

MEETING OF THE  
MAYOR AND COUNCIL  
TOWN OF HARRISON  
HARRISON, NEW JERSEY 07029

**JANUARY 20, 2026**

AGENDA

**MEETING**

6:30 PM - CALL TO ORDER/SUNSHINE NOTICE

PLEDGE OF ALLEGIANCE

ROLL CALL

REORGANIZATION OF THE MAYOR AND COUNCIL FOR 2026

APPROVAL OF THE MINUTES OF 12-16-2025

SWEARING-IN OF THE FOLLOWING FIREFIGHTERS:

Anderson Gonzalez  
Elijah Pollas  
Malik Haynes-Smith

**LEGAL**

- A RESOLUTION DESIGNATING THE STANDING COMMITTEES OF THE TOWN OF HARRISON FOR THE YEAR 2026
- A RESOLUTION ADOPTING RULES AND REGULATIONS FOR THE CALENDAR YEAR 2026
- A RESOLUTION REGARDING THE LOCAL PUBLIC CONTRACTS LAW
- A RESOLUTION DESIGNATING DEPOSITORIES OF THE TOWN OF HARRISON FOR CALENDAR YEAR 2026
- A RESOLUTION TO RE-APPOINT ALBERT J. CIFELLI PUBLIC DEFENDER
- A RESOLUTION TO RE-APPOINT ROBERT GERRIS TOWN HISTORIAN
- A RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPERS OF THE TOWN OF HARRISON FOR CALENDAR YEAR 2026
- A RESOLUTION TO MAKE RE-APPOINTMENTS TO THE PLANNING BOARD OF THE TOWN OF HARRISON
- A RESOLUTION AWARDED AN EXTRAORDINARY, UNSPECIFIABLE SERVICES CONTRACT TO ALAMO INSURANCE GROUP, INC.
- A RESOLUTION AWARDED A CONTRACT TO MILLENNIUM STRATEGIES, LLC FOR GRANTS CONSULTING SERVICES
- A RESOLUTION FOR THE GOVERNOR'S COUNCIL ON SUBSTANCE USE DISORDER FISCAL GRANT FOR YEAR 2026-2027
- A RESOLUTION AUTHORIZING THE 2026 WEST HUDSON ST. PATRICK'S DAY PARADE – SUNDAY, MARCH 15, 2026

**LICENSE**

- A RESOLUTION TO APPROVE RAFFLE LICENSES FOR THE HARRISON CANCER LEAGUE

- A RESOLUTION TO APPROVE LAUNDROMAT LICENSES

## **ORDINANCE**

INTRODUCTION OF THE FOLLOWING ORDINANCES:

### **ORDINANCE NO. 1549**

AN ORDINANCE AMENDING IN ITS ENTIRETY THE LAND DEVELOPMENT ORDINANCE OF THE TOWN OF HARRISON, CHAPTER 17 OF THE TOWN OF HARRISON MUNICIPAL CODE

### **ORDINANCE 1551**

CALENDAR YEAR 2026 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

### **ORDINANCE 1552**

AN ORDINANCE TO AMEND ORDINANCE NOS. 974, 1055, 1122, 1253, 1316, 1336, 1411, 1438, 1460, 1464, 1486, 1487, 1497, 1529, 1530, 1533 AND ORDINANCE DATED SEPTEMBER 3, 1885, REGARDING THE TABLE OF ORGANIZATION OF THE HARRISON POLICE DEPARTMENT

### **ORDINANCE 1553**

AN ORDINANCE PROVIDING FOR THE PURCHASE OF LAND DESCRIBED ON THE OFFICIAL TAX MAP OF THE TOWN OF HARRISON AS BLOCK 136, LOT 1.07 (F/K/A LOT 1.01), BLOCK 137, LOT 17.02, BLOCK 149, LOT 1.02, BLOCK 151, LOT 5.02 AND BLOCK 172, LOT 1

### **ORDINANCE 1554**

AN ORDINANCE TO ESTABLISH RATES FOR PARKING WITHIN THE HARRISON PARKING CENTER

## **POLICE**

- A RESOLUTION RE-APPOINTING SPECIAL LAW ENFORCEMENT OFFICERS

## **FINANCE**

- A RESOLUTION ADOPTING A CASH MANAGEMENT PLAN 2026
- A RESOLUTION AUTHORIZING TAX INTEREST
- A RESOLUTION AUTHORIZING AN ACCELERATED TAX SALE
- A RESOLUTION AUTHORIZING REFUNDING OR CANCELLATION OF ANY DELINQUENT CHARGES/FEES OR PROPERTY TAXES IN THE AMOUNT OF LESS THAN \$10.00
- A RESOLUTION AUTHORIZING THE 2026 TEMPORARY MUNICIPAL BUDGET APPROPRIATIONS
- A RESOLUTION AUTHORIZING THE 2026 TEMPORARY PARKING UTILITY BUDGET APPROPRIATIONS
- A RESOLUTION AUTHORIZING THE 2026 TEMPORARY WATER & SEWER BUDGET APPROPRIATIONS
- A RESOLUTION AUTHORIZING APPROVAL OF PAYMENT OF CERTAIN BILLS BETWEEN MEETINGS
- A RESOLUTION AUTHORIZING OVERPAYMENT REFUND - BLOCK 18, LOT 2.01
- A RESOLUTION AUTHORIZING OVERPAYMENT REFUND-BLOCK 30, LOT 40

- A RESOLUTION AUTHORIZING REDEMPTION OF OUTSIDE LIENS- BLOCK 3, LOT 3.01, BLOCK 22, LOT 16, BLOCK 51.02, LOT 3, BLOCK 133, LOT 1.03, BLOCK 133, LOT 1.05, BLOCK 133, LOT 1.06, BLOCK 133, LOT 1.07, AND BLOCK 195, LOT 24
- A RESOLUTION AUTHORIZING NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS 2026 LOCAL RECREATION IMPROVEMENT GRANT PROGRAM
- A RESOLUTION DELEGATING THE AUTHORITY TO AWARD “WINDOW CONTRACTS” TO THE QUALIFIED PURCHASING AGENT
- A RESOLUTION AUTHORIZING REFUNDS OF VARIOUS RECREATION PROGRAM PAYMENTS
- A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT EXEMPT FROM PUBLIC BIDDING
- RESOLUTION FOR PAYMENT OF BILLS AND PAYROLLS

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-

Presented by Councilperson:  
Maria Camano



**HUDSON COUNTY**

A RESOLUTION DESIGNATING THE STANDING COMMITTEES OF  
THE TOWN OF HARRISON FOR THE YEAR 2026

WHEREAS: There is a need to designate the STANDING COMMITTEES for calendar year 2026.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The attached list is the STANDING COMMITTEES of the Town of Harrison for the calendar year 2026.

(See attached)

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

2026 TOWN OF HARRISON TOWN COUNCIL STANDING COMMITTEES

MAYOR

JAMES A. FIFE

COUNCIL

James P. Doran, Ed.D, Council President

Laurence Bennett, Maria Camano, Michael Dolaghan,  
Jesus R. Huaranga, Delfim Sarabando, Eleanor Villalta

DEPARTMENT OF PUBLIC WORKS

DOLAGHAN Sarabando  
Chairman

FINANCE/ECONOMIC DEVELOPMENT

SARABANDO Huaranga Camano  
Chairman

FIRE

HUARANGA Doran  
Chairman

LEGAL /ORDINANCE/LICENSE

CAMANO Villalta  
Chairman

PARKING

DORAN Camano Bennett  
Chairman

POLICE

DORAN Bennett Villalta  
Chairman

RECREATION

BENNETT Villalta Huaranga  
Chairman

SENIOR CITIZEN/WELFARE/HEALTH/VETERANS AFFAIRS

VILLALTA Sarabando  
Chairwoman

MEMBERS OF THE BOARD OF SCHOOL ESTIMATE

MAYOR JAMES A. FIFE  
COUNCILMAN DELFIM SARABANDO  
COUNCILWOMAN CAMANO

CIVIL DEFENSE

MAYOR AND COUNCIL AS A WHOLE

# **TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-



Presented by Councilperson:  
Maria Camano

## **HUDSON COUNTY**

### **A RESOLUTION ADOPTING RULES AND REGULATIONS FOR THE CALENDAR YEAR 2026**

WHEREAS: There is a need to create Rules and Regulations for the meetings of the Mayor and Council of the Town of Harrison for Calendar Year 2026.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, that the Rules and Regulations for the meetings of the Mayor and Council of the Town of Harrison for Calendar Year 2026 are as follows:

#### **Section 1. General Provisions.**

Members of the Mayor & Council shall observe order and decorum during Town meetings. A member of the Mayor & Council shall not, by conversation or otherwise, delay or interrupt the proceedings, disturb any member while speaking, or refuse to obey the orders of the Mayor. Members shall inform the Mayor before leaving their seats during Town meetings.

#### **Section 2. Town Staff.**

Members of Town staff shall observe the same rules of order and decorum applicable to the Mayor & Council as set forth in Section 1 above.

#### **Section 3. Defamatory and Threatening Language Prohibited.**

Any person making personal, defamatory or profane remarks, or who willfully utters loud, threatening or abusive language, or engages in any disorderly conduct which disturbs or disrupts the orderly conduct of any Town meeting shall be called to order by the Mayor. If such conduct continues, the Mayor, at his discretion, may order such person removed from that meeting by the Sergeant at Arms.

#### **Section 4. Public Participation**

##### **Public Portion – In-Person Meetings.**

Pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., at each Town meeting there shall be a portion set aside for members of the public to comment on any governmental issue that a member of the public feels may be of concern to the residents of the Town. Members of the public shall be allowed a maximum of five (5) minutes. After a member of the public has concluded his/her commentary, the Mayor, at his discretion, may respond to same or direct a member of the Town Staff to respond. There shall be no further comment from the member of the public. Any member of the public wishing to participate shall approach the podium and identify himself/herself by name and Municipality of Residence. Members of the public shall observe the same rules of order and decorum applicable to the Mayor & Council as set forth in Section 1 above.

##### **Public Portion – Remote Meetings (as applicable).**

At the commencement of the meeting there shall be the following announcement explaining the muting function and the platform used:

This meeting is being conducted remotely using the “Zoom” platform. When members of the public join the meeting, their microphones will be off (muted). Each individual will have control over their video element of the meeting (if available). During the public comment section of the

meeting, individuals will need to virtually “raise” their hand to participate. For access from a desktop, laptop or the zoom app, you will need to utilize the zoom controls at the bottom of the Zoom window to “raise” your hand. For access from your phone, you will need to dial \*9 on your phone. The Zoom operator will announce your designation and relay it to the Mayor & Council. Once acknowledged, you will be unmuted. Once the discussion has concluded, you will be placed back on mute and the Mayor & Council will proceed to the next public comment.

The following procedures shall apply to comments by meeting participants from the public (“participant”): For audio and audio/video participants, the Mayor & Council will acknowledge the participant unmuting them, have them identify themselves and be sworn if they wish to provide testimony and, to the extent permitted by the technology being used, present exhibits and/or other material. If the participant becomes disruptive (inappropriate behavior such as shouting, interruption, use of profanity) the meeting chairman shall: a. mute or cause to be muted the disruptive participant, and b. warn the participant that continued disruption may result in prevention from speaking or removal from the meeting. If disruption continues after the warning, the participant shall be muted while other comment is received, and allowed to speak thereafter, time permitting. If the disruptive behavior still continues despite all of the foregoing, the participant shall be muted for the balance of meeting or removed.

The following procedures shall apply to comments by non-meeting participants from the public (written comment): The Mayor & Council shall allow written public comments to be submitted to the Town Clerk no later than 2 hours prior to the scheduled starting time of the subject meeting, by e-mail or in written letter form. Comments so received before the meeting shall be read aloud and addressed during the meeting, audible to all meeting participants and members of the public. The same time limits for public comment at in-person meetings shall apply—5 minutes. Comments will be read from beginning to end or to the point at which the time limit expires. If there are duplicate comments the Mayor & Council may summarize them and note for the record that it is a summary. The Mayor & Council shall not summarize certain duplicative comments while reading others individually.

Section 5. Disorderly Conduct.

No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, shouting or other similar demonstrations which may disturb the peace and order of the Town meeting.

Section 6. Repeated Disturbance, Removal from Meeting.

All persons shall, at the request of the Mayor or his designee, be silent. If, after receiving a warning from the Mayor, a person persists in disrupting the meeting, the Mayor may order that person to leave the meeting. If he/she does not remove himself/herself, the Mayor may order the Sergeant at Arms to remove him/her.

Section 7. Sergeant at Arms.

The Chief of Police, or such member of the Harrison Police Department, shall be Sergeant at Arms at the Town meetings. The Sergeant at Arms shall carry out all orders given by the Mayor for the purpose of maintaining order and decorum at the Town meetings. On instruction of the Mayor, the Sergeant at Arms shall remove from the meeting any person who disturbs the proceedings.

Section 8. Resisting Removal.

Any person who resists removal by the Sergeant at Arms shall be charged with violating any and all applicable laws and rules.

Section 9. Rules of Conduct.

Town Council meetings shall be conducted pursuant to Robert’s Rules of Order.

Section 10. Distribution of Agendas and meeting materials.

The Agenda for meetings will be posted on the Town of Harrison Website prior the meetings, as available. Copies of meeting Agendas will be available at the Town Clerk's Office up to the beginning of the meetings. Extra copies of Agendas will not be distributed at/or during the meetings.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk



**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-



Presented by Councilperson:  
Maria Camano

**HUDSON COUNTY**

A RESOLUTION REGARDING THE LOCAL PUBLIC CONTRACTS  
LAW

WHEREAS: The New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., provides that governmental purchases beyond a specific monetary threshold be obtained through competitive bidding; and

WHEREAS: From time to time the various Town departments find it necessary to advertise for competitive bids for various purchases.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: During the calendar year 2026, the Town Clerk be and he is hereby authorized to advertise for competitive bidding at any time that the estimated cost of a purchase will exceed the threshold set forth in N.J.S.A. 40A:11-1, et seq. Any contract that falls below the public bidding threshold may be awarded by the Mayor, subject to the certification of the Chief Financial Officer that sufficient funds are available therefor, and subject to the requirements of Town Ordinances and the New Jersey Pay-to-Play Law.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-

Presented by Councilperson:  
Maria Camano



**HUDSON COUNTY**

A RESOLUTION DESIGNATING DEPOSITORIES OF THE TOWN OF  
HARRISON FOR CALENDAR YEAR 2026

WHEREAS: There is a need to designate Depositories for the funds of the Town of Harrison.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The following be and they are hereby designated as Depositories for the funds of the Town of Harrison for calendar year 2026:

- BANK OF AMERICA, Harrison Branch, Harrison, NJ
  - VALLEY NATIONAL BANK, Harrison Office, Harrison, NJ
  - STATE OF N J CASH MANAGEMENT FUND, Bank of America, Trenton, NJ
  - MUNICIPAL INVESTORS INSURANCE CORPORATION (MBIA) Cash Management
  - CROWN BANK NA, 212 Frank E. Rodgers Boulevard South, Harrison, NJ
  - KEARNY BANK, Harrison Office, Harrison, NJ
  - PNC BANK, Kearny Avenue, Kearny, NJ
  - CAPITAL ONE, Kennedy Boulevard, Jersey City, NJ
  - SCHUYLER SAVINGS, Harrison Branch, Harrison, NJ
  - CITIZENS BANK, Kearny Branch, Kearny, NJ
- Including Citizens Bank’s Sweep Vendors R&T and IntraFi*

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-

Presented by Councilperson:  
Maria Camano



**HUDSON COUNTY**

A RESOLUTION TO RE-APPOINT ALBERT J. CIFELLI PUBLIC DEFENDER

WHEREAS: There is a need to make a re-appointment due to an expiring term.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: Albert J. Cifelli is hereby re-appointed Public Defender for the Town of Harrison for a period of one (1) year effective January 1, 2026, and the salary to be paid in accordance with the Ordinances of the Town.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-

Presented by Councilperson:  
Maria Camano



**HUDSON COUNTY**

A RESOLUTION TO RE-APPOINT ROBERT GERRIS TOWN HISTORIAN

WHEREAS: There is a need to make a re-appointment due to an expiring term.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: Robert Gerris is hereby re-appointed Local Historian for the Town of Harrison, Hudson County, for a period of one (1) year effective January 1, 2026, in accordance with Chapter 59 of the New Jersey Public Laws of 1979, and Town Ordinance No. 732, adopted August 5, 1980.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-



Presented by Councilperson:  
Maria Camano

**HUDSON COUNTY**

A RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPERS OF  
THE TOWN OF HARRISON FOR CALENDAR YEAR 2026

WHEREAS: There is a need to designate the official newspapers of the Town of Harrison for calendar year 2026.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Observer, 39 Seeley Avenue, Kearny, New Jersey; the Bergen Record, 1 Garret Mountain Plaza, Woodland Park, New Jersey; and the Star-Ledger, One Gateway Center, Newark, New Jersey, be and they are hereby designated the official newspapers of the Town of Harrison for a term of one year from January 1, 2026 to December 31, 2026.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-



Presented by Councilperson:  
Maria Camano

**HUDSON COUNTY**

A RESOLUTION TO MAKE RE-APPOINTMENTS TO THE PLANNING BOARD OF THE TOWN OF HARRISON

WHEREAS: There is a need to make re-appointments to the Planning Board of the Town of Harrison.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: In accordance with the provisions of Town Ordinance and the laws of the State of New Jersey, the following individuals are hereby appointed and re-appointed to the Planning Board of the Town of Harrison for the term specified:

- Class III - Councilman Laurence Bennett\*
- Class II - John Starr \*\*
- Class IV - Rick T. Holloway (12/31/2028)

\* Term to expire on December 31, 2026  
\*\* Term to expire on December 31, 2026

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

TOWN OF HARRISON

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-



Presented by Councilperson:  
Maria Camano

HUDSON COUNTY

A RESOLUTION AWARDING AN EXTRAORDINARY, UNSPECIFIABLE SERVICES CONTRACT TO ALAMO INSURANCE GROUP, INC.

- WHEREAS: As part of the Garden State Municipal Joint Insurance Fund ("GSMJIF"), the Town is required, pursuant to the GSMJIF's Bylaws, to select a Risk Management Consultant ("RMC"); and
- WHEREAS: Pursuant to the Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq., the Mayor and Council advertised for proposals under the fair and open process on the Town website on November 3, 2025, which proposals were due by 10:00 a.m. on December 4, 2025; and
- WHEREAS: On December 4, 2025 at 10:00 a.m. in the Council Chambers, the Town publicly opened and read aloud the proposals received; and
- WHEREAS: The Mayor and Council are desirous of accepting the proposal of Alamo Insurance Group, Inc. under the fair and open process and entering into a contract for services with Alamo Insurance Group, Inc. The bidder possesses the necessary experience and qualifications to provide the subject services to the Town; and
- WHEREAS: The Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “extraordinary, unspecifiable services” and the contract itself must be available for public inspection; and
- WHEREAS: The RMC is paid directly from the GSMJIF in an amount equal to seven percent (7%) of the Town's annual assessment as set by the GSMJIF.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

- THAT: The Mayor and Town Clerk be and the same are hereby authorized to execute a contract with Alamo Insurance Group, Inc., 55 Flanagan Way, Secaucus, NJ 07094; and
- THAT: This contract is awarded as an “extraordinary, unspecifiable services” contract in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law; and
- THAT: A notice of this action shall be printed once in the Star Ledger.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

# TOWN OF HARRISON

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-

Presented by Councilperson:  
Maria Camano



**HUDSON COUNTY**

A RESOLUTION AWARDDING A CONTRACT TO MILLENNIUM STRATEGIES,  
LLC FOR GRANTS CONSULTING SERVICES

WHEREAS: There exists a need for the services of a Grants Consultant for the calendar year 2026;  
and

WHEREAS: Pursuant to the Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq., the Mayor and Council advertised for proposals under the fair and open process on the Town website on November 3, 2025, which proposals were due by 10:00 a.m. on December 4, 2025; and

WHEREAS: The anticipated term of the contract is not to exceed one (1) year, and shall cover the term 01/01/2026 to 12/31/2026; and

WHEREAS: On December 4, 2025 at 10:00 a.m. in the Council Chambers, the Town publicly opened and read aloud the proposals received; and

WHEREAS: The Mayor and Council are desirous of accepting the proposal of Millennium Strategies, LLC 60 Columbia Road, Building B, Suite 230, Morristown, NJ 07960 under the fair and open process and entering into a contract for services with Alamo Insurance Group, Inc. The bidder possesses the necessary experience and qualifications to provide the subject services to the Town; and

WHEREAS: The maximum amount of the contract is \$39,600, broken down to \$3,300.00 per month, and funds will be available upon approval of the 2024 Municipal Budget, Finance-Other Expenses, as evidenced by the certification of the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Mayor and Town Clerk be and the same are hereby authorized to execute a contract with Millennium Strategies, LLC.

I HEREBY CERTIFY that the amount to be incurred regarding this award will not exceed \$40,000, and that funds will be available upon approval of the 2026 Municipal Budget, Financial Admin/Other Expenses 01-201-20-130-028.

---

Gabriela V. Simoes Dos Santos, CFO

[illegible]

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk



**TOWN OF HARRISON**



Committee: Legal

Meeting Date: 01/20/2026

Presented by Councilperson:  
Maria Camano

Resolution #: R-2026-

**HUDSON COUNTY**

**A RESOLUTION FOR THE GOVERNOR’S COUNCIL ON SUBSTANCE  
USE DISORDER FISCAL GRANT FOR YEAR 2026-2027**

WHEREAS: The Governor’s Council on Substance Use Disorder Abuse established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey; and

WHEREAS: The Mayor and Council of the Town of Harrison, County of Hudson, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages and, therefore, has an established Municipal Alliance Committee; and

WHEREAS: The Mayor and Council of the Town of Harrison further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS: They Mayor and Council has applied for funding to the Governor’s Council on Substance Use Disorder through the County of Hudson.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Mayor and Council does hereby authorize the submission of a strategic plan for the Town of Harrison’s Municipal Alliance grant for July 1, 2026 to June 30, 2027 in the amount of \$6,097.00 (GCSUD), \$1,524.25 (Cash Match), and \$4,572.75 (In-Kind); and

THAT: The Mayor and Council acknowledges the terms and conditions for administering Municipal Alliance grant, including the administrative compliance and audit requirements.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Legal

Resolution #: R-2026-



Presented by Councilperson:  
Maria Camano

**HUDSON COUNTY**

A RESOLUTION AUTHORIZING THE 2026 WEST HUDSON ST.  
PATRICK’S DAY PARADE – SUNDAY, MARCH 15, 2026

- WHEREAS: The Mayor and Council are pleased to announce the 2026 West Hudson St. Patrick’s Day Parade; and
- WHEREAS: Presented by the United Irish Associations of West Hudson, Inc., the 2026 St. Patrick’s Day Parade will once again begin in the great Town of Harrison on Sunday, March 15, 2026; and
- WHEREAS: The Parade will step-off at the corner of Third Street and Harrison Avenue promptly at 1:00 p.m.; and
- WHEREAS: The Mayor and Council is excited to once again host this terrific event that showcases the rich cultural heritage of the Town of Harrison and the West Hudson area; and
- WHEREAS: The Mayor and Council wishes everyone involved good luck in this Town of Harrison tradition.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Mayor and Council hereby authorizes the 2026 West Hudson St. Patrick’s Day Parade on Sunday, March 15, 2026 starting at 1:00 p.m. at the corner of Third Street and Harrison Avenue, and that any and all Town resources that the Mayor and Council deems appropriate shall be utilized for this great event.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

---

Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Resolution #: R-2026-



Committee: License

Presented by Councilperson:  
Maria Camano

**HUDSON COUNTY**

A RESOLUTION TO APPROVE RAFFLE LICENSES FOR THE  
HARRISON CANCER LEAGUE

WHEREAS: The entity set forth below has applied to the Town of Harrison for Raffle Licenses.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The following applications for Raffle Licenses in the Town of Harrison be and same are hereby approved:

APPLICANT	LICENSE NO.	DATE	PLACE AND TIME
Woman’s Club of Arlington	RL-976 345-4-43702	02/17/2026	Harrison Elks 406 Harrison Ave, 8 PM
Woman’s Club of Arlington	RL-977 345-4-43702	03/17/2026	Harrison Elks 406 Harrison Ave, 8 PM

THAT: The Chairman of the Police Committee is hereby authorized and directed to execute the necessary Certificates of Findings and Determination and the Town Clerk is authorized to issue said License in accordance with the Rules and Regulations of the Legalized Games of Chance Control Commission.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: License

Resolution #: R-2026-



Presented by Councilperson:  
Maria Camano

**HUDSON COUNTY**

A RESOLUTION TO APPROVE LAUNDROMAT LICENSES

WHEREAS: The entity set forth below has applied to the Town of Harrison for Laundromat License Renewal.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The application for Laundromat License Renewal for the period ending February 1, 2027, for the entity shown below, be and same is hereby approved.

Lucky Laundromat, LLC	308 Harrison Ave., Harrison, NJ
DaSilva Laundromat, LLC	745 Harrison Ave., Harrison, NJ

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

TOWN OF HARRISON  
COUNTY OF HUDSON  
ORDINANCE NO. 1549

**AN ORDINANCE AMENDING IN ITS ENTIRETY THE LAND DEVELOPMENT ORDINANCE OF THE TOWN OF HARRISON, CHAPTER 17 OF THE TOWN OF HARRISON MUNICIPAL CODE**

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

- Section 1.

The Land Development Ordinance of the Town of Harrison, Chapter 17 of the Town of Harrison Municipal Code (the “Former LDO”), be and the same is hereby amended in entirety and replaced with the attached “Chapter 17 - Land Development Ordinance – Town of Harrison, County of Hudson – December 2025,” prepared by Heyer, Gruel & Associates (the “December 2025 LDO”).
- Section 2.

December 2025 LDO shall be added to the Town of Harrison Municipal Code, Chapter 17, with such section notations and annotations as is necessary and proper to effectuate the purpose of the Ordinance.
- Section 3.

Any existing ordinances or parts thereof which are inconsistent with the provisions herein are hereby repealed.
- Section 4.

This Ordinance shall take effect immediately upon final passage and publication and as required by law.

---

Councilwoman Maria Camano

Introduced: 01-20-2026

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council held on January 20, 2026, the foregoing Ordinance passed on first reading.

---

Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT						
M. CAMANO						
M. DOLAGHAN						
J. DORAN						
J. HUARANGA						
D. SARABANDO						
E. VILLALTA						
J. FIFE						

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO.1551

**CALENDAR YEAR 2026 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, *N.J.S.A* 40A:4-45.1, et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, *N.J.S.A.* 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor & Council of the Town of Harrison, in the County of Hudson, finds it advisable and necessary to increase its CY 2026 Budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor & Council hereby determines that a 3.5% increase in the Budget for said year, amounting to \$1,485,586.29 in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor & Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Town of Harrison, in the County of Hudson, a majority of the full authorized membership of this Mayor & Council affirmatively concurring, that, in the CY 2026 Budget Year, the final appropriations of the Town of Harrison shall, in accordance with this ordinance and *N.J.S.A.* 40A:4-45.14, be increased by 3.5%, amounting to \$1,485,586.29, and that the CY 2026 Municipal Budget for the Town of Harrison be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

---

Councilwoman Maria Camano

Introduced: 01-06-2026

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1552

AN ORDINANCE TO AMEND ORDINANCE NOS. 974, 1055, 1122, 1253, 1316, 1336, 1411, 1438, 1460, 1464, 1486, 1487, 1497, 1529, 1530, 1533 AND ORDINANCE DATED SEPTEMBER 3, 1885, REGARDING THE TABLE OF ORGANIZATION OF THE HARRISON POLICE DEPARTMENT

BE IT ORDAINED by the Mayor and Council of the Town of Harrison, County of Hudson and State of New Jersey, that Ordinance Numbers 974, 1055, 1122, 1253, 1316, 1336, 1411, 1438, 1460, 1464, 1486, 1487, 1497, 1529, 1530, 1533 and Ordinance dated September 3, 1885, be and they are hereby amended as follows:

**Section 1.** Currently, prior to the adoption of this Ordinance No. 1552, the Table of Organization of the Town of Harrison Police Department (“HPD”) consists of no more than:

One (1)	Police Director
One (1)	Police Chief
Three (3)	Police Captains
Seven (7)	Police Lieutenants
Seven (7)	Police Sergeants
Forty-Four (44)	Police Officers (Patrolmen)
Ten (10)	Special Law Enforcement Officers - Class I
Five (5)	Special Law Enforcement Officers - Class II
Five (5)	Special Law Enforcement Officers - Class III.

Starting on the effective date of this Ordinance No. 1552, the HPD shall hereafter consist of no more than:

One (1)	Police Director
One (1)	Police Chief
Three (3)	Police Captains
Four (4)	Police Lieutenants
Eleven (11)	Police Sergeants
Forty-Three (43)	Police Officers (Patrolmen)
Ten (10)	Special Law Enforcement Officers - Class I
Five (5)	Special Law Enforcement Officers - Class II
Six (6)	Special Law Enforcement Officers - Class III.

Any reductions in rank established by this Section shall be implemented through attrition, and no person shall have his/her employment terminated or rank reduced because of same.

**Section 2.** The salary and other terms and conditions of employment regarding the above titles are set forth in separate salary ordinances and contracts, or will be duly negotiated with the appropriate bargaining unit.

**Section 3.** Any existing ordinances or parts thereof which are inconsistent with the provisions herein are hereby repealed to the extent of such inconsistencies.

**Section 4.**      This Ordinance shall take effect immediately upon final passage and publication according to law.

\_\_\_\_\_  
Councilwoman Maria Camano

Introduced:    01-20-2026

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, herby certify that at a Meeting of the Mayor and Council held on January 20, 2026 the foregoing Ordinance passed on first reading.

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT						
M. CAMANO						
M. DOLAGHAN						
J. DORAN						
J. HUARANGA						
D. SARABANDO						
E. VILLALTA						
J. FIFE						



TOWN OF HARRISON  
COUNTY OF HUDSON  
ORDINANCE NO. 1553

**AN ORDINANCE PROVIDING FOR THE PURCHASE OF LAND DESCRIBED ON THE OFFICIAL TAX MAP OF THE TOWN OF HARRISON AS BLOCK 136, LOT 1.07 (F/K/A LOT 1.01), BLOCK 137, LOT 17.02, BLOCK 149, LOT 1.02, BLOCK 151, LOT 5.02 AND BLOCK 172, LOT 1**

WHEREAS, the Town of Harrison (“Town”) has become aware that property located in the Town’s Waterfront Redevelopment Area set forth on the Tax Map of the Town as Block 136, Lot 1.07 (f/k/a Lot 1.01), Block 137, Lot 17.02, Block 149, Lot 1.02, Block 151, Lot 5.02 and Block 172, Lot 1 (hereinafter the “Property”) is for sale by the owner pursuant to bankruptcy petitions jointly administered as *In re Supor Properties Enterprises, LLC, et al.*, Case No. 24-13427 (SLM) (hereinafter referred to as the “Auction”); and

WHEREAS, the Town desires to purchase the Property for public purposes and, as such, submitted bids at the Auction in the final amount of Twenty-Nine Million Dollars (\$29,000,000) subject to negotiation and execution of a mutually acceptable Purchase and Sale Agreement pursuant to New Jersey Law (hereinafter the “Bid”); and

WHEREAS, the Town’s Bid was accepted, and the Mayor and Council desire to consummate the purchase of the Property pursuant to the Auction and the Bid.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Harrison in the County of Hudson, State of New Jersey, as follows:

- Section 1.

All of the “Whereas” clauses above are incorporated herein by reference as if same were set forth at length herein.
- Section 2.

In accordance with the power and authority granted by *N.J.S.A. 40A:12-1*, et seq., the Town shall acquire by purchase (hereinafter the “Purchase”) all of the land, buildings, improvements, and fixtures on the land described on the Official Tax Map of the Town of Harrison as Block 136, Lot 1.07 (f/k/a Lot 1.01), Block 137, Lot 17.02, Block 149, Lot 1.02, Block 151, Lot 5.02 and Block 172, Lot 1. The Town and the Owner shall collectively be referred to as the Parties.
- Section 3.

The purchase price shall not exceed \$29,000,000, and funds are available in Ordinance Number 1542.
- Section 4.

The Purchase shall be conditioned on and subject to all of the terms and conditions of a Purchase and Sale Agreement, to be negotiated between the Parties, with such contingencies and preconditions as shall be negotiated by the Parties and acceptable to counsel for the Town, including but not limited to such due diligence deemed necessary by counsel for the Town such as title work, environmental assessment, appraisal, etc.
- Section 5.

The Mayor and the Town Clerk are hereby authorized and empowered to execute a contract of sale on behalf of the Mayor and Council of the Town, in a form acceptable to legal counsel to the Town.
- Section 6.

This ordinance shall take effect after final passage and publication according to law.

\_\_\_\_\_  
Councilwoman Maria Camano

Introduced:    01-20-2026

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council held on January 20, 2026 the foregoing Ordinance passed on first reading.

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT						
M. CAMANO						
M. DOLAGHAN						
J. DORAN						
J. HUARANGA						
D. SARABANDO						
E. VILLALTA						
J. FIFE						

TOWN OF HARRISON  
COUNTY OF HUDSON  
ORDINANCE NO. 1554

**AN ORDINANCE TO ESTABLISH RATES FOR PARKING  
WITHIN THE HARRISON PARKING GARAGE**

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

- Section 1.** Ordinance Numbers 1349, 1369, 1395 and 1443 are hereby amended as set forth herein. All of the other provisions of Ordinance Numbers 1349, 1369, 1395 and 1443 which are not changed hereby shall remain in full force and effect.
- Section 2.** The following rates shall be charged for use of the Harrison Parking Garage, until further notice:

**Harrison Parking Garage Posted Rates**

**Monthly Rates**

- Regular Monthly \$295
- Reserved Monthly \$350

**Daily Rates**

- Up to 2 Hours \$6
- Up to 4 Hours \$12
- Up to 12 Hours \$18

Daily Rates Repeat After 12 Hours  
Less Than 30 Minutes = No Charge

**Red Bull Arena Event Parking**

- Major League Soccer Events \$20
- Events Other Than International Soccer Events & Concerts \$20
- International Soccer Events \$30
- Concerts Up To \$45
- Red Bull Arena Employees \$10

Enter up to 4 Hours before the scheduled start time of the event and Exit up to 1 Hour after the end of the event.

**Merchant Validation**

- Up to 2 Hours \$3
- Up to 4 Hours \$5
- Over 4 Hours – Daily Rates Apply

- Section 3.** Any existing ordinances, resolutions or parts thereof which are inconsistent with the provisions herein are hereby repealed to the extent of such inconsistencies.
- Section 4.** This Ordinance shall take effect immediately upon passage and publication as provided by law, and the rates shall be implemented as soon as practicable thereafter.

\_\_\_\_\_  
Councilwoman Maria Camano

Introduced: 01-20-2026

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council held on January 20, 2026 the foregoing Ordinance passed on first reading.

\_\_\_\_\_

Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT						
M. CAMANO						
M. DOLAGHAN						
J. DORAN						
J. HUARANGA						
D. SARABANDO						
E. VILLALTA						
J. FIFE						

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Police

Resolution #: R-2026-



Presented by Councilperson:  
James P. Doran

**HUDSON COUNTY**

**A RESOLUTION RE-APPOINTING SPECIAL LAW ENFORCEMENT OFFICERS**

WHEREAS: The Town, pursuant to N.J.S.A. 40A:14-146.8, et seq., the Special Law Enforcement Officers' Act (the "Act"), has appointed several individuals as Special Law Enforcement Officers in the Town of Harrison Police Department; and

WHEREAS: The Act provides that Special Law Enforcement Officers may be appointed for terms not to exceed one (1) year; and

WHEREAS: Special Law Enforcement Officers in the Town of Harrison Police Department need to be re-appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The following Special Law Enforcement Officers, Class I, Class II, and Class III, be and the same are hereby appointed/re-appointed:

Kevin Murphy	(Class I)
Charles Trucillo	(Class I)
Julio DePeriola	(Class I)
Sean Karas	(Class I)
Rigerberto Rivero	(Class I)
Thomas K. Dolaghan, Jr.	(Class I)
Salvator D’Angelo	(Class I)
Manuel Rodrigues	(Class I)
Jack Dolaghan	(Class II)
Christopher Vezos	(Class II)
Anthony Coleman	(Class III)
Dean McGee	(Class III)
Michael Kruznis	(Class III)
Michael O’Donnell	(Class III)

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

**HUDSON COUNTY**

A RESOLUTION ADOPTING A CASH MANAGEMENT PLAN 2026

WHEREAS: Pursuant to amendments to N.J.S.A.40A:5-14, et seq., the State of New Jersey Local Fiscal Affairs Law, the governing body of each municipality is required to adopt a Cash Management Plan; and

WHEREAS: The Chief Financial Officer has submitted such a plan to the Mayor and Town Council which fulfills all of the requirements of N.J.S.A. 40A:5-14, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Cash Management plan presented by the Chief Financial Officer is hereby adopted; and

THAT: This plan shall currently have a duration of twelve (12) months, commencing on January 1, 2026; and

THAT: The Town Clerk is directed to provide copies of this Resolution to the Director of Local Government Services, the Town Auditor, and the Chief Financial Officer.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

CASH MANAGEMENT PLAN OF THE TOWN OF HARRISON,  
IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY

I. STATEMENT OF PURPOSE

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits (“Deposits”) and investment (“Permitted Investments”) of certain public funds of the Town of Harrison, (the “Town”) pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the marked value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Town:

Current Fund	General Capital Fund	Animal Trust Fund
Developer Performance Escrow Funds	Other Trust Fund	Water/Sewer Operating Fund
Payroll Agency Fund	Parking Meter Account	Parking Operating Account
Parking Receipt Account	Parking Reserve Account	Library Trust
Unemployment Trust fund	Affordable Housing fund	MILETA Trust Forfeiture Fund
Urban Development Action Trust Fund	Water/Sewer Capital Fund	Parking Capital Fund
Human Services Acct		

B. It is understood that this Plan is not intended to cover certain funds and accounts of the Town, specifically:

- 1. General Court Fund
- 2. Bail Account

III. DESIGNATION OF OFFICIALS OF THE TOWN AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN.

The Chief Financial Officer of the Town (the “Designated Official”) is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Town are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

IV. DESIGNATION OF DEPOSITORYES.

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds deferred to in the Plan, including any Certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in the Plan:

- 1. BANK OF AMERICA
- 2. VALLEY NATIONAL BANK
- 3. STATE OF N J CASH MANAGEMENT FUND, Bank of America
- 4. CROWN BANK NA
- 5. KEARNY FEDERAL SAVINGS BANK
- 6. SCHUYLER SAVINGS
- 7. CITIZENS BANK
- 8. CITIZENS BANK SWEEP VENDORS R&T AND INTRAFI

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.

**V. AUTHORIZED INVESTMENTS**

A. Except otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Bonds or other obligations to the United States of America or obligations guaranteed by the United States of America;
2. Government money market mutual funds;
3. Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Unit.
6. Local government investment pools;
7. Deposits with the State of New Jersey Cash management Fund established pursuant to Section 1 of P.L. 1977, c.281 (c.52:18A-90.4); or
8. Agreements for the repurchase of fully collateralized securities if:
  - a. the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
  - b. the custody of collateral is transferred to a third party;
  - c. the maturity of the agreement is not more than 30 days;
  - d. the underlying securities are purchased through a GUDPA depository as defined in Section 1 of P.L. 1970, c.236 (c.17:9-41); and
  - e. a master repurchase agreement providing for the custody and security of collateral is executed.
9. Notes Issued by New Jersey municipalities, counties, fire districts and boards of education pursuant to N.J.S.A. 40A:5-14.
  - a. Parking Authorities (N.J.S.A. 40:11A-16)
  - b. Sewage Utilities Authorities (N.J.S.A. 40:14A-30 and 40:14B-62)
  - c. County Improvement Authorities (N.J.S.A. 40:37A-84)
  - d. Pollution Control Financing Authority (N.J.S.A. 40:37C-15)
  - e. Water Commissions created pursuant to N.J.S.A. 40:62-108 et seq. (N.J.S.A. 40:62-133.12)
  - f. Municipal Port Authorities (N.J.S.A. 40:68A-22)
  - g. Bonds issued pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:121A-1 et seq.) by housing authorities, redevelopment Agencies, municipalities and counties (N.J.S.A. 40A:12A-35)
  - h. Municipal Share Service Energy Authority (N.J.S.A. 40A:66-22)

For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

GOVERNMENT MONEY MARKET MUTUAL FUND. An investment company investment trust:

- (a) which is registered with the Securities and Exchange Commissioner under the “Investment Company Act of 1940,” 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7.
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U. S. Government securities; and
- (c) which has:

- (i) attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
- (ii) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “investment Advisors Act of 1940,” 15 U.S.C. sec. 89b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.
- (d) Which does not permit investments in instrument that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their park value, or utilize an index that does not support a stable net asset value.

LOCAL GOVERNMENT INVESTMENT POOL. An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) which is limited to U. S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U. S. Government securities
- (d) which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments.
- (e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been Registered continuously for a period of at least two years pursuant to Section 9 of P.L. 1967 c.9 (c.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and repost daily to the Federal Reserve Bank of New York its position in and borrowing on such U. S. Government securities.

B. Notwithstanding the above authorization, the monies on hand in the following funds and accounts shall be further limited as to maturities or specific investments.

## **VI. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN**

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Town, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Town of Harrison to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to ensure that such Permitted Investments are either received by the Town or by a third-party custodian prior to or upon the release of the Town’s funds.

To assure that all parties with whom the Town deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of the Plan in writing, a copy of which shall be on file with the Designated Official(s).



## **VII. REPORTING REQUIREMENTS**

- A. In compliance with N.J.S.A. 54:4 73, the collector shall, on the first day of each month report collections to the governing body of the municipality. Additional reports will be provided to the governing body as requested.
- B. On the fifteenth day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of the Town a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:
  1. The name of any institution holding funds of the Town as a Deposit or a Permitted Investment.
  2. The amount of securities or Deposits purchased or sold during the immediately preceding month.
  3. The class or type of securities purchased or Deposits made.
  4. The book value of such Deposits or Permitted Investments.
  5. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity; this report shall provide an accrual of such earnings during the immediately preceding month.
  6. The fees incurred to undertake such Deposits or Permitted Investments.
  7. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
  8. All other information which may be deemed reasonable from time to time by the governing body of the Town.

## **VIII. TERM OF PLAN**

This Plan shall be in effect from January 1, 2026 to December 31, 2026. Attached to this Plan is a resolution of the governing body of the Town approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

**HUDSON COUNTY**

A RESOLUTION AUTHORIZING TAX INTEREST

WHEREAS: N.J.S.A. 54:4-66 provides that taxes are payable in quarterly installments on February 1st, May 1st, August 1st and November 1st in each year; and

WHEREAS: N.J.S.A. 54:4-67 authorizes municipalities to provide a grace period not exceeding ten days without additional charge for interest.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: No interest shall be charged if any installment of taxes is received by the tenth day of the month due. If payments are not received within the grace period, interest is then calculated from the date when the payment was originally due, until the date of actual payment at the rate of 8% per annum on the 1st \$1,500.00 of delinquency and 18% per annum on any amount in excess of \$1,500.00; and

THAT: The foregoing interest calculation shall apply to all municipal delinquencies, unless otherwise specified.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

**HUDSON COUNTY**

A RESOLUTION AUTHORIZING AN ACCELERATED TAX SALE

WHEREAS: The Mayor and Council of the Town of Harrison finds and declares that N.J.S.A. 54:5-19 requires that the Town conduct a public tax sale to enforce delinquent municipal liens by selling said liens in accordance with the New Jersey Tax Sale Law; and

WHEREAS: “Delinquency” means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters per N.J.S.A. 54-4-67; and

WHEREAS: The Mayor and Council further finds and declares that the Town Tax Collector is qualified to hold said Tax Sale in the calendar year 2026 for municipal delinquent charges; and

WHEREAS: The Mayor and Council further finds and declares than an Accelerated Tax Sale may be held at the discretion of the Town Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Tax Collector, Anna Nicosia, be and is hereby authorized to conduct an Accelerated Tax Sale during the year 2026 in accordance with N.J.S.A. 54:5-19; and

THAT: The Town Clerk provide a copy of this resolution to the Tax Collector for her records.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

**HUDSON COUNTY**

A RESOLUTION AUTHORIZING REFUNDING OR CANCELLATION  
OF ANY DELINQUENT CHARGES/FEES OR PROPERTY TAXES IN  
THE AMOUNT OF LESS THAN \$10.00

WHEREAS: N.J.S.A. 40A:5-17.1 authorizes the refund or cancellation of any delinquent charges/fees or property taxes in the amount of less than \$10.00; and

WHEREAS: The Tax Collector would like authorization to refund or cancel any delinquent charges/fees or property taxes in the amount of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Tax Collector is to cancel said amounts set forth above as deemed necessary.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

**HUDSON COUNTY**

**A RESOLUTION AUTHORIZING THE 2026 TEMPORARY MUNICIPAL  
BUDGET APPROPRIATIONS**

WHEREAS: The New Jersey Local Budget Law (the “Law”) at N.J.S.A. 40A:4-19 provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2026 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS: The date of this resolution is within the first thirty days of 2026; and

WHEREAS: The total appropriations in the 2025 budget, less appropriations made for the Capital Improvement Fund, Debt Service and Public Assistance, is the sum of \$45,035,569.36; and

WHEREAS: 35 percent of the total appropriations in the 2025 budget, less appropriations for the Capital Improvement Fund, Debt Service and Public Assistance, is the sum of \$15,762,449.28.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The following items of appropriation shall constitute the 2026 Temporary Appropriations until the 2026 Municipal Budget is adopted in accordance with the Law; and

THAT: A certified copy of this resolution be transmitted to the Chief Financial Officer for her records.

**GENERAL GOVERNMENT:**

Human Resources	Salaries & Wages	\$ 20,000.00
Governing Body	Salaries & Wages	15,000.00
Town Clerk's Office	Salaries & Wages	125,000.00
Town Clerk's Office	Other Expenses	39,000.00
Postage		5,100.00
Town Treasurer's Office	Salaries & Wages	150,000.00
Town Treasurer's Office	Other Expenses	82,000.00
Bond Registration		12,000.00
Telephones & Information	Other Expenses	21,500.00
Information Technology	Salaries & Wages	40,000.00
Information Technology	Other Expenses	74,000.00
Payroll Cost		40,000.00
Tax Appeal Fees		75,000.00
Tax Assessor's Office	Salaries & Wages	24,000.00
Tax Assessor's Office	Other Expenses	5,500.00
Tax Collector's Office	Salaries & Wages	97,000.00
Tax Collector's Office	Other Expenses	5,000.00
Legal Services	Salaries & Wages	40,000.00
Legal Services	Other Expenses	125,000.00
Public Defender	Salaries & Wages	14,000.00
Engineering Services	Other Expenses	50,000.00
Zoning Board	Other Expenses	1,000.00
Planning Board	Other Expenses	10,500.00
Insurance	Employee's Group	2,500,000.00
Insurance	Other Premiums	1,239,073.00
Insurance	Workers Compensation	534,731.00
Municipal Court	Salaries & Wages	140,000.00

Municipal Court	Other Expenses	14,000.00
Public Library	Salaries & Wages	78,000.00
Public Library	Other Expenses	30,000.00
Construction Code Official	Salaries & Wages	166,000.00
Construction Code Official	Other Expenses	3,000.00
Sub Code Official	Salaries & Wages	6,800.00
Sub Code Official	Other Expenses	1,500.00

#### PUBLIC SAFETY

Fire	Salaries & Wages	1,440,000.00
Fire	Other Expenses	12,000.00
Ambulance	Other Expenses	2,000.00
Fire Safety	Salaries & Wages	33,000.00
Fire Safety	Other Expenses	1,000.00
Police	Salaries & Wages	1,755,000.00
Police	Other Expenses	19,000.00
Police & Fire	Radio Communications	6,000.00

#### PUBLIC WORKS

Public Works	Salaries & Wages	419,200.00
Public Works Streets,	Other Expenses	6,000.00
Public Building & Grounds	Other Expenses	55,000.00
Public Works Vehicle Maint.	Other Expenses	33,000.00
Public Works Traffic Signals	Other Expenses	14,000.00
Public Works Building Alar	Other Expenses	4,000.00
Recycling	Salaries & Wages	3,000.00
Street Lighting		85,000.00
Gas & Electric		50,000.00
Gasoline / Diesel Fuel		52,000.00

#### SANITATION

Garbage & Trash Removal	1,440,000.00
-------------------------	--------------

#### HEALTH & WELFARE

Board of Health	Salaries & Wages	45,000.00
Board of Health	Other Expenses	9,000.00
Public Assistance	Other Expenses	2,000.00
Dog Regulations		20,000.00
Substance Abuse Education Program		3,000.00

#### RECREATION & EDUCATION

Parks & Playgrounds	Salaries & Wages	47,500.00
Parks & Playgrounds	Other Expenses	2,500.00
Senior Citizen's Center	Other Expenses	28,500.00
Senior Citizen's Transp.	Salaries & Wages	97,000.00
Community Center	Other Expenses	16,000.00
Celebration of Public Events		1,000.00

#### UNCLASSIFIED

Social Security Employer's Share	200,000.00
Shared Services Bergen County Dispatch	396,857.00

#### DEBT SERVICE

Capital Lease Obligations	Principal	410,000.00
Capital Lease Obligations	Interest	144,390.63
School Debt – Principal		655,000.00
School Debt - Interest		63,000.00

TOTAL MUNICIPAL APPROPRIATIONS

\$ 13,353,651.63

BE IT FURTHER RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey:

THAT: The dedicated revenues anticipated for the period between the beginning of the Fiscal Year of 2026 and the date of the adoption on the 2026 Municipal Budget are dedicated pursuant to N.J.S.A 40A:4-39 or other legal requirements.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

TOWN OF HARRISON

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

HUDSON COUNTY

A RESOLUTION AUTHORIZING THE 2026 TEMPORARY PARKING  
UTILITY BUDGET APPROPRIATIONS

WHEREAS: The New Jersey Local Budget Law (the “Law”) at N.J.S.A. 40A:4-19 provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2026 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS: The date of this resolution is within the first thirty days of 2026; and

WHEREAS: The total appropriations in the 2025 budget, less appropriations made for the Capital Improvement Fund and Debt Service, is the sum of \$3,131,000.00; and

WHEREAS: 35 percent of the total appropriations in the 2025 budget, less appropriations for the Capital Improvement Fund and Debt Service is the sum of \$1,095,850.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: That the following items of appropriation shall constitute the 2026 Temporary Appropriations until the 2026 Parking Utility Budget is adopted in accordance with the Law; and

THAT: That a certified copy of this resolution be transmitted to the Chief Financial Officer for her records.

PARKING UTILITY BUDGET

Parking	Salaries & Wages	\$ 100,000.00
Parking	Other Expenses	312,000.00
Social Security Employer's Share		8,000.00

TOTAL PARKING UTILITY APPROPRIATIONS \$ 420,000.00

BE IT FURTHER RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey:

THAT: The dedicated revenues anticipated for the period between the beginning of the Fiscal Year of 2026 and the date of the adoption on the 2026 Parking Utility Budget are dedicated pursuant to N.J.S.A. 40A:4-39 or other legal requirements.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk



TOWN OF HARRISON

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

HUDSON COUNTY

A RESOLUTION AUTHORIZING THE 2026 TEMPORARY WATER &  
SEWER BUDGET APPROPRIATIONS

WHEREAS: The New Jersey Local Budget Law (the “Law”) at N.J.S.A. 40A:4-19 provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2026 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS: The date of this resolution is within the first thirty days of 2026; and

WHEREAS: The total appropriations in the 2025 budget, less appropriations made for the Capital Improvement Fund and Debt Service, is the sum of \$4,083,500.00; and

WHEREAS: 35 percent of the total appropriations in the 2025 budget, less appropriations for the Capital Improvement Fund and Debt Service, is the sum of \$1,429,225.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: That the following items of appropriation shall constitute the 2026 Temporary Appropriations until the 2026 Water & Sewer Budget is adopted in accordance with the statutes; and

THAT:A certified copy of this resolution be transmitted to the Chief Financial Officer for her records.

WATER & SEWER UTILITY OPERATING FUND

Water & Sewer	Salaries & Wages	\$ 75,000.00
Water	Other Expenses	84,000.00
Water	Purchased	400,000.00
Social Security Employer's Share		6,000.00
Sewer Treatment		300,000.00
TOTAL WATER/SEWER APPROPRIATIONS		\$ 865,000.00

BE IT FURTHER RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey:

THAT: The dedicated revenues anticipated for the period between the beginning of the Fiscal Year of 2026 and the date of the adoption on the 2026 Water & Sewer Budget are dedicated pursuant to N.J.S.A. 40A:4-39 or other legal requirements.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

TOWN OF HARRISON

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

HUDSON COUNTY

RESOLUTION AUTHORIZING APPROVAL OF PAYMENT OF  
CERTAIN BILLS BETWEEN MEETINGS

WHEREAS: All claims of payment by the Town of Harrison, County of Hudson, State of New Jersey, are required to be first submitted to the Mayor and Council for consideration before payment; and

WHEREAS: Due to the nature of certain claims and timing of the particular meeting involved, certain claims should be paid when presented which are statutory and regular in nature, rather than held for the next council meeting of the Town of Harrison due to the nature of said claims.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Town of Harrison does hereby approve the payment between meetings of the following encumbered claims for payment, when the same are presented to the Mayor and Council and Chief Financial Officer of the Town of Harrison:

- Town of Harrison Payroll obligations,
- Town of Harrison Board of Education required payments,
- Hudson County Tax Payments to the County Treasurer,
- Federal, State and County Fees,
- Miscellaneous Disbursements approved by specific resolutions,
- Reissue of Lost or mutilated checks after stop payment has been issued,
- Health and Prescription Insurance,
- Utilities (Electric, Gas, Phone, Water, any 3rd party bills relating to utilities),
- Banks for Debt Service, investment purposes, and internal transfers,
- Ten Percent (10%) Bid Bond Returns,
- Certain emergencies only at the discretion of the Mayor and Council’s designation,
- Postage and Express Mail services; and

THAT: The Chief Financial Officer is hereby authorized and directed to prepare the proper vouchers for payment of the above recited accounts when same are properly presented for payment, and thereafter said claims shall be transcribed on the next scheduled Bill List to be approved by the Town of Harrison Mayor and Council.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

**HUDSON COUNTY**

A RESOLUTION AUTHORIZING OVERPAYMENT REFUND - BLOCK  
18, LOT 2.01

WHEREAS: There is an overpayment on the 4<sup>th</sup> quarter 2025 property taxes; and

WHEREAS: On November 3, 2025, the property owner made an online payment towards the 4<sup>th</sup> quarter property taxes. On November 5, 2025, Corelogic also made a payment for 4<sup>th</sup> quarter property taxes.

WHEREAS: The property owner requested the overpayment be sent to them.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Chief Financial Officer is hereby authorized and directed to issue a refund check for \$2,448.00 as follows:

Block/Lot/Qual	Name/Mailing Address	Refund Amount	Property Location
18/2.01	Li, Tony Li Ming 14 Yale St. Summit, NJ 07901	\$2,448.00	13 North Third St.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

**HUDSON COUNTY**

A RESOLUTION AUTHORIZING OVERPAYMENT REFUND-BLOCK  
30, LOT 40

WHEREAS: There is an overpayment on the 4<sup>th</sup> quarter 2025 property taxes; and

WHEREAS: On November 5, 2025, Cotality made an incorrect payment towards a 4<sup>th</sup> quarter property taxes. Cotality should have paid 412 William Street and paid 413 William Street in error.

WHEREAS: Cotality requested that the incorrect payment be sent to them.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Chief Financial Officer is hereby authorized and directed to issue a refund check for \$2,097.00 as follows:

Block/Lot/Qual	Name/Mailing Address	Refund Amount	Property Location
30/40	Cotality 3001 Hackberry Road Irving, TX 75063-0156	\$2,097.00	413 William Street

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

# TOWN OF HARRISON

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-

Presented by Councilperson:  
Delfim Sarabando



**HUDSON COUNTY**

A RESOLUTION AUTHORIZING REDEMPTION OF OUTSIDE LIENS-  
BLOCK 3, LOT 3.01, BLOCK 22, LOT 16, BLOCK 51.02, LOT 3, BLOCK  
133, LOT 1.03, BLOCK 133, LOT 1.05, BLOCK 133, LOT 1.06, BLOCK  
133, LOT 1.07, AND BLOCK 195, LOT 24

WHEREAS: On December 17, 2024 and December 17, 2025 the Harrison Tax Collector's office conducted a sale for unpaid municipal liens for the calendar years 2024 and 2025; and

WHEREAS: A notice of such sale was posted in five public places in the municipality. A copy of the tax sale notice was sent to each taxpayer on the list; and

WHEREAS: The liens set forth in detail below were redeemed with all interest due.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Chief Financial Officer is hereby authorized and directed to issue checks from trust for the redemption amounts and the premium amounts:

Certificate # 24-00001	Redeemed 1/5/26
Block:	3
Lot:	3.01
Owner:	Villanueva, Nelson & Giovana
Property location:	6 Cleveland Avenue Harrison, NJ 07029
Redemption Amount:	\$1,201.16
Premium Amount:	\$0
Interest Amount:	4%
Lien Holder:	Pro Cap 8 FBO Firsttrust Bank P.O. Box 774 Fort Washington, PA 19034

Certificate #	25-00003	Redeemed	1/12/26
Block:	22		
Lot:	16		
Owner:	Miranda, Gregorio & Maria		
Property location:	128 Cross Street Harrison, NJ 07029		
Redemption Amount:	\$6,107.51		
Premium Amount:	\$6,600.00		
Interest Amount:	0%		
Lien Holder:	Christiana T C/F CE1/Firsttrust		
	P.O. Box 5021		
	Philadelphia, PA 19111		

Certificate #	25-00009	Redeemed	1/8/26
Block:	51.02		
Lot:	3		
Owner:	17 Franklin Harrison LLC		
Property location:	17 Franklin Avenue Harrison, NJ 07029		
Redemption Amount:	\$8,360.45		
Premium Amount:	\$9,600.00		
Interest Amount:	0%		
Lien Holder:	Christiana T C/F CE1/Firsttrust		
	P.O. Box 5021		
	Philadelphia, PA 19111		

Certificate # 25-00012                      Redeemed 1/7/26  
Block:    133  
Lot:     1.03  
Owner:     Eastone Harrison Urban Renewal  
Property location:                             700 Rodgers Blvd South Harrison, NJ 07029  
Redemption Amount: \$127,822.70  
Premium Amount:                             \$145,000.00  
Interest Amount:                               0%  
Lien Holder:                                     ATCF II NEW JERSEY LLC. TAXSERV  
   P.O. Box 69239, Baltimore, MD 21264

Certificate # 25-00013                      Redeemed 1/7/26  
Block:    133  
Lot:     1.05  
Owner:     Eastone Harrison Urban Renewal  
Property location:                             600 South Fifth Street Harrison, NJ 07029  
Redemption Amount: \$137,753.97  
Premium Amount:                             \$146,000.00  
Interest Amount:                               0%  
Lien Holder:                                     ATCF II NEW JERSEY LLC. TAXSERV  
   P.O. Box 69239, Baltimore, MD 21264

Certificate # 25-00014                      Redeemed 1/7/26  
Block:    133  
Lot:     1.06  
Owner:     Accordia Harrison Urban Renewal  
Property location:                             600 Rodgers Blvd South Harrison, NJ 07029  
Redemption Amount: \$361,140.89  
Premium Amount:                             \$20,000.00  
Interest Amount:                               0%  
Lien Holder:                                     FCR TL TRUST  
   P.O. Box 67513, Newark, NJ 07101

Certificate # 25-00015                      Redeemed 1/7/26  
Block:    133  
Lot:     1.07  
Owner:     Accordia Harrison Urban Renewal  
Property location:                             600 South Fifth Street Harrison, NJ 07029  
Redemption Amount: \$442,995.85  
Premium Amount:                             \$20,000  
Interest Amount:                               0%  
Lien Holder:                                     FCR TL TRUST  
   P.O. Box 67513, Newark, NJ 07101

Certificate # 25-00016                      Redeemed 1/8/26  
Block:    195  
Lot:     24  
Owner:     Tomasko, Henry % Debra Gallagher  
Property location:                             114 Seventh Street Harrison, NJ 07029  
Redemption Amount: \$3,053.82  
Premium Amount:                             \$8,500.00  
Interest Amount:                               0%  
Lien Holder:                                     Manuel DeSousa  
   150 Ivy St., Kearny, NJ 07032

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

TOWN OF HARRISON

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

HUDSON COUNTY

A RESOLUTION AUTHORIZING NEW JERSEY DEPARTMENT OF  
COMMUNITY AFFAIRS 2026 LOCAL RECREATION IMPROVEMENT  
GRANT PROGRAM

WHEREAS: The Town of Harrison desires to apply for and obtain a grant from the New Jersey Department of Community Affairs Local Recreation Improvement Grant Program for approximately \$75,000.00 in order to enhance recreational opportunities for its residents by supporting the creation of a new public park on the newly acquired William Street property; and

WHEREAS: The Town of Harrison does hereby authorize the application for such a grant and recognizes and accepts that the Department may offer lesser or a greater amount upon receipt of the grant agreement from the New Jersey Department of Community Affairs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: It authorizes the execution of any such grant agreement; and also, upon receipt of the executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Town of Harrison and the New Jersey Department of Community Affairs; and

THAT: The persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

\_\_\_\_\_

James A. Fife

\_\_\_\_\_

Mayor

\_\_\_\_\_

(title)

\_\_\_\_\_

Paul J. Zarbetski

\_\_\_\_\_

Town Clerk

\_\_\_\_\_

(title)

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_

Paul J. Zarbetski, Town Clerk

TOWN OF HARRISON

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

HUDSON COUNTY

A RESOLUTION DELEGATING THE AUTHORITY TO AWARD  
“WINDOW CONTRACTS” TO THE QUALIFIED PURCHASING AGENT

- WHEREAS: NJSA 40A:11-3 provides that the governing body may designate the Qualified Purchasing Agent to award contracts up to a certain threshold without public advertising for bids; and
- WHEREAS: Pursuant to NJSA 40A:11-3C, effective July 1, 2025, the State Treasurer has established the bid threshold for local contracting units with a Qualified Purchasing Agent (“QPA”) at \$53,000 and the quotation threshold at \$7,950, as stated in Local Finance Notice 2025-08; and
- WHEREAS: NJSA 40A:11-9 permits the appointment of a Purchasing Agent who shall possess a Qualified Purchasing Agent’s certificate; and
- WHEREAS: Gregory Goode, QPA Certificate #Q-2397, has been appointed Qualified Purchasing Agent pursuant to Resolution #R-2023-110; and
- WHEREAS: By Resolution #R-2025-115, the Mayor and Council increased the bid threshold for the Town of Harrison to \$53,000 and the quotation threshold to \$7,950; and
- WHEREAS: NJSA 19:44a-1, et seq., also known as the Elections Transparency Act (the “Act”), has been recently signed into law, making certain significant changes to New Jersey’s Pay-to-Play laws (NJSA 19:44A-20.4, et seq.); and
- WHEREAS: Among the changes to the Act, the Qualified Purchasing Agent of a municipality may now be delegated the authority to award contracts having an anticipated value in excess of \$17,500 but below the \$53,000 bid threshold (commonly known as “Window Contracts”); and
- WHEREAS: For purposes of advancing efficiency in the award of contracts, the Mayor and Council desires to delegate to Gregory Goode, in his capacity as the Town’s QPA, the authority to award contracts having an anticipated value in excess of \$17,500 but below the \$53,000 bid threshold detailed in Section 3 of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: Gregory Goode be and is hereby confirmed as the Town’s QPA and, as such, he shall be and is hereby authorized to exercise the contracting powers granted pursuant to NJSA 19:44A-20.4 and 20.5 to award a contract having an anticipated value in excess of \$17,500 but below the increased bid threshold of a Local Public Contracts Law contracting unit with a qualified purchasing agent.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk



TOWN OF HARRISON

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

HUDSON COUNTY

A RESOLUTION AUTHORIZING REFUNDS OF VARIOUS  
RECREATION PROGRAM PAYMENTS

WHEREAS: Payments for several recreation programs have been received by participants and deposited into current accounts 01-192-08-105-008 Recreation Basketball, 01-192-08-105-010 Recreation Cheerleading, and trust account 12-286-56-853-000 Recreation – Uniform Deposits; and

WHEREAS: The Recreation Department has reported that the following participants either did not participate in the respective programs this season or are due back their uniform deposit fee, and have been refunded the amount.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The refund payments in the amounts listed below have been turned over to the following participants to their addresses on file:

Payee Name	Sport	Current Fund	Trust Fund	Payee Name	Sport	Current Fund	Trust Fund
Acevedo, Londyn	Cheerleading	\$ -	\$50.00	Miyagawa, Elisa	Cheerleading	\$ -	\$ 50.00
Aguiar, Athena	Cheerleading	\$35.00	\$50.00	Moscoso, Kassie	Cheerleading	\$ -	\$ 50.00
Alarcon, Brielle	Cheerleading	\$ -	\$50.00	Moscoso, Yvana	Cheerleading	\$ -	\$ 50.00
Alarcon, Jazlene	Cheerleading	\$ -	\$50.00	Ortiz, Hanna	Cheerleading	\$ -	\$ 50.00
almeida, kerly	Cheerleading	\$ -	\$50.00	Otero, Sorrell	Cheerleading	\$ -	\$ 50.00
Brennan, Aria	Cheerleading	\$ -	\$50.00	Perez, Angelina	Cheerleading	\$ -	\$ 50.00
Brown, Izabella	Cheerleading	\$ -	\$50.00	Quichimbo, Shellmy	Cheerleading	\$ -	\$ 50.00
Caldera, Arianna	Cheerleading	\$ -	\$50.00	Ribas, Fernanda	Cheerleading	\$ -	\$ 50.00
Castillo, Jade	Cheerleading	\$ -	\$50.00	Ribeiro, Emily	Cheerleading	\$ -	\$ 50.00
Cintron, Amaia	Cheerleading	\$ -	\$50.00	Rodriguez, Shirley	Cheerleading	\$ -	\$ 50.00
Collin's, Aylla	Cheerleading	\$ -	\$50.00	Saeteros, Ariadne	Cheerleading	\$ -	\$ 50.00
Cornejo, Amiyah	Cheerleading	\$ -	\$50.00	Salazar, Amy	Cheerleading	\$ -	\$ 50.00
Da Silva, Nicole	Cheerleading	\$ -	\$50.00	Sandoval, Nayeli	Cheerleading	\$ -	\$ 50.00
Dominicci, Giulianianna	Cheerleading	\$ -	\$50.00	Santiago, Hailey	Cheerleading	\$ -	\$ 50.00
Encalada, Emma	Cheerleading	\$ -	\$50.00	Santiago, Kimberly	Cheerleading	\$ -	\$ 50.00
Espinoza, Edith	Cheerleading	\$ -	\$50.00	Sicinski, Agnes	Cheerleading	\$ -	\$ 50.00
Galvez, jailah	Cheerleading	\$ -	\$50.00	Sierra, Brianna	Cheerleading	\$ -	\$ 50.00
Gomes, Giovanna	Cheerleading	\$ -	\$50.00	Sosa Garcia, Daleyza	Cheerleading	\$ -	\$ 50.00
Gomez, Mila	Cheerleading	\$ -	\$50.00	Tacuri, Ericka	Cheerleading	\$ -	\$ 50.00
Gómez, Samantha	Cheerleading	\$ -	\$50.00	Tandazo castro, Bellany	Cheerleading	\$ 35.00	\$ 50.00
Gonzalez, Mila	Cheerleading	\$ -	\$50.00	Thomas, Cordelia	Cheerleading	\$ -	\$ 50.00
Grados, Karla	Cheerleading	\$ -	\$50.00	Timoteo, Ariana	Cheerleading	\$ -	\$ 50.00
Grados-Ormeno, Dainhalee	Cheerleading	\$ -	\$50.00	Vargas, Victoria	Cheerleading	\$ 35.00	\$ 50.00
Guarmizo, Samantha	Cheerleading	\$ -	\$50.00	Villanueva, Layla	Cheerleading	\$ -	\$ 50.00
Hidrovo, Pacey	Cheerleading	\$ -	\$50.00	Ludizaca, Carmen	Basketball	\$ 25.00	\$ -
Lazo, Cameron Grace	Cheerleading	\$ -	\$50.00	Guadalupe, Maria	Basketball	\$ 25.00	\$ -
Iopez, layla	Cheerleading	\$35.00	\$50.00	Oliveria, Vunicius	Basketball	\$ 25.00	\$ -
Marques, Victoria	Cheerleading	\$ -	\$50.00	Romero, Marco	Basketball	\$ 25.00	\$ -
Mena, Marielly	Cheerleading	\$ -	\$50.00		TOTALS	\$ 240.00	\$2,650.00

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Committee: Finance

Resolution #: R-2026-



Presented by Councilperson:  
Delfim Sarabando

**HUDSON COUNTY**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT  
EXEMPT FROM PUBLIC BIDDING**

WHEREAS: The Town of Harrison has a need for Food Delivery Services for the Harrison Senior Citizens Center; and

WHEREAS: Pursuant to the provisions of N.J.S.A. 40A:11-5(1)(e), any contract in which the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if the subject matter thereof consists of the purchase of perishable foods as a subsistence supply; and

WHEREAS: The anticipated term of the contract is not to exceed one calendar year, 2026; and

WHEREAS: AFI Food Service Distributors has previously completed and submitted a Business Entity Disclosure certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Town of Harrison in the previous one (1) year, and that the contract will prohibit it from making any reportable contributions through the term of the contract, and AFI Food Service Distributors has further completed and submitted a C. 271 Political Contribution Disclosure Form; and

WHEREAS: The maximum amount of the contract is not to exceed \$160,000, and funds are available in the Current Fund Budget Account for Senior Citizen Other Expenses – Food and Food Supplies as evidenced by the certification of the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The Mayor and Town Clerk be and the same are hereby authorized to execute a contract with AFI Food Service Distributors; and

THAT: The Business Disclosure Entity Certification be placed on file with this resolution.

I HEREBY CERTIFY that the funds will be available upon adoption of the 2026 municipal budget, in the current fund budget account for senior citizen other expenses – food and food supplies

\_\_\_\_\_  
Gabriela V. Simoes Dos Santos, CFO

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

\_\_\_\_\_  
Paul J. Zarbetski, Town Clerk

**TOWN OF HARRISON**

Meeting Date: 01/20/2026

Resolution #: R-2026-



**HUDSON COUNTY**

Committee: Finance

Presented by Councilperson:  
Delfim Sarabando

A RESOLUTION FOR PAYMENT OF BILLS AND PAYROLLS

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

- THAT: The Chief Financial Officer is hereby directed to pay the bills certified by the Heads of the Departments and approved by the respective committees of the Council (attached).
- THAT: The Chief Financial Officer is hereby authorized to issue the payrolls during the month of January 2026, and the payrolls for the month of December 2025 are hereby ratified and confirmed and are on file in the Finance Office.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James A. Fife, Mayor

I hereby certify this to  
be a true and correct copy

Paul J. Zarbetski, Town Clerk

Chapter 17  
Land Development Ordinance

Town of Harrison  
County of Hudson

December 2025

Prepared by Heyer, Gruel & Associates

## Table of Contents

ARTICLE I	GENERAL PROVISIONS .....	4
§17-1	Title.....	4
§17-2	Statutory Authority; Purpose .....	4
§17-3	Interpretation of Provisions.....	5
§17-4	Time of Compliance.....	5
§17-5	Prohibited Uses .....	5
§17-6	Word Usage .....	5
§17-7	Definitions.....	6
ARTICLE II	PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT .....	32
§17-8	Planning Board.....	32
§17-9	Zoning Board of Adjustment .....	36
§17-10	Provisions Applicable to Both Planning Board and Zoning Board of Adjustment.....	40
§17-11	Appeal or Petition to Board of Public Utility Commissioners.....	45
ARTICLE III	APPLICATION REQUIREMENTS AND DEVELOPMENT PROCEDURES.....	46
§17-12	Application by Corporation or Partnership .....	46
§17-13	Application Requirements.....	46
§17-14	Informal Review .....	48
§17-15	General Provisions for Site Plan and Subdivision .....	48
§17-16	Subdivision Procedures.....	53
§17-17	Site Plan Procedures.....	61
§17-18	Amended Site Plan or Subdivision Approval .....	69
§17-19	Variances.....	69
§17-20	Conditional Use Approval .....	70
§17-21	Signing and Distribution of Approved Plans .....	71
§17-22	Fees and Escrow Deposits.....	71
§17-23	Checklists.....	77
ARTICLE IV	ZONING .....	78
§17-24	Establishment of Zones.....	78
§17-25	Zoning Map.....	78
§17-26	Interpretation of Zone Boundaries .....	78
§17-27	Schedule of Area, Yard and Building Requirements.....	79
§17-28	Interpretation of Use Regulations .....	79
§17-29	General Applicability of Regulations.....	79
§17-30	Lot Regulations.....	79
§17-31	Yard Regulations.....	80

§17-32	Frontage Upon a Street .....	80
§17-33	Principal Buildings.....	81
§17-34	Height Exceptions .....	81
§17-35	Accessory Structures and Uses .....	81
§17-36	Standards Governing Certain Permitted Uses.....	87
§17-37	Determination of a Dwelling Unit in Two-Family Construction .....	94
§17-38	1-F: Single-Family Zone .....	94
§17-39	2-F: Two-Family Zone.....	95
§17-40	3-F: Three-Family Residential Zone.....	95
§17-41	TH-1: Townhouse 1 Zone .....	95
§17-42	TH-2: Townhouse 2 Zone .....	95
§17-43	TH-3: Townhouse Zone .....	95
§17-44	MF: Multi-Family Zone .....	96
§17-45	ASH: Affordable Senior Housing Zone.....	96
§17-46	P/QP: Public/Quasi Public Zone .....	97
§17-47	NC-1: Neighborhood Commercial 1 Zone.....	97
§17-48	NC-2: Neighborhood Commercial 2 Zone.....	97
§17-49	CC: Community Commercial Zone .....	97
§17-50	I: Industrial Zone.....	97
§17-51	TV and Film Studio Overlay “TV & F-O” .....	97
§17-52	Off-Street Parking Requirements .....	98
§17-53	Conditional Uses .....	105
§17-54	Nonconforming Uses, Structures and Lots .....	109
ARTICLE V	DEVELOPMENT REQUIREMENTS AND DESIGN STANDARDS .....	111
§17-55	General.....	111
§17-56	Public or Common Private Open Space Design Standards.....	111
§17-57	Screening.....	112
§17-58	Landscaping Design Standards .....	112
§17-59	Lighting Design Standards.....	114
§17-60	Street Appurtenances, Obstructions, and Sight Distance.....	115
§17-61	Bikeways.....	115
§17-62	Utilities and Facilities .....	116
§17-63	Refuse and Recycling Facilities for New Multi-Family Housing Developments.....	116
§17-64	Building Design Standards .....	116
§17-65	Preservation of Existing On-Street Parking .....	118
§17-66	Off-Street Parking Design Standards .....	118

§17-1 Title

§17-67	Signs.....	120
§17-68	Performance Standards .....	128
§17-69	Construction Requirements.....	130
§17-70	Improvements.....	131
ARTICLE VI PERFORMANCE AND MAINTENANCE GUARANTEES.....		133
§17-71	Performance Guarantees Required.....	133
§17-72	Maintenance Guarantees .....	135
ARTICLE VII STORMWATER CONTROL .....		136
§17-73	Scope and Purpose .....	136
§17-74	Definitions.....	136
§17-75	Design and Performance Standards for Stormwater Management Measures .....	142
§17-76	Stormwater Management Requirements for Major Development .....	142
§17-77	Calculation of Stormwater Runoff and Groundwater Recharge.....	152
§17-78	Sources for Technical Guidance .....	154
§17-79	Solids and Floatable Materials Control Standards.....	154
§17-80	Safety Standards for Stormwater Management Basins .....	155
§17-81	Requirements for a Site Development Stormwater Plan .....	157
§17-82	Maintenance and Repair.....	159
ARTICLE VIII Enforcement, Violations, and Penalties .....		160
§17-83	Enforcement .....	160
§17-84	Violations and Penalties.....	161

**Attachments**

**Schedule I: Permitted Uses**

**Schedule II: Bulk Regulations**

**Schedule III: Parking Schedule**

**Zoning Map**

## **ARTICLE I GENERAL PROVISIONS**

### **§17-1 Title**

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

### **§17-2 Statutory Authority; Purpose**

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

- A. To plan and guide the appropriate use or development of all land in a manner which will promote the public health, safety, morals and general welfare by means including the following:
  - 1. By regulating the location of buildings and establishing standards of development; establishing setback lines of buildings designed for residential, commercial, industrial, office or other uses and by fixing reasonable standards to which buildings or structures shall conform.
  - 2. By prohibiting incompatible uses; and prohibiting uses, buildings or structures which are incompatible with the character of development of the permitted uses within specified zoning districts and surrounding areas.
  - 3. By regulating alterations of existing buildings; and preventing such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
  - 4. By conserving the value of land and buildings throughout the Town.
- B. To secure safety from fire, flood, panic, and other natural and man-made disasters.
- C. To provide adequate light, air, and open space.
- D. To ensure that land development does not conflict with the development and general welfare of neighboring municipalities, the county, and the state as a whole.
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, maintenance of the character of the neighborhoods, preservation of the environment and quality of life.
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- G. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements.
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight.
- I. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.



### §17-3 Interpretation of Provisions

- J. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper land use.
- K. To encourage coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
- L. To provide, within the community's resources, for the future housing needs of the citizens of the Town of Harrison.
- M. To encourage senior citizen community housing construction.
- N. To promote utilization of renewable energy sources.
- O. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs.

### §17-3 Interpretation of Provisions

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

### §17-4 Time of Compliance

All applicable requirements shall be met at the time of erection, enlargement, alteration, moving or change in use of a structure or structures or in the use of land and shall apply to the entire structure or structures or lot, irrespective of the proportion thereof that may be involved in the erection, enlargement, alteration, moving or change.

### §17-5 Prohibited Uses

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

### §17-6 Word Usage

For the purposes of this Chapter:

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

## §17-7 Definitions

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

### §17-7 Definitions

Definitions and Usages. Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings herein defined. Whenever a term is used in this Chapter which is defined in the MLUL, such term shall have the same meaning as the MLUL.

