

ORDINANCE #724

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MANVILLE, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY ARTICLE 8, SECTION 806 AND ARTICLE 11, SECTION 1101

BE IT ORDAINED by the Mayor and Council of the Borough of Manville as follows:

Article 8, Section 806. Escrow Accounts & Technical Review Fees.

A. Escrow Fees: General Provisions

(1) In addition to the non-refundable application fees, the applicant shall be required to establish one (1) or more escrow account with the Borough to cover the cost of professional services in connection with the review of said application, including but not limited to, shorthand reporting and transcripts; review inspection, testimony and reports of the Borough Engineer, Borough Planner, Borough Attorney, Board Attorney and any other professionals whose services are deemed necessary with respect to processing the application by the approving agency, in order to assure compliance with the provisions of this Ordinance.

Said escrow fees shall be required for all applications for approval of site plans, preliminary and final major subdivisions, variances of any type and minor subdivisions.

(2) At the time of submitting an application to the administrative officer for site plan or subdivision review, before either the Board of Adjustment or Planning Board, the applicant shall be required to make a deposit to the escrow account as hereinafter provided and execute an escrow agreement. The escrow agreement shall be in form approved by the Planning Board Attorney or attorney for the Board of Adjustment. All fees and escrow deposits must be paid prior to certification by the administrative officer that the application is complete. In the event that the amounts required to be posted by the Ordinance are not sufficient to

cover the Borough professional charges associated with this application, the Planning Board or Board of Adjustment shall request additional escrow funds.

(3) Following approval of a major subdivision or site plan and prior to commencement of construction, the applicant shall be required to make a further deposit to the escrow account to provide sufficient escrow to pay for anticipated inspection fees and any anticipated additional professional review services.

(4) The escrow associated with each application shall be replenished whenever the original escrow is reduced by charges against the account to 35% or less of the original amount. The administrative officer of the Planning Board shall notify the applicant of the requirement to replenish the escrow, and the applicant shall be requested to deposit up to 35% of the original escrow amount. No further consideration, review, processing or inspection shall be performed by or on behalf of the Board until the additional escrow has been paid.

(5) Whenever an amount of money in excess of \$5,000. shall be deposited in escrow by an applicant in accordance with this section, the municipality shall establish an individual interest bearing account in a state approved depository, and the account shall be administered in accordance with N.J.S.A. 40:55D-53.1. All amounts less than \$5,000. shall be held in a single bank account established for the technical review fee escrow, but the Borough shall maintain individual accounting for escrow fee associated with each separate application.

(6) In the event any applicant desires an accounting of the expenses or fees paid by him for professional review, he shall request such in a letter directed to the administrative officer. The applicant shall be responsible for any costs incurred by the Planning Board or Board of Adjustment in

having its professional and administrative staff prepare an accounting of the fees expended.

(7) The Borough Engineer, Planning Consultant or approving agency Attorney and any other professional engaged by the Board as experts in connection with the application, shall submit vouchers for all fees for examination, review, testimony, to the approving agency for approval, after which the bill shall be forwarded to the Borough and shall be paid in the ordinary manner.

(8) If any money deposited in the escrow account is unexpended upon completion of the project and the satisfactory completion of the maintenance period, if any, or phased section in the case of sectionalized application, said amount shall be returned to the applicant or, at the developer's request, applied to the next phase. One-third (1/3) of all interest accrued on escrowed funds shall be paid to the Borough to defray the costs of administrative expenses, and the balance will be returned to the applicant.

B. Escrow fees for Technical Review

The initial deposit of escrow fees for technical review of a development or variance application shall be an amount equal to the application fee established, or such larger amount as may be deemed necessary by the Board in light of the particular circumstances. This initial deposit is required for a complete application.

C. Escrow Fees for Inspection.

Inspection fees, based on the cost of construction, exclusive of buildings, as estimated by the Borough Engineer, shall be as follows:

Cost of Construction	Fee
Less than \$5,000	\$250.00
\$5,000 to \$10,000	\$250.00 plus 4-1/2% of the excess over \$5,000

\$10,000 to \$50,000	\$475.00 plus 4% of the excess over \$10,000
\$50,000 to \$75,000	\$2,075.00 plus 3-1/2% of the excess over \$50,000.
\$75,000 to \$100,000	\$2,950.00 plus 3% of the excess over \$75,000.
\$100,000 or more	\$3,700.00 plus 2-1/2% of excess over \$100,000.

These fees shall be payable after preliminary approval and prior to start of construction.

All applications declared complete, but not yet approved as of the effective date of this Ordinance, shall pay escrow fees for all professional services rendered after the effective date.

ARTICLE 11, SECTION 1101.

