

Chapter LDO. Land Development Ordinance

SECTION 400. District Regulations

§ LDO-405. "ROM" RESEARCH, OFFICE AND MANUFACTURING.

[Ord. #95-04 § 4; Ord. #2010-06 § 1; Ord. #2011-06 § 1; Ord. #2011-07 § 1; Ord. No. 2017-03 § 4; amended 8-18-2021 by Ord. No. 2021-09]

A. Permitted Principal Uses on the Land and in Buildings.

1. Offices and office buildings with multi-tenant space;
2. Manufacturing plants of a type which carry on processes within completely enclosed buildings, including the manufacture, assembly or treatment of products from previously prepared materials, and not involving the synthesis of any chemicals for sale.
3. Laboratories of an experimental, research or testing nature which carry on processes within completely enclosed buildings and which do not produce noticeable noise, vibrations, smoke, dust, odors, heat or glare outside the building.
4. Warehousing; provided that no merchandise or other material may be stored outside.
5. Public utility uses as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 601 for standards).
6. Farms.
7. Landscaping businesses.
[Ord. No. 2017-03 § 4]
8. Cannabis cultivation and cannabis manufacturing facilities as a conditional use under N.J.S.A. 50:55D-67 (See § 601(P) for standards).
[Added 8-18-2021 by Ord. No. 2021-09]

B. Accessory Uses Permitted.

1. Off-street parking (see Section 508).
2. Fences and walls (see Section 503).
3. Signs (see Section 405 H. hereinbelow and Section 513).
4. Garages and storage buildings.
5. Not more than two (2) temporary construction trailers to be utilized for sales and/or storage purposes on a given site for the period of construction beginning with the issuance of the first construction permit and concluding with the certificate of occupancy or one (1) year, whichever is less. Said trailers must be located on the site where the construction is taking place and must be set back at least thirty feet (30') from all street and lot lines.
6. Employee cafeterias as part of a principal building or as the entire use of an accessory building, provided the cafeteria is limited in service to the employees of the principal use designated on the site plan as approved by the Board.
7. Satellite dish antennas (see Section 520 for standards).
8. Solar Energy Systems (see Section 601 for standards).
9. Wind Energy Systems as a conditional use (see Section 601 for standards).

10. Storage, packaging, distribution and testing of cannabis and cannabis products by a cannabis cultivator or cannabis manufacturer incident to cultivation and manufacturing activities licensed by the State of New Jersey.
[Added 8-18-2021 by Ord. No. 2021-09]

11. Renewable or sustainable energy equipment for use in conjunction with the licensed activities of a cannabis cultivator or cannabis manufacturer, including but not limited to roof or ground-mounted solar arrays, battery storage and associated mechanical and electrical equipment.
[Added 8-18-2021 by Ord. No. 2021-09]

C. Maximum Building Height.

No building height shall exceed forty feet (40') in height and three (3) stories except as allowed in Section 602.

D. Area and Yard Requirements.

Principal Building Minimum	"ROM" District
Lot area	3 ac.
Lot frontage	300'
Lot width	300'
Lot depth	300'
Side yard (each)	75'
Front yard	125'
Rear yard	75'
Accessory Building Minimum	"ROM" District
Distance to side line	50'
Distance to rear line	50'
Distance to other building	50'
Maximum	
Floor area ratio	0.25
Lot coverage	60%

E. General Requirements.

1. Any principal building may contain more than one use and/or organization. Any lot may contain more than one principal building, providing that all building shall be separated by a minimum of twenty-five feet (25') provided such separation is to be used solely for pedestrian circulation. All buildings shall be separated by a minimum of fifty feet (50') where any part of such separation is to be used for parking or vehicular circulation. However, the separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of such walkway extends between the principal buildings.
2. At least fifty feet (50') adjacent to any street line and thirty feet (30') adjacent to any lot line shall not be used for parking and shall be planted and/or maintained in lawn area, ground cover, or landscaped with evergreen shrubbery.
3. No merchandise, products, waste, equipment or similar material or objects shall be displayed or stored outside.
4. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or re-establish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas. In any case, no less than forty percent (40%) of the total lot area shall be landscaped.
5. A minimum buffer area of fifty feet (50') in width shall be provided along any common property line with a residential district or residential use (see Section 804B20 for additional standards).
6. No "critical" acreage shall be developed.

