

REGULAR MEETING  
JUNE 26, 2018  
7:00 P.M.

SUBJECT TO CHANGE

ORDINANCES - SECOND READING:

- A. BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$60,000,000 FOR THE REHABILITATION OF THE MCUA TRUNK SEWER IN, BY AND FOR THE SEWER UTILITY OF THE TOWNSHIP OF WOODBRIDGE, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.
- B. AN ORDINANCE APPROVING A SUB-LEASE AGREEMENT BETWEEN THE TOWNSHIP OF WOODBRIDGE AND WOODBRIDGE ARTS ALLIANCE.
- C. AN ORDINANCE AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION," SECTION 2-70 ENTITLED "TAX ABATEMENT AND EXEMPTIONS" ADDING A SUBSECTION 2-70-3 ENTITLED "ABATEMENT AND EXEMPTION FOR CONVERSIONS OF COMMERCIAL PROPERTIES TO DWELLING USE"
- D. AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF REAL PROPERTY KNOWN AS BLOCK 753, LOT 1 AND BLOCK 756, LOT 1.02.
- E. AMENDING CHAPTER 7 ENTITLED "TRAFFIC" OF THE REVISED ORDINANCES OF THE TOWNSHIP OF WOODBRIDGE - SECTION 7-38.2 HANDICAPPED PARKING ON STREETS FOR VARIOUS PRIVATE RESIDENCES OCCUPIED BY HANDICAPPED PERSONS.
- F. AMENDING CHAPTER 7 ENTITLED "TRAFFIC" SECTION 7-38, 1 HANDICAPPED PARKING ON STREETS TO DELETE MOFFETT STREET, NORTH.

G. AN ORDINANCE IN ACCORDANCE WITH CHAPTER 7-BUILDING REGULATIONS ARTICLE 1-UNIFORM CONSTRUCTION CODE, PURSUANT TO N.J.A.C. 5:23-2.25 - WAIVING CONSTRUCTION PERMIT FEES ASSOCIATED WITH THE INSTALLATION OF SOLAR PANEL SYSTEMS AT PROPERTIES OWNED AND OPERATED BY NONPROFIT ORGANIZATIONS.

H. AMENDING CHAPTER 150-24 ENTITLED "LAND USE & DEVELOPMENT." TO INCLUDE SUBSECTION 150-24 (B, 15) REGULATIONS APPLICABLE TO ALL RESIDENTIAL ZONES AND 150-24 (C, 7) REGULATIONS APPLICABLE TO ALL NON-RESIDENTIAL ZONES.

I. AMENDING CHAPTER 150, SECTION 150-24 ENTITLED "GENERAL REGULATIONS" OF THE TOWNSHIP OF WOODBRIDGE LAND USE AND DEVELOPMENT ORDINANCE ADDING SUBSECTION 150-24.3 ENTITLED "PLUG - IN ELECTRIC VEHICLE."

J. AMENDING CHAPTER 150, SECTION 150-24, ENTITLED "GENERAL REGULATIONS" OF THE TOWNSHIP OF WOODBRIDGE LAND USE AND DEVELOPMENT ORDINANCE ADDING SUBSECTION 150-24.2 ENTITLED "SOLAR ENERGY."

K. AMENDING CHAPTER 7 ENTITLED "TRAFFIC" SECTION 7-17 RESIDENTIAL PERMIT PARKING TO ADD NO PERSON SHALL PARK A VEHICLE ON SEVERAL LOCATIONS IN THE TOWNSHIP, UNLESS AN APPROPRIATE AND CURRENT PARKING PERMIT HAVE BEEN ISSUED BY THE TOWNSHIP, AND IS DISPLAYED ON SAID VEHICLE.

ORDINANCES - FIRST READING:

L. AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE AND POSSESSION OF CERTAIN REAL PROPERTY DESCRIBED AS BLOCK 19.01, LOT 8.08 COMMONLY KNOWN AS 11 CORRIELLE STREET, FORDS, BE ACQUIRED BY WOODBRIDGE TOWNSHIP.

