



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NUMBER: *799-2018*
 DATE OF INTRODUCTION: *9/27/2018*
 DATE OF ADOPTION: *10/11/2018*

9/27/2018

AN ORDINANCE TO AMEND ORDINANCE NO. 506-99 ENTITLED "AN ORDINANCE ESTABLISHING LAND DEVELOPMENT STANDARDS FOR THE COUNTY OF UNION," ADOPTED BY THE UNION COUNTY BOARD OF CHOSEN FREEHOLDERS ON SEPTEMBER 9, 1999.

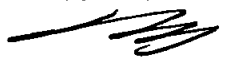
WHEREAS, in accordance with the County Planning Enabling Act (N.J.S.A. 40:27 et seq.), the Board of Chosen Freeholders of the County of Union did adopt on September 23, 1999, by Ordinance No. 566-99, the Land Development Standards providing for the review of subdivisions and site plans for land development in the County of Union by the County Planning Board; and

CONTINUED ...

NO SUFFICIENCY OF FUNDS REQUIRED

Eric Merino 09/27/2018

INTRODUCTION				RECORD OF VOTE				FINAL ADOPTION							
FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP
BERGEN	X							BERGEN	✓						
ESTRADA	X							ESTRADA	✓						
GARRETSON	X							GARRETSON	✓						
HUDAK	X							HUDAK	✓						
JALLOH	X							JALLOH							✓
MIRABELLA	X					X		MIRABELLA	✓						✓
WILLIAMS	X							WILLIAMS	✓						
KOWALSKI VICE CHAIRMAN	X				X			KOWALSKI VICE CHAIRMAN	✓					✓	
GRANADOS CHAIRMAN	X							GRANADOS CHAIRMAN	✓						

APPROVED AS TO FORM  COUNTY ATTORNEY	I hereby certify the above is an original ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
	_____ CLERK

I hereby certify this is a true copy of a ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
_____ CLERK

WHEREAS, said Ordinance established a fee schedule for the review of both subdivisions and site plans; and

WHEREAS, the Union County Planning Board and the Department of Engineering, Public Works and Facilities Management have sought changes to the application process; and

WHEREAS, the County Planning Board has researched fees charged by other counties within the State of New Jersey for the review of subdivisions and site plans; and

WHEREAS, in order to establish a fee schedule consistent with the cost involved by County staff in the review of subdivisions and site plans, as well as with other counties, the County Planning Board has approved the following fee schedule:

300. SUBMISSION AND APPROVAL PROCEDURES

301. Review and Approval Required – Subdivision

All applications for the subdivision of land within Union County, pursuant to N.J.S.A. 40:27-6.2 et al major or minor, and notwithstanding the form used for recording with the county recording officer, shall be submitted to the County Planning Board for review and, where required, approval prior to approval by the local municipal approving authority. Subdivision approval is required for those subdivisions affecting County roads or drainage facilities. The municipal approving authority shall either defer taking final action until receipt and consideration of the report of the County's Bureau of Planning and Economic Development or approve the application subject to the conditions affecting County roads or drainage facilities. Such review or approval shall be in accordance with the procedures and engineering and planning standards as set forth in this Ordinance.

A deed to be filed in lieu of a final plat for subdivision shall not be recorded until the Union County Planning Board has given preliminary approval and any stipulated conditions have been complied with.

Deeds for subdivisions that are to be recorded in lieu of final plats must be in substantial conformance with the preliminary plat approved by the County Planning Board, and based on a field survey of the subdivided parcel referencing the name of the land surveyor and the date of the survey.

302. No Change

303. Filing

Each subdivision and site plan application shall be submitted to the County's Bureau of Planning and Economic Development. The applicant shall inform the associated municipal planning official of their submission to the County. However, an application may be submitted by the applicant or his authorized agent who shall be required to sign a statement to the effect that the applicant has been duly filed with the appropriate municipal approval authority.

304. Fees

(A) Application fees shall be charged for the review of all land subdivision and site plans submitted to the County's Bureau of Planning and Economic Development in accordance with the following schedule:

Subdivision:

A minor subdivision which does not abut a county road or affect a county drainage facility	\$200
A minor subdivision which abuts a county road or affects a county drainage facility	\$300
A major subdivision which does not abut a county road or affect a county drainage facility	\$400
A major subdivision which abuts a county road or affects a county drainage facility	\$500 plus \$20 per lot

Site Plan:

A site plan which does not abut a county road or affect a county drainage facility and includes less than one acre of impervious surface	\$200
Site plan not abutting a county road or affecting a county drainage facility which contains one (1) or more acres of impervious surface	\$600
A site plan which abuts a county road or affects a county drainage facility	\$500 plus \$10 per parking space (Warehouse use: \$350.00 + \$5.00 per 1000 sq. ft. of floor area)

Revisions: Revised site plan and subdivision plans shall be subject to the following revision fee schedule (if submitted within one year from date of original action):

1st Revision: 25% of Original Fee

2nd Revision and all subsequent revisions: 50% of the Original Fee.

