

ORDINANCE #1005

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 204 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "FEES" FOR THE ADOPTION OF AN UPDATED DEVELOPMENT APPLICATION FEE SCHEDULE FOR THE BOROUGH OF OCEANPORT

WHEREAS, the Borough of Oceanport is a duly organized Municipal Corporation of the State of New Jersey; and

WHEREAS, pursuant to the New Jersey Municipal Land Use Law, and other Laws, the Borough of Oceanport is empowered to establish Application Fees, Escrow Fees, and other Charges associated with the Construction, Zoning, and Land Use Board process; and

WHEREAS, it is appropriate for representatives of the Municipal entity to periodically review and update the various Application Fees, Escrow Charges, and other Fees associated with the Construction, Zoning, and Land Use Board process; and

WHEREAS, the updated Application Fees, Escrow Charges, and other Charges are set forth on the Development Application Fee Schedule, which is attached hereto and incorporated herein at length; and

WHEREAS, it is appropriate for the said Development Fee Schedule to be officially adopted via an authorizing / confirming Ordinance; and

WHEREAS, it is believed that the Fee / Charges, as set forth on the attached Development Application Fee Schedule, are commercially reasonable;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Oceanport as follows:

1. That the Borough Council of the Borough of Oceanport hereby approves and adopts the revised / updated Application Fees / Escrow Charges and other Charges as set forth on the attached Development Application Fee Schedule.
2. That the attached Development Application Fee Schedule shall be effective upon adoption and publication in accordance with New Jersey Law.
3. That the attached Development Application Fee Schedule shall not affect any Development Applications which, in good faith, were submitted to the Borough of Oceanport prior to the adoption of the within Ordinance.
4. That upon adoption, Borough / Planning Board Officials are authorized to distribute the Development Application Fee Schedule to Planning Board Applicants (and other members of the public who wish to review the same).
5. That all Ordinances or parts of Ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

APPROVED ON FIRST READING

DATED: June 20, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: July 18, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II

Mayor

BOROUGH OF OCEANPORT DEVELOPMENT APPLICATION FEE SCHEDULE

Application Type	Application Fee	Escrow Fee	Sub-Totals	
			(Application)	(Escrow)
Zoning Permit	\$45.00	N/A		
Bulk Variance (per lot)	\$300 for 1 variance, plus \$50 for each additional Bulk Variance	\$1,000.00		
Appeals & Interpretations	\$300.00	\$750.00		
Use Variance	1 & 2 Family Home s	\$300.00	\$1,000.00	
	3 or more Family	\$600.00	\$2,500.00	
	Non-Residential	\$600.00	\$2,500.00	
Conditional Use	\$300.00	\$1,000		
Subdivision	Minor Subdivision (up to 3 lots)	\$300.00	\$2,500.00	
	Preliminary Major	\$350 plus \$45 per each additional lot created	\$3,500.00	
	Final Major	\$300.00 plus \$45 for each additional lot created	\$3,500.00	
	Tax Map (Minor & Major)	Single-family lots (1-2 lots) \$200 3 to 9 lots: \$500.00 More than 10 lots: \$1,000		
Site Plan	Residential	\$600, plus \$25 per each dwelling unit	\$100.00 per 1,000 SF of land developed The minimum initial escrow submission shall be \$5,000, and the maximum initial escrow submission shall be \$10,000	
	Non-Residential	\$35 per 1,000 SF of land. The minimum application fee shall be \$450 and the maximum application fee shall be \$850 \$35 per 1,000 SF of land	\$100 per 1,000 SF of land developed (the minimum initial escrow submission shall be \$1,000.00 and the maximum initial escrow submission shall be \$10,000)	
Informal Hearing (if allowed per prevailing law/ordinance)	\$100.00	N/A		
Certified Property Owner's List	\$10 per list per lot, or other maximum amount as the NJ statute allows	N/A		
Special Meeting	\$1,000.00	N/A		
Re-Approval/Extension	\$250	\$500		
Amended Approval	Non-substantive Amendment, as reasonably determined by the Zoning Officer	\$250	\$500	
	Substantive Amendment, as reasonably determined	\$500	\$1,500	
Certificate of Pre-Existing Non-Conforming Use	\$300.00	\$1,000.00		
Other (non-specified)	\$300.00	\$750.00		
GIS	\$25 per application	N/A		
TOTAL				

Notes:

1. Each application fee and each escrow fee is to be paid by 2 separate checks or money orders.
2. Each application fee check and each escrow fee check is to be made payable to the "Borough of Oceanport".
3. The application fee is designed to help defray Borough/Board costs associated with the processing of the Development Applications, including administrative fees, copying charges, personnel time, etc.
4. The application fees are non-refundable.
5. The escrow fees are designed to reimburse the municipality for the actual professional costs billed to the municipality for the professional work associated with the Application. Depending upon the nature/complexity of any particular Development Application, professional fees could possibly include, but are not limited to, the following:
 - Engineering review of application and plans;
 - Preparation of an engineering review memorandum; Engineering field/site inspections;
 - Engineering consultation with the Applicant's Development Team; Engineering review of stormwater calculations;
 - Engineering review of environmental documentation;
 - Engineering review of Subdivision Plans, Metes/Bounds Descriptions, etc.; Engineering review of traffic information I reports;
 - Resolution compliance matters;
 - Legal review of application and plans;
 - Legal review of public notices and confirming affidavits; Preparation of Board Resolutions of Approval/Denial; Review of Subdivision Deeds;
 - Review of Easements/ Dedications, as necessary;
 - Retention of other professional service providers such as a Planner, Traffic Engineer, etc.; and Performance of other necessary professional services.
6. The escrow charges/payments/distribution are governed by local ordinance and by N.J.S.A. 40:55D-53.1 (as may be amended from time to time). Per NJ law, detailed copies of invoices from the Borough/Board professionals, are to be regularly provided to the Applicant and/or the Applicant's representatives. There is a process by which any aggrieved Applicant can appeal the reasonableness of the professional charges associated with a particular application. Applicants are encouraged to review N.J.S.A. 40:55D-53.1a for any additional information
7. In accordance with NJ Law, depending upon the complexity of a particular development project, and/or the need for certain/additional professional services to be rendered, if the Applicant's escrow account is depleted, or nearly depleted and additional professional work remains to be completed, the Applicant may be required to supplement the initial escrow amount. Any request to supplement the escrow amount shall be memorialized in a written statement from the designated Borough Official.
8. Upon satisfactory conclusion of the development process, and confirmation that no additional professional services are required/ necessary, upon written request, any remaining/unused escrow shall be returned to the Applicant.