

ORDINANCE NO. 2009-15

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-3.4, "FEES"

WHEREAS, the Mayor and Council of the Borough of Red Bank believe that it is appropriate to increase the Borough's Fees for Planning and Development Applications to better cover the Borough's costs in processing and reviewing such applications;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter XXV of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Planning and Development Regulations" is hereby amended and supplemented as follows:

SECTION ONE:

Section 25-3.4, "Fees" is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denote additions):

25-3.4 Fees.

- a. *Application Fees.*
1. Non-Refundable Application Fees. [...]
- (a) Application for Development Permit_____ \$25.00
- (1) For single and two family dwellings_____ ~~\$35.00~~ 50.00
- (2) Non-residential applications_____ ~~\$50.00~~ 100.00
- (3) Residential/Commercial Applications
for site plan/subdivision approval_____ ~~\$50.00~~ 100.00
- (b) Application Fee – Minor Subdivision Approval
- (1) Each Preliminary Submission_____ ~~\$200.00~~ 350.00
- (2) Final Plat_____ ~~\$150.00~~ 200.00
per lot, minimum_____ \$300.00
- (c) Application Fee – Major Subdivision Approval
- (1) Reserved for future use
- (2) Each Preliminary Submission_____ ~~\$200.00~~ 350.00
- (3) Sketch Plat (Optional)_____ ~~\$100.00~~ 150.00
plus_____ ~~\$40.00~~ 25.00 per lot
- (4) Preliminary Plat _____ ~~\$250.00~~ 300.00 per lot
- (5) Final Plat_____ ~~\$200.00~~ 250.00 per lot
- (d) Application Fee – Minor Site Plan Approval
- (1) Reserved for future use
- (2) Each Preliminary Submission_____ ~~\$100.00~~ 175.00
- (3) Final Approval_____ ~~\$250.00~~ 350.00
- (e) Application Fee – Major Site Plan Approval
- (1) Reserved for future use
- (2) Each Preliminary Submission_____ ~~\$200.00~~ 350.00
- (3) Preliminary Approval
- (i) Residential including Hotel, Motel, Multi-family, Planned
Residential and Community Residence, but not including
Sheltered Care, Nursing Homes or other Medical/Institutional
Uses – the sum of
- (ii) For each new dwelling unit, remodeled dwelling unit, parking
space, reconstructed or repaved parking space_____ \$50.00
- (iii) For each ground sign eight (8') feet or greater in height_____ \$150.00
- (iv) Other Uses. The sum of ~~\$200.00~~ 300.00 plus
- 1) For each full 1,000 square feet of lot area, plus_____ \$50.00
- 2) For each full 1,000 square feet of proposed new
gross floor area, plus_____ \$50.00
- 3) For each proposed new or additional parking space,
plus_____ \$40.00
- NOTE: The fee for structured parking will be calculated on
the basis of spaces (ii) or floor area (iii), whichever is
greater.
- 4) For each full 1,000 square feet of remodeled or gross

		floor area, plus	\$35.00	<u>50.00</u>
	5)	For each reconstructed, resurfaