

BOROUGH OF KINNELON  
WORK SHOP SESSION AGENDA  
February 8, 2022-7:00 PM

1. MEETING TO ORDER: Mayor James Freda
2. OPEN PUBLIC MEETINGS ACT STATEMENT:
3. ROLL CALL: Councilpersons W. Yago, R. Roy, S. Mabey, V. Russo, R. Charles, J. Lorkowski
4. EDWARD BUZAK-ATTORNEY REPORT:
5. ADMINISTRATION OF OATHS FOR 2022 FIRE CHIEFS  
CHIEF JEFFERY BRESETT  
1<sup>ST</sup> ASSISTANT CHIEF ANDREW HEILMANN
6. MAYOR'S REPORT:
7. COUNCIL COMMITTEE REPORTS:  
FINANCE, PERSONNEL, PUBLIC SAFETY - W. YAGO  
PUBLIC WORKS & RECREATION– S. MABEY  
COORDINATING – R. ROY  
ORDINANCE & LIBRARY - V. RUSSO  
UTILITIES & OPEN SPACE - R. CHARLES  
TECHNOLOGY - J. LORKOWSKI
8. HEARING FROM THE PUBLIC:
9. PAYMENT OF BILLS: February 17, 2022
10. CONSENT AGENDA:
  - a. Resolution: 02.01.22 Kamelot Fiscal Grant Cycle July 2020-June 2025 (NEEDS APPROVAL)
  - b. Resolution: Authorizing the Issuance of Not Exceeding \$176,000 Bond Anticipation Notes of the Borough of Kinnelon, in the County of Morris, New Jersey
  - c. Resolution: Authorizing the Issuance of Not Exceeding \$2,677,850 Bond Anticipation Notes of the Borough of Kinnelon, in the County of Morris, New Jersey
  - d. Resolution: Soil Disturbance 12 Orchard Road – Block 1103 Lot 108
  - e. Resolution: Authorizing the Defense and Prosecution of Tax Appeals Before the Morris County Board of Taxation and Tax Court
  - f. Resolution: North Jersey Municipal Employee Benefits Fund Resolution
  - g. Minute Approval – January 20, 2022
11. PAYMENT OF SCHOOL TAX: \$3,261,710.92
12. OLD BUSINESS:
  - a. **Public Hearing and Adoption Ord 01-22** Amending Paragraph “B” of Section 47-20 “Appeals and Applications” of Article II, Chapter 47 of the Code of the Borough of Kinnelon to Clarify the Property Survey Requirements for Application filed with the Zoning Board of Adjustment.

b. **Public Hearing and Adoption Ord 02-22** An Ordinance Supplementing Article II, Section 207-4 "Definitions and Word Usage: Amending Article X, Section 207-27 "Schedule I: Residential Zone", and Adopting New Article XXII "Accessory Structures and Uses" in Chapter 207 "Zoning "of the Code of the Borough of Kinnelon to Provide for the Regulation of Accessory Structures and Uses in Residential Zones.

c. **Public Hearing and Adoption Ord 03-22** Bond Ordinance Providing for the Acquisition of New and Additional Firefighting Equipment by the Borough of Kinnelon, in the County of Morris, New Jersey, Appropriating \$185,000 Therefor and Authorizing the Issuance of \$176,000 Bonds or Notes of the Borough for Financing Such Appropriation.

13. NEW BUSINESS:

14. APOINTMENTS:

Jeffery Bresett – Kinnelon Board of Health Committee

Mayor James Freda & Charles Daniel – HIF Dental Insurance Fund Commissioner

15. ADJOURMENT:

Governor's Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle July 2020-June 2025

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse 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 alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the Borough of Kinnelon County of Morris, 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 Borough Council 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**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Kinnelon, County of Morris, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Kinnelon Municipal Alliance grant for fiscal year 2023 in the amount of:

DEDR	\$4,934.00
Cash Match	\$1,233.50
In-Kind	\$3,700.50
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
*James J. Freda, Mayor*

**CERTIFICATION**

I, Karen M. Iuele, Municipal Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 8th day of February, 2022.

