

AN ORDINANCE AMENDING CHAPTER XIII (LAND USE AND DEVELOPMENT REGULATIONS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO AMEND CHARGEABLE APPLICATION AND ADMINISTRATIVE FEES ON APPLICATIONS FOR SUBDIVISIONS, SITE PLANS, CONDITIONAL USE AND/OR VARIANCES.

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Chapter XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

PURPOSE

The purpose of this ordinance is to amend the chargeable application and administrative fee schedule requirement regarding applications for subdivisions, site plans, conditional use and/or variances.

Chapter XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

Chapter XIII (Land Use and Development Regulations), Section 13-3 (Administrative Procedures), Subsection 13-3.4 (Fees) shall be amended as follows:

13-3.4 Fees

The developer, at the time of filing an application or appeal, or as otherwise provided herein, shall deposit with the administrative officer in cash or certified check made payable to the borough, an amount determined by the schedule set forth in this subsection. Applications for development requiring a combination of approvals such as subdivision, site plan, conditional use and/or variance shall pay a fee equal to the sum of the fees for each required approval.

In addition to the below listed basic fees chargeable on applications for minor subdivisions, for sketch plats, preliminary plats and final plats with regard to major subdivisions, and for either or both preliminary and final approval, each applicant shall be responsible to pay in full to the borough and prior to the adoption of any resolution or approval, all reasonable and necessary costs, expenses and fees incurred in connection with the application by the planning board or board of adjustment for the services of the professional planner, engineer, attorney or other professional consultant not exceeding in the aggregate the sum of five thousand (\$5,000.00) dollars. The planning board or board of adjustment, as the case may be shall, prior to the meeting scheduled for final action on the particular application, notify the applicant in writing at least ten days in advance thereof, of the amount of such fees for which payment will be required, and the method

of calculation thereof. The applicant shall cause such sum to be paid prior to any final action by the particular municipal agency involved. All professional fees charged for such services shall be paid to the Borough of Union Beach as a "pass through" to the professional(s) involved who shall submit a voucher for payment to the Borough of Union Beach, indicating that the source of funds for payment is "pass through from fees paid by the applicant."

- a. Application for a Zoning/Development Permit. Twenty-five dollars (\$ 25.00) minimum per permit.
 - 1. Zoning/Development Fees shall be assessed according to Appendix A. (Ord. No. 2016-236)

APPENDIX A ZONING/DEVELOPMENT FEES (subsection 13-3.4a,2)	
Fence	\$25.00
Flag Pole	\$25.00
Gazebo (Under 100 sq. ft.)	\$25.00
Generators	\$25.00
Lawn Sprinklers	\$25.00
Hot Tub / Spa (outdoor Above Ground)	\$25.00
Ponds (Under 24" deep)	\$25.00
Pool House /Cabanas (under 100 sq. ft.)	\$25.00
Pools (Above Ground)	\$25.00
Shed (Under 100 sq. ft.)	\$25.00
Solar Panels	\$25.00
Flatwork (Concrete, Gravel, Macadam, Pavers)	\$50.00
Retaining Walls	\$50.00
Change / Revision of Electrical Contractor	\$50.00
Change / Revision of Fire Contractor	\$50.00
Shed (Over 100 sq. ft.)	\$75.00
Gazebo (Over 100 sq. ft.)	\$75.00
Decks	\$75.00
Stairs	\$75.00
Platforms	\$75.00
Ponds (deeper than 24" & must meet Barrier Free Regulations)	\$75.00
Hot Tubs / Spas (below ground)	\$75.00
Garage	\$75.00
Elevators / Lifts	\$100.00
Home Elevations	\$100.00

New House	\$100.00
Other:	
Additions:	\$5.00 per thousand cost or \$75.00 minimum
Alterations:	\$5.00 per thousand cost or \$75.00 minimum
Renovations:	\$5.00 per thousand cost or \$75.00 minimum

b. ~~Minor Subdivisions.~~

~~1. Two hundred fifty (\$250.00) dollars for each new lot created, plus two hundred fifty (\$250.00) dollars for the remainder for the original lot; or~~

~~2. Two hundred fifty (\$250.00) dollars for consolidation and resubdivision to adjust lot lines.~~

~~c. Preliminary Plat of Major Subdivision: Two hundred fifty (\$250.00) dollars plus sixty (\$60.00) dollars per lot for first ten lots, plus thirty (\$30.00) dollars per lot for any additional lots over ten lots.~~

