

## Article VI Fees, Deposits and

### Inspections 23-53 FEES, DEPOSITS AND INSPECTIONS.

- a. Fees for applications for development or for the rendering of any services by the Land Use Board or any members of their administrative and professional staffs shall be in accordance with the Fee Schedule in this Article. Fees shall be paid by check payable to the Borough of Peapack and Gladstone. Where one (1) application for development includes several approval requests, the sum of the individual required fees shall be paid. The fees shall be paid in two (2) different checks, one (1) for the total application charges and one (1) for the total escrow charges.

#### FEE SCHEDULE

	<i>Application Charge</i>	<i>Escrow Account</i>
1. <b><u>Subdivisions.</u></b> <sup>1</sup>		
(a) Minor Subdivision Plat	\$175	\$1,000
(b) Minor Subdivision Only to Include Lot Line Adjustment	\$175	\$1,000
(c) Preliminary Major Subdivision Plat	\$350	\$5,000
(d) Final Major Subdivision Plat	\$175	\$3,500
(e) Informal Concept Subdivision Plat	\$175	\$ 1,000 (if professional review is requested)
(f) Amended Preliminary Plat	\$175	\$2,500
(g) Amended Final Major Subdivision Plat	\$175	\$1,500
2. <b><u>Site Plans</u></b> <sup>1</sup>		
(a) Minor Site Plan	\$175	\$2,000
(b) Preliminary Major Site Plan	\$250	\$5,000
(c) Final Major Site Plan	\$200	\$3,000
(d) Informal Concept Site Plan	\$200	\$1,000 (if professional review is requested)
(e) Amended Preliminary Major and/or Final Major Site Plan	\$200	\$3,000
(f) Site Plan for Construction of Farm Stand/Market	\$100	\$750
(g) Site Plan Waiver	\$100	\$500
(h) Site Plan for Telecommunications Installations	\$500	\$5,000
(i) Site Plan for Flood Plain/Riparian Yard Encroachment when not part of a Subdivision or Site Plan	\$100	\$1,000

3.	<b><u>Conditional Uses</u></b> , Not Including Required Site Plan Subdivision Review	\$100	\$1,500
	Amended Approvals – Subdivision or Site Plan	\$100	\$1,000
4.	<b><u>Variances:</u></b>		
	(a) Appeals (40:55D-70a)	\$200	\$2,000
	(b) Interpretation (40:55D-70b)	\$200	\$1,000
	(c) Bulk (40:55D-70c)	\$150	\$1,500
	(d) Use and Other (40:55D-70d)	\$250	\$3,500
	(e) Permit (40:55D-34 and 35)	\$100	\$500
	(f) Applications that include only Rear and Side Yard Setback Variances for Decks and Patios	\$100	\$500
	(g) Application not otherwise covered by the above	\$100	\$500
5.	<b><u>Approval Time Extensions</u></b>	\$100	\$500
6.	<b><u>Zone Change Requests</u></b>	\$150	\$5,000
7.	<b><u>Certified List of Property Owners</u></b>	\$10 per list	None required
8.	<b><u>Copy of Minutes Resolutions or Decisions</u></b>	\$.05 (letter size page) \$.07 (legal size page) Prices subject to change per N.J.S.A. 47:1A-2	None required
9.	<b><u>Subdivision Approval Certificate</u></b>	\$25 per certificate	None required
10.	<b><u>Zoning Permit Fee</u></b>	\$50	None required
11.	<b><u>Drive-thru facilities for all applications</u></b>	\$200	\$1,500
12.	<b><u>Special Meeting</u></b>		\$1,500
13.	<b><u>Soil Movement Permit</u></b>		
	Minor:	\$200	\$2,500
	Major:	\$250	\$2,500 (Major: 5K square feet or 1,000 Cubic Yards)

<sup>1</sup> For planned developments which require both subdivision and site plan approval, the higher of the applicable fee only shall apply.