\_\_\_\_\_  
*Karen M. Iuele, Municipal Clerk*

**EXTRACT** from the minutes of a regular meeting of the Borough Council of the Borough of Kinnelon, in the County of Morris, New Jersey, held at the Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey, on February 17, 2022, at 8:00 o'clock P.M.

**PRESENT:**

**ABSENT:**

\_\_\_\_\_ introduced and moved the adoption of the following resolution and \_\_\_\_\_ seconded the motion:

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$176,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY.**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to a bond ordinance of the Borough of Kinnelon, in the County of Morris (the "Borough") entitled: "Bond ordinance providing for the acquisition of new and additional firefighting equipment by the Borough of Kinnelon, in the County of Morris, New Jersey, appropriating \$185,000 therefor and authorizing the issuance of \$176,000 bonds or notes of the Borough for financing such appropriation", finally adopted on February 17, 2022 (#\_\_22, bond anticipation notes of the Borough in a principal amount not exceeding \$176,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.



Section 2. All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer 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 and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, 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 at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. 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 hereunder 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 3. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the

notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 5. All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 6. This resolution shall take effect immediately.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_,

the foregoing resolution was adopted by the following vote:

**AYES:**

**NOES:**

**CLERK'S CERTIFICATE**

I, **KAREN M. IUELE**, Borough Clerk of the Borough of Kinnelon, in the County of Morris, New Jersey, **HEREBY CERTIFY** that the foregoing annexed extract from the minutes of a meeting of the Borough Council of said Borough, duly called and held on February 17, 2022, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Borough, and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

I **FURTHER CERTIFY** that the original of each resolution referred to in said extract was after its adoption and in due form and time submitted by me for approval to the Mayor of said Borough, who thereafter duly approved the same and, on February 17, 2022, affixed his signature thereto in token of such approval.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of said Borough this 17th day of February, 2022.

**(SEAL)**

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Karen M. Iuele  
Borough Clerk

**EXTRACT** from the minutes of a regular meeting of the Borough Council of the Borough of Kinnelon, in the County of Morris, New Jersey, held at the Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey, on February 17, 2022, at 8:00 o'clock P.M.

**PRESENT:**

**ABSENT:**

\_\_\_\_\_ introduced and moved the adoption of the following resolution and \_\_\_\_\_ seconded the motion:

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,677,850 BOND ANTICIPATION NOTES OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY.**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to a bond ordinance of the Borough of Kinnelon, in the County of Morris (the "Borough") entitled: "Bond ordinance appropriating \$1,467,850, and authorizing the issuance of \$1,393,850 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", finally adopted on July 18, 2013 (#01-13), bond anticipation notes of the Borough in a principal amount not exceeding \$890,350 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Borough entitled: “Bond ordinance appropriating \$1,955,000, and authorizing the issuance of \$1,737,000 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”, finally adopted on September 18, 2014 (#02-14), bond anticipation notes of the Borough in a principal amount not exceeding \$1,132,500 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Borough entitled: “Bond ordinance providing for the acquisition of a new firefighting vehicle by the Borough of Kinnelon, in the County of Morris, New Jersey, appropriating \$500,000 therefor and authorizing the issuance of \$475,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on February 21, 2019 (#03-19), bond anticipation notes of the Borough in a principal amount not exceeding \$245,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the Borough entitled: “Bond ordinance providing for the improvement of Kiel Avenue in and by the Borough of Kinnelon, in the County of Morris, New Jersey, appropriating \$950,000 therefor and authorizing the issuance of \$433,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on June 26, 2019 (#07-19), bond anticipation notes of the Borough in a principal amount not exceeding \$410,000 shall be issued purpose for the purpose of temporarily financing the

improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 5. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer 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 and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, 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 at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. 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 hereunder 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 6. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 8. All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 9. This resolution shall take effect immediately.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_,

the foregoing resolution was adopted by the following vote:

**AYES:**

**NOES:**

**CLERK'S CERTIFICATE**

I, **KAREN M. IUELE**, Borough Clerk of the Borough of Kinnelon, in the County of Morris, New Jersey, **HEREBY CERTIFY** that the foregoing annexed extract from the minutes of a meeting of the Borough Council of said Borough, duly called and held on February 17, 2022, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Borough, and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

I **FURTHER CERTIFY** that the original of each resolution referred to in said extract was after its adoption and in due form and time submitted by me for approval to the Mayor of said Borough, who thereafter duly approved the same and, on February 17, 2022, affixed his signature thereto in token of such approval.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of said Borough this 17th day of February, 2022.

