

BOROUGH OF CRESSKILL

ORDINANCE NO. 25-29-1685

AN ORDINANCE AMENDING CHAPTER 275 ZONING, ARTICLE XXXII FENCES

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, the following has been amended as follows:

SECTION I CHAPTER 275 – ZONING ARTICLE XXXII- Fences

§ 275-129 Location and height of fences.

Replace the following and add letter O.

SECTION II

B. No fence erected on or around a residential lot or parcel of land shall exceed six feet in height above average grade unless the proposed installation meets all requirements listed in K and O below. Pre-constructed fences of approved height must be installed as close to the ground as possible. The total height of the fence will not include any slight undulations of the ground, provided that 80% of the fence does not exceed the maximum approved height. No fence shall be installed on a berm or swales and shall be measured from finished grade. No fence shall be installed on a wall (except a retaining wall) making the overall height higher than the approved height for that location and shall not block water from natural runoff.

C. No fence shall be erected in the front yards of a standard or corner lot in any residential district unless the fence is at least 75% open, not greater than 48 inches in height above finished grade and meets § 275-44A. Fencing in the rear of a corner lot which is considered a front yard shall be allowed to be a solid six-foot fence with the approval of the Zoning Official. Fencing must be painted in only one color, harmonious with the surrounding area and must not have oversized posts or columns unless approved by the Planning Board or calculated into the impervious coverage calculations. All driveway gates must be set back a minimum of 25 feet from the roadway, shall not exceed an additional 50% of the approved adjoining fence height and shall not act as a part of a pool barrier system. Fences must be constructed with the finished side away from the applicant's property.

G. The following fences and fencing materials are prohibited: Barbed wire fences, short pointed fences, canvas, cloth, electrically charged fences, poultry netting, bamboo fencing, temporary fences such as snow fences, expandable fences and collapsible fences, at any location of the lot upon which dwelling or structure is situated. All fences must be set back from the intersection of two roadways a minimum of 30 feet.

K. Fences not over six feet in height may be erected along the rear lot line and along the side lot lines for a distance from the rear lot line to a point 90° off the side lot line to the rear corner of the principal structure. The adjoining fence from the side lot line to the rear corner of the primary structure may be solid six feet with a gate at both sides. If the four-foot fence is any closer to the front wall of the primary structure alongside the house in the side yards, it shall be 50% open. For an irregular lot, the Zoning Official shall determine the distance and location. Any fence not located on the property line or located as indicated herein shall be the discretion of the Zoning Official.

SECTION III

O. Deer Fencing.

1. Upon application to the Zoning Official, deer fencing may be installed as follows: Deer Fencing may be installed above an open type fence for a combined fence height not to exceed eight (8) feet. At no time may an eight—foot fence be installed as a single unit and no deer fencing shall be installed above a solid type fence. All deer fencing shall be black vinyl, carbon composition, poly fence mesh, black polypropylene plastic or comparable materials. All proposed material and color shall be the discretion of the Zoning Official, if he/she feels the materials are considered prohibited materials as listed in G above, the application will be denied and will require approval from the Board.
2. Vegetation protection from the deer may be installed around all flower beds, shrubbery and gardens without the requirement of an application to the Zoning Official. The installation must be located within 12” of the plants to prohibit the deer from having room to jumping over. All materials shall be black vinyl mesh material with black vertical supports.
3. Violation: All installations not meeting the deer fencing requirements will be noticed with courtesy card with violation to follow if the repair is not completed within ten days.

SECTION IV

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION V

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION VI

This Ordinance shall take effect immediately upon final passage and publication according to law.