

**BOROUGH OF SADDLE RIVER
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE NO. 23-1063

**AN ORDINANCE TO AMEND SECTION 210 OF THE BOROUGH CODE OF THE BOROUGH OF
SADDLE RIVER, COUNTY OF BERGEN AND STATE OF NEW JERSEY**

1. BE IT ORDAINED, by the Mayor and Council of the Borough of Saddle River that Chapter 210 of the Borough Code of the Borough of Saddle River be amended as provided below:

§ 210-3 Word usage; definitions.

A. For the purpose of this chapter, certain terms shall be construed as follows:

- (1) Unless the context clearly indicates to the contrary, all words used in the present tense include the future tense, all words in the plural number include the singular number, and all words in the singular number include the plural number.
- (2) The word "shall" is mandatory, not discretionary.
- (3) The word "may" is permissive, not mandatory.
- (4) The word "used" shall be deemed also to include "designed to be used, intended to be used or arranged to be used."
- (5) The word "zone" includes the word "district."
- (6) The word "occupied" includes the phrases "designed to be occupied," "intended to be occupied" and "arranged to be occupied."

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE OR BUILDING

A subordinate use or a detached building, the purpose of which is incidental to that of the main or principal use or building located on the same lot.

ADORNMENT

A permanent decorative item.

ALTERATION

A change or rearrangement in the structural parts or in the existing facilities or any enlargement, whether by extension of an exterior wall or by an increase in height or by moves from one location or position to another.

APPEAL

Any request submitted to the Board of Adjustment for interpretation of this chapter or for a decision on alleged grievances effected the enforcement of this chapter.

APPLICANT

Any person, firm, partnership, corporation or public agency requesting a permit to remove any tree located in areas subject to the following article.

[Added 11-17-2014 by Ord. No. 14-904-C]

ASSISTED LIVING FACILITY

A residential health care facility which is licensed by the Department of Health to provide apartment-style housing with congregate dining and a coordinated array of supportive personnel and health care services, available 24 hours per day, to four or more elderly and/or handicapped residents unrelated to the proprietor. Each apartment unit in an "assisted living facility" shall contain a private bathroom, kitchenette and lockable entrance door. Common dining, recreational and laundry facilities, housekeeping and maintenance services, personnel and health care services and community and administrative facilities and services, all in support of and for the sole benefit of the residents of the facility, shall be considered customary accessory uses to an "assisted living facility."

[Added 5-20-1996 by Ord. No. 637-C]

BOARD OF ADJUSTMENT

The Zoning Board of Adjustment of the Borough.

BOROUGH

The Borough of Saddle River.

BUFFER STRIP

A strip of densely planted shrubs or trees intended to reduce noise, dust and fumes and screen the view of the buildings from adjoining lots and public streets. The strip shall be maintained and protected by the owner of the premises on which it is located.

BUILDING

Any structure having a roof supported by columns, piers or walls, including tents, lunch wagons, trailers, dining cars, camp cars or other structures on wheels or having other supports and any unroofed platform, terrace or porch having a vertical face higher than three feet above the level of the ground from which the building height is measured.

BUILDING AREA

The projected horizontal area measured at the exterior wall of the principal building and all accessory buildings. The building area computation shall include all roofed-over porches or similar extensions including balconies, cantilevers, eaves, roof overhangs, or other projections (hereinafter collectively referred to as "projections") of three feet or greater. Projections less than three feet are not included. Projections of three feet or greater shall also be the point of measurement for building setback calculations. Outdoor stairwells and window wells, whether roofed over or not, shall not be counted towards the maximum permitted building area as a percentage of lot area.

[Amended 10-18-2010 by Ord. No. 10-843-C; 7-18-2011 by Ord. No. 11-851-C]

BUILDING HEIGHT

The vertical dimension measured from the average elevation of the finished lot grade of the building to the highest point of the roof. The finished lot grade is defined as follows:

The average elevation which is measured at the front of the building in increments of 10 feet from left to right and six feet in front of the finished foundation line. The existing grade at the front of the building shall be determined by a sea level elevation measurement. These measurements shall be documented and certified by a licensed surveyor prior to the issuance of any application to the Planning Board, Board of Adjustment or

issuance of a building permit.