ABANDONMENT – The discontinuance of the use of a property and an intent to abandon the use.

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

ACCESS — A physical entrance to property.

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

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

ADAPTIVE REUSE – The development of a new use for an older building or for a building originally designed for a special or specific purpose.

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

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

ADVERSE EFFECT — The results of development creating, imposing, aggravating or leading to inadequate, impractical, unsafe or unsatisfactory conditions on a site proposed for development or on off-tract property or facilities.

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

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

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

ALTERATION, INCIDENTAL – Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

APPLICANT — A developer submitting an application for development.

## §17-7 Definitions

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

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

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

**AUTOMOBILE FUEL STATION / GASOLINE STATION** - Any building, structure, lot or land used or intended to be used for the sale of motor vehicle fuels, including electric charging, dispensed directly into motor vehicles. Accessory uses include the sale of and installation of lubricants, batteries, and similar accessories. Convenience stores may also be an accessory use to a gasoline station. Such use excludes body work, painting, and major overhauls/repairs.

**AUTOMOBILE REPAIR** – A business for the servicing or mechanical repair of motor vehicles and tires. This use may include a gasoline station and/or the retail sale of lubricating oils, tires, or parts for use in motor vehicles. An automobile repair facility may also be considered an accessory use to an automobile sales establishment. This use may also include the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components. This use does not include auto body repair or painting, nor does it include a car wash or auto detailing facility.

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

**BASE FLOOD** – A flood having a 1% change of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)** — The highest elevation, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.

**BALCONY** - An exterior floor projecting from and supported by a structure without additional independent supports.

**BASEMENT** — The portion of a building which is partly or completely below grade. A basement with more than 50% of its volume at or below grade is not considered a story for the purposes of building height. See definition of “Story.”

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

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

**BICYCLE SHARING** – A service in which bicycles are made available for shared use to individuals on a short-term basis.

**BILLBOARD** — A sign advertising an occupant, product, entertainment, or service that is sold, produced, manufactured, available or furnished, or similar on a lot other than the lot upon which the billboard is located.

**BOARD** — The Town of Harrison Planning Board or Zoning Board of Adjustment.

## §17-7 Definitions

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

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

**BREWERY** – An establishment licensed per the requirements of N.J.A.C. 33-10 as a limited brewery primarily engaged in the production and distribution of beer, ale, or other malt beverage, which may include such accessory uses as tours, retail sales, and on-site consumption, i.e. “tasting room.”

**BREW PUB** – An establishment licensed per the requirements of N.J.A.C. 33-10 as a restricted brewery primarily engaged in the production and distribution of beer, ale, or other malt beverages and which is operated in conjunction with a restaurant.

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

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

**BUILDING, ACCESSORY** – See “Accessory Building or Structure.”

**BUILDING, ATTACHED** – A building that abuts two (2) side lot lines or is one (1) of a row of abutting buildings.

**BUILDING, PRINCIPAL** – A building in which is constructed the principal use of the lot on which it is located.

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

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

**BUILDING FOOTPRINT** – The area encompassed by a building’s outer wall at ground level.

**BUILDING HEIGHT** — See “Height of Building.”

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

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

**CANNABIS** - All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products, but shall not include the

## §17-7 Definitions

weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

**CANNABIS BUSINESS** - Any person or entity that holds any of the six Classes of licenses established under P.L. 2021, c. 16, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

**CANNABIS CULTIVATOR** - Any licensed person or entity that grows, cultivates, or produces cannabis, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

**CANNABIS DELIVERY SERVICE** - Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

**CANNABIS DISTRIBUTOR** - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

**CANNABIS ESTABLISHMENT** - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

**CANNABIS MANUFACTURER** - Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

**CANNABIS PRODUCT** - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. “Cannabis product” does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

**CANNABIS RETAILER** - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

## §17-7 Definitions

**CANNABIS TESTING FACILITY** - An independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards.

**CANNABIS WHOLESALER** - Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

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

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

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

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

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

**CELLAR** — The portion of a building with more than 50% of its volume below grade that has a ceiling height of less than six and one-half (6 ½ ) feet. No cellar or portion thereof shall be used as a dwelling unit or be considered living space. A space meeting the definition of a cellar shall not count as a story for purposes of building height.

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

**CERTIFICATION** – A signed, written statement by the Town Engineer and/or Construction Official that specific constructions, inspections or tests, where required, have been performed and that such comply with the applicable requirements of this chapter or regulations adopted hereunder.

**CHANGE OF USE** – Any use which differs from the previous use of a structure or land by way of function, operation, extent or products sold, handled or manufactured and the like, including a change from one permitted use to another kind of permitted use in the same zone, as well as any change in activity which changes, alters or enlarges the previous use or structure or which will change, alter, enlarge or affect drainage, traffic, parking, sidewalks, paving, landscaping, fencing, sanitary disposal or other similar consideration.

**CHARGING LEVEL** – The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

## §17-7 Definitions

Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.

Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.

Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

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

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

**CLUB/MEMBERSHIP/FRATERNAL ORGANIZATIONS** - Buildings and facilities owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

**COMBINED SEWERS** – A sewerage system that carries both sanitary sewage and stormwater runoff.

**COMMON OPEN SPACE** — An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

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

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

**COMMUNITY CHARACTER** – The image of a community or area as defined by such factors as its built environment, natural features and open space elements, type of housing, architectural style, infrastructure and the type and quality of public facilities and services.

**COMMUNITY GARDEN** – An area less than one (1) acre managed and maintained by a group of individuals to grow and harvest food crops or non-food ornamental crops for personal or group consumption or donation. A community garden area may be divided into separate garden plots or orchard areas for cultivation by more than one individual or may be farmed collectively by members. A community garden may include common areas and a storage shed or similar structure not to exceed three hundred (300) square feet in area or fifteen (15') feet in height. Community gardens may be principal or accessory uses and may be located outdoors, on a roof or within a building.

**COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED** —

## §17-7 Definitions

- A. Any community residential facility licensed pursuant to P.L. 1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L. 1971, c.136 (C.26:2H-1 et al.).
- B. In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Addiction Services of the Department of Human Services (NJ DHS). As used in this act, "developmentally disabled person" means a person who is developmentally disabled as defined in section 2 of P.L. 1977, c.448 (C.30:11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in C.30:11B-2, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES - A community residential facility licensed pursuant to P.L. 1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L. 1971, c.136 (C.26:2H-1 et al.). "Person with head injury" means a person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.

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

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

COMMUNITY SOLAR - The Community Solar Energy Program run by the New Jersey Clean Energy Program. The program involves a solar array whose output is virtually divided among multiple participants, known as subscribers. Participants receive a bill credit on their utility bill for participation. Subscribers are often, but not necessarily, close to the array they are subscribed to, but are never directly connected to the array. All subscribers must be located in the same utility service area as the project to which they have subscribed.

COMPLETE APPLICATION — An application that is submitted in a proper and complete form, including all required application forms, maps and reviews, prior to the scheduling of a public hearing, where



## §17-7 Definitions

required, or formal action being taken by the approving authority; all required fees are submitted and filed within the appropriate time schedules; proof that no taxes or assessments for local improvements are due or delinquent on the property for which approval is sought; and all other governmental approvals are received by the approving authority or can be so conditioned by the approving authority.

**COMPACT CAR** – Any motor vehicle that does not exceed fifteen (15') feet in length, bumper to bumper, and five feet nine inches (5'-9") in width.

**COMPACT CAR PARKING** – Parking spaces, in parking lots and/or parking structures, intended for compact cars only, of smaller dimensions than those provided for standard-sized or larger-sized cars.

**CONDITIONAL USE** — A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location and operation of such use as contained in the zoning ordinance and upon the issuance of an authorization therefor by the Planning Board. Where, however, the applicant fails to meet one (1) or more of the conditions set forth in the ordinance, the application must be before the Zoning Board of Adjustment in accordance with the provisions of N.J.S.A. 40:55D-70d(3).

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

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

**CONVENIENCE STORE** — A retail establishment containing selling primarily food products, household items, newspapers and magazines, candy, beverages, and a limited amount of freshly prepared food such as sandwiches and salads for off-premises consumption and often found as an accessory use to gasoline stations.

**COUNCIL** – Town of Harrison Council

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

**COUNTY PLANNING BOARD** — The Hudson County Planning Board.

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

**CUMMA** -- The New Jersey Compassionate Use Medical Marijuana Act, P.L. 2009, c. 307 codified at N.J.S.A. 24:6I-1 et seq.

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

**CURB LEVEL** – The permanently established grade of the curb top in front of a lot.

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

**DAYS** — Calendar days.

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

## §17-7 Definitions

DECK – An open platform, whether freestanding or attached to a building, extending over and above the ground and supported by posts, columns, or footings extending into the ground.

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

DE MINIMIS – A minimal deviation from the norm or standard.

DENSITY — The permitted number of dwelling units per gross acre of land that is the subject of an application for development.

DESIGN EXCEPTION - Permission from the approving authority to depart from the design standards set forth herein, pursuant to N.J.S.A 40:55D-51.

DETENTION BASIN — See “Stormwater Detention”.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any alteration or reconstruction of any building façade; any mining, excavation, landfill or land disturbances and any use, change in use or extension of use of land for which permission may be required, pursuant to this Chapter.

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

DISTILLERY, MIRO – A facility for the manufacture, on-site storage, retail sale, and sampling of distilled alcoholic beverages, licensed per the requirements at N.J.S.A. 33:1-10.3d, and operating per the terms set forth in that act, which prohibit the sale of food on premise.

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

DOG PARK/RUN – A parcel or tract of public or privately-owned land set aside or designated for use by dog owners as “off-leash” areas for exercising their pets. Such use is considered accessory to any public or private open space.

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

## §17-7 Definitions

**DRAINAGE EASEMENT** — The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**DRIVE-THROUGH FACILITY** - A commercial facility or structure that is designed to allow patrons to order and receive goods and services via a service window or mechanical device, while remaining in their vehicles at all times and the consumption or utilization of which shall be off premises. Such facilities may include banks, pharmacies, and eating and drinking establishments. Drive-through facilities may be either a principal or accessory use. This use shall not include an automobile car wash or the selling of fuel at a gasoline service station.

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

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

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

- A. **DETACHED SINGLE-FAMILY** — A dwelling for one family that is not attached to any other dwelling by any means.
- B. **ATTACHED SINGLE FAMILY/TOWNHOUSE** — A one-family dwelling in a row of at least three such attached dwellings in which each dwelling has its own front and rear access to the outside, no dwelling is located over another dwelling and each dwelling is separated from all other attached dwellings by one or more vertical common fire-resistant walls.
- C. **TWO-FAMILY** — A building on a single lot containing two (2) dwelling units, each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- D. **THREE-FAMILY** — A building on a single lot containing three (3) dwelling units.
- E. **MULTI-FAMILY** — A building containing four (4) or more dwelling units where each unit is joined to other dwelling units above, adjacent, and/or below. Also known as an "apartment building."

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

**EASEMENT** – A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

**EATING AND DRINKING ESTABLISHMENTS** – Establishments serving food or drink for immediate consumption on the premises, including restaurants, lunch counters, refreshment stands, ice cream parlors, and luncheonettes, but excluding drive-in or drive-thru restaurants.

ECONOMIC DEVELOPMENT – Policies, strategies, and programs adopted and implemented by various levels of government to attract new jobs, expand the existing job base, increase tax ratables, and generally improve the economic well-being of an area.

EDUCATIONAL USE – See “School, Primary” and “School, Secondary.”

EDUCATIONAL USE, SPECIALIZED OR VOCATIONAL SCHOOLS — Any building or part thereof which is designed, constructed or used for education of students that is not part of a licensed State of New Jersey facility, or under the jurisdiction of the Harrison Board of Education. Such establishment is intended to provide groups of five or more individuals with instruction or learning in matters pertaining to art, business, computer training, vocational or technical training, language, sports, self-defense, recreation, or other skills or subjects, but not offering the full curriculum of academic instruction provided by a high school, college or university.

ELECTRIC VEHICLE - Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

ELECTRIC VEHICLE SUPPLY / SERVICE EQUIPMENT (EVSE) - The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. “EVSE” is synonymous with “electric vehicle charging station.”

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

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

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

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, light stanchions, telephone lines, hydrants and other similar equipment and accessories, reasonably necessary for the furnishing of adequate service to the zone or neighborhood where located by public utilities, municipal or other governmental agencies.

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

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

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

FAMILY DAY CARE — A private residence which is registered as a family day care home pursuant to the Family Day Care Provider Registration Act, P.L. 1987, c. 27 (N.J.S.A. 30:5B-16 et seq.); and is further

## §17-7 Definitions

defined as a private residence in which child-care services are provided for a fee to not less than three and no more than five children at any one time for not less than 15 hours per week.

**FENCE** — A structure made of posts or stakes, joined together by boards, wire or rails, serving as an enclosure, a barrier or as a boundary. The height of a fence shall be measured from the ground surface at the base of the fence to the highest part of the structure above the base except that posts shall be permitted to extend up to six inches above the height limit.

**FILM STUDIO/MOVIE STUDIO** - A film studio/movie studio is a facility that is used to make films.

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

**FINANCIAL INSTITUTION** — Any structure wherein business of primarily a monetary nature is transacted, such as banks, credit unions, securities broker, real estate broker, savings and loans associations, mortgage companies and similar institutions. This definition is limited to those that serve the general public and does not include check-cashing, pawnshops, or bail bond establishments.

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

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

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

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

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

**FLOOD INSURANCE PROGRAM (FIP)** – The national program through which property owners, renters, and businesses can purchase insurance protection against losses from flooding. The federal government makes flood insurance available to properties within a community provided the community adopts and enforces a floodplain management ordinance to mitigate flood risks to new construction.

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

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

**FLOODPLAIN** – See “Flood Hazard Area.”

FLOOD, REGULATORY BASE –See “Base Flood.”

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

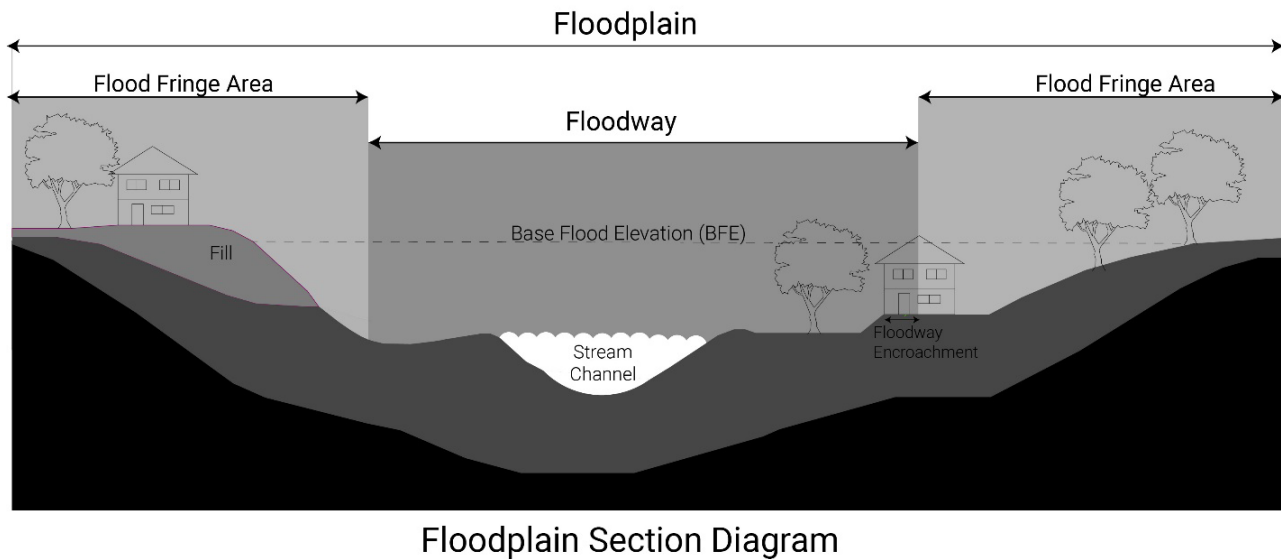


Figure 3

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

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

FRONTAGE — See “Lot Frontage.

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

GARAGE, PARKING — A building intended for the parking of motor vehicles, including parking decks or multilevel parking structures. May be a principal use or accessory use and may provide public or private parking.

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

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

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

## §17-7 Definitions

**GOVERNMENT USE** – The use of land, buildings or structures by any department, commission, independent agency or instrumentality of the United States, of a state, county authority, district or other governmental unit other than the Town of Harrison.

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

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

**GREEN BUILDING** – Practices that consider the impacts of buildings on the local, regional, and global environment; energy and water efficiency; reduction of operation and maintenance costs; minimization of construction waste; and eliminating the use of harmful building materials.

**GRAY WATER** – Wastewater from domestic sinks and tubes but excluding that part of the plumbing waste stream that includes human wastes.

**GROUND COVER** – Grasses or other low-growing plants and landscaping.

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

**GROUNDWATER** – Water contained in interconnected pores of a saturated zone in the ground, also known as “well water.” A saturated zone is a volume of ground in which the voids in the rock or soil are filled with water at a pressure greater than atmospheric.

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

**HAZARDOUS SUBSTANCE** - Any substance designated under 40 CFR pursuant to § 311 of the Federal Water Pollution Control Act, Amendments of 1972 [Clean Water Act (Public Law 92-500; 33 U.S.C. § 1251 et seq.)], the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., or § 4 of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-4. Substances listed include petroleum, petroleum products, pesticides, solvents and other substances.

**HAZARDOUS WASTE** - Any solid waste that is defined or identified as a hazardous waste pursuant to CFR Part 261, the Solid Waste Management Act, N.J.S.A. 13:1E et seq., or N.J.A.C. 7:26-8.

**HEAT ISLAND EFFECT** - The phenomenon in which areas with a higher concentration of impervious surfaces, including buildings, roads, sidewalks, or similar infrastructure, and limited greenery become islands of higher temperatures relative to nearby areas. The difference in temperature between more developed and less developed areas has to do with how well surface absorb and hold heat.

**HEIGHT OF BUILDING** — The vertical distance measured from the average finished ground elevation on any side around the foundation of a building or structure to the level of the highest point of the roof surface, exclusive of certain appurtenances pursuant to the exceptions of this Chapter.

**HOME OCCUPATION** — An occupation or activity carried out for gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling unit or other structure located on the lot. Home occupations shall be minor or major in nature, pursuant to the standards of this Chapter.

## §17-7 Definitions

**HOTEL** — A facility offering transient lodging accommodations to the general public and may provide additional facilities and services such as restaurants, meeting rooms, entertainment, and accessory recreation facilities.

**HOUSES OF WORSHIP** – See “Place of Worship.”

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

**IMPERVIOUS SURFACE** – Any material which generally reduces or prevents absorption of stormwater into the ground, including but not limited to buildings, parking areas, driveways, sidewalks, paving and patios, paved recreation areas (e.g. tennis and basketball courts), but shall not include swimming pools. All required parking areas which are permitted to remain unimproved, and all gravel areas traversed by vehicles shall be considered as impervious surfaces.

**IMPERVIOUS COVERAGE** — See “Lot Coverage.”

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

**INCLUSIONARY ZONING** — See “Zoning, Inclusionary.”

**INDOOR RECREATION FACILITY** – A permanent structure housing facilities for recreational activities such as tennis, soccer, swimming, exercise rooms, handball, and similar activities.

**INSTITUTIONAL AND PUBLIC USES** - Non-profit, public, or quasi-public institutions and uses, such as libraries, cultural services, municipally owned or operated buildings, structures or land use for public purposes, universities, and seminaries. This definition does not include places of worship except when a place of worship is located on the same property and functions in conjunction with a seminary.

**INTERESTED PARTY:**

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

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

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

**LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN)** – A rating system intended to encourage the design, construction, operation, and maintenance of buildings and neighborhoods so as to minimize their consumption of energy and to lessen their impact on the environment.

**LOCAL UTILITY** — Any sewerage authority created pursuant to the "Sewerage Authorities Law," P.L. 1946, c. 138 (C. 40:14A-1 et seq.); any utilities authority created pursuant to the "municipal and county utilities authority law," P.L. 1957, c. 183 (C. 40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of



## §17-7 Definitions

the Revised Statutes that provides gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof.

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

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

LOT, CORNER — A parcel of land, either at the junction of and abutting on two (2) or more intersecting streets or abutting a single street at the point where the road tangents deflect by more than forty-five (45) degrees.

LOT COVERAGE — That part of the lot that is covered by impervious surfaces, including but not limited to buildings, driveways, parking lots, pedestrian walkways, patios, and other man-made improvements on the ground surface. For the purposes of this definition, compacted gravel surfaces as well as artificial turf products (such as AstroTurf) shall be considered impervious surfaces and shall count toward lot coverage requirements.

LOT DEPTH — The average distance measured from the front lot line to the rear lot line.

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

LOT FRONTAGE — The shortest distance between the intersection points of the side lines of a lot with the front street right-of-way line.

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

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

LOT LINE, FRONT — The lot line separating a lot from a street right-of-way, also referred to as a "street line." In the case of corner lots or through lots, the front lot line shall be the line on which the primary entrance of the principal building faces and any other street lines shall be considered secondary front lot lines.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line on which the primary entrance faces, or the point at which the side lot lines meet.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT, THROUGH — A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

LOT WIDTH — The horizontal distance between the side lot lines measured at the front setback line.

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

## §17-7 Definitions

**MAKE-READY PARKING SPACE** - The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

**MAJOR SITE PLAN** – See “Site Plan, Major”

**MAJOR SUBDIVISION** — See “Subdivision, Major”

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

**MAYOR** — The chief executive of the Town.

**MEDICAL MARIJUANA ALTERNATIVE TREATMENT CENTER** – An organization authorized through licensure issued by the NJ State Department of Health and the Board of Medical Examiners to perform activities necessary to provide registered qualifying patients with usable marijuana and related paraphernalia in accordance with the provisions of the Act. For the purposes of zoning, an ATC is the interface between provider and patient and is synonymous with a Medical Marijuana Dispensary.

**MINOR SITE PLAN** – See “Site Plan, Minor”

**MINOR SUBDIVISION** – See “Subdivision, Minor”

**MIXED-USE** -- The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form.

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

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

**MUNICIPAL USE** — Those buildings and facilities necessary for the operation of the Town of Harrison government or for the provision of the Town of Harrison services not including Public Works Facilities as defined herein.

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

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

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

## §17-7 Definitions

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

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

**OFFICE** — A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

**OFFICE/CO-WORKING SPACE** — An arrangement where multiple companies share an office space in order to save costs through the utilization of common facilities, including office space, equipment, utilities, and administrative staff such as a receptionist and/or IT personnel.

**OFFICE, ACCESSORY** -- Incidental offices that are customarily accessory to another use and are allowed as part of an approved principal use.

**OFFICE, MEDICAL** - An office authorized through licensure issued by the NJ State Department of Health and the Board of Medical Examiners, including physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premise. A medical office may also contain associated in-house ancillary services such as diagnostic testing facilities, physical therapy, medical counseling services, and similar services. Medical offices do not include facilities typically associated with hospitals for inpatient care, major surgical procedures, or emergency care.

**OFFICE, PROFESSIONAL** - An office of a member of a recognized profession, maintained for the conduct of their profession. Such professions shall be limited to those of law, architecture, engineering, art, religion, music, accounting, insurance services, real estate brokers, medical, dental, optical, and other professions which require a degree of formal training and experience.

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

**OFF-SITE** — Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or a contiguous portion of a street or right-of-way.

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

**ON-SITE** — Located on the lot in question. Excluding any abutting street or right-of-way.

**ON-TRACT** — Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

**OPEN SPACE** — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

## §17-7 Definitions

**OUTDOOR STORAGE** - The storing or maintaining, exterior to any permanent and fully enclosed building or structure, of goods, merchandise, inventory, equipment, or other tangibles for any purpose other than outdoor display. The term outdoor storage shall not include operation facilities for bus / taxicab / ambulance. Goods, merchandise, or products stacked on pallets and/or wrapped in packaging materials such that the items are not readily available to the public for immediate retail sale shall be considered outdoor storage and not outdoor display.

**OUTFALL** – The mouth of a sewer, drain, or conduit where an effluent is discharged into the receiving waters.

**OVERLAY ZONE** – A zoning district that encompasses one or more underlying zones and that imposes additional and/or alternative uses and requirements beyond those required for the underlying zone.

**OWNER** – An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek or authorize development of land under this chapter.

**PARK** – Public or private land designed to serve the recreational needs of the community. Such facilities may include active recreation uses such as athletic fields or passive recreation uses such as natural areas, playgrounds, walking paths/ picnic areas, dog runs/parks and other non-structured recreation facilities.

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

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

**PARKING FACILITY** — Any public or private parking area or garage.

**PARKING, SHARED** – Joint utilization of parking area for more than one use.

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

**PARTY IMMEDIATELY CONCERNED** — For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under Article III of this Chapter.

**PATIO** — A flat or terraced surface located on the ground, constructed of brick, stone, concrete or other similar materials, including porous pavers and intended as an outdoor sitting area.

**PEDESTRIAN SCALE** – The proportional relationship between an individual and their environment.

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

**PERFORMANCE STANDARDS** — Standards (1) adopted by ordinance pursuant to N.J.S.A. 40:55D-65d regulating noise levels, glare, skyglow, earthborn or sonic vibrations, heat, radiation, television or radio waves, noxious odors, toxic materials, explosive and inflammable materials, smoke and airborne particles,

## §17-7 Definitions

waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the town or (2) required by applicable federal or state laws or municipal ordinances.

**PERMIT** — A certificate issued to perform work under this Chapter.

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

**PERSONAL SERVICES** — Establishments primarily engaged in providing services involving the care of a person or their personal goods or apparel.

**PLACE OF WORSHIP** - A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, including parish houses, covenants, classrooms for religious instruction, rectories, and other customary accessory uses and buildings.

**PLANNING BOARD** – The Planning Board of the Town of Harrison, established in this Chapter and pursuant to NJSA 40:55D-1 et seq.

**PLAT** — A map or maps of a subdivision or site plan.

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

**PLAT, PRELIMINARY** — The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the planning board for consideration and preliminary approval.

**PORCH** — A roofed, open area, not more than one story in height, which may be screened and is usually attached to or part of and having direct access to and from a building.

**PRELIMINARY APPROVAL** — The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Board and the applicant.

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

**PRINCIPAL BUILDING** – See “Building, Principal.”

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

**PUBLIC OPEN SPACE** — An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.

**PUBLIC UTILITY FACILITIES** — Telephone and electric lines, poles, equipment and structures, water or gas pipes, hydrants, valves, mains or structures or sewer pipes, together with accessories and

## §17-7 Definitions

appurtenances, maintained, operated and conducted for the service, convenience, necessity, health and welfare of the public.

**PUBLIC WORKS FACILITIES** – Facilities operated by the Town of Harrison or other governmental entity that provide essential public services for the maintenance and upkeep of the Town of Harrison and other governmental property.

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

**RECREATION FACILITY** — A place where sports, leisure time activities and customary and usual recreational activities are carried out, including but not limited to pools, tennis and basketball courts, and playgrounds.

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

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

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

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

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

**RESTAURANT** — An establishment where food and drink are prepared and/or served and consumed primarily at tables within the principal building without facilities for drive-thru order. A restaurant may also include pick-up/delivery services where food is prepared on the premise but carried off-site for off-site consumption.

**RESTAURANT, DRIVE-THRU** – An establishment in which food and drink is served to customers within automobiles outside of the confines of the building and where the consumption of such food or drink is intended to occur off the premises. Inside dining may be provided.

**RESTAURANT, TAKE-OUT** — An establishment where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place outside the confines of the restaurant.

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

**RETAIL SALES** – Establishments engaged in the selling or rental of goods or merchandise and in rendering services incidental to the sale of such goods. Examples include but are not limited to the selling of books, apparel, flower shops, stationery, delicatessens, bakeries, butcher shops, drug stores, and liquor stores. Retail sales shall not include automobile stations or car sales.

## §17-7 Definitions

**RETAIL SERVICE** - Establishments engaged in providing services or entertainment, as opposed to products, to the general public, businesses, government and other organizations and include but are not limited to business services, repair services (no including automobile repair), motion pictures, bowling alleys, art galleries, museums, glass blowing, and other similar recreational and amusement services. Such uses often have a retail sales component as accessory to the principal use. Retail services shall not include theaters or performance-based entertainment.

**RIGHT-OF-WAY (ROW)** - A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, a public sidewalk, a crosswalk, a railroad, electric transmission lines, an oil or gas pipeline, a waterline, a sanitary storm sewer, or other similar uses.

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

**SCHOOL** — Any building or part thereof which is designed, constructed or used for education of students, including public and private facilities, up to and through the secondary level.

**SCHOOL, PRIMARY** - A public, private or parochial school, recognized or approved by the State, providing the first four to eight years of formal education, which may include kindergarten and prekindergarten. This use may include accessory day care centers for children over the age of three.

**SCHOOL, SECONDARY** - A public, private or parochial school, recognized or approved by the State, providing intermediate formal education between primary school and college, inclusive of high schools.

**SELF-STORAGE FACILITY** — A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

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

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

**SIDEWALK** – The portion of a right-of-way paralleling and usually separated from the cartway, paved and designed for preferential or exclusive use by pedestrians.

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

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

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

- A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways;
- B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, screening devices and lighting; and
- C. Any other information that may be reasonably required in order to make an informed determination pursuant to this Chapter.

## §17-7 Definitions

**SITE PLAN, MAJOR** – The development plan of one (1) or more lots which does not meet the definition of “Site Plan, Minor.”

**SITE PLAN, MINOR** –

- A. A development plan not exceeding ten percent (10%) of additional gross floor area or one thousand (1,000) square feet or less of additional gross floor area, whichever is less, or soil disturbance of 1,000 square feet or less, provided that the site plan:
  - (1) Does not involve planned development, any new street or the extension of any off-tract improvement, or adverse development impacts upon surrounding properties or streets; and
  - (2) The addition of parking spaces does not exceed ten percent (10%) of the number of existing spaces, or five (5) new spaces, whichever is less; and
  - (3) Contains the information reasonably required to make an informed decision for approval of a minor site plan.

**SMART GROWTH** – Policies, legislation, regulations, procedures, and strategies that attempt to achieve more compact, efficient mixed-used development, tried to existing infrastructure and facilities by using such techniques as transfer of development rights, growth boundaries, targeted public and private investments, impact fees, open space preservation, and flexible zoning and subdivision regulations with established parameters.

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

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

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

**SOLAR ENERGY SYSTEM (Ground/Roof Mounted, Over Parking Lots and Structured Parking)** – Any solar collector(s), film(s), shingle(s), or other solar energy device(s) or solar structure component(s) mounted on a building or on the ground and including other appurtenant structures and facilities, whose primary purpose is to provide for the collection, storage, and distribution of solar energy received from the sun and provides power for the principal use of the property whereon said system is located.

**STAFFING AND EMPLOYMENT AGENCIES** — Businesses dedicated to assisting clients choosing and finding temporary and/or permanent jobs. Such job placement may include, but is not limited to, administrative and executive assistants, receptionists, word processors, secretaries, data entry, customer service representatives as well as day laborers and other skilled labor job placement.

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

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

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.



## §17-7 Definitions

A cellar or basement shall not be considered a story unless a basement has 50% of its volume above grade or when it has direct access to an exterior yard.

**STORY, HALF** — A space that has a stairway as a means of access and egress and in which the ceiling area at a height of at least 7 feet above the floor and is not more than one-third the area of the next floor below.

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

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

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

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

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

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

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

**STREET, SERVICE** — A street running parallel to a freeway or major arterial and serving abutting properties,

**STREETSCAPE** — All the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage; street paving; street furniture; landscaping, including trees and other plantings; awnings and marquees; signs; and lighting.

**STRUCTURE** — A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

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

- A. Divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are 5 acres or larger in size.
- B. Divisions of property by testamentary or intestate provisions.

## §17-7 Definitions

- C. Divisions of property upon court order, including but not limited to judgments of foreclosure.
- D. Consolidation of existing lots by deed or other recorded instrument.
- E. The conveyance of one (1) or more adjoining lots, tracts or parcels of land, owned by the same person or persons, and all of which are found and certified by the administrative officer to conform to the requirements of the Municipal Development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the Town.

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

**SUBDIVISION MAJOR** – Any subdivision that does not meet the definition of “Subdivision, Minor.”

**SUBDIVISION, MINOR** – Any subdivision creating not more than two (2) lots, and which does not involve: a planned development; any new street; or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42. Any lot or remaining land approved as a minor subdivision shall not be submitted as a minor subdivision within five (5) years from the date of approval as a minor subdivision. Such lot or tract may be submitted as a major subdivision.

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

**SURFACE WATER** — Water on land surface.

**SURVEY** — A map showing the boundary lines of the property and location of existing improvements thereon, prepared by a licensed land surveyor or licensed professional engineer.

**SURVEY CERTIFICATION** — A certification in lieu of oath or affidavit confirming the accuracy of the survey.

**SWALE** — A depression in the ground that channels runoff.

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

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

## §17-7 Definitions

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

**TRACT** — Property which is the subject of a development application.

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

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

**TRANSIT-ORIENTED DEVELOPMENT (TOD)** – The concentration of development nodes, consisting of mixed-use development, located along public transit corridors and with convenient and easy access to mass transit stations.

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

**TELEVISION PRODUCTION STUDIO** - An installation facility in which video productions take place, either for the recording of live television to video tape or for the acquisition of raw footage for post-production. The design of the studio is similar to movie studios with special requirements of television production.

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

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

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

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

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

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

**WALL, RETAINING** - A type of wall that is constructed between lands of different elevation to stabilize the land surfaces. The height of a retaining wall shall be measured from the lowest ground surface at the base of the wall to the highest part of the structure above the base including any fence placed on top of a wall. Where a series of retaining walls are located on the same slope, the wall height shall be calculated as the sum of the wall heights in the series of walls.

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

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

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

**WHOLESALE SALES AND SERVICES** — Establishments or places of business primarily engaged in selling merchandise to retailers; industrial, commercial, institutional or professional business users; other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

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

**YARD, FRONT** — A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at its closest point to the front lot line. Said "front yard" shall be unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this Chapter. For corner lots and through lots, there shall be multiple front yards; see Lot Regulations.

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

**YARD, SIDE** — A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

**ZONING** – The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

**ZONING, INCLUSIONARY** - Zoning that requires development of affordable housing units in conjunction with market-rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential, the creation of new affordable housing units through the reconstruction of vacant structures.

**ZONING PERMIT** — A document signed by the Zoning Officer:

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

## **ARTICLE II PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT**

### **§17-8 Planning Board**

- A. Establishment of Planning Board Membership.
  1. The Town of Harrison Planning Board shall consist of nine (9) members of the following four (4) classes:
    - a. Class I: The Mayor or the Mayor's designee in the absence of the Mayor.

- b. Class II: One (1) of the officials of the Town, other than a member of the Town Council, to be appointed by the Mayor.
  - c. Class III: a member of the Town Council to be appointed by the Town Council.
  - d. Class IV: Six (6) other citizens of the Town to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment except that one (1) member may be a member of the Board of Adjustment. Not more than one (1) Class IV member may be a member of the Board of Education. For the purpose of this section, membership on a Town board or commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered the holding of Town office.
2. Terms.
- a. The term of the members comprising Class I shall correspond with his official tenure, or, if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure.
  - b. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first.
  - c. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever they are no longer a member of such other body or at the completion of their Class IV term, whichever occurs first. The term of all other Class IV members shall be four (4) years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term.
3. Alternate Members.
- a. Two alternate members shall be appointed, pursuant to the same authority as the appointment of Class IV members and shall meet the same qualifications as Class IV members.
  - b. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2"
  - c. The terms off the alternate members shall be for two years, except that the term of not more than one alternate member shall expire in any one year; and provided further that in no instance shall the terms of the alternate members first appointment exceed two years.
  - d. Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class. Participation of alternate members shall not be deemed to increase the size of the planning board established herein.
  - e. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall note.
4. Substitute Members When Conflict Exists.
- a. If the Planning Board lacks a quorum because any of its members are prohibited from acting on a matter due to the member's personal or financial interest, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary

members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest.

- b. If a choice has to be made between regular members of equal seniority, the Chairperson of the Board of Adjustment shall make the choice.
5. **Organization.** The Planning Board shall organize annually by selecting from among its Class IV members a chairperson and a vice chairperson. The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee and create and fill such other offices as established by ordinance.
6. **Legal Counsel and Other Professional Staff.** The Planning Board may annually appoint an attorney at law of New Jersey other than the Municipal Attorney as Planning Board Attorney and may fix their compensation or rate of compensation not exceeding the amount appropriated. The Planning Board may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.
7. **Conflict of Interest.** No member of the Planning Board shall be permitted to act on any matter in which he has any personal or financial interest, either directly or indirectly.
8. **Removal.** Any member other than a Class I member, after a public hearing, if requested, may be removed by the governing body for cause.

**B. Powers and Jurisdiction of Planning Board**

1. **Mandatory Powers.** The Planning Board shall exercise its powers in accordance with the MLUL in regard to:
  - a. The Town master plan pursuant to N.J.S.A. 40:55D-28; and
  - b. Subdivision and site plan review pursuant to this Chapter; and
  - c. Any official map adopted by the Town Council pursuant to N.J.S.A. 40:55D-32 et seq.; and
  - d. The zoning ordinance including conditional uses pursuant to this Chapter; and
  - e. Any capital improvements programs pursuant to N.J.S.A. 40:55D-29 et seq.; and
  - f. Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to this Chapter.
2. **Other Powers.** The Planning Board may:
  - a. Participate in the preparation and review of programs or plans required by State or Federal law or regulation; and
  - b. Assemble data on a continuing basis as part of a continuous planning process; and
  - c. Perform such other advisory duties as are assigned to it by ordinance or resolution of the Town Council.

**C. Ancillary Powers of The Planning Board**

1. Planning Board Review In Lieu Of Board of Adjustment. Whenever the proposed development requires approval of a subdivision, site plan or conditional use, but not a variance pursuant to N.J.S.A. 40:55D-70d., the Planning Board shall have the power to grant to the same extent and subject to the same restrictions as the Board of Adjustment:
  - a. Variances pursuant to N.J.S.A. 40:55D-70c; and
  - b. Direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32; and
  - c. Direction pursuant to N.J.S.A. 40:55D-36 for issuance of a permit for a building or structure not related to a street.
2. Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for variances or direction for issuance of a permit, as the case may be.
3. The applicant may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variances or direction of the issuance of a permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and Zoning Ordinance.
4. Time Periods for Action On Applications Seeking Variance Or Other Relief Under This Section. Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to N.J.S.A. 40:55D-60, the Planning Board shall grant or deny approval of the application within one hundred twenty (120) days after submission by an applicant of a complete application to the Planning Board or within such further time as may be consented to by the applicant. In the event that the applicant elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance(s) or direction for issuance of a permit. The period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate of the Planning Board Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County recording officer for purposes of filing subdivision plats.
5. County Approval. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A. 40:27-6.6, in the case of a site plan, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

D. Referral Powers of the Planning Board

1. Prior to the adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to the Town Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations

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

2. The Town Council may, by ordinance, provide for the reference of any matter or class of matters to the Planning Board before final action thereon by a Town body or Town officer having final authority thereon except for any matter under the jurisdiction of the Board of Adjustment. Whenever the Planning Board shall have made a recommendation regarding a matter authorized by this Act to another municipal body, such recommendation may be rejected only by a majority of the full authorized membership of such body.

