

**ORDINANCE #2595-19-1118**

**AMENDING CHAPTER 102, SECTION 22 OF THE MUNICIPAL LAND USE  
LAW ENTITLED "SCHEDULE OF ADMINISTRATIVE FEES"**

**102-22. Schedule of Administrative Fees**

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

A. Filing fees for development applications. Filing fees shall be used to defray the administrative costs of processing the application or appeal, and shall be as set forth below: (1) Concept site plans and subdivisions (The filing fee for a concept plan for development shall be credited against the filing fee otherwise required for subdivision or site plan approval after review by the Planning Board of the concept plan.)	\$ 500.00
(2) Minor subdivisions	\$ 1500.00
(3) Preliminary major subdivisions	\$ 500.00 per lot
(4) Final major subdivisions	\$ 250.00 per lot
(5) Minor site plans: [Amended 06-16-03 by Ord. 2413] (Public hearing, except signs)	\$ 500.00
(Public hearing, signs only)	\$ 500.00
(No public hearing, Site Plan Waiver Committee)	\$ 75.00
(No public hearing, Architectural Review Board)	\$ 25.00
(6) Preliminary major site plans	\$ 2000.00
(7) Final major site plans: (If heard at same hearing as preliminary major site plan)	\$ 750.00
(If approved at hearing subsequent to preliminary major site plan)	\$ 1500.00
(8) Appeals alleging error by administrative officer (§ 102-33)	\$ 150.00
(9) Requests for interpretation or other special questions (§ 102-34)	\$ 250.00
(10) Appeals for issuance of permit in reserved locations (§ 102-35, § 102-36)	same as "C" variance
(11) Appeals for sign variances	\$ 100.00 each, \$ 300.00 max.
(12) Appeals for "C" variances (§ 102-37), except sign variances: (If not part of site plan or subdivision, or if bifurcated)	\$ 200.00 each, \$ 400.00 max.
(If reviewed at same time as site plan or subdivision)	\$ 500.00 each, \$ 1500.00 max.

(13) Appeals for "D" variances (§102-38) [Amended 06-16-03 by Ord. 2143]	\$ 1000.00 each, \$ 2000.00 max.
(14) Appeals to Council of "D" variance approvals (§102-39)	\$ 1000.00
(15) Amended approval of site plan, subdivision, variance or other approval of the Planning Board or Board of Adjustment (§ 102-46D) [Added 06- 16-03 by Ord. 2143]	as required herein for minor or major applications, but classified as if the the amendments alone were a new application
(16) Extension of period of approval for site plan, subdivision or variance [Added 06-16-03 by Ord. 2143]	\$ 500.00
B. Other fees.	
(1) List of property owners within 200 feet of subject property (§ 102-12C)	\$10.00
(2) Copy of governing body decision (§ 102-39K)	\$10.00
(3) Publication of governing body decision (§ 102- 39L)	Cost of publication
(4) Certificate of subdivision approval (§ 102-62D)	\$10.00
(5) Transcript or tape of public hearing (§ 102-18)	Cost of tape or transcript
(6) Sign permit fee (unless specifically exempted by § 102-28C(1) or (2))	\$50.00 (including up to two signs per application)
Amended 12-17-01 by Ord. 2118	
(7) Certification of nonconforming use or structure (§102-121B(7)): [Added 06-16-03 by Ord. 2143]	
(If reviewed only by Zoning Officer)	\$ 100.00
(If reviewed by Board of Adjustment)	\$ 300.00
(8) Zoning permit [Added 06-16-03 by Ord. 2143]	\$ 25.00
(9) Special Board meeting at request of applicant [Added 06-16-03 by Ord. 2143]	\$ 1500.00

#### **§ 102-23. Payment for Professional Services**

The Chief Financial Officer of the Borough shall make all of the payments to professionals for services rendered to the Borough or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of the Municipal Land Use Law and this chapter. At the time of filing of an application for development, appeal, or other matter pursuant to this chapter, the applicant shall pay to the Board Secretary a deposit, in accordance with the schedule in subsection A. below, to be used to reimburse the Borough for said professional services. Deposits shall be paid by cashier's check, certified check, bank money order or cash, and shall be placed by the Borough in an escrow account if required pursuant to § 102-26. In the case of proposals requiring a combination of approvals, such as subdivision, site plan and/or variance(s), the applicant shall deposit an amount equal to the sum of the deposits required for each application.

Notwithstanding the above, if the Board determines that professional services are not required in order to process and review the application, no deposit shall be required.

A. Schedule of deposits. The initial deposit \$ 1000.00

for payment of professional services shall be as set forth on the following schedule, provided that if the Board Secretary determines that a greater initial deposit than indicated on the following schedule is necessary to reimburse the anticipated cost of professional services on a particular application, such as circulation-intensive sites requiring the services of a traffic engineering consultant, the applicant shall be required to deposit said greater amount.

(1) Concept site plans and subdivisions

(2) Minor subdivisions \$ 500.00 per lot

(3) Preliminary major subdivisions \$ 500.00 per lot

(4) Final major subdivisions \$ 300.00 per lot

(5) Minor site plans

(Public hearing) \$ 2000.00

(If reviewed only by Site Plan Waiver Committee or Architectural Review Board) none

(6) Preliminary major site plans

\$ 2500.00 for first 20,000 square feet of site area, plus

\$ 1000.00 for each additional 20,000 square feet of site area, plus

\$ 2500.00 for first 10,000 square feet of gross floor area, plus

\$ 1000.00 for each additional 10,000 square feet of gross floor area, up to a maximum of

\$ 5000.00 for additional gross floor area above 10,000 square feet.

