

**BERNARDSVILLE BOROUGH
ORDINANCE # 2018-1783**

**AN ORDINANCE CONCERNING USES PERMITTED IN THE I INDUSTRIAL
DISTRICT AND AMENDING CHAPTER XII OF THE BOROUGH LAND
DEVELOPMENT CODE ENTITLED “ZONING”**

STATEMENT OF PURPOSE: *To set forth the uses permitted in the I Industrial District, which is comprised of block 100, lots 2.23-2.49, and block 145, lots 1 & 2, all of which are commonly referred to collectively as the “Quarry”. In particular, the purpose of this ordinance is to confirm the removal of materials recycling facilities and the recycling of trees and tree parts as permitted uses in the Quarry, to reinstate the recycling of concrete and soil as permitted uses in the Quarry, and to readopt the accessory uses provision. The end result will be that the uses permitted in the Quarry will be the same as they were at the time of the adoption of Ordinance #95-1030 and before the adoption of Ordinances 2013-1627 and 2015-1699.*

WHEREAS, lots 2 and 2.23-2.49 in block 100 and lots 1 and 2 in block 145, commonly known as the Quarry (hereinafter referred to as the “Quarry”), comprise the I Industrial District; and

WHEREAS, the primary uses permitted in the Quarry were first set forth in Ordinance #95-1030, and were codified as subsection 12-18.1 in the Borough Land Development Code; and

WHEREAS, subsection 12-18.1 was thereafter amended by the adoption of Ordinance #2013-1627, which added the recycling of trees and tree parts as permitted uses in the zone; and

WHEREAS, subsection 12-18.1 was further amended by the adoption of Ordinance #2015-1699, which added materials recovery facilities as permitted uses in the zone; and

WHEREAS, subsection 12-18.1 was further amended by the adoption of Ordinance #2018-1799, which, *inter alia*, removed materials recovery facilities and the recycling of concrete, trees, tree parts and soil as permitted uses in the zone; and

WHEREAS, the governing body wishes to confirm the removal of materials recovery facilities and the recycling of trees and tree parts as uses permitted in the zone, but to reinstate

the recycling of concrete and soil as permitted uses in the zone, and to readopt paragraph “k” dealing with accessory uses;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter XII of the Borough Land Use Code Entitled “Zoning” is hereby amended as follows:

Section 1. Section 12-18.1 entitled “Primary Intended Use [in the I Industrial District]” is amended in its entirety to read as follows:

“12-18 I INDUSTRIAL DISTRICT.

12-18.1 Primary Intended Use.

In the Industrial District a building may be erected or used and a lot may be used or occupied for any of the following purposes and uses and no other:

- a. The processing of stone, ~~trees, tree parts~~, or rock products. Processing shall include grinding, polishing, coloring and otherwise treating the raw materials, as well as, the further use of such products in the manufacture of derivative or secondary products which are substantially different in form or character from the original raw materials.
- b. Bulk storage, wholesale and warehousing. (1) Wholesale establishments including, but not limited to, lumber and building materials sales, machinery sales and service, contractors' heavy equipment sales, rental and service and nursery and landscaping sales; (2) the storage of building material, trees, tree parts and bulk materials; (3) the parking or storage of vehicles or the maintenance or repair of commercial and industrial vehicles or equipment; and (4) parcel delivery and service distribution facilities.
- c. Shops such as construction and industrial trade shops, boat works (custom building and repair), ornamental iron workshops and monument works.
- d. The manufacture or assembly of small parts and equipment.
- e. Public utilities and facilities.
- f. Self-storage facilities.

- g. Fuel oil storage and distribution.
- h. Recycling facility for the recycling of concrete, trees, tree parts, asphalt and soil.
- i. Retail sales shall be allowed as an accessory use incidental and subordinate to uses permitted in this zone. Areas devoted to retail sales shall be limited to one thousand (1,000) square feet.
- ~~j. Materials recovery facility shall be subject to the following:~~
 - ~~1. Materials to be recovered and recycled are limited to construction, demolition, and bulky solid waste, and~~
 - ~~2. Demonstration that the applicant-user can comply with all Somerset County and State Department of Environmental Protection rules and regulations, including, but not limited to, N.J.A.C. 7:26-2.1 et seq, and~~
 - ~~3. Capacity of facility is less than one hundred (100) tons per day, and~~
 - ~~4. All construction, demolition and bulky solid waste materials shall be delivered, separated and processed within an enclosed building.~~
- j.k. Other accessory uses on the same lot and customarily incidental to the principal use, such as office and shipping facilities, machine shop, locker room, boiler room, scale house, concrete plant, asphalt plant and rock crushers.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano, Borough Clerk

By: _____
Kevin Sooy, Mayor

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- 1st Reading and Introduction:* _____
 - 1st Publication:* _____
 - Referral to Planning Board:* _____
 - Notice to County Planning Board Prior to Adoption:* _____
 - Notice to Clerks of Adjoining Municipalities (if required):* _____
 - Notice to Affected Property Owners (if required):* _____
 - 2nd Reading and Adoption:* _____
 - 2nd Publication:* _____
 - Filing with Assessor:* _____
 - Filing with County Planning Board:* _____