

ORDINANCE NO. 993

**ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY AMENDING
CHAPTER 99, RENTAL PROPERTIES, IN THE CODE OF THE
BOROUGH OF BARRINGTON**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey, that the title of Chapter 99, Rental Properties, of the Code of the Borough of Barrington be changed to Rental and Resale Certificate of Occupancy Requirements and that the ordinance language is hereby amended as follows:

ARTICLE I. SECTION 99-7. Required inspections.

A. Each rental unit within the rental facility shall be inspected at least once every twelve (12) month period.

B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Barrington and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough of Barrington shall not be used as a valid substitute.,

1. Such inspection shall be for the purpose of determining zoning ordinance compliance, and to the extent applicable, code compliance for minimum health and life safety standards. For use in implementing the inspection the agency will incorporate the International Property Maintenance Code, 2006, The Uniform Fire Code, The International Fire Code, New Jersey edition 2006, and portions of the International Residential Code, New Jersey edition 2006 and or it may be amended from time to time.

2. The inspection shall be completed within 14 days following the date that a complete application is filed with the appropriate fees paid to the Construction Department. No Certificate shall be issued unless the condition of the rental unit, or resale property complies with the listed Codes or as may be amended from time to time. The Certificate shall be signed by the Construction Official after a "pass" inspection by a qualified inspector, who is an employee of the Borough of Barrington.

3. Every rental unit shall be required to renew the Rental Certificate of Occupancy annually at the start of each calendar year, and be required to "pass" the required inspection for same. In addition to the required annual inspection, for rental units there will be required a new Certificate and inspection each time a new tenant wishes to occupy the unit.

D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit within the rental facility is deemed unsatisfactory, such property shall not thereafter be approved, nor shall a certificate be issued, and the owner of the property or his agent shall not lease or rent such property, nor

shall any tenant occupy the property, until the necessary corrections have been made, so as to bring the property and rental unit into compliance with the applicable code, and the property is thereafter subsequently inspected, and issued a certificate. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and, if not made within that time period, the owner shall be deemed in violation of this Chapter, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of Section 18 of this Chapter.

1. The owner, upon execution of a waiver in favor of the Borough and for good cause being shown to the Borough, shall be permitted to apply:

a. for extension of time to make repairs or corrections so as to comply with this Chapter; and/or

b. to permit occupancy of the rental unit prior to its inspection, provided that an inspection of the rental unit occur within ten (10) days from the date of occupancy.

ARTICLE II. SECTION 99-10. Certificate.

A. Certificate of Occupancy; Property Maintenance; Compliance Required. A Rental Certificate of Occupancy or Resale Certificate of Occupancy is required in the Borough of Barrington every time a residential or residential rental unit changes owners, users, or occupants. A Rental Certificate of Occupancy or Resale Certificate of Occupancy shall be issued by the Construction Official of the Borough of Barrington prior to occupancy by a new owner on resale, new rental user, or occupancy. Either Certificate shall not be issued until an inspection has been requested and completed by the Borough of Barrington Construction Department, and a "pass" inspection has been issued by and filed with the Borough Construction Department of the Borough of Barrington. The purpose of this inspection for either Certificate is to ensure that the property is habitable, and or meets the minimum standards for health and life safety requirements under the codes of the Borough of Barrington and the codes and laws of the State of New Jersey.

B. Residential Resales. All residential buildings and or structures shall be inspected and a Resale Certificate of Occupancy shall be issued prior to the resale of any residential building and or structure in the Borough of Barrington. An issued Resale Certificate shall be good for (60) days from issuance in the event a property does not change ownership during said time period.

C. Residential Rentals. All residential rentals, single unit dwelling, or two or three unit dwelling, or multi-dwelling unit (four or more) shall be registered and inspected annually and a Rental Certificate of Occupancy shall be issued prior to any re-renting of new occupancy. The Owner/Landlord of a single unit dwelling, or a two to three unit dwelling shall be registered with the Construction Department of the Borough of Barrington. For multi-dwelling units (four or more), the Owner/Landlord shall register with the Construction Department and file a copy of the Certificate of Registration with the New Jersey Bureau of Housing with the Clerk of the Borough of Barrington. No person, group of persons, association, partnership, business, or corporation thereof, who owns, manages, conducts or operates a residential rental unit or units shall rent, lease, let or sublet or permit the same to be occupied

or re-rented by another without first securing from the Borough of Barrington Construction Office a Rental Certificate of Occupancy for said residential rental unit.

D. Certificate Required. No Certificate shall be issued by the Construction Department until a "pass", inspection has been received. An application for inspection shall be provided by the Construction Department. The application shall be completed and filed by the owner, landlord, or landlord management, and the required fee paid prior to an inspection being scheduled. A copy of the list of items to be inspected shall be provided to the applicant as part of the application form.

ARTICLE III.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE IV.

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

THE BOROUGH OF BARRINGTON

BY: _____
ROBERT KLAUS, MAYOR

ATTEST:

**_____
TERRY SHANNON, BOROUGH CLERK**

Introduction: January 15, 2013

ORDINANCE 994
ORDINANCE OF THE BOROUGH OF BARRINGTON,
COUNTY OF CAMDEN, STATE OF NEW JERSEY,
AMENDING CHAPTER 53, CONSTRUCTION CODE
ENFORCING AGENCY, IN THE CODE OF THE
BOROUGH OF BARRINGTON

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey, that Chapter 53, Construction Code Enforcing Agency, is hereby amended in the Code of the Borough of Barrington, as follows:

ARTICLE I. SECTION 53-1 Enforcing Agency; Sub Code Official

There is hereby established in the Borough of Barrington a State Uniform Construction Code enforcing agency to be known as the "Construction Code Enforcing Agency of the Borough of Barrington," consisting of a Construction Official, Building Sub Code Official, Electrical Sub Code Official, Fire Protection Sub Code Official, Plumbing Sub Code Official and such other sub code officials for such additional sub codes as the Commissioner of the Department of Community Affairs, State of New Jersey shall adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the enforcing agency. Other Inspectors as required by this or other Ordinance as deemed necessary by the governing body may also be established.

ARTICLE II. SECTION 53-2 Construction Board of Appeals

The Construction Board of Appeals to hear appeals from decisions by the enforcing agency shall be the Camden County Construction Board of Appeals, for violations of relating to the Uniform Construction Code, and the Borough of Barrington Municipal Court when violations relate to Rental or Resale Certificate of Occupancy.

ARTICLE III. SECTION 53-3 Fees

Construction Permit Fees – The maximum fee for a construction permit shall be the sum of the sub code fees listed in subsection A (1) through (6) hereof and shall be paid before the permit applied for is issued. All contractors, sub-contractors, workmen, shall disclose to the property owner(s) the actual cost of all construction permit fees.

A. The building sub code fees shall be:

1. Use Groups: B,E,H,I-1,I-2,I-3,M,R-1,R-2,R-3,R-4,R-5 and U per cubic volume of building or structure times (\$.035) with a \$250.00 minimum fee for all new construction and additions. Garden type sheds and similar structures, accessory to 1 and 2 family dwellings

- a. 100 to 200 sq.ft. \$75.00 minimum fee
- b. 201 sq.ft. and over \$200.00 minimum fee
- c. Open structure w/o walls \$100.00 minimum fee

2. Use Groups: A-1, A-2, A-3, A-4, A-5, F-1, F-2, and S-2, per cubic volume of building or structure times (\$.020), with a \$200.00 minimum fee for all new construction and additions.

3. Farm Use Buildings: used exclusively for food, sheltering or the housing of livestock, per cubic volume times (\$.0010).

4. Renovations, Alterations, Repair, and Minor Work Fees:

a. Open Deck Structures:

- 1. Under 100 sq.ft. \$75.00 minimum fee
- 2. 101 to 200 sq.ft. \$150.00 minimum fee
- 3. 201 to 400 sq.ft. \$200.00 minimum fee
- 4. 401sq.ft. and over \$250.00 minimum fee

b. All other work:

1. Estimated cost up to and including \$50,000.00 shall be \$30.00 per thousand dollars of estimated costs

2. Estimated cost up to and including \$50,000.00 to and including \$100,000.00 shall be \$23.00 per thousand dollars of estimated costs.

3. Estimated cost from \$100,000.00 and above shall be \$23.00 per thousand dollars of estimated costs.

c. Handicapped Fees. Pursuant to the authority under N.J.S.A. 52:27D-12e, no construction permit fee shall be required from a homeowner for residential construction, reconstruction, alteration, improvement or repair of structure, and related devices

installed or erected for the sole purpose to promote accessibility by the handicapped; handicapped being defined under N.J.S.A. 51:27d-126e; and conforming to the current N.J.A.C. 5:23.7 Barrier Free Code, and any subsequent amendments or additions thereto. By "waiving of the fees", this in no way "waives" the right of the enforcing agency to request plans, and requiring inspections for compliance with adopted codes.

d. Roofing and Siding Permits for R-3, and R-5

1. Residential Uses - \$65.00 plus \$5.00 per thousand in costs.

e. Demolition and Removal Fees:

1. \$125.00 for all structures less than 3000 sq.ft. in area and less than 30 feet in height, one or two family residences, and for structures on farms, including commercial farm buildings.
2. \$175.00 for all other structures including underground storage tanks.
3. \$75.00 for all above ground storage tanks.

5. Sign Permit Fees. The permit fee for the construction, erection or installation of a sign shall be based on the square footage of the surface area (computed for one side of double faced signs) at a rate of \$5.00 per square foot, for any free standing and pylon type sign, and \$2.50 per square foot for any wall sign with a minimum fee of \$75.00.

B. The Plumbing Sub Code Fee.

1. The total number of fixtures, pieces of equipment or appliances connected to the plumbing system and stacks shall be \$15.00 per item connected, with the minimum fee being \$75.00.
2. Grease traps, oil separators, watercooled air conditioning units, refrigeration units, utility service connections, backflow preventers, steam boilers, hot water boilers, gas piping, active solar systems, sewer pumps, interceptors, fuel oil piping and L.P. tanks under 2000 gallons shall be \$75.00 for each unit connected.
3. Back flow preventers that are subject to testing and which require inspection annually shall be \$75.00 per device per test.
4. The minimum sub code fee shall be \$75.00

C. The Electrical Sub Code Fees shall be:

1. The total number of electrical fixtures and devices, lighting fixtures, outlets, switches fluorescent fixtures, convenience receptacles, or similar devices or motors less than 1hp or 1kw from 1 to 50 shall be \$50.00.

