

## **ORDINANCE #21-25**

### **BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX ORDINANCE AMENDING THE BOROUGH'S SUBMISSION AND CHECKLIST REQUIREMENTS FOR LAND USE AND ZONING PERMIT APPLICATIONS**

**BE IT ORDAINED** by the Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Code of the Borough of Sayreville, is hereinafter supplemented and amended as follows:

**SECTION ONE.** Subsection 26-12.2 entitled "Public Hearings" of Section 26-12 entitled "Provisions Applicable to Both Planning Board and Zoning Board of Adjustment" of Article II entitled "Planning Board and Zoning Board of Adjustment" of Chapter XXVI entitled "Land Development" of the Sayreville Borough Code of Ordinances is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; deleted language in double strikethrough.]

#### **CHAPTER XXVI – LAND DEVELOPMENT**

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#### **ARTICLE II – PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT**

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#### **SECTION 26-12 – PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT**

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#### **26-12.2 – PUBLIC HEARINGS**

- a. *Zoning Permits.* No land shall be occupied or used, in whole or in part, for any purpose, no use of any land, building or structure shall be changed and no building or structure shall be erected, altered or used for any purpose whatsoever unless and until a zoning permit for said use shall have been issued by the Zoning Officer.
- b. *Building Permits.* No construction work shall commence upon any regulated building or structure until a building permit has been issued by the Construction Official. Building permit fees shall be established by the Construction Official in accordance with the Uniform Construction Code.
- a. *Requirement For Hearing.* The Planning Board or Board of Adjustment shall hold a hearing on each application for development or on the adoption, revision or amendment of the Master Plan. Each Board shall make rules governing such hearings.

- b. *Maps To Be Available For Public Inspection.* Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Board Secretary. The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents.
- c. *Payment of Taxes, **Fines and Penalties**.* Every application for development submitted to the Planning Board or to the Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application, or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the Borough will be adequately protected. **Every application for development shall also include proof that there are no outstanding fines or penalties owed to the Borough by the property owner(s) and applicant(s). The Planning Board and Board of Adjustment shall not hold a public hearing on any application where the property owner(s) and/or applicant(s) has outstanding fines or penalties owed to the Borough, unless the application was otherwise authorized by court order, settlement and/or agreement with the Borough, or a waiver had been granted by the appropriate Board based on adequate justification having been shown.**
- d. *Oaths and Subpoenas.* The officer presiding at the hearings or such person as he/she may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties; and the provisions of the County and Municipality Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.
- e. *Testimony and Cross Examination.* The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer or attorney for the Board, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- f. *Evidence.* Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- g. *Record of Proceedings.* The Board shall provide for the verbatim recording of the proceedings by either a stenographer or mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense. Fees for such expenses shall be established by rules of the Board.
- h. *Adjournments.* Any applicant may request an adjournment from being heard at a specified hearing by contacting the appropriate Board Secretary in writing in sufficient time to permit a notice to be prepared and posted at the meeting place of such request. Said request must be acknowledged by the Board Secretary to be deemed received. The request must include a waiver of the statutory time period for a decision by the Board. An announcement of said adjournment will be made at the specified meeting. If no date is certain in the request or if the new meeting**

**date is more than two regular meetings hence, new notice will be required Board. Unless specifically authorized by the Board, not more than five (5) adjournments of an application is permitted; otherwise the application will be dismissed, without prejudice, by the Board for lack of prosecution. Fees submitted by any applicant whose application is dismissed shall not be refunded, nor shall the portion of any escrow deposit to cover the cost of plan review by the Board's or the Borough's professionals be refunded, to the extent same was actually used for plan review.**

**ih.** *Decisions:*

1. Resolutions. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Board shall provide the findings and conclusions through:
  - (a) A resolution adopted at a meeting held within the time period provided in the MLUL for action by the Board on the application for development; or
  - (b) A memorializing resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9 resulting from the failure of a motion to approve an application, shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the Board and not to be an action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by this subsection h. If the Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time and the cost of the application, including attorney's fees, shall be assessed against the municipality.
2. Copies of Decision. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or if represented then to his or her attorney, without separate charge, and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be filed by the Board in the office of the Board Secretary. The Board Secretary shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his or her office during reasonable hours.
3. Publication of Notice of Decision. A brief notice of the decision shall be published in the official newspaper of the municipality. Such publication shall be arranged **by the applicant** at the applicant's expense ~~by the Secretary of the Board, provided that nothing contained in this chapter shall be construed as~~

