

BOROUGH OF BERGENFIELD

Ordinance No. 20-2559

AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "LAND DEVELOPMENT"

WHEREAS, Chapter 186 of the Code of the Borough of Bergenfield sets forth all regulations regarding Land Development in the Borough of Bergenfield; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Section 1

ARTICLE I, General Provisions, §186-3 Definitions is hereby amended to include the following terms in proper alphabetic order:

IMPERVIOUS SURFACE – (commonly known as Improved Lot Coverage).

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include but are not limited to: brick pavers, crushed stone, gravel, paver blocks, porous paving, decks, patios, concrete, asphalt, driveways, basketball courts, swimming pools, buildings, elevated structures and other similar surfaces and/or improvements,

INFILTRATION- The process by which water seeps into the soil from precipitation.

Section 2

ARTICLE VI. Zoning Regulations and Establishment of Zones, §186-40 Regulations applicable to all zones is hereby amended by inserting the following provision:

M. The total amount of impervious coverage on any lot associated with any development shall not exceed the allowable limitation as set forth in Schedule B, except that to discourage the use of bituminous asphalt or concrete, an additional 10% increase in coverage is permitted when a property owner replaces existing bituminous asphalt or concrete surface with brick pavers. An additional 10% increase in coverage shall also be permitted for new construction. By way of illustration, if a property owner removes 800 square feet of bituminous asphalt, 840 square feet of brick pavers would be allowed as a replacement impervious surface. This bonus provision is not available when a property owner seeks to enlarge, expand or extend impervious coverage on a lot. In order for pavers to be deemed pervious coverage, the following provisions must be met:

(a) an application must be submitted to the Zoning Officer with a new fully scaled survey in the name of the owner of the property. The survey must include the driveway, sidewalk, decks, sheds all setbacks. Lot coverage, improved lot coverage and proposed area to be covered with pervious, permeable or porous paver systems.

(b) dependent upon the manufacturer of the paver system, an applicant may be required to submit with the application all criteria and specifications of the paver system. A credit will be given for pervious coverage based on the data of said manufacturer as each manufacturers allowable pervious percentage may be different. Each system will have an additional percentage of coverage as per manufacturer specifications. The total coverage must meet the Borough's bulk requirements.

(c) Silica sand shall not be utilized for the paver system.

(d) A \$3,000 escrow will be required for the installation of a pervious, permeable or porous paver system for engineering and inspection fees. Said escrow shall be payable to the Borough and must be submitted with Form 9W. Any monies remaining in escrow upon completion and approval of the project will be returned to the owner.

(e) The owner of the property is responsible to maintain the paver system to function as designed. Pervious paver systems must be inspected every five years. A permit and inspection are required to be performed by the Borough Engineer. Failure to maintain the integrity of the system and schedule required inspections will result in the issuance of a summons under the Property Maintenance Code by the Department of Code Enforcement.

(f) In the event of the sale of the home, the new property owner shall be responsible for the maintenance and integrity of the paver system and the scheduling of the required inspections.

Section 3

All Ordinances of the Borough of Bergenfield which are inconsistent with the provisions of this Ordinance 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 unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was re-introduced at a meeting of the Borough of Bergenfield on the 18th day of February, 2020 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 7th day of April, 2020 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk