

**CHAPTER 4**

**DISTRICT ZONING REGULATIONS**

**Authority**

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i).

**Source and Effective Date**

R.2004 d.76, effective February 17, 2004  
See: 35 N.J.R. 4458(a), 36 N.J.R. 1033(a).

**Chapter Expiration Date**

Chapter 4, District Zoning Regulations, expires on February 17, 2009.

**Chapter Historical Note**

Chapter 4, District Zoning Regulations, was adopted as R.1970 d.46, effective May 1, 1970. See: 1 N.J.R. 17(b), 2 N.J.R. 8(b), 2 N.J.R. 52(a).

Chapter 4, District Zoning Regulations, was replaced by new District Zoning Regulations as R.1972 d.221, effective November 9, 1972. See: 4 N.J.R. 13(c), 4 N.J.R. 311(c).

Pursuant to Executive Order No. 66(1978), Subchapter 6, General Provisions, expired on October 5, 1983, and was subsequently adopted as new rules by R.1983 d.507, effective November 7, 1983. See: 15 N.J.R. 1506(b), 15 N.J.R. 1873(b).

Pursuant to Executive Order No. 66(1978), Chapter 4, District Zoning Regulations, was readopted as R.1988 d.281, effective May 26, 1988. See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Public Notice: Routine program implementation. See: 25 N.J.R. 1010(a).

Pursuant to Executive Order No. 66(1978), Chapter 4, District Zoning Regulations, was readopted as R.1993 d.176, effective March 29, 1993. See: 24 N.J.R. 4503(a), 25 N.J.R. 1887(a).

Pursuant to Executive Order No. 66(1978), Chapter 4, District Zoning Regulations, was readopted as R.1998 d.77, effective January 5, 1998. See: 29 N.J.R. 3704(a), 30 N.J.R. 566(a).

Chapter 4, District Zoning Regulations, was readopted as R.2003 d.9, effective December 9, 2002. See: 34 N.J.R. 2539(a), 35 N.J.R. 258(a).

Chapter 4, District Zoning Regulations, was repealed and new rules were adopted by R.2004 d.76, effective February 17, 2004. See: Source and Effective Date.

**Law Review and Journal Commentaries**

A Complex Sport: Processing Land Use Applications Before the HMDC. James K. Pryor, 150 N.J.L.J. 49 (1997).

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### SUBCHAPTER 1. INTENT AND PURPOSE OF DISTRICT ZONING REGULATIONS

#### 19:4-1.1 Title

This chapter shall be known and may be referred to as the District Zoning Regulations of the Hackensack Meadowlands District (District).

#### 19:4-1.2 Purpose

(a) This chapter is designed to serve the following purposes:

1. To provide for the orderly and comprehensive development of the District, consistent with the carrying capacity of the land and the preservation of critical wetland areas in accordance with the Master Plan of the New Jersey Meadowlands Commission (NJMC);

2. To consider the ecology of the District in order to protect the delicate environmental balance therein;

3. To promote the conservation of open space and valuable natural resources and to prevent sprawl and degradation of the environment through improper use of land;

4. To preserve an ecological balance between natural and open areas and development;

5. To promote the establishment of appropriate population densities and concentrations in suitable locations that will contribute to the well-being of persons, neighborhoods and communities;

6. To provide sufficient space in appropriate locations for a variety of industrial, warehouse, office, retail, residential, recreational, water dependent, and other uses, including mixed uses;

7. To provide that such uses are suitably sited and placed in order to secure safety from fire, flood and other natural and man-made disasters, provide adequate light and air, prevent the overcrowding of land and undue concentration of population, prevent traffic congestion, and, in general, relate buildings and uses to each other and to the environment so that aesthetic and use values are maximized;

8. To promote development in accordance with good planning principles that relates the type, design and layout of such development to both the particular site and surrounding environs;

9. To promote a desirable visual environment through building design and location;

10. To provide for infrastructure and utility improvements of the land adequate to serve the uses to be developed on that land;

11. To encourage the location and design of transportation routes that will promote the adequate flow of traffic and minimize congestion;

12. To encourage the development of a variety of transportation modal choices and to decrease dependence on automobiles as the primary means of transportation;

13. To protect the District from air, water, noise and other types of pollution;

14. To control surface water runoff and prevent flooding and other damage to land and to encourage the control of soil erosion and sedimentation; and

15. To encourage coordination of various public and private activities shaping land development with a view toward lessening the cost of such development and promoting the more efficient use of land.