Upon completion of any foundation and prior to the commencement of any framing, the elevation of the foundation shall be reviewed by the Borough Engineer or Building Subcode Official to assure that the total building elevation will not exceed the maximum height as prescribed by the Limiting Schedule. **[Amended 11-12-1984 by Ord. No. 408-C; 5-21-2001 by Ord. No. 01-715-C; 9-15-2003 by Ord. No. 03-754-C]**

BUILDING LINE

A line formed by a vertical plane parallel with the nearest lot line and touching the outermost periphery of the building area, as defined in the definition of "building area" above, intersecting the grade level.

BUILDING, PRINCIPAL

A building in which there is or may be conducted the main or principal use of the lot on which said building is situated.

CIRCUMFERENCE MEASUREMENT

The circumference of a deciduous tree shall be measured at its widest point. Note that a tree having diameter of eight inches is equivalent to a circumference of 25 inches for the purposes of measurement.

[Added 11-17-2014 by Ord. No. 14-904-C]

CUPOLA

A small roof tower usually rising from the topmost center of the roof ridge. Cupolas often have windows or louvers and can have a variety of base types (square, circular, or more than four sides) and a variety of roof types (gable, flat, hexagonal, etc.).

[Added 12-19-2011 by Ord. No. 11-858-C]

DEAD OR DISEASED TREE

A tree which has been determined to be dead or to be damaged beyond salvaging or in an advanced state of decline where an insufficient amount of live tissue, green leaves, limbs or branches exist to sustain life.

[Added 11-17-2014 by Ord. No. 14-904-C]

DISH OR SATELLITE ANTENNA

Any apparatus which is designed for the purpose of receiving telephone, radio, microwave, satellite or similar signals, but not including conventional television antennas.

[Amended 12-12-1983 by Ord. No. 393-C]

DOMESTIC EMPLOYEE

Any in-servant, chauffeur or gardener.

DRIVE-IN OR DRIVE-THROUGH USE

Any use or structure constructed for the sale of goods or services by means of a curb, window-counter or self-service to the motoring public.

[Added 12-19-2011 by Ord. No. 11-860-C]

DWELLING, SINGLE-FAMILY

A detached building designed or occupied exclusively by one family.

DWELLING UNIT

One or more rooms providing living facilities for one family.

EDUCATIONAL INSTITUTIONS

Private or parochial schools or regularly organized institutions which offer a curriculum at the primary or secondary level meeting the minimum standards established by the State Department of Education

EXTENDED STAY HOTEL

An establishment consisting of one or more buildings containing temporary lodging units, each with its own cooking facilities, designed to accommodate travelers and itinerant guests typically staying longer than one week but less than one month and either maintaining or in the process of relocating to a primary residence elsewhere.

[Added 12-15-1997 by Ord. No. 97-659-C]

FAMILY

One or more persons living together as a single housekeeping unit.

[Amended 2-22-1994 by Ord. No. 600-C]

FARM

Any parcel of land which is used for gain in the raising of agricultural products, livestock, horses, poultry or dairy products.

FARM BUILDING

Any accessory building used for the housing of agricultural equipment, produce, poultry or permitted farm animals.

FARM PRODUCTS

All field crops, nursery stock, shrubs, trees, flowers, dairy products, eggs or products grown on the premises and limited to such products.

FLAG LOT

A lot having less than the required frontage on a street and configured in the form of a flag and pole, in which the "pole" or narrow portion fronting the street provides access to the buildable portion of the lot, referred to as the "flag," which is behind another lot fronting on the same street.

[Added 7-18-2011 by Ord. No. 11-851-C]

FLOOR AREA, BUSINESS OFFICE

The sum of the horizontal area, having a clear ceiling height of four feet or more, of the floor of the building, including basement, cellar or attic, measured between the inside faces of exterior walls, but not including the floor area occupied by stairs, corridors or toilet facilities.

FLOOR AREA RATIO

The ratio of the sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls in a building to the land area. "Floor area" shall not include areas devoted to mechanical equipment serving the building, stairways, hallways and elevators or areas devoted exclusively to off-street parking and loading space for motor vehicles or to any space where the floor-to-ceiling height shall be less than seven feet six inches. For the purpose of this chapter, where a building is designed for multiple tenant occupancy and has not been fully designed architecturally, a net floor area, exclusive of common area, mechanical equipment, stairways, hallways and elevators, shall be calculated to be 85%

of the total floor area.

[Amended 10-18-1994 by Ord. No. 405-C]

FLOOR AREA, RESIDENTIAL

The sum of the horizontal area, having a clear ceiling height of four feet or more, of the floors of a building, measured between the inside face of the exterior walls. No cellar, basement, attic or garage space, porch, patio or accessory building is to be included in computing the floor area.

GARAGE, PRIVATE

A building or portion of a building or any space used for the storage of private noncommercial motor vehicles and in which no occupation, business or service for profit is carried on.

HALF STORY

A story which has floor space of no more than 60% of the story below.

[Added 9-20-2004 by Ord. No. 04-767-C]

HOME PROFESSIONAL OFFICE

[Amended 5-12-1980 by Ord. No. 334-C]

The office of a practitioner duly licensed by the State of New Jersey and practicing as an accountant, architect, dentist, engineer, lawyer, member of the clergy, medical doctor, osteopath, chiropractor, optometrist, chiropodist, podiatrist, physical therapist or psychologist if such office:

- (1) Is entirely within a dwelling.
- (2) Is incidental and secondary to the use of the dwelling for dwelling purposes, does not contain more than 25% of the floor area of the dwelling and does not change the character of such dwelling.
- (3) Is used by the practitioner who resides in the dwelling and not more than three nonresident employees.
- (4) Is not used for the sale of goods.
- (5) Does not have, in connection therewith, any display other than a name sign of the practitioner.

IMPROVED LOT COVERAGE

That part or percentage of a lot covered by and including but not limited to buildings, accessory buildings, structures, sidewalks four (4) feet in width (sidewalks less than four (4) feet in width are exempted from the calculation), driveways, (except as otherwise provided for flag lots pursuant to § 179-7C) swimming pools, sports courts, decks, patios, cabanas, and parking areas. Storm water management devices and man-made ponds shall not count towards these calculations nor shall pads for HVAC or generator units. In addition, accessory buildings which pre-date 1896 or are listed on the list of historic structures in the Borough shall not count toward improved lot coverage.

[Amended 10-8-1984 by Ord. No. 404-C; 10-8-1984 by Ord. No. 405-C; 11-12-1984 by Ord. No. 408-C; 12-19-1988 by Ord. No. 520-C; 8-20-1990 by Ord. No. 546-C; 12-15-1997 by Ord. No. 97-658-C; 7-19-1999 by Ord. No. 99-682-C; 7-18-2011 by Ord. No. 11-851-C; 12-19-2011 by Ord. No. 11-858-C; 2-26-2018 by Ord. No. 18-944-C]

INCIDENTAL PLANT REMOVAL AND REPLACEMENT

Plant or shrub removal from any nondisturbance area that is no more than 100 square feet in area, which is accompanied by a full replacement of the removed vegetation with species common to the area of

nursery stock and free of insects and disease.

[Added 4-17-2017 by Ord. No. 17-930-C]

INVASIVE PLANTS AND SPECIES

The Borough has determined that the following plants and species of vegetation are invasive and have a profoundly negative impact on the environment of the Borough:

[Added 4-17-2017 by Ord. No. 17-930-C]

Air potato (Dioscorea bulbifera)	Diffuse knapweed (Centaurea diffusa)	Japanese knotweed (Fallopia japonica)	Oriental bittersweet (Celastrus orbiculatus)	Spotted knapweed (Centaurea stoebe)
Autumn olive (Elaeagnus umbellata)	Downy brome (Bromus tectorum)	Japanese spiraea (Spiraea japonica)	Princess tree (Paulownia tomentosa)	Tree of heaven (Ailanthus altissima)
Bamboo	Fig buttercup (Ficaria verna)	Japanese stilt grass (Microstegium vimineum)	Purple star thistle (Centaurea calcitrapa)	Tropical soda apple (Solanum viarum)
Beach vitex (Vitex rotundifolia)	Garlic mustard (Alliaria petiolate)	Johnsongrass (Sorghum halepense)	Quackgrass (Elymus repens)	Whitetop (Lepidium draba)
Brazilian peppertree (Schinus terebinthifolius)	Giant hogweed (Heracleum mantegazzianum)	Kudzu (Pueraria montana var. lobate)	Russian knapweed (Rhaponticum repens)	Witchweed (Striga asiatica)
Butterfly bush	Golden bamboo (Phyllostachys aurea)	Leafy spurge (Euphorbia esula)	Russian olive (Elaeagnus angustifolia)	Yellow star thistle (Centaurea solstitialis)
Canada thistle (Cirsium arvense)	Hairy whitetop (Lepidium appelianum)	Medusahead (Taeniatherum caput-medusae)	Saltcedar (Tamarix spp.)	Yellow toadflax (Linaria vulgaris)
Chinese tallow (Triadica sebifera)	Houndstongue (Cynoglossum officinale)	Mile-a-minute weed (Persicaria perfoliata)	St. John's wort (Hypericum perforatum)	
Cogongrass (Imperata cylindrical)	Japanese barberry (Berberis thunbergii)	Multiflora rose (Rosa multiflora)	Sacred bamboo (Nandina domestica)	
Common buckthorn (Rhamnus cathartica)	Japanese climbing fern (Lygodium japonicum)	Musk thistle (Carduus nutans)	Scotch broom (Cytisus scoparius)	
Common teasel (Dipsacus fullonum)	Japanese honeysuckle (Lonicera japonica)	Old world climbing fern (Lygodium microphyllum)	Scotch thistle (Onopordum acanthium)	

Dalmatian toadflax
(*Linaria dalmatica*)

LIVING TREE

A tree, which is neither dead nor diseased, as defined herein.

[Added 11-17-2014 by Ord. No. 14-904-C]

LOT

A parcel of land which is or may be lawfully occupied by one principal building and accessory buildings, including the yards required by this chapter. In the event that one plot or lot, as set forth on any map filed with the office of the Clerk of the County of Bergen or as set forth on the present or future Assessment Maps of the Borough, is used in part or in full with one or more plots or lots for the erection of a principal building and its accessory buildings, including yards required by this chapter, the aggregate of all such plots or lots shall, for the purpose of this chapter, be one "lot."

LOT AREA

An area of land which is determined by the limits of the lot lines bounding that area. No portion of a lot included in a street right-of-way shall be included in calculating the "lot area."

LOT, CORNER

A parcel of land at the junction of and abutting on two or more intersecting streets where the angle of intersection is less than 150°.

LOT DEPTH

The mean horizontal distance between the street line and the rear lot line, measured in the general direction of the side lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT WIDTH

The horizontal distance between the side lot lines measured at the required minimum front building line. Frontage of a lot shall be measured at the street line.

[Amended 11-20-1995 by Ord. No. 633]

NONCONFORMING BUILDING

A building which, in its design or location upon a lot, does not conform to this chapter.

NONCONFORMING LOT

A lot which does not have the minimum dimensional requirements called for in this chapter.

NONCONFORMING USE

A use of a building or of land that does not conform to this chapter.

NONDISTURBANCE AREA

The area of a lot on which a detached single-family residential dwelling is located, within 25 feet of each side lot line and rear lot line.

[Added 11-17-2014 by Ord. No. 14-904-C]

OPEN SPACE

An unoccupied space open to the sky on the same lot with a principal building.

PARKING SPACE

An off-street space available for parking of a motor vehicle and which, in this chapter, is held to a minimum area nine feet wide and 20 feet long.