2. In addition to the fees required in Section C(1), each additional increment of 25 fixtures or devices, motors, of less than 1hp or 1kw shall be \$15.00 per unit.

4. Each service equipment, panel board, switch gear, motor control center, or disconnect rated 225 amps or less shall be \$65.00.

5. Each service equipment, panel board, switch gear, motor control center, or disconnect rated greater than 225 amps but less than 1000 amps shall be \$125.00

6. Each service equipment, panel board, switch gear, motor control center, or disconnect rated greater than 1000amps shall be \$600.00

7. Each motor or device more than 1hp or 1kw and up to 10hp or 10kw shall be \$15.00.

7. Each motor or device more than 10hp or 10kw and not 50hp or 50kw shall be \$65.00.

8. Each motor or device more than 50hp or 50kw and not exceeding 100hp or 112.5kw shall be \$125.00.

8. Each motor or device greater than 100hp or 112.5kw shall be \$600.00

9. The minimum sub code fee shall be \$75.00.

D. Fire Protection Fees:

1. The fee for heads, detectors, signaling, and supervisory devices shall be follows:

20 or fewer	\$85.00
21 to and including 100	\$210.00

101 to and including 200	\$300.00
201 to and including 400	\$800.00
401 to and including 1000	\$1200.00
Over 1000	\$1500.00

Exception: R-3 and R-4 and R-5 shall be calculated at \$15.00 per detector or the minimum sub-code fee. In computing fees for the heads or detectors the number of each shall be counted separately and two fees will be charged.

10. The fee for each standpipe shall be \$300.00

11. The fee for each independent pre-engineered system shall be \$125.00

12. The fee for each gas or oil fired appliance which is not connected to the plumbing system shall be \$65.00

13. The fee for each commercial kitchen exhaust system shall be \$65.00

14. The fee for each incinerator shall be \$460.00

15. The fee for each crematorium shall be \$460.00

16. The fee for each flammable and combustible tank shall be \$75.00

17. The minimum sub-code fee shall be \$75.00

E. Elevator Sub Code Fees. All activities relating to elevator sub code as defined in N.J.A.C. 5:23-12, the New Jersey Department of Community Affairs shall be the sole enforcing agency.

F. Swimming Pool Fees:

1. The Building Permit fee for any above ground pool shall be *\$126.00*

2. The Building Permit fee for any in ground pool shall be *\$300.00*

3. The electrical permit fee for all pools shall be *\$75.00*

4. Certificate of Use; after completion or installation which a certificate of use is required - No Fee.

5. Any specific fencing which is required to meet the swimming pool code shall be \$0.50 per linear foot.

G. Minimum Sub Code Fees:

1.	Building Sub Code fee	\$75.00
2.	Electrical Sub Code fee	\$75.00
3.	Plumbing Sub Code fee	\$75.00
4.	Fire Protection Sub Code fee	\$75.00

H. Certificate Fees:

1. Certificate of Occupancy
 - a. For Use Groups R-1, R-2, R-3, R-4, and R-5 - \$50.00 per dwelling unit.
 - b. For all other Use Groups- \$100.00 per dwelling unit.
 - c. Temporary Certificate of Occupancy Fee - No Fee, except that there shall be a \$50.00 fee for each subsequent extension afterward.
 - d. Certificate of Continued Occupancy and Use
 1. For All Use Groups *\$175.00*
 2. For change of use *\$175.00*
 3. For Certificate of Approval No Fee
 4. For Certificate of Compliance No Fee

I. Miscellaneous Fees:

A. The fee shall be computed based on the volume of new construction times the current rate set by N.J.A.C. 5:23-4.19 and as amended from time to time.

B. The fee for alterations shall be on the estimated cost material and labor of the alterations per thousand dollars for each sub code involved times the fees set by NJAC 5:23 and amended from time to time.

C. Application for Variation - Applicant must submit fees with variation application:

1.	Class I structures	\$600.00
2.	Class II structures	\$200.00

J. Refunds - Pursuant to N.J.A.C. 5:23-2.27, in the case of discontinuance of a building project, the plan review fee and State Training fees are not refundable.

- K. Construction Permit Surcharge Fee (\$1.00 minimum)
 - 1. Volume of new construction from 3(1)a times .00334
 - 2. Cost of renovation work, including all disciplines times \$1.70 per \$1000.00 of the costs.

L. The fee schedule for Property Maintenance Code inspections shall be as follows:

- 1. Residential Re-sales:
 - a. \$75.00 for the initial inspection.
 - b. \$50.00 for each subsequent re-inspection, as a result of failure.
- 2. Residential Rentals (3 units or less)
 - a. \$50.00 per unit for registration and initial inspection
 - b. \$50.00 for all re-inspections as a result of failure
- 3. Residential Rentals (4 or more units)
 - a. \$50.00 per unit for registration and initial inspection
 - b. \$50.00 for all re-inspections as a result of failure.