A. Application Fees.

There is hereby established, in connection with various applications for development and other matters which are the subjects of this chapter, the following schedule of fees:

1. Copy of a decision of the governing body to an interested party in connection with an appeal; cost of publication: (\$10.00).
2. Publication in a newspaper of a decision of the governing body on an appeal, payment of actual cost of publication.
3. Development applications.
 - (1) Outline of charges
 - (a) Minor subdivision, simple lot line change: Seventy-five Dollars (\$75.00).
 - (b) Minor subdivision plat or minor site plan: Two Hundred Dollars (\$200.00).
 - (c) Major Subdivision:
 - (1) Sketch plat: Two Hundred Dollars (\$200.00).

(2) Preliminary plat: Two Hundred Fifty Dollars (\$250.00) plus One Hundred Dollars (\$100.00) per lot.

(3) Final plat: Two Hundred Dollars (\$200.00) plus Fifty Dollars (\$50.00) per lot.

(d) Conventional Commercial Site Plan:

(1) Preliminary approval: Two Hundred Fifty Dollars (\$250.00) plus Five Dollars (\$5.00) per one thousand (1000) square feet of lot area or part thereof, plus Five Dollars (\$5.00) per one hundred (100) square feet of proposed building floor area or part thereof.

(2) Final approval: Two Hundred Fifty Dollars (\$250.00) plus One Dollar (\$1.00) per one thousand (1000) square feet of lot area or part thereof, plus One Dollar (\$1.00) per one hundred (100) square feet of proposed building floor area or part thereof.

(e) Informal review of concept plan: For one meeting with Planning Board, Fifty Dollars (\$50.00). For multiple meetings, Fifty Dollars (\$50.00) each, and in cases where the developer desires review by the Planning Board Engineer and/or planner, one-third (1/3) of the conventional preliminary fee or one third (1/3) of the master development plan fee, as appropriate. In the event that the developer subsequently submits a preliminary application or master development plan application for the proposed development, the amount of any informal review fees shall be credited towards those formal application fees.

4. Conditional Use Applications: Two Hundred Fifty Dollars (\$250.00), in addition to other applicable fees.

5. Variances and Appeals:

(a) Appeals from a decision of a building or zoning official: Two Hundred Dollars (\$200.00), for the first lot and One Hundred Dollars (\$100.00) for each additional lot.

(b) Interpretation of the Zoning Map or zoning regulations or requests for decisions on other special questions: Two Hundred Dollars (\$200.00), for the first lot and One Hundred Dollars (\$100.00) for each additional lot.

(c) Variances from lot area, lot dimensional, setback and yard requirements: Two Hundred Fifty Dollars (\$250.00) for the first lot and One Hundred Dollars (\$100.00) for additional lot, in addition to other applicable fees.

(d) Variances from use regulations: Three Hundred Fifty Dollars (\$350.00) for the first lot and One Hundred Dollars (\$100.00) for each additional lot, in addition to other applicable fees.

(e) Direction for issuance of a permit for building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on an Official Map: Two Hundred Dollars (\$200.00).

(f) Direction for issuance of a permit for a building or structure not related to a street: Two Hundred Dollars (\$200.00).

(g) The applicant shall pay an additional fee of One Hundred Dollars (\$100.00) per hearing for each adjourned or continued hearing, which fee

shall be paid in advance of any such hearing.

Where more than one variance is sought in a single application, the applicant shall pay an additional fee of Fifty Dollars (\$50.00) for each additional yard encroachment, dimensional specification or other ordinance requirement requiring variation.

6. Certificates showing approval: Ten Dollars (\$10.00)
7. Inquiries to the Board of Adjustment as to use allowed: Fifty Dollars (\$50.00).
8. Flood Plane Certification Letters: Twenty Five Dollars (\$25.00).
9. Other Matters:

(a) Fees shall be paid at the time of application.

(b) In the event the application is for more than (1) category of relief or action, the fee shall consist of the total of the normal fees for each category of action.

(c) Applicants shall be required to pay any extraordinary costs relating to site plan review or conditional use approval, including engineering or other expert fees.

(d) Transcribing fees - The Boards may require the taking of testimony stenographically and having the same transcribed, the cost of which shall be borne and paid by the appellant or applicant. The Boards may require a deposit to be made for such purposes as shall be reasonable under the circumstances.

(e) The One Family Residential Use fee and the Non-Residential Use fee shall be the initial application fee expressed herein, which include two meetings on the application. For any additional meetings, the applicant shall pay an additional fee prior to the conduct of the meeting, equal to the initial application fee, for each

continued hearing; provided, however, that this requirement for the payment of additional fees may be waived at the discretion of the Board of Adjustment or Planning Board.

(f) All taxes and assessments against a property shall be paid prior to the Board's consideration of any application.

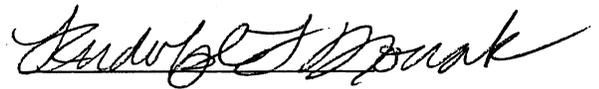
B. Conflict with other Ordinances.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

C. Effective Date.

This Ordinance shall take effect following passage and publication in accordance with law.

BOROUGH OF MANVILLE



Rudolph F. Nowak, Mayor