

# **BOROUGH OF ROCKLEIGH**

## **ORDINANCE NO. 2022-7**

### **AN ORDINANCE TO AMEND CHAPTER XXXIV OF THE CODE OF THE BOROUGH OF ROCKLEIGH ENTITLED, "ZONING".**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Rockleigh, in the County of Bergen, and State of New Jersey as follows:

#### **SECTION 1.**

Chapter XXXIV of the Code of the Borough of Rockleigh, Zoning, Article III, Classification of Uses, §34-6, A Zone–Single-Family Residential, Subsection 34-6.2, Accessory Buildings, be and is hereby amended to add the following:

#### **34-6.2 Accessory Buildings.**

d. Storage Sheds.

One (1) shed is permitted to be constructed on a residential lot without Planning Board review, subject to the following conditions being satisfied:

1. The proposed shed shall not exceed an area of one hundred twenty (120) square feet.
2. The proposed shed shall have a maximum height of sixteen (16) feet.
3. No shed shall be within ten (10) feet of a side or rear property boundary.
4. The shed shall not be visible from any municipal roadway or right-of-way.
5. The shed shall be considered a structure. The shed shall be included in the aggregate ground area of all buildings and structures on any lot in the A Zone which in the aggregate shall not exceed five (5%) percent of the lot.

6. The shed shall satisfy all other A Zone bulk requirements not specifically listed in this Ordinance including but not limited to the height.
7. The shed shall be constructed so that no negative drainage impacts are created for adjoining lots, municipal roadways, and municipal rights-of-way. The Construction Code Official shall make this determination.
8. The property owner/applicant shall submit an application package for review by the Construction Code Official. The Construction Code Official can grant the approval of the permit without an appearance before the Historic Preservation Commission if the shed incorporates a style and materials that have been pre-approved by the Historic Commission and all other conditions of this Ordinance have also been met.

Should the materials and style not be in conformance with the Historic Preservation Commission pre-approved materials and styles, the Applicant shall submit an application to the Historic Preservation Commission for review to consider including the requested materials and style to its pre-approved material list. If the Historic Preservation Commission adds the requested materials and/or style to its pre-approved list, the Construction Code Official is authorized to act as set forth hereinabove.

Should the materials and/or style not be approved by the Historic Preservation Commission to be included on its pre-approved materials or style lists, the Applicant shall be required to submit an Application to the Planning Board for review and approval of the proposed development and have the same submitted to the Historic Preservation Commission for review and recommendation to the Planning Board.

9. The property owner/applicant shall be required to supply a boundary survey and calculations to illustrate bulk requirement conformance. This would include but not be limited to structure coverage and building height calculations per the Borough's Ordinances.
10. The Construction Code Official shall determine if all requirements are met. If deemed necessary by the Construction Code Official, the application package would be sent to the Planning Board Engineer for review.

11. The Property Owner/Applicant will be required to provide an Application Fee in the amount of \$50.00. Should the Construction Code Official request that the Planning Board Engineer perform an application package review, an Engineering Escrow Fee in the amount of \$400.00 shall be provided prior to the Planning Board Engineer's review.

Should the property owner/applicant not satisfy all conditions within this Ordinance, the applicant will be required to submit application(s) for review by the Planning Board.

## **SECTION 2.**

Chapter XXXIV of the Code of the Borough of Rockleigh, Zoning, Article IV, General Regulations, §34-23, A Zone Regulation, Subsection 34-23.4, Accessory Buildings, be and is hereby amended to be the following:

### **34-23.4 Accessory Buildings.**

Except as set forth under subsection 34-6.2(d) hereof, no accessory building or other structure, parking lot, swimming pool, tennis court, or other recreation equipment shall be within twenty-five (25) feet of a side or rear property line nor closer to a front property line than the setback distance designated in §34-23.3a.

**APPLICATION FOR STORAGE SHED APPROVAL**

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1. Name of Applicant: \_\_\_\_\_  
Address of Applicant: \_\_\_\_\_  
Telephone No. ( ) \_\_\_\_\_ Fax No. ( ) \_\_\_\_\_  
Email Address: \_\_\_\_\_

2. Present Owner(s) of Land \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No. ( ) \_\_\_\_\_ Fax No. ( ) \_\_\_\_\_  
Email Address: \_\_\_\_\_

3. Do any protective covenants, easements, rights of way, deed restrictions or other similar encumbrances exist on the subject property at which the shed is to be located?  
Check one: Yes ( ) No ( )

4. If yes, provide the Bergen County Clerk's Office Deed Book and page and a true copy of each such instrument.  
A. Deed Book \_\_\_\_\_, Page \_\_\_\_\_. Copy attached: \_\_\_\_\_ yes

5. All information required under the Zoning / Bulk Requirement Analysis is required to be included as part of the submission in the Tabular Presentation and in Graphic Presentation, including present Ordinance regulations for Zone District for the proposed shed.

