

As recommended by the Greenwich Township Planning Board

Bob Roemer, Chairman
Hope Hamlin, Secretary
Bill Craig
Judy DeLong
Jean Erbaugh
Carl Gaskill
Siefert Lodge
Don Murray

Adopted by resolution on 1/24/79 by the Greenwich Township Committee

Jean Erbaugh, Chairman
Dan Hancock
John Harker

Prepared with the assistance of the Cumberland County Planning Board



TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I - TITLE	1
ARTICLE II - PURPOSE	1
ARTICLE III - DEFINITIONS	1
ARTICLE IV - ZONING MAP	2
4.1 District Map	2
4.2 Interpretation	2
ARTICLE V - APPLICATION OF REGULATIONS	2
5.1 Use Regulations	2
5.2 Public Street Frontage	2
5.3 Space Used Once	3
5.4 Yard Reduction Prohibited	3
5.5 Uniformity	3
5.6 Existing Lots	3
5.7 Contiguous Lots	3
5.8 Corner Lots	3
5.9 Irregularly Shaped Lots	3
5.10 Required Open Space	4
5.11 Projections	4
5.12 Lot Coverage	4
5.13 Height Exceptions	4
5.14 Comprehensive Plan Setback	4
ARTICLE VI - NONCONFORMING USES AND STRUCTURES	4
6.1 Continuation Conditions	4
ARTICLE VII - DISTRICT REGULATIONS ADOPTED	5
7.1 Schedule of District Regulations	5
7.2 Use Regulations	6
7.3 Space Regulations	6
7.4 Yard Dimensions	6
7.5 Height and Coverage	6
ARTICLE VIII - GENERAL REQUIREMENTS	6
8.1 Driveway Regulations	6
8.2 Fences	7

TABLE OF CONTENTS, Cont'd.

	<u>Page</u>
8.3 Flood Hazard Requirements	7
8.4 Industrial Performance Standards	10
8.5 Intersection View Space	14
8.6 Off-street Loading	14
8.7 Off-street Parking	15
8.8 Outdoor Storage	17
8.9 Screening	17
8.10 Signs	17
 ARTICLE IX - SPECIAL REQUIREMENTS	 22
9.1 Cluster Developments	22
9.2 Earth Extraction Regulations	22
9.3 Gasoline Stations	24
9.4 Historic Conservation Districts	25
9.5 Kennel; Animal Hospital	27
9.6 Mobile Homes	27
9.7 Poultry; Turkey Farms	28
9.8 Public Utility Installations	28
9.9 Roadside Stands	29
9.10 Planned Commercial Development	29
9.11 Swimming Pools	30
9.12 Yard Sales	31
 ARTICLE X - ADMINISTRATION AND ENFORCEMENT	 31
10.1 Enforcement Officer	31
10.2 Duties of Zoning Officer	31
10.3 Zoning Permits Required	32
10.4 Application for Zoning Permits	32
10.5 Conditional Uses	32
10.6 Site Plan Review	33
10.7 Certificate of Occupancy	33
10.8 Fees	34
 ARTICLE XI - APPEAL PROCEDURES	 34
11.1 Board of Adjustment	34
11.2 Procedure	35
11.3 Board of Adjustment, Powers and Duties	35
11.4 Hearings	36
11.5 Stays	37
 ARTICLE XII - INTERPRETATION	 37
12.1 General Procedure	37
12.2 Ordinance Application	37

TABLE OF CONTENTS, Cont'd.

	<u>Page</u>
ARTICLE XIII - GENERAL PROVISIONS	38
13.1 Amendments	38
13.2 Penalties	38
13.3 Severability	38
13.4 Appeal Procedures	38
13.5 Effective Date.	38
AMENDED ZONING MAP	39
SCHEDULE OF DISTRICT REGULATIONS	40



AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 75-1 OF THE TOWNSHIP OF GREENWICH, BEING THE ZONING ORDINANCE OF THE TOWNSHIP OF GREENWICH TO REGULATE AND RESTRICT THE LOCATION, HEIGHT, AND DENSITY OF BUILDINGS OR OTHER STRUCTURES; THEIR CONSTRUCTION AND USE; AND THE USE OF LAND IN THE TOWNSHIP OF GREENWICH, IN THE COUNTY OF CUMBERLAND PURSUANT TO THE AUTHORITY OF R.S. R.S. 40:55D1 ET SEQ.

BE IT ORDAINED by the Township Committee of Greenwich in the County of Cumberland, in the State of New Jersey:

ARTICLE I - TITLE

1.1 An Ordinance to supplement and amend an ordinance entitled the "Zoning Ordinance of the Township of Greenwich". The map herein referred to, identified by the title of "Amended Zoning Map of the Township of Greenwich" dated July, 1978, and all explanatory material thereon, is hereby adopted and made part of this Ordinance.

1.2 This Ordinance shall be known and may be cited as "The Township of Greenwich Zoning Ordinance".

ARTICLE II - PURPOSE

This ordinance is enacted for the following purposes: to encourage the most appropriate use of land throughout the municipality while conserving the value of property, with reasonable consideration for the character of various zoning districts and their peculiar suitability for particular uses that will be compatible with development patterns in neighboring municipalities and the surrounding region; all in accordance with the comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote the public health, safety, morals and general welfare; to provide adequate light, air and open space; to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and for a variety of agricultural, residential, recreational commercial and industrial uses and open space; to promote a desirable visual environment through creative conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land; to prevent the overcrowding of land; to avoid undue concentrations of population; and to these ends, to regulate the height, design, appearance, number of stories and size of buildings and other structures as well as their placement on the land.

ARTICLE III - DEFINITIONS

The words and phrases used in this ordinance shall have the meanings indicated in Article V of the Procedural Ordinance of Greenwich Township, as amended, unless the context otherwise indicates.

ARTICLE IV - ZONING MAP

4.1 DISTRICT MAP

Greenwich Township is hereby divided into zoning districts as shown on the amended Zoning Map, dated July, 1978, and attached hereto, together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this ordinance.

4.2 INTERPRETATION

Where uncertainty exists as to the exact location of any boundaries shown on said Zoning Map, the following rules shall apply:

- A. Zone boundary lines are intended to follow the center line of streets, or railroad rights-of-way, or streams and lot or property lines as they exist on plats of record at the time of passage of this ordinance unless such zone boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where such boundary lines are not fixed by dimensions and where they do not scale more than ten feet (10') distant from a plat or tax map lot line, such lot lines shall be construed to be such boundary lines.
- C. In unsubdivided land, or where a zoning district boundary divides a lot and actual dimensions are not shown, the location of such boundary shall be determined by measurement according to the scale shown on the map.
- D. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A, B and C above, the Board of Adjustment shall interpret the district boundaries.

ARTICLE V - APPLICATION OF REGULATIONS

5.1 USE REGULATIONS

No use or occupancy of any building, structure or land shall hereafter be changed to a different use or occupancy and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it conforms with all of the regulations herein specified for the district in which it is located except as hereinafter provided.

5.2 PUBLIC STREET FRONTAGE.

Every principal building shall be built upon a lot having frontage on a public street which either has been approved to Township standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the provisions of the Land Subdivision Ordinance of the Township.

5.3 SPACE USED ONCE

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

5.4 YARD REDUCTION PROHIBITED

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by the ordinance.

5.5 UNIFORMITY

Within each district, the regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

5.6 EXISTING LOTS

A lot failing to meet the district requirements for area or width and which is demonstrated to have been of public record and not contiguous to other land in the same ownership at the time of enactment of this ordinance, may be used for a permitted use in the district in which it is located only upon the issuance of a variance by the Board of Adjustment after public hearing and a showing by the applicant that he cannot reasonably obtain additional space to meet ordinance requirements. Any variance granted under this section shall constitute the minimum adjustment necessary to permit a reasonable use of the lot.

5.7 CONTIGUOUS LOTS

If two or more lots or combinations of lots or portions of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this ordinance, or become of record thereafter, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves any remaining lot with width or area below the requirements stated in this ordinance.

5.8 CORNER LOTS

Building setback lines for a corner lot shall be the same as required on the adjoining lot along either block.

5.9 IRREGULARLY SHAPED LOTS

In the case of irregularly shaped lots, the minimum lot width specified in the Schedule shall be measured at the rear line of the required front yard area, provided that in no case

shall the distance between the side lot lines be reduced to less than 50 percent of the minimum width requirement.

5.10 REQUIRED OPEN SPACE AND EXCEPTIONS

All required yard and other open areas shall be maintained with no portion of such area used as building area or covered by an impervious surface. The following shall constitute the only exceptions: permitted animal feeding areas, arbor and trellises, barbecues or outdoor fireplaces, building projections, cultivated fields or gardens, fences, flagpoles and clothesline poles, outdoor furniture, playground equipment or games, ponds and streams, private sewage disposal systems, swimming pools, temporary garden structures, tree wells, water systems, air conditioning units or private power generating units. No structure, projection or other improvement shall be erected within three feet (3') of any street or road line.

5.11 PROJECTIONS

Building projections including bays, chimneys, cornices and gutters may extend into required yard areas for a distance not to exceed five feet (5') and shall not be located within ten feet (10') of any property line.

5.12 LOT COVERAGE

The building area of all roofed structures and buildings shall be included in the determination.

5.13 HEIGHT EXCEPTIONS

All buildings and structures shall be subject to height limitations specified in Schedule of District Regulations except: chimneys, spires, towers, elevator prenhouses, tanks, antennas, and flagpoles. The height of any such structure above the base on which it is fixed or attached shall not exceed two times the district height restriction nor be greater than the shortest distance from such base to any property line.