[Amended 1-18-1988 by Ord. No. 495-C]

PERMIT, CONDITIONAL USE

Written certification by the Zoning Officer upon written authorization by the Planning Board permitting a use or structure as a special exception to the terms and provisions of this chapter, called a "conditional use permit."

PERMIT, ZONING

Written certification by the Zoning Officer that a use or structure is permitted in the zone for which application is made, which is within the authority of the Zoning Officer to determine, and may be called a "use permit" or a "zoning permit."

PLACE OF WORSHIP

A church, synagogue, temple, mosque or other building or group of buildings which, by design and construction, are intended for conducting religious services and accessory uses associated therewith.

[Added 12-19-2011 by Ord. No. 11-860-C]

PLANNED UNIT DEVELOPMENT

An area with a minimum of 25 contiguous acres or more to be developed as a single entity according to a comprehensive plan, containing both residential and office uses in ratios of nonresidential uses to residential uses as specified elsewhere in this chapter. In order to qualify as a "planned unit development," an application shall be made for both residential and office uses as provided elsewhere herein.

[Amended 8-10-1984 by Ord. No. 405-C]

PLANNING BOARD

The Planning Board of the Borough.

PLANTING STRIP

Any area between a parking lot and a street right-of-way that has been graded and improved by either lawns, trees or shrubs or a combination of any of these.

PRINCIPAL BUILDING

A building in which there is or may be conducted the main or principal use of the lot on which the building is situated.

PUBLIC USE

The use of land or buildings or structures by any department, commission or independent agency of the United States, of a state, county, municipality, authority, district or governmental unit, including the Borough of Saddle River.

[Added 12-19-2011 by Ord. No. 11-858-C]

REMOVE OR REMOVAL OF TREES

Any cutting down, poisoning, adversely pruning, topping, or any other action otherwise diminishing the vigor of or destroying a tree. Removal of a tree does not include injury caused by acts of God or natural occurrences; or the salvaging, repair and necessary pruning of trees so damaged.

[Added 11-17-2014 by Ord. No. 14-904-C]

ROOF

The uppermost cover of a building or structure including the actual roofing material and all other materials necessary to affix and maintain the roof upon the walls and other supporting members, but shall not include chimneys.

[Amended 12-12-1983 by Ord. No. 393-C]

SCHOOL

Any place of education or instruction, other than a commercial school, college, university, theological seminary, convent, monastery, day-care center, children's day camp or religious retreat.

[Added 12-19-2011 by Ord. No. 11-860-C]

SERVICE STATION

Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances.

SHRUB

A woody plant ordinarily having several stems arising from its base and lacking a single trunk. A shrub is not a tree.

[Added 11-17-2014 by Ord. No. 14-904-C]

SIGN

Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

STORY

That part of a building between the upper surface of any floor and the surface of the next floor above it or, in its absence, then the finished ceiling or roof above it. A split-level story shall be considered a second story if the floor level is six feet or more above the surface of the finished floor next below it, except a cellar. Any floor under a sloping roof at the top of a building which is more than two feet below the top plate will be counted as a "story"; and if less than two feet below the top plate, it shall be counted as a half story, provided that not more than 60% of the floor area is used for rooms, baths or toilets; otherwise it shall be counted as that fraction of a "story" which its floor area in rooms, baths or toilets bears to the entire area of the floor.

STREET

The entire width between the boundary lines of every thoroughfare or way when any part thereof is open to the use of the public for the purposes of vehicular travel.

STREET LINE

The boundary line of every street. When a definite "street line" has not been established, the "street line" shall be assumed, for the purposes of this chapter, to be at a point 25 feet from the center line of the existing pavement of the street.

STRUCTURE

A combination of materials which forms a construction, including, among other things, stadiums, platforms, sheds, storage bins, ground-mounted HVAC units, generator pads, swimming pools and tennis courts or any construction formed underground or aboveground, excluding, however, septic tanks or other sewage disposal systems and wells.

