

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH  
NOTICE OF PENDING ORDINANCE**

**ORDINANCE NO. 11-1317**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on April 5, 2011. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, May 17, 2011, **located in the Municipal Building, 556 Tinton Avenue, Tinton Falls, New Jersey, beginning at 7:30 o'clock P.M.** During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available in the Clerk's Office to the members of the general public who shall request the same.

MAUREEN L. MURPHY, BOROUGH CLERK

**ORDINANCE AMENDING MFG ZONE**

WHEREAS, on May 19, 2009, the Borough of Tinton Falls adopted Ordinance No. 09-1269 which dramatically changed the Borough's entire land use code, and in part, the zoning standards in the MFG zone; and

WHEREAS, on or about July 9, 2009, a Complaint In Lieu of Prerogative Writs was filed in the matter of *Borough Property, et al. v. Borough of Tinton Falls, et al.*; and

WHEREAS, through negotiations between the parties and numerous conferences before the Court over the last two (2) years a proposed settlement agreement has been reached contingent upon the adoption of certain ordinance changes being made in the MFG zone.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls that the General Revised Ordinances of the Borough of Tinton Falls are hereby amended and supplemented as follows:

**[SECTION 1. Revisions for Section 40-3 Definitions]<sup>1</sup>**

DEP RECYCLABLE MATERIAL LAWS – As used and applied in this Chapter, DEP Recyclable Material Laws shall consist of N.J.S.A. 13:1E-99.34b and N.J.A.C. 7:26A-1.3, as well as any successor statutes and/or regulations that shall supersede their provisions in the future.

CLASS A RECYCLING FACILITY - A Single Stream Recycling Facility which accepts, collects, moves, transfers, processes for reuse, stores and/or separates source separated non-putrescible Class A Recyclable Material in accordance with DEP Recyclable Material Laws.

CLASS A RECYCLABLE MATERIAL - A source separated non-putrescible recyclable material specifically excluded from NJDEP approval prior to receipt, storage, processing or transfer at a recycling center in accordance with DEP Recyclable Material Laws.

CLASS B RECYCLING FACILITY - A Single Stream Recycling Facility which accepts, collects, moves, transfers, processes for reuse, stores and/or separates source separated Class B Recyclable Material in accordance with DEP Recyclable Material Laws.

CLASS B RECYCLABLE MATERIAL - A source separated recyclable material which is subject to NJDEP approval prior to receipt, storage, processing or transfer at a recycling center in accordance with DEP Recyclable Material Laws.

CLASS C RECYCLING FACILITY - A Single Stream Recycling Facility which accepts, collects, moves, transfers, processes for reuse, stores and/or separates source separated compostable Class C Recyclable Material in accordance with DEP Recyclable Material Laws.

CLASS C RECYCLABLE MATERIAL - A source separated compostable material which is subject to NJDEP approval prior to the receipt, storage, processing or transfer at a recycling

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<sup>1</sup> Material in [ ] brackets is not to be codified but utilized for the purpose of organization and reference of this amendatory and supplementary ordinance.

center in accordance with DEP Recyclable Material Laws.

**CLASS D RECYCLING FACILITY** - A Single Stream Recycling Facility which accepts, collects, moves, transfers, processes for reuse, stores and/or separates source separated Class D Recyclable Material in accordance with DEP Recyclable Material Laws.

**CLASS D RECYCLABLE MATERIAL** - A source separated recyclable material which is subject to NJDEP approval prior to receipt, storage, processing or transfer at a recycling center in accordance with DEP Recyclable Material Laws.

**SINGLE STREAM RECYCLING FACILITY** – A facility which accepts, collects, moves, transfers, processes for reuse, stores and/or separates a single class of recyclable materials (e.g., Class A, Class B, Class C, or Class D) as defined by DEP Recyclable Material Laws, or scrap metal.

**[SECTION 2. Revisions to Section 40-32 Prohibited Uses]**

A. Desiring to minimize impacts on nearby residential properties and cognizant of the environmentally sensitive nature of the Shafto Road corridor, this ordinance specifically prohibits Asphalt Manufacturing Plants, Concrete Manufacturing Plants, Resource Recycling Facilities, and Waste Transfer Stations in the MFG Manufacturing zone. Asphalt Manufacturing Plants, Concrete Manufacturing Plants, Resource Recycling Facilities, and Waste Transfer Stations are permitted in the MFG-2 Manufacturing 2 zone, south of State Route 18, north of US Naval Weapon Station Earle and west of Pine Brook Road. Single Stream Recycling Facilities are conditionally permitted in the MFG Manufacturing zone.

**[SECTION 3. Revisions to Section 40-33D1(f) Accessory Structures and Uses]**

(\_) Single Stream Recycling Facilities. Outdoor Equipment Storage such as construction equipment, loaders, trucks and other such equipment, outdoor storage of Class A, Class B and Class C recyclable materials (excepting therefrom source separated food waste), and outdoor processing of Class B and Class C recyclable materials (excepting therefrom source separated food waste) and scrap metal shall be permitted provided the equipment, processing and materials are limited to a single area of the site and this area does not exceed sixty-five (65%) percent of the lot area. Pre- and Post-processed recyclable materials must be stored in designated bins or similar enclosures. Under no circumstance shall any material stored outdoors leave the site by routinely occurring natural causes or forces such as wind or water.