5.14 COMPREHENSIVE PLAN OR OFFICIAL MAP SETBACK

Where a building lot has frontage on a road that is proposed for right-of-way widening on the Master Plan or Official Map of the Township, the required front yard area shall be measured from such proposed right of way line.

ARTICLE VI - NON-CONFORMING USES AND STRUCTURES

6.1 CONTINUATION CONDITIONS

Any lawfully existing use of land or use of structure and premises or any structure by virtue of its size or position on the land that is not in conformity with the provisions of this Ordinance at the time of its enactment, may be continued under the following conditions:

A. A non-conforming use shall terminate upon abandonment at any time. In the case of discontinuance of any non-conforming open land use for a period of twelve (12) consecutive months, the non-conforming open land use shall be presumed to be abandoned and any subsequent use of the land shall conform to the regulations for the district in which such land is located. In addition, when a non-conforming use of a structure, or structure and premises in combination is discontinued for a period of twenty-four (24) consecutive months, the non-conforming use shall be presumed to be abandoned and the structure or structure and premises in combination, as the case may be, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

B. An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, extended, reconstructed or structurally altered in any way except as may be required for normal maintenance or to prevent damage or injury. A preexisting, non-conforming use in a structure may be changed to a use permitted in the district in which it is located.

C. If no structural alterations are made, any non-conforming use of the structure, or structure and premises, may be changed to another non-conforming use subject to conditions imposed by the Board of Adjustment, provided that the Board, by making findings in a specific case, shall find that the proposed use, as conditioned, is equally appropriate or more appropriate to the neighborhood than the existing non-conforming use.

D. Any structure or structure and land in combination in or on which a non-conforming use is superceded by a permitted use shall thereafter conform to the regulations of the district in which said structure is located and the non-conforming structure or use shall not thereafter be reinstated.

E. A structure which, by reason of restrictions on area, lot coverage, height, yards or other characteristics that could not be built under the terms of this Ordinance:

- 1) Shall not be enlarged or altered in a way which increases its non-conformity;
- 2) Shall not be reconstructed except in conformance with this Ordinance should such structure be destroyed or deteriorated by any means to an extent of more than 75 percent of its replacement cost at the time of destruction.

ARTICLE VII - DISTRICT REGULATIONS ADOPTED

7.1 SCHEDULE OF DISTRICT REGULATIONS

District Regulations, as set forth in the Greenwich Township Schedule of Regulations, attached hereto, are hereby adopted by reference and declared to be part of this Ordinance. Supplementary general standards and requirements are contained in Article VIII and supplementary special standards and requirements relating to certain uses are contained in Article IX.

7.2 USE REGULATIONS

No use shall be permitted in a zoning district other than uses listed as uses permitted by right, or as special exceptions, as shown in the Schedule of District Regulations. The Board of Adjustment shall decide questions concerning interpretation of the use lists.

7.3 SPACE REGULATION

No lot shall be smaller in area or width than the minimum lot area and width requirements for the zoning district which it is located, as shown on the Greenwich Township Zoning Map and specified in the Greenwich Township Schedule of District Regulations.

7.4 YARD DIMENSIONS

No yard shall have a horizontal dimension, measured according to appropriate definitions contained in Article V of the Procedural Ordinance of Greenwich Township, less than the minimum yard dimensions specified for the zoning district in which said yard is located as shown on the Greenwich Township Zoning Map and specified in the Greenwich Township Schedule of District Regulations.

7.5 HEIGHT AND COVERAGE

No structure on a lot shall exceed a maximum height or coverage for the zoning district in which such lot is located, as shown on the Greenwich Township Zoning Map and specified in the Greenwich Township Schedule of District Regulations, except that agricultural buildings not used for human habitation shall not be subject to district height restrictions.

ARTICLE VIII - GENERAL STANDARDS AND REQUIREMENTS

8.1 DRIVEWAY REGULATIONS

Any driveway providing access from a public street or way to any permitted use or structure shall comply with the following regulations:

- A. Driveways shall enter the street or road right-of-way at an angle between seventy-five (75) and one hundred five (105) degrees.
- B. The portion of the roadway lying between the right-of-way line of the street and the driveway shall be surfaced as a driveway extension by the developer to a standard equal to the quality of the travelled portion of the road to which it connects.
- C. Any curb opening shall be properly reconstructed by the developer to the satisfaction of the Municipal Engineer. Where curbing does not exist and conditions warrant, an adequate drain pipe shall be installed by the developer as determined by the Municipal Engineer.
- D. Driveway grades shall not exceed eight percent (8) for a distance of forty (40) feet from any street or road right-of-way line.

E. Driveway widths at the street right of way line shall be a minimum of ten (10) feet in connection with one and two family detached residential uses. Other uses shall conform to Section 5.5B of the Greenwich Township Subdivision and Site Plan Ordinance.

8.2 FENCES, WALLS AND HEDGES

In any zoning district, fences, walls and hedges may be located within required yard areas so long as they do not encroach on public rights-of-way or neighboring properties, or conflict with the provisions of Section 8.5

8.3 FLOOD HAZARD REQUIREMENTS

The specific purpose and intent of this section is to prevent excessive and unsafe development in areas deemed unfit by reason of flood danger, unsanitary conditions and related hazards; to minimize danger to public health by protecting water supplies, recharge areas and natural drainage systems; and to promote the health, safety and welfare of Greenwich Township residents and property owners in and near streams and areas subject to flooding.

A. Flood Plain Areas. There are hereby designated within the Township of Greenwich flood plain areas comprised of those sections of the Township which are defined as flood plains in Article V of the Procedural Ordinance of Greenwich Township and which are shown on the Zoning Map of Greenwich Township, and on the Flood Hazard Boundary Map of the Federal Insurance Administration, a part of this ordinance. Within the flood plain areas described above, there are hereby designated floodways as defined in Article V of the Procedural Ordinance of Greenwich Township.

1) Map Filing and Amendment. For purposes of defining the application of a Flood Plain Area to any specific area, the maps, data and other source material utilized to establish, define and designate flood plain areas shall be kept on file in the Municipal Engineer's office and shall be proof of the intended limits of the flood plain areas. Any general changes in the flood plain areas as may, from time to time, be determined to be proper by a survey of the Municipal Engineer or as a result of acceptable engineering delineation accomplished by an outside agency, may be recommended by the Municipal Engineer as an amendment to the Greenwich Township Flood Plain Areas and may be considered for proper enactment as an amendment to this ordinance and the Zoning Map.

2) Interpretation. In case of any dispute concerning the boundaries of flood plain areas or floodways as delineated by this ordinance, an initial determination shall be made by the Municipal Engineer. Any party aggrieved by a decision of the Municipal Engineer as to the proper location of said boundaries may appeal to the Greenwich Township Zoning Board of Adjustment as provided in Article II of the Greenwich Township Procedural Ordinance.

B. Permitted uses

1) Within the floodway of any flood plain areas, the following uses, excluding structures, and no others, shall be permitted:

- a. Pasture, grazing land;
 - b. Recreational uses not requiring regrading or removal of trees, shrubs or vines such as: park, picnic grove, boating club, but excluding closed structures or storage areas;
 - c. Game farm, fish hatchery;
 - d. Hunting and fishing reserve;
 - e. Wildlife sanctuary, woodland preserve or arboretum;
 - f. Open areas needed to meet yard and area requirements for any permitted use in this and other zoning districts as specified in this ordinance.
- 2) Within the remaining portions of flood plain areas, all uses listed in Subsection B.1, above, together with those uses permitted and regulated by this ordinance for the zone district in which the area is located, as said zoning districts are set forth and delineated on the Zoning Map of Greenwich Township, shall be permitted provided that:
- a. The minimum lot area shall be 2 acres;
 - b. The maximum lot coverage shall be 5 percent;
 - c. Any structure proposed to be erected, constructed or located shall not have a basement;
 - d. First flood elevations of any structure or structures shall be ten feet (10') above the elevation of the nearest natural stream or water course within five hundred feet (500') of the building location involved, as determined by the Municipal Engineer.
 - e. Any proposed use, except for individual lot applications for detached one or two dwelling unit buildings, shall be subject to site plan review as provided in the Subdivision and Site Plan Review Ordinance of Greenwich Township.
 - f. No vegetation removal or regrading of the site shall be carried out unless expressly permitted by the Greenwich Township Planning Board after site plan review and determination by that Board that any land disturbance activity is the minimum required to accomplish the use to be permitted.
 - g. The applicant for the use includes the following information with an application for a zoning permit:
 - (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any non-residential structure has been floodproofed.

(3) Building plans certified by a licensed professional engineer or registered architect that the proposed structure or substantial improvements are designed to meet the floodproofing criteria of this section.

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

h. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

j. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

k. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

l. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and,

m. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

n. The zoning permit shall be conditioned on the issuance of all other required local, state, or federal permits or approvals.

o. The term substantial improvement as used in this section means any repair, reconstruction or improvement of a structure the cost of which equals or exceeds seventy-five (75) percent of the market value of the structure either:

(1) before the improvement or repair is started, or

(2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

Any alteration of a structure designated as a historic site or lying within the Historic Conservation District.

(3) Where less than 20 percent of an existing lot is located within a flood plain area, the uses, as permitted and regulated by the ordinance for the zone district in which the area is located, shall apply, provided that no structures are placed within the flood plain area. In the case of lots split by the flood plain area designation, all construction and accompanying land disturbance activities shall take place outside the flood plain area, unless construction within or land disturbance of the flood plain area is permitted in accordance with the provisions of this subsection.

(4) All non-conforming uses, created as a result of the enactment of these regulations, shall not be expanded or be rebuilt or re-established in the event of their destruction or abandonment, (as per Section 6) except as provided by this subsection.

p. No activity regulated under the Wetlands Act of 1970 shall be permitted in a coastal wetland mapped pursuant to N.J.S.A. 13:9A-1 et. seq. unless a permit has been issued in accordance with said act. Regulated activities shall not include the continuance of commercial production of salt hay or other agriculture crops.

