

Borough of Matawan

Public Notice of Pending Ordinance 19-18

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on September 17, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on October 1, 2019 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 19-18

AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MATAWAN, CHAPTER XIII – BUILDING AND CONSTRUCTION, SECTION 13-1.8 – WAIVER OF CONSTRUCTION DEPARTMENT FEES TO PROMOTE RENOVATION OF EXISTING NON-RESIDENTIAL VACANT COMMERCIAL STRUCTURES/UNITS IN THE AREA IN NEED OF REHABILITATION OF THE BOROUGH OF MATAWAN

WHEREAS, the Borough of Matawan is undergoing a review of its Planning and Zoning Regulations in an effort to increase the viability of the Borough's Downtown, and also increase its partnership with the business community in an effort to revitalize and sustain a healthy economic growth for employment opportunities, business, and a sense of neighborhood; and

WHEREAS, in furtherance thereto, the Borough recognizes that governmental programs may be of assistance in the forward progress of the relationship between business and government to stabilize communities; and

WHEREAS, on June 18, 2019, the Borough of Matawan by operation of Resolution 19-06-33, created An Area In Need of Rehabilitation Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq, between an area of the Borough of Matawan fronting on or in proximity to Main Street, between Broad Street and Washington Street; and

WHEREAS, the Borough's designation of the Area In Need of Rehabilitation was pursuant to a "Report of Findings of the Area in Need of Rehabilitation for the Main Street Study Area" prepared by ARH Associates, dated April 17, 2019, referenced herewith as Exhibit A, which report was accepted by the Governing Body; and

WHEREAS, on July 8, 2019, the State of New Jersey Department of Community Affairs, by letter of said date, accepted the Borough of Matawan's Area in Need of Rehabilitation and formally approved the designation of the Area in Need of Rehabilitation, and further included the Lot and Block

numbers set forth in the letter of July 8, 2019 by the State of New Jersey, or properties included in the Designated Area in Need of Rehabilitation.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Borough of Matawan that Chapter 13 of the Building and Construction Ordinance of the Borough of Matawan Section 13-1.8 et. seq. be and is amended as follows:

Section 13-1.8 Building and Construction- "Waiver of Construction Department Fees to promote renovation of existing Non-Residential Vacant Commercial Structures/Units in the Area in Need of Rehabilitation of the Borough of Matawan" be adopted.

13.1.8

a. No person shall be charged a Borough construction fee or enforcing agency fee for any construction, alteration and improvement designed and undertaken solely to renovate a previously occupied and currently vacant wholly commercial structure or currently vacant commercial unit within an existing commercial structure for the purpose of obtaining a certificate of occupancy in the designated Area in Need of Rehabilitation of the Borough of Matawan. The waiver of fees shall not include Uniform Construction Code Surcharge Fees as applicable or fees mandated by any Federal, State or New Jersey Administrative Agency.

b. For purposes of this section, the structure or the commercial unit within a structure that is being renovated for commercial use shall be required to be vacant for 12 months prior to the permit application in order to be eligible for the waiver of the within fees. The applicant shall be required to establish that the structure, or the unit within the structure, has been vacant to the satisfaction of the Construction Official for a period of one year prior to the application. A waiver shall be limited to a renovation or alteration of units of less than 5,000 square feet. For purposes of calculating square footage, a vacant commercial unit of 5,000 square feet or less shall qualify for the waiver of fees if the unit existing prior to and after renovations is equal to or less than 5,000 square feet, regardless of the total size of the structure. Commercial units that exceed 5,000 square feet prior to or after renovation shall not qualify for the waiver of fees.

1. The within Ordinance shall not be applicable to any building or structure which is currently or proposed to be a residential or mixed residential and commercial structure. The Ordinance provision for exemption do not apply to renovating or improvements of any residential structures or units, even if said unit is within a commercial building. No residential units are permitted to apply for said exemption, including single and multifamily units; single room occupancy or efficiency units; motel/or hotel units and residential transitory structures of any type.

c. For purposes of this section, no waiver of fee shall be provided to any commercial structure or commercial unit within a structure if the commercial property has outstanding property taxes due to the Borough of Matawan or outstanding property maintenance violations which fines and penalties have not been paid by the party who has an interest in the property. For purposes of this Ordinance, it is the legal obligation of the Owner of the property to have any outstanding obligation paid by it prior to the application for the within exemption.

d. This section shall expire on December 31, 2020, unless extended by Resolution by the Borough Council of the Borough of Matawan.

e. The within Ordinance and the Fee Waiver is only applicable to the properties that are referenced by Lot and Block numbers that are commercial properties identified in a letter dated July 8,

2019, from the State of New Jersey, Department of Community Affairs, attached to the within Ordinance and made a part hereof by reference.

BE IT FURTHER ORDAINED if any section or part of the within Ordinance is deemed by a Court of competent jurisdiction to be illegal or unenforceable, the remaining terms and parts of the within Ordinance survive said challenge and remain legally enforceable.

BE IT FURTHER ORDAINED this ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to law.

BE IT FURTHER ORDAINED that a true certified copy of this Ordinance shall be forwarded to the following Borough of Matawan Departments: Clerk, Construction, Property Maintenance as well as New Jersey State Department of Regulatory Affairs.