

APPLICATION

Must be Filed with Secretary of the Planning Board — Township of Saddle Brook

CLASSIFICATION AND APPROVAL OF SKETCH SUBDIVISION PLAT

To: Township of Saddle Brook Planning Board

Application is hereby made for the classification and approval of a sketch plat of a proposed subdivision of land, attached herewith, more particularly described as follows:

1. Applicants name:
(First) (Last)

Address:
(Street)

.....
(City) (State) (Zip Code) Phone (Area) (Number)

2. Name and Address of present owner (if other than #1 above)

Name:
(First) (Last)

.....
(Street)

.....
(City) (State) (Zip Code) Phone (Area) (Number)

3. Interest of applicant if other than owner

4. Location of Subdivision
(Street Address)

.....
(Block No.) (Lot No.) (Zone)

5. Number of Proposed Lots

6. Number of Present Lots

7. Area of Entire Tract
(Square Feet) (Acres)

8. Size of Lots
(List square feet area of each subdivided lot)

9. Purpose of Subdivision:

a. Sell lots only

b. Construct new buildings

c. Subdivide present buildings

d. Other (Explain)

10. Services available to all lots:

a. Water

b. Gas

c. Sanitary Sewers

d. Storm Sewers

11. Name and Address of person preparing sketch plat:

Name Profession:
(First) (Last)

Address License #
(Street) (State) (No.)

.....
(City) (State) (Zip Code) Phone (Area) (Number)

Submitted to Bergen County Planning Board by applicant on date

e

Signature of Owner

- C. **MINOR STREETS** — Those which are used primarily for access to the abutting properties.
- D. **MARGINAL ACCESS STREETS** — Streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- E. **ALLEYS** — Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

SUBDIVIDER — Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

SUBDIVISION — The division of a lot, tract or parcel of land into two (2) or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, except that the following divisions shall not be considered "subdivisions," provided that no new streets or roads are involved: divisions of land for agricultural purposes where the resulting parcels are three (3) acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property upon court order. "Subdivision" also includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

ARTICLE III Procedure

§ 177-4. Submission of sketch plat.

- A. Any owner of land within the Township of Saddle Brook shall, prior to subdividing or resubdividing land, as defined in this chapter, submit to the Secretary of the Planning Board at least two (2) weeks prior to the regular meeting of the Board a sketch plat of the proposed subdivision for purposes of classification and preliminary discussion. At the time of submission, the applicant shall pay a filing fee of twenty-five dollars (\$25.). [Amended 11-28-1969 by Ord. No. 630]
- B. If classified and approved as a minor subdivision by a majority vote of the Planning Board, a notice to that effect will be made on the sketch plat. The plat will then be forwarded to the Mayor and the Municipal Clerk for their signatures and returned to the subdivider within one (1) week following the next regular meeting of the governing body. No further Planning Board or governing body approval shall be required. [Amended 4-22-1959 by Ord. No. 474]
- C. Copies of sketch plat.
 - (1) Before the Municipal Clerk returns any approved sketch plat to the subdivider, the Clerk shall have sufficient copies made to furnish one (1) copy to each of the following:
 - (a) Municipal Clerk.
 - (b) Municipal Engineer.

- (c) Building Inspector or Zoning Officer.
 - (d) Tax Assessor.
 - (e) Secretary of the Planning Board.
 - (f) County Planning Board.
- (2) The cost of the copies will be charged to the subdivider and shall be collected before the return of the original sketch plat to the subdivider.
- D. Either a deed description or plat map drawn in compliance with Chapter 358 of the Laws of 1953² shall be filed by the subdivider with the county recording officer within ninety (90) days from the date of return of the approved sketch plat.
- E. If the plat is classified as a major subdivision, a notation to that effect shall be made on the plat, which will be returned to the subdivider for compliance with the procedure in §§ 177-5 and 177-6.

§ 177-5. Submission of preliminary plat of major subdivision.

