

REGULATORY CONTROLS

Introduction

The Master Plan is concerned with the general improvement of the living environment in Kinnelon. This objective, however, will not be necessarily accomplished by the adoption of the Master Plan. Indeed, many of the proposals in the Plan can only be effectuated through the enforcement of codes and regulatory controls which relate to land use, construction, housing and sanitation.

The Borough already has a number of the codes and ordinances necessary for its controlled and orderly development. The provisions contained in these regulations are generally good. Some of the existing controls, however, require revisions and several additional controls should be adopted.

Building Code

In 1957 Kinnelon adopted by reference the Abbreviated Edition of the 1955 National Building Code recommended by the National Board of Fire Underwriters. The Code prescribes regulations governing the construction, alteration, equipment, use and occupancy, location and maintenance, moving and demolition of buildings and structures. In addition, at the time of adoption the Borough made several amendments and supplements to the Code to conform with local conditions. It is suggested that the National Building Code be reviewed periodically in order that it be kept up-to-date.

Plumbing Code

At the present time Kinnelon does not have a Plumbing Code. The Building Code specifies that plumbing and drainage systems of a building or structure should be installed to meet generally accepted good practice. Because of the vagueness and inadequacy of this control

it is suggested that a standard code such as the "Plumbing Code of New Jersey" prepared by the New Jersey State Department of Health be adopted.

Electrical Code

Kinnelon does not have an Electrical Code. It is suggested that the National Electrical Code recommended by the National Board of Fire Underwriters be adopted by reference.

Fire Prevention Code

The Borough does not have a Fire Prevention Code. Again, it is suggested that a standard code such as the National Fire Prevention Code be adopted. The adoption and enforcement of this Code, as well as all the aforementioned codes, is important to the safety of local residents, particularly in areas where summer cottages have been converted to year-round occupancy.

Soil Removal Ordinance

It is recommended that Kinnelon adopt a Soil Removal Ordinance controlling the removal of topsoil and excavation of earth and rock. The unregulated and uncontrolled excavation and removal of soil and rock has resulted in the creation of nuisance and hazard conditions in many communities. The Borough's Subdivision Ordinance controls soil removal with respect to subdivisions, however, a more inclusive code is needed where subdivisions are not involved.

Sanitary Code

The Board of Health adopted the "Sanitary Code of the Borough of Kinnelon" in 1950 and to date it has been amended several times. State health codes pertaining to swimming pools, water supplies and sewage disposal systems have been adopted.

Housing Code

At the present time Kinnelon has no effective code to enforce minimum standards of conditions and facilities in existing housing. A Housing Code such as has been adopted in a number of communities would set minimum standards for the following:

- size and occupancy of habitable rooms
- plumbing, lighting, heating and sanitary facilities
- maintenance and repair.

A properly prepared code would also provide the necessary legal machinery for enforcement of these regulations.

It is recommended that a Housing Code be adopted in Kinnelon. In addition, the necessary administrative framework should be established to provide for inspections and enforcement of the code.

Official Map

The "Official Map and Building Permit Act" (N. J. S. A. 40:55 - 1.30 to 1.42) provides for the establishment of an Official Map showing the proposed width of streets, drainage rights-of-way and the location of parks and playgrounds.

The Official Map can be used in two ways:

- To require that all yard areas adjoining streets shall be measured from official map lines where the official map shows a future widening or realignment of an existing street.
- To stay the issuance of a building permit in the bed of a proposed street, street realignment or drainage right-of-way or the site of a proposed park for a period of one year. Within one year after a building permit application is filed the municipality must take action to acquire the right-of-way or site or forfeit its rights in the area.

It is recommended that Kinnelon adopt an Official Map Ordinance.

A map showing the approximate locations of data to be shown on an official map is presented on the following page. This map is to be used as a guide by the Borough Engineer in preparing an "Official Map" under his signature, showing detailed street widths and other information which require engineering surveys.

When an official map is adopted, the zoning ordinance should be amended to require that all building setbacks be measured from right-of-way lines shown on the official map.

Zoning Ordinance

The Borough's Zoning Ordinance and Map was adopted in 1954 and amended several times thereafter. The most recent zoning amendment involved the upgrading of residential zones to a minimum lot size of one acre throughout the Borough.

Zoning is an extension of the municipality's police power to protect public health, safety and welfare. Its regulations apply to the use of land and such conditions as building height, land coverage, lot sizes, population density, setbacks and off-street parking and loading.

The technical aspects of the existing Ordinance and its general approach to the regulation of future development are good. Revision and rewriting will be required, however, in both the Zoning Ordinance and Map in order to reflect the various land use proposals of the Master Plan.

The recommended changes are as follows:

1. Revision of Zoning Map

The Master Plan foresees how the entire Borough might be developed in twenty years. In effect it is a long-range general guide for future development. A zoning map on the other hand is a legal instrument which is designed to control land use development for shorter periods. The zoning map should, therefore, be revised to generally reflect development patterns which can reasonably be expected during the next five or six years. From time to time the map should be reviewed in light of development trends and the long-range land use objectives of the Borough.