

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2009-11

ORDINANCE TO AMEND CHAPTER 74, LAND USE PROCEDURES, SECTION 74-56, PROFESSIONAL REVIEW AND EXPERT WITNESS FEES AND SECTION 74-57, FEE SCHEDULE; CHAPTER 136, SOIL EROSION, SECTION 136-11, FEES; CHAPTER 140, SOIL REMOVAL, SECTION 140-11, APPLICATION AND INSPECTION FEES; CHAPTER 155, STREETS AND SIDEWALKS, SECTION 155-2, APPLICATION DEPOSIT AND FEE, AND SECTION 155-3, AMOUNT OF DEPOSIT; CHAPTER 159, SUBDIVISION OF LAND, SECTION 159-8, SUBMISSION OF PLAT AND APPLICATION, MAJOR SUBDIVISION APPROVAL, AND SECTION 159-10, SUBMISSION OF FINAL PLAT OF MAJOR SUBDIVISION; AND CHAPTER 190, ZONING, SECTION 190-28, PEAT HARVESTING OPERATIONS, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

WHEREAS, the Township Committee finds that various provisions of the Township's Land Use Ordinances require updating with respect to fees, in view of increased expenses.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Andover, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 74, Land Use Procedures, Article VI, Fee and Costs, Section 74-56, Professional Review and Expert Witness Fees, Paragraph C, is amended to read as follows:

A. Amount of escrow. Subject to the provisions of Subsection D, each applicant shall, prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Law and this section, submit sums in accordance with §74-57 of this Chapter to be held in escrow in accordance with the provisions hereof.

SECTION 2. Chapter 74, Land Use Procedures, Article VI, Fee and Costs, Section 74-57, Fee Schedule, is amended to read as follows:

§ 74-57. Fee schedule.

- A. Minor subdivision (including lot line adjustment and/or amended application):
- (1) Application fee: \$250
 - (2) Escrow deposit: \$3,000 (Replenish at \$1,500)
- B. Major subdivision:
- (1) Preliminary major subdivision application Fee: \$500 plus \$100 per lot
 - (2) Resubdivision application Fee: \$250 minimum or 25% of preliminary, whichever is greater
 - (3) Preliminary major subdivision escrow deposit: \$750/Lot, \$3,500 Minimum (Replenish at 30% of initial deposit), \$20,000 Maximum initial deposit
 - (4) Final major subdivision application Fee: \$500 minimum or 25% of preliminary, whichever is greater
 - (5) Final major subdivision escrow deposit: \$250/Lot, \$2,500 Minimum (Replenish at 30% of initial deposit), \$10,000 Maximum initial deposit (§75-57B(3) applies to

combined preliminary and major subdivision applications)

- (6) Amended preliminary major or final major application fee: \$500
- (7) Amended preliminary major or final major escrow deposit: \$300/Lot, \$2,500 Minimum (Replenish at 30% of initial deposit), \$10,000 Maximum initial deposit

C. Site plan:

- (1) Application fee: \$250 Minor; \$500 Preliminary Major and Final Major
- (2) Minor site plan escrow deposit: \$3,000 (Replenish at \$1,500)
- (3) Preliminary major site plan escrow deposit: \$2,000/acre of disturbance, \$3,500 Minimum (Replenish at 30% of initial deposit), \$20,000 Maximum initial deposit
- (4) Final major site plan escrow deposit: \$1,000/acre of disturbance, \$2,500 Minimum (Replenish at 30% of initial deposit), \$10,000 Maximum initial deposit (\$75-57C(3) applies to combined preliminary and final major site plan applications)
- (5) Amended minor, preliminary major or final major application fee: \$250
- (6) Amended minor, preliminary major or final major escrow deposit: \$3,500 (Replenish at \$1,500)

