

SECTION 900

FEEES, GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS

901 FEEES

- A. Every application for development shall be accompanied by a check payable to the Town of Hackettstown in accordance with the following schedule; money in excess of \$5,000.00 deposited by an applicant for professional services employed by the municipality to review applications for development shall be collected, held and distributed in accordance with N.J.S.A. 40:55D-53.1 and any amendments thereto.

| | <u>Application Charge</u> | <u>Escrow Account</u> |
|--|-------------------------------|---|
| 1. <u>Subdivisions</u> | | |
| (a) Minor Plat | \$200 | \$ 1500 |
| (b) Preliminary Plat | \$500 | \$1500 plus \$75 per lot, provided a minimum \$2000 shall be deposited. |
| (c) Final Plat | \$300 | \$750 plus \$75 per lot, provided a minimum \$1000 shall be deposited. |
| (d) Informal Presentation (one [1] appearance only) | \$100 | \$ 500 |
| (e) Concept Plat for Review | | |
| 1) Minor Plat | \$100 | \$ 500 |
| 2) Major Plat | \$100 | \$1500 |
| (f) Amended Preliminary Major Subdivision | \$200 | \$2000 |
| (g) Amended Final Major Subdivision | \$100 | \$1000 |

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|---|---|---|
| 2. <u>Site Plans</u> | | |
| (a) Minor Plan | \$200 | \$1500 |
| (b) Preliminary Plan | \$300(Residential) \$400(Commercial) | 1800/acre or part thereof, plus \$75/du in the case of multiple-family units and/or \$0.05/gross s.f. of building area in the case of non- residential buildings, provided a minimum \$2000 shall be deposited. |
| (c) Final Plan | \$200 | \$900/acre or part thereof, plus \$40/du in the case of multiple-family units and/or \$0.025/gross s.f. of building area in the case of non- residential buildings, provided a minimum \$1000 shall be deposited. |
| (d) Informal Presentation (one [1] appearance only) | \$100 | \$ 500 |
| (e) Concept Plan for Review | | |
| 1) Minor Plan | \$100 | \$ 500 |
| 2) Major Plan | \$100 | \$1500 |
| (f) Amended Preliminary Major and/or Final Major Site Plan | \$200 | \$2000 |
| 3. Conditional Uses Not Including Required Site Plan or Subdivision Plan Review | \$150 | \$ 500 |

| | <u>Application Charge</u> | <u>Escrow Account</u> |
|---|--|---------------------------|
| 4. <u>Variances</u> | | |
| (a). Appeals (40:55D-70a) | \$250 | \$1500 |
| (b). Interpretation (40:55D-70b) | | |
| Residential | \$250 | \$1500 |
| Commercial | \$500 | \$2500 |
| (c). Bulk (40:55D-70c) | | |
| First Variance | \$150(residential) | \$ 750 |
| | \$300(commercial) | \$ 750 |
| Each additional variance | \$ 50 | \$ 150 |
| (d) Use (40:55D-70d) | \$250(residential) | \$1500 |
| | \$500(commercial) | \$2500 |
| (e). Permit (40:55D-34 & 35) | \$250 | \$1500 |
| (f). Certification (40:55D-68) | \$250 | \$1500 |
| 5. <u>General Development Plans</u> | None required | None required |
| 6. <u>Approval of Time Extension</u> | \$100 | None required |
| 7. <u>Appeals to Town Council</u> See Section 707 of this Ordinance | \$100 | None required |
| 8. <u>Zone Change Request</u> | \$250 | \$2500 |
| 9. <u>Certified List of Property Owners</u> See Section 706 of this Ordinance | \$0.25/name or \$10 whichever is greater | None required |

| | <u>Application Charge</u> | <u>Escrow Account</u> |
|---|---------------------------------------|--------------------------------|
| 10. <u>Copy of Minutes, Transcripts or Decisions</u> See Section 706 E. and 708 of this Ordinance | \$.50/page | None required |
| 11. <u>Subdivision Approval Certificate</u> See Section 1003 of this Ordinance. | \$50/Certificate | None required |
| 12. <u>Historic Reviews</u> See Section 806 of this Ordinance. | \$25(residential) \$75(commercial) | None required None required |
| 13. <u>Zoning Permit</u> | | |
| (a) Residential renovations/additions and accessory structures/buildings (less than \$10,000) | \$40.00 | None Required |
| (b) Residential renovations/additions and accessory structures/buildings (greater than \$10,000) | \$75.00 | None Required |
| (c) New single family dwelling | \$100.00 | None Required |
| (d) Commercial - New business or Change of Use | \$75.00 | None Required |
| (e) Commercial renovations/additions and accessory structures/buildings (less than \$100,000) | \$100.00 | None Required |
| (f) Commercial renovations/additions and accessory structures/buildings (greater than \$100,000). | \$150.00 | None Required |
| Commercial renovations/additions and accessory structures/buildings when covered by Ordinance Section 802(B)(3) and (4) | \$250.00 | None Required |