**[SECTION 4. Revisions to Section 40-37 Conditional Uses]**

18. Single Stream Recycling Facility. Single Stream Recycling Facilities as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

- a. Single Stream Recycling Facilities shall be limited in scope to the following:
  - (1) Single Stream Recycling Facilities shall store and process materials only in accordance with the conditional use standards of this section. In addition to the foregoing, Class C Single Stream Recycling Facilities shall store and process source-separated food waste, and Class D Single Stream Recycling Facilities shall store and process Class D Recyclable Materials within enclosed buildings, only.
  - (2) None of the operation shall involve burning or dissolving, nor shall the process involve any chemical processing of recyclable materials.
  - (3) The tract upon which the Single Stream Recycling Facility is developed shall be a separate lot located at least 1,500 feet distant from Shafto Road, measured in a straight line from lot line to street line, and shall not have direct access to either a collector or arterial street as classified on the Borough's Master Plan. Single Stream Recycling Facilities shall not front on nor be seen from Wardell Road or Shafto Road.
  - (4) The tract upon which the Single Stream Recycling Facility is developed shall be a separate lot located within 1,100 feet from an existing Resource Recycling Facility or Waste Transfer Station, measured in a straight line from lot line to lot line.

- (5) The perceptible noise at the lot line from the operation of equipment shall not exceed the limits established by NJDEP.
- b. Maximum lot coverage includes storage piles, storage bins, and pavement areas for driveways, aisles, parking, loading and processing areas whether paved with blacktop, concrete, crushed stone, crushed concrete, or similar material.
  - c. No structure dedicated to any recycling process shall be closer than one hundred (100) feet to any existing residential use or residential zone boundary line.
  - d. Whenever the property of a Single Stream Recycling Facility shall abut a residential zone boundary line or shall abut an existing residential use and there shall be outdoor storage, there shall be provided a landscaped buffer area of at least fifty (50) feet wide and may or may not include berms contiguous with the residential use or zone boundary lines. The buffer area shall be designed and planted in accordance with this chapter except that where natural wooded features are on-site and adequately provide the intended buffer, the Board may approve the existing conditions as meeting this requirement, in whole or in part.
  - e. The processing of Class A recyclable materials shall take place within a completely enclosed building on the premises.
  - f. The processing of Class B and Class C recyclable materials (excepting therefrom source separated food waste) and scrap metal may take place outside of a building so long as the noise level at the property line shall not exceed any New Jersey State, Monmouth County, or Borough laws, rules or regulations, and so long as all storage and processing areas are either paved or of crushed concrete or stone.
  - g. While recyclable materials may be temporarily stored on-site as part of the operation, and while this may result in the accumulation of piles of recyclable materials that are in the process of being recycled, no individual materials brought to the site are permitted to be permanently left on-site. All materials brought to the site shall be separated, ground, pulverized, packaged, and/or handled in such a way as to accomplish the recycling operation so that individual products are shipped off-site as part of a continuing operation. No process is permitted as part of a recycling operation where the material is chemically altered, including the burning or incineration of any materials.
  - h. No materials shall be permitted to be stored outside of a building if they are capable of eroding or causing a nuisance or a health or safety hazard by reason of contaminating the soil, the air and/or ground or surface water supply or quality; or creating litter, dust, odors, or unhealthy or unsafe conditions; or collecting and retaining water.
  - i. Materials permitted to be brought on-site and stored in outside storage piles or storage bins shall be stored in piles no higher than thirty (30) feet.
  - j. Hours of Operation. Single Stream Recycling Facilities shall operate only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday; 7:00 a.m. through 3:30 p.m., Saturday local time, and shall not operate on Sundays.

Use	Minimum Lot Requirements			Minimum Yard Requirements						Maximum Building Height		Maximum Floor Area Ratio (FAR)
	Lot Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front (ft.)	Side		Rear (ft.)	Maximum Coverage (%)		Height in Stories	Height in Feet	
					Each (ft.)	Both (ft.)		Lot	Bldg			
Single Stream Recycling Facility	3 Acres	300	300	50	10	20	40	65	-	-	40	.20

MFG Zone:

Add Conditional Use: Single Stream Recycling Facilities

**[SECTION 6. Repealer.]**

Any prior ordinance or provision of any existing ordinance, which is inconsistent with this ordinance, is hereby repealed to the extent of any such inconsistency.

**[SECTION 7. Severability.]**

If any section or provision hereof shall be adjudged invalid, such determination shall not effect the other provisions hereof, which shall remain in full force and effect.

**[SECTION 8. Effective Date.]**

This ordinance shall become effective twenty (20) days after it has been adopted and published in accordance with applicable law.