ARTICLE IV. SECTION 53-4 Severability

If any section, subsection, part sentence, clause or phrase of this Ordinance shall be declared invalid of judgment by any court of competent jurisdiction, such section, subsection, part, sentence, clause, or phrase shall be deemed to be severable from the remainder of this Ordinance.

ARTICLE V. SECTION 53-5 Repealer

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VI. SECTION 53-6 Effective Date

This Ordinance shall take effect immediately after final passage and publication as provided by law. With respect to residential re-sales there will be a (30) day grace period for residences listed and under agreement for a scheduled settlement at the time of adoption.

ARTICLE VII.

SECTION 53-7

Violations; Penalties

Any person or corporation who violates any provision of this Chapter shall, upon conviction in the Municipal Court of the Borough of Barrington, or such other court having jurisdiction, be liable to a fine not exceeding \$2,000.00, or imprisonment for a term not exceeding 90 days, or both. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

THE BOROUGH OF BARRINGTON

BY: _____
ROBERT KLAUS, MAYOR

ATTEST:

TERRY SHANNON, BOROUGH CLERK

Introduction: January 15, 2013

ORDINANCE NO. 995
ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF
CAMDEN AND STATE OF NEW JERSEY APPROVING THE
ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF
BARRINGTON FROM VERNON DUCKREY, AND AUTHORIZING THE
LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION

WHEREAS, the Borough of Barrington (hereinafter "Barrington") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, by Resolution adopted on July 11, 2000 and pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq. ("Local Redevelopment and Housing Law"), set forth at N.J.S.A. 40A:12A-6(a), the Borough Council of the Borough of Barrington ("Borough") directed the Planning Board of the Borough of Barrington ("Planning Board") to conduct a preliminary investigation to determine whether an area comprising the Economic Redevelopment - Phase I and II, inclusive of Lot 7.02 in Block 57 on the Official Tax Map of the Borough (hereinafter designated as the "Economic Redevelopment - Phase I and II Project Area") as an area in need of redevelopment in accordance with the criteria set forth in the Local Redevelopment and Housing Law; and

WHEREAS, the Planning Board conducted a preliminary investigation in accordance with the guidelines set forth in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-6, and held a public hearing on this matter; and

WHEREAS, by Resolution adopted on June 25, 2001, and pursuant to N.J.S.A. 40A:12A-6(b)(5), the Planning Board recommended to the Borough Council that the Barrington Economic Redevelopment - Phase I and II Project Area be determined to be an area in need of redevelopment (the "Redevelopment Area"); and

WHEREAS, by Resolution adopted July 10, 2001, the Borough Council approved the Planning Board's recommendation that the area comprising the stated Economic Redevelopment - Phase I and II was determined to be an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-6; and

WHEREAS, by Ordinance adopted August 14, 2001, the Borough Council adopted the Redevelopment Plan of the Borough of Barrington ("Redevelopment Plan") for the Redevelopment Area, based on the report containing the recommendation of the Planning Board following the Planning Board's review of the Redevelopment Plan; and

WHEREAS, N.J.S.A. 40A:12-5(a) authorizes a municipality to acquire lands or rights therein by purchase, gift, condemnation or otherwise in the manner provided by said statute.

WHEREAS, Barrington has determined that it is necessary to acquire for highway purposes the land and premises hereinafter described in order to eliminate a left turn across the White Horse Pike, U.S. Route #30, onto Bell Avenue, and to create an access road with traffic control devices at the White Horse Pike, U.S. Route #30 and Bell Avenue; and

WHEREAS, the Vernon Duckrey (“Duckrey”) is the owner of real property located at 300 White Horse Pike, more fully described as Lot 7.02 in Block 57 on the Official Tax Map of the Borough of Barrington, which is within the boundaries of the stated Economic Redevelopment - Phase I and II area; and

WHEREAS, Barrington has made a bona fide offer to purchase the above referenced property from Duckrey for consideration in the amount of Five Hundred, Sixty Thousand (\$560,000.00) Dollars; and

WHEREAS, this bona fide offer to purchase this property made by Barrington has been rejected by Duckrey; and

WHEREAS, Barrington wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Duckrey; and

WHEREAS, the acquisition of this property by Barrington is consistent with and in furtherance of the above-mentioned redevelopment agreement; and

WHEREAS, it is the intention of the Mayor and Borough Council of the Borough of Barrington to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Barrington in furtherance of this property acquisition.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Barrington, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., and the Eminent Domain Act, N.J.S.A. 20:3-1 et seq., and the acquisition of the real property located at 300 White Horse Pike, in the Borough of Barrington, more fully described as Lot 7.02 in Block 57 on the Official Tax Map of the Borough of Barrington from the Vernon Duckrey is hereby approved; and

AND BE IT FURTHER ORDAINED that Robert Klaus, Mayor of the Borough of Barrington and Terry Shannon, Borough Clerk of the Borough of Barrington be and hereby are

authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Barrington; and

AND BE IT FURTHER ORDAINED that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Barrington, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Barrington.