C. Municipal Liability. The granting of a zoning permit in the flood plain area shall not constitute a representation, guarantee or warranty of any kind by the Township of Greenwich, or by any official or employee thereof, the practicability, and safety or flood proof status of the proposed use, nor shall the granting of such a permit create any liability upon the Township of Greenwich, its officials or employees.

8.4 INDUSTRIAL PERFORMANCE STANDARDS

No use shall be permitted within the Township of Greenwich which does not conform to the standards of use, occupancy and operation contained in this subsection. The standards contained herein are hereby established as the minimum requirements to be maintained within the Township of Greenwich in all cases except where superceded by a State or Federal agency requirement having jurisdiction.

A. Procedure. All applications for zoning permits in G-1 districts, as well as any application for any industrial or manufacturing use in any other zoning district, shall be accompanied by written opinions by competent technical experts that the performance standards contained in this ordinance will be met by the proposed use. In determining competency of experts, the Planning Board may utilize training and experience requirements used by applicable divisions and bureaus of the Department of Environmental Protection for qualifying their inspection personnel. All such applications shall be accompanied by a fee of five hundred dollars (\$500.00) to be used by the Township to defray the cost of experts retained for the purpose of reviewing application proposals and making recommendations to the Township Planning Board concerning conformance to performance standards contained herein.

If, during the process of reviewing any application, the initial fee is not sufficient to cover the cost of required professional services, an additional sum shall be provided by the applicant to cover the cost of such services. In the event the entire amount of the initial fee is not required to cover the cost of professional services required by the Township in the review of the application, any portion of the fee remaining at the time a certificate of occupancy is issued shall be returned to the applicant.

If, after a certificate of occupancy has been issued for any industrial use and there is reasonable evidence that such use has fallen below the standards of performance contained herein, the Planning Board may, upon the advice of a qualified technical consultant, direct the Zoning Officer to issue a written notice to the industry in question, citing those specific standards being violated. The cost of said consultant shall be chargeable to the industry in question if, after hearing, a violation is found to exist or to the Township if no violation is found to exist. If, after a public hearing upon such written notice, a violation is determined to exist and the owner or occupant fails to correct the violation within a reasonable period of time, the certificate of occupancy granted on the basis of the above established procedures shall become null and void and shall not be reinstated until the Planning Board has evidence that the violation has been corrected or that the industry is in compliance with the performance standards after re-application according to the procedures listed above for the employment of technical experts in the same manner as if the Board was entertaining an initial application.

B. Standards of Performance. No use shall be permitted within the Township of Greenwich which does not conform to the following standards of use, occupancy and operation. The following standards are hereby established as the minimum requirements to be maintained within the Township of Greenwich.

1) Noise. For zoning districts other than industrial, there shall be no noise measured along the property line on which the use is located which shall exceed the values given in the following table:

<u>Frequency Bank in cycles/second</u>	<u>Average Sound Pressure Level; Decibels, Re 0.0002 dyne/cm</u>
0-75	65
75-150	50
150-300	44
300-600	38
600-1200	35
1200-2400	32
2400-4800	29
4800-above	26

For industrial zoning districts, there shall be no noise measured along the property line on which the use is located which shall exceed the value given in the following table:

<u>Frequency Band in cycles/second</u>	<u>Average Sound Pressure Level: Decibels, Re 0.002 dyne/cm</u>
0-75	90
75-150	82
150-300	74
300-600	68
600-1200	66
1200-2400	62
2400-4800	59
4800-above	56

The sound pressure level shall be measured with a Sound Level Analyzer that conforms to specifications published by the American Standards Association, Inc., New York, New York, under the following "American Standards Sound Level Meters for measurement of noise and other sounds, Z 24.3-1944" and "American Standards Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z 24, 10-1543".

2) Odor. No emission of odorous gases or other odorous material in such quantity as to be offensive at the lot lines or beyond shall be permitted.

3) Glare or Heat. Any operation producing intense glare or heat shall be performed within a completely enclosed building so that no operation will produce heat or glare beyond the property line of the lot on which the operation is located.

4) Radiation. No activity involving ionizing radiation shall be permitted which will cause radiation at any point on or beyond any lot line in excess of limits contained in the U.S. Nuclear Regulatory Committee's Rules and Regulations Title 10, Part 20.

5) Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point on or beyond any lot line on which the use is located.

6) Smoke. There shall be no emission of smoke from any source whatever to a density greater than that prescribed by the laws of the State of New Jersey.

7) Toxic or Noxious Matter. No use shall, for any period of time, discharge any toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort to welfare or cause injury or damage to property, business or marine or wildlife.

8) Dust or Dirt. No emission which can cause any detrimental effects to human beings, animals, vegetation, property or which can cause any excessive soiling at any point and in no event any emission from any chimney or otherwise or any solid or liquid particles shall be permitted in excess of that prescribed by the laws of the State of New Jersey.

9) Fire and Explosion Hazards. All industrial activities shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazard as determined by the New Jersey Inspection Bureau, to a use on an adjacent property. Free or active burning of intense burning materials shall be enclosed with incombustible walls and shall be set back at least 40 feet from any lot line or shall be protected with automatic sprinklers. Materials or products which produce flammable or explosive vapors under ordinary weather temperatures shall be adequately safeguarded.

10) Liquid or Solid Waste. No discharge at any point into any private sewage disposal system or stream or into the ground of any materials in any such way or of such nature or temperature as can contaminate any water supply or otherwise the emission of dangerous or objectionable elements shall be permitted except in accordance with the standards approved by the Board of Health of the Township of Greenwich and the State Department of Health, where it has jurisdiction, or in the event that such standards as may be required for controls are not included in such departments, then standards equivalent to those shall apply. No accumulation of solid waste conducive to the breeding of rodents or insects shall be permitted and no materials or wastes shall be deposited upon any lot in such form or manner as may be transferred off of that lot by natural causes or forces.

Effluent from a treatment plant shall, at all times, comply with the following standards:

- a. Maximum quantity of effluent shall be 10 percent of the minimum daily stream flow of the receiving stream.
- b. Maximum five-day biochemical oxygen demand shall be 25 parts per million.
- c. Maximum five-day biochemical oxygen demand after dilution (B.O.D. of effluent multiplied by quantity divided by quantity of stream flow) shall be 25 parts per million.
- d. Maximum total solids 5,000 parts per million.
- e. Maximum phenol shall be 0.01 parts per million.
- f. No effluent shall contain any other acids, oils, dust, toxic metals, corrosive or other toxic substances in solution or suspension which would create odor, poison, or otherwise pollute the stream in violation of applicable laws of the State of New Jersey.

11) Electromagnetic Interference. No activities shall be permitted (except domestic household appliance use) which produce electromagnetic interference in excess of standards prescribed by the Federal Communications Commission.

12) Buffer Zones. Any permitted industrial use locating adjacent to a district boundary line shall observe a five hundred (500) foot building line setback from said district boundary line. This area shall constitute a buffer zone that may be utilized only for landscape or natural plantings; for agricultural purposes and for other Planning Board approved open space uses.

C. Whenever any use required a permit or permits from any regulatory agency other than Greenwich Township for constructional operation, all such permits must be obtained prior to the granting of any permits or approvals under this ordinance.

8.5 INTERSECTION VIEW SPACE

In any district, nothing shall be erected, placed or allowed to grow in such a manner as to materially impede vision between a height of 2 1/2 feet and 10 feet above the center-line grade of abutting street or streets within 30 feet of an intersection of street lines involving two municipal streets; or within 15 feet of an intersection involving boundary lines of a driveway and a street.

8.6 OFF-STREET LOADING

Off-street loading space shall be provided in accordance with the following standards and requirements:

A. An off-street loading space, as defined in this ordinance, shall be required:

- 1) For each ten thousand (10,000) square feet of gross floor area in a hospital;
- 2) For each twenty-five (25) square feet of gross floor area in a funeral home (dimensions of loading space may be reduced to 33' x 12');
- 3) For each twelve thousand (12,000) square feet of gross floor area in a commercial use or manufacturing establishment.

B. All off-street loading spaces shall be surfaced with asphaltic or portland cement concrete and required loading areas together with this access ways shall not be encroached upon or reduced in any manner or devoted to any other use.

C. The arrangement of off-street loading space shall be such that no vehicle shall be such that no vehicle shall have occasion to back onto any street or road.

D. Off-street loading areas shall be so located or screened in a manner that they cannot be seen from any residential or historic district boundary line.

E. When the computation to determine the number of required loading spaces results in a requirement of a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions exceeding one-half (1/2) shall require one (1) space.

8.7 OFF-STREET PARKING

Adequate off-street parking space, open air or indoor, shall be provided with all new construction or the creation of new uses as specified in this ordinance, on the same lot with the use they are intended to serve, except as provided under B. and C. below and shall be furnished with necessary passageways and driveways providing efficient access to the nearest public street:

A. Access aisles and driveways to parking areas shall be not less than ten feet (10') in width. Aisles and driveways within parking areas shall have a minimum width of:

- 1) For ninety degree (90) to sixty degree (60) angle parking - twenty-five feet (25').
- 2) For sixty degree (60) to forty-five degree (45) angle parking - nineteen feet (19');
- 3) For less than forty-five degree (45) angle parking - seventeen feet (17'); and
- 4) For parallel parking - twelve feet (12').

B. The collective provisions of required off-street parking area by two (2) or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required for involved buildings or uses computed separately, unless it can be demonstrated to the satisfaction of the Board of Adjustment that all or part of the separate parking requirements are mutually exclusive as regards periods of need.

