

LEGAL NOTICE
BOROUGH OF RINGWOOD
COUNTY OF PASSAIC
NEW JERSEY

Ordinance No. 2012-#05

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXXV, LAND USE PROCEDURES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RINGWOOD. TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT IN THE SAID BOROUGH

NOTICE is hereby given that the above ordinance was adopted at the Business Meeting of the Municipal Council of the Borough of Ringwood, in the County of Passaic, New Jersey held at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey on Tuesday, June 5, 2012 shall become effective twenty (20) days from the date of passage.

BY THE ORDER OF THE MUNICIPAL COUNCIL

KELLEY A. ROHDE, RMC
BOROUGH CLERK

1t: Sunday, June 10, 2012
Fees: \$
The Trends

LEGAL NOTICE
BOROUGH OF RINGWOOD
COUNTY OF PASSAIC
NEW JERSEY

Ordinance No. 2012-#05

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXXV, LAND USE PROCEDURES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RINGWOOD. TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT IN THE SAID BOROUGH

NOTICE is hereby given that the ordinance published herewith was introduced and passed first reading at a Meeting of the Municipal Council of the Borough of Ringwood, in the County of Passaic, New Jersey held at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey on Tuesday, April 17, 2012, and will be considered for final passage at a Business Meeting of said Municipal Council of the Borough of Ringwood to be held on Tuesday, June 5, 2012 at 8:00 p.m., or as soon thereafter as same can be considered, at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same.

KELLEY A. ROHDE, RMC
BOROUGH CLERK

1t: Sunday, April 22, 2012
Fees: \$
The Suburban Trends

Ordinance No. 2012-#05

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXXV, LAND USE PROCEDURES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RINGWOOD. TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT IN THE SAID BOROUGH

BE IT ORDAINED by the Governing Body of the Borough of Ringwood that Chapter XXXV, “Land Use Procedures” of the Revised General Ordinances of the Borough of Ringwood be and it is hereby amended and supplemented as follows:

SECTION 1 Paragraph 35-2.12 f of the Revised Ordinances is hereby amended to read as follows:

“f. The Board of Adjustment shall not deem an application for a matter over which it has jurisdiction to be complete until it has received:

1. [NO CHANGE]
- 2 a. A Highlands Applicability Determination issued pursuant to N.J.AC. 7:38-2.4. by NJDEP for any application that has been determined to be exempt from the requirements of the Highlands Act; or
- b. For applications that have not been determined to be exempt from the requirements of the Highlands Act:
 1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
 2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, provided that such application is accompanied by a certification by the professional or professionals designated by the Highlands Council in the Consistency Determination that to the best of the knowledge of such person, the application has been revised since review by the Highlands Council to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

SECTION 2 Section 35-3.12 of the Revised Ordinances is hereby amended to read as follows:

35-3.12 Checklist for Minor Subdivision.

- a. The following items must be submitted in order for an application for development classified as a minor subdivision to be considered for completeness.

1 to 16. [NO CHANGE]

- 17. a. A Highlands Applicability Determination issued pursuant to N.J.A.C. 7:38-2.4. by NJDEP for any application that has been determined to be exempt from the requirements of the Highlands Act; or

- b. For applications that have not been determined to be exempt from the requirements of the Highlands Act:

- 1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or

- 2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, provided that such application is accompanied by a certification by the professional or professionals designated by the Highlands Council in the Consistency Determination that, to the best knowledge of such person, the application has been revised since review by the Highlands Council to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

SECTION 3 Section 35-3.13 of the Revised Ordinances is hereby amended to read as follows:

35-3.13 Checklist for Preliminary Major Subdivision.

- a. The following items must be submitted in order for an application for development classified as a major subdivision to be considered for completeness.

1 to 20. [NO CHANGE]

- 21. a. A Highlands Applicability Determination issued pursuant to N.J.A.C. 7:38-2.4. by NJDEP for any application that has been determined to be exempt from the requirements of the Highlands Act; or

- b. For applications that have not been determined to be exempt from the requirements of the Highlands Act:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, provided that such application is accompanied by a certification, by the professional or professionals designated by the Highlands Council in the Consistency Determination that, to the best knowledge of such person, the application has been revised since review by the Highlands Council to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

SECTION 4. Section 35-3.14 of the Revised Ordinances is hereby amended to read as follows:

35-3.14 Checklist for Site Plans and Conditional Uses within the Jurisdiction of the Planning Board.

- b. The following items must be submitted in order for an application for development for a site plan or a conditional use within the jurisdiction of the planning board to be considered for completeness.

1 to 20. [NO CHANGE]

21. a. A Highlands Applicability Determination issued pursuant to N.J.A.C. 7:38-2.4. by NJDEP for any application that has been determined to be exempt from the requirements of the Highlands Act; or

- b. For applications that have not been determined to be exempt from the requirements of the Highlands Act:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, provided that such application is accompanied by a certification by the professional or professionals designated by the Highlands Council in the Consistency Determination that, to the best knowledge of such person, the application has been revised since review by the Highlands Council to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

SECTION 5. Section 35-3.11 of the Revised General Ordinances is hereby amended and supplemented to read as follows:

35-3.11 Completeness

- a. In accordance with N.J.S.A. 40:550-10.3, an application for development shall be complete for purposes of commencing the applicable time period for action by Municipal Agency, when so certified by the Municipal Agency (Planning Board or Board of Adjustment). In the event that the Planning Board or Board of Adjustment does not certify the application to be complete within forty-five (45) days of the date of the submission of the application, the application shall be deemed complete upon the expiration of the forty-five (45) day period unless (a) the application lacks information indicated on the checklist as herein provided, and (b) the Planning Board or the Board of Adjustment notifies the applicant in writing of the deficiencies within forty-five (45) days of the submission of the application. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he/she is entitled to approval of the application. The Planning Board or the Board of Adjustment may subsequently require correction of any information found to be in error and the submission of additional information not specified in this or other ordinances or other revisions in the application documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for the development have been met. However, the application shall not be deemed incomplete for the lack of any such information, or any revision of the application documents so required.