THE BOROUGH OF BARRINGTON

BY: _____
ROBERT KLAUS, MAYOR

ATTEST:

TERRY SHANNON, BOROUGH CLERK

The foregoing Ordinance was introduced by the Mayor and Borough Council at the regular meeting held on January 15, 2013. This Ordinance will be considered for adoption on final reading and public hearing to be held on February 12, 2013 at 8:00 p.m. in the Council Meeting Room, Barrington Municipal Building, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is to approve a acquisition of certain land by the Borough of Barrington from Vernon Duckrey located at 300 White Horse Pike, Barrington, New Jersey. A copy of this Ordinance is available at no charge to the general public between the hours of 9:00 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Municipal Building, 229 Trenton Avenue, Barrington, New Jersey.

ORDINANCE NO. 996
ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF
CAMDEN AND STATE OF NEW JERSEY APPROVING THE
ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF
BARRINGTON FROM SHIV ESTATES LLC, AND AUTHORIZING
THE LITIGATION NECESSARY TO IMPLEMENT SAID
ACQUISITION

WHEREAS, the Borough of Barrington (hereinafter "Barrington") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, by Resolution adopted on July 11, 2000 and pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Local Redevelopment and Housing Law"), set forth at N.J.S.A. 40A:12A-6(a), the Borough Council of the Borough of Barrington ("Borough") directed the Planning Board of the Borough of Barrington ("Planning Board") to conduct a preliminary investigation to determine whether an area comprising the Economic Redevelopment - Phase I and II, inclusive of Lots 1 and 2 in Block 124 on the Official Tax Map of the Borough (hereinafter designated as the "Economic Redevelopment - Phase I and II Project Area") as an area in need of redevelopment in accordance with the criteria set forth in the Local Redevelopment and Housing Law; and

WHEREAS, the Planning Board conducted a preliminary investigation in accordance with the guidelines set forth in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-6, and held a public hearing on this matter; and

WHEREAS, by Resolution adopted on June 25, 2001, and pursuant to N.J.S.A. 40A:12A-6(b)(5), the Planning Board recommended to the Borough Council that the Barrington Economic Redevelopment - Phase I and II Project Area be determined to be an area in need of redevelopment (the "Redevelopment Area"); and

WHEREAS, by Resolution adopted July 10, 2001, the Borough Council approved the Planning Board's recommendation that the area comprising the stated Economic Redevelopment - Phase I and II was determined to be an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-6; and

WHEREAS, by Ordinance adopted August 14, 2001, the Borough Council adopted the Redevelopment Plan of the Borough of Barrington ("Redevelopment Plan") for the Redevelopment Area, based on the report containing the recommendation of the Planning Board following the Planning Board's review of the Redevelopment Plan; and

WHEREAS, N.J.S.A. 40A:12-5(a) authorizes a municipality to acquire lands or rights therein by purchase, gift, condemnation or otherwise in the manner provided by said statute.

WHEREAS, Barrington has determined that it is necessary to acquire for highway purposes a portion of the land and premises hereinafter described in order to create a right turn lane from the White Horse Pike, U.S. Route #30, onto County Road No. 666, otherwise known as Copley Road; and

WHEREAS, the Shiv Estates LLC (“Shiv Estates”) is the owner of real property located at 201 White Horse Pike, more fully described as Lots 1 and 2 in Block 124 on the Official Tax Map of the Borough of Barrington, which is within the boundaries of the stated Economic Redevelopment - Phase I and II area; and

WHEREAS, Barrington has made a bona fide offer to purchase the above referenced property from Shiv Estates for consideration in the amount of Seventy Four Thousand (\$74,000.00) Dollars; and

WHEREAS, this bona fide offer to purchase this property made by Barrington has been rejected by Shiv Estates; and

WHEREAS, Barrington wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Shiv Estates; and

WHEREAS, the acquisition of this property by Barrington is consistent with and in furtherance of the above-mentioned redevelopment agreement and public purpose; and

WHEREAS, it is the intention of the Mayor and Borough Council of the Borough of Barrington to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Barrington in furtherance of this property acquisition.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Barrington, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., and the Eminent Domain Act, N.J.S.A. 20:3-1 et seq., and the acquisition of the real property located at 201 White Horse Pike, in the Borough of Barrington, more fully described as Lots 1 and 2 in Block 124 on the Official Tax Map of the Borough of Barrington from the Shiv Estates LLC is hereby approved; and

AND BE IT FURTHER ORDAINED that Robert Klaus, Mayor of the Borough of Barrington and Terry Shannon, Borough Clerk of the Borough of Barrington be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Barrington; and

AND BE IT FURTHER ORDAINED that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Barrington, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Barrington.

THE BOROUGH OF BARRINGTON

BY: _____
ROBERT KLAUS, MAYOR

ATTEST:

TERRY SHANNON, BOROUGH CLERK

The foregoing Ordinance was introduced by the Mayor and Borough Council at the regular meeting held on January 15, 2013. This Ordinance will be considered for adoption on final reading and public hearing to be held on February 12, 2013 at 8:00 p.m. in the Council Meeting Room, Barrington Municipal Building, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is to approve a acquisition of certain land by the Borough of Barrington from Shiv Estates LLC located at 201 White Horse Pike, Barrington, New Jersey. A copy of this Ordinance is available at no charge to the general public between the hours of 9:00 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Municipal Building, 229 Trenton Avenue, Barrington, New Jersey.