C. For commercial and non-commercial uses in business districts, required parking area shall be required within one hundred fifty feet (150') of such use, said distance to be measured from the nearest point of the parking facility to the nearest point of the building that such facility is designed to serve.

D. All off-street parking areas shall be maintained with a graded, dust-free surface that is well-drained, such as gravel or stone for light residential and agricultural uses and blacktop or better for all other uses. Entrances and exits for all required parking facilities shall be located not less than thirty feet (30;) from the intersection of any two (2) street lines and the arrangement of off-street parking areas providing space for more than two (2) vehicles shall be such that no vehicle would have occasion to back into a street.

E. Certificates of occupancy for permitted uses requiring off-street parking areas shall remain valid only so long as required parking areas are not encroached upon, nor reduced for the purpose intended.

F. All off-street parking areas providing for more than ten (10) parking spaces shall be located, or screened, in such a manner that they cannot be seen from a residential or historic preservation district boundary line.

G. Adequate shielding shall be providing in connection with parking lots providing space for more than ten (10) vehicles to protect adjacent residential zones from the glare of both parking lot illumination and automobile headlights.

H. Off-street parking space, together with adequate access and maneuvering area shall be required as follows:

- 1) Two (2) spaces for each dwelling unit;
- 2) One (1) space for each two hundred (200) square feet of gross floor area in connection with any retail business, except that any business or part thereof serving partons on the premises shall provide one (1) space for each three (3) seating spaces provided. Parking space for integrated shopping centers shall be provided as required in Section 9.10.
- 3) One (1) space for each one thousand (1,000) square feet of gross floor area or for each three (3) employees (whichever requires a greater number of spaces) in connection with any wholesale business use or in connection with any manufactur- ing or other use permitted in G-1 (General-Industrial) Districts;
- 4) One (1) space for each one thousand (1,000) square feet of lot area or out- door commercial amusements;
- 5) One (1) space for each room in any use providing transient guest accommodations;
- 6) One (1) space for each five (5) beds in a hospital or institution for children or aged;
- 7) One (1) space for each five hundred (500) square feet of gross floor area for office buildings;
- 8) One (1) space for each five (5) seats in a church or auditorium;
- 9) One (1) space for each six (6) persons of rated capacity for clubs, golf course clubhouses, and non-commercial or commercial recreation uses.
- 10) One (1) space for each one thousand (1,000) square feet of gross floor area of libraries and museums;
- 11) One (1) space for each four (4) beds of an educational institution dormitory;
- 12) One (1) space for each one thousand (1,000) square feet of gross floor area for college classrooms, laboratories, student centers or offices;
- 13) One (1) space for each four (4) persons of rated capacity for theatres, gymnasiums, or stadiums;

14) One (1) space for each one-half (1/2) classroom in elementary schools, one-quarter (1/4) classroom for junior high schools and one-sixth (1/6) classroom for senior high schools; and

15) For any other building types which do not fit into one of the above categories a determination of the required number of spaces shall be made by the Planning Board.

8.8 OUTDOOR STORAGE

Outdoor storage of any type shall not be permitted unless such storage is normally incidental to the permitted use or building and a part of the normal operations conducted on the premises. All outdoor storage shall be subject to the requirements of the prevailing zoning district and shall be screened according to the provisions of Section 8.9 from any property used or zoned for residential purposes.

8.9 SCREENING

Whenever screening is called for in this ordinance, or as a condition imposed by the Planning Board or Board of Adjustment, it shall be installed according to the following standards and requirements:

A. Natural screening shall consist of a strip at least four feet (4') wide, densely planted with shrubs or trees at least four feet (4') high at the time of planting of suitable type and species that may be expected to form a year-round, dense screen at least six feet (6') high within a period of three (3) years.

8.10 SIGNS

Signs shall be permitted in accordance with the following standards and requirements:

A. Exempt Signs. The following shall not be included in the application of regulations herein:

- 1) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, or names of occupants or date of construction.
- 2) Warning signs and signs posting property such as "private property", "no hunting", "no trespassing", or similar signs which do not exceed two (2) square feet in area.
- 3) Flags and insignias of any government except when displayed in connection with commercial promotion.
- 4) Legal notices, informational or directional signs erected by governmental bodies.

5) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

6) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

B. In all zoning districts, the following signs not exceeding two (2) square feet in area shall be permitted without obtaining a sign permit:

1) All signs and signals owned and operated by the Township of Greenwich, the County of Cumberland, the State of New Jersey or the United States of America.

2) Identification signs for public or quasi-public facilities, such as schools, churches, hospitals or libraries, not exceeding two (2) square feet in area.

3) Memorial or historical markers or tablets not exceeding two (2) square feet in area.

4) Traffic or directional signs when approved by the Township Engineer.

C. In any district, customary on-site, for sale, no trespassing, and professional office or home occupation name plates not exceeding six (6) square feet in area nor one (1) such sign for each two hundred feet (200') or part thereof of road frontage contained in the property are permitted upon issuance of a permit by the Zoning Officer and provided such sign is located at least ten feet (10') from any street sign, complies with applicable side yard requirements for the district in which it is located and conforms to other applicable requirements of this ordinance.

D. Prohibited Signs. The following signs are prohibited in any part of the Township:

1) Off-site signs, other than municipal, county, or state traffic or direction signs, which advertise or publicize an activity, business, product, or service not conducted on the premises, except in the case of yard sales as specified in Section 9.12.

2) Signs which are located in a public right of way or approved sight easement.

3) Signs lit with flashing or intermittent light or are in any way animated or are so lit or reflectorized that they interfere with or may be mistaken for a traffic signal.

4) Signs which purport to be or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "STOP", "GO SLOW", "CAUTION", "DANGER", "WARNING", or similar words other than those contained in the name of the business.

5) Signs which are located on a water tower, storage tank, utility pole, or similar structures.

6) Signs which are placed above the roof peak of a building or structure or on a flat roof.

7) Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement.

E. Sign interpretation and measurement. For the purpose of determining the number of signs, a "sign" shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.

Where matter is displayed in a random manner without organized relationship of elements, or where there is a reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The surface area of the sign shall be computed to include the entire area within a parallelogram, triangle, circle, semicircle or other geometric design comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members of freestanding signs shall not be included in computation of the sign surface area.

F. All signs shall be designed, constructed, and maintained in accordance with the following schedule:

1) No freestanding sign shall exceed the maximum height or area permitted the following schedule:

<u>Type of Road Fronting on Sign Location</u>		<u>Maximum Permitted Sign Height</u>	<u>Maximum Permitted Sign Area</u>
<u>No. of Lanes</u>	<u>Speed Limit</u>		
2	less than 30 mph	10'	6 sq'
	30-44 mph	12'	29 sq'
	45-54 mph	14'	35 sq'
	more than 54 mph	16'	70 sq'

<u>Type of Road Fronting on Sign Location</u>		<u>Maximum Permitted Sign Height</u>	<u>Maximum Permitted Sign Area</u>
<u>No. of Lanes</u>	<u>Speed Limit</u>		
4	less than 30 mph	12'	6 sq'
	30-44 mph	14'	30 sq'
	45-54 mph	16'	65 sq'
	more than 54 mph	18'	105 sq'

2) No free-standing sign shall be located any closer than the following distances to street rights-of-way:

<u>Area of Sign</u>	<u>Minimum Distance</u>
less than 25 sq'	10'
26-75 sq'	15'
76 or more sq'	20'

- 3) Signs shall conform to applicable side yard requirements for the district in which they are located.
- 4) Illuminated signs shall be so arranged as to reflect the light and glare away from adjoining premises and away from adjoining streets and/or rights-of-way.
- 5) Signs with two (2) exposures shall be measured for area by using the surface area of one (1) side only. Both sides, however, may be used for display.
- 6) All signs shall be constructed of durable materials, such as wood, metal or stone.
- 7) Wall signs shall be affixed with their face parallel to and not more than 15 inches from the wall to which they are attached.
- 8) Projecting signs are subject to the following limitations:
 - a. Projecting signs shall be no higher than the sill of second floor windows, not to exceed four (4) feet above the tops of lower windows or eaves, whichever is less.
 - b. Projecting signs above an area traversed by motor vehicles shall be no closer than fourteen (14) feet at their lowest point to the finished grade below them.
 - c. Projecting signs above an area traversed by motor vehicles shall be no closer than fourteen (14) feet at their lowest point to the finished grade below them.
 - d. Projecting signs must project from a wall at a 90° angle except that buildings which occupy a street corner. In such cases, the sign may project diagonally from the building corner.
 - e. No projecting sign may be closer than fifty (50) feet to any other projecting sign.
 - f. No projecting sign shall exceed thirty square feet in area.
- 9) Freestanding signs are subject to the following limitations:
 - a. A freestanding sign which is six (6) square feet or more in area may be displayed only on a frontage of one hundred (100) feet or more, and may not be displayed only on a frontage of one hundred (100) feet or more, and may not be closer than one hundred (100) feet to any other freestanding sign which is six (6) square feet or more in size.
 - b. An activity may have both a freestanding and a projecting or a wall sign, on-site, if only one of those signs is six (6) square feet or more in size.

G. Each commercial, industrial, or institutional use may have one on-site sign, either lighted or unlighted. Such sign may be either a wall, projecting, or freestanding sign. Wall signs shall not exceed an area equivalent to five percent (5%) of the first story portion of the wall to which it is attached or thirty-two (32) square feet, whichever is smaller. Where the building (s) is designed for rear or side entrances, each sign not to exceed an area equivalent to half that of the area of a wall sign permitted on the front of the building. Where an individual office unit in a building has direct access from the outside, a sign not exceeding four (4) square feet identifying the name of the office may be attached to the building at the office entrance.