(g) Commercial Signage

| | | |
|---|----------|---------------|
| When covered during board review/approval | \$50.00 | None Required |
| When covered by "Change of Message" | \$50.00 | None Required |
| Addition of sign or change to signage | \$100.00 | None Required |

(i) Promotional Banner

| | | |
|---|---------|---------------|
| 12 square feet or less | \$20.00 | None Required |
| 25 square feet or less | \$35.00 | None Required |
| Banners permitted under special events permit | No Fee | None Required |

A \$25.00 residential fee or \$50 commercial fee will be charged for any resubmittal/amended zoning application or work commenced/done without prior zoning approval.

14. Drive-Thru Facilities

| | | |
|----------------------|---------------|---------------|
| For All Applications | None required | None required |
|----------------------|---------------|---------------|

15. Tax Map Revision Fees

In addition to the foregoing fees and escrow account deposits, a fee of \$25.00, plus \$10.00 per lot or unit shall be assessed for all minor and major subdivision, residential unit site plans or condominium or cooperative residential or commercial development site plans to cover the cost of revising the Town Tax Map. In the case of major subdivision approval, this fee shall be paid prior to the signing of the final plat of the major subdivision by the Chairman and Secretary of the Planning Board and the Town Engineer. In all other cases, this fee shall be paid within 30 days of the date of adoption of the Resolution of Approval.

Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.

- B. The application charge is a flat fee to cover Town administrative expenses and is non-refundable.
- C. Escrow shall be deposited with the cost of any professional services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of P.L. 1975, c.291 (C.40:55D-1 et seq.). Prior to an application being ruled complete, the escrow amounts set forth in Paragraph A above shall be posted.

Escrow shall be posted with the Town in cash, Certified Check or Money Order.

All funds shall be deposited by the Finance Officer in accordance with N.J.S.A. 40:55D-53.1

All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any State governmental agency and not under municipal jurisdiction except to the extent consultation with a State agency is necessary due to the effect of State approvals in the subdivision or site plan.

If the municipality retains a different professional or consultant in the place of the professional originally responsible for the development application review, or inspection of improvements, the municipality or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the municipality or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

- D. Reimbursement. The municipality shall be reimbursed for all payments to independent consultants in accordance with N.J.S.A. 40:55D-53.2. If the salary, staff support and overhead for a municipal professional are provided by the municipality, the charge shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals the charge shall be at the same rate as all other work of the same nature by the professional for the municipality when fees are not reimbursed or otherwise imposed on applicants or developers.
- E. Definition of Professional. All escrow funds shall be utilized by the appropriate board to pay the cost of any professional fees incurred by the Board for review and/or testimony. The term "professional", as used herein, shall include the services of a duly licensed engineer, surveyor, planner, attorney, appraiser or other expert who would provide professional services to insure that an application complies with the standards set forth in Town ordinances and experts whose testimony may be solicited to give further information to the Approving Board in any area addressed by any of applicant's experts.
- F. Refund of Escrow. The following close-out procedure shall apply to all deposits and escrow accounts established under the provisions of P.L. 1975, c.291 (c.40:55D-1 et seq.) and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application

review escrows and deposits, or after the improvements have been approved as provided in section 41 of P.L. 1975, c.291 (C.40:55D-53), in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the chief financial officer of the municipality and the approving authority, and to the relevant municipal professional, that the application or the improvements, as the case may be are completed. After receipt of such notice, the professional shall render a final bill to the chief financial officer of the municipality within 30 days, and shall send a copy simultaneously to the applicant. The chief financial officer of the municipality 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. Any balances remaining in the deposit or escrow account, including interest in accordance with section 1 of P.L. 1985, c.315 (C.40:55D-53.1), shall be refunded to the developer along with the final accounting. To facilitate the release of escrow applicants are requested to submit a signed escrow release voucher with the development application.

- G. Reimbursement for Services. No subdivision plat or deed, or site plan, shall be signed, nor shall any zoning permits, based upon variances or interpretations of the zoning ordinance, building permits, certificates of occupancy or any other types of permits be issued with respect to any approved application for development until:
- (a) All bills for reimbursable services have been received by the municipality from professional persons rendering services in connection with such application;
 - (b) The applicant has reimbursed the municipality the excess by which the amount of the bills exceeds the amount escrowed. The applicant shall place on the record its agreement to be bound by the provisions of the Town's Escrow ordinances.
- H. Charge for Services. No professional personnel submitting bills to the Town under this ordinance shall charge for any of the services referred to therein at any higher rate or in any different manner from that which would normally be charged to the municipality for similar work. Payment of any bill rendered by a professional to the municipality with respect to any service for which the municipality is entitled to reimbursement shall in no way be contingent upon receipt of reimbursement by the applicant, nor shall any payment for service be delayed pending reimbursement of the Town by an applicant.
- I. Payments. The Chief Financial Officer of a municipality shall make all of the payments to professionals for services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of P.L. 1975, c. 291 (C.40:55D-1 et seq.). Such fees or charges shall be based upon a schedule established by resolution.

The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of development under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the municipality. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. The municipality or approving authority shall not bill the applicant, or charge any escrow account or deposit for any municipal clerical or administrative functions, overhead expenses, meeting room charges or any other municipal costs and expenses except as provided herein, nor shall any municipal professional add such charges to his bill.

Each payment charged to the deposit for review of applications, review and preparation of document and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and for each date the services performed, the hours spent to one-quarter hour increments, the hourly rate and expenses incurred. All professionals shall submit vouchers to the chief financial officer of the municipality on a monthly basis in accordance with schedules and procedures established by the chief financial officer of the municipality. If the services are provided by a municipal employee, the municipal employee shall prepare and submit to the chief financial officer of the municipality a statement containing the same information as required on a voucher, on a monthly basis.

The professional shall send an informational copy of all vouchers or statements submitted to the chief financial officer of the municipality simultaneously to the applicant. The chief financial officer of the municipality shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest, earnings, 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. If an escrow account or deposit contains insufficient funds to enable the municipality or approving authority to perform required applications reviews or improvement inspections, the chief financial officer of the municipality shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within fourteen (14) days post a deposit to the account in an amount to be agreed upon by the municipality or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

J. Dispute of Charges.

1. An applicant shall notify in writing the governing body with copies to the chief financial officer, the approving authority and the professional whenever the applicant disputes the charges made by a professional for services rendered to the municipality in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to the provisions of P.L. 1975, c.291 (C.40:55D-1 et seq.) The governing body, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the county construction board of appeals established under section 9 of the P.L. 1975, c.217 (C.52:27D-127) any charge to an escrow account or a deposit by any municipal professional or consultant, or the cost of the installation of improvements estimated by the municipal engineer pursuant to section 15 of P.L. 1991, c.256 (C.40:55D-53.4). An applicant or his authorized agent shall submit the appeal in writing to the county construction board of appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the municipality, approving authority, and any professional whose charge is the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by subsection c. of section 13 of P.L. 1991, c.256 (C.40:55D-53.2), except that if the professional has not supplied the applicant with an informational copy of the professionals voucher, then the applicant shall file his appeal within 60 days from receipt of the municipal statement of activity against the deposit or escrow account required by subsection c. of section 13 of P.L. 1991, c.256 (C 40:55-53.2). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges . An applicant making use of this provision need not appeal each charge individually.
2. The county construction board of appeals shall hear the appeal, render a decision thereon, and file its decision with a statement of the reasons therefore with the municipality or approving authority not later than 10 business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant. The decision may approve, disapprove, or modify the professional charges appealed from. A copy of the decision shall be forwarded by certified or registered mail to the party making the appeal, the municipality, the approving authority, and the professional involved in the appeal. Failure by the board to hear an appeal and render and file a decision thereon within the time limits prescribed in this subsection shall be deemed a denial of the appeal for purposes of a complaint, application, or appeal to a court of competent jurisdiction.
3. The county construction board of appeals shall provide rules for its procedure in accordance with this section. The board shall have the power to administer oaths