

**BOROUGH OF GARWOOD
UNION COUNTY, NEW JERSEY
MUNICIPAL BUILDING
403 SOUTH AVENUE
GARWOOD, NJ 07027**

ORDINANCE NO. 25-08

ORDINANCE TO AMEND CHAPTER 106 “LAND USE REGULATIONS” WITHIN ARTICLE I “GENERAL PROVISIONS” OF THE BOROUGH’S CODE

WHEREAS, the Borough of Garwood (the “Borough”) seeks to amend the Borough’s Ordinance to require plot plans for non-structured improvements exceeding 400 square feet of impervious coverage, require grading and drainage approval by the Planning Board Engineer for non- structured improvements exceeding 400 square feet of impervious coverage, and amend the definition of “structure”;

WHEREAS, the Borough seeks to amend Chapter 106 “Land Use” within Article I “General Provisions”.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough that Chapter 106 “Land Use” Article I “General Provisions” is hereby created as follows (additions - underscored, deletions - strike through):

§ 106-4 Definitions.

STRUCTURE

An object consisting of a combination of materials which is constructed, erected, or placed below, upon or above ground level and shall include any building, edifice, construction or piece of work or any part thereof, or any combination of related parts, including an object attached thereto, for occupancy, use or ornamentation. ~~A ground surface, designed and constructed in a manner to be utilized for the parking of motor vehicles, is not considered a structure.~~

§ 106-20 Building permits required.

A. To insure compliance with the provisions of this chapter, no structure or part thereof shall be erected, raised, moved, extended, enlarged, altered, or demolished and no land shall be altered, filled or used unless and until a permit has been granted by the Construction Official and Zoning Officer. Where the proposed construction is either a new structure or an addition to an existing structure, the applicant shall submit applications as required by the Uniform Construction Code (N.J.A.C. 5:23-1.1 et seq.) as well as three sets of plot plans to the Construction Official and Zoning Officer. Where the impervious coverage for non-structured improvements exceeds 400 square feet, three sets of a plot plan shall be submitted to the Construction Official and Zoning Officer. The plot plan shall show finished grades, open spaces, existing structures, proposed structures and improvements, existing impervious coverage, proposed impervious coverage, and proposed non-structured improvements, the established front yard building lines within 100 feet of both sides of the structure upon which the land is located and such other information that the Construction Official or Zoning Officer determine is necessary to show that the proposed structure shall comply with all of the requirements of this chapter for the Zone District in which the lot is located. Said plan shall be drawn to scale and shall show actual dimensions and figures. The plot plan required herein shall indicate current site improvements, proposed structures, and proposed non-structured improvements, and be prepared, dated and certified by, or properly referenced to, a licensed land surveyor of the State of New Jersey. All building plans and plot plans shall be signed and sealed by an appropriate New Jersey licensed professional authorized by the New Jersey Administrative Code to prepare such plans. The owner of a single-family dwelling unit may prepare and sign said building and plot plans and shall file an affidavit to that effect with said plans.

B. No building permit shall be issued for the erection, moving extending, enlarging, or altering of any structure, or part thereof, unless and until the plan and intended uses therefore indicate that such structure is designed to conform in all respects to the provisions of this and all other applicable ordinances of the Borough. No building permit shall be issued by the Construction Official until final approval has been granted by the appropriate approving authority to the application for development if so required. Building permits for developments at variance from the requirements of this chapter shall only be issued upon receipt of a written order from the appropriate authority.

C. No building permit shall be issued for the erection, moving, extending, enlarging, or altering of any structure, or any part thereof, and for non-structured improvements exceeding 400 square feet of impervious coverage, including a single- and two-family dwelling unit, unless and until the grading and drainage of the site has been reviewed and approved by the Planning Board Engineer ~~Borough Engineer~~. The Planning Board Engineer shall determine the necessary information to be provided to review the grading and drainage of the site, necessary to ensure proper management of stormwater, and to ensure there is no substantial stormwater impact to the surrounding properties. Any improvements that result in being a "major development" as per § 106-134.2 of the Borough's ordinance shall be subject to Article X "Stormwater Control" of the Borough's ordinance. All applications for building permits and all plans submitted with such applications which are not submitted to the Planning Board shall be forwarded to the Borough Engineer for review and approval of the grading and drainage. Such review shall not be required for the extension, enlargement or alteration of a single or two family dwelling unit where such construction would not increase the lot coverage of the existing structure by more than 20%.