#### **§17-9 Zoning Board of Adjustment**

##### **A. Establishment of Zoning Board of Adjustment**

1. **Membership.** The Town of Harrison Zoning Board of Adjustment (herein referred to as the Board of Adjustment), shall consist of seven (7) regular members and two (2) alternate members, each of whom shall be residents of the Town of Harrison and shall be appointed by the Mayor with the advice and consent of the Town Council. All regular members appointed shall serve for terms of four (4) years beginning January 1 of the year of their appointment.
2. **Alternate Members.** Alternate members shall be appointed for a term of two (2) years, and at the time of their appointments shall be designated Alternate No. 1 and Alternate No. 2, respectively. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
3. **No Other Municipal Office.** No member of the Board of Adjustment shall hold any elective office or position under the municipality.
4. **Conflict of Interest.** No member of the Board of Adjustment shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest.
5. **Removal.** A member, after a public hearing if requested, may be removed by the governing body for cause. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
6. **Election of Officers.** The Board of Adjustment shall annually elect a chairperson and vice chairperson from its members and a secretary who may or may not be a member of the Board or a municipal employee.
7. **Substitute Members When Conflict Exists.** If the Board of Adjustment lacks a quorum because its regular or alternate members are prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of



Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between Class IV members of equal seniority, the Chairperson of the Planning Board shall make the choice.

8. Expenses. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Board of Adjustment.
9. Legal Council and Other Professional Staff. The Board of Adjustment may employ or contract for and fix the compensation of legal counsel, other than the Municipal Attorney, and experts and other staff services as it shall deem necessary, not exceeding, exclusive of gifts and grants, the amount appropriated by the Town Council for its use.

B. Powers and Jurisdiction of Zoning Board of Adjustment

1. Appeals. Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by the Zoning Officer or any other Town Official, based on or made in the enforcement of the zoning ordinance; and
2. Interpretations. Hear and decide requests for interpretation of the Zoning Map or Ordinance or for decisions upon other special questions upon which such Board is authorized to pass by any Zoning or Official Map Ordinance in accordance with the MLUL; and
3. Bulk and Dimensional Variances.
  - a. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, the Board may grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; or
  - b. Where in an application or appeal relating to a specific piece of property the purposes of zoning set forth in N.J.S.A. 40:55D-2 would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, the Board may grant a variance to allow departure from such zoning requirements, provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection B.3.a, and provided that no variance from those departures enumerated in subsection B.4. of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has the power to review a request for a variance pursuant to N.J.S.A. 40:55D-60a.
4. Use Variances. In particular cases and for special reasons, the Board may grant a variance to allow departure from zoning regulations to permit (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a nonconforming use, (3) deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4, (5) an increase in the permitted density as defined in N.J.S.A. 40:55D-4 except as applied to

- the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by ten (10) feet or ten (10) percent the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members.
5. Relief Not Enumerated In Subsection B.4. To Be Decided Under Subsection B.3. If an application for development requests one or more variances but not a variance for a purpose enumerated in subsection B.4. of this section, the decision on the requested variance or variances shall be rendered under subsection B.3. of this section.
  6. Requirement for Showing of No Substantial Detriment. No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. Referral of Application to Other Agencies. An application under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.
  7. Additional Powers. The Zoning Board of Adjustment shall have the following additional powers:
    - a. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
    - b. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
    - c. To grant to the same extent and subject, to the same restrictions as the Planning Board, subdivision or site plan approval or conditional use approval whenever the proposed development requires approval by the Board of Adjustment of a variance pursuant to N.J.A.C. 40:55D-70d. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals of a site plan or subdivision by the Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial impairment to the public good and without substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this Chapter for the approval in question, and the special vote pursuant to N.J.S.A. 40:55D-70d shall not be required.
  8. County Approval. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A. 40:27-6.6 in the case of a site plan, the Board of Adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time.
- C. Annual Report on Variances Heard by Zoning Board of Adjustment. The Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the

subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the Town Council and Planning Board.

D. Appeals and Applications to Zoning Board of Adjustment

1. Time and Procedure for Appeal. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of an official of the Town of Harrison based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the official from whom the appeal is taken, with nine (9) copies of the notice given to the Secretary of the Board of Adjustment. The notice shall specify the grounds for the appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
2. Board of Adjustment Applications Without Prior Application to Administrative Officer. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to the Administrative Officer.
3. Board Powers on Appeals. The Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all powers of the municipal official from whom the appeal is taken.
4. Stay of Proceedings by Filing of Appeal. An appeal to the Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the municipal official from whose action the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court of New Jersey upon notice to the municipal official from whom the appeal is taken and on due cause shown.
5. If, in the case of an appeal made pursuant to N.J.S.A. 40:55D-70, the Board of Adjustment determines there is an error in any order, requirement, decision or refusal made by the administrative officer pursuant to a report submitted by the Planning Board in accordance with N.J.S.A. 40:55D-111, the Board of Adjustment shall include the reasons for its determination in the findings of its decision.
6. Any application for development submitted to the Board of Adjustment pursuant to lawful authority before the effective date of an ordinance pursuant to N.J.S.A. 40:55D-25(c) may be continued at the option of the applicant, and the Board of Adjustment shall have every power which it possessed before the effective date of the ordinance in regard to the application.

E. Time Period for Action by Board of Adjustment

1. The Board shall render a decision not later than one hundred twenty (120) days after the date (1) an appeal is taken from a decision of the Administrative Office or other municipal official or (2) of the submission of a complete application for development to the Board of Adjustment, as the case may be.
2. Failure of the Board to render a decision within such one hundred-twenty-day-period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

## §17-10 Provisions Applicable to Both Planning Board and Zoning Board of Adjustment

3. Whenever an application for development requests relief pursuant to N.J.A.C. 40:55D-70d., the Board of Adjustment shall grant or deny approval of the application within one hundred twenty (120) days after submission by a developer of a complete application to the Board of Adjustment or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid one hundred twenty (120) day provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application, and a certificate of the Board of Adjustment Secretary as to the failure of the Board of Adjustment to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.
4. Inquiries as to whether a proposed land use is permissible under the Zoning Ordinance or Official Zoning Map shall be submitted in writing to the Board of Adjustment, which shall issue a written response within 45 days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer.

## §17-10 Provisions Applicable to Both Planning Board and Zoning Board of Adjustment

### A. Meetings

1. Meeting Schedule. Meetings of both the Planning Board and Board of Adjustment shall be scheduled no less often than once a month and shall be held as scheduled unless canceled for lack of pending applications. Each Board may, in its discretion, eliminate one meeting during the summer months.
2. Special Meetings. Special meetings may be held at the call of the Chairperson or at the request of any two (2) Board members. Board members shall be given at least seventy-two (72) hours advance notice of a special meeting. The public shall be given notice of such meeting in accordance with the Open Public Meetings Act and, if applicable, MLUL requirements.
3. Quorum. No action shall be taken at any meeting without a quorum being present, said quorum to be the majority of the full authorized membership of the respective Board.
4. Voting Requirements. All action shall be taken by majority vote of the members of the respective Board present at the meeting except as otherwise required by the provisions of N.J.S.A. 40:55D-34 and/or 70d. Failure of a motion to receive the number of votes required to approve an application for development shall be deemed an action denying the application. A member of the Board who was absent for one (1) or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted, notwithstanding the absence from one (1) or more of the meetings; provided, however, that a transcript or recording of all of the hearing from which he/she was absent exists, and provided, further, that such Board member certifies in writing to the Board that he/she has read such transcript or listened to such recording.
5. Meetings Open to Public. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act.
6. Minutes. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the

office of the Board Secretary. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his or her use. Such fees may be established by rule by each Board.

7. Minutes of Closed Meetings. At least once a year, each Board shall review the minutes of all closed meetings held in conformance with the Open Public Meetings Act to determine whether the minutes may be made public.

B. Public Hearings

1. Requirement for Hearing. The Planning Board or Board of Adjustment shall hold a hearing on each application for development or on the adoption, revision or amendment of the Master Plan. Each Board shall make rules governing such hearings.
2. Maps and Documents to Be Available for Public Inspection. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Board Secretary. The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents.
3. Payment of Taxes. Every application for development submitted to the Planning Board or to the Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application, or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the Town will be adequately protected.
4. Oaths and Subpoenas. The officer presiding at the hearings or such person as he/she may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties; and the provisions of the County and Municipality Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.
5. Testimony and Cross Examination. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer or attorney for the Board, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
6. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
7. Record of Proceedings. The Board shall provide for the verbatim recording of the proceedings by either a stenographer or mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense. Fees for such expenses shall be established by rules of the Board.
8. Decisions.
  - a. Resolutions. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Board shall provide the findings and conclusions through:

- (1) A resolution adopted at a meeting held within the time period provided in the MLUL for action by the Board on the application for development; or
  - (2) A memorializing resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9 resulting from the failure of a motion to approve an application, shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the Board and not to be an action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by this subsection 8. If the Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time and the cost of the application, including attorney's fees, shall be assessed against the municipality.
- b. Copies of Decision. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or if represented then to his or her attorney, without separate charge, and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be filed by the Board in the office of the Board Secretary. The Board Secretary shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his or her office during reasonable hours.
  - c. Publication of Notice of Decision. A brief notice of the decision shall be published in the official newspaper of the municipality. Such publication shall be arranged at the applicant's expense by the Secretary of the Board, provided that nothing contained in this ordinance shall be construed as preventing the applicant from arranging such publication if he or she so desires. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the Board or the applicant.

C. Notice of Applications

1. Applications Requiring Notice. Public notice of a hearing on an application for development shall be given, except for:
  - a. Minor site plan applications as defined in this ordinance; or
  - b. Minor subdivisions applications as defined in this ordinance; or
  - c. Final approval of site plans and/or major subdivisions pursuant to N.J.S.A. 40:55D-50.
  - d. Notwithstanding the foregoing, public notice shall be given in the event that relief is requested pursuant to N.J.S.A. 40:55D-70c and 40:55D-70d as part of an application for development otherwise excepted herein from public notice.
2. Manner of Giving Notice. The Secretary of the Planning Board or Board of Adjustment, as the case may be, shall notify the applicant at least two weeks prior to the public hearing at which

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

- a. To the general public, by publication in the official newspaper of the Town; and
- b. To all owners of real property as shown on the current tax duplicate, located in the state and within two hundred (200) feet in all directions of the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by serving a copy thereof on the property owner as shown on said current tax duplicate or his or her agent in charge of the property or mailing a copy thereof by certified mail to the property owner at his or her address as shown on said current tax duplicate; and
- c. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas; and
- d. To the Clerk of any adjoining municipality when the property involved is located within two hundred (200) feet of said adjoining municipality. Notice shall be given by personal service or certified mail; and
- e. To the Hudson County Planning Board when the application for development involves property adjacent to an existing county road or proposed road as shown on the County Official Map or the County Master Plan, adjoining other county land or situated within two hundred (200) feet of a municipal boundary. Notice shall be given by personal service or certified mail; and
- f. To the Commissioner of Transportation of the State of New Jersey when the property is adjacent to a state highway. Notice shall be given by personal service or certified mail; and
- g. To the State Planning Commission when the hearing involves an application for the development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Board Secretary pursuant to Section 17-10.B.1. above. Notice shall be given by personal service or certified mail; and
- h. On applications for approval of a major subdivision or a site plan not defined as a minor site plan to all public utilities, cable television companies or local utilities which possess a right-of-way or easement within the Town and which have registered with the Town in accordance with N.J.S.A. 40:55D-12.1 by (1) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility or (2) mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

3. List of Owners and Others. Upon the written request of an applicant, the Town tax assessor shall, within seven (7) days, make and certify a list from current tax duplicates of names and address of owners within the Town to whom the applicant is required to give notice. Failure to give notice to any owner, public utility, cable television or local utility not on the list obtained in such manner shall not invalidate any hearing or proceeding. A sum, not to exceed \$0.25 per name, or \$10.00, whichever is greater, shall be charged for such list.
4. The applicant shall file an affidavit of proof of service with the Board holding the hearing, at least five (5) days prior to the scheduled meeting.
5. Contents of Notice. The notice shall state the date, time and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Town tax assessor's office; and the location and times at which any maps and documents for which approval is sought are available for inspection.
6. Effect of Mailing. Any notice made by certified mail shall be deemed complete upon mailing.

D. Registration by Public Utilities, Cable Television Companies and Local Utilities

1. Right to Register. Every public utility, cable television company and local utility which holds a right-of-way or easement in the Town and which is interested in receiving notice pursuant to N.J.S.A. 40:55D-12h, may register with the Administrative Officer to receive such notice. The registration shall remain in effect until revoked by the public utility, cable television company, or local utility or by its successor in interest.
2. Registration Fee. A registration fee of ten (\$10) dollars is required for any public utility, cable television company or local utility which registers to receive notice pursuant to this section.

E. Conditional Approval

1. In the event that an applicant submits an application proposing a development that is barred or prevented, directly or indirectly by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Board shall process such application in accordance with this Chapter, and if such application complies with all Town regulations, the Board shall approve such application conditioned on removal of such legal barrier to development.
2. In the event that development proposed by an application requires an approval by a governmental agency other than the Board, the Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency. The Board shall make a decision on any application within the time period provided in this Chapter or within an extension of such period as has been agreed to by the applicant, unless the Board is prevented or relieved from so acting by the operation of law.
3. In the event that, during the period of approval heretofore or hereafter granted to an application, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this section shall be suspended for the period of time said legal action is pending or such directive or order is in effect.



§17-11 Appeal or Petition to Board of Public Utility Commissioners

- F. Time Extensions. The Board and an applicant may mutually agree to extend the time limit specified for action. Such extension shall be made in writing or verbally at a public meeting of the Board for a specific period of time and indicated in the minutes of the meeting.
- G. Expiration of Variance. Any variance from the terms of this Chapter hereafter granted by either Board permitting the erection or alteration of any structure or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such specified use has actually been commenced, within two (2) years from the date of publication of the notice of the decision of the Board granting the variance, except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board to the governing body or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

**§17-11 Appeal or Petition to Board of Public Utility Commissioners**

- A. If a public utility, as defined in N.J.S.A. 48:2-13, is aggrieved by the action of a municipal board through said agency's exercise of its powers under this act, with respect to any action in which the public utility has an interest, an appeal to the Board of Public Utility Commissioners of the State of New Jersey may be taken within 35 days after such action without appeal to the municipal governing body pursuant to N.J.S.A. 40:55D-17 unless such public utility so chooses. In such case appeal to the Public Utility Commissioners may be taken within 35 days after action by the governing body. A hearing on the appeal of a public utility to the Public Utility Commissioners shall be had on notice to the agency from which the appeal is taken and to all parties primarily concerned, all of whom shall be afforded an opportunity to be heard. If, after such hearing, the Board of Public Utility Commissioners shall find that the present or proposed use by the public utility of the land described in the petition is necessary for the service, convenience or welfare of the public, the public utility may proceed in accordance with such decision of the Board of Public Utility Commissioners, any ordinance or regulation made under the authority of this act notwithstanding.
- B. This act or any ordinance or regulation made under authority thereof, shall not apply to a development proposed by a public utility for installation in more than one municipality for the furnishing of service, if upon a petition of the public utility, the Board of Public Utility Commissioners shall after hearing, of which any municipalities affected shall have notice, decide the proposed installation of the development in question is reasonably necessary for the service, convenience or welfare of the public.
- C. Nothing in this act shall be construed to restrict the right of any interested party to obtain a review of the action of the municipal board or of the Board of Public Utility Commissioners by any court of competent jurisdiction according to law.

### **ARTICLE III APPLICATION REQUIREMENTS AND DEVELOPMENT PROCEDURES**

#### **§17-12 Application by Corporation or Partnership**

- A. Disclosure by Corporate or Partnership Applicant. A corporation or partnership applying to the Planning Board or the Board of Adjustment for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more dwelling units or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class or at least ten (10) percent of the interest in the partnership, as the case may be.
- B. Disclosure by Corporation or Partnership Owning Ten Percent or More of Applicant. If a corporation or partnership owns ten (10) percent or more of the stock of a corporation or interest of ten (10) percent or greater in a partnership, either of which is subject to disclosure pursuant to paragraph A above, that corporation or partnership shall list the names and addresses of its stockholders holding ten (10) percent or more of its stock or interest of ten (10) percent or greater in the partnership, as the case may be; and this requirement shall be followed by every corporate stockholder or partner in said partnership until the names and addresses of the non-corporate stockholders and individual partners exceeding the ten (10) percent ownership criterion set forth in this section have been listed.
- C. No Approval If Disclosure Requirements Not Met. The Board shall not approve the application of any corporation or partnership which does not comply with this section.
- D. Penalties. Any corporation or partnership which conceals the names of the stockholders owning ten (10) percent or more of its stock or of the individual partners owning an interest of ten (10) percent or greater in the partnership, as the case may be, shall be subject to a fine of one thousand dollars (\$1,000.) to ten thousand dollars (\$10,000.), which shall be recovered in the name of the Town of Harrison in any court of record in the state in a summary manner pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.)

#### **§17-13 Application Requirements**

- A. Content. Each application for approval of a minor subdivision, minor site plan, preliminary major subdivision, preliminary site plan, final major subdivision or final site plan, as the case may be, and each application for variance relief, shall include all information and data listed in the appropriate corresponding checklist as set forth at the end of this section.
- B. Complete Application.
  - 1. The Municipal Agency or its authorized committee or designee (herein called the Municipal Agency) shall review all applications and accompanying documents required by this Chapter to determine that the application is complete. An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the Municipal Agency.
  - 2. In the event that the Municipal Agency does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period unless:
    - a. The application lacks information indicated on the checklist for such application as set forth below, and

- b. The Municipal Agency has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application.
  3. The applicant may request that one or more submission requirements be waived, in which event the Agency shall grant or deny the request within forty-five (45) days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application.
  4. The Municipal Agency may subsequently require correction of any information found to be in error and submission of additional information not specified in the checklist or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Municipal Agency.
- C. Authorization of Committee or Designee for Determining Completeness of Planning Board Applications.
  1. The Planning Board may create a committee, to be known as the Subdivision and Site Plan Review Committee (SSPRC), to determine completeness of all development applications submitted to the Planning Board. The SSPRC shall consist of:
    - a. Four (4) members of the Board, who shall be the only voting members of the SSPRC, each to be appointed by the Board Chairperson; and
    - b. The Planning Board Engineer; and
    - c. The Town Zoning Officer; and
    - d. The Town Construction Official; and
    - e. The Planning Board Planner; and
    - f. The Planning Board Attorney.
  2. The term of each Board member appointed to the SSPRC shall be one (1) year, or until a successor has been duly appointed and qualified, whichever happens later. The term of all other members of the SSPRC shall be the same as the term of their official position with the Town of Harrison and/or the Planning Board, as the case may be.
  3. The Board Chairperson shall designate an SSPRC Chairperson and Vice Chairperson from among the Board members appointed to serve as SSPRC members.
  4. The SSPRC Chairperson may request the attendance of other municipal officials at SSPRC meetings in order to facilitate the performance of its duties and responsibilities. In lieu of such attendance, the Chairperson may request and/or accept written reports and/or recommendations from such officials. Such officials may include, without limitation, representatives of the Police Department, Fire Department and Health Department.
- D. Additional Information. During the course of review of any application, after certification as a complete application, the Board may require correction of any information found to be in error and submission of additional information not specified in this chapter or any revision to the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The

## §17-14 Informal Review

application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Board.

### §17-14 Informal Review

- A. Right to Request Informal Review. Prior to the submittal of an application for development, the applicant may request an informal review before the Planning Board in order to:
  - 1. Acquaint the applicant with the substantive and procedural requirements of the subdivision and site plan ordinance; and
  - 2. Provide for an exchange of information regarding the proposed development plan and applicable elements of the master plan, zoning ordinance and other development requirements; and
  - 3. Advise the applicant of any public sources of information that may aid the application; and
  - 4. Identify policies and regulations that create opportunities or pose significant constraints for the proposed development; and
  - 5. Consider opportunities to increase development benefits and mitigate undesirable project consequences; and
  - 6. Permit input into the general design of the project.
- B. Documents and Fees to Be Submitted. Applicants seeking review of a concept plan shall provide fifteen (15) copies of the plan and one (1) copy of the completed application and the required review fees to the Planning Board Secretary at least fourteen (14) days before a regularly scheduled meeting of the Board.
- C. Nature of Concept Plan. The concept plan is a general plan that need not be fully engineered. The plan or plat should be sufficiently detailed to allow the Planning Board to make suggestions on general site design and layout for circulation, stormwater management, location of open space and buffers, building arrangements and to determine how the proposal meets the Town's development goals and objectives.
- D. Effect of Informal Review. Neither the applicant nor the Board is bound by any concept plan or informal review. The suggestions made at the concept plan phase may change with new information discovered when a formal development application is prepared using current detailed site-specific data and on-site test findings. The applicant may request a review of an additional concept plan based upon new information prior to submission of a formal application for development. The amount of any fees for such informal review shall be a credit toward fees for review of the application for development.

### §17-15 General Provisions for Site Plan and Subdivision

- A. Submission Procedures. All site plan and subdivision applications submitted under the provisions of this Chapter shall comply with all applicable requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- B. Additional Requirements.
  - 1. No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map and the street requirements of this chapter shall be approved unless such additional right-of-way, either along one or both sides of said street(s), as applicable, shall be deeded to the municipality or other appropriate governmental agency.

2. The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and surrounding area. Such information may include, but not be limited to, drainage calculations, traffic analysis, noise and other impacts, and detailed environmental information.

C. Environmental Impact Assessment

1. When Required. The Board may require an environmental impact assessment as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Board, the development could have an adverse effect on the environment. The Board may, at the request of an applicant, waive portions of the environmental impact assessment requirements upon a finding that a complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project.
2. Submission Format. All environmental impact assessments shall consist of written and graphic materials which clearly present the following information:
  - a. Project description. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed and the uses intended. The resident population, working population, and visitor population shall be estimated.
  - b. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
    - (1) Town of Harrison Master Plan and Master Plan Reexamination; and
    - (2) Hudson County Master Plan; and
    - (3) New Jersey State Development and Redevelopment Plan.
  - c. Site description and inventory. The suitability of the site for the intended use shall be discussed. This shall include a description of environmental conditions on the site which shall include, but not be limited to, the following items:
    - (1) Types of Soils. A description and list of each soil type including capabilities and limitations on the site shall be provided and identified on a map. Soils shall be described with reference to criteria found in the Hudson Essex Passaic Soil Conservation District standards.
    - (2) Topography. A description and map of the topographic conditions of the site shall be provided.
    - (3) Contamination. Information regarding the presence or absence of environmental contamination, including: (i) the presence of known or suspected contaminants on site; (ii) prior uses of the property; (iii) the status of any past or present administrative or judicial proceeding involving contamination or remediation of contamination on the site. In appropriate cases, the Board may require similar information with regard to surrounding sites.
    - (4) Critical Areas. A description and map of the wetland areas, wetland buffers and flood plains on the site shall be provided.

- (5) Surface water. A description and map of existing watercourses and water bodies that are partially or totally on the site shall be identified and riparian issues which may be relevant to the development.
- (6) Subsurface water. Subsurface water conditions on the site shall be described both in terms of depth to groundwater and water supply capabilities. Where existing conditions warrant, detailed information of the depth, capacity and water quality of existing wells within five hundred (500') feet of the site shall be provided. The water supply capability of the adjacent areas and the recharge capabilities of the site shall be described.
- (7) Unique, scenic and/or historic features. Describe and map those portions of the site that can be considered to have unique, scenic and/or historic qualities and any scenic view from the site.
  - (a) Miscellaneous. When warranted, an analysis shall be conducted of existing air quality and noise levels as prescribed by the New Jersey Department of Environmental Protection. When warranted, the Board may also request delineation of conditions on adjacent properties.
- d. Impact. The negative and positive impacts of the project during and after construction shall be discussed. The specific concerns that shall be considered include the following:
  - (1) Soil erosion and sedimentation resulting from surface runoff.
  - (2) Flooding and flood plain disruption.
  - (3) Degradation of surface water quality.
  - (4) Groundwater pollution.
  - (5) Reduction of groundwater capabilities.
  - (6) Sewage disposal.
  - (7) Solid waste disposal.
  - (8) Destruction or degradation of scenic and historic features on and off site.
  - (9) Air quality degradation.
  - (10) Noise levels.
  - (11) Lighting levels including trespass lighting.
  - (12) Effect on the community including projected population increase, increase in municipal and school services, consequences to the municipal tax structure.
- e. Environmental Performance Controls. The applicant shall indicate the measures which will be employed during the planning, construction and operation phases of the project to minimize or eliminate negative impacts on and off site. Of specific interest are:
  - (1) Stormwater management plans and plans for soil erosion and sedimentation controls.
  - (2) Water supply and water conservation proposals.
  - (3) Noise reduction techniques.

- (4) Screening and landscaping intended to enhance the compatibility of the development with adjacent areas.
    - (5) Miscellaneous on-site and off-site public improvements.
  - f. Alternatives. A discussion of site design and project location alternatives that were considered shall be provided. The discussion shall indicate why an alternative was rejected if it would have resulted in less of a negative impact than the proposed development.
  - g. Licenses, permits and other approvals required by law. The applicant shall list all known licenses, permits and other forms of approval required by law for the construction and operation of the proposed project. This list shall include, but not be limited to, approvals required by the Town and agencies of the county, state and federal governments. Where approvals have been granted, copies of said approvals shall be attached. Where approvals are pending, a note shall be made to that effect.
  - h. Documentation. All publications, file reports, manuscripts or other written sources of information which were consulted in preparation of the environmental impact assessment shall be listed and footnoted. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.
  - i. Review. Applicants shall be encouraged or required to provide suitable mitigation for all adverse environmental impacts and other conditions identified in the EIS and/or in the course of the public hearings before the Board.
- D. Dedication of Right-of-Way. No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map or the street requirements of this Ordinance shall be approved unless such additional right-of-way, either along one (1) or both sides of said street(s), as applicable, shall be deeded to the Town or other appropriate governmental agency.
- E. Traffic Impact Statement
- 1. When Required. The Board may require a traffic impact statement as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Board, the development could have an adverse impact on the road network, ingress/egress or on-site circulation.
  - 2. General Provisions.
    - a. The traffic impact statement shall be prepared by a New Jersey licensed professional engineer having appropriate experience and background.
    - b. All relevant sources of information used in the preparation of said statement shall be identified.
  - 3. Submission Format. All traffic impact statements shall provide a description of the impact and effect of the proposed land development upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items:
    - a. Existing conditions in the vicinity of the proposed project including:
      - (1) Roadway network
      - (2) Representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months)

- (3) Traffic accident statistics
    - (4) Availability of public transportation
    - (5) Level of Service of adjacent roadways
  - b. Traffic Generated by the proposed development including:
    - (1) Trip generation
    - (2) Trip distribution
    - (3) Modal split
    - (4) Level of Service under proposed conditions
  - c. Traffic impacts caused by the proposed development as per change in existing conditions.
  - d. Explanation of Traffic Reduction/Traffic Management Plans necessary pursuant to any current Federal, State or County requirements, and, where applicable, proposed interaction with appropriate County Transportation Management Areas (TMA).
  - e. Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.
  - f. Any other information requested by the appropriate Board reasonably required to make an informed assessment of potential traffic impacts.
- F. Development Phasing. Whenever an applicant intends to construct a development in phases, phasing information shall be included in the plans for preliminary approval, and all phases shall be:
  - 1. Functionally self-contained and self-sustaining with regard to access, circulation, parking, utilities, open spaces and all other site improvements and physical features and shall be capable of perpetual independent use, occupancy, operation and maintenance upon completion of construction and development.
  - 2. Properly related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the plan.
  - 3. Provided with such temporary or permanent transitional features, buffers or protective areas as the Planning Board may require to prevent damage or detriment to any completed phase and to adjoining properties. Plans and specifications of such phases are to be filed with the Planning Board and are to be of sufficient detail and at such scale as to fully demonstrate the following:
    - a. The arrangement and site locations of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and service facilities and land ownership conditions.
    - b. Estimates of the economic base of the phase and its one or more phases as supported by such evidence as the estimated cost and market values of structures and land improvement increase of taxable values; costs of maintenance and services to be borne by public and private agencies; potential rental scale costs of utility installation; the financial ability of the developer to complete the plan; and such other financial considerations as the Planning Board shall deem applicable.
    - c. Estimate of its population characteristics, such as the size and composition of future population in terms of probable family sizes of the several dwelling unit types; their need



for public services and protection, for recreational facilities and for commercial and professional services; anticipated rental scales; and related considerations.

- d. A planned traffic improvement program setting forth the proposed on- and off-site traffic improvements to be made by the applicant and others. Such programs shall set forth a schedule of development based upon traffic generation resultant of the rate, type, amount and location of land development of the tract.
  - e. Such further reasonable evidence and fact that the Planning Board may require in order to determine that the objectives and standards set forth herein are met.
4. Upon finding that the plans and specifications for the proposed development of the section or phase conform to the above conditions, the Planning Board shall so inform the administrative officer that, upon presentation of requisite working drawings and specifications, such permits may be issued. Upon substantial completion of any phase which shall include all performance bonds, covenants and similar instruments to assure such completion, and before proceeding with the review and approval of additional phases, the Planning Board may require a report and review of the status, character and conditions and other previous completed phases with regard to their compliance with the plans, specifications and estimates which formed the basis for its action and approval. Upon finding that such compliance has occurred, the Board shall initiate proceedings for the review of the new phase.
  5. As a further condition for approval of later phases, the Board may require or permit adjustments or modifications in the conditions established in the approved plan to compensate for differences between the estimates of record on previously approved and completed sections or phases as required and the actual conditions prevailing upon their completion. In this regard, consideration may be given to the balance of land uses established consistent with the conditions of the plan and the extent of variation from the social and economic estimates upon which previous approval may have been passed.

## **§17-16 Subdivision Procedures**

### **A. Applicability**

1. Subdivision approval shall be required from the Planning Board for lots where the official lot line is proposed to be altered due to dedication, the sale of the land/lot or the creation of a new lot. Subdivision approval shall be obtained prior to the recording of any plat or deed affecting the subdivision of any land in the Town of Harrison.
2. The Zoning Board shall have the power to review subdivisions and to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision approval while it is simultaneously reviewing and application for approval of a "d" or use variance.
3. Any proposed subdivision shall include drainage improvements, designed to reduce the volume of stormwater runoff, regardless of the size of new impervious areas.
4. A Minor Subdivision shall contain not more than two (2) lots, which do not involve: a planned development; any new street; or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42. All other subdivisions shall be classified as Major Subdivisions.
5. Any lot or remaining land approved as a minor subdivision shall not be submitted as a minor subdivision within five (5) years from the date of approval as a minor subdivision. Such lot or tract may be submitted as a major subdivision.

B. Waivers

1. When acting upon an application for preliminary or minor subdivision approval, the Planning Board shall have the power to grant such exceptions from the requirements for subdivision approval of this section as may be reasonable if the literal enforcement of one (1) or more provisions of this section is impracticable or will cause undue hardship because of peculiar conditions pertaining to the land in question.
2. The Town Engineer shall have the power to waive the drainage requirements as found in the section above.

C. Minor Subdivision Procedures

1. Application

- a. The applicant shall submit the required fee and three copies each of the application and the minor subdivision plat to the administrative officer for completeness review.
- b. Upon determination that the application is complete, the applicant shall submit 15 additional copies of all plans at least 28 days before a scheduled meeting and the Board Secretary will place the item on the agenda. Within five days of the certification of completeness of the application, the Secretary of the Planning Board shall forward two copies to the County Planning Board.

2. Submission Requirements

- a. Submission requirements for minor subdivision approval are provided in the checklist found at the end of this article.
- b. Failure to provide any of the required information and payment of a fee shall constitute and incomplete submission and the application shall not be acted upon by the Board.
- c. The Secretary of the Board shall forward copies of the application to the following for review and comment, where appropriate:

- (1) Town Fire Department
- (2) Town Police Department
- (3) Town Health Department
- (4) Town Sewer and Water Department
- (5) Board Attorney
- (6) Board Planner
- (7) Board Engineer

- d. The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.
3. Review by Other Town Agencies and Officials. The officials and agencies cited above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after the receipt of the application.
  4. Notice of public hearing. At the time when the application is deemed complete, the Board Secretary shall set a date for the public hearing and notify the applicant of said date. After such

- notification, the applicant shall follow the procedures established with respect to notice of hearing.
5. Board Action.
    - a. Minor subdivision approvals shall be approved, conditionally approved, or denied within forty-five (45) days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant.
    - b. Failure of the Board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the Secretary of the Board as to failure of the Planning Board to act shall be issued on request of the applicant.
  6. Effect of Approval. Approval of a minor subdivision shall be deemed final approval provided that the Board may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of approval is adopted provided that the approved minor subdivision shall have been duly recorded.
  7. Conditions of Approval. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period as set forth in N.J.S.A. 40:27-6.3.
  8. Expiration of Minor Subdivision. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date on which the resolution of approval is adopted unless within such period a plat in conformity with such approval and the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Register, the Town Engineer and the Town Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Board Chairperson and Secretary. In reviewing the application for development for a proposed minor subdivision, the Board may accept a plat not in conformity with N.J.S.A. 46:23-9.9 et seq.; provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of the said act.
  9. Extensions of Minor Subdivision Approval
    - a. The Board may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to this Chapter if the developer proves to the reasonable satisfaction of the Board:
      - (1) That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and
      - (2) That the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
    - b. The Board shall grant an extension of minor subdivision approval for a period determined by the Board, but not exceeding one year from what would otherwise be the expiration

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

D. Preliminary Major Subdivision Procedures

1. Application

- a. The applicant shall submit the required fee and three copies each of the application and the minor subdivision plat to the administrative officer for completeness review.
- b. Upon determination that the application is complete, the applicant shall submit 15 additional copies of all plans at least 28 days before a scheduled meeting and the Board Secretary will place the item on the agenda. Within five days of the certification of completeness of the application, the Secretary of the Planning Board shall forward two copies to the County Planning Board.

2. Submission Requirements

- a. Submission requirements for preliminary major subdivision approval are provided in the checklist found at the end of this section. Failure to provide any of the required information and payment of a fee shall constitute an incomplete submission and the application shall not be acted upon by the Board.
- b. The Secretary of the Board shall forward copies of the application to the following for review and comment, where appropriate:
  - (1) Town Fire Department
  - (2) Town Police Department
  - (3) Town Health Department
  - (4) Town Sewer and Water Department
  - (5) Board Attorney
  - (6) Board Planner
  - (7) Board Engineer
- c. The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

3. Review by Other Town Agencies and Officials. The officials and agencies cited in the paragraph above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after receipt of the application.

4. Board Action

- a. Except for applications governed by the time limits, the Board shall approve, conditionally approve or deny a preliminary major subdivision application of ten (10) or fewer lots

within forty-five (45) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.

- b. The Board shall approve, conditionally approve or deny a preliminary major subdivision application of more than ten (10) lots within ninety-five (95) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
  - c. Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the Applicant. Said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be accepted by the County Register for purposes of filing subdivision plats.
5. Effect of Preliminary Approval. Preliminary approval of a major subdivision, except as provided in this section, shall confer upon the applicant the following rights for a 3-year period from the date on which the resolution granting preliminary approval is adopted.
- a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements; layout and design standards for streets, curbs and sidewalks; lot sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the Town from modifying by ordinance such general terms and conditions of preliminary approval as related to public health and safety.
  - b. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat.
  - c. That the applicant may apply for and the Board may grant extension on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
  - d. Whenever the Board grants an extension of preliminary approval pursuant to the previous paragraphs and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.
  - e. The Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of the preliminary approval, or (b) the 91st day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to the previous paragraphs.

E. Final Major Subdivision Procedures

1. Application

- a. The applicant shall submit the required fee and three copies each of the application and the minor subdivision plat to the administrative officer for completeness review.
- b. Upon determination that the application is complete, the applicant shall submit 15 additional copies of all plans at least 28 days before a scheduled meeting and the Board Secretary will place the item on the agenda. Within five days of the certification of completeness of the application, the Secretary of the Planning Board shall forward two copies to the County Planning Board.

2. Submission Requirements

- a. Submission requirements for final major subdivision approval are provided in the checklist found in this chapter. Failure to provide any of the required information and payment of a fee shall constitute an incomplete submission and the application shall not be acted upon by the Board.
- b. The Secretary of the Board shall forward copies of the application to the following for review and comment, where appropriate:
  - (1) Town Fire Department
  - (2) Town Police Department
  - (3) Town Health Department
  - (4) Town Sewer and Water Department
  - (5) Board Attorney
  - (6) Board Planner
  - (7) Board Engineer
- c. The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.
- d. Review by Other Town Agencies and Officials. The officials and agencies cited in the paragraph above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after receipt of the application.

3. Board Action

- a. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval, and, in the case of a major subdivision, the standards prescribed in the "Map Filing Law" P.L. 1960, c. 141. In the case of a planned unit development, planned unit residential development or residential cluster, the Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.
- b. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval and

a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and, in the case of subdivision plans, shall be so accepted by the County Register for purposes of filing.

- c. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.1 or 40:27-6.6, the Board shall condition its approval upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

#### 4. Effect of Final Approval

- a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted; provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided. If the developer has followed the standards prescribed for final approval and, in the case of subdivision, has duly recorded the plat with the County Register in accordance with, the Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this Ordinance, the granting of final approval terminates the time period of preliminary approval, for any section of the development which is granted final approval.
- b. Whenever the Board grants any extension of final approval pursuant to the paragraphs above, and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- c. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before (a) what would otherwise be the expiration date of final approval, or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to the paragraphs above.
- d. Conditions of Approval
  - (1) Conditions binding. All conditions of preliminary and final approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successors and assigns.
  - (2) Failure to maintain. The applicant and any successor in interest shall be responsible for installing and maintaining in good order and condition all required improvements and landscaping, unless such improvements in landscaping are to be installed by, and/or dedicated to and maintained by the Town, County or another party, under the

terms of approval granted by the Board. Such required improvements shall include, but not be limited to, parking improvements, buffer zones, drainage facilities, exterior lighting and landscaping. Failure of any responsible party to install and/or maintain required improvements or landscaping, shall constitute a violation of this Chapter and shall be subject to the enforcement procedures set forth herein.

e. Certificate of Approval

- (1) The prospective purchaser, prospective mortgages, or any other person interested in any land which forms part of a subdivision, or which formed part of a subdivision three (3) years preceding the effective date of N.J.S.A 40:55D-1 et seq., may apply in writing to the Secretary to the Planning Board for the issuance of a certificate attesting whether or not such subdivision has been approved. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.
- (2) The Secretary to the Planning Board shall make and issue such certificate within fifteen (15) days after receipt of such written application. The Secretary to the Planning Board shall keep a duplicate copy of each certificate consecutively numbered, including a statement of the fee charged, in a binder as permanent record in his/her office.
- (3) Each certificate shall be designated a "Certificate as to Approval of Subdivision of Land" and shall certify:
  - (a) Whether there exists in the municipality a duly established Planning Board and whether there is an ordinance controlling subdivision of land adopted under the authority of N.J.S.A. 40:55D-37.
  - (b) Whether the subdivision, as it relates to the land shown in the application, has been approved by the Planning Board and, if so, the data of such approval and any extensions and terms thereof, showing the subdivision of which the lands are a part is a validly existing subdivision.
  - (c) Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirement of approval as provided in N.J.S.A. 40:55D-1 et seq.
- (4) The fees collected by the Secretary to the Planning Board shall be paid by the applicant to the Town of Harrison.

