

TOWNSHIP OF MILLBURN

ORDINANCE 2708-25

ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN

DEVELOPMENT REGULATIONS AND ZONING ORDINANCE

WHEREAS, the Township of Millburn Master Plan Reexamination and Update, adopted December 19, 2018, seeks to “Protect the character of established residential neighborhoods and encourage land use and development at an appropriate scale and density;” and

WHEREAS, the Master Plan Reexamination and Update recommends the Township “promote clear, user friendly, and transparent application, review and public hearing processes for development proposals and applications;” and

WHEREAS, the Development Regulations and Zoning Ordinance regulate houses of worship, public and private schools, and radio antennas as conditionally permitted uses in the R-3, R-4, R-5, R-6, R-7, and R-8 Residence Districts, among other zoning districts; and

WHEREAS, it is unclear how conditional standards for conditionally permitted uses relate to or supersede standards otherwise applicable in Residence Districts; and

WHEREAS, it is further unclear what uses are permitted as part of a house of worship and public and private schools.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS.

Section 1: Article 3 (Definitions), DRZ-301 is hereby amended as follows:

301.7.5 BUFFER - A strip of land, containing vegetation or other physical features, such as a retaining wall or fence, used to separate and mitigate impacts between different land uses. Buffers are intended to reduce nuisances such as noise, light, dust, or visual intrusions, and to enhance privacy or aesthetic appeal.

Section 2: Article 6 (Zoning Provisions), DRZ-606.2.d is hereby amended as follows:

1. Houses of Worship and Public and Private Schools, subject to the following standards:
 - a) The lot shall have frontage on a primary, secondary or collector street as shown in the Circulation Element of the Master Plan.
 - b) The lot shall have a minimum area of three acres.
 - c) The lot shall have a minimum frontage of 200 feet.
 - d) The lot shall have a minimum depth of 250 feet.
 - e) Vehicular access shall be from other than a local street if the lot has frontage on more than one street.
 - f) Lot coverage shall not exceed ~~the maximum established for the underlying Residential Zone District.~~ 25 percent.
 - g) The minimum front yard setback shall be 100 feet.
 - h) The minimum side yard setback shall be 40 feet.
 - i) The minimum rear yard setback shall be 50 feet.

- j) The minimum Buffer to a residential use or zone shall be ~~25~~ 50 feet and comply with all standards set forth in DRZ-609.3. No site improvements nor structures, including stormwater control features and off-street parking, shall be permitted within the buffer area except for fences which are required for compliance with the buffer standards.
- k) The minimum parking setback shall be ~~20~~ 50 feet.
- l) Building height and stories shall not exceed the maximum established for the underlying Residential Zone District.
- m) Building coverage shall not exceed the maximum established for the underlying Residential Zone District.
- n) Building Design.
 - 1. All facades containing loading or service entries to the building shall be oriented away from adjoining residential zones or uses and such entries shall be effectively screened.
 - 2. Drop-off and pick-up areas shall be located to ensure associated queuing is provided on-site.
- o) Lighting
 - 1. All site lighting shall have full cutoffs with house side shields installed on fixtures to reduce impacts to adjoining residential uses or zones.
 - 2. Freestanding, pole mounted lighting shall have a maximum height of 12 feet and shall be located at least 50 feet from any adjoining residential use or zone.
 - 3. All site lighting shall be reduced to provide minimal security lighting during non-operating hours.

~~2.—Public and private schools, subject to the following standards:~~

- ~~a)—The lot shall have frontage on a primary, secondary or collector street as shown in the Circulation Element of the Master Plan.~~
- ~~b)—The lot shall have a minimum area of three acres.~~
- ~~c)—The lot shall have a minimum frontage of 200 feet.~~
- ~~d)—The lot shall have a minimum depth of 250 feet.~~
- ~~e)—Vehicular access shall be from other than a local street if the lot has frontage on more than one street.~~
- ~~f)—Lot coverage shall not exceed the maximum established for the underlying Residential Zone district.~~
- ~~g)—The minimum front yard setback shall be 100 feet.~~
- ~~h)—The minimum side yard setback shall be 40 feet.~~
- ~~i)—The minimum rear yard setback shall be 50 feet.~~
- ~~j)—The minimum buffer to a residential use or zone shall be 25 feet. The buffer shall comply with the standards set forth in DRZ-609.3, except for the dimensional standards.~~
- ~~k)—The minimum parking setback shall be 20 25 feet.~~