#### 19:4-1.3 Effective date

This chapter shall take effect on February 17, 2004 and shall continue in full force and effect to the termination date.

#### 19:4-1.4 Termination date

This chapter shall expire, terminate and be of no further force or effect upon the adoption by the NJMC of regulations repealing and/or superseding this chapter.

## SUBCHAPTER 2. INTENT, WORD USAGE AND DEFINITIONS

### 19:4-2.1 Intent and word usage

(a) In the construction of these regulations, the following shall apply, except where the context clearly requires otherwise:

1. Words used in the present tense shall include the future, and words used in the future tense shall include the present;

2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number;

3. The phrase "used for" shall include the phrases "employed for," "utilized for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for";

4. The word "shall" is mandatory;

5. The word "may" is permissive;

6. The word "person" includes individuals, firms, corporations, associations, trusts, governmental bodies and agencies and all other legal entities;

7. The masculine gender shall include the feminine and neuter;

8. The words, "adjacent," and "next to," shall have the same meaning as the word "abut" and may be used interchangeably;

9. The terms "such as" and "for example" shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or structures;

10. The words "building" and "structure" include any part thereof;

11. The words "New Jersey Meadowlands Commission" and "NJMC" mean a public body corporate and politic, constituting a political subdivision of the State of New Jersey, as defined in N.J.S.A. 13:17-1 et seq.;

12. The words "Board of Commissioners" mean the seven-member board that constitutes the NJMC, as defined in N.J.S.A. 13:17-5;

13. The word "District" means the Hackensack Meadowlands District, as defined in N.J.S.A. 13:17-13;

14. The words "constituent municipality" means a municipality with lands in the District;

15. The words "Official Zoning Map" mean the map or maps that are a part of these zoning regulations and delineate the boundaries of zoning districts and redevelopment areas;

16. The word "Secretary" means the Secretary of the NJMC;

17. The words "Executive Director" mean the Executive Director of the NJMC;

18. The words "Chief Engineer" mean the Chief Engineer of the NJMC; and

19. Unless otherwise specified, all distances shall be measured horizontally.

(b) Table 2-1 below provides the meaning for abbreviations and acronyms used in this chapter:

Table 2-1

#### Frequently Used Abbreviations and Acronyms

Abbreviation or Acronym	Meaning
AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ANSI	American National Standards Institute
BMP	Best Management Practices
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COAH	Council on Affordable Housing
CZM	Coastal Zone Management
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
HMMC	Hackensack Meadowlands Municipal Committee
ITE	Institute of Transportation Engineers

"Communications transmission tower" means a structure or monopole used to send and/or receive radio, satellite, cellular and television communications.

"Community residences and shelters" means any community residential facility for the developmentally disabled, pursuant to N.J.S.A. 30:11B-1 et seq., or shelter for victims of domestic violence, pursuant to N.J.S.A. 30:14-1 et seq.

"Construction equipment sales, rental and repair" means the use of any building or land area for the sale, rental, maintenance or repair of construction equipment.

"Contractor's yard or facilities" means a facility used for the provision of general contracting services associated with businesses including, but not limited to, general construction and landscaping trades, which may include office and workshop areas and areas for the storage of equipment and/or materials used in association with the contractor's business.

"Convention center" means a building or portion thereof designed to accommodate the assembly of persons for convention and exposition purposes.

"Cultural facilities" means establishments that promote historic, educational cultural, or popular interests, such as museums, art galleries, and theaters for the performing arts.

"Day care facility" means an establishment providing for the care, supervision and protection of persons of all ages who require such services, for a period not exceeding 24 consecutive hours, including nursery schools.

"Disaster recovery facility" means a building used for the continued operation of an off-site business in the event of a natural or manmade disaster that causes the interruption of the business. More than one business may be accommodated at any one time by the facility. Such facilities may include digital storage of business documentation, records, and other information. Offices, computer stations, and uninterrupted power source (UPS) rooms that are necessary for the operation are permitted as a part of the facility.

"Dwelling" means a building or portion thereof permanently connected to utilities and on a permanent foundation, designed and used for residential occupancy.

"Dwelling, multi-family" means a residential building containing three or more dwelling units.

"Dwelling, single family" means a residential building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

"Dwelling, townhome" means a one-family dwelling unit in an attached row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from

any other unit by one or more vertical common fire-resistant walls.

"Dwelling, two family" means a residential building containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

"Dwelling unit" means one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

"Essential public services" means those functions of police, fire protection, and emergency medical services that are customarily provided by a governmental entity, including all structures customarily required to provide such services.

"Fill" means any material placed by controlled methods that raises the elevation of the land surface from its natural state or condition.

"Floor area" means the sum of the areas of all floors of a building measured from the faces of the exterior walls, not including porches, balconies, patios, terraces, breezeways, and interior loading areas.

"Floor area ratio" means the floor area of all buildings and structures on a lot divided by the lot area.

"Fuel service station" means a facility used primarily for the dispensing of motor vehicle fuels, which may include accessory retail sales and accessory maintenance services.

"Grade plane" means a reference plane representing the average of the finished ground level adjoining the building at the exterior walls.

"Hardscape" means a pedestrian use area, including plazas, steps, and walkways, that may contain walls, benches, planters, fountains, and sculpture.

"Health center" means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or other medical practitioners, for a period not exceeding 24 consecutive hours.

"Heavy industry" means any manufacturing, production, processing, assembly or fabrication of goods, materials or products, including any incidental cleaning, servicing, testing, repair or storage of those same goods, materials or products, which may include the limited storage of flammable or explosive materials.

"Heliport" means a location where helicopters may pick up or discharge passengers, take on fuel, undergo maintenance, and be stored for extended periods of time.

**"Helistop"** means a designated accessory landing pad where helicopters stop momentarily to pick up or discharge passengers, where no fueling, maintenance, or storage functions take place.

**"Hospital"** means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

**"Hotel or motel"** means a building or portion thereof, or a group of buildings, which provides overnight accommodations for transients on a daily, weekly, or extended stay basis, and which may include accessory restaurants, meeting rooms, and recreation facilities.

**"House of worship"** means a building or group of buildings that, by design and construction, are primarily intended for the conduct of organized religious services and accessory uses associated therewith by fully incorporated nonprofit religious corporations holding tax exempt status.

**"Institutional use"** means a non-profit or public use, such as a library, public or private school, municipal administrative offices, public recreation facility, cultural facility, or government owned or operated building, structure or land used for public purposes.

**"Intermodal facility"** means a facility principally used for the transfer of cargo from one mode of transportation to another. The cargo is primarily containerized and is not broken down or consolidated on site. Intermodal facilities may include trailer parking areas and accessory offices and interior areas for the repair and servicing of trailers, containers, and trucks utilized on site.

**"Landscaping"** means the improvement of a lot, parcel or tract of land with living plant material including trees, shrubs, vines and groundcovers, and other natural and man-made features. Landscape features include berms, decorative fences, gardens, plazas, certain outdoor recreational facilities, pedestrian walks, and other site furnishings.

**"Light industry"** means any production, processing, assembly or fabrication of goods, materials or products, including any incidental cleaning, servicing, testing, repair or storage of those same goods, materials or products, but not including the storage of flammable or combustible materials as a principal use.

**"Line-of-sight triangle"** means a triangular-shaped portion of land established at intersections of streets or at intersections of driveways and streets in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**"Loading area"** means an off-street area, space, dock, door or berth used for the loading or unloading of cargo, products or materials from commercial vehicles.

**"Lot"** means a designated parcel, tract or area of land established in the records of local and county registers of deeds by plat, deed, subdivision, zoning lot of record, or as otherwise permitted by law, to be used, developed or built upon as a unit.

**"Lot, corner"** means a lot abutting two or more rights-of-way at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

**"Lot coverage"** means the percentage of the lot area covered by a structure or structures, including structure overhang areas, but excluding projecting roof eaves.

**"Lot depth"** means the shortest distance measured from the front lot line to the rear lot line.

**"Lot line, front"** means the lot boundary line separating a lot from a public right-of-way.

**"Lot line, rear"** means the lot boundary line opposite and most distant from the front lot line.

**"Lot line, side"** means any lot boundary line other than a front or rear lot line.

**"Lot width"** means the shortest distance between any two side lot lines.

**"Lowest floor"** means the lowest floor of the lowest enclosed area, including basement, cellar, crawl space, garage, and utility room. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, interior loading areas, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements.

**"Maintenance guarantee"** means a security required or accepted to assure that necessary improvements will function as required for a specific period of time.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling and complies with the standards of the NJ UCC, N.J.A.C. 5:23.

**"Manufactured home park"** means a site with required improvements and utilities for the long-term placement of manufactured homes and which may include accessory services and facilities for the residents.

**"Marina"** means a facility for the berthing, storage, securing, fueling, servicing, or repair of boats that may include accessory eating and retail facilities.

"Structure" means anything built, constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground, including buildings, towers, fences, signs, and above-ground tanks, but excluding walks, walkways, at-grade parking areas, drive-ways, streets and roads.

"Studio" means a facility utilized for the filming, recording, photographing, broadcasting, performance, production, and or editing of video, films, motion pictures, television and radio shows, commercials, and/or music.

"Substantial destruction" means a structure which is damaged, whether voluntarily or involuntarily, to the extent that repairs to restore the structure to its original form and use would require the expenditure of 50 percent or more of the market value of the structure immediately before the time of the damage.

"Taxi and limousine service" means an establishment offering transport services in passenger automobiles, vans, limousines, or similar motor vehicles, including accessory office and dispatch facilities, areas for the parking of facility vehicles on-site, and accessory maintenance and fueling facilities for facility vehicles only.

"Trailer" means:

1. A container carrying materials, goods, or objects towed or hauled by another vehicle; or
2. A structure used as a temporary construction office in connection with a construction project.

"Tributary" means any stream, manmade or natural, which contributes to the flow of the Hackensack or Passaic rivers.

"Truck rental facility" means an establishment primarily engaged in the rental of trucks, semi-trailers, or similar motor vehicles, which may include accessory storage for the parking of rental vehicles on-site and accessory maintenance and fueling facilities for rental vehicles only.

"Truck repair facility" means a facility principally used for the routine maintenance and repair of trucks, trailers, semi-trailers, and similar motor vehicles, including activities such as fluid changes, engine and transmission repair or replacement, trailer repair, and body work.

"Truck sales" means the use of any building or land area for the display and sale of new or used trucks, trailers, semi-trailers, buses, recreational vehicles, or similar motor vehicles, including any warranty repair work or other maintenance service accessory thereto.

"Truck stop" means a facility primarily engaged in the fueling of trucks and other commercial vehicles and the temporary accommodation of drivers that may include ac-

cessory maintenance facilities, hotels and motels, restaurants, and retail sales.

"Truck terminal" means a warehouse and distribution facility where trucks and trailers are parked or stored as a principal use.

"Truck wash" means any building or premises, or portion thereof, used for washing trucks, trailers, semi-trailers, recreational vehicles, and similar motor vehicles.

"Variance" means a permission to depart from the requirements of a zoning regulation as specified in N.J.A.C. 19:4-4.14.

"Vehicular use area" means any area of a lot, not located within any enclosed or partially enclosed structure, devoted to motor vehicle usage, including parking areas, loading areas, service areas, access drives and driveways, and the storage of vehicles, where permitted.

"Warehouse and distribution facility" means an establishment primarily used for the storage, loading, unloading, and/or distribution of goods, products, or materials, which may include accessory consolidation, repacking and value-added services. Such facility may include accessory parking and storage of trucks and trailers, and accessory maintenance of trucks owned by the facility.

"Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Wholesale establishment" means a facility engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers buying merchandise for, or selling merchandise to, such individuals or companies, and not to the public.

"Yard" means an area on a lot that is unoccupied and unobstructed from its lowest level to the sky except as may be permitted elsewhere in these regulations.

"Yard, front" means a yard extending along the full length of a front lot line and to a line paralleling the front lot line and intersecting the front of the building at its nearest point from the front lot line. Each yard that abuts a front lot line shall be considered a front yard.

"Yard, rear" means a yard extending along the full length of the rear lot line and to a line drawn parallel with the rear lot line and intersecting the back of the building at its nearest point from the rear lot line.

"Yard, required" means the minimum-depth yard as required in these regulations.



"Yard, side" means a yard extending along a side lot line and to a line drawn parallel with the side lot line and intersecting the side of the building at its farthest point from the side lot line, but excluding any area encompassed within a front yard or rear yard.

"Zoning summary table" means a tabular component of a site plan that includes an analysis of existing, proposed, and required conditions.

Administrative correction.  
See: 36 N.J.R. 1955(a).

### SUBCHAPTER 3. APPLICATION OF REGULATIONS

#### 19:4-3.1 Application of District zoning regulations

(a) The provisions of these regulations shall have application to the Hackensack Meadowlands District, as defined in Chapter 404 of the Laws of 1968 (N.J.S.A. 13:17-1 et seq.), and amendments or supplements thereto.

(b) These regulations shall apply to the construction and uses of all buildings and structures and to the uses of land. No building, structure or land, or any part thereof, shall be used or occupied and no building or structure shall be erected, constructed, reconstructed, moved, repaired, extended, converted, altered, maintained, used, occupied or reoccupied unless in conformity with all the provisions of these regulations specified for the zone in which it is located and all supplemental regulations found in N.J.A.C. 19:3, 19:5 and 19:6. All regulations within each of the zones shall be the minimum regulations and shall apply uniformly to each class or kind of structure or use, except as otherwise provided.

#### 19:4-3.2 Exemptions

(a) The following, except as otherwise provided, shall be exempt from these regulations:

1. Maintenance, repair, or replacement work within municipal, county, and State ROW's or on railroad tracks, signals, bridges, and similar facilities and equipment located in a railroad ROW;

2. Maintenance, repair, or replacement of existing utility structures or the installation of new underground utility structures within utility easements where such work is conducted by the utility company or authorized representative;

3. Development and improvement plans proposed or sponsored by the NJMC;

4. Whenever the governing body of a constituent municipality has enacted zoning ordinances and any other codes or standards that are consistent with, or will effectuate the purposes of, the NJMC Master Plan, that municipality may make final land use decisions within the municipality with respect to applications made concerning individual/detached one-, two- or three-family residences in the Low Density Residential zone. These decisions shall include, but not be limited to, variances, certificates of occupancy, plan review, building permits, and site approvals. Whenever a municipality shall make a zoning and/or land use decision pursuant to this subsection, a copy of the decision, the application and any other pertinent information shall be forwarded to the NJMC within 10 working days of the final action. The foregoing does not apply to subdivisions involving the creation of new streets; and

5. Municipal projects, located on land owned by a municipality, provided that the following conditions are met:

i. The governing body and planning board of the municipality have entered into a Memorandum of Understanding (MOU) with the NJMC, and remain in compliance with the MOU, agreeing that municipal projects shall comply with applicable NJMC zoning regulations and that review of the project by the municipality shall utilize NJMC standards;

ii. The municipal project has been reviewed by the municipal planning board, which has certified to the NJMC that the project is in compliance with all applicable NJMC zoning regulations;

iii. A complete copy of the plans for the municipal project, and a certification of the planning board, have been sent to the NJMC for review, and the NJMC has not notified the municipality within 45 days of the receipt thereof of any objection to the project; and

iv. At the completion of the construction of the project, the municipal zoning officer has certified to the NJMC that the project has been constructed in accordance with approved plans.