5. Right of Owner of Land Covered by Certificate

- a. Any person who shall acquire for a valuable consideration an interest in the land covered by any certificate of approval of a subdivision in reliance upon the information therein contained shall hold such interest free of any right, remedy or action which could be prosecuted or maintained by the municipality pursuant to the provisions of N.J.S.A. 40:55D-55.
- b. If the Secretary to the Planning Board fails to issue such certificate within fifteen (15) days after receipt of an application and the property fee, any person acquiring an interest in the land described in such application shall hold any interest free of any right, remedy or action which could be prosecuted or maintained by the municipality pursuant to N.J.S.A 40:55D-55.



- c. Any such application addressed to the Secretary to the Planning Board shall be deemed to be addressed to the proper designated officer and the municipality shall be found thereby to the same extent as though the same was addressed to the designated official.
6. Expiration of Final Major Subdivision Approval
  - a. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the applicant with the County Register. The Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat. The Board may extend the 95-day or 190-day period if the applicant proves to the reasonable satisfaction of the Board (1) that the applicant was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the applicant applied promptly for and diligently pursued required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for an extension either before or after the original expiration date.
  - b. No subdivision plat shall be accepted for filing by the County Register until it has been approved by the Board as indicated on the instrument by the signature of the Chairperson, Secretary of the Board. The signatures of the Board Chairperson and Secretary shall not be affixed until the developer has posted the performance guarantees required by this Ordinance and has satisfied all other applicable conditions of final approval. If the County records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

## **§17-17 Site Plan Procedures**

### **A. Applicability.**

1. Unless otherwise specified herein, site plan approval shall be required from the Planning Board or Zoning Board of Adjustment before the start of any development and before the issuance of any permit for any development.

### **B. Uses Requiring Site Plan Approval**

1. All development activities except the following shall require site plan approval:
  - a. The construction, customary use and modification of single- or two-family dwellings, including any permitted accessory buildings and/or uses incidental to the principal use.
  - b. Any structure or use for which site plan approval was granted prior to the effective date of this chapter and that was developed in accordance with such approval.
  - c. Construction which is determined by the Construction Official to constitute ordinary repairs, as defined by the State of New Jersey Department of Community Affairs Uniform Construction Code.
  - d. Soil disturbance of less than 200 cubic yards in total, over time, except that nothing shall be construed to prevent the otherwise lawful excavating or cutting, stripping or other change in the existing configuration of the land for the following purposes and no others:
    - (1) Gardening for noncommercial purposes.

- (2) The construction or reconstruction of curbs, sidewalks, private residential driveways, drainage systems, sewage disposal systems and other utility service connections, provided that all other Borough, county, state and district approvals have been received.
- e. Any structure or use on municipal properties.
- f. Any structure or use on other governmental properties to the extent of exemptions from local requirements as allowed by law.
- 2. Change in Use or Occupancy. A change in use or occupancy of a building or land in all zoning districts requires site plan approval if one or more of the following criteria is met as determined by the Zoning Officer or their designee:
  - a. The previous use never received required site plan approval.
  - b. The proposed use requires more off-street parking than the previous use based upon the parking requirements of this Chapter.
  - c. The proposed use has significantly different hours of operation than the previous use.
  - d. The proposed use has different loading requirements that require deliveries by vehicles that exceed 30 feet in length.
  - e. The proposed use involves the storage or handling of chemicals or hazardous substances.
  - f. The proposed use calls for a significant change in exterior lighting, on-site circulation, access, or landscaping.
  - g. The proposed use will generate a greater amount of solid waste, requiring one or more dumpsters to be stored outside.
  - h. The proposed use requires a significant change in drainage and stormwater management.

C. Waiver of Site Plan Approval

- 1. An applicant may request a waiver of formal site plan approval when certain conditions are met pursuant to the below procedures. The Zoning Officer and/or the Planning Board are hereby authorized to grant a waiver of site plan. Any such application does not need to proceed through the SSPRC review process.
- 2. An applicant for a waiver of site plan shall submit a completed “Waiver of Site Plan” application form to the Building Department, where based on the facts of the application, the jurisdiction will be determined.
- 3. Approval by the Zoning Officer

The Zoning Officer may waive the requirement for a site plan approval when the following conditions are met:

  - a. The use is permitted.
  - b. There is no change of use.
  - c. There is no change in parking requirements.
  - d. The application does not involve any site improvements, including drainage and stormwater management.

- e. The application does not involve any non-conforming landscaping, signage, and lighting.
  - f. The structure is existing, and no structural improvements are proposed. Interior changes as well as exterior painting and compliant signage are permitted.
4. Approval by the Planning Board
- The Planning Board may waive the requirement for a site plan approval where the following conditions are met:
- a. The use is permitted in the zone.
  - b. The application does not involve any site improvements, including drainage and stormwater management.
  - c. The application does not involve any non-conforming landscaping, signage, and lighting.
  - d. The structure is existing, and no structural improvements are proposed. Interior changes as well as exterior painting and compliant signage are permitted.
  - e. Existing non-conformities that are not exacerbated shall be permitted to remain.
  - f. Where a change in use includes an increase in required parking, a waiver of site plan shall be permitted if the applicant demonstrates that no existing parking is being removed and there is no potential to add additional parking.
  - g. The Planning Board may request the involvement of their professionals in waiver of site plan applications where the Board determines such involvement is warranted by the facts of the application.
5. Site plan approval cannot be waived in the instances of a required variance pursuant to N.J.S.A. 40:55D-70d.
6. Site plan approval cannot be waived in the instance of an application for a conditional use approval pursuant to N.J.S.A. 40:55D-67.

D. Minor Site Plan Procedures

1. Applicability. Applications for site plan approval may be deemed minor site plans upon meeting all of the following criteria:
- a. Where the proposed development conforms to all zoning and land development requirements and requires no “c” or “d” variances, no waivers from Harrison’s site plan standards other than submission of checklist waivers, no allowable deviation from any adopted redevelopment plan;
  - b. Where a proposed building addition or accessory structure does not exceed a gross floor area of ten percent (10%) of the existing principal building or 1,000 square feet, whichever is less;
  - c. Site improvements requiring an area of disturbance of one thousand (1,000) square feet or less;
  - d. The addition of parking spaces not exceeding ten percent (10%) of the number of existing spaces, or five (5) new spaces, whichever is less.

2. Minor Site Plan Submission Procedures. The minor site plan application requirements shall be the same as those required for major site plan review. In those circumstances, however, where information required has no impact or is not relevant to the Board's determination of whether the site plan meets the requirements and standards of the Harrison Zoning Ordinance and site plan standards, submission waivers may be requested by the applicant and shall be reasonably granted.
3. Effect of Approval. Approval of a minor site plan shall be deemed final approval provided that the Board may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of approval is adopted.
4. Extensions of Minor Site Plan Approval. The Board shall grant an extension of minor site plan approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delay in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for an extension before: (a) what would be the expiration date of minor subdivision approval; or (b) the ninety-first (91) day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.

E. Major Site Plan Procedures

1. Application

- a. The applicant shall submit the required fee and three copies each of the application to the administrative officer for completeness review.
- b. Upon determination that the application is complete, the applicant shall submit 15 additional copies of all plans at least 28 days before a scheduled meeting and the Board Secretary will place the item on the agenda. Within five days of the certification of completeness of the application, the Secretary of the Planning Board shall forward two copies to the County Planning Board.

2. Preliminary Major Site Plan

a. Submission Requirements

- (1) Submission requirements for preliminary major site plan approval are provided in the checklist found in in this chapter. Failure to provide any of the required information and payment of a fee shall constitute and incomplete submission and the application shall not be acted upon by the Board.
- (2) The Secretary of the Board shall forward copies of the application to the following for review and comment, where appropriate:
  - (a) Town Fire Department
  - (b) Town Police Department
  - (c) Town Health Department

- (d) Town Sewer and Water Department
  - (e) Board Attorney
  - (f) Board Planner
  - (g) Board Engineer
- (3) The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.
- b. Review by Other Town Agencies and Officials. The officials and agencies cited in the paragraph above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after receipt of the application.
- c. Board Action
  - (1) Except for applications governed by the time limits, the Board shall approve, conditionally approve or deny a preliminary major site plan application of ten (10) acres of land or less, or 10 dwelling units or less, within forty-five (45) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
  - (2) The Board shall approve, conditionally approve or deny a preliminary major site plan application of more than ten (10) acres of land or more, or more than 10 dwelling units, within ninety-five (95) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
  - (3) If a preliminary site plan application is being considered by the Zoning Board of Adjustment simultaneously with an application for a use variance, the Zoning Board of Adjustment shall act on the application within 120 days after the application has been certified complete unless the applicant shall extend the period of time within which the Board may act. If the applicant elects to bifurcate the application for approval of the variance and the subsequent application for any required approval of a site plan, the one- hundred-twenty-day limit shall apply only to the variance. The site plan application shall be denied or approved in accordance with the applicable time limits.
  - (4) Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the Applicant.
- d. Substantial Modification
  - (1) If any substantial modification is proposed or required after preliminary approval has been granted, an application for such modification shall be submitted and proceeded upon as in the case of the original application for development. The applicant may apply for modification approval either independently of or concurrently with application for final approval. In either case, notice pursuant to N.J.S.A. 40:55D-1 et seq. shall be required and shall state the nature of the proposed modification. A substantial modification shall mean one which:
    - (a) Increases the density of development;
    - (b) Proposes a different use;

- (c) Would result in increased adverse impact upon properties in the immediate area with respect to factors such as, but not limited to, noise, glare, and increased drainage runoff; or
  - (d) Materially changes a required element of the development plan.
- (2) If the Planning Board or Zoning Board of Adjustment required any substantial amendment in the layout or design of improvements proposed by the developers, that have been subject for a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Planning Board shall, if the proposed development complies with the ordinance and the Municipal Land Use Law, grant preliminary approval.
- e. Effect of Preliminary Approval. Preliminary approval of a major site plan, except as provided in this section, shall confer upon the applicant the following rights for a 3-year period from the date on which the resolution granting preliminary approval is adopted.
  - (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements; layout and design standards for streets, curbs and sidewalks; lot sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the Town from modifying by ordinance such general terms and conditions of preliminary approval as related to public health and safety.
  - (2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site plan.
  - (3) That the applicant may apply for and the Board may grant extension on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
  - (4) Whenever the Board grants an extension of preliminary approval pursuant to the previous paragraphs and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.
  - (5) The Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of the preliminary approval, or (b) the 91st day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to the previous paragraphs.

### 3. Final Major Site Plan

a. Submission Requirements

- (1) Submission requirements for final major site plan approval are provided in the checklist found in in this chapter. Failure to provide any of the required information and payment of a fee shall constitute and incomplete submission and the application shall not be acted upon by the Board.
- (2) The Secretary of the Board shall forward copies of the application to the following for review and comment, where appropriate:
  - (a) Town Fire Department
  - (b) Town Police Department
  - (c) Town Health Department
  - (d) Town Sewer and Water Department
  - (e) Board Attorney
  - (f) Board Planner
  - (g) Board Engineer
- (3) The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

b. Review by Other Town Agencies and Officials. The officials and agencies cited in the paragraph above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after receipt of the application.

c. Board Action

- (1) The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval, In the case of a planned unit development, planned unit residential development or residential cluster, the Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.
- (2) Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and, in the case of subdivision plans, shall be so accepted by the County Register for purposes of filing.
- (3) Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.1 or 40:27-6.6, the Board shall condition its approval upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

d. Effect of Final Approval

- (1) The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted. If the developer has followed the standards prescribed for final approval, the Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this Ordinance, the granting of final approval terminates the time period of preliminary approval for any section of the development which is granted final approval.
- (2) In the case of a site plan for a planned development of fifty (50) acres or more, one hundred fifty (150) acres or more, or for the development of nonresidential floor area of 200,000 square feet or more, the Board may grant the rights referred to in paragraph (1) of this section for such period of time, longer than two (2) years, as shall be determined by the Board to be reasonable, taking into consideration:
  - (a) The number of dwelling units and nonresidential floor area permissible under final approval;
  - (b) Economic conditions, and
  - (c) The comprehensiveness of the development.
- (3) The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration the following:
  - (a) the number of dwelling units and nonresidential floor area permissible under final approval;
  - (b) the number of dwelling units and nonresidential floor area remaining to be developed;
  - (c) economic conditions; and
  - (d) the comprehensiveness of the development.
- (4) Whenever the Board grants any extension of final approval, and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- (5) The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before (a) what would otherwise be the expiration date of final approval, or (b) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to paragraphs (1) or (2) above.



## §17-18 Amended Site Plan or Subdivision Approval

### e. Conditions of Approval

- (1) Conditions of final approval. The Board may, as a condition of final approval:
  - (a) Grant final approval only for designated geographic sections of the development, where development is to be phased.
  - (b) Grant final approval for certain work but require resubmission for final approval for designated elements, such as but not limited to landscaping, signs and street furniture, and require approval of these elements as a prerequisite for a certificate of occupancy or zoning permit.
  - (c) Condition the granting of a certificate of occupancy or zoning permit subject to the applicant or developer or subsequent heirs or assignees meeting certain requirements within a designated period of time, not to exceed one year, from the date of issuance of the certificate of occupancy or zoning permit. This may include, but is not limited to, the installation of landscaping, erection of signs, installation of minor improvements, meeting performance standards and similar items. A performance guaranty assuring the meeting of conditions shall be posted by the applicant at the Board's request.
- (2) Conditions binding. All conditions of any preliminary and final approval shall be binding upon all present and future owners, tenants, occupants, lessors, lessees, heirs, assignees, developers, contractors and subcontractors, and the same shall be set forth in a developer's agreement in recordable form and approved by the Borough Council.
- (3) Failure to maintain. All persons receiving development approval for property or their successors in title shall be responsible for installing, maintaining and properly utilizing on-site, off-site and off-tract improvements required by the Board, including, but not limited to, parking arrangements, buffer zones, drainage facilities, exterior lighting plans and other requirements of the Board as reflected on the plans and in the Board minutes. Failure of the property owner to install, maintain and/or utilize improvements as provided by the site plan approval shall constitute a violation of this chapter and shall be subject to the enforcement procedures set forth herein.

## §17-18 Amended Site Plan or Subdivision Approval

- A. An applicant may file for amended site plan or subdivision in connection with a prior approved site plan or subdivision.
- B. Applications for amended site plan or subdivision review shall be governed by the same requirements as all other applications for site plan or subdivision reviews, as it were.

## §17-19 Variances

- A. Application.
  1. The applicant may apply for variances concurrently with a subdivision or site plan application or the applicant shall file for a variance with the Zoning Board of Adjustment where no subdivision or site plan application is required.
  2. The applicant shall submit the required fee and three copies each of the application to the administrative officer for completeness review.

## §17-20 Conditional Use Approval

3. If the application is deemed complete, the applicant shall submit 15 additional copies of all plans at least 28 days before a scheduled meeting.
- B. Notice of public hearing. At the time when the application is deemed complete, the Board Secretary shall set a date for the public hearing and notify the applicant of said date. After such notification, the applicant shall follow the procedures established with respect to notice of hearing.
- C. Action.
  1. The Board shall approve, conditionally approve, or deny a variance within 120 days of the certification that the application is complete unless the applicant shall extend the period of time within which the Board may act.
  2. Failure of the Board to act within the period prescribed shall constitute approval of the application and a certificate of the administrative Officer as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be accepted by the county recording officer for purposes of filing subdivision plats or deeds.

## §17-20 Conditional Use Approval

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

- A. The Board shall grant or deny an application for conditional use approval within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant. If relief is requested pursuant to N.J.S.A. 40:55D-70d, the Board shall grant or deny within one hundred twenty (120) days of submission of a complete application or within such further time as consented by the applicant.
- B. The Board shall approve or deny a conditional use application simultaneously with any accompanying subdivision and/or site plan application. The longest time period for action by the Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the applicant, notice of the hearing on the application shall include reference to the request for conditional use approval.
- C. Failure of the approving board to act within the required time period shall constitute approval of the application.
- D. Each conditional use shall be considered as an individual case. In all requests for approval of conditional uses, the burden of proof shall be on the applicant. All conditional uses shall require site plan review and approval by the Board.
- E. In approving a conditional use, a time limit of three (3) years from the date of the approval shall be set forth, within which the owner shall secure a building permit; otherwise the approval shall be null and void. The approving board may, for good cause shown, extend the period for securing a building permit for an additional period not exceeding one (1) year.
- F. If, prior to the issuance of a building permit pursuant to preliminary and final approval of a conditional use, any of the conditions upon which the approval was based can no longer be met, no longer exist or have become significantly altered, the conditional use approval shall be null and void.

**§17-21 Signing and Distribution of Approved Plans**

- A. When all conditions of any minor, preliminary or final approval have been met, the applicant shall submit to the Board Secretary six (6) copies of the approved plan(s) with all revisions required by the conditions of approval. The approved plan(s) shall then be signed by the Board Chairperson, Secretary and Engineer. Two (2) signed copies shall be returned to the applicant and the remaining copies shall be distributed by the Board Secretary.
- B. In addition to the foregoing, whenever any subdivision is to be perfected by the filing of the approval plat with the County Register in conformance with the Map Filing Law, the applicant shall submit to the Board Secretary, simultaneously with the plans described in Paragraph A above, two (2) mylars and at least six (6) paper prints of the plat intended for recording. Provided that it conforms to the Map Filing Law, the plat intended for recording shall be signed by the Board Chairperson, Secretary and Engineer simultaneously with the signing of the approved plans submitted pursuant to paragraph A above. After signing, one (1) mylar and all paper prints of the plat so signed shall be returned to the applicant for recording with the County Register.
- C. Following the filing of any approved subdivision plat or minor subdivision deed with the County Register, the applicant shall promptly deliver to the Board Secretary at least six (6) copies of the filed plat or recorded deed, as the case may be. The Board Secretary shall then distribute copies of the same.
- D. Whenever any subdivision is to be perfected by the filing of the approved plat with the County Register, and when the engineering review of such subdivision has been performed by the Board Engineer, the plat intended for recording shall be signed by the Board Engineer. For purposes of such signatures as the municipal engineer, the Board Engineer shall be deemed to act as an Assistant Town Engineer.
- E. The Board Secretary shall return in the Board's files at least one (1) true copy of all signed and approved site plans and subdivision deeds and all signed, approved and filed subdivision plats.

**§17-22 Fees and Escrow Deposits**

- A. Fees, escrow deposits for professional fees related to a development application, fees for property owner lists and copies of minutes and resolutions shall be in accordance with the fee schedule below. Fees shall be paid by check, payable to the Town of Harrison.
- B. Where one (1) application for development includes several approval requests, the sum of the individual required fees shall be paid.
- C. Application fees and escrow deposit fees shall be paid in two different checks, one for the total application charges and one for the total escrow charges.
- D. Schedule of fees:

Description / Application	Application Fee	Escrow Deposit
(i) Subdivisions		
Minor Subdivision	\$1,000.00	\$3,500.00
Preliminary Major Subdivision Plan	\$2,200.00	\$5,000.00
Final Major Subdivision Plan	\$1,000.00 + \$100 p/lot	50% of Preliminary

§17-22 Fees and Escrow Deposits

Informal Concept Major Subdivision Plat	\$800.00	\$2,000.00
Amended Preliminary and/or Final Major Subdivision	\$1,000.00	\$2,500.00
(ii) Site Plans		
Minor Site Plan	\$1,000.00	\$5,000.00
Preliminary Major Site Plan for up to 10 units and/or 5,000 square feet	\$2,000.00	\$5,000.00
Preliminary Major Site Plan for greater than 10 units and/or 5,000 square feet	\$3,000.00 + \$100 p/1,000 sq. ft	\$6,000.00
Final Major Site Plan	50% of Preliminary	50% of Preliminary
Informal Concept Site Plan	\$1,000.00	\$2,000.00
Amended Preliminary Major and/or Final Major Site Plan	\$1,000.00	\$3,000.00
Waiver of Site Plan	\$800.00	\$2,000.00
(iii) Conditional Uses	\$1,200.00	\$3,000.00
(iv) Appeals (40:55D-70a)	\$600.00	\$1,500.00 (Min.)
(v) Interpretation (40:55D-70b)	\$600.00	\$1,500.00 (Min.)
(vi) Variance, Bulk (40:55D-70c)	\$600.00 + \$300 p/additional variance + site plan/subdivision fee	\$1,500.00 (Min.)
(vii) Variance, Use and Other (40:55D-70d)	\$2,000.00 + site plan/subdivision fee	\$3,500.00
(viii) Permit (40:55D-34 and 35)	\$300.00	\$1,500.00 (Min.)
(ix) Approval Time Extension	\$300.00	\$1,500.00 (Min.)
(x) Zone Change Request	\$1,200.00	\$1,500.00 (Min.)
(xi) Zoning Permit: One- and Two-Family Residences	\$20.00	-
(xii) Zoning Permit: Other than one- or two-family residences	\$60.00	-
(xiii) Certified List of Property Owners	Greater of \$50.00 or \$0.50 per name without map; \$100.00 with map	-
(xiv) Copies of Minutes, Resolutions, or Decisions*	\$0.75 per page for 1-10 pages; \$0.50 per page for 11-20 pages; \$0.25 per page for 21 pages and up; price subject to change per N.J.S.A 47:1A-2	-

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

- E. Nature of Application Fees. The application fee is a fee to recover administrative expenses, including the initial intake and distribution of the application. The application fee is nonrefundable.
- F. Nature of Review Escrow Deposit. The review escrow deposit is established to provide payment for technical and professional charges relating to the review of applications and review and preparation of documents. Review of applications shall include, but not be limited to, review of application forms, plans, existing physical conditions, and ordinance and other legal requirements, as well as attendance by professional staff at all meetings held to review, hear or consider the application. Fees relating to an application may exceed, or may be less, than the initial escrow deposit. The applicant is responsible for providing any excess and is entitled to a refund of any portion of the escrow deposit that is not applied to payment of professional fees.
- G. Inspection Fees.
  - 1. No construction or disturbance of land shall be undertaken until all inspection fees have been paid to the Town.
  - 2. The applicant shall deposit the sum not to exceed, except for extraordinary circumstances, the greater of five hundred (\$500.00) dollars or five (5%) percent of the cost of improvements, which cost shall be determined pursuant to the procedures established by N.J.S.A. 40:55D-53.4.
  - 3. For those developments for which the reasonably anticipated inspection fees are less than ten thousand (\$10,000.00) dollars, fees may, at the option of the application, be paid in two (2) installments. The initial payment deposited by the application shall be fifty (50%) percent of the reasonably anticipated fees. When the balance on deposit drops to ten (10%) of the reasonably anticipated fees because the amount deposited by the applicant has been reduced by the amount paid to the Town Engineer or his designee for inspection, the applicant shall deposit the remaining fifty (50%) percent of the anticipated inspection fees.
  - 4. For those developments for which the reasonably anticipated fees are ten thousand (\$10,000.00) dollars or greater, fees may, at the option of the applicant, be paid in four (4) installments. The initial amount deposited by the applicant shall be twenty-five (25%) percent of the reasonably anticipated fees. When the balance on deposit drops to ten (10%) percent of the reasonably anticipated fees because the amount deposited by the applicant has been reduced by the amount paid to the Town Engineer or his designee for inspection, the applicant shall make the additional deposits of twenty-five (25%) percent of the reasonably anticipated fees.
  - 5. The Town Engineer shall not perform any inspections if sufficient funds to pay for those inspections are not on deposit.
  - 6. Any excess fees not required for inspections shall be returned after the improvements have been installed and accepted by the Town.
- H. Administration of Escrow Deposits for Professional Review Fees and Inspection Fees.
  - 1. Separate Accounts Required. All deposits for technical and/or professional charges and/or inspection fees shall be kept in an escrow account for that purpose by the Town. This account shall be managed by the Chief Financial Office of the Town who shall administer same in accordance with the terms of this section.
  - 2. Payment by CFO; Limitations on Charges.
    - a. The Chief Financial Officer of the Town shall make all payments for professional services rendered to the Town or the Board for review of applications for development, review and

preparation of documents, inspection of improvements, and other purposes under this Chapter.

- b. The application for review and inspection charges shall be limited only to professional charges for review of applications as defined above, review and preparation of documents and inspection of developments under construction, and review by outside consultants when the application is of a nature beyond the scope of expertise of the professionals normally utilized by the Town. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants, including normal and typical expenses incurred in processing applications and inspecting improvements.
  - c. If an in-house municipal professional is utilized for professional services/review, and if the salary, staff support, and overhead for a municipal professional are provided by the municipality, the charges shall not exceed two hundred (200%) percent of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. The charges by professionals shall be at the same rate as all other work of the same nature by the professional for the Town when fees are not reimbursed or otherwise imposed on applicants or developers.
3. Vouchers; Periodic Accounting. Each payment charged to a deposit for review of applications, review and preparation of documents or inspection of improvements shall be pursuant to a voucher from a professional, which voucher shall identify the personnel performing the service, and for each date the service is performed, the hours spent to one quarter (1/4) hour increments, the hourly rate, and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer on a monthly basis in accordance with the schedules and procedures established by the Chief Financial Officer. If the municipality requires a developer or deposit toward anticipated municipal expenses for these professional services, the deposit shall be placed in an escrow account pursuant to Section 1 of P.L. 1985, c. 315 (C/40:55D-53.1). The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the Town simultaneously to the application. The Chief Financial Officer shall prepare and send to the applicant a statement, which shall include an accounting of the funds listing all deposits, interest earnings, and disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are one thousand (\$1,000.00) dollars or less, or on a monthly basis if the monthly charges exceed one thousand (\$1,000.00) dollars.
  4. Insufficient Deposits. If an escrow account or deposit contains insufficient funds to enable the Town or Board to perform required application reviews or improvement inspections, the Chief Financial Officer shall provide the application with a written notice of the insufficient escrow or deposit balance. In order for work to continue on the development or application, the applicant shall within ten (10) days post a deposit to the account in an amount agreed upon by the Town or Board, as the case may be, and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds. If the application fails to make the additional deposit within the time prescribed herein, the Board shall be authorized to dismiss a pending application without prejudice, subject to the right of the applicant to reinstate the application within sixty (60) days of dismissal by payment of the required deposits. The application shall be reinstated only upon written notification by the Chief Financial Officer or the Board that the deposit has been paid within the sixty (60) day period. With regard to inspection fees, the Town Engineer shall not perform any inspection if

sufficient funds to pay for inspections are not on deposit. Failure to post and/or maintain deposits in accordance with the requirements of this subsection will subject the developer to a "Stop Work" order and/or suspension of construction permits.

5. Close-out Procedures. The applicant and Chief Financial Officer shall follow the following close-out procedures for all escrow deposits established herein. Close-out procedures with respect to escrow deposits for professional fees, shall commence after the Board has granted final approval of the development application including satisfaction of all conditions of the approval and/or has signed the approved site plan or subdivision plat or deed, and with respect to deposits for inspection fees, after all of the improvements have been approved by the Town Council pursuant to Section 17-71. The applicant shall send written notice by certified mail to the Chief Financial Officer and the Board and to the relevant Town professionals that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer within thirty (30) days and shall send a copy simultaneously to the applicant. The Chief Financial Officer of the Town shall render a written final accounting to the applicant on the uses to which the deposit has been put within forty-five (45) days of the receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest, shall be refunded to the applicant along with the final accounting.
6. Reasonableness of Charges. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with the application for development presently pending before the Board or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by a State governmental agency and not under Town jurisdiction except to the extent consultation with the State agency is necessary due to the effect of State approvals on the subdivision or site plan. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and requirements.
7. Replacement Professionals. If the Town retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection or improvements, the Town or Board shall be responsible for all time and expenses of the new professional to become familiar with the application or the project and the Town or Board shall not bill the applicant or charge the deposit or the escrow account for any such services.
- I. Interest on Deposits. Whenever an amount of money in excess of five thousand (\$5,000.00) dollars shall be deposited by an applicant with the Town for professional services employed by the Town or the Board to review applications for development, for inspection fees in accordance with this section or to satisfy requirements for performance or maintenance guarantees pursuant to Article VI, the money until repaid or applied to the purpose for which it was deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided in this section shall continue to be the property of the applicant and shall be held in trust by the Town. Money deposited shall be held in escrow. The Town shall deposit the money in a banking institution or savings and loan association in this State insured by an agency of the Federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Town shall

notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The Town shall not be required to refund an amount of interest paid on a deposit which does not exceed one hundred (\$100.00) dollars for the year. If the amount of interest exceeds one hundred (\$100.00) dollars, that entire amount shall belong to the applicant and shall be refunded to the applicant by the Town annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the Town may retain for administrative expenses a sum equivalent to one-third (1/3) of the entire amount which shall be in lieu of all other administrative and custodial expenses.

J. Transcript Fees and Deposits.

1. Requirement for Payment; Exemptions. Each applicant shall be required to reimburse the Town of Harrison for its actual costs for the preparation of a transcript of all hearings on his application, except for hearings on (i) applications for minor subdivision approval involving one-, two-, or three-family residential uses where no new lot will be created, and (ii) any application involving only a single one-, two-, or three-family residence. (These applications are referred to in this Section as "exempt residential applications").
2. Time for Payments; Custody of Deposit; Procedure for Payments Against Deposit. At the time of filing any application (except an exempt residential application) with the Board, each applicant shall deposit with the Board the sum of one thousand (\$1,000.00) dollars to defray the estimated cost of hearing transcripts for the application.
3. This transcript deposit shall be placed in an escrow account for transcript deposits maintained by the Chief Financial Officer. Payments charged to the transcript deposit shall be pursuant to vouchers from certified shorthand reporters identifying the dates when services were performed, the fee for attendance at each hearing, fee per page of transcript and total charges for attendance and complete transcript.
4. Replenishing of Transcript Fee Deposit. Whenever a transcript fee deposit is, or is about to become, depleted as a result of outstanding transcript fees, the applicant shall, on request, pay to the Chief Financial Officer an amount sufficient to (i) satisfy all outstanding transcript fees, and (ii) (when necessary in the judgment of the Chief Financial Officer) return the deposit to its original amount. If an applicant fails to pay the amount requested within ten (10) days after demand, the Town, the reviewing board and all professionals shall have the right to cease all further work on the application immediately, and the reviewing board shall have the right to deny, without prejudice, any pending application because of the applicant's failure to pay the requested amount. The applicant shall have the right to reinstate the application within sixty (60) days of dismissal by payment of the required deposit. The application shall be reinstated only upon written certification by the CFO to the Board that the deposit has been paid within the sixty (60) day period. In no event shall any approved plans or resolutions be signed or delivered to the applicant, nor shall any construction permits, certificates of occupancy, or other approvals or authorizations be issued to an applicant, when there exists any deficiency with respect to the applicant's transcript fee deposit.
5. Final Accounting. The Chief Financial Officer shall render a final accounting to the applicant with respect to the applicant's transcript deposit simultaneously with the rendering of the final accounting with respect to the applicant's technical review fee deposit. The Chief Financial Officer shall return to the applicant with the final accounting of transcript deposits any unused balance of such deposit.



## §17-23 Checklists

6. Waiver of Transcript Fee. Where any application is of a minor nature and does not involve significant site development considerations, the reviewing board may waive the requirement for reimbursement of the costs of the transcript.
- K. Special Meeting Fees. A fee of one thousand (\$1,000.00) dollars shall be charged to the applicant for any special meeting of the Planning Board or Board of Adjustment held at the request of the applicant. Where any application is of a minor nature, and does not involve significant site development considerations, the reviewing board may waive the requirement for a special meeting fee. Nothing herein shall obligate any board to hold a special meeting on any application.
- L. Appeals. An applicant shall notify in writing the Town Council with copies to the Chief Financial Officer, the approving Board and the professional whenever the applicant disputes the charges made by a professional for service rendered to the Town in reviewing applications for development, review and preparation of documents, inspection of improvement, or other fees or charges made pursuant to the provisions of P.L. 1975, c. 291 (C. 40:55D-1 et seq.). The Town Council, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals, any charge to an escrow account or a deposit by any municipal professional or consultant, or the cost of the installation of improvements estimated by the Town Engineer pursuant to section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4). An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the Town, approving Board and any professional whose charge is the subject of the appeal. An applicant shall file an appeal within forty-five (45) days from receipt of the informational copy of the professional's voucher required by subsection c. of section 13 of P.L. 1991, c. 256 (C. 40:55D-53.2), except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within sixty (60) days from receipt of the municipal statement of activity against the deposit or escrow account required by subsection c. of section 13 of P.L. 1991, c. 256 (C. 40:55D-53.2). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six (6) months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

## §17-23 Checklists

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

## ARTICLE IV ZONING

### §17-24 Establishment of Zones

For the purpose of this Article, the Town of Harrison is hereby divided into the following fourteen (14) zones known as:

<b>Zone Classification</b>	<b>Zone Abbreviation</b>	<b>Zone Name</b>
<b>Residential</b>	1-F	Single-Family
	2-F	Two-Family
	3-F	Three-Family
	TH-1	Townhouse 1
	TH-2	Townhouse 2
	TH-3	Townhouse 3
	MF	Multi-Family
	ASH	Affordable Senior Housing
<b>Public</b>	P/QP	Public / Quasi Public
<b>Commercial</b>	NC-1	Neighborhood Commercial 1
	NC-2	Neighborhood Commercial 2
	CC	Community Commercial
<b>Industrial</b>	I	Industrial
<b>Overlay</b>	TV&F-O	TV & Film Studio Overlay

### §17-25 Zoning Map

The location and boundaries of the above zones are hereby established on the zoning map dated December 2025, which is attached hereto and made a part of this Article.

### §17-26 Interpretation of Zone Boundaries

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

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

## §17-27 Schedule of Area, Yard and Building Requirements

jurisdiction to determine a disputed zone boundary line when acting on a subdivision, site plan or conditional use application.

### §17-27 Schedule of Area, Yard and Building Requirements

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

### §17-28 Interpretation of Use Regulations

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

### §17-29 General Applicability of Regulations

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, reconstructed, added to or enlarged, nor shall any land, building or structure be designed or used for any purpose or in any manner other than as specified among the uses listed as permitted, accessory or conditional in the zone in which such building, structure or land is located, and subject to all area, yard and building requirements of Schedule II.
- B. No yard or open space surrounding any building shall be encroached upon or reduced in any manner, except in conformity with the yard, area and building regulations designated for the zone(s) in which such building and yard or open space are located.
- C. The area and dimensions of any lot, yard, parking area, or other space shall not be reduced to less than the minimum required by this Article; and, if already less than the minimum required by this Article, such area and/or dimension shall not be further reduced.
- D. The provisions and restrictions contained in this Article shall not apply to or be binding upon the Town.
- E. Upon issuance of any demolition permit, the site grading, particularly open foundation areas, shall be filled, stabilized, and regraded within one week after initiating said demolition work, weather permitting, in such a manner as to prevent the collection of water, increase of erosion, damage to shade tree root systems, or any slope-related hazards associated with open excavation in residential areas. Alternatively, demolition permits are not encouraged to be sought until all related applications for permits under the local development regulations (zoning, site, environmental or special regulated features) are submitted as complete and approved.

### §17-30 Lot Regulations

- A. Every lot shall include front, side and rear yards having the areas and dimensions required within the particular zone in which such lot is located.
- B. No yard or other open space provided for any building for the purpose of complying with the provisions of this Article shall be considered as providing a yard or other open space for any other building on any other lot.
- C. No land in a residential zone shall be used to fulfill open space, minimum area, minimum yard and/or setback requirements, parking or other similar requirements for any nonresidential use in a nonresidential zone.
- D. Corner lots. Corner lots shall have two (2) front yards, one rear yard, and one side yard. The secondary front yard (i.e. the front yard that does not include the primary building entrance) shall be permitted to have a setback of not less than one-half (1/2) the minimum front yard requirement.

## §17-31 Yard Regulations

- E. Through lots. Through lots shall have two (2) front yards, abiding by the front yard setback requirements of the zone. All other yard setbacks shall abide by the side yard setback requirement.

### §17-31 Yard Regulations

- A. Where any lot fronts upon a street right-of-way which is proposed to be widened as indicated on the Official Map of the Town of Harrison, or in the adopted Master Plan of the Town of Harrison or by the Hudson County Master Plan or Official Map, as provided by law, the front yard(s) in such district shall be measured from such proposed future right-of-way line.
- B. Projections and Encroachments. Minimum required setbacks shall be entirely free of buildings, structures (excluding parking) or parts thereof and no building or structure shall project into any minimum required front, side, or rear yard setback nor shall any use be made of any such yard, except as follows:
  - 1. Cornices and eaves may project not more than two (2') feet into any yard.
  - 2. Sills, leaders and similar ornamental or structural features may project six (6") inches into any yard.
  - 3. An open fire escape may project into a rear yard not more than four (4') feet.
  - 4. Bay windows may project no more than three (3') feet into a rear yard setback.
  - 5. Balconies may project no more than three (3') feet into a required rear yard setback.
  - 6. Juliette balconies may project no more than one (1') foot into any required yard setback.
  - 7. A chimney may project no more than two (2') feet into any required yard setback.
  - 8. Decks may encroach up to ten (10') feet into the required rear yard, provided they are not closer than five (5') feet from any lot line.
  - 9. Patios may be located in any side or rear yard provide that such patios are not closer than three (3') feet to any lot line.
  - 10. Uncovered steps may project not more than three (3') feet into any required rear yard setback. Stairs shall be predominantly accessed from inside the building to avoid long stairwells that project into front yards. Projections into front yards are prohibited.
  - 11. HVAC units may encroach into a rear yard of a residential property no more than three (3') feet and must be adequately screened by shrubs and other vegetation. HVAC units shall be located as close to the building as is feasible and may not be located in a side or front yard.
  - 12. Freestanding flagpoles are permitted in any front and rear yard.
  - 13. Television and radio aerial masts, children's playground equipment, and outdoor fireplaces are permitted in any required rear yard.
  - 14. Window wells affording light and air to basement and cellar areas are permitted in all required yards.

### §17-32 Frontage Upon a Street

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

## §17-33 Principal Buildings

### §17-33 Principal Buildings

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

### §17-34 Height Exceptions

- A. Appurtenances attached to principal structures. Church spires, belfries, domes or antennas attached to buildings, penthouses (not for human occupancy), chimneys, ventilators, skylights, water tanks, bulkheads and necessary mechanical appurtenances usually carried above roof level shall not be considered when determining the height of the building, and are not subject to height limitations, except that such features shall not exceed twenty (20) percent of total roof area and shall not exceed a height such as is necessary to accomplish the purpose for which it is intended to serve.
- B. Freestanding non-commercial accessory structures. Water towers, radio and television antennas and flagpoles which are erected as freestanding structures may be erected to a height which can be demonstrated to the Board is necessary to accomplish their intended function. Federally licensed amateur radio facilities shall be subject to Federal Communications Commission rules (47 CFR, Part 97) which govern the height of licensed amateur operator radio antennas. The height of the tower or antennae shall conform with U.S. Federal Communications Commission Regulations governing licensed amateur radio operators and, if required, Federal Aviation Administration (F.A.A.) notification and F.C.C. approval. All freestanding non-commercial accessory structures shall not be located within any required front, side or rear yard setback areas and shall be subject to the structural provisions of the New Jersey Uniform Construction Code.