M. AMENDING ORDINANCE, SECTION 7-38.5, HANDICAPPED PARKING ON ALL OTHER PRIVATE PROPERTY- TO DELETE KEYSTONE COURT, 1 SPACE, (P1091786) - TO ADD KEYSTONE COURT, 1 SPACE (P1940316).

N. AMENDING ORDINANCE, SECTION 7-38.2 HANDICAPPED PARKING ON STREETS FOR PRIVATE RESIDENCES - TO DELETE ROANOKE STREET EAST (P717907), GARFIELD AVENUE EAST, (P1455037), - TO ADD ROANOKE STREET EAST (P1953873), GARFIELD AVENUE EAST (P1956349).

- O. AMENDING CHAPTER 7 ENTITLED "TRAFFIC" SECTION 7-12 PARKING TIME LIMITED ON CERTAIN STREETS TO DELETE - N. SMITH STREET & E. PENNSYLVANIA AVENUE, BOTH SIDES, 2 HOURS, FROM 8:00 A.M. TO 6:00 P.M.
- P. AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR EMINENT DOMAIN OF REAL PROPERTY DESIGNATED AS BLOCK 545, LOT 38 ALSO KNOWN AS 410 AMBOY AVENUE IN THE TOWNSHIP OF WOODBRIDGE FOR THE PUBLIC PURPOSE OF CONSTRUCTING A PUBLIC MUNICIPAL GARAGE/PARKING LOT.

**RESOLUTIONS:**

1. Resolution authorizing the month of September to be declared "Prostate Cancer Awareness Month."
2. Resolution approving the request of the Woodbridge Metro Chamber of Commerce to host a "Street Fair" on Saturday, May 18, 2019.
3. Resolution approving the request of School #9 to hold their (Oktoberfest Fundraiser) on October 20, 2018, rain date, October 27, 2018.
4. Pulled.
5. Refund – Overpaid Taxes.
6. Refund – Overpaid Sewer User Fees.
7. Resolution authorizing to cancel a Tax Lien on property owned by NJ Transit, Blk. 550, Lot 27.01.
8. Resolution authorizing various vendors to be paid from donations received from various persons and organizations from the Woodbridge Council on Physical Fitness and Sports, for the Pizza Run Race being held on July 11, 2018.
9. Resolution releasing Bond Performance Guarantee to Levin Properties, LP - \$80,686.80.
10. Resolution authorizing and granting waiver requirements for Blue Mountain Construction, LLC, for the installation of sidewalks for Block 517.02, Lot: 78, 57 Archangela Avenue, Colonia, New Jersey.

11. Resolution authorizing and granting waiver requirements for Knock on Wood, LLC for the installation of sidewalks for Block: 442.06, Lot: 7, 93 Fiume Street, Iselin.
12. Shared Services Agreement – Borough of Sayreville for various services.
13. Agreement – Maser Consulting, P.A. for professional engineering services for Traffic Signals at Four (4) intersections in an amount not to exceed \$157,900.00.
14. Agreement – CME Associates, for professional engineering services for the 2020 Census Local Update of Census Addresses Operation (LUCA), in an amount not to exceed \$25,000.00.
15. Resolution authorizing the following vendors and their State Contract numbers to be used by the Purchasing Agent, at the advice of the Director of Public Works & I.S. Director for the purchase of equipment & materials at various times throughout the year for Public Works and the Administration Departments.
16. Resolution authorizing the renewal of Club Licenses for the 2018-2019 license terms.
17. Resolution authorizing the renewal of Plenary Retail Consumption Licenses for the 2018-2019 license terms.
18. Resolution authorizing the renewal of Plenary Retail Distribution Licenses for the 2018-2019 license terms.
19. Resolution authorizing that Resolution #28a adopted on June 12, 2018, is hereby rescinded.
20. Resolution authorizing that any reference to Liquor License #1225-33-046-003 on (McLemon Tree Bar & Restaurant LLC) Resolution #29 adopted on June 12, 2018, is rescinded.
21. Block Parties.
22. Resolution authorizing the insertion of a Special Item of Revenue into the SFY 2018 Budget for the Township of Woodbridge – NJDOT Highway Safety Grant 2 - \$34,705.78.
23. Resolution authorizing that the CMAQ grant for \$268,650 as well as the Township match of \$89,550.00 is cancelled.
24. Resolution authorizing the request of the Mayor's Council on Physical Fitness and Sports and the Club at Woodbridge to host its annual "Joseph Ward Woodbridge Crossroads Race." on Sunday, September 2, 2018.

