

**TOWNSHIP OF SADDLE BROOK
ORDINANCE NO. 1626-17**

**AN ORDINANCE AMENDING FILING FEES, ESCROW DEPOSITS AND
COMPLETION CHECKLIST PERTAINING TO DEVELOPMENT APPLICATIONS
BEFORE THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF SADDLE BROOK AS FOLLOWS:

Section I.

§118-22, entitled “Fees” of the Code of the Township of Saddle Brook be and is hereby deleted in its entirety and replaced with a new Section 118-22, to be entitled “Filing Fees, Professional Fees and Escrows”, to read as follows:

A. Filing Fees: Applications to the Planning Board and Zoning Board of Adjustment shall bear the following filing fees based on the type of application:

FILING FEES FOR PLANNING BOARD AND ZONING BOARD

| TYPE | AMOUNT |
|----------------------------------|--|
| 1. Residential bulk variance | \$75 |
| 2. Residential “D” Variance | \$75 |
| 3. Minor Site Plan (Preliminary) | \$50 plus \$50 per 5,000 square feet or part thereof |
| 4. Minor Site Plan (Final) | \$25 plus \$25 per 5,000 square feet or part thereof |
| 5. Major Site Plan (Preliminary) | \$50 plus \$50 per 5,000 square feet or part thereof |
| 6. Major Site Plan (Final) | \$25 plus \$25 per 5,000 square feet or part thereof |
| 7. Minor Subdivision | \$150 |
| 8. Major Subdivision | \$250 |
| 9. Conditional Use | \$150 |
| 10. Conditional Use Variance | \$250 |
| 11. Informal Hearing | \$100 |
| 12. Site Plan Waiver | \$100 |

13. Special Meeting \$200

In addition, a \$250 secretarial/
administrative charge for special
meetings

B. Responsibility by Virtue of the Filing of an Application for Development with Either the Planning Board or Zoning Board of Adjustment: The applicant agrees to be responsible to pay the fees of the professionals for each Board including, but not limited to, attorney, engineer and planner, reasonably incurred in connection with the review, processing and approval or denial of the application. The failure of an applicant to pay, within a reasonable period of time, the outstanding fee of any Board professional, or the failure to post a required escrow deposit, shall entitle the Planning Board or Zoning Board of Adjustment, as the case may be, to suspend hearings and/or to withhold approving documents. In addition, such failure shall authorize the Building Department to withhold the issuance of permits, certificates of occupancy and other approvals. The Board professional will also be authorized to commence a legal action against the applicant seeking the payment of any outstanding fees.

C. Escrows: Applicants are required, as part of the application process, to post escrow deposits as security for the anticipated fees of the Board professionals as indicated above. Escrow deposits shall be made separately for each category of professional including, but not limited to, attorney, engineer and planner. The escrow deposits shall be made in accordance with the below schedule, with the understanding that the reviewing engineer may adjust the amount of the required escrow based on the details of a particular application, and shall promptly give notice to the applicant upon making such determination. If, during the course of a continuing hearing, the Planning Board or Zoning Board of Adjustment reasonably determines that additional escrows need to be posted, the applicant shall be given notice of same and shall promptly post any such required escrow.

ESCROW DEPOSITS FOR PLANNING BOARD AND ZONING BOARD

| TYPE | ENGINEER (Includes completeness) | ATTORNEY | PLANNER |
|------------------------------|--|-----------------|----------------|
| 1. Residential bulk variance | \$150-completeness review. Engineer to determine amount of further escrow. | \$250 | 0 |
| 2. Residential "D" Variance | \$150-completeness review. Engineer to determine amount of further escrow. | \$250 | \$250 |
| 3. Minor Site Plan | \$1750 | \$500 | \$500 |

(Preliminary)

| | | | |
|---|--------|--------|--------|
| 4. Minor Site Plan (Final) | \$1750 | \$500 | \$500 |
| 5. Major Site Plan (Preliminary) | \$2500 | \$1500 | \$1000 |
| 6. Major Site Plan (Final) | \$2500 | \$1500 | \$1000 |
| 7. Minor Subdivision | \$1750 | \$500 | \$500 |
| 8. Major Subdivision | \$2500 | \$1500 | \$1000 |
| 9. Conditional Use | \$1500 | \$1000 | \$750 |
| 10. Conditional Use Variance | \$2000 | \$1500 | \$1000 |
| 11. Informal Hearing | 0 | 0 | 0 |
| 12. Site Plan Waiver | \$1000 | \$500 | \$500 |
| 13. Resolution Publication (Residential) | \$25 | | |
| 14. Resolution Publication (Non- residential) | \$60 | | |
| 15. Special Meeting | \$450 | \$450 | \$450 |