- A. At least six (6) black-on-white prints of the preliminary plat, together with three (3) completed application forms for preliminary approval, shall be submitted to the Municipal Clerk two (2) weeks prior to the Planning Board meeting at which consideration is desired. At the time of filing, a fee of one hundred fifty dollars (\$150.) shall be paid to the Municipal Clerk to cover the costs of publishing notice and of notifying the persons concerned of the pending hearing on said subdivision. The Municipal Clerk shall immediately notify the Secretary of the Planning Board upon receipt of a preliminary plat. [Amended 11-28-1969 by Ord. No. 630]
- B. The Secretary of the Planning Board shall notify by mail at least five (5) days prior to the hearing all property owners within two hundred (200) feet of the extreme limits of the subdivision as their names appear on the municipal tax record. Said notice shall state the time and place of hearing, a brief description of the subdivision and that a copy of said subdivision has been filed with the Municipal Clerk for public inspection. The Secretary shall also cause notice of the hearing to be published in the official newspaper or a newspaper of general circulation in the municipality at least ten (10) days prior to the hearing.
- C. Copies of the preliminary plat shall be forwarded by the Secretary of the Planning Board prior to the hearing to the following persons:
- (1) Secretary of County Planning Board.
 - (2) Municipal Engineer.
 - (3) Secretary of Division of Health.
 - (4) Such other municipal, county or state officials as directed by the Planning Board.

² Editor's Note: Now N.J.S.A. 46:23-9.9 et seq.

- D. The Planning Board shall act on the preliminary plat within ninety (90) days after submission to the Municipal Clerk, but in no case before the expiration of the twenty-day period within which the County Board may submit a report on said subdivision. In all cases the recommendations of the County Board shall be given careful consideration in the final decision of the local Planning Board. If the County Planning Board has approval authority pursuant to N.J.S.A. 40:27.12,³ its action shall be noted on the plat, and if disapproved, two (2) copies of the reasons for disapproval shall be returned with the plat. If either the Planning Board or County Planning Board disapproves a plat, the reasons for disapproval shall be remedied prior to further consideration. The person submitting a plat shall be notified of the action of the Planning Board within ninety (90) days of its submission. If approval is required by any other officer or public body, the same procedure as applies to submission to and approval by the County Planning Board shall apply.
- E. If the Planning Board acts favorably on a preliminary plat, a notation to that effect shall be made on the plat and it shall be referred to the governing body for action. Its action shall be noted on the plat, signed by the President of the Township Council, and the plat shall be returned to the subdivider for compliance with final approval requirements.
- F. Preliminary approval shall confer upon the applicant the following rights for a three-year period from the date of approval:
- (1) That the general terms and conditions under which the preliminary approval was granted will not be changed.
 - (2) That the said applicant may submit on or before the expiration date the whole or part or parts of said plat for final approval.

§ 177-6. Improvements or guaranties prior to final approval.

- A. Before consideration of a final subdivision plat, the subdivider will have installed the improvements required under Article V or the Planning Board shall require the posting of adequate performance guaranties satisfactory to the Township Council to assure the installation of the required improvements.
- B. Prior to the signing of the subdivision plat by the President of the Township Council, the applicant and developer shall pay to the Township Clerk a sum equal to two percent (2%) of the performance bond covering all improvements, which sum shall be used by the township to defray the expense of engineering, inspection and reports. Any balance remaining shall be refunded to the applicant.

§ 177-7. Submission of final plat of major subdivision.

- A. The final plat shall be submitted to the Municipal Clerk for forwarding to the Planning Board for final approval within three (3) years from the date of preliminary approval. The Municipal Clerk shall immediately notify the Secretary of the Planning Board upon receipt

³ Editor's Note: For current statutory provisions, see N.J.S.A. 40:27-6.1 et seq.

of a final plat and the Planning Board shall act upon the final plat within forty-five (45) days after the date of submission for final approval to the Municipal Clerk.