**(SEAL)**

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Karen M. Iuele  
Borough Clerk



RESOLUTION 02.04.22

AUTHORIZING SOIL DISTURBANCE PERMIT  
12 ORCHARD ROAD-BLOCK 1103 LOT 108

WHEREAS, the Mayor and Council of the Borough of Kinnelon approves the Soil Disturbance Permit for 12 Orchard Road, Block 1103 Lot 108; and

WHEREAS, Michael Greco & Brandi Smith-Greco has met all the requirements and approvals with Darmofalski Engineering Associates, Inc.; and

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve the Soil Disturbance, 12 Orchard Road, Kinnelon NJ.

Dated: February 17, 2022

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Karen M. Iuele, RMC  
Borough Clerk

**RESOLUTION NO. 02.05.22 RESOLUTION AUTHORIZING THE DEFENSE AND PROSECUTION OF TAX APPEALS BEFORE THE MORRIS COUNTY BOARD OF TAXATION AND TAX COURT**

**WHEREAS**, the Governing Body of the Borough of Kinnelon ("Borough") desires to authorize the Borough Attorney and Borough Assessor ("the Assessor") to prosecute, defend and/or settle tax appeals against the Borough before the Morris County Board of Taxation; and

**WHEREAS**, the Governing Body desires to authorize the Borough Attorney and Assessor to prosecute, defend and/or recommend settlements of tax appeals against the Borough in Tax Court.

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

1. The Borough Attorney and Assessor are hereby authorized to defend, prosecute, and/or settle tax appeals against the Borough before the Morris County Board of Taxation.
2. The Borough Attorney and Assessor are hereby authorized to defend, prosecute, answer, counterclaim and/or recommend the settlement of tax appeals against the Borough in Tax Court.
3. This Resolution shall take effect on October 1, 2021 *nunc pro tunc*.

**CERTIFICATION**

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, hereby certify the foregoing to be a true copy of a Resolution adopted by the Governing Body of the Borough of Kinnelon at a duly convened meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, Borough Clerk

RESOLUTION NO. 02.06.22

**NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND  
RESOLUTION to RENEW**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

**WHEREAS**, the governing body of \_\_\_\_\_, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a.) Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

**ADOPTED:** \_\_\_\_\_  
Date

**BY:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

**ORDINANCE NO. 01-22**

**AN ORDINANCE AMENDING PARAGRAPH “B” OF SECTION 47-20 “APPEALS AND APPLICATIONS” OF ARTICLE II, CHAPTER 47 “LAND USE PROCEDURES” OF THE CODE OF THE BOROUGH OF KINNELON TO CLARIFY THE PROPERTY SURVEY REQUIREMENT FOR APPLICATIONS FILED WITH THE ZONING BOARD OF ADJUSTMENT**

**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**, pursuant to N.J.S.A. 40:55D-1 *et seq.* the governing body of a municipality may adopt land use, land development and zoning ordinances; and

**WHEREAS**, the Borough of Kinnelon desires to amend Paragraph “B” of Section 47-20 “Appeals and Applications” of Article II, Chapter 47 “Land Use Procedures” of the Code of the Borough of Kinnelon to provide clarification of the property survey requirement for applications filed with the Zoning Board of Adjustment.

**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.** Paragraph “B” of Section 47-20 “Appeals and Applications” of Article II, Chapter 47 of the Code of the Borough of Kinnelon shall be amended such that said paragraph is

stricken in its entirety and replaced with the following language, and shall now read as follows:

B.

Applications addressed to the original jurisdiction of the Board of Adjustment without prior application to the Building Inspector shall be filed with the Secretary of the Zoning Board of Adjustment. Twelve copies of the application shall be filed. At the time of filing an appeal or application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Board of Adjustment.

The applicant shall obtain all necessary forms from the Secretary of the Zoning Board of Adjustment. The Secretary shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

A survey of the subject property shall be submitted with every application.

1. Survey Requirements for Accessory Structures, Walls, Fences, Generators, Air Conditioning Units and Temporary Storage Structures:

A survey of any age, sealed or unsealed which contains the name and signature of a licensed surveyor, showing the proposed location of a proposed accessory structure, wall, fence, generator, air conditioning unit or temporary storage structure, along with an affidavit of "no change" from the property owner, provided no changes have been made since the date the survey was performed.

If changes were made to the property after the survey was performed, those changes must be marked up on the submitted survey, along with an affidavit from the property owner indicating that the marked-up survey reflects the current as-built condition. The survey, including any mark-up, must be to scale, with dimensions, and cannot be a reduction or enlargement of the original survey.

2. Survey Requirements for all other applications:

If the survey was prepared not more than seven years from the date of submittal of the application, and no changes have been made since the date the survey was performed, it shall be accompanied by an "affidavit of no change" signed by the applicant or owner. If changes were made since the date of the survey, a new as-built survey is required.

If the survey was prepared more than seven years from the date of submittal of the application, and no changes have been made since the date the survey was performed, it must contain the signature and seal of a certified surveyor attesting that it is an accurate representation of the current conditions on the subject

property. If changes were made since the date of the survey, a new as-built survey is required.

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

**SECTION 4.** 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

## CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on \_\_\_\_\_ and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk



**ORDINANCE NO. 02-22**

**AN ORDINANCE SUPPLEMENTING ARTICLE II, SECTION 207-4 “DEFINITIONS AND WORD USAGE”, AMENDING ARTICLE X, SECTION 207-27 “SCHEDULE I: RESIDENTIAL ZONE”, AND ADOPTING NEW ARTICLE XXII “ACCESSORY STRUCTURES AND USES” IN CHAPTER 207 “ZONING” OF THE CODE OF THE BOROUGH OF KINNELON TO PROVIDE FOR THE REGULATION OF ACCESSORY STRUCTURES AND USES IN RESIDENTIAL ZONES**

**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**, pursuant to N.J.S.A. 40:55D-1 *et seq.* the governing body of a municipality may adopt land use, land development and zoning ordinances; and

**WHEREAS**, the Borough of Kinnelon desires to supplement Article II, Section 207-4 “Definitions and word usage”, amend Article X, Section 207-27 “Schedule I: Residential Zone” of Chapter 207 “Zoning” of the Code of the Borough of Kinnelon, and adopt new Article XXII entitled “Accessory Structures and Uses” in said Chapter, to provide for the regulation of accessory structures and uses in residential zones.

**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.** Article II, Section 207-4 “Definitions and word usage”, Paragraph B, shall

be supplemented to include the following additional definitions:

**TEMPORARY STORAGE STRUCTURE** - A movable or portable storage container or self-storage container, or other movable structure that can be used for the storage of personal property and which is located for such purposes outside an enclosed building other than an accessory structure.

**TEMPORARY STORAGE STRUCTURE UNIT** - A single unit of a temporary storage structure such as a PODS<sup>®</sup> (Portable on Demand Storage) or similar unit.

**SECTION 2.** Article X, Section 207-27 “Schedule I: Residential Zone” shall be amended such that the second paragraph of said section pertaining to “Accessory uses” is stricken and replaced with the following language and shall now read as follows:

**Accessory structures and uses.** Accessory structures and uses customarily incidental to the above uses (the term “accessory use,” however, not including a business) shall be regulated under Article XXII “Accessory Structures and Uses”, Sections 207-142 to 207-149, of this Chapter.

**SECTION 3.** Chapter 207, “Zoning”, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby amended and supplemented to include new Article XXII, entitled “Accessory Structures and Uses”, Sections 207-142 to 207-149, which shall read as follows:

**Article XXII “Accessory Structures and Uses”**

§207-142      Purpose.

It is the intent of this Article is to regulate accessory structures and uses that are customarily incidental to the principal permitted uses delineated in Schedule I, Residential Zone, at Article X, Section 207-27.

§207-143      Survey Requirements for Accessory Structures, Walls, Fences, Generators, Air Conditioning Units and Temporary Storage Structures.

There shall be submitted to the Zoning Officer or other appropriate official a survey of any age, sealed or unsealed, which contains the name and signature of a licensed surveyor, showing the proposed location of a proposed accessory structure, wall, fence, generator, air conditioning unit or temporary storage structure, along with an affidavit of “no change” from the property owner provided no changes were made since the date of the survey. If changes were made to the property after the survey was performed, those changes must be marked up on the submitted survey, along with an affidavit from the property owner indicating that the marked-up survey reflects the current as-built condition. The survey, including any markups and dimensions, must be to scale, and cannot be a reduction or

enlargement of the original survey.

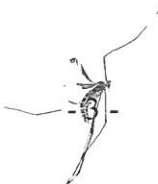
§207-144 Permitted Accessory Structures and Uses in Residential Zones.

Accessory structures and uses shall not be permitted on any residential lot unless a primary structure exists. All utilities in an accessory structure may be installed only after obtaining the necessary zoning, building and fire permits, as applicable to the installation.

- A. Any structure on a property other than the primary residence may be considered an accessory structure;
- B. Shipping containers of any size cannot be considered as an accessory structure;
- C. All accessory structures will be considered in calculating the property's allowable impervious coverage;
- D. Sheds, detached garages and other accessory structures require a zoning permit prior to any construction;
- E. Fences and walls require a zoning permit prior to any construction per Section 207-147.

§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 sq. ft.;
- C. Sheds shall be located in either a side yard or a back 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 properties having a lot frontage of 100 ft. or less:
    - (a) a minimum 10 ft. side-yard setback is required
    - (b) a minimum 5 ft. back-yard setback is required
  - (2) For properties having a lot frontage greater than 100 ft.:
    - (a) a minimum 15 ft. side-yard setback is required
    - (b) a minimum 5 ft. back-yard setback is required
- H. Sheds shall be located no less than 10 ft. from any building;
- I. The maximum permitted height of any shed shall be 15 ft. to the highest ridge, measured from the grade at the entrance of the shed.



- J. 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.

§207-146 Detached Garages.

- A. Detached garages require a zoning and construction permit. A survey shall also be submitted with the permit application;
- B. Detached garages or other accessory structures cannot have an apartment or other living space built above the same;
- C. Detached garages shall be used only for parking or storing vehicles, tools, workbenches, landscaping equipment, snow removal equipment, pool equipment, and general storage associated with residential uses;
- D. Detached garages shall not be used for habitation or commercial purposes;
- E. Garages, whether attached or detached, are for the exclusive use of the property's resident, and shall not be rented or otherwise used by a third-party;
- F. Detached garages shall not extend beyond the front wall of the primary structure;
- G. Detached garages shall be located in a side yard or backyard;
- H. Detached garages shall be prohibited in any front yard including those properties which have more than one front yard such as "corner lots" or "through lots";
- I. Detached garages shall be located no less than 10 ft. from any building;
- J. The maximum permitted height of any detached garage shall be 18 ft. as measured from the average grade within 10 ft. of the proposed structure to the roof mean height;
- K. Only one detached garage is permitted on any lot;
- L. Detached garages shall meet the following requirements:
  - (1) For properties having a lot area of less than 60,000 sq. ft.:
    - (a) a minimum 15 ft. side-yard setback;
    - (b) a minimum 25 ft. back-yard setback;
    - (c) a maximum of 2 vehicle bays;
    - (d) a maximum 10 ft. overhead door height;
    - (e) a maximum 18 ft overhead door width;
    - (f) a maximum 600 sq. ft. foundation footprint.
  - (2) For properties having a lot area of 60,000 sq. ft. or more:
    - (a) a minimum 25 ft. side-yard setback;
    - (b) a minimum 50 ft. back-yard setback;
    - (c) a maximum of 3 vehicle bays;
    - (d) a maximum 10 ft. overhead door height;
    - (e) a maximum 27 ft overhead door width;
    - (f) a maximum 1,000 sq. ft. foundation footprint.

§207-147 Fences and Walls.

