriment to the public good and without impairing the intent and purpose of the Zoning Ordinances of the Village of Ridgewood. The Board finds further that the Applicant meets all of the requirements for site plan approval.

NOW, THEREFORE, be it is resolved by the Zoning Board of Adjustment of Ridgewood that Cellular Telephone Company's application for site plan approval and

for conditional use variance approval is hereby granted subject to the following conditions:

1. The Applicant shall obtain all other governmental approvals and permits and shall perform all acts of compliance which may be required under all applicable Federal, State, County, and local statutes, regulations and ordinances for this approval, including but not limited to Bergen County Planning Board, and Bergen County Soil Conservation District, if required. The Applicant shall submit to the Board copies of all permits and approvals or in the alternative written verification that no permits or approvals are required. The Board reserves the right to require further review of this application in the event that another governmental entity requires "substantial modifications or revisions" to the plan as approved.

2. All conditions and stipulations of approval contained in the body of this Resolution are incorporated herein as if they were repeated at length. The Applicant agrees to be bound by all such conditions and stipulations.

3. The Applicant shall post any and all necessary escrows and fees required in connection with this application, approval, subsequent inspections and any other work encompassed by way of the approval. If applicable, the Applicant shall immediately correct any negative balances in the legal and engineering escrows posted for review of the application. It shall further agree to keep all future accounts current. No further permits shall be issued in the event a negative balance exists.

4. All of the conditions imposed herein shall bind and apply to the Owner of the Property as well as the Applicant.

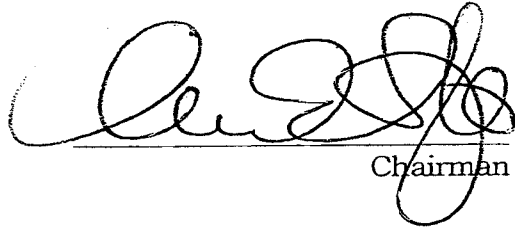
5. Notice of this decision shall be published in the official newspaper of the Village of Ridgewood.

MOVED BY:

SECONDED BY:



Zoning Board Secretary



Chairman

DATED:

RECEIVED

NOV 27 2012

Apr 23 1956

PLOT SIZE MAP





1956 REVISION

VILLAGE OF RIDGEWOOD
BERGEN COUNTY NEW JERSEY

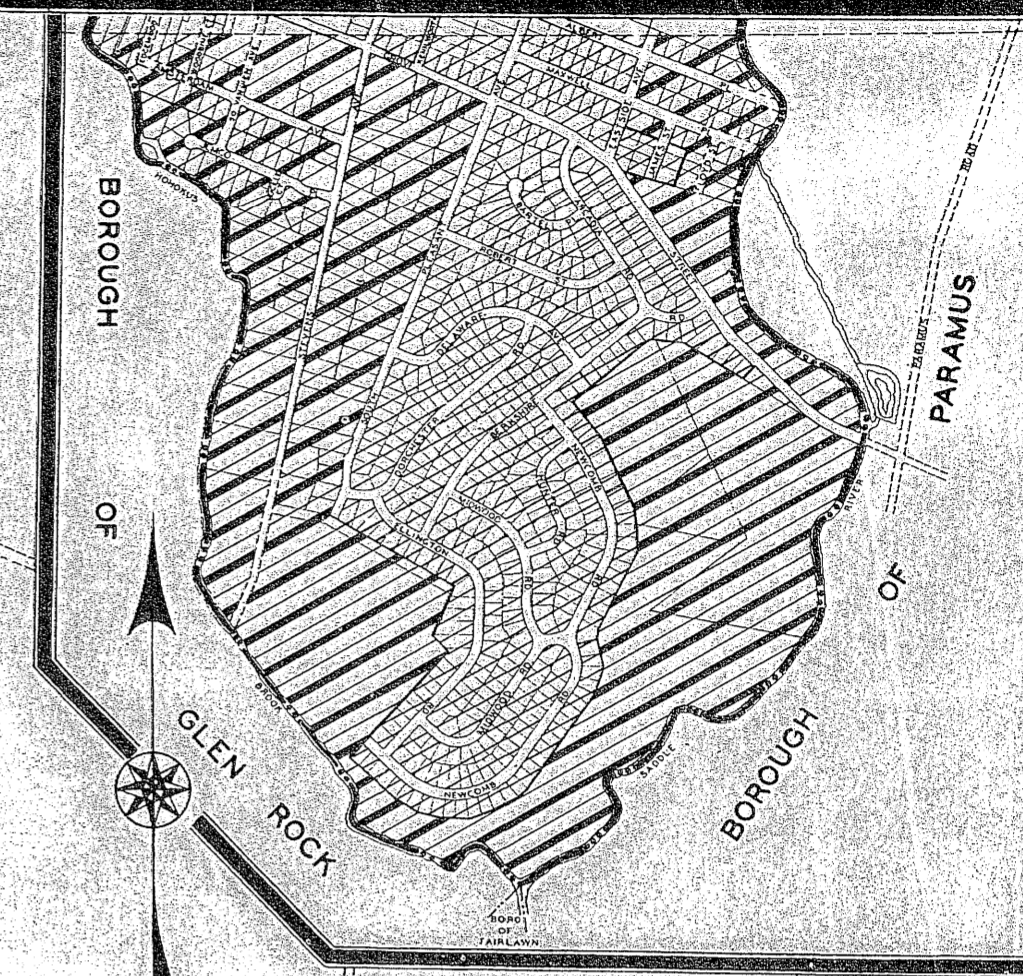
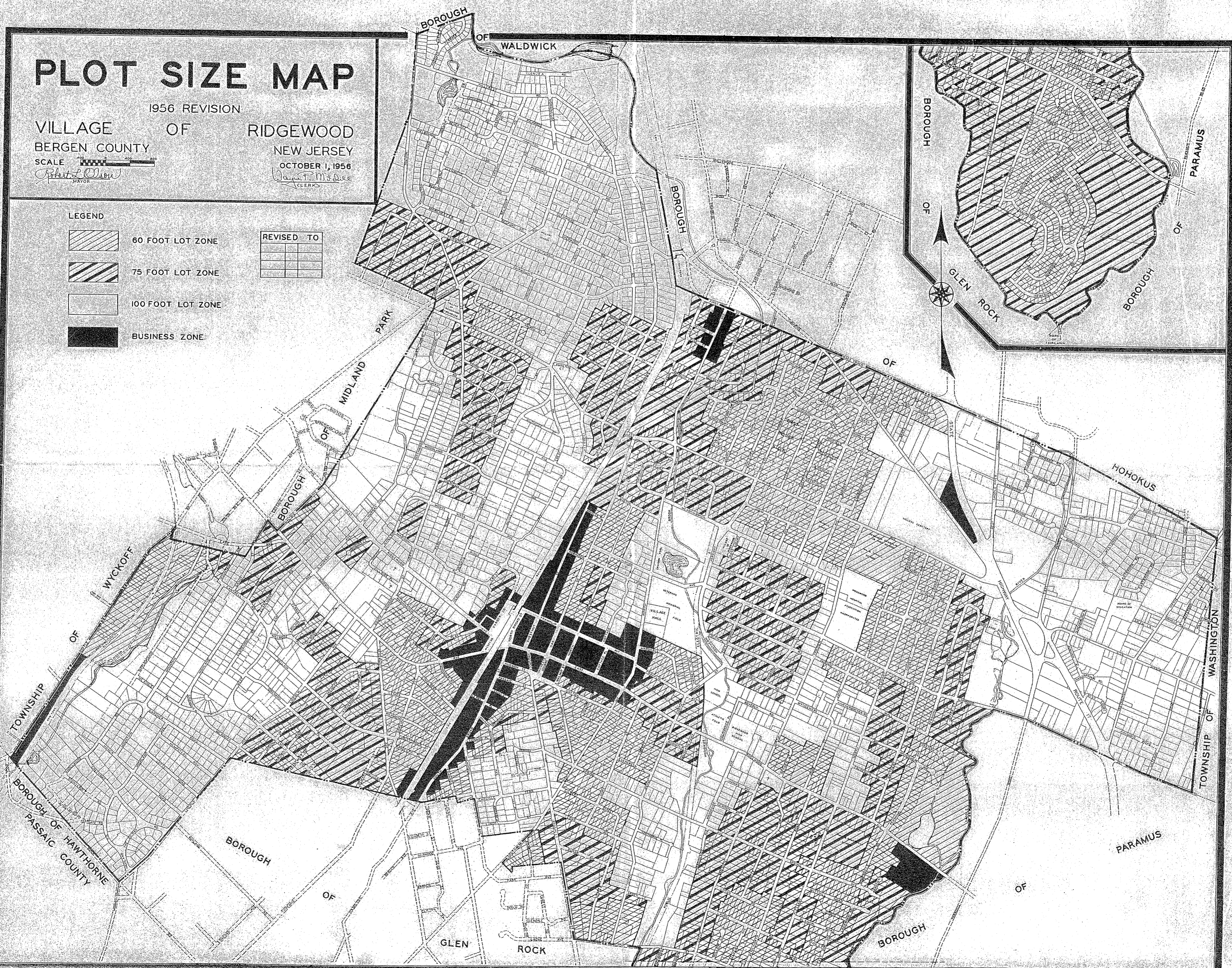
SCALE 
Robert L. O'Brien
MAYOR

OCTOBER 1, 1956
James F. Miller
CLERK

LEGEND

-  60 FOOT LOT ZONE
-  75 FOOT LOT ZONE
-  100 FOOT LOT ZONE
-  BUSINESS ZONE

REVISED TO	



APPENDIX B

MASTER PLAN
VILLAGE OF RIDGEWOOD
BERGEN COUNTY,
NEW JERSEY

ADOPTED JULY 21, 1964

prepared by

ROBERT CATLIN AND ASSOCIATES
CITY PLANNING CONSULTANTS
ROCKAWAY, NEW JERSEY

\$1.50

VILLAGE OF RIDGEWOOD

BERGEN COUNTY, NEW JERSEY



PLANNING BOARD

GI. 4-5500

September 1964

To the Residents of Ridgewood:

In February of this year your Planning Board made public its Master Plan Report, culminating more than two years of study. After an interim of two months, during which period the residents had opportunity to study the proposals set forth in the Master Plan Report, a public hearing was held on April 15th, 1964 at which time the Board presented its Report publicly and received questions and comments concerning the Report.

For three months following the public hearing your Planning Board reviewed the questions and comments presented and again reviewed all proposals in detail. Subsequently, on July 21st, 1964 the Planning Board, by resolution, adopted Section 2 of the Master Plan Report as further amended.

We are pleased to present herewith that portion of the Master Plan adopted at this July meeting and we wish to thank all of you for your interest, study and suggestions which contributed so much to the development of this Plan.

Sincerely yours,

A handwritten signature in cursive script, which appears to read "John C. Conklin, Jr.", is written over the typed name.

John C. Conklin, Jr.
Chairman

JCC, Jr. :oh

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INTRODUCTION

In February of 1964, the Planning Board presented to the Citizens of Ridgewood a comprehensive revision of the Village Master Plan. This report included an updating of the 1957 Plan as well as studies that were not done in 1957.

The Master Plan Report was divided into three main sections. The first dealt with existing conditions and basic data. The second section made specific planning proposals dealing with future land use which was to be adopted by the Planning Board as the Official Master Plan. The third section dealt with the plan's implementation and included, among other things, the basis for an official map and a suggested capital improvements program.

On April 15, 1964 the Planning Board conducted a public hearing on section two of the Master Plan Report. At this hearing everyone in attendance was afforded an opportunity to be heard. Every communication and petition addressed to the Board that pertained to the Master Plan Report was also made part of the official Planning Board's minutes.

All communications as well as all comments made at the public hearing were subsequently reviewed in detail by the Planning Board. The result is that this document is the Official Master Plan for the Village of Ridgewood with all amendments made as part of its adoption, incorporated herein.

The Master Plan is divided into five main parts. These are:

CENTRAL BUSINESS DISTRICT

THE STREET PLAN

COMMUNITY FACILITIES

THE LAND USE PLAN

ZONING

CENTRAL BUSINESS DISTRICT

The central business district of Ridgewood is defined for the purpose of this study as that retail business zone shown in the center of the Village on the existing Building Zone Map exclusive of Van Neste Park and the business areas south of Leroy Place on South Broad Street.

The area so defined has an area of approximately 85 acres. This 85 acre area is comprised of the following land uses:

		<u>USE</u>	
1.	Streets and Roads		19.1
2.	Railroad Property		4.1
3.	Public and Semi-public		1.9
4.	Residential		4.5
5.	Municipal Off-street Parking		2.1
6.	Private Off-street Parking		14.1
7.	Land Covered by Commercial and Professional Buildings		16.5
8.	Vacant Land		<u>22.7</u>
TOTAL			85.0

Source: Consultant's Studies

Item 8 above is a critical figure since it represents the maximum amount of land available for future expansion of business and parking activity. However, all of this 22.7 acres is not available. Some land is used for alleys, driveways and similar purposes and in many cases the location of an existing structure on a lot is such that the remainder of the lot is virtually undevelopable. Further, the nature of certain kinds of commercial activity requires relatively large amounts of land. Service stations, repair garages and automobile

dealers in particular fall into this category. It has been estimated that approximately one-third of the vacant land in the central business district or about 7.5 acres is at present unavailable for development. These factors by themselves appear to limit the expansion of business activity possible in the central business district. However, the land presently used for residential purposes can be considered a reserve for the future.

There are almost 500 business, professional or service establishments and approximately 200 dwelling units in the central business district. The buildings themselves are generally in good condition with few exceptions.

The total work force in the central business district is estimated to number about 2,500 persons. This figure is based on the results of a survey questionnaire prepared as part of this master plan report which was filled out and returned by 75 per cent of the establishments in the central business district.

Employment is almost entirely in the field of retail trade and the rendering of professional services of all types. Many of the stores deal in high-quality goods which have a great deal of drawing power. Other establishments deal in professional services which because of their nature are not in competition with highway shopping centers. Unlike many other towns in the metropolitan area, Ridgewood's business center should not be drastically affected by the increasing number of new highway shopping centers as long as steps are taken to preserve and improve its present character.

Although the land use analysis above may at first glance indicate that business expansion is very limited, there is a considerable amount of land in residential use which will someday be replaced with new business development. It is also reasonable to assume that many existing non-residential structures will be replaced in time. The population study indicates that only a small expansion of business activity will be necessary to serve the ultimate population of the Village and there seems to be little likelihood that the central business district will assume the character of a highway shopping

center and compete with such other centers volume wise. In fact, it is neither necessary nor desirable that the latter occur. It is, therefore, planned to maintain the present size of the business district. What is recommended, however, is that the central business district should at least maintain, and if at all possible, increase its emphasis on high quality goods and do everything possible to make it convenient for customers to shop for these goods.

For a central business district to be successful and competitive in today's market, it must provide a diversity of goods and be provided with good traffic circulation and adequate off-street parking facilities.

CIRCULATION

Most old established towns have streets of insufficient width laid out in the horse and buggy days which were never designed to handle today's volume and type of traffic.

It is impossible to develop a plan in a built-up community like Ridgewood by ignoring the existing street pattern and developing the ideal. All that can be done is to make the best of the present framework by improving the street system through street widenings, new alignments and traffic control.

In the past, much time and effort has been devoted to studying the problem of traffic circulation in the center of the Village. One of the major problems is the manner in which the railroad tracks separate two sections of the business district. This barrier to good traffic circulation not only breaks the continuity of the business area, but, in addition, it creates a traffic problem because there is only one point where the railroad may be crossed within the central business district.

As part of this plan, the proposed construction of a new grade separation over or under the railroad was seriously considered. It was concluded that the physical limitations are such that it is

impossible to create an efficient connection by constructing a new underpass within the business center without seriously impairing a great deal of the central business district. Engineering studies indicate that ramps would have to be constructed in front of a number of existing stores and shops to get adequate clearance for either trains or vehicles that would use the grade separation.

The possibility of an overpass running around the business district was also closely examined. It was concluded that due to the built-up nature of the surrounding area along the proposed route, the benefits derived from the overpass or underpass would not justify the expenditure of the funds necessary to carry out the project. Also, a great number of homes along the route would be affected directly and indirectly. What is proposed, however, is the improvement of the turning movement by cutting back the southeast corner of the intersection of Garber Square and Franklin Avenue. This would permit a smooth flow of traffic for vehicles moving from the west side of the railroad to the east side. In addition to improving the safety factor, it would permit an increase in the volume of traffic at this point particularly if right hand turns were permitted on the red light for traffic moving east on Franklin Avenue into North Broad Street during certain hours of the day. Right hand turns, on the red light, might also be permitted during certain hours for north bound traffic on North Broad Street into Franklin Avenue.

PARKING
FACILITIES

The second important element in providing for shopping convenience is adequate parking space. There must be enough parking in the right places if customers are to be attracted. Customer parking is not

the only kind of parking which must be provided.

The parking needs of the work force must also be considered and it is essential that employees not be forced to compete with customers for parking space.

Studies in other business districts have shown that one parking stall

will produce a gross sale of \$10,000 to \$15,000 per year according to the character of the store group and the buying power of the trade area. In Ridgewood, it is probable that the high quality of the stores and the estimated buying power of the trade area will make each available space capable of producing sales at about the maximum of the range indicated above. The provision of adequate off-street parking is, therefore, of paramount consideration for every merchant and business man operating in the business center.

Studies made as part of this master plan indicate that the present parking situation in the central business district should and can be improved. These studies included a survey conducted through use of a questionnaire, an analysis of existing parking facilities, public and private, a survey of all metered spaces, plus an analysis of the relationship of parking facilities to various land uses within the business district. The data obtained from the questionnaire was used to estimate the total number of persons employed in the central business district, the number of cars brought into the central business district by the work force and the various parking facilities utilized by the work force.

It is estimated that 2,500 persons make up the work force and that these persons bring an estimated 1,900 automobiles into the central business district each normal working day. This is an average of 1.3 persons per car. This figure may appear low, however, the average number of persons per automobile used for commuting into the large cities is less than 2. As commuting distances are reduced the ratio of persons to automobiles becomes closer to 1 to 1. The parking facilities used by the work force are shown in Table 1.

It should be realized that all of the work force is not in the central business district at the same time. Working hours differ from establishment to establishment, different people have different days off, and the nature of some of the occupations of the work force is such that the people so occupied are in the central business district only intermittently. It has been estimated that if 90 per cent of the approximately 1,900 cars used by the working force

could be parked at the same time the working force parking needs would be met. The percentages of the work force utilizing each type of facility reveals the manner in which commuter parking need is presently being satisfied.

TABLE 1

PARKING FACILITIES USED BY WORK FORCE

<u>Data (Returned on Questionnaire)</u>			<u>Corrected Totals</u>		
Total Parked 1,700			Total Parked 1,897		
Type Facility	Number Using	Per Cent Of Total	Type Facility	Number Using	Per Cent Of Total
Premises	640	37.6	Premises	713	37.6
Private	605	35.6	Private	675	35.6
Municipal Lots	265	15.6	Municipal Lots	296	15.6
Streets	<u>190</u>	<u>11.2</u>	Streets	<u>213</u>	<u>11.2</u>
Totals	1,700	100.0	Totals	1,897	100.0

It is obvious that non-municipal off-street parking, which includes parking on premises and other private parking, absorbs the greatest percentage of the work force parking needs. However, it seems that private off-street space is still not available in the amounts needed. The municipal lots total 2.1 acres and make up 13 per cent of the total amount of land devoted to off-street parking, yet these lots accommodate 18 per cent of the work force who use off-street parking. Private parking lots take up 87 per cent of the land devoted to off-street parking and they account for only 72 per cent of the work force demand. At the same time 213 metered spaces on the streets are used by the work force. This represents about 11.2 per cent of the commuter demand. It is evident from the above figures that the work force and customers compete for

parking space in the central business district. The municipal lots which were intended for shopper use are under heavy pressure from the work force and a substantial number of on-street spaces which are also geared to shopper use are under similar pressure.

The use survey of municipal metered spaces revealed that these lots are definitely not serving shopper convenience as they should be. Each lot has been checked for average per cent of occupancy, per cent of space turnover, and per cent of lot turnover. The information gained thereby is summarized in Table 2.

It is interesting to note the difference between space turnover and lot turnover. A detailed periodic check of license numbers revealed that although many vehicles were moved from one space to another within the lots, they remained in the lots for periods of six or more hours. This, of course, indicates that such vehicles are owned by the work force who are parking all day in lots built for shopper convenience. This situation is seen to be most acute in the Chestnut Street lot which is closest of all the lots to the main focus of commercial activity. Even the Dayton Street spaces which experience the least amount of use reflect the problem. A great many of the people who do use these spaces are obviously not shoppers. Here, as in all lots the same cars appeared each time a check was made.

The average occupancy of the various lots is reflected by the degree of congestion which exists in them. It is desirable to have at least 15 per cent of a parking facility vacant at all times to insure convenience in finding a space and a smooth turnover of spaces. When a facility is more than 85 per cent occupied it has reached the stage of congestion and contributes to the amount of "cruising" done by shoppers searching for parking space. Of the five municipal lots, two have already gone far beyond this point and one is approaching it. The two lots which are below the 85 per cent occupancy figure are the ones located on the fringe of the most intense business activity.

It can be concluded on the basis of the degree of congestion existing

in critically located lots and the type of use experienced by major shopper parking lots that there is need for a more effective parking program in the central business district.

TABLE 2
PUBLIC PARKING OCCUPANCY AND RATE OF TURN OVER

	<u>Chestnut Street</u>	<u>Walnut Street</u>	<u>Cottage Place(3)</u>	<u>Cottage Place(12)</u>	<u>Dayton Street</u>	<u>Station Plaza</u>
No. of Spaces	69	41	36	72	43	31
<u>Average Occupancy</u>						
Spaces Occupied	68	33	24	63	24	29
% of total spaces	98.5	80.5	66.6	87.5	55.8	93.5
<u>Turnover of Spaces - %</u>						
Average	91.8	73.8	78.6	28.5	45.7	64.4
High	94.2	75.4	83.3	30.3	51.1	70.9
Low	89.8	70.7	75.0	26.3	39.5	61.2
<u>Turnover of Lot - %</u>						
Average	49.0	66.6	70.3	28.9	36.9	49.4
High	52.1	70.7	72.2	30.3	41.1	54.8
Low	44.9	63.4	66.6	27.7	30.2	41.9

Source: Consultant's Studies

The parking analysis as outlined above has more or less concentrated on the problems brought about by the working force commuting into the central business district. It is also imperative to study parking needs in terms of customers' or clients' demands.

Reasonable estimates of parking need can be made by computing the amounts of floor area devoted to various uses in a central business district and establish a ratio of parking area to floor area for the various uses. It is obvious that the validity of the result obtained through use of this method is dependent upon the validity of the floor space parking ratio employed.

The most critical of these ratios is that applied to retail sales and service since such activity uses the most space in a shopping center or business district.

In a modern highway shopping center the ratio can be as high as 5 to 1 (5 square feet of parking area for each square foot of gross floor area) and is seldom lower than 3.1. Such high ratios are possible for new shopping centers which are usually built on large, vacant, relatively low cost land along major highways. The shopping center parking ratios are not usually applicable to established downtown central business areas where land is much more expensive and large vacant areas are non-existent.

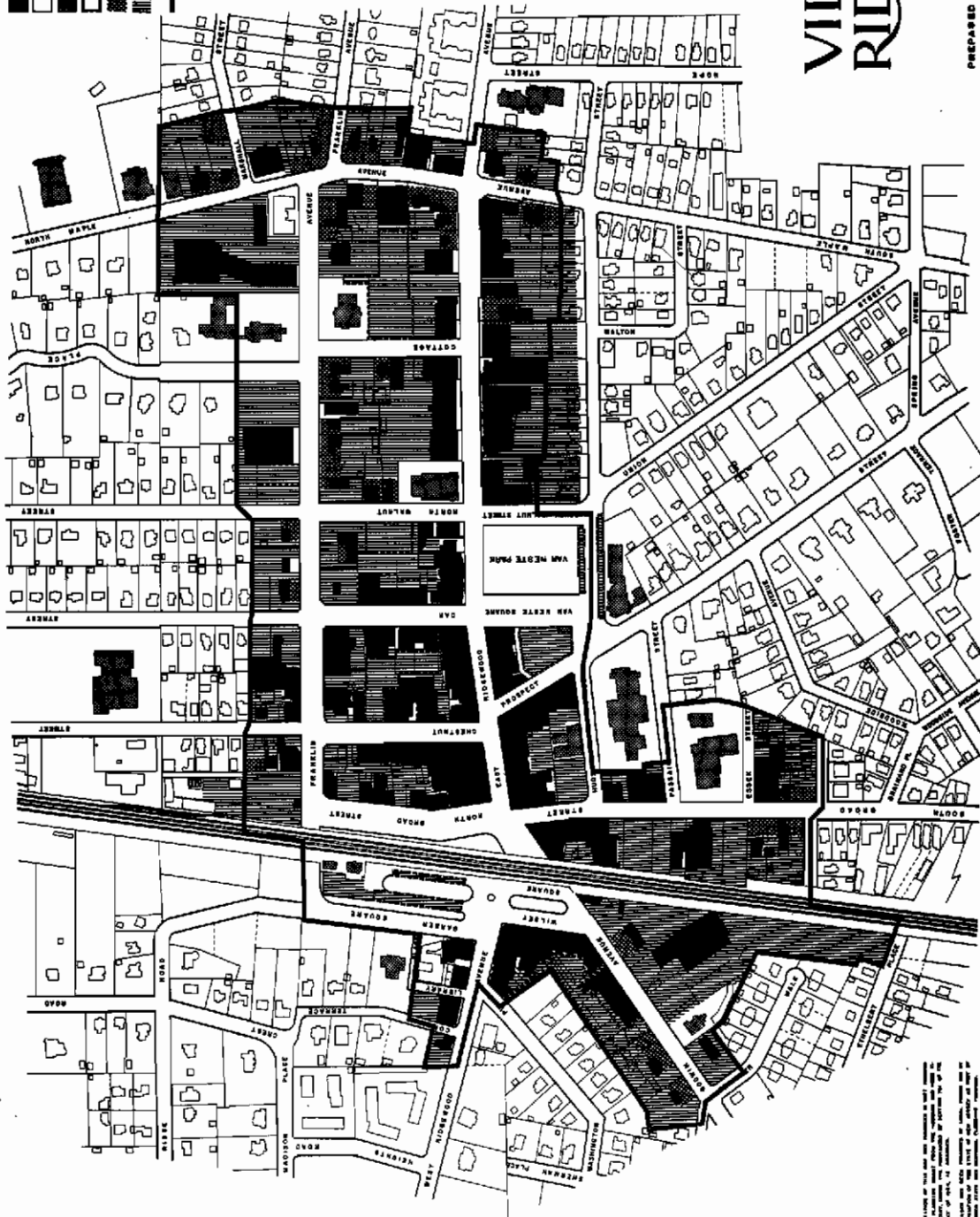
In the Ridgewood central business district where the emphasis is on high quality goods, land is expensive and not readily available, and where it is neither necessary nor desirable to emulate the shopping center, more modest ratios are reasonable and logical. It is proposed that ratios of 2.1 for retail sales and service and 1.1 for office space are adequate and attainable standards. Any dwelling within the business district should provide one off-street parking space for each dwelling unit.

The following summarizes the floor space computations made in the central business district.

	Existing Floor Area (square feet)	Required parking area at 2.1 ratio (square feet)
Retail Sales and Services	439,370	878,740
Offices	227,150	227,150
No. of Dwelling Units	<u>200</u>	<u>70,000</u>
TOTAL	666,720	1,175,890

CENTRAL BUSINESS DISTRICT PLAN

- EXISTING BUSINESS BUILDING
- EXISTING INDUSTRIAL OR ACCESSORY BUILDING
- EXISTING PUBLIC OR SEMI PUBLIC BUILDING
- EXISTING MUNICIPAL LOTS
- POSSIBLE BUSINESS EXPANSION
- POSSIBLE FUTURE PARKING
- PROPOSED ZONE LINE



VILLAGE OF RIDGEWOOD

PREPARED BY ROBERT CATLIN AND ASSOCIATES
CITY PLANNING CONSULTANTS ROCHESTER, NEW JERSEY

THIS MAP IS A REPRODUCTION OF THE ORIGINAL MAP WHICH WAS PREPARED BY ROBERT CATLIN AND ASSOCIATES, CITY PLANNING CONSULTANTS, ROCHESTER, NEW JERSEY, IN 1964. THE ORIGINAL MAP IS ON FILE IN THE OFFICE OF THE VILLAGE ENGINEER, RIDGEWOOD, NEW YORK.

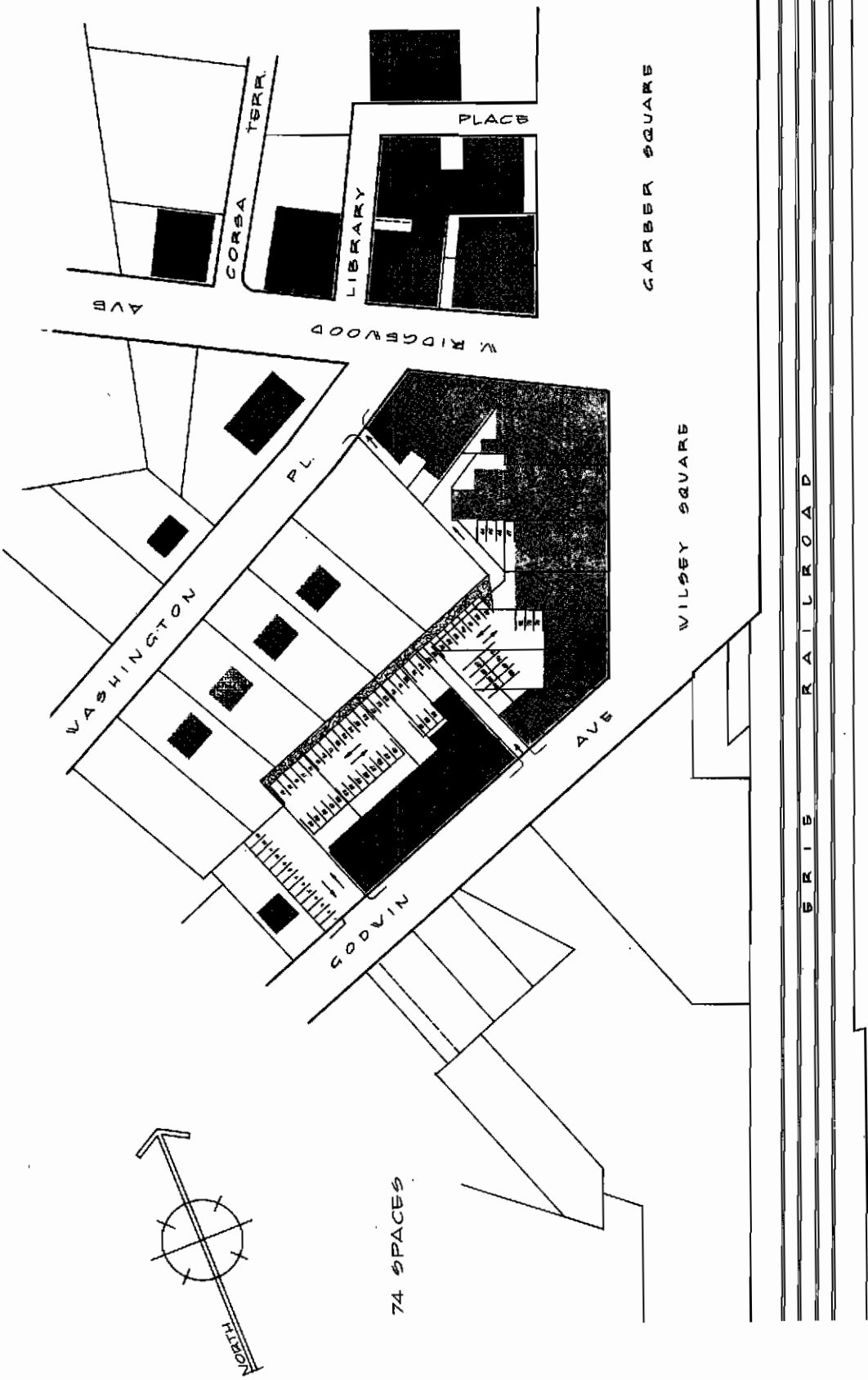
The total of 1,175,890 square feet presently required is the equivalent of 3,360 spaces at 350 square feet per space. This is total need for parking.

At present, there are 14.1 acres used for privately operated parking facilities. If properly coordinated and designed this area is capable of containing approximately 1,755 spaces. In addition, there are 863 municipal spaces and about 150 spaces available to dwelling units in areas too small to be mapped. This totals approximately 2,770 spaces. Therefore, if the ratios as outlined in the above table were to be met there would still be a need for 590 additional spaces.

As a practical matter, however, more than 590 new spaces are needed. Because of the manner in which the existing private lots are laid out, maintained and operated, they do not, as a whole, reach their potential. The number of spaces in these lots number only about 1,550 instead of 1,755. The difference of 205 spaces between the potential and the real capacity of the private lots must be added to the estimated current need. The additional parking needed at present, based upon the required ratio, is therefore 795 spaces.

Ordinarily such a large number of spaces could only be provided at great cost and with much inconvenience. In Ridgewood the possibility of substantially reducing the parking deficiency does exist. This is because up to 205 spaces could be provided without adding to the amount of land devoted to parking if steps were taken to utilize existing parking areas efficiently. Large lots are much more economical of space than small lots because in small lots the ratio of land devoted to driveways and turn space to land actually in parking space is much higher than it is in large lots. Private lots in the Ridgewood central business district are generally small which immediately reduces their potential. Further, many are either unpaved or unmarked or both which further reduces the potential.

The accompanying map has been developed as a generalized land use development plan of the central business district which should be used as a guide for all new development. The plan indicates both existing and proposed building area and parking areas. Unlike the Master Plan



on Streets or Parks and Playgrounds the central business district plan has no legal significance. It is merely a guide to be used by the Planning Board in reviewing all future site development plans for new construction within the business zone. It does not in any way commit the Village or property owner to any program. It does indicate a comprehensive solution to a problem that cannot be solved on a piece-meal basis without knowing how each separate action relates to the whole program.

It is quite possible that an individual may wish to build his building on that section of the lot which has been shown on the plan for parking. If he does so then he will have to meet his parking requirements on the section of the lot shown on the plan for potential new building area. The Planning Board should assist and encourage all new development to follow the plan wherever possible for by doing so the development of each parcel will be fitting together a piece of the overall pattern which will result in definite benefits not only to the Village but the property owners themselves.

Every effort should be made to encourage abutting property owners to coordinate their building and parking plans with their neighbors. As was mentioned above, it has been estimated that the number of parking spaces on private property could be increased by approximately 205 if such a program is carried out.

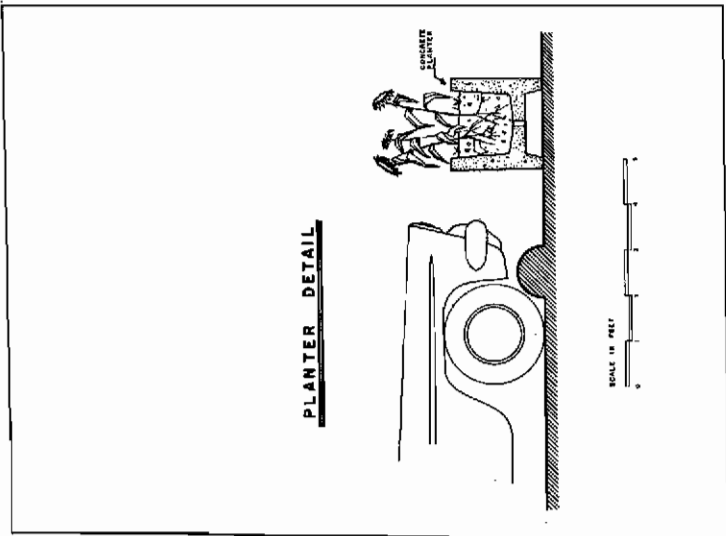
Also, shown is the proposed construction of the off-street parking area behind Godwin Place. Here is an opportunity to add 74 spaces to the parking facilities within the central business area. It is proposed that the property owners dedicate the land as shown for parking and the Village install the improvements.

During the preparation of the plan the row of stores on the east side of Prospect Street, just north of Dayton Street, has been demolished to install a new municipal lot at this location. When fully developed this lot will accommodate approximately 66 spaces in addition to a new bus station as shown on the accompanying map.

It is also proposed that the metered curb parking in Station Plaza

SOUTH WALNUT STREET

AVENUE

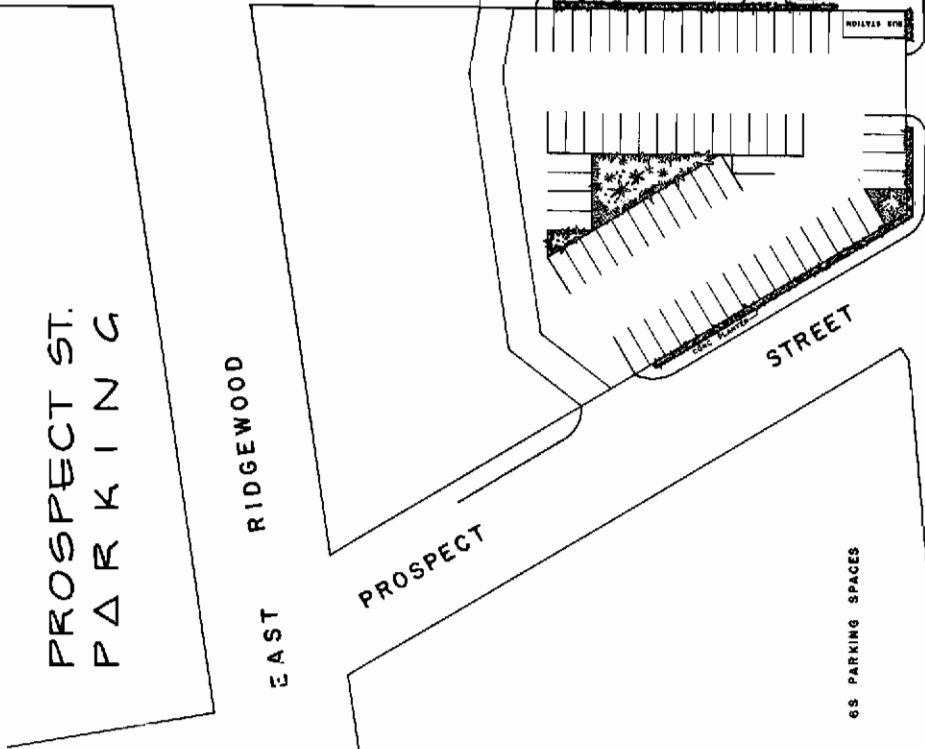


STREET

VAN NESTE SQUARE

OAK STREET

DAYTON STREET



PREPARED BY ROBERT CATLIN AND ASSOCIATES
CITY PLANNING CONSULTANTS — ROCKAWAY, NEW JERSEY



be rearranged, as shown, so the 10 parallel parking spaces would be changed to 20 angle parking spaces. This can be done within the existing curbs by changing the location of the meters and relining the pavement.

If the above proposals are carried out, then the total parking facilities within the central business district would be as follows:

1755	- spaces in private lots
863	- existing municipal spaces
150	- spaces serving dwelling units
74	- proposed Godwin lot
66	- proposed Prospect lot
<u>10</u>	- Additional spaces in Station Plaza

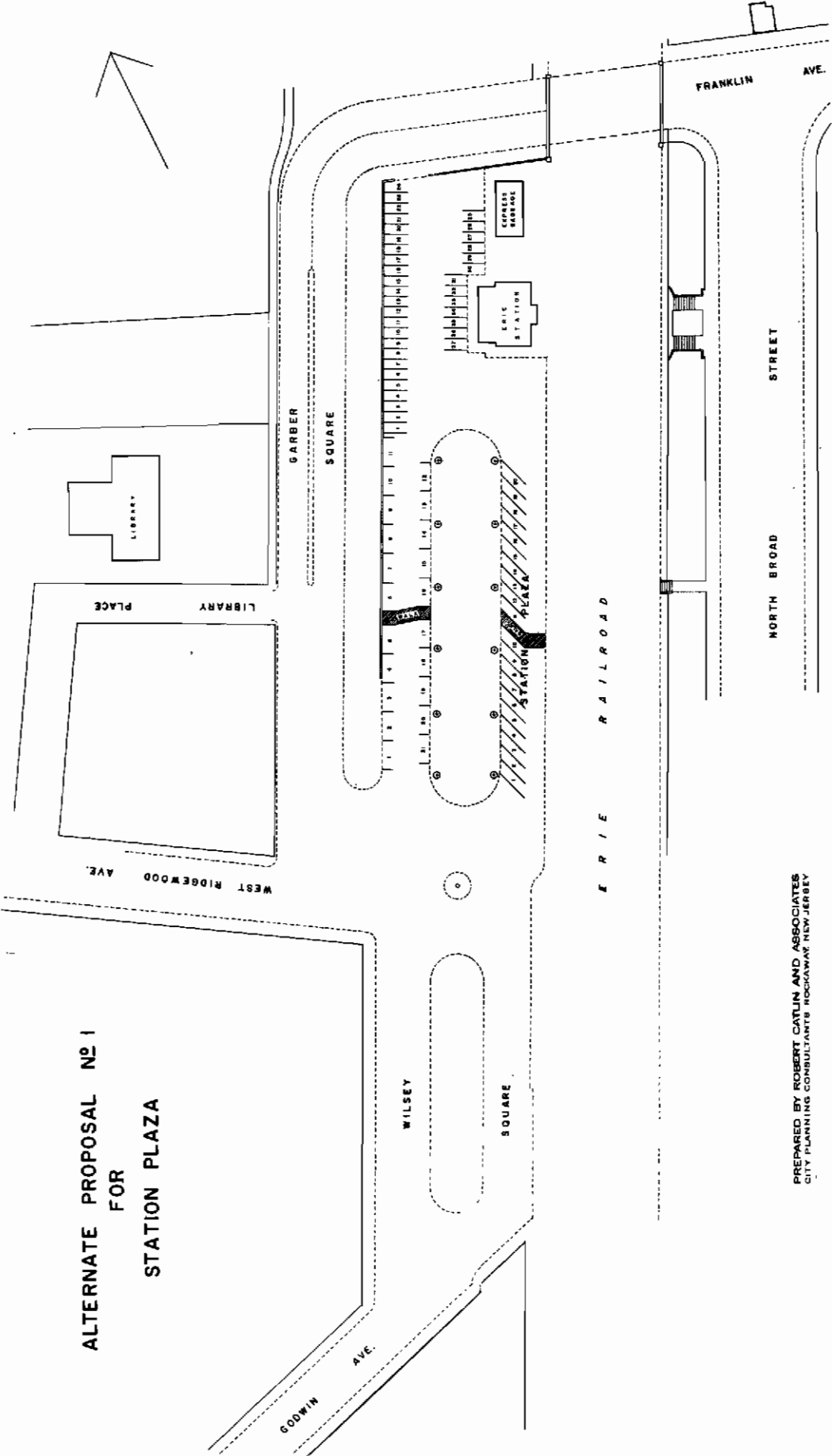
TOTAL 2918

This is still approximately 442 spaces short of the 3360 spaces which would be necessary to meet the floor area ratio mentioned earlier, however, the deficiency would not be critical and compared to business districts in other similar towns Ridgewood would be in a very favorable position.

SUMMARY OF PROPOSALS

1. Improve the traffic movement at the intersection of Garber Square and Franklin Road by cutting back the southeast corner.
2. Improve the traffic movement at the intersection of Franklin Avenue and North Broad Street by permitting certain right hand turns on a red light during certain hours of the day.
3. Install a new municipal off-street parking lot and bus station between Prospect Street and Van Neste Square north of Dayton Street.

ALTERNATE PROPOSAL NO 1
FOR
STATION PLAZA



PREPARED BY ROBERT CATLIN AND ASSOCIATES
CITY PLANNING CONSULTANTS HOCKANAY, NEW JERSEY

4. Install a new off-street parking lot behind the stores fronting on Godwin Avenue and Wilsey Square.
5. Redesign the curb parking at Station Plaza by changing 10 parallel parking spaces to 20 angle parking spaces.
6. Encourage the owner of every new construction within the business district to develop his property with building and parking to conform to the plan.
7. Encourage and assist owners of existing parking facilities to combine and jointly develop their lots thus increasing their efficiency and decreasing the safety hazard.

THE STREET PLAN

An examination of the street proposals of the 1957 Master Plan reveals that some have been carried out, some are in the advanced stages of being implemented, some are no longer valid and others are still valid although nothing has been done to implement them since they were proposed in 1957. This is typical of any planning program that is seven years old and emphasizes the importance of continual review and revision in light of always changing conditions.

In revising the 1957 Street Plan the proposals should be reviewed to ascertain just how valid each is today. The street proposals of the 1957 Plan are broken down into four categories. These are:

1. Major Highways
2. Primary Streets or inter-municipal system
3. Collector Streets
4. Local Access Streets

MAJOR HIGHWAYS

In the major highways category, the first proposal was to eliminate all cross traffic at grade at Route 17, the only major highway included in the Plan. The second proposal was to construct parallel service roads from East Glen Avenue to Paramus

Road on the west side of the highway and from West Saddle River Road to East Saddle River Road and from Best Court to Shadowbrook Road on the east side of the highway. It is stated in the old plan that these improvements are the responsibility of the State Highway Department which is still the case today. However, at this time the State Highway Department has firmed up its plans for street improvements on Highway 17. The first suggestion of the 1957 Plan is being followed in principle although the State is not considering the construction of an overpass at Race Track Road as suggested in the Plan. The elements of the second major highway proposal have not been included in the State Highway Department plans for Route 17, and it would appear that it is unlikely that they ever will be because of the nature of the planned improvements.

As of this writing, the State Highway Department is studying tentative plans for the construction of a new overpass over Route 17 south of Race Track Road. This road would either connect Franklin Turnpike just east of Banta Street with Race Track Road between Route 17 and West Saddle River Road or it would connect Franklin Turnpike with West Saddle River Road between Race Track Road and Kenwood Road. These two routes are shown on the map entitled "Possible Business Expansion", as well as the treatment of handling traffic at Race Track Road and Route 17.

PRIMARY STREETS

The first of the proposals for the primary streets or inter-municipal system is that street rights-of-way should be at least 80 feet wide with a paved width of 48 feet. This standard no longer appears realistic.

The Planning Board feels that it is more realistic to accept Bergen County standards of 66 feet of right-of-way which could accommodate a paved width of 46 feet for such streets. The acquisition of 14 additional feet of right-of-way with a gain of only 2 additional feet of pavement width seems to be unreasonable in view of the existing character of development that abuts these streets.

Another proposal was that Lincoln Avenue should be extended in a northerly direction to connect with Monroe Street in the vicinity of Hillside Place thus providing a direct inter-municipal route from Paterson to Wyckoff Avenue in Waldwick. While the Planning Board agrees that such a connection would be valuable in providing a through route west of the railroad tracks, it does not feel that the benefits gained from such a connection would justify the cost of making it. This opinion has been concurred in by the Village Engineer who feels that it would be far better to improve the two intersections involved rather than to make a costly realignment as shown in the 1957 Plan. The 1957 Plan also recommended an extension of Franklin Avenue across North Irving Street to the Public Service right-of-way and along the right-of-way to East Ridgewood Avenue. This proposal also suggests widening of that section of Franklin Avenue lying between North Maple Avenue and North Irving Street and re-aligning Franklin Avenue to eliminate the jog which now exists as

this street crosses North Maple Avenue. This proposal has also been abandoned in the new plan because of the high cost involved in making the necessary realignments and widenings as well as the cost which would be involved in overcoming the physical obstacles in the path of the proposed new street. Once again it is felt that the benefits to be derived from constructing this road would not justify the cost.

The 1957 Plan proposed to meet the long standing problem of providing another crossing over the railroad by extending Godwin Avenue easterly along Ethelbert Place then curving northward and crossing the Erie Railroad in the vicinity of Leroy Place. This new road would then extend to Brookside Avenue along a new route south of and about one block from East Ridgewood Avenue. West of the Erie Railroad another new street was proposed to connect the new overpass street via a route along the east side of the tracks to Wilsey Square. The Planning Board appreciates the problem of getting from one side of the Village to the other and feels that something should be done to improve the situation. The Board is of the opinion that the alignment for this road as shown on the 1957 Plan is not practical due to the great number of existing homes and structures that would have to be destroyed to realize its implementation.

As was mentioned in the first section of this Master Plan Report, the Planning Board has studied the feasibility of constructing a grade separation in the vicinity of Wilsey Square. From an engineering standpoint, the existing elevations of the railroad and effected streets is such that it is impractical to construct a grade separation in this vicinity. To arrive at finished grades that would be permissible, long ramps would have to be constructed in front of existing stores and businesses which would directly or indirectly have a deleterious effect on the entire business district. As an alternative the Board proposes that the Franklin Avenue underpass be improved to make it better able to handle present and future traffic volumes.

Another 1957 proposal which suggests that East Glen Avenue be extended easterly from the Paramus Church to the Route 17 Interchange at Paramus Road is closely tied in with the Route 17 improvements.

This proposal is now obsolete due to the nature of the improvements the State Highway Department is making to Route 17.

The last proposal for primary streets in the 1957 Plan was to extend West Saddle River Road easterly parallel to Route 17 to East Saddle River Road. Here again the latest highway plans for Route 17 make this proposal no longer valid, and this street has been removed from the 1957 Plan. However, the Planning Board does plan on a future connection between East and West Saddle River Roads as shown. This would be a very valuable aid to circulation in this area. Most of this street has already been approved as part of a major subdivision and should be constructed in the not too distant future.

COLLECTOR STREETS

In the 1957 Plan for collector streets, there are four specific proposals. The first is to extend Van Dien Avenue northward from East Glen Avenue to connect with Banta Street. This has been deleted because the proposed extension would run directly through Twinney Pond Park which will soon be deeded to the Village. The Board is of the opinion that the acquisition of this park facility should take precedence over the street connection and the street proposal was removed from the Master Plan in a 1962 amendment.

The second proposal was to extend Hillcrest Road southerly to Garber Square. This proposal has been revised so that this new proposed road will connect into Ridge Road instead of Franklin Avenue.

The third proposal was to extend Bellair Road easterly near Christopher Place to the Erie Railroad and then northerly along the railroad to the then proposed grade separation street mentioned above. This would tie in four dead end streets and greatly improve traffic circulation, municipal service and maintenance in the area. This is recognized by the Planning Board as a good planning goal. The extension of Bellair Road as an arterial collector via Christopher Place into Wilsey Square is no longer a valid proposal for a new street is not proposed to run along the tracks from Christopher Place to Godwin Avenue. As

an alternative, it has been proposed that Ethelbert Place and Christopher Place be connected with a minor service street which would abut the railroad right-of-way, and serve only that neighborhood. The new street would not be a collector street and it is suggested that the minimum right-of-way and pavement standard be relaxed if this would improve development in the area.

Another collector street proposal was the extension of West End Avenue easterly to Doremus Avenue as part of the adjacent West Side Park development program. This road then extends across Ackerman Avenue and runs north along the railroad to tie into the collector mentioned in the previous paragraph. This proposal is no longer logical because of the change in the adjacent street pattern and much of the property through which the street would have to pass is now being considered for a school site. West End Avenue should not remain a dead-end street. It is proposed that Cedarcroft Road and Holly Place be extended through the Borough of Glen Rock to connect with McKinley Street.

In the 1957 Plan the width standard for the collector streets just analyzed called for a 60 foot right-of-way with no discussion of pavement widths. It is proposed that a right-of-way width of 50 feet be required which would permit a pavement width up to 36 feet wide, if needed.

LOCAL
ACCESS
STREETS

The fourth category of streets in the 1957 Plan was for local access streets. These are the streets whose prime function is to provide ingress and egress to abutting property. Through traffic should be discouraged from using such streets.

The right-of-way proposed for such streets was 50 feet in residential areas and 60 feet in commercial areas. It is felt today that 50 feet in all areas is sufficient to accommodate streets in this category. The specific proposals for local access streets in the 1957 Plan are as follows:

1. Extend East Brook Road southerly and westerly to Quackenbush Place. This has been done through the subdivision process and is in existence today.
2. Connect Best Court to Shadowbrook Road as part of the Route 17 improvement. This has been provided for in the State plan.
3. Open Cedarcroft Road between West End Avenue and McKinley Place. This proposal is more important today than it was in 1957 and should be retained.
4. Extend North Murray Avenue indirectly to West Glen Avenue.
5. Extend Pershing Avenue from Wall Street to Eastern Court. The proposal would shorten an existing cul-de-sac and create another through connection from East Ridgewood Avenue to Linwood Avenue. However, the streets involved are residential streets from which through traffic should be discouraged and through connectors are already available in the neighborhood. Such a new connection is neither necessary nor desirable and this proposal has been deleted from the street plan.
6. Extend Cliff Street southerly to Downing Street. Such an extension is desirable as a means of connecting existing streets and opening up property to development. It is proposed that a further extension should be made from the southerly end of Downing Street south to East Glen Avenue as shown. The major part of this extension is already approved as part of a major subdivision and there is a good possibility that this connection will be a reality in the not too distant future.

7. A new street was proposed between Smith Place and Farview Street to replace an existing 15 foot right-of-way and encourage improvement of the adjacent properties. This is a necessary addition to the circulation plan. Because of the inadequate setbacks on existing structures on either side of the existing right-of-way, it is proposed that when this street is improved a right-of-way width less than the minimum be permitted.

8. A street was proposed between Mulberry Place and Burnside Place. Such a connection is not necessary. However, a connection should be made from Burnside Place partly through, and paralleling, the Public Service Electric and Gas right-of-way to the Franklin Turnpike.

Much of what was thought desirable and necessary in the way of street planning in the Village in 1957 is not desirable today. The Planning Board has made many modifications to the 1957 Street Plan and in some instances, specifically in regard to streets which connect to or cross Route 17, must revise their plans to coordinate their plans with those of the State Highway Department.

The Street Plan as it is herein proposed shows three categories of function plus a minor street guide. The special function streets are:

1. Primary Arterial Streets
2. Secondary Arterial Streets
3. Collector Streets

PRIMARY
ARTERIAL
PROPOSALS

The streets which make up the primary arterial street system are largely those which are either now under County jurisdiction or are proposed to come under County jurisdiction in the future. The

only exceptions to this are Garber and Wilsey Squares and North Broad Street. The primary arterial streets as shown are Goffle Road, Lincoln Avenue, Ackerman Avenue, Godwin Avenue, Glen Avenue, Maple Avenue, Franklin Avenue, East Ridgewood Avenue, Prospect Street south of Maple Avenue, Linwood Avenue, Franklin Turnpike, Race Track Road, East Saddle River Road, Van Emburgh Avenue, Grove Street, North Broad Street and Garber and Wilsey Squares. All of these are now under County jurisdiction with the exception of Grove Street, Garber and Wilsey Squares and North Broad Street.

It is proposed that a 66 foot right-of-way standard be adopted for these streets. This will permit a pavement width of 46 feet between curbs if and when the traffic volumes reach a point where pavement widening is imperative. This is the standard accepted by the Bergen County Highway Department and is sufficient to meet the major arterial needs of the Village for the foreseeable future. The function of these streets will be primarily to carry inter-municipal traffic through the Village.

SECONDARY
ARTERIAL
PROPOSALS

Secondary arterial streets are those which supplement the primary system by connecting primary arterials as well as connecting traffic generators within the community. These streets should have rights-of-way of 60 feet which would be adequate to accommo-

date a pavement width of 40 feet between curbs. Proposed secondary arterial streets include: West Ridgewood Avenue, Prospect Street from Maple to East Ridgewood, Monroe Street, North Irving Street from East Ridgewood to Northern Parkway, Northern Parkway from its intersection with Irving Street to East Glen Avenue, Franklin Avenue south of Maple, and West Saddle River Road from Route 17 to Race Track Road.

COLLECTOR
STREETS
PROPOSED

Collector streets are those streets which collect the traffic from minor streets and are primarily used to provide property access. Most of these streets are found east of the

railroad tracks where they connect the east-west primary arterial streets Grove, Ridgewood, Linwood and Glen. It is proposed that a standard of 50 feet for right-of-way is sufficient to allow these collector streets to function as they should. The rights-of-way of these streets need not be wider than the minor street system as a whole but they should be classified according to the function so that any improvement program will give these streets a higher priority than minor streets. Classifying these streets as collectors recognizes them as streets more important to the Village circulation system than the majority of other streets having 50 foot rights-of-way. The following streets are designated collector streets on the Street Plan as shown: Bellair Road, Doremus Avenue between Ackerman and Godwin, South Broad Street, South Irving Street, Northern Parkway between Glen Avenue and Franklin Turnpike, Van Dien Avenue from Grove to Glen, North Pleasant Avenue from Grove to Glen.

MINOR
STREET
GUIDE

As new streets are proposed in future subdivisions, the Planning Board should carefully compare them with the street pattern shown in the minor street guide. It will not be necessary that the street alignments be exactly as shown on the minor street guide

but it is essential that the pattern be at least approximated as development takes place. Another important element of the minor street guide is the showing of turn-arounds at the end of dead-end streets. These turn-arounds will greatly facilitate the work of the Public Works Department in clearing snow and the ability of agencies concerned with public safety, such as the Fire Department, to maneuver equipment in dead-end streets.

The street vacations shown on the Street Plan map include those rights-of-way which are no longer needed for the circulation pattern of the Village or will become unnecessary as certain elements of the plan develop. In some cases, these proposed vacations are laid out on grades which make it impossible to build satisfactory roads. In other cases, the necessity to open these roads as part of the street system no longer exists. The third reason for proposing certain street vacations

is that the rights-of-way as laid out lie within lands proposed as park or other public use. Since it is not planned that these streets in the latter case will be necessary in the future, they should be vacated at such time as these lands proposed for public use do actually come into use for park, playground or other public purposes.

CONCLUSION

Overall, the major proposals in the present street plan are concerned with street widenings. No new primary arterial alignments are proposed.

The present modified grid system can serve Ridgewood's circulation needs if the roads themselves are brought up to minimum standards for the function each is supposed to perform. While the primary arterial system is composed mainly of County roads, and is, therefore, the responsibility of the County of Bergen, there are three elements of this primary arterial system which are now under Village jurisdiction. These are Grove Street, North Broad Street and Garber and Wilsey Squares. In the event that the County does not ever take over the responsibility for Grove Street as proposed in the County Master Plan, the Village should bring this street up to the primary arterial standard of 66 feet. It is unlikely that the County will take over responsibility for Wilsey Square, Garber Square and North Broad Street which are in the heart of the Village. The rights-of-way in these areas are sufficient to meet the primary arterial standard. The Village should make every effort to improve traffic control in these three areas and fit them closely into the County system. In addition to traffic control, it is essential that the Village improve the Franklin Avenue underpass facility as soon as possible.

The secondary arterial system is now and will remain the sole responsibility of the Village. The improvements which will be necessary for the streets in this secondary arterial system should be budgeted as soon as possible in the Village's capital improvement programming. The impetus to improve the collector street system will also have to come from the Village itself. Although these streets have the same right-of-way standards as new streets which will be constructed as part of subdivisions, these streets are for the most

part solidly developed along both sides. The subdivision procedure which will cause most of the minor streets shown on the minor street guide to be built will not help the collector street system. Many of the streets shown on the minor street guide have already been approved as part of subdivision approval. Those which are not now approved will be at such time as the abutting properties are developed. When all that is shown on the Street Plan map is accomplished, the Village will have the best circulation system possible in a community as fully developed as Ridgewood.

COMMUNITY FACILITIES

In planning for community facilities, the major responsibility of the Planning Board is to earmark sufficient land in the best possible locations to accommodate the various community uses. During the preparation of the plan, the Planning Board consulted with various local agencies responsible for providing public services to determine just what their land needs area.

As a result, the Planning Board was in a position to prepare a program to meet the various needs. These needs as presented in the first section of the Master Plan Report indicate that with the exception of school and recreation lands, the Village is adequately served in those areas which are the concern of the Planning Board. The proposals of the Board are, therefore, limited to the two closely related public land requirements of recreation lands and school sites.

PARKS AND PLAYGROUNDS

Ridgewood has in existence today an excellent program of public recreation. As is the case in all such community efforts, the school plant is very important to the operation of Ridgewood's recreation program.

Because of the importance of the school plant to overall community recreation, the Planning Board is desirous of establishing a policy of joint use of school properties with recreation facilities. Under such a policy, school officials would work closely with other municipal authorities in adopting school facilities for general neighborhood recreation. The municipality should pay for the development of additional recreation facilities not part of the education program. An example of how such a program could work can be found in the building of new schools. At such time as new schools are built, the gymnasiums, locker rooms, toilets and similar facilities could be built in such a way that entrance could be gained to them without opening the whole school. These facilities could then be easily utilized by the Department of Recreation.

TABLE 3

EXISTING AND PROPOSED PUBLICLY OWNED RECREATION LAND

	Active Rec. In Acres	Passive Rec. In Acres	Passive and Preservation of Natural Feature In Acres	Total
<u>EXISTING VILLAGE</u>				
All School Sites	59.33			
Parks, Playgrounds and Undeveloped Parkland	<u>60.98</u>	<u>5.27</u>	<u>34.00</u>	<u>159.58</u>
TOTALS	120.31	5.27	34.00	159.58
<u>PROPOSED VILLAGE ACQUISITIONS</u>				
North Road Property		4.00		
Ridge School Addition	5.50			
Orchard Place Property	9.24			
Hopper Avenue Site	10.00			
Glen School Addition	2.20			
Dilg Von Twistern Prop. Twinney Pond		4.00	2.80	
Land along Ho-Ho-Kus Brook			19.60	
Glenview Park Lands			34.30	
Graydon Park Addition	12.12			
Kings Pond Park Addition		<u>37.70</u>		
TOTALS	39.06	45.70	56.70	141.46
<u>EXISTING COUNTY</u>				
Wild Duck Pond			29.40	29.40
Lands along Saddle River			<u>42.40</u>	<u>42.40</u>
TOTALS			71.80	71.80
<u>PROPOSED COUNTY</u>				
Lands along Saddle River			46.40	46.40
TOTALS	159.37	50.97	208.90	419.24

Total of all existing and proposed Village Lands - 301.04 Acres

Total acre County Lands - 118.20 Acres

Another example concerns playground equipment. It may appear illogical from the Board of Education's standpoint to construct a basketball court of regulation size on the playground of a K-4 school, but if such a facility would fit well into a neighborhood recreation program, the Board of Education would direct that it be built and the Village could bear the additional cost. Overall, money would be saved since many such improvements would be made all in one project resulting in lower individual costs.

School facilities have long been available for general recreation use as a result of cooperation between school and municipal officials, but the actual physical modification of facilities has not been provided for. This is the area in which the Planning Board feels much progress can be made. The Planning Board has reached agreement in principle with the Board of Education and a detailed investigation of the merits of such a program is being conducted.

This policy would be the heart of the Village's active recreation program. The Village should also provide areas for passive recreation. A good example of such an area is Van Neste Park. The areas listed as passive recreation on the following table should be similarly improved and equipped. In addition to providing facilities for active recreation and landscaped park areas for passive recreation, the Village should acquire areas which would be left largely in the natural state with only a minimum of clearing and maintenance. These areas should be set aside for the enjoyment of nature and as a means to preserve natural features. This is in line with Bergen County policy as evidenced by the County's land holdings and proposed acquisitions along the Saddle River.

Table 3 itemizes the comprehensive park program envisioned by the Planning Board. The lands in question are shown on the Community Facilities Plan Map.

The total acreage is well above the amount of land the Village would require according to the accepted standard of one acre per one-hundred residents. It is felt that because of the nature of much of the proposed park land and the fact that about 118 acres of the final total will be

County land open to all County residents, the proposed park land is realistic in terms of future needs. The general feeling of Ridgewood residents seems to concur with the Board's policy of encouraging the preservation of green areas whenever possible.

Almost forty acres have been added to the land proposed for active recreation with the largest single addition being the tract next to Graydon Pool. The pool is a highly successful facility, and as the population increases additional lands will be needed at this location.

While all the various sites listed in Table 3 have been placed in specific categories, it is not implied that this is the only way each site may be used. In the course of working out a recreation program, it may become advisable to combine facilities of different types on one site. The table is intended to show the Planning Board's feeling in regard to the probable best use of each site and is in no way binding upon the Village.

SCHOOLS

The school study estimates that the Village school population will be about 7500 students by the school year 1968-69. It is obvious that more school facilities will have to

be constructed in the near future. Both the Planning Board and the Board of Education have been working on the problem and the 1957 Master Plan was amended in 1963 to show new school-park sites. These sites, which are shown on the revised plan as well, are as follows:

1. Hird property - 5.5 acres adjoining the Ridge School.
2. Hopper Tract - over 10 acres straddling the paper street, Hopper Avenue.
3. Stevens Avenue Tract - 21 acres of Village-owned land at the end of Stevens Avenue.

These sites once acquired would provide the Board of Education with three areas for either expansion or new construction. Also being suggested by the Planning Board is the acquisition of two lots fronting on East Glen Avenue and backing on the Glen School property. This is imperative because the Glen district is isolated by Route 17 and school population increases in the district cannot easily be handled by sending elementary pupils across the highway to other districts.

Another property contemplated for school purposes is a tract at the end of Orchard Place. This, along with other properties herein discussed, is shown on the Community Facilities map. Because this particular property was originally considered as a Green Acres site, it is also shown as proposed park. These school-park sites will play an increasingly important role in the recreation plans of the Village.

The importance of these lands to the school situation can be summed up quite briefly in a statement of school needs. The primary need is for approximately 50 classrooms depending on the nature of the rooms themselves and the varying sizes of rooms needed for particular educational purposes. The second need is for amounts of land to accommodate buildings and play areas at a reasonable standard of land to buildings and pupils. The third need is for flexibility in planning school construction and administration.

Planning for building needs is only incidentally a Planning Board function. The Board has to know the total need for buildings in order to earmark sufficient land to accommodate them within the framework of overall community development.

The three sites which were added to the Master Plan as school-park sites in 1963 plus the Orchard Place property, plus the addition at the Glen School, would add 44.94 acres to the 59.33 acres already in school use. These together would be short of the acreage required for 7500 pupils according to the suggested standards of the State Board of Education. However, in communities which are largely built-up, it is often unrealistic to meet this suggested standard. This is the case in Ridgewood. The Planning Board feels that the lands

earmarked for school-park purposes represent a logical program of future school site expansion in view of existing development patterns .

The four tracts set aside in addition to the Glen School expansion site give the Village flexibility in regard to location of new schools , and with the existing school sites allow for flexibility in any future building program .

The Board of Education has worked out a school expansion program which to a certain degree is dependent upon the proposed school-park plan .

The Planning Board feels the proposed school-park plan will meet future school site requirements and this plan, coupled with a program of joint Village-school use of the school plant, will serve the long range Village purposes best .

THE LAND USE PLAN

The Land Use Plan shows on one map the basic physical elements of the Master Plan proposals. By definition, it is a map which shows the proposed location, extent and intensity of development of land to be used for residential, commercial, public and other purposes. It is intended to serve as a general guide to the community for developing more detailed proposals and regulations, such as the zoning ordinance and the official map. Based on detailed studies and investigations, it reflects the most appropriate use of all land resulting in the most convenient arrangement of all types of development within the Village.

The Land Use Plan for Ridgewood is divided into three main parts. One of these deals with street planning, the other deals with community facilities, such as parks, playgrounds, schools and other public buildings and facilities. The third part deals with the zoning pattern which regulates all development within the municipality. The Street Plan and the Community Facilities Plan are outlined with specific proposals in a previous chapter of this report. Therefore, in the following discussion of the Land Use Plan, emphasis will be placed upon the zoning pattern.

It should be pointed out that the actual regulation of the various zone districts as shown on the accompanying map will be spelled out in detail in the comprehensive revision of the new zoning ordinance which will be proposed by the Planning Board and adopted by the Board of Commissioners, after the Planning Board has adopted the Master Plan. The new zoning ordinance will be a separate document which will supplement this master plan report.

At the present time, Ridgewood is divided into five zone districts which are a one-family zone, two-family zone, multi-family zone, retail business zone and a general business zone. Each of the three residential zones, namely the one-family, two-family and multi-family zones have different minimum lot width requirements. There are two zoning maps which are made part of the existing zoning ordinance.

One regulates the use of land and the other regulates the size of the lots. It is a fact that the single-family zone, for instance, has three different minimum lot size requirements depending upon which section of the Village the property in question may be located. This type of zoning produces confusion.

The accompanying zoning pattern developed as part of the Land Use Plan has been designed as part of the Master Plan proposals to create new zone district classifications. Each zone district will be regulated by requirements that will be uniform throughout that particular zone district. For instance, there will not be a single-family zone that would have a sliding scale of lot width requirements from 60 to 100 feet. In the new ordinance each residential zone will have only one lot width requirements. In other words, instead of having lot width requirements vary within the same zone the requirements will be uniform for each zone but the zones will vary.

Proposed Zoning

R-1 SINGLE-FAMILY RESIDENCE DISTRICT

The proposed R-1 Single-Family Residence District is comparable to the existing one-family zone which requires a lot to have a minimum width of 100 feet and a minimum lot area of 14,000 square feet. As the name implies, the zone is designed for single-family residences. Some minor adjustments in the zone district boundary line have been made in creating this new zone from the existing single-family 100 foot zone. These adjustments have been made to recognize existing conditions and developments that have taken place since the ordinance was originally passed in 1946.

R-2 SINGLE-FAMILY RESIDENCE DISTRICT

This zone is much the same as the existing single-family zone which requires a minimum lot width of 75 feet and a minimum lot area of 10,500 square feet. Like the R-1 zone it is designed primarily for

single-family residences. The map also reflects minor adjustments in the zone district boundary line based upon existing conditions and development.

R-3 TWO-FAMILY
RESIDENCE DISTRICT

The proposed two-family residence zone permits a structure to house one or two dwelling units per structure. Each structure must be located on a minimum lot width of 60 feet and have a minimum lot area of 8,400 square feet. As the map indicates, this zone is located primarily around the central business district in areas that at the present time are predominantly developed with existing two-family structures. As a matter of planning policy, all new conversions from one to two-family units or the construction of two-family dwelling units should be confined within this area shown as the proposed R-3 zone. Conversely, two-family residential construction or conversion should be prohibited in all single-family residence zones.

R-4 MULTI-FAMILY
RESIDENCE DISTRICT

The proposed R-4 zone is designed for multi-family structures or garden apartments. The areas that make up this zone are essentially the same as exist in the multi-family zone at the present time. Slight adjustments and modifications of the zone district boundary line have been made to take into consideration existing development. Much thought and consideration was given to the question of garden apartments in developing the master plan. The Planning Board as a matter of policy has agreed at this time with the following findings:

- (a) Garden apartments in Ridgewood meet a basic type of housing need.
- (b) Garden apartments, if properly located, regulated and controlled can be a desirable tax ratable.

New garden apartment development should be encouraged in those areas shown as the R-4 zone on the accompanying map. All existing garden apartment development within the Village falls within these areas.

At the present time, there is no density requirement regulating garden apartment development within the Village. This means that as long as a developer meets all height, yard setback and off-street parking requirements, he can construct any number of apartments on a given piece of property. One of the proposed requirements of the new R-4 zone district that will be included in the new zoning ordinance is that not more than 20 dwelling units per acre should be permitted. There will also be a height limitation of 2 stories or 35 feet.

P-PROFESSIONAL
DISTRICT

A new proposed zone which does not exist at the present time is the P-Professional Zone District which will permit offices that may be created by the conversion of existing residential structures or new

construction. One of these zones is located along the southerly side of West Ridgewood Avenue from Washington Place to Heights Road. At the present time, there are existing professional uses in this area as well as the Christian Science Church property at the corner of Washington Place and West Ridgewood Avenue. It is quite conceivable that this building may be sold for some use other than church purposes in the near future as the church has recently purchased property on Godwin Avenue east of South Murray Avenue. This small zone on West Ridgewood Avenue is bounded on the west by the proposed two-family zone, on the east by the proposed R-4 multi-family zone and on the south by the central business district zone. The second professional zone district abuts the central business district zone on the south and extends from South Broad Street to Maple Avenue. It is located primarily along Dayton Street and Prospect Street from the central business district to Woodside Avenue as shown. At the present time, the area making up this zone is predominantly developed with existing professional uses, church

properties or two or more dwelling units per structure. It should be emphasized that this zone would only permit certain kinds of professional uses and would allow no extension of the retail sales function of the central business district. It is proposed that this zone district would include controls and standards which would provide an attractive transition between the central business district and the abutting residential areas.

B-1 CENTRAL
BUSINESS
DISTRICT

This zone district is essentially the same area that is zoned at the present time. Slight modifications in the zone district boundary line have been made to make a more logical zoning pattern based upon existing development and conditions. It would only

permit retail sales and services establishments and new residences should be prohibited.

B-2 GENERAL
BUSINESS
DISTRICT

This zone district is designed for retail sales and service also. The main difference between this district and the central business district would be in the form of varying setback and yard requirements.

C-COMMERCIAL
DISTRICT

The C-Commercial District would be the closest thing to an industrial zone that Ridgewood would have. It would permit retail sales and service as well as commercial or semi-industrial establishments

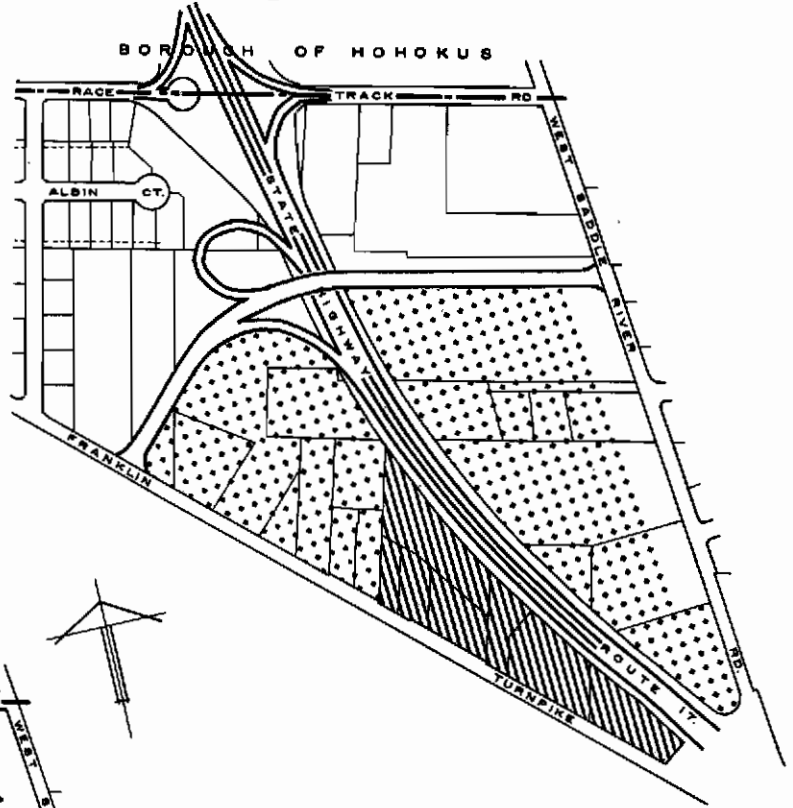
such as those that are found along East Ridgewood Avenue near the Paramus boundary line. Like the B-1 and B-2 zones, residential construction or conversion should be prohibited.

ROUTE 17
REZONING

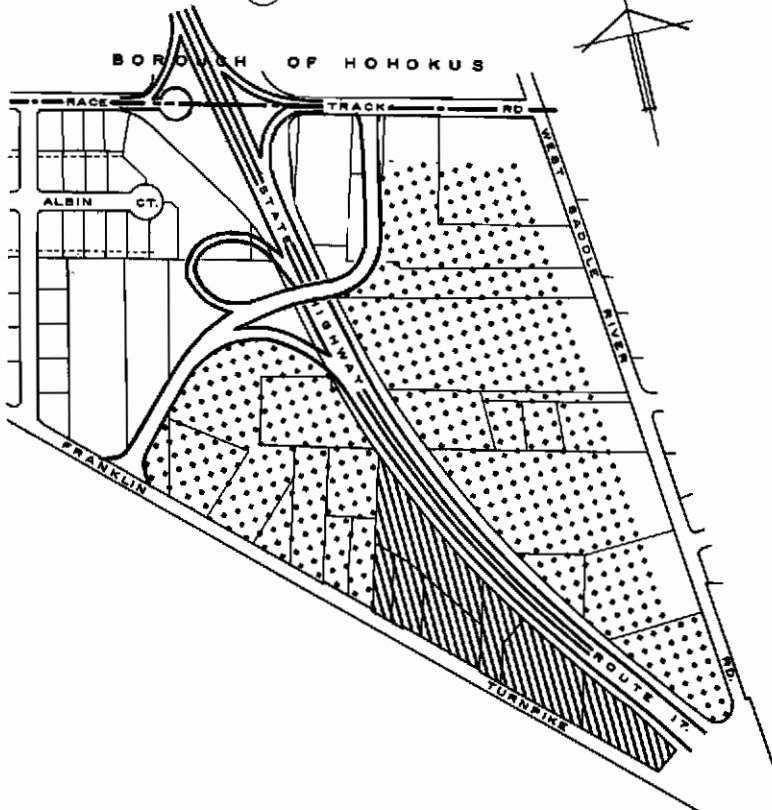
One further zoning consideration not shown at this time on the Land Use Plan or Zoning Map is the possible business expansion along both



POSSIBLE BUSINESS EXPANSION

ALTERNATE (A)



ALTERNATE (B)



 EXISTING BUSINESS ZONE
 PROPOSED BUSINESS ZONE

sides of Route 17 between West Saddle River Road and Franklin Turnpike south of Race Track Road. The location of the proposed overpass in this vicinity would connect Franklin Turnpike with either Race Track Road or West Saddle River Road. The exact alignment would have a definite bearing and effect on the zoning pattern of the area.

It is proposed that no immediate rezoning along Route 17 take place until such time as the Highway Department has established the location of the overpass. Once the alignment of the grade separation has been established then the rezoning of this area could be as shown on the accompanying map entitled "Possible Business Expansion."

In the event the overpass is constructed as shown in Alternate A, it is proposed that the non-residential activity be confined to the area as shown. On the other hand, if the overpass connects into Race Track Road as shown in Alternate B then the non-residential activity could extend into the area as proposed.

At such time as the highway and accompanying zoning plans have been resolved, it is proposed that two different non-residential zones be created in this area. The area lying west of Route 17 and bounded by Franklin Turnpike, Route 17, the new highway ramp and the existing business zone would become a proposed B-2 zone. It is proposed that the area on the east side of Route 17 and shown on the plate as proposed business zone would become a new zone which would permit office buildings but would exclude retail sales and services.

CONCLUSION

One important feature of the new proposed zoning ordinance will be the requirement of site plan approval for most new construction or conversion that takes place within the Village

of Ridgewood.

The Planning Board must approve a site development plan of any construction other than single-family or two-family residences prior to the issuance of a building permit. This will enable the Planning Board to review the proposed development for compliance with the Master

Plan and to make recommendations on location of building area, off-street parking, access to and from the site, location of screening, lighting and landscaped areas, and the like.

Anytime any zoning ordinance is adopted there are necessarily created a number of non-conforming uses. This is due to the pattern of development that took place prior to the adoption of legislation permitting zoning. A non-conforming use is defined as a use that does not comply with the regulations of the ordinance for the zone in which it is located. Therefore, if a person owns a 75 foot lot in a zone requiring a 100 foot lot, the lot is technically a non-conforming use.










There is proposed a new provision in the new zoning ordinance which will set up regulations for non-conforming uses because of inadequate lot width, area or yard requirements and a set of regulations for non-conforming uses because of the nature of the use such as a business use in a residential zone. This should remove the stigma of a non-conforming use classification on a great number of properties within the Village that may be non-conforming because of inadequate area or yard requirements.

As was mentioned earlier, the Land Use Plan is a composite of the community facilities plan, the street plan and the zoning pattern. Each of these studies is shown on the one map. To review the relationship of the proposals embodied in each section with that of the other, the Planning Board should adopt this map as part of the Master Plan. However, the zoning pattern as shown on the Land Use Plan will only take on significance if it is adopted by the Board of Commissioners in the form of a revised zoning ordinance.

