



# Township Of Mahwah

Municipal Offices: 475 Corporate Drive  
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www.mahwahtwp.org

## TOWNSHIP OF MAHWH WAIVER FOR RIGHT-OF-WAY ENCROACHMENT

### APPLICATION AND PERMIT

The following individual is requesting a waiver for Right-of-Way Encroachment.

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone No. \_\_\_\_\_

Email Address \_\_\_\_\_

Property Address \_\_\_\_\_

Block Number \_\_\_\_\_ Lot Number \_\_\_\_\_

Application Date \_\_\_\_\_ Resolution Date \_\_\_\_\_

Permit Date \_\_\_\_\_ Permit Number \_\_\_\_\_

The reason for Encroachment is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Required Letter Attached Yes \_\_\_\_\_ No \_\_\_\_\_

Required Photo Attached Yes \_\_\_\_\_ No \_\_\_\_\_

Statement of Agreement:

As the owner of property known as # \_\_\_\_\_ and listed as Block # \_\_\_\_\_ and Lot # \_\_\_\_\_ in the Township of Mahwah, I am requesting a waiver to have an Encroachment into the Municipal Right-of-Way on said Block and Lot. I fully understand that the permission granted for this Encroachment is limited and conditional and the Township may at any time revoke the permission for Encroachment Waiver and that any costs associated with the removal of the Encroachment will be at my expense as specified in Township of Mahwah Ordinance #1250.

Witness: \_\_\_\_\_ Owner's Signature: \_\_\_\_\_

Witness: \_\_\_\_\_ Owner's Signature: \_\_\_\_\_

The following have inspected and have made the following determination as to the approval or disapproval of the Encroachment based on safety and/or traffic issues:

Police Department	Approve	___	Disapprove	___	by	_____	Date	_____
Construction Official	Approve	___	Disapprove	___	by	_____	Date	_____
Engineering Dept.	Approve	___	Disapprove	___	by	_____	Date	_____
Fire Department	Approve	___	Disapprove	___	by	_____	Date	_____

If disapproved, list reasons why:

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Council Approval \_\_\_\_\_ or Disapproval \_\_\_\_\_ and signed Resolution # \_\_\_\_\_  
Attached and dated \_\_\_\_\_

TOWNSHIP OF MAHWAH  
ORDINANCE NO. 1250**AN ORDINANCE REGULATING ENCROACHMENTS IN  
PUBLIC RIGHT OF WAYS**

**WHEREAS, N.J.S.A. 40:67-1(d)** authorizes municipal governing bodies to prevent or regulate the erection and construction of encroachments and projections into or on the public right-of-way and for the removal of such encroachments or projections already erected, and

**WHEREAS,** the Township recognizes that abutting property owners may make encroaching uses of the right-of-way adjacent to the use of abutting property so long as the encroachment does not impair the primary right of the general public to use the right-of-way safely for passage.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Mahwah as follows:

**Section I:** Section 15-2.4 of the Code of the Township of Mahwah entitled "Violations and Penalties" is redesignated as Section 15-2.

**Section II:** There shall be a new Section 15-2.4 to read as follows:

**15-2.4. Encroachments In the Public Right of Way**

- a. No person shall erect or construct any building, structure, erection or projection in, over or upon any public right-of-way except as permitted by Section 15-2.4 of this Code.
- b. The following uses of the public right-of-way are permitted as of right so long as the use is accessory to the primary use upon the abutting property.
  1. Lawns
  2. Live landscaping less than 18 inches in height
  3. Sidewalks and driveways
  4. Trees planted with approval of the Township Environmental Commission
  5. Mailboxes meeting U.S. Post Office Regulations and local Construction Code requirements