Application fees shall not exceed \$20,000.00.

(B) A fee will not be charged for informal reviews and any comments shall be non-binding.

(C) The applicant shall make payment by check or money order payable to the "County of Union, N.J." Application fees shall be non-refundable. However, the fee may be returned to the applicant upon written request if the application in question was not reviewed and provided that a formal request was not made by the County's Bureau of Planning and Economic Development for a time extension to continue its review. Development review fees may only be collected by the associated county planning office.

(D) Fees shall not be charged for the review of plans submitted by state, county, municipal governments, and public agencies. Churches, hospitals, and non-profit institutions exempt from the local application fee will be exempt from any county review fee.

(E) A site plan application shall be exempt from review if the development is proposing a use change to an existing facility that does not require or include any new structures, additions to existing structures, or any site changes associated to utilities, parking, drainage, or site access/circulation.

(F) Paper copies of the Land Development Standards and Design Standards will be available from the County for a fee of \$5.00. A digital copy of the land development standards and design standards are available on the County's website: www.UCNJ.org - free of charge.

(G) Submitted applications should be accompanied by one hard/paper copy of the plans, plats, drawings, application, checklist, and any associated reports including but not limited to drainage calculations, stormwater reports, and traffic reports. A digital copy of the plans and associated documents in Adobe PDF format should also be provided. Any subsequent revisions shall provide the same.

305- No Change

306- No Change

307. Distribution and Review of Plans

A copy of the application for subdivision or site plan approval shall be submitted to county staff for evaluation in accordance with the standards and criteria established in this Ordinance. The County's Division of Policy and Planning shall not act on said application until a report from the County's Division of Engineering is received. Said report shall contain recommendations for County requirements and the amount of performance guarantees, payments in lieu of improvements and applicant's proportionate share of the cost of installation of required County off-site and off-tract improvements, if any, as well as the recommendations and comments of the Bureau of Planning and Economic Development will be made and incorporated into the report to the municipality and applicant.

308. Time to Act

Within 30 days from the receipt of a complete subdivision or site plan application, the County's Bureau of Planning and Economic Development shall notify the appropriate municipal approval authority, in writing, of its action on the application. A copy of said report shall be transmitted to the applicant or his designated agent and shall set forth all conditions required for County approval and if disapproved or withheld, all reasons for such action. It may also contain non-binding advisory comments.

309. Changes After Approval

When approval is granted, no changes or alterations shall be made in any portion of the plan over which the County has approval power without approval of said changes or alterations by the County.

In the event it becomes necessary to deviate from the approved plan due to site conditions which first appear during construction and which would affect a County road or a County drainage facility, the applicant shall notify and obtain the approval of the County Engineer before such deviation shall be made.

In the event that site conditions deviate from the approved plan, which would affect a County road or County drainage facility, the County shall contact the applicant to revise the plans to reflect the deviation.

Major deviations that substantially revise the approved plan shall be approved by the County's Bureau of Planning and Economic Development prior to proceeding with the site work proceeding.

309. No Change

310. – No Change

311. Installation of Improvements

The County Engineer shall be notified no less than 72 hours prior to the installation of the itemized improvements. Such notification shall be in writing and shall be accompanied by an inspection fee of 2% of the estimated costs of the improvements as denoted on the itemized list. The inspection fee shall be payable by checks or money orders and made out to the County of Union.

If the County's Bureau of Planning and Economic Development fails to report to the municipal approval authority within the 30-day period, the application shall be deemed to have been approved unless, by mutual agreement between the County's Bureau of Planning and Economic Development the 30-day period shall be extended for an additional 30-day period, and any such extension shall so extend the time within which a municipal approval authority shall be required by law to act thereon.

312. Approval Time Period

Subdivision and site plan approvals granted by the County's Bureau of Planning and Economic Development under the terms of this Ordinance shall be valid for the following time periods in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et.seq.):

(A) Minor Subdivision – 190 days from the date of municipal approval.

