

Ordinance No. 02-182

AN ORDINANCE MODIFYING
APPLICATION FEE AND
ESCROW REQUIREMENTS AND
AMENDING THE DEVELOPMENT
ORDINANCE OF THE BOROUGH
OF MILLSTONE, SOMERSET COUNTY,
NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Millstone:

1. Section D-136 of the Development Ordinance of the Borough of Millstone, Fee Schedule, is hereby deleted and the following NEW Section D-136 is substituted therefor:

D-136 APPLICATION CHARGES AND ESCROW DEPOSITS

A. APPLICATION PROCEDURES

Every development application, application for informal review, appeal, request for interpretation, and other form of relief identified in Section D-136F shall be accompanied by a check payable to the Borough in accordance with the schedule set forth in this section. Applications for development requiring a combination of approvals (e.g., a subdivision with site plan and hardship variances) shall pay an amount equal to the sum of the amounts for the separate elements of relief requested, including an amount for each variance. In no case shall the escrow deposit required at the time of the application exceed \$20,000.00. The amount of any unexpended escrow deposits for informal review shall be a credit toward fees for review of the application for development. The application shall be deemed incomplete if the fees and deposit are not paid. Whether or not specifically stated in the resolution of memorialization, payment in a timely manner of all escrow fees which become due shall be a condition of the approval of any application.

B. USE OF FEES AND DEPOSITS

The application charge is a flat fee to cover direct administrative expenses and is non-refundable. The escrow deposit is established to cover the costs of professional services, including engineering, legal, planning, traffic, landscape architecture, environmental, historic preservation, and other expenses in connection with the review of the submitted materials, including the hearings thereon, review of revised plans, review to ensure that conditions have been satisfied, and all other application follow-up. Sums not utilized in the review process shall be returned to the developer.

C. INSUFFICIENT FUNDS AND MUNICIPAL REMEDIES THEREFOR

If an escrow account contains insufficient funds to enable the Borough or Planning Board to complete required application reviews, including follow-up as to documents and conditions, the Chief Financial Officer shall provide the applicant with a notice of insufficient escrow balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the Borough or Planning Board and the applicant. In the interim, any required health and safety inspections shall be made and charged against the replenishment of funds. The time to act under the Municipal Land Use Law shall be tolled during the time when there has been no municipal action because the applicant has not posted the additional escrow deposit provided for in this subsection. If at the time of decision the applicant is in default of any required escrow payments or fees, the Planning Board shall deny the application. No building permits or certificates of occupancy shall be issued until all such escrow funds have been paid. All escrow charges which are due and owing shall become a lien on the premises with respect to which said charges are required and shall remain so until paid. Said overdue charges shall accrue the same interest from time to time as taxes upon real estate in the Borough. The Borough shall have the same remedies for the collection thereof with interest, costs, and penalties as it has by law for the collection of taxes upon real estate. The applicant shall be responsible for all costs of collection of unpaid fees, including reasonable attorneys' fees.

D. PERIODIC ACCOUNTING OF ESCROW FUNDS AND EXPENDITURES

The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, and disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis, if monthly charges exceed \$1,000.

E. CLOSE-OUT PROCEDURES

The applicant shall send written notice by certified mail to the Chief Financial Officer, to the Planning Board, and to the municipal professionals who worked on the application review and follow-up that the Planning Board has granted final approval; that, in the case of subdivisions or site plans, the subdivision or site plan has been signed by the Planning Board; and that, in the case of all other applications for approvals for which escrow deposits are necessary, the approval has been perfected and no further review by municipal professionals is necessary. After receipt of said notice, each professional shall render a final bill to the Treasurer within 30 days and shall send a copy simultaneously to the applicant. The Chief Financial Officer shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill from the professionals. Any balances remaining in the escrow account, including interest, shall be refunded to the applicant along with the final accounting.