~~preventing the applicant from arranging such publication if he or she so desires. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the Board or the applicant.~~

**SECTION TWO.** Section 26-75 entitled “Checklists and Applications” of Article III entitled “Application Requirements and Development Procedures” of Chapter XXVI entitled “Land Development” of the Sayreville Borough Code of Ordinances is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; deleted language in double strikethrough.]

## **CHAPTER XXVI – LAND DEVELOPMENT**

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### **ARTICLE III – APPLICATION REQUIREMENTS AND DEVELOPMENT PROCEDURES**

#### **SECTION 26-75 – CHECKLISTS AND APPLICATIONS**

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##### **26-75.1 – Minor Subdivision and Minor Site Plan Checklist**

[Note to Codifier: Add the following new checklist items to the existing Checklist form.]

- \*. **Proof that all taxes and assessments for local improvements on the property have been paid.**
- \*. **Proof that there are no outstanding fines or penalties owed to the Borough by the property owner(s) and applicant(s), unless the application was otherwise authorized by court order, settlement and/or agreement with the Borough, or a waiver is granted by the appropriate Board based on adequate justification having been shown.**

##### **26-75.2 – Preliminary Major Subdivision and Site Plan Checklist**

[Note to Codifier: Add the following new checklist items to the existing Checklist form.]

- \*. **Proof that all taxes and assessments for local improvements on the property have been paid.**
- \*. **Proof that there are no outstanding fines or penalties owed to the Borough by the property owner(s) and applicant(s) , unless the application was otherwise authorized by court order, settlement and/or agreement with the Borough, or a waiver is granted by the appropriate Board based on adequate justification having been shown.**

### 26-75.3 – Final Major Subdivision and Site Plan Checklist

[Note to Codifier: Add the following new checklist item to the existing Checklist form.]

- \*. **Proof that there are no outstanding fines or penalties owed to the Borough by the property owner(s) and applicant(s) , unless the application was otherwise authorized by court order, settlement and/or agreement with the Borough, or a waiver is granted by the appropriate Board based on adequate justification having been shown.**

### 26-75.4 – Variance Application Checklist

[Note to Codifier: Add the following new checklist items to the existing Checklist form.]

- \*. **Proof that all taxes and assessments for local improvements on the property have been paid.**
- \*. **Proof that there are no outstanding fines or penalties owed to the Borough by the property owner(s) and applicant(s) , unless the application was otherwise authorized by court order, settlement and/or agreement with the Borough, or a waiver is granted by the appropriate Board based on adequate justification having been shown.**

**SECTION THREE.** Section 26-114 entitled “Administration and Enforcement” of Article VIII entitled “Enforcement, Violations and Penalties” of Chapter XXVI entitled “Land Development” of the Sayreville Borough Code of Ordinances is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; deleted language in double strikethrough.]

## **CHAPTER XXVI – LAND DEVELOPMENT**

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## **ARTICLE VIII – ENFORCEMENT, VIOLATIONS AND PENALTIES**

### **26-114 – ADMINISTRATION AND ENFORCEMENT**

- a. *Zoning Permits.* No land shall be occupied or used, in whole or in part, for any purpose, no use of any land, building or structure shall be changed and no building or structure shall be erected, altered or used for any purpose whatsoever unless and until a zoning permit for said use shall have been issued by the Zoning Officer.
- b. *Building Permits.* No construction work shall commence upon any regulated building or structure until a building permit has been issued by the Construction Official. Building permit fees shall be established by the Construction Official in accordance with the Uniform Construction Code.

