TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
April 7, 2026

A Regular Meeting of the West Caldwell Mayor and Council, in the County of Essex, New Jersey, was held in the meeting room of the Essex County College, West Essex Campus, 730 Bloomfield Avenue, West Caldwell, Tuesday, April 7, 2026 at 6:30 pm.

The Township Clerk announced that adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act.

PRESENT: Mayor Tempesta, Council Canale, Cecere, Wolsky, Docteroff, Crudele, and Schott

OTHERS PRESENT: Nikole H. Baltycki, Township Administrator/CFO
Joann DeBlasis, Township Clerk
Paul G. Jemas, Esq., Township Attorney
Chief Dennis Capriglione, Police Department

Pledge of Allegiance led by Councilman Schott

Council President Canale gave the invocation.

SWEARING IN CEREMONY

Mayor Tempesta spoke about each new officer and then he swore in the four new Police Officers: Ryan Peter, Leonel Norberto Lopez, Nathan James Ramalall, and Kyle Vincent Turanick. He wished them well and prayed for their safe return home each night.

Mayor Tempesta then spoke about the new Sergeants. This was followed by the swearing in of two Police promotions to Sergeant – Daniel Potucek and Anthony Kazoun.

Chief Capriglione thanked everyone for coming and said a few words to the new Police Officers as well as the new Sergeants.

There was a motion by Councilman Schott and a second by Councilman Wolsky to take a recess at 6:48 pm and the meeting resumed at 7:07 pm.

COMMUNICATIONS:

A-1 A communication from Nikole H. Baltycki, Chief Finance Officer, certifying funds are available under the 2025 Budget of Appropriations – April 7, 2026 Schedule; further certifying that there will be no over-expenditures of any line item in the Budget as a result of this schedule.

A-2 A communication from Nikole Baltycki, Chief Financial Officer, certifying funds are available for Resolution number 26-113, 26-117, and 26-120.

Received and placed on file.

BILLS ORDERED PAID:

It was regularly moved by Councilman Docteroff, seconded by Councilman Crudele that the Bill List as amended by the Chief Financial Officer be attached to the Minutes and be paid and that the Mayor and Treasurer be authorized to sign the necessary warrants for their payment.

Upon the vote being polled, Council Canale, Cecere, Wolsky, Docteroff, Crudele, and Schott voted in the affirmative. However, Councilman Cecere abstained from the bill to Cali Carting.

SCHEDULE OF BILLS ORDERED PAID MARCH 2026

	Checks	Amount
CURRENT ACCOUNT – VALLEY NATIONAL BANK	20473-20632	$4,810,329.92
GENERAL CAPITAL	3453-3456	$288,735.49

POOL	4071-4081	$33,307.48
POOL CAPITAL	0	0
WATER CAPITAL	8468-8469	$57,800.00
WATER	12086-12115	$502,133.55
WATER WIRE ACCT	0	0
GENERAL TRUST – VALLEY NATIONAL BANK	7309-7322	$21,402.14
DOG TRUST	1184-1185	$7,063.63
PUBLIC ASSISTANCE TRUST 1	0	0
LAW ENFORCEMENT TRUST	0	0
COAH-AFFORDABLE HOUSING TRUST	0	0
DEVELOPERS' TRUST	1954-1964	$7,625.00
SUB-TOTAL		**$5,728,397.21**
LIBRARY	14002-14025	$71,203.06
TOTAL		**$5,799,600.27**

APPROVAL OF MINUTES:

On the recommendation of Councilman Cecere seconded by Councilman Wolsky, it was regularly moved that the minutes of the regular meeting of March 17, 2026 be approved.

Upon the vote being polled, Canale, Cecere, Wolsky, Docteroff, Crudele, and Schott voted in the affirmative.

CONSENT AGENDA:

Mayor Tempesta read the following statement: "Matters listed within the Consent Agenda have been referred to members of the Township Council for reading and study, are considered to be routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is desired, the resolution may be removed and be subject to a separate roll call."

Administrator Baltycki reported that there were no items for closed session.

It was regularly moved by Council President Canale, seconded by Councilman Wolsky that the ten Resolutions on the Consent Agenda this evening be approved. Upon a roll call vote all were in favor. However, Councilman Cecere abstained from Resolutions 26-114, 26-117, and 26-118.

Mayor Tempesta asked if there were any comments on the consent agenda from Council or the public.

Barbara Piercy had a question about Resolution 26-117. She questioned whether the garbage company is separating the recycling at the condo complex where she lives.

Councilman Wolsky explained to her that it is a single stream and goes in one dumpster but they separate it at the facility.

Mayor Tempesta asked Administrator Baltycki to make sure.

The following ten Resolutions by Consent were made part of these Minutes:

No. 26-113
By: Councilman Wolsky

SUBJECT: RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICES AGREEMENT WITH COMMUNITY GRANTS, PLANNING & HOUSING, LLC FOR PROFESSIONAL HOUSING REHABILITATION SERVICES FOR THE TOWNSHIP OF WEST CALDWELL

WHEREAS, the Township of West Caldwell ("the Township") has a need to retain professional services to administer a rehabilitation program related to its ongoing affordable housing obligations; and

WHEREAS, the firm of Community Grants, Planning and Housing, LLC (CGP&H) has submitted a proposal relating administration of the Township's housing rehabilitation program; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, in the County of Essex, as follows:

1. The Township of West Caldwell will execute an agreement with Community Grants, Planning & Housing, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512 not to exceed $6,000.00.

2. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

No. 26-114
By: Councilwoman Canale

SUBJECT: RESOLUTION AUTHORIZING PAYMENT TO THE VOLUNTEER FIREFIGHTERS OF THE TOWNSHIP OF WEST CALDWELL

WHEREAS, pursuant to the provisions of R.S. 40:47-30 by certification of the West Caldwell Fire Chief, application was made by the active volunteer firefighters to the governing body of the Township of West Caldwell for clothing allowance for the year 2025 for compensation in accordance with the provisions of such statute; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell, that pursuant to R.S. 40:47-30 and in accordance with the certification of the Chief of the Volunteer Fire Department of the Township of West Caldwell as of April 7, 2026 the amounts listed in the attached schedule are being approved. The total distribution is $46,825.42.

No. 26-115
By: Councilman Crudele

SUBJECT: RESOLUTION AUTHORIZING REFUNDS IN THE RECREATION OFFICE

WHEREAS, there is a need to issue refunds for Recreation Program Fees collected in the Recreation Office as shown below; and

WHEREAS, the Recreation Director recommends the refunds of these fees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell that the proper officers be, and they are hereby authorized and directed to transfer funds or issue checks to clear the refunds as shown below:

CURRENT FUND

Name	Amount	Reason
Julie Galbierczyk 5 Washington Avenue West Caldwell, NJ 07006	$85.00	Refund- Track

TOTAL CURRENT FUND REFUNDS: $85.00

No. 26-116
By: Mayor Tempesta

SUBJECT: Proclamation from West Caldwell

WHEREAS, amyotrophic lateral sclerosis, also commonly known as Lou Gehrig's disease, is a progressive fatal neurodegenerative disease in which a person's brain loses connection with their muscles, slowly reducing a person's ability to walk, talk, eat, and eventually breathe; and

WHEREAS, thousands of new amyotrophic lateral sclerosis (ALS) cases are reported every year, and estimates show that every 90 minutes, someone is diagnosed with ALS and someone passes away from ALS; and

WHEREAS, on average, patients diagnosed with ALS survive only two to five years from the time of diagnosis; and

WHEREAS, the exact causes of ALS are unknown and there is no known cure for ALS; and

WHEREAS, people who have served in the military are more likely to develop ALS and die from the disease than those with no history of military service; and

WHEREAS, securing access to new therapies, durable medical equipment, and communication technologies is of vital importance to people living with ALS; and

WHEREAS, clinical trials play a pivotal role in evaluating new treatments, enhancing quality of live, and fostering assistive technologies for those living with ALS; and

WHEREAS, the ALS Association is the largest philanthropic funder of ALS research globally and has committed more than $154 million to support more than 550 projects across the United States and 18 other countries; and

WHEREAS the ALS Association is committed to make ALS livable and cure it for everyone, everywhere; and

WHEREAS Amyotrophic Lateral Sclerosis Awareness Month provides an opportunity to increase public awareness of the dire circumstances of people living with ALS, acknowledge the terrible impact this disease has on those individuals and their families, and support research to eradicate this disease.

NOW, THEREFORE, BE IT RESOLVED, I, Joseph Tempesta, Jr., Mayor of the Township of West Caldwell, do hereby proclaim May 2026 as ALS AWARENESS MONTH in the Township of West Caldwell, New Jersey, and I call upon all Americans to join in supporting ALS research, advocating for increased funding, and standing in solidarity with those affected by this relentless disease.

No. 26-117
By: Councilman Cecere

SUBJECT: RESOLUTION AUTHORIZING AWARD OF CONTRACT TO CALI CARTING, INC. FOR SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION AND DISPOSAL SERVICES FOR THE TOWNSHIP OF WEST CALDWELL

WHEREAS, there exists a need to contract for solid waste and recyclable materials collection and disposal services for the Township of West Caldwell; and

WHEREAS, the Township solicited bids for said services in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 7:26H-6 et seq.; and

WHEREAS, the Township received and opened three (3) bids with the lowest responsive bidder being Cali Carting Inc. on March 24, 2026; and

WHEREAS, upon the recommendation of the Township Administrator and Department of Public Works Superintendent, Cali Carting Inc., with offices at 450 Bergen Ave, Kearny, NJ 07032, was found to be the lowest responsible and responsive bidder; and

WHEREAS, the Governing Body of the Township of West Caldwell desires to award the five (5) year contract term to commence on June 1, 2026 and ending on May 31, 2031; and

WHEREAS, the Governing Body has determined to select Alternative Option 1 for the collection and disposal of solid waste and recyclable materials and disposal services for the Township of West Caldwell for the contract term in the total amount of $4,674,000.00, which includes a base bid of $4,494,000.00 and Option 1 in the amount of $180,000.00.; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, in the County of Essex, as follows:

1. The Mayor and Township Clerk be and hereby are authorized to execute a contract for Solid Waste and Recyclable Materials Collection and Disposal Services for the Township of West Caldwell with Cali Carting Inc. in the total amount of $4,674,000.00, which includes a base bid of $4,494,000.00 and Option 1 in the amount of $180,000.00 for the five (5) year contract term to commence on June 1, 2026 and ending on May 31, 2031 as set forth in this Resolution and in a form of agreement acceptable to the Township Attorney.

2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 26-118
By: Councilman Schott

SUBJECT: RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN CALDWELL/WEST CALDWELL BOARD OF EDUCATION AND THE TOWNSHIP OF WEST CALDWELL FOR SOLID WASTE COLLECTION SERVICES

WHEREAS, the Governing Body of West Caldwell is desirous of entering into an Interlocal Agreement with the Caldwell/West Caldwell Board of Education to provide solid waste collection services for the Township and the Board of Education properties; and

WHEREAS, the Township Council and the Caldwell/West Caldwell Board of Education have come to an agreement that the Township of West Caldwell will be the provider of said services and the Caldwell/West Caldwell Board of Education will be the recipient as put forth in the attached agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, in the County of Essex, as follows:

1. All municipal officials are hereby authorized and directed to take whatever actions may be necessary to implement the terms of this Resolution.

No. 26-119
By: Councilman Docteroff

SUBJECT: RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE TAX OFFICE

WHEREAS, there appears on the tax records overpayments or otherwise as shown below; and

WHEREAS, the overpayments were created by the reasons indicated below, and the Collector of Taxes recommends the refund or transfers of such overpayments;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell that the proper officers be and they are hereby authorized and directed to transfer funds or issue checks refunding such overpayments as hereafter shown below:

CODE OF REASONS

1. Incorrect Payment-Refund
2. Duplicate Payment-Refund
3. Vets, Senior Citizen, Exempt Prop Refund/Allow
4. Apply Overpayment to Next Year
5. Cancellation of Balance of Less than $5.00
6. Assessment Changes
7. Tax Appeal
8. Overpayment-Refund
9. Tax Title Lien Redemption
10. Homestead Rebate/NJ Saver
11. Apply Overpayment to Current Year
12. Cancellation of Credit of Less than $5.00
13. Cancellation of Taxes
14. Other - Cancellation of Credit Balance over $5.00

Block	Lot	Qual	Owner Name	Amount	Year	Reason
1901	9		Emery, Jeffrey R & Bridget M 2 Essex Place	$ 3,210.84	2026/1	3

Total Overpayment Refunds - $ 3,210.84

No. 26-120
By: Councilman Cecere

SUBJECT: RESOLUTION AUTHORIZING AWARD OF CONTRACT TO DAKOTA EXCAVATING CONSTRUCTION, INC. FOR THE FRANCISCO PARK IMPROVEMENTS PROJECT THE TOWNSHIP OF WEST CALDWELL

WHEREAS, the Township of West Caldwell (referred to as the "Township") solicited bids for Francisco Park Improvements Project (referred to as the "Project") in the Township pursuant to a fair and open process in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Notice to Bidders and the Bid Documents have been reviewed by the Township Governing Body, the Township's staff and the Township engineer, Colliers Engineering & Design; and

WHEREAS, the Township received eleven (11) bids in response to the solicitation on March 26, 2026; and

WHEREAS, Colliers Engineering & Design has recommended to the Mayor and Council that the Township award a contract to Dakota, Excavating Construction, Inc., 75 Lane Road, Suite 404, Fairfield, NJ 07004 for the Base Bid for the Project in the amount of one million three hundred eighty one twenty four dollars and zero cents ($1,381,024.00).

WHEREAS, the Township's Chief Financial Officer has certified that sufficient funding is available for this Project.

BE IT FURTHER RESOLVED, that all Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution, the Bid Notice, the Bid Documents and applicable laws, as approved by the Township Attorney.

No. 26-121
By: Councilman Wolsky

SUBJECT: RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF WEST CALDWELL AND R.R.

WHEREAS, a dispute has arisen between the Township of West Caldwell (the "Township") and R.R. ; and

WHEREAS, the parties have engaged in discussions to resolve the matter; and

WHEREAS, Township Labor Counsel has reviewed the terms of the proposed Settlement Agreement and General Release and has recommended its approval as being in the best interest of the Township; and

WHEREAS, the Mayor and Council of the Township of West Caldwell desire to resolve this matter in an efficient and amicable manner.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell, County of Essex, State of New Jersey, as follows:

1. The Township Administrator and Chief of Police are hereby authorized to execute the Settlement Agreement and General Release.

2. The appropriate Township officials are hereby authorized to take all necessary actions to effectuate the terms of the Settlement Agreement and General Release.

3. Any payments required under the Settlement Agreement and General Release shall be made in accordance with the terms set forth therein and charged to the appropriate account.

4. This Resolution shall take effect immediately upon adoption.

No. 26-122
By: Councilman Wolsky

SUBJECT: **RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED.**

WHEREAS, The Township of West Caldwell (the "Township" or the "public body" has been duly created and is validly existing as a public body corporate and politic of the State of New Jersey pursuant to applicable laws of the State of New Jersey; and

WHEREAS, The Township constitutes a "public body" as such term is defined in the New Jersey Open Public Meetings Act, constituting Chapter 231 of the Pamphlet Laws of 1975 of the State of New Jersey, N.J.S.A. 10:4-6 et seq. and the acts amendatory thereof and supplemental thereto (the "Open Public Meetings Act"); and

WHEREAS, the Open Public Meetings Act permits a public body, as such term is defined therein, to exclude members of the public from portions of any "meeting", as such term is defined therein including N.J.S.A. 10:4-12(b) et seq., under certain limited circumstances which include, but are not limited to, (a) a discussion of pending or anticipated litigation in which the public body is or may become a party, or (b) a discussion of any matters which fall within the attorney-client privilege, or (c) a discussion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (d) a discussion regarding the purchase, acquisition or lease of real property with public funds or (e) a discussion of involving the employment, appointment or termination of employment of an existing or prospective public officer or employee; and

WHEREAS, the governing body of the Township has determined that and is of the opinion that such circumstances presently exist that permit the governing body of the Township to discuss the matters set forth in this Resolution in executive session; and

WHEREAS, the matters set forth in this Resolution are within the exceptions and the limited circumstances set forth in N.J.S.A. 10:4-12(b) et seq., the governing body of the Township desires to conduct a portion of the meeting in an executive session from which members of the public will be excluded.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, in accordance with the provisions of The Open Public Meetings Act, that the governing body of the Township hereby determines to conduct a portion of the meeting in an executive session from which members of the public will be excluded in accordance with the provisions of Open Public Meetings Act; and

BE IT FURTHER RESOLVED, that the aforementioned executive session will be limited to matters relating to the following items and which matters involve, as applicable, pending, and anticipated litigation involving or expected to involve the Township, matters which fall within the attorney-client privilege, matters regarding the discussion of a collective bargaining agreement, matters relating to purchase, acquisition or lease of real property with public funds or matters relating to personnel:

BE IT FURTHER RESOLVED, that the minutes of each executive session will be prepared and maintained by the Township and with regard to each of the matters discussed in executive session; and

BE IT FURTHER RESOLVED, that the minutes relating to a particular matter discussed will be made available to members of the public – (a) at such time as the matter no longer requires confidentiality as permitted by applicable laws, (b) upon the completion of a pending or anticipated litigation, or (c) upon such matter no longer falling within the attorney-client privilege, (d) upon the completion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (e) upon the completion of a purchase, acquisition or lease of real property with public funds, or (f) as such disclosure may otherwise may be required by the Open Public Meetings Act.

COMMITTEE REPORTS

FINANCE:

Councilman Docteroff asked Clerk DeBlasis to read the following Ordinance by title:

ORDINANCE NO. 1904

CALENDAR YEAR 2026
ORDINANCE TO ESTABLISH AND PRESERVE A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Governing Body of the Township of West Caldwell, in the County of Essex, finds it advisable and necessary to increase its CY 2026 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1.5% increase in the budget for said year, amounting to $263,159.33 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of

the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Township of West Caldwell, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2026 budget year, the final appropriations of the Township of West Caldwell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased up to 3.5%, amounting to no more than $614,038.47, and that the CY 2026 municipal budget for the Township of West Caldwell be approved and adopted in accordance with this ordinance; and,

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

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

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

The Public Hearing was set for May 5, 2026.

