



**TOWNSHIP OF BERKELEY HEIGHTS**

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OFFICE OF THE  
TOWNSHIP CLERK

ANA P. MINKOFF, RMC

**MEMORANDUM**

**DATE:** October 21, 2022

**TO:** Connie Valenti, Planning Board Administrator

**FROM:** Ana Minkoff, Township Clerk *AM*

**RE:** An Ordinance Amending Appendix A, Section 10.1.2 titled  
"Submission and Approval of Site Plan Required; Alterations".

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Attached please find a copy of an Ordinance which was introduced by the Township Council at their Public Meeting on October 18, 2022. Please forward this Ordinance to the Planning Board for their review.

16-2022

**AN ORDINANCE AMENDING APPENDIX A, SECTION 10.1.2. TITLED "SUBMISSION AND APPROVAL OF SITE PLAN REQUIRED; ALTERATIONS"**

**WHEREAS**, it is in the interests of the residents of the Township of Berkeley Heights to amend and update the site plan ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Berkeley Heights in the County of Union and State of New Jersey that the Township Code be amended as follows (deletions are shown ~~thusly~~):

**Section I. Amending Appendix A, Section 10.1.2 titled "Submission and Approval of Site Plan Required; Alterations"**

Appendix A, Section 10.1.2 is hereby amended as follows:

A. No Building Permit shall be issued for the construction of, alteration of, enlargement of, or addition to any building or structure except a detached single family dwelling not in a planned development, or accessory structures and driveways customarily related thereto, or for any change in classification as set forth in this Ordinance unless a Site Plan is submitted and receives final approval by the Planning Board or Zoning Board of Adjustment and any required performance guarantee for the improvements have been posted with the Township Clerk subject to the following:

1. In the OR and OR-A zones, no site plan approval shall be required in connection with the issuance of any Building Permit if the cost of the improvements is less than \$25,000.00, creates less than one thousand (1,000) square feet of new impervious surface, or relates to work (regardless of cost) which is to be performed totally within the existing buildings or structures and does not change the use of the property or increase the number of parking spaces required for the site.

2. In all other zones, no site plan approval shall be required if the ~~cost~~ of work ~~does not exceed \$10,000.00 and~~ does not create more than one thousand (1,000) square feet of additional impervious surface.

B. No changes shall be made to a site, regardless of cost, which would alter the conformance of the site with the previously-approved Site Plan.

C. If a Building Permit is granted without site plan approval because of additions and alterations valued at less than ~~than \$10,000.00 (or \$25,000.00 in the OR and OR-A zones)~~, a subsequent Building Permit will not be issued for additions or alterations valued at less than ~~\$10,000.00 (or \$25,000.00 in~~

~~the OR and OR-A zones), unless a Site Plan approval is obtained, or unless there has been the lapse of twelve (12) months from the date of the first Building Permit if the cumulative value of permitted additions and alterations in a twelve-month period exceeds \$10,000.00 (\$25,000.00 in the OR and OR-A zones).~~

**Section II. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**Section III. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

Introduced: October 18, 2022

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Angie Devanney

Mayor

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

**NOTICE OF  
INTRODUCTION**

**Ordinance -2022**

**AN ORDINANCE AMENDING APPENDIX A, SECTION 10.1.2. TITLED  
“SUBMISSION AND APPROVAL OF SITE PLAN REQUIRED; ALTERATIONS”**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on **October 18, 2022** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **December 20, 2022** at **7:00** p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff  
Township Clerk**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
BRAHIMAJ				✓
COUTO	✓			
DONNELLY	✓			
FOSTER	✓			
KINGSLEY	✓			
VARNERIN	✓			
TIE:				
MAYOR DEVANNEY				