(B) Preliminary Major Subdivision– three (3) years from the date of municipal approval.

(C) Final Major Subdivision – two (2) years from the date of municipal approval.

(D) Site Plan – three (3) years from the date of approval if said application has received preliminary approval only from the municipal approval authority, and two (2) years from the date of approval if the applicant has received final approval from the municipal approval authority.

(E) Extensions shall be granted consistent with the Municipal Land Use Law.

313. Appeals

In the event an applicant for site plan review and approval or subdivision review and approval is aggrieved by an action taken by the County Engineer and staff, said applicant may file an appeal in writing to the County Planning Board within ten days, after the date of said action, by certified mail. Any person aggrieved by the action of the County Planning Board, in regard to site plan review and approval or subdivision review and approval may file an appeal in writing to the Board of Chosen Freeholders within ten days after the date of notice by certified mail of such action. The County Planning Board or the Board of Chosen Freeholders to which an appeal is taken shall consider such an appeal at a regular or special public meeting within forty-five days from the date of its filing.

Notice of said hearing shall be made by certified mail by the applicant at least ten days prior to the hearing and to such of the following officials as deemed appropriate for each specific case: the municipal clerk, municipal planning board, board of adjustment, building inspector, zoning officer, Board of Chosen Freeholders, and the County Planning Board. The board to which appeal is taken shall render a decision within 30 days from the date of the hearing.

314. No Change

315. No Change

316. No Change

317. Performance Guarantees and Maintenance Bonds

As a condition to the approval of subdivision, the County may require the applicant to submit to the County a performance guarantee and, where deemed appropriate, a maintenance bond, in a form approved by the County Counsel. The amount of any performance guarantee or maintenance bond shall be set by the County's Bureau of Planning and Economic Development upon the advice of the County Engineer and shall not exceed the full cost of the facility and installation costs.

In lieu of providing any required drainage easement, a cash contribution may be deposited with the County to cover the cost of the proportionate share thereof for securing said easement. In lieu of installing any such required facilities exterior to the proposed subdivision, a cash contribution may be deposited with the County to cover the cost or proportionate share thereof

for the future installation of such facilities. Said share to be determined by the County.

Any monies or guarantees required by the County shall not duplicate bonds or other guarantees required by municipalities for municipal purposes. Any and all monies received by the County to insure performance and to meet the requirements established for subdivisions under this Ordinance shall be paid to the County Treasurer, who shall provide a suitable depository thereof. Such funds shall be used only for County roads or other facilities for which they are deposited. If such projects are not initiated for a period of ten years, at which time said funds shall be transferred to the General Fund of the County.

The applicant shall assume all liabilities associated with construction and maintenance of required improvements until such time as improvements are accepted by the County.

Following approval or conditional approval of a preliminary plat, but prior to submission of a final plat, an applicant shall submit and obtain approvals of all performance guarantees, maintenance bonds, payments in lieu of improvements to County roads, or easements or dedications as may have been specified by the County in its preliminary plat approval.

Prior to submission of a final plat, but in lieu of the submission of performance and maintenance bonds, the applicant may submit and request approval of evidence that all improvements for which performance guarantees and maintenance bonds had been required have been installed in accordance with designs and specifications required by the County Planning Board and approved by the County Engineer.

Upon application to return or release any performance guarantee or maintenance bond, the County Planning Board shall authorize such return or release after receiving the following: (1) In case of a performance guarantee, certification from the County Engineer that all improvements required by this Ordinance have been inspected and found to be completed in accordance with the approved subdivision plan and approved construction standards; (2) In the case of a maintenance bond, certification from the County Engineer that all improvements covered by the bond have been inspected and found to be functioning properly in conformance with the standards and specifications for this Ordinance and terms and conditions of the maintenance bond.

NOW, THEREFORE, BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that:

A. Ordinance No. 566-99 is hereby amended by removing and adding fee schedules as approved by the County Planning Board.

B. That the Clerk of the Board is hereby authorized to publish a notice in the appropriate newspaper of such introduction and of a public hearing on October 11, 2018 and shall forward one certified copy, upon final passage, to each Clerk of all Municipalities located within the County of Union.

C. That the Clerk shall give notice of the Public Hearing and a copy of this Ordinance by certified mail or delivery to the Municipal Clerk and Secretary of the Municipal Planning Board in each Municipality in the County of Union at least 10 days prior to the date set for public hearing.

D. That this Ordinance shall take effect at the time and in the manner provided by law.