Amended by R.1982 d.163, effective June 7, 1982.

See: 14 N.J.R. 231(b), 14 N.J.R. 581(b).

(b): "the regulations listed in (a) above" was "these regulations";  
(b)1: deleted text and replaced with new text.

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Amended by R.2002 d.128, effective May 6, 2002.

See: 33 N.J.R. 2631(a), 34 N.J.R. 1733(a).

Added (b)3.

#### 19:4-3.3 Official zoning map

The boundaries of the zones are established as shown on a map entitled "Hackensack Meadowlands District Official Zoning Map," as it may be amended, which is incorporated herein by reference and is hereby made a part of these regulations, and may be referred to as the "Official Zoning Map."



1. Properties shall be maintained free of outdoor storage, except where otherwise permitted, and debris.

i. Outdoor storage includes:

(1) The storage of equipment, materials, or merchandise, located outdoors or in containers or trailers; and

(2) The storage of unregistered, inoperable, or unserviceable vehicles, boats, or equipment, with the exception of unregistered vehicles for sale at vehicle sales facilities permitted by these regulations.

2. All drainage facilities, including ditches, basins, downspouts, gutters, inlets and pumps, shall be maintained in satisfactory operating condition and free of debris and siltation.

3. Parking and loading areas shall be maintained free from hazardous conditions deterring from the proper and safe use of such areas, including the following:

i. Pavement, curbing, and sidewalks shall be maintained free of cracks and holes and other hazardous or unsightly conditions; and

ii. Paint, striping, signage, and traffic control features and markings shall be maintained so that they are clearly legible.

4. All refuse and recyclable materials shall be placed in refuse or recycling facilities in accordance with N.J.A.C. 19:4-8.15(f). Such areas, and any screening, shall be maintained in a safe, clean and efficient manner.

5. All outdoor lighting shall be maintained in working condition.

6. Building finishes shall be kept free of peeling or cracked paint, rust or other unsightly conditions.

7. Upon a change of occupancy, including vacancy, of any building or tenant space, signage related to the prior occupant shall be removed within 30 days thereof.

8. All open space shall be properly maintained, as follows:

i. All plantings and groundcover shall be regularly watered and pruned;

ii. All dead materials shall be removed and replaced with living vegetation; and

iii. All lawn or other non-paved areas shall be kept trimmed and free from weeds and other undesirable growth.

9. All developed lots shall maintain a 15-foot buffer free of overgrown vegetation adjacent to buildings and public rights-of-way.

10. All vacant and/or unoccupied lots shall maintain a 15-foot buffer, free of overgrown vegetation and debris, adjacent to developed lots and public rights-of-way.

(c) Failure to maintain any property in the District in accordance with these regulations will result in enforcement action by the NJMC in accordance with N.J.A.C. 19:4-4.21.

## SUBCHAPTER 7. PERFORMANCE STANDARDS

### 19:4-7.1 General requirements

(a) For any proposed use, occupancy, structure, process or equipment, the applicant shall supply evidence to the NJMC that the proposed use, structure, process or equipment shall conform with all applicable performance standards.

(b) Any application for a zoning certificate, occupancy certification, special exception, variance, or other approval shall be accompanied by submissions, attachments and certifications as required in these regulations, including the following:

1. The submission of an application shall constitute a certification and an agreement on the part of the property owner and applicant that the proposed use, occupancy, structure, process or equipment is designed and intended to conform to the performance standards.