25. Resolution to establish temporary appropriations 2018/2019 Fiscal Year Budget.
26. Resolution to establish temporary appropriations Debt Service for 2018/19 Fiscal Year Budget.
27. 2018 State Fiscal Year Budget Transfer.
28. Resolution authorizing to cancel the Recreation Utility Appropriation Balances.
29. Resolution authorizing to renew the contract with The Land Conservancy of New Jersey, to provide services to the Township in regard to advancing the Township's flood mitigation and open space programs in an amount not to exceed \$12,500.00.
30. Resolution authorizing the Fiscal Year Tax Levies is hereby approved reflecting a Preliminary Tax Levy of \$94,522.295 for the calendar year 2018.
31. Bill List.

## **SECOND READING**

H.

### **AN ORDINANCE AMENDING CHAPTER 150, SECTION 150-24 ENTITLED "GENERAL REGULATIONS" OF THE TOWNSHIP CODE ENTITLED "LAND USE & DEVELOPMENT"**

**WHEREAS**, the Township of Woodbridge recognizes environmental sustainability as being in the interest of public welfare; and

**WHEREAS**, the installation of electric vehicle charging stations will contribute to placemaking efforts throughout the Township; and

**WHEREAS**, the Township desires to encourage greater installation of electric vehicle charging stations; and

**WHEREAS**, the Township consistently updates Chapter 150, Land Use & Development;

**WHEREAS**, the Township desires to amend the Land Use and Development Ordinance to permit Electric Vehicle Charging Stations as a permitted accessory use in all multifamily zones and all nonresidential zones ; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WOODBRIDGE** that Chapter 150, section 150-24 entitled "General Regulations" is hereby amended & supplemented to include subsection 150-24 (B, 15) and subsection 150-24 (C, 7) to read as follows:

#### **"150-24 B Regulations Applicable to All Residential Zones**

(15) Electric Vehicle Charging Stations are a permitted accessory use in all multifamily zones and subject to the standards established in the Township's Plug-In Electric Vehicle Ordinance.

#### **150-24 C Regulations Applicable to All Nonresidential Zones**

(7) Electric Vehicle Charging Stations are a permitted accessory use in all nonresidential zones and subject to the standards established in the Township's Plug-In Electric Vehicle Ordinance."

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

This ordinance shall become effective 20 days after adoption and publication according to law.

**ADOPTED: JUN 26 2018**

I hereby certify that the above is a true and exact copy of the Ordinance adopted by the Municipal Council of the Township of Woodbridge at their Regular Meeting held on JUN 26 2018.

A handwritten signature in dark ink, appearing to read "John M. Mitch", is written over a horizontal line.

