

RESOLUTION 03.01.24

AUTHORIZING THE BICYCLE CLUB OF NORTH
JERSEY TO USE THE MUNICIPAL BUILDING
GROUNDS AS A REST STOP AND REFRESHMENT
AREA ON AUGUST 18, 2024

WHEREAS, the Bicycle Club of North Jersey will be holding their annual Ramapo Rally which will attract over 1,000 riders of all abilities to ride routes from twelve to one hundred and twenty-five miles; and

WHEREAS, one such route will lead the riders from Campgaw through the Borough of Kinnelon between the hours of 8:00 a.m. and 11:00 a.m.; and

WHEREAS, the Bicycle Club of North Jersey is a proud sponsor of Camp Sunshine and Camp Snowflake which provides special activities for multiply-disabled children and young adults for both Monday through Friday activities during the summer and Saturdays during the school year.

WHEREAS, the Club has again requested to set up refreshment tables and port-o-johns in the municipal parking area for the bicyclists; and

WHEREAS, the Club has assured the Borough they will provide a \$1,000,000.00 insurance certificate with the Borough as insured and will treat the municipal grounds with their greatest respect.

NOW, THEREFORE, BE IT RESOLVED that the Kinnelon Mayor and Council hereby approve the use of the municipal parking area for a refreshment and rest stop for those bicyclists who participate in the Ramapo Rally on Sunday August 18, 2024; and

BE IT FURTHER RESOLVED that the Bicycle Club of North Jersey shall provide an insurance certificate to the Borough in the amount of \$1,000,000.00; and

BE IT FURTHER RESOLVED that the Chief of Police be provided with a traffic plan, estimate of riders as well as an estimated time of arrival and departure.

Dated: March 21, 2024

Karen M. Iuele, RMC
Borough Clerk

RESOLUTION 03.02 .2024

AUTHORIZING APPOINTMENT OF
CHRISTOPHER DILORENZO AS MUNICIPAL
PROSECUTOR FOR THE COURT SYSTEM
OF THE BOROUGH OF KINNELON

WHEREAS, the Borough Council wishes to appoint Christopher DiLorenzo as the Municipal Prosecutor for the Borough of Kinnelon with a start date of January 1, 2024; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon approve appointing Christopher DiLorenzo as the Municipal Prosecutor for the Borough of Kinnelon with a start date of January 1, 2024 with an annual salary of \$17,500.00.

CERTIFICATION

I, Karen M. Iuele, Borough Clerk, do hereby certify this to be a true copy of a resolution duly adopted at the regular meeting of the Kinnelon Mayor and Council held on March 21, 2024.

Dated: March 21, 2024

Karen M. Iuele, RMC
Borough Clerk

RESOLUTION 03.03.2024

**KINNELON BOROUGH PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
MORRIS COUNTY, NEW JERSEY
MATTER OF CONSISTENCY DETERMINATION
FOR ORDINANCE NO. 01-2024**

Decided and Memorialized: March 7, 2024

WHEREAS, under N.J.S.A. 40:55D-26a of the Municipal Land Use Law (the “MLUL”), prior to the adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to the Governing Body, within 35 days after referral, a report including identification of any provisions of the proposed ordinance which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, on January 18, 2024 Borough of Kinnelon Governing Body introduced Ordinance No. 01-2024 entitled “Amending Chapter 207 of the Borough of Kinnelon Code Title ‘Zoning’”; and

WHEREAS, the Mayor and Council of the Borough of Kinnelon referred this matter to the Borough Planning Board pursuant to N.J.S.A. 40:55D-64; and

WHEREAS, on March 7, 2024, the Planning Board considered this matter at a duly-noticed in-person public meeting; and

NOW, THEREFORE, by the Borough of Kinnelon Planning Board, having reviewed Ordinance No. 01-2024 memorializes the following findings of fact and conclusions of law in regard to the proposed revisions to the Code of the Borough of Kinnelon:

1. Ordinance No. 01-2024 amends the Code by repealing and replacing section 207-145, titled “Sheds”.

2. At its public meeting on March 7, 2024, Councilman Anthony Chirido provided the Planning Board with an overview of the Ordinance. The Planning Board and its professionals discussed the Ordinance, which is intended to provide greater consistency regarding the number, placement and design of accessory shed structures permitted on residential properties.