F. Minimum Off-Street Loading.

1. Each activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and with adequate space for maneuvering and shall provide such area at the side or rear of the building. Each space shall be at least fifteen feet by forty feet (15' x 40') and a minimum of one space shall be provided for each building. Additional spaces may be necessary and required dependent upon the specific activity. There shall be no loading or unloading from the street.
2. There shall be at least one (1) trash and garbage pick-up location provided by each building which shall be separated from the parking spaces by either a location within the building or in a pick-up location outside the building which shall be a steel-like totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three. If located within the building, the doorway may serve both the loading and trash/garbage functions and if located outside the building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions.

G. Minimum Off-Street Parking.

1. Offices and office buildings, manufacturing plants and laboratories shall each provide one (1) space for every one thousand (1,000) square feet or fraction thereof of floor space used for inside storage plus one (1) space for every seven hundred (700) square feet or fraction thereof of floor area used for manufacturing or research plus one (1) space for every two hundred (200) square feet or fraction thereof of floor area used for offices. In addition, one (1) space for every vehicle owned and/or operated by the use operating from the site shall be provided.
2. In any event, each use shall provide a sufficient number of spaces in appropriate locations so that no driveway, aisle, fire lane or street right-of-way is used at any time for parking.
3. See Section 508 for additional standards.

H. Permitted Signs.

1. Each lot may have two (2) signs, one (1) free-standing and one (1) attached, each not exceeding an area equivalent to five percent (5%) of the first floor portion of the front facade or thirty-two (32) square feet, whichever is smaller. Free-standing signs shall be set back at least thirty-five feet (35') from all street and lot lines and may not exceed twelve feet (12') in height. Where an individual activity has direct access from the outside, a sign not exceeding four (4) square feet identifying the name of the activity may also be attached to the building at the entrance to the activity.
2. See Section 513 for additional standards.

NOTICE OF PUBLIC SALE NOT NEEDED FOR PUBLIC USE
BLOCK 201, LOT 31.01, MORE COMMONLY KNOWN AS 720 ROUTE 94
FRELINGHUYSEN TOWNSHIP, NEW JERSEY

RESOLUTION # 2023-38

AUTHORIZING THE PUBLIC SALE BY WAY OF AUCTION OF REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF FRELINGHUYSEN AS BLOCK 201, LOT 31.01, BEING MORE COMMONLY KNOWN AS 720 ROUTE 94, TO BE UNDERTAKEN PURSUANT TO N.J.S.A. 40A: 12-13(a)

WHEREAS, N.J.S.A. 40A:12-13 (a) authorizes the sale by municipalities of any real property, capital improvements, or personal property, or interest therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Township of Frelinghuysen ("Township") is the owner of certain real property, which is located within the Township and is known as Block 201, Lot 31.01, and more commonly known as 720 Route 94 (the "Property"); and

WHEREAS, the Mayor and Committee have determined that the Property is not needed for public use and that that a sale of the Property will generate revenue that will serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows:

1. The Mayor and Committee hereby Township hereby declare that the Property is no longer needed for public use and may be offered for public sale in accordance with N.J.S.A. 40A: 12-13(a), and hereby authorizes the public sale of the Property.

2. The Property shall not, under any circumstances, be sold at public sale for less than its fair market value, \$900,000, which shall be the minimum purchase price.

3. The public auction of the Property shall be conducted on Wednesday, May 10, 2023 at 10:00 a.m. at the Municipal Building, Township of Frelinghuysen, 210 Main Street, Johnsonburg, New Jersey. The Township has hired EXIT Realty Connections to market the Property, and to conduct the public auction. The successful bidder shall pay EXIT Realty Connections a Buyer's Premium in the amount of 10% of the bid price. This Buyer's Premium shall be in addition to the purchase price, so that the Contract Price in the purchase agreement between the Township and the successful bidder shall be 110% of the high bid.

4. All interested parties shall appear at the auction in person. The

successful bidder must submit a deposit of 10 percent of the amount of the Contract Price to the Township at the conclusion of the auction. The deposit money shall be in the form of money order, or certified or bank check, made payable to the Edward Wacks & Associates, LLC Attorney Trust Account. The successful bidder shall have until 5:00 p.m. on the auction date to deliver the deposit to the office of the Township Clerk. Said 10 percent deposit shall be made with the successful bidder's or bidders' understanding that the deposit is not refundable. In the event that the successful bidder or bidders fail to close title to the Property in accordance with the terms and conditions hereof; or if they fail to close title to the Property within 30 days of the date of the acceptance of the bid, time being of the essence; and/or if they fail to close title to the Property in accordance with applicable law, then any and all money deposited with the Township shall be forfeited.

5. All interested parties and their brokers, if any, shall be required to register prior to the auction on forms provided by EXIT Realty Connections. To obtain the necessary forms, contact Debra Sayer of EXIT Realty Connections, Tel. No.: (201)213-3512, email: sayerdebbie@ymail.com.

6. The Township reserves the right to cancel the auction at any time prior to the auction, for any reason.

7. All bids are subject to the acceptance or rejection of the Township Committee. The Township Committee reserves the right to reject all bids. Acceptance or rejection of bids shall take place no later than the second regular meeting next following the auction. If no action is taken by the Township Committee by that meeting, all bids will be deemed to have been rejected.

8. The auction shall further be conducted, and title to the Property shall be transferred and the Property shall be sold in accordance with the following restrictions and terms of sale. Responsibility for any failure to comply with these restrictions and terms of sale shall be fully assumed by the successful bidder:

(a) That the description of the Property is intended as a general guide only and may not be accurate. **NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE TOWNSHIP OF FRELINGHUYSEN AS TO THE CONDITION OF THE PROPERTY, SAID PREMISES ARE BEING SOLD IN THEIR PRESENT CONDITION, "AS IS."**

(b) All bidders, prior to making their bids, will be presumed to have checked the exact location, including the correct street address and lot size of the Property on the Township's official tax map. Any descriptions of the Property provided by the Township or the auctioneer is intended as a general guide only, and no representations as the accuracy of such descriptions are made by the Township.

(c) This sale is subject to such facts as an accurate survey may disclose, any existing tenancies, rights or any persons in possession, easements, conditions,

and encumbrances of title. Should the title to the property prove to be unmarketable for any reason, the liability of the Township shall be limited to the repayment to the purchaser of the amount of deposit and any portion of the purchase price paid and shall not extend to any further costs, expense, damages, or claims. Notice of any alleged defect in title or claim of unmarketability must be served on the Township Clerk, by the purchaser, in writing no later than twenty (20) days after the sale is approved by the Township Committee. Failure upon the part of the purchaser to give written notice within the said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.

(d) That the sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Frelinghuysen. The use of the Property shall be in accordance with the appropriate zoning, subdivision, health and building regulations, and this sale cannot be used as grounds to support any variance from said regulations.

(e) The burden is on all successful bidders to obtain any and all variances and/or approvals from the Frelinghuysen Township Land Development Ordinance, and closing shall not be contingent upon the issuance of any land use approval.

(f) No employee, agent or officer of the Township of Frelinghuysen has any authority to waive, modify or amend any of the conditions of sale.

(g) That the Township shall convey the property by a Quitclaim Deed unless an adequate title binder, sufficient in the sole discretion of the Township Attorney, which is prepared at the expense of the purchaser, by a title company licensed to do business in the State of New Jersey, is forwarded to the Township prior to the conveyance, in which case a Bargain and Sale Deed with Covenants against Grantor's Acts will be the form of conveyance.

(h) The successful bidder shall pay at the time of closing: (i) The balance of the purchase price; (ii) All costs associated with the sale of the Property, including but not limited to, the cost of preparation of all legal documentation, survey(s), any title work, cost of advertisement of the sale and the cost of recording the deeds, which deeds shall be recorded on behalf of the purchaser by the Township Attorney, and (iii) Prorated real estate taxes or other charges, if any, for the balance of the current year as of the date of the closing.


(i) The closing of the sale shall take place no later than 30 days after the acceptance of the bid, time being of the essence.

9. The Mayor and Township Clerk, together with all appropriate officers, employees, professionals and staff of the Township are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.

10. This Resolution shall take effect immediately according to law.

CERTIFICATION

I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on April 19, 2023.



Donna Zilberfarb, RMC

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		x	x			
Mr. McPeek			x			
Mr. Ramos			x			
Mr. Stock						x
Mr. Stracco	x		x			