F. SCHEDULE OF APPLICATION FEES AND ESCROW DEPOSITS

	Application Charge	Escrow Deposit
(1) Subdivision Plats		
a. Informal Concept Review	\$200	For a minor plat or major plat, one-quarter of the escrow deposit computed for a minor plat or preliminary major plat, but no more than \$1,000

b. Minor Plat	\$300	\$750 per lot
c. Preliminary	\$100 per lot, but no more than \$500	\$750 per lot for the first 10 lots and \$500 per lot for the remaining lots
d. Final Major Plat	One-half of the application charge and escrow deposit computed for the preliminary plat.	
e. Combined Preliminary and Final Plat	\$150 per lot, but not more than \$750	\$1,000 per lot for the first 10 lots and \$750 per lot for the remaining lots

The application charge for revisions to minor plats and preliminary and final major plats prior to approval shall be one-half the charge for the original submission of such plats.

	Application Charge	Escrow Deposit
(2) Site Plans		
a. Informal Concept Review	\$200	One-quarter of the escrow deposit computed for a preliminary major plan, but no more than \$1,000.
b. Preliminary Plans		
(a). Residential	\$250 plus \$15 per unit	\$400 per unit for the first 10 units and \$200 per unit for each unit thereafter
(b). Non-Residential	\$300 plus \$15 per 1,000 sq. ft. of building gross floor area	\$500 per 1000 square feet of building gross floor area or \$375 per acre, whichever is greater.

(c). Non-Residential involving signage only	\$100	\$750
(d). Residential and Non-Residential other than signage not involving floor area	\$300	\$10 per square foot of site being disturbed
c. Final Plans	One-Half of the application charge and escrow deposit computed for the preliminary plan	
d. Combined Preliminary and Final Plan		
Residential	\$375 plus \$20 per unit	\$450 per unit for the first 10 units and \$225 per unit for each unit thereafter
Non-Residential	\$450 plus \$20 per square foot of building gross floor area	\$750 per 1,000 square feet of building gross floor area or \$550 per acre, whichever is greater.

The application charge for revisions to minor plats and preliminary and final major plans prior to approval shall be one-half the charge for the original submission of such plans.

	Application Charge	Escrow Deposit
(3) Other Submissions		
a. Appeals under 40:55D-70a	\$100	\$750
b. Interpretation or special questions under 40:55D-70b	\$100	\$750

<p>c. Variances under 40:55D-70c</p> <p>In residential zone except when created by proposed subdivisions</p> <p>In nonresidential zone and when created by proposed subdivisions</p>	<p>\$75</p> <p>\$250</p>	<p>\$750</p> <p>\$750</p>
<p>d. Special reason variances under 40:55D-70d</p> <p>Expansion of existing nonconforming use (single-or two-family residential)</p> <p>All others</p>	<p>\$200</p> <p>\$400</p>	<p>\$1,000</p> <p>\$2,000</p>
<p>e. Permits under 40:55D-34 and 35</p>	<p>\$150</p>	<p>\$750</p>
<p>f. Conditional uses other than home occupations under 44:55D-67</p>	<p>\$300</p>	<p>\$1,000</p>
<p>g. Conditional uses for home occupations under 44:55D-67</p>	<p>\$75</p>	<p>\$750</p>
<p>h. Amendment to previously approved plans</p>	<p>same as preliminary approval</p>	<p>same as preliminary approval, except that the amount shall not exceed \$750 if the Planning Board determines that the proposed modification is minor</p>

i. Informal concept review for variances	\$150	\$500
j. Certificate of lawful nonconformity	\$50	\$200
k. Extension of vesting period	\$100	\$600
l. Master plan or zoning change	\$300	\$3,000
m. General development plans	\$500	\$20,000
n. Maintenance guarantee application	10% of the maintenance guarantee or \$500, whichever is greater	None
o. Meeting minutes and agendas Single meeting minutes Minutes subscription) Agendas	.50 per page \$200 for 24 sets of regular meetings and \$100 for all special meetings \$50 for 24 sets of regular meetings and \$10 for all special meetings	
(4) Appeal to Borough Council	\$75	None
(5) Property owner's list	\$10 or \$0.25 per listing, whichever is greater	None