- B. The original tracing, eight (8) black-on-white prints and three (3) copies of the application form for final approval shall be submitted to the Secretary of the Planning Board at least five (5) days prior to the date of a regular Planning Board meeting. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications required by the Planning Board.
- C. The final plat shall be accompanied by a statement by the Municipal Engineer that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one or both of the following:
 - (1) Installed all improvements in accordance with the requirements of these regulations;
or
 - (2) Posted a performance guaranty with the Township Clerk in an amount required by the Township Council to assure the completion of all required improvements.
- D. If the Planning Board favorably refers a final plat to the governing body, the governing body shall take action not later than the second regular meeting following the referral, noting its action on the plat and the President of the Township Council affixing his signature thereto if said action is favorable.
- E. Failure of the Planning Board and governing body to act within the allotted time or a mutually agreed upon extension shall be deemed to be favorable approval and the Municipal Clerk shall issue a certificate to that effect.
- F. If any person shall be aggrieved by the action of the Planning Board, appeal in writing to the governing body may be taken within ten (10) days after the date of the action of the Planning Board. A hearing thereon shall be had on notice to all parties in interest, who shall be afforded an opportunity to be heard. After such hearing the governing body may affirm or reverse the action of the Planning Board by a recorded vote of a majority of the total members thereof. The findings and reasons for the disposition of the appeal shall be stated on the records of the governing body, and the applying party shall be given a copy.
- G. Distribution of copies of final plat.
 - (1) Upon final approval, copies of the final plat shall be filed by the Planning Board with the following:
 - (a) Municipal Clerk.
 - (b) Municipal Engineer.
 - (c) Building Inspector.
 - (d) Tax Assessor.
 - (e) County Planning Board.
 - (f) Official issuing certificate for approved lots.

ARTICLE IV
Plat Details

§ 177-8. Sketch plat.

The sketch plat shall be based on Tax Map information or some other similarly accurate base, at a scale [preferably not less than one hundred (100) feet to the inch] to enable the entire tract to be shown on one (1) sheet, and shall show or include the following information:

- A. The location of that portion which is to be subdivided in relation to the entire tract.
- B. All existing structures and wooded areas within the portion to be subdivided and within two hundred (200) feet thereof.
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- D. The Tax Map sheet, block and lot numbers.
- E. All streets or roads and streams within five hundred (500) feet of the subdivision.

§ 177-9. Preliminary plat.

The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one (1) inch equals one hundred (100) feet. Preliminary plats shall be designed by a New Jersey professional engineer and land surveyor. The plat shall be designed in compliance with the provisions of Article VI of this chapter and shall show or be accompanied by the following information:

- A. A key map showing the entire subdivision and its relation to surrounding areas.
- B. The tract name, Tax Map sheet, block and lot numbers, date, reference meridian, graphic scale and the following names and addresses:
 - (1) Name and address of record owner or owners.
 - (2) Name and address of the subdivider.
 - (3) Name and address of person who prepared map.
- C. Acreage of tract to be subdivided to nearest tenth of an acre.

- D. Sufficient elevations or contours to determine the general slope and natural drainage of the land and the high and low points, and tentative cross sections and center-line profiles for all proposed new streets.
- E. The location of existing and proposed property lines, streets, buildings, watercourses, railroads, bridges, culverts, drainpipes and any natural features such as wooded areas and rock formations.
- F. Plans of proposed utility layouts (sewers, storm drains, water, gas and electricity), showing feasible connections to existing or any proposed utility systems. When an individual water supply and/or sewage disposal system is proposed, the plan for such system must be approved by the appropriate local, county or state health agency. When a public sewage disposal system is not available, the developer shall have percolation tests made and submit the results with the preliminary plat. Any subdivision or part thereof which does not meet with the established requirements of this chapter or other applicable regulations shall not be approved. Any remedy proposed to overcome such a situation shall first be approved by the appropriate local, county or state health agency.
- G. A copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat.

§ 177-10. Final plat.

The final plat shall be drawn in ink on tracing cloth at a scale of not less than one (1) inch equals one hundred (100) feet and in compliance with all the provisions of Chapter 358 of the Laws of 1953.⁴ The final plat shall show or be accompanied by the following:

- A. Date, name and location of the subdivision, name of owner, graphic scale and reference meridian.
- B. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
- C. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
- D. Each block shall be numbered, and the lots within each block shall be numbered consecutively beginning with number one (1).
- E. Minimum building setback lines on all lots and other sites.
- F. Location and description of all monuments.
- G. Names of owners of adjoining unsubdivided land.
- H. Certification by engineer or surveyor as to accuracy of details of plat.

⁴ Editor's Note: Now N.J.S.A. 46:23-9.9 et seq.