Councilman Docteroff asked that the Ordinance be moved, published and posted as a pending Ordinance. This was seconded by Councilman Schott. By a roll call vote all were in favor.

Councilman Docteroff reported that residents can join the pool during early registration until May 1, 2026. The pool will open weekends on May 23, 2026 and full time beginning June 19, 2026. He reported that Essex County will be having a Hazardous Waste Day on May 2 and a Computer and Electronics Day on May 16. Both will be at 99 West Bradford Avenue in Cedar Grove.

Councilman Docteroff also mentioned that he is still working on the Budget with CFO Baltycki.

PUBLIC WORKS:

Councilman Cecere said that there is a Library Board meeting on April 16. He also met with the Local Assistance Board who will give a scholarship to a student that has good grades and volunteers. The scholarship is worth $2,000.

Councilman Cecere asked residents to donate to the Food Bank. There are currently 16 West Caldwell families using the Food Bank.

PUBLIC SAFETY:

On the recommendation of Council President Canale, the reports submitted by the Police Chief and Detective Bureau and the Construction Official March as received, be placed on file.

Council President Canale reported that the Environmental Commission will be meeting this Thursday at 6:30 PM.

TECHNOLOGY AND SHARED SERVICES:

Councilman Schott thanked Administrator Baltycki for her hard work on the Shared Services agreement with the Board of Education for carting services.

Councilman Schott said that there will be a Board of Health meeting tomorrow at the Municipal Building.

Councilman Docteroff mentioned that there is conduit that has been run across the street to potentially run fiber.

LEGAL AND PERSONNEL:

Councilman Wolsky asked Clerk DeBlasis to read the following Ordinance by title:

ORDINANCE NO. 1905
AN ORDINANCE AMENDING "GENERAL ORDINANCES," CHAPTER 20 ENTITLED "ZONING"; CHAPTER 18A ENTITLED "LAND USE PROCEDURES"; CHAPTER 15 ENTITLED "PROPERTY MAINTENANCE"

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the governing body of a municipality may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of the buildings and structures thereon; and

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, as follows:

The Township of West Caldwell Municipal Code, Chapter 18A entitled "Land Use Procedures" is amended as follows

[New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 18A-8.6 Technical Review Fees and Escrow Deposit.

d. Payment of Technical Review Fee Deposits.
1. Prior to determination of application completeness, each applicant shall deposit the following initial technical review deposit for the professional review of an application for development pursuant to N.J.S.A. 40:55D-53.2(a). In no event, however, shall such an initial deposit exceed $10,000. The Administrative Officer may waive the initial deposit for a minor site plan on the recommendation of the Board.

	~~Subdivision~~			~~Site Plan~~		
	~~Minor (<3 lots)~~	~~Major~~		~~Minor~~	~~Major~~	
		~~Prelim~~	~~Final~~		~~Prelim~~	~~Final~~
~~Initial Deposit~~	~~$1,500~~	~~$2,000~~	~~$2,000~~	~~$500~~	~~$2,500 for the first 1,000 square feet of lot area and $50 per 100 square feet of bldg. floor area~~	~~$2,500 for the first 1,000 square feet of lot area and $50 per 100 square feet of bldg. floor area~~
~~Plus Additional Escrow~~	~~—~~	~~$150 for each additional lot in excess of 3 lots~~	~~$150 for each additional lot in excess of 3 lots~~	~~—~~	~~$150 per 1,000 square feet of lot area in excess of the initial 1,000 square feet of building floor area in excess of the initial 30,000 square feet~~	~~$150 per 1,000 square feet of lot area in excess of the initial 1,000 square feet and $25 per 100 square feet of building floor area in excess of initial 30,000 square feet~~
~~Zoning Bd. of Adj.~~	~~ZBA not involving Variance (pursuant to N.J.S.A. 40:55D-70(a) or (b) or N.J.S.A. 40:55D-68)~~			~~ZBA Residential w/One Variance (pursuant to N.J.S.A. 40:55D-70(c))~~		~~ZBA w/Use Variance~~
	~~$500~~			~~$150 for 1 variance and $50 for each additional variance~~		~~$1,500~~

		Initial Deposit	**Plus Additional Escrow**
a.	**Minor subdivisions (<3 lots)**	**$2,000**	**--**
b.	**Major subdivisions:**		
1.	**Sketch plat**	**$1,000**	**$150 for each additional lot in excess of 3 lots**
2.	**Preliminary plat**	**$2,000**	**$150 for each additional lot in excess of 3 lots**
3.	**Final plat**	**$2,000**	**$150 for each additional lot in excess of 3 lots**
c.	**Minor site plans:**	**$2,000**	
d.	**Site plans:**		
1.	**Preliminary site plan**	**$2,500 for the first 1,000 square feet of lot area and $50 per 100 square feet of bldg. floor area**	**$150 per 1,000 square feet of lot area in excess of the initial 1,000 square feet and $25 per 100 square feet of building floor area in excess of initial 30,000 square feet**
2.	**Final site plan (when separate)**	**$2,500 for the first 1,000 square feet of lot area and $50 per 100 square feet of bldg. floor area**	**$150 per 1,000 square feet of lot area in excess of the initial 1,000 square feet and $25 per 100 square feet of building floor area in excess of initial 30,000 square feet**
e.	**Variances/appeals, per application, pursuant to:**	**One single-family residential lot**	**All others**
1.	**N.J.S.A. 40:55D-70a**	**$500**	**$1,000**
2.	**N.J.S.A. 40:55D-70b**	**$500**	**$1,000**
3.	**N.J.S.A. 40:55D-70c**	**$150**	**$250**
3a.	**Each additional N.J.S.A. 40:55D-70c**	**$50**	**$75**
4.	**N.J.S.A. 40:55D-70d**	**$1,500**	**$1,500**
8.	**N.J.S.A. 40:55D-68**	**$500**	**$1,000**
f.	**Conditional uses:**		
1.	**Residential professional offices pursuant to Chapter 20 (Site plan fees shall be waived)**		**$500**
2.	**All others**		**$750**
g.	**Informal review**		**$750**

§ 18A-8.8 Fees.

The developer shall, at the time of filing an application for development, pay the following nonrefundable fee or fees to the Township of West Caldwell, except as such fees, in specific instances, may be reduced or waived by the applicable Township agency pursuant to Subsection 18A-8.1. Applications involving a combination of elements (e.g. subdivision and site plan and/or variances) shall pay a fee equal to the sum of the fees for each element. In addition, other specific fees shall be paid at the time the particular service is provided. Notwithstanding the foregoing, charitable, philanthropic, fraternal and religious nonprofit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. § 501 (c) or (d)) shall be exempt from the payment of any application fee and may be exempt from the payment of any other fee under this chapter pursuant to Subsection 18A-8.1. Further, a Board of Education shall be exempt from the payment of any fee under this chapter.

a.	Minor subdivisions	$300	
b.	Major subdivisions:		
	1. Sketch plat	$350	
	2. Preliminary plat	$550 plus $150 per lot	
	3. Final plat	$600	
c.	Minor site plans:		
	1. Unamended plan	$250	
	2. Amended plan	$200	
d.	Site plans:		
	1. Residential development:		
	(a) Preliminary site plan	$600 plus $150 per dwelling unit	
	(b) Final site plan	50% of preliminary site plan fee	
	(c) Preliminary and final site plan combined	125% of preliminary site plan fee	
	2. All others:		
	(a) Preliminary site plan	$500 plus, when applicable, $0.05 for each square foot of floor area of new construction.	
	(b) Final site plan (when separate)	50% of preliminary site plan fee.	
	(c) Preliminary and final site plan combined	125% of preliminary site plan fee.	
e.	Variances/appeals, per application, pursuant to:	One single-family residential lot	All others
	1. N.J.S.A. 40:55D-70a	$150	$250
	2. N.J.S.A. 40:55D-70b	$150	$250
	3. N.J.S.A. 40:55D-70c	$250	$350
	3a. Each additional N.J.S.A. 40:55D-70c	$50	$75
	4. N.J.S.A. 40:55D-70d	$350	$550
	5. N.J.S.A. 40:55D-17	$150	$350
	6. N.J.S.A. 40:55D-34	$150	$350
	7. N.J.S.A. 40:55D-36	$150	$350
	8. N.J.S.A. 40:55D-68	$350	$500
f.	Conditional uses:		
	1. Residential professional offices pursuant to Chapter 20 (Site plan fees shall be waived)		$250
	2. All others		$300
g.	Reproduction of records:		
	1. Duplication of recordings:		
	Per CD		$10
	Per tape		$10
	2. Notice list of property owners		$20
~~h.~~	~~Grading permit~~		~~$350 per acre or fraction thereof.~~
i.	Development permit for construction in a special flood hazard area pursuant to Chapter 21		$450
j.	Publication by Township agency in official newspaper, when applicable:		
	1. Publication of hearing notice or re-notice		$30
	2. Publication of decision		$30
k.	Copies of Revised General Ordinances:		
	1. Chapter 18A		$20
	2. Chapter 19		$15
	3. Chapter 20		$40
	4. Chapter 21		$20
	5. Items (1) through (4) and Zoning Map combined		$50
l.	Zoning Map		$10
m.	Township agency rules/regulations		$10
n.	Master plan elements		$65
o.	Registration fee for notice to public utility, cable television company or local utility		$20
p.	Zoning permit		~~$75~~ **$100**
q.	Certificate of nonconformance		$50
r.	Special meeting at applicant's request		$550
s.	Informal review		$100 shall be a credit toward a development application if filed

t.	Informal review of second or subsequent concept plan pursuant to N.J.S.A. 40:55D-10.1	An amount equivalent to applicable application fees or $300, whichever is less
u.	Cancellation or postponement of scheduled hearing at applicant's request less than 3 working days prior to hearing scheduled pursuant to public notice	$300

