

ORDINANCE

O-4-2020

BOROUGH OF NORTH CALDWELL, ESSEX COUNTY, NEW JERSEY

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 53, ON-SITE STORMWATER DETENTION, STORMWATER CONTROLS, OF THE BOROUGH OF NORTH CALDWELL, ESSEX COUNTY, NEW JERSEY

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of North Caldwell, County of Essex, New Jersey, as follows:

Section 1. The Code of the Borough of North Caldwell be and is hereby amended and supplemented as follows:

§ 53-3. Permits required; new building construction, additions to existing buildings, tennis courts and in-ground swimming pools.

It shall be unlawful for any person, firm or corporation to construct a new building with a roof area of five hundred (500) square feet or greater, an addition to an existing building with a roof area of five hundred (500) square feet or greater, a deck or patio greater than 500 square feet, a tennis court, sport court or an in-ground swimming pool without first applying for and securing a permit as provided in this article. (New)

§ 53-28 C. Applicability.

(1) This article shall be applicable to all site plans and subdivisions for the following major developments that require site plan or subdivision review:

- (a) Nonresidential major developments; and
- (b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(2) This article shall also be applicable to all major developments undertaken by the Borough of North Caldwell.

(3) This article shall also be applicable to any major development that does not require site plan or subdivision review.

§ 53-29 Definitions

MAJOR DEVELOPMENT — Any development that provides for ultimately disturbing one or more acres of land or creates 0.25 acres or more of new impervious surface. Disturbance, for the purpose of this rule, is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of North Caldwell, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of North Caldwell are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Essex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of North Caldwell for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon adoption.

INTRODUCED: February 25, 2020
 Moved By: Council President Santomauro
 Seconded By: Councilman Chiaia

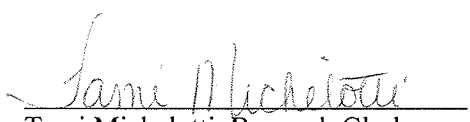
COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT	COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
ASTORINO				X	REES	X			
CHIAIA	X				SANTOMAURO	X			
KESSLER	X				TILTON	X			

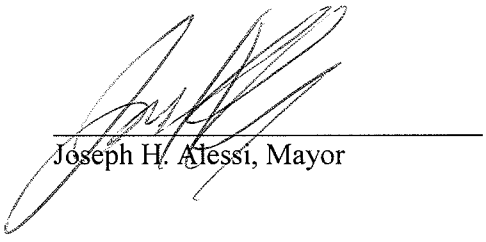
PUBLIC HEARING: April 14, 2020

ADOPTED: April 14, 2020
 Moved By: Council President Santomauro
 Seconded By: Councilman Chiaia

COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT	COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
ASTORINO	X				REES	X			
CHIAIA	X				SANTOMAURO	X			
KESSLER	X				TILTON	X			

ATTEST:


 Tami Michelotti, Borough Clerk


 Joseph H. Alessi, Mayor