- t) ~~Building height shall not exceed the maximum established for the underlying Residential Zone District.~~

Section 3: Article 6 (Zoning Provisions), DRZ-609.3 is hereby amended as follows:

DRZ-609.3 Buffers

~~Within the CD, B-1, B-2A, B-2B, B-2C, B-3, B-4, OR-1, OR-2, OR-3, and CMO Zones, All non-residential or multifamily residential developments which abut in which an application for development abuts a residential zone or use, a buffer shall be provided shall provide, establish and cause to be maintained on such property, a buffer in accordance with the standards below. These standards are intended to reduce nuisances, such as noise, light, dust, or visual intrusions, and to enhance privacy or aesthetic appeal.~~ No development is permitted in the buffer area.

- a. ~~When the property of a nonresidential use, a multifamily housing development, or any combination thereof abuts the R-3, R-4, R-5, R-6, or R-7 Zones or a residential use on the side or rear, a~~ A strip of land shall be designated as a buffer and so indicated on the plat, measuring either 20% of the average width or depth of the property or 50 feet, whichever is less. Buffer areas shall be contiguous with ~~residential the~~ property lines abutting residential zones or uses and shall be of uniform width. The applicant shall erect a six-foot-high stockade or other wood fence and a dense evergreen planting within the buffer area.
- b. Fencing installed within the buffer area shall be set back from the property line at least five feet, and landscape screening shall be provided between the fence and the property line abutting the residential use or zone. Trees and shrubs shall be planted between the fence and residential line and shall be planted in a zigzag pattern not more than six feet apart at center, except where otherwise authorized by the approving authority.
- c. In the remaining buffer area, a solid and continuous landscape screen shall be planted and properly maintained to conceal the parking area, eliminate the glare of automobile lights throughout the year, and screen the building from the abutting residential areas.
- d. All tree plantings within the buffer area shall consist of evergreen trees, such as hemlock, Douglas fir, Norway spruce, etc. Evergreen trees shall not be less than five feet high when planted and not less than 20 feet high at maturity, and the lowest branches shall not be more than one foot above the ground.
- e. The approving authority may consider the effectiveness of existing vegetation in providing the desired screening, and may consider other factors which may alter the design of the buffer.
- f. All loading areas and parking lots shall be buffered from adjoining streets, existing residential uses and residential zoning districts in accordance with this section.

Section 4. Repealer. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 5. Severability. Each section, subsection, paragraph, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, preempted, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

Section 6. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

Section 7. Prior actions. All actions of the Township of Millburn taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

Section 8. Codification. This Ordinance may be renumbered for codification purposes.

Section 9. The Township Clerk is hereby authorized and directed to forward this ordinance to the Planning Board for its review and comment as authorized by the Law.

Section 10. The Township Clerk is hereby authorized and directed to provide such notice and publication of this matter so as to permit the conduct of all public hearings as are required by the Law.

Section 11. The Township Clerk is hereby authorized and directed to forward this ordinance to the Essex County Planning Board after final adoption, as provided by the Law.

Ordinance 2708-25

ATTEST:

MILLBURN TOWNSHIP

Christine A. Gatti, RMC
Township Clerk

By: _____
Annette Romano, Mayor

- 1st Reading and Introduction: 6/17/2025*
- 1st Publication: 6/26/2025*
- Referral to Planning Board: 6/18/2025*
- Notice to County Planning Board Prior to Adoption: 6/25/2025*
- Notice to Clerks of Adjoining Municipalities: 6/25/2025*
- Notice to Affected Property Owners: N/A*
- Adjournment of Public Hearing: 7/15/2025*
- 2nd Reading: 8/12/2025*
- Adoption: 8/12/2025*
- 2nd Publication: 8/21/2025*
- Filing with County Planning Board: 8/19/2025*

CERTIFICATION

I, Christine A. Gatti, Clerk of the Township of Millburn, in the County of Essex, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Committee at a regular meeting held on the 12th day of August, 2025.

Christine A. Gatti, RMC
Township Clerk