§ 18A-9.2 Submitted Procedure.

d. Any application for development classified as a major site plan, a major subdivision, or a use variance pursuant to N.J.S.A. 40:55D-70(d) shall, where applicable, include the following:

22. Traffic/circulation study: on-site and off-site; proposed and existing; impact analysis; sight easements required. **See §18-A-11.8 for additional requirements.**

§ 18A-11.8 Traffic Study

When reviewing a Traffic Impact Statement in conjunction with an Application for Site Plan, Subdivision, Conditional Use and/or Variance, when specific standards are included in a Township Ordinance, Resolution or Standard Detail of Construction, those standards must apply. When determining the overall adequacy of safe ingress, egress, pedestrian and vehicular safety and circulation, emergency services response, impacts on Levels of Service (LOS), (when such impact is a permitted element of review), site design, including but not limited to storm water management, snow removal and storage, business access, and ADA requirements, the Township Agency may require the Applicant to provide data from a variety of sources as well as expert testimony in support of the use of such data in the current Application.

No single source will be considered as having more testimonial weight than any other. When hearing an application, the Township Agency reserves the right to apply the weight to each element of documentation that it determines is appropriate, based on input from the Township's Professional Staff and contracted consultants, experts retained solely for Agency assistance with any particular application, the Applicant's experts, their own understanding of the reports and testimony, or similar sources.

Established guidelines include, but are not limited to the Institute of Traffic Engineers (ITE) Trip Generation Manual, current edition, NJDOT Standard Specifications for Road and Bridge Construction, as amended, Federal Highway Administration Roadway Safety Data Program (RSDP), an on-site analysis, with methodology satisfactory to the Township Agency, and studies of similar existing uses in comparable locations, as may be suggested by the Township Agency, the Applicant, or any Township staff, consultant or retained expert, or similar sources adopted by Resolution of the Township Agency. No single particular source may be considered as dispositive in the Township Agency's determination of adequacy in their review of an Application.

When an Applicant is aware or should be aware of an existing study and/or analysis of traffic impacts at another site owned or operated under the same business entity or name as proposed for the current application, they are obligated to disclose that information as a part of the items required for completeness.

The Township of West Caldwell Municipal Code, Chapter 18A entitled "Land Use Procedures" as it pertains to definitions is amended as follows [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 18A-5 DEFINITIONS.

Definitions as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-3 et seq.) are hereby adopted and are hereby supplemented by the definitions hereinafter set forth. For the purposes of this chapter, unless the context clearly indicates a different meaning:

ACCESSORY DWELLING UNIT

A separate and complete dwelling unit that is contained on the same lot as the structure of a single-family dwelling and subordinate thereto.

GARDEN CENTER

The growing, cultivation, storage, and sale of vegetation and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products.

TATTOO

The permanent coloration of the skin or mucosa by placing ink or other inert pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin. This includes all forms of permanent cosmetics.

The Township of West Caldwell Municipal Code, Chapter 15 entitled "Property Maintenance" is amended as follows [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 15-4 DEFINITIONS.

The following terms, whenever used herein or referred to in this Code, shall have the respected meanings assigned to them, unless a different meaning clearly appears from the context. All definition of the ~~2012~~ **most recent version of the** International Property Maintenance Code are hereby incorporated herein by reference.

BUFFER ZONE

A distance of at least five feet from any street, whether public or private, or from any neighboring property, subject to any other buffer restrictions under local, State or federal law.

RUNNING BAMBOO

Any monopodial (running) woody grass from the genera of bamboos, including, but not limited to, Bambusa, Phyllostachys and Pseudosasa, as well as common bamboo, golden bamboo and arrow bamboo.

§ 15-15 BAMBOO.

a. Intent. The Township seeks to prohibit any new plantings of invasive running bamboo, and to establish standards to govern existing plantings of invasive running bamboo, to better protect native species and surrounding property owners from the uncontrolled growth of invasive running bamboo which is known to threaten other vegetation and endanger existing ecosystems, as well as disrupting the general health and welfare of the community.

b. No planting of running bamboo.

1. The planting of Running Bamboo is prohibited within the Township.

2. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.

3. Any person who plants or replants Running Bamboo within the Township limits after the effective date of this section shall be in violation of this section and shall be subject to the penalties set forth herein, subject to the following exceptions:

(a) The root system of such Running Bamboo is entirely contained within an aboveground planter and located so as to entirely prevent the spread or growth of the plants' root system beyond the container in which it is planted; or

(b) The root system is contained within a barrier, constructed in accordance with the following specifications:

(1) The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a minimum thickness of 60 mil (or 1/16 of an inch);

(2) Each portion of the barrier shall be joined together by the use of stainless-steel strips or clamps;

(3) The barrier shall be a minimum of 30 inches deep, with two to three inches of the barrier protruding above ground level around the entire perimeter of the bamboo;

(4) When installed, the barrier shall slant outward from the bottom to top.

(c) Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed, and maintained so that no part of the plant shall be closer than five feet from any property line.

c. Regulation of Existing Running Bamboo.

1. Any Running Bamboo already in existence on any property within the Township limits as of the effective date of this section, may remain on such property, provided that Running Bamboo shall not be permitted within any Buffer Zone.

2. Property Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Such measure shall include, but are not limited to, cutting down Running Bamboo existing in the Buffer Zone and physically removing or poisoning the rhizomes or spraying any regrowth for several years until the Running Bamboo is dead and, if Running Bamboo is permitted to remain outside the Buffer Zone, installing sheathing comprised of high density polypropylene or polyethylene and placed no less than five feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.

3. This section shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

d. Removal of Running Bamboo. If Running Bamboo on any property grows in or into any Buffer Zone, the Township shall give Notice to the Property Owner(s), as required by this section, that the said Property Owner(s) are responsible for the extermination or removal of such Running Bamboo from the Buffer Zone.

e. Inspection. All properties within the Township shall be subject to inspection by the Enforcement Officer to determine compliance with this section as provided by law.

f. Enforcement, violations and penalties.

1. Whenever Running Bamboo is found planted in the ground on any plot of land, lot or any other premises or place in contravention of the provisions of this section, a Notice shall be given to the Property Owner(s), providing 30 days to remove or abate the same.

2. The cost of the removal or abatement shall be borne by the Property Owner(s).

3. If the Property Owner(s) fail(s) to comply with such notice, the Township is hereby authorized to remove or have removed any bamboo encroaching beyond the boundaries of a property and within any Buffer Zone on the property from which the bamboo emanated, and to take all reasonable steps to eradicate the regrowth of the bamboo beyond the boundaries of the property and within any Buffer Zone on the property from which the bamboo emanated, and to restore the land to the condition in which it existed prior to such removal and eradication, all at the cost and expense of the property owner from whose property the bamboo emanated. Upon such removal, the payment and collection of the amounts charged shall immediately become due and payable to the Township. If the owner of the property fails to pay such amounts, the same shall become a lien on the property of such owner and shall bear

interest in the same manner as is charged on unpaid taxes. Such unpaid amounts shall be deemed, for the purpose of collection thereof, a tax upon such real estate to be added to and become a part of the taxes next to be levied and assessed against that real estate. Such tax shall be enforced and collected with interest by the same officer and in the same manner as all other municipal taxes.

4. In the event that the Township of West Caldwell shall cause bamboo to be removed, the owner of the property from which the bamboo emanated shall indemnify and hold harmless the Township of West Caldwell and its officers and employees from and against all liability, including loss, damage, costs, attorneys' fees, causes of action, claims and/or judgments arising from said bamboo removal and restoration of the property. For the sole purpose of this section and for no other purpose, the owner or developer shall be deemed to have appointed the Township of West Caldwell as the owner's or developer's agent should the Township cause bamboo to be removed from such owner's or developer's property.

5. Any violation of the provisions of this section shall constitute a violation punishable as provided in Chapter 1, § 1-5, General Penalty, of the Code of the Township of West Caldwell.

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it pertains to district regulations [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-5.4 Schedule of Districts Regulations.

c. The following provisions shall apply to the Schedule:

2. No part of a principal building shall extend into required or nonconforming yards except as follows: Open steps, stairways, front door, open canopies, and overhead awnings may extend not more than four feet; ~~bay windows and~~ open porches, **porticos,** balconies or terraces less than 15 feet wide may extend not more than ~~two~~ **four** feet; and **bay windows,** overhanging eaves, rainwater leaders, windowsills and other incidental, normal and customary building fixtures may extend not more than two feet. In no event shall any part of a principal building be located within five feet of any property line.

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it pertains to the R-3 Single-Family Residence District [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-7.3 Conditional Uses.

a. Hospitals, schools, houses of worship, residential professional offices, personal communications antennas, **garden centers,** crop farms and density modification; all subject to the **conditional use** standards of § 20-17.