~~d. Preliminary Plat of a Site Plan. The fee to be paid shall be the sum of the site area and building area charges in accordance with the following schedule and conditions:~~

~~1. Site Area Charge:~~

~~(a) Four hundred fifty (\$450.00) dollars per acre or any portion thereof.~~

~~2. Building Area Charge:~~

~~(a) Gross building floor area of less than 5,000 square feet—One hundred fifty (\$150.00) dollars.~~

~~(b) Gross building floor area of 5,000 square feet, but less than 10,000 square feet—Three hundred (\$300.00) dollars.~~

~~(c) Gross building floor area of 10,000 square feet, but less than 100,000 square feet—Three hundred (\$300.00) dollars for the first 10,000 square feet plus one hundred fifty (\$150.00) dollars for each additional 10,000 square feet or part thereof.~~

~~(d) Gross building floor area of 100,000 square feet, but less than 500,000 square feet—One thousand six hundred fifty (\$1,650.00) dollars for the first 100,000 square feet plus one hundred (\$100.00) dollars for each additional 10,000 square feet or part thereof.~~

~~3. In cases where only a portion of a parcel or site are to be involved in the proposed site plan, the site area charge shall be based upon an area extending 20 feet outside the limits of all construction, including grading and landscaping, but not beyond the limits of the site.~~

~~4. Waiver of Site Plan Approval Procedure in accordance with the provisions of subsection 13-6.7g Twenty (\$20.00) dollars.~~

~~e. Final Plat of a Major Subdivision: Two hundred (\$200.00) dollars plus ninety (\$90.00) dollars per lot for first ten lots, plus forty five (\$45.00) dollars per lot for any additional lots over ten lots, plus an engineering fee of five hundred (\$500.00) dollars.~~

~~f. Final Plat of a Site Plan: Four hundred fifty (\$450.00) dollars per acre or any portion thereof.~~

~~g. Appeal to the Planning Board from a decision of a municipal officer or request for interpretation: One hundred (\$100.00) dollars per appeal or request.~~

~~h. Variances for one family detached structures and existing two family structures: One hundred (\$100.00) dollars per dwelling unit.~~

~~i. Variances involving nonresidential structures or uses not permitted within a zoning district: Seven hundred fifty (\$750.00) dollars per application plus one hundred fifty (\$150.00) dollars per acre or portion thereof.~~

~~j. Variances for uses or structures other than one family detached dwelling where such are permitted within the zoning district: One hundred fifty (\$150.00) dollars per lot.~~

~~k. Variances for uses or structures not permitted within the zoning district: Seven hundred fifty (\$750.00) dollars per application plus one hundred fifty (\$150.00) dollars per acre or portion thereof.~~

~~l. Conditional uses: Two hundred fifty (\$250.00) dollars per application.~~

~~m. Direction for issuance of a building permit pursuant to N.J.S.A. 40:55D-36: One hundred fifty (\$150.00) dollars per permit requested.~~

b. *Application/administrative fees*

<i>Type of Application</i>	<i>Administrative Fee (\$)</i>
<i>A. Subdivision</i>	
<i>1. Informal Review</i>	
<i>a. Owner occupant</i>	<i>150.00</i>
<i>b. Other</i>	<i>200.00</i>
<i>2. Minor Subdivision; amended minor subdivision</i>	<i>350.00 for each lot created plus \$350.00 for the remainder of the original lot.</i>
<i>3. Lot consolidation and resubdivision to adjust lot lines</i>	<i>\$350.00</i>
<i>4. Preliminary major subdivision; amended preliminary major subdivision</i>	<i>500.00</i>