H. Each shopping center may have one (1) freestanding sign, either lighted or unlighted, along each arterial or collector road which the tract in question abuts.

1) Where uses share a common walkway, each use served by the walkway may have one (1) additional sign, either lighted or unlighted. No such sign shall exceed ten (10) square feet in area.

2) All signs in a shopping center shall conform in character to all other signs in the complex and shall blend with the overall architectural scheme of the shopping center.

I. Temporary signs. Zoning permits are required for temporary signs and when granted, shall authorize the erection of said signs and their maintenance for a period not to exceed ninety (90) days in any one (1) calendar year. When found reasonable, the Board of Adjustment may grant an extension of a temporary sign permit. Temporary signs shall not exceed thirty-two (32) square feet in area on one (1) side. The advertisement contained on any temporary sign shall pertain only to the business or activity conducted on or within the premises on which such sign is or will be erected or maintained. Temporary signs of a civic, political or religious nature to be erected or placed by nonprofit organizations and which meet the standards of this section shall not be required to obtain a zoning permit and shall be removed within ten (10) days following the conclusion of the event.

J. Unless otherwise exempted in this chapter, all signs to be erected, constructed or placed within the Township of Greenwich shall require issuance of a sign permit. Applications for permits to erect, construct or place any sign shall be made to the Zoning Officer and shall contain the following:

1) Name, address and telephone number of the applicant, the person preparing and/or constructing the sign (s) and the person erecting the sign.

2) Location of the building, the structure or the lot to which the sign is or is to be erected or attached.

3) A scaled drawing showing the size of the existing or proposed sign; the location of the sign on the building to which it is to be attached or on the property on which it is to be placed (in which case setback dimensions shall be shown); the materials to be utilized in the construction of the sign, including whether or not the sign will be illuminated, and the message, lettering, artwork, illustrations, color and appurtenances to be placed or shown on the sign (s).

4) In the case of signs to be erected, constructed or placed on property or attached to structures not belonging to the applicant, evidence of the property or structure owner's approval and permission for the locating of said sign.

K. Maintenance of signs.

1) Signs must be maintained in good condition and must also not be allowed to deteriorate or become dilapidated. The Building Inspector shall require proper maintenance of all signs and shall inspect every sign which requires issuance of a permit within thirty (30) days after it is erected. All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

2) The Building Inspector or Zoning Officer shall notify the owner of any sign which is in disrepair of such state in writing. The owner of such sign shall correct such deficiency within a reasonable period of time from the date of said notice. In the event that the owner fails to correct said deficiencies or making the required repairs, the Zoning Officer shall institute proceedings as provided for in Article XIII for the removal of the sign.

ARTICLE IX - SPECIAL STANDARDS AND REQUIREMENTS

9.1 CLUSTER DEVELOPMENTS

In R-A Residence-Agriculture and R-1 Residence districts, cluster developments, as defined in this Ordinance may be established subject to the following provisions:

A. Each individual lot of a cluster plan may be reduced to a minimum area of one-half (1/2) acre, but only when soil studies made by the Soil Conservation District and soil borings made by a licensed professional engineer during the months of February or March disclose a depth of at least seven (7) feet to ground water.

B. Gross dwelling unit density for the total project site area shall not exceed one (1) unit per acre.

C. Lot width, yard requirements, building and accessory use requirements for individual cluster plan lots shall be the same as those specified on the Zoning District Schedule for R-1 districts.

D. Land area to be subdivided for any cluster plan developments shall involve the creation of not less than fifty (50) building sites.

9.2 EARTH EXTRACTION REGULATIONS

Earth extraction operations may be established in R-A residential agricultural districts only as a conditional use requiring site plan review and approval in accordance with the following standards and requirements and in accordance with other applicable Township ordinances:

A. In addition to complying with applicable provisions of the Greenwich Township Subdivision and Site Plan Review Ordinance, the site plan for any prospective earth extraction uses shall show the area to be excavated; depth of proposed excavations; setbacks from roads, highways and property lines; and detailed topographic information showing existing and future surface drainage patterns. Information accompanying the plans shall stipulate the period of time during which the operation will continue, the type of equipment to be used (including delivery vehicles), the daily hours of operation, and measures proposed for avoiding safety hazards, wind erosion, excessive noise and other nuisance characteristics.

B. A certificate of occupancy, as required by Section 10.8, shall not be issued for any earth extraction operation until authorized by the Planning Board. In addition, the continuing validity of such certificate shall depend upon continuing compliance with the following standards and requirements, as well as any special conditions attached by the Planning Board where unusual circumstances exist:

- 1) The operation of the earth extraction use shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain haulage roads, situated within one thousand (1,000) feet of any dwelling, in a dust-free condition, providing such surfacing or other treatment recommended by the Planning Board.
- 2) Excavations or stockpiled material shall not be located closer than two hundred (200) feet to any district in which earth extraction uses are not permitted; nor closer than one hundred fifty (150) feet to the boundary line of an adjoining property or any existing street or road.
- 3) No pit shall be excavated to a water-producing depth. Soil borings shall be made by a licensed New Jersey engineer to determine the distance to seasonal high water. Such borings shall be made between January 15 and April 15.
- 4) Any tract of land to be used for earth extraction operations shall be at least one hundred twenty-five (125) acres in size, unless it is contiguous to lands already used by an active earth extraction operation, in which case the coordination of restoration plans between the new and existing uses will be required.
- 5) Proof of legal right of access to earth sites must be shown where no frontage on a public road or highway exists and access routes shall not pass through existing residential areas.
- 6) Sufficient topsoil shall be stockpiled during the operation to recover all excavated areas to a depth naturally found on undisturbed neighboring land.
- 7) Provision for protective fencing or earthen berms shall be required, depending on the nature of the operation, distance from developed areas, depth of pits and slope of pit walls.
- 8) Before any certificate of occupancy or license is issued for an earth extraction use, the owner or operator shall file with the Township Clerk a performance bond issued by an insurance company authorized to do business in the State of New Jersey

or a certified check in the amount of seven hundred and fifty dollars (\$750.00) per acre for each acre licensed to be used for earth extraction. Such bond or other security shall be accompanied by an agreement signed by the applicant and landowner, if a different person, granting the municipality the right of access to make inspections to assure compliance during periods of operation and to perform all necessary rehabilitation of bonded property in the event of forfeiture of the bond. In the event of default, forfeiture shall be made by the Planning Board after public hearing on not less than five (5) days written notice mailed to the principal and surety at their last known post office addresses, which notice shall be complete upon mailing. The bond or other security may be released upon satisfactory restoration of the complete project area or portions of the security may be released as proportional stages of restoration are accomplished on determination of the Planning Board in accordance with the above listed operating standards and the following restoration standards:

a. Pits are not subject to spasmodic standing water and spoil banks shall be left with a slope ratio not exceeding one foot vertical to three (3) feet horizontal. All slopes and other excavated areas shall be graded, covered with topsoil, fertilized mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion, or in the case of formerly wooded areas, replanted in accordance with a planting scheme arranged in conjunction with the State Forester.

b. Depressions shall not be left below surrounding ground level unless property graded to prevent temporary collection of surface water. All surface drainage shall be controlled to prevent any silt or other debris from flowing over adjacent properties or public roads. All provisions to control natural drainage shall meet with the approval of the Township Engineer.

9) Any engineering or legal expenses incurred in insuring compliance with the above requirements shall be borne by the applicant. All applications shall be accompanied by a fee of three hundred dollars (\$300.00) to be used by the Township to defray the cost of professional service in the review of plans for excavation and rehabilitation. In the event the initial fee is not adequate for such purpose, an additional sum shall be provided by the applicant. In the event the total fee submitted is not required, any portion remaining at the time of issuance of the certificate of occupancy shall be returned to the applicant.

9.3 GASOLINE STATIONS AND REPAIR GARAGES

In L-B Districts, gasoline stations and repair garages may be established when, in addition to site plan review and approval; and meeting other ordinance requirements, they comply with the following provisions:

A. In addition to applicable requirements of the Greenwich Township Subdivision and Site Plan Review Ordinance, the site plan submitted in connection with an application for a gasoline station or service garage shall also include the number and location of fuel tanks to be installed, the dimensions and capacity of each storage and location of

of all principal and accessory structures to be constructed; and the number of automobiles which are to be garaged or parked on the premises.

B. Driveways shall be not more than twenty-four (24) feet wide at property and curb lines; they shall be located at least ten (10) feet from any side lot line and thirty-five (35) feet from the intersection of street right-of-way lines.

C. Any part of the site subject to access by motor vehicles shall be surfaced with portland cement or asphaltic concrete.

D. Any repair of motor vehicles shall be performed in a fully-enclosed building and no motor vehicle shall be offered for sale on the site. No motor vehicle parts, or partially dismantled vehicles shall be stored outside an enclosed building.

E. Accessory goods for sale may be displayed in the building and on the pump island only.

F. All fuel pumps shall be located at least thirty-five (35) feet from any property line. All fuel tanks shall be located at least thirty (30) feet from any property line. As a minimum screening, as specified in Section 8.9, shall be installed along any property line adjoining residentially zoned or used property. Additional buffering or other protective devices necessary to protect surrounding properties from the effect of light or noise generated on the property may be required by the approving authority.

G. No motor vehicle service station or public garage shall be located within five hundred (500) feet of any public entrance to a school, recreation area, library hospital, or charitable institution. Such distance shall be measured in a straight line from said public entrance to the service station lot line nearest said entrance along the street line.

