

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE NO. 02-2022**

ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 30 OF THE BOROUGH CODE ENTITLED “LAND DEVELOPMENT” AMENDING CHAPTER 30 SECTION 508.

WHEREAS, the Land Use Board of the Borough of Ogdensburg (hereinafter known as the “Land Use Board”) has reviewed the Driveway Ordinance contained in the Land Use Ordinances of the Borough and has determined that it is in the best interest of the Borough to upgrade the standards of the Ordinance for purposes of traffic safety and traffic flow, and

WHEREAS, the Borough Council of the Borough of Ogdensburg (hereinafter known as “Council”) has reviewed the recommendations of its Land Use Board and has determined that the Driveway Ordinances of the Borough should be updated in accordance with the recommendations of the Land Use Board, and

WHEREAS, the Borough Council on February 28, 2022 has introduced the Ordinance on first reading, and

WHEREAS, the Borough Council has referred this matter to the Land Use Board for a consistency review, and

WHEREAS, the Land Use Board on March 22, 2022 has reviewed the Ordinance and finds that it is consistent with the Master Plan of the Borough of Ogdensburg, and

WHEREAS, the Borough now desires to adopt the amendments to Section 508 of the Land Use Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF OGDENSBURG AS FOLLOWS:

Section 1. Section 508 shall be amended to include a new Section 508G: Driveways.

A. General Standards

In order to protect traffic upon the public thoroughfare within the Borough of Ogdensburg, the Borough deems it necessary to regulate the grade, materials and design standards of driveways that provide entrances and exits from the public thoroughfare. The following standards are applicable for single-family residences:

1. Within 20 feet of the near street right-of-way line, all driveways shall be constructed in accordance with the following specifications:
 - a. Base material: a minimum of four (4") inches of soil aggregate, Dense Graded Aggregate Base Course (DGA), in accordance with New Jersey Department of Transportation specifications or an approved equal combination of material and thickness.
 - b. Surface material: a minimum two-inch (2") thickness of HMA Surface Course, as per New Jersey Department of Transportation specifications.
2. Driveway construction beyond 20 feet of the near street right-of-way line shall be constructed with a minimum of four (4") inches of HMA Base Course, as per New Jersey Department of Transportation specifications, except that the Borough Engineer may require extension of the HMA Surface Course material if it is required to prevent erosion and debris on the roadway.
3. All driveways constructed or modified shall be constructed so as to be as near perpendicular to the existing pavement or traveled way. Any curving alignment of the driveway for aesthetic or topographic reasons shall be accomplished beyond the Borough right-of-way.
4. All driveways shall be constructed and maintained in such a manner as to prevent erosion of the soil and its deposit upon the street or road, gutters, catch basins, inlets, drains or traveled way. The owner of the property shall be responsible for any debris, soil, water or ice accumulating on the roadway as a direct result of the construction of the driveway.
5. All driveways constructed or altered shall be constructed in such a manner as to not interfere with the drainage along the proposed or existing pavement or traveled way, nor shall runoff from a driveway discharge beyond an existing ditch onto the traveled way. Under no circumstances shall the driveway be allowed to extend beyond the edge of the existing pavement and traveled way, thereby creating an uneven driving surface on the pavement or traveled way.
6. The installation of a suitably sized pipe or culvert will be required in the event that the existing flow line or ditch cannot be crossed with a dish-type gutter. The size of the pipe or culvert required shall be determined by the Borough Engineer or his authorized agent.

7. No cars shall be parked on site except as located within an approved driveway in accordance with this ordinance.
8. No residential zoning lot shall have more than one driveway cut for the purpose of accessing said lot

B. Permitting and Design Criteria

No driveway entrance may be constructed or existing driveway entrance altered within an existing or future street or road right-of-way without first obtaining an approved driveway construction permit from the Borough Zoning Officer. If necessary, the application would need to be submitted to the Borough Engineer.

1. Applications for new driveways or modifications shall be directed to the Borough Engineer. Plans and profiles as required below for the proposed driveway, prepared in a workmanlike and professional manner, shall be submitted to the Borough Zoning Officer. If necessary, the application would need to be submitted to the Borough Engineer.
2. Design criteria. All driveways shall conform to the following criteria:
 - a. No portion of the grade of a driveway may exceed 15%.
 - b. To prevent erosion, the side slopes of driveways shall be topsoiled, seeded, fertilized and mulched in accordance with the Sussex County Soil Conservation District standards. If banks exceed a one-foot (1') rise in a two-foot (2') horizontal grade, retaining walls shall be required.
 - c. Turning radii measured on the inside curve of the driveway shall not be less than 25 feet.
 - d. Within 25 feet of the centerline of an existing Borough road, the finished grade of a driveway shall not exceed two (2%) percent.
 - e. Profiles of the centerline of the driveway, both existing and proposed, shall be submitted for the entire length of the driveway from the centerline of the Borough road to the garage floor for an existing slope in excess of ten (10%) percent.
 - f. Within 20 feet of the garage, the grade shall not exceed three (3%) percent. Downhill grades must have the drainage directed away from the dwelling.