### §17-35 Accessory Structures and Uses

- A. General requirements.
  - 1. No accessory structure may be built upon any lot on which there is no principal building or structure.
  - 2. Accessory structures shall count toward the maximum building coverage allowed in a zone.
  - 3. Accessory structures in the I Zone shall not exceed the height of the principal building. In all other zones no accessory structure shall exceed fifteen (15') feet in height and one (1) story.
  - 4. Accessory structures in all zone districts shall be at least ten (10') feet from the principal structure on the same lot.
  - 5. No accessory structure(s) shall be located in a front yard or in any area, such as the secondary front yard of a corner lot, where front yard setbacks apply, except as provided below for through lots. Fences and walls are exempt from this prohibition pursuant to the standards for fences and walls found in this section.
  - 6. Any accessory structure attached to the main building shall abide by the setback requirements for principal structures in that zone.
  - 7. On through lots, no accessory structure erected in the rear yard shall be nearer to the "rear" street line than the minimum front yard setback for the zone in which such lot is located.
  - 8. Except as provided otherwise, minimum setbacks from side and rear lot lines for accessory structures shall be three (3') feet.
  - 9. No accessory structure shall be used for human habitation.

B. Private swimming pools.

Private swimming pools shall comply with the provisions of section A above, and with the following requirements. Where there is a deviation in the standards of paragraphs A this section, this section shall govern:

1. No swimming pool shall be located closer than five (5') feet to any side or rear lot line.
2. Lighting shall not exceed four (4') feet in height and shall be so located and shielded so that the illumination is not directed upon any adjacent property.
3. No private swimming pool shall be used other than as accessory to the principal use of the premises upon which it is located.

C. Home Occupations (Minor).

Minor home occupations shall be permitted as accessory uses in all residential zones and shall be exempt from approval by the Board if the following standards are satisfied:

1. The principal practitioner must be the owner or lessee of the residence in which the home occupation is contained.
2. The principal practitioner must reside in the home.
3. Not more than one non-residential employees shall work on the premises.
4. There is no external evidence of the home occupation. All equipment, supplies, and materials used in the business must be stored inside the home.
5. There are no retail sales conducted on the site.
6. No clients will visit the site.
7. There is no sign identifying the home occupation, and there is no identification of such home occupation upon any mailbox.
8. There are no delivery vehicles other than those associated with the residential use on site.
9. The home occupation is clearly incidental and subordinate to the principal use of the dwelling for residential purposes. The maximum area devoted to the home occupation shall be limited to not more than twenty-five (25%) percent of the gross area of the floor where located, excluding space used for a private garage, or four hundred (400) square feet, whichever is smaller.
10. No equipment or process shall be used in such home occupation that creates noise, glare, fumes, odors, electrical interference, medical waste or other nuisance factors detectable to the normal sense or to radio, telephone or television equipment off the lot.

D. Boarders.

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

1. Not more than one boarder may occupy a sleeping room.
2. Each sleeping room shall be at least eighty (80) square feet.

3. There shall be no cooking facilities in any sleeping room.

E. Family Day Care.

Family day cares are permitted accessory uses in all residential zones pursuant to N.J.S.A. 40:55D-66.5b, in accordance with the following requirements:

1. The facility is registered as a family day-care home pursuant to the Family Day Care Provider Registration Act if child-care services are provided for between three (3) and five (5) children for more than fifteen (15) hours per week.
2. Such uses shall meet the area and bulk requirements of the zone where located.
3. The Board may impose reasonable requirements on the use including, but not limited to, off-street parking, landscaping, screening and buffering.
4. The facility provides child-care services for a fee to no more than five children at any one time.

F. Sidewalk Cafés.

1. Sidewalk cafés are permitted accessory uses to qualifying businesses in the NC-1, NC-2, CC, and ASH zones pursuant to the requirements of Chapter 12 Section 24 of the Code of Harrison. Sections 24.010 through 24.030 and incorporated herein by reference as zoning standards.

G. Roof Mounted Solar Energy System.

1. Roof Mounted Solar Energy Systems are permitted accessory uses in all zones, pursuant to the standards of the Solar Energy Systems Regulation section of this Article.

H. Community Solar Installations

1. Community solar installations are permitted accessory uses in all zones. All installations shall adhere to the requirements of the State regulations, through New Jersey's Clean Energy Program. While this Chapter categorizes them as accessory for the sake of zoning, they will function as a standalone use as the energy they are providing is being use off-site.

I. Electric Vehicle Charging Stations are permitted accessory uses in all zoning districts.

J. Fences and Walls.

1. Nothing in this section shall be deemed to prohibit the installation of any necessary retaining walls.
2. Fences up to four (4') feet in height shall be permitted in all yards. Fences in front yards shall be at least 50% open.
3. Fences or walls up to six (6') feet in height shall be permitted only in the rear and side yards, up to and behind the front facade of the principal building.
4. All fences shall be set back at least three (3") inches from the property line.
5. Walls shall not be permitted to exceed two (2') feet in height in front yards unless required for retention purposes.
6. No fence or wall shall be so constructed or installed so as to constitute a hazard to traffic or safety.
7. The face or finished side of a fence or wall shall face the adjacent property.

8. No fence or wall shall be constructed with barbed wire, metal spikes or other such dangerous material or constructed in such manner as to be dangerous to animals or humans.
9. Conspicuous chain link fencing without screening and/or landscaping shall not be encouraged.
10. All fences and walls require both zoning and construction permits

K. Satellite Earth Stations (Satellite Dishes)

1. Permitted Districts.

- a. A satellite earth station shall be permitted as an accessory use in all zone districts. Satellite earth stations shall require site plan approval from the Planning Board except where accessory to a one- or two-family residential use. In the case of a satellite earth station which is accessory to a one- or two-family residential use, the application shall be determined by the Zoning Officer, or by the Board of Adjustment whenever a request for interpretation is necessary, or a variance is requested by the applicant.
- b. Whenever a satellite earth station is accessory to a one- or two-family dwelling, and an applicant claims that any general regulation standard herein must be modified because of inability to transmit and/or receive a reasonably satisfactory signal, impracticability, undue hardship, or other criteria for modification under this section, or whenever the adequacy of and/or reasonableness of screening is in issue, such application shall be referred to the Board of Adjustment for interpretation pursuant to N.J.S.A. 40:55D-70b.

2. Performance standards.

- a. No satellite earth station may be placed in the front yard of any lot in the Town. For purposes of this requirement, a corner lot shall be deemed to have a front yard facing each street.
- b. Satellite earth stations thirty six (36) inches in diameter or less shall be located on the roof. Receive-only satellite earth stations greater than thirty six (36) inches in diameter shall be placed on a lot only in the rear yard; provided, however, that on a clear and convincing showing by an applicant that a reasonably satisfactory signal cannot be obtained from a rear yard location, the Board may permit the satellite earth station to be located in the side yard, and if such a signal cannot be obtained in either the rear or side yard, the Board may permit the antenna to be located on the roof of any principal or accessory building on the lot.
- c. A transmit/receive satellite earth station shall be placed on the roof of the principal building on the lot; provided, however, that on a clear and convincing showing by an applicant that this requirement is impracticable or would cause undue hardship, or that installation elsewhere would substantially further the purposes and objectives of this section without substantial adverse impact on adjoining properties, the Board may permit the satellite earth station to be located in the rear yard of the lot. If a ground mounted transmit/receive type satellite earth station is proposed, the plan for the earth station shall include the proposed location of a protective fence, a minimum of four (4) feet in height, surrounding the antenna on all sides. The proposed fence shall be constructed in accordance with Article V of the Land Development Ordinance.
- d. All satellite earth stations shall not be closer to the side property line than a distance equal to the diameter of the earth station or the side yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.



- e. All satellite earth stations shall not be closer to the rear property line than a distance equal to the diameter of the earth station or the rear yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.
- f. When mounted on the ground, the overall height from the surrounding ground level to the lowest point of the antenna shall not exceed two (2) feet except in instances where additional clearance is needed to satisfactorily receive and/or transmit signals. No ground mounted satellite earth station shall exceed twelve (12) feet in height, as measured from the average grade at the base of the antenna to the highest point of the antenna.
- g. Roof Mounted Antennas:
  - (1) Flat Roofs and Mansard Style Roofs: No roof mounted satellite earth station may extend above the roof line more than (9) feet six (6) inches when mounted on a flat roof or mansard style roof. However, upon a showing that such a roof mounted antenna will not produce adequate reception under the restrictions of this subsection, the minimum height necessary for reasonably satisfactory reception may be allowed. Roof mounted antennas on a flat roof shall be located in the center of the roof structure to reduce visibility.
  - (2) All Other Style Roofs: No roof mounted satellite earth station may extend above the highest point of the roof more than three (3) feet when mounted on all other style roofs, and, must be located on the portion of the roof facing the rear yard or, if this would unreasonably limit signal reception, the side yard. However, upon a showing that such a roof mounted antenna will not receive adequate reception under the restrictions of this subsection, the minimum height necessary for reasonably satisfactory reception may be allowed.
  - (3) The diameter of satellite earth stations shall not exceed twelve (12) feet for C-band technology for receiving and shall not exceed eight (8) feet in diameter for Ku-band V Sat technology for transmitting, subject to subsection (d) below. All satellite earth stations larger than twenty-four (24) inches shall be of the mesh type only, with not more than eighty five (85) percent of, the surface being solid.
  - (4) All satellite earth stations shall be painted a solid, dark, non-metallic, non-glossy color if ground mounted. Roof-mounted satellite earth stations mounted on a flat roof or mansard style roof shall be painted a solid, non-metallic, non glossy light to medium gray. When mounted on any other style roof the satellite earth station shall be painted the color of the surface to which it is attached.
  - (5) The ability of the applicant to install a satellite earth station in an unobtrusive location and to minimize the visual impacts on neighboring properties shall be a major factor in determining whether or not a permit is issued.
  - (6) The number of allowable satellite earth stations are as follows:
    - (a) For all residential uses in residential zones: one (1) per building.
    - (b) For all other uses permitted in residential zones not specifically provided for otherwise (e.g. schools, churches, etc.): one (1) per building.
    - (c) For commercial and industrial zones: one (1) per business.
- h. The satellite earth station may only be used for occupants of the building located on the property.

- i. When the use of the satellite earth station is abandoned, it shall be removed.
  - j. Satellite earth stations may not be mounted on a portable or movable structure, such as a trailer.
  - k. No satellite earth station shall be erected on a public utility easement without the consent of the easement holder.
  - l. The proposed satellite earth station shall be the smallest commercially available equipment feasible based on the current technology so as to minimize the visual impact on surrounding areas.
  - m. No satellite earth station may be used as a sign. All wiring or connecting cables between any ground mounted satellite earth station and the principal building on the site shall be buried underground. All wiring or connecting cables between the roof-mounted satellite earth station and the principal building shall be hidden or appropriately screened.
3. All satellite earth stations, appurtenances, landscaping, and fencing shall be kept and maintained in good condition.

L. Outdoor storage

1. Outdoor storage of any kind is prohibited within any front yard.
2. The outdoor storage of any items, materials, and equipment, other than those customarily placed in yards incidental to authorized residential use and occupancy, is prohibited in all residential zones.
3. In all non-residential zones, the following standards apply:
  - a. Such uses shall not be located within two hundred (200') feet of the nearest residential use or zoning district.
  - b. No flammable or explosive liquids, solids or gases shall be stored above ground unless as otherwise required by applicable federal, state, or local regulations. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
  - c. All outdoor storage facilities shall be enclosed by a solid fence or wall adequate to conceal such facilities and the contents thereof from adjacent property and shall meet all required accessory building setbacks for the zone in which located. This provision shall not apply to outdoor storage of new cars or other vehicles on the premises of a dealer.
  - d. No materials or wastes shall be stored on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
  - e. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
4. Outdoor storage/long-term parking of commercial trucks, tractors, trailers, containers, or any similar structure or vehicle larger than a SU-30 Box Truck is prohibited in all districts. In commercial and industrial zones, the outdoor storage of SU-30 Box Trucks or smaller that are associated with the principal use on the site are permitted in the Industrial Zone. The outdoor storage of such vehicles that are associated with a business offsite is prohibited.

**§17-36 Standards Governing Certain Permitted Uses.**

A. Essential services. Essential services are permitted in every zone pursuant to the following standards.

1. Implementing members of essential services, including pipes and conduits but excluding buildings and structures, are not required to be located on a lot, nor shall this Article be interpreted to prohibit the use of a property in any zone.
2. Structures associated with the service shall comply with the area and bulk requirements of the zone in which it is located.
3. Such facility shall be so located as to draw a minimum of vehicular traffic to and through all residential streets.
4. The location, design, and operation of such facility shall not adversely affect the character of the surrounding area.
5. Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards of the Performance Standards section of this Chapter.
6. The Board may impose reasonable requirements on the use including, but not limited to, off-street parking, landscaping, screening and buffering, depending on the nature of the use and surrounding uses.
  - a. Adequate fences, barriers and other safety devices shall be provided when deemed necessary and shall be landscaped in accordance with the provisions of the Screening and Buffers section of this Chapter.

B. Community shelters/residences.

1. Community residences for the developmentally disabled, community residences for victims of head injuries, community residences for the terminally ill, and community shelters for victims of domestic violence, as defined in this Chapter, shall be permitted in accordance with the following requirements:
  - a. Such uses shall meet the bulk requirements of the zone where located for single family residences.
  - b. The facility contains fifteen or fewer occupants, excluding resident staff.
  - c. The facility is licensed by the State of New Jersey in accordance with the standards described at N.J.S.A. 40:55D-66.1 and 66.2

C. Solar Energy Systems

1. Intent and Purpose. The purpose of this section is to provide for the use of solar energy, including specifications related to the land development, installation and construction of solar energy systems in Harrison, subject to reasonable conditions to protect the public health, safety, and welfare. This section applies to solar energy systems to be installed and constructed on any property. The installment of solar energy systems shall require Board approval.
2. Definitions

GROUND-MOUNTED SOLAR ENERGY SYSTEM - A solar energy system that is directly installed on solar racking systems, which are attached to an anchor in the ground and wired to

connect to an adjacent home or building. Ground-mounted systems may be appropriate when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.

**KILOWATT (kW)** – Equal to 1000 Watts; a measure of the use of electrical power.

**KILOWATT-HOUR (kWh)** – A unit of energy equivalent to one kilowatt (1kW) of power expended for 1 hour of time.

**POLE-MOUNTED SOLAR ENERGY SYSTEM** – A solar panel or array that is mounted and elevated from the ground by a single pole.

**RACKING** - Solar energy systems are attached securely and anchored to structural sections of the roof-mounted or pole-mounted systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.

**ROOF-MOUNTED SOLAR ENERGY SYSTEM** – A solar energy system that is mounted directly to the roof of a building. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.

**SOLAR ARRAY** – Multiple solar panels combined together to create one system.

**SOLAR COLLECTOR** - A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.

**SOLAR ENERGY** – Radiant energy (direct, diffuse and/or reflective) received from the sun.

**SOLAR GLARE** - The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**SOLAR ENERGY SYSTEM, ACCESSORY** – An accessory use consisting of one (1) or more photovoltaic, concentrated solar thermal, or solar hot water devices either free-standing ground, building integrated or roof mounted, as well as related equipment which is intended for the purpose of reducing or meeting the energy needs of the property's principal use.

**SOLAR PHOTOVOLTAIC (Solar PV) SYSTEM** - Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consist of PV panels (or modules) that combine to form an array; other system components may include mountain racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or battery. For the purposes of this Ordinance, a solar PV system is defined as generating capacity of not more than 25 kilowatts for residential facilities and not more than two megawatts for non-residential facilities.

**SOLAR PANEL** - A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).

**SOLAR READY** - The concept of planning and building with the purpose of enabling future use of solar energy generation systems. Solar-ready buildings, lots, and developments make it easier and more cost-effective to utilize passive solar techniques and adopt active solar technologies in the future. Solar-Ready Buildings are built anticipating future installation of active solar energy systems (including structural reinforcement, pre-wiring or plumbing for solar, and east-west building orientation). Solar-Ready Lots are oriented to take maximal

advantage of a location's solar resource. Solar-Ready Developments expand this concept to entire subdivisions.

3. Applicability

- a. This section applies to all solar energy systems installed and constructed after the effective date of this section.
- b. Solar energy systems constructed prior to the effective date of this section shall not be required to meet the requirements of this section.
- c. All solar energy systems shall be designed, erected, and installed in accordance with applicable local, state, utility, and national codes, regulations, and standards.

4. Solar Energy System Requirements

- a. Roof-mounted solar energy systems are permitted in all zones as an accessory use.
- b. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located.
- c. The installation and construction of a roof-mounted solar energy system shall be subject to the following development and design standards:
  - (1) A roof mounted solar energy system may be mounted on a principal or accessory building.
  - (2) The maximum height of a solar panel may exceed the zone's height limitation by eighteen (18) inches measured from the roof surface to the top of the panel.
  - (3) Placement of solar collectors on flat roofs shall be allowed by right provided that panels do not extend horizontally past the roofline.
- d. Solar panel placement should be prioritized to minimize or negate any solar glare onto nearby properties or roadways.
- e. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.

5. Design and Installation. Solar energy systems shall comply with accessory structure restrictions contained in the zoning district where the system is located, unless otherwise set forth below:

- a. Systems shall conform to all current industry standards, including the National Electric Code as adopted by the NJ Department of Community Affairs.
- b. All exterior electrical, utility and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit. All electrical, utility and/or plumbing lines heading down the side of a structure from rooftop installations shall be installed and maintained as aesthetically as possible.
- c. The systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a lot line.
- d. The design of solar energy systems shall, to the extent possible without jeopardizing the effectiveness of the system, use screening and landscaping that will blend the system into the existing environment.

- e. The installation of a solar energy system shall conform to the extent applicable to the Uniform Construction Code, as amended, and is subject to all local utility company requirements for interconnection.

6. Permit Requirements

- a. Zoning/building permit applications shall document compliance with this section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the solar energy system is located.
- b. The zoning/building permit shall be revoked if the solar system is moved or otherwise altered in a manner which causes the system not to be in conformance with this Chapter.
- c. The system must be properly maintained and kept free from all hazards, including but not limited to faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety of the general welfare. In the event of a violation, the Zoning Officer shall give written notice specifying the violation to the owner of the system to conform or remove the system.

7. Safety and Inspections

- a. The design of the solar energy system shall conform to applicable local, state and national solar codes and standards. A building permit reviewed by department staff shall be obtained for a solar energy system. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected solar systems).
- b. The solar energy system shall comply with all applicable Town Ordinances and Codes so as to ensure the structural integrity of such solar energy system. Please note that the existing roof structure and the weight of the solar energy system shall be taken into consideration when applying for a permit.
- c. Prior to operation, electrical connections must be inspected by the Building Department.
- d. Any connection to the public utility grid must be approved by the appropriate public utility.
- e. If solar storage batteries are included as part of the solar collector system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with applicable laws and regulations relating to hazardous waste disposal.
- f. Unless otherwise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

8. Decommissioning

- a. All solar related equipment shall be removed, replaced, or repaired within twelve (12) months of the date when the use has been discontinued or abandoned by the system's owner and/or operator, or upon the termination of the useful life of the same.

- b. A solar system shall be presumed to be discontinued or abandoned if no electricity is generated such solar collector for a period of twelve (12) continuous months.
- c. If a system is determined to be discontinued or abandoned, the Zoning Officer may issue a notice to the owner requiring the removal of the discontinued or abandoned system. The owner shall have the right to respond within 30 days from the receipt date of the notice. If the system is determined to be abandoned, the owner of the abandoned system shall remove and/or replace the system at the owner's sole expense within three (3) months of receipt of notice.

D. Wireless Telecommunication Facilities

- 1. Purpose: The purpose of this section is to provide specific zoning conditions and standards for the location and operation of wireless telecommunication towers and antennas within the Town of Harrison. These ordinance provisions acknowledge that there may be inherent benefits that can be derived from the construction and operation of such antennas and acknowledge that certain state and/or federal laws and/or regulations specifically address such antennas and the towers on which they are located. These ordinance provisions further acknowledge the need to safeguard the public good and preserve the intent and purposes of the Town of Harrison Zone Plan.
- 2. Objective: The objective of this section is to enable the location of necessary wireless telecommunication facilities within the Town of Harrison in order to provide the fullest extent of communication services while simultaneously limiting the number of towers to the fewest possible. In acknowledgment that more than one service carrier may have the right to provide communication services utilizing cellular antennas within the Town of Harrison, these ordinance provisions encourage several service carriers to locate their various cellular antennas on the same tower in order to limit the total number of such towers within the Town of Harrison to the fewest possible.
- 3. Definitions

ANTENNA - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

CELLULAR ANTENNA - Antennas which are used for the transmission and reception of wave frequencies for the purposes of telephone, radio, paging and/or television communication and which are permitted as "conditional uses" in accordance with the specific zoning conditions and standards for their location and operation within this section. For the purposes of this section "cellular antennas," as referred to in the 1996 Federal Telecommunications Act, shall not be considered to be a public utility.

CO-LOCATION - The mounting of personal wireless service facilities used by two or more competing providers on the same antenna support structure, monopole or antenna tower.

FCC - The Federal Communications Commission.

PUBLIC VIEW - Visible from a public thoroughfare, public lands or buildings or navigable waterways.

TELECOMMUNICATIONS ACT - The Federal Telecommunications Act of 1996 and amendments or modifications which may be made thereto.

TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

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

WIRELESS TELECOMMUNICATIONS STRUCTURES, ANTENNAS, EQUIPMENT AND/OR TOWERS - Buildings and/or structures and equipment for the delivery of wireless telecommunications, except for satellite dish antennas. Wireless telecommunications tower means a vertical structure used for wireless telecommunications antennas.

4. Comprehensive Plan

- a. In order to provide proper evidence that any proposed location of cellular antennas, towers, and/or equipment compounds has been planned to result in the fewest number of towers within the Town of Harrison, the applicant shall submit a "Comprehensive Plan."
- b. Said Comprehensive Plan shall indicate how the applicant proposes to provide service throughout the Town of Harrison from its proposed location.
- c. To the greatest extent possible, said Comprehensive Plan shall also indicate how the applicant's plan is coordinated with the needs of all other providers of cellular communication services within the Town of Harrison.
- d. The Comprehensive Plan shall include the following:
  - (1) Documentary evidence regarding the need for new wireless telecommunications antennas within the Town with due consideration given to the Town population. This information shall identify the wireless network layout and coverage area to demonstrate the need for new equipment at a specific location within the Town as well as future plans for applicant's expansion to the extent reasonably foreseeable.
  - (2) The mapped location and written description of all existing antennas and existing and approved supporting structures within one mile of the subject site.
  - (3) The mapped location and written description of all existing or approved water towers and existing telephone or electric towers within one mile of the subject site.
  - (4) How the proposed location of the proposed antenna(s) specifically relates to the suitability or unsuitability of such existing structures to be utilized to provide the intended wireless communication.
  - (5) How the proposed location of the proposed antenna(s) specifically relates to the anticipated need for additional antennas and supporting structures within and near the Town by the application and by other providers of wireless communications services within the Town.
  - (6) How the proposed location of the proposed antenna(s) specifically relates to the overall objective of providing full wireless communication services within the Town while, at the same time, limiting the number of supporting towers to the fewest



possible through the use of co-location, through the use of alternate technologies which do not require the use of towers, or through the use of existing structures.

e. Site Plan Submission

- (1) The Comprehensive Plan does not supplant or supersede any requirements for a site plan under the Land Development Ordinance. An application for a cellular antenna on an existing structure or tower shall meet all applicable requirements for a minor site plan. An application for a new telecommunications tower shall meet all applicable requirements for a major site plan.
- (2) The applicant must provide photographic simulations of the site showing all public rights-of-way of the site as it would appear with the proposed antenna, tower, and equipment shelter.

f. Maximum Height

- (1) Antennas mounted to buildings or other structures and equipment cabinets placed on rooftops are exempt from zone height limits but shall not exceed 10 feet in height above the structure's roof.
- (2) Maximum height for monopole towers can be found under the conditional use standards.

g. Design Criteria

- (1) For location on an existing building or structure
  - (a) To the greatest extent possible, any antenna(s) located on an existing building shall be surface mounted on the building facade at the roofline or along the exterior parapet wall so as to reasonably blend in with the architectural features of the building.
  - (b) Antenna(s) and supporting electrical and mechanical equipment shall be constructed to be consistent with surrounding street and building design and shall be of a color that matches, as closely as possible, the background color of the facade on which it is mounted or so as to make the antenna(s) and related equipment as visually unobtrusive as possible.
  - (c) All ancillary electronic and mechanical equipment shall be housed either within an enclosed area inside the existing building or on the rooftop of the building, provided:
    - [1] The height of the rooftop equipment facilities shall not exceed the height of the tallest accessory rooftop structure such as a stair or elevator housing nor more than 250 square feet in area and shall be fully enclosed in a cabinet which shall be constructed of a material and color which will match those of the existing rooftop accessory structures as closely as possible; and
    - [2] Documentation by a qualified expert that any existing structure will have sufficient structural integrity to support the proposed antennas and ancillary equipment shall be provided to the approving authority.
  - (d) Any additional public utility lines and/or cables deemed necessary for the operating of the proposed antenna facility shall be located underground. The

## §17-37 Determination of a Dwelling Unit in Two-Family Construction

applicant shall provide documentation to the approving authority as to the necessity of the additional lines, including a detailed schematic of specific location(s) and area(s) to be disturbed in order to accomplish the installation of the lines and/or cables. Applicant shall be responsible for compliance with any and all applicable Federal, State, or local regulations, including the specific provisions of the Town's road opening permit requirements.

(e) No signage shall be permitted that is visible from adjacent properties or from the public right-of-way, with the exception of that which is required by any local, State, or Federal law.

(2) For a new tower:

(a) New towers are conditional uses in the CC and I Zoning Districts. See the conditional use standards for design criteria.

h. Restoration

(1) The applicant and/or operator shall provide the Town with a copy of any notice or letter of intent to cease operations in the event that such a notice or letter is sent by the applicant and/or owner to the FCC. An unused tower for cellular antennas may stand for only one hundred eighty (180) days. The property owner shall be responsible for prompt demolition and removal of an unused tower.

## §17-37 Determination of a Dwelling Unit in Two-Family Construction

- A. Purpose. The purpose of the following section is to provide guidance as to the design and use of a two-family residential structure.
- B. In two-family construction when a single unit occupies both the first floor and second floor, and a second unit occupies the third floor, first floor habitable space is permitted subject to the following:
  - 1. The first floor habitable space must be internally connected to the floor above it and must be open without any barriers, such as doors or partitions between the floors.
  - 2. Full bathrooms are prohibited on the first floor. One half-bathroom on the first floor is permitted with one sink and one toilet only. There shall be no bathtub or shower or similar fixture on the first floor.
  - 3. Bedroom(s) and/or sleeping quarter(s) are not permitted on the first floor.
  - 4. Direct outside exterior means of ingress and egress from and to ground floor habitable space can only be provided by sliding or French doors in the rear of the dwelling.
  - 5. Such habitable spaces are three hundred (300) square feet or less.

## §17-38 1-F: Single-Family Zone

- A. Purpose: The 1-F Single-Family Zone (previously identified as the SF-1 Zone) is a single-family residential district that is intended to maintain the established single-family residential character of certain sections of the Town of Harrison.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  - 1. Rear garages and rear alley access points are encouraged over front facing garages.

§17-39 2-F: Two-Family Zone

**§17-39 2-F: Two-Family Zone**

- A. Purpose: The intent 2-F Two-Family Zone (previously identified as the 2F-1 Zone) is to permit residential development in a manner consistent with the existing residential character of the Town of Harrison.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  - 1. Rear garages and rear alley access points are encouraged over front facing garages.

**§17-40 3-F: Three-Family Residential Zone**

- A. Purpose: The intent of the 3-F Three-Family Zone is to provide standards for the development of dwellings that contain one to three units in a building, in order to allow for more dense residential development in appropriate locations.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  - 1. Rear garages and rear alley access points are encouraged over front facing garages.

**§17-41 TH-1: Townhouse 1 Zone**

- A. Purpose: The TH-1 Townhouse 1 Zone (previously identified as the SF-2 Zone) is a residential district that is intended to maintain the existing residential pattern of development.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  - 1. Rear garages and rear alley access points are encouraged over front facing garages.

**§17-42 TH-2: Townhouse 2 Zone**

- A. Purpose: The TH-2 Townhouse 2 Zone (previously identified as the SF-3 Zone) is a residential district that is intended to maintain the existing residential pattern of development.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  - 1. Rear garages and rear alley access points are encouraged over front facing garages.

**§17-43 TH-3: Townhouse Zone**

- A. Purpose: The TH-3 Townhouse 3 Zone (previously identified as the 2F-2 Zone) is a residential district that is intended to maintain the existing residential pattern of development
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  - 1. Rear garages and rear alley access points are encouraged over front facing garages.

**§17-44 MF: Multi-Family Zone**

- A. Purpose: The intent of the MF Multi-Family Zone (previously identified as the A Apartment Zone) is to provide standards for the development of dwellings that contain one to three units in a building, or multi-family apartment complexes of four or more units in order to allow for more dense and diverse residential development in appropriate locations within the Town of Harrison
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  - 1. Rear garages and rear alley access points are encouraged over front facing garages.

**§17-45 ASH: Affordable Senior Housing Zone**

- A. Purpose: Purpose. The principal purpose of the ASH Affordable Senior Housing Zone (previously identified as the SH Senior Housing Zone) is to provide areas within the Town for age-restricted affordable development in the form of multi-family, townhouse, and/or mixed-use development. The development shall include age-restricted affordable housing that will be incorporated into the multi-family, townhouse, and/or mixed-use development. It is intended that a minimum of 98 age-restricted affordable units will be generated from this zone. The units may be delivered as part of an inclusionary development and/or as a 100% affordable development. The ASH Zone is a component of the Town's Final Judgement of Compliance and Repose and is an approved mechanism for helping meet its Third Round Mt. Laurel Obligation. s
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  - 1. Mixed-use development is permitted with two or more permitted uses, one of which shall be residential.
  - 2. Required Affordable Set-Aside: A minimum affordable housing set-aside of 15% shall be required for all rental inclusionary development and 20% for sale inclusionary development.
  - 3. Very low, low and moderate-income housing shall be constructed in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing, provided a minimum of 13% of the affordable units are very low income units at 30% of the median income and 37% of the affordable units are low income units with the (up to) 50% balance of units allowed at moderate income; bedroom distribution; range of affordability; pricing of units; affirmative marketing; 30-year minimum affordability controls and construction phasing with the market rate units developed on the tract.
  - 4. In addition to the above, all affordable housing units shall meet the provisions set forth in the Town's affordable housing ordinance.
  - 5. All housing produced in this zone shall be age-restricted housing.
  - 6. Inclusionary development or 100% affordable development is permitted.
  - 7. Off-site parking is permitted for non-residential uses only if the developer can provide a long-term parking arrangement to the satisfaction of the reviewing Board. §17-52E. and §17-52F. do not apply to the ASH Zone.

§17-46 P/QP: Public/Quasi Public Zone

8. Parking shall be in conformance with this Chapter with the following exceptions:
  - a. Age-restricted residential development: 1 space per unit
  - b. Office/Retail/Financial Institutions: 1 space per 1,000 square feet of gross floor area.

**§17-46 P/QP: Public/Quasi Public Zone**

- A. Purpose: The purpose of the Public / Quasi Public Zone is to establish a zoning district that comprises publicly owned parcels and permits public parks and recreation facilities, schools, municipal services, utilities, and other similar activities.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.

**§17-47 NC-1: Neighborhood Commercial 1 Zone**

- A. Purpose: The Neighborhood Commercial 1 Zone is a commercial district intended to provide for small scale commercial businesses, offices, and related uses. Mixed-use buildings that include non-residential and residential uses are permitted, provided that a non-residential use is located on the ground floor.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.

**§17-48 NC-2: Neighborhood Commercial 2 Zone**

- A. Purpose: The Neighborhood Commercial 2 Zone is a commercial district intended to provide for small scale commercial businesses, offices, and related uses as well as residential. Mixed-use buildings that include non-residential and residential uses are permitted. Residential uses are permitted on the ground floor.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  1. Multifamily dwellings are permitted as either a standalone use or as part of a mixed-use building/development.

**§17-49 CC: Community Commercial Zone**

- A. Purpose: The Community Commercial Zone is a more intense commercial zone than the NC Zone. Larger scale commercial uses such as hotels are permitted. Mixed-use buildings that include non-residential and residential uses are permitted provided that a non-residential use is located on the ground floor.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.

**§17-50 I: Industrial Zone**

- A. Purpose: The Industrial Zone is intended to provide for adequate development of uses that may not be compatible with the residential communities of the Town of Harrison, such as manufacturing or auto repair.
- B. Permitted uses can be found in Schedule I and bulk standards can be found in Schedule II.

**§17-51 TV and Film Studio Overlay “TV & F-O”**

- A. Purpose: The purpose of the TV and Film Studio Overlay is to permit an optional development to the primarily industrial zoning adjacent to Supor Boulevard. The alternative development would

## §17-52 Off-Street Parking Requirements

allow a major TV and film production studio complex with complementary uses. Potential developers may choose to either develop the parcels pursuant to the existing underlying zoning OR choose to utilize the Overlay option. Merging of the two options is not permitted. Once a choice is made between the Overlay or underlying zoning, deviations are not permitted.

The Overlay is approximately 38 acres in size and is anticipated to contain over 300,000 square feet of studio space. A school is proposed to be an integral part of the complex, which will provide training and skills necessary to work within the studio industry. This Overlay is intended to capitalize on its location in the northeast section of the State near the Harrison PATH station, which will provide the interconnection with the NYC Metropolitan market. This Overlay promotes the State's policy to encourage studio production and to capitalize on the State of New Jersey tax credit program: the Garden Film and Digital Media Jobs Act.

- B. Permitted uses can be found Schedule I and bulk standards can be found in Schedule II.
- C. Supplemental Standards
  - 1. Structured parking may be permitted subject to the ground level parking being visually screened by non-residential uses.
  - 2. Off-site parking is permitted for non-residential uses only if the developer can provide a long-term parking arrangement to the satisfaction of the Planning Board. As part of the agreement, a shuttle service shall be provided from the Studio area to the Harrison PATH Station.
  - 3. §17-52E and §17-52F do not apply to the TV & F-O.

## §17-52 Off-Street Parking Requirements

- A. Applicability. The parking requirements of this section are applicable to all lands of the Town of Harrison, except where superseded by a duly adopted Redevelopment Plan.
- B. Unscheduled uses. Off-street parking requirements for uses not listed in Schedule I shall be established by the Board, based upon accepted industry standards.
- C. Combined uses. In the case of a combination of uses, the off-street parking requirement shall consist of the sum of the spaces required for each individual use unless it can be demonstrated that staggered hours would permit modification.
- D. Fractional spaces. Whenever the application of Schedule III results in the requirement of a major fraction of a space representing fifty (50%) percent or more, a full space shall be required. As an example, a requirement of 5.5 parking spaces triggers a 6-space requirement.
- E. Credit for spaces in public facilities. Spaces in public parking facilities, where available, may be credited toward the off-street parking requirements of a new or expanded use under the following conditions:
  - 1. Such space or spaces are within one thousand (1,000') feet of the use.
  - 2. Evidence is furnished to the Board that adequate public parking is available.
- F. Non-residential uses other than (a) convenience stores, (b) specialized or vocational schools, and (c) take-out restaurants shall be exempt from the obligation to provide the first six on-site parking spaces required under Schedule III. below provided that the following conditions are met:
  - 1. Such uses must be located within a building that was lawfully existing on December 31, 2006, or within a future replacement building having the same or lower floor area.

2. There shall have been no enlargement, addition or expansion of such building since December 31, 2006.
  3. There shall have been no reduction or elimination of on-site parking serving such building since December 31, 2006.
  4. Such building shall be located on a lot in the NC-1 or NC-2 zone having street frontage of twenty-five (25') feet or less.
  5. Such lot shall not be in common ownership with any adjoining lot to either side.
- G. All residential and non-residential uses, including in mixed-use buildings or structures, shall be provided with off-street parking spaces as specified in Schedule III.
- H. Parking Requirements for Residential Land Uses
1. Minimum required off-street parking schedule for residential uses shall be governed by Schedule III. Alternative parking standards to those shown in the Table above shall be accepted if the applicant demonstrates these standards better reflect local conditions. Factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location and available off-site parking resources.
  2. Two-family dwellings: For two-family dwellings constructed after the adoption of this ordinance, a minimum of two (2) off-street parking spaces must be provided within a garage.
  3. A one-car garage and driveway combination shall count as two (2) off-street parking spaces, provided the driveway measures a minimum of eighteen (18) feet in length between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as three and one-half (3.5) off-street parking spaces, provided a minimum parking area width of twenty (20') feet is provided for a minimum length of eighteen (18') feet as specified for a one-car garage and driveway combination.
  4. When housing is included in mixed-use development, a shared parking approach to the provision of parking shall be permitted. Shared parking plans shall be approved by the reviewing Board and if approved, a shared parking agreement shall be dedicated and recorded with the County Clerk's Office as an easement on the land on which the parking facilities are to be located to run with the length of the shared uses.
  5. When, in the judgment of the Board, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided in off-street parking facilities. A length of twenty-three (23) feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.
  6. For projects containing dwelling units required by the New Jersey Uniform Construction Code's Barrier Free Subcode (N.J.A.C. 5:23-7), to be accessible, parking spaces for people with disabilities shall be provided in accordance with the requirements of the Barrier Free Subcode and shall be considered part of the total number of required spaces.
  7. Location of parking spaces. All permitted and required off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except as provided in §17-52E. and §17-52F.
  8. Garages in residential zones. Garages for not more than four (4) motor vehicles may be provided on a single lot in any residential zone for any one-, two- or three-family residence as an accessory use.

9. Commercial vehicles in residential zones and parking of recreational equipment. As governed by Article V.

I. Bicycle Parking

1. For all development, bicycle parking areas shall be required at a minimum ratio of one (1) space for each twenty (20) vehicle parking spaces, or fraction thereof. Bicycle parking shall be viewed as a shared arrangement for use by all tenants and/or patrons of a development. Bicycle parking shall be located outside of travel ways for pedestrians and motorized vehicles.

J. Electric Vehicle Supply / Service Equipment

1. Purpose. The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:
  - a. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
  - b. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
  - c. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
  - d. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.
2. Permits and Approvals
  - a. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
  - b. EVSE and Make-Ready Parking Spaces installed pursuant to subparagraph 3. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in (a) above.
  - c. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
  - d. The municipal engineer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Town of Kearny's land use regulations.
  - e. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and



shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

- (1) The proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
- (2) All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
- (3) The proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

f. An application pursuant to Section (e). above shall be deemed complete if:

- (1) The application, including the permit fee and all necessary documentation, is determined to be complete,
- (2) A notice of incompleteness is not provided within 20 days after the filing of the application, or
- (3) A one-time written correction notice is not issued by the zoning officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.

g. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.

h. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

### 3. Requirements for New Installations of EVSE and Make-Ready Parking Spaces

a. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:

- (1) Prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces.
- (2) Within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces.
- (3) Within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.

- (4) Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
    - (5) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
  - b. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in (a) above shall:
    - (1) Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
    - (2) Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
    - (3) Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
    - (4) Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities if there will be 101 to 150 off-street parking spaces.
    - (5) Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
    - (6) In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
    - (7) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
    - (8) Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.
4. Minimum Parking Requirements
  - a. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to the requirements of this Chapter.
  - b. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
  - c. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.