9.4 HISTORIC CONSERVATION DISTRICT REGULATIONS

The following procedures, regulations and standards shall apply in the case of any application to construct, alter, move locate or demolish any building or structure within the Historic Conservation District as shown on the Zoning Map. (Any application for the repair, roofing or other minor construction not effecting a change in the exterior of the building or a substantial alteration of partitions on the interior shall not be subject to the regulations contained in this section):

A. Objectives. It is the intent of these regulations to:

1) Safeguard the heritage of the historic village in the Township of Greenwich and to promote a sound, long-range economic asset by preserving a substantial part of the community which best reflects elements of its cultural, social, economic and architectural history.

2) Stabilize and improve property values.

3) Foster civic beauty.

4) Promote the use of significant historic areas and structures of the education, pleasure and welfare of both the citizens of Greenwich Township and its visitors, using, as a guide, all those buildings erected and architectural styles commonly used prior to 1850, and to offer design and historic research assistance to all historic building owners whether in or out of the defined and delineated historic district.

B. Historic Building Review. The Township Planning Board will review all building permits in the Historic Conservation District.

C. Procedure. Any application to construct, reconstruct, move, demolish or substantially alter any building or structure in the Historic Conservation District shall be subject to the following procedures:

1) All applications for building permits other than for those exceptions listed in Section 9.4 above shall be accompanied by a plot sketch and architectural building plans including elevations. In addition to other ordinance provisions, the applicant shall submit the application and plans to the Planning Board. The applicant shall be advised at least ten (10) days prior to the time and place at which the Planning Board will consider his plans and proposal. Suggestions and recommendations made by the Planning Board will consider his plans and proposal. Suggestions and recommendations made by the Planning Board shall be forwarded, in writing, to the Zoning Officer within a period of thirty (30) days from the time the application is declared to be complete by the Chairman of the Planning Board. If the applicant concurs in the recommendations made by the Planning Board and agrees to incorporate the Board's suggestions, he may alter his plans accordingly, after which a zoning permit may be issued immediately provided other ordinance requirements concerning site plan review or Board of Adjustment action have been complied with. If, for some reason, the applicant declines to incorporate the suggestions of the Planning Board in his proposal, the Zoning Officer shall deny the permit and the applicant may immediately appeal the action to the Board of Adjustment. The Board of Adjustment shall act on the matter as an appeal for a decision upon a special question under the provisions of 40:55D-70.

D. Standards. In reviewing plans, the Planning shall give consideration to:

1) The historical and architectural value of a structure and its relationship to historical values existing in the surrounding area;

2) The general compatibility of new construction proposed with historical values of the surrounding area;

3) The general compatibility of exterior design, building component arrangement suitability of building materials and decorative features as they conform to the surroundings and to historical building design, standards, methods of construction and siting arrangements.

E. Building Demolition or Removal. It shall be a function of the Planning Board to consider the appropriateness and ways and means of avoiding removal or demolition of historically important buildings or structures located within the Historic Conservation District.

Applications for demolition or removal of buildings erected prior to 1900 shall be referred to the Planning Board and the Board shall have a period of up to ninety (90) days to confer with the applicant, interested public or quasi-public agencies, as well as other interested officials or individuals to conduct a cooperative effort to ascertain how the Township may preserve the building and or premises. The Board is encouraged to carry out negotiations with either public or private agencies or groups that might lead to feasible plans for preservation of structures where moving or demolition thereof would constitute a great loss to the public or to the Township. In the event a building having historical significance is to be moved to another site within the Township, plans for relocation shall be reviewed by the Board and suggestions or comments made for its protection during the moving process and for resiting at its new locations. Such recommendations shall be made in writing and shall either be discussed with the applicant or forwarded to him prior to the issuance of a moving permit. Relocated buildings shall comply with area, width and yard requirements of the zone to which the building is moved.

F. Any building and/or premises of historical significance or architectural interest of a period prior to 1850 within the Township but outside the established Historic Conservation District upon application of the owner for the period of his lifetime, or so long as he shall own or control said property. Whereby in consideration of receiving the protection and historical benefits of the Historic Conservation District the owner agrees to accept and place his home and/or premises under the rules and regulations of the Historic Conservation District.

9.5 KENNEL AND/OR ANIMAL HOSPITAL

A kennel and/or animal hospital, in addition to complying with other applicable regulations, including the submission of a site plan shall be located on a land parcel having a minimum of five (5) acres and shall be located at least two hundred (200) feet from all lot lines, unless the use is carried on within a completely enclosed and sound-proof building, in which case, it must observe the residential lot size and setback requirements of the R-A district.

9.6 MOBILE HOMES, MOTOR HOMES AND TRAVEL TRAILERS

In addition to complying to other applicable regulations contained in this or any other Greenwich Township ordinance, mobile homes may be placed or used only as follows:

- A. Temporary use of one (1) mobile home structure for office, tool storage or quarters for a watchman as an accessory use to permitted construction projects on the same lot therewith, for a period provided by the permit.
- B. Permanent storage lot of one (1) unoccupied mobile home on a lot only when entirely enclosed within a permitted principal or accessory building.
- C. No mobile home shall be permitted as a principal use in any district.
- D. Motor Homes and Travel Trailer. In Commercial-Recreation Districts only, where temporary sites for camping, travel trailers or motor homes are to be used, there shall be a space not less than 50 by 100 feet for each unit and no more than eight units

per acre. It is necessary that these temporary campers or trailers will be in the area not before January 8th and not after December 15th in any one year. They may be used for a period of not over six months in any one year during the above period. A temporary permit must be issued for each available trailer site to the property owner before any trailer is placed on the property each year.

9.7 POULTRY OR TURKEY FARMS

All applications for a turkey or poultry farm shall be accompanied by a written opinion of the County Agricultural Agent concerning possible nuisance characteristics and measures for adequately dealing with them. In addition to site plan information normally required by the Subdivision and Site Plan Review Ordinance, the application shall set forth the purpose of the operation, the manner in which birds will be housed, methods for recycling or disposing of manure, the number of property line setbacks and, if birds are to be kept outdoors, proposals for regular rotation and cropping of range areas. The report of the County Agricultural Agent should also contain observations regarding the above listed matter. Any certificate of occupancy shall remain valid only so long as the use is operated in a nuisance-free manner in accordance with any conditions included in approval of the Planning Board and Board of Adjustment.

9.8 PUBLIC UTILITY INSTALLATIONS

Public utility installations, other than essential services as defined in this ordinance, shall be permitted in various zoning districts as specified on the Schedule of District Regulations provided that, in addition to the submission of a site plan in accordance with the Greenwich Township Subdivision and Site Plan Review Ordinance and compliance with other applicable requirements, the following standards and procedures will be adhered to:

- A. Any application for such use shall include a statement setting forth the need and purpose of the installation.
- B. Proof shall be furnished to the approving authority that the proposed installation, in the location specified, is necessary for the convenient and efficient operation of the public utility involved and for the satisfactory and convenient provision of service by the utility to the neighborhood in which the particular use provision of service by the utility to the neighborhood in which the particular use is to be located.
- C. The design of any building in connection with such facility shall conform to the general character of the area in which it is proposed to be located.

The applicant shall demonstrate that the proposed use will, in no way, adversely affect the safe and comfortable enjoyment of neighboring properties. Adequate and attractive fences and other screening devices shall be described and shown on the plan for the proposed use. Appropriate landscaping, including trees, shrubs and lawn areas shall also be provided.

- D. As a prerequisite for filing application for a public utility installation, said utility shall have filed with the Municipal Clerk a map currently indicating the location of all existing and proposed structures within the municipality. All public utility installations shall be in conformity with the National Electrical Safety Code as well as performance standards contained in this ordinance.

9.9 ROADSIDE STANDS

Roadside stands for the sale of farm, truck gardening nursery gardening and greenhouse produce may be established as provided in the Schedule of District Regulations and provided further that the major portion of such produce offered for sale is raised by the seller in the Township of Greenwich on land owned or leased by him. Applications for roadside stands shall be subject to the provisions of the Subdivision and Site Plan Review Ordinance. Roadside stands shall be maintained in good repair on a well-kept site. They shall have only one entrance and one exit from the highway; shall maintain no display of goods closer than forty (40) feet to a road right-of-way line; and shall provide one parking space for every one hundred (100) square feet of display area. A maximum of three (3) temporary off-site signs shall be permitted during periods of operation only, each not more than six (6) square feet in area. No signs shall be located within the right-of-way of the adjoining highway, nor shall any sign obstruct the vision of vehicle operators entering or leaving the off-street parking area. Additionally, forty-eight (48) square feet of identification sign area shall be permitted either on the stand or within thirty (30) feet thereof. Interior or exterior lighting in connection with a roadside stand shall not produce a noticeable glare off the premises.

9.10 PLANNED COMMERCIAL DEVELOPMENT

Planned Commercial Developments may be established in L-B Districts under the conditional use procedure contained in Section 10.5 and after site plan review and approval by the Planning Board, as provided by the Subdivision and Site Plan Review Ordinance, in accordance with the following standards and requirements:

- A. A Planned Commercial Development shall occupy a minimum of ten (10) acres and shall be designed as a unified whole.
- B. Not more than twenty (20) percent of the lot area shall be occupied by principal uses none more than five (5) percent by permitted accessory uses (excepting parking and loading areas); and, if the center consists of more than one building, they shall be separated by not less than fifteen (15) feet.
- C. A minimum of two point five (2.5) square feet of automobile parking space shall be provided for each square feet of gross floor area devoted to sales and or patron use in addition, adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles as specified elsewhere in this ordinance; for the provision of vehicle entry and access drives; and for the provision of required landscaped areas and pedestrian walkways all of the above described areas except landscaped areas and conventionally paved entrance drives and pedestrian walkways shall be surfaced with an approved type of porous paving and graded and drained to adequately dispose of any additional surface water that might accumulate on the site.
- D. Landscaped and planted areas shall occupy a space at least twenty (20) feet in width between parking areas and adjoining road right-of-way lines or property lines abutting Residential or Historic Conservation District or residentially used property and a space ten (10) feet in width separating each double-tiered parking bay. Such landscaped areas abutting other properties shall include natural or constructed screening as specified in Section 8.9.