- c. All uses, erections, projections or structures, other than as listed in subparagraph 15-2.4.b, are prohibited unless approved by Resolution of the Township Council. Any appurtenant property owner who wants to use the adjacent right of way area shall request such permission in writing from the Township Council. The Township Council shall approve or deny the request within 45 days of receipt of the request.
- d. In considering requests for use of adjacent right-of-way areas the Township Council shall observe the following criteria:
1. Reports and/or comments shall be obtained from the Chief of Police, Construction Official, Municipal Engineer and Chief of Fire Department. Absence of any reports shall not delay action by the Township Council.
  2. The proposed use of the adjoining right-of-way shall not impair or interfere with use of the right-of-way by vehicles or pedestrians.
  3. All applicable, necessary permits must be obtained from the Construction Official or other agencies which have jurisdiction.
  4. The encroachment must be accessory to the primary use of the abutting property.
  5. The encroachment must not interfere with snow plowing, leaf collection refuse or recycling collection or other municipal services or with roadway or sidewalk maintenance or repair.
  6. The encroachment may not block the sight triangles of motor vehicle operators and may not create any conditions adverse to public safety.
  7. The abutting property shall acknowledge that permission to encroach upon the public right-of-way is revocable at any time by the municipality and that upon revocation the encroachment must be removed by the property owner at his own expense.

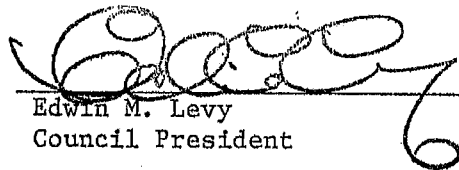
- e. All encroachments, structures, uses, erections and constructions in any public right-of-way in the Township of Mahwah which are not authorized under this Ordinance shall be removed at the expense of the owner or occupant of the abutting property after receipt of written notice from the Township Construction Official, Zoning Enforcement Officer or Property Maintenance Officer.


Ordinance No.: 1250

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DATED: July 16, 1997


ATTEST

  
Edwin M. Levy  
Council President

  
Doris E. Perez  
Municipal Clerk

CERTIFICATION

I, Doris E. Perez, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council, held on the 10th day of July, 1997.

  
Doris E. Perez  
Municipal Clerk

TOWNSHIP OF MAHWAH  
ORDINANCE NO. 1273

AN ORDINANCE AMENDING ORDINANCE NO. 1250, AND REGULATING  
ENCROACHMENTS IN PUBLIC RIGHT OF WAYS AND IN SIGHT TRIANGLES.

Be it Ordained by the Township Council of the Township of Mahwah as follows:

Section I. Ordinance No. 1250 and Section 15-2.4.b is amended to read:

b. The following uses of the public right of way are permitted as of right so long as the use is accessory to the primary use upon the abutting property.

1. Lawns
2. Live landscaping less than 18 inches in height
3. Sidewalks and driveways
4. Trees planted with approval of the Township Environmental Commission
5. Mailboxes meeting U.S. Post Office Regulation and local Construction Code requirements. The structure to which the mailbox is attached shall not exceed 48 inches in height, 24 inches in width and 24 inches in length.

Section II. The definition of "sight triangle" in Section 22-2.1.b is amended to read as follows:

Sight triangle shall mean a triangular shaped easement established at the intersection of two (2) street or a driveway and a street in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two (2') feet six (6") inches above the center-line grade of the street or driveway. The Township shall have the right of entry to remove any obstruction to vision within the sight easement area to conforming to the standards of this definition following due notice to the property owner. The triangle shall be determined along such street lot lines or edge of driveway thirty (30') feet distant from their joint intersection.

This sight triangle definition/regulation shall not apply to single family residential lots except for corner lots at the junction of and abutting on two (2) or more intersecting streets.

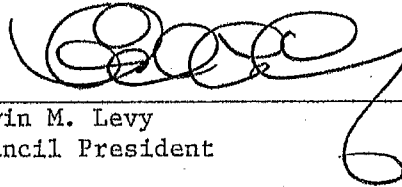
Section III. Repealer. All Ordinances or portions of Ordinances inconsistent with this Ordinance are repealed.

Ordinance No.: 1273

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DATED: April 21, 1998

ATTEST



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Edwin M. Levy  
Council President

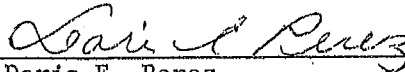


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Doris E. Perez  
Municipal Clerk

CERTIFICATION

I, Doris E. Perez, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council, held on the 26th day of March, 1998.



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Doris E. Perez  
Municipal Clerk