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it pertains to Parking Requirements [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-9A.6 Parking Requirements.

a. **Minimum parking required** ~~Parking~~ shall be ~~provided in~~ accordance with **the maximum specified in the** Residential Site Improvement Standards.

b. Spaces shall measure nine feet wide by 18 feet long.

c. Up to 10% of the parking spaces may be compact parking spaces.

d. Parking areas shall comply with Subsections 20-23.3 and 20-23.5.

§ 20-9B.5 Parking Requirements.

e. **Minimum parking required** ~~Parking~~ shall be ~~provided in~~ accordance with **the maximum specified in the** Residential Site Improvement Standards.

f. Spaces shall measure nine feet wide by 18 feet long.

g. Parking areas shall comply with Subsections 20-23.3 and 20-23.5.

§ 20-9C.5 Parking Requirements.

h. **Minimum parking required** ~~Parking~~ shall be ~~provided in~~ accordance with **the maximum specified in the** Residential Site Improvement Standards.

i. Spaces shall measure nine feet wide by 18 feet long.

j. Parking areas shall comply with Subsections 20-23.3 and 20-23.5.

§ 20-9D.5 Parking Requirements.

a. **Minimum parking required** ~~Parking~~ shall be ~~provided in~~ accordance with **the maximum specified in the** Residential Site Improvement Standards.

b. Spaces shall measure nine feet wide by 18 feet long.

c. Parking areas shall comply with Subsections 20-23.3 and 20-23.5.

§ 20-9E.6 Parking Requirements.

a. **Minimum parking required** ~~Parking~~ shall be ~~provided in~~ accordance with **the maximum specified in the** Residential Site Improvement Standards.

b. Spaces shall measure nine feet wide by 18 feet long.

c. Parking areas shall comply with Subsections 20-23.3 and 20-23.5.

§ 20-9F.7 Parking Requirements.

a. **Minimum parking required** ~~Parking~~ shall be ~~provided in~~ accordance with **the maximum specified in the** Residential Site Improvement Standards for residential uses.

b. Spaces shall measure nine feet wide by 18 feet long.

c. Up to 10% of the parking spaces may be compact parking spaces.

d. Parking areas shall comply with Subsections 20-23.3 and 20-23.5.

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it pertains to Conditional Uses and Standards [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-17.25 Fast-Food Restaurants.

a. Minimum dining area of at least 15 square feet shall be provided for each patron seat.

b. Off-street parking shall be provided pursuant to Subsection 20-23.4 and all other parking requirements within the applicable zone district.

c. No building or structure shall be greater than 28 feet or two stories in height.

d. Drive-up window stacking lanes shall be separate and distinct from parking lot aisles and driveways.

e. Stacking lanes shall have sufficient length for a minimum of six vehicles in total and each lane shall have a minimum width of 10 feet.

f. The entire length of the stacking lane or lanes shall be behind the front yard limit line and shall not block any parking space, aisle, driveway or loading area when the stacking lane is occupied with the maximum number of vehicles.

g. If multiple stacking lanes are provided, they shall merge into one drive-up window lane prior to reaching any window or windows.

h. The drive-up window stacking lane may end after the last window and merge with the exit driveway of the property.

i. The drive-up window lane shall not be used as an exit driveway from the property.

j. The drive-up windows and stacking lane or lanes shall be designed to prevent uncontrolled conflicting movements between any on-site vehicles and pedestrian traffic and shall also be designed to allow safe ingress and egress from the site at all times.

k. There shall be no front yard parking on any property where a drive-up window or windows are located, with the exception of properties in the B-2 Zone.

l. One or more drive-up windows may be used for payment and/or pickup of product, said window or windows shall be an integral part of the principal building and shall face the side or the rear of the parcel.

~~m. Fast-food restaurants shall have a minimum of 50 patron seats.~~

~~n. The following signs are permitted for a fast-food restaurant:~~

~~1. Wall sign.~~

~~(a) One wall sign shall be permitted per public street frontage.~~

~~(b) The maximum sign area shall be 85% of the linear business frontage, with a maximum area of 40 square feet.~~

~~(c) The top edge of the wall sign shall not be installed more than 14 feet above the sidewalk or ground.~~

~~(d) The sign may be internally or externally illuminated.~~

~~2. Freestanding identification sign.~~

~~(a) One freestanding identification sign shall be permitted per public street frontage.~~

~~(b) The sign shall be set back at least 10 feet from all property lines.~~

~~(c) The maximum sign area shall be 20 square feet for lots with a frontage less than 100 feet.~~

~~(d) The maximum sign area shall be 35 square feet for lots with a frontage 100 feet or greater.~~

~~(e) The maximum sign height, including structure and sign area, shall be 10 feet above existing grade.~~

~~(f) The sign may be internally illuminated.~~

~~3. Instructional sign.~~

~~(a) On-site instructional signs, not exceeding three square feet in area and three feet in height shall be permitted as needed.~~

~~(b) The sign may be internally illuminated.~~

~~4. Drive-up menu board.~~

~~(a) One drive-up menu board shall be permitted per stacking lane.~~

~~(b) The board shall be separated from vehicular traffic by means of curbing and shall be suitably landscaped. The board shall be located in the side or rear yard.~~

~~(c) The maximum sign area shall be 32 square feet and shall be architecturally compatible with the building.~~

~~(d) The board may be internally illuminated, but the board shall not be visible from a public street. Boards shall not be illuminated when the establishment is closed.~~

~~(e) Screening shall be provided between the board and any adjacent residential zone. Screening shall include evergreen trees installed at a minimum height of five feet.~~

~~5. Product display board.~~

~~(a) One product display board shall be permitted per parcel.~~

~~(b) The maximum sign area shall be 20 square feet.~~

~~(c) The board may be externally illuminated, but the board shall not be visible from a public street. Boards shall not be illuminated when the establishment is closed.~~

~~(d) Screening shall be provided between the board and any adjacent residential zone. Screening shall include evergreen trees installed at a minimum height of five feet.~~

§ 20-17.30 Garden Centers.

a. Minimum lot area shall be 2 acres.

b. Minimum lot depth shall be 150 feet, and minimum lot width shall be 200 feet.

c. No building or structure shall be located within 1/10 vehicular mile from the same or similar conditional use.

d. Subject to the modifications set forth in § 20-17.30, off-street parking shall be provided pursuant to Subsection 20-23.4 and all other parking requirements within the applicable zone district.

e. Special plantings and/or fencing along the side and rear property lines shall be provided to minimize visibility of parking areas from adjacent properties.

f. The lot shall abut and shall provide primary direct access to and from an arterial or collector street and not a street primarily serving as access to residential properties.

g. Modification to bulk standards that apply to garden centers in the R-3A Zone. For the avoidance of doubt, any deviation from the standards set forth in this § 20-17.30 (g) shall require a (c) bulk variance and not a (d) conditional use variance.

i. Subject to the bulk standards contained in this § 20-17.30(g)(i), each lot may have one (1) principal structure and multiple accessory structures subject to the setback and coverage limitations of this section.

a. Greenhouses and canopy buildings shall be considered to be accessory structures.

b. Subject to the requirements of this § 20-17.30, construction of accessory structures shall not require approval from the Township's Planning or Zoning Board of Adjustment if no bulk or conditional use variances are required.

ii. Height and setback requirements for Principal Structure.

a. Minimum setback 50 feet from property boundary lines.

b. Maximum height of 35 feet.

iii. Height and setback requirements for Accessory Structures.

a. Minimum setback 10 feet from property boundary lines.

b. Maximum height of 35 feet.

iv. Building coverage and impervious coverage

a. Maximum building coverage shall be a maximum of 30%.

b. Maximum impervious coverage shall be a maximum of 65%.

v. Parking shall be subject to §30-23.4.

a. Notwithstanding anything to the contrary in the Township's land use ordinances, parking spaces for garden centers do not need to be paved.

b. The provisions of § 20-23.3(c) shall not apply to garden centers.

c. Parking for garden centers may be located in the front yard setback.

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it pertains to prohibited uses [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-20 PROHIBITED USES.

§ 20-20.1 Specific Prohibited Uses.

h. Auction establishments, private meeting halls, kiosks of all types, flea markets, tattoo parlors, massage parlors, methadone clinics, public swimming pools as commercial businesses and outdoor coin-operated vending machines, except newspaper vending machines in B-2 and B-3 Districts. **For the purposes of this section, tattoo parlor is a facility where people receive permanent decorative body tattoos from a tattoo artist. Semi-permanent makeup services limited to the face and head only (such as nano feather brows, nano-blading, and scalp pigmentation) offered as an accessory service by a beauty salon shall not constitute a tattoo parlor.**

z. Short-term rentals, including any dwelling unit, or portion thereof, rented by the property owner, for income-producing purposes, to a person or group for a period of less than 30 consecutive days.

aa. Accessory dwelling units.

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it pertains to signage [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-24.2 General Sign Provisions.

~~p. Temporary outdoor signs shall be permitted for displaying political messages, subject to the following regulations:~~
~~1. One such sign shall be permitted on any property and shall not exceed 1/5 square feet in area per foot of sign setback from the nearest property line, except that no such sign shall be required to be less than four square feet nor permitted to be greater than eight square feet, and~~
~~2. All such signs shall be set back at least 15 feet from the nearest property line, and~~
~~3. No such sign shall be erected prior to 30 days before the date of any national, state or local election, and all such signs shall be removed from the premises no later than three days after the closing of the polls, and~~
~~4. No such sign shall be illuminated.~~

p. Reserved

…

§ 20-24.9 Signs for Multi-Family Residential Development.