E. Property lighting and screening shall be so designed that adjoining properties are protected from direct glare from either fixed or vehicle lights and blowing debris. There shall be not more than two (2) accessways, neither of which shall exceed twenty-four (24) feet in width, to any one public street, except in cases where a single street frontage exceeds six hundred (600) feet, in which case an additional accessway may be provided, subject to approval of the municipal Planning Board on the advice of the Municipal Engineer. All accessways shall be located at least two hundred (200) feet from the intersection of any street lines.

F. The developer shall provide, or contract to provide in connection with the planned commercial development a storm drainage system, including necessary off-site improvements, easements and structures which shall be of sufficient size and design as well, in the opinion of the Township Engineer, collect, carry off and dispose of all predictable surface water runoff accumulating on or draining naturally to or through the site. In addition, the developer shall comply with all applicable County or State surface drainage regulations.

G. The planned shopping center shall either be connected with a municipal or regional sewerage system or provide a central sewage treatment system acceptable to the Township Engineer and approved by the County Health authorities and the New Jersey Department of Environmental Protection.

9.11 SWIMMING POOLS AND SWIMMING CLUBS

In addition to complying with other applicable regulations contained in this and all other Greenwich Township ordinances, swimming pools (other than movable wading pools having less than one hundred fifty (150) square feet in area and two (2) feet in depth) may be established only after site plan review and approval by the Planning Board, in accordance with the following standards and requirements:

A. Private swimming pools shall be permitted only as an accessory use to a residential unit or units and when the principal residential structure exists or is under construction.

1) Any portion of the perimeter of a private swimming pool that does not abut the principal dwelling or accessory building on the lot on which it is located, shall be protected from access by small children or pets. Fencing or other protective structures to be used for this purpose shall be included on the plans in order that the Planning Board may determine their adequacy. The issuance of a building permit shall be conditioned upon the proper installation of approved, protective fencing or other structures and no certificate of occupancy may be issued until their installation is complete.

2) Any private accessory pool must be located in the rear yard and at least twenty (20) feet from any side or rear property line.

3) Any lighting used in connection with a private swimming pool shall be so directed or shielded as to not shine directly onto other properties.

B. Public swimming clubs operated on a non-profit, annual membership basis shall be permitted as indicated on the Schedule of District Regulations, provided that:

1) Proof is furnished to the Zoning Officer that the proposed use is a bona fide, non-profit activity organized solely for the use and enjoyment of the membership.

2) The parcel involved in the use shall contain at least three (3) acres and shall have two hundred (200) feet of highway frontage.

3) No more than a total of fifteen percent (15) of the lot shall be covered by structures, parking areas and the pool, together with its adjoining hard surfaced areas.

4) No part of the pool, its accompanying hard surfaced area or other supporting structures or activity areas shall be located within seventy-five (75) feet of a property line.

5) The maximum membership of the club shall be fixed at the time of application and shall be commensurate with the size of the parcel and the scale and facilities contemplated. No expansion of the membership shall take place subsequently without supplemental application to and approval by the Board of Adjustment.

6) Any pool established in connection with public swimming clubs shall be constructed and operated according to the requirements of N.J.S.A. 26:3-69.1 through 69.6, as amended and supplemented. The above titled statute, commonly known as the "Swimming Pool Code of New Jersey, 1955," is hereby adopted by reference. A copy of said code is annexed hereto and made a part hereof without inclusion of the text.

9.12 YARD SALES

An owner or person in possession of real estate may hold a yard or tag sale (deemed to include porch, patio, driveway, garage, barn or curb-side sale) as provided in the Schedule of District Regulations, no more than three times in any calendar year, upon obtaining a permit from the Zoning Officer. The tag or yard sale shall not exceed two (2) consecutive days. Tax-exempt organizations are exempt from obtaining a permit under this paragraph. The permit fee for such a sale shall be five dollars (\$5.00).

A maximum of four (4) temporary off-premises directional signs measuring not over six inches by eighteen inches (6" x 18") each for yard sales, bazaars, fairs and church food sales, are permitted under the permit fee listed above. Signs must be removed by the permittee within three (3) days after the event.

ARTICLE X - ADMINISTRATION AND ENFORCEMENT

10.1 ENFORCEMENT OFFICER

The Township Committee shall appoint a Zoning Officer to administer and enforce the provisions of this ordinance except as otherwise provided by law or by this ordinance. He shall be appointed for the term of one (1) year, beginning the first day of January, and shall receive such compensation for his services as shall be fixed by resolution of the Governing Body.

10.2 DUTIES OF THE ZONING OFFICER

The Zoning Officer shall issue permits for such construction and uses as are in accordance with the terms and provisions of this ordinance or any lawful order of the Planning Board,

Board of Adjustment or Governing Body; record and file all applications for zoning permits, together with the plans, documents and other papers accompanying such application as well as all certificates of occupancy applied for and granted; collect all fees that may be payable to the Township under provisions of this ordinance, unless otherwise specifically provided; prepare a monthly report for the Governing Body listing all zoning permits applied for and those granted, all certificates of occupancy granted, any fees paid in connection therewith and all ordinance violations and actions taken by his office consequent thereto. A copy of each such report shall be filed with the Township Tax Assessor at the same time. The Zoning Officer shall institute and conduct lawful proceedings to prevent threatened violation of this Ordinance and, in order to correct conditions resulting from the violations of the Ordinance, prosecute persons who shall have violated, or who shall be engaged in violating, any of the terms or provisions of this Ordinance and shall have recourse to any and all remedies including injunction, restraining orders and writs of mandamus.

10.3 ZONING PERMITS REQUIRED

No person shall, hereafter erect, locate or alter any building or portion thereof, or begin or change the use of any land, without first obtaining a zoning permit therefor from the Zoning Officer. No zoning permit shall be issued except in conformance with the provisions of this Ordinance or, where authorized, upon written order of the Board of Adjustment, Planning Board or Governing Body.

10.4 APPLICATION FOR ZONING PERMITS

All requests for zoning permits shall be made in writing to the Zoning Officer on forms supplied by the Zoning Officer and shall be signed by the owner or his authorized agent. The application shall include a description of the use or uses of the building and or land. Each application shall be accompanied by a site plan drawn to scale, showing any existing or proposed buildings, or open land uses and their exact relation to all lot and street lines. Accompanying the application also must be a written statement giving satisfactory evidence to the effect that the line of the street boundaries have been accurately located and staked on the ground and that said application is intended to comply with all the provisions of the Zoning Ordinance or any lawful order of the Planning Board or Board of Adjustment.

Except as provided otherwise in Section 10.5 Conditional Uses, and the Subdivision and Site Plan Review Ordinance of Greenwich Township, a zoning permit shall be granted or refused by the Zoning Officer within ten (10) days after he shall have received a complete application together with any required fee.

10.5 CONDITIONAL USES

A. Recognizing that certain uses, activities and structures are necessary to serve the needs and convenience of the Township and, at the same time, recognizing that such uses may be or may become harmful to the public health, safety and general welfare if located and operated without proper consideration of existing conditions and the character of surrounding environment and uses, such uses are hereby designated Conditional Uses and listed as such under the appropriate zone district regulations contained in this Ordinance. In addition to other powers conferred by this Ordinance, the Planning Board

or Zoning Board of Adjustment shall have power to authorize the granting of a permit for a Conditional Use after site plan approval under the terms established in this Ordinance, in the Greenwich Township Procedural Ordinance, and N.J.R.S. 40:55D-1 et. seq., and in accordance with the following general stipulation and guidelines:

- 1) The use for which application is being made is specifically authorized as a Conditional Use for the district in which it is proposed.
- 2) The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected.
- 3) That reasonable consideration is afforded the character of the neighborhood and the district in which the use will be located; the conservation of property values; the avoidance of congestion of vehicular traffic; and the avoidance of any unnecessary hazards.

B. Application and Review Procedure. All applications for conditional uses shall be made to the Secretary of the Planning Board after formal notification to the Zoning Officer of the application filing, except where the Board of Adjustment hears such an application as part of a variance application pursuant to Article II, Section 5A of the Greenwich Township Procedural Ordinance. The completeness of an application for a conditional use permit shall be determined by the approving authority concurrently with its determination of the completeness of the accompanying site plan application. The approving authority shall grant or deny an application for a Conditional Use within ninety-five (95) days of submission of a complete application, or within such further time as may be consented to by the applicant.

C. A properly noticed public hearing on each application for a Conditional Use permit shall be held, concurrently with any required Public Hearing on an accompanying site plan, pursuant to the rules and requirements contained in the Greenwich Township Procedural Ordinance.

D. Failure of the approving authority to act within the period prescribed shall constitute approval of the application and a certificate of the approving authority's administrative officer to the failure of the approving authority 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 required either in this Ordinance or the Greenwich Township Procedural Ordinance.

10.6 SITE PLAN REVIEW (Repealed, See Subdivision and Site Plan Review Ordinance)

10.7 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof, hereinafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, or to continue the use of a building, structure or premises a legal, non-conforming use until a certificate of occupancy shall have been issued therefor by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

A. Following the completion of construction, reconstruction or alteration of any building or structure, or prior to any change in the use of any building, structure or land, the applicant shall transmit, by registered mail, to the Zoning Officer a letter stating that such construction has been completed, or that a new or changed use is being proposed. All applicants for certificates of occupancy shall be accompanied by the required fee. Within seven (7) days of the receipt of this letter, the Zoning Officer shall make all necessary inspections of the completed structure and/or proposed use to determine conformance with the terms of this ordinance and either issue a certificate of occupancy or a letter of denial stating the reasons therefor.