3. The Planning Board finds that the adoption of Ordinance No. 01-2024 is substantially consistent with the comprehensive goals set forth in the Master Plan.

4. The Planning Board finds that adoption of Ordinance No. 01-2024 is substantially consistent with the comprehensive land use goals, and economic development goals as set forth in the Master Plan or is designed to effectuate such plan elements for the reasons expressed on the record as well as the reasons expressed by its professionals and Councilman Chirido.

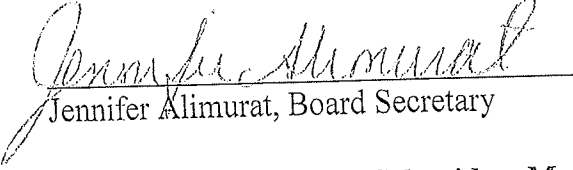
5. The Planning Board finds the Ordinance is consistent as written and has no recommendations for changes to Ordinance 01-2024.

NOW THEREFORE, BE IT RESOLVED, by the Kinnelon Planning Board that Ordinance No. 01-2024 entitled “Amending Chapter 207 of the Borough of Kinnelon Code Title ‘Zoning’” has been determined by the Planning Board to be substantially consistent with the comprehensive land use goals and economic development goals in the Master Plan or is designed to effectuate such plan elements for the Borough of Kinnelon.

BE IT FURTHER RESOLVED that the Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Mayor and Council of the Borough of Kinnelon and shall serve as the report to the Governing Body pursuant to N.J.S.A. 40:55D-26a of the MLUL.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

The undersigned Secretary certifies the within Resolution was adopted and memorialized by this Planning Board pursuant to N.J.S.A. 40:55D-10(g) on March 7, 2024.


Jennifer Alimurat, Board Secretary

In favor: **Councilman Chirdo, Mr.Lockwood, Mr. Schwartz, Mr. Schneider, Mrs. Smialek, Mr. Csontos, Mr. Merlucci and Mrs. Zelenak.**

Against:

Abstained:

Board Members **Eligible to Vote: Councilman Chirdo, Mr.Lockwood, Mr. Schwartz, Mr. Schneider, Mrs. Smialek, Mr. Csontos, Mr. Merlucci and Mrs. Zelenak.**

KINPB-002 Master Plan Consistency Determination Resolution of Ordinance 01-2024 3.7.24 SRT(3514865.1)

RESOLUTION 03.04.24

AUTHORIZING THE MAYOR TO SUBMIT A
DECLARATION OF INTENT AND GRANT
APPLICATION FOR THE BOROUGH
OF KINNELON TO APPLY FOR A RE-GRANT
AWARD TO DIGITIZE L'ECOLE, THE KINNELON
MUSEUM'S MAP COLLECTION AND THE
KINNELON TIMES NEWSPAPER

WHEREAS, the Borough of Kinnelon wishes to apply for a Re-Grant award to digitize the extensive map collection and the Kinnelon Times newspaper (1965-1976) for the L'Ecole Kinnelon Museum archives.

WHEREAS, the Historical Preservation Advisory Committee of the Borough of Kinnelon is seeking to outsource the scanning and digitization of the Museum's map and Kinnelon Times newspaper collection at L'Ecole, the Kinnelon Museum; and

WHEREAS, the cost of outsourcing the scanning and digitizing of the Museum's extensive map collection and Kinnelon Times newspaper issues 1965 to 1976 is expected to be approximately \$2,470; and

WHEREAS, in addition the digitization of the maps and Kinnelon Times will contribute to the continued work of accessioning and cataloguing of the collection at L'Ecole, the Kinnelon Museum.