[Amended 7-18-2011 by Ord. No. 44-85; 12-19-2011 by Ord. No. 11-858-C]

SWIMMING POOL

Any artificially constructed, nonnatural tank, receptacle or container which is filled with water that is either filtered or chemically treated, or both, and which is equipped for and used for swimming or bathing, whether located indoors or outdoors, whether permanently installed, portable, collapsible or otherwise, and having a depth of 18 inches or greater or a volume in excess of 100 cubic feet.

[Amended 12-15-1997 by Ord. No. 97-658-C]

TOWNHOUSE

A building or structure designed for or occupied by no more than one family or household and attached to other similar buildings or structures by not more than two party walls extending from the foundation to the roof and providing two direct means of access from the outside. Furthermore, each such dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the "townhouse." For the purpose of this chapter, a "townhouse" may include a building or structure in a fee simple, condominium, cooperative or leasehold ownership or any combination thereof.

[Amended 10-8-1984 by Ord. No. 404-C; 10-8-1984 by Ord. No. 405-C; 11-12-1984 by Ord. No. 408-C]

TOWN RESIDENCE

A building or structure designed for or occupied by no more than two families or households and which may be attached to other similar buildings or structures by not more than two party walls extending from the foundation to the roof and providing two direct means of access from the outside, for each dwelling unit. For second story units, one of these direct means of access may be an openable window and one may be a doorway from a second floor balcony. Furthermore, each dwelling unit in the "town residence" shall be maintained as a separate independent dwelling and shall be provided with separate cooking, sleeping, and sanitary facilities for the use of each family or household.

[Amended 11-12-1984 by Ord. No. 408-C; 5-19-1997 by Ord. No. 97-650-C]

TREE

A perennial plant with an elongated stem or trunk, which may be single- or multi-stemmed, supporting leaves or branches.

[Added 11-17-2014 by Ord. No. 14-904-C]

USE

The specific purpose for which land, building or structure is designed, arranged, intended or for which it is normally occupied or maintained.

VARIANCE

Written certification by the Zoning Officer, either upon written authorization by the Planning Board of Adjustment permitting a use or structure or upon written authorization from the Board of Adjustment permitting a variance from the strict application of this chapter pursuant to statute, called a "variance."

[Amended 2-22-1994 by Ord. No. 600-C]

YARD, FRONT

An open space on the same lot with the principal building, extending across the full width of the lot and situated between the center line of a street in the Borough of Saddle River and the front building line projected to the side lines of that lot.

[Amended 6-17-2002 by Ord. No. 02-734-C]

YARD, REAR

An open space extending across the full width of the lot and lying between the rear line of the lot and the nearest building line. The depth of a "rear yard" shall be measured at right angles to the rear line of the lot or, if the lot is not rectangular, then in the general direction of its side lot lines.

YARD, SIDE

An open space between the side line of the lot and the nearest building line extending from the front yard to the rear yard or, in the absence of either of such yards, to the street or rear lot lines, as the case may be. The width of a "side yard" shall be measured at right angles to the side line of the lot.

ZONING OFFICER

The Construction Official of the Borough or other official designated by the Mayor and Council.

§ 210-11.1 Miscellaneous requirements.

[Added 4-17-2000 by Ord. No. 00-690-C]

The following requirements shall apply in the R-1 Residential Zone District:

