

Chapter 128

AIR SAFETY AND HAZARDOUS ZONING

GENERAL REFERENCES

Zoning — See Ch. 335.

§ 128-1. Adoption of regulations.

Pursuant to the directive of N.J.A.C. 16:62-2.1(a), the Township Committee hereby adopts the minimum zoning standards promulgated by the Department of Transportation in Chapter 62 known as "Air Safety and Hazardous Zoning," of Title 16 of the New Jersey Administrative Code, including all subsequent revisions and amendments thereto. This chapter of the Administrative Code is hereby adopted by reference as the Air Safety and Hazardous Zoning Ordinance for the Township of Lacey. All zoning standards delineated under Chapter 62 of Title 16 of the New Jersey Administrative Code shall, by reference, set forth the minimum zoning requirements of the Township of Lacey as applicable.

§ 128-2. Granting of variance.

No variance or other relief from the standards promulgated by this chapter shall be granted by the township to itself or to any person, except upon the condition that the variance or relief is contingent upon the issuance of a permit allowing the variance or relief by the Commissioner of the Department of Transportation. Application for a variance shall be made to the Lacey Township Planning Board or Zoning Board of Adjustment in accordance with its regulations and procedures.

§ 128-3. Airport classification.

No airport within the township shall be classified as a nonconforming land use under the standard promulgated by this chapter.

§ 128-4. Regulations on file.

A copy of Chapter 62, known as "Air Safety and Hazardous Zoning," of Title 16 of the New Jersey Administrative Code, may be reviewed at the Lacey Township Clerk's office during its regular business hours.

§ 128-5. Municipality's notice to owners. [Added 7-11-1996 by Ord. No. 96-36]

Pursuant to requirements of N.J.S.A. 6:1-85.1, the Township of Lacey shall notify, in writing, each owner of record of property located within an airport safety zone of the boundaries of the airport safety zone. A duly authenticated copy of this notification shall be filed with the County Recording Officer in the same manner as a deed or other instrument of conveyance. Failure to give such notice shall give rise to no cause of action against the state, Ocean County or the Township of Lacey.

§ 128-6. Metes and bounds description. [Added 7-11-1996 by Ord. No. 96-36]

A metes and bounds description of airport safety zones shall be incorporated into the township's maps which are used for tax purposes.

§ 128-7. Notice by seller to prospective buyers. [Added 7-11-1996 by Ord. No. 96-36]

Pursuant to N.J.S.A. 6:1-85.2, any person who sells or transfers property in the airport safety zone and appearing on a municipal map used for tax purposes shall provide notice to a prospective buyer that the property is located in an airport safety zone, prior to the signing of a contract of sale. Failure to provide such notice may result in the suspension or revocation of the person's license to engage in real estate sales or other appropriate disciplinary action by the New Jersey Real Estate Commission in the case of a person subject to the jurisdiction of the Commission as provided by N.J.S.A. 6:1-85.2.