D. Variances:

- (1) Appeals and Interpretations under N.J.S.A. 40:55D-70a and b:
 - (a) Residential application fee: \$100 each
 - (b) Commercial/Industrial/Other application fee: \$500 each
 - (c) Escrow deposit: \$1,000 each
- (2) Bulk Variance under N.J.S.A. 40:55D-70c:
 - (a) Residential application fee: \$100 each (\$300 maximum)
 - (b) Additions to existing residential structure application fee: \$100 each (\$300 maximum)
 - (c) New dwelling structure/lots on improved street application fee: \$400.
 - (d) New dwelling structure/lots on unimproved street application fee: \$800.
 - (e) Commercial application fee: \$500.
 - (f) Industrial application fee: \$2,500.
 - (g) Escrow deposit as identified above, or \$3,000 (Replenish at \$1,500), whichever is greater
- (3) Use Variance under N.J.S.A. 40:55D-70d:
 - (a) Residential application fee:
 - [1] Single-family: \$200. Where proposed residential development does not comply with the density requirements of Chapter 190, Zoning, the fee shall be \$200 for each proposed lot not conforming to the density requirements.
 - [2] Multifamily:

Units	Fee
2 to 5	\$500
6 to 10	\$1,000

11 to 25	\$1,500
26 to 50	\$2,000
51 to 100	\$3,000
101 to 500	\$5,000
501 and up	\$10,000

- (b) Commercial application fee: \$500.
- (c) Industrial application fee: \$2,500.

(4) Escrow deposit.

- (a) Single-family as identified above, or \$2,000 (Replenish at \$1,000), whichever is greater
- (b) Multifamily, commercial, industrial and others as identified above, or \$3,000 (Replenish at \$1,500), whichever is greater

E. Conditional use application fees.

- (1) Residential zones, \$300, except for townhouses and commercial recreation.
- (2) Multifamily: \$2,500.
- (3) Business/residential mix: \$2,500.
- (4) Business: \$1,000.
- (5) Commercial recreation: \$2,500.
- (6) Industrial: \$3,500.
- (7) Soil removal: \$3,500.
- (8) BPO/R: \$1,000.
- (9) BPO/1: \$1,000.
- (10) Townhouses: \$2,500.
- (11) All others: \$1,000
- (12) Escrow deposit as identified above, or \$3,000 (Replenish at \$1,500), whichever is greater

F. Transcription fees, one-hundred percent estimated costs: \$4.50 per page.

G. Revision fees for application previously approved: minimum of \$100 or 25% of original fee, whichever is greater.

H. Concept plan.

- (1) Application fee: \$300.
- (2) Escrow deposit for minor site plan and minor subdivision: \$2,000
- (3) Escrow deposit for major site plan and major subdivision: \$3,000

I. Fees for items not covered: \$300.

J. Special meeting fees: \$650 or the actual cost to the Township of Andover, whichever is greater. The applicant shall deposit the sum of \$650 with the Township at least five days in advance of the special meeting. Any balance owed shall be paid within seven days after the conclusion of the meeting.

K. Zoning permit: \$100 plus all fees for normal subdivisions and site plans.

- L. Application for certification of nonconforming use under N.J.S.A. 40:55D-68:
- (1) Single-family: \$200.
 - (2) Anything other than single-family: \$500.
- M. Escrow for all other applications:
- (1) Single-family: \$550, or as determined by the Township Engineer
 - (2) Multifamily, commercial, industrial and others: \$1,000, or as determined by the Township Engineer
- N. All deposits for engineering, legal and other technical review fees shall be made prior to the performance of the professional services which the deposit is intended to cover. When an escrow account is reduced to the replenishment amount identified in §§74-57A through M, the applicant shall be required to replenish the account to not less than one hundred percent (100%) of the original amount required, or as determined by the appropriate Township of Andover official. Failure to deposit the additional sum in accordance with §74-56E shall render the application incomplete or missing additional information reasonably required to decide the application. In the Board's discretion, the application shall not be heard until such sum is deposited.
- O. All site improvements and utility installations for both site plans and subdivisions shall be inspected during the time of their installation under the supervision of the Township Engineer, Land Use Board Engineer, or Township designee to ensure satisfactory completion. The cost of said inspection shall be the responsibility of the owner who shall pay to the chief financial officer a sum equal to four percent (4%) of the amount of the estimated costs for the required improvements for payment of the inspection costs.
- P. Where one (1) application for development includes several approval requests, the sum of the individual required fees shall be paid.

SECTION 3. Chapter 136, Soil Erosion, Section 136-11, Fees, is amended to read as follows:

§ 136-11. Fees.