5. <i>Final major subdivision; amended final major subdivision</i>	<i>50% of prelim major subdiv.</i>
6. <i>Request for an extension of time</i>	<i>100.00</i>
B. Site Plan	
1. <i>Informal Review</i>	<i>200.00</i>
2. <i>Minor site plan; amended minor site plan</i>	<i>500.00</i>
3. <i>Preliminary major site plan; amended preliminary major site plan</i>	
a. <i>Residential</i>	<i>500.00</i>
b. <i>Non-residential; commercial; industrial</i>	<i>750.00</i>
c. <i>Mixed use (residential/commercial)</i>	<i>750.00</i>
d. <i>Final major site plan; amended final major site plan (residential, non-residential and mixed-use site plan)</i>	<i>50% of the preliminary site plan fee.</i>
e. <i>Request for an extension of time</i>	<i>100.00</i>
C. Variances	
1. <i>Decide and hear appeals (N.J.S.A. 40:55D-70a.)</i>	<i>200.00</i>
2. <i>Interpretations (N.J.S.A. 40:55D-70b.)</i>	<i>200.00</i>
3. <i>Bulk (N.J.S.A. 40:55D-70c.)</i>	
a. <i>Each in conjunction with a site plan or subdivision approval</i>	<i>200.00</i>
b. <i>Per variance without site plan or subdivision approval</i>	<i>500.00</i>
c. <i>Use or special reasons variance (N.J.S.A. 40:55D-70d.)</i>	
(1) <i>Residential</i>	<i>500.00</i>
(2) <i>Other Uses</i>	<i>750.00</i>
4. <i>Building permit in conflict with the Official map or building permit for a lot not related to a street</i>	<i>150.00</i>
5. <i>Request for an extension of time</i>	<i>100.00</i>
D. Other	
1. <i>Conditional use approval</i>	<i>500.00</i>
2. <i>Application or permit pursuant to NJSA 40:55D-34 and 35</i>	<i>250.00</i>
3. <i>Subdivision approval certificate</i>	<i>50.00</i>
4. <i>Certificate of non-conformity (NJSA 40:55D-68)</i>	<i>250.00</i>
5. <i>Request for Reapproval- Single Family Residential, single lot.</i>	<i>250.00</i>
6. <i>Request for Reapproval- Other</i>	<i>500.00</i>
7. <i>Special Meetings, requested by applicant</i>	<i>1,500.00</i>
8. <i>Developer's agreement</i>	<i>500.00</i>
9. <i>Waiver of Site Plan application</i>	<i>250.00</i>

c. Escrow Fees

<i>Type of Application</i>	<i>Escrow Fee (\$)</i>
<i>A. Subdivision</i>	
<i>1. Informal Review</i>	<i>500.00</i>
<i>2. Minor Subdivision; amended minor subdivision</i>	<i>1,500.00</i>
<i>3. Lot consolidation and resubdivision to adjust lot lines</i>	<i>500.00</i>
<i>4. Preliminary major subdivision; amended preliminary major subdivision, 1-5 lots</i>	<i>2,000.00</i>
<i>5. Preliminary major subdivision; amended preliminary major subdivision, 6-25 lots</i>	<i>3,500.00</i>
<i>6. Preliminary major subdivision; amended preliminary major subdivision, 25-100 lots</i>	<i>5,000.00</i>
<i>7. Preliminary major subdivision; amended preliminary major subdivision, 101 + lots</i>	<i>7,500.00</i>
<i>8. Final major subdivision; amended final major subdivision</i>	<i>50% of the preliminary major subdivision fee.</i>
<i>9. Request for an extension of time</i>	<i>1,000.00</i>
<i>B. Site Plan</i>	
<i>1. Informal Review</i>	<i>500.00</i>
<i>2. Minor site plan; amended minor site plan</i>	<i>2,000.00</i>
<i>3. Preliminary major site plan; amended preliminary major site plan</i>	
<i>a. Residential</i>	<i>2,000.00 plus 25.00 per unit</i>
<i>b. Non-residential; commercial; industrial, 0-5,000 sq. ft. new floor area</i>	<i>3,000.00</i>
<i>c. Non-residential; commercial; industrial, 5,001 -10,000 sq. ft. of new floor area.</i>	<i>6,000.00</i>
<i>d. Non-residential; commercial; industrial, 10,001- 25,000 sq. ft. of new floor area.</i>	<i>7,500.00</i>
<i>e. Non-residential; commercial; industrial, 25,000 + sq. ft. of new floor area.</i>	<i>10,000.00</i>
<i>f. Mixed use (residential/commercial)</i>	<i>Residential (a)+ Commercial (b, c, d, or e)</i>
<i>g. Final major site plan; amended final major site plan (residential, non-residential and mixed-use site plan)</i>	<i>50% of the preliminary site plan fee.</i>
<i>h. Request for an extension of time</i>	<i>1,000.00</i>
<i>C. Variances</i>	
<i>1. Decide and hear appeals (N.J.S.A. 40:55D-70a.)</i>	<i>1,500.00</i>
<i>2. Interpretations (N.J.S.A. 40:55D-70b.)</i>	<i>1,500.00</i>
<i>3. Bulk (N.J.S.A. 40:55D-70c.)</i>	
<i>a. Each in conjunction with a site plan or subdivision approval</i>	<i>500.00</i>
<i>b. Per variance without site plan or subdivision approval</i>	<i>750.00</i>
<i>c. Use or special reasons variance (N.J.S.A. 40:55D-70d.)</i>	<i>3,000.00</i>