D. Procedures: The provisions of *N.J.S.A.* 40:55D-53.1, 53.2, and 53.2a as they pertain to the disposition of required deposits, payments to professionals, deposits towards expenses and dispute procedures are incorporated by reference with the proviso that the failure of an applicant to notify the governing body with a copy of said notice to the Chief Financial Officer, the appropriate Board and the professional who rendered the bill of its dispute of the charges within twenty (20) days of receipt of same shall be deemed a waiver of the applicant's right to challenge said charge or charges.

Section II.

§2016-74.1, entitled "Fees to Reimburse Professional Planner for Review of Applications", be and hereby is deleted in its entirety.

Section III.

§163-12, entitled “Required Information (for Site Plan)” be, and hereby is amended by adding to the existing provisions of said Section a new subsection (D) to read as follows:

(D) Checklist: The applicant shall also provide the information set forth on the site plan checklist in Chapter A214, and shall include the checklist with the filed application.

Section IV.

§163-13, entitled “Application for Development”, be and is hereby amended by changing the first sentence of subparagraph (B) so that same reads as follows:

All checklist requirements for all applications for development are contained in Chapter A214 of the Code of the Township of Saddle Brook and are presently on file and on forms in the Municipal Office of the Township of Saddle Brook, and said checklists are hereby incorporated by reference as if the same were set forth at length within the Chapter.

Section V.

§177-4 of the Code of the Township of Saddle Brook entitled “Submission of Sketch Plat”, be and hereby is amended by deleting the last sentence of subsection (A) beginning with the words “At the time” and continuing to the end of that sentence.

Section VI.

§177-4 of the Code of the Township of Saddle Brook entitled “Submission of Sketch Plat”, be and hereby is amended by adding a new subsection (F) to read as follows:

(F) Applicants for subdivision approval shall also comply with the checklist requirements as contained in ChapterA214.

Section VII.

§177-8 of the Code of the Township of Saddle Brook entitled “Sketch Plat”, be and hereby is amended by adding a new subsection (F) to read as follows:

(F) Applicants shall also comply with the checklist requirements as contained in Chapter A214.

Section VIII.

§177-9 of the Code of the Township of Saddle Brook entitled “Preliminary Plat” be and hereby is amended by adding a new subsection (H) to read as follows:

(H) Applicants shall also comply with the checklist requirements as set forth in Chapter A214.

Section IX.

§177-10 of the Code of the Township of Saddle Brook entitled “Final Plat” be and hereby is amended by adding a new subsection (O) to read as follows:

(O) Applicants shall also comply with the checklist requirements as set forth in Chapter A214.

Section X.

§118-8 of the Code of the Township of Saddle Brook entitled “Procedure for Filing Applications” be and hereby is amended by adding to the existing language of said section the following:

Applicants shall also comply with the checklist requirements as set forth in Chapter A214.

Section XI.

Article III of the Code of the Township of Saddle Brook, entitled “Provisions Applicable to Both Planning Board and Zoning Board of Adjustment”, be and hereby is amended by adding to the existing provisions of said Article a new section, to be denominated §118-22A, and entitled “Completeness Reviews, Checklist and Surveys”.

A. The Engineer for each Board will perform completeness reviews for all applications. Checklist requirements for the categories of application as set forth herein are hereby adopted as set forth in a new Chapter A214 entitled “Zoning Application Checklists”.

B. Surveys: Whenever a survey is required to be filed as part of any application to the Planning Board or Zoning Board of Adjustment, the survey must be certified to the owner of the property or to the applicant, must be dated within five (5) years of the date of submission of the application, and must be accompanied by a current affidavit of no change. In addition, surveys must be signed and sealed by the professional who prepared same.

Section XII. All other parts, portions and provision of Sections 118-22, 2016-74.1, 163.12, 163-13, 177-4, 177-8, 177-9, 177-10, and 118-8 of the Saddle Brook Code be and the same hereby are ratified and confirmed, except where inconsistent: with the terms hereof. In the event of any such inconsistency, the terms of this ordinance shall be deemed to govern.

Section XIII. The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional said finding shall not affect any other part, portion or provision thereof.

Section XIV. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

APPROVED:

TOWNSHIP OF SADDLE BROOK

Peter LoDico, Township Clerk

Karen D'Arminio, Council President

Robert White, Mayor