The following signs shall be permitted for any Multi-Family Residential Development, subject to all provisions of Subsections 20-24.1 and 20-24.2 and the following conditions:

a. An apartment complex or multiple family building containing 10 or more dwelling units may have one identification sign, not exceeding 16 square feet, limited to identifying the name of the complex or building and/or street number. Such sign may be attached to, and shall be parallel with, but not painted on, the front wall of a principal building. In the alternative, such sign may be free-standing providing it is located in the rear half of the front yard setback required for the principal building, that it is not in any side or rear yard, and that the lower edge of such sign shall be not more than two feet above the ground surface.

§ 20-24.10 Signs for Fast-Food Restaurants

The following signs are permitted for a fast-food restaurant:

1. Wall sign.

(e) One wall sign shall be permitted per public street frontage.

(f) The maximum sign area shall be 85% of the linear business frontage, with a maximum area of 40 square feet.

(g) The top edge of the wall sign shall not be installed more than 14 feet above the sidewalk or ground.

(h) The sign may be internally or externally illuminated.

2. Freestanding identification sign.

(g) One freestanding identification sign shall be permitted per public street frontage.

(h) The sign shall be set back at least 10 feet from all property lines.

(i) The maximum sign area shall be 20 square feet for lots with a frontage less than 100 feet.

(j) The maximum sign area shall be 35 square feet for lots with a frontage 100 feet or greater.

(k) The maximum sign height, including structure and sign area, shall be 10 feet above existing grade.

(l) The sign may be internally illuminated.

3. Instructional sign.

(c) On-site instructional signs, not exceeding three square feet in area and three feet in height shall be permitted as needed.

(d) The sign may be internally illuminated.

4. Drive-up menu board.

(f) One drive-up menu board shall be permitted per stacking lane.

(g) The board shall be separated from vehicular traffic by means of curbing and shall be suitably landscaped. The board shall be located in the side or rear yard.

(h) The maximum sign area shall be 32 square feet and shall be architecturally compatible with the building.

(i) The board may be internally illuminated, but the board shall not be visible from a public street. Boards shall not be illuminated when the establishment is closed.

(j) Screening shall be provided between the board and any adjacent residential zone. Screening shall include evergreen trees installed at a minimum height of five feet.

5. Product display board.

(e) One product display board shall be permitted per parcel.

(f) The maximum sign area shall be 20 square feet.

(g) The board may be externally illuminated, but the board shall not be visible from a public street. Boards shall not be illuminated when the establishment is closed.

(h) Screening shall be provided between the board and any adjacent residential zone. Screening shall include evergreen trees installed at a minimum height of five feet.

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it pertains to conditional uses [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-13.3 Conditional Uses.

a. Indoor recreational facilities, indoor health facilities, nonresidential professional offices, personal communications antennas and commercial communication antenna mounted on existing high-tension electric towers; all subject to the applicable standards of § 20-17.
b. Trade union apprenticeship and/or journeyman training programs sponsored by labor organizations recognized by federal and state labor laws; all subject to the applicable standards of Subsection 20-17.24.
c. Self-Storage Facilities, subject to the applicable standards of § 20-17.
d. Mixed-use inclusionary development, subject to the conditions of Subsection 20-17.29.
e. Warehouses, subject to the conditions of Subsection 20-17.29.

§ 20-14.3 Conditional Uses.

a. Nonresidential professional offices, commercial communications antennas, personal communications antennas and commercial communication antennas mounted on existing high-tension electric towers; all subject to the applicable standards of § 20-17.
b. Mixed-use inclusionary development, subject to the conditions of Subsection 20-17.29.
c. **Warehouses, subject to the conditions of Subsection 20-17.29.**

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it pertains to warehouses [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-17.30 Warehouses.

a. Warehouses shall be permitted as a conditional use in the M-1 and M-2 Districts, subject to compliance with the following conditions:

1. All applications for warehousing uses shall be accompanied by a traffic impact and management plan, prepared by a licensed professional engineer. Such reports shall include, at a minimum:

(a) A full documentation of existing conditions on adjacent streets which provide direct site ingress/egress, including roadway pavement width, rights-of-way, parking conditions,

pavement conditions, sight distances, grades and alignment of the roadway(s). Existing traffic control devices (traffic signals, speed limits, etc.) shall be described, as well as any pertinent signing or pavement markings. Existing traffic volumes for peak hour conditions shall be presented with the source of these data denoted.

(b) Projections of traffic to be generated by the proposed development for an average, daily, morning peak hour(s), an average daily, afternoon peak hour(s) and any other peak hour traffic condition deemed applicable as a result of the type and/or location of the proposed generator.

(c) A site's traffic volume contribution to the overall background traffic at each site impacted intersection and/or roadway segment shall be determined.

(d) A determination of any roadway/intersection deficiencies for existing and/or future conditions. Specific recommendations for the resolution of these deficiencies shall also be addressed in the statement. The statement shall contain a listing of any and all actions to be undertaken by the applicant to mitigate any traffic problem. The responsibility for the traffic mitigation measures will be based on a developer's fair share of the improvements.

2. Bulk requirements. The standards established for the zone shall apply, except as modified herein.

(a) Minimum side yard: 50 feet

(b) A minimum vegetative buffer of 150 feet in depth shall be provided along any property line adjoining a residential zone or use.

(c) Minimum distance from the principal building to the boundary line of any residence district: 200 feet

3. Signage

(a) Signage shall comply with municipal code §20-24.6, Signs in M-2 and M-2 Districts.

4. Lighting

(a) Height of building mounted or pole mounted lighting within a parking area shall be no greater than 30 feet or the building height, whichever is less. Height of building mounted lighting shall be measured from the finished floor of the building. Height of pole lighting shall be measured from the adjacent grade to the light source.

(b) Onsite sidewalks shall be illuminated.

(c) The minimum level of lighting in any portion of a parking lot shall be no less than 0.25 footcandle. The average level of lighting in parking lots shall be no 1.0 footcandles. Footcandles may not exceed 0.1 footcandle at any property line with the exception of areas where driveways intersect public streets.

5. Building Design

(a) Blank facades exceeding 100 feet in length shall not be permitted along right-of-way frontages.

(b) To mitigate the appearance and perception of a large monolithic building, developers may consider, but are not limited to the following: decorative patterns on exterior finishes, metal or synthetic paneling, fenestration, horizontal banding, or a combination thereof.

(c) All rooftop mechanical equipment shall be screened from view from all right-of-way vantage points with a material harmonious to that used in the facade of the structure.

(d) In accordance with State Senate Bill 3352, all new warehouses of 100,000 square feet or larger must be "solar-ready" or secure up to 40 percent of roof space for solar arrays.

(e) Green infrastructure, including but not limited to green roofs, is encouraged.

§ 20-23.4 Specific Parking Provisions

d. The minimum number of parking spaces required for a particular applicable use as hereinafter set forth, except that in no case shall there be less than four parking spaces for any nonresidential uses:
   1. Automobile laundry (Car Wash) - one per employee, plus 10 per entrance lane, plus four per exit lane, exclusive of driveways and parking aisles.
   2. Bank - four per interior walk-up teller station, plus when applicable, five stacking spaces for each exterior drive-up teller station, exclusive of driveways and parking aisles.
   3. Bowling alley - five per bowling lane.
   4. Country club - one per 1,500 square feet of floor, terrace or patio space devoted to patron use.
   5. Funeral home - 10, plus one per 40 square feet of space devoted to chapel or slumber rooms, plus one garage space for each funeral vehicle maintained on the premises.
   6. Game rooms - two for each automatic amusement device, plus one per 200 square feet of floor area.
   7. Golf course - three per tee and practice putting green.
   8. Hospital - 1.75 per bed.
   9. House of worship - one per three seats and/or, when applicable, one per 72 inches of bench seating space.
   10. Motor vehicle service station/public garage - three per bay, plus one per service vehicle, plus one per employee on the maximum shift.

11. Nursing/convalescent home - one per two beds.
12. Office building - one per 200 square feet of floor area or two square feet of parking area, exclusive of driveways and loading areas, per square foot of floor area, whichever is greater.
13. Restaurant/fast-food restaurant/theater/tavern - one per 2.5 patron seats.
14. Indoor health and recreation - one per 1.5 peak hour patrons, plus one per employee on the maximum shift.
15. Grade/elementary school - one per teacher and employee, plus 20%.
16. High school - 10 per classroom.
17. College/business school - one per 1.5 students, plus one per classroom.
18. Other school - one per 250 square feet of floor area.
19. Single-family detached residence unit - two per dwelling unit, including a garage of at least 240 square feet.
20. Single-family clustered residence unit - three per dwelling unit, including a garage of at least 240 square feet.
21. Multiple family residence unit - two per dwelling unit or one per bedroom, whichever is greater, at least 30% of which shall be garage spaces.
22. Multiple family adult community residence building unit - two per dwelling unit where at least 60% of which shall be garage spaces, with five non-garage spaces designated and reserved for visitors. No parking shall be permitted in the front yard.
23. **Warehouses - 1 space per 5,000 square feet of GFA or one per employee based on the shift with the greatest number of personnel, whichever is greater.**
24. **Garden Centers - 1 space per 1,000 square feet of GFA of gross square footage of customer floor area.**

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it pertains to mechanicals [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-19.1 General Provisions.

k. Notwithstanding the provisions of this section, in the M-1 and M-2 Zone Districts, outdoor ground-mounted ancillary mechanical equipment which is determined by the Township agency to have a direct physical connection to the principal building and also is necessary for the processes conducted within the principal building shall be subject to the height and setback requirements of the principal building. Said ancillary mechanical equipment may be closer than 10 feet to the building unless prohibited by any applicable Construction and/or Fire Code requirements, and shall be located in **side and** rear yards only. The appropriate Township agency may require fencing and/or screening of said ancillary mechanical equipment.