JOHN M. MITCH, RMC, CMC, CMR  
MUNICIPAL CLERK

**§ 150-24. General Regulations**  
**[Amended 5-19-2009 by Ord. No. 09-35]**

**A. Regulations Applicable to all Zones**

- (1) Except as hereinafter provided, no building or structure, or part thereof, and no lot or land, or part thereof, shall hereinafter be used except in conformity with the regulations herein prescribed. Any lawful use that does not conform to the use regulations of this chapter shall be deemed a nonconforming use, except that uses granted as conditional uses by the appropriate municipal agency shall be deemed to be conforming uses. Any enlargement of a conditional use shall require reapplication to the same agency. Use variances granted by the Board of Adjustment or granted on appeal by the governing body shall be deemed legal nonconforming uses. In addition, the construction and/or remodeling of all buildings, structures and facilities used by the general public shall be designed and constructed in accordance with the Barrier-Free Design Regulations promulgated by the State of New Jersey, Department of the Treasury, Division of Building and Construction.
- (2) Except as hereinafter provided, no building or structure, or part thereof, shall hereinafter be erected, structurally altered, enlarged or rebuilt except in conformity with the lot dimension, yard, coverage, height and spacing regulations herein prescribed. Any building or structure that does not conform to such regulations, hereinafter referred to as the "building regulations" of this chapter, shall be deemed a nonconforming structure, irrespective of the use to which it is put. Building variances granted by the appropriate approving board on grounds of practical difficulties or undue hardship shall be deemed to be nonconforming structures or uses.
- (3) Any legally established existing use of a building or structure, lot or land, or part thereof, at the time of adoption of this chapter, which use constitutes a nonconforming use under the provisions of this chapter, may be continued.
- (4) Unless the context clearly indicates the contrary, the present tense shall include the future; the singular shall include the plural; the word "lot" shall include the word "plot"; the word "structure" shall include the word "building"; the word "shall" is always mandatory and directory; and the word "may" is permissive. The word "use" and the word "used" refer to any purpose for which a lot or land, or part thereof, is arranged, intended or designed to be used, occupied, maintained, made available or offered for use or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.
- (5) No yard, or part thereof, or any 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 chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.



- (6) No yard, lot, open space, parking or loading area or other areas required by this chapter that existed at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- (7) Except as hereinafter specified in this chapter, yards and courts required by this chapter shall be entirely free of principal buildings or parts thereof.
- (8) Corner lots shall provide the minimum front yard setback requirements for the respective zone for all intersecting streets, with the exception of lots with a 50-foot frontage, where on the front yard setbacks may be reduced to 15 feet. The above standards shall apply in all zones except the B-1 Neighborhood Business Zone, where the standards of that zone shall prevail.
- (9) Cornices and eaves, chimneys and bay windows shall not project more than two feet over any required yard or court, except that no projection shall be closer than three feet to a lot line. Any projection over two feet shall be considered part of the principal building and shall conform to all setbacks.
- (10) Sills, leaders, belt courses and similar ornamental or structural features shall not project more than six inches into any required yard or court.
- (11) Open porches, entries, stairways and decks, whether uncovered or covered, may project into required yard areas, except that such projections shall be no closer than three feet to a lot line.
- (12) On any through lot, the front of such lot shall, for the purposes of this chapter, be considered that frontage upon which the majority of the buildings in the same block front, but, in case there has been no clearly defined building frontage established, the owner shall, when applying for a building permit, specify which lot line shall be considered the front lot line.
- (13) All front yards must face on a 50-foot wide right-of-way for at least 40 feet along the right-of-way line, except in the case of the cul-de-sacs or dead-end turnarounds, in which case the lot must face on said right-of-way for at least 30 feet. No building or use will be permitted on a lot unless that lot has frontage on a right-of-way that has been improved in accordance with minimum municipal standards or on a street for which improvements satisfactory to the Municipal Engineer have been guaranteed either by cash or bond.
- (14) Where a building lot has frontage upon a street which on the Master Plan or Official Map of the municipality is contemplated for right-of-way widening, the required front yard setback or area shall be measured from such proposed future right-of-way lines.