NOW, THEREFORE, BE IT RESOLVED, The Borough of Kinnelon authorizes the Mayor, and the Clerk to submit a "Declaration of Intent" and submit an application to the Morris County Heritage Commission County History Partnership program for a grant in the amount of \$2,470 for the digitization of the Museum map collection and the Kinnelon Times Newspaper for L'Ecole, the Kinnelon Museum.

Dated: March 21, 2024

James J. Freda, Mayor

RESOLUTION 03.05.24

AUTHORIZES DMC ASSOCIATES, INC.
LAND SURVEYORS FOR PREPARATION OF AN
EXISTING ROADWAY AS-BUILT SURVEY
KINNELON NEW JERSEY

WHEREAS, the Borough of Kinnelon has authorize DMC Associates, Inc., 211 Main Street, Butler, New Jersey 07405 to prepare an Existing Condition Roadway survey of Denise Drive, Powderhorn drive, Scott Court, Tammy Terrace, Christine Court, Kinnelon NJ; and

WHEEREAS, the total project limit is 9,762 + / Linear Feet of Roadway; and

WHEREAS, the contract DMC Associates, Inc., for said services is for a total amount not to exceed Thirty-four thousand dollars. (\$34,000.00); and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kinnelon is authorized to award this contract to DMC Associates, Inc. with a price not to exceed Thirty-four thousand dollars.

Adopted: March 21, 2024

Karen M. Iuele
Borough Clerk

RESOLUTION 03.06 .2024

AUTHORIZING HIRE OF A PART
TIME DISPATCHER MICHEAL MOSCATELLO

WHEREAS, the Police Department wish to hire a Part Time Dispatcher; and

WHEREAS, based on these interviews, it was determined that Micheal Moscatello was the successful candidate; and

NOW, THEREFORE, BE IT RESOLVED, Micheal Moscatello be hired as a Part Time Dispatcher, effective February 3, 2024 at \$20.50 per hour.

CERTIFICATION

I, Karen M. luele, Borough Clerk, do hereby certify this to be a true copy of a resolution duly adopted at the regular meeting of the Kinnelon Mayor and Council held on March 21, 2024.

Dated: March 21, 2024

Karen M. luele, Borough Clerk

Borough of Kinnelon
Morris County, New Jersey

Resolution 03.07.2024

RESOLUTION OF THE BOROUGH OF KINNELON, COUNTY OF MORRIS, STATE OF NEW JERSEY
SUPPORTING A FUTURE NEW JERSEY DEPARTMENT OF TRANSPORTATION ROCKFALL MITIGATION
PROJECT ALONG NEW JERSEY STATE HIGHWAY ROUTE 23

WHEREAS, the New Jersey Department of Transportation (“NJDOT”) has identified a potential future project along specified areas along the New Jersey State Highway Route 23 corridor within the Borough of Kinnelon for rockfall mitigation; and

WHEREAS, a Local Officials briefing on January 20, 2023 introduced the project to various local officials of the Borough; and

WHEREAS, the NJDOT indicated that the project is in the Final Design Phase at this time with support from the municipality; and

WHEREAS, the NJDOT has identified the next step of the conceptual project is a Resolution of Support by the Borough of Kinnelon to support the further evaluation of the Route 23 Rockfall Mitigation Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Council of the Borough of Kinnelon formal support a New Jersey Department of Transportation Rockfall Mitigation project along specified areas along the New Jersey State Highway Route 23 corridor within the Borough of Kinnelon.

Adopted: March 21, 2024

Adopted this 21st day of March, 2024
And certified as a true copy of an original.

