

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE AMENDING CHAPTER 89 ENTITLED "LAND USE", ARTICLE IX ENTITLED "DESIGN STANDARDS AND IMPROVEMENT SPECIFICATIONS", SECTION 89-74 ENTITLED SIDEWALKS AND APRONS" AND ARTICLE XIII ENTITLED "APPLICATIONS FEES, TAX MAP REVISION FEES FOR SUBDIVISIONS AND ESCROW FEES" SECTION 89-104 ENTITLED "APPLICATION FEES", ALLOWING FOR WAIVER OF SIDEWALK CONSTRUCTION UPON APPLICATION AND CONTRIBUTION TO THE SPECIAL TRUST ACCOUNT FOR SIDEWALK CONSTRUCTION

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., and specifically N.J.S.A. 40:55D-62, the Borough of Eatontown ("Borough") is authorized to adopt and amend zoning ordinances and standards; and

WHEREAS, the Borough code currently requires sidewalks to be constructed on both sides of all streets, and around the perimeter of cul-de-sacs, within a development, or on one side where the development abuts an existing street; and

WHEREAS, the Mayor and Borough Council recognize that there are some instances in which installation of a sidewalk would be detrimental or unnecessary; and

WHEREAS, the Mayor and Council believe it is in the best interest of the Borough to provide a procedure and requirement by which the Borough's land use boards may waive the requirement to construct a sidewalk in connection with development while at the same time ensuring that there is adequate funding available for future construction of sidewalks around the Borough in furtherance of the health and safety of the Borough's residents and the public generally.

NOW THEREFORE BE IT ORDAINED, by BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY that that Borough Code is hereby amended as follows:

SECTION I (89-74)

Chapter 89, Article IX, Section 89-74 is amended to to add subsections (A)(3), (A)(4), and (A)(5) as follows:

A. General requirements.

- (1) Sidewalks shall be constructed on both sides of all streets within a development and entirely around the perimeter of all culs-de-sac. Where the development abuts an existing street, the sidewalk shall be constructed only on that side. Sidewalks shall also be constructed at any other places, such as pedestrian walkways or access points to open space, parking lots, etc., as shown on or required at the approval of the subdivision or site plan.
- (2) The requirements of the Standard Specifications regarding curing precautions must be strictly observed
- (3) Construction of sidewalks may be waived by the Planning Board or Zoning Board of Adjustment. When sidewalk construction is waived, an in-lieu contribution to the Borough's Special Trust Account for Sidewalk Construction is required. The Board shall make one or more of the following findings when waiving sidewalk installation:
 - (a) The installation of sidewalks along the frontage of the property involved would have a detrimental impact and be out of character with the area in question.
 - (b) The street upon which the sidewalks would be installed does not provide direct pedestrian access to a public facility such as a school, an actively used park or a public transportation facility.
 - (c) The road upon which the property fronts is unimproved.

- (d) The application will result in no new construction or the construction of an accessory building(s) only.
- (4) When contributions to the Trust Account for Sidewalk Construction are required, the fee shall be paid prior to the release of signed plans, and shall be based upon the fee schedule in § 89-104.
- (5) Exception. The Board may waive entirely the in-lieu contribution when it finds that the development which will result from the application is so minor in scope that its impact on the community, relative to existing conditions, will be insignificant.

SECTION II (89-104)

Chapter 89 Article XIII Section 89-104 is amended to add subsection (X) as follows:

- X. Capital contribution for sidewalk construction. When contributions for sidewalk construction are required, the fee shall be paid into a capital reserve account for sidewalk construction prior to issuance of a building permit and shall be based upon the following fee schedule:
- (1) Minor subdivision: \$85 per square yard.
 - (2) Minor site plan: \$85 per square yard.
 - (3) Use variance; or undersized lot variance resulting in a new single-family dwelling: \$85 per square yard.
 - (4) Major site plan or major subdivision. An amount equal to 100% of the reasonable cost of installing sidewalks along the entire frontage of the property where sidewalks do not exist. The amount shall be calculated by the Borough Engineer based upon typical costs at the time, with a minimum of \$85 per square yard.
 - (5) In the case of an application requiring multiple approvals: \$85 per square yard.

SECTION III-EFFECTIVE DATE

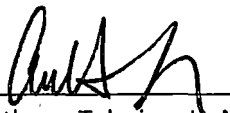
This ordinance shall take effect immediately after its final adoption.

DATE INTRODUCED: June 10, 2020

DATE ADOPTED: July 9, 2020

APPROVED:

ATTEST:



Anthony Talerico, Jr. Mayor
Date: 7-13-2020



Julie Martin, Municipal Clerk
Date: 7-13-2020