- I. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement.
- J. When approval of a plat is required by any officer or body of such a municipality, county or state, approval shall be certified on the plat.
- K. Cross sections and profiles of streets, approved by the Municipal Engineer, may be required to accompany the final plat.
- L. Contours at five-foot intervals for slopes averaging ten percent (10%) or greater and contours at two-foot intervals for slopes of five percent (5%) to ten percent (10%) and at one-foot intervals for land of lesser slope.
- M. Plans and profiles of storm and sanitary sewers and water mains.
- N. Certificate from Tax Collector that all taxes are paid to date.

ARTICLE V Improvements

§ 177-11. Required improvements.

- A. Prior to the granting of final approval, the subdivider shall have installed or shall have furnished performance guaranties for the ultimate installation of the following:
 - (1) Streets.
 - (2) Street signs.
 - (3) Curbs and/or gutters.
 - (4) Sidewalks.
 - (5) Streetlighting.
 - (6) Shade trees. Such shade trees shall be located on the street line so as not to interfere with utilities or sidewalks.
 - (7) Topsoil protection. No topsoil shall be removed from the site or used as spoil except as provided by township ordinance. Topsoil moved during the course of construction shall be redistributed so as to provide at least six (6) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
 - (8) Monuments. Such monuments shall be of the size and shape required by Section 4 of Chapter 358 of the Laws of 1953⁵ and shall be placed in accordance with said statute.
 - (9) Water mains, culverts, storm sewers and sanitary sewers. All such installations shall be properly connected with an approved system and shall be adequate to handle all present and probable future development.
- B. All of the above-listed improvements shall be subject to inspection and approval by the Municipal Engineer, who shall be notified by the developer at least twenty-four (24) hours

⁵ Editor's Note: Now N.J.S.A. 46:23-9.11.

prior to the start of construction. No underground installation shall be covered until inspected and approved.

§ 177-12. Completion of improvements or filing of performance guaranty.

- A. No final plat shall be approved by the Planning Board until the completion of all such required improvements has been certified to the Planning Board by the Municipal Engineer, unless the subdivision owner shall have filed with the municipality a performance guaranty sufficient in amount to cover the cost of all such improvements or uncompleted portions thereof as estimated by the Municipal Engineer, and assuring the installation of such uncompleted improvements on or before an agreed date. Such performance guaranty may be in the form of a performance bond which shall be issued by a bonding or surety company approved by the governing body; a certified check, returnable to the subdivider after full compliance; or any other type of surety approved by the Municipal Attorney.
- B. The performance guaranty shall be approved by the Municipal Attorney as to form, sufficiency and execution. Such performance guaranty shall run for a period to be fixed by the Planning Board but in no case for a term of more than three (3) years. However, with the consent of the owner and the surety, if there be one, the governing body may by resolution extend the term of such performance guaranty for an additional period not to exceed three (3) years. The amount of the performance guaranty may be reduced by the governing body by resolution when portions of the required improvements have been installed. If the required improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon to the municipality for the reasonable cost of the improvements not installed, and upon receipt of the proceeds thereof the municipality shall install such improvements.

ARTICLE VI
Design Standards

§ 177-13. Conformance required.

The subdivider shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof.

§ 177-14. General standards.

The subdivision plat shall conform to design standards that will encourage good development patterns within the municipality. Where either or both an Official Map or Master Plan has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted Master Plan or Official Map shall be considered in approval of subdivision plats. Where no Master Plan or Official Map exists, streets and drainage rights-of-way shall be shown on the final plat in accordance with Section 20 of Chapter 433 of the Laws of 1953, N.J.S.A. 40:55-1.20, and shall be such as to lend themselves to the harmonious

development of the municipality and enhance the public welfare in accordance with the following design standards.

§ 177-15. Streets.