- d. Additional installation of EVSE and Make-Ready parking spaces above what is required in subparagraph 3. above may be encouraged but shall not be required in development projects.
5. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces
- a. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
  - b. Installation:
    - (1) Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
    - (2) Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
    - (3) To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
    - (4) Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
  - c. EVSE Parking
    - (1) Publicly accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. The use of time limits is optional and shall be determined by the owner.
    - (2) Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
    - (3) Public Parking. Pursuant to NJSA 40:48-2, publicly accessible EVSE parking spaces shall be monitored by the Town's Police Department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space, or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of the Town's Code. Signage indicating the penalties for violations shall comply with subparagraph (e) below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
    - (4) Private Parking. The use of EVSE shall be monitored by the property owner or designee.

d. Safety

- (1) Each publicly accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to subparagraph (e) below.
- (2) Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with New Providence's ordinances and regulations.
- (3) Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- (4) EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted and shall contain a cord management system as described in 5. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- (5) Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- (6) Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- (7) Publicly accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, New Providence shall require the owners/designee of publicly accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

e. Signs

- (1) Publicly accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

## §17-53 Conditional Uses

- (2) All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- (3) Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with subparagraph (2) above.
- (4) In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly accessible EVSE parking spaces:
  - (a) Hours of operation and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee.
  - (b) Usage fees and parking fees, if applicable.
  - (c) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

### f. Usage Fees

- (1) For publicly accessible municipal EVSE: The fee to use public parking spaces within the municipality identified as EVSE spaces shall be the same as any metered space for non EVSE.
- (2) This fee may be amended by a resolution adopted by the Mayor and Council.
- (3) Private EVSE: Nothing in this Chapter shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

## §17-53 Conditional Uses

- A. The following is a list of permitted conditional uses which are identified within this Chapter. Standards and specifications for each permitted conditional use are set forth herein to enable the applicant to know their extent and limit.

### 1. Automatic Car Wash.

#### a. Minimum area requirements.

- (1) Minimum lot area: Fifteen thousand (15,000) square feet.
- (2) Minimum lot width: Seventy-five (75) feet.
- (3) Minimum lot depth: Two hundred (200) feet.

#### b. Minimum yard requirements.

- (1) Front yard: Same as required for the zone.
- (2) Side yard: One side yard shall be twenty (20) feet and both shall total forty (40) feet.
- (3) Rear yard: Twenty-five (25) feet.

- (4) Off-street parking. In compliance with this Article.
  - c. Screening and landscaping shall be provided where necessary to minimize the impact on adjacent properties.
  - d. Stacking / Queuing area
    - (1) Applicant shall provide details for the number of cars that occupy the conveyor or wash bay at a given time. Stacking or queuing space for a minimum of five (5) cars per lane above the capacity of the wash system shall be provided on-site.
    - (2) If the wash system includes hand drying, stacking or queuing space for a minimum of three (3) cars per lane shall be provided on-site. No stacking or drying of cars shall be permitted in the public right-of-way.
  - e. Car Washes shall be equipped with water filtration and recycling systems. The water used in the carwash shall be captured, filtered, and recycled. Under no circumstance shall soaps or other cleaning agents be discharged to the public stormwater system.
2. Automobile fuel stations.
- a. Minimum lot size. The minimum lot size shall be ten thousand (10,000) square feet.
  - b. Minimum lot width. The minimum lot width shall be seventy-five (75) feet.
  - c. Outdoor storage areas and landscaping requirements. All outdoor storage facilities shall be enclosed by a fence or a wall or other suitable visible screen adequate to conceal such facilities and the contents thereof from adjacent property.
  - d. Location of oil drainage pits and hydraulic lifts. No outdoor hydraulic or mechanical lifts or oil drainage or mechanical pits shall be permitted.
  - e. Location of gasoline pumps. No gasoline pumps shall be nearer than fifteen (15) feet to any street right-of-way line and no closer than thirty (30) feet to any other lot line.
  - f. The sale of cars and the storage of any unlicensed vehicles shall be prohibited.
3. Billboards
- a. Billboards shall demonstrate compliance with the New Jersey Department of Transportation Outdoor Advertising regulations at N.J.A.C. 16:41C.
  - b. No billboard shall be closer than 1,000 feet to another billboard, as measured in a straight line from any portion of the billboard structure.
  - c. No freestanding billboard shall exceed a height of 40 feet as measured from grade at its highest point.
  - d. No roof mounted billboard shall exceed a height of 20 feet above the height of the building's roof.
  - e. The maximum permitted advertising area for any one side of a billboard shall not exceed 650 square feet.
4. Cannabis Cultivator, Manufacturer, Distributor, Wholesaler, Retailer, and Delivery Service

- a. Such facility shall meet all of the requirements for licensure, and hold the appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
  - b. Minimum bulk standards shall be subject to the Industrial Zone Standards found in Schedule II of this Chapter.
  - c. Off-street parking and loading standards shall be subject to the provisions of this Chapter. Cannabis businesses shall not be permitted to request an exemption from off-street parking requirements pursuant to §17-52E. and §17-52F.
  - d. Signage shall be subject to the provisions this Chapter.
  - e. No facility may permit on-site consumption of cannabis or cannabis products.
  - f. No outside storage of any cannabis products or related materials shall be permitted.
  - g. A security plan shall be submitted to the Harrison Police department, which shall demonstrate how the facility will maintain effective security and control of operations. The security plan shall identify the type and manner of 24-hour security, tracking and record keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on the premises. The security footage shall be stored for a minimum of 30 days.
  - h. An odor mitigation/management plan shall be submitted as a component of all applications that details the proposed ventilation and filtration/treatment systems. Such treatment systems shall have sufficient odor absorbing filtration systems utilizing carbon filters or similar, and ventilation and exhaust systems to eliminate cannabis odors coming from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the subject property line. The ventilation system and its maintenance, including the schedule indicating how frequently filters will be replaced, must be approved by the Town of Harrison Health Department. All cannabis establishments shall be enclosed in heated/air-conditioned buildings.
  - i. A Vicinity Map shall be submitted as a component of all applications, showing at least five hundred (500) feet of surrounding area and the distances to any schools or community centers/facilities. Distance shall be measured from the nearest point of the property line of the site that contains the cannabis business to the nearest point of the property line of the enumerated use using a direct straight-line measurement.
  - j. Hours of Operation for Cannabis Retailer:
    - (1) The hours of operation for retail establishments shall be limited to 10:00 AM to 10:00 PM.
5. Home Occupations (Major).
- a. The practitioner must be the owner or lessee of the residence in which the home occupation is contained.
  - b. The practitioner must reside in the home as their principal residence.
  - c. The practitioner shall not utilize the services of more than two on-site employees at any time.

- d. The home occupation shall occupy less than fifty (50) percent of the total area of the floor where located, excluding space used for a private garage or nine hundred (900) square feet, whichever is smaller.
  - e. No clients shall remain on the premises overnight.
  - f. The residential character of the neighborhood and the premises shall not be subordinated to the home occupation use.
  - g. On-site parking spaces shall be provided in accordance with this Article so that no parking related to the home occupation shall occur on the street.
  - h. No retail sales, manufacturing or industrial operations shall be conducted on the site.
  - i. No more than one (1) business visitor shall be permitted at any one time. There shall be no external evidence of the home occupation, except any parking spaces that may be required pursuant to this Article.
  - j. One (1) non-illuminated identification sign is permitted, which shall not exceed three (3) square-feet in size.
  - k. No equipment or process shall be used in such home occupation which creates noise, glare, fumes, odors, electrical interference, medical waste or other nuisance factors detectable to the human senses, outside the lot on which the home occupation is conducted.
6. Places of worship
- a. Maximum height: Forty (40) feet (not including appurtenances such as steeples, minarets, etc.)
  - b. Places of worship shall be within a standalone building and are not permitted on ground floors of mixed-use buildings.
  - c. Ancillary uses such as schools, rectories, convents and other accessory uses for religious and/or sectarian activities shall not be permitted as a freestanding use. Said ancillary uses shall only be permitted when proximate to and accessory to the place of worship.
7. Schools, Primary and Secondary
- a. Maximum height: Forty (40) feet (not including appurtenances)
  - b. Buses, vans, and other delivery vehicles shall be garaged or safely parked in a designated surface parking lot during nighttime hours.
  - c. All schools shall provide a safe pickup and delivery area separate from the off-street parking area and access driveway so students leaving vehicles have access to a sidewalk leading into the school without the child having to cross a street, parking lot, loading area, driveway or aisle. The safe pick-up/drop-off shall not be located between the front yard and the public street.
  - d. No driveway shall open into a street or road within 50 feet of an intersection of such street or road with another street or road.
8. Staffing and Employment Agencies
- a. Required parking shall be provide on-site pursuant to the off-street parking standards of this Chapter. Sections 17-52E and F of the off-street parking standards do not apply.



9. Wireless Telecommunication Equipment – New Tower

- a. No lighting is permitted on a tower except lighting that is specifically required by the FAA and any such required lighting shall be focused and shielded, to the greatest extent possible, so as not to project toward adjacent nearby properties. All applicable FAA standards regarding lighting that may apply to the proposed towers shall be provided to the approving authority
- b. Each provider or wireless telecommunications services located on the site may have a maximum of one cabinet enclosing required electronic equipment, which cabinet shall not exceed 15 feet in height nor more than 250 square feet in area.
- c. No signage shall be permitted except "warning" and/or equipment information signs as deemed necessary or as required by State and/or Federal regulatory agencies for safety purposes and are specifically approved by the approving authority.
- d. The maximum height of any proposed new tower shall be demonstrated by the applicant to be the minimum height necessary for the proposed installation to satisfactorily operate, but in no event shall be in excess of 135 feet, exclusive of lightning rods.

**§17-54 Nonconforming Uses, Structures and Lots**

- A. Continuance of existing nonconforming uses and structures. Any nonconforming use or structure which lawfully existed at the time of the passage of this Article may be continued, and any existing legally nonconforming building or structure may be reconstructed or structurally altered, but only in accordance with the requirements of this Article.
- B. Abandonment. A non-conforming use of a building or land, which has been abandoned, shall not thereafter be revived. A rebuttable presumption of intention to abandon a non-conforming use shall arise whenever any of the following circumstances are found to exist:
  1. The owner has made representations in any public forum that the (non-conforming) use of the property has been abandoned; or
  2. The intent to abandon is manifested by the conduct and/or statements of the owner AND is evidenced by an external act or omissions to act, which is consistent with such intent and contrary to any interest in preserving or continuing the non-conformance; or
  3. The property is vacant and is not the subject of any current development approvals; or
  4. The characteristic equipment and furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the non-conforming use; or
  5. Such non-conforming use has been replaced by a conforming use.
- C. Alteration, extension or enlargement of nonconforming use or structure.
  1. A nonconforming use of any building, structure or land shall not be increased, enlarged, extended or changed in any manner whatsoever.
  2. No building in which a nonconforming use exists shall be enlarged, extended or structurally altered in any manner; provided, however, that:

- a. Nothing herein shall prevent the repair and maintenance of any building wherein there exists a nonconforming use, provided that such maintenance and repair does not in any way constitute or result in a further extension of a nonconforming use.
  - b. Minor alterations and improvements which do not constitute or require structural changes may be made in or to a building wherein a nonconforming use exists, provided that such nonconforming use will not be increased, extended or enlarged thereby.
  - c. Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is nonconforming.
3. Structural alterations, internal rearrangements and renovations may be made in a building or structure which is nonconforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this Chapter, other than use, so long as the structural alteration or increase, internal rearrangement or renovation does not extend or enlarge the non-conformance of said building or structure.
4. A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use.
- D. Restoration of existing buildings or structures nonconforming because of use. Whenever a building or structure is nonconforming by reason of its use, such building or structure may be restored or repaired if less than eighty (80) percent of the existing floor area is destroyed.
- E. Restoration of existing buildings or structures which are nonconforming for reasons other than use. Whenever a building is nonconforming because it fails to comply with any height, area, yard, off-street parking or requirements of this Chapter, other than use, and such building is partially destroyed, such building may be restored to its prior condition; provided, however, that such restoration shall not enlarge the previously existing non-conformance.
- F. Nonconforming improved lot. When an improved lot in a residential zone exists as a separate isolated lot under separate ownership and does not adjoin any vacant land or vacant lot of the same owner, and such improved lot is nonconforming due to size, shape, area or setback; any existing residential building or structure on the lot may be further improved, provided that:
  1. The number of dwelling units shall not be increased even if such increased number of dwelling units are allowed in the zone, unless approved by the Zoning Board of Adjustment.
  2. Any existing nonconforming setbacks from streets, side lot lines or rear lot lines shall not be made more nonconforming, but any improvement may maintain the same nonconforming setbacks; provided, however, that a minimum side yard of three (3) feet shall be maintained.
  3. The Construction Official of the Town of Harrison is hereby authorized and empowered to issue any necessary construction permits in accordance with the provisions of this subsection.

## **ARTICLE V DEVELOPMENT REQUIREMENTS AND DESIGN STANDARDS**

### **§17-55 General**

- A. Applicability. The standards within this Article shall apply to all applications for development, and the reviewing Board shall have the authority to grant exceptions from these requirements in accordance with N.J.A.C. 40:55D-51.b. unless otherwise noted.
- B. General Design Standards.
  - 1. Where applicable, the Residential Site Improvement Standards, as amended from time to time, shall apply.
  - 2. The design and layout of buildings and parking areas shall provide an aesthetically pleasing design and efficient arrangement compatible with the character of surrounding development. Particular attention shall be given to safety and fire protection and the impact on surrounding development and adjacent buildings and lands.
  - 3. Groups of related buildings shall be designed to present a harmonious appearance in terms of building silhouette, architectural style, and scale; massing of building form; surface material, finish and texture; decorative features; window and doorway proportions, entry way placement and location, signage and landscaping.
  - 4. Buildings shall be designed so as to have attractive, finished appearances from all public spaces.
  - 5. All additions, alterations, and accessory buildings should be compatible with the principal structure in design and materials.
  - 6. Appurtenances.
    - a. In residential districts, window security grates shall be as inconspicuous and as complementary to the facade as possible and are permitted only on first floor windows. In commercial districts, exterior store window security gates shall not be permitted. Interior gates may be permitted if they are behind the doorways or display cases and are separated from storefront display windows by commercial displays or other screening. Aluminum or steel roll-down door and window protectors shall not be permitted in any district.
    - b. Fire escapes shall be constructed only against the side or rear wall of a building and shall be located and/or screened so as not to detract from the appearance of such buildings.
    - c. Rooftop mechanical equipment shall be screened pursuant to the screening standards found herein.

### **§17-56 Public or Common Private Open Space Design Standards**

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

**§17-57 Screening**

- A. In the NC-1 and NC-2 Zones, when the rear yard of a non-residential use abuts a residential use or zone, a minimum five (5') foot high opaque fence shall be erected along the rear property line. In this context, such non-residential use includes mixed-use buildings that contain both residential and non-residential uses. This standard shall not apply when a new residential use is proposed along a lot adjoining an existing non-residential use or district.
- B. Exterior refuse disposal dumpsters and trash and recycling containers for multifamily and non-residential development shall be screened from view from any public way.
  - 1. Screening shall be by way of opaque fencing or walls no less than five (5') feet in height but not greater than seven (7') feet.
- C. Loading berths shall be screened by opaque fencing or continuous evergreen or dense deciduous shrub hedge, or a combination of fencing and landscaping.
- D. Screening of Exterior Mechanical Equipment
  - 1. Ground-mounted mechanical equipment shall be screened from public view from all sides. Such screening shall consist of solid fencing and/or landscaping in a design to be approved by the reviewing Board or Municipal Authority.
  - 2. Roof mounted equipment shall be located so as to not be visible from the public right-of-way and shall be hidden with parapets or screens. Screening shall be designed to be consistent with the architectural style of the building. Finish materials and colors shall be consistent with the rest of the building.
  - 3. Electrical and mechanical equipment shall be located within the interior of a building wherever possible. When an interior location is not practical, such equipment shall be placed in a location where it can be substantially screened from public view.
  - 4. Process equipment such as stacks, hoppers, bins, storage vessels, blowers, compressors, piping, ducting, conveyors and the like shall be located and screened so as to minimize the visual impact on adjacent properties.
  - 5. Roof-mounted solar equipment is exempt from the screening requirements found herein and shall abide by all standards of Chapter.

**§17-58 Landscaping Design Standards**

- A. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, screening requirements, parking areas, and topography.
- B. Landscaping shall include trees, shrubs, bushes, ground cover, perennials, and annuals.
- C. A minimum of twenty (20%) percent of all lots shall be landscaped and/or contain pervious coverage. All areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall be suitably landscaped.
- D. In no event shall a property owner pave over the pervious surface between the sidewalk and the curb (otherwise known as a "street lawns") without first obtaining permission from the Town.
- E. No landscaping shall interfere with required sight triangles.
- F. All planting shall be with species with proven resistance to the urban environment in this area and shall be species that conform to the USDA Hardiness Zone Map.

G. Deciduous trees shall have at least a three (3") inch caliper at planting, and evergreens shall be at least six (6') feet tall at planting. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen.

H. Any landscaping which, within two (2) years of planting, dies, for any reason, shall be replaced by the developer(s) at their expense.

I. Street trees.

1. Shade trees shall be required for all development applications along public streets. Trees shall be spaced a maximum of thirty-five (35) feet on center and located between the property line and curb (including the secondary front yard on corner lots) and not closer than twenty-five (25) feet from any existing or proposed streetlight or street intersection.

2. Street trees shall be planted so as not to interfere with utilities, roadways or sidewalks.

3. Trees shall be nursery grown stock of not less than three (3") inches in caliper at breast height (dbh) and staked in an approved manner. Where there is adequate existing growth, the Town may waive this requirement.

4. Species of street trees shall be appropriate for the Hardiness Zone 7a, in accordance with the USDA Plant Hardiness Zone Map.

5. Species listed on the NJDEP Invasive Plant List or USDA Invasive Plants Field and Reference Guide are prohibited.

6. Street trees to be planted in street lawns or tree pits 2.5 to 4 feet wide:

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

7. Street trees to be planted in street lawns or tree pits less than 30 inches wide:

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

J. Off- Street Parking Areas

## §17-59 Lighting Design Standards

1. Off-street parking and loading areas shall be coordinated with the public street system serving the area in order to avoid conflicts with through-traffic, obstruction to pedestrian walkways and vehicular thoroughfares. Shared parking among mixed-uses shall be encouraged.
2. A minimum of ten (10%) percent of any surface parking facility shall be landscaped and shall include one (1) shade tree for every twenty (20) parking spaces.
3. All parking and loading areas abutting mixed-use/residential areas shall be landscaped about their periphery with shrubs, trees and/or ground cover.

### §17-59 Lighting Design Standards

The following design specifications for lighting shall be followed:

- A. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- B. The maximum height of freestanding lights in the Industrial Zone should not exceed a height of twenty-five (25') feet. In all other zones, the maximum height of freestanding lights shall not exceed the height of the principal building or twenty (20') feet, whichever is less.
- C. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to seventy-five (75) degrees from vertical.
- D. Lights shall be appropriately shielded and directed so that the lighting, to the extent possible, shall not spill over onto adjacent properties.
- E. Freestanding lights shall be so located and protected to avoid being damaged by vehicles.
- F. The following illumination standards shall apply:
  1. Non-Residential or Multi-family Residential Building Entrances - Shall have a minimum illumination level of one (1) foot-candle and a maximum illumination level of five (5) foot-candles.
  2. Canopies such as those found at drive through banks, gas stations, etc. shall have a maximum illumination level of fifteen (15) foot-candles immediately under the canopy, but not to exceed five (5.0) foot-candles anywhere else on site.
  3. Driveways / drive aisles for non-residential or multi-family residential shall have a minimum illumination level of one half (0.5) foot-candle.
  4. Parking Areas
    - a. Off-street surface parking lot illumination levels outside the radius of any light pole (with the radius equaling the height of the light pole) shall range between a minimum of one (1) foot-candle and a maximum of three (3) foot-candles.
    - b. Structured / Enclosed Parking shall have a minimum illumination level of two (2.0) foot-candles with a maximum to minimum uniformity ratio not to exceed 4:1. No lighting shall produce glare outside the structure.
  5. Pedestrian walkways or bikeways shall have a minimum illumination level of one half (0.5) foot-candle.
  6. Property Lines

§17-60 Street Appurtenances, Obstructions, and Sight Distance

- a. When adjacent to non-residential uses or zones, a maximum illumination level of one (1.0) foot-candle is permitted at the property line.
  - b. When adjacent to residential uses or zones, a maximum illumination level of one-half (0.5) foot-candle is permitted at the property line.
7. All lighting for non-residential properties shall be reduced outside of business hours. Timers, sensors, or other programmable controls shall be used to reduce lighting levels to fifty (50%) percent of the levels specified during hours of operation. This requirement does not apply for necessary and essential security lighting.
- G. To the extent feasible, all wiring shall be laid underground, and the lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential area. Glare from bright electric light bulbs shall be eliminated through the use of diffusers or the equivalent.

**§17-60 Street Appurtenances, Obstructions, and Sight Distance**

- A. Sidewalks. Sidewalks shall be concrete, are required on all streets and shall have a minimum width of five (5) feet. Sidewalk areas shall be landscaped and durably paved and shall be properly illuminated with adequate lighting as per Section 17-59.
- B. Traffic signs and control devices. These improvements, such as "Stop," "Yield" and "One-Way" signs, etc., shall be designed and installed in accordance with applicable federal, state, county and municipal regulations. Recommendation as to their installation may be made by the Police Department or other competent agency.
- C. Street furniture. Applications for site plan shall provide for those elements of street furniture made of the same or similar materials to ensure design continuity and be appropriate to the particular use. They may include benches, bike racks, trash receptacles, bus shelters and landscaping planters. All trash receptacles shall be adequately secured, enclosed and screened on all sides by landscaping or other types of attractive materials.
- D. Obstructions and sight triangles.
  1. On a corner lot in any district, sight triangles shall be required in which no grading, planting or structure shall be erected or maintained more than three (3) feet above the street center line or lower than twelve (12) feet above the street center line. Traffic control devices, street name poles and utility poles shall be permitted in sight triangle areas.
  2. Sight triangles shall be provided and shown at all street intersections to assure full visibility of approaching traffic. The sight triangle shall be triangular with the street sides being at least the following lengths: along a county road, as required by the County Planning Board; along an existing municipal street crossing an intersection, fifty (50) feet; and along an existing street ending at an intersection, thirty (30) feet.

**§17-61 Bikeways**

- A. Bikeways may be recommended by the Planning Board or Zoning Board, depending on the development's location in relation to schools, recreation areas, public transportation, shopping facilities and other populated areas. All bikeways shall require approval from the Mayor and Council.
- B. Bicycle traffic shall be separated from motor vehicle and pedestrian traffic as much as possible.

## §17-62 Utilities and Facilities

- C. When appropriate, bikeways shall be a minimum of four (4') feet wide. Where bike paths, located outside street rights-of-way, intersect a street, the curbing shall be ramped for bicycle access to the street grade, and the applicant shall be required to post adequate signs for the street warning vehicles of the bicycle crossing.

## §17-62 Utilities and Facilities

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

## §17-63 Refuse and Recycling Facilities for New Multi-Family Housing Developments

- A. There shall be included in any new multi-family housing development that requires subdivision or site plan approval an indoor or outdoor area for the collection and storage of residentially generated refuse and recyclable materials. The dimensions of the refuse and recycling area shall be sufficient to accommodate collections bins, dumpsters, or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located.
- B. The recycling area shall be conveniently located for the disposition of source-separated recyclable materials by residents of the multi-family housing development, preferably near, but clearly separated from, a refuse dumpster.
- C. The refuse and recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the area, against theft of recyclable materials, bins, or containers.
- D. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.
- E. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
- F. Landscaping and/or fencing shall be provided around any outdoor refuse and recycling area in accordance with the screening provisions of this Chapter, found at §17-57 and 58.

## §17-64 Building Design Standards

- A. Purpose. The purpose of the following standards is to preserve the Town's existing and historic residential and commercial character as well as create a visual connection between new development and the existing adjacent buildings and neighborhoods. The determination of whether an applicant has met the below standards or qualifies for a waiver is at the discretion of the reviewing Board. These standards set forth requirements and criteria to be used by the reviewing Board for the comprehensive review of site development plans and exterior building elements.
- B. Applicability. All new residential and commercial developments requiring site plan or subdivision approval, or variance relief shall comply with the design standards of this section.
- C. Diversity in Design



1. These standards are designed to discourage the appearance of tract-type housing or suburban strip malls while at the same time, supporting cohesive neighborhood characters and communities. This intent will be achieved by providing for a separation of substantially similar designs on neighboring lots.
2. In determining whether a building has substantially the same exterior design and appearance as a neighboring property, factors to be considered shall include, but not be limited to: façade treatments; exterior silhouettes; roof design, including roof pitch and roof lines; chimneys, overhangs, fascias, porches, porticos, arrangement of doors and entranceways, and orientation of garages, if any.
3. When a separation does not clearly exist, more detailed elevations or artists' renderings shall be submitted to the Board for review.
4. If a proposed structure is of a substantially similar design of a structure within a 100-foot radius, the development shall utilize the standards found within this section to provide for variations within the exterior design.

D. Permitted Exterior Building Materials

1. Developments should consider the aesthetic of the tax block and neighborhood and recognize the specific materials used throughout. The design and location of chosen materials should complement but not replicate existing development.
2. The following materials are permitted:
  - a. Brick
  - b. Natural Stone
  - c. Wood (pressure treated or naturally decay resistant)
  - d. Stucco
  - e. Hardiplank / Cement Fiberboard
  - f. EIFS – Above the first floor only and must be installed with appropriate drainage systems.
  - g. Vinyl Siding shall only be permitted on the side and rear facades.

E. Windows, Doors, and Exterior Uncovered Stairs

1. Openings for windows and windowpanes shall have a vertical dimension that is greater than the horizontal dimension.
2. If exterior shutters are used, they shall be appropriately sized to match the window opening.
3. Windows may be grouped together to create a horizontal composition, with a maximum of three windows grouped together.
4. With the exception of fire escapes where permitted/existing, there shall not be long expanses of uncovered stairs projecting from upper story levels into a yard area. Any stairs leading up to an upper story should be located interior to the building.

F. Differentiation in house designs shall be created by utilizing any of the following guidelines or by another method as approved by the Board.

1. The addition of a front porch.

## §17-65 Preservation of Existing On-Street Parking

2. An alternative organizing scheme for the garage and front door/front steps.
3. Change in the basic roof by change in roof type or the roof form through the addition for dormers and/or gables.
4. Addition, relocation, or removal of significant bump outs to the front or side of the house that alter the perceived massing of the house, such as enclosed sunrooms, Juliette balconies (up to one-foot projection), bay windows, chimneys, or other approved features.
5. Significant changes in architectural styles.
6. Change in color and/or material of significant portions of the house façade and a significant change in roof color or material.
7. Addition or alteration of a significant new detailing package with altered accent color to include items such as trims, shutters, style and color of front door and garage door.

### G. Orientation

1. For multi-family and commercial construction: Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls. Facades greater than one hundred (100) feet in length must incorporate recesses and projections along at least twenty (20) percent of the length of the facade. Windows, awnings, and balconies must total at least sixty (60) percent of the facade length abutting a public street.
2. Where townhouse development is proposed, rear access through mid-block alleyways shall be considered before front-loaded garages. If it is determined by the Board that rear alleyways are not feasible, front-loaded garages shall be permitted.

## §17-65 Preservation of Existing On-Street Parking

Development proposals shall be designed so as to maximize the preservation of on-street parking spaces. Methods employed to maximize the preservation of on-street parking shall include, but may not be limited to, optimum placement of driveway curb cuts.

## §17-66 Off-Street Parking Design Standards

- A. Application. Except as noted below, there shall be provided, at the time any building or structure is erected, enlarged, or changed in use, off-street parking spaces and loading and unloading areas in accordance with the requirements set forth in this Chapter.
- B. General
  1. All parking and loading areas shall be graded and paved with bituminous concrete and shall be adequately drained.
- C. Residential Parking and Loading Design Standards
  1. Residential parking designs are subject to the Residential Site Improvement Standards N.J.A.C. 5:21 et. seq.
  2. In the event that an application is submitted to the Building Department, Planning Board, Zoning Board of Adjustment or other approving authority to convert an attached garage to a bedroom or living area, the application must provide for the replacement of off-street parking spaces lost as a result of the conversion in order to comply with the parking requirement set forth herein.

D. Design Standards for Off-Street Parking Areas.

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

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

3. Access. There shall be adequate provisions for safe and convenient ingress and egress to all parking areas. Curb cuts for one way traffic shall not be less than twelve (12) feet nor more than fifteen (15) feet wide. Every parking area shall have direct access to a street or alley and shall conform with the following:
    - a. Surface parking. Driveways shall have a minimum width of twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic.
    - b. Parking garage. Minimum width for one-way traffic: ten (10) feet; minimum width for two-way traffic: twenty-two (22) feet.
  4. Sidewalks and curbing. Any parking area for a non-residential use containing more than twenty (20) spaces, where possible, shall provide separate curbed pedestrian ways as provided for below. Such pedestrian ways shall take the form of sidewalks at least four (4) feet wide, raised six (6) inches above the parking area and curbed as a protection for pedestrians, except where crossing streets or driveways where a striped crosswalk shall be provided. Such sidewalks and walkways shall be installed wherever pedestrian traffic occurs. The design of parking areas and sidewalks must provide two (2) additional feet of sidewalk width where cars may overhang or extend over sidewalks and must provide for barrier free access.
- E. Parking garages. All parking garages shall be designed using materials that are compatible or complementary to the principal buildings on the lot, or, if there are no principal buildings on the lot, to adjacent buildings, so that they blend in architecturally. All voids in structures shall be screened, so that lights and vehicles are not individually visible. No blank walls shall front on the streetscape.
- F. Off-Street Loading
1. Application. In any building or building group or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more of non-residential space, there

shall be provided and maintained on the same zone lot with such building, off-street loading berths.

2. Required off-street loading facilities.

- a. Dimension of loading berths. Required off-street loading berths shall be a minimum of sixty (60) feet long, ten (10) feet wide and fourteen (14) feet high.
- b. Location of loading berths. All loading areas shall be on the same lot as the use which is to be served. Such areas shall be located only in a side or rear yard. Such areas shall not encroach upon any required open space, accessway, off-street parking area or public right-of-way. Where located adjacent to any residential district, they shall be set back a minimum of five feet from such property line.
- c. Access. All required off-street loading areas shall provide sufficient turning spaces and access.
- d. Calculation of required spaces. The number of off-street loading berths required for any use shall be determined by application of the following standards

(1) Minimum Off-Street Loading Facility Requirements

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

§17-67 Signs

- A. Applicability. All signs erected in the Town of Harrison shall be subject to the provisions of this section, unless otherwise specified herein.
- B. Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

**AWNING:** Any structure made of cloth or metal with a metal frame that is stationary using welded construction or retractable, attached to a building, projecting over a thoroughfare and requiring no uprights for support.

**BANNER:** Any temporary sign applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purposes of this Chapter.

**BILLBOARD:** A sign advertising an occupant, product or service that is conducted, sold or offered at a location other than the premises on which the sign is located.

**BLADE SIGN:** A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee.

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

**CONTRACTOR SIGN:** Any on-site sign advertising the name or business of a contractor, performing work on the premises where the sign is placed.

**DIGITAL MESSAGE BOARD:** Any digital, illuminated sign with changeable message and changeable copy.

**FAÇADE SIGN:** See WALL SIGN

**FACE/FACING or SURFACE:** The surface of the sign upon, against or through which the message is displayed or illuminated on the sign.

**FREESTANDING SIGN:** Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including but not limited to pole, pylon, or monument signs.

**ILLUMINATED SIGN:** Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

**MARQUEE SIGN:** Any sign made a part of a marquee and designed to have changeable copy, either manually or electronically.

**MONUMENT SIGN:** A freestanding sign, also known as a Ground Sign, where the bottom of the sign face is either in contact with the ground or mounted in close proximity to the ground without open space between the ground and the bottom of the sign.

**POLY/PYLON SIGN:** A sign that is mounted on a freestanding pole or other support.

**POLITICAL SIGN:** A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election, not to exceed four (4) square feet per face. Political signs cannot be located in the public right-of-way.

**PORTABLE SIGN:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs to be transported on wheels; sandwich board signs, and signs on balloons and umbrellas.

**REAL ESTATE SIGN:** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located, not to exceed four (4) square feet per face. Real estate signs shall never be located within the public right-of-way.

**SANDWICH BOARD SIGN:** An advertising or business ground sign constructed in such a manner as to form an "A" or tent-like shape, hinged or not hinged at the top, at a size not to exceed six (6) square feet per side.

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

**TEMPORARY SIGN:** A sign or advertising display constructed of light material such as cloth, canvas, plywood or other and designed or intended to be displayed for a short period of time.

**WALL SIGN:** A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than three (3) inches from such building or structure.

**WINDOW DISPLAY SIGN:** Any sign that is placed within a window or upon the windowpanes or glass and is visible from the exterior of the window.

C. Measurement of Sign Area

1. Measurement of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, graphic illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign and used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the sign itself.
2. No sign shall have more than two (2) display faces. The sign area for a sign with two (2) faces shall be computed by adding together the area of all sign faces visible from any one (1) point. When a sign having two (2) faces is such that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of the larger of the two (2) faces. For purposes of calculating window signs, a window shall be considered the glazed area. Signs which are required by county, state or federal agencies are exempt from calculation of permanent and temporary signage up to the minimum size required by such agencies. The area of the sign in excess of the minimum shall be subject to the sign calculation. In the event no size requirement is imposed by such agency, the sign shall not exceed one (1) square foot.
3. Measurement of height. The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding or excavation solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

D. General Regulations

1. Any signs not included herein or within are prohibited.
2. Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering, materials, texture and depth. Signs shall not be dominant but shall be proportionate and shall complement the building, existing signs and surroundings.
3. There shall be consistent sign design throughout a particular project. The design elements include style of lettering, construction material, size and illumination.
4. Building signs shall not obscure, conflict with or cover any architectural element and must be aligned with major building elements such as windows, trim and structure lines.
5. No sign shall extend or project above the highest elevation of the wall to which it is attached or above the lowest part of the roofline of the building, whichever is less.
6. No off-site advertising sign shall be erected, used or maintained within the Town of Harrison; provided, however, that this regulation shall not apply to temporary signs, otherwise permitted by this Subsection, that advertise special events sponsored by nonprofit social, religious, political or cultural organizations or institutions, or lawful sandwich boards or billboards where permitted.

7. Signs shall not be placed on fences, utility poles, trees, railway or road bridges, bridge supports or abutments, retaining walls, or water towers unless approved by the Town Council.
8. No roof sign, known also as a "sky sign," shall be allowed.
9. Signs shall not be placed on accessory buildings.
10. No commercial sign shall be allowed in a window which serves a residential use.
11. The use and display of temporary portable signs or windsocks, banners or strings or streamers of flags, pennants or spinners or similar objects and devices across, upon, over or along any premises or building, whether as part of any sign or for advertising or public attraction, or otherwise, is prohibited in any zone, except for:
  - a. Temporary displays in business or commercial zones as provided in this section.
  - b. Temporary decorations customarily used for holidays, or for special events as may be approved by the Town Council.
12. Signs shall not be placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity located on the same or nearby property. This is not intended, however, to prohibit signs placed on or affixed to vehicles or trailers where the sign is incidental to the primary use of the vehicle or trailer.
13. Signs shall not obstruct any window or door opening used as a means of egress, interfere with an opening required for legal ventilation, or is attached to or obstructs any standpipe, fire escape or fire hydrant.
14. Signs shall not obstruct the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare.

E. Regulations Governing Residential Signs

1. Residential signs, including name and address plates, signs for places of worship, political signs, real estate signs, and contractor signs as provided herein, are permitted in accordance with the size limitations set forth in this section.
2. Residential development identification signs. One (1) freestanding monument sign shall be permitted per street frontage to identify a multi-family residential development. Each sign face shall not exceed fifteen (15) square feet in area or four (4') feet in height and shall be setback at least five (5') feet from property line.
3. Residential uses associated with mixed-use buildings shall adhere to the regulations governing non-residential signs.
4. Signs not otherwise in compliance with these provisions or as permitted and regulated in this section are prohibited.

F. Regulations Governing Non-Residential Signs

1. At the time of site plan application, a comprehensive signage plan shall be provided.
2. Wall Signs
  - a. For single-tenant buildings

(1) One (1) wall sign shall be permitted per street frontage. Each wall sign shall not exceed the lesser of one and one-half (1.5) square feet per each linear foot of the façade width or sixty (60) square feet in the NC-1 and NC-2 Zones, seventy-five (75) square feet in the CC Zone, or eighty-five (85) square feet in the I Zone.

(2) The height of a wall sign shall not exceed four (4') feet.

b. For multi-tenant buildings

(1) One (1) principal wall sign shall be permitted per tenant space. Where a tenant space is a corner or end unit that faces more than one street, a secondary wall sign shall be permitted for that tenant on the second street frontage. Where a tenant space offers a secondary access via a parking lot, a secondary sign shall be permitted facing the parking lot.

(2) The area of the principal wall sign shall not exceed the lesser of one and one-half (1.5) square feet for each linear foot of façade width associated with a tenant space or sixty (60) square feet in the NC-1 and NC-2 Zones, seventy-five (75) square feet in the CC Zone, or eighty-five (85) square feet in the I Zone.

(3) The area of a secondary wall sign shall not exceed one (1) square foot for each linear foot of façade width associated with a tenant space or thirty (30) square feet, whichever is less.

(4) The height of the principal wall sign shall not exceed four (4') feet.

(5) The height of a secondary wall sign shall not exceed two (2') feet.

3. Window Signs

a. No sign, temporary or otherwise, on the inside of a window shall be greater than one foot in height or cover more than 10% of the square footage of said window, and no such sign shall be permitted above the first floor of any building.

b. No more than one self-illuminated window sign shall be placed in any window.

c. Commercial window signs are not permitted in the windows of upper floor residential units in mixed-use buildings.

4. Freestanding Signs

a. Freestanding signs are permitted in the CC and I Zones

b. Area shall not exceed 80 square feet per side.

c. Height shall not exceed 15 feet.

d. Freestanding signs shall be setback a minimum of 10 feet from any lot line.

G. Regulations Governing Certain Signs

1. Sandwich Board Signs

a. Sandwich board signs are permitted in the NC-1, NC-2, and CC zoning districts to advertise retail and commercial tenants and must be brought inside at the close of business hours. Sandwich boards cannot remain on the sidewalk overnight.

b. A maximum of one sandwich board sign per tenant is permitted.



