

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2010-01**

**AN ORDINANCE AMENDING CHAPTER 45 ZONING SECTION 42.7
"PERMITS"
OF THE TOWNSHIP OF FAIRFIELD**

WHEREAS, the Attorney to the Governing Body is requesting that Chapter 45 – Zoning, Section 42.7 Permits be deleted from the Code Book as it is incorrectly giving the Governing Body powers that should only be administered by the Zoning Board of the Township of Fairfield, County of Essex, State of New Jersey;

WHEREAS, based upon the foregoing, the Governing Body of the Township of Fairfield approves the deletion of Section 42.7 from the Code Book in its entirety at the January 25, 2010 meeting.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY AS FOLLOWS:

1. Chapter 45 Section 42.7 Permits shall be deleted in its entirety as follows:

~~45-42.7 Permits.~~

~~a. A developer of a project recurring creation or establishment of a prohibited land use or any vertical height development shall first apply for development approval from the Governing Body of the Township of Fairfield. If the Governing Body approves the development, that approval shall be strictly conditioned on the developer applying for and receiving a permit from the Commissioner of the Department of Transportation in accordance with the provisions of N.J.A.C. 16:62-1.1 et seq. Construction, development or creation of any prohibited land use shall not commence until a permit has been issued by the Commissioner.~~

~~b. In review of any application, the Governing Body may take into consideration any factor relevant to the hardship demonstrated by the applicant and any information relevant to the public health, safety and welfare.~~

~~c. In acting upon such an application, the Governing Body shall consider the following:~~

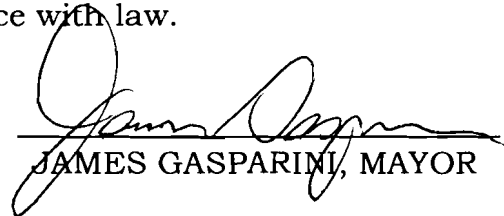
- ~~1. The prohibited land use or vertical height development will not, in fact, create an additional airport hazard limiting the size of the area available for landing, taking off and maneuvering of the aircraft.~~

~~2. The prohibited land use or vertical height development will not harm the public health, safety and welfare.~~

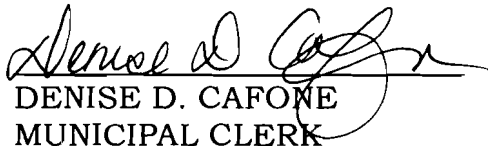
~~d. Any person proposing to create or establish a prohibited land use or vertical height development in a designated airport safety zone not subject to municipal ordinances established in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D) shall present the proposed development to the governing body.~~

2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
3. If any section, paragraph, subdivision, clause or 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 valid and effective.
4. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

This Ordinance shall take effect immediately upon passage and publication in accordance with 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 **January 25, 2010**, 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 to be held on **February 8, 2010 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 JANUARY 25, 2010
ORDINANCE #2010-01, AN ORDINANCE AMENDING CHAPTER 45
ZONING SECTION 42.7 PERMITS OF THE TOWNSHIP OF FAIRFIELD

INTRODUCED BY: COUNCILMAN MCGLYNN
SECONDED BY: COUNCIL PRESIDENT LAFORGIA
PUBLISHED: JANUARY 28, 2010
1st READING AND PUBLIC HEARING: January 25, 2010

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT JOHN LAFORGIA	X				
COUNCILMAN MICHAEL MCGLYNN	X				
COUNCILMAN WILLIAM CONNINGTON, III	X				
COUNCILMAN THOMAS MORGAN	X				
MAYOR JAMES GASPARINI	X				

2ND READING AND PUBLIC HEARING February 8, 2010

INTRODUCED BY: Council President LaForgia
SECONDED BY: Councilman Connington
PUBLISHED: February 11, 2010

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NO VOTE
COUNCIL PRESIDENT JOHN LAFORGIA	x				
COUNCILMAN MICHAEL MCGLYNN	x				
COUNCILMAN WILLIAM CONNINGTON, III	x				
COUNCILMAN THOMAS MORGAN	x				
MAYOR JAMES GASPARINI	x				