(7) Final major site plans

(If reviewed at same time as preliminary major site plan) none

(If reviewed subsequent to preliminary major site plan)

\$ 2500.00 for first 20,000 square feet of site area, plus

\$ 500.00 for each additional 20,000 square feet of site area, plus

\$ 500.00 for first 10,000 square feet of gross floor area, plus

\$ 500.00 for each additional 10,000 square feet of building gross floor area, up to a

maximum of \$ 2500.00 for additional gross floor area above 10,000 square feet. (8)

Appeals alleging error by administrative officer (§ 102-33)

(9) Requests for interpretation or other special questions (§ 102-34) \$ 2000.00

(10) Appeals for issuance of permit in reserved locations (§ 102-35, § 102-36) same as "C" variance

(11) Appeals for sign variances \$ 500.00

(any or all)

(12) Appeals for "C" variances (§ 102-37), except sign variances: (If not part of site plan or subdivision, or if bifurcated)	\$ 500.00 each, \$ 1500.00 max.
(If reviewed at same time as site plan or subdivision)	\$ 500.00 each, \$ 1500.00 max.
(13) Reserved	
(14) Appeals for "D" variances (§ 102-38)	\$ 4000.00 each, \$ 8000.00 max.
(15) Appeals to Council of "D" variance approvals (§102-39)	\$ 2500.00
(16) Amended approval of site plan, subdivision, variance or other approval of the Planning Board or Board of Adjustment (§ 102-46D) [Added 06-16-03 by Ord. 2143]	as required herein for minor or major applications, but classified as if the amendments alone were a new application
(17) Extension of period of approval for site plan, subdivision or variance [Added 06-16-03 by Ord. 2143]	\$ 1000.00
(18) Certification of nonconforming use or structure, (if reviewed by Board of Adjustment) (§102-121B(7) [Added 06-16-03 by Ord. 2143]	\$ 2500.00
(19) Special Board meeting at request of applicant [Added 06-16-03 by Ord. 2143]	\$ 3000.00

- B. Depletion of deposits. If an escrow account or deposit contains insufficient funds to enable the Borough or approving authority to perform required application reviews or improvement inspections, the Chief Financial Officer of the Borough 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 ten (10) days post a deposit to the account in an amount to be agreed upon by the Borough 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.
- C. Failure to provide or maintain adequate deposit. No application shall be deemed complete and no formal action shall be taken by the Board until the initial deposit required by subsection A. above has been submitted. If the required funds in subsection B. above maintaining the deposit or escrow account for professional services are not deposited in a timely manner, the Board Secretary shall notify the Board having jurisdiction over the application. No further action shall be taken on the application until the deposits have been made by the applicant as required above. In the event that the time for action by the Board, or any extension thereof as provided by this chapter, shall expire prior to the payment of the required deposits, the Board may, at its discretion, request an extension of time for action or may dismiss the application.
- D. Eligible charges against deposit. 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. The following provisions shall apply:

- (1) Application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments 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 Borough.
- (2) 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 Borough 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.
- (3) Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.
- (4) The only costs that shall be added to any such charges in paragraphs (1) through (3) above 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.
- (5) The Borough or approving authority shall not bill the applicant, or charge any escrow account or deposit authorized herein for any Borough clerical or administrative functions, overhead expenses, meeting room charges, or any other Borough costs and expenses except as provided for in this section, nor shall a Borough professional add any such charges to his or her bill. **[Amended 12-17-01 by Ord. 2118]**
- (6) If the Borough retains a different professional or consultant in the place of the professional originally responsible for development application review, or inspection of improvements, the Borough 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 Borough or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

E. Rates of payment for professional services. If the salary, staff support and overhead for a professional are provided by the Borough, the charge shall not exceed two hundred percent (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 Borough when fees are not reimbursed or otherwise imposed on applicants or developers. Rates for professional services shall be in accordance with a schedule of professional fees filed annually with the Board Secretary and maintained in the office of the Borough Clerk for public inspection.

- F. Vouchers for payment of professional services. Each payment charged to a deposit for the review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional. The processing of vouchers shall be in accordance with the following:
- (1) The voucher shall identify the personnel performing the service, and for each date the services are performed, the hours spent to one-quarter (1/4) hour increments, the hourly rate and the expenses incurred.
  - (2) All professionals shall submit vouchers to the Chief Financial Officer of the Borough on a monthly basis in accordance with the schedules and procedures established by the chief financial officer of the Borough.
  - (3) If the services are provided by a Borough employee, the Borough employee shall prepare and submit to the Chief Financial Officer of the Borough a statement containing the same information as required on a voucher, on a monthly basis.
  - (4) The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the Borough simultaneously to the applicant.
  - (5) The Chief Financial Officer of the Borough 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 one thousand dollars (\$1,000.) or less, or on a monthly basis if monthly charges exceed one thousand dollars (\$1,000.).
1. All Ordinances or part of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
  2. This Ordinance shall take effect immediately after final passage and publication.

Introduction: November 18, 2019  
First Publication: November 22, 2019  
Adoption: December 16, 2019  
Final Publication: December 19, 2019



Dennis Sullivan, Mayor



Kevin Sluka, Clerk-Administrator