

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, ap
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
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 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 inspection 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 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 municipalities 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		
plat or	a. Informal Concept Review \$200	For a minor major plat, one-computed for a minor plat or preliminary major than \$1,000.
lot	b. Minor Plat \$300	\$750 per
for the	c. Preliminary Major Plat \$100 per lot, but no more than \$500	\$750 per lot first 10 lots \$500 per lot for the remaining lots
and	d. Final Major Plat	One-half of the application charge and escrow deposit
	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.

(2) Site Plans

- a. Informal Concept Review \$200 One-quarter of the escrow deposit preliminary major than \$1,000.
- b. Preliminary Plans

	(a) Residential	\$250 plus	\$400 per unit for and \$200 per unit for each unit
building floor area or	(b) Non- Residential	\$300 plus	\$500 per 1,000 sq. ft. of
		\$15 per 1,000 sq. ft. of building gross floor	gross \$375 per acre, whichever is
	(c) Non- Residential involving signage only	\$100	\$750
	(d) Residential and non- than signage not involving floor area	\$300	\$10 per square foot of site being

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
\$550	Nonresidential	\$450 plus \$20 per square foot of building gross floor area	\$750 per 1,000 square feet of building gross floor area or per acre, whichever is greater

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

(3) Other Submissions

a. Appeals under 40:55D-70a	\$100	\$750
b. Interpretation or special questions under 40:55D-70b	\$100	\$750

c. Variances under 40:55D-70c In residential zone except when created by proposed subdivisions	\$75	\$750
In nonresidential zones and when created by proposed subdivisions	\$250	\$750
d. Special reason variances under 40:55D-70d		
Expansion of existing nonconforming use (single-or two-family residential)	\$200	\$1000
All others	\$400	\$2000
e. Permits under 40:55D-34 and 35	\$150	\$750
f. Conditional uses other than home occupations under 44:55D-67	\$300	\$1000
g. Conditional uses for home occupations under 44:55D-67	\$75	\$750
h. Amendment to previously- approved plans	same as preliminary approval	same as preliminary approval, except that the amount if the Planning Board determines that the modification is minor
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	\$3000

m.	General development plans	\$500	\$20000
n.	Maintenance guarantee application	10% of the maintenance guarantee or \$500, whichever is greater	None
o.	Meeting minutes and agendas.		
	Single meeting minutes	.50 per page	
	Minutes subscription	\$200 for 24 sets of regular meetings and \$100 for all special meetings	
	Agendas	\$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

2. This Ordinance shall take effect upon its filing with the Somerset County Planning Board and its passage and publication, as provided for by law.

I, Gregory J. Bonin, Borough Clerk of the Borough of Millstone, in the County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an ordinance adopted by the Borough Council of the Borough of Millstone during their regular meeting of July 3, 2002.



Gregory J. Bonin, Millstone Borough Clerk