THE LAND USE PLAN



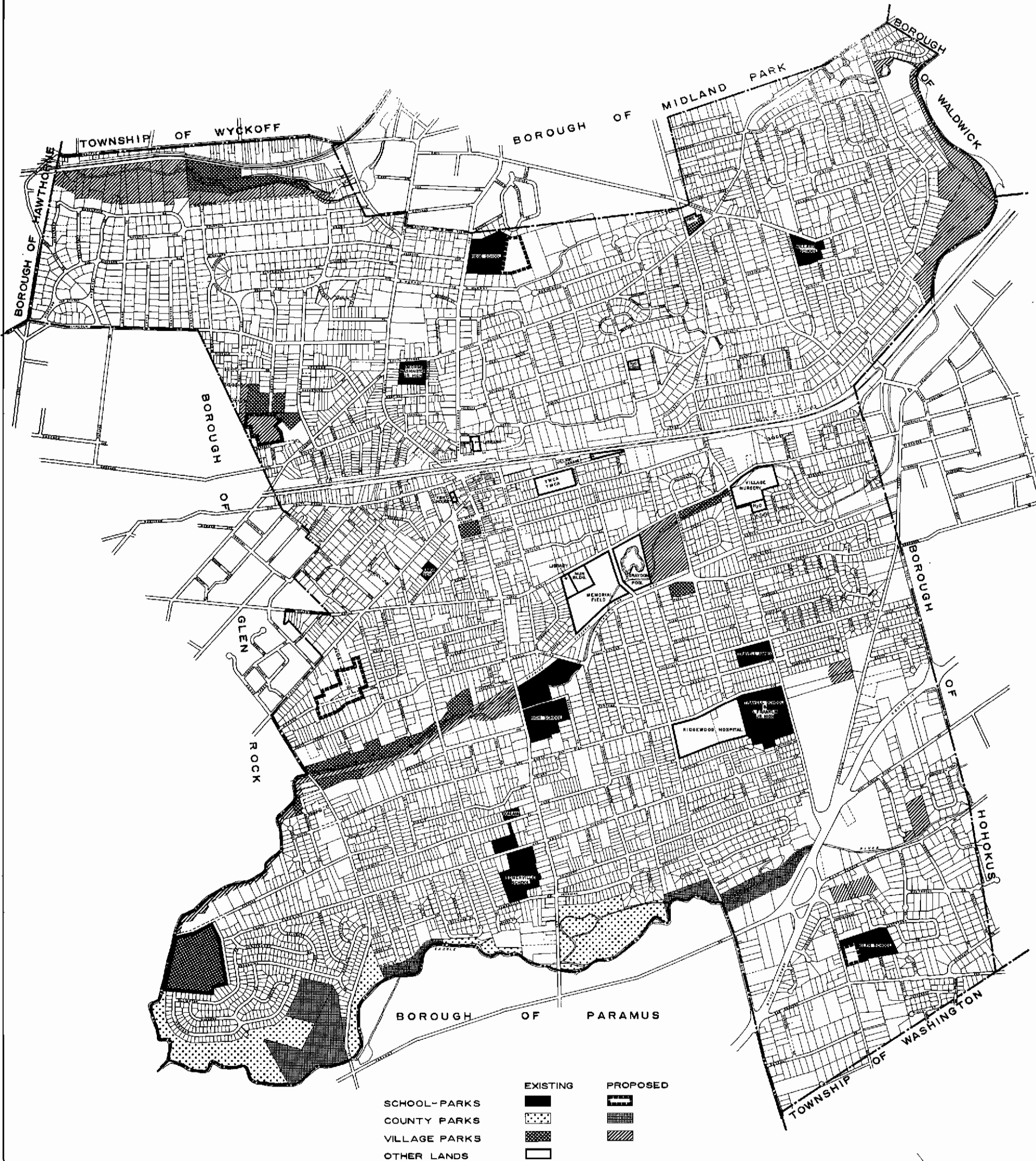
VILLAGE OF RIDGEWOOD

-  SINGLE FAMILY
-  TWO FAMILY
-  MULTI-FAMILY
-  PROFESSIONAL
-  BUSINESS - COMMERCIAL
-  PRIMARY ARTERIAL STREET
-  SECONDARY ARTERIAL STREET
-  PARKS AND SCHOOL-PARKS
-  OTHER PUBLIC AND SEMI-PUBLIC LANDS
- F** FIRE HOUSE
- L** LIBRARY
- G** GARAGE
- W** WATER DEPARTMENT

PREPARED BY ROBERT CATLIN AND ASSOCIATES
CITY PLANNING CONSULTANTS ROCKAWAY, NEW JERSEY

THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH AN URBAN PLANNING GRANT FROM THE HOUSING AND HOME FINANCE AGENCY UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1949, AS AMENDED.
THE REMAINDER HAS BEEN FINANCED BY LEGAL FUNDS AND BY AN APPROPRIATION OF THE STATE OF NEW JERSEY AS PART OF THE EXPANDED STATE AND REGIONAL PLANNING PROGRAM.

THE COMMUNITY FACILITIES PLAN



VILLAGE OF RIDGEWOOD

PREPARED BY ROBERT CATLIN AND ASSOCIATES
CITY PLANNING CONSULTANTS ROCKAWAY, NEW JERSEY

THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH AN URBAN PLANNING TREATY FROM THE HOUSING AND HOME FINANCE AGENCY, UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1934, AS AMENDED.
THE REMAINDER HAS BEEN FINANCED BY LOCAL FUNDS AND BY AN APPROPRIATION OF THE STATE OF NEW JERSEY AS PART OF THE FINANCED STATE AND REGIONAL PLANNING PROGRAM.

STREET PLAN



VILLAGE OF RIDGEWOOD

PREPARED BY ROBERT CATLIN AND ASSOCIATES
CITY PLANNING CONSULTANTS ROCKAWAY, NEW JERSEY

THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH AN AID PLANNING GRANT FROM THE HOUSING AND HOME FINANCE AGENCY UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954 AS AMENDED.

THE REMAINDER HAS BEEN FINANCED BY LOCAL FUNDS AND BY AN APPROPRIATION OF THE STATE OF NEW JERSEY AS PART OF THE EXPANDED STATE AND REGIONAL PLANNING PROGRAM.

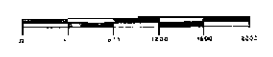
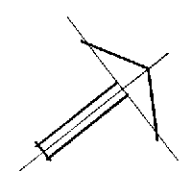
ZONING MAP



VILLAGE OF RIDGEWOOD

PREPARED BY ROBERT CATLIN AND ASSOCIATES
CITY PLANNING CONSULTANTS ROCKAWAY NEW JERSEY

ZONE	USE
R1	SINGLE FAMILY
R2	SINGLE FAMILY
R3	TWO FAMILY
R4	MULTI FAMILY
B1	RETAIL BUSINESS
B2	RETAIL BUSINESS
C	COMMERCIAL
P	PROFESSIONAL



THIS MAP WAS FINANCED IN PART THROUGH A GRANT FROM THE HOUSING AND HOME FINANCE ACT OF 1954, TITLE I, SECTION 101 OF THE HOUSING AND HOME FINANCE ACT AS AMENDED. THE STATE OF NEW JERSEY AS PART OF ITS FEDERAL PLANNING PROGRAM.

APPENDIX C

APPENDIX C
SELECTED PROVISIONS OF ORDINANCE 1316
(TRANSCRIBED FROM EXHIBITS A-71A & A-71B)

ARTICLE 3 DEFINITIONS

* * *

Section 301. **ACCESSORY BUILDING.** An accessory building is a building or structure, on the same lot with and subordinate to a principal building, occupied or devoted exclusively to an accessory use. Where an accessory building is attached to a principal building by a breezeway, roof, wall or the like, such accessory building shall be considered part of the principal building.

Section 302. **ACCESSORY USE.** An accessory use is a use naturally and normally incident and subordinate to the principal and primary use upon any premises. More particularly, but not by way of limitation, an accessory use shall be construed to include a private swimming pool, driveway, private road, alley, railroad spur, side track or switch, or other facility for ingress and egress by pedestrians and vehicles.

Section 303. **ALTERATION OF BUILDING OR CHANGE OF USE.** An alteration of building is any change in the supporting members of a building, such as bearing walls, columns, beams, girders, interior partitions, as well as any change in doors or windows, or any addition to or diminution of a building. A change of use is a change from the use permitted in one Zone District to a use permitted in another Zone District, any removal of a building from one location to another, or the conversion of any building, or any part thereof, from a use permitted in one Zone District, to a use permitted in another Zone District.

* * *

Section 324. **PRINCIPAL USE OR STRUCTURE.** A principal use is the primary or predominant use of any lot. A principal structure is one devoted to the principal use.

Section 325. **PRIVATE GARAGE.** A private garage is a detached accessory building, or a portion of a principal building, used primarily for the storage of motor vehicles owned or used by the occupant of the principal building to which the garage is accessory.

Section 326. **PUBLIC GARAGE OR GASOLINE SERVICE STATION.** A public garage or gasoline service station is any building, structure, lot or land in or upon which a business, service of industry involving the storage, maintenance, washing or servicing, and storage in connection therewith, of motor vehicles is maintained, conducted, operated or rendered.

* * *

ARTICLE 4 GENERAL PROVISIONS

* * *

Section 406. SECOND PRINCIPAL BUILDING ON SAME LOT PROHIBITED.

(a) No lot shall contain more than one principal building or structure except as permitted and regulated in the Garden Apartment Zone District.

(b) No building to be used as a dwelling shall be constructed, altered or moved on, to or in the rear of any building situated on the same lot.

* * *

Section 411. NATURE AND EXTENT OF USES OF LAND. The control and regulation of the uses of buildings and structures by this Ordinance shall apply equally to the nature and extent of the uses of the lot or lots upon which they are erected.

Section 412. OUTDOOR STORAGE.

* * *

(b) In all non-residential zones, outdoor storage is only permitted in the side and rear yards, as herein regulated. No article, equipment, vehicle, supplies or material shall be kept, stored or displayed outside the confines of any building unless and until the same is screened by special planting or fencing, as approved by the Planning Board, and maintained in good condition, so that it shall not be visible from any adjacent property or public street. Any fence, required by this section to screen the outdoor storage of flammable material otherwise permitted by this Ordinance, shall not be closer than 20 feet to any property line of the lot upon which it is erected.

(c) Where otherwise permitted by this Ordinance, the display, conditioned for retail sale, of new and used motor vehicles as a permitted accessory use in the B-1, B-2 and C Zone Districts shall not be required too be screened by a planting or fence.

* * *

ARTICLE 5 PUBLIC GARAGES AND GASOLINE SERVICE STATIONS

Section 501. WHERE PERMITTED. Public garages and gasoline service stations are permitted in the B-1, B-2 and C Zone Districts. No permit for any public garage or gasoline service station shall be issued unless and until all of the requirements of this Article are met.

Section 502. APPLICATION FOR PERMIT. Any person desiring to use any premises or to erect, construct or alter any new or existing building or structure arranged, intended or designed to be used as a public garage or gasoline service station shall make application therefor in writing to the Building Inspector of the Village of Ridgewood, who shall forthwith forward such application to the Planning Board for site plan review as required in Article 7 of this Ordinance. The application and supporting papers or documents shall set forth the following information:

(a) A site plan drawn to scale showing the location of the premises and of the building or buildings thereon and the building or buildings to be erected or constructed thereon, the street entrances and exits of driveways, and the precise locations of all tanks, pumps, lifts and other machinery and equipment appurtenant thereto;

(b) The width of the street or streets and of the sidewalk, parkway and paved areas thereon upon which said premises may abut;

(c) The location, nature of construction and present use of all buildings within 300 feet of the lot lines of the premises for which the application has been filed;

(d) And, if the applicant is a person other than the owner of the premises, the written consent of the owner or owners authorizing the filing of the application.

Section 503. DISTANCE FROM PUBLIC ASSEMBLY. The nearest lot line of the lot or parcel of land to be used as a public garage or gasoline service station shall be at least 300 feet, measured in a straight line, from the nearest lot line of any lot upon which is located any building used as a theater, auditorium, or other place of public assembly capable of seating over 100 persons, or used as a church, hospital for humans, college, school, public library, or institution for dependents or children, or any public playground or athletic field.

Section 504. MIXED USE. No part of any public garage or gasoline service station, wherever located, shall be used for any other purpose.

Section 505. DISTANCE FROM OTHER PUBLIC GARAGE. No part of any public garage or gasoline service station, nor any driveway entrance or exit to or from the same, shall be located within 300 feet of any lot line of any lot upon which is located any other public garage or gasoline service station.

* * *

Section 509. OUTDOOR REPAIR PROHIBITED. On any premises upon which a public garage or gasoline service station is located, all services or repairs to or for motor vehicles, other than such minor items as the changing or filling of tires or the sale of gasoline or oil, shall be conducted within the confines of a building capable of being wholly enclosed. Any vehicles stored outside overnight shall be so stored as to meet the requirements of Section 412 of this Ordinance.

Section 510. SET-BACK RESTRICTIONS. No part of any building used as a public garage or gasoline service station and no filling pump or other service appliance, whether for gasoline, oil or any other combustible liquid or material, shall be erected within 10 feet of any side or rear lot line and the 10 foot free area required hereunder shall at all times be kept free, open and unobstructed for the purposes of ready access by emergency, fire and police vehicles.

Section 511. STORAGE OF FLAMMABLE MATERIALS. At any public garage or gasoline service station storage facilities for gasoline, oil or other flammable materials in bulk shall be located wholly underground and no nearer than 25 feet from any lot line other than any street sideline. No gasoline or oil pumps, oil or greasing mechanism or other service appliance installed for use at such premises shall be within 10 feet of any street sideline and no gasoline pump shall be located or permitted within any enclosed or semi-enclosed building.

Section 512. DISTRICT BOUNDARY LINE RESTRICTIONS. No part of any building or structure used in whole or in part as a public garage or gasoline service station shall be located within 100 feet of any boundary line of any residential Zone District created by this Ordinance.

Section 513. EXPANSION OF EXISTING PUBLIC GARAGES OR GASOLINE SERVICE STATIONS. No permit for the alteration or expansion of any existing public garage or gasoline service station shall issue except upon compliance by the applicant with all the provisions of this Article.

* * *

ARTICLE 6 NON-CONFORMING USES AND STRUCTURES

* * *

Section 602. ALTERATION, EXTENSION OF ENLARGEMENT OF NON-CONFORMING USES OR STRUCTURES. Non-conforming uses or structures in all Zone Districts shall conform to the following requirements:

- (a) Any structure or use of land which is non-conforming because of use shall not be enlarged or extended in any manner whatsoever.
- (b) There shall be no structural alteration made to any non-conforming building or structure that is non-conforming because of use. Structural alterations may be made to a building which is non-conforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this Ordinance, as long as the structural alteration does not extend or enlarge the non-conformance.
- (c) A non-conforming use changed or altered to a conforming use may not thereafter be changed back to a non-conforming use, but nothing hereinbefore stated shall prevent the strengthening or restoring to a safe and lawful condition of any part of any building declared unsafe by the Building Inspector, the Chief of the Village Fire Department, or the Village Engineer.
- (d) In the event that there shall be a cessation of operation of any non-conforming use for a period of 12 consecutive calendar months, the same shall be presumed an abandonment of such non-conforming use. Any subsequent attempt to rely upon, exercise or reinstate such abandoned non-conforming use (the provisions of Section 601 of this Ordinance notwithstanding) shall be deemed a violation of the terms of this Ordinance.

* * *

ARTICLE 7 SITE PLAN REVIEW BY THE PLANNING BOARD

Section 701. REQUIREMENTS PRIOR TO APPLICATION FOR BUILDING, ZONING OR OCCUPANCY PERMITS. Prior to the issuance of any Building Permit, Zoning Permit or Certificate of Occupancy, as the case may be, for any new structure, addition to or alteration of any existing structure, or change in use in the R-4, B-1, B-2, B-3, C and P Zone Districts or on any properties in the R-1, R-2 and R-3 Zone Districts upon which a permitted non-residential use is contemplated, a site plan shall be submitted to the Planning Board for its review and approval. In cases where alterations will not change the nature of use or

the exterior of any existing building or buildings, the Planning Board may, by the adoption of rules and regulations therefore setting proper norms and standards, provide that a subcommittee or employee of the Planning Board pass upon the same and waive the requirement of a site plan, in order that minor alterations which otherwise comply with this Ordinance and the Building Code of the Village of Ridgewood may be expedited.

* * *

ARTICLE 17 B-1 RETAIL BUSINESS DISTRICT

Section 1701. PRIMARY INTENDED USE. The B-1 retail business Zone District shall be limited to offices for professional and business uses, and retail sales and retail service businesses which shall only include the following:

(a) Antique shops, appliance shops, art studios, art supply shops, automobile display sales rooms without customary servicing as an accessory use, banks and savings and loan associations and similar institutions, barber shops, beauty parlors, bicycle shops, book stores, brokerage houses, butcher shops, camera stores, card shops, cigar stores, cleaning, dyeing and pressing done exclusively for individual retail customers but not including work done for the trade or the wholesale market, clothing and dress shops, confectionaries, coin stores, dance studios, delicatessens, department stores, drapers, drug stores, finance companies, flower shops, furniture and furnishing stores, gift shops, grocery stores, haberdashers, hardware and paint stores, hobby shops, interior decorators, jewelers, leather goods shops, linen stores, liquor stores, music and record shops, novelty shops, office equipment stores, parking lots and buildings as a principal or accessory use, pet shops, photographers, radio and TV sales and repair shops, restaurants, retail bakeries, shoe repair shops, shoe sales stores, sporting goods stores, stamp stores, stationers, tailor shops, taverns and inns, theaters, tobacconists, toy stores, travel and ticket agencies and undertaking establishments; provided, however, that none of the foregoing permitted uses shall carry merchandise other than that intended to be sold at retail on the premises.

(b) in addition to the foregoing permitted uses, there shall be permitted in the B-1 retail business Zone District institutional and municipal uses and public utility facilities as regulated in Section 417 of this Ordinance and signs as regulated under Article 9 of this Ordinance.

(c) There shall be provided within the B-1 retail business Zone District parking facilities as regulated in Article 8 of this Ordinance.

(d) Any use permitted by this Section of this Ordinance shall only be conducted within the confines of a building.

Section 1702. PROHIBITED USES. Any uses other than those uses permitted by Section 1701 of this Ordinance are prohibited. Without in any way limiting the generality and prohibition of this Section, nothing contained in this Ordinance shall be construed to permit the following uses in any B-1 retail business Zone District:

(a) Residential construction or use;

(b) Road stands and establishments commonly called and known as snack bars, or dairy bars, and similar businesses engaged in the sale of food, soft drinks, ice cream and other similar goods or confections which are so prepared and served as to be intended for immediate consumption and in or which the customers are served while seated or standing outside the confines of the structure or building in which the business is conducted;

(c) New or used car lots;

(d) Public garages and gasoline service stations;

(e) Places of amusement, other than theaters contained in buildings, such as penny arcades, shooting galleries, or buildings or structures containing games of chance or other types of carnival enterprises, such as palmistry, phrenology, astrology, and the like.

* * *

ARTICLE 18 B-2 RETAIL BUSINESS DISTRICT

Section 1801. PRIMARY INTENDED USE. The B-2 retail business Zone District shall be limited to retail sales and retail service businesses, as well as offices for professional and business uses, and all as permitted and regulated in subparagraph (a) of Section 1801 of this Ordinance, and the following additional uses:

(a) Apartment hotels, boarding houses, billiard rooms, bowling alleys, buildings used for club, fraternal, recreational, athletic or social purposes, coin-operated self-service laundries and dry cleaning and accessory uses, shop of an electrician or similar tradesman, franchised new-car dealer showrooms and customary accessory uses and used car lots as an accessory use thereto, provided, however, that there shall not be more than one square foot of area devoted to used car lot use for each square foot of all buildings devoted to new-car dealer uses, furniture mover, hand laundries, hotels, inns, lodging houses, newspaper or job printing plants, shop of a plumber or similar tradesman, telephone and telegraph business offices, and telephone and telegraph equipment offices.

(b) Public garages and gasoline service stations as regulated in Article 5 of this Ordinance, but not including car washing as a principal use.

(c) Institutional and municipal uses and public utility facilities as regulated in Section 417 of this Ordinance and signs as regulated under Article 9 of this Ordinance.

(d) There shall be provided within the B-2 retail business Zone District parking facilities as regulated in Article 8 of this Ordinance.

(e) Any use permitted by this Section of this Ordinance, unless otherwise specifically permitted to be conducted outdoors, shall only be conducted within the confines of a building.

Section 1802. PROHIBITED USES. Any uses other than those uses permitted by Section 1801 of this Ordinance are prohibited. Without in any way limiting the generality and prohibition of this Section, nothing contained in this Ordinance shall be construed to permit wholesale warehousing, with the exception of the storage of furniture and furnishings as an accessory use to any use permitted for a furniture mover, and those uses prohibited by Section 1702 of this Ordinance, unless otherwise specifically permitted in this Article. Mixtures of residential and business uses are prohibited except as customarily provided in apartment hotels, hotels, inns and lodging houses.

* * *

ARTICLE 19 B-3 RETAIL BUSINESS DISTRICT

Section 1901. PRIMARY INTENDED USE. The B-3 retail business Zone District shall be limited to those uses permitted by Section 1701 of this Ordinance and the following additional uses:

(a) Public garages and gasoline service stations as regulated in Article 5 of this Ordinance;

(b) Franchised new-car dealer showroom and customary accessory uses and a used car lot in conjunction therewith, provided, however, that there shall not be more than one square foot of area devoted to used car lot use for each square foot of all buildings devoted to new-car dealer use.

Section 1902. PROHIBITED USES. Any uses other than those uses permitted by Section 1901 of this Ordinance are prohibited. Without in any way limiting the generality and prohibition of this Section, nothing contained in this Ordinance shall be construed to permit any of the uses prohibited by Section 1702 of this ordinance unless otherwise specifically permitted by Article 19 of this Ordinance.

* * *

ARTICLE 20 C COMMERCIAL DISTRICT

Section 2001. PRIMARY INTENDED USE. The C commercial Zone District shall be limited to those uses permitted in the B-3 retail business Zone District as well as the following additional uses:

- (a) Auto body repair shop

* * *

- (d) Any use permitted by this Section of this Ordinance, unless otherwise specifically permitted to be conducted outdoors, shall only be conducted within the confines of a building.

Section 2002. PROHIBITED USES. Any uses other than those uses permitted by Section 2001 of this Ordinance are prohibited. Without in any way limiting the generality and prohibition of this Section, nothing contained in this Ordinance shall be construed to permit commercial incineration, junk yards, rubbish, garbage or trash dumps, residential construction or conversion of structures to residential uses, stock yards, abattoire, slaughter houses, or other animal processing operations. Without in any way limiting the generality and prohibition of this Section, no land or building shall be used or occupied for any use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, or noise or vibration, or smoke, dust, odor or other form of air-pollution, or heat, cold, dampness, movement of air, electrical or other similar disturbance, glare, or solid or liquid waste in any manner or amount which shall not conform to the performance standards set forth in Section 2004 of this Ordinance.

* * *

Section 2004. PERFORMANCE STANDARDS. Prior to the issuance of any Building Permit, Zoning Permit or Certificate of Occupancy, as the case may be, for any use in the C commercial Zone District, the following conditions and requirements shall be complied with:

- (a) All activities shall be carried on only in structures which conform to the minimum safety standards of the National Board of Fire Underwriters, or the Village of Ridgewood Building Code or Fire Ordinance governing the permitted use, whichever may be more restrictive. All operations shall be carried on and explosive materials, fuels, liquids and finished products shall be stored in accordance with the standards of the said National Board of Fire Underwriters.

- (b) Any use permitted by this Article of this Ordinance shall only be permitted if it shall comply with all applicable Federal and State safety laws, rules and regulations.

(c) Any manufacturing, fabricating or processing uses permitted by this Article of this Ordinance which shall result in the dissemination of smoke, fumes, gas, dust, odors or any atmospheric pollutant beyond the boundary lines of the lot occupied by such use are prohibited.

(d) There shall be no vibration beyond the boundary lines of the lot on which is conducted any use permitted by this Article of this Ordinance.

(e) There shall be no operational noise, measured from any point on any property line of any lot on which a use permitted under this Article of this Ordinance is located, which shall exceed the values in any octave band set forth in this subparagraph

(f) Anything in this Article of this Ordinance to the contrary notwithstanding, no use shall be permitted in the C commercial Zone District which shall discharge an industrial waste into any municipal sanitary sewer system without written approval of the Department of Public Works and no such waster shall be treated on any premises located in the C commercial Zone District.

APPENDIX D



VILLAGE OF RIDGEWOOD

131 NORTH MAPLE AVENUE
RIDGEWOOD, NEW JERSEY 07451

(201) 670-5500 EXT. 201 VILLAGE CLERK
(201) 670-5500 EXT. 205 DEPUTY VILLAGE CLERK
FAX: (201) 652-7623

HEATHER A. MAILANDER, RMC/MMC/CPM
VILLAGE CLERK
EMAIL: HMAILANDER@RIDGEWOODNJ.NET

DONNA M. JACKSON, RMC
DEPUTY VILLAGE CLERK
EMAIL: DJACKSON@RIDGEWOODNJ.NET

April 25, 2016

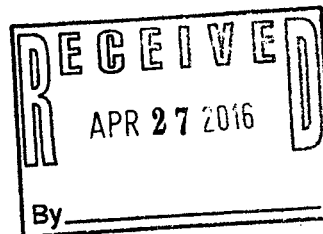
Bergen County Department of Planning
and Economic Development
One Bergen County Plaza
Room 415
Hackensack, NJ 07601-7076

Ordinance(s) #3489 through #3493, enclosed herewith, was/were adopted upon final reading on March 23, 2016 by the Village Council of the Village of Ridgewood.

These certified copies are being sent to you for your records.

Sincerely,

Heather A. Mailander, RMC/CMC/MMC
Village Clerk



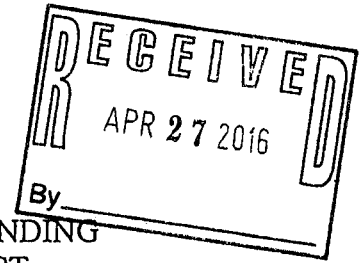
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F

VILLAGE OF RIDGEWOOD

ORDINANCE NO. 3492

AN ORDINANCE OF THE VILLAGE OF RIDGEWOOD AMENDING
THE ZONE REGULATIONS FOR THE C ZONE DISTRICT



WHEREAS, the Village of Ridgewood Planning Board has adopted an amendment to the land use element of the master plan on June 2, 2015, with the decision memorialized on June 16, 2015, which amendment recommends the revision of the regulations for the C – Commercial zone district; and

WHEREAS, the recommended revisions provide a reasonable update to the zone regulations, consistent with the land use development pattern and also designed to promote an upgraded form of development in the area;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Ridgewood that Chapter 190, *Land Use and Development*, of the Code of the Village of Ridgewood is hereby amended as follows:

Section 1. Section 190-114, *C Commercial District*, is hereby amended to read as follows:

§ 190-114. C Commercial District.

- A. Intent. The C zone district is intended to accommodate a variety of nonresidential uses not permitted elsewhere in the Village, consistent with its existing land use and development pattern, and to promote an upgraded form of development in the area.
- B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the C zone district, subject, however to the use limitations in Subsection C below:
- (1) Retail sales uses, such as:
- Paint, glass and wallpaper stores, hardware stores
 - General merchandise stores, such as department stores, variety stores, miscellaneous general merchandise stores
 - Food stores, such as grocery stores, meat and fish markets, fruit and vegetables markets, candy, nut and confectionery stores, dairy products stores, retail bakeries, miscellaneous food stores
 - Auto and home supply stores
 - Apparel and accessory stores, such as men's, boys, women's and family clothing stores, women's accessory and specialty stores, children's and infants' wear stores, shoe stores and miscellaneous apparel and accessory stores

- Home furniture, furnishings and equipment stores, such home furniture and furnishings stores, household appliance stores, radio, television and computer stores
 - Miscellaneous retail, such as drug stores and proprietary stores, liquor stores, used merchandise stores, miscellaneous shopping goods stores
- (2) Eating and drinking places
 - (3) Banks and other similar financial institutions
 - (4) Personal services, such as:
 - Laundry, cleaning and garment services
 - Portrait photographic studios
 - Beauty and barber shops
 - Shoe repair
 - (5) Business services, such as mailing, reproduction, commercial art and photography, and stenographic services
 - (6) Miscellaneous repair services, such as:
 - Electrical repair shops
 - Watch, clock and jewelry repair
 - (7) Amusement and recreation services, such as:
 - Motion picture rental
 - Dance studios, schools and halls
 - Physical fitness facilities
 - (8) Business, administrative and professional offices, providing the following services:
 - Advertising
 - Consumer credit reporting, mercantile reporting, adjustment and collection
 - Offices of medical doctors, dentists, osteopathic physicians and other health practitioners
 - Home health care services
 - Legal services
 - Engineering, architectural and surveying services
 - Landscape counseling, planning
 - Accounting, auditing and bookkeeping services
 - Management and public relations services
 - Arrangement of passenger transportation (travel agents, etc.)
 - (9) Museums and art galleries
 - (10) Veterinarian hospitals.
 - (11) Business, professional, labor, civic, social and political associations

(12) Shops of an electrician, plumber, welder, woodworker or similar tradesman.

(13) Automotive repair shops

(14) Storage warehouses

(15) Wholesale sales business.

(16) Child-care centers.

(17) Municipal buildings and uses

(18) Surface parking lots.

C. Use limitations. The following limitations shall apply to permitted principal uses in the C-R zone district:

(1) Drive in uses shall be prohibited.

(2) Individual commercial uses shall be limited to those which are small in scale, similar and consistent with the existing pedestrian-oriented shops and stores in the central business district, not exceeding a gross floor area of 10,000 square feet for each business establishment.

(3) Uses involving operation between the hours of 11 p.m. and 7 a.m., except for public uses and except for emergency operations, shall be prohibited.

(4) Uses of an industrial nature shall be prohibited, including but not limited to any establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, or engaged in the assembling of component parts of manufactured products.

D. Accessory uses and structures. The following accessory uses and structures shall be permitted, provided that they are located on the same premises as the principal use or structure to which they are accessory:

(1) Parking and loading facilities, as regulated in §§ 190-90 and 190-121.

(2) Signs, as regulated in § 190-122.

(3) Instruction and organized parties.

(4) Accessory uses and structures customarily incident to the above principal uses.

E. Conditional uses and structures. The following conditional uses and structures shall be permitted in the C District only if they comply with the appropriate regulations for such uses or structures in § 190-123:

(1) Public utility buildings and structures.

(2) Cellular telecommunications antennas mounted on an existing structure at least 40 feet high.

F. Prohibited uses. Any uses other than those uses permitted by this section are prohibited. Without in any way limiting the generality and prohibition of this section, nothing contained in this chapter shall be construed to permit commercial incinerations, junkyards, rubbish, garbage and trash dumps, residential construction or conversion of structures or residential uses, stockyards, abattoirs, slaughterhouses or other animal processing operations or any use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard or noise or vibration or smoke, dust, odor or other form of air pollution or heat, cold, dampness, movement of air, electrical or other similar disturbances, glare or solid or liquid waste in any manner or amount which shall not conform to the performance standards set forth in § 190-120G. Also specifically prohibited shall be drive-in and drive-through uses, including but not limited to drive-in banks, drive-in pharmacies and drive-in restaurants; and the sale, delivery and/or serving of prepared food and/or beverages in a ready-to-consume state from a location within a building through a door or window or over a counter to a location outside the same building on the same site or within the adjacent public right-of-way, including outdoor cafes. Such prohibition shall include but not be limited to the delivery to or receipt of food and/or beverages to customers in motor vehicles. The foregoing shall not be construed to prohibit: a) take-out sales of prepared food, where the customer must enter the building to purchase and/or pick up food for consumption at an off-site location; or b) the delivery of prepared foods to customers at an off-site location not located within the street-right-way.

G. Bulk and lot regulations. The following conditions and requirements shall be complied with:

- (1) Minimum lot area: 10,000 square feet.
- (2) Maximum building height: 45 feet.
- (3) Minimum front yard: 15 feet.
- (4) Minimum side yard: none required, but if provided, 12 feet. If adjacent to a residential zone, a minimum twelve-foot side yard is required.
- (5) Minimum rear yard: six inches for each foot of height of the principal building, or 10 feet, whichever is greater.
- (6) Maximum floor area ratio: 45% of the lot area.
- (7) Maximum coverage by improvements: 90% of the lot area.

H. Other regulations. In addition to the bulk and lot regulations, the following requirements shall be complied with:

- (1) Any use permitted by this section, unless otherwise specifically permitted to be conducted outdoors, shall only be conducted within the confines of a building.
- (2) Veterinary hospitals and establishments shall be contained within a soundproof building.

(3) Any side or rear yard that abuts any residential zone shall be provided with a fence or special planting, maintained in good condition, to screen the commercial use from the abutting residential property.

(4) Architectural design.

(a) Buildings shall be required to incorporate high quality architectural features that are characteristic of exemplary buildings reflecting the traditional architecture in the central business district. The applicant for any development shall demonstrate such design by providing as part of any site plan review examples of and comparisons with existing high quality buildings in the central business district.

(b) Buildings greater than 40 feet in height shall be required to use architectural features such as pitched roofs, varied roof lines, decorative cupolas, pediments, varied parapet heights and similar features designed to provide variety and reduce the visual impact of the building height. In order to accommodate such features, the following exceptions to the height limitation in Paragraph F(5) above shall be permitted:

[1] The height of such features shall not exceed the maximum permitted building height by more than eight feet.

[2] The horizontal area of such features, including the area enclosed by such features, that exceed the maximum permitted building height shall not exceed 20% of the horizontal area of that portion of the building having a height greater than 40 feet. This limitation shall be cumulative for all such features. (For example, the horizontal area of that portion of a sloped roof or roofs at an elevation greater than the maximum building height could not exceed 4,000 square feet in the case of a building with a horizontal area of 20,000 square feet ($20,000 \times 0.20 = 4,000$)).

[3] In the case of linear features for which an area calculation is not possible, such as a parapet wall, rooftop screen, etc., the horizontal length of any such features that exceed the maximum permitted building height shall not exceed 20% of the horizontal length of the highest building wall or walls above which the feature is located and toward which such feature faces. This limitation shall be cumulative for all such features. (For example, the length of that portion of a parapet or parapets at an elevation greater than the maximum building height could not exceed 20 feet if located above a wall 100 feet long ($100 \times 0.20 = 20$)).

(c) Buildings having a gross floor area greater than 40,000 square feet shall be required to use architectural features that provide variety and reduce the visual impact of the building mass, through the use varied facade materials, facade projections and recesses, judicious use of windows and other openings in the facade, and other similar features.

- (d) If parking or other exterior areas are provided beneath a building, such areas shall be screened by structural elements that are compatible with the materials and design of the front and side building facades. The intent of such screening shall be to mitigate the effects of headlights, minimize the view of parked vehicles and pavement, and to provide for a unified architectural design.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall take effect upon passage and publication as provided by law.

VILLAGE OF RIDGEWOOD
ORDINANCE NO. 3492

FOR AFFIRMANCE: Councilmembers: Hauck, Pucciarelli and
Mayor Aronsohn

NAYS: Knudsen and Sedon

ABSENT: NONE

ABSTAIN: NONE

Introduction Date: July 15, 2015

Adoption Date: March 23, 2016

Effective Date: April 12, 2016



Paul S. Aronshon, Mayor

ATTEST:


Heather A. Mailander, Village Clerk

I hereby certify that this is a true copy
of an ordinance adopted by the Village
Council of the Village of Ridgewood,
Bergen County, New Jersey on March 23,
2016


Heather A. Mailander, Village Clerk

APPENDIX E

ZONING

**Reprinted from
Ridgewood
New Jersey
Code**

MICHIE CITY PUBLICATIONS COMPANY
CHARLOTTESVILLE, VIRGINIA
1976

BERGEN COUNTY

FEB 2 1977

PLANNING

CHAPTER 33.

ZONING.

For state law as to authority of village relative to zoning generally, see R.S., § 40:55-30 et seq.

As to planning board, see §§ 2-106 to 2-113 of this Code. As to applicability of zoning regulations to miniature golf courses, see § 4-24. As to construction of poultry coops and runs to conform to zoning regulations, see § 5-36. As to compliance of kennels, pet shops and animal hospitals with zoning regulations, see § 5-67. As to building regulations generally, see ch. 8. As to subdivisions, see ch. 28.

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ARTICLE I. IN GENERAL.

Sec. 33-1. Purpose.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare of the inhabitants of the village. Among other purposes, such provisions are intended to provide for adequate light, air and

convenience of access, to lessen congestion in the streets, to secure safety from fire and other dangers, to avoid undue concentration of population by regulating and limiting the use of land, the height and bulk of buildings wherever erected, to limit and determine the size of yards, courts and other open spaces, and to regulate the density of population, all with reasonable consideration to the character of each district and its peculiar uses, and with a view to conserving the value of property and encouraging the most appropriate use of land throughout the village. (Ord. No. 1316, § 102.)

Sec. 33-2. Scope.

The provisions and requirements of this chapter shall be held paramount to any corresponding or similar, but less restrictive, provisions and requirements of any existing law, ordinance, rule, regulation, deed restriction or private covenant affecting lands and premises in the village. Nevertheless, this section shall not justify or cause violation of any existing private restrictions which would create a greater front yard area than one required under any section of this chapter. (Ord. No. 1316, § 103.)

Sec. 33-3. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Accessory building. A building or structure, on the same lot with and subordinate to a principal building, occupied or devoted exclusively to an accessory use. Where an accessory building is attached to a principal building by a breezeway, roof, wall or the like, such accessory building shall be considered part of the principal building.

Accessory use. A use naturally and normally incident and subordinate to the principal and primary use upon any premises. More particularly, but not by way of limitation, an accessory use shall be construed to include a private swimming pool, driveway, private road, alley, railroad spur, side track or switch, or other facility for ingress and egress by pedestrians and vehicles.

Alteration of building or change of use. An alteration of

building is any change in the supporting members of a building, such as bearing walls, columns, beams, girders, interior partitions, as well as any change in doors or windows, or any addition to or diminution of a building. A change of use is a change from the use permitted in one zone district to a use permitted in another zone district, any removal of a building from one location to another, or the conversion of any building, or any part thereof, from a use permitted in one zone district to a use permitted in another zone district.

Apartment. One or more dwelling rooms, with private bath and kitchen facilities, comprising an independent self-contained dwelling unit in a larger building.

Attic. The open, nonhabitable space between the ceiling beams of a top habitable story and the roof rafters in any building.

Basement. An interior space, or a portion of an interior space, having a floor level below the highest outside elevation of ground at the foundation wall of the structure in which it is contained.

Canopy or marquee. A roof-like shelter without sides, permanently affixed to the wall of a building, and providing overhead protection from the weather at an entrance to such building, which shall be construed to be a part of the building to which it is affixed. No canopy or marquee shall extend past any setback line affecting the building to which it is affixed. This prohibition shall not apply to retractable types of awnings, nor shall it negate the provisions of section 33-26.

Common ownership. Ownership of two or more contiguous lots of real property by one person or by two or more persons owning such property in any form of joint ownership.

Dwelling unit. A unit comprising living accommodations designed and used for occupancy by only one family.

Family. A family is up to three persons unrelated by blood, marriage or adoption or any number of individuals related by blood, marriage or adoption living privately together as a single housekeeping unit and using certain rooms and cooking facilities in common. Nothing herein contained shall be construed to prevent the placement of foster children by the New Jersey State Board of Child Welfare or a duly incorporated child welfare agency with families living in a one-family zone.

Flood hazard areas.

(a) **CHANNEL.** The bed and banks of a watercourse which convey the normal flow of the stream.

(b) **FLOOD PLAIN.** The relatively flat area adjoining the channel which has been or may be hereafter covered by flood water.

(c) **FLOODWAY.** The channel and portions of the adjacent flood plain necessary to preserve, carry and discharge flood water or flood flow of a magnitude now or hereafter to be reasonably anticipated.

(d) **SPECIAL FLOOD HAZARD AREAS.** The floodway and such additional portions of the floodplain as are subject to flood flow at lesser depths and lower velocities than the floodway as set forth on official flood hazard boundary maps prepared for the department of housing and urban development dated August 31, 1973, subject to future amendment, as incorporated in the zone map.

Floor area. The aggregate area of all floors in a building enclosed by an exterior wall, excluding, however, except as hereinafter provided, attic and basement floors, open porches, breezeways and garages. The foregoing to the contrary notwithstanding, if any part or area of a basement floor in a building shall be devoted to the permitted principal use, including but not limited to retail sales, services or office space, such part or area shall be included in the computation of floor area where such computation determines off-street parking requirements under article VI of this chapter.

Garden apartments. A building or group of buildings situated on one lot and containing separate dwelling units for no less than twelve families.

Height of building. The distance from the highest roof point to the average elevation of the ground level at the foundation wall of the building.

Institutional uses. Nonprofit institutions limited to churches, public or private schools covering grades kindergarten through grade twelve, hospitals for humans and libraries.

Lot. A parcel of land, the location, dimensions and boundaries of which are set forth on the latest village tax map. Despite what may be disclosed on the current village tax map, however, if contiguous lots are in common ownership and shall have been

treated by the owner or owners as one lot, the entire land area so treated shall, for the purposes of administering and enforcing this chapter, be construed to be one lot.

(a) **CORNER LOT.** A lot at the junction of and having frontage on two or more intersecting streets. A corner lot is also a lot bounded on two or more sides by the same street. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

(b) **LOT DEPTH.** The mean distance between the front and rear property lines of any lot.

(c) **LOT WIDTH.** The shortest straight line distance between the two sidelines of any lot. If a lot shall not have parallel sidelines, the average of such widths taken at ten-foot intervals and parallel to the front street sideline throughout the depth of the lot shall constitute the average width of the lot.

(d) **LOT AREA.** The total square unit contents of any lot as measured within the lot lines.

(e) **LOT FRONTAGE.** In the case of a lot running through from one street to another, the front of such lot shall, for the purposes of this chapter, be considered that frontage upon which the majority of the buildings in the same block front; but in case there has been no clearly defined frontage established, the owner may, when applying for a building permit, specify on his permit application which lot line shall be considered the front lot line.

Municipal use. Any use by the village of any property owned or leased by it.

Nonconforming use. A use which is being lawfully exercised within a structure or on land on September 16, 1965, or on the date of adoption of any amendments to this chapter, and which does not conform with the regulations and requirements of the zone district in which it is located after September 16, 1965.