- (15) Where a lot is formed from part of another lot and occupied by a building, such division shall be effected in such a manner as not to impair any of the requirements of this chapter with respect to the existing building or yards and open spaces in connection therewith. No permit shall be issued for the erection of a new building on a new lot thus created, unless it complies with all the provisions of this chapter.
- (16) No soil, mineral or similar material may be removed from or placed on any lot, except that which purely incidental to the construction of a building or structure. When the quantity of cubic feet to be excavated (except for a building foundation) or filled equals or exceeds two percent of the square feet of the lot to be filled or excavated, or in any event if the change in elevation is two feet or more for all nonresidential uses, site plan approval of the plan shall first be obtained from the municipal agency. For all residential uses affecting such change, a grading certification shall first be obtained from the Division of Engineering. Application for said permit must contain elevations or contours at not more than two-foot intervals and proposed finished grades on a map drawn to a scale of not less than one inch equals 50 feet, which map shall be furnished by a licensed engineer or land surveyor. No fill material shall consist of any type of industrial wastes, building debris, obnoxious materials or similar substances. The municipal agency shall determine its appropriateness for the area.
- (16.1) No soil, mineral or similar material shall be placed in such a manner as to obstruct the existing flow of surface water and/or create standing water. Regulated activities include, but shall not be limited to, the following: landscaping; construction of patios, sidewalks, walkways, recreation areas and driveways; and storage of soil, fill, minerals and other similar materials. The Municipal Engineer may require a lot grading plan if, in his opinion, the proposed installation or land disturbance may present any risk of soil erosion, impede existing drainage or surface water flow or cause any other similar hazard.
- (16.2)—(16.5) **[Amended 3-18-2008 by Ord. No. 0-8-29; Repealed 9-1-2009 by Ord. No. 09-62]**
- (17) No outside display of wares for sale, vending machines or products manufactured on the site shall be permitted in the front yard on any lot, except as otherwise permitted by this chapter.
- (18) Roof structures, such as mechanical equipment, water towers, etc., shall be screened from public view or designed in such a fashion as to complement the architecture of the building.
- (19) At the intersection of two or more streets, no wall, fence, hedge or other structure shall be erected to a height in excess of three feet above curb level, nor shall any other obstruction to vision be permitted within the triangular area formed by the intersecting street lines at points which are 25 feet distant from the point of intersection, measured along said street line. Trees whose branches are trimmed away to a height of at least 10 feet above curb level shall be permitted.

- (20) A four-foot high fence with a self-latching gate shall be required surrounding any pool constructed within the municipality with a minimum depth of two feet or with a surface area of more than 250 square feet.
- (21) All trailers, trailer coaches or automobile trailers or any vehicle or structure designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons or conduct any business or profession, occupation or trade and originally designed to be mounted on wheels or used as a conveyance or propelled or drawn by its own or other motive power and from which said wheels or other means of locomotion or transportation have been removed shall be prohibited in the municipality. The Municipal Construction Official shall not issue a building permit, certificate of occupancy or other permits or certificates which will permit said trailers, trailer coaches, automobile trailers or other such vehicles to be located within the territorial limitations of the municipality. In residential zones, recreation vehicles, boat trailers and boats shall not be permitted to be stored in the front yard unless it is not possible to gain access to the rear of side yards. If access is not possible, storage in the front yard is permitted but shall be located only on a paved driveway as permitted by this chapter and shall not extend beyond the front lot line. Storage in the side yard is permitted only if the recreation vehicle meets the setback requirements of the principal building. Storage in the rear yard is permitted only if the recreation vehicle meets the setback requirements for accessory buildings.
- (22) All vehicles whose prime purpose is to sell, store, maintain and repair goods shall be prohibited in the municipality. The Municipal Construction Official shall not issue permits or certificates which will permit said vehicles to be located within the territorial limitations of the municipality.
- (23) No dwelling or principal structure shall be erected on land which is unsuitable for improvement because it is subject to flooding or other hazards to life, health or property, unless the owner agrees to take adequate measures to eliminate such hazards. Such approval must be obtained from the Construction Official or municipal agency, whichever one has jurisdiction. The agency shall make or instigate adequate investigation by a recognized, trained or licensed authority before granting approval, and only after a public hearing thereon. Expense incurred for such investigation shall be paid for by the applicant, and no certificate or permit shall be issued until payment in full is received. The exception to the above would apply to structures necessary for access and safety, such as bridges, culverts or protective walls and fences, or for accessory structures, such as irrigation facilities dependent upon access to water.
- (24) In considering any use not permitted in a zone but for which approval is being sought, the Zoning Board of Adjustment shall be guided by the bulk standards of the most restrictive zone in which the use is permitted.