- b. The application fee is a flat fee to recover administrative expenses including the initial intake of the application, the distribution of the same, and is nonrefundable.
- c. The escrow amount is established to provide payment for technical and professional costs of the review of application, review and preparation of documents, and is based on the fee schedule of this section. Reviewing applications shall include, but shall not be limited to, all times spent at meetings by the professional staff.

- d. No construction or disturbance of land shall be authorized until all inspection fees have been paid to the Borough. In no case shall any paving work be done without permission from the Borough Engineer. At least three (3) working days' notice shall be given to the Borough Engineer prior to any construction so that he or a qualified representative may be present at the time the work is to be done. Verification of said payment shall be certified by the Chief Financial Officer of the Borough. The applicant shall pay a sum not to exceed, except for extraordinary circumstances, the greater of five hundred (\$500.00) dollars or five (5%) percent of the cost of improvements, which cost shall be determined pursuant to law. For those developments for which the reasonably anticipated fees are less than ten thousand (\$10,000.00) dollars, fees may, at the option of the applicant, be paid in two (2) installments, and the initial payment deposited by the applicant shall be fifty (50%) percent of the reasonably anticipated fees. When the balance of deposit drops to ten (10%) percent of the reasonably anticipated fees because the amount deposited by the applicant has been reduced by the amount paid to the Borough Engineer for inspection, the applicant shall deposit the remaining fifty (50%) percent of the anticipated inspection fees. For those developments for which the reasonably anticipated fees are ten thousand (\$10,000.00) dollars or greater, fees may, at the option of the applicant, be paid in four (4) installments. The initial amount deposited by the applicant shall be twenty-five (25%) percent of the reasonably anticipated fees. When the balance of deposit drops to ten (10%) percent of the reasonably anticipated fees because the amount deposited by the applicant has been reduced by the amount paid to the Borough Engineer for inspection, the applicant shall make additional deposits of twenty-five (25%) percent of the reasonably anticipated fees. The Borough Engineer shall not perform any inspections if sufficient funds to pay for those inspections are not on deposit.
1. Streets shall not be paved with a wearing course until all heavy construction is completed. Shade trees shall not be planted until all grading and earth moving is completed. The seeding of grass and the placing of surveyor's monuments shall be among the last operations.
  2. The Borough Engineer or his designee shall be notified prior to each of the following phases of work so that he or a qualified representative may inspect the work:
    - (a) Road subgrade.
    - (b) Curb and gutter forms.
    - (c) Curbs and gutters.
    - (d) Road paving (after each coat in cases of primary paving and sealing).
    - (e) Sidewalk forms.
    - (f) Sidewalks.
    - (g) Drainage pipes and other drainage construction.
    - (h) Street name signs.
    - (i) Property monument location.
    - (j) Sanitary sewers and/or septic tanks.

- (k) Detention and/or retention basins.
  - (l) Topsoil, seeding and planting.
  - (m) Underground utilities.
- 3. Any improvement installed contrary to the plan or plat approval by the Borough shall constitute just cause to void the Borough approval.
- 4. Any improvement installed without notice for inspection pursuant to this section shall constitute just cause.
  - (a) Removal of the uninspected improvement.
  - (b) The payment by the developer of any cost for material testing.
  - (c) The restoration by the developer of any improvements disturbed during any material testing.
  - (d) The issuance of a "stop work" order by the Borough Engineer pending the resolution of any dispute.
- 5. Inspection by the Borough of the installation of improvements and utilities shall not operate to subject the Borough of Peapack and Gladstone to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the owner and his contractor, if any.
- e. All deposits for technical, professional review and inspection fees shall be kept in an escrow account for that purpose by the Borough. This account shall be managed by the Chief Financial Officer of the Borough who shall administer same in accordance with the terms of this section.
- f. Whenever an amount of money in excess of five thousand (\$5,000.00) dollars shall be deposited by an applicant with the Borough for professional services employed by the Borough or the Land Use Board to review applications for development, for Borough inspection fees in accordance with this section, the money until repaid or applied to the purpose for which it was deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided by law, shall continue to be the property of the applicant and shall be held in trust by the Borough. Money deposited shall be held in escrow. The Borough shall deposit the money in a banking institution or savings and loan association in this State insured by an agency of the Federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Borough shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The Borough shall not be required to refund an amount of interest paid on a deposit which does not exceed one hundred (\$100.00) dollars for

