

ORDINANCE NO. 2022-011

AN ORDINANCE TO AMEND MUNICIPAL CODE CHAPTER 30 LAND USE PROCEDURES, MORE PARTICULARLY CODE SECTION 30-3.9. PUBLICATION OF DECISION AND CHAPTER 31 LAND DEVELOPMENT REGULATIONS, MORE PARTICULARLY CODE SECTION 31-14.2. DEVELOPMENT APPLICATION FEE SCHEDULE, 31.14.3 VARIANCE APPLICATION FEE SCHEDULE AND 31.14.5 ESTABLISHMENT OF ESCROW FUND FOR THE PAYMENT OF PROFESSIONAL FEES

SUMMARY

This Ordinance amends Code Chapter 30 Land Use Procedures and 31 Land Development Regulations to revise certain language and application and escrow fees.

BE IT ORDAINED by the Borough Council of the Borough of South Bound Brook, County of Somerset, State of New Jersey that the Code of the Borough of South Bound Brook is hereby amended as follows:

SECTION I

Section 30-3.9. Publication of Decision, is amended as follows (Additions in **bold** and deletions ~~struck through~~):

A brief notice of every final decision shall be published in the official newspaper of Borough. Such publication shall be arranged by the Secretary of the Planning Board ~~or~~ / Zoning Board of Adjustment, as the case may be, ~~without separate charge to the applicant~~. The notice shall be sent to the official newspaper for publication within 10 days of the date of any decision.

Section 31-14.2., Development Application Fee Schedule, is amended as follows (Additions in **bold** and deletions ~~struck through~~):

- | | | | |
|----|----|---|-----------------------------------|
| a. | 1. | Application for minor subdivision: \$200 | \$300.00 |
| | 2. | Application for extension for filing: \$50 | \$150.00 |
| b. | 1. | Application- Concept (sketch) plat: \$200 | \$300.00 + \$10.00 per lot |
| | | Plus | |
| | | 1-3 lots ——— | \$50 |
| | | 4-10 lots ——— | \$100 |
| | | 11-50 lots ——— | \$300 |
| | | 50+ lots ——— | \$400 |
| c. | 1. | Application preliminary major subdivision with sketch plat approval : \$350 | \$400.00 + \$75.00 per lot |

Plus

1-3 lots	————	\$50
4-10 lots	————	\$400
11-50 lots	————	\$800
50+ lots	————	\$1,600

~~2. Subdivision without sketch plat approval: \$500~~

Plus

1-3 lots	————	\$100
4-10 lots	————	\$800
11-50 lots	————	\$1,600
50+ lots	————	\$3,200

3.2. Application for extension of preliminary approval: ~~\$100~~ **\$150.00**

d. 1. Application for final major subdivision: ~~\$200~~ **\$250.00 + \$35.00 per lot**

Plus

1-3 lots:	————	\$50
4-10 lots:	————	\$100
11-50 lots:	————	\$300
50+ lots:	————	\$400

2. Application for extension of ~~preliminary~~ **final** approval: ~~\$100~~ **\$150.00**

e. **Amendments to Major Subdivisions:**

1. **Preliminary – ½ of Preliminary Fee**
2. **Final – ½ of Final Fee**

e.f. Application for preliminary site plan (nonresidential/**mixed use development**)

1. Building area - 10,000 sq. ft. or less: ~~\$550~~ **\$600.00**
2. Building area - ~~more than~~ 10,001 sq. ft. to 50,000 sq. ft.: ~~\$1,100~~ **\$1,200.00**
3. Building area - ~~more than~~ 50,001 sq. ft. to 100,000 sq. ft.: ~~\$2,200~~ **\$2,400.00**
4. Building area - ~~more than~~ 100,001 sq. ft.: ~~\$3,300~~ **\$3,500.00**
5. Application for extension of preliminary approval: ~~\$100~~ **\$250.00**

e.g. Application for final site plan (nonresidential/**mixed use development**)

1. Building area - 10,000 sq. ft. or less: **\$300.00**
2. Building area - ~~more than~~ 10,001 sq. ft. to 50,000 sq. ft.: **\$600.00**
3. Building area - ~~more than~~ 50,001 sq. ft. to 100,000 sq. ft.: **\$1,200.00**

- 4. Building area - ~~more than~~ 100,001 sq. ft.: \$1,800.00
- 5. Application for extension of final approval: ~~\$100~~ **\$250.00**
- ~~g.~~**h.** Application for preliminary site plan (residential): ~~\$350~~ **\$450.00** plus ~~\$10~~ **\$50.00/** per unit
- ~~h.~~**i.** Application for final site plan (residential): ~~\$200~~ **\$300.00** plus ~~\$10~~ **\$25.00/** per unit
- j. Amendments to Site Plans:**
 - 1. **Preliminary – ½ of Preliminary Fee**
 - 2. **Final – ½ of Final Fee**
- ~~i.~~**j.** Soil removal/fill permit: **\$50.00**
- ~~j.~~**k.** Driveway permit: **\$50.00** plus **\$20.00** for each inspection
- ~~k.~~**l.** Minor Site Plan: ~~\$200~~ **\$250.00**
- ~~l.~~**m.** ~~Resubmission~~ **Review of revised Plans.** ~~On the applications where substantially similar plans are resubmitted within three months from the date of the original submission, the fee shall be equivalent to 1/2 the current fee for said submission.~~
 - 1. **Minor Subdivision/Bulk Variances - \$100.00 per submittal after first submission to meet conditions of approval**
 - 2. **All Others - \$200.00 per submittal after first submission to meet conditions of approval**
- ~~m.~~**o.** Certification of Approval of **subdivision of land** (N.J.S.A. 40:55D-56): **\$25.00**
- ~~n.~~**p.** Zoning permits (as required by Chapter 34 entitled "Zoning") Section 34-15: **\$25.00**

Section 31-14.3., Variance Application Fee Schedule, is amended as follows (Additions in **bold** and deletions ~~struck through~~):

- a. Appeals filed pursuant to N.J.S.A. 40:55D-70(a): **\$200.00**
 - 1. ~~Residential: \$150~~
 - 2. ~~Other: \$150~~
- b. Appeals filed pursuant to N.J.S.A. 40:55D-70(b): **\$200.00**
 - 1. ~~Residential: \$150~~
 - 2. ~~Other: \$150~~
- c. Appeals filed pursuant to N.J.S.A. 40:55D-70(c): **\$250.00**

- 1. ~~Residential: \$200~~
- 2. ~~Other: \$200~~

d. Appeals filed pursuant to N.J.S.A. 40:55D-70(d): **\$500.00**

1. ~~New use or structures:~~

- (a) ~~Residential: \$200 for the first dwelling unit. If more than one unit, then add \$25 for each additional unit.~~
- (b) ~~Nonresidential: \$300~~

e. Appeals filed pursuant to N.J.S.A. 40:55D-34: **\$150.00**

f. Appeals filed pursuant to N.J.S.A. 40:55D-36: **\$150.00**

g. Certification of Pre-Existing Nonconforming Use \$150.00

~~g. Only one fee is to be charged for a single application regardless of its complexity, and such fee will be the highest fee chargeable under the above schedule.~~

h. On appeals under N.J.S.A. 40:55D-76(b), the filing fee shall be the sum of the applicable fees by class of development application and variance(s), if applicable.

Fees for applications or for the rendering of any service by the Planning Board or the Zoning Board of Adjustment or any member of their administrative staffs which is not otherwise provided by ordinance may be provided for and adopted as part of the rules of the Board and copies of such rules or of the schedule shall be available to the public.

Section 31-14.5., Establishment of Escrow Fund for the Payment of Professional Fees, is amended as follows (Additions in **bold** and deletions ~~struck through~~):

3. Pre-Application/Concept Plan Meeting with Technical Review Committee (“TRC”) \$1,000.00

~~3.4.~~ Sketch Plat, Preliminary Site Plan and/or Subdivision Approval Inclusive of Minor Site Plan:

Nonresidential	Escrow Amount
Less than Up to 10,000 sq. ft. of building area	\$3,000.00
10,001 to 50,000 sq. ft. of building area	\$10,000.00
50,001 to 100,000 sq. ft. of building area	\$20,000.00

In excess of 100,000 sq. ft. of building area	\$25,000.00
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Residential:	Escrow Amount
1 to 3 lots or units	\$1,000.00
4 to 10 lots or units	\$2,000.00
11 to 25 lots or units	\$3,000.00
26 to 50 lots or units	\$5,000.00
51 to 100 lots or units	\$7,500.00
In excess of 100 lots or units	\$15,000.00

4.5. Final Plan Approval **(if applied for separately)**. One-third (1/3) for nonresidential use and one-half (1/2) for residential use of the original escrow fee paid at the time of preliminary plan application.

6. **Amended Preliminary and Final Site Plan and/or Subdivision Approval:** 1/2 of original escrow

5.7. Soil Removal/Fill Permit. An application fee of twenty-five (\$25.00) dollars shall accompany each application, to be utilized to offset the general administrative costs of the application. In addition to the application fee, the following sums shall be posted in escrow to cover the Borough costs of professional and nonprofessional services incurred during the review process and for inspection costs required during the construction process.

- (a) The sum of five hundred (\$500.00) dollars where the application is for the addition, removal, or movement of between one hundred (100) and nine hundred ninety-nine (999) cubic yards of soil, except in matters pertaining to the construction of residential swimming pools and other work related directly thereto where the fee shall be two hundred fifty (\$250.00) dollars.
- (b) The sum of one thousand (\$1,000.00) dollars where the application is for the addition, removal, or movement of between one thousand (1,000) and four thousand nine hundred ninety-nine (4,999) cubic yards of soil or more.
- (c) The sum of two thousand (\$2,000.00) dollars where the application is for the addition, removal, or movement of five thousand (5,000) cubic yards of soil or more.
- (d) No escrow fee shall be required for applications of less than one hundred (100) cubic yards of soil.

~~6.8.~~ Variance.

(g) Time Extensions: \$500.00

~~(g)~~**(h)** Any application involving more than one (1) of the above categories shall deposit cumulative amounts.

SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 2022-011

This is a true copy of an ordinance adopted by the Borough Council, Borough of South Bound Brook, Somerset County, New Jersey.

Introduced:	November 1, 2022
Public Hearing:	December 13, 2022
Adoption:	December 13, 2022
Published:	December 20, 2022
Effective:	January 9, 2023