- A. Nondisturbance areas. **[Amended 3-17-2002 by Ord. No. 02-726-C; 7-8-2011 by Ord. No. 11-851-C; 7-21-2014 by Ord. No. 14-900-C]**
- (1) Adjacent to each side line and rear line of a lot there shall be a minimum of 25 feet of such lot which shall be a nondisturbance area, wherein no soil movement or tree removal may take place. The nondisturbance areas shall remain in their natural state, except with written prior approval by the Borough Engineer. No structures shall be located in nondisturbance areas, except fences supported by posts with a width and depth of no greater than six inches and pillars, piers, stanchions, cheek walls, and gates pursuant to § 105-4C and K.
 - (2) Removal of any dead, diseased or living deciduous tree having a circumference of more than 25 inches at their widest point or a dead, diseased or living coniferous tree greater than 15 feet in height shall be subject to the provisions of § 202-4A(1) (in Chapter 202, Trees) regarding tree removal in nondisturbance areas.
 - (3) Applicants proposing tree and/or brush removal other than described above, the installation of an irrigation system with power tools in the nondisturbance areas, and/or the elimination of vegetation exceeding the limits and/or not involving endangered species as herein provided shall require prior approval. In those incidences, the applicant shall submit a plan to the Construction Office showing the existing conditions, the proposed conditions, with a specific description of work to be performed, with particular attention to the area of disturbance. The plan shall depict subject areas, existing vegetation, removals and proposed plantings, as well as supplemental information as may be deemed necessary to complete the review. The plan shall provide caliper size of trees, height of shrubs and root ball treatment, as well as proposed spacing and quantities. This shall be referred to as "tier two work."
[Amended 4-17-2017 by Ord. No. 17-930-C]

- (4) The preservation of natural forestation shall be an integral part of the nondisturbance areas. As criteria for the plan preparation and the approval process, the following requirements are established:
 - (a) Good quality trees and shrubs shall remain.
 - (b) Proposed plantings of native species are encouraged.
 - (c) All trees and shrubs shall be a species common to the area, of nursery stock and free of insects and disease.
 - (d) Notwithstanding any other provision of Subsection A, applicants proposing to remove plants from a nondisturbance area that are contained on the Borough Invasive Species List, or to install irrigation using hand tools only, shall be permitted to do so without prior approval if the work meets the definition of "incidental plant removal" as defined herein. This shall be referred to as "tier one work." **[Added 4-17-2017 by Ord. No. 17-930-C]**
- B. Cupolas. Decorative cupolas may be placed on roof ridges according to the following regulations: **[Amended 12-19-2011 by Ord. No. 11-858-C]**
 - (1) For cupolas with a square base, the cupola shall not be more than three feet wide and three feet deep. For cupolas with a circular base, the diameter as measured through the center point of the circle shall not be greater than three feet. For cupolas with a base consisting of more than four sides, the radius as measured from the center of the base to any one side shall be a maximum of 18 inches.
 - (2) No cupola shall extend more than five feet in height above the ridge of the roof. However, a weathervane or finial or other decorative feature may extend an additional 2.5 feet above the cupola.
 - (3) No cupola shall be used as habitable or recreation space.
 - (4) Provided the cupola adheres to the requirements of this section, the height of a cupola shall be exempt from the maximum building height limit permissible in the respective zone in which it is located.
 - (5) Cupolas may only be internally lit.
- C. Decorative fountains. Decorative fountains or statues may be placed in front yard setbacks, subject to the following regulations: **[Added 12-19-2011 by Ord. No. 11-858-C]**
 - (1) No more than one fountain or statue may be placed in the front yard setback.
 - (2) The maximum height of the fountain or statue shall be 10 feet above the grade of the structure on which it is placed.
- D. Garage doors shall not face the street, on corner lots they shall face the side of the home. **[Added 2-26-2018 by Ord. No. 18-944-C]**
- E. Adornments atop a roof or overhang, other than lightning rods, are not permitted. Lightning rods shall be no more than twenty-four (24) inches in height.
 2. All other provisions of Chapter 210 shall remain unchanged.
 3. This Ordinance shall take effect upon adoption as provided by law.
 4. Except as provided for herein, all other provisions of the Ordinance shall remain in full force and effect.

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

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

	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Azzariti, John						X
Carpenter, Duncan			X			
DiGirolamo, Chris		X	X			
Liva, Jeffrey			X			
Sachdev, Ravi			X			
Hekemian, David - Council President	X		X			
Kurpis, Albert J., - Mayor	----	----				

INTRODUCED: 7/17/2023

ADOPTED: 8/21/23

I hereby certify the above to be a true copy of an Ordinance **adopted** by the Governing Body of the Borough of Saddle River on August 21, 2023.

Cindy Kirkpatrick, RMC
Municipal Clerk

Mayor Albert J. Kurpis
Borough of Saddle River, New Jersey