Has all information been so included?  
Check one: Yes ( ) No ( )

I certify that all statements and information contained in this and all documents submitted as part of this application are true and accurate.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**IF THE APPLICANT IS OTHER THAN THE OWNER, SET FORTH IN QUESTION #2, THE FOLLOWING MUST BE COMPLETED:**

The undersigned owner of the subject property herewith grants permission to the applicant set forth above to execute and process this application.

Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_

## STORAGE SHED REVIEW APPLICATION CHECKLIST

Use this checklist as a guide for the procedural requirements that must be met by the applicant before review of the Application. Below are listed the submissions that constitute a complete Application.

- |   | <u>Yes</u> | <u>N/A</u> |
|---|------------|------------|
| A. Application for Storage Shed Approval which must be originally signed and dated.   | ( )        |            |
| B. Copies of any protective covenants, easements, right of way, deed restrictions or other similar encumbrance which may exist at the proposed shed location.                     | ( )        | ( )        |
| C. Fees & Escrow:     Storage Shed Review Application Fee (\$50.00)   | ( )        |            |
| Engineering Escrow if Required by Construction Official (\$400.00)  | ( )        |            |
| D. Copy of Certified Survey, required to be signed and sealed, and folded to a size no larger than 10" x 14" with the title blocks showing.                                       | ( )        |            |
| E. Copy of the Plan package, illustrating proposed shed location and proposed shed materials folded into separate packets not larger than 10" x 14" with the title blocks showing | ( )        |            |
| F. Completed and clean copy of this checklist   | ( )        |            |
| G. Zoning Requirements and Information per item #5 of Application   | ( )        |            |

Does the development require any of the following:

- |                    | <u>Yes</u> | <u>No</u> |
|--------------------|------------|-----------|
| A. NJDEP Approvals | ( )        | ( )       |

If the answer to this question is "Yes", please list the specific NJDEP approvals required:

- 
- |  |     |     |
|--|-----|-----|
| B. Rockleigh Soil Movement/Soil Disturbance Permit | ( ) | ( ) |
|--|-----|-----|

**SURVEY, CERTIFIED BY A NEW JERSEY LICENSED SURVEYOR**

**Yes    No    N/A    Waiver**

**A. Title block, containing:**

- Name of address of owners or corporate officers ( ) ( )
- Tax assessment map designation, by block & lot ( ) ( )
- Street address ( ) ( )
- Names, address, telephone numbers, seals and signatures of the surveyors ( ) ( )
- Date of survey and revisions ( ) ( )
- Scale, not smaller than 1" = 50' and not larger than 1" = 10' ( ) ( ) ( )

**B. Graphic presentation:**

- North arrow indication ( ) ( )
- Lot lines ( ) ( )

**SITE PLAN / SKETCH**

**A. Title block, containing**

- Name of project ( ) ( )
- Name and address of applicant ( ) ( )
- Name and address of owner ( ) ( )
- Tax assessment map designation by block and lot ( ) ( )
- Street address ( ) ( )
- Dates of all plans and revisions ( ) ( )
- Scale of graphic presentation not smaller than 1" = 50' and not larger than 1" = 10', to match survey ( ) ( ) ( )

**B. Graphic presentation:**

- North arrow with same orientation as survey ( ) ( )
- Note on plan that no tree is to be removed to construct shed ( ) ( )
- Note on plan that proposed shed height is be no greater than 15 ft in height per Borough Ordinance ( ) ( )