- A. The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets.
- B. Minor streets shall be so designated as to discourage through traffic.
- C. Subdivisions abutting arterial streets shall provide a marginal service road or reverse frontage with a buffer strip for planting, or some other means of separation of through and local traffic as the Planning Board may determine appropriate.
- D. Width of streets.
 - (1) The right-of-way width shall be measured from lot line to lot line and shall not be less than the following:
 - (a) Arterial streets: eighty (80) feet.
 - (b) Collector streets: sixty (60) feet.
 - (c) Minor streets: fifty (50) feet.
 - (d) Marginal access streets: forty (40) feet.
 - (e) The right-of-way width for internal roads and alleys in multifamily, commercial and industrial developments shall be determined on an individual basis and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for fire-fighting equipment.
 - (2) The paved area of streets between curblines shall be not less than sixty-six percent (66%) of the right-of-way width.
- E. No subdivision showing reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the Planning Board.
- F. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street width requirements of this chapter shall dedicate additional width along either one (1) or both sides of said road. If the subdivision is along one (1) side only, one-half ($\frac{1}{2}$) of the required extra width shall be dedicated.
- G. Grades of arterial and collector streets shall not exceed four percent (4%). Grades of other streets shall not exceed ten percent (10%). No street shall have a minimum grade of less than one-half of one percent ($\frac{1}{2}$ of 1%).
- H. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty degrees (60°). The block corners at intersections shall be rounded at the curblines with a curve having a radius of not less than twenty-five (25) feet.

- I. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be prohibited.
- J. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- K. When connecting street lines deflect from each other at any one point by more than ten degrees (10°) and not more than forty-five degrees (45°), they shall be connected by a curve with a radius of not less than one hundred (100) feet for minor streets and three hundred (300) feet for arterial and collector streets.
- L. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.
- M. Dead-end streets (culs-de-sac) shall not be longer than six hundred (600) feet and shall provide a turnaround at the end with a radius of not less than fifty (50) feet and tangent whenever possible to the right side of the street. If a dead-end street is of a temporary nature, a similar turnaround shall be provided or provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
- N. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

§ 177-16. Blocks.

- A. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance⁶ and to provide for convenient access, circulation control and safety of street traffic.
- B. In blocks over one thousand (1,000) feet long, pedestrian crosswalks may be required in locations deemed necessary by the Planning Board. Such walkways shall be ten (10) feet wide and be straight from street to street.
- C. For commercial, group housing or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

§ 177-17. Lots.

- A. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.⁷
- B. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- C. Each lot must front upon an approved street at least fifty (50) feet in width, except lots fronting on streets described in § 177-15D(4) and (5).

⁶ Editor's Note: See Ch. 206, Zoning.

⁷ Editor's Note: See Ch. 206, Zoning.

- D. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra-width line and all setbacks shall be measured from such line.
- E. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.

§ 177-18. Public use and service areas.

- A. In large-scale development, easements along rear property lines or elsewhere for utility installations may be required. Such easements shall be at least fifteen (15) feet wide and located in consultation with the companies or municipal departments concerned.
- B. Where a subdivision is traversed by a watercourse, drainageway channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. All watercourses and drainageways shall be improved by the developer by piping enclosure or other bank improvement satisfactory to the Township Council.
- C. Natural features such as trees, brooks, hilltops and views shall be preserved whenever possible in designing any subdivision containing such features.

ARTICLE VII

Penalty

§ 177-19. Violations and penalties.

If, before favorable referral and final approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board and the governing body are required to act, such person shall be subject to a fine not to exceed two hundred dollars (\$200.) or to imprisonment for not more than thirty (30) days, and each parcel, plot or lot so disposed of shall be deemed a separate violation.

§ 177-20. Additional remedies.

- A. In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirements for a building permit under Section 3 of the Official Map and Building Permit Act (1953), N.J.S.A. 40:55-1.32, the municipality may institute and maintain a civil action:
 - (1) For injunctive relief.
 - (2) To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with Section 24 of Chapter 433 of the Laws of 1953, N.J.S.A. 40:55-1.24, but only if the municipality has a Planning Board or a committee thereof with power to act and which meets regularly on a monthly or more frequent basis and whose governing body has adopted

standards and procedures in accordance with Section 20 of Chapter 433 of the Laws of 1953, N.J.S.A. 40:55-1.20.

- B. In any such action the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title-closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land, or within six (6) years if unrecorded.

ARTICLE VIII Interpretation

§ 177-21. Interpretation of regulations; hardship situations.

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township of Saddle Brook. Any action taken by the Planning Board and governing body under the terms of this chapter shall give primary consideration to the above-mentioned matters and to the welfare of the entire community. However, if the subdivider or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the Planning Board and governing body may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter.

**TOWNSHIP OF SADDLE BROOK
ORDINANCE NO. -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.