

ORDINANCE 10-2022

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING AND SUPPLEMENTING CHAPTER 89 "LAND USE", ARTICLE XII "APPLICATION FEES, TAX MAP REVISION FEES FOR SUBDIVISIONS AND ESCROW FEES", SECTION 89-104 "APPLICATION FEES" UPDATING ADMINISTRATIVE FEES TO RELATED TO LAND USE MATTERS

WHEREAS, the Director of Land Use and Planning has proposed to the Borough Administrator and the Borough Council to modernize and update the administrative fees charged in connection with land use applications;

WHEREAS, the Borough Council believes it is in the best interest of its residents to uphold the recommendation of the Director of Land Use and Planning's recommendations to ensure that the fees charged are commensurate with the administrative burden and costs connected with processing land use applications.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 89 "Land Use", Section 89-104 "Application Fees" as follows:

Section 89-104 shall be deleted in its entirety and replaced with the following:

89-104 Application Fees

A.

Application Type	Administrative Fee
Informal Hearing/Concept Plan Review Minor Subdivision All Others	\$250 \$250
Appeals & Interpretations	\$300 plus any other costs incurred by Board during review process
Certificate of Non-Conforming Use From the Administrative Officer From the Zoning Board of Adjustment	\$50 \$250
Capital Review	\$150
Architectural Review Residential Nonresidential	\$150 \$300
Subdivision Minor and Major Preliminary Final	\$500 \$500 + \$50 per lot \$250 + \$50 per lot
Site Plan	
Minor and Major	\$500
Residential Preliminary	\$500 + \$50 per dwelling unit
Residential Final	50% of Preliminary Fee
Nonresidential Preliminary	\$1,000 + \$50 per acre of disturbance + \$0.05 per SF of proposed building area
Nonresidential Final	50% of Preliminary Fee
Conditional Use	\$300 plus fees as designated under site plan
Application for Certificate of approval or certificate of appropriateness in Historical Zone	\$175.00
Waiver (Submittal Requirement or Design Waiver)	N.F.
Bulk "C" Variance	\$200 for 1 + \$50 for each

	additional variance
Use "D" Variance Single Family All other Residential & Nonresidential	\$300 \$600 plus fees as designated under Site Plan
General Development Plan	
Initial Submission	\$500
Administrative Change Determined to be Minor by Borough Engineer	\$150
Plan Amendment	\$250
Timing Schedule Amendment	\$250
Amendment of Approvals	
Administrative change determined by Borough Engineer to minor	\$150
Amendment of preliminary or final plat or site plan previously approved, determined to be minor by Borough Engineer or Agency	\$250
Amendment of preliminary or final plat or site plan previously approved, determined to be minor by Borough Engineer or Agency	Full fees required by This section
Application for extension of time of site plan or subdivision approval pursuant to MLUL	\$500 plus any other costs incurred by the Board during review process
Application for signs requiring Board approval	\$150 plus any other costs incurred by the Board during review process
Permitted temporary free- standing signs Permit for temporary handheld sign	\$50.00 \$100 for the initial permit plus \$25 for each additional handheld sign/person that will be utilized pursuant to the same permit.
Permit for signs in excess of eight feet Billboard permit:	\$100 \$100
Publication Fee Single Family All other Residential & Nonresidential	\$20 per decision rendered \$30 per decision rendered
Certified List of Property Owners	\$10 or \$0.25 per name, whichever is greater
Special Meetings	\$1,750 per special meeting
Fire Prevention (Site Plan or Major Subdivision)	\$100
Zoning Permit Residential New Home w/grading Revised Grading New Home Residential Property Addition Nonresidential New Building Use Aboveground pool In-ground pool Commercial use Sign (commercial)	\$250 \$100 \$50 \$350 \$100 \$175 \$100 \$50 per sign
Issuance of certificate of approval of subdivision Original Certificate Continuation certificate	\$100 \$25 per year

- B. Fees, when necessary in connection with any approval requiring improvements and to cover inspections in accordance with § **89-105**, 5% of total cost of improvements (including off-tract improvements) required as a condition of approval, said cost to be determined by the Borough Engineer in accordance with N.J.S.A. 40:55D-53.4 or other applicable law.
- C. Administrative Secretary search of tax duplicate for owners within 200 feet of premises: \$10 or \$.25 per name whichever is greater.
- D. Issuance of a certificate of occupancy: same fee as provided in Chapter 129, Construction Codes, Uniform and Chapter 116 Certificates of Occupancy, of the Borough Code.
- E. Issuance of temporary certificate of occupancy: same fees as provided in schedule of fees in Chapter 129, Uniform Construction Code of the Borough Code.
- F. Rezoning requests before Planning Board: \$300.
 - 1. Upon approval for ordinance preparation and publication: \$400
- G. Exceptional rezoning review escrows. If the Borough determines that a proposed request for rezoning involves unusual or complicated aspects which could result in expenses to the Borough in excess of any application fees set forth above, the municipal agency hearing a request for rezoning may require the developer or applicant to provide, in addition to any application fee, an escrow deposit for professional fees. Said fees shall be administered in accordance with the procedures established in § **89-105**. In determining the amount of any escrow required, the Borough, municipal agency, or Borough Engineer may consider the following:
 - (1) The size of the projected zoning amendment request;
 - (2) Unusual design or planning aspects;
 - (3) The degree and extent of municipal review and professional services required;
 - (4) The extent of conformity to normal planning and design standards.
- H. Issuance of special event permits: \$100
- I. Legal fees in connection with development applications. For legal services provided by the Borough Attorney in connection with a development application, the developer shall pay the following fees to the Borough Clerk:
 - 1. Preparation of developer's agreement: \$650 or professional's fee, whichever is greater;
 - 2. Preparation of stormwater basin agreement: \$650 or professional's fee, whichever is greater;
 - 3. Review of initial performance guarantees and the preparation of any initial resolutions in connection therewith: \$175 for each review;
 - 4. Review of subsequent, substituted, reduced or modified performance guarantees, review of maintenance guarantees and the review of any amendments or extensions to letters of credit, together with any required resolutions: \$175 for each such review;
 - 5. Preparation of municipal service agreement: \$650 or professional's fee, whichever is greater.
- J. Capital contribution for sidewalk construction. When contributions for sidewalk construction are required, the fee shall be paid into a capital reserve account for sidewalk construction prior to issuance of a building permit and shall be based upon the following fee schedule:
 - 1. Minor subdivision: \$85 per square yard.
 - 2. Minor site plan: \$85 per square yard.
 - 3. Use variance; or undersized lot variance resulting in a new single-family dwelling: \$85 per square yard.
 - 4. Major site plan or major subdivision: an amount equal to 100% of the reasonable cost of installing sidewalks along the entire frontage of the property where sidewalks do not exist. The amount shall be calculated by the Borough Engineer based upon typical costs at the time, with a minimum of \$85 per square yard.
 - 5. In the case of an application requiring multiple approvals: \$85 per square yard.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: May 25 2022
PUBLIC HEARING: June 9, 2022