- (25) Any multiple use of lights, flags or pennants or strings of flags, lights or pennants, or similar displays to attract attention, shall not be permitted in any zone.
- (26) LED signs shall not be permitted in any zone in the blinking or flashing mode.
- (27) Public mausoleums, as controlled by the New Jersey Cemetery Board and the New Jersey Department of Community Affairs, shall be permitted in all zones in the municipality. Said public mausoleums shall be subject to the building height and setback requirements which apply to that property immediately abutting the subject cemetery property.
- (28) Lot coverage limits shall limit the maximum footprint area of enclosed buildings on any lot and shall exclude open structures which project from enclosed buildings such as open porches, roof overhangs or awnings or to unenclosed buildings such as freestanding canopies.
- (29) Landscape coverage limits shall limit the minimum aggregate footprint area of landscaped areas on any lot. Included shall be planted and mulched areas and landscape features such as ponds, planters, pools and fountains; pedestrian amenities such as walks, entry canopies, shelters and seating areas; and isolated utilitarian structures such as mail boxes, poles, hydrants or drains with areas of less than three square feet.
- (30) Effective March 1, 2006, any drive-through windows and designated drive-through lanes which commercial establishments provide goods and/or services to the public constructed in this Township shall be set back not less than 40 feet from the property line of all adjoining properties located in a residentially zoned area.
- (31) Drive-through windows and designated drive-through lanes shall have a six-foot high visually solid fence or landscaping.
- (32) Drive-through windows and designated drive-through lanes shall have adequate noise control measures to attenuate vibrations and audible sound to conform to all laws and ordinances in effect for residential uses.
- (33) Illumination devices, such as but not limited to floodlights, floor lights or spotlights designed to illuminate drive-through windows and designate drive-through lanes shall be so placed and so shielded so as to prevent the rays of illumination thereof from being cast into residential properties or into public right-of-way.
- (34) No structure used, designed or intended to serve as a temporary or portable storage structure, irrespective of its ability to be placed upon and/or removed from a location without disturbance of the site, shall be permitted on any property until and unless there is first obtained a zoning permit that shall include but not be limited to:

- (a) The permitted location on the property, which shall be limited to the driveway or rear yard;
  - (b) The permitted height;
  - (c) The required setbacks; and
  - (d) The duration the structure is permitted to remain on the property, which shall not exceed 60 days.
- (35) Office construction trailers shall be permitted on site during the construction of any approved project. The trailer may be placed on site with the Construction Official's written approval only if a valid request for a building permit is pending before the Building Department. All construction trailers must be removed from the site if work on the project ceases for more than a six month period or five days after a certificate of occupancy is issued by the Township.
- (36) Location of sexually oriented businesses.
  - (a) Pursuant to the requirements of N.J.S.A. 2C:34-7, no person shall operate a sexually oriented business within 1,000 feet of any existing sexually oriented business, or any church, synagogue, temple or other place of public worship, or any elementary or secondary school or any school bus stop, or any municipal or county playground or place of public resort and recreation, or any hospital or any child care center, or within 1,000 feet of any area zoned for residential use.
  - (b) Pursuant to Subsection 3-14.2 of the Revised General Ordinances of the Township of Woodbridge, any sexually oriented business existing in Woodbridge Township as of July 1, 2009 from an area prohibited by N.J.S.A. 2C:34-7 and the Township Code must relocate to an area permitted by N.J.S.A. 2C:34-7 and the Township Code.
  - (c) No zoning permit may be granted to an existing sexually oriented business, nor shall any Planning or Zoning Board approval be granted to a sexually oriented business that violates N.J.S.A. 2C:34-724-7.
- (37) Wireless telecommunications satellite dishes. All satellite dishes shall be installed on the top of the roof or on the side or rear of any primary structure, so long as any and all attachments comply with the setback requirements for that particular zone. **[Added 4-1-2008 by Ord. No. 8-32]**
- (38) Steep slope ordinance. **[Added 3-17-2009 by Ord. No. 09-25]**
  - (a) Purpose. The purpose of this paragraph (38) is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the

degradation of surface water and to maintain the natural topography and drainage patterns of land.

- (b) **Background.** Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of water bodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

- (c) **Applicability.** This paragraph (38) shall be applicable to new development or land disturbance on a steep slope within the Township of Woodbridge.

- (d) **Definitions.**

**Disturbance** — The placement of impervious surface, the exposure or movement of soil or bedrock or the clearing, cutting, or removing of vegetation.

**Impervious Surface** — Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

**Redevelopment** — The construction of structures or improvements on areas which previously contained structures or other improvements.