<i>d. Use or special reasons variance (N.J.S.A. 40:55D-70d.)- Single family residential, 1-2 dwelling units</i>	<i>500.00</i>
<i>4. Building permit in conflict with the Official map or building permit for a lot not related to a street</i>	<i>500.00</i>
<i>5. Request for an extension of time</i>	<i>500.00</i>
<i>D. Other</i>	
<i>1. Conditional use approval</i>	<i>1,000.00</i>
<i>2. Application or permit pursuant to NJSA 40:55D-34 and 35</i>	<i>500.00</i>
<i>3. Subdivision approval certificate</i>	<i>NA</i>
<i>4. Certificate of non-conformity (NJSA 40:55D-68)</i>	<i>750.00</i>
<i>5. Request for Reapproval</i>	<i>50% of final subdiv/site plan, per this schedule.</i>
<i>6. Developer's Agreement (13-7.2a,2e)</i>	<i>\$1,500.00</i>
<i>7. Drainage Review</i>	<i>\$750.00</i>
<i>8. Floodplain Review</i>	<i>\$250.00</i>

Renumber section 13-3.4 n, o, p, q, x, y as “d, e, f, g, h, i”

n.d Inspection Fees for a Major Subdivision. Required inspection fees shall be paid prior to issuance of a development permit or signing of a final plat or, where authorization has been granted pursuant to the provisions of this chapter, prior to the start of construction of any improvements before final plat approval. Such fees shall be paid in the amount of five percent of the approved construction cost of the bondable and non-bondable items requiring inspection as established by the borough engineer.

o.e Inspection Fees for a Major Site Plan. Required inspection fees shall be paid prior to issuance of a development permit or signing of a final plat or, when authorization has been granted pursuant to the provisions of this chapter, prior to the start of construction of any improvements before final plat approval. Such fees shall be paid in the amount of five percent of the approved construction cost of the bondable and non-bondable items requiring inspection as established by the borough engineer.

p.f Reproduction Fees. Three (\$3.00) dollars per sheet of the plat and attachments, except that the minimum fee shall be five (\$5.00) dollars. An additional reproduction fee of fifteen (\$15.00) dollars shall be charged for minor subdivisions and final plats of major subdivisions to cover the cost of the borough clerk obtaining a reproducible original of the filed map.

q.g Revised Plats. Any proposed revisions to a plat, including all supporting maps and documents, previously approved which approval is still in effect, or pending approval by the planning board, shall require submission of a revised plat and payment of fees in accordance with the following:

1. Where changes in the plat are requested by the planning board or borough engineer, fees shall be paid in an amount equal to one-fourth of the original fee submitted and only sufficient copies of the plat incorporating the changes as may be necessary for distribution need be submitted.

2. Where there are only minor changes in the plat proposed by the applicant or required by another governmental agency where approval was a condition of the planning board's approval, and which do not involve any additional building or parking or significant change in the design of the site or subdivision, an application fee of fifty (\$50.00) dollars will be required along with sufficient copies of the plat incorporating the changes as may be necessary for distribution. Where such changes are technical in nature and do not affect the basis upon which the planning board approval was given, the planning board engineer may administratively approve changes and forward a copy of the approval letter to the planning board office for proper distribution. The planning board, may, however, within 30 days of receiving such approval letter, disapprove any such administrative approval and require that any such plat revisions be submitted to and acted upon by the full planning board.

3. Where there are changes in the plat proposed by the applicant or required by another governmental agency where approval was a condition of the planning board's approval, which do involve additional building or parking or a significant change in the design of the site or subdivision, an application fee equal to one-half the fee required for the initial submission will be required along with sufficient copies of the plat incorporating the changes as may be necessary for distribution.

4. Where the proposed changes involve a change in use and/or major alteration of the design concepts of the plat approved by the planning board, it shall be considered a new application and shall require the full payment of fees as set forth in this section for new applications for development.

5. Where revisions in the plat only involve additional information required as a condition of a previous approval no additional fees shall be required

r. Requests for Reapproval: One hundred (\$100.00) dollars.