ORDINANCE 997
ADOPTING THE AMENDMENT TO ORDINANCE NO. 753,
REGARDING THE BARRINGTON ECONOMIC
REDEVELOPMENT - PHASE I AND II PROJECT AREA
REDEVELOPMENT PLAN

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Local Redevelopment and Housing Law”), set forth at N.J.S.A. 40A:12A-6(a), the Borough Council of the Borough of Barrington (“Council”), by Resolution dated July 11, 2000, directed the Planning Board of the Borough of Barrington, (“Planning Board”) to conduct a preliminary investigation to determine whether a certain area is an area in need of redevelopment in accordance with the criteria set forth in the Local Redevelopment and Housing Law; and

WHEREAS, by Ordinance No. 753, the Council adopted the Redevelopment Plan of the Borough of Barrington for the Real Property commonly known as Barrington Economic Redevelopment - Phase I and II Project Area Redevelopment Plan for the Borough of Barrington (“Redevelopment Plan”);

WHEREAS, the property subject to this Redevelopment Plan is known and designated as Block 57, Lots 1, 2.02, 3.02, 3.03, 4.02, 5.02, 6.02, 6.03, 6.04, 7.01, 7.02, 7.03, 8.01, 8.02, 9.01, 9.03, 10.01, 10.02, 11.01, 12.01 and 13.01 and Block 124, Lot 1 of the Official Tax Maps of the Borough (hereinafter designated as the (“Real Property”)); and

WHEREAS, the Borough Council of the Borough of Barrington recognizes that certain amendments to the Barrington Economic Redevelopment - Phase I and II Project Area Redevelopment Plan, attached hereto as Exhibit “A,” need to be made; and

WHEREAS, the Mayor and Borough Council of the Borough of Barrington authorized the Planning Board of the Borough of Barrington to review the aforesaid requested second amendment to Ordinance No. 753, regarding the Barrington Economic Redevelopment - Phase I and II Project Area Redevelopment Plan, to determine its appropriateness; and

WHEREAS, the Planning Board of the Borough of Barrington reviewed the aforesaid requested amendment to Ordinance No. 753, regarding the Barrington Economic Redevelopment - Phase I and II Project Area Redevelopment Plan, and have deemed the requested the amendment to be appropriate, and have, by Resolution attached hereto, recommended the adoption of this amendment;

NOW, THEREFORE, BE IT HEREBY ORDAINED, by Mayor and Borough Council of the Borough of Barrington, that the requested amendment to Ordinance No. 753 regarding the Barrington Economic Redevelopment - Phase I and II Project Area Redevelopment Plan, attached hereto as Exhibit "A," be and hereby are adopted and are included in the Barrington Economic Redevelopment - Phase I and II Project Area Redevelopment Plan.

THE BOROUGH OF BARRINGTON

BY: _____
ROBERT KLAUS, MAYOR

ATTEST:

TERRY SHANNON, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at the special meeting held on January 15, 2013. This Ordinance will be considered for adoption on final reading and public hearing to be held on February 12, 2013 at 8:00 p.m. in the Council Meeting Room, Barrington Municipal Building, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is to adopt an amendment to Ordinance No. 753 regarding the Barrington Economic Redevelopment - Phase I and II Project Area Redevelopment Plan. A copy of this Ordinance is available at no charge to the general public between the hours of 9:00 AM to 5:00 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.

"EXHIBIT A"

**PERTAINING TO THE AREA AND BULK REQUIREMENTS
AND ZONING REQUIREMENTS**

For

**BLOCK 57, LOTS 5.02, 6.02, 6.03, 6.04, 7.01, 7.02, 7.03, 7.04, 8.01, 9.01, 10.01,
10.02, 11.01, 12.01 AND 13.01**

Known As

WHITE HORSE PIKE REDEVELOPMENT PROJECT

In The

BOROUGH OF BARRINGTON, CAMDEN COUNTY, NEW JERSEY

Zoned As

**C-2 COMMERCIAL ZONING WITH OVERLAY AMENDMENTS ADOPTED BY
ORDINANCE, JULY 13, 2004**

January 15, 2013

Redevelopment Project Specifics:

<u>BULK AREA, YARD AND BUILDING REQUIREMENTS</u>	<u>REQUIRED</u>	BLOCK 57.01 PROPOSED LOT 1 (Wawa)	BLOCK 57 PROPOSED LOT 13.01 (Car Wash)	BLOCK 57 PROPOSED LOT 16 (Overflow Parking)	BLOCK 57 PROPOSED LOT 17 (Restaurant)	BLOCK 57 PROPOSED LOT 18 (Billboard)
Minimum Lot Size	125,000 SF	64,550 SF	31,820 SF	242,450 SF	206,380 SF	1,460 SF
Minimum Lot Width	200 FT	300 FT	110 FT	410 FT	240 FT	20 FT
Minimum Front Yard	30 FT	1 FT	40 FT	N/A	70 FT	N/A
Minimum Side Yard	20 FT	108 FT	5 FT	N/A	55 FT	N/A
Minimum Rear Yard	30 FT	N/A	85 FT	N/A	550 FT	N/A
Maximum Lot Coverage	25%	85%	85%	10%	40%	N/A
Minimum Building Height	35 FT	<35 FT	< 35 FT	N/A	< 35 FT	N/A