- c. *Submission Requirements for Building Permits.* Every application for a building permit shall be accompanied by:
1. Three (3) sets of construction plans showing:
    - (a) All information required by the Uniform Construction Code;
    - (b) The height of proposed and existing structures and buildings;
    - (c) The existing and intended use of each building and structure and each part thereof;
    - (d) The number of families or dwelling units the building is designed to accommodate.
  2. Three (3) plot plans showing:
    - (a) The dimensions and location of the lot to be built upon, based on an actual survey prepared by a licensed surveyor;
    - (b) Proposed water and sewer lines (well and septic field locations, if applicable), and driveway locations;
    - (c) Principal structure front, rear and side setbacks, building locations;
    - (d) The number and location of off-street parking spaces and loading areas;
    - (e) Curbing elevation or edge of pavement elevation if no curbs;
    - (f) Proposed first floor, garage and basement elevations consistent with approved plans, ground four corners of building;
    - (g) Lot contour lines with drainage arrows, benchmark reference noted on curb;
    - (h) As-built drainage structures with existing elevation;
    - (i) Proposed street trees;
    - (j) All easements and lot restrictions;
    - (k) Solid waste enclosures, if applicable.
- d. *Certificates of Occupancy.*
1. No building or structure hereafter constructed, moved, altered or enlarged shall be used or occupied until a certificate of occupancy therefor has first been applied for and issued by the Construction Official.
  2. No certificate of occupancy shall be issued without a written report from the Zoning Officer certifying that the proposed use, improvements and structures are in compliance with all terms, conditions, provisions and regulations of the Land Development Ordinance and all approvals issued pursuant thereto.
  3. A temporary certificate of occupancy may be issued, but only for a specific period and, upon such conditions as the Borough Engineer may impose, such as bonding, to ensure the completion and/or installation of any unfinished improvements. The installation of any required public or private improvements may also be delayed if the Borough Engineer warrants in writing to the Construction Official that the delay is in the best interests of the Borough of Sayreville. A temporary certificate of occupancy may also be granted by the Construction Official pursuant to Article IV (emergency residential transportables) of this Chapter.
- e. *Conditions for Issuance of Permits and Certificates.* No building permit, zoning permit or certificate of occupancy shall be issued until the applicant has fully complied with all

applicable requirements of this Chapter and all approvals granted pursuant thereto, the Uniform Construction Code, all other applicable Borough ordinances, regulations and directives, and all state and county laws and regulations. **No building permit, zoning permit or certificate of occupancy shall be issued where the property owner(s) and/or applicant(s) has outstanding property taxes, assessments, fines or penalties owed to the Borough, unless otherwise authorized by court order or settlement and/or agreement with the Borough.**

- f. *Contents of Permits and Certificates.* A zoning permit or certificate of occupancy shall specify the use of the land, building or buildings, as the case may be, and any terms or conditions imposed thereunder.
- g. *Records.* It shall be the duty of the Zoning Officer and the Construction Official, respectively, to keep records of all applications for building permits, zoning permits and certificates of occupancy and of all such permits and certificates issued, together with a notation of all special terms or conditions imposed thereunder. Each shall be responsible for the filing and safekeeping of plans and specifications submitted to him or her with any application, and the same shall form a part of the records of his or her office and shall be available to all officials of the Borough of Sayreville.

#### **SECTION FOUR. Severability Clause.**

If any article, 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, and to this end the provisions of this Ordinance are hereby declared severable.

#### **SECTION FIVE. Repealer.**

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this Ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

#### **SECTION SIX. Planning Board Review.**

After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Sayreville 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.

At least ten (10) days prior to the hearing on the adoption of this Ordinance, the Borough Clerk is directed to give notice to the Middlesex 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 SEVEN. Mayor Approval.**

Within five (5) days after its adoption by the Council, 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. 40A:60-5(d). 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 EIGHT. Effective Date.**

This Ordinance shall take effect upon final adoption and publication in accordance with law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

**INTRODUCED/APPROVED ON FIRST READING**

DATED: July 21, 2025

\_\_\_\_\_  
Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

\_\_\_\_\_  
John Zebrowski, Councilman  
(Planning & Zoning Committee)

**ADOPTED ON SECOND READING**

DATED: August 18, 2025

\_\_\_\_\_  
Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

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John Zebrowski, Councilman  
(Planning & Zoning Committee)

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

\_\_\_\_\_  
Kennedy O'Brien, Mayor  
Borough of Sayreville

APPROVED AS TO FORM:

\_\_\_\_\_  
Borough Attorney