Fences and walls having an exposed height of 2 ft. or more shall constitute permitted accessory structures. Such fences and walls require a zoning permit prior to the construction of same. A survey must be submitted with the permit application. Any wall having an exposed height of 2 ft. or more shall require a Soil Disturbance Permit in accordance with Chapter 169. Any wall having a total height of 4 ft. or more, as measured from the bottom of the foundation, may require a Building Permit in accordance with UCC rules.

A. General requirements.

- (1) The finished side of every fence must face the property adjoining the lot on which the fence is erected.
- (2) No fence or wall shall be erected or maintained at a height or in a location that would limit or restrict sight distance for any street or driveway under the Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq., or any other regulation of the Borough of Kinnelon, the County of Morris, or the State of New Jersey.
- (3) No fence may contain razor ribbon or barbed wire.
- (4) Electrified fences are prohibited.
- (5) No fence shall be constructed or maintained in any manner which creates an unreasonable risk of harm to persons or animals.
- (6) No fence or wall shall be erected or maintained closer than 6 inches to any property line.
- (7) No Fence/Wall combination may exceed 6 ft. in combined height, measured from grade.
- (8) Fences constructed above or on top of retaining walls may be separated from the retaining wall below by a horizontal distance equal to the height of the retaining wall or the fence, whichever is greater. Fences and walls constructed in compliance with this spacing guideline shall be deemed to constitute separate structures for purposes of calculating height. Otherwise, such fences and walls shall be deemed to constitute one structure for purposes of height calculations. Fences less than 25% solid that do not exceed four feet in height shall be exempt from the requirements of this Subsection.
- (9) Any wall having an exposed height of 30 inches or more, shall have a permanent railing meeting the height and space opening

requirements of railings required for decks per the IRC or shall have a permanent fence meeting the pool code requirements. Any wall having an exposed height of 10 ft. or more shall have a permanent fence meeting the pool code requirements.

B. Fences and walls located closer to the street than the principal building.

- (1) No wall except a retaining wall shall be erected or maintained closer to a street line than the closest point of the principal building. Such retaining walls shall not exceed 4 feet in height.
- (2) Fences erected or maintained closer to a right-of-way than the closest point of the principal building shall not exceed 4 feet in height.
- (3) No fence which is 25% solid or more shall be erected or maintained closer to any street line than the principal building except for a decorative fence such as a picket fence.

C. Fences and walls in side and rear yards.

- (1) No fence or wall erected or maintained in any side or rear yard shall have a height exceeding 6 feet.
- (2) Fences and walls erected in side and rear yards may be up to 100% solid.

D. Fences or walls for swimming pools, hot tubs, and similar facilities.

Swimming pools, hot tubs, and similar facilities shall be screened from all adjoining properties by a solid fence or wall in accordance with Appendix G, Swimming pools, Spas and Hot Tubs, of the 2009 International Residential Code as revised and updated from time to time.

E. Fencing for certain athletic facilities.

The provisions of this section shall not apply to fences for athletic fields or tennis courts on public property or public school property.

F. Zoning permit required.

No fence or wall regulated by this section shall be erected, constructed, installed, altered, modified, enlarged or extended except in accordance with a zoning permit issued by the Zoning Officer.

§207-148 Permanently Installed (Non-portable) Generators and Air Conditioner Units.

Permanently installed, non-portable generators and air conditioner units shall not be

installed in a front yard; shall maintain a minimum side-yard setback of 25 ft.; and shall maintain a minimum back-yard setback of 25 ft.

The exterior condenser unit of a permanently installed residential air conditioner system may be replaced without zoning review if 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 set-backs or increase the impervious coverage of the property.

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.

§207-149 PODS<sup>®</sup>, Storage & Shipping Containers, Temporary Truck Trailers

This Section shall apply to Temporary Storage Structures or Units as Defined in Article II, Section 207-4.