Recommended Amendments to the Bulk Area, Yard and Building Requirements (Article III, § 128-25.B. and Phase I and II Redevelopment Plan:

<u>Description</u>	<u>Proposed Amendment</u>
Minimum Lot Size	30,000 SF
Minimum Lot Width	100 FT
Minimum Front Yard	1 FT
Minimum Side Yard	5 FT
Minimum Lot Coverage	85%

* Lots or Lease Parcels for non-habitable structures shall have no minimum lot dimension requirements.

Recommended Amendments to the Zoning Requirements:

- § 102-11.B. (5) Permit an assumed elevation Datum other than United States or New Jersey Coast and Geodetic Datum.
- § 102-11.B. (8) Deleted (relative to topography within 50 feet of the site).
- § 102-11.B. (10) Deleted (relative to grades and/or cross sections and profiles of all existing streets within 100 feet of the site).
- § 102-18B. Permit parking spaces within 20 feet of the right-of-way line of a road.
- § 102-18D. Permit minimum clear lane width (90° parking) of 24 feet.
- § 102-20C. Permit a minimum sight distance less than 150 feet from an exit driveway or driveway lane.
- § 102-20D. Permit a minimum tangent distance less than 30 feet from a driveway entrance to an intersecting roadway radius.
- § 102-21.A. Deleted (relative to accelerating lanes).
- § 102-21.B. Deleted (relative to deceleration lanes).
- § 102-24.A.&.B. Permit sidewalk on one side of the roadway only.
- § 107-15.F. Permit a minimum collector (street type) right-of-way width of less than 60 feet.

Recommended Amendments to the Zoning Requirements – Continued:

- § 107-17.B. Permit a minimum center line curve radius less than 250 feet.
- Article I, § 128-13. Definitions (*to include the following definition*):
- Non-Habitable Structure – a subordinate building, mechanical or storage room, the use of which is customarily incidental to that of a billboard sign or communications tower site that is not defined as a “building” or “dwelling unit” or designed for human occupation.
- Article III,
§ 128-25.D. (1) Eliminate the off-street loading zoning requirement.
- Article V,
§ 128-33.B. (1) Permit a parallel (attached) sign 6 feet high.
- Article V,
§ 128-33.B. (1) Permit more than one (1) parallel (attached) sign per street front.
- Article V,
§ 128-33.B. (1) Permit a 125 s.f. parallel (attached) sign (125 s.f. on any one side).
- Article V,
§ 128-33.B. (3) Permit a 150 s.f. freestanding sign (each face).
- Article V,
§ 128-34.A. & .B. Deleted (relative to permitted wall/fence height).
- Article X, § 128-68 Deleted (relative to Environmental Impact Statement) – Numerous Environmental Documents are currently on file with the Borough.

Recommended Amendments to the Phase I and II Redevelopment Plan, prepared by Marc R. Shuster, A.I.C.P., P.P., adopted by Ordinance Nos. 753 and 800, Article III, § 128-25A. (1) and § 128-25A. (4)(b):

1. Permit service stations which are within 1,000 feet of another gasoline selling or service station.
2. Billboards shall be permitted if the following conditions are met:

(a) Definition:

Billboard. A sign, in excess of 24 square feet in area, which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

[1] The term "digital billboards" references those using digital technology to create an advertising message which in all other ways conforms to the requirements of this section. Digital billboards shall contain no animation or other moving features or contain any other effects that would make the advertising message appear unlike traditional existing billboards, it being the understanding of the Mayor and Governing Body that digital billboards will allow the owner or operator of the billboard to change advertising content without replacing paint, paper or other materials incident to traditional billboards.

- (b) That the billboards be located only on properties abutting the White Horse Pike (N.J.S.H. 30) and that no support post or sign face shall be closer than 10 feet from the right-of-way line of said roadway and 5 feet from any other right-of-way line;
- (c) That the maximum size of each sign face of a billboard shall be 12 feet high and 30 feet wide or 360 s.f. with a maximum of 4 sign faces;
- (d) That the maximum total height of a billboard shall be 50 feet high and that any lighting shall be directed onto the advertising surface of the billboard.