Karen M. Iuele, Kinnelon Borough Clerk

RESOLUTION OF THE BOROUGH OF KINNELON, ENDORSEMENT IN SUPPORT OF THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 23, HIGH CREST DR TO MACOPIN RIVER IMPROVEMENTS

WHEREAS, a meeting was held on May 4, 2022 between the NJDOT and representatives of the Borough of Kinnelon concerning the Route 23, High Crest Dr to Macopin River, Borough of Kinnelon project; and

WHEREAS, representatives of Kinnelon were in agreement with the Route 23, High Crest Dr to Macopin River, Kinnelon project improvements as shown on the Route 23, High Crest Dr to Macopin River plans as presented at the meeting held on May 4, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Kinnelon as follows:

1. The Borough Council authorizes and directs the Borough Clerk to forward a letter to the NJDOT indicating support for the proposed improvements to the Route 23, High Crest Dr to Macopin River project.
2. The Borough Clerk is further directed to forward such a letter to be attached to this Resolution expressing its support for this project.

ATTEST:

Kinnelon

Karen M. Iuele, Kinnelon Clerk

James J. Freda, Mayor

CERTIFICATION

The foregoing Resolution was duly adopted at a Mayor and Council meeting, held on March 21, 2024, at the Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey.

RECORD OF VOTE – Resolution No. XXXX				
Council Member	Yes	No	Abstain	Absent

Karen M. Iuele, Kinnelon Clerk

**ORDINANCE NO. 01-2024 AN ORDINANCE AMENDING CHAPTER 207 OF THE
BOROUGH OF KINNELON CODE TITLED "ZONING"**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon ("Borough") desires to amend Chapter 207 of its municipal Code, titled "Zoning" and specifically section 145 thereof, titled "Sheds";

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. The Code of the Borough of Kinnelon, Part II General Legislation therein, is hereby amended by repealing section 207-145, titled "Sheds" and replacing it with the following:

§ 207-145. Sheds.

- A. A zoning permit and a survey shall be required for all sheds, regardless of size;
- B. Sheds may not be greater than 200 square feet.
- C. Sheds shall be located in either a side yard or rear yard;
- D. Sheds shall not be used for habitation or a commercial purpose;
- E. Sheds shall be prohibited in any front yard including those properties which have more than one front yard such as "corner lots" or "through lots";

- F. Sheds shall be for the exclusive use of the property's resident and shall not be rented or otherwise used by a third party;
- G. Required setbacks:
- (1) For sheds up to and including 100 square feet, the following requirements apply:
 - (a) A minimum 5 ft. side yard setback is required.
 - (b) A minimum 5 ft. rear yard setback is required.
 - (c) The maximum permitted height shall be 10 ft to the highest ridge, measured from the grade at the entrance of the shed.
 - (2) For sheds over 100 sq ft, but less than 200 sq ft, the following requirements apply:
 - (a) A minimum 10 ft. side yard setback is required.
 - (b) A minimum 5 ft. rear yard setback is required.
 - (c) A max height of 15ft to the highest ridge, measured from the grade at the entrance of the shed.
- H. Sheds shall be located no less than 10 ft. from any building.
- I. Maximum number of sheds:
- (1) For properties having a lot area of less than 60,000 sq. ft., one (1) shed is permitted.
 - (2) For properties having a lot area of at least 60,000 sq. ft., a maximum of two (2) sheds are permitted.
 - (3) In addition to the sheds permitted under I(1) and I(2) above, a property owner may also install or maintain a maximum of one additional storage structure , provided it is less than 24 sq ft in floor area and less than 72" in height. These additional structures may be located within 10 feet of any building but shall otherwise be subject to the setback requirements of § 207-145 G. (1)

SECTION 2. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, RMC, Borough Clerk

James J. Freda, Mayor

ORDINANCE NO. 02-2024 AN ORDINANCE REPEALING AND REPLACING SECTION 110-14.1 OF CHAPTER 110 OF THE BOROUGH OF KINNELON CODE TITLED “VIOLATIONS AND PENALTIES”

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon (“Borough”) desires to repeal and replace Section 14.1 of Chapter 110 titled “Violations and Penalties”.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. The Code of the Borough of Kinnelon, Part II General Legislation therein, is hereby amended by repealing Section 110-14.1 of Chapter 110, titled “Violations and Penalties ” and replacing it with the following:

§ 110-14.1 Violations and penalties.

