

**LEGAL NOTICE
ORDINANCE NO.64
2025
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION,
CHAPTER 134 (LAND DEVELOPMENT) OF THE CODE OF
THE TOWNSHIP OF WAYNE**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Township Planner has recommended the following amendment be made to the Township's Land Development Ordinance regarding From Yard Setback; and

WHEREAS, the Township Council has determined that the recommended changes would be beneficial to the Township; and

WHEREAS, Chapter 134 (Land Development), Article IV (Supplementary Zoning Regulations), Section 134-61 (Non-Conforming Lots, Uses and Structures) of the Code of the Township of Wayne needs to be amended and supplemented to effectuate said changes.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 134 (Land Development), Article IV (Supplementary Zoning Regulations), Section 134-61, (Non-Conforming Lots, Uses and Structures), of the Code of the Township of Wayne are hereby repealed and replaced to read as follows [additions by bold, deletions by ~~strikethrough~~]:

§134-61. Non-conforming lots, uses and structures.

§134-61.2. Structures and uses.

C. De Minimis Front Yard Encroachments for Single-Family Dwellings: Single-family dwellings with a legal pre-existing non-conforming front yard setback shall be permitted a vertical expansion of the dwelling within the required front yard setback without need for bulk variance relief under N.J.S.A. 40:55D-70(c), in cases where: the proposed non-conforming expansion does not extend outside of the existing building footprint, and does not encroach more than 2 feet or 25% of the front yard setback (whichever is lesser).

SECTION 2. As required by N.J.S.A. 40:55D-64, prior to the hearing on adoption of this ordinance, the Township Clerk shall send a copy of this ordinance to the Wayne Planning Board for its review and comment pursuant to N.J.S.A. 40:55D-26. The Township Clerk shall also send a copy of this ordinance upon introduction and adoption to the Passaic County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 3. All other provisions of Chapter 134 of the Code of the Township of Wayne shall remain unchanged.

SECTION 4: Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5: Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 6: Codification. This Ordinance shall be a part of the Code of the Township of Wayne as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Wayne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 7. This ordinance shall take effect twenty days after final passage by Council and approval by the Mayor in the manner prescribed by law at N.J.S.A. 40:69A-181.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

RICHARD JASTERZBSKI
TEMPORARY COUNCIL PRESIDENT

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of November 12, 2025 and December 10, 2025.

PAUL V. MARGIOTTA
Township Clerk

This ordinance is hereby
approved this 4th day
of December 2025.

ADOPTED ON: December 3, 2025

CHRISTOPHER P. VERGANO
Mayor