**Steep Slopes** — Any slope equal to or greater than 20 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

- (e) **Designation of areas.** The percent of slope (rise of feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two-foot rise over a 10-foot horizontal run constitutes a 20 percent slope.
- (f) **Steep slope limits.** For steep slopes any disturbance shall be prohibited except as provided below:

Redevelopment within the limits of existing surfaces; and new disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. For example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.

The applicant shall demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 20 percent or greater slope.

(g) Conflicts and severability

[1] Conflicts. All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this paragraph (38) are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this paragraph apply.

[2] Severability.

[a] Interpretation. This paragraph shall be so construed as not to conflict with any provision of New Jersey or Federal law.

[b] Notwithstanding that any provision of this paragraph is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the paragraph shall continue to be of full force and effect.

[c] The provisions of this paragraph shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulation.

(h) Enforcement, violation and penalties. A prompt investigation shall be made by the appropriate personnel of the Township of Woodbridge, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this paragraph (38) is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this paragraph shall

be construed to preclude the right of the Township of Woodbridge, pursuant to N.J.S.A. 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. Any person violating the provisions of this section shall be subject to the penalty provided for in Section 1-5 of the Revised General Ordinances of the Township of Woodbridge. The violation of any subparagraph of this paragraph shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this paragraph. Each day a violation continues shall be considered a separate offense.

- (39) When a public right-of-way is vacated or transferred to an adjacent property owner, the zoning of the vacated right-of-way, if dissimilar to the zoning of the adjacent property owner, shall become the same zoning as the adjacent property of which the right-of-way is becoming a part. [Added 10-29-13 by Ord. No. 13-47]

**B. Regulations Applicable to All Residential Zones**

- (1) No commercial vehicle of more than one ton manufacturer's rated capacity shall be parked on any street overnight in any residential zone.
- (2) Exterior alterations which substantially changed the residential character and nature of a building for the purpose of changing the use of the building, such as from a residence to a home professional office, shall not be permitted in any residential zone.
- (3) There shall be no more than one principal building or use erected or established on any one lot in any residential zone, except that, where multifamily buildings are permitted, more than one building may be erected in conformity with development standards of that zone.
- (4) Water towers, radio towers, cooling towers, antennas and all similar structures shall not exceed the height of the principal building in any residential zone.
- (5) If a conflict arises between the permitted units of residences per acre and the development standards, the development standards will take precedence over density per acre. Development standards are lot size, setbacks and similar limiting provisions. This conflict may arise due to unsuitable geology of land, unusual shape or other factors which prevent the full use of the land and still meet all development standards.
- (6) Outside storage of inoperable cars shall not be permitted for more than 30 days in any zone.
- (7) The front yard setbacks in all residential zones shall apply only when there are no other structures on the same side of the street as the property in question, in either direction, 400 feet from each side lot line or to the nearest intersection, whichever is less. Where structures exist



within these distances, the required setbacks shall be the prevailing or average setback, whichever is further from the front lot line.

- (8) Community residences for the developmentally disabled, as defined in this chapter, shall be permitted in all residential zones for the accommodation of between seven to 15 developmentally disabled or mentally ill persons subject to the requirements for a conditional use in this article.
- (9) No newsstand, news rack, honor box or vending machine shall be permitted in any residential zone, whether solely on private property or within the public right-of-way.
- (10) In all residential zones, the minimum setback from all property lines with respect to the installation of aboveground swimming pools shall be a minimum of six feet. Furthermore, aboveground swimming pools shall not be included in any minimum lot coverage calculations pursuant to the development standards described within the land use and development regulations.
- (11) Former public buildings may be converted for senior citizen multifamily residential use with occupancy age restricted. Existing nonconforming parts of such structures may remain, and parking shall be required only as may be accommodated on the site.
- (12) Cantilever or dormers may project two feet into the rear or front yard, except that no project shall be closer than three feet to a lot line. Any projection over two feet shall be considered part of the principal building and shall conform to all setbacks.
- (13) All street trees planted by residents must be located on the lawn side of their property.
- (14) All contractors who build two or more houses adjacent to one another must repave the street from curb to curb for the entire width of the lots, not just the utility lateral openings.
- (15) Electric Vehicle Charging Stations are a permitted accessory use in all multifamily zones and subject to the standards established in the Township's Plug-In Electric Vehicle Ordinance.