A. The following penalties shall be imposed for any violation of Article I of Chapter 110:

1. The fine for each unlicensed dog shall be \$100.
2. The fine for an unleashed dog or a dog at large shall be:
\$100 for first offense within a calendar year;
\$150 for second offense within a calendar year;
\$200 for third offense within a calendar year.

For a fourth or subsequent offense within a calendar year, the penalty shall be as set forth in section 110-14.1 B.

B. Unless another penalty is expressly provided herein, any person, firm or corporation violating this Article I shall be subject, upon conviction, to one or more of the following at the discretion of the court: a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed 90 days or community service not to exceed 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, RMC, Borough Clerk

James J. Freda, Mayor

BOROUGH OF KINNELON, COUNTY OF MORRIS, STATE OF NEW JERSEY

ORDINANCE NO. 03-2024

AN ORDINANCE OF THE BOROUGH OF KINNELON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AUTHORIZING A SPECIAL ASSESSMENT FOR THE LAKE REALITY DAM IMPROVEMENTS

WHEREAS, in 2017 the Lake Reality Homeowners Association, Inc. ("Association") sought financing from the State of New Jersey Department of Environmental Protection ("State") in order to enable improvements and repairs to the Lake Reality Dam so as to restore the dam; and

WHEREAS, in 2017 the Association sought additional financing from the State in order to complete improvements and repairs to the Lake Reality Dam; and

WHEREAS, under the 1992 New Jersey Dam Restoration and Inland Waters Projects Loan Program ("Program"), N.J.A.C. §7:24A-1 *et seq.*, loans from the State will be obtained in the total amount of Seven Hundred Fifty Thousand (\$750,000); and

WHEREAS, pursuant to the regulations governing the Program, the municipality is required to act as co-borrower in order to qualify to receive the funds; and

WHEREAS, the Borough agrees to act as co-borrower, the funds have been committed and the improvements are to be performed; and

WHEREAS, the State's Dam, Lake and Stream Project Fund, N.J.S.A. §58:4-12 authorizes the Borough to assess the amount of the principal, interest, costs and administrative costs for the loan against the real property benefited by the loan together with interest and penalties; and

WHEREAS, the State's Dam, Lake and Stream Project Fund, N.J.S.A. §58:4-12 authorizes the collection of the assessment in the same manner as assessments for local improvements; and

WHEREAS, all dam restoration improvements are scheduled to be completed by December 31, 2024 and the final cost of the project, including all eligible expenses, is estimated to be Seven Hundred Fifty Thousand (\$750,000).

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Kinnelon, in the County of Morris and State of New Jersey, as follows:

1. The full cost of the principal, interest, and any associated costs, fees, or penalties expended to complete the improvements and repairs of the Lake Reality Dam to the satisfaction of the New Jersey Department of Environmental Protection, together with all costs associated with establishing and enforcing the assessments, shall be assessed against all benefitting properties as listed in the chart attached hereto as Schedule A.
2. The procedures for making and collecting this special assessment, which are set forth in N.J.S.A. §40:56-1 *et seq.* and N.J.S.A. §40:49-6, have been followed in developing the information in Schedule A.