~~s. Special Meetings. At the request of the applicant and with approval of the planning board: Nine hundred (\$900.00) dollars unless the engineer is required by the board to attend. One thousand five hundred (\$1,500.00) dollars if the engineer is required by the board to attend.~~

~~t. Certificate of Nonconforming Structures and Uses. Issuance of a certificate pursuant to N.J.S.A. 40:55D-68 and subsection 13-3.6f. of this section certifying that a use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming: Ten (\$10.00) dollars per certificate requested, and when the holder of a certificate shall, within three years from the date of its issuance, apply for a continuance thereof a fee of two (\$2.00) dollars per calendar year.~~

~~u. Developers agreement as required by subsection 13-7.2a,2(e): Seven hundred fifty (\$750.00) dollars unless the complexity of the review and preparation of the documents by the attorney requires a greater fee, which fee shall be set by the attorney.~~

~~v. Drainage and Floodplain Reviews: Five hundred (\$500.00) dollars for the engineer to conduct drainage reviews and one hundred (\$100.00) dollars for floodplain reviews.~~

~~w. Requests for Informal Review: Twenty-five (\$25.00) dollars for an owner-occupant of a residence and one hundred (\$100.00) for any other developer, with such fees for informal review being credited toward the fees of a formal application for development requesting an informal review by the planning board of a proposed or concept plan. N.J.S.A. 40:55D-10.1.~~

~~h~~ Escrow Accounts and Technical Review Fees.

1. In addition to the above general nonrefundable fees for each application filed, the applicant shall reimburse the borough for all professional or technical review fees deemed necessary or desirable by the board and shall establish an escrow fund with the borough treasurer to pay such fees or charges. The escrow fund shall be utilized to reimburse the borough for all costs, which are reasonable and related to the review of such application.

2. As part of the application submission, the applicant shall be required to make a deposit to the escrow account in an amount provided for in ~~paragraph 9(a) below this section~~. If the amount posted is not sufficient to cover the borough's professional charges associated with the application, the board shall request additional funds.

3. After approval of an application and prior to the start of construction, the applicant shall be required to deposit with the borough clerk engineering inspection escrow fees to provide for anticipated inspection and any additional professional review services in accordance with paragraph 9(b) below.

4. Additional escrow funds, equal to 25 percent of the applicable escrow fee, will be required upon submission of a revised plan for review by board professionals.

5. Additional escrow funds shall be required when the balance of any escrow account reaches 20 percent of the initial deposit. The borough shall notify the applicant who shall be requested to deposit up to 35 percent of the original escrow account. No further consideration, review, processing or inspection shall take place until the additional escrow has been paid.

6. For escrow deposits over five thousand (\$5,000.00) dollars the procedures under N.J.S.A. 40:55D-53.1 shall prevail.

7. At the applicant's written request and at his cost, an account of the expenses or fees paid by him for professional services shall be provided. Borough professionals shall submit vouchers for all services to be assessed against an escrow account, which vouchers shall state the hours spent, the hourly rate and the expenses incurred.

8. Any unexpended monies remaining after the completion of the project and maintenance period shall be returned to the applicant.

9. Initial Escrow Deposits.

(a) Escrow deposits for professional and technical review - The initial deposit of escrow funds for technical and professional review of an application shall be in an

amount equal to ~~double the application fee the chart in subsection c above~~, but not less than seven hundred fifty (\$750.00) dollars

(b) Escrow deposit for inspection - Prior to the start of construction, the applicant shall post engineering inspection fees determined in accordance with the provisions of N.J.S.A. 40:55D-53h and 53.4. Inspection fees shall be five (5) percent of the cost of improvements, with a minimum of five hundred (\$500.00) dollars.

10. Where any approved plan for development requires an amendment to the Official Tax Map of the Borough of Union Beach, a fee shall be assessed against the escrow of the applicant for two hundred fifty (\$250.00) dollars. Said fee must be paid before any permits for development are granted.

~~y~~i All fees shall be paid by the applicant upon request by the secretary of the planning board and all fees must be paid before the approval of a final resolution or the signing of a final plat.

(Ord. #324, S3.4; Ord. #414; Ord. #453; Ord. #483; Ord. #548; Ord. #2006-81; Ord. #2011-181; Ord. #2014-208; Ord. No. 2016-236)

BE IT FURTHER ORDAINED, that if any provisions, paragraph, section or subsection of this be found unconstitutional or invalid by a court of competent jurisdiction, the remain provisions of this chapter shall remain in full force and effect and shall have continuing validity; and,

BE IT FURTHER ORDAINED, that all sections of the ordinance remain in full force and effect: and,

BE IT FURTHER ORDANED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

Charles W. Cocuzza, Mayor

Anne Marie Friscia, Clerk

Introduced: January 19, 2023.

Public Hearing: February 16, 2023.

Adopted: February 16, 2023.