D. Issuance of a building permit shall negate the necessity for a zoning permit and shall supersede and include any zoning permit previously issued.

E. A required plot plan to be submitted to be reviewed by the Borough's Construction Official and Zoning Officer, is subject to the fees specified in Article XII of this chapter.

F. A review of grading and drainage by the Planning Board Engineer for improvements to structures and non-structured improvements exceeding 400 square feet of impervious coverage is subject to the fees specified in Article XII of this chapter.

§ 106-147 Application fees and escrow deposits.

A. Fees. Fees for all applications for development, applications for rezoning and appeals shall be paid with the application to the Planning Board. All checks are to be made payable to the Borough of Garwood. Failure to submit payment or the submission of checks that are found to be improperly drawn will cause an application to be deemed incomplete and a hearing on the application to be delayed. Required fees shall be calculated by totaling all applicable fees. Such fees shall be as follows:

(1) Fees and deposits per application.

Application	Application Fee	Escrow Deposit
Variance pursuant to N.J.S.A. 40:55-70(d) (per variance)		
One- and two-family residential	\$500	\$250
For all other uses	\$1,000	\$1,000

Variance pursuant to N.J.S.A. 40:55-70(c) (per variance)		
One- and two-family residential	\$90	n/a
For other residential	\$210	\$1,000
For all other nonresidential uses	\$250	\$2,500
Conditional Use Authorization		
One- and two-family residential	\$350	n/a
For other residential	\$500	\$1,000
For all other nonresidential uses	\$1,000	\$1,500
Site Plan Review		
Residential		
Residential (preliminary)	\$1,000, plus \$250 for each additional dwelling over 3 units	\$1,000 for each additional dwelling over 3 units
Residential (final)	\$700	n/a
Nonresidential		
0 to 5,000 square feet (preliminary)	\$1,000	\$1,000
0 to 5,000 square feet (final)	\$700	n/a
5,001 to 20,000 square feet (preliminary)	\$2,000	\$3,000
5,001 to 20,000 square feet (final)	\$1,000	n/a
20,001 to 50,000 square feet (preliminary)	\$3,000	\$4,000
20,001 to 50,000 square feet (final)	\$1,000	n/a
Over 50,001 square feet (preliminary)	\$4,000, plus \$0.05 for each additional square foot over 60,000 square feet	\$5,000
Over 50,001 square feet (final)	\$1,000	n/a

Subdivision Review		
Two-lot minor subdivision, lot line adjustment (residential)	\$1,000	\$1,000
Two-lot minor subdivision, lot line adjustment (nonresidential)	\$1,000, plus \$100 per lot	\$1,000
Three-lot or more major subdivision (preliminary)	\$1,200, plus \$500 per lot	\$2,000

Three-lot or more major subdivision (final)	\$500	\$1,000
Resubmittal fee for revised plat	1/3 of original submission fee	
<u>Plot Plan Review</u>		
<u>Residential</u>	<u>\$100</u>	<u>\$500</u>
<u>Grading and Drainage Review for Structured Improvements and Non-Structured Improvements Exceeding 400 square feet of Impervious Coverage</u>		
<u>Residential</u>	<u>\$200</u>	<u>\$1,000</u>

Rejected Approved

Jen Blumenstock, Mayor

Date

Reconsidered by Council _____

Override Vote Yes ___ No ___

DATE OF INTRODUCTION: FEBRUARY 13, 2025

RECORDED VOTE OF COUNCIL																
	Date:					Date:					Date:					
	First Reading Introduction					Final Reading - Adoption					Tabled					
Council Member	M	S	Yay	Nay	N V	Ab	M	S	Yay	Nay	N V	Ab	M	S	Yay	Nay
Boto																
Foley																
Kearney																
Lazarow																
Padusniak																
Nolde																

✓ - Indicates Vote NV – Not Voting/Abstain AB – Absent M – Motion S - Seconded

This is to certify that this is a true and compared copy of an Ordinance adopted by the Council of the Borough of Garwood on February 13, 2025.

NENNETTE PERRY, R.M.C.
Municipal Clerk