

ORDINANCE NO. 14-2012

AN ORDINANCE PROVIDING FOR THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REVISION OF CHAPTER 23C, "UNIFORM CONSTRUCTION CODE," OF THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972" WITH THE ESTABLISHMENT OF A NEW ARTICLE 4A ENTITLED "REFERRAL OF CERTAIN PERMIT APPLICATIONS TO THE PLANNING BOARD."

WHEREAS, the Municipal Land Use Law provides that the Governing Body of a municipality may provide for the referral of any matter or class of matters to the Planning Board before final action thereon by a municipal body or municipal officer having final authority thereon; and

WHEREAS, the Borough Council has determined that it is in the public interest that large scale demolition projects as hereinafter defined be referred to the Planning Board for review and recommendation.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

**Section 1:**

Chapter 23C, "Uniform Construction Code," as set forth in the "Revised Ordinances of the Borough of Morris Plains, New Jersey 1972" is hereby amended, supplemented and revised with the addition of a new Article 4A, entitled "REFERRAL OF CERTAIN PERMIT APPLICATIONS TO THE PLANNING BOARD," which shall read, in its entirety, as follows:

**Article 4A. REFERRAL OF CERTAIN PERMIT APPLICATIONS TO THE PLANNING BOARD.**

**23C-15.1. Referral of Building Demolition Permit or Removal of Building Permit to Morris Plains Planning Board.**

In the event that there shall be filed with the Borough of Morris Plains State Uniform Construction Code Enforcing Agency an application for a Building Demolition Permit or an application for a Removal of Building Permit which involves either the total or partial demolition/removal of a building in excess of 100,000 square feet in size, then the application shall be referred to the Planning Board for its review and recommendation prior to the taking of final action thereon.

### 23C-15.2. Standard of Review.

Among the matters to be considered by the Planning Board in its review of the application are:

(a) Soil erosion control measures including but not limited to:

- (1) Stabilized construction entrances;
- (2) Silt fence around all disturbed areas;
- (3) Stabilization of soil stockpiles and all disturbed areas; and
- (4) Permanent stabilization of all disturbed areas.

(b) Protection of watercourses and water bodies where demolition is adjacent or close to watercourses and water bodies.

(c) Repair or replacement of any site improvements to remain that are damaged or destroyed as a result of the demolition activities.

(d) Any change that will result to the contour and/or elevation of the land and whether a Grading Plan is required.

(e) The potential import or export of 50 C.Y. or more of soil and whether a soil disturbance permit is required.

(f) Inspection, if any, on landscaping, including:

- (1) Replacement of any damaged vegetation or landscaping as a result of the demolition activities; and
- (2) Additional plantings in the area of the building demolition.

(g) Information as to where and how any existing utilities will be disconnected.

(h) Such other aspects of the matter as shall require review in the context of demolition/removal impacts.

### 23C-15.3. Procedural matters.

(a) Upon such referral to the Planning Board, the Applicant for the permit(s) shall appear at a meeting of the Planning Board, at the time the said Board is scheduled to consider the matter so as to provide relevant and useful information pertaining to the applications.

(b) No Notice pursuant to the Municipal Land Use Law shall be required to be made by Applicant.

(c) The Planning Board shall report its findings and recommendations to the Borough Council within 60 days of referral of the matter to it, unless an additional 45 days is required for review of the application due to the complexity of the matter.

**Section 2:**

All other provisions of the aforesaid Chapter 23C of the Revised Ordinances shall be unaffected and are hereby continued.

**Section 3:**

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4:**

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable ordinances, zoning, planning and land use regulations.

**Section 5:**

The Borough Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

**Section 6:**

This Ordinance shall take effect immediately after final passage and publication as provided by law.

Introduced: 8/16/12  
Adopted: 9/6/12

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Frank J. Druetzler, Mayor