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Waiver</u>
<u>C. General</u>				
Length and bearings of the lot lines of the proposed project	( )	( )		( )
North sign	( )	( )		
<u>D. Building Structures:</u>				
Existing principal building or structure and all accessory buildings or structures including:				
Location	( )	( )	( )	( )
Dimensions	( )	( )	( )	( )
Proposed principal building or structure and all accessory buildings or structures including:				
Location	( )	( )	( )	( )
Dimensions	( )	( )	( )	( )
Elevations plans / Manufacturer Cut Sheet with heights indicated, materials, and colors noted	( )	( )	( )	( )
<u>E. Coverage:</u>				
Total area of lot	( )	( )		( )
Existing Area and % property covered by structures as defined by Borough Ordinance	( )	( )		( )
Proposed Area and % property covered by structures as defined by Borough Ordinance	( )	( )		( )

**ZONING ANALYSIS AND INFORMATION REQUIRED PER ORDINANCE INCLUDING THE FOLLOWING:**

	<u>Yes</u>	<u>No</u>
A. <u>Lot size, including:</u> Lot area, lot frontage and lot depth	( )	( )
B. <u>Existing aggregate lot coverage, including:</u> Square footage of all buildings and structures, and percentage of lot for all buildings and structures	( )	( )
C. <u>Proposed aggregate lot coverage, including:</u> Square footage of all buildings and structures, and percentage of lot for all buildings and structures	( )	( )
D. <u>Proposed shed / accessory structure materials:</u> Shed materials as Required pursuant to Rockleigh Zoning Ordinances.	( )	( )
E. <u>Proposed shed / accessory structure dimensions and area:</u>	( )	( )
F. <u>Proposed shed / accessory structure height:</u> Shed height as calculated pursuant to Rockleigh Zoning Ordinances.	( )	( )
G. <u>Proposed shed / accessory structure:</u> Front yard setback, side yard setback, and rear yard setback	( )	( )
H. <u>Proposed shed location:</u> Located on property and note on plan stating that shed is not visible from municipal roadway or rights-of-way	( )	( )
I. <u>Proposed shed drainage impacts:</u> Located on property so no drainage impacts area create for adjoining lots, municipal roadways, and municipal rights of way and note on plan stating the same.	( )	( )
J. <u>Proposed shed location:</u> Located on property so no trees are removed (Pruning is permitted.) with a note stating the same	( )	( )



### **SECTION 3.**

Chapter XXXIV of the Code of the Borough of Rockleigh, Zoning, Article III, Classification of Uses, §34-6, A Zone-Single-Family Residential, be and is hereby amended to add the following new subsection:

#### **34-6.4 Solar Panels For Residential Properties.**

- a. Solar panels, to the extent that these elements are necessary for the livability of the building, shall be hidden from view from a public street or right-of-way. For example, they shall be placed at the rear of the building and hidden by the use of appropriate screening.
- b. No trees shall be removed to install the solar panels but trees may be pruned.
- c. Should the solar panels be located where it is not visible from view from a public street or right-of-way and be located on the roof of a principal or accessory structure, review by the Historic Preservation Commission and Planning Board shall not be required. The property owner/applicant shall only be required to secure the required approvals from the Building Department.
- d. Should the solar panels be located where it is visible from view from a public street or way and / or not be located on the roof of a principal or accessory structure, review by the Historic Preservation Commission and Planning Board shall be required.
- e. The Construction Code Official will determine if the solar panels' visibility and location conditions of this Ordinance section are satisfied. If deemed necessary by the Construction Code Official, the application package would be sent to the Borough Planning Board Engineer for review. Should they not be satisfied, the Construction Code Official will refer review to the Historic Preservation Commission and Planning Board.

- f. The Property Owner / Applicant will be required to provide an Application Fee in the amount of \$50.00. Should the Construction Code Official request that the Planning Board Engineer perform an application package review, an Engineering Escrow Fee in the amount of \$200.00 shall be provided prior to the Planning Board Engineer's review.

**APPLICATION FOR SOLAR PANELS FOR RESIDENTIAL PROPERTIES  
APPROVAL**

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1. Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_ Fax No. ( ) \_\_\_\_\_

Email Address: \_\_\_\_\_

2. Present Owner(s) of Land \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_ Fax No. ( ) \_\_\_\_\_

Email Address: \_\_\_\_\_

3. Do any protective covenants, easements, rights of way, deed restrictions or other similar encumbrances exist on the subject property at which the solar panel is to be located?

Check one: Yes ( ) No ( )

4. If yes, provide the Bergen County Clerk's Office Deed Book and page and a true copy of each such instrument.

A. Deed Book \_\_\_\_\_, Page \_\_\_\_\_ Copy attached: \_\_\_\_\_ yes

5. All information required under the Zoning / Bulk Requirement Analysis is required to be included as part of the submission including present Ordinance regulations for Zone District for the proposed solar panels.