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows as it relates to parking [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-23.3 General Provisions.

c. In all nonresidence zone districts, on-site outdoor overnight parking ~~shall be permitted~~ for any vehicle more than 30 feet in overall length or having more than four wheels, **shall be permitted only** ~~except vehicles parked~~ at approved loading docks **or in rear yards** in M-1 and M-2 zone districts or except as may be otherwise determined by the Township agency in particular cases. In all residence zone districts, no regular on-site outdoor parking shall be permitted for any vehicle unless such vehicle is owned or regularly used by a resident of the premises and unless all of the following conditions are satisfied:

The Township of West Caldwell Municipal Code, Chapter 20 entitled "Zoning" is amended as follows to incorporate permitted uses as required by the Municipal Land Use Law [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

§ 20-6.1 Permitted Principal Uses.

a. Single-family detached dwellings
b. Community residences for the developmentally disabled," "community shelters for victims of domestic violence," and "community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.

§ 20-6.2 Permitted Accessory Uses.

a. Private garages, storage sheds, sun decks and patios, home occupations, private residential swimming pools, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Township agency, pursuant to Subsection 20-19.1b, to be normally and customarily incident to the permitted principal uses and conditional uses specified in this section.
c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.
e. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-7.1 Permitted Principal Uses.

a. Single-family detached dwellings
b. Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.

§ 20-7.2 Permitted Accessory Uses.

a. Private garages, storage sheds, sun decks and patios, home occupations, private residential swimming pools, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Township agency, pursuant to Subsection 20-19.1b, to be normally and customarily incident to the permitted principal uses and conditional uses specified in this section.
c. Solar Installations, roof or carport.

d. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-8.1 Permitted Principal Uses.

a. Single-family detached dwellings
b. Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.

§ 20-8.2 Permitted Accessory Uses.

a. Private garages, storage sheds, sun decks and patios, home occupations, private residential swimming pools, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Township agency, pursuant to Subsection 20-19.1b, to be normally and customarily incident to the permitted principal uses and conditional uses specified in this section.
c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.
e. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-8A.1 Permitted Principal Uses.

a. Single-family detached dwellings
b. Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.

§ 20-8A.2 Permitted Accessory Uses.

a. Private garages, storage sheds, sun decks and patios, home occupations, private residential swimming pools, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Township agency, pursuant to Subsection 20-19.1b, to be normally and customarily incident to the permitted principal uses and conditional uses specified in this section.
c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.
e. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-8B.1 Permitted Principal Uses.

a. Multiple-Family Adult Community Residential. Adult community as defined herein shall mean a residential community in which at least 80% of the dwelling units are permanently occupied by at least one person 55 years of age or over and in which no children under the age of 18 are permitted to reside on a permanent basis. Appropriate restrictive covenants shall be imposed upon the community to ensure compliance with these age restrictions and with the housing for older persons exemption of the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq.
b. Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.

§ 20-8B.2 Permitted Accessory Uses.

a. Sun decks and patios (in any front, rear or side yard, despite the provisions of Subsection 20-19.5 of the Zoning Ordinance of the Township of West Caldwell), private residential swimming pool, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24.
b. Centralized communications antennas are permitted, subject to the applicable standards of Subsections 20-17.21 and 20-19.9, such that only one antenna may be installed per property for each means of communications (terrestrial and satellite radio and television). All antennas shall be roof mounted and screened, with interior cable and conduit runs provided to serve each unit, and shall be subject to prior review and approval by the Planning Board.
c. Such accessory uses, buildings or other structures which are determined by the Township agency, pursuant to Subsection 20-19.1b, to be normally and customarily incident to the permitted principal uses specified in this section.
d. Electric Vehicle (EV) charging stations
e. Solar Installations, roof or carport.
f. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-8C.1 Permitted Principal Uses.

a. Single-family detached dwellings subject to the standards of the R-3 Zone.
b. On a tract of at least four acres in area, multi-family dwellings in residential clusters, including townhouses, at a maximum density of 7.5 dwelling units per gross acre with the acreage determined prior to any right-of-way dedication for widening of existing roads. Any residential cluster project shall provide on-site dwelling units for low- and moderate-income households, consistent with the regulations of the New Jersey Council on Affordable Housing so that the project satisfies the low- and moderate-income housing need generated by the market-rate units in the project. At least 80% of all dwelling units shall be townhouses. All market rate units and the maximum of all units consistent with COAH regulations shall have no more than two bedrooms.
c. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.**

§ 20-8C.2 Permitted Accessory Uses.

a. Private garages, storage sheds, home occupations, private residential swimming pools, satellite dish antennas, off-street parking areas, signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24. Patios and decks attached to dwelling units may be located in any yard other than the required front yard of the tract.
b. Associated with a multi-family development are permitted community meeting and recreational buildings adhering to the dimensional standards of principal buildings.

c. Such accessory uses, buildings or other structures which are determined by the Township agency, pursuant to Subsection 20-19.1b, to be normally and customarily incident to the permitted principal uses and conditional uses specified in this subsection.
d. Electric Vehicle (EV) charging stations
e. Solar Installations, roof or carport.
f. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-9.1 Permitted Principal Uses.

a. Single-family detached dwellings
b. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.**

§ 20-9.2 Permitted Accessory Uses.

a. Private garages, storage sheds, sun decks and patios, home occupations, private residential swimming pools, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Township agency, pursuant to Subsection 20-19.1b., to be normally and customarily incident to the permitted principal uses and conditional uses specified in this section.
c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.
e. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-9A.1 Permitted Principal Uses.

a. Multi-family residential units
b. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.**

§ 20-9A.2 Permitted Accessory Uses.

a. First floor or ground parking incorporated into the building design and off-street parking areas.
b. Resident amenities including, but not limited to, clubrooms, lounges, game rooms, mail rooms, leasing office, and similar interior common resident amenities incorporated into a larger building design. These accessory uses shall not be in stand-alone structures.
c. Fences and walls complying with Subsection 20-21.14.
d. Signs.
e. Trash enclosures.
f. Public and private utilities.
g. Electric Vehicle (EV) charging stations
h. Solar Installations, roof or carport.
i. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-9B.1 Permitted Principal Uses.

a. Multi-family residential units, townhouses and stacked townhomes. Stacked townhomes shall be defined as a one-family unit in a row of three such units, where units are stacked on each other. Units may be multi-level; however; all units shall have common fire-resistant walls and have direct access from the outside.
b. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.**

§ 20-9B.2 Permitted Accessory Uses.

a. First floor or ground parking incorporated into the building design and off-street parking areas.
b. Resident amenities including, but not limited to, clubrooms, lounges, game rooms, mail rooms, leasing office, and similar interior common resident amenities incorporated into a larger building design. These accessory uses shall not be in stand-alone structures.
c. Fences and walls complying with Subsection 20-21.14.
d. Signs.
e. Trash enclosures.
f. Public and private utilities.
g. Electric Vehicle (EV) charging stations
h. Solar Installations, roof or carport.
i. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-9C.1 Permitted Principal Uses.

a. Multi-family residential units, townhouses and stacked townhomes. Stacked townhomes shall be defined as a one-family unit in a row of three such units, where units are stacked on each other. Units may be multi-level; however; all units shall have common fire-resistant walls and have direct access from the outside.
b. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.**

§ 20-9C.2 Permitted Accessory Uses.

a. Off-street parking areas.
b. Fences and walls complying with Subsection 20-21.14.
c. Signs.

d. Trash enclosures.
e. Public and private utilities.
f. Electric Vehicle (EV) charging stations
g. Solar Installations, roof or carport.
h. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-9D.1 Permitted Principal Uses.

a. Multi-family residential units, townhouses and stacked townhomes. Stacked townhomes shall be defined as a one-family unit in a row of three such units, where units are stacked on each other. Units may be multi-level; however; all units shall have common fire-resistant walls and have direct access from the outside.
b. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.**

§ 20-9D.2 Permitted Accessory Uses.

a. Off-street parking areas.
b. Resident amenities including, but not limited to, clubrooms, lounges, game rooms, mail rooms, leasing office, and similar interior common resident amenities incorporated into a larger building design. These accessory uses shall not be in stand-alone structures.
c. Fences and walls complying with Subsection 20-21.14.
d. Signs.
e. Trash enclosures.
f. Public and private utilities.
g. Electric Vehicle (EV) charging stations
h. Solar Installations, roof or carport.
i. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-9E.1 Permitted Principal Uses.

a. Townhouses
b. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.**

§ 20-9E.2 Permitted Accessory Uses.