C. Regulations Applicable to All Nonresidential Zones

- (1) No property in a residential zone shall be used as a driveway or parking lot to serve a nonresidential use.
- (2) All curb cuts shall be at least 15 feet, but not more than 30 feet, in width, except on County roads, where County site plan requirements are established.

- (3) No use shall be established, maintained or conducted in any nonresidential zone that will conflict with the performance standards of this article.
- (4) An enclosed area shall be provided for the temporary storage of trash and other refuse. The enclosed area shall be on a durable paved surface and designed and screened by an attractive, solid architectural fence at least six feet in height so that the trash and refuse will not be seen by the general public or from adjoining properties.
- (5) Roof structures, such as mechanical equipment, water towers, etc., shall be screened from public view or designed in such a fashion as to complement the architecture of the building.
- (6) Security gates.
  - (a) Security gates shall be allowed only in commercial establishments. All security gates that are installed inside a storefront of a commercial building shall be composed entirely of open, transparent mesh. Security gates that protect loading docks that have no other functioning door or method of being closed may be constructed of a solid metal panel. Security gates shall be prohibited on all but the ground floor of commercial buildings. All security gates shall remain open at all times that the associated commercial establishment is open to the public, except that storage gates covering loading docks may be closed at all times when not in use.
  - (b) All security gates and/or doors that are affixed to outside walls of commercial buildings that front on or are visible from a public street or roadway shall be prohibited, except those in existence on or before April 9, 1998, and provided that any and all such security gates and/or doors remain open between the hour of 10:00 a.m. and 4:00 p.m., Eastern standard time (10:00 to 16:00), Monday through Friday, except on legal holidays.
- (7) Electric Vehicle Charging Stations are a permitted accessory use in all nonresidential zones and subject to the standards established in the Township's Plug-In Electric Vehicle Ordinance.

D. Permitted Modifications and Exceptions

- (1) Purpose. The following modifications and exceptions to the limitations imposed by this chapter are permitted under the terms and specifications herein set forth.
- (2) Height. The height limitations of this chapter shall not apply to church spires, belfries, cupolas, penthouses and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, silos, barns, bulkheads or similar features; nor to necessary mechanical appurtenances usually carried above the roof level. Such features,

however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve. The provisions of this chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornamental purposes to screen mechanical appurtenances. Building-mounted antennas shall not exceed the height limits by more than 10 feet. Ground-based antennas shall conform to the height requirements.

- (3) **Area.** Additions to existing single-family dwellings may be constructed in any single-family zone on any lot of nonconforming size shown on a recorded subdivision plot or on any lot of official record at the time of enactment of this section without municipal agency approval, provided that the owner of such lot does not own any adjacent property and in accordance with the following conditions:

- (a) Additions to existing residences shall conform to all yard and height requirements of this chapter, and the total percentage of lot coverage of the addition and existing residence shall not exceed the permitted maximum coverage permitted in this chapter.
- (b) The requirements of the International Building Code – New Jersey must be met in all construction.
- (c) Where adjacent property is owned by the same person, all requirements of this chapter shall be met.

#### E. Nonconforming Uses and Structures

- (1) **Purpose.** Within the districts established by this chapter, or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless to make such use or structure conform to minimum safe building standards.
- (2) **Signs.** A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by the attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (3) **Nonconforming structures and their use, restoration and abandonment.** Structures that are nonconforming according to this

chapter may be continued as long as they remain otherwise lawful. Nonconforming structures and their use shall not be enlarged, expanded or altered except to become more in conformity with this chapter. Any replacement of a nonconforming structure or use shall conform to this chapter. Any nonconforming use or structure existing at the time of the passage of this chapter may be continued upon the lot or in the structure so occupied, and any such structure may be restored or repaired in the event of partial destruction thereof. Change from one nonconforming use to another shall not be allowed except by approval of the municipal agency.

- (4) Reversions. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming one.
- (5) Repairs and maintenance. On any building devoted in whole or in part to any nonconforming use, repairs and maintenance may be made. Said repairs shall be limited to routine or ordinary repairs. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof which has been declared unsafe by the Construction Official.