TOWNSHIP OF FAIRFIELD
ORDINANCE #2017-11

AN ORDINANCE AMENDING CHAPTER 45, ARTICLE 42 OF THE TOWNSHIP CODE OF
THE TOWNSHIP OF FAIRFIELD SO AS TO ESTABLISH VERTICAL LIMITATIONS ON DEVELOPMENT IN THE AIRPORT SAFETY OVERLAY ZONE

WHEREAS, on March 23, 2017, the New Jersey Department of Transportation advised the Township of Fairfield that the Essex County Airport is located in the Port Authority of New York and New Jersey District and, as a result, the immediately adjacent lands are not protected by any mandatory airport safety regulations; and

WHEREAS, in the absence of mandatory State regulations, the public's safety would be at risk without the adoption of local standards that restrict vertical development on the lands adjacent to the Essex County Airport so as to minimize aeronautical hazards; and

WHEREAS, amendment of the Township's ASO Airport Safety Overlay Zone is necessary to protect the public's safety and general welfare in accordance with these concerns.

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

SECTION 1. Chapter 45, Article 42, entitled "ASO Airport Safety Zone District", of the Township Code of the Township of Fairfield is hereby amended as follows:

§ 45-42.1 Purpose.

The Essex County Airport is within the Port Authority of New York and New Jersey District and, as a result, the immediately adjacent lands are not protected by any mandatory airport safety regulations. Therefore, the purpose of the Airport Safety Overlay Zone is to provide, in the interest of public safety, established minimum standards for the control of vertical development on the lands adjacent to the Essex County Airport so as to minimize aeronautical hazards. The standards adopted in this chapter are in conformance with the vertical development limitations established by general requirements and provisions of the Air Safety and Zoning Act of 1983, P.L. 1983, c. 260 (N.J.S.A. 27:44-26 et seq.) and in accordance with N.J.A.C. 16:62-1.1 et seq. (26 N.J.R. November 4, 1985-2673-2674) and N.J.A.C. 16:62-21 N.J.R. 1378 May 15, 1989). (Ord. No. 2009-26 § 5)

§ 45-42.3 Permitted Uses.

Permitted uses authorized in the Airport Safety Overlay Zone are the same as authorized in each respective underlying zone, subject to the vertical height limitations imposed in this chapter.

Pursuant to N.J.A.C. 16:62-5.1(a)(1), the following uses are permitted in the Airport Safety Overlay Zone:

a. Residential single family dwelling units which are situated on a lot at least three (3) acres in size and not located in a Clear Zone. Residential zoning is permitted in the Clear Zone as long as all dwellings are physically located outside of the Clear Zone.

b. Airports which are situated on a lot at least three (3) acres in size and not located in a Clear Zone.

c. Open space.

d. Agricultural.

e. Transportation.

f. Airport.

g. Commercial, provided it is not located within a Clear Zone.
§ 45-42.4 Prohibited Uses.

All uses not specifically authorized in each respective underlying zone are prohibited.

Pursuant to N.J.A.C. 16:62-5.1(a)2, the following uses are specifically prohibited in the Airport Safety Overlay Zone:

a. Residential dwelling units not situated on a lot of at least three (3) acres in size.
b. Planned unit developments and multi-family dwellings.
c. Hospitals.
d. Schools.
e. Above ground bulk tank of compressed flammable or compressed toxic gases and liquids.
f. Within the Runway End Subzones only, the above ground bulk tank storage of flammable or toxic gases and liquids.
g. Uses that may attract massing birds, including land fills.
h. Above grade major utility transmission lines and/or mains.

(Ord. No. 2009-26 § 5)

§ 45-42.5 Vertical Development (Height) Standards for Permitted Uses.

...

a. Runway Subzone.

1. The vertical standards within the Runway Subzone of an the Airport Safety Overlay Zone are determined first by establishing the elevations at the runway centerlines at the ends of the Runway Subzone. From those elevations at the Runway Subzone ends, a line is run ninety (90) degrees outward from each side of the runway centerline for a distance of one hundred twenty-five (125') feet. Within the area defined by these four (4) points, no development is allowed above the natural grade of the soil except for runway and flight safety equipment.

...

b. Runway End Subzone.

1. The vertical standards within the Runway End Subzone of an the Airport Safety Overlay Zone are determined first by establishing a plane with a rising slope of one (1') foot upward to twenty (20') feet outward from the end of the Runway Subzone to the outermost end of the Runway End Subzone. This plane is bisected by the extended runway centerline and is two hundred fifty (250') feet in total width at its innermost dimension and widens uniformly along its three thousand (3,000') feet of length so as to have a total width of eight hundred fifty (850') feet at its outermost dimension where it intersects with the outermost portion of the Runway End Subzone at the elevation of one hundred fifty (150') feet above its starting point at the zero-foot development line.

...

§ 45-42.6 Additional Requirements.

...

e. No variance or other relief from the standards promulgated by or under N.J.A.C. 16:62 within the Airport Safety Overlay Zone may be granted by the Township to itself or any person except upon the condition that the variance or relief is contingent upon the issuance of a permit allowing the variance or relief by the Commissioner of the Department of Transportation.

(Ord. No. 2009-26 § 5)
SECTION 2. The Township Clerk shall file a copy of this ordinance, immediately upon passage after second reading, with the Essex County Planning Board.

SECTION 3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, paragraph, subdivision, clause of provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

SECTION 5. This ordinance shall take effect after second reading and publication, and the filing of the adopted ordinance with the Essex County Planning Board as required by law.

JAMES GASPARINI
Mayor

ATTEST:

DENISE D. CAFONE
Municipal Clerk

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on May 8, 2017 introduced and read by title and passed first reading and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting that is to be held on June 12, 2017 at 7:00 p.m.; at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

DENISE D. CAFONE
Municipal Clerk
INTRODUCTION OF ORDINANCE – MAY 8, 2017
ORDINANCE #2017-11, AN ORDINANCE AMENDING CHAPTER 45, ARTICLE 42 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD SO AS TO ESTABLISH VERTICAL HEIGHT LIMITATIONS ON DEVELOPMENT IN THE AIRPORT SAFETY OVERLAY ZONE

INTRODUCED BY: Councilman Morgan
SECONDED BY: Councilman LaForgia
PUBLISHED: May 11, 2017

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2ND READING AND PUBLIC HEARING – JUNE 12, 2017

INTRODUCED BY: Councilman Cifelli
SECONDED BY: Councilman LaForgia
PUBLISHED: June 15, 2017

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