A. Application and inspection fees.

- (1) Upon applying for a permit pursuant to the provisions of this chapter, the applicant shall pay a fee to cover the cost of the initial review of the soil erosion and sediment control application, as well as for any renewal or resubmission thereof, in the amount set forth in the fee schedule as follows:

Type of Permit	Fees		
	Application	Escrow Review/ Inspection	Renewal and Resubmission
Single-family home	\$100	\$1,000	\$100
Minor subdivision	\$200	\$1,500	\$100
Minor site plan	\$250	\$2,000	\$150
Major subdivision	\$250	\$300 per lot, Minimum \$3,000	\$150

Major site plan	\$250	\$3,000, plus \$100 per acre	\$150
Soil removal	\$500	\$2,000, plus \$100 per acre	\$250
Land disturbance without construction of improvements	\$500	\$2,000, plus \$100 per acre	\$250

(2) This is the initial minimum deposit required. Any charges over the initial deposit required for additional reviews for revisions or incomplete applications or inspections shall be paid by additional deposits, to be paid monthly, due the first of each month.

(3) The provisions of §§ 74-56H, I and J and 74-58 of Chapter 74, Land Use Procedures, shall apply.

- B. Upon the issuance of a permit the applicant shall pay an escrow review fee as set forth in the schedule to cover the cost of inspections and review of the project by the Township Engineer during the year. In the event that this amount is utilized and additional inspections are required, the applicant shall post an additional escrow review fee as set forth in the above schedule with the Planning Board secretary to cover additional inspections. The provisions of §§ 74-56D through J and 74-58 shall apply with respect to the method of administration of inspection fees and the posting of additional inspection fees.
- C. Inspection shall be provided for during construction, and the applicant shall be required to have the certified plans on site during construction.
- D. The Township of Andover, in conjunction with the Township Engineer, may review said application for soil erosion and sediment control permit to determine whether the escrow amount set for the above is adequate. In conducting such review said Township Engineer shall consider the following criteria:
- (a) Environmental considerations, including but not limited to geological, hydrological and ecological factors.
 - (b) Impact of the proposed development on existing aquifer and/or water quality.
 - (c) Applicability of current stormwater management regulations.
 - (d) Applicability of the Flood Hazard Control Act.
 - (e) Applicability of Water Quality Management Planning.
- E. When a conditional Report of Compliance (ROC) is issued, during the non-growing season, a Performance Deposit of \$3,000 per acre of disturbed soil (\$3,000 minimum for a single family site) will be required and will be placed in an escrow account. An administration fee of \$100 will be charged and retained by the Township of Andover.

SECTION 4. Chapter 140, Soil Removal, Section 140-11, Application and inspection fees, is amended to read as follows:

§ 140-11. Application and inspection fees.

- A. Upon application for a permit pursuant to the provisions of this chapter, the applicant shall pay a filing fee in the amount of \$500.
- B. In addition, at time of filing the application, to cover review by the Township Engineer, planning consultant and other Township personnel and site inspections, a deposit for

review fees in the amount of \$3,000 shall be deposited with the Township Clerk, by the applicant. Any unused portion shall be returned to the applicant.

- C. The board shall have the right to required additional deposits to be paid by the applicant, from time to time, in order to insure that review and inspection fees are adequately provided for.
- D. Upon issuance of a permit, the applicant shall pay another deposit in the sum of \$2,000 to cover reasonable inspection fees to municipal personnel, including but not limited to the Township Engineer, for any inspections and field checks of the operation, and for inspections of improvements. Thereafter, the permittee shall reimburse the Township promptly for the cost of all periodic inspection fees as well as any extraordinary costs or expenses necessitated as a result of unforeseen difficulties or exigencies, or necessitated by or resulting from any violation of any provision of this chapter. Should the applicant fail to reimburse the Township for the aforesaid fees, within 14 days of a request by the Township to do so, the permit may be suspended or revoked for such a period of time as the Township Committee may determine.

SECTION 5. Chapter 155, Streets and Sidewalks, Article I, Excavations, Section 155-2, Application; deposit and fee, is amended to read as follows:

§ 155-2. Application; deposit and fee.