- c. Sandwich board signs must be placed on the sidewalk in such a manner that there is a minimum four (4') foot clear walking space and shall not obstruct pedestrian or vehicular circulation/site triangles.
  - d. Signs shall not exceed four (4') feet in height or six (6) square feet per side.
  - e. The material and lettering shall complement the facade and other signs of the business and shall be made of permanent quality material.
- 2. Canopy/Marquee/Awning Signs
  - a. Canopy signs may be placed on the vertical edge of the canopy, marquee or awning, provided that no part of said sign extends more than one (1) inch beyond the front edge of the canopy, marquee or awning.
  - b. The lettering shall not be more than six (6") inches in height.
  - c. Signage on a canopy/marquee/awning shall be counted as part of the total sign area.
  - d. The bottom of a canopy/marquee/awning shall be a minimum of eight (8') feet above the sidewalk.
- 3. Temporary Signs
  - a. Political Signs
    - (1) Political signs may be displayed for a period of not more than thirty (30) days before the election and not more than three (3) days after the election.
  - b. All Other Temporary Signs.
    - (1) A temporary sign shall be permitted for a period of not more than 45 days within a 120-day period. Temporary sign restrictions can be waived for one period per year up to a maximum of 30 days to advertise a special event. The maximum 30-day period cannot be divided or prorated into multiple periods.
    - (2) A no charge application must be filed with the Zoning Officer for a waiver to advertise a special event. In addition, each year the Town Council will review and approve the suspension of temporary sign restrictions for the holiday shopping period of November 1st to December 31st. Community service advertisements shall be exempt. Such sign shall have the date that the sign is installed in the lower left corner, written legibly.
  - c. No temporary sign shall be permitted that would interfere significantly with vehicular or pedestrian traffic.
  - d. All temporary signs shall be of professional quality.
  - e. A temporary sign which does not comply with the time limitations shall become a permanent sign and shall be calculated as part of the permitted sign area.

#### H. Sign Illumination.

- 1. Flashing signs, moving or illusion of moving are prohibited. No sign shall be allowed with optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy.

2. All business and industrial signs used in connection with the operation of any business shall be extinguished by 10:00 p.m. or within one hour of the close of business serviced by said signs, whichever occurs last.
3. Signs lit by external sources shall be allowed and shall be located in such a manner so as to avoid any glare on adjacent property.
4. External lights used for the illumination of any sign on a building whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.

I. Nonconforming Signs

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

J. Permit Procedure

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

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

1. Any public notice or warning required by a valid and applicable federal, state, county or local law, regulation or ordinance.
2. Any sign which is inside a building, not attached to a window or door, and is not readable from a distance of more than three (3') feet beyond the lot line of the lot or parcel nearest to where such sign is located.
3. Holiday lights and decorations with no commercial message.
4. Any sign indicating the name of a building and/or date of construction and/or other incidental information about its construction, which sign is cut into a masonry surface or made of bronze

or similar permanent material including historic tablets, cornerstones, memorial plaques and emblems which do not exceed four (4) square feet in area from a single viewpoint.

5. Traffic control signs on private property, the face of which meets the Department of Transportation standard, and which contain no commercial message of any sort.
6. Flags of the United States, New Jersey, the Town of Harrison, foreign nations having diplomatic relations with the United States, other flags adopted or sanctioned by an elective legislative body of competent jurisdiction and flags flown in conjunction with the flag of the United States, provided that such a flag does not exceed sixty (60) square feet in area and is not flown from a pole in excess of forty (40') feet in height. A flag's area shall be in reasonable proportion to the length of the pole from which it is displayed. Not more than three (3) flags may be flown from any one (1) pole. The statutory requirements associated with flags and generally accepted standards of flag display etiquette shall be observed.
7. Signs or banners advertising public or quasi-public events that are posted with the permission of the Town Council or of any person to whom the Town Council has delegated this authority according to guidelines set by the Town Council.
8. Pump mounted fuel price informational signs subject to the following:
  - a. Only one fuel price informational sign shall be permitted per fuel pump.
  - b. Fuel price informational signs shall be limited in size to an area of 216 square inches in accordance with State and Federal regulations.
  - c. Each fuel price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary.
  - d. Nothing herein shall be construed to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this section.
- L. Removal of Certain Signs. In the event a business ceases operation for a period of time in excess of sixty (60) days, the sign owner or lessee, or the property owner, shall immediately remove any sign identifying or advertising said business, or any product sold thereby. Upon failure of the sign owner or lessee, or property owner to comply with this section, the Zoning Officer shall issue a written notice to the sign owner or any lessee and to the property owner, which notice shall state that such sign shall be removed within the following time period: signface: sixty (60) days; posts, columns and supporting structures: one year. If the sign owner or lessee, or property owner, fails to comply with such written notice to remove, the Zoning Officer is hereby authorized to cause removal of such sign, and any expenses incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of this section, the word "remove" shall mean:
  1. The sign face, along with posts, columns or supports of freestanding signs, shall be taken down and removed from the property.
  2. The sign face and supporting structures of "projecting", "roof" or "wall" signs shall be taken down and removed from the property.
- M. Sign Permit Revocable
  1. All rights and privileges acquired under the provisions of this chapter or any amendment thereto, are revocable at any time by the Office of Code Enforcement if the applicant fails to accurately depict the sign erected or to be erected or if the sign which is erected fails to meet

the details of the detailed drawing submitted by the applicant. All such permits shall contain this provision.

**§17-68 Performance Standards**

- A. As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall certify compliance with the performance standards contained herein. Permits and certificates required by other government agencies shall be submitted to the Board as proof of compliance with applicable codes.
- B. Temporary certificates of occupancy.
  1. In the event that a determination cannot be made at the time of application that a proposed use, process or equipment will meet the standards established in this section, the Board may recommend issuance of a temporary certificate of occupancy. The temporary certificate of occupancy shall be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or installation and operation.
  2. Within sixty (60) days after a temporary certificate of occupancy is granted, satisfactory evidence shall be submitted to the Construction Official that all standards established by this section have been met. Upon such submission, a final certificate of occupancy shall be issued.
- C. Regulation of nuisance elements.
  1. The determination of the existence of nuisance elements shall be made to the following locations:

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

2. Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the operation of any process or equipment.
- D. Standards to be enforced.
  1. Air pollution.

- a. General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Town. All provisions of Title 7, Chapter 27 of the New Jersey Administrative Code, (N.J.A.C.), or the regulations contained in this section, whichever shall be more stringent, shall apply.
  - b. Smoke. In any non-residential zone, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provide, however, that smoke emitted during the cleaning of a firebox or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes. Smoke emissions from the combustion of fuel and mobile sources and from stationary internal combustion engines shall not exceed the limits set forth in N.J.A.C. 7:27.
  - c. No open burning shall be permitted in any district.
  - d. Odors. In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected.
2. Wastes.
- a. Liquid wastes. No liquid waste shall be discharged into any watercourse in the Town without all necessary permits from the New Jersey Department of Environmental Protection (NJDEP). No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate Town official shall have first investigated the character and volume of such wastes and shall have certified that the Town will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.
  - b. Solid waste. Each property owner shall be responsible for:
    - (1) Adequate and regular collection and removal of all refuse, except where the Town assumes such responsibility.
    - (2) Compliance with all applicable provisions of the NJDEP.
    - (3) Compliance with all provisions of Title 7, Chapter 26, of the N.J.A.C., where applicable.
    - (4) No accumulation on the property of any junk or other objectionable materials except in designated trash receptacles.
3. Noise. All applications shall comply with the provisions of N.J.A.C. 7:29.
4. Vibration. In any zone, vibrations discernible without instruments at the measuring location shall not be permitted.
5. Glare. No single standard for glare is promulgated in this Chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as roadway and

§17-69 Construction Requirements

walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

6. Temperature change. Any use or process shall not produce a temperature change greater than three degrees Celsius (3° C.) at the measuring location.
7. Fire and explosive hazards. If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Board may require the applicant to supply proof of:
  - a. Approval of the use, structure, process or resulting product or material from the State Department of Labor indicating that adequate safeguards against fire and explosion have been taken or installed.

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

**§17-69 Construction Requirements**

- A. Town standards. All standards and specifications of the Town as now or hereafter adopted, if any, shall govern the design, construction and installation of all required improvements. Failure of the developer, his contractor or agent to conform to said specifications shall be just cause for the suspension of the work being performed. No developer shall have the right to demand or claim damages from the Town, its officers, agents or servants by reason of said suspension.
- B. Other standards. In the event that the Town has not adopted standards for a specific type of improvement, then generally accepted engineering standards, as set forth in current engineering and construction manuals as may be approved and modified by, the Town Engineer for a specific situation, shall be used.
- C. Grades. All construction stakes and grades shall be set by a licensed land surveyor. One (1) copy of all cut sheets shall be filed with the Town Engineer prior to the commencement of any construction.
- D. Approved plans. Prior to commencement of construction of required improvements, the Town Engineer shall have received and approved the complete plans and profiles of all improvements to be installed or constructed. No improvements shall be accepted by the governing body and no performance guaranties released until the Town Engineer has received and approved reproducible drawings showing the plans, grades and profiles of all improvements as finally constructed.
- E. Site conditions. During construction, the site shall be maintained and left each day in a safe, clean and orderly manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Construction Official or other authorized personnel.
- F. Disposal of dead trees, litter, building materials. All stumps, litter, rubbish, brush, weeds, dead and dying trees, debris and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Construction Official prior to issuing an occupancy permit. No such refuse shall be buried on the site.
- G. Changes in elevation.
  1. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved preliminary plan.

## §17-70 Improvements

2. Minimal changes in elevation or contours necessitated by field conditions may be made only after approval by the Town Engineer. All said changes shall be shown on the final plan and indicated as a change from the preliminary, or if final approval has been granted, all changes shall be shown on the as-built plans.
- H. Excavations. No excavation shall be created or maintained, except when required for the foundations of structures or in connection with and during the installation of facilities for permitted uses. Such excavation shall be used for the intended purpose or shall be refilled to the average surrounding ground level, in such a manner as to prevent the collection of water, erosion of earth or collapse or sliding of banks, within six (6) months from the date of commencement of such excavation.
- I. Prior to the commencement of construction, the developer shall arrange for and attend a pre-construction meeting in conformance with the requirements of the Town Engineer.

## §17-70 Improvements

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

§17-70 Improvements

from flooding, heavy construction traffic and pollution. Improvements may include grading, planting, retaining walls, culverts, pipes, guardrails, temporary roads and other appropriate to the specific conditions.



## ARTICLE VI PERFORMANCE AND MAINTENANCE GUARANTEES

### §17-71 Performance Guarantees Required

- A. Prior to the granting of final approval of a subdivision or site plan, the applicant shall have installed or shall have furnished performance guarantees for the ultimate installation of the improvements that were shown on the approved preliminary plan, required as a condition of preliminary approval, or, in the case of subdivisions only, required by the provisions of the "Map Filing Law."
- B. Improvements for which performance guarantees may be required include without limitation: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space, and, in the case of site plans only, landscaping and other on-site improvements.
- C. The applicant shall file with the Town Clerk a performance guarantee in favor of the Town of Harrison insuring the installation of all uncompleted improvements on or before an agreed upon date. The cost of installation of the required improvements shall be estimated by the Town Engineer pursuant to N.J.S.A. 40:55D-53, and the amount of the performance guarantee shall be of an amount equal to one hundred twenty (120) percent of this estimated cost. Ten (10) percent of the performance guarantee must be in the form of cash.
- D. The form and sufficiency of the guarantee shall be subject to approval of the Town Attorney. Performance guarantees shall be expressly conditioned upon the developer's full compliance with all Town ordinances and regulations governing the installation of improvements and utilities and faithful performance of the terms of any developer's agreement with the Town.
- E. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Town Council by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount equal to one hundred twenty (120) percent of the cost of the installation as determined by the Town Engineer pursuant to N.J.S.A. 40:55D-53 as of the time of the passage of the resolution.
- F. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Town for the reasonable cost of the improvements not completed or corrected, and the Town may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law."
- G. Upon substantial completion of all required street improvements (except the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may notify the Town Council in writing, by certified mail addressed in care of the Town Clerk, that the Town Engineer prepare, in accordance with the itemized cost estimate prepared by the Town Engineer and appended to the performance guarantee, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the Town Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the Town engineer shall inspect all improvements covered by obligor's request and shall file a detailed list and report, in writing, with the Town Council, and shall simultaneously send a copy thereof to the obligor not later than forty-five (45) days after receipt of the obligor's request.

H.

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

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount of each such improvement, in accordance with the itemized cost estimate prepared by the Town Engineer and appended to the performance guarantee, including any contingency factor applied to the cost of installation. If the sum of the approved improvements would exceed seventy (70) percent of the total amount of the performance guarantee, then the Town may retain thirty (30) percent of the amount of the total performance guarantee to ensure completion and acceptability of all improvements, as provided above.

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

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

3. In the event that the obligor has made a cash deposit with the Town as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

- I. If any portion of the required improvements are rejected, the Town Council may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.
- J. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Town Council or the Town Engineer.

- K. In the event that final approval is by stages or sections of development, the provisions of this section shall be applied by stage or section.
- L. To the extent that any of the improvements have been dedicated to the Town on the subdivision plat or site plan, the Town Council shall be deemed upon the release of any performance guarantee required, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivisions plats approved by the Board, provided that such improvements have been inspected and have received final approval by the Town Engineer.

**§17-72 Maintenance Guarantees**

- A. Upon completion and acceptance by the Town Council of the required improvements or a portion of such improvements, the developer may be required to post a maintenance guarantee with the Town Council for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed fifteen (15) percent of the cost of the improvement, as determined by the Town Engineer pursuant to N.J.S.A. 40:55D-53.
- B. The form and sufficiency of the maintenance guarantee shall be approved by the Town Attorney. The maintenance guarantee for an improvement shall be posted upon final release by the Town Council of the performance guarantee for that improvement and shall be expressly conditioned upon the maintenance by the developer of such improvement for a period of two (2) years, and particularly shall guarantee the remedy of any defects in such improvement which occur during that period.
- C. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Town for such utilities or improvements.
- D. Appeal procedure for disputed guarantee amounts. The cost of the installation of improvements shall be estimated by the Town Engineer based on documented construction costs for public improvements prevailing in the general area of the Town. The developer may appeal the Town Engineer's estimate to the county construction board of appeals.
- E. Performance guarantee — acceptance. The Town Council shall accept a performance guarantee or maintenance guarantee which is an irrevocable letter of credit if it:
  - 1. Constitutes an unconditional payment obligation of the issuer running solely to the Town for an express initial period of time in the amount determined pursuant to subsection A;
  - 2. Is issued by a banking or savings institution authorized to do and doing business in this State;
  - 3. Is for a period of time at least one year; and
  - 4. Permits the Town to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this section thirty (30) days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

## ARTICLE VII STORMWATER CONTROL

### §17-73 Scope and Purpose

#### A. Policy Statement.

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

#### B. Purpose.

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below Section 17-76.

#### C. Applicability

1. This ordinance shall be applicable to the following major developments:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Town of Harrison.

#### D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

### §17-74 Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this Chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

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

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

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

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

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

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

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

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

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

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

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

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

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

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

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2 that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 {or the effective date of this ordinance, whichever is earlier}; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

*NOTE: The definition of major development above aligns with the definition at N.J.A.C. 7:8-1.2 and is recommended for consistency. Alternatively, a municipality may adopt the following definition, which is the minimum standard required. Municipalities that have already adopted the definition at N.J.A.C. 7:8-1.2 or another definition that goes beyond the minimum requirement should not reduce the stringency of their definition by adopting the minimum standard.*

- *“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004.*
- *Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually result in the disturbance of one or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”*

*Additionally, individual municipalities may define major development with a smaller area of disturbance, a smaller area of regulated impervious or motor vehicle surface, or both.*

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

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

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

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

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

“Site” means the lot or lots upon which a major development is to occur or has occurred. “Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).



“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**§17-75 Design and Performance Standards for Stormwater Management Measures**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

**§17-76 Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 17-82.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 17-76.P, Q and R:
  - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 17-76.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
  - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 17-76.O, P, Q and R to the maximum extent practicable;
  - 3. The applicant demonstrates that, in order to meet the requirements of Section 17-76.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section 17-76.D.3 above within the upstream drainage area of the receiving stream that would provide additional opportunities to mitigate the requirements of Section 17-76.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 17-76.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- [https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<b>Table 1</b>				
<b>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Quantity</b>				
<b>Best Management Practices</b>	<b>Stormwater Runoff Quality TSS Removal Rate</b>	<b>Stormwater Runoff Quality</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Cistern	0%	Yes	No	N/A
Dry well <sup>(a)</sup>	0%	No	Yes	2
Grass swale	50% or less	No	No	2 <sup>(e)</sup> 1 <sup>(f)</sup>
Green roof	0%	Yes	No	N/A
Manufactured treatment device <sup>(a) (g)</sup>	50% or 80%	No	No	Dependent upon the device
Pervious paving system <sup>(a)</sup>	80%	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-scale bioretention basin <sup>(a)</sup>	80% or 90%	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>

Small-scale infiltration basin <sup>(a)</sup>	80%	Yes	Yes	2
Small-scale sand filter	80%	Yes	Yes	2
Vegetation filter strip	60% or 80%	No	No	N/A

<b>Table 2</b>				
<b>Green Infrastructure BMPs for Stormwater Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality With a Waiver or Variance From N.J.A.C. 7:8-5.3)</b>				
<b>Best Management Practices</b>	<b>Stormwater Runoff Quality TSS Removal Rate</b>	<b>Stormwater Runoff Quality</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Bioretention system	80% or 90%	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration basin	80%	Yes	Yes	2
Sand filter <sup>(b)</sup>	80%	Yes	Yes	2
Standard construction wetland	90%	Yes	No	N/A
Wet pond <sup>(d)</sup>	50% to 90%	Yes	No	N/A

<b>Table 3</b>				
<b>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity Only With a Waiver or Variance From N.J.A.C. 7:8-5.3</b>				
<b>Best Management Practices</b>	<b>Stormwater Runoff Quality TSS Removal Rate</b>	<b>Stormwater Runoff Quality</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Blue roof	0%	Yes	No	N/A
Extended detention basin	40% to 60%	Yes	No	1
Manufactured treatment device <sup>(h)</sup>	50% or 80%	No	No	Dependent upon the device

San filter <sup>(c)</sup>	80%	Yes	No	1
Subsurface gravel wetland	90%	No	No	1
Wet pond	50% to 90%	Yes	No	N/A

Notes for Tables 1, 2, and 3:

- (a) Subject to the applicable contributory drainage area limitation specified at Section 17-76.O.2;
  - (b) Designed to infiltrate into the subsoil;
  - (c) Designed with underdrains;
  - (d) Designed to maintain at least a 10-foot-wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
  - (e) Designed with a slope of less than two percent;
  - (f) Designed with a slope of equal to or greater than two percent;
  - (g) Manufactured treatment devices that meet the definition of green infrastructure at Section 17-74;
  - (h) Manufactured treatment devices that do not meet the definition of green infrastructure at Section 17-74.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 17-78.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 17-76.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 17-76.O.2 are subject to the contributory drainage area limitation specified at Section 17-76.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 17-76.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 17-76.D is granted from Section 17-76.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so

as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

I. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 17-80.C;

2. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
3. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 17-80; and
4. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section 17-76.O.4.

K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 17-77.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 17-76.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk or the registrar of deeds and mortgages, as applies. A form of deed notice shall be submitted to the municipality for approval prior to filing.

The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 17-76.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 17-82.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 17-75 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk or the registrar of deeds and mortgages, as applies and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section 17-76.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 17-76.F. and/or an alternative stormwater management measure approved in accordance with Section 17-76.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry well	1 acre
Manufactured treatment device	2.5 acres
Pervious pavement systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale bioretention systems	2.5 acres
Small-scale infiltration basin	2.5 acres
Small-scale sand filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section 17-76.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 17-76.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 17-76.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 17-76.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 17-76.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge.
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 17-77, either:
  - a. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - b. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - a. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and



- b. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

**Q. Stormwater Runoff Quality Standards**

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - a. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - b. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

<b>Table 4</b>					
<b>Water Quality Design Storm Distribution</b>					
<b>Time (minutes)</b>	<b>Cumulative Rainfall (inches)</b>	<b>Time (minutes)</b>	<b>Cumulative Rainfall (inches)</b>	<b>Time (minutes)</b>	<b>Cumulative Rainfall (inches)</b>
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972

§17-76 Stormwater Management Requirements for Major Development

3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01380	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351

32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 17-76.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that

## §17-77 Calculation of Stormwater Runoff and Groundwater Recharge

has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
  - a. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - b. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - c. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post- construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - d. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

## §17-77 Calculation of Stormwater Runoff and Groundwater Recharge

### A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
  - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented.

Information regarding the methodology is available from the Natural Resources Conservation Service website at:

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section 17-77.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented.

## §17-78 Sources for Technical Guidance

Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsrreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

### §17-78 Sources for Technical Guidance

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

- B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

### §17-79 Solids and Floatable Materials Control Standards

- A. Site design features identified under Section 17-76.F above, or alternative designs in accordance with Section 17-76.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 17-79.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

## §17-80 Safety Standards for Stormwater Management Basins

2. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. The standard in A.1. above does not apply:
  - a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
  - b. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
  - c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - (1) A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
    - (2) A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
  - d. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

## §17-80 Safety Standards for Stormwater Management Basins

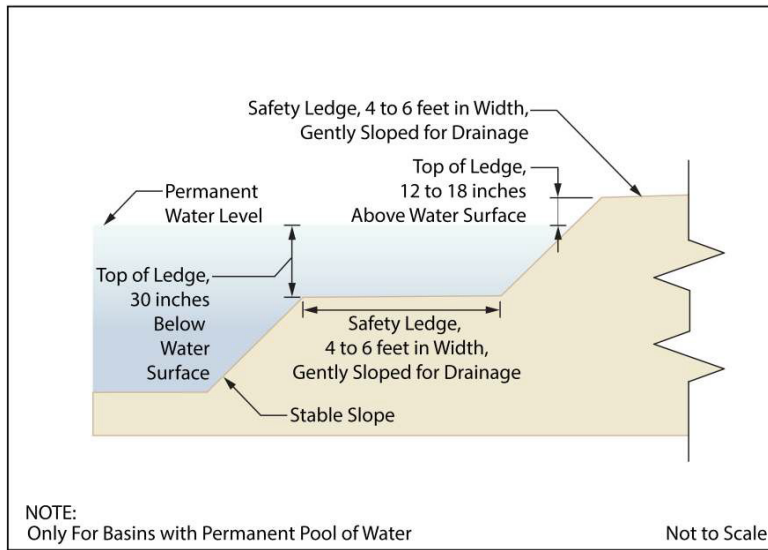
- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 17-80.C.1, C.2, and C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
  1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

- a. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
    - c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
    - d. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
  2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
    - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
    - b. The overflow grate spacing shall be no less than two inches across the smallest dimension
    - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
  3. Stormwater management BMPs shall include escape provisions as follows:
    - a. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
    - b. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 17-80.E for an illustration of safety ledges in a stormwater management BMP; and
    - c. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- D. Variance or Exemption from Safety Standard
- A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.
- E. Safety Ledge Illustration



## §17-81 Requirements for a Site Development Stormwater Plan

### Elevation View –Basin Safety Ledge Configuration



## §17-81 Requirements for a Site Development Stormwater Plan

### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 17-81.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [specify number] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 17-81.C of this ordinance.

### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

### C. Submission of Site Development Stormwater Plan

The following information shall be required:

#### 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the

following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 17-81 of this ordinance.
- b. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be

## §17-82 Maintenance and Repair

determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

### 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 17-82.

### 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 17-81.C.1 through C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

## §17-82 Maintenance and Repair

### A. Applicability

Projects subject to review as in Section 17-73.C of this ordinance shall comply with the requirements of Section 17-82.B and C.

### B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 17-82.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 17-82.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

- Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
6. The party responsible for maintenance identified under Section 17-82.B.3 above shall perform all of the following requirements:
    - a. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
    - b. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
    - c. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 17-82.B.6 and B.7 above.
  7. The requirements of Section 17-82.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
  8. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

## **ARTICLE VIII ENFORCEMENT, VIOLATIONS, AND PENALTIES**

### **§17-83 Enforcement**

- A. Zoning permits. No land shall be occupied or used, in whole or in part, for any purpose, no use of any land, building or structure shall be changed and no building or structure shall be erected, altered or used for any purpose whatsoever unless and until a zoning permit for said use shall have been issued by the Zoning Officer; provided, however, that no zoning permit shall be required for any permitted accessory use for one- and two-family dwellings.
- B. Certificates of occupancy.

1. No building or structure hereafter constructed, moved, altered or enlarged shall be used or occupied until a certificate of occupancy therefor has first been applied for and issued by the Construction Official.
  2. No certificate of occupancy shall be issued without a written report from the Zoning Officer certifying that the proposed use, improvements and structures are in compliance with all terms, conditions, provisions and regulations of the Land Development Ordinance and all approvals issued pursuant thereto.
  3. A temporary certificate of occupancy may be issued, but only for a specific period and, upon such conditions as the Town Engineer may impose, such as bonding, to ensure the completion and/or installation of any improvements which are unfinished because of weather-related delay. The installation of any required public or private improvements may also be delayed if the Town Engineer warrants in writing to the Construction Official that the delay is in the best interests of the Town of Harrison.
- C. Conditions for issuance of permits and certificates. No building permit, zoning permit or certificate of occupancy shall be issued until the applicant has fully complied with all applicable requirements of this Chapter and all approvals granted pursuant thereto, the Uniform Construction Code, all other applicable Town ordinances, regulations and directives, and all state and county laws and regulations.
- D. Contents of permits and certificates. A zoning permit or certificate of occupancy shall specify the use of the land, building or buildings, as the case may be, and any terms or conditions imposed thereunder.
- E. Records. It shall be the duty of the Zoning Officer and the Construction Official, respectively, to keep records of all applications for building permits, zoning permits and certificates of occupancy and of all such permits and certificates issued, together with a notation of all special terms or conditions imposed thereunder. Each shall be responsible for the filing and safekeeping of plans and specifications submitted to him or her with any application, and the same shall form a part of the records of his or her office and shall be available to all officials of the Town of Harrison.

**§17-84 Violations and Penalties**

- A. In case any building or structure is erected, constructed, reconstructed, altered, moved or converted or any building, structure or land is used, in violation of or contrary to the provisions of this Chapter, the Town may institute an action to enjoin the violation or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use. In addition, in the event of any violation of this chapter or the terms or conditions of any approval issued pursuant thereto, the Zoning Officer and/or Construction Official may assess administrative penalties as provided for below and may issue such stop work orders, and deny, revoke or withhold such permits, as necessary or proper in his judgment to abate, arrest or remedy such violation, to cause such violation to be remediated, abated or cured, and/or to prevent any further violations of this Chapter or the terms or conditions of any approval issued pursuant thereof. Nothing in this Chapter shall be construed to restrict the right of any other party to obtain relief in regard to a violation of this Chapter from any court of competent jurisdiction according to law.
- B. In any case in which a court has adjudicated any person guilty of illegally establishing a dwelling unit without required approvals per this Chapter, if such unit is occupied by a third party at the time of adjudication, the court may require that the defendant pay the cost of removing the occupants from the illegal unit and relocating them to a lawful, suitable replacement dwelling. Such costs

shall include, without limit, moving and real estate brokerage expenses. The court may appoint a licensed real estate broker to find suitable replacement housing at the expense of the applicant.

- C. Any violation of the provisions of this Chapter shall be punishable by a fine not to exceed five hundred dollars (\$500), by imprisonment in the county jail for a term not to exceed ninety (90) days, or both. Each day the violation shall continue after a notice and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.\* 1 by stop work orders, by revocation, denial or withholding of any permit or approval issued pursuant to the Land Development Ordinance.
- D. It shall be the responsibility of an applicant to (a) maintain in good order and condition all improvements, site work and landscaping shown in the approved plans or required as a condition of approval granted under this Chapter; and (b) comply with all other conditions required by the Board as set forth in the resolution of approval, minutes of the Board or on the site plan or subdivision plat approved as part of the application. Failure to do so shall be considered a violation of this Chapter.
- E. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which Town approval is required, such person shall be subject to a penalty not to exceed one thousand dollars (\$1,000) and each lot disposition so made may be deemed a separate violation.
- F. Specific relief.
  - 1. In addition to the foregoing, the Town may institute and maintain a civil action:
    - a. For injunctive relief; and
    - b. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56 of the Municipal Land Use Law.
  - 2. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the developer or his assigns or successors to secure the return of any deposits made or purchase price paid and, also, a reasonable search fee, survey expenses and title closing expenses, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six (6) years, if unrecorded, as set forth in N.J.S.A. 40:55D-55.

## Permitted Uses

[illegible]

Public Recreation Facilities	P	P	P	-	-	-	P	-	-	-	-	P	-	-
Parks	-	-	-	-	-	-	-	-	-	-	-	P	-	-
Place of Worship	C	C	C	-	-	-	C	-	C	C	C	-	-	-
Parking Facilities	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Public/Private Parking Facilities	A	A	A	A	A	A	A	-	P	P	-	-	-	-
Public Parking Facilities	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Parking Garages	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Public Garage	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Research Laboratories	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Restaurant	-	-	-	-	-	-	-	P (1)	-	-	P	-	-	P (4)
Retail, Cannabis	-	-	-	-	-	-	-	-	C	C	C	-	-	-
Retail Convenience	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Retail Sales and Services	-	-	-	-	-	-	-	P (1)	P	P	P	-	-	P (4)
School, Primary	-	C	-	-	-	-	C	-	C	C	-	C	-	-
School, Secondary	-	C	-	-	-	-	C	-	C	C	-	C	-	-
Self Storage Facilities	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Solar Energy Systems - Roof Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Staffing and Employment Agencies	-	-	-	-	-	-	-	-	C	C	P	-	P	-
Television production studios	-	-	-	-	-	-	-	P (1)	-	-	-	-	-	P
Warehouses	-	-	-	-	-	-	-	-	-	-	-	-	P	P (3)
Wholesale sales and services	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Wireless Communication Facilities	-	-	-	-	-	-	-	-	-	-	C	-	C	-

**"P" : Permitted Use**  
**"A" : Accessory Use**  
**"C" : Conditional Use**  
**"-" : Use Not Permitted**

(1) Permitted as part of mixed-use development with a residential component. See §17-45.  
 (2) Upper floors only  
 (3) East of Supor Boulevard  
 (4) Uses that are intended to be associated with and complimentary to a television production studio and/or a film/movie studio



# Town of Harrison

## Schedule II

### Bulk Regulations

District	Minimum Area Requirements			Minimum Setback Requirements			Maximum Bulk Requirements			Accessory Buildings	
	Lot Area (sf)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Side Yard (feet) (each)	Rear Yard (feet)	Height (feet / stories)	Density (units / acre)	Impervious Coverage (%)	Minimum Setback (b) (feet)	Maximum Height (feet / stories)
1-F	5,000	50	100	(a)	5	40	35 / 3	-	80	3	15 / 1
2-F	2,500	25	100	(a)	3	25	35 / 3	-	80	3	15 / 1
3-F	3,000	30	100	(a)	4	25	40 / 3	-	80	3	15 / 1
TH-1	1,500	15	100	(a)	(c)	40	35 / 3	-	80	3	15 / 1
TH-2	850	12	70	(a)	(c)	40	35 / 3	-	80	3	15 / 1
TH-3	2,300	23	100	(a)	5	25	35 / 3	-	80	3	15 / 1
MF	13,500	100	100	(a)	2.5	30	40 / 3	-	80	5	15 / 1
ASH	20,000	-	-	(d)			(e)	55	80	-	-
P/QP											
NC-1	2,500	25	100	(a)	0	25	(f)	-	80	-	-
NC-2	2,500	25	100	(a)	0	25	(f)	-	80	-	-
CC	10,000	-	-	(g)			(h)	-	80	-	-
I	15,000	200	100	5	0	25	50	-	80	5	(i)
TV&F (j)	20,000	-	-	(k)			(l)	-	80	-	-

- (a) The front yard requirement shall be such that where the existing principal buildings on the same side of the street and within 200 feet of any subject lot create an established setback, new buildings shall conform to such established setback or, if none is established, to the average of the setbacks of the principal buildings within 200 feet, provided that in residential zones the minimum front yard setback shall be 20 feet.
- (b) To side and rear lot lines
- (c) 0 feet for interior lot lines for townhomes; 5 feet for all other
- (d) Minimum Setback from public right-of-way: Residential: 10 feet; Mixed-Use Development: 5 feet
- (e) 6 stories if parking is provided under building; 5 stories if no parking is provided under building
- (f) Maximum: 40 feet / 3 stories; Minimum: 30 feet 2 stories
- (g) Minimum Setback from public right-of-way: 5 feet; Minimum setback from adjacent residential lot: 10 feet
- (h) Maximum: 50 feet / 4 stories; Minimum: 30 feet / 2 stories
- (i) Not to exceed height of principal building
- (j) Nonresidential uses shall have a minimum depth of 40 feet
- (k) Minimum setback from public right-of-way: 5 feet; Maximum setback from public right-of-way: 10 feet, except for properties east of Supor Boulevard, which shall have no maximum setback from rights-of-way
- (l) Hotel: 100 feet; All other uses: 68 feet

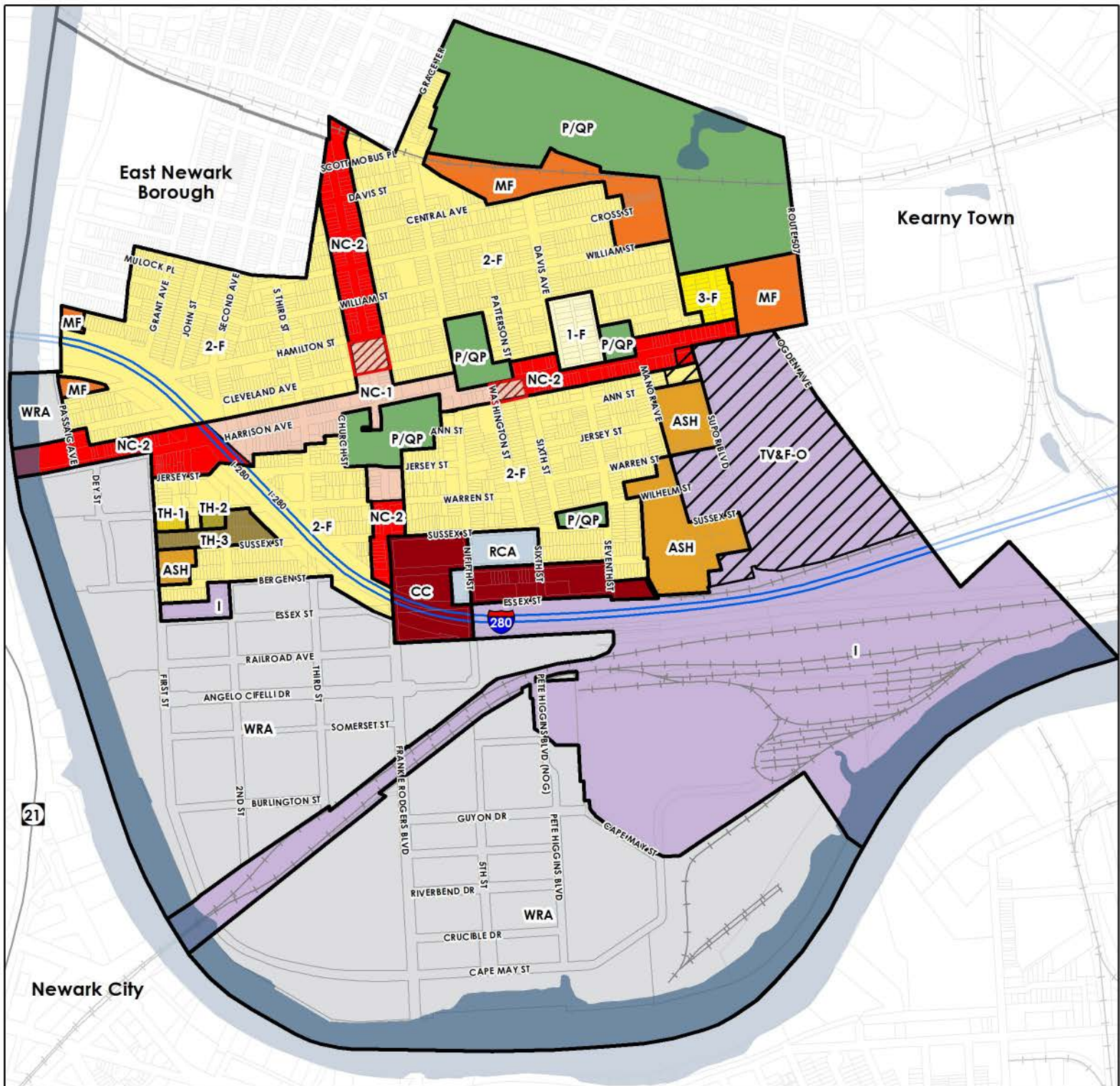
**Town of Harrison**

**Schedule III**

**Parking Schedule**

Use	Minimum Parking Spaces
<b><i>Residential</i></b>	
Single-Family Detached	
2 Bedroom	1.5
3 Bedroom	2.0
4 Bedroom	2.5
5 Bedroom	3.0
Garden Apartment	
1 Bedroom	1.8
2 Bedroom	2.0
3 Bedroom	2.1
Townhouse	
1 Bedroom	1.8
2 Bedroom	2.3
3 Bedroom	2.4
High Rise	
1 Bedroom	0.8
2 Bedroom	1.3
3 Bedroom	1.9
Mid-Rise Apartment	
1 Bedroom	1.8
2 Bedroom	2.0
3 Bedroom	2.1
Age-Restricted Residential Development in the ASH Affordable Senior Housing Zone	1.0 / unit
<b><i>Non-Residential</i></b>	
<i>Non-Residential Uses in the ASH Affordable Senior Housing Zone and the TV &amp; F-O: TV and Film Studio Overlay</i>	
Financial Institutions	1 per 1,000 square feet of gross floor area
Office	1 per 1,000 square feet of gross floor area
Retail	1 per 1,000 square feet of gross floor area
Other permitted non-residential uses shall be subject to the parking requirements below	

<i>Non-Residential Uses in All Other Zones</i>	
Automobile fuel station or repair	0.5 per each bay, plus .5 for each service vehicle garage
Brewery, micro distillery	1 per 250 square feet of tasting area
Financial institution	1 per 600 square feet of gross floor area
Funeral Home	10 per viewing room; minimum of 30 spaces
Hotel	0.5 per room plus 1 per 1,000 of conference or similar space, and, in addition, compliance with the requirements for each additional use located on the property, such as retail restaurants, eating and drinking places and meeting rooms
Industrial and manufacturing uses	1 per 2,500 square feet of gross floor area
Laboratory and research use	1 per 800 square feet of gross floor area
Office	3 per 1,000 square feet of gross floor area
Places of Worship	1 per 250 gross square feet of assembly area
Recreation Facilities: Court games Other	1 per every 4 courts 1 per 500 square feet of gross floor area
Restaurant, eating and drinking establishments, brew pubs	1 per 4 seats
Retail sales and service	1 per 300 square feet of gross floor area
Schools, Primary and Secondary	1 per 4 teachers
Staffing and Employment Agencies	1 per 200 square feet of gross floor area
TV and film studios	1 per 1,000 square feet of gross floor area
Warehouse	1 per 5,000 square feet of gross floor area warehouse



### Zoning

1-F: Single Family	TH-3: Townhouse 3	CC: Community Commercial
2-F: Two-Family	MF: Multi-Family	I: Industrial
3-F: Three-Family	ASH: Affordable Senior Housing	P/QP: Public/Quasi Public
TH-1: Townhouse 1	NC-1: Neighborhood Commercial 1	WRA: Waterfront Redevelopment Area
TH-2: Townhouse 2	NC-2: Neighborhood Commercial 2	RCA Redevelopment Area
	Expanded NC-2 (Previously NC-1)	TV&F-O: TV & Film Overlay

## 2020 Reexamination Zoning Map Overlaid with 2023 Revisions

Town of Harrison, Hudson County, NJ