a. Off-street parking areas.
b. Fences and walls complying with Subsection 20-21.14.
c. Signs.
d. Trash enclosures.
e. Public and private utilities
f. Electric Vehicle (EV) charging stations
g. Solar Installations, roof or carport.
h. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-9F.2 Permitted Principal Uses.

a. Golf courses.
b. Single-family detached homes.
c. Townhouses.
d. Multi-family residential units within 800 feet of Passaic Avenue.
e. A mixture of the above uses on one parcel or tract.
f. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, pursuant to N.J.S.A. 40:55D-66.1.**

§ 20-9F.3 Permitted Accessory Uses.

a. Private garages, storage sheds, sun decks and patios, home occupations, and private residential swimming pools related to single-family detached homes.
b. Private garages, sun decks and patios related to townhouses.
c. Clubhouse, storage buildings, and recreational amenities related to golf courses.
d. Off-street parking areas.
e. Non-commercial swimming pools, tennis courts, and other passive and active recreation facilities.
f. Resident amenities including, but not limited to, clubhouse, clubrooms, lounges, game rooms, mail rooms, leasing office, and similar interior common resident amenities incorporated into a larger building design. However, there may be one stand-alone structure containing residential amenities.
g. Fences and walls complying with Subsection 20-21.14.
h. Signs.
i. Trash enclosures.
j. Public and private utilities.
k. Electric Vehicle (EV) charging stations
l. Solar Installations, roof or carport.
m. **Family day care homes, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-10.1 Permitted Principal Uses.

a. The retail sale, display or rental on the premises of commodities or services predominantly to the ultimate consumer, and
b. Office and professional buildings.

c. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, in locations where multiple-family residences are permitted in accordance with §20-10.3 below, pursuant to N.J.S.A. 40:55D-66.1.**
d. **Child care centers, in locations where nonresidential uses are permitted, pursuant to N.J.S.A. 40:55D-66.6.**

§ 20-10.2 Permitted Accessory Uses.

a. Private garages, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Planning Board, pursuant to Subsection 20-19.1b., to be normally and customarily incident to the permitted principal uses and conditional uses specified in this section.
c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.
e. **Family day care homes, accessory to any approved multiple-family residence described in §20-10.3 below, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-11.1 Permitted Principal Uses.

a. Notwithstanding the provisions of Subsection 20-19.1, the retail sale, display or rental on the premises of commodities or services predominately to the ultimate consumer within a single structure. A second principal building is permitted provided that the total square floor area of the second structure does not exceed 5,000 square feet.
b. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, in locations where multi-family residences are permitted in accordance with §20-11.3.c below, pursuant to N.J.S.A. 40:55D-66.1.**
c. **Child care centers, in locations where nonresidential uses are permitted, pursuant to N.J.S.A. 40:55D-66.6.**

§ 20-11.2 Permitted Accessory Uses.

a. Private garages, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Planning Board, pursuant to Subsection 20-19.1b., to be normally and customarily incident to the permitted principal uses and conditional uses specified in this section.
c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.
e. **Family day care homes, accessory to any approved multiple-family residence described in §20-11.3.b below, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-12.1 Permitted Principal Uses.

a. The retail sale, display or rental on the premises of commodities or services predominantly to the ultimate consumer; and
b. Office and professional buildings.
c. Restaurants.
d. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, in locations where multi-family residences are permitted in accordance with §20-12.3.b below, pursuant to N.J.S.A. 40:55D-66.1.**
e. **Child care centers, in locations where nonresidential uses are permitted, pursuant to N.J.S.A. 40:55D-66.6.**

§ 20-12.2 Permitted Accessory Uses.

a. Private garages, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Planning Board, pursuant to Subsection 20-19.1b., to be normally and customarily incident to the permitted principal uses and conditional uses specified in this section.
c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.
e. **Family day care homes, accessory to any approved multi-family residence described in §20-12.3.b below, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-13.1 Permitted Principal Uses.

a. Light manufacturing, fabrication, processing and handling of products and/or materials; research, scientific and medical institutions and laboratories; and
b. Banks and such other financial institutions as determined by the Planning Board to be substantially similar thereto.
c. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, in locations where multi-family residences are permitted in accordance with §20-13.3.d below, pursuant to N.J.S.A. 40:55D-66.1.**
d. **Child care centers, in locations where nonresidential uses are permitted, pursuant to N.J.S.A. 40:55D-66.6.**

§ 20-13.2 Permitted Accessory Uses.

a. Storage and distribution for products owned, assembled, serviced or manufactured by, or consigned by one product owner to, the principal occupant and related office uses, private garages, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Planning Board, pursuant to Subsection 20-19.1b., to be normally and customarily incidental to the permitted principal uses and conditional uses specified in this section.

c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.
e. **Family day care homes, accessory to any approved multi-family residence described in §20-13.3.d below, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-14.1 Permitted Principal Uses.

a. Offices for executive, professional, scientific, engineering or administrative purposes; and
b. Scientific, engineering or research laboratories devoted to research, design or processing and fabricating incidental thereto; and limited industry.
c. **Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries, in locations where multi-family residences are permitted in accordance with §20-14.3.b below, pursuant to N.J.S.A. 40:55D-66.1.**
d. **Child care centers, in locations where nonresidential uses are permitted, pursuant to N.J.S.A. 40:55D-66.6.**

§ 20-14.2 Permitted Accessory Uses.

a. Storage and distribution for products owned, assembled, serviced or manufactured by, or consigned by one product owner to, the principal occupant and related office uses, private garages, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Planning Board, pursuant to Subsection 20-19.1b., to be normally and customarily incidental to the permitted principal uses and conditional uses specified in this section.
c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.
e. **Family day care homes, accessory to any approved multi-family residence described in §20-14.3.b below, pursuant to N.J.S.A. 40:55D-66.5b**.

§ 20-15.1 Permitted Principal Uses.

a. Offices for executive or administrative purposes and other uses which do not involve the storage, handling or distribution of products, goods or merchandise on the premises and which are determined by the Planning Board to be uses normally or customarily conducted in office buildings; and
b. Banks and such other financial institutions as determined by the Planning Board to be substantially similar thereto; and
c. Offices for physicians, dentists, architects, engineers, attorneys, accountants, insurance agents and such other professional uses as determined by the Planning Board to be substantially similar thereto.
d. **Child care centers, pursuant to N.J.S.A. 40:55D-66.6.**

§ 20-15.2 Permitted Accessory Uses.

a. Private garages, satellite dish antennas, off-street parking areas and signs; all subject to the applicable standards of §§ 20-19, 20-23 and 20-24; and
b. Such accessory uses, buildings or other structures which are determined by the Planning Board, pursuant to Subsection 20-19.1b., to be normally and customarily incident to the permitted principal uses and conditional uses specified in this section.
c. Electric Vehicle (EV) charging stations
d. Solar Installations, roof or carport.

All ordinances of the Township of West Caldwell which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Essex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of West Caldwell for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

The Township Clerk is hereby directed to publish notice of the proposed ordinance pursuant to N.J.S.A. 40:49-2.1.

This Ordinance shall take effect upon final passage, adoption, and publication in the manner prescribed by law.

The Public Hearing was set for May 5, 2026.

Councilman Wolsky asked that the Ordinance be moved, published and posted as a pending Ordinance. This was seconded by Councilman Cecere. By a roll call vote all were in favor.

PARKS AND RECREATION:

Councilman Crudele thanked both Caldwell and West Caldwell DPW for the Spring cleanup. He commended Recreation for a wonderful Easter Egg Hunt with a great turnout. He noted that Spring

sports are underway. This weekend will be opening day for baseball and softball at Bonell Field. Finally, planning is ongoing for a big July 4th celebration.

ADVISORS' REPORT:

Clerk DeBlasis announced that the Special Election on April 16, 2026 will be held in the Municipal Building Public Meeting Room from 6am – 8pm.

MAYOR'S REPORT:

There was no report.

INVITATION FOR PUBLIC COMMENT

Mayor Tempesta asked if anyone wished to be heard.

Steven Maginnis read a prepared statement. Administrator Baltycki reminded residents that they should not be interfering with anything in water ways. She suggested that they meet at the park with Mike Tempesta, DPW Superintendent, to see what can and cannot be done at Waverly Park.

Mr. Maginnis had questions about the activity at 199 Forest Avenue. Administrator Baltycki will get an update and share it with him. He also had some concerns about 171 Mountain Avenue. Administrator Baltycki will look into that as well.

Mr. Wilcox thanked Administrator Baltycki regarding trash collection bid documents and contract to include wording that the hauler must follow State and Federal guidelines. He also thanked Administrator Baltycki for making sure the reporting of untreated sewerage is properly handled. Finally, he wanted the minutes checked to be sure that they reflect what was said at a previous meeting.

Chief Capriglione stated that this month is Autism Awareness Month. He reminded residents that the Police Department has a Blue Envelope Program, which is an envelope that someone with special needs can put their documents and points of contact in. There is also a special needs registry at the Police Department so that the officers are aware, if they need to respond to a residence, that there is someone with special needs that lives there. He said that there has been a good response from the public.

ADJOURNMENT:

There being no further business before the Council on a motion from Councilman Cecere and a second by Councilman Wolsky, the meeting adjourned at 7:35 pm. All were in favor.

_____

Joann DeBlasis, Township Clerk