- A. Any person desiring to open the surface of a street, highway, alley or public place shall make written application to the Construction Official for a permit. The application shall set forth the place and extent of the intended opening and purpose, together with specific location of the section of street or highway involved, estimated time required for the intended work, and the number of both lineal and square feet of road surface reasonably estimated to be required to be opened for the purpose.
- B. Except for minor openings, each application shall be accompanied by the required deposit in an amount fixed by the Township Engineer, together with a permit fee of \$100 and a bond adequate in sureties, coverage and amount to guarantee the Township against civil liability during the course of the work and restoration, the bond to be approved as to form and sufficiency by the Township Attorney, before a permit is issued.

SECTION 6. Chapter 155, Streets and Sidewalks, Article I, Excavations, Section 155-3, Amount of deposit, is amended to read as follows:

§ 155-3. Amount of deposit.

- A. Permission shall not be granted until and unless there is deposited with the Construction Official a sum sufficient to cover the estimated cost of restoration and restoration and protection against settlement, including the expense of inspection, any balance remaining to be returned to the applicant.
- B. Whenever application for a permit is made by any department, bureau or board of the Township, county or state, or by any electric, telephone, telegraph, gas, railroad company or other public utility, the Construction Official may issue a permit without payment of the deposit but after restoration of the bed and surface he shall collect from the department, bureau, board or company the cost to the Township of restoration and inspection.
- C. For minor openings the deposit shall be \$1,000, plus the permit fee of \$100, and no bond shall be required. To qualify as minor the opening shall not exceed 50 feet in length across the roadway, nor five feet in width or depth.

SECTION 7. Chapter 159, Subdivision of Land, Article II, Procedure, Section 159-8, Submission of plat and application; major subdivision preliminary approval, Paragraph A, Subparagraph (1), is amended to read as follows:

(1) At the time of filing, fees and escrow deposits in accordance with §74-57.

SECTION 8. Chapter 159, Subdivision of Land, Article II, Procedure, Section 159-10, Submission of final plat of major subdivision, Paragraph C, is amended to read as follows:

C. Fees and deposits with application. This application shall be accompanied by fees and escrow deposits in accordance with §74-57.

SECTION 9. Chapter 190, Zoning, Article III, General Regulations, Section 190-28, Peat harvesting operations, Paragraphs E and G are amended to read as follows:

§ 190-28. Peat harvesting operations.

F. Performance guarantees. A bond or letter of credit shall be posted with the Township of Andover to cover the cost of repairing and maintaining dikes and seeding the dikes in the amount of \$10,000 initially. The amount of the guarantee shall be reviewed each year by the Township Committee upon the advice of Township Engineer and Planning Board Attorney to determine if the amount and form of the guarantee are sufficient. The required guarantee may be amended by the Township Committee, if necessary.

G. Application and inspection fees. Upon application to the Planning Board for classification of a peat harvesting operation and to the Zoning Officer for a zoning permit, the applicant shall pay an application fee to the Township of Andover to cover the cost of initial review of the proposed operation in the sum of \$500. In addition, the applicant shall deposit the sum of \$2,500 with the Township to cover engineering and extraordinary legal review fees for the initial application. Upon the issuance of a permit, the applicant shall pay a fee of \$550 to cover the periodic field checks by the Engineer during the first year of operation. Annually thereafter a permittee shall pay an annual fee of \$100 and shall reimburse the Township for the cost of all periodic inspection fees as well as for any extraordinary costs or expenses, including legal fees, necessitated as a result of unforeseen difficulties or exigencies or necessitated by or resulting from any violation of any provision of this chapter.

SECTION 10. The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Sussex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

SECTION 11. This Ordinance may be renumbered for modification purposes.

SECTION 12. All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 13. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 14. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Mayor and Township Committee of the Township of Andover, County of Sussex and State of New Jersey, held on the 09th day of March, 2009, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 13th day of April, 2009, at 7:30 p.m., prevailing time, at the Municipal Building in said Township, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

INTRODUCED: March 09, 2009
ADOPTED: April 13, 2009
Attest: April 14, 2009



Vita Thompson, R.M.C.
Municipal Clerk

EFFECTIVE DATE: April 17, 2009