- (e) That no billboard shall be constructed on any other structure, and that all billboards be supported by a single pole affixed to or embedded into the ground and that shall be suitably landscaped to include:
 - (1) Evergreen species planted adjacent to the support at a planting height of at least 25% of the pole height and a variety selected to grow to reach a maximum height of at least 50% of the pole height; and
 - (2) The flowering materials such as annuals or perennials be used as bedding around the evergreens; and
 - (3) All landscaping shall be maintained by the owner of the billboard.
 - (f) That all billboards shall likewise conform with all other state regulations and rules governing billboards, including the requirement of an off-site premises sign permit.
 - (g) That no billboard shall be erected within the clear sight triangles of any public street or road and shall not in any manner obstruct or impede traffic safety, including ingress and egress, nor block the view from the road or street of any traffic sign, signal, device, directional sign or existing or proposed business sign, logo or sign.
 - (h) No billboard shall overhang any building structure.
3. Cellular Towers shall be permitted if the following conditions are met:
- (a) Definition:

Personal wireless service facilities means those antennae and/or towers providing commercial mobile communication services, unlicensed wireless communication services, and common carrier wireless exchange access communication services, as prescribed in the Federal Telecommunications Act of 1996 or as superseded.
 - (b) They are designed to minimize the adverse visual impacts of towers and support facilities through proper design, siting, height and landscaping/screening.

- (c) They are designed to avoid potential damage to adjacent residential and commercial properties and associated traffic from tower failure and falling ice, through proper siting, engineering design and continued maintenance.
- (d) To discourage the number and scale of existing structures or new towers through joint use and/or collocation. Any tower shall be limited to the collocation of three (3) commercial antennae. Collocated commercial-type antennae are limited to such use as cell phones, pagers, microwave relays, and two-way radios.
- (e) Tower facilities may include storage cabinets for transmitting equipment, but may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes as permitted by the Federal Communications commission (FCC), or other uses that are not necessary to send or receive transmissions.
- (f) Collocation.

In order to prevent their proliferation in the Borough, each tower shall be designed to allow collocation or shared use of additional antennae for the proposed providers in the Borough of Barrington and local police, fire, ambulance, emergency preparedness, and public education facilities. Towers shall be limited to the collocation of three (3) commercial antennae. Collocated commercial-type antennae are limited to such use as cell phones, pagers, microwave relays, and two-way radios. Applicants must send a certified mail announcement to all tower owners and users and to all owners of tall buildings and structures, i.e. greater than (35) feet, within the borough and within a one-quarter (¼) mile radius of the proposed site stating their needs and asking for permission to install or share the site of their proposed antennae.

Applicants shall provide testimony indicating that no other tower, tall building, structure, etc., within this area is available for collocation. Applicants cannot be denied or deny space on an existing tower, tall building, or structure within the borough for economic reasons. Collocation may, however, be denied for structural, mechanical, or regulatory factors. The Board may deny an application to erect to mount the antenna on an existing tower, building or structure. Copies of proposed access, collocation, or other related leases and agreements shall be provided to the Board Solicitor for his or her review.

(g) Construction.

Towers shall be either of a free standing (monopole) or lattice (self-supporting) design with provision made for clipping or reducing the size of the fall zone to sixty-six percent (66%) of the total height. Towers anchored with guide or the like wires shall not be permitted. All towers and support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(h) Access.

An access road shall be constructed to allow access roads to the tower facility. All access roads shall be fully and solely maintained by the applicant.

(i) Design compatibility.

The entire facility must be architecturally compatible with its surroundings. The use of residential compatible materials such as brick and stucco shall be required for associated support buildings, which shall be designed to architecturally match the predominant character of adjacent residential neighborhoods. In no case shall metal exteriors be permitted for accessory buildings.

(j) Performance standards.

Equipment at tower properties shall be automated in order to minimize the need for maintenance and servicing. Applicants shall provide testimony indicating the estimated frequency of maintenance service, personnel needs, equipment needs, and any anticipated traffic, noise, radiation radio frequency interference, or public safety impacts, such as falling ice, debris, or structural collapse of the proposed use. Uses shall provide off-street parking and be accessible by means of a public street or private easement in a form acceptable to the Board Solicitor.

(k) Screening.

The base of towers or other personal wireless service facilities must be screened on all sides by public view by the use of opaque fencing to a height of six (6) feet, or evergreen shrubbery, or both, wherein such screening shall be approved by the Board, considering aesthetic, type, location, and other such factors. The screen must be so as to prevent the tower or facility from being seen from a public right-of-way and from adjacent residential and commercial properties at ground level.

(l) Signage.

No signs and/or billboards of any kind shall be erected or placed on a tower, except for "warning" or "no trespassing" signs which may be placed at the base of the structure. No part of the tower, antennae, fixtures, or instrument attached to the tower may have any written copy, design, logo, or other graphic image that could be construed as an advertisement.

(m) Lighting.

No tower may be artificially lighted or illuminated, except as or when required by the FAA.

(n) Structural integrity.

The Governing Body may require periodic inspections of towers to ensure their structural integrity, i.e. at least once every ten (10) years for monopole towers, and once every five (5) years for self-supporting towers. Inspections shall be conducted by an engineer licensed by the State of New Jersey. The results of such inspections shall be provided to the Borough Engineer who shall advise the governing body as to any required repairs and/or reconstruction, or the removal of a tower.

(o) Abandonment.

In the event that a tower is to be left unused for a period of more than six (6) months, the tower shall be determined to be abandoned and a potential threat to public safety. Upon due notice to the owner of the tower, the borough may place a lien on the property for required engineering and demolition costs or may acquire the property through eminent domain.

GE:ke

Projects\11\251\Docs 2013\Exhibit A