Nonresidential zones. Those zones set forth in section 33-4, and known as B-1, B-2, C, O-B, O-B-2 and P zone districts.

Occupancy or occupied. Any dwelling unit shall be construed to be occupied if one or more persons or a family customarily reside in such dwelling unit overnight.

Open space zoning. The creation of lots of less area or frontage than that normally required for the zone district in which such

lots are located, and by subdivision designed and arranged in such a manner as to maintain the standard density requirements of the zone district in which open space zoning is permitted, as an optional method for developing property, so as to permit the use of the additional unused area for open space by the village for public uses, parks and recreational facilities and the title to which by virtue of the permitted reduction, shall vest in the village.

Parking area. An open area other than a street or other public road or way used for the parking of motor vehicles, including access drives or aisles for ingress and egress thereto and therefrom.

Parking space. A rectangular space measuring not less than nine feet in width and twenty feet in length and used as an accommodation for off-street motor vehicle parking, exclusive of access drives or aisles; provided, that any parking space that extends beyond a curb along the periphery of a parking area, as approved by the planning board, need only be eighteen feet in length measured from the face of the curb to the edge of the required aisle. All parking spaces shall have adequate provisions for ingress and egress, as required by section 33-55(h).

Principal use or structure. A principal use is the primary or predominant use of any lot. A principal structure is one devoted to the principal use.

Private garage. A detached accessory building, or a portion of a principal building, used primarily for the storage of motor vehicles owned or used by the occupant of the principal building to which the garage is an accessory.

Public garage or gasoline service station. Any building, structure, lot or land in or upon which a business, service or

industry involving the storage, maintenance, washing or servicing, and storage in connection therewith, of motor vehicles is maintained, conducted, operated or rendered.

Public utility facilities. Telephone and electric lines, poles, equipment and structures, water or gas pipes, mains, valves or structures, or sewer pipes, valves or structures, maintained, operated and conducted for the service, convenience, necessity, health and welfare of the general public, whether owned by any arm or creature of the local, state or federal government or by any privately-owned public utility corporation.

Residential zones. Those zones set forth in section 33-4 and known as R-1, R-2, R-3, R-4 and R-5 zone districts.

Single-family residence. A building or structure lawfully accommodating only one family.

Single ownership. As distinguished from common ownership as defined in this section, single ownership shall be ownership of a single lot by one person, or jointly by two or more persons, whether as joint tenants, tenants by the entirety, or tenants in common.

Signs. Any device, freestanding or attached to a building or structure, or erected, painted, represented or reproduced upon or in any building or structure, which displays, reproduces or includes any letter, word, name, number, model, insignia, design, device or representation used for one or more of the following purposes: To identify the premises or occupant or owner of the premises; to advertise any trade, business, profession, industry, service or other activity; to advertise any product or item; to advertise the sale or rental or use of all or any part of any premises, including that upon which it is displayed; to direct vehicular or pedestrian traffic other than state, county or village highway and roadway markers; and shall include any announcement, declaration, demonstration, display, illustration, insignia or any representation used to advertise or intended to advertise or promote the interests of any person. "Sign" shall not be construed to mean any nonilluminated sign in the interior of any structure unless specifically designated as such in article VII.

Story. That portion of a building included between the surface of any one floor, exclusive of any basement, and the surface of the

floor next above it, or if there is no floor above it, then that portion of the building included between the surface of any floor and the ceiling next above it.

Street sideline. The outermost line of the whole area devoted to street purposes on either side thereof. Street sideline is synonymous with street right-of-way line, but generally throughout this chapter, the former is used in conjunction with existing streets and the latter is used in conjunction with proposed streets.

Structure. An object consisting of one or more fabricated or natural materials which is constructed, erected or placed below, upon or above ground level and shall include any building, edifice, construction or piece of work, or any part thereof, or any combination of related parts, including an object attached thereto.

Yards.

(a) **FRONT YARD.** An open, unoccupied space (unless occupied by a use hereinafter specifically permitted) extending across the full width of any lot and lying between the front street sideline and the nearest line of any building on such lot; provided, that where there is a proposed widening of the right-of-way of any street as shown on the master plan of the village, the front yard setback requirement shall be measured from the proposed right-of-way line as shown on the master plan rather than from the existing front street sideline. No steps shall extend into any street right-of-way in any zone district. Front steps extending not more than sixty inches from the front line of any building and within the required front yard shall not be construed as part of such building unless said steps are fully enclosed.

(b) **REAR YARD.** An open, unoccupied space (unless occupied by an accessory building or use hereinafter specifically permitted) extending across the full width of any lot between the rear line of any principal building thereon and the rear lot line of such lot.

(c) **SIDE YARD.** An open, unoccupied space (unless occupied by a use hereinafter specifically permitted) extending from the rear front yard line to the front rear yard line of any lot between either side lot line and the sideline of the principal building nearest thereto.

For the purposes of this chapter, the terms "zone" and "district" are synonymous and the term "building" and "structure" are also synonymous. The term "used" shall include the terms "arranged," "designed" and "intended to be used." (Ord. No. 1316, §§ 301 to 336; Ord. No. 1360, art. 1; Ord. No. 1385, § 1; Ord. No. 1450, § 1; Ord. No. 1488, § 1; Ord. No. 1518, § 1; Ord. No. 1564, § 1.)

Sec. 33-4. Designation of zone districts.

For the purposes of this chapter, the village is hereby divided into eleven zone districts as follows:

R-1	Single-Family Residence District.
R-2	Single-Family Residence District.
R-3	Two-Family Residence District.
R-4	Garden Apartment Residence District.
R-5	Multi-Family Residence District.
B-1	Retail Business District.
B-2	Retail Business District.
C	Commercial District.
O-B	Office Building District.
O-B-2	Office Building District.
P	Professional and Office District
P-2	Office Building District.

(Ord. No. 1316, § 201; Ord. No. 1385, § 1; Ord. No. 1538, § 1.)

Sec. 33-5. Zone map and schedule of requirements.

The zone map delineating the districts as designated by section 33-4 and the schedule of requirements summarizing the required conditions for each district printed thereon are hereby declared to be a part of this chapter. The zone district boundary lines are intended generally to follow street center lines, existing lot lines, center lines of railroad rights-of-way, and the like, as indicated on such zone map. Where a zone district boundary line does not coincide with any such line as above set forth, its location or relation to another boundary line is indicated on such zone map by means of figures expressing distance in feet from a street sideline or other boundary line. In cases of uncertainty or disagreement as to the true location of any zone district boundary line, the

determination thereof shall lie with the board of adjustment. (Ord. No. 1316, § 202.)

Sec. 33-6. Effect of zoning regulations on structures, land, etc.

No land or premises may be used and no building or structure may be erected, raised, moved, extended, enlarged, altered or used for any purpose other than a purpose permitted by this chapter for the zone district in which the land, premises, building or structure is located, and all uses and construction shall be in conformity with the regulations provided for the zone district in which such land, premises, building or structure is located. (Ord. No. 1316, § 401.)

Sec. 33-7. Issuance of permits, etc.

No building permit and no certificate of occupancy shall be issued by the building inspector except upon application therefor in conformity with all the provisions of article X. No zoning permit shall be issued by the zoning officer except upon application therefor in conformity with article X. No sign erection permit shall be issued by the building inspector except upon application therefor in conformity with the terms of article VII. (Ord. No. 1316, § 402.)

Sec. 33-8. Subdivision of lot.

Whenever a new lot is formed from a part of any other lot or lots, the assembly or separation shall be effected in such a manner as not to impair any of the requirements of this chapter and shall be in accordance with chapter 28. (Ord. No. 1316, § 403.)

Sec. 33-9. Yards.

There shall be provided for every lot front, rear and side yards as required in the zone district in which such lot is located. All front yards must face upon a dedicated public street and shall be of the size required for the particular zone district in which the lot is located; provided, that on streets less than fifty feet in width,

the required front yard shall be increased by one-half the difference between the width of the street and fifty feet; and provided further, that any lot which abuts a street with a proposed right-of-way greater than fifty feet in width as shown on the

master plan for streets of the village, adopted pursuant to Revised Statutes section 40:55-1.10, shall have a front yard setback measured from the nearest line of the proposed building or structure to the proposed right-of-way line shown on such master plan.

No open space which has been counted or included as a part of a side yard, rear yard, front yard, court or other open space as required by this chapter for one building may, by reason of change of ownership or for any other reason, be counted or included in order to comply with the yard, court or other open space requirement of any other building. (Ord. No. 1316, § 404.)

Sec. 33-10. Accessory buildings or structures.

No accessory building or structure shall be built on any lot on which there is not a principal building or structure.

(a) The following requirements shall be met in all residential zones:

(1) No accessory building or structure shall have a ground area greater than the ground area of the principal building or structure on the same lot.

(2) No free-standing accessory building or structure, including a sending or receiving tower for amateur radio use, shall exceed twenty feet in height.

(3) No accessory building or structure shall be permitted in any front yard.

(4) All accessory buildings shall be located at least twelve feet from any principal building situated on the same lot.

(5) Accessory buildings may be built within any side yard if the distance from any accessory building to the sideline of the lot is equal to or greater than the required side yard setback for the principal building on such lot.

(6) Accessory buildings built in any rear yard shall not be closer than three feet from any side or rear property line of the lot containing such accessory building; provided, that no accessory building on any lot the rear lot line of which abuts the sideline of any adjoining lot shall be closer to the rear line of the lot upon which it is situated than one-eighth the depth of such lot, if such lot shall be more than one hundred twenty feet in depth, nor closer

to the rear line than ten feet if the lot upon which such accessory building is located shall be one hundred twenty feet, or less than one hundred twenty feet, in depth, along all points of the rear lot line where such rear lot line is coincident with the required side yard or front yard of the principal building or structure on the adjoining property.

(7) Accessory buildings on corner lots shall not be erected nearer to any street sideline than the front yard setback required on the lot adjacent to the rear lot line of the lot upon which the accessory building is located.

(b) The following requirements shall be met in all nonresidential zones:

(1) No accessory building shall have a ground area greater than the ground area of the principal building on the same lot.

(2) No free-standing accessory structure, including a sending or receiving radio tower shall exceed twenty feet in height.

(3) No accessory building shall be permitted in any front yard.

(4) No accessory building shall be closer to the principal building on the lot on which it is located than ten feet or the height of such accessory building, whichever is greater.

(5) Accessory buildings may be built within any side yard if the distance from such accessory building to the sideline of the lot is equal to or greater than the required side yard setback for the principal building on such lot.

(6) Accessory buildings built in any rear yard shall not be closer than three feet from the rear property line of the lot containing such accessory building. (Ord. No. 1316, § 405.)

Sec. 33-11. More than one principal building on same lot prohibited; exception.

(a) No lot shall contain more than one principal building or structure except as permitted and regulated in the garden apartment and multi-family residence districts.

(b) No building to be used as a dwelling shall be constructed, altered or moved on, to or in the rear of any building situated on the same lot. (Ord. No. 1316, § 406; Ord. No. 1385, § 1.)

Sec. 33-12. Required area or space.

No lot, yard, parking area or other open space shall be so reduced in area or dimension as to make it less than the minimum required under this chapter. No lot, yard, parking area or other open space which is already less than the minimum required under this chapter shall be further reduced in area or dimension. (Ord. No. 1316, § 407.)

Sec. 33-13. Garages in residential zones.

Except as hereinafter provided in section 33-57 (b), garaging as an accessory use for not more than four motor vehicles may be erected on a single lot in any residential zone district. In the R-1, R-2 and R-3 residential zone districts, there shall be a minimum of one garage space for each dwelling unit. (Ord. No. 1316, § 408; Ord. No. 1385, § 1; Ord. No. 1422, § 1.)

Sec. 33-14. Land use variances.

Any land use variance recommended to the village council by the board of adjustment pursuant to Revised Statutes section 40:55-39d shall be referred to the planning board by the secretary of the board of adjustment for a site plan review under article V within ten days after the recommendation has been made. The council shall not act on such recommendation of the board of adjustment until either the planning board shall have submitted its recommendation with respect to any site plan to the council, or, forty-five days shall have elapsed from the date the planning board received such site plan, whichever event shall sooner occur. No land use variance shall be construed to obviate, abate or waive any of the height, yard, parking or other required conditions and terms of this chapter regulating the zone district in which the affected premises are located except upon the approval of the board of adjustment as required by law. (Ord. No. 1316, § 409.)

Sec. 33-15. Corner lots.

On any corner lot the setback from the side street sideline or right-of-way line shall be not less than seventy-five percent of the larger front yard requirement for such lot. (Ord. No. 1316, § 410.)

Sec. 33-16. Uses of structures and lots.

The control and regulation of the uses of buildings and structures by this chapter shall apply equally to the nature and extent of the uses of the lot or lots upon which they are erected. (Ord. No. 1316, § 411.)

Sec. 33-17. Outdoor storage.

The following regulations shall govern outdoor storage within the village:

(a) Outdoor storage shall be permitted only as an accessory use in any R-1, R-2 and R-3 residential zone district and shall be limited to the following items as regulated:

- (1) Private camping trailers.
- (2) Boats and boat trailers.
- (3) Garden tractors and implements.
- (4) Automobiles.
- (5) Motorcycles and motorbikes.

(b) The items enumerated in subsection (a) shall be permitted to be stored only in the side and rear yard; provided, that they comply with each of the following requirements:

(1) The item as stored shall not exceed six feet in height.

(2) The item shall be screened with a fence or screening hedge so such item is not visible from any abutting residential property or street.

(c) Any of the above permitted items stored in the sideyard shall not be permitted closer to the sideline than the sideyard setback requirements for a principal building on the same lot.

(d) Any of the permitted items, enumerated in subsection (a), that exceed a height of six feet as well as any pickup or panel truck having a manufacturer's rated capacity not exceeding one ton, may be stored on any residential lot; provided, that such items shall be kept in an enclosed garage on such lot.

(e) Outdoor storage of any kind is prohibited in the R-4 and R-5 residential zone districts.

(f) Nothing contained herein shall be construed as prohibiting parking of passenger vehicles, used by the occupant for day to day activities; provided, that such vehicles are parked on the driveway. Trucks parked overnight shall be garaged.

(g) In all nonresidential zones, outdoor storage is only permitted in the side and rear yards, as herein regulated. No article, equipment, vehicle, supplies or material shall be kept, stored or displayed outside the confines of any building unless and until the same is screened by special planting or fencing, as approved by the planning board, and maintained in good condition, so that it shall not be visible from any adjacent property or public street. Any fence, required by this section to screen the outdoor storage of flammable material otherwise permitted by this chapter, shall not be closer than twenty feet to any property line of the lot upon which it is erected.

(h) Where otherwise permitted by this chapter, the display of new and used motor vehicles for retail sales as a permitted accessory use in the B-2 and C zone districts shall not be required to be screened by a planting or fence, except where the premises for such permitted use abuts or faces any premises situated in any residential zone. (Ord. No. 1316, § 412; Ord. No. 1422, § 1.)

Sec. 33-18. Traffic visibility across corner lots.

All trees adjoining street sidelines in all zones shall have their branches trimmed at all times to insure unobstructed vision eight feet above street pavement level. On any corner lot in any residential zone, no fence, structure, planting or shrubbery over thirty inches in height above the level of the pavement at the center of the street opposite the point in question shall be erected or maintained within twenty-five feet of the intersection formed by the projections of the two street sidelines at the corner. (Ord. No. 1316, § 413.)

Sec. 33-19. Planting within three feet of street sideline, etc.

No hedge, shrubbery or planting on any lot in any residential zone shall be permitted within three feet from any street sideline. The branches of all trees projecting beyond any such street sideline must be trimmed at all times to insure unobstructed vision and clearance eight feet above ground or sidewalk level. (Ord. No. 1316, § 414; Ord. No. 1422, § 1.)

Sec. 33-20. Conversion of existing structures.

The conversion of an existing structure or structures from a nonconforming use to a use permitted in the zone district in which such structure is located shall be subject to the same regulations as are new structures constructed in such zone district; except, that:

(a) A nonconforming structure or use may not be converted in such a way as to enlarge or extend the nonconformance.

(b) Notwithstanding the provisions of article VI, conversions may be exempted by the planning board from furnishing such required additional off-street parking as the applicant can clearly demonstrate to the planning board's satisfaction is a physical impossibility. No such conversion, however, shall reduce the number of existing parking spaces or the area of the premises in question available for such use. (Ord. No. 1316, § 415; Ord. No. 1385, § 1.)

Sec. 33-21. Driveways.

No driveway shall be permitted to serve any use other than the permitted use on the lot upon which such driveway is located. (Ord. No. 1316, § 416.)

Sec. 33-22. Institutional and municipal uses and public utility facilities.

Any institutional use, municipal use or public utility facility may be located in each of the zone districts created by this chapter. Before any building permit or certificate of occupancy, as the case may be, may be issued for any such use in any residence zone district, however, a site plan shall be submitted to and approved by the planning board as required in article V. Any use permitted under this section shall meet all yard, height and area requirements for the zone district in which it is located and off-street parking and landscaping requirements shall be met as required by article VI, except as set forth in section 33-24. (Ord. No. 1316, § 417.)

Sec. 33-23. Signs.

No sign shall hereafter be permitted in the village unless it shall

comply with the requirements of articles VII, XX, XXI, if applicable. (Ord. No. 1316, § 418; Ord. No. 1385, § 1.)

Sec. 33-24. Height exceptions; ground coverage, setback and parking requirements for hospitals.

(a) The height limitations required in each zone district shall not apply to church steeples. Church buildings, school buildings and structures, masts, flagpoles, residence receiving antennae or any village owned, leased or operated building, structure or use, shall not exceed forty-five feet in height above the average elevation of the ground at the foundation of the structure.

(b) Hospitals for humans:

(1) Such hospitals shall have a limitation in height of forty-eight feet above the average elevation of the ground at the foundation of the structure; provided, that service equipment structures may be permitted upon such buildings but shall be limited to seventeen feet above the forty-eight-foot height and shall have a minimum setback of one foot for every two feet in height of the service equipment structures, measured from the roof line on which the structure is located; and further provided, that service equipment structures shall not occupy more than sixty-five percent of the roof area of any building on which such service equipment structure is located. Service equipment structures shall not exceed twenty-five percent of the land area covered by buildings on the property.

(2) No more than sixteen percent of the land area shall be covered by any above grade structure or structures in any residential zone.

(3) Yard requirements shall be those established for the zone district in which the hospital for humans is located; except, that no structure foundation shall be closer than three feet to any abutting residential property line for every one foot of height of such structure.

(4) Areas for the parking of vehicles shall conform to the requirements in the zone district in which the hospital is located in addition to the following requirements: Parking areas which directly abut upon property zoned and used for residential purposes shall have a continuous wall not less than six feet in

height and not more than eight feet in height along the common property line to separate such properties. Other areas for parking of vehicles shall be not less than fifteen feet from any adjoining property line or any street sideline, and shall have a suitable hedge or other natural planting within the fifteen-foot area. (Ord. No. 1316, § 419; Ord. No. 1348.)

Sec. 33-25. Fences and retaining walls.

The yard and court limitations required in each zone district shall not apply to any fence or wall which is four feet or less in height, nor to any fence or wall placed about a private swimming pool which is five feet or less in height, nor to any fence or wall which is six feet or less in height and is expressly authorized under article VI for the screening of parking areas, nor to any fence or screening hedge required under section 33-17. No retaining wall exceeding six feet in height from the lowest elevation of the finished grade to the top of the retaining wall shall be built in any zone district unless and until a site plan has been submitted to and approved by the planning board in accordance with the terms of article V. (Ord. No. 1316, § 420; Ord. No. 1422, § 1.)

Sec. 33-26. Projections and encroachments.

Except as hereinafter specified, yards and courts required under this chapter shall be entirely free of buildings or parts thereof:

(a) Cornices and eaves may project not to exceed two feet over any required yard or court.

(b) Sills, leaders, belt courses and similar ornamental or structural features may project six inches into any required yard or court. An open fire balcony or fire escape may project into a required yard not more than four feet.

(c) Ground story bay windows or oriels may project not more than three feet into any required front yard, rear yard or side yard in the R-1, R-2 and R-3 residential zone districts. Chimneys with or without fireplaces may also project into any yard and zone as described in the preceding sentence; except, that the maximum projection from the side of the building to which the same may be attached shall not exceed eighteen inches and the total area of

such encroachment shall not exceed twelve square feet. (Ord. No. 1316, § 421; Ord. No. 1385, § 1.)

Sec. 33-27. Erection of structures, etc., within certain distance of ground water supplies; etc.

(a) Except as hereinafter provided in subsection (d), no building or structure shall be erected in any zone district of the village within fifty feet of any well, infiltration gallery, spring or similar source of ground water now or hereafter developed for a public water supply system.

(b) No sewer or line carrying sanitary or industrial wastes located within one hundred feet of any well, infiltration gallery, spring or similar source of ground water now or hereafter developed for a public water supply system, may be installed in any zone district of the village unless the same shall be of steel, reinforced concrete, cast iron or other suitable material, properly protected and of completely watertight construction and otherwise constructed in accordance with Rules and Regulations for the Preparation and Submission of Plans for Public Water Supply Systems and Water Treatment Plants, now or hereafter issued by the state department of health.

(c) No manholes or connections on a sanitary sewer system shall be permitted within one hundred feet of any well now or hereafter developed for a public water supply system in any zone district of the village.

(d) "Public water supply system" means a system comprising structures which operating alone or with other structures results in the enclosure, derivation, conveyance, transmission or distribution of water for potable or domestic purposes to consumers in twenty or more dwellings or properties. (Ord. No. 1347.)

Sec. 33-28. Zoning officer — Office created.

The office of zoning officer of the village is hereby created. (Ord. No. 1316, § 2301; Ord. No. 1422, § 1.)

Sec. 33-29. Same — Powers and duties.

It shall be the duty of the zoning officer to enforce this chapter

and pursuant to that duty to investigate any violation or alleged violation of this chapter coming to his attention, whether by complaint of third persons or from his own personal knowledge or observation. When any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of any provision of this chapter, it shall be the duty of the zoning officer to proceed with the enforcement of this chapter and the penalties provided for hereunder. He may also pursue such other statutory method or methods, heretofore or hereafter provided, as may be open to him.

In the enforcement of this chapter, the zoning officer may apply to the municipal court judge of the village for a warrant to search and inspect the properties and premises upon which he has reason to believe any violation of this chapter has taken or is taking place, and upon probable cause shown, the municipal court judge may issue such a warrant and the information obtained pursuant thereto shall be admissible as evidence in any court of competent jurisdiction for the purpose of proving any case brought for violation of this chapter. (Ord. No. 1316, § 2302; Ord. No. 1422, § 1.)

Sec. 33-30. Violations and penalties.

For any and every violation of the provisions of this chapter, the owner, contractor or other person or persons interested as lessees, tenants or otherwise in any building, land or premises where such violation has been committed or shall exist, and who shall refuse to abate such violation within five days after written notice so to do has been served upon him by certified mail, return receipt requested, or by personal service upon him, shall for each and every violation be subject to a fine not to exceed two hundred dollars or ninety days' imprisonment, or both, at the discretion of the court or judicial officer before whom a conviction may be had. Each and every day that such violation shall continue after such abatement notice shall have been served shall be considered a separate and specific violation of this chapter and not as a continuing offense. (Ord. No. 1316, § 2303.)

ARTICLE II. BOARD OF ADJUSTMENT.

For state law as to board of adjustment generally, see R.S., § 40:55-36 et seq.

Sec. 33-31. Created; composition; appointment, term, etc., of members; filling of vacancies.

Pursuant to the authority contained in Revised Statutes section 40:55-36, there is hereby created a board of adjustment which shall consist of five members and two alternate members who shall not hold any elective office or position under the village, each to be appointed by the village council for a term of three years and each to be removable for cause by the council upon written charges and after public hearing. Alternate members shall be designated by the chairman "Alternate No. 1" and "Alternate No. 2" and shall serve in rotation during the absence or disqualification of any regular member or members. No member of the board of adjustment shall receive any compensation for his services as such. The board of adjustment in existence under the authority of Ordinance No. 993, as amended, is hereby continued and is hereby made the board of adjustment under the provisions of this chapter and the members thereof shall continue in office until the terms under which they hold office under Ordinance No. 933, as amended, shall expire. Upon such expiration the first appointments to the board of adjustment under this chapter shall be made for staggered terms; two members shall each be appointed for a term of three years, two members shall each be appointed for a term of two years and one member shall be appointed for a term of one year, and, thereafter, each member shall be appointed for a term of three years. Each such term shall commence on June 1 and expire on May 31, of the first and last years thereof, respectively.

If any vacancy shall occur in the term of any member by reason of death, resignation or otherwise, the council shall fill the vacancy by appointment for the unexpired portion of the term. (Ord. No. 1316, § 2201; Ord. No. 1360, art. 1; Ord. No. 1395, § 3.4.)

Sec. 33-32. Powers and duties generally.

In addition to any powers specifically granted by this chapter, the board of adjustment shall have all those powers and duties

prescribed by the Revised Statutes, section 40:55-36 through 40:55-50. The board of adjustment shall have the power to hear and decide requests for special exceptions or for interpretation of the zoning map or maps or for decisions upon such other special questions which the board is, or may be, by ordinance authorized to pass upon. (Ord. No. 1316, § 2202.)

Sec. 33-33. Rules and procedure; election of chairman and vice-chairman; meetings; quorum; etc.

The board of adjustment shall adopt rules of procedure not inconsistent with the governing statutes covering matters of procedure; and the power to adopt rules shall include the power to limit the time within which a variance must be acted upon before it shall automatically expire. The board of adjustment shall have the power to adopt rules requiring the submission and entry into evidence of such testimony, records, documents and the like as it shall decide has or may have any bearing upon the cases, questions or matters before it from any appellant, affected party, third party, taxpayer, resident or property owner of the village, or any board, body, officer, agent or representative of the village.

The board of adjustment shall, within one month after its appointment as such, and annually thereafter during the month of May, elect a chairman and a vice-chairman from its membership. The meetings of the board of adjustment shall be held at the call of the chairman, or vice-chairman if the chairman be not available, or upon the request in writing of a majority of the whole number of the board of adjustment filed with the secretary of the board, who shall forthwith issue the call for such meeting to the members of the board of adjustment. A quorum of the board of adjustment shall consist of three members. The board shall appoint a secretary, keep minutes of its proceedings showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be public records. (Ord. No. 1316, § 2203.)

Sec. 33-34. Fees.

Upon the filing of any appeal to the board of adjustment by any

party other than an officer, department board (including the board of education of the Township of Ridgewood, New Jersey) or agency of the village, the appellant shall pay with such appeal a fee or fees as follows:

(a) With an appeal for a variance or special exception for relief from fence, swimming pool, side yard, rear yard, setback or lot-size requirements of this chapter involving a single lot with a one-family dwelling to be altered, converted or enlarged, a fee of thirty dollars.

(b) With any other appeal for a variance, interpretation or special exception other than ones provided for in subparagraph (a) above, and (c) below, a fee of seventy-five dollars.

(c) With an appeal for a use variance under subparagraph (d) of Revised Statutes section 40:55-39, a fee of one hundred fifty dollars. (Ord. No. 1316, § 2204; Ord. No. 1592, § 1.)

Sec. 33-35. Land use variance recommendation.

Any land use variance recommended to the village council by the board of adjustment pursuant to Revised Statutes section 40:55-39d shall be referred to the planning board for site plan review and approval as provided in section 33-14 before any building permit, zoning permit or certificate of occupancy, as the case may be, shall issue. Such site plan review by the planning board shall take into consideration all of the usual terms and standards provided in this chapter for site plan review, together with such terms and conditions of approval as may have been fixed by the board of adjustment in the recommending of such variance. The planning board may attach such reasonable terms and conditions to site plan approval, not inconsistent with the recommendation of the variance and with the terms of this chapter, as it shall deem suitable and proper. (Ord. No. 1316, § 2205.)

ARTICLE III. PUBLIC GARAGES AND GASOLINE SERVICE STATIONS.

Sec. 33-36. Where permitted.

Public garages and gasoline service stations are permitted in the

B-2, B-3 and C zone districts. No permit for any public garage or gasoline service station shall be issued unless and until all the requirements of this article are met. (Ord. No. 1316, § 501.)

Sec. 33-37. Application for permit.

Any person desiring to use any premises or to erect, construct or alter any new or existing building or structure arranged, intended or designed to be used as a public garage or gasoline service station shall make application therefor in writing to the building inspector of the village, who shall forthwith forward such application to the planning board for site plan review as required in article V. The application and supporting papers or documents shall set forth the following information:

(a) A site plan, drawn to scale, showing the location of the premises and of the building or buildings thereon and the building or buildings to be erected or constructed thereon, the street entrances and exits or driveways, and the precise locations of all tanks, pumps, lifts and other machinery and equipment appurtenant thereto.

(b) The width of the street or streets and of the sidewalk, parkway and paved areas thereon upon which such premises may abut.

(c) The location, nature of construction and present use of all buildings within three hundred feet of the lot lines of the premises for which the application has been filed.

(d) And, if the applicant is a person other than the owner of the premises, the written consent of the owner or owners authorizing the filing of the application. (Ord. No. 1316, § 502.)

Sec. 33-38. Required distance from places of public assembly, etc.

The nearest lot line of the lot or parcel of land to be used as a public garage or gasoline service station shall be at least three hundred feet, measured in a straight line, from the nearest lot line of any lot upon which is located any building used as a theater, auditorium or other place of public assembly capable of seating over one hundred persons, or used as a church, hospital for

humans, college, school, public library or institution for dependents or children, or any public playground or athletic field.

No part of any public garage or gasoline service station, nor any driveway entrance or exit to or from the same, shall be located within three hundred feet of any lot line of any lot upon which is located any other public garage or gasoline service station. (Ord. No. 1316, §§ 503, 505.)

Sec. 33-39. Use for other purpose prohibited.

No part of any public garage or gasoline service station, wherever located, shall be used for any other purpose. (Ord. No. 1316, § 504.)

Sec. 33-40. Minimum lot area and street frontage.

The minimum lot size for any lot upon which any public garage or gasoline service station is located shall be fourteen thousand square feet and the minimum street frontage of such lot shall be one hundred feet. If a public garage or gasoline service station is located on a corner lot, the minimum street frontage on each street shall be one hundred feet. (Ord. No. 1316, § 506.)

Sec. 33-41. Entrance and exit driveways.

Entrance and exit driveways to and from any lot upon which is located a public garage or gasoline service station shall have an unrestricted width of not less than sixteen feet nor more than twenty-four feet, shall be located not nearer than ten feet from any lot line, and shall be so laid out as to avoid the necessity of any vehicle leaving the property by backing out across any public sidewalk, street, highway, right-of-way or portion thereof. (Ord. No. 1316, § 507.)

Sec. 33-42. Paving requirements.

The area of all driveways and other areas over which motor vehicles are intended to be driven or parked on any lot upon which is located a public garage or gasoline service station shall be paved with a bituminous or concrete surface sufficient to meet village

paving specifications applicable to streets and roadways. (Ord. No. 1316, § 508.)

Sec. 33-43. Outdoor repair prohibited; overnight storage of vehicles.

On any premises upon which a public garage or gasoline service station is located, all services or repairs to or for motor vehicles, other than such minor items as the changing and filling of tires or the sale of gasoline or oil, shall be conducted within the confines of a building capable of being wholly enclosed. Any vehicles stored outside overnight shall be so stored as to meet the provisions of section 33-17. (Ord. No. 1316, § 509.)

Sec. 33-44. Setback restrictions; free area to be unobstructed.

No part of any building used as a public garage or gasoline service station and no filling pump or other service appliance, whether for gasoline, oil or any other combustible liquid or material, shall be erected within ten feet of any side or rear lot line and the ten-foot free area required hereunder shall be at all times kept free, open and unobstructed for the purposes of ready access by emergency fire and police vehicles. (Ord. No. 1316, § 510.)

Sec. 33-45. Storage of flammable materials.

At any public garage or gasoline service station storage facilities for gasoline, oil or other flammable materials in bulk shall be located wholly underground and no nearer than thirty-five feet from any lot line other than any street sideline. No gasoline or oil pumps, oil or greasing mechanism or other service appliance installed for use at such premises shall be within ten feet of any street sideline and no gasoline pump shall be located or permitted within any enclosed or semi-enclosed building. (Ord. No. 1316, § 511.)

Sec. 33-46. District boundary line restrictions.

No part of any building or structure used in whole or in part as a public garage or gasoline service station shall be located within

one hundred feet of any boundary line of any residential zone district created by this chapter. (Ord. No. 1316, § 512.)

Sec. 33-47. Expansion of existing public garages or gasoline service stations.

No permit for the alteration or expansion of any existing public garage or gasoline service station shall issue except upon compliance by the applicant with all the provisions of this article. (Ord. No. 1316, § 513.)

ARTICLE IV. NONCONFORMING USES AND
STRUCTURES.

Sec. 33-48. Continuance of existing nonconforming use or structure.

Any nonconforming use or structure which lawfully existed on September 16, 1965, may be continued and any such existing nonconforming building or structure may be reconstructed or structurally altered provided it shall meet the requirements of this article. (Ord. No. 1316, § 601.)

Sec. 33-49. Alteration, extension, etc., requirements.

Nonconforming uses or structures in all zone districts shall conform to the following requirements relating to enlargements, alterations, etc.

(a) Any structure or use of land which is nonconforming because of use shall not be enlarged or extended in any manner whatsoever.

(b) There shall be no structural alterations made to any nonconforming building or structure that is nonconforming because of use. Structural alterations may be made in a building which is nonconforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this chapter, so long as the structural alteration does not extend or enlarge the nonconformance.

(c) A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use, but

nothing hereinbefore stated shall prevent the strengthening or restoring to a safe and lawful condition of any part of any building declared unsafe by the building inspector, the chief of the village fire department or the village engineer.

(d) In the event that there shall be a cessation of operation of any nonconforming use for a period of twelve consecutive calendar months, the same shall be presumed an abandonment of such nonconforming use. Any subsequent attempt to rely upon, exercise or reinstate such abandoned nonconforming use (the provisions of section 33-48 notwithstanding) shall be deemed a violation of the terms of this chapter.

(e) Nothing in this chapter shall require any change in plans, construction or designated use of a structure or building for which a building permit has been heretofore validly issued if construction has been started and diligently prosecuted on September 16, 1965.

(f) Nothing in this chapter shall be construed as authorization for or approval of the continuance of the use of a building, structure or premises in violation of any zoning ordinances, rules or regulations in effect immediately preceding September 16, 1965.

(g) Any nonconforming use that is nonconforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this chapter, shall not be changed or altered to enlarge the nonconformance. (Ord. No. 1316, § 602.)

Sec. 33-50. Restoration and repairs.

Nothing in this chapter shall prevent the restoration or continuance of a nonconforming building or structure which is nonconforming because of its use and which is partially destroyed by fire, explosion, act of God, or of any public enemy, or the like, if the extent of the destruction be not more than fifty percent of the true value of the whole building or structure at the time of the partial destruction. If, however, any such building or structure shall be destroyed in the manner aforesaid to an extent exceeding fifty percent of the true value of the whole building or structure at the time of such destruction, then the same may only be reconstructed and thereafter used in such a manner as to conform to all the requirements, terms and conditions of this chapter.

Nothing in this chapter shall prevent the restoration or continuance of a nonconforming building or structure which is nonconforming because it fails to comply with any height, area, yard, off-street parking or other like requirements of this chapter, and which is partially destroyed by fire, explosion, act of God, or of any public enemy, or the like; provided, that any restoration of any such building or structure shall not enlarge the previously existing nonconformance. (Ord. No. 1316, §§ 603, 604.)

ARTICLE V. SITE PLAN REVIEW.

Sec. 33-51. Requirements prior to issuance of building permit, zoning permit or certificate of occupancy.

Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, for any new structure, addition to or alteration of an existing structure or change in use in any zone in the village other than the R-1, R-2 or R-3 Zone or on any properties in the R-1, R-2 or R-3 Zones upon which a permitted nonresidential use is contemplated or on any properties in the flood hazard areas, a site plan shall be submitted to the planning board for its review and approval. In cases where alteration will not change the nature of use or the exterior of any existing building or buildings, the planning board may, by the adoption of rules and regulations therefor setting proper norms and standards, provide that a subcommittee or designated agent of the planning board pass upon the same and waive the requirement of a site plan, in order that minor alterations which otherwise comply with this chapter and the Building Code of the village may be expedited. Any site plan approval issued by the planning board is valid for a period of one year from the date of such approval by the board; provided, that in the event a building permit, zoning permit or certificate of occupancy pertaining to such site plan is issued within such one year period, then the site plan approval shall be valid for a period running concurrently with the building permit or zoning permit.

The planning board shall act on any site plan submitted to it for its review within sixty days after receipt of the same from the zoning officer and failure of the planning board to act thereon

within such time or within such further extended time as may be consented to by the applicant shall be deemed a denial of approval of the site plan submitted.

In acting upon any site plan submitted to it, the planning board shall ascertain that all of the terms, conditions, standards and requirements of this chapter are met and shall further consider how the site plan will affect congestion in the streets, safety from fire, panic and other dangers, health, morals or the general welfare, adequate light and air, the overcrowding of land or buildings, undue concentration of population, conservation of the value of property and be conducive to the orderly development of the site in question as well as the general area in which it is located. The architecture employed in any new structure or alteration of any existing structure requiring site plan approval shall be aesthetically in keeping with the surrounding area and shall be subject to approval by the planning board. (Ord. No. 1316, § 701; Ord. No. 1385, § 1; Ord. No. 1518, § 1; Ord. No. 1538, § 1; Ord. No. 1549, § 1.)

Sec. 33-52. Application; fees.

(a) Every application for site plan review and approval shall be filed in triplicate at least twenty-one calendar days prior to a scheduled public meeting of the planning board. Application, with all supporting documents and data, shall be filed with the zoning officer.

(b) Each application shall be accompanied by an application fee to the village, the amount of which shall be determined as follows:

(1) For the first twenty thousand square feet, or fraction thereof, of lot area of the subject property, fifty dollars.

(2) For each additional ten thousand square feet, or fraction thereof, of such lot area, ten dollars.

(3) For the first one thousand square feet, or fraction thereof, of floor area of any new building or alteration of or addition to an existing building on the subject property, fifty dollars.

(4) For each additional one thousand square feet or fraction thereof, of such floor area, ten dollars.

(5) No such application fee shall be less than one hundred dollars or more than five hundred dollars.

(c) The foregoing provisions to the contrary notwithstanding, any application for site plan approval disposed of by a subcommittee or designated agent of the planning board pursuant to the provisions of section 33-51, shall be accompanied by an application fee of twenty-five dollars, and any amount in excess thereof previously paid shall be refunded to the applicant.

(d) In addition to the foregoing application fee, each applicant shall be required to pay to the village after approval of any site plan and prior to the issuance of any building permit an engineering inspection fee of fifty dollars. No such engineering inspection fee shall be required when the improvements shown on the approved site plan are subject only to the provisions of chapter 8. (Ord. No. 1316, § 702; Ord. No. 1422, § 1.)

Sec. 33-53. Site plan details.

Any site plan presented to the planning board for its approval, drawn on a scale not smaller than one inch equals fifty feet and not larger than one inch equals ten feet, shall include and show the following information:

(a) The name and title of the applicant, the owner, and of the person preparing the plan, maps and accompanying data.

(b) An appropriate place for the signatures of the chairman and of the secretary of the planning board.

(c) An appropriate place for the signature of the village engineer.

(d) The village tax map lot and block number or numbers of the premises affected.

(e) A date, scale and north sign on any map.

(f) The zone district in which the premises in question is located and the zone district or districts of all immediately adjoining properties.

(g) A landscaping plan shall be submitted and be subject to review and approval by the planning board. The landscaping plan shall show in detail the proposed setback dimensions for all buildings, the location, size and type of all plantings including lawns to be used on the site. All areas not used for buildings or off-street parking shall be included in the landscape plan. All parking and service areas shall be so screened that said areas

are shielded from residential areas adjacent to the site. Any landscaping shown on any site plan approved by the planning board shall consist of plant materials and grass lawns approved by the planning board.

(h) All existing and proposed signs and their size, nature of construction and location, and all existing and proposed exterior lighting, including size, nature of construction, location, height, the area and direction of illumination and the lumen power.

(i) The existing and proposed principal building and all accessory structures, if any, with dimensions showing present and finished grade elevations at all corners and entrances of said structures and the floor plans thereof.

(j) The complete building elevation drawings of any proposed structure or structures.

(k) The location, type and size of existing and proposed catch basins, storm drainage facilities and all utilities, both above and below ground.

(l) The location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas and the layouts thereof, and all off-street loading areas, together with the dimensions of all the foregoing.

(m) The location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances which may affect the premises in question, and the location, size and description of any lands contemplated to be dedicated to the village.

(n) The location, size and nature of the entire property in question, and any contiguous property owned by the applicant or in which the applicant has a direct or indirect interest, even though only a portion of the entire property is involved in the site plan for which approval is sought; provided, however, that where it is physically impossible to show such entire property or contiguous property or properties on one map, a key map thereof shall be submitted.