Has all information been so included?

Check one: Yes ( ) No ( )

I certify that all statements and information contained in this and all documents submitted as part of this application are true and accurate.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**IF THE APPLICANT IS OTHER THAN THE OWNER, SET FORTH IN QUESTION #2, THE FOLLOWING MUST BE COMPLETED:**

The undersigned owner of the subject property herewith grants permission to the applicant set forth above to execute and process this application.

Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_

## SOLAR PANELS FOR RESIDENTIAL PROPETIERS APPLICATION CHECKLIST

Use this checklist as a guide for the procedural requirements that must be met by the applicant. Below are listed the submissions that constitute a complete Application.

- |  | <u>Yes</u> | <u>N/A</u> |
|--|------------|------------|
| A. Application for Solar Panels for Residential Properties Approval which must be originally signed and dated.   | ( )        |            |
| B. Copies of any protective covenants, easements, right of way, deed restrictions or other similar encumbrance which may exist at the proposed solar panel system. | ( )        | ( )        |
| C. Fees:           Solar Panels for Residential Properties Review Application Fee (\$50.00)  | ( )        |            |
| Engineering Escrow if Required by Construction Official (\$200.00)   | ( )        |            |
| D. Copy of the Plan package, illustrating proposed solar panel design and location folded not larger than 10" x 14" with the title blocks showing                  | ( )        |            |
| E. Completed and clean copy of this checklist  | ( )        |            |
| F. Zoning Requirements and Information per item #5 of Application  | ( )        |            |

Does the development require any of the following:

- |                    | <u>Yes</u> | <u>No</u> |
|--------------------|------------|-----------|
| A. NJDEP Approvals | ( )        | ( )       |

If the answer to this question is "Yes", please list the specific NJDEP approvals required:

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**SITE PLAN / SKETCH**

Yes   No   N/A   Waiver

**A. Title block, containing**

- Name of project ( ) ( )
- Name and address of applicant ( ) ( )
- Name and address of owner ( ) ( )
- Tax assessment map designation by block and lot ( ) ( )
- Street address ( ) ( )
- Dates of all plans and revisions ( ) ( )
- Scale of graphic presentation not smaller than 1" = 50' and not larger than 1" = 10', to match survey ( ) ( ) ( )

**B. Graphic presentation:**

- Completely dimensioned containing: ( ) ( )
- North arrow ( ) ( )

Yes   No   N/A   Waiver

**C. Building Structures:**

Existing principal building or structure at which solar panels are to be located including:

- Location ( ) ( ) ( ) ( )
- Dimensions ( ) ( ) ( ) ( )
- Location and Dimensions of all solar panels and equipment utilized for the solar panel system ( ) ( ) ( ) ( )
- Manufacturer Cut Sheet with heights, dimensions, and location of solar panels and equipment utilized for the solar panel system ( ) ( ) ( ) ( )

**ZONING ANALYSIS AND INFORMATION REQUIRED PER ORDINANCE INCLUDING THE FOLLOWING:**

Yes   No

- A. Proposed solar panel system location: Located on property and note on plan stating that the system is not visible from a public street or way and hidden from view from other properties ( ) ( )
- B. Proposed solar panel system location: Located on property so no trees are removed (Pruning is permitted.) with a note stating the same ( ) ( )
- C. Proposed solar panel system location: Located on existing principal or accessory structure ( ) ( )

**SECTION 4. Fees**

If the property owner / applicant submits an application for a storage shed, a review fee shall be submitted in the amount of \$50.00. Should the Construction Code Official deem it necessary that the Planning Board Engineer review the application package, the property owner / applicant shall provide an engineering escrow fee in the amount of \$400.00

If the property owner / applicant submits an application for solar panels for residential properties, a review fee shall be submitted in the amount of \$50.00. Should the Construction Code Official deem it necessary that the Planning Board Engineer review the application package, the property owner / applicant shall provide an engineering escrow fee in the amount of \$200.00

**SECTION 5. Severability.**

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

**SECTION 6. Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**SECTION 7. Effective Date.**

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



**ROBERT R. SCHAFFER, Mayor**



**MARCELLA GIAMPICCOLO,  
Borough Clerk**

**Introduced: June 6, 2022  
Adopted: July 6, 2022  
Approved: July 6, 2022**