3. The Borough's Special Assessment Commission, with the Borough's appointed CFO acting as an Ex Officio member, shall be responsible for establishing the assessment in accordance with the statutory parameters.
4. The Borough will not contribute to the repayment of any part of the costs of this local improvement, unless and until a default is experienced thereby jeopardizing properties located in the assessment area.
5. The assessment shall constitute a first and paramount lien on the property pursuant to N.J.S.A. §40:56-33 and a record of same shall be maintained in accordance with N.J.S.A. §40:56-41.3.
6. The assessment shall be paid in annual installments, plus interest, over the course of twenty (20) years. Bills for the assessment will be prepared and sent out by the Tax Collector, separate and apart from any tax bills. There will be no penalty for prepayment.
7. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.
8. All ordinances of the Borough of Kinnelon, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
9. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Borough Council of the Borough of Kinnelon held on February 15, 2024, and a public hearing will be held on Thursday March 21, 2025 at 7:00 P.M., at the Municipal Building, 130 Kinnelon Road, Kinnelon Borough, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Certified to be a True Copy of Original Ordinance which was introduced at a Mayor and Council meeting held on February 15, 2024.

Karen M. Juele, RMC
Kinnelon Borough Clerk

ORDINANCE NO. 04-2024

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KINNELON AND CREATING A NEW CHAPTER 155 TITLED "PRIVATELY OWNED SALT STORAGE"

WHEREAS, as part of MS4 Tier A permit stormwater requirements, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP-mandated regulations for privately owned salt storage; and

WHEREAS, the Borough Council is required to adopt the NJDEP model ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. The Revised General Ordinances of the Borough of Kinnelon are hereby amended by the inclusion of new Chapter 155 entitled "Privately Owned Salt Storage," which shall read in its entirety as follows:

CHAPTER 155 PRIVATELY OWNED SALT STORAGE

§ 155-1. Purpose.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Borough of Kinnelon to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 155.2. 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 Article clearly demonstrates a different meaning. When consistent 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.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- (1) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - (2) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - (3) The structure shall be erected on an impermeable slab;
 - (4) The structure cannot be open sided; and
 - (5) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. "Resident" means a person who resides on a residential property where de-icing material is stored.

§ 155-3. De-icing Material Storage Requirements.

- A. Temporary outdoor storage of de-icing materials, in accordance with the requirements below and when permitted within an approved site plan for onsite use only, is allowed between October 15th and April 15th:
 - (1) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - (2) Loose materials shall be placed at least fifty (50') feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

- (3) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 - (4) Loose materials shall be covered as follows:
 - (a) The cover shall be waterproof, impermeable, and flexible;
 - (b) The cover shall extend to the base of the pile(s);
 - (c) The cover shall be free from holes or tears;
 - (d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - (e) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - [1] Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 - (5) Containers must be sealed when not in use; and
 - (6) The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. All such temporary and/or permanent structures must also comply with all other Borough of Kinnelon ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
- (1) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.
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§ 155-4. Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within two (2) weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 155-5. Enforcement.

This ordinance shall be enforced by the Police Department and/or the Property Maintenance Officer or another person designated by the Borough Administrator during the course of ordinary enforcement duties.

§ 155-6. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall have seventy-two (72) hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall subject such person(s) to fines and penalties in accordance with N.J.S.A. 40:49-5.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Karen Iuele, Borough Clerk

James Freda, Mayor

ORDINANCE NO. 05-2024 **AN ORDINANCE REPEALING AND REPLACING SECTION 148 OF CHAPTER 207 OF THE BOROUGH OF KINNELON CODE TITLED “PERMANENTLY INSTALLED (NON-PORTABLE) GENERATORS AND AIR CONDITIONER UNITS”**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon (“Borough”) desires to repeal and replace Section 148 of Chapter 207 titled “Permanently installed (non-portable) generators and air conditioner units” to preserve the public health, safety, and welfare by setting forth regulations on the replacement of generators and air conditioner units.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. The Code of the Borough of Kinnelon, Part II General Legislation therein, is hereby amended by repealing and replacing Section 148 of Chapter 207 titled “Permanently installed (non-portable) generators and air conditioner units”, to read as follows:

§ 207-148 Permanently installed (non-portable) generators and air conditioner units.