- g. The Borough Engineer shall have the authority to reasonably direct the owner to construct the driveway at such a location as to maximize sight distance.
 - h. The plan must indicate the method of discharge of stormwater drainage from the driveway into the Borough drainage system.
 - i. All driveways shall have a minimum width of ten (10') feet for single-family homes.
 - j. Adequate vertical transition for all grade changes shall be provided.
 - k. Where a site occupies a corner of two (2) intersecting roads, no driveway shall, where possible, be located within 100 feet of the centerline intersection and shall, where possible, connect to the less trafficked street.
 - l. The entire length of all driveways having a grade in excess of ten (10%) percent from the road pavement to the terminus of the driveway shall be required to be paved in accordance with the standards with reference to pavement within the first 50 feet of the street right-of-way line. Alternative pavement material can be used if approved by the Borough Engineer. There shall be a minimum centerline radius on all curves within any driveway of not less than 25 feet. Upon good cause shown, upon application to the Land Use Board or an approving authority before which an application is pending, the approving agency has the right to waive this requirement, in whole or in part, in its sole discretion.
 - m. Driveway openings shall not exceed more than 24 feet in width.
 - n. All driveways on residential lots shall maintain a minimum setback of five (5') feet from the adjacent lot.
 - o. Where a driveway is longer than 500 feet, unless otherwise determined by the Borough Engineer, a pull-off shall be provided at least every 300 feet along the driveway, so as to permit emergency vehicles to pass each other safely. Where pull-offs are required, they shall become part of the driveway design.
3. Plans showing a proposed disturbed area in excess of 5,000 square feet may be sent, at the Engineer's discretion, to the Sussex County Soil Conservation District for recommendations on soil erosion control prior to application approval.
4. An as-built driveway plan shall be required if, in the judgment of the Borough Engineer, the finished driveway does not conform to the driveway design as approved.

5. A Certificate of Occupancy shall not be issued by the Construction Code Official until the driveway construction is completed in accordance with the approved application to the satisfaction of the Borough Engineer.

C. **Permit Fee**

All applications for new driveways or modifications made to existing driveways that change slope, contour, material to construct driveway or footprint shall be submitted to the Zoning Officer with an application fee of \$50.00.

D. **Exceptions**

1. The property owner may apply to the Borough Council for an exception from provisions of this section if the literal enforcement of such provision is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land. Such application shall present an alternative, which is within the general purpose of this section.
2. The Borough Council shall consider the recommendations of the Borough Engineer in such cases. The decisions of the Council shall be made by resolution. Applicant is required to post escrow fee in amount of \$500 for the Borough's professional(s) to review the proposal.

E. **Violations and Penalties**


Any person or persons violating the provisions of this section shall be punished by a fine not to exceed \$500 or by imprisonment for a term not to exceed 90 days, or both.

Section 2. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 3. A copy of this Ordinance shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 4. This Ordinance shall take effect in accordance with all applicable laws.

Attest:



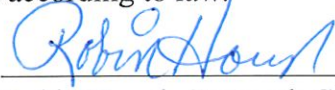
Robin Hough, Borough Clerk



George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on February 28, 2022, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on March 28, 2022 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.



Robin Hough, Borough Clerk

RECORD OF COUNCIL VOTES Introduction				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	x			
Councilwoman Cowdrick	x			
Councilman DeMeo	x			
Councilman Nardini	x			
Councilman Nasisi	x			
Councilman Poyer	x			
Mayor Hutnick (Tie Only)				

RECORD OF COUNCIL VOTES Adoption				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Nardini	✓			
Councilman Nasisi	✓			
Councilman Poyer	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 02-2022**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 30
OF THE BOROUGH CODE ENTITLED "LAND DEVELOPMENT" AMENDING
CHAPTER 30 SECTION 508.**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 28th day of February, 2022, and the same came up for final passage at a meeting of the said Borough Council on the 28th day of March, 2022, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.



Robin Hough, RMC/CMR