B. The Zoning Officer shall, upon proper application accompanied by necessary proof or documentation, issue certificates of occupancy for uses existing at the effective date of this ordinance in order to officially validate:

- 1) Legal conforming uses
- 2) Legal non-conforming uses
- 3) Legal status of uses previously approved by Board of Adjustment action

C. A certificate of occupancy shall be issued only if the Zoning Officer finds that the requirements of this Ordinance or applicable supplementary actions or requirements of the Board of Adjustment, Planning Board or Governing Body have been complied with. Any certificate of occupancy shall be continued in force only so long as the use or building for which it was issued continues to conform to the requirements of this Ordinance. A record of all certificates shall be kept on file in the office of the Zoning Officer and copies of all certificates issued shall be forwarded to the Township Tax Assessor. All applications for certificates of occupancy shall be accompanied by the required fee.

10.8 FEES

The fee for a zoning permit, certificate of occupancy, and application to the Board of Adjustment shall be as established by resolution of the Township Committee. Zoning permit and certificate of occupancy fees shall be paid to the Zoning Officer upon application for said permit or certificate, and to the administrative officer of the approving authority in connection with an application for a conditional use or variance. Other fees, escrow payments, performance guarantees and maintenance guarantees shall be as specified in particular cases in Articles VIII, IX, and in the Subdivision and Site Plan Ordinance of Greenwich Township.

ARTICLE XI - APPEAL PROCEDURES

11.1 BOARD OF ADJUSTMENT

A Board of Adjustment is hereby established consisting of five (5) members and two (2) alternate members, as provided by New Jersey law. They shall be appointed by the Governing Body, shall be residents of the Township of Greenwich, New Jersey, shall not hold any elective office within Greenwich Township, shall serve without salary or other compensation, and shall severally be removable from office by the Township Committee for cause

shown upon written charges and after public hearing. Terms of appointments shall be as specified by N.J.S.A. 40:55-36, et seq. as amended. Vacancies shall be filled by resolution of the Township Committee for the unexpired term of the member affected.

11.2 BOARD OF ADJUSTMENT PROCEDURE

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, in accordance with the provisions of this Ordinance and applicable New Jersey statutes. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall elect a chairman from its own members and a secretary (who may, but need not be chosen from among members of the Board). Subsequent to the initial election of officers, organization meetings of the Board shall hold at least one (1) regular stated meeting each month at such time and on such day as it shall designate; and shall hold other meetings as the Board may determine or as called by the Chairman. All meetings shall be held in the Municipal Building and shall be open to the public. In the absence of the Chairman, the members present may designate an Acting Chairman, who shall have powers to perform the duties of the Chairman during his absence. A majority of all members of the Board shall be necessary for a quorum, and all orders, determinations and other acts of the Board shall require the affirmative vote of not fewer than three (3) members. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. As required by law, the Board shall keep minutes of all its proceedings showing the vote of the respective members upon each question presented and, if a member is absent or fails to vote, the minutes shall so indicate; and the Board shall keep records of such examination and other official actions, all of which shall be immediately filed in the office of the Board and be a public record.

11.3 BOARD OF ADJUSTMENT POWERS AND DUTIES

A. The Board of Adjustment shall have and exercise all the jurisdiction and authority and shall have and perform all the duties granted to, or evolving upon a Board of Adjustment by this Ordinance and by law, including (without limiting the generality of the foregoing) N.J.S.A. 40:55-30 through 40:55-51, as amended.

B. The Board of Adjustment shall not take final action in connection with any matter requiring site plan review and approval by the Planning Board until that Board has had a period of forty-five (45) days from the date said site plan is determined to be complete to review and report its findings to the Board of Adjustment.

C. The Board of Adjustment shall have the following specific powers as prescribed by the Revised Statutes of the New Jersey 40:55-30 to 40:55-51, and shall exercise such powers and discharge such duties in the manner provided by law:

- 1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by administration official or agency based on or made in the enforcement of this Zoning Ordinance.
- 2) Hear and decide, in accordance with the provisions of this Ordinance requests for special exceptions or for interpretation of the map or for decisions upon other special exceptions upon which such Board is authorized by this Ordinance to pass.

3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reasons of exceptional topographic conditions, or by reason of other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under the Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship; provided, however, that no variance shall be granted under this paragraph to allow a structure or use in a district restricted against such structure or use.

4) Recommended in particular cases and for special reasons to the governing body the granting of a variance to allow a structure or use in a district restricted against such structure use. Whereupon the governing body may, by resolution, approve or disapprove such recommendation. If such recommendation shall be approved, then the building inspector shall forthwith issue a permit for such structure or use.

No relief may be granted or action taken under the terms of this section unless such relief can be granted without substantial detriment to the public good or substantial impairment to the intent and purpose of the zoning district and the Zoning Ordinance.

11.4 HEARINGS, APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board of other agency affected by any decision of the Zoning Officer. An appeal shall be taken within twenty (20) days of the date of the decision or the determination of the Zoning Officer being appealed. Notice of an appeal specifying the grounds thereof, shall be filed with the Zoning Officer and the Board of Adjustment. The Zoning Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record leading to the decision being appealed.

A. Administrative Procedures. The Board of Adjustment shall act in strict accordance with the procedure specified in R.S. 40:55-42 and by this Ordinance. All appeals and applications to the Board shall be in writing. Every appeal or application shall refer to the specific provision in the ordinance involved and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted. Every decision of the Board shall be made by resolution, each of which shall contain a full record of the findings of the Board in that particular case. Each such resolution shall be filed in the office of the Township Clerk by case number, under the headings of Interpretation, Special Exception or Variance; together with all documents pertaining thereto. The Board shall notify the Governing Body, the Planning Board and the Zoning Officer of the disposition of each case brought before it.

B. Public Hearings. The Board shall fix a reasonable time for the hearing of appeals, giving due notice of the time set for the hearing to the applicant. The applicant shall, at least ten (10) days prior to the date appointed for said hearing, notify all property owners within two hundred (200) feet of the property to be affected by said appeal,

as provided in the Statutes of New Jersey, as well as other interested property owners as may be designated by the Board of Adjustment. The applicant must furnish proof of service of notice in writing, properly notarized.

C. Notice of all decisions of the Board of Adjustment, stating the name of the applicant, the location of the property involved, the nature of the application and the effect of any action taken shall be published once in the official newspaper of the Township of Greenwich and a copy of said notice shall be mailed to the applicant or such other notice shall be given, as may be required by a ruling of the Court or by statute.

D. Any person or persons or any board, taxpayer, department or bureau of the Township aggrieved by any decision of the Board of Adjustment may seek a review by a court of record, in the manner provided by the State of New Jersey.

E. In the event that a Court Reporter is required, in the opinion of the Board, or desired by the applicant, the cost of said Reporter and transcripts of hearing proceedings for the applicant and the Board shall be borne by the applicant. The cost of any additional transcripts shall be charged to the person or agency ordering them.

11.5 STAYS

The filing of an appeal stays all proceedings in furtherance of construction, use changes, or other action appealed for unless the Zoning Officer certifies to the Board of Adjustment after notice of appeal shall have been filed, that by reasons of facts stated and certified to by the applicant, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed, otherwise than by a restraining order issued by a court of competent jurisdiction on due cause shown.

ARTICLE XII - INTERPRETATION

12.1 GENERAL PROCEDURE

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer, and that such questions shall be presented to the Board of Adjustment or Planning Board only as required by this ordinance or on appeal from a decision of the Zoning Officer, and that recourse from decisions of the Planning Board or Board of Adjustment shall be in accordance with Article IV of the Greenwich Procedural Ordinance. In case of a conflict between a provision of this ordinance and any other Township, County or State requirement, the most stringent regulation shall apply.

12.2 ORDINANCE APPLICATION

This ordinance shall amend and supplement the Greenwich Township Zoning Ordinance adopted on the sixth day of April, 1976, as subsequently amended. The adoption of this amending ordinance shall not affect the status of zoning permits heretofore issued or any of the terms and conditions thereof, and shall in no way, affect any prior act, ruling or decision of the Zoning Officer, the Board of Adjustment, or the Governing Body; or any pending appeal or procedure which may, hereafter, be properly instituted to appeal; any prior act, ruling or decision of such Zoning Officer, the Board of Adjustment or the Governing Body. The standards set forth in this Ordinance are minimum standards for each district or class of use building or structure covered thereby.

ARTICLE XIII - GENERAL PROVISIONS

13.1 AMENDMENTS

The regulations, restrictions and boundaries set forth in this Ordinance may, from time to time, be amended, supplemented, changed or repealed in accordance with procedures established by applicable New Jersey statutes.

13.2 PENALTIES

Any person who shall violate this Ordinance or do any act or thing therein prohibited, or refuse or fail to do any act or thing therein required to be done, or refuse or fail to comply with an order of the Zoning Officer or an order of the Board of Adjustment within five (5) days after written notice has been served on him by registered mail (said notice to be complete upon mailing) shall, for each and every violation, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days 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 violation of this Ordinance.

13.3 SEVERABILITY

In the event any provision of this Ordinance is declared invalid by any recognized court of law, such invalidity shall pertain to that provision only and the remainder of the Ordinance shall continue in full force and effect.

13.4 APPEAL PROCEDURES

Any person aggrieved or any officer, department, board, or bureau of the municipality affected by any decision pursuant to the provisions (of this Ordinance may appeal the decision or determination pursuant to the provisions)* of Article IV of the Greenwich Township Procedural Ordinance.

13.5 EFFECTIVE DATE

This Ordinance shall take effect immediately upon final passage and publication in the manner prescribed by applicable New Jersey Statutes.

*Material inadvertently omitted from officially adopted Ordinance amendment.