- A. Permanently installed, non-portable generators and air conditioner units shall not be installed in a front yard. Permanently installed air conditioner units shall maintain a minimum side yard and backyard setback of 15 ft.; permanently installed generators shall maintain a minimum side yard and backyard setback of 25 ft.
- B. The exterior condenser unit of a permanently installed residential air conditioner system or non-portable generator may be replaced without zoning review if all of the following conditions are met:
 - (i) The new unit is situated in the same location as the unit being replaced and it utilizes the same pad, or a pad of the same dimensions, as the unit being replaced, so as not to alter existing setbacks or increase the impervious coverage of the property; and

(ii) The unit being replaced was installed in compliance with all applicable Borough codes in force at the time of the installation; and

(iii) the installation of the new unit complies with current Borough construction, electrical and/or plumbing codes.

C. When completely installed on the exterior wall of a primary dwelling, ductless air conditioning or heating units shall maintain a minimum side yard and backyard setback of 15 ft.

SECTION 2. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, RMC, Borough Clerk

James J. Freda, Mayor

ORDINANCE # 06-2024

BOND ORDINANCE APPROPRIATING \$1,750,000, AND AUTHORIZING THE ISSUANCE OF \$1,650,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Kinnelon, in the County of Morris, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,750,000 including the aggregate sum of \$100,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also any amounts received from the State of New Jersey or agencies thereof or other sources as a grant-in-aid of financing said improvements or purposes.

Section 2. For the financing of said improvements or purposes, including for the purposes of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$1,750,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough

are hereby authorized to be issued in the principal amount of \$1,650,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,650,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of municipally-owned facilities and properties, in and by the Borough, including the tennis courts located on Boonton Avenue by the reconstruction thereof and the Department of Public Works Facility by the reconstruction and renovation of the fueling station, together with all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$350,000	\$333,000
(b) Improvement of various roads in and by the Borough, by the reconstruction and resurfacing thereof to provide a roadway pavement of at least equal in useful life or durability to a roadway pavement of Class B reconstruction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including without limitation, Foothills Drive, Hillside Road, Hearth Stone Drive, Valley Road, Harvest Lane, Peachtree Lane, Jardine Lane, Kaghart Drive, Hidden Access Drive, Miller Road and Fayson Lakes Drive, together with all drainage facilities, landscaping, milling, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	<u>1,400,000</u>	<u>1,317,000</u>
Totals	\$1,750,000	\$1,650,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.00 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,650,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$69,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed

in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. Any funds from time to time received by the Borough on account of any grant referred to in Section 1 of this bond ordinance shall be used for financing the improvements or purposes described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (the "Chief Financial Officer") provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must

include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

ORDINANCE # 07-24

BOND ORDINANCE APPROPRIATING \$1,300,000, AND AUTHORIZING THE ISSUANCE OF \$1,235,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS ROAD IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Kinnelon, in the County of Morris, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,300,000 including the aggregate sum of \$65,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also the aggregate sum of \$533,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvements or purposes.

Section 2. For the financing of said improvements or purposes, including for the purposes of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$1,300,000 appropriations not

provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,235,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,235,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of Denise Drive in and by the Borough, by the reconstruction and resurfacing thereof to provide a roadway pavement of at least equal in useful life or durability to a roadway pavement of Class B reconstruction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), together with all drainage facilities, landscaping, milling, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$600,000 hereby appropriated therefor being inclusive of the sum of \$234,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement	\$600,000	\$570,000
(b) Improvement of various roads in and by the Borough, by the reconstruction and resurfacing thereof to provide a roadway pavement of at least equal in useful life or durability to a roadway pavement of Class B reconstruction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including without limitation, Powderhorn Drive, Tammy Terrace, Christine Court and Scott Court, together with all drainage facilities, landscaping, milling, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and		

specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$700,000 hereby appropriated therefor being inclusive of the sum of \$299,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement

	<u>700,000</u>	<u>665,000</u>
Totals	\$1,300,000	\$1,235,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,235,000, and the

said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$235,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. Any funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvements or purposes described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (the "Chief Financial Officer") provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them

to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.