- A. General Requirements. The following shall apply to a temporary storage structure or a temporary storage structure unit to be located upon residential private property:
- (1) The internal area shall be limited to a size of not less than 392 cubic feet (7 feet x 7 feet x 8 feet) and not greater than 1,024 cubic feet (16 feet x 8 feet x 8 feet).
  - (2) The temporary storage structure or unit shall not contain advertising or other writing, except to identify the manufacturer or owner of the temporary storage structure or unit.
  - (3) No more than one temporary storage structure or unit shall be located on a single parcel of private property.
  - (4) At the time of application to the Zoning Officer for a zoning permit for a temporary storage structure or unit, the applicant shall provide a survey of the property. The Zoning Officer shall mark the survey with the location the temporary storage structure unit is to be placed.
  - (5) A temporary storage structure or unit may be placed on private residential property only after a zoning permit is issued by the Zoning officer to the owner of such property.
  - (6) An applicant may request a 30-day permit, a 60-day permit or a 90-day permit.
    - (a) 30 day and 60 day permits may be renewed up to a maximum total of 90 days.



A zoning permit extension application shall be submitted to the Zoning Officer prior to the expiration of the initial period.

(b) The permitted temporary storage structure or unit shall not remain on such private property after the expiration of the initial permit period unless a further extension zoning permit shall be applied for and issued prior to the said expiration.

(7) In no event shall a temporary storage structure or unit remain on private residential property for any period beyond 90 consecutive days from the date of issuance of the initial permit.

(8) Permit and extension requests for temporary storage structures or units on properties not owned by the applicant shall be accompanied by an original, written consent of the owner, landlord or governing body of a tenant/condominium association. This consent shall specify a requested location on the property and the requested duration.

B. Location.

(1) A temporary storage structure or unit is prohibited from being located within a public right-of-way. No temporary storage structure shall obstruct the visibility or free flow of pedestrian or vehicular traffic.

(2) A temporary storage structure or unit shall be located in a driveway or other property location at the furthest point from the street.

(3) The Zoning Officer shall determine the location on the private property where the temporary storage structure or unit shall be located. The Zoning Officer's determination shall be guided by due consideration for accessibility and safety.

C. Required Permit Fees.

(1) 30-day permit: \$25

(2) 60-day permit: \$50

(3) 90-day permit: \$75

A zoning permit extension application for any period following the expiration of the initial period shall be accompanied by a permit fee of \$25 for each additional 30 days. No permit may exceed a total of 90 days.

D. Enforcement; violations and penalties.

The Zoning Officer or the Police Department shall be responsible for enforcing the provisions of this Section.



The owner of private property within the Borough of Kinnelon upon which any temporary storage structure or unit is located without the prior approval of the Zoning Officer required pursuant to this Article shall be subject to the penalties set forth below:

- (1) Any temporary storage structure or unit not in compliance with this Section is and shall be declared to be a public nuisance and may be abated by the Borough at the expense of the owner of the private property, the owner of the temporary storage structure or unit, or other person or legal entity deemed responsible.
- (2) The owner of the private property, the owner of the temporary storage structure or unit, or other person or legal entity deemed responsible for a temporary storage unit not removed within five (5) days after the date of a written notice of violation issued under this Article shall be subject to a summons to the municipal court of the Borough and a fine.
- (3) Fines are to be determined as follows: Failure to obtain the necessary permit: Up to \$100.00 per day, per violation, beginning on the 6th day after issuance of a notice of violation.

**SECTION 4.** All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 6.** 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

**CERTIFICATION**

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on \_\_\_\_\_ and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk

ORDINANCE # 03-22

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL FIREFIGHTING EQUIPMENT BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$185,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$176,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

**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 improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Kinnelon, in the County of Morris, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$185,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$9,000 as the down payment for said improvement or purpose required by law 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.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$185,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$176,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes

of the Borough in a principal amount not exceeding \$176,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of new and additional firefighting equipment by the Borough for use by the Kinnelon Volunteer Fire Company, including without limitation consoles, lighting, pumps, hoses, turnout gear, a remote jet, a trailer, a rescue boat, rescue systems, breathing apparatus and communication equipment, together with all equipment, appurtenances, accessories and attachments necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$176,000.

(c) The estimated cost of said purpose is \$185,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$9,000 down payment for said purpose.

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

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and 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 benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) 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 \$176,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for interest on said obligations, costs of issuing said obligations 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 cost of said improvement and is included in the foregoing estimate thereof.

Section 5. 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 6. 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 7. 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 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.