(o) The location, names and widths of all existing and proposed streets abutting the premises in question, the property lines of all abutting properties together with the names and addresses of the owners as disclosed on the village tax map and tax rolls on file in the village offices as of the date of the site plan application.

(p) And any and all other information and data necessary to meet any of the requirements of this chapter not listed above.

(q) Every site plan shall show an area reserved for trash or refuse pick-up as approved by the planning board. Such area shall be so located on the premises that solid waste trucks have access to such area at all times.

(r) Provisions which are to be made for the handicapped, particularly as they relate to entrance ways and ramps both within any new or remodeled structure and any site improvements. (Ord. No. 1316, § 703; Ord. No. 1422, § 1; Ord. No. 1538, § 1; Ord. No. 1568, § 1.)

Sec. 33-54. Compliance with site plan required.

Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a building permit, zoning permit or certificate of occupancy, as the case may be, shall be construed to be a violation of this chapter and shall be grounds for the revocation of any building permit, zoning permit or certificate of occupancy, as the case may be. A written notice of revocation, sent by certified mail, by the zoning officer or the building inspector, as the case may be, requiring compliance with the conditions of site plan approval within a period of time not less than five days, shall effectively revoke any building permit, zoning permit or certificate of occupancy, as the case may be, if compliance shall not be had within the time limit set. (Ord. No. 1316, § 704.)

ARTICLE VI. OFF-STREET PARKING AND LOADING.

Sec. 33-55. General provisions for off-street parking.

All off-street parking areas for nonresidential uses permitted in residential zones, and all off-street parking areas in the R-4, R-5 and nonresidential zones and for transitional lots shall meet all of the following requirements:

(a) All off-street parking areas shall be surfaced with bituminous concrete or concrete pavement in accordance with village specifications for streets or roadways, and maintained in

good condition, and shall be so graded and drained as to dispose of all surface waters to the satisfaction of the village engineer.

(b) All parking spaces within any parking area shall be clearly marked to show the parking arrangement within such parking area.

(c) All lighting structures for off-street parking areas shall be arranged and installed in accordance with the following regulations:

(1) No lighting structure shall exceed twenty feet in height.

(2) All lighting shall be equipped with shielding so as to reflect the light downward and prevent the direct source of light from being visible from any point beyond the property lines of the premises upon which the lighting structure is located.

(3) Duration of operation of all lighting and maximum lumen power permitted shall be as determined satisfactory by the planning board with due regard to whether any limitations imposed will deprive the applicant of a reasonable use of his property and whether the application will be detrimental to the public health and general welfare or to the property and personal rights of the abutting owners.

(d) All parking areas shall be effectively screened on any side which abuts or faces any premises situated in any residential zone by a fence, wall or hedge at least five feet in height, maintained in good condition, if required by the site plan approved by the planning board; provided, that such fence, wall or hedge may be waived by the planning board if, because of topographic or other extraordinary or exceptional conditions, the same shall not be necessary to protect any abutting or facing premises situated in any residential zone.

(e) If any fence, wall or hedge shall have been required for any parking area under subsection (d), then such fence, wall or hedge shall be protected by a concrete curb or bumper guard, or the equivalent, which shall run parallel to such fence, wall or hedge, be at least five inches in height above the paved surface adjacent to such fence, wall or hedge, and be a sufficient distance therefrom to protect such fence, wall or hedge from the impact of motor vehicles. Utility poles or railroad ties shall not be used to meet required curbing.

(f) If any parking area shall have been permitted in any front

yard, the planning board shall have the power to require a concrete curb, bumper guard or the equivalent, at least five inches in height above the paved surface, along and parallel to any landscaped area in the front yard and sufficient to protect the same from the impact of motor vehicles.

(g) All such parking areas shall be used only for the parking of automobiles. No commercial repair work or sales of any kind shall be conducted in any parking area. No sign other than entrance, exit, identification and conditions of use signs shall be maintained in any parking area. No such sign shall be larger than two square feet in area. Nothing herein contained shall be construed to permit any required parking area to be used for the commercial storage of new or used motor vehicles by a new or used-car dealer or motor vehicle rental agency.

(h) All parking areas and structures shall be provided with adequate means of ingress and egress which shall be kept open and unobstructed at all times and which shall be designed to provide service driveways or aisles to meet the following minimum standards:

Longitudinal (end to end) parking	12 foot width
30° angle parking	11 foot width
45° angle parking	13 foot width
60° angle parking	18 foot width
90° angle parking (open lot)	24 foot width

(i) Any part of any entrance to or exit from any parking area shall be at least ten feet distant from any abutting property located in any residential zone.

(j) Each and every off-street parking area shall be subject to site plan approval by the planning board. The planning board shall consider the effect of any parking area upon traffic safety and abutting properties and shall ascertain that all requirements of this chapter are met.

(k) All off-street parking areas required by this chapter shall be furnished upon the same lot as the principal building or use; or, on other property or properties owned by the applicant; provided, that at least fifty percent of the required parking spaces shall be on property located within five hundred feet of any customary entranceway to the principal building or use and the

remainder of the required parking spaces may be located on other properties not more than one thousand feet from any customary entranceway to the principal building or use. All parking areas shall be devoted exclusively to parking and to no other use so long as the principal building or use which makes such parking areas necessary shall continue in existence. In meeting the requirements of this subsection, however, parking areas that are provided on properties other than the one upon which is located the principal building or use shall only be permitted in nonresidential zones or on transitional lots as regulated in article IX.

(l) Off-street parking areas, where permitted, may be placed in any required side or rear yard. Off-street parking areas are prohibited in any front yard unless the following requirements are met:

(1) In the B-1, B-2, B-3 and C zone districts, off-street parking area permitted in any front yard shall have a minimum width at all points of eighty feet and a minimum depth at all points of sixty-four feet.

(2) In the R-4, R-5 and P zone districts, any off-street parking area may be located in the front yard; provided, that such area is at no point closer to the front street sideline than one-half of the required front yard setback in the zone in which the premises is located.

(3) Off-street parking areas are permitted in the front yard area on any transitional lot provided that such area is at no point closer to the front street sideline than twenty feet. Such twenty-foot area between the front street line and the parking area shall be devoted exclusively to landscaping, maintained in good condition, except for such driveway area as may be necessary to furnish ingress and egress into the required parking area.

(m) If any applicant can clearly demonstrate to the planning board that, because of the nature of his operation or use, the parking requirements of this article are unnecessary or excessive, the planning board shall have the power to approve a site plan showing less paved parking area than is required by this article; provided, that a landscaped area of sufficient size to meet the deficiency shall be set aside and reserved for the purposes of

meeting future off-street parking requirements in the event that a change of use of the premises shall make such additional off-street parking spaces necessary. Anything in this article or in article X to the contrary notwithstanding, no certificate of occupancy shall be valid except for the particular use for which it was issued and any change on any premises previously approved under this subsection shall only be permitted after a new site plan shall have been submitted to and reviewed and approved by the planning board.

(n) All parts of all yards not used for off-street parking areas shall be adequately landscaped, subject to approval by the planning board, and maintained in good condition.

(o) Notwithstanding any other provisions of this chapter, the planning board may permit deviations pertaining to the following parking standards; provided, that the applicant for site plan approval can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one or more of the following regulations is impractical or will result in a plan that is contrary to good planning practice.

(1) Required width of driveway aisles as set forth in subsection (h) of this section.

(2) Setbacks of parking areas from the front street sideline.

No deviation shall be granted unless the planning board finds that the granting of the deviation will not be detrimental to the public welfare or injurious to property in the area in which such property is situated. (Ord. No. 1316, § 801; Ord. No. 1360, art. 1; Ord. No. 1385, § 1; Ord. No. 1538, § 1; Ord. No. 1568, § 1.)

Sec. 33-56. Required parking in nonresidential zones.

In all nonresidential zone districts, off-street parking shall be furnished for all new buildings or additions to buildings in accordance with the following requirements:

(a) In the B-1, B-2, C, O-B, O-B-2 and P zone districts, provision shall be made for one off-street parking space, exclusive of any access drives or aisles within the parking area, and as regulated in section 33-55 (h), for every three hundred square feet of floor area, or any fraction thereof, of all buildings upon the premises exclusive of private garages.

(b) In the B-3 zone district, provision shall be made for one off-street parking space, exclusive of access drives or aisles within the parking area, and as regulated in section 33-55 (h), for every one hundred fifty square feet of floor area, or any fraction thereof, in all buildings on the premises exclusive of private garages. (Ord. No. 1316, § 802; Ord. No. 1385, § 1.)

Sec. 33-57. Required parking in residential zones.

In all residential zone districts, off-street parking shall be furnished for all new buildings or additions to buildings as follows:

(a) In the R-1, R-2 and R-3 residential zone districts, provision shall be made for a least one usable off-street parking space for each dwelling unit on the premises upon which such dwelling unit is located, in addition to the garage space required by section 33-13. No vehicle shall be parked in any front yard except in the driveway area leading from the street upon which the premises involved is located, which driveway area shall not exceed in width one-fifth of the width of the lot upon which such driveway is located; provided, that where otherwise lawful, no driveway shall be required to be less than ten feet in width.

(b) In the R-4 and R-5 Residential Zone Districts, provision shall be made for at least three usable off-street parking spaces for each two dwelling units of which at least one of such spaces must be garaged and one of such spaces must be located outside of the building. All of such required spaces must be located upon the premises upon which the principal building or buildings is or are located.

(c) In all residential zone districts, permitted nonresidential uses shall be provided with one usable off-street parking space exclusive of any access drives or aisles within the parking area, and as regulated in section 33-55 (h), for every two hundred fifty square feet of floor area or any fraction thereof of any building used for such use exclusive of a private garage except as hereinafter provided in section 33-96 (e) (7). Any site upon which is permitted a nonresidential use and upon which is located a permitted residential use shall be provided with off street parking for each of such uses and the computation for each use shall be

made separately and cumulatively. (Ord. No. 1316, § 803; Ord. No. 1385, § 1; Ord. No. 1568, § 1.)

Sec. 33-58. Off-street loading and unloading spaces.

In all zone districts, for every building, or part thereof, hereafter erected, which is to be occupied for manufacturing, storage, display of goods, retail store, wholesale store or warehouse, market, hospital for humans, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such use one off-street loading space which shall be at least twelve feet wide, forty feet long and have a fourteen-foot overhead clearance. A loading space shall only be permitted in a side or rear yard and no part of such space shall be nearer than five feet to any side or rear property line. A loading space may be located in the required off-street parking area provided such area is on the same premises with the use. (Ord. No. 1316, § 804.)

Sec. 33-59. Joint parking facilities.

Any owners of property in the B-1, B-2, C, O-B, O-B-2 and P zone districts may meet the required parking provisions of this article by participating in a joint parking program involving two or more business uses; provided, that plans for such a joint program shall have been approved by the planning board; and provided further, that the area for the parking facilities shall equal the collective parking area requirements of the participating properties to be served. (Ord. No. 1316, § 805; Ord. No. 1385, § 1.)

ARTICLE VII. SIGNS.

Sec. 33-60. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Advertise. The giving, or attempting to give or intending to

give, any notice or information, or any activity which gives, or attempts to give, or intends to give notice, information or warning.

Area of a sign. The area within a line drawn around the surface of a sign, including all decorations, but excluding any supports.

whether decorative or not, and, in computing sign area, the area of all surfaces used or employed or designed for use as a sign or for sign purposes shall be included and totaled.

Erect. To build, construct, attach, hang, place, suspend or affix. The term "erect" shall also include the painting of wall signs.

Premises. A building or structure or a piece or tract of land or real estate vacant or otherwise.

Roof sign. Any sign extending above any part of the roof of any structure.

Window. Any opening in the exterior wall or roof of any structure for the purpose of admitting air or light, whether or not covered with glass, plastic or other coverings.

Window space. The aggregate square footage of all windows on any given side and any given story of any structure, regardless of the angle or angles at which they are set, and, in computing window space, there shall be included all portions of any door which, if part of any exterior wall, does contain any window. (Ord. No. 1316, § 901.)

Sec. 33-61. Erection permit—Required generally.

It shall be unlawful for any person to erect or relocate any sign within the village, without first obtaining a sign erection permit from the building inspector pursuant to section 33-62. The building inspector shall issue permits only for such signs as are specifically allowed for the particular premises and zone district in which the premises are located unless otherwise ordered to do so pursuant to a sign exception granted under section 33-71. (Ord. No. 1316, § 901.)

Sec. 33-62. Same—Application; fees; exemptions from application and fees.

Any person desiring and intending to erect or relocate any sign within the village shall first apply for and obtain a sign erection permit from the building inspector, in the manner following:

(a) Application for a sign erection permit shall be made upon forms provided by the building inspector, in triplicate, and shall contain or have attached the following information:

(1) Name, address and telephone number of the applicant.

(2) Location of premises on which or to which the sign is proposed to be erected or attached.

(3) Position of sign, indicating its relation to its premises and adjoining premises.

(4) Blueprints or ink drawings of the plans and specifications and method of erection and attachment to the premises, or a photograph of the actual sign in lieu thereof, and such information as the building inspector may reasonably require to indicate the work to be performed and to show full compliance with this and all other relevant and applicable laws and ordinances of the village.

(5) Name of person performing the work.

(6) Written consent of the owner and lessor of the premises.

(7) The electrical permit, if any, required by the Building Code of the village.

(b) Each application for each sign shall be accompanied by a filing fee of two dollars plus twenty-five cents per square foot for all area of such sign in excess of two square feet.

(c) It shall be the duty of the building inspector, upon the filing of an application for a sign erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed sign is in compliance with all the requirements of this chapter and all other laws and ordinances of the village, he shall then issue a sign erection permit therefor. If the work authorized under an erection permit has not been completed within six months after date of issuance of the sign erection permit therefor, such permit shall become null and void.

(d) Signs permitted by sections 33-63 (a), 33-65 (c) and 33-68 shall not require applications or the payment of any license fees or charges, but this subsection shall not be construed to enlarge the scope of permitted and exempt signs nor to diminish the power of the building inspector to enforce this chapter. (Ord. No. 1316, § 908.)

Sec. 33-63. Signs in residential zones.

In all residential zones, the following signs shall be permitted:

(a) On premises used for residential purposes, a sign or signs identifying the residence, the resident or residents, or the street

address, or any combination thereof, and no such sign shall have an area of more than two square feet, nor shall the aggregate square footage of such signs, if there be more than one, exceed three square feet in area.

(b) On premises used for residential purpose which contain an office as permitted by subsections (e) and (f) of section 33-96, in addition to the sign or signs permitted by subsection (a) above, a professional announcement sign, the dimensions of which shall not exceed eight inches by twenty inches.

(c) On premises used for a permitted institutional use, a sign referring to the use and to the activities carried on upon such premises, which sign shall not exceed thirty square feet in area, whether affixed to a structure or free standing. (Ord. No. 1316, § 902.)

Sec. 33-64. Signs in P zone district and on transitional lots.

In the P zone district and on transitional lots, only the following signs shall be permitted:

(a) A professional office sign affixed to the building and parallel thereto and not extending more than twelve inches therefrom setting forth the name of the occupant or occupants in the premises and to activities carried on therein, which shall not exceed six square feet in area.

(b) On premises used for a permitted institutional use, a sign referring to the owner of the premises and to the activities carried on therein, not to exceed thirty square feet in area. (Ord. No. 1316, § 903.)

Sec. 33-65. Signs in B-1, B-2, B-3 and C zone districts.

Within the B-1, B-2, B-3 and C zone districts, only the following signs shall be permitted:

(a) A sign or signs referring to or advertising the premises upon which it is located or displayed, or to the identity of the occupant thereof, or to a service rendered thereon or therein, or to a product or item available therein, or to a permitted trade, business or profession carried on thereon or therein; one such sign may be erected on any entrance wall and one on any wall facing on a street, and one on any wall facing an off-street parking area, and

one on any wall facing a railroad track, and shall be erected parallel to the face of such wall, not extending more than twelve inches therefrom, the bottom of which shall be at least seven feet above the level of the sidewalk, and shall be rigidly and securely attached thereto. The area of each sign shall not exceed two square feet for each foot of wall width, the maximum height of such sign shall not exceed two feet and the maximum width shall not exceed ninety percent of the width of the store front or wall of that portion of the premises occupied by the occupant erecting the sign and upon which it is attached. In determining maximum width, the maximum width of the store front or main entrance wall of the premises or the width of the wall upon which any such sign shall be erected, whichever is less, shall govern. Where there shall be more than one occupant of the building, the total areas of all signs of all occupants, taken in the aggregate, shall not exceed the maximum requirements above set forth for each wall upon which any sign is permitted to be erected.

(b) In the case of premises, the use of which involves no structure, or on which the structure is set back at least thirty feet from the front curb line, a freestanding sign of an area not in excess of thirty square feet on each side or sixty square feet in aggregate area if both sides shall have signs thereon may be erected for the purposes set forth in subsection (a) above; provided, that the top of such sign shall not be more than fifteen feet above the level of the ground and shall not extend over the front property line.

(c) In addition to any sign or signs permitted under subsections (a) and (b) above, a sign or signs limited to those purposes set forth in subsection (a) and to show or evidence membership in a retail or professional organization or credit card or credit association or plan, to show manufacturers' or legally required licenses, attached to or painted on a store window or windows on the exterior or interior of any structure, the total area of such sign or signs not to exceed thirty percent of the window space. (Ord. No. 1316, § 904; Ord. No. 1385, § 1.)

Sec. 33-66. Signs in O-B and O-B-2 zone districts.

Signs are permitted in the O-B and O-B-2 zone districts in

accordance with the provisions of sections 33-131 and 33-135 and the provisions of this article not inconsistent therewith. (Ord. No. 1385, § 1.)

Sec. 33-67. General prohibitions.

Without limiting the generality of the preceding provisions of this article:

(a) No billboard or billboard signs shall be permitted, except display signs ordinarily or customarily erected on the premises of a railroad station or on the railroad right-of-way in the vicinity of such station. No sign otherwise lawful under this chapter shall be prohibited because of this subsection.

(b) No sign shall be placed or located or displayed upon any sidewalk unless affixed to the wall of a building abutting the sidewalk. No sign otherwise lawful under this chapter shall be prohibited because of this subsection.

(c) No roof sign, often known also as a "sky sign," shall be permitted.

(d) No sign projecting on or over a sidewalk shall be permitted, except signs commonly known as "barber poles" ordinarily and customarily used in connection with barbershops.

(e) Except as otherwise specifically permitted in this chapter, no freestanding signs or similar devices shall be permitted.

(f) No signs shall be erected or painted or composed of fluorescent or phosphorescent or similar material.

(g) No sign shall be in whole or part moving, mobile or revolving, except for signs commonly known as "barber poles" ordinarily and customarily used in connection with barbershops.

(h) No strings or streamers of flags, pennants, spinners or other similar devices strung across, upon, over or along any premises or building, whether as a part of any sign or not, shall be allowed within any zone district, except those which shall be specifically exempted under section 33-68. (Ord. No. 1316, § 905.)

Sec. 33-68. Exempted signs.

The provisions and regulations of this chapter shall not apply to

the following signs; provided, that such signs shall remain subject to the provisions of section 33-70.

(a) A professional name plate affixed to the door or adjacent wall of premises so used, not to exceed eight inches by twenty inches per professional occupant.

(b) A memorial sign or tablet, or a sign indicating the name of a building, or the date of its erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.

(c) The following signs, customary and necessary to the operation of filling and service stations: Lettering on buildings displayed over individual entrance doors consisting of the words "washing," "lubrication," "repairing" or words of similar import; provided, that there shall be not more than one such sign over each entrance, and that the letters shall not exceed ten inches in height; lettering or other insignia, which are a structural part of a gasoline pump, consisting only of a brand name, lead warning sign and other signs as required by law; a credit card sign not exceeding two square feet in area, affixed to the building or permanent sign structure of the sign next referred to; one sign bearing the brand or trade name of the station, of a design specified by the manufacturer, permanently affixed to the building or its own metal substructure, such sign not to exceed thirty square feet in area on each side or sixty square feet in aggregate area if both sides shall have signs thereon, which sign, if on its own metal substructure, shall be rigidly and securely attached to the ground surface so as to create no danger to life or limb and which sign, whether affixed to a building or on its own substructure, shall not exceed eighteen feet in height overall; provided, that no such sign shall be so affixed or erected until permission in writing therefor shall have been issued by the building inspector; a sign attached to each gas pump, with the price of the product, as required by law.

(d) Signs for public convenience and welfare erected by or on behalf of the United States, the state, the county and the village, traffic controls in private ways and parking lots, legal notices, railroad crossing signs or other signs as required by law, and such temporary signs for public and charitable purposes as may be approved by the building inspector for a period of time not to exceed thirty days.

(e) (1) Signs customary and necessary in offering of real estate for sale or to let by the owner thereof, and his real estate agent or broker, in nonresidential zones, not to exceed sixteen square feet in area.

(2) Signs customarily used to indicate that real estate offered for sale or to let has been sold or leased by the real estate agent or broker concerned, in nonresidential zones, not to exceed sixteen square feet in area nor to be maintained more than two weeks after the initial erection thereof.

(f) Temporary signs, necessary in connection with the erection of buildings or other construction work shall be limited to one sign for each construction project. Such sign may be freestanding or attached to the premises but shall not exceed nine square feet in area and shall be removed at the completion of construction.

(g) The interior contents of lawfully permitted signs specifically designed to be changed from time to time, such as church announcement boards, theater marquees, restaurant menus and the like.

(h) Temporary signs for elective office are permitted in nonresidential zones only after a permit is obtained as required by section 33-62. Such signs shall be removed no later than ten days after the date of the election to which they pertain. In the case of a primary election, the signs of all candidates who fail to remain as candidates in the ensuing general election shall be removed no later than ten days after the date of the primary election.

(i) All signs referred to in subsections (e), (f), (g) and (h) may be freestanding or attached to the premises. (Ord. No. 1316, § 906; Ord. No. 1488, § 1; Ord. No. 1568, § 1.)

Sec. 33-69. Lighting and illumination.

Any sign permitted by the provisions of this chapter, or allowed pursuant to a sign exception granted under section 33-71, may be nonilluminated or nonflashing illuminated. Illuminated signs shall have sources of illumination shielded in such a manner that the same are not visible from the street or adjoining property. An illuminated sign in the interior of a building shall, if visible from

any street or adjacent properties, meet all the requirements of this chapter, and the area thereof shall not, either by itself or cumulatively with any other exterior or interior illuminated sign or signs hereby permitted, exceed the total area permitted for exterior signs as regulated in section 33-65 (a). (Ord. No. 1316, § 907.)

Sec. 33-70. Unsafe signs.

If the building inspector shall find that any sign is unsafe or insecure, or is a menace to the public, he shall give written notice thereof to the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. If such owner, agent or person shall fail to remove or alter the sign so as to comply with the standards herein set forth within ten days after such notice, such sign or other advertising structure may be removed, or altered to comply, by the building inspector at the expense of the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. The building inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice. (Ord. No. 1316, § 909.)

Sec. 33-71. Sign exceptions.

Any person who has been denied a sign erection permit by the building inspector for any reason, may apply for a sign exception to the board of adjustment of the village in the manner following:

(a) Written notice of appeal must be filed with the building inspector as well as the secretary of the board of adjustment within forty-five days of the denial by the building inspector.

(b) The procedure applicable to variance applications shall

govern thereafter, including the payment of the fee required by this chapter.

(c) If, after public hearing, upon considering the evidence and testimony, the board of adjustment shall conclude that the requested sign may be erected:

(1) Without impairing the intent and purpose of the zone plan of the village,

(2) Without substantial detriment to the public good, welfare and safety,

(3) Without impairing the intent and purpose of this chapter,

And, if the board of adjustment shall further find that there are cogent and special reasons justifying the erection of the particular sign, the board of adjustment may grant a sign exception to this chapter, authorizing and instructing the building inspector to issue the sign erection permit applied for, subject, however, to conformity with this chapter in all other respects, and with all other applicable and relevant state laws, and ordinances, rules and regulations of the village. (Ord. No. 1316, § 910.)

Sec. 33-72. Applicability of zoning variance.

A zoning variance granted pursuant to Revised Statutes section 40:55-39d which varies a use allowed in a particular zone district for particular premises shall be deemed to vary the provisions of this article in the same respect for the same premises. (Ord. No. 1316, § 911.)

Sec. 33-73. Existing nonconforming signs.

Any sign existing on September 16, 1965, which does not conform with any provision thereof, shall be deemed a nonconforming use and may be continued, maintained and repaired upon its present premises; provided, that such sign was lawful under any prior ordinance. Any sign unlawful under any prior ordinance shall remain unlawful unless it complies with the provisions of this chapter and there is issued by the building inspector a sign erection permit therefor. (Ord. No. 1316, § 912.)

Sec. 33-74. Enforcement of article.

This article shall be administered and enforced by the building inspector as deputy of the zoning officer. (Ord. No. 1316, § 913.)

Sec. 33-75. Notice to remove sign in violation of chapter generally; removal by building inspector.

If any person shall have been convicted of a violation of this chapter under section 33-30, and the sign or signs shall continue as violations despite such conviction, then, upon the expiration of the time for appeal, as provided by law, if no appeal has been taken, or upon conviction by the county court, if an appeal has been taken, the building inspector may serve an additional ten days' notice upon the person so convicted to require him to remove the sign or signs in violation, and if such sign or signs shall not have been so removed upon the expiration of such ten-day period, the building inspector shall have the power to remove the sign or signs or cause the same to be removed without further notice, but at the sole expense of the owner of the premises. (Ord. No. 1316, § 913.)

Sec. 33-76. Erection, etc., of sign which falsely identifies or advertises prohibited; procedure for removal of such sign.

It shall be unlawful for any person to intentionally 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 no longer available therein, and an intentional violation of this subparagraph shall subject the violator to the penalty provisions of section 33-30. In addition, if any person shall have been convicted of a violation of this chapter under section 33-30, because of a violation of this section and the sign or signs shall continue as violations despite such conviction, then, upon the expiration of the time for appeal, as provided by law, if no appeal has been taken, or upon conviction by the county court, if an appeal has been taken, such sign no longer advertising a bona fide business conducted, or a product sold on the premises, shall be taken down and removed by the owner, agent or person having the beneficial use of the premises upon which such sign may be

erected within ten days after further written notification from the building inspector so to do, and upon failure to comply with such notice within the time specified in such order, the building inspector shall have the power to remove the sign or cause the same to be removed without further notice, but at the sole expense of the owner of the premises. (Ord. No. 1316, § 913.)

ARTICLE VIII. FLOOD PLAIN AREAS.

Sec. 33-77. Created; permitted uses.

There are hereby created within the village flood hazard areas as shown on the official flood hazard boundary maps prepared for the department of housing and urban development dated August 31, 1973, and incorporated in the zone map annexed hereto and made a part hereof. The uses permitted within any flood hazard area are those uses permitted and regulated by this chapter for the zone district in which the area may be located, as such zone districts are set forth and delineated on the zone map. (Ord. No. 1316, § 1001; Ord. No. 1518, § 1.)

Sec. 33-78. Site plan — Submission, review and approval required.

No structure shall hereafter be erected within any flood hazard area nor any addition or alteration made thereto unless and until a site plan shall have been submitted to the planning board for its review and approval in accordance with article V of this chapter.

(a) Such site plan shall, in addition to the information required under section 33-53, show or be accompanied by the following information:

- (1) The existing and proposed contours at a contour interval of one foot;
- (2) The proposed elevations of the levels of the lands involved at the corners of the foundation of any structure or structures;
- (3) The lowest elevation of the lowest proposed floor level, including basement, within any proposed structure after its completion;
- (4) The layout of existing and proposed public streets and the nature, extent and location of existing and proposed public utilities servicing and to service the premises in question.

(5) The written report of a licensed professional engineer addressed to the planning board stating the elevation of the highest flood waters of record at the site; the source of and data used to determine such elevation; and an opinion of the impact of a flood of design level proportions on the site and surrounding areas. For purposes of these requirements design flood level of a major flood of reasonable expectancy based upon the experience in the village and other pertinent hydrologic data.

(b) The planning board shall not approve any site plan required in any flood hazard area unless and until it is satisfied that the following requirements have been met:

(1) The lowest floor level of any proposed structure will not be reached by the design flood level of the Ho-Ho-Kus Brook, the Saddle River or the Goffle Brook, as the case may be;

(2) Proper facilities have been or will be provided for water supply, sewage disposal, gas, electricity and the disposal of surface water;

(3) Any proposed structure, when built, can be occupied without peril to the health or safety of the occupant;

(4) Any proposed structure will not impede the flow of surface waters through any swale or other water course; and

(5) The flood plain management programs, if any, already in effect in neighboring areas have been taken into account. (Ord. No. 1316, § 1002; Ord. No. 1518, § 1.)

Sec. 33-79. Same — Action by planning board.

The planning board shall act upon any site plan provided for in section 33-78 within sixty days of the date of filing thereof, or such other extension of time as the applicant may agree to. Failure of the planning board to act within such time limit or limits shall be deemed a denial of any site plan submitted. (Ord. No. 1316, § 1003; Ord. No. 1518, § 1.)

Sec. 33-80. Same — Applicability to issuance of building permits and certificates of occupancy; review of permit applications.

No building permit shall be issued by the building inspector for any proposed structure or other improvements to be located within any flood hazard area unless and until the planning board

shall have approved a site plan submitted in accordance with section 33-78. Upon approval or denial of any site plan required by section 33-78, the secretary of the planning board shall forthwith notify the building inspector thereof. No certificate of occupancy shall be issued by the building inspector unless and until proof has been submitted to him that all conditions of site plan approval have been fully met and complied with.

The building inspector shall review each building permit application for:

(a) Repairs within flood hazard areas having special flood hazards to determine that the proposed repair (i) uses construction materials and utility equipment that are resistant to flood damage and (ii) uses construction methods and practices that will minimize flood damage; and

(b) New construction or substantial improvements within flood hazard areas having special flood hazards to assure that the proposed construction (including prefabricated homes) (i) is protected against flood damage, (ii) is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure, (iii) uses construction materials and utility equipment that are resistant to flood damage, and (iv) uses construction methods and practices that will minimize flood damage. For the purposes of this paragraph the phrase "substantial improvements" shall mean any repair, reconstruction, addition, alteration, or improvement of a structure, the cost of which equals or exceeds fifty percent of the actual cash value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred. (Ord. No. 1316, § 1004; Ord. No. 1518, § 1.)

ARTICLE IX. TRANSITIONAL LOTS.

Sec. 33-81. Generally.

Transitional use areas within residential zone districts as depicted on the zone map of the village are those wherein, in addition to those uses permitted in the respective residential zone districts, the following uses are permitted:

Offices for accountants architects, attorneys, chiropradists.

chiropractors, dentists, optometrists, ophthalmologists, osteopaths, physicians and professional engineers as well as for off-street parking facilities as an accessory use to a principal use not located on-premises to meet the requirements of subparagraph (k) of section 33-55; provided, that the nonresidential uses permitted by this section shall not be permitted in a transitional lot in conjunction with or at the same time as a permitted residential use is made of such lot. Vehicular driveway connections between the transitional lot and an abutting Business District Zone may be permitted by the planning board upon its determination that the same may be made without danger to the health and general welfare of the surrounding properites and with due consideration of such factors as congestion in the streets, fire, panic, adequate light and air, overcrowding of property or buildings, undue concentration of population and conservation of value of property. (Ord. No. 1316, § 1101; Ord. No. 1568, § 1.)

Sec. 33-82. Prohibited uses.

Any uses other than those uses permitted by section 33-81 of this Code are prohibited. (Ord. No. 1316, § 1103; Ord. No. 1568, § 1.)

Sec. 33-83. Required conditions for nonresidential uses.

The following conditions and requirements shall be complied with for all transitional use areas when used for a nonresidential use permitted under section 33-81 of this Code:

(a) Where a transitional use is for parking to meet the requirements of subparagraph (k) of section 33-55 of this Code, the off-street parking facilities shall meet all requirements and conditions of article VI of this chapter.

(b) Where a transitional lot is used as an office use as permitted in section 33-81 of this Code, the following additional requirements and conditions shall be met:

(1) Off-street parking adequate to meet the requirements and conditions of article VI of this chapter shall be provided for said use.

(2) The side yard on the residential zone side of any transitional lot shall be not less than fifteen feet in width. The

side yard on the business side of any transitional lot shall be not less than twelve feet in width. Off-street parking shall be permitted in any side yard; provided, that no parking area shall be closer than five feet to the side or rear property line of the abutting residence zone district.

(3) Any building on a transitional lot, whether a new structure or a converted existing structure, shall be residential in exterior appearance.

(4) The front yard and rear yard requirements of the residence zone district in which the transitional lot is located shall be met.

(5) Signs upon any transitional lot shall comply with all the requirements and conditions of section 33-64 of this Code. (Ord. No. 1316, § 1104; Ord. No. 1568, § 1.)

Sec. 33-84. Site plan approval.

Where any transitional lot is used for a nonresidential purpose permitted under section 33-81 of this Code no building permit, zoning permit or certificate of occupancy, as the case may be, shall be issued unless and until a site plan has been submitted to the planning board for its review and approval in accordance with all the requirements and conditions of Article V of this chapter. (Ord. No. 1316, § 1105; Ord. No. 1568, § 1.)

Sec. 33-85. Repealed by Ordinance No. 1568, § 1

ARTICLE X. BUILDING AND ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.

Sec. 33-86. Building permits generally.

No building or structure or part thereof shall be erected, raised, moved, extended, enlarged, altered or demolished unless and until a permit has been granted by the building inspector therefor. Application therefor shall be filed with the building inspector by the owner, or his agent, and shall state the intended use of the structure and the land. The application shall be accompanied by detailed plans and specifications and a plot plan showing finished

grades, open spaces, the established building lines within the block upon which the land is located and such other information as may be required to show that the proposed building or other structure shall comply with all the requirements of this chapter for the zone district in which the premises is located. Such plans shall be drawn to scale and shall show actual dimensions and figures. All plans, specifications and plot plans shall be signed by a licensed architect or a licensed professional engineer of the state; provided, that the owner may sign such plans in the event he has prepared them and the owner shall file an affidavit to that effect with such plans. A plot plan, but only a plot plan, may be prepared and certified by a licensed land surveyor of the state.

No building permit shall be issued for the erection, raising, moving, extending, enlargement or alteration of any building or structure, or any part thereof, unless and until the plans and intended uses therefor indicate that such building or structure is designed to conform in all respects to the provisions of this chapter and all other applicable ordinances of the village. No building permit shall be issued for the erection, raising, moving, extending, enlargement or alteration of any building or structure, or part thereof located in a flood hazard area or in any R-4, R-5, B-1, B-2, C, O-B, O-B-2 or P zone districts unless and until the requirements of article V of this chapter have been met. Issuance of a building permit shall negate the necessity for a zoning permit and shall supersede and revoke any zoning permit previously issued. (Ord. No. 1316, § 1201; Ord. No. 1385, § 1; Ord. No. 1518, § 1.)

Sec. 33-87. Zoning permits generally.

If no building permit shall have previously been issued, no land shall be occupied or used in whole or in part for any purpose whatsoever unless and until a zoning permit therefor shall have been issued by the zoning officer. A zoning permit shall be required for the use of any premises which does not have upon it a building. Whenever there shall be a change contemplated in the use of any premises which does not have a building upon it, a new zoning permit therefor shall be required. (Ord. No. 1316, § 1202.)

Sec. 33-88. Certificates of occupancy — Generally.

(a) No building or structure hereafter erected or altered and no building in which the use shall have been changed shall be occupied or used in whole or in part for any purpose whatsoever, except as hereinafter provided, unless and until a permanent certificate of occupancy shall have been issued therefor by the building inspector. The issuance of a certificate of occupancy shall negate the necessity of obtaining a zoning permit for the same premises. The issuance of a permanent certificate of occupancy shall supercede and revoke any zoning permit already granted for the same premises.

(b) In the event an applicant for any nonresidential use is unable to fully comply with all of the requirements for a permanent certificate of occupancy as outlined above, due to weather conditions or other forces beyond his control, he may apply for a temporary certificate of occupancy. For the purpose of administering this section, occupancy is defined to include the use of any equipment or machinery other than construction machinery not considered part of the building or the storage of product, merchandise, raw material or other personal property or the use of a structure other than by those engaged in its construction.

(1) Applications for a temporary certificate of occupancy shall be made on a form provided by the zoning officer. Applications shall be made five days prior to the desired issuance date of such certificate. Each application shall be accompanied by a fee of twenty-five dollars.

(2) After receipt of an application for a temporary certificate of occupancy, the director of building and inspections will make an inspection of the building and site in question. If the director of building and inspections finds that the applicant is unable to comply with all of the requirements for a permanent certificate of occupancy for reasons as outlined in this section he may issue a temporary certificate of occupancy for a period of thirty days provided all of the following requirements are met:

a. The building is substantially completed, fully enclosed

to all natural elements and in all respects ready to accommodate the proposed use.

b. As required by the season, heating or ventilating systems are in working order.

c. The building shall have sanitary facilities installed and usable and approved by the health officer.

d. All combustion equipment and fire protection systems shall have preliminary approval of the director of fire.

e. The rough electrical installation has been inspected and accepted by the Fire Underwriters or other appropriate agency.

(3) A statement of the action taken by the director of building and inspections for any temporary certificate of occupancy shall be forwarded to the planning board prior to the next regular meeting of the board.

(4) The director of building and inspections shall have the authority to extend the temporary certificate of occupancy for a period of thirty days upon receipt of an application for renewal and payment of an additional fee of twenty-five dollars.

(5) The director of building and inspections shall have the authority to issue a second renewal for a thirty day period upon receipt of an application and payment of twenty-five dollars fee in accordance with the provisions hereof.

(6) In no case shall the director of building and inspections issue a temporary certificate of occupancy for a period to exceed thirty days nor shall he renew a certificate more than twice as regulated above. Temporary certificates of occupancy issued under this section are limited to a maximum of ninety days.

(c) It is recognized that under extreme circumstances a temporary certificate of occupancy may be required for a period beyond the ninety days as above regulated. In such event the applicant shall file with the director of building and inspections a request for a temporary certificate of occupancy prior to the expiration of the second renewal as outlined in subsection (b)(5) of this section; this application shall be made sufficiently early to be referred to the planning board for consideration at a regular public meeting of the board, but in no case less than fourteen days before such meeting. All requirements of subsections (b)(1), (b)(2), and (b)(3) of this section shall be complied with. The director of public works will estimate the cost of completing all conditions of

site plan approval. The applicant shall post a completion bond for the amount determined by the director of public works with the village. If such bond is other than cash, a five hundred dollars cash escrow account will be deposited with the village, which shall be forfeited and used to defray the cost of enforcing the completion bond if the applicant fails to comply with all of the site plan requirements within the time limits set forth on the temporary certificate of occupancy issued under this section. A temporary certificate of occupancy requiring the posting of a bond, as set forth in this section, shall not be issued by the director of building and inspections without approval of the planning board.

(d) Notwithstanding any other provisions of this chapter, a temporary certificate of occupancy shall not extend for a period longer than nine months from the date of original issuance, as regulated in this article.

(e) It shall be the duty of the director of building and inspections to keep a record of all applications for certificates of occupancy and of all such permits and certificates issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans and specifications submitted with such applications, and the same shall form a part of the records of his office. Copies of certificates of occupancy shall be furnished upon request to any person having a proprietary or leasehold interest in the structure or land affected. A fee of five dollars shall be charged for each original certificate and three dollars for each copy thereof. (Ord. No. 1316, § 1203; Ord. No. 1538, § 1.)

Sec. 33-89. Same — Plans required for structures in subdivisions.

Prior to the issuance of a certificate of occupancy for any new structure located in a major subdivision approved by the planning board and the village council, there shall be submitted to the village engineer a detailed grading plan of the improved subdivision showing all finished grade elevations so that he may determine the disposition of all surface waters running off the subdivision area. (Ord. No. 1316, § 1204.)

Sec. 33-90. Time limit for issuance or denial of zoning permit or certificate of occupancy.

The zoning officer shall issue or deny a zoning permit within seven days of the application therefor where site plan approval by the planning board is not required, and within seven days after action on the site plan by the planning board where site plan approval is required. The building inspector shall issue or deny a certificate of occupancy within seven days of the application therefor where site plan approval by the planning board is not required, and within seven days after action on the site plan by the planning board where site plan approval is required. (Ord. No. 1316, § 1205.)

Sec. 33-91. Prerequisite for issuance of zoning permit or certificate of occupancy.

No zoning permit or certificate of occupancy shall be issued by

the zoning officer or the building inspector, as the case may be, until he has ascertained that all the requirements of this chapter, any other applicable village or state regulations and ordinances, board of adjustment decisions, necessary resolutions of the village council and site plan as approved by the planning board, have been and are fully complied with. All improvements shown on any site plan shall have been installed on the premises in question before any zoning permit or certificate of occupancy, as the case may be, shall issue. (Ord. No. 1316, § 1206.)

Sec. 33-92. Fees.