the year. If the amount of interest exceeds one hundred (\$100.00) dollars, that entire amount shall belong to the applicant and shall be refunded to the applicant by the Borough annually or at the time the deposit is repaid or applied to the purposes for which it was deposited as the case may be; except that the Borough may retain for administrative expenses a sum equivalent to no more than one-third (1/3) of the entire amount which shall be in lieu of all other administrative and custodial expenses.

- g. The Chief Financial Officer of the Borough shall make all of the payments for professional services rendered to the Borough or Land Use Board for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under this Article, such fees or charges to be based upon the ordinances herein. The application review and inspection charges shall be limited only to professional charges for review of applications including review time spent at meetings of the Land Use Board, review and preparation of documents and inspections of developments under construction and review by outside consultants when the application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Borough. 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 charges by professionals 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. The Chief Financial Officer of the Borough shall administer the review and escrow fees as follows:

1. Each payment charged to a deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from a professional which voucher shall identify the personnel performing the service, and for each date the service is performed, the hours spent to one-quarter (1/4) hour increments, the hourly rate and the expenses incurred. 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. 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. The Chief Financial Officer of the Borough shall prepare and send to the applicant a statement which shall include an accounting of the 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 (\$1,000.00) dollars or less, or on a monthly basis if the monthly charges exceed one thousand (\$1,000.00) dollars. If an escrow account or deposit contains insufficient funds to enable the Borough or Land Use Board to perform required application reviews or improvement inspections, the Chief Financial Officer of the Borough shall provide the applicant with a written 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 the Land Use Board and the applicant. With regard to review fees, if the applicant fails to make the deposit within the time prescribed herein, the Land Use Board shall be authorized to dismiss the application without prejudice subject to the right of the applicant to seek reimbursement of the application by written notice to the Chief Financial Officer that deposits have been posted. The application will be reinstated upon written notification by the Chief Financial Officer to the Land Use Board that the deposits are in fact posted. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds. With regard to inspection fees, the Borough Engineer shall not perform any inspection if sufficient funds to pay for the inspections are not on deposit. Failure to post or maintain balances in accordance with the requirements of these sections will subject the developer to a "Stop Work" order and/or suspension of construction permits.

2. The applicant and Chief Financial Officer shall follow the following close-out procedures for all deposits and escrow accounts established herein. The procedures shall commence after the approving authority has granted final approval of the development application including completion of all conditions of the approval and/or has signed the appropriate subdivision map or deed, or after all of improvements have been approved. The applicant shall send written notice by certified mail to the Chief Financial Officer of the Borough and the Land Use Board and to the relevant Borough 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 Borough within thirty (30) days and shall send a copy simultaneously to the applicant. The Chief Financial Officer of the Borough shall render a written final accounting to the applicant on the uses to which the deposit has been put within forty-five (45) days of the receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest, shall be refunded to the applicant along with the final accounting.
3. All professional charges for review of the 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 the application for development presently pending before the approving authority or upon review of compliance with conditions of approval, or review or requests of modifications or amendments made by the applicant. The professionals shall not review items which are subject to approval by a State governmental agency and not under Borough jurisdiction except to the extent consultation with the State agency is necessary due to the effect of State approvals on the subdivision or site

plan. 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 requirements. If the Borough retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection or improvements, the Borough or Land Use Board 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 Land Use Board shall not bill the applicant or charge the deposit or the escrow account for any such services.

(Ord. No. 751 § 29-6; Ord. No. 759 § 5)