2. The NJMC may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant, as evidence of compliance.

3. The NJMC may require that specific types of equipment, machinery or devices be installed, or that specific operating procedures or methods be followed, if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures, or methods are required in order to ensure compliance with the applicable performance standards.

4. Permits and certificates required by other government agencies shall be submitted to the NJMC as proof of compliance with applicable standards and requirements.

5. If appropriate permits, tests and certifications are not or cannot be provided by the applicant, the NJMC may require that instruments and/or other devices, or professional reports or laboratory analyses be used to determine compliance with the performance standards for an existing or proposed use, with the cost borne by the applicant.

6. In the event a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the standards established in this

section, the NJMC may issue a conditional approval, pursuant to these regulations. Issuance of a conditional approval shall be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or upon installation and operation. Prior to issuance of a certificate of completion and/or occupancy certification, the applicant shall submit proof that all standards established herein have been met.

Administrative correction.  
See: 36 N.J.R. 1955(a).

#### 19:4-7.2 Applicability and enforcement

(a) Continued compliance with performance standards is required and shall be enforced by the NJMC.

(b) Any existing use or structure that is allowed to deteriorate or is modified so as to reduce its compliance with these standards shall constitute a violation.

(c) Whenever, in the opinion of the Chief Engineer, there is a reasonable probability that any use of the performance standards herein are violated, the NJMC is empowered to employ a qualified technician or technicians to perform investigations, measurements and analyses to determine whether or not these regulations are being violated. In the event that a violation is found to exist, the property owner shall be liable for the reasonable fees of the technicians employed to perform such investigations, measurements and analyses.

#### 19:4-7.3 Performance standards; noise

(a) The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

"dBA" means a unit for describing sound levels measured using an A-weighting network. This network modifies the measured sound pressure level at the various frequencies to account for differences in the sensitivity of the human ear to sounds of different frequency.

"Decibel," abbreviated "dB," means a unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base 10, of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

"Impact noise" means a relatively short duration noise generally produced by the striking of two or more objects so as to be heard as a separate distinct noise.

"Impact noise analyzer" means an instrument that measures the peak sound pressure of an impact noise and meets the standards of the American National Standards Institute (ANSI) or the International Electrotechnical Commission (IEC).

"Noise" means a subjective description of an undesirable or unwanted sound.

"Sound" means rapid fluctuations of atmospheric pressure that are audible to persons.

"Sound level meter" means an instrument used to measure the overall sound pressure level.

(b) Noise shall be measured with a sound level meter meeting the standards of the ANSI specification S1.4-1971 for sound level meters or its successor.

(c) The instrument shall be set to the A-weighted response scale and the meter of the slow response. Measurements shall be conducted in accordance with the American National Standards Institute (ANSI) specification S12.50-2002, which describes various methods for determining the sound power levels for machinery and equipment. These standards are incorporated herein by reference, as amended and supplemented, and can be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036.

(d) Impact noises shall be measured with an impact noise analysis meeting the standards of the ANSI standards S12.50-2002. These standards are incorporated herein by reference, as amended and supplemented.

(e) Noises shall not exceed the maximum sound levels specified in Table 7-1 below, except as otherwise designated. Where more than one specified sound level applies, the most restrictive shall govern. Measurements may be made at points of maximum noise intensity.

TABLE 7-1

#### Noise Level Restrictions

Performance Standard Category	Maximum Permitted Sound Level	Where Measured
A	65 dBA	On or beyond the subject property boundary line
B	70 dBA	On or beyond the subject property boundary line
C	76 dBA	On or beyond the zone boundaries

(f) In any residential area or zone, the A-weighted sound level shall not exceed 55 dBA during the hours of 7:00 A.M. to 9:00 P.M. and shall not exceed 45 dBA during the hours of 9:00 P.M. to 7:00 A.M.

(g) The levels specified in Table 7-1 may be exceeded by 10 dBA for a single period not to exceed 15 minutes in any one day.