The fee for any building permit, zoning permit or certificate of occupancy shall be paid to the village at the time application is made therefor. The fee for a building permit shall be that specified by the Building Code of the village. The fee for a zoning permit or certificate of occupancy shall be ten dollars. (Ord. No. 1316, § 1207.)

Sec. 33-93. Terms and conditions for zoning permits and certificates of occupancy.

A zoning permit or certificate of occupancy shall specify the use of the land, or building or buildings, and any terms or conditions imposed thereunder. Any change in use shall be treated as a new use and a new zoning permit or certificate of occupancy shall be required therefor. Before any zoning permit or certificate of occupancy shall issue for any such change in use, all provisions of this chapter shall be complied with in the same manner as if the new use were an initial use of land or a new structure or building. (Ord. No. 1316, § 1208.)

Sec. 33-94. Records of applications and permits and certificates issued.

It shall be the duty of the zoning officer and the building inspector, respectively, to keep records of all applications for building permits, zoning permits or certificates of occupancy and of all such permits and certificates issued, together with a notation of all special terms or conditions imposed thereunder. Each shall be responsible for the filing and safekeeping of all

plans and specifications submitted to him with any application, and the same shall form a part of the records of his office and shall be available to all officials of the village. Copies of any permits or certificates shall be furnished upon request to any person who shall have a right thereto by law. (Ord. No. 1316, § 1209.)

Sec. 33-95. Use or occupancy of land, etc., prior to securement prohibited.

The use or occupancy of land or buildings prior to securement of a building permit, zoning permit or a certificate of occupancy, as the case may be, when one is required, shall be a direct violation of this chapter and shall subject the violator or violators to the penalties hereinafter prescribed. (Ord. No. 1316, § 1210.)

ARTICLE XI. R-1 SINGLE-FAMILY RESIDENCE
DISTRICT.

Sec. 33-96. Primary intended use; other permitted uses.

The R-1 residence zone district shall be limited to single-family residential use, and all institutional and municipal uses and public utility buildings or facilities provided that all the requirements of section 33-22 are complied with. The following uses are also permitted:

- (a) Signs as permitted and regulated by this chapter.
- (b) Accessory uses customarily incident to the above principal uses; provided, that they shall not include any activity commonly conducted for gain unless specifically permitted in this section.
- (c) Private garages as an accessory use and as regulated by section 33-13.
- (d) Private swimming pools as permitted and regulated by ordinance.
- (e) No more than one office, contained in a single family residence, of a sole practitioner licensed by the state to practice chiropody, podiatry, dentistry, medicine, chiropractic and osteopathy; provided, that the following terms and conditions are met:
 - (1) Such practitioner shall reside in the subject residence;
 - (2) Such office shall be limited to the ground floor of such

residence and shall not occupy an aggregate amount of space in excess of twenty-five percent of the above grade floor area of the residence or fifty percent of the ground floor whichever is lesser. The balance of such residence area shall not be used for professional purposes;

(3) No part of any structure containing a permitted professional use within a residential dwelling shall be located on either side of the same street or any intersecting street within five hundred feet of any permitted professional use within a residential structure;

(4) The total ground coverage of any above grade structures and parking areas, exclusive of any access driveways running from the street to the parking area, shall not exceed thirty percent of the total lot area;

(5) Such practitioner shall not have the services of more than three other employees and/or associates assisting in his practice (who need not be resident therein);

(6) No patient shall remain therein overnight.

(7) Such permitted professional uses shall only be permitted if an exterior entrance to the office area is provided and if toilet facilities separate from the residential portion of the dwelling are provided for patients or visitors.

(8) Notwithstanding any other requirements of this chapter, such permitted professional uses shall be provided with one usable off-street parking space, exclusive of any access drives or aisles within the parking area and as regulated in section 33-55(h) for every one hundred fifty square feet of floor area or any fraction thereof, of any building used for such professional use, exclusive of a private garage. Any site upon which is permitted a nonresidential use and upon which is also located a permitted residential use shall be provided with off-street parking for each of such uses and the computation for each use shall be made separately and cumulatively.

(9) Such permitted professional uses shall only be permitted if an exterior entrance to the office area is provided

and if toilet facilities separate from the residential portion of the dwelling are provided for patients or visitors.

(f) The office, contained in a single-family residence, of an ordained clergyman of any faith or Christian Science practitioner. (Ord. No. 1316, § 1301; Ord. No. 1516, § 1; Ord. No. 1538, § 1; Ord. No. 1568, § 1.)

Sec. 33-97. Prohibited uses.

Any uses other than those listed in section 33-96 are prohibited. (Ord. No. 1316, § 1302.)

Sec. 33-98. Required conditions.

The following conditions and requirements shall be complied with in the R-1 residence zone district:

- (a) No building shall exceed a height of thirty feet.
- (b) There shall be a front yard of not less than forty feet; except, that where existing buildings on the same side of the street and within three hundred feet of either sideline of the subject property form an existing setback line, new buildings shall conform to the existing setback line; provided, that no building shall have a front yard of less than thirty feet and no building need have a front yard greater than fifty feet.
- (c) There shall be two side yards and no side yard shall be less than fifteen feet; provided, that the aggregate width of the two side yards, combined, shall equal thirty-three feet.
- (d) There shall be a rear yard of at least thirty feet.
- (e) Every lot shall contain a minimum lot area of fourteen thousand square feet and a minimum lot width, measured at the front yard setback line, of one hundred feet; provided, however, that no lot shall measure less than eighty feet in width at any

point within one hundred forty feet of the front street sideline. The minimum lot area of fourteen thousand square feet shall be computed within one hundred forty feet of the front street sideline. The above requirements may be reduced as permitted in section 33-99.

(f) In addition to the requirement for a minimum lot area of fourteen thousand square feet, each lot shall have a lot depth of no less than one hundred twenty feet.

(g) No more than twenty percent of the land area of any lot shall be covered by any above grade structure or structures. (Ord. No. 1316, § 1303; Ord. No. 1360, art. 1; Ord. No. 1538, § 1; Ord. No. 1591, § 1.)

Sec. 33-99. Open space zoning.

The subdivision of land into lots smaller than those required by the terms of subsection (e) of section 33-98 may be permitted by the planning board in accordance with this section allowing open space zoning; provided, that the following requirements are met:

(a) The total number of lots created by open space zoning shall not exceed the number of lots which would be permitted if the requirements of subsection (e) of section 33-98 were met.

(b) The width of any lot created by open space zoning shall be not less than ninety feet, measured at the front street setback line; provided, that no lot shall measure less than seventy-five feet along the arc of its front street property line.

(c) Any lot created by open space zoning shall contain a minimum lot area of twelve thousand six hundred square feet which shall be computed within one hundred forty feet of the front street sideline.

(d) Any lot created by open space zoning shall have a lot depth of no less than one hundred twenty feet.

(e) All land, other than building lots and roadways, resulting

from and made available by the reduction of lot sizes pursuant to this section, shall be deeded, without further consideration, by the owner to the village for public purposes in a manner recommended by the planning board to, and agreed upon by, the village council.

(f) The planning board need not approve any subdivision employing open space zoning if, in its sole discretion, open space zoning would not be suitable for the orderly development of the area in which it is located, or, would not conform to the general pattern of the development of existing community facilities or school-park lands or the general pattern of the development of such facilities or school-park lands as shown on the master plan or official map of the village; provided, that open space zoning shall

not be available to any owner unless the amount of open space available for deeding to the village under subsection (e) above shall be two acres or more. This two-acre limitation shall not, however, prohibit the use of open space zoning where the open space available for deeding to the village abuts land already owned by the village or by the board of education of the Township of Ridgewood or land shown on the master plan or official map of the village as park or school-park land. (Ord. No. 1316, § 1304.)

Sec. 33-100. Nonprofit club uses.

There shall be permitted in the R-1 residence zone district membership clubs of a nonprofit membership corporation, incorporated in the state; provided, that all the requirements of this section are met, as follows:

(a) The site shall contain a minimum of ten acres.

(b) Any clubhouse or other similar principal building or structure shall have a ground floor area of no more than ten thousand square feet, shall be limited to two stories and shall not exceed thirty feet in height.

(c) Any clubhouse or other similar principal building or structure and any accessory building or structure shall not be closer than one hundred feet to any property line of the site upon which it is located.

(d) The one hundred-foot buffer strip required by subsection (c) shall be landscaped in accordance with approval of the planning board and maintained in good condition, and no parking or play area shall be located within such buffer strip except a driveway providing access to any off-street parking area located elsewhere on the site.

(e) The total land area to be devoted to outdoor games, courts and play areas shall not exceed thirty percent of the total area of the site; all outdoor activities to be conducted on the site shall be limited to the hours between 8:00 A.M. and nightfall, or 9:00 P.M., prevailing time, whichever shall be sooner, and no outdoor artificial illumination, other than customary illumination for entranceways and principal buildings, shall be permitted.

(f) All outdoor activities shall be effectively screened by a fence, wall or hedge, maintained in good condition, as approved by the

planning board, on any side of the site which adjoins or faces premises situated in any residential zone, but such fence, wall or hedge may be waived by the planning board if, in its judgment, because of topographic or other conditions, such fence, wall or hedge shall not be necessary to screen adjoining or facing residential property.

(g) Prior to the issuance of any zoning permit or building permit, as the case may be, a site plan of the proposed use shall be submitted to the planning board for its review and approval in accordance with the terms of article V. (Ord. No. 1316, § 1305.)

ARTICLE XII. R-2 SINGLE-FAMILY RESIDENCE DISTRICT.

Sec. 33-101. Permitted uses.

The R-2 residence zone district shall be limited to those uses permitted by section 33-96 and as regulated therein. Open space zoning shall not be permitted in the R-2 residence zone district. (Ord. No. 1316, § 1401.)

Sec. 33-102. Prohibited uses.

Any uses other than those permitted by section 33-101 are prohibited. (Ord. No. 1316, § 1402.)

Sec. 33-103. Required conditions.

The following conditions and requirements shall be complied with in the R-2 residence zone district:

- (a) No building shall exceed a height of thirty feet.
- (b) There shall be a front yard of not less than forty feet; except, that where the existing buildings on the same side of the street and within two hundred feet of either sideline of the subject property form an existing setback line, new buildings shall conform to the existing setback line; provided, that no building shall have a front yard of less than thirty feet and no building need have a front yard greater than fifty feet.
- (c) There shall be two side yards and no side yard shall be less

than ten feet; provided, that the aggregate width of the two side yards, combined, shall equal twenty-five feet.

(d) There shall be a rear yard of at least thirty feet.

(e) Every lot shall contain a minimum lot area of ten thousand five hundred square feet and a minimum lot width, measured at the front yard setback line, of seventy-five feet; provided, however, that no lot shall measure less than sixty feet in width at any point within one hundred forty feet of the front street sideline. The minimum lot area of ten thousand five hundred square feet shall be computed within one hundred forty feet of the front street sideline.

(f) In addition to the requirement for a minimum lot area of ten thousand five hundred square feet, each lot shall have a lot depth of no less than one hundred twenty feet.

(g) No more than twenty percent of the land area of any lot shall be covered by any above grade structure or structures. (Ord. No. 1316, § 1403; Ord. No. 1538, § 1; Ord. No. 1591, § 2.)

ARTICLE XIII. R-3 TWO-FAMILY RESIDENCE DISTRICT.

Sec. 33-104. Primary intended use; other permitted uses.

The R-3 residence zone district shall be limited to two-family residential use and all uses permitted by section 33-96 and as regulated therein. Open space zoning shall not be permitted in the R-3 residence zone district. (Ord. No. 1316, § 1501.)

Sec. 33-105. Prohibited uses.

Any uses other than those permitted by section 33-104 are prohibited. (Ord. No. 1316, § 1502.)

Sec. 33-106. Required conditions.

The following conditions and requirements shall be complied with in the R-3 residence zone district:

(a) No building shall exceed a height of thirty feet.

(b) There shall be a front yard of not less than forty feet; except, that where existing buildings on the same side of the street and within two hundred feet of either sideline of the

subject property from an existing setback line, new buildings shall conform to the existing setback line; provided, that no building shall have a front yard of less than thirty feet and no building need have a front yard greater than fifty feet.

(c) There shall be two side yards and no side yard shall be less than ten feet.

(d) There shall be a rear yard of at least thirty feet.

(e) Every lot shall contain a minimum lot area of eight thousand four hundred square feet and a minimum lot width, measured at the front yard setback line, of sixty feet; provided, however, that no lot shall measure less than fifty feet in width at any point within one hundred forty feet of the front street sideline. The minimum lot area of eight thousand four hundred square feet shall be computed within one hundred forty feet of the front street sideline.

(f) In addition to the requirement for a minimum lot area of eight thousand four hundred square feet, each lot shall have a lot depth of no less than one hundred twenty feet.

(g) No more than twenty-five percent of the land area of any lot shall be covered by any above grade structure or structures. (Ord. No. 1316, § 1503; Ord. No. 1538, § 1; Ord. No. 1591, § 3.)

ARTICLE XIV. R-4 GARDEN APARTMENT DISTRICT.

Sec. 33-107. Primary intended use; other permitted uses.

The R-4 garden apartment zone district shall be limited to garden apartment residential use and those uses permitted by section 33-104 as regulated therein, with the exception of those uses permitted by subsections (e) and (f) of section 33-96. (Ord. No. 1316, § 1601.)

Sec. 33-108. Prohibited uses.

Any uses other than those permitted by section 33-107 are prohibited. (Ord. No. 1316, § 1602.)

Sec. 33-109. Required conditions.

The following conditions and requirements shall be complied with in the R-4 garden apartment zone district:

(a) No building shall exceed a height of thirty feet and no building shall have more than two stories.

(b) Every garden apartment shall be so designed and constructed that no structure containing a dwelling unit shall be closer than thirty feet to any abutting street sideline or any other property line.

(c) No garden apartment structure containing a dwelling unit shall be permitted closer to another garden apartment structure containing a dwelling unit than thirty feet. In any "U" shaped building or group of attached buildings forming a "U" shape, the open court across the "U" shall not be less than sixty feet and such court shall not contain any accessory building.

(d) The number of bedrooms per apartment unit is unrestricted; provided, that the total number of bedrooms in any project shall not exceed thirty-two bedrooms per gross acre. Under no circumstances shall the bedroom mix result in a gross density that exceeds twenty apartment units per acre.

(e) The longest dimension of any continuous wall of any building or of any side of a "U" or "L" or irregularly-shaped building shall not exceed one hundred fifteen feet; provided, that the total width or total depth of any building, including courts, shall not exceed one hundred fifty feet.

(f) Each garden apartment project, whether contained in one structure or more than one structure, shall have a building superintendent residing in the project.

(g) No more than twenty-five percent of the land area of any lot shall be covered by any above grade structure or structures. In arriving at a computation of twenty-five percent, balconies, fire balconies, fire escapes, canopies and the like shall be included, anything in section 33-26 to the contrary notwithstanding.

(h) No garden apartment project, whether consisting of one or more than one structure, shall be located on any lot having an area of less than forty-four thousand square feet.

(i) Parking and private garages as required under article VI are permitted in the side and rear yards; provided, that they shall be approved by the planning board as part of any site plan approval for the premises in question. (Ord. No. 1316, § 1603; Ord. No. 1538, § 1.)

Sec. 33-110. General requirements for all garden apartments.

Every garden apartment project shall meet every one of the following requirements:

(a) All dwelling units shall be limited to the first and second floors thereof and no floor of any dwelling unit shall be in any basement.

(b) All garden apartment buildings shall be constructed in accordance with the Building Code of the village and shall comply with all the requirements of the fire zone. The exteriors of all accessory buildings shall conform architecturally, and be constructed of materials of a like character, to those used in the garden apartment dwelling unit structures to which they are accessory.

(c) A minimum storage area of not less than five hundred cubic feet shall be provided for each dwelling unit within any garden apartment structure, which storage area shall be exclusive of any garage or dwelling unit or closet space.

(d) All outside clothes-drying areas shall be fenced or screened and their locations on any lot shall be approved by the planning board.

(e) All open spaces in any garden apartment project shall be adequately landscaped and maintained in good condition after approval by the planning board. All parking and service areas shall be so screened that adjacent residential areas are shielded from such parking or service areas, and, all ingress and egress driveways to and from such parking and service areas shall only be located within the R-4 garden apartment zone district.

(f) Yard lighting shall be provided during the hours of darkness to provide illumination for the premises and all interior sidewalks, walkways and parking areas thereon. All wiring shall be laid underground and all lighting fixtures shall comply in all respects with the provisions of section 33-55 (c). (Ord. No. 1316, § 1604; Ord. No. 1385, § 1; Ord. No. 1538, § 1.)

ARTICLE XV. R-5 MULTI-FAMILY RESIDENCE DISTRICT.**Sec. 33-111. General requirements for all multi-family residence uses.**

Every multi-family residence project permitted by section 33-112 shall meet every one of the requirements established by section 33-110. (Ord. No. 1385, § 1.)

Sec. 33-112. Primary intended use; other permitted uses.

The R-5 residence zone district shall be limited to multi-family residential use and those uses permitted by section 33-96 as regulated therein; provided, that the uses set forth in subsections (e) and (f) of section 33-96 shall not be permitted in the R-5 multi-family residence district. (Ord. No. 1385, § 1.)

Sec. 33-113. Prohibited use.

Any uses other than those permitted by section 33-112 are prohibited. (Ord. No. 1385, § 1.)

Sec. 33-114. Required conditions.

The following conditions and requirements shall be complied with in the R-5 multi-family residence district:

(a) Every lot shall have a minimum lot width, measured at the front street setback line, of one hundred fifty feet.

(b) No structure shall exceed a height of thirty feet, and no structure shall have more than two stories; provided, that for the purposes of this regulation the definition of "story" shall exclude that portion of any structure between the roof thereon and the ceiling of the dwelling unit next immediately below such roof.

(c) Every structure containing a dwelling unit shall be no closer than forty feet to any abutting street sideline or any other property line.

(d) No structure containing a dwelling unit shall be permitted closer than forty feet to another structure containing a dwelling unit. In any "U" shaped building or group of attached buildings forming a "U" shape, the open court across the "U" shall not be

less than sixty feet and such court shall not contain any accessory building.

(e) The number of bedrooms per apartment unit is unrestricted; provided, that the total number of bedrooms in any project shall not exceed twenty-four bedrooms per gross acre. Under no circumstances shall the bedroom mix result in a gross density that exceeds fourteen and five-tenths units per acre.

(f) The longest dimension of any continuous wall of any building or of any side of a "U" or "L" or irregularly shaped building shall not exceed one hundred fifteen feet; provided, that the total width or total depth of any building, including courts, shall not exceed one hundred fifty feet.

(g) Every multi-family residence project, whether contained in one or more structures, shall have a building superintendent residing on the premises upon which such project is located.

(h) No more than twenty-five percent of the land area of any lot shall be covered by any above grade structure or structures. In arriving at a computation of twenty-five percent, balconies, fire balconies, fire escapes, canopies and the like shall be included, anything in section 33-26 to the contrary notwithstanding.

(i) No multi-family residence project, whether consisting of one or more structures, shall be located on any lot having an area of less than forty-five thousand square feet.

(j) Parking and garage space as required under article VI are permitted in the side and rear yards; provided, that they shall be approved by the planning board as part of any site plan approval for the premises in question. (Ord. No. 1385, § 1; Ord. No. 1538, § 1.)

ARTICLE XVI. B-1 RETAIL BUSINESS DISTRICT.

Sec. 33-115. Primary intended use; other permitted uses.

The B-1 retail business zone district shall be limited to offices for professional and business uses; and retail sales and retail service businesses which shall only include the following:

(a) Antique shops, appliance shops, art studios, art supply shops, automobile display sales rooms without customary servicing as an accessory use, banks and savings and loan associations and similar institutions, barbershops, beauty parlors, bicycle shops, book stores, brokerage houses, butcher shops, camera stores, card shops, cigar stores, cleaning, dyeing and pressing done exclusively for individual retail customers but not including work done for the trade or the wholesale market, clothing and dress shops, confectioneries, coin stores, dance studios, delicatessens, department stores, drapers, drugstores, finance companies, flower shops, furniture and furnishing stores, gift shops, grocery stores, haberdashers, hardware and paint stores, hobby shops, interior decorators, jewelers, leather goods shops, linen stores, liquor stores, music and record shops, novelty shops, office equipment stores, parking lots and buildings as a principal or accessory use, pet shops, photographers, radio and TV sales and repair shops, restaurants, retail bakeries, shoe repair shops, shoe sales stores, sporting goods stores, stamp stores, stationers, tailor shops, taverns and inns, theaters, tobacconists, toy stores, travel and ticket agencies and undertaking establishments; provided, that none of the foregoing permitted uses shall carry merchandise other than that intended to be sold at retail on the premises.

(b) In addition to the foregoing permitted uses, there shall be permitted in the B-1 retail business zone district institutional and municipal uses and public utility facilities as regulated in section 33-22 and signs as regulated under article VII.

(c) There shall be provided within the B-1 retail business zone district parking facilities as regulated in article VI.

(d) Any use permitted by this section shall only be conducted within the confines of a building. (Ord. No. 1316, § 1701.)

Sec. 33-116. Prohibited uses.

Any uses other than those uses permitted by section 33-115 are prohibited. Without in any way limiting the generality and prohibition of this section, nothing contained in this chapter shall be construed to permit the following uses in any B-1 retail business zone district;

(a) Residential construction or use.

(b) Road stands and establishments commonly called and known as snack bars, or dairy bars, and similar businesses engaged in the sale of food, soft drinks, ice cream and other similar goods or confections which are so prepared and served as to be intended for immediate consumption and in or from which the customers are served while seated or standing outside the confines of the structure or building in which the business is conducted.

(c) New or used car lots.

(d) Public garages and gasoline service stations.

(e) Places of amusement, other than theaters contained in buildings, such as penny arcades, shooting galleries or buildings or structures containing games of chance or other types of carnival enterprises, such as palmistry, phrenology, astrology, and the like. (Ord. No. 1316, § 1702.)

Sec. 33-117. Required conditions.

The following conditions and requirements shall be complied with in the B-1 retail business zone district:

(a) No building shall exceed a height of forty-five feet.

(b) Every building shall be set back not less than forty-two feet from the center line of any abutting street. This provision shall be applicable to any corner lot in the B-1 retail business zone district regardless of anything hereinbefore contained in section 33-15.

(c) Every principal building may be built without any side yard; provided, that where a side yard in the B-1 retail business zone district shall abut the side yard of any residential zone, there shall be provided a minimum side yard of twelve feet. In the event that a side yard be provided for a structure within the B-1 retail business zone district, such side yard shall be not less than twelve feet.

(d) There shall be a rear yard equal to six inches for each foot of height of the principal building upon such premises; provided, that no rear yard shall be less than ten feet.

(e) No store frontage within the B-1 retail business zone district shall be less than fifteen feet in width.

(f) No vault rights shall extend past the existing curb line or the

curb line proposed on the master plan or official map of the village.

(g) Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, the planning board shall have submitted to it for review and approval a site plan as required in article V.

(h) All ground level stores must contain window areas on any side abutting any street of not less than ten percent of an area equal to ten feet times the width of the said exterior wall abutting any street. (Ord. No. 1316, § 1703; Ord. No. 1538, § 1.)

ARTICLE XVII. B-2 RETAIL BUSINESS DISTRICT.

Sec. 33-118. Primary intended use; other permitted uses.

The B-2 retail business zone district shall be limited to retail sales and retail service businesses, as well as offices for professional and business uses, and all as permitted and regulated in subsection (a) of section 33-115, and the following additional uses:

(a) Billiard rooms, bowling alleys, buildings used for club, fraternal, recreational, athletic or social purposes, coin-operated self-service laundries and dry cleaning and accessory uses, shop of an electrician or similar tradesman, franchised new-car dealer showrooms and customary accessory uses and used-car lots as an accessory use thereto; provided, that there shall not be more than one square foot of area devoted to used-car lot use for each square foot of all buildings devoted to new-car dealer use, furniture mover, hand laundries, newspaper or job printing plants, shop of a plumber or similar tradesman, telephone and telegraph business offices, and telephone and telegraph equipment offices.

(b) Public garages and gasoline service stations as regulated in article III, but not including car washing as a principal use.

(c) Institutional and municipal uses and public utility facilities as regulated in section 33-22 and signs as regulated under article VII.

(d) There shall be provided within the B-2 retail business zone district parking facilities as regulated in article VI.

(e) Any use permitted by this section, unless otherwise

specifically permitted to be conducted outdoors, shall only be conducted within the confines of a building. (Ord. No. 1316, § 1801; Ord. No. 1450, § 1.)

Sec. 33-119. Prohibited uses.

Any uses other than those uses permitted by section 33-118 are prohibited. Without in any way limiting the generality and prohibition of this section, nothing contained in this chapter shall be construed to permit wholesale warehousing, with the exception of the storage of furniture and furnishings as an accessory use to any use permitted for a furniture mover, and those uses prohibited by section 33-116, unless otherwise specifically permitted in this article. (Ord. No. 1316, § 1802; Ord. No. 1450, § 1.)

Sec. 33-120. Required conditions.

The following conditions and requirements shall be complied with in the B-2 retail business zone district:

- (a) No building shall exceed a height of forty-five feet.
- (b) Every building shall be set back not less than forty-two feet from the center line of any abutting street. This provision shall be applicable to any corner lot in the B-2 retail business zone district regardless of anything hereinbefore contained in section 33-15.
- (c) Every principal building may be built without any side yard; provided, that where a side yard in the B-2 retail business zone district shall abut the side yard of any residential zone, there shall be provided a minimum side yard of twelve feet. In the event that a side yard be provided for a structure within the B-2 retail business zone district, such side yard shall be not less than twelve feet.
- (d) There shall be a rear yard equal to six inches for each foot of height of the principal building upon said premises, provided, that no rear yard shall be less than ten feet.
- (e) No store frontage within the B-2 retail business zone district shall be less than fifteen feet in width.
- (f) No vault rights shall extend past the existing curb line or the curb line proposed on the master plan or the official map of the village.

(g) Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, the planning board shall have submitted to it for review and approval a site plan as required in article V.

(h) All ground level stores must contain window areas on any side abutting any street of not less than ten percent of an area equal to ten feet times the width of said exterior wall abutting any street. (Ord. No. 1316, § 1803; Ord. No. 1538, § 1.)

ARTICLE XVIII. C COMMERCIAL DISTRICT.

Sec. 33-121. Primary intended use; other permitted uses.

The C commercial zone district shall be limited to those uses permitted in the B-2 retail business zone district as well as the following additional uses:

(a) Auto body repair shop, cleaning, dyeing, pressing, tailoring and laundering or like operations done for the trade or on a wholesale basis, jobbing or distributing establishment, storage warehouse, storage yard supplying coal, wood, oil and building materials, welding shop, wholesale business and wood-working shop.

(b) Light machine shop and limited manufacturing, processing and fabrication of products and materials; provided, the operations for any such permitted use shall not exceed the limitations imposed by the performance standards set forth in section 33-124; also veterinarian hospitals and establishments wholly contained in a soundproof building or buildings.

(c) There shall be provided within the C commercial zone district, parking facilities as regulated in article VI.

(d) Any use permitted by this section, unless otherwise specifically permitted to be conducted outdoors, shall only be conducted within the confines of a building. (Ord. No. 1316, § 2001.)

Sec. 33-122. Prohibited uses.

Any uses other than those uses permitted by section 33-121 are prohibited. Without in any way limiting the generality and prohibition of this section, nothing contained in this chapter shall be construed to permit commercial incinerations, junk yards, rubbish, garbage or trash dumps, residential construction or conversion of structures to residential uses, stock yards, abattoirs, slaughter houses, or other animal processing operations. Without in any way limiting the generality and prohibition of this section, no land or building shall be used or occupied for a use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, or noise or vibration, or smoke, dust,

odor or other form of air pollution, or heat, cold, dampness, movement of air, electrical or other similar disturbances, glare, or solid or liquid waste in any manner or amount which shall not conform to the performance standards set forth in section 33-124. (Ord. No. 1316, § 2002.)

Sec. 33-123. Required conditions.

The following conditions and requirements shall be complied with in the C commercial zone district:

(a) No building shall exceed a height of forty-five feet.

(b) Every building in a C commercial zone district which abuts a street having a width of fifty feet or greater shall be set back not less than forty-two feet from the center line of such abutting street. Every building in a C commercial zone district which abuts a street having a width less than fifty feet shall be set back not less than thirty feet from the center line of such abutting street. This provision shall be applicable to any corner lot in the C commercial zone district regardless of anything hereinbefore contained in section 33-15.

(c) Every principal building may be built without any side yard; provided, that where a side yard in a C commercial zone district shall abut the side yard of any residential zone, there shall be provided a minimum side yard of twelve feet. In the event that a side yard be provided for a structure within the C commercial zone district, such side yard shall be not less than twelve feet. Any side yard that abuts any residential zone shall be provided with a fence or special planting, maintained in good condition, as approved by the planning board, to screen the commercial use from the abutting residential property.

(d) There shall be a rear yard equal to six inches for each foot of height of the principal building upon the premises; provided, that no rear yard shall be less than ten feet. Any rear yard that abuts any residential zone shall be provided with a fence or special planting, maintained in good condition, as approved by the planning board, to screen such commercial use from the abutting residential property.

(e) Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, the planning board

shall have submitted to it for review and approval a site plan as required in article V. (Ord. No. 1316, § 2003.)

Sec. 33-124. Performance standards.

Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, for any use in the C commercial zone district, the following conditions and requirements shall be complied with:

(a) All activities shall be carried on only in structures which conform to the minimum safety standards of the National Board of Fire Underwriters, or the village Building Code or fire ordinance governing the permitted use, whichever may be more restrictive. All operations shall be carried on and explosive materials, fuels, liquids and finished products shall be stored in accordance with the standards of the National Board of Fire Underwriters.

(b) Any use permitted by this article shall only be permitted if it shall comply with all applicable federal and state safety laws, rules and regulations.

(c) Any manufacturing, fabricating or processing uses permitted by this article which shall result in the dissemination of smoke, fumes, gas, dust, odors or any other atmospheric pollutant beyond the boundary lines of the lot occupied by such use are prohibited.

(d) There shall be no vibration beyond the boundary lines of the lot on which is conducted any use permitted by this article.

(e) There shall be no operational noise, measured from any point on any property line of any lot on which a use permitted under this article is located, which shall exceed the values in any octave band in the table set forth in this subsection. In the measurement of operational noise, sound pressure level shall be measured with a sound level analyzer which shall conform to specifications published by American Standards Association, Inc., New York, N. Y., entitled "American Standard Sound Level Meters for Measurement of Noise and Other Sounds" and "American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds."

<i>Frequency Band in Cycles per Second</i>	<i>Sound Pressure Level Decibels re 0.0002 dyne/cm²</i>
0-75	65
75-150	50
150-300	44
300-600	38
600-1200	35
1200-2400	32
2400-4800	29
Above 4800	26

If there shall be objectionable noises due to intermittance, beat frequency, or hammering, or if the noise be not smooth and continuous, corrections shall be made to the above table by subtracting five decibels from each of the decibel levels set forth.

(f) Anything in this article to the contrary notwithstanding, no use shall be permitted in the C commercial zone district which shall discharge an industrial waste into any municipal sanitary sewer system without written approval of the department of public works and no such waste shall be treated on any premises located in the C commercial zone district. (Ord. No. 1316, § 2004.)

ARTICLE XIX. P PROFESSIONAL AND OFFICE DISTRICT.

Sec. 33-125. Primary intended use; other permitted uses.

The P professional and office zone district shall be limited to business, professional or administrative offices not engaged in retail or wholesale sales of goods on the premises and not engaged in the repair or servicing of goods thereon. There shall also be permitted within this zone district the following uses:

(a) Buildings used exclusively as either single-family or two-family residential dwellings as permitted and regulated in article XIII. This shall not be construed to permit a dwelling unit and a permitted office as above regulated within the same building.

(b) Institutional and municipal uses and public utility buildings or facilities; provided, that all the requirements of section 33-22 are complied with.

(c) Off-street parking to meet the requirements of subsection (k) of section 33-55.

(d) Signs as regulated in section 33-64. (Ord. No. 1316, § 2101; Ord. No. 1360, art. 1.)

Sec. 33-126. Prohibited uses.

Any uses other than those uses permitted by section 33-125 are prohibited. Without in any way limiting the generality and prohibition of this section, nothing contained in section 33-125 shall be construed to permit any bank, savings and loan association, finance company, or similar financial institution or company, in the P professional and office zone district. (Ord. No. 1316, § 2102.)

Sec. 33-127. Required conditions.

The following conditions and requirements shall be complied with in the P professional and office zone district:

(a) No building shall exceed a height of thirty feet and no building shall have more than two stories.

(b) There shall be a front yard of not less than ten feet.

(c) There shall be two side yards and no side yard shall be less than six feet; provided, that the aggregate width of the two side yards, combined, shall equal eighteen feet.

(d) There shall be a rear yard of at least thirty feet.

(e) Parking shall be permitted in the side and rear yards on any lot in the P professional and office zone district. If there be a building on any such lot, no parking shall be permitted in any front yard; if there be no building on any such lot, no parking shall be permitted within ten feet of the front street sideline.

(f) No more than forty percent of the land area of any lot shall be covered by any structure or structures if such lot shall be used for any permitted use other than that specified and permitted by subsection (c) of section 33-125; and if such lot shall be used for the use specified and permitted by subsection (c) of section 33-125, no structure shall cover more than ten percent of the land area of such lot, or forty square feet, whichever shall be less.

(g) Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, the planning board

shall have submitted to it for review and approval a site plan as required in article V. (Ord. No. 1316, § 2103; Ord. No. 1568, § 1.)

ARTICLE XX. O-B OFFICE BUILDING DISTRICT.

Sec. 33-128. Primary intended use; other permitted uses.

The O-B office building zone district shall be limited to professional or administrative office buildings, banks, savings and loan associations, finance companies or similar financial institutions or companies. There shall also be permitted within this zone district the following uses:

(a) Institutional and municipal uses and public utility buildings or facilities; provided, that all the requirements of section 33-22 are complied with.

(b) Off-street parking to meet the requirements of article VI. (Ord. No. 1385, § 1.)

Sec. 33-129. Prohibited uses.

Any use other than those uses specifically permitted by section 33-128 is prohibited. (Ord. No. 1385, § 1.)

Sec. 33-130. Required conditions.

The following conditions and requirements shall be complied with in the O-B office building zone district:

(a) No structure shall exceed a height of thirty feet.

(b) There shall be a front yard of not less than fifty feet. Off-street parking is not permitted in the required front yard.

(c) There shall be two side yards and no side yard shall be less than fifteen feet. Off-street parking is permitted in the side yard.

(d) There shall be a rear yard of not less than fifty feet. Off-street parking is permitted in the rear yard; provided, that if any lot shall extend through from State Highway Route No. 17 to West Saddle River Road, such lot shall be construed as having frontage on both of such streets and the front yard regulations as set forth in subsection (b) above shall apply and further, except as provided in section 33-25, no structure shall be permitted closer to any residential zone district boundary line than fifty feet.

(e) Every lot shall contain a minimum lot area of one hundred thousand square feet and a minimum lot width, measured at the front street sideline, of two hundred fifty feet.

(f) Vehicular ingress and egress shall be over State Highway Route No. 17 only and shall first be approved by the planning board to insure adequate relation to the public safety.

(g) Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, the planning board shall have submitted to it for review and approval a site plan as required in article V. (Ord. No. 1385, § 1.)

Sec. 33-131. Signs generally.

Except as hereinafter provided, the provisions of article VII shall govern the application for, location, erection or relocation of any sign in the O-B office building district.

(a) Any principal structure in the O-B office building zone district shall be permitted one exterior sign which may be freestanding or attached to the principal structure and which shall comply with each of the following requirements:

(1) Any permitted exterior sign shall display only the name or logo, the activities carried on and the address of the principal occupant of the principal structure.

(2) The greater dimension of any permitted exterior sign shall not exceed twice that of the lesser dimension and such dimensions shall exclude any supporting structure.

(3) In the case of any permitted exterior freestanding sign, the same shall be located in the front yard but not to extend over any property line and shall be of an area not to exceed thirty square feet in area on each side or sixty square feet in aggregate area if both sides shall have signs thereon. The top of any such sign shall be no more than fifteen feet above ground level.

(4) In the case of any permitted exterior sign other than freestanding, the same shall be located on the facade of the principal structure facing on the front yard and shall be of an area not to exceed one square foot for every foot of front yard setback. The top of any such sign shall not exceed roof level.

(b) No roof sign shall be permitted.

(c) Any sign permitted in the O-B office building zone district may be illuminated; provided, that the sources of illumination shall be nonflashing, and shielded in such a manner that the same are not visible from the street or adjoining property. (Ord. No. 1385, § 1.)

ARTICLE XXI. O-B-2 OFFICE BUILDING DISTRICT:

Sec. 33-132. Primary intended use; other permitted uses.

The O-B-2 office building zone district shall be limited to those uses permitted by section 33-128 and subject to the restrictions of such section. In addition thereto veterinary hospitals shall be permitted; provided, that the entire operation including kennels and animal runs is conducted within the confines of an enclosed soundproof building. (Ord. No. 1385, § 1.)

Sec. 33-133. Prohibited uses.

Any use other than those specifically permitted by section 33-132 is prohibited. (Ord. No. 1385, § 1.)

Sec. 33-134. Required conditions.

The following conditions and requirements shall be complied with in the O-B-2 office building zone district.

- (a) No structure shall exceed a height of thirty feet.
- (b) There shall be a front yard of not less than thirty feet. Off-street parking is not permitted in the required front yard.
- (c) There shall be two side yards and each side yard shall be not less than one foot for every two feet of height of the principal building; provided, that no side yard shall be less than twelve feet. Off-street parking is permitted in the side yards.
- (d) There shall be a rear yard of not less than thirty feet. Off-street parking is permitted in the rear yard; provided, if any lot shall extend through from State Highway Route No. 17 to Franklin Turnpike, such lot shall be construed as having frontage on both of such streets and the front yard regulations as set forth in subsection (b) above shall apply and further, except as

provided in section 33-25, no structure shall be permitted closer to any residential zone district boundary line than fifty feet.

(e) Every lot shall contain a minimum lot area of fifteen thousand square feet and a minimum lot width measured at the front yard setback line of seventy-five feet.

(f) Vehicular ingress and egress to and from any use shall only be permitted on State Highway Route No. 17 and Franklin Turnpike as approved by the planning board to insure adequate relation to the public safety.

(g) Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, the planning board shall have submitted to it for review and approval a site plan as required in article V. (Ord. No. 1385, § 1.)

Sec. 33-135. Signs generally.

Except as hereinafter provided, the provisions of article VII shall govern the application for, location, erection or relocation of any sign in the O-B-2 office building zone district.

(a) Any principal structure in the O-B-2 office building zone district shall be permitted one exterior sign which may be freestanding or attached to the principal structure and which shall comply with each of the following requirements:

(1) Any permitted exterior sign shall display only the name or logo, the activities carried on and the address of the principal occupant of the principal structure.

(2) The greater dimension of any permitted exterior sign shall not exceed twice that of the lesser dimension and such dimensions shall exclude any supporting structure.

(3) In the case of any permitted exterior freestanding sign, the same shall be located in the front yard but not to extend over any property line and shall be of an area not to exceed thirty square feet in area on each side or sixty square feet in aggregate area if both sides shall have signs thereon. The top of any such sign shall be no more than fifteen feet above ground level.

(4) In the case of any permitted exterior sign other than freestanding, the same shall be located on the facade of the principal structure facing on the front yard and shall be of an area not to exceed one square foot for every foot of front yard setback. The top of any such sign shall not exceed roof level.

- (b) No roof sign shall be permitted.
- (c) Any sign permitted in the O-B-2 office building zone district may be illuminated; provided, that the sources of illumination shall be nonflashing, and shielded in such a manner that the same are not visible from the street or adjoining property. (Ord. No. 1385, § 1.)

ARTICLE XXII. B-3 RETAIL BUSINESS DISTRICT.

Sec. 33-136. Primary intended use.

The B-3 retail business district shall be limited to those uses permitted by section 33-115. (Ord. No. 1588, § 1.)

Sec. 33-137. Prohibited uses.

Those uses prohibited by section 33-116 and any use other than those permitted by section 33-136 above are prohibited in the B-3 retail business district. (Ord. No. 1588, § 1.)

Sec. 33-138. Required conditions.

The following conditions and requirements shall be complied with in the B-3 retail business district:

- (a) No building shall exceed a height of forty feet.
- (b) Every building shall be set back not less than forty-two feet from the center line of any abutting street.
- (c) Every principal building may be built without side yards provided, however, in the event that a side yard is provided, such side yard shall be not less than twelve feet.
- (d) There shall be a rear yard equal to six inches for each foot of height of the principal building upon such premises provided, however, that no rear yard shall be less than ten feet.
- (e) No store frontage within the B-3 retail business district shall be less than fifteen feet in width.
- (f) Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, the planning board shall have submitted to it for review and approval a site plan as required in article V of this chapter.

(g) There shall be provided within any B-3 retail business district that abuts any residentially zoned property a buffer strip at no point less than twenty-five feet in depth from such residential property line that must be screened, landscaped and fenced as approved by the planning board pursuant to a required site plan, provided, however, in lieu of the required buffer strip the developer may install an unpierced masonry wall six feet in height that meets the following requirements:

- (1) The wall shall be at least twelve inches thick.
- (2) The wall shall not be located closer to the property line than twelve inches.
- (3) No paved area including curbs shall be located closer than five feet to said wall provided, however, where parking spaces overhang the curbs as permitted in article 8 the distance from the wall to the curb shall not be less than seven feet. The required area between the wall and the paved area shall be landscaped as required by the planning board. (Ord. No. 1588, § 1.)

ARTICLE XXIII. B-4 RETAIL BUSINESS DISTRICT.

Sec. 33-139. Primary intended use.

The B-4 retail business district shall be limited to those uses permitted by section 33-115 as well as ice cream manufacturing and processing and customary accessory uses related to same. (Ord. No. 1588, § 1.)

Sec. 33-140. Prohibited uses.

Those uses prohibited by section 33-116 and any use other than those permitted by section 33-139 above are prohibited in the B-4 retail business district. (Ord. No. 1588, § 1.)

Sec. 33-141. Required conditions.

The following conditions and requirements shall be complied with in the B-4 retail business district:

- (a) No building shall exceed a height of forty feet.

(b) Every building shall be set back not less than forty-two feet from the center line of any abutting street.

(c) Every principal building may be built without side yards provided, however, in the event that a side yard is provided, said side yard shall be not less than twelve feet.

(d) There shall be a rear yard equal to six inches for each foot of height of the principal building upon said premises provided, however, that no rear yard shall be less than ten feet.

(e) No store frontage within the B-4 retail business district shall be less than fifteen feet in width.

(f) Prior to the issuance of any building permit, zoning permit or certificate of occupancy, as the case may be, the planning board shall have submitted to it for review and approval a site plan as required in article 5 of this chapter. (Ord. No. 1588, § 1.)

ARTICLE XXIV. P-2 OFFICE BUILDING DISTRICT.

Sec. 33-142. Primary intended uses.

The P-2 zone shall be limited to those uses permitted in the P zone as more fully set forth in section 33-125. (Ord. No. 1538, § 1.)

Sec. 33-143. Prohibited uses.

Any use other than those specifically permitted in section 33-142 is prohibited. (Ord. No. 1538, § 1.)

Sec. 33-144. Required conditions.

The P-2 zone shall be regulated by all of the conditions set forth in section 33-127 with the exception that the height of buildings shall be limited to forty-five feet and not thirty feet as limited in the P zone. (Ord. No. 1538, § 1.)

APPENDIX F

Denied 9/25/74

IN THE MATTER OF THE APPLICATION

OF

KARL MONTICK

R E S O L U T I O N

WHEREAS, KARL MONTICK has appealed to this Board of Adjustment for a variance from the provisions of Sections 1803(c); 405(b)(4); 406(a) and 602(a) of Ordinance No. 1316 with respect to premises shown as Lot 14 in Block 3905 on the Ridgewood tax map and commonly known as 264 South Broad Street, Ridgewood, New Jersey, by an appeal filed August 26, 1974; and

WHEREAS, said appeal was taken from a decision of the Zoning Officer of the Village of Ridgewood, determining that a proposed new building to be constructed upon the lot will fail to comply with the applicable provisions of the zoning ordinance in the following respects:

- (i) The proposed building would provide a sideyard of one foot rather than the required 12' sideyard per Section #1803(c);
- (ii) An accessory building would be located closer than 10' to the principal building in violation of Section #405(b)(iv);
- (iii) There would be more than one principal building on the same lot in violation of Section #406(a);
- (iv) A presently non-conforming use would be enlarged or otherwise extended in violation of Section #602(a);

WHEREAS, said appeal was duly heard by this Board of Adjustment on September 11, 1974, at which time the applicant appeared by counsel Joseph T. Panucci, Esq., and testimony was taken and exhibits were received in connection with the application;

NOW, THEREFORE, BE IT RESOLVED, that this Board of Adjustment does hereby make the following Findings of Fact:

1. All persons required to be served with notice of the hearing were duly served and proof thereof has been filed with the Board.
2. Lot 14 in Block 3905 is located in the B-2 zone.
3. The record owners of the premises is Karl Montick by virtue of a certain deed dated October 31, 1968, and recorded in the office of the Clerk of Bergen County in Deed Book 5243 at page 28.
4. The premises in question consist of a tract of land having a frontage of approximately 69.02' on the south side of Broad Street a depth therefrom of approximately 286' on the south side and approximately 297.62' on the north side.
5. There is presently located on the property under appeal at the southwest corner thereof an existing one-story block building of approximately 1870 square feet presently occupied by a taxi business.
6. Somewhat to the east and north thereof approximately 8' removed from the northerly line there is located another presently existing block garage approximately 634 square feet, which is used as a paint shop.

7. Further to the east of said paint shop there is located a one-story frame garage presently occupied by an autobody shop (Ridgewood Auto Body Shop), proposed to be expanded and made a part of the proposed new building and to provide hereafter a further expanded area of 1,220 square feet.
8. Further to the east at the northeasterly corner of the premises approximately 25.56' removed from the side line of the said lot there is presently erected an existing two and one half story residential dwelling.
9. Applicant proposes to erect a new building to be located between the existing one-story frame garage presently housing the Ridgewood Auto Body Shop and the one-story block garage presently housing the paint shop, a new building to provide approximately 2,360 square feet.
10. The proposed new building is to make possible an expansion of the business of the existing tenant - Ridgewood Auto Body, to provide for the repair of automobile bodies by the straightening of the auto frames indicated by the applicant as being a specialized occupation for which the present building is inadequate.
11. There was evidence at the hearing that the subject premises have for some years been located in a zone which prohibits the operation of an auto body shop.
12. Additionally, there was evidence which intended to show that the removal of the existing residential dwelling and certain

improvements in the appearance of the existing buildings on the premises would enhance the appearance of the entire premises.

13. There was evidence that the proposed modification of the existing buildings would be economically infeasible in the judgment of the applicant absent the grant of the necessary variance to permit construction of the proposed new building.
14. There was evidence offered at the hearing which tended to establish that there were already in existence in the area several new car dealerships, which are permitted uses under Section #1801(a).

BE IT FURTHER RESOLVED, that this Board of Adjustment does hereby make the following Determinations:

- (a) The foregoing facts are made a part hereof as if set forth in full.
- (b) The requested variances from the provisions of Sections 1803(c), 405(b)(4), 406(a) and 602(a) of Ordinance No. 1316 may not be granted without substantial impairment of the intent and purpose of the zone plan and zoning ordinance and without substantial detriment to the public good.
- (c) Denial of the requested variance would not result in exceptional and undue hardship upon the owner of Lot 14 in Block 3905 and would not impair the use of the premises for the purpose for which the same are now used, non-conforming auto body repair shop, a taxi service and paint shop and mixed residential use.
- (d) The requested variances to permit the erection of a new building to accommodate an enlarged non-conforming auto body

and auto frame repair business as shown on the plot plan accompanying the application providing less than the required side yard; and less than 10' separation from the principal building and more than one principal building on the lot, all in accordance with the plot plan submitted, (which plot plan is made a part hereof by reference) in violation of Sections 1803(c), 405(b)(4) and 406(a) of Ordinance No. 1316 are hereby DENIED.

(e) The applicant did not submit sufficient evidence to show the existence of such special reasons as would in the judgment of this Board justify the favorable recommendation to the governing body of a variance for the expansion of the presently existing non-conforming use and therefore applicant's application for such recommendation of a use variance is DENIED.

September 25, 1974

I HEREBY CERTIFY THAT THIS IS A TRUE
COPY OF A RESOLUTION PASSED BY THE
BOARD OF ADJUSTMENT ON 9-25-74
Anthony SECRETARY

W. E. O'Connell

as follows, and moved its adoption by the Board:

WHEREAS, KARL MONTICK has appealed to this Board of Adjustment for a variance from the provisions of Section 1803(c); 405(b)(4); 406(a) and 602(a) of Ordinance No. 1316 with respect to premises shown as Lot 14 in Block 3905 on the Ridgewood tax map and commonly known as 264 South Broad Street, Ridgewood, New Jersey, by an appeal filed August 26, 1974; and

BA 9-25-74

WHEREAS, said appeal was taken from a decision of the Zoning Officer of the Village of Ridgewood, determining that a proposed new building to be constructed upon the lot will fail to comply with the applicable provisions of the zoning ordinance in the following respects:

- (i) The proposed building would provide a side yard of one foot rather than the required 12 foot side yard per Section 1803(c);
- (ii) An accessory building would be located closer than 10 feet to the principal building in violation of Section 405(b)(iv);
- (iii) There would be more than one principal building on the same lot in violation of Section 406(a);
- (iv) A presently non-conforming use would be enlarged or otherwise extended in violation of Section 602(a);

WHEREAS, said appeal was duly heard by this Board of Adjustment on September 11, 1974, at which time the applicant appeared by counsel, Joseph T. Panucci, Esq., and testimony was taken and exhibits were received in connection with the application;

NOW, THEREFORE, BE IT RESOLVED, that this Board of Adjustment does hereby make the following Findings of Fact:

1. All persons required to be served with notice of the hearing were duly served and proof thereof has been filed with the Board.
2. Lot 14 in Block 3905 is located in the B-2 Zone.
3. The record owners of the premises is Karl Montick by virtue of a certain deed dated October 31, 1968, and recorded in the office of the Clerk of Bergen County in Deed Book 5243 at page 28.

4. The premises in question consist of a tract of land having a frontage of approximately 69.02 feet on the south side of Broad Street, a depth therefrom of approximately 286 feet on the south side and approximately 297.62 feet on the north side.
5. There is presently located on the property under appeal at the southwest corner thereof an existing one-story block building of approximately 1870 square feet presently occupied by a taxi business.
6. Somewhat to the east and north thereof approximately 8 feet removed from the northerly line there is located another presently existing block garage approximately 634 square feet, which is used as a paint shop.
7. Further to the east of said paint shop there is located a one-story frame garage presently occupied by an auto-body shop (Ridgewood Auto Body Shop), proposed to be expanded and made a part of the proposed new building and to provide hereafter a further expanded area of 1,220 square feet.
8. Further to the east at the northeasterly corner of the premises approximately 25.56 feet removed from the side line of the said lot there is presently erected an existing two and one half story residential dwelling.
9. Applicant proposes to erect a new building to be located between the existing one-story frame garage presently housing the Ridgewood Auto Body Shop and the one-story block garage presently housing the paint shop, a new building to provide approximately 2,360 square feet.
10. The proposed new building is to make possible an expansion of the business of the existing tenant, Ridgewood Auto Body, to provide for the repair of automobile bodies by the straightening of the auto frames indicated by the applicant as being a specialized occupation for which the present building is inadequate.
11. There was evidence at the hearing that the subject premises have for some years been located in a zone which prohibits the operation of an auto body shop.
12. Additionally, there was evidence which intended to show that the removal of the existing residential dwelling and certain improvements in the appearance of the existing buildings on the premises would enhance the appearance of the entire premises.
13. There was evidence that the proposed modification of the existing buildings would be economically infeasible in the judgment of the applicant absent the grant of the necessary variance to permit construction of the proposed new building.
14. There was evidence offered at the hearing which tended to establish that there were already in existence in the area several new car dealerships, which are permitted uses under Section 1801(a).

BE IT FURTHER RESOLVED, that this Board of Adjustment does hereby make the following Determinations:

- (a) The foregoing facts are made a part hereof as if set forth in full.
- (b) The requested variances from the provisions of Sections 1803(c), 405(b)(4), 406(a) and 602(a) of Ordinance No. 1316 may not be granted without substantial impairment of the intent and purpose of the zone plan and zoning ordinance and without substantial detriment to the public good.
- (c) Denial of the requested variance would not result in exceptional and undue hardship upon the owner of Lot 14 in Block 3905 and would not impair the use of the premises for the purpose for which the same are now used, non-conforming auto body repair shop, a taxi service and paint shop and mixed residential use.
- (d) The requested variances to permit the erection of a new building to accommodate an enlarged non-conforming auto body and auto frame repair business as shown on

the plot plan accompanying the application providing less than the required side yard; and less than 10 feet separation from the principal building and more than one principal building on the lot, all in accordance with the plot plan submitted (which plot plan is made a part hereof by reference) in violation of Sections 1803(c), 405(b)(4) and 406(a) of Ordinance No. 1316 are hereby DENIED.

- (e) The applicant did not submit sufficient evidence to show the existence of such special reasons as would in the judgment of this Board justify the favorable recommendation to the governing body of a variance for the expansion of the presently existing non-conforming use and therefore applicant's application for such recommendation of a use variance is DENIED.

The motion was seconded by Mr. Jacobson and carried on a voice vote, Mrs. Nichols and Messrs. Kirwan, Jacobson, Clancy, and Smethurst all voting "Aye."

APPENDIX G

VILLAGE OF RIDGEWOOD

ORDINANCE NO. 1645

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER
35, LAND USE AND DEVELOPMENT OF THE RIDGEWOOD
VILLAGE CODE.

BE IT ORDAINED by the Council of the Village of Ridgewood:

Section 1. Section 35-3, Definitions, of Chapter 35, LAND USE
AND DEVELOPMENT, is hereby amended as follows:

a. The definition of "Accessory Use" shall read:

Accessory Use. A use naturally and normally incident and subordinate to the principal and primary use upon any premises, located upon the same premises and not separated from the principal and primary use by any lot line, zone line, public street or thoroughfare. More particularly, but not by way of limitation, an accessory use shall be construed to include a private swimming pool, driveway, private road, alley, railroad spur, side track or switch, or other facility for ingress and egress by pedestrians and vehicles.

b. The definition of "Institutional Use" shall read:

Institutional Use. The principal or primary use by non-profit institutions limited to churches, public or private schools covering grades kindergarten through grade twelve, hospitals for humans and free public libraries. Accessory buildings or uses shall be permitted only upon the same lot wherever the principal or primary use and activity of the institution is conducted.

Section 2. Except as hereinabove modified Section 35-3, Definitions, of Chapter 35, LAND USE AND DEVELOPMENT, remains in full force and effect.

Section 3. This Ordinance shall take effect upon final passage and and publication as provided by law.

I hereby certify that this is a true copy
of an ordinance adopted by the Council
on August 9, 1977

Mae J. O'Donnell
DEPUTY VILLAGE CLERK

APPENDIX H



BERGEN COUNTY
JUL 9 1986
PLANNING BOARD

VILLAGE OF RIDGEWOOD

131 NORTH MAPLE AVENUE
RIDGEWOOD, NEW JERSEY 07451

(201) 670-5510

COLLEEN B. HALL
DEPUTY VILLAGE CLERK

July 7, 1986

Bergen County Planning Board
29 Linden Street
Hackensack, NJ 07601

Dear Sir:

Enclosed you will find a certified copy of Ridgewood's Ordinance No. 2047, amending Chapter 35 of our Village Code, which was adopted on June 24, 1986 by the Village Council.

Very truly yours,

Colleen B. Hall
Deputy Village Clerk

Encl.

cc W. Cooke, Public Works Director

July 9, 1986

VILLAGE OF RIDGEWOOD
ORDINANCE NO. 2047

AN ORDINANCE TO AMEND CHAPTER 35 OF THE RIDGEWOOD VILLAGE CODE, LAND USE AND DEVELOPMENT, TO COMPLY WITH MANDATED AMENDMENTS TO THE "MUNICIPAL LAND USE LAW" N.J.S.A. 40:55D-1, ET SEQ.; TO AMEND THE CODE STANDARDS WITH REFERENCE TO BULK REQUIREMENTS AND MATERIAL STANDARDS IN THE AREAS OF FLOOR AREA RATIOS, TOTAL IMPERVIOUS COVERAGE AND MATERIAL STANDARDS; OTHER AMENDMENTS TO THE CODE INCLUDE AMENDMENTS TO THE SECTIONS GOVERNING CERTIFICATES OF OCCUPANCY; SOIL PERMITS; CONDITIONAL USES AND REPRODUCABLE PLANS.

BE IT ORDAINED by the Council of the Village of Ridgewood as follows:

Section One. Chapter 35, Land Use and Development is hereby amended and supplemented as hereinafter set forth.

Section Two. Section 35-3 Definitions, is hereby amended by adding thereto in their proper alphabetical locations the following new definitions:

1. As-Built Drawing. A drawing showing the actual location details of all structures and improvements on site.
2. Certificate of Occupancy. A certificate stating that all work has been completed in accordance with the requirements of this Chapter and the Building Code and the building or structure may be occupied or used.

3. Certificate of Continued Occupancy. A certificate stating that the continued occupancy of an existing building or structure may occur, provided that any alterations to any building or any improvements on site, if made, shall be reviewed and approved by the Village Planning Board or its duly authorized representative.
4. Community Residence For The Developmentally Disabled. Any community residential facility licensed pursuant to P.L. 1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels.
5. Community Shelter For Victims Of Domestic Violence. Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services, providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.
6. Construction Official. A qualified person appointed by the Village Council pursuant to the Uniform Construction Code, Chapter 23, Title 5, to enforce and administer the regulations within the jurisdiction of the enforcing agency.

7. Density. The permitted number of dwelling units per gross area of land to be developed.
8. Floor Area Ratio. The sum of the area of all floors of buildings or structures compared to the total area of the site.
9. Minor Site Plan. A development plan of one or more lots which:
 - (a) Proposes new development with the scope of development specifically permitted by this Chapter as a minor site plan.
 - (b) Does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to Section 30 (N.J.S.A. 40:55D-42) of Chapter 291, Laws of New Jersey 1975 as amended, and
 - (c) Contains the information reasonably required in order to make an informed determination as to whether the requirements established by this Chapter for approval of a minor site plan have been met.
12. Person. Any individual, firm, corporation, or entity.
13. Special Flood Hazard Area. The special flood hazard areas as delineated on the official Flood Hazard Maps prepared by the Federal Insurance Administration as amended from time to time.

14. Temporary Certificate of Occupancy. The occupancy of any building or structure prior to the full completion provided, such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

Section 35-3 of the Ridgewood Village Code, Definitions, is hereby amended by deleting therefrom in its entirety the definition entitled "Complete Application."

Section Three. Section 35-3 Definitions, is hereby amended by amending the definition of "Occupancy or Occupied" to read in its entirety as follows:

The residing of a person or persons in a dwelling unit overnight or the installation, storage, or use of equipment, merchandise or machinery in any commercial, residential, public or industrial building.

Section Four. Section 35-3 Definitions, is hereby amended by amending the definition of "Performance Guarantee" to read in its entirety as follows:

Performance Guarantee. Any security, which may be accepted by the Village, in lieu of a requirement that certain improvements be made before the Planning Board or other municipal agency approves a subdivision plat or site plan; provided that no more than ten percent of the total performance guarantee may be required in cash.

Section Five. Section 35-4 Creation of Planning Board, is hereby amended by deleting existing Section 35-4(d) and substituting new Section 35-4(d) in its place and stead as follows:

(d) Class IV - Six citizens of the Village to be appointed by the Governing Body. The members of Class IV shall hold no other municipal office, position or employment except that one such member may be a member of the Zoning Board of Adjustment or Historic Preservation Commission or Board of Education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board, as required by Section 1 of P.L. 1968, c.245 (C.40:56A-1), shall be a Class IV planning board member, unless there be among the Class IV or alternate members of the planning board both a member of the zoning board of adjustment or historic preservation commission and a member of the board of education, in which case the member common to the planning board and municipal environmental commission shall be deemed a Class II member of the planning board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

Section Six. Section 35-8, Powers of the Planning Board, is amended by deleting Section 35-8(e) and substituting in its place and stead new Section 35-8(e) as follows:

(e) Whenever the proposed development requires approval of a subdivision, site plan or conditional use, but not a variance pursuant to subsection d. of Section 57 of P.L. 1975, Chapter 291 (C.40:55D-70) the Planning Board shall have the power to grant to the same extent and subject to the same restrictions as the Board of Adjustment:

1. Variances pursuant to Subsection 57(c) of Chapter 291, Laws of N.J. (40:55D-70c).
2. Direction pursuant to Section 25 of said act for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved on an official map pursuant to Section 23 of said act.

3. Direction pursuant to Section 27 of said act for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance, or direction for issuance of a permit, as the case may be.

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

Section Seven. Section 35-11, "Referral Powers" is hereby amended by deleting existing Section 35-11, "Referral Powers" (b) and substituting in its place and stead, new Section 35-11, Referral Powers (b) as follows:

(b) The governing body may by ordinance provide for the reference of any matter or class of matters to the Planning Board before final action thereon by a municipal body or municipal officer having final authority thereon except for any matter under the jurisdiction of the Board of Adjustment. Whenever the Planning Board shall have made a recommendation regarding a matter authorized by this act to another municipal body, such recommendation may be rejected only by a majority of the full authorized membership of such other body.

Section Eight. Section 35-12, "Time Periods", is hereby deleted in its entirety and a new Section 35-12 as hereinafter set forth is substituted in its place and stead.

Time Periods. Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to Subsection 35-8(e) of this article the Planning Board shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the administrative officer or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance or direction for issuance of a permit. The period for granting or denying and subsequent approval shall be as otherwise provided in the Municipal Land Use Law. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

Section Nine. Section 35-18, "Organization", is hereby amended by adding thereto a new paragraph as follows:

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

Section Ten. Section 35-19, "Powers Of The Board Of Adjustment", is hereby amended by deleting Section 35-19 (b), (c) and (d) and substituting in its place and stead, new Section 35-19 (b), (c) and (d) as follows:

(b) Hear and decide requests for interpretation of the Zoning Map or regulations or for decisions upon other special questions upon which such Board is authorized to pass by any zoning regulation or official map regulation in accordance with this Chapter or P.L. 1975, Chapter 291 as amended.

(c) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Article 8 of the N.J. Municipal Land Use Law (P.L. 1975, Chapter 291) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship. Where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Article 8 of the N.J. Municipal Land Use Law (P.L. 1975) Chapter 291) provided, however, that no variance from these departures enumerated in subsection (d) as hereinafter outlined, shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to Subsection 47 (a) of P.L. 1975, Chapter 291.

(d) In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to Article X of this Chapter to permit:

- (1) A use or principal structure in a district restricted against such use or principal structure;
- (2) An expansion of a non-conforming use;
- (3) Deviation from a specification or standard pertaining solely to a conditional use;
- (4) An increase in the permitted floor area ratio as defined in this ordinance;
- (5) An increase in the permitted density as defined in this ordinance except as applied to the required lot area for a lot or lots for detached one- or -two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision. A variance under this subsection shall be granted only affirmative vote of at least five members of the Village of Ridgewood Board of Adjustment.

No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

Section Eleven. Section 35-31, "Meetings; Municipal Agency", at Section 35-31 (a) is hereby amended by adding the following paragraph before the last sentence of subsection (a), which said last sentence reads as follows: "Nothing herein shall be construed to contravene any act providing for procedures for the governing body." The following paragraph is hereby added:

"Failure of a motion to receive the number of votes required to approve an application for development pursuant to the exceptional vote requirements of Section 25 or Subsection 57d of Chapter 291, Laws of N.J. 1975 as amended, shall be deemed an action denying the application."

Section Twelve. Section 35-35, "When Required," is deleted and new Section 35-35 When Required is substituted in its place and stead as follows:

The Planning Board and Board of Adjustment, as the case may be, shall hold a hearing on each application for development and on the adoption, revision or amendment of the Master Plan. Notwithstanding any other provisions of this chapter, nothing contained herein shall be construed to require public notice of hearings on concept plans, minor subdivisions or re-subdivisions or minor site plans. The governing body shall hold a hearing on the adoption or amendment of a development regulation, and official map or a capital improvements program. Those hearings requiring public notice be given are set forth in Section 35-44 of this article.

Section Thirteen. There is hereby added to Chapter 35 of the Ridgewood Village Code new Section 35-36(a) Complete Application to read in its entirety as follows:

Section 35-36(a) Complete Application.

An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the municipal agency or its authorized committee or designee. In the event that the agency, committee or designee does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the 45-day period for purposes of commencing the applicable time period unless:

- (1) The application for a concept plan lacks information required in Section 35-71(a) of this Chapter;

- (2) The application for a concept plan lacks information required in Section 35-71(b) of this Chapter;
- (3) The application for a minor site plan lacks information required in Section 35-71(b)A of this Chapter;
- (4) The application for a preliminary subdivision plat lacks information required in Section 35-71(c) of this Chapter;
- (5) The application for a final subdivision plat lacks information required in Section 35-71(d) of this Chapter;
- (6) The application for a preliminary site plan lacks information required in Section 35-71(e) of this Chapter;
- (7) The application for a final site plan lacks information required in Section 35-71(f) of this Chapter;
- (8) The application for a conditional use lacks information required in Section 35-80 of this Chapter as set forth therein depending upon the particular conditional use approval requested as well as said application lacks information required in Section 35-71(e) of this Chapter;
- (9) The municipal agency or its authorized committee or designee has notified the applicant, in writing of the deficiencies in the application within 45 days of submission of the application.

The applicant may request that one or more of the submission requirements be waived, in which event the agency or its authorized committee shall grant or deny the request within 45 days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The municipal agency may subsequently require correction of any information found to be in error and submission of additional information not specified in the ordinance or any revisions in the accompanying

documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency.

Section Fourteen. Section 35-41, "Record of Decisions," is deleted in its entirety and new Section 35-41 Record of Decisions, as follows, is substituted in its place and stead:

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

- (1) A resolution adopted at a meeting held within the time period provided in the act for action by the municipal agency on the application for development; or
- (2) A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the municipal agency who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to section 5 of the act (N.J.S.A. 40:55D-9) (resulting from the failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of

the municipal agency; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by subsections h. and i. of this section (N.J.S.A. 40:55D-10). If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time and the cost of the application including attorney's fees, shall be assessed against the municipality.

Section Fifteen. Section 35-51, "Schedule of Fees", is hereby amended by adding new subsection (v) as follows:

- (v) Conditional Uses as set forth in Section 35-80.1--Four Hundred Dollars.

Section Sixteen. Section 35-51 subsection (1), "Certificates of Occupancy," is hereby deleted and new Section 35-51(1) Certificates of Occupancy as hereinafter set forth is substituted in its place and stead:

- (1) Certificates of Occupancy:
 - (1) Residential Dwelling Units - thirty dollars per dwelling unit.
 - (2) Residential Additions - twenty dollars per addition.
 - (3) Multi-Family Structures - fifty dollars per dwelling unit.
 - (4) Business, Commercial, Professional Structures - fifty dollars per unit within said structure.

Temporary Certificates of Occupancy as permitted and regulated in Section 35-84.3 of this Ordinance:

- (1) All residential structures - one hundred dollars per dwelling unit.

- (2) Business, Commercial, Professional Units - two hundred dollars for each sixty (60) day period for temporary certificates of occupancy approved by the Director of Building and Inspections pursuant to Section 35-84.3 of this Ordinance. Any temporary certificate of occupancy approved by the Planning Board pursuant to Section 35-84.3 - five hundred dollars. Continued certificates of occupancy as outlined in Section 35-84.3 - fifty dollars.

Section Seventeen. Section 35-51, "Schedule of Fees", at subsection (m) Signs is hereby deleted and new subsection 35.51(m) Schedule of Fees, Signs as hereinafter set forth is hereby substituted in its place and stead as follows:

(m) Signs: The fee for a permit to construct a sign shall be \$.50 per square foot of the surface area of the sign, provided that the minimum fee shall be ten dollars.

Section Eighteen. Section 35-52, "Who May Appeal", is deleted in its entirety and new Section 35-52, Who May Appeal as follows is substituted in its place and stead:

Any interested party may appeal to the governing body any final decision of the Board of Adjustment approving an application for development pursuant to Section 57, paragraph (d) of Chapter 291, Laws of New Jersey 1975 as amended.

Section Nineteen. Section 35-53, "Time Period For Appeal", is amended by deleting therefrom the words "planning board or" in the last sentence of the section.

Section Twenty. Section 35-56, "Decision of Governing Body", is deleted and new Section 35-56, Decision of Governing Body as follows is adopted in its place and stead:

The governing body may reverse, remand, or affirm with or without the imposition of conditions the final decision of the Board of Adjustment approving a variance pursuant to subsection d. of Section 57 of P.L. 1975, c.291 (C.40:55D-70). The review shall be made on the record made before the Board of Adjustment. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse, remand, or affirm with or without condition any final action of the Board of Adjustment.

Section Twenty-One. Section 35-60, "Filing Procedures", at subsection paragraph (d) is deleted and new Section 35-60(d) as hereafter is substituted in its place and stead:

(d) Any application for development submitted before July 1, 1984, to a municipal agency pursuant to lawful authority may be continued at the option of the applicant, and the municipal agency shall have every power which it possessed before July 1, 1984, in regard to any such application.

Section Twenty-Two. Section 35-61, "Review Procedures", is amended by amending the period of time for action by Planning Board for "Any application pursuant to subsection 35-8 subparagraph (e)" from 95 days to 120 days.

Section Twenty-Three. There is hereby added to Chapter 35 new Section 35-63.1, "Submission of Minor Site Plan", which reads in its entirety as follows and which shall be inserted in the Code immediately following Section 35-63, Submission of Minor Subdivision:

Section 35-63.1 Submission of Minor Site Plan

Prior to the approval of any minor site plan by the Planning Board an application shall be filed in accordance with 35-60 and shall contain all data and information required in 35-71(b)A of this Chapter.

- (1) A minor site plan shall be considered by the Site Plan Committee, which shall compile a report to be submitted to the full Planning Board for decision.
- (2) The zoning requirements and general terms and conditions whether conditional or otherwise, upon which minor site plan approval was granted shall not be changed for a period of two (2) years after the date of minor site plan approval, provided that if a building permit or zoning permit is not issued for the approved minor site plan within said two (2) year period of the approval of said minor site plan shall become null and void.
- (3) If the application for a minor site plan is classified as other than a minor site plan by the Site Plan Committee, the applicant will be so notified. No further Planning board action on the application will be required and the applicant will follow the procedures contained herein for processing approval of a preliminary and final plat site plan.
- (4) No site plan shall be processed as a minor site plan under the terms of this Section if anyone of the following conditions is present:
 - (a) The construction of a new building or structure.
 - (b) A proposed alteration of an existing building or structure in which said alteration enlarges or adds to the existing building.
 - (c) The construction of additional facilities on site to service an existing building or structure such as, but not limited to, parking areas, storm drainage facilities, lighting, landscaping, loading and buffers.

Section Twenty-Four. Section 35-61, "Review Procedures", is hereby amended by adding to subsection (b) the following:

Any applicant who wishes to claim approval of his application for development by reason of the failure of the municipal agency to grant or deny approval with the time periods as set forth in this section:

1. Shall provide notice of the default approval to the municipal agency and to all those entitled to notice by personal service or certified mail of the hearing on the application for development; but for purposes of determining who is entitled to notice, the hearing on the application for development shall be deemed to have required public notice pursuant to subsection a. of Section 7.1 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-12).
2. The applicant shall arrange publication of a notice of the default approval in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.
3. The applicant shall file an affidavit of proof of service and publication with the Administrative Officer, who in the case of a minor subdivision or final approval of a major subdivision, shall be the officer who issues certificates pursuant to section 35, subsection b. of section 38 or subsection c. of section 63 of P.L. 1975, c.291 (N.J.S.A. 40:55D-47; N.J.S.A. 40:55D-50; N.J.S.A. 40:55D-76), as the case may be.

Section Twenty-Four. Section 35-61, "Review Procedures", subsection (e) is deleted and a new Section 35-61(e), Review Procedures, is substituted in its place and stead as follows:

(e) Prior to returning the approved plat or site plan to the applicant, the applicant shall submit one mylar transparency of the approved plat to the Secretary of the Planning Board as well as submit sufficient copies to the Secretary of the Planning Board in order to furnish a copy to each of the following:

Village Clerk
Director, Department of Public Works
Director, Department of Building Inspections
Tax Assessor
Planning Board
County Planning Board

Section Twenty-Five. Section 35-65, "Installation Of Improvements Prior To Final Approval", is hereby amended by deleting the first paragraph thereof and substituting in its place in stead, a new first paragraph as follows:

Prior to the filing of an application for final subdivision or site plan approval, the applicant shall have installed the improvements required under this section under the supervision and inspection of the Director of Public Works, provided, however, the Planning Board may accept performance guarantees:

- (a) To cover the cost of installing the following improvements only in major subdivisions:
 - (1) Pavement surface course consisting of bituminous concrete two inches in compacted thickness.
 - (2) Concrete sidewalks.
 - (3) Shade trees.
 - (4) Street signs.
 - (5) Monuments.

- (b) To provide funds that can be used by the Village to restore the property to a safe condition so that said property in its unfinished development state does not adversely affect the public safety or adversely impact the environment in the event the developer abandons the development project.

Section Twenty-Six. There is hereby added to the Ridgewood Village Code, new Section 35-65.1, "Soil Removal", to read in its entirety as follows:

Section 35-65.1 Soil Removal. Notwithstanding any other provision of Chapter 26, Soil Removal, in any instance where an application for development proposes the moving of any soil the applicant may pay a soil permit fee as required in said Chapter 26, and the Planning Board may process the soil permit as an integral part of the site plan or subdivision application. In processing such applications the applicant will be required to meet all provisions of said Chapter 26 except that a separate public hearing pertaining to the moving of soil will not be required.

Section Twenty-Seven. Section 35-66, "Performance Guarantee" subsection (c), is hereby amended by adding to the end of (c) a new clause as follows:

"or use said funds to restore the property to a safe condition so that the subject property in its unfinished development state does not adversely affect the public safety or adversely impact the environment."

Section Twenty-Eight. There is hereby added to Section 35-66, "Performance Guarantee", new Section 35-66 Performance Guarantee, subsection (h) to read in its entirety as follows:

(h) Between the time of final approval of the major subdivision by the Planning Board and the final acceptance of improvements by the Village Council the applicant will be responsible for all maintenance of the installed facilities and will be responsible for providing all municipal services other than solid waste collection. If the developer fails to sweep the streets, remove leaves, or snow within 24 hours after being notified by the Village of the need to perform such services, the Village may proceed to perform these services and to charge the developer for such services. The costs of such services shall include direct labor, overhead, materials and equipment as computed by the Director of Public Works.

In order to insure payment of the above, the applicant at the time of final subdivision approval shall place in an escrow account with the Village an estimated amount equal to that necessary to provide the aforementioned services for a period of eighteen months except that if an extension of time is granted as provided for in paragraph (b) above the applicant shall provide an additional escrow amount for the extended period. If at any time escrow funds should be reduced to the point that there are insufficient funds to provide for the services for the remainder of the guarantee period, the applicant will be required to provide additional funds as computed by the Director of Public Works. At the end of the guarantee period funds remaining in the escrow account, if any, will be returned to the applicant. All withdrawal from the escrow account will be supported by vouchers.

Section Twenty-Nine. Section 35-71, "Subdivision Plat and Site Plan Details", is hereby amended to add to Section 35-71(a) a new subsection (7) to read in its entirety as follows:

(7) Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.

Said subsection (7) shall follow subsection (6) of the Subdivision Section.

Additionally, there shall be added to Section 35-71 Subdivision Plat and Site Plan Details, new subsection (4) to read in its entirety as follows:

(4) Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.

Said subsection (4) to follow subsection (3) of the Requirements for Concept Plan.

Section Thirty: Section 35-71, "Subdivision Plat and Site Plan Details", is hereby amended by adding thereto new subsection (bA) Minor Site Plan to read in its entirety as follows:

(bA) Minor Site Plan.

The minor site plan shall be drawn by a licensed New Jersey professional engineer or land surveyor or architect or planner or landscape architect and shall be based on Tax Map information or some other similarly accurate base at a scale of not more than fifty (50) feet to the inch and shall show or include the following information:

- (1) The boundaries of the site in question.
- (2) All existing structures and wooded areas on the site.
- (3) The name and address of the owner and the name of all adjoining property owners, as disclosed by the most recent Village tax records.
- (4) The Tax Map sheet, block and lot number of the property.
- (5) The existing and proposed location of all buildings and structures on-site together with existing and proposed on-site improvements.
- (6) The Planning Board may require submission of topographic data with the minor site plan if physical conditions of the land are likely to result in drainage problems or otherwise cause concern in connection with the development of the property.
- (7) The name and address of the person preparing the map, the scale and reference meridian.
- (8) Zoning on or adjoining the property to be developed and identification of zones.

- (9) Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
- (10) Soil erosion and sediment control plan, if if required, in accordance with P.l. 1975, c.251. Said plan shall be submitted to the Soil Conservation District in accordance with said statute, and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District.
- (11) Provision for endorsement of approval by the Chairman and the Secretary of the Planning Board as required by this Ordinance.
- (12) In cases where there is a question on the adequacy of storm drainage, sewage disposal, water supply and other utility services, the Planning Board may require such additional information as it deems necessary to pass on the adequacy of any such proposal.
- (13) Such other information as the Planning Board may reasonably request to permit a meaningful review in accordance with the intent and purpose of this Ordinance.

Section Thirty-One. Section 35-74, "Design Standards" sub-section (a) subdivisions, is hereby amended by adding thereto new paragraph 35-74(a) "17" to read in its entirety as follows:

(17) All subdivisions shall, to the greatest degree possible, follow energy efficient design principles and maximize the use of renewable energy sources. Within the limits of practicability and feasibility, the criteria listed below shall be followed:

- a. Streets. Streets shall be so oriented as to permit the buildings to be constructed thereon to maximize solar gain. Where possible, the long access of a lot shall run in a north-south direction.

- b. Lots. Lots shall also be oriented as to permit buildings to be constructed thereon to maximize solar gain. Where possible, the long access of a lot shall run in a north-south direction.
- c. Topography. The development shall take advantage of topographic features to maximize solar gain and afford protection from Winter winds.
- d. Vegetation. Maximum use shall be made of natural vegetation which will afford protection from Winter winds and provide shading in Summer.

Section Thirty-Two. Section 35-74, "Design Standards" at subsection (b) Site plans is hereby amended by adding new paragraph (9) to read in its entirety as follows:

(9) Site plans shall follow the same energy conservation principles as set forth in Section 35-74(a) (17) above where possible.

Section Thirty-Three. There is hereby added to Chapter 35, new Section 35-79.23, "Exterior Design and Appearance" to read in its entirety as follows:

Section 35-79.23 Exterior Design and Appearance.

- (a) Any site plan involving a new building, addition to an existing building or change in the exterior design or appearance of an existing building shall be reviewed and approved by the Planning Board. In reviewing said plans the Board shall be guided by the following objectives:
 - (1) Promote good quality of design and attractive appearance of property.
 - (2) Preserve and enhance natural features and material environment.

- (3) Contribute to the amenities and attractiveness of an area so as to maintain and improve the economic value and stability of property.
 - (4) Encourage the most appropriate use and development of the property and adjacent properties.
- (b) The following standards shall be utilized by the Planning Board in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans, as well as a method of review by the Board. These standards shall not be regarded as inflexible requirements nor are they intended to discourage creativity, invention and innovation. The specification of one (1) or more particular architectural styles is not included in these standards. The standards are as follows:
- (1) Preservation of landscape. The landscape shall be preserved in its natural state, insofar as practicable and where desirable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Landscape treatment that is appropriate to the area and the terrain and which will enhance the overall appearance of the site shall be employed.
 - (2) Relation of proposed buildings to environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. Such relationship shall be achieved by:
 - a. Architectural design which is harmonious with the character of existing development.

- b. The use of exterior colors, façade or roof materials or the combination of colors and materials that are harmonious.
- c. The relationship of design features, such as height and mass, building proportions, roof lines, building projections and ornamental features, that will create a coordinated and harmonious appearance.

(3) Design of building walls. All four (4) sides of a building should contribute to the architectural unity of the building. The use of large, unbroken masses is discouraged. All walls are to be constructed of durable material requiring low maintenance. Desirable materials such as brick, stone, glass, precast concrete and wood, when properly treated, are encouraged. Where durability and performance are questionable, the applicant may be asked to provide a manufacturer's guarantee or proof of durability from an independent testing laboratory certification. The use of exposed concrete block is prohibited, unless the same is textured. Metal siding should not be used to such an extent that it will be a dominant architectural feature. In addition, metal siding with exposed fastenings shall not be allowed.

Section Thirty-Four. Section 35-80.1, "Uses Permitted", is hereby amended by adding thereto new Section 35-80.1(f) to read in its entirety as follows:

(f) Community residences for more than six (6) developmentally disabled or mentally ill persons and community shelters for more than six (6) victims of domestic violence as defined in this Chapter shall be permitted in all residential zone districts as a conditional use, provided, all of the following requirements are complied with:

- (1) The minimum lot area shall be one (1) acre.
- (2) All yard, setback and height requirements for the zone in which the use is located shall be met.
- (3) All principal and accessory structures shall be designed and constructed so as to be compatible with the appearance of a one-family residence.
- (4) The maximum building coverage shall be ten (10) percent of the lot area. The maximum coverage of structures and impervious improvements shall be fifteen (15) percent of the lot area.
- (5) No more than fifteen (15) of said persons, exclusive of the resident staff, shall be housed in a single community residence for developmentally disabled persons or in a single community shelter for victims of domestic violence located in any residence zone.
- (6) No property devoted to a community residence for developmentally disabled persons and no property devoted to a community shelter for victims of domestic violence shall be located within one thousand five hundred (1,500) feet of another property devoted to either of such uses.
- (7) A conditional use permit for a community residence for developmentally disabled persons or for a community shelter for victims of domestic violence shall not be issued if the total number of persons currently resident at such facilities within the Village exceeds, exclusive of resident staff, would exceed 0.5 percent of the population of the Village.

Section Thirty-Five. Section 35-81.1, "Nonconforming Use Activities", is hereby amended by adding new Section 35-81.1(e) to read in its entirety as follows:

(e) The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existing before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the burden of proof. Application pursuant hereto may be made to the Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Board of Adjustment. The Administrative Officer shall be entitled to demand and receive for such certificate issued by him a fee as established in Section 35-51 of Article VII of this Ordinance. The fees collected by the official shall be paid by him to the Village. Denial by the Administrative Officer shall be appealable to the Board of Adjustment. Sections 59 through 62 of P.L. 1979, c. 291 (N.J.S.A. 40:55D-72 to N.J.S.A. 40:55D-75) shall apply to applications or appeals to the Board of Adjustment.

Section Thirty-Six. Section 35-82.10, "Lighting and Illumination", is hereby amended by adding thereto a new paragraph as follows:

The Planning Board shall review all signs to be installed that are accessory to any site plan processed by the Board and the Board shall review and approve the intensity of lighting of all such signs.

Section Thirty-Seven. Section 35-83, "Flood Plain Areas", including Section 35-83.1 Created: Permitted Uses and Section 35-83.2 Site Plan: Submission; Review and Approval Required are hereby deleted in their entirety and new Section 35-83 Flood Hazard Areas is substituted in its place and stead to read in its entirety as follows:

Section 35-83 Flood Hazard Areas.

Section 35-83.1 Created: Permitted Uses. There is hereby created within the Village special flood hazard areas as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Hazard Insurance Study for the Village of Ridgewood" dated June 15, 1983, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps. Said maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Director, Department of Public Works Office, 131 North Maple Avenue, Ridgewood, New Jersey. The uses permitted within any flood hazard area are those uses permitted and regulated by this article for the zone district in which the area may be located, as such zone districts are set forth and delineated on the Zone Map.

Section 35-82.2 Site Plan; Submission Review and Approval Required. No structure shall hereafter be erected within any special flood hazard area nor any addition or alteration made thereto unless and until all provisions of Ordinance No. 1914 entitled "An Ordinance To Establish Flood Hazard Areas and Provide For The Establishment of Development Permits And Appeals From the Denial Thereof Within The Flood Hazard Areas and Standards of Construction Materials And Methods Within The Flood Hazard Areas" are complied with.

Section Thirty-Eight. Section 35-84.3, "Certificates of Occupancy Generally", is hereby deleted and new Section 35-84.3 is hereby substituted in its place and stead to read in its entirety as follows:

(a) Certificates of Occupancy for Non-Residential Uses. No building or structure hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever, except as hereinafter provided, unless and until a permanent certificate of occupancy shall have been issued therefor by the Department of Building and Inspections. No existing building or structure in which the use or occupancy has been changed shall be

occupied or used in whole or in part for any purpose whatsoever, except as hereinafter provided, unless and until a certificate of continued occupancy shall have been issued therefor by the Department of Building and Inspections. The issuance of a certificate of occupancy or a certificate of continued occupancy shall negate the necessity of obtaining a zoning permit for the same premises. The issuance of a permanent certificate of occupancy or a certificate of continued occupancy shall supercede and revoke any zoning permit already granted for the same premises. The foregoing provisions shall not apply to any change in occupancy in a non-residential zone where the use remains residential.

(b) In the event an applicant for any non-residential use is unable to fully comply with all of the requirements for a permanent certificate of occupancy or a certificate of continued occupancy as outlined above, due to weather conditions or other forces beyond his control, he may apply for a temporary certificate of occupancy. For the purpose of administering this subsection, occupancy is defined to include the use of any equipment or machinery other than construction machinery not considered part of the building or the storage of product, merchandise, raw material or other personal property or the use of a structure other than by those engaged in its construction.

- (1) applications for a temporary certificate of occupancy shall be made on a form provided by the Director of Building and Inspections. Applications shall be made five days prior to the desired issuance date of such certificate. Each application shall be accompanied by a fee of two hundred dollars.
- (2) After receipt of an application for a temporary certificate of occupancy, the Director of Building and Inspections will make an inspection of the building and site in question. If the Director of Building and Inspections finds that the applicant is unable to comply with all of the requirements for a permanent certificate of occupancy or a certificate of continued occupancy for reasons

as outlines in this subsection he may issue a temporary certificate of occupancy for a period of sixty days provided the building is substantially completed as per the New Jersey Uniform Construction Code.

- (3) A statement of the action taken by the Director of Building and Inspections for any temporary certificate of occupancy shall be forwarded to the Planning Board prior to the next regular meeting of the Board.
- (4) The Director of Building and Inspections shall have the authority to extend the temporary certificate of occupancy for a period of sixty days upon receipt of an application for renewal and payment of an additional fee of two hundred dollars.
- (5) The Director of Building and Inspections shall have the authority to issue a second renewal for a sixty day period upon receipt of an application and payment of two hundred dollars fee in accordance with the provisions hereof.
- (6) In no case shall the Director of Building and Inspections issue a temporary certificate of occupancy for a period to exceed sixty days nor shall he renew a certificate more than twice as regulated above. Temporary certificates of occupancy issued under this subsection are limited to a maximum of one hundred eighty days.

(c) It is recognized that under extreme circumstances a temporary certificate of occupancy may be required for a period of beyond the one hundred eighty days as above regulated. In such event the applicant shall file with the Director of Building and Inspections a request for a temporary certificate of occupancy prior to the expiration of the second renewal as outlined in paragraph (b)(5) of this subsection; this application shall be made sufficiently early to be referred to the Planning Board

for consideration at a regular public meeting of the Board, but in no case less than thirty days before such meeting. All requirements of paragraphs (b)(1), (b)(2) and (b)(3) of this subsection shall be complied with. The Director of Public Works will estimate the cost of completing all conditions of site plan approval. The applicant shall post a completion bond for the amount determined by the Director of Public Works with the Village. If such bond is other than cash, a five hundred dollars cash escrow account will be deposited with the Village, which shall be forfeited and used to defray the cost of enforcing the completion bond if the applicant fails to comply with all of the site requirements within the time limits set forth on the temporary certificate of occupancy issued under this subsection. A temporary certificate of occupancy requiring the posting of a bond, as set forth in this subsection, shall not be issued by the Director of Building and Inspections without the approval of the Planning Board.

(d) Notwithstanding any other provisions of this Chapter, a temporary certificate of occupancy for a non-residential use shall not extend for a period longer than twelve months from the date of original issuance, as regulated in this article.

(e) Certificates of Occupancy for Residential Uses. No residential building or structure hereafter erected or altered shall be occupied until a certificate of occupancy shall have been issued by the Construction Official certifying that all required work has been completed in accordance with the provisions of the approved permit, except as provided in this Ordinance. Upon request from the owner of an existing building or structure, the Construction Official shall issue a certificate of continued occupancy provided that there are no violations of law or orders of the Construction Official pending and it is established after inspection and investigation that the alleged use of the building or structure has heretofore existed.

(f) In the event an applicant for any residential use is unable to fully comply with all of the requirements for a permanent certificate of occupancy or a certificate of continued occupancy, as outlined above due to weather conditions or other forces beyond his control, he may apply for a temporary certificate of occupancy. For the purpose of administering this subsection, occupancy is defined as a person or group of persons residing overnight in a dwelling unit.

- (1) Applications for a temporary certificate of occupancy shall be made on a form provided by the Department of Building and Inspections. Application shall be made five days prior to the desired issuance date of such certificate. Each application shall be accompanied by a fee of one hundred dollars per dwelling unit.
- (2) After receipt of an application for a temporary certificate of occupancy, the Department of Building and Inspections will make an inspection of the buildings and site in question. If the Director of Building and Inspections finds that the applicant is unable to comply with all of the requirements for a permanent certificate of occupancy or a certificate of continued occupancy for reasons as outlined in this subsection he may issue a temporary certificate of occupancy between the months of December 1 and March 31 in any calendar year only, provided all dwelling units are completed and ready for occupancy as established in the Uniform Construction Code and further provided all street improvements including sidewalks have been installed as approved by the Director of the Department of Public Works.

Section Thirty-Nine. Section 35-85.1, "Primary Intended Use; Other Permitted Uses", is hereby amended by adding thereto new subparagraph (h) to read in its entirety as follows:

(h) Any permitted non-residential use shall only be permitted after a site plan has been reviewed and approved by the Planning Board.

Section Forty. Section 35-85.3, "Required Conditions" subparagraph (c), is hereby deleted and new Section 35-85.3 Required Conditions subparagraph (c) is hereby amended to read in its entirety as follows:

(c) There shall be two side yards and no side yard shall be less than fifteen feet, in addition, the aggregate width of the two side yards combined shall not be less than 33 percent of the lot width measured at the required front yard setback line.

Section Forty-One. Section 35-85.3, "Required Conditions", is hereby amended by adding thereto new subparagraph (h) to read in its entirety as follows:

(h) The total floor area within all structures on any lot shall not be more than thirty percent of the total lot area.

Section Forty-Two. Section 35-86.3, "Required Conditions" subparagraph (c), is deleted and new Section 35-86.3 Required Conditions subparagraph (c), is substituted in its place and read to read in its entirety as follows:

(c) There shall be two side yards and no side yard shall be less than ten feet, in addition, the aggregate width of the two side yards combined shall not be less than 33 percent of the lot width measured at the required front yard setback line.

Section Forty-Three. Section 35-86.3, "Required Conditions", is hereby amended by adding thereto new subparagraph (h) to read in its entirety as follows:

(h) The total floor area within all structures on any lot shall not be more than thirty percent of the total lot area in the R-2 Zone.

Section Forty-Four. Section 35-87.3, "Required Conditions", is hereby amended by deleting subparagraph (c) and substituting in its place and stead new subparagraph (c) to read in its entirety as follows:

(c) There shall be two side yards and no side yard shall be less than ten feet, provided, however, the aggregate width of the two side yards combined shall be not less than 33 percent of the lot width measured at the required front yard setback line.

Section Forty-Five. Section 35-87.3, "Required Conditions", is hereby amended by adding thereto new subparagraph (h) to read in its entirety as follows:

(h) The total floor area within all structures on any lot shall not be more than thirty percent of the total lot area.

Section Forty-Six. Section 35-90.3, "Required Conditions", is hereby amended by adding thereto new subsection (i) to read in its entirety as follows:

(i) The total floor area within all structures on any lot within the B-1 Zone shall not be more than fifty percent of the total lot area.

Section Forty-Seven. Section 35-91.3, "Required Conditions", is hereby amended by adding thereto new subsections (h) and (i) to read in their entirety as follows:

(h) The total floor area within all structures on any lot within the B-2 Zone shall not be more than forty-five percent of the total lot area.

(i) The total impervious coverage on any lot within the B-2 Zone shall not be more than ninety percent of the total lot area.

Section Forty-Eight. Section 35-94.3, "Required Conditions", is hereby amended by adding thereto new subsections (e) and (f) to read in their entirety as follows:

(e) The total floor area within all structures on any lot within the C Zone shall not be more than forty-five percent of the total lot area.

(f) The total impervious coverage on any lot within the C Zone shall not be more than ninety percent of the total lot area.

Section Forty-Nine. Section 35-95.3, "Required Conditions", is hereby amended by adding thereto new subsections (i) and (j) to read in their entirety as follows:

(i) The total floor area within all structures on any lot within the P Zone shall not be more than forth percent of the total lot area.

(j) The total impervious coverage on any lot within the C Zone shall not be more than eighty percent of the total lot area.

Section Fifty. Section 35-96.3, "Required Conditions", is deleted and new Section 35-96.3 Required Conditions, is hereby substituted in its place and stead as follows:

The P-2 Zone shall be regulated by all of the conditions set forth in subsection 35-95.3 with the exception that the height of buildings shall be limited to a maximum of forty-five feet and not thirty feet as limited in the P Zone.

Section Fifty-One. Section 35-97.3, "Required Conditions", is hereby amended by adding thereto new subsections (f) and (g) to read in their entirety as follows:

(f) The total floor area within all structures on any lot with the H Zone shall not be more than sixty-five percent of the total lot area.

(g) The total impervious coverage on any lot within the H Zone shall not be more than ninety percent of the total lot area.

Section Fifty-Two. Section 35-98.3, "Required Conditions", is hereby amended by adding thereto new subsections (g) and (h) to read in their entirety as follows:

(g) The total floor area within all structures on any lot within the OB-2 Zone shall not be more than thirty-five percent of the total lot area.

(h) The total impervious coverage on any lot within the OB-2 Zone shall not be more than seventy percent of the total lot area.

Section Fifty-Three. Except as herein amended and supplemented, Chapter 35 of the Ridgewood Village Code remains in full force and effect.

Section Fifty-Four. This Ordinance shall take effect immediately upon passage and publication as required by law.

I hereby certify that this is a true copy
of an ordinance adopted by the Council
on June 24, 1986

Colleen B. Hall
DEPUTY VILLAGE CLERK

APPENDIX I

IN THE MATTER OF THE
APPLICATION OF
KARL E. MONTICK and
KADICH REALTY CORP.

BE IT RESOLVED by the Zoning Board of Adjustment of the Village of Ridgewood, that the application of KARL E. MONTICK and KADICH REALTY CORP. for a variance from the strict enforcement of Section 35-81.2(a), Article X of the Ridgewood Village Code in order to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12 in an R-3 Zone be and is hereby approved for the reasons, findings and conclusions set forth in a resolution, separate from but attached hereto, which resolution is adopted by reference and is hereby made a part of the official minutes of this Zoning Board of Adjustment, subject to the following:

- A. All other regulations of the Village of Ridgewood be complied with without exception.
- B. A building permit must be obtained before any work begins.
- C. Nothing contained in this decision shall supercede the provisions of the Uniform Construction Code of the State of New Jersey.
- D. The exterior siding and roof shall match the existing building.
- E. Any recommendations, that will attach to and become a part of this resolution, from the site plan committee.

IN THE MATTER OF THE
APPLICATION OF
KARL E. MONTICK and
KADICH REALTY CORP.

WHEREAS, KARL E. MONTICK and KADICH REALTY CORP. have filed an appeal to this Board of Adjustment in order to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12 in an R-3 Zone; and

WHEREAS, the application was filed on September 3, 1987 seeking certain relief, requested pursuant to N.J.S.A. 40:55D-70(d); and

WHEREAS, the applicant(s) appeared, on his/their own behalf Charles C. Collins, Jr., testimony being taken and exhibits reviewed, at a public hearing, as required by law.

NOW, THEREFORE, BE IT RESOLVED that this Board of Adjustment make the following findings of fact:

1. All persons required to be served with Notice of hearing were duly served, and proof thereof has been duly filed with this Board.
2. Public hearing was held on October 28, 1987 at the Village Hall of the Village of Ridgewood, said meeting being scheduled, and advertised, and held pursuant to the Open Public Meetings Act.
3. The premises in question are located in an R-3 Zone.

4. Applicant(s) is the owner of these premises by deed of August 1, 1963, recorded in the office of the Clerk of Bergen County in Deed Book 4590 at page 171, et seq.

5. The site in question is located on the westerly side of South Broad Street south of Le Roy Place, as shown on a survey prepared by Andrew Marshall, L.S. dated July 30, 1979.

6. There is an existing one story brick building used solely for the use of ^{an} auto body repair shop.

7. Applicant(s) seek to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12, in an R-3 Zone.

8. Applicant'(s') testimony may be summarized as follows:

A. Applicant proposes to put on a peaked pitched roof. The flat roof he has on building now only lasts about ten to twelve years.

B. Applicant also proposes to build an addition which would house a state of the art spray painting machine/booth.

C. The new spray painting machine/booth would:

1. not fit in the existing structure
2. not intensify the work being done; and
3. would eliminate approximately 95% of the fumes as compared to the current system (this would include fumes inside the building and the fumes vented outside the building)

D. This modern spray painting technology will eventually be required by the U.S. Environmental Protection Agency in all automobile body shops.

9. No objectors appeared.

THEREFORE, BE IT RESOLVED that this Board of Adjustment does make the following determinations:

1. The foregoing findings of fact, summary of testimony, and those matters which may be deemed argument, are made a part hereof as if set forth in full.

2. This is an application to vary the provisions of Section 35-81.2(a), Article X of the Ridgewood Village Code, in order to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12, in an R-3 Zone.

3. Such application is governed by N.J.S.A. 40:55D-70(d).

4. The property is somewhat irregularly shaped and is approximately 310' in length, 115' wide at the front and 60' wide at the rear with no topographical problems

5. Applicant'(s)' testimony has been summarized above.

6. The Board finds additionally:

A. That this application is for an expansion of a nonconforming use.

B. The applicant already runs an automobile, body repair shop on the site.

C. The proofs that would support the grant of an expansion of a use not permitted in the zone require special reasons and the satisfaction of the negative criteria of N.J.S.A. 40:55D-70.

E. That the proposed extension will have no detrimental effect on the value of any neighboring property or on the zoning plan and scheme of the Village of Ridgewood.

F. That the benefits outweigh any detriment by the grant of the variance relief requested.

G. The grant of relief here is not inconsistent with the Master Plan of the Village of Ridgewood.

THEREFORE, BE IT RESOLVED that the application of KARL E. MONTICK and KADICH REALTY CORP. for a variance from the strict enforcement of Section 35-81.2(a), Article X of the Ridgewood Village Code, in order to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12 in an R-3 Zone be and is hereby approved, subject to the following:

A. All other regulations of the Village of Ridgewood be complied with without exception.

B. A building permit must be obtained before any work begins.

C. Nothing contained in this decision shall supercede the provisions of the Uniform Construction Code of the State of New Jersey.

D. The exterior siding and roof shall match the existing building.

E. Any recommendations, that will attach to and become a part of this resolution, from the site plan committee.

Dated: November 11, 1987

APPENDIX J

VILLAGE OF RIDGEWOOD
ORDINANCE # 2260

AN ORDINANCE TO AMEND AND SUPPLEMENT THE VILLAGE OF RIDGEWOOD
LAND USE ORDINANCE KNOWN AS
CHAPTER 35 OF THE RIDGEWOOD VILLAGE CODE

BE IT ORDAINED by the Village Council of the Village of Ridgewood in the County of Bergen, and State of New Jersey as follows:

Section 1. 35-72(b)(1) is hereby amended by changing said section to read in its entirety as follows:

- (1) All off-street parking areas for non-residential uses permitted in residential zones, and all off-street parking areas in the R-1A, R-2A, R-4, R-5, R-6 and R-7 zones and parking areas in the non-residential zones and for transitional lots shall be surfaced with bituminous concrete or concrete pavement in accordance with Village specifications for streets or roadways, and maintained in good condition, and shall be so graded and drained as to dispose of all surface waters to the satisfaction of the Director, Department of Public Works. Said parking areas shall be bounded by curbs which shall not be closer to any side or rear property line in any B-1, B-2, P and P-2 zones than 5 feet, provided, however, said 5 foot setback requirement may be waived where 2 or more abutting parking areas are developed as a joint parking facility as permitted in Section 35-74b(6) and as approved by the Planning Board.

Section 2. Section 35-74(b)(3)(a) is hereby amended by changing the third paragraph of said subsection (a) to read as follows:

B-2 and OB-2 zones require one parking space for every 200 square feet of floor areas, or any fraction thereof, of all buildings upon the premises, exclusive of private garages provided, however, the required parking standard for 2 or more abutting parking areas, where developed as a joint parking facility as permitted in Section 35-74b(6) and as approved by the Planning Board, shall be one parking space for every 250 square feet of floor area, or any fraction thereof, of all buildings upon the premises involved in the joint parking facilities.

Section 3. Section 35-80.1(b) is hereby amended by changing said section to read in its entirety as follows:

b. Institutional Uses. Institutional uses may be located in any of the zone districts as a conditional use. If said uses are located in non-residential zones, they shall meet all height, setback and area requirements for the zone district in which they are located. If conditional uses are located in any residential zone, they shall only be permitted after the following requirements are met.

(1) Public or private schools covering kindergarten through grade twelve: These uses shall meet the following minimum requirements:

a. Height. No structure shall exceed forty-five feet above the average elevation of the ground at the foundation of the structure; provided, that service equipment structures may be permitted upon such buildings but shall be limited to five feet above the forty-five foot height and shall have a minimum setback of one foot for every two feet in height of the service equipment structures, measured from the roof line on which the structure is located; and further provided that service equipment structures shall not occupy more than sixty-five percent of the roof area of any building on which such service equipment structure is located. Service equipment structures shall not exceed twenty-five percent of the land area covered by buildings on the property.

b. Setbacks. No building or structure shall be located closer than forty feet to any abutting street right-of-way line. The minimum required setback from all other property lines shall be not less than three feet for every one foot of height of such structure.

c. Land coverage. No more than twenty percent of the land area shall be covered by any above grade structure or structures.

d. Off-street parking. All off-street parking shall meet the provisions of subsection 35-74(b) of the Village Code. All parking areas shall not be less than fifteen feet from any adjoining property line other than an abutting street right-of-way line. Parking is

not permitted in the setback from the abutting street right-of-way line. All setback areas not used for parking shall be landscaped with a suitable hedge or other natural planting as required by the Planning Board.

(2) Churches, public utility buildings and structures: These uses shall meet the following minimum requirements:

- (a) Height. No structure shall exceed forty-five feet in height above the average elevation of the ground at the foundation of the structure.
- (b) Setbacks. No building or structure shall be located closer than forty feet to any abutting street right-of-way line. The minimum required setback from all other property lines shall be not less than one foot for every one foot of height of such structures.
- (c) Land coverage. No more than twenty percent of the land area shall be covered by any above grade structure or structures.
- (d) Off-street parking. All off-street parking shall meet the provision of subsection 35-74(b) of the Village Code.

Section 4. Section 35-85.1(h) is hereby amended by changing said section to read as follows:

- (h) Municipal buildings owned or leased by the Village of Ridgewood and used for public purposes.

Section 5. Section 35-85.1 is hereby amended by adding a new subsection (i) to said section to read as follows:

- (i) Any permitted non-residential use, other than any municipal building owned or leased by the Village of Ridgewood and used for public purposes, shall only be permitted after a site plan has been reviewed and approved by the Planning Board.

Section 6. Section 35-85.1 is hereby amended by adding a new subsection (j) to said section to read in its entirety as follows:

- (j) Family day care homes conducted within any private

residence provided all of the following requirements are complied with:

- (1) There shall be no physical evidence of said use from the exterior of the residential building.
- (2) Signs of any kind advertising the non-residential use are prohibited.
- (3) The remodeling of any residential building in any way to create the impression of business activity from the exterior of the residential building is prohibited.
- (4) No family day care home shall have the services of any person not residing therein.
- (5) Any family day care home shall be limited to the first floor of such residence and shall not occupy an aggregate amount of floor space greater than twenty-five percent of the above grade floor area of the residence or fifty percent of the ground floor whichever is lesser.
- (6) No part of any structure containing a permitted family day care home, within a residential dwelling, shall be located on either side of the same street or any intersecting street within five hundred feet of any other permitted family day care home within a residential structure.

For the purpose of administering this provision a family day care home shall be defined as 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. A child being cared for under the following circumstances is not included in the total number of children receiving child care services:

- (a) The child being cared for is legally related to the provider; or
- (b) The child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the

parents, where no payment for the care is being provided.

Section 7. Section 35-85.1(e) is hereby amended by changing the first paragraph of said section to read as follows:

- (e) No more than one office, contained in a single family residence, of a single practitioner licensed by the State to practice chiropody, podiatry, dentistry, acupuncture, medicine, chiropractic and osteopathy, provided that any building that contains said office, whether a new structure or a converted existing structure, shall be residential in exterior appearance and further provided that the following terms and conditions are met:

Section 8. Section 35-81.1(e)(5) is hereby amended by changing said section to read as follows:

- (5) Such practitioner shall not have the services of more than three other employees assisting in his practice on the premises. Said employees need not be resident therein. This shall not be construed to permit any practitioner to operate in the one office as herein regulated other than the practitioner residing therein.

Section 9. Section 35-85.1(e) is hereby amended by adding a new subsection (10) to read as follows:

- (10) The office hours of any practitioner as herein regulated shall be limited to the hours between 7AM and 9PM.

Section 10. Section 35-85.3(c) is hereby amended by changing said section to read as follows:

- (c) There shall be two side yards and no side yard shall be less than two-thirds the height of the principal building on-site or 15 feet, whichever results in the greater setback; in addition the aggregate width of the two side yards combined shall not be less than 33 percent of the lot width measured at the front yard setback line. On corner lots the side yard measured along the depth of the lot shall not be less than 15 feet and the rear yard measured along the width of the lot shall not be less than 30 feet.

Section 11. Section 35-85.3(g) is hereby amended by changing said section to read as follows:

- (g) Not more than twenty percent of the land area of any lot shall be covered by any above grade structure or structures and not more than twenty percent of that part of the total lot area that is contained within 140 feet of the front street sideline shall be covered by any above grade structure or structures.

Section 12. Section 35-86.3(g) is hereby amended by changing said section to read as follows:

- (g) Not more than twenty percent of the land area of any lot shall be covered by any above grade structure or structures and not more than twenty percent of that part of the total lot area that is contained within 140 feet of the front street sideline shall be covered by any above grade structure or structures.

Section 13. Section 35-87.3(g) is hereby amended by changing said section to read as follows:

- (g) Not more than twenty-five percent of the land area of any lot shall be covered by any above grade structure or structures and not more than twenty-five percent of that part of the total lot area that is contained within 140 feet of the front street sideline shall be covered by any above grade structure or structures.

Section 14. Section 35-90.3(b) is hereby amended by changing said section to read as follows:

- (b) All new buildings shall conform to the existing established front yard setback line of the buildings located on each side of the subject property. In the event the front yard setback on each side of the subject property is not the same distance from the center line of the abutting street in question then the Planning Board, as part of site plan review, shall determine the required set back line for the subject property which shall not be less than the setback of the abutting property that is closest to the street right-of-way line nor greater than the setback of the abutting property that is farthest from the street right-of-way line:

Section 15. Section 35-91.3(b) is hereby amended by changing said section to read as follows:

- (b) All new buildings shall conform to the existing established front yard setback line of the buildings

located on each side of the subject property. In the event the front yard setback on each side of the subject property is not the same distance from the center line of the abutting street in question then the Planning Board, as part of site plan review, shall determine the required set back line for the subject property which shall not be less than the setback of the abutting property that is closest to the street right-of-way line nor greater than the setback of the abutting property that is farthest from the street right-of-way line:

Section 16. Section 35-90.2 is hereby amended by adding a new subsection (h) to read as follows:

- (h) No building shall be permitted which is not supported on a continuous footing and foundation and enclosed on all sides by an exterior wall that rests on said footing and foundation.

Section 17. Section 35-91.3 is hereby amended by adding a new subsection (j) to read as follows:

- (j) Any building constructed on piers, pillars or columns shall be enclosed on all sides by the same material as contained on the facade of the building, except for an opening which provides vehicular access to a street, alley or parking area. Said piers, pillars or columns shall not be visible from any abutting street or property.

Section 18. Section 35-92.3 is hereby amended by adding a new subsection (g) to read as follows:

- (g) Any building constructed on piers, pillars or columns shall be enclosed on all sides by the same material as contained on the facade of the building except for an opening which provides vehicular access to a street, alley or parking area. Said piers, pillars or columns shall not be visible from any abutting street or property.

Section 19. Section 35-93.3 is hereby amended by adding a new subsection (j) to read as follows:

- (j) Any building constructed on piers, pillars or columns shall be enclosed on all sides by the same material as contained on the facade of the building except for an opening which provides vehicular access to a street, alley or parking area. Said piers, pillars or columns

shall not be visible from any abutting street or property.

Section 20. Section 35-94.3 is hereby amended by adding a new subsection (g) to read as follows:

- (g) Any building constructed on piers, pillars or columns shall be enclosed on all sides by the same material as contained on the facade of the building except for an opening which provides vehicular access to a street, alley or parking area. Said piers, pillars or columns shall not be visible from any abutting street or property.

Section 21. Section 35-95.3 is hereby amended by adding a new subsection (k) to read as follows:

- (k) Any building constructed on piers, pillars or columns shall be enclosed on all sides by the same material as contained on the facade of the building except for an opening which provides vehicular access to a street, alley or parking area. Said piers, pillars or columns shall not be visible from any abutting street or property.

Section 22. Section 35-98.3 is hereby amended by adding a new subsection (i) to read as follows:

- (i) Any building constructed on piers, pillars or columns shall be enclosed on all sides by the same material as contained on the facade of the building except for an opening which provides vehicular access to a street, alley or parking area. Said piers, pillars or columns shall not be visible from any abutting street or property.

Section 23. Section 35-60 is hereby amended by changing the first paragraph of said section to read as follows:

Sec. 35-60. Filing procedures.

Prior to the subdivision or re-subdivision of land and prior to the issuance of a building permit, zoning permit or certificate of occupancy for any development, an application shall be submitted to and approved by the planning board in accordance with the requirements of this article; except that site plan review and approval shall not be required for subdivision or individual lot applications for one or two family detached dwelling

unit buildings, nor for any use as set forth in section 35-85.1(h), nor in any case where a proposed alteration will change neither the nature of the use nor the exterior of a building and the planning board, by previous regulation, has provided for administrative review and approval in lieu thereof. Prior to the alteration, diminution, creation or elimination of a lot line which does not constitute a subdivision as defined in section 35-3 of this chapter, an application for subdivision exemption as defined in section 35-3 shall be submitted to and approved by the planning board.

In the event the subdivision or site plan application requires action by the board of adjustment as provided in this chapter, the application shall be submitted to and processed by the board which shall act to the same extent and subject to the same restrictions as the planning board as set forth in this article.

- (a) An application for subdivision or site plan approval shall be filed with the secretary of the appropriate Board at least two weeks prior to a regular meeting of the appropriate municipal agency.

Section 24. Section 35-83.3 is hereby amended by changing the first paragraph of said section to read as follows:

Sec. 35-83.3. Same-Applicability to issuance of building permits and certificates of occupancy; review of permit applications.

No building permit shall be issued by the building inspector for any proposed structure or other improvements to be located within any flood hazard area unless and until the planning board shall have approved a site plan submitted in accordance with subsection 35-84.2 except that site plan review and approval shall not be required for any use as set forth in section 35-85.1(h). Upon approval or denial of any site plan required by said subsection, the secretary of the planning board shall forthwith notify the building inspector thereof. No certificate of occupancy shall be issued by the building inspector unless and until proof has been submitted to him that all conditions of site plan approval have been fully met and complied with.

Section 25. Except as herein amended and supplemented, Chapter 35 of the Ridgewood Code, Land Use and Development, remains in full force and effect.

Section 26. This ordinance shall take effect immediately upon passage and publication as required by law.

FOR AFFIRMANCE: Councilmembers Nealy, Repetto, Svarre and Wiest
NAYS: None ABSENT: Councilman O'Brien ABSTAIN: None
Adoption Date: June 12, 1990
Effective Date: June 17, 1990

Quentin W. Wiest II

Quentin W. Wiest II, Mayor

ATTEST:

Heather A. Mailander

Heather A. Mailander, Village Clerk

APPENDIX K



VILLAGE OF RIDGEWOOD

131 NORTH MAPLE AVENUE
RIDGEWOOD, NEW JERSEY 07451

(201) 670-5500 EXT. 201 VILLAGE CLERK
(201) 670-5500 EXT. 205 DEPUTY VILLAGE CLERK
FAX: (201) 652-7623

HEATHER A. MAILANDER, RMC/MMC/CPM
VILLAGE CLERK
EMAIL: HMAILANDER@RIDGEWOODNJ.NET

DONNA M. JACKSON, RMC
DEPUTY VILLAGE CLERK
EMAIL: DJACKSON@RIDGEWOODNJ.NET

April 25, 2016

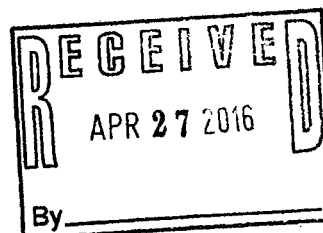
Bergen County Department of Planning
and Economic Development
One Bergen County Plaza
Room 415
Hackensack, NJ 07601-7076

Ordinance(s) #3489 through #3493, enclosed herewith, was/were adopted upon final reading on March 23, 2016 by the Village Council of the Village of Ridgewood.

These certified copies are being sent to you for your records.

Sincerely,

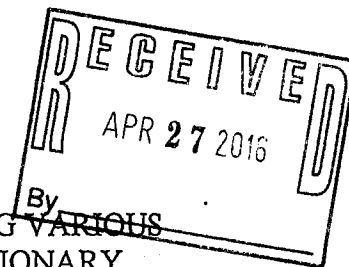
Heather A. Mailander, RMC/CMC/MMC
Village Clerk



0003493

VILLAGE OF RIDGEWOOD

ORDINANCE NO. 3493



AN ORDINANCE OF THE VILLAGE OF RIDGEWOOD AMENDING VARIOUS DEFINITIONS AND REGULATIONS PERTAINING TO INCLUSIONARY DEVELOPMENT, RESIDENTIAL AND NONRESIDENTIAL ZONES, YARDS ABUTTING RAILROADS, NUMBER OF PRINCIPAL BUILDINGS, PARKING BENEATH BUILDINGS, SIGNS IN RESIDENTIAL ZONE DISTRICTS, OUTDOOR STORAGE IN RESIDENTIAL ZONES, DISPLAY OF MOTOR VEHICLES FOR SALE, AND RECREATIONAL FACILITIES FOR RESIDENTIAL USES

WHEREAS, the Village of Ridgewood Planning Board has adopted amendments to the land use element of the master plan on June 2, 2015, with the decision memorialized on June 16, 2015, which amendments recommend the creation of new AH-2, B-3-R and C-R zone districts and modification to the existing C zone district; and

WHEREAS, implementation of the aforesaid recommendations requires various amendments to Chapter 190, *Land Use and Development*, in the Village Code; and

WHEREAS, some of the required amendments to Chapter 190 would apply to multiple zone districts; and

WHEREAS, it is advisable, in the interest of brevity, for one adoption of those provisions which are shared by multiple zone districts, rather than repeating the provisions in the regulations for each zone district;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Ridgewood that Chapter 190, *Land Use and Development*, of the Code of the Village of Ridgewood is hereby amended as follows:

Section 1. Section 190-3, *Definitions; word usage*, is hereby amended by revising the definitions of "affordable," "inclusionary development," "nonresidential zones/districts," and "residential zones/districts" to read as follows:

AFFORDABLE - Having a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4, as may be amended; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

INCLUSIONARY DEVELOPMENT - A development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

NONRESIDENTIAL ZONES/DISTRICTS - Those zones set forth in the zoning regulations of this chapter which are intended primarily for nonresidential or mixed-use development. In addition, those lots in the HC and T Zone Districts which are used primarily for nonresidential purposes shall be considered to be in a nonresidential zone.

RESIDENTIAL ZONES/DISTRICTS - Those zones set forth in the zoning regulations of this chapter which are intended primarily for residential development. In addition, those lots in the HC and T Zone Districts which are vacant or used primarily for residential purposes, as well as those lots in the nonresidential zones which are developed or proposed to be developed entirely for residential uses permitted by ordinance or by variance shall be considered to be in a residential zone.

Section 2. Paragraph (3) in Subsection A of Section 190-119, *General provisions*, is hereby amended to read as follows:

- (3) Yards abutting railroads and state highways. Unless specifically provided otherwise by the regulations for individual zone districts, the yard requirement for any residentially zoned lot that abuts a state highway or active railroad shall increase the yard requirement for that yard that abuts said highway or railroad by 50%.

Section 3. Subsection B of Section 190-119, *General provisions*, is hereby amended to read as follows:

B. Principal buildings.

- (1) No lot shall contain more than one principal building, except:
 - (a) Garden apartments, multifamily dwellings and single-family attached residential dwelling units permitted and regulated in the various zone districts; and
 - (b) Shopping centers located in the HC Zone District.
- (2) No building to be used as a dwelling shall be constructed, altered or moved on, to or in the rear of any building situated on the same lot, except as permitted by Paragraph B(1) above.

Section 4. Paragraph (1) in Subsection G of Section 190-119, *General provisions*, is hereby amended to read as follows:

- (1) No building shall be permitted which is supported by above-grade piers, columns, pylons or similar structures, and unless such building is supported on a continuous footing and foundation and enclosed on all sides by an exterior wall that rests on said footing and foundation. Notwithstanding the above, the following construction is exempt from the foregoing prohibition:
 - (a) Cantilevered portions of buildings which are completely open beneath said portion;
 - (b) Carports and similar roofed canopies supported by piers or columns, provided that such structures shall not be permitted to contain any floor area above any ceiling of said structures;

- (c) Balconies, fire escapes, stairwells, bay windows and similar projecting structures; and
- (d) Parking areas located beneath buildings where specifically permitted in the individual zone districts.

Section 5. The opening paragraph in Subsection C of Section 190-122, *General provisions*, is hereby amended to read as follows:

- C. Signs in the residential zone districts. In all residential zones, the following signs shall be permitted, except as may be provided otherwise by this Chapter:

Section 6. Paragraph (2) in Subsection E of Section 190-124, *Special regulations for certain uses and structures*, is hereby amended to read as follows:

- (2) Outdoor storage of any kind is prohibited in the residential zones, except for a legal one-family detached or two-family dwelling.

Section 7. Paragraph (5) in Subsection E of Section 190-124, *Special regulations for certain uses and structures*, is hereby amended to read as follows:

- (5) Where otherwise permitted by this chapter, the display of new and used motor vehicles for retail sales as a permitted accessory use in the B-2 Zone District shall not be required to be screened by a planting or fence, except where the premises for such permitted use abuts or faces any premises situated in any residential zone.

Section 8. The opening paragraph in Subsection G of Section 190-124, *Special regulations for certain uses and structures*, is hereby amended to read as follows:

- G. Recreational facilities for single-family detached or two-family residential uses. Recreational facilities basketball courts, handball courts, paddleball courts, platform tennis courts, racquetball courts, tennis courts and similar recreation facilities accessory to single-family detached or two-family residential uses and designed to serve the residents on the premises, when permitted, shall comply with the following requirements. Notwithstanding the above, basketball equipment which utilizes a permitted driveway on the lot as the play surface is permitted in the same zone districts as the foregoing recreational facilities, but is not subject to the following requirements; provided, however, that such equipment shall be set back from any property line a distance equal to or greater than the height of the equipment above grade.

Section 9. The opening paragraph and Paragraphs (1), (2) and (3) in Subsection R of Section 190-124, *Special regulations for certain uses and structures*, is hereby amended to read as follows:

- R. General regulations for inclusionary housing developments. Any inclusionary development shall be subject to the following requirements, in addition to the requirements of the zone district within which the development is located and all other applicable requirements of this Chapter. In case of conflict between the following requirements and the requirements of the requirements of this Chapter, the following requirements shall supersede the requirements of this Chapter.

- (1) Building height in the B-1 and B-2 zone districts. The maximum building height permitted for any inclusionary development in the B-1 or B-2 District shall be 50 feet.
- (2) Floor area ratio in the B-1 and B-2 zone districts. The maximum floor area ratio permitted for any inclusionary development in the B-1 District shall be 65%, and the maximum floor area ratio permitted for any inclusionary development in the B-2 District shall be 60%.
- (3) Percentage of affordable units in the B-1 and B-2 zone districts. Twenty percent of the total number of the residential units to be developed subsequent to May 5, 2004, shall be made affordable to low- and moderate-income households, in accordance with the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:93-1.1 et seq.), as may be amended, including but not necessarily limited to phasing controls [N.J.A.C. 5:93-5.6(d) and (e)], inclusionary developments (N.J.A.C. 5:93-7), controls on affordability (N.J.A.C. 5:93-9) and affirmative marketing (N.J.A.C. 5:93-11), all as may be amended.

Section 10. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 11. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 12. This ordinance shall take effect upon passage and publication as provided by law.

VILLAGE OF RIDGEWOOD
ORDINANCE NO. 3493

FOR AFFIRMANCE: Councilmembers: Hauck, Pucciarelli and
Mayor Aronshon

NAYS: Knudsen and Sedon

ABSENT: NONE

ABSTAIN: NONE

Introduction Date: July 15, 2015


Adoption Date: March 23, 2016

Effective Date: April 12, 2016




Paul S. Aronshon, Mayor

ATTEST:



Heather A. Mailander, Village Clerk

I hereby certify that this is a true copy
of an ordinance adopted by the Village
Council of the Village of Ridgewood,
Bergen County, New Jersey on March 23,
2016



Heather A. Mailander, Village Clerk