- b. The following specific improvements and related applications shall be excluded from the provisions of Sections 35-2.12 (f), 35-3.12 (a)(17), 35-3.13 (a)(21) and 35-3.14 (a)(21) (relating to Highlands Council matters):
 1. Any improvement to a single family dwelling in lawful existence as of the effective date of this Ordinance, provided that such improvement: a) is related and dedicated solely to the single-family residential use of either the dwelling or the property upon which it is situated; b) results in the ultimate disturbance of less than one (1) acre of land; and c) produces a cumulative impervious surface area of less than one-quarter (1/4) acre.
 2. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
 3. The repair or maintenance of any building or other structure lawfully existing as of the effective date of this Ordinance. This exclusion shall not

be construed to permit repairs or maintenance activities that alter the footprint of such building or structure.

4. The interior improvement, rehabilitation, or modification of any building or other structure lawfully existing as of the effective date of this Ordinance. This exclusion shall not be construed to permit activities that alter the footprint of such building or structure.
5. The attachment of signs or other ornamentation to any building or structure; the installation of free standing signs, otherwise permitted by the Ringwood Code, provided that such signs do not occupy a surface area footprint of more than 50 square feet; or the installation of windows, doors, chimneys, vents, shafts, heating, ventilation, or air conditioning equipment; any other improvement to a building or structure which does not occupy a surface area footprint of more than 50 square feet. This exclusion shall not be construed to permit ultimate disturbance or cumulative impervious surface in excess of that provided in the foregoing Section 35-3.11(b)(1).
6. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
7. Any activity, improvement or development project for which a Highlands Applicability Determination is not required as a pre-condition of NJDEP permitting, as provided pursuant to N.J.A.C. 7:38-2.4(b)1 through 2.4(b)10.

c. A Municipal Agency with whom an application for development has been filed may waive in writing any of the requirements for completeness set forth in Sections 35-2.12, Section 35-3.12, Section 35-3.13, and Section 35-3.14 provided that no waiver of the requirements of Section 35-2.12 (f), 35-3.12 (a)(17) or 35-3.13 (a)(21) or 35-3.14 (a)(21) (all relating to Highlands Council matters) shall be granted unless the Municipal Agency finds that it is established by the applicant and verified by the Zoning Officer that:

1. An application for development has not yet been formally determined to be exempt from the Highlands Act, but eligibility for an exemption has been sufficiently established by the applicant; or
2. The activity, improvement or development proposed in the application for development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands Resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The applicant's licensed professional engineer or land surveyor responsible for preparation

of the applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

d. Each determination by a Municipal Agency of completeness for compliance with Sections 35-2.12 (f), 35-3.12 (a)(17) or 35-3.13 (a)(21) or 35-3.14 (a)(21) (all relating to Highlands Council matters) and each waiver of any such completeness items under section 35-3.11(b) shall be subject to review by the Highlands Council. Within five (5) calendar days of issuance of a determination of completeness or waiver by the Municipal Agency, the Administrative Secretary of the Municipal Agency shall give notice to the Applicant and to the Highlands Council of any such determination. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of such notice from the Administrative Secretary. The determination of completeness or waiver shall be final and not subject to call up review by the Highlands Council, and the application shall be deemed to be complete, on the date upon which such call-up review period has expired, unless the Highlands Council has given a notice to the Applicant and the Municipal Agency of its intention to call the determination or completeness or waiver up for review.

SECTION 6. Section 35-5.1 of the said Revised Ordinances is hereby amended to read as follows:

Section 35-5.1 Definition of Terms

- a. Whenever a term is used in this chapter which is defined in N.J.S.A. 40:55D-1 et seq., such term shall be intended to have the meaning set forth in the definition of such term found in the statute, unless a contrary intention is clearly expressed from the context of this chapter.
- b. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Disturbance – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Disturbance, Ultimate – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all

associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Applicability Determination – means the determination made by the NJDEP of whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan.

Highlands Preservation Area Approval (HPAA) – means a permit to engage in a regulated activity in the Highlands Preservation Area issued by the NJDEP pursuant to the Highlands Act and the NJDEP Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), including an HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b. Highlands Preservation Area Approval includes Highlands general permits issued pursuant to N.J.S.A. 13:20-33d and promulgated at N.J.A.C. 7:38-12. HPAA, when used in this Ordinance, includes Highlands general permits unless explicitly excluded.

Impervious Surface – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

Impervious Surfaces, Cumulative – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

NJDEP – New Jersey Department of Environmental Protection

NJDEP Preservation Area Rules – means the regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 *et seq.*

Regional Master Plan – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

SECTION 7

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 8

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 9

This Ordinance shall take effect after final passage and publication in the manner prescribed by law and the filing thereof with the Passaic County Planning Board as required by N.J.S.A. 40:55D-16.

LINDA M. SCHAEFER, MAYOR

KELLEY A. ROHDE, RMC
BOROUGH CLERK

Introduced: April 17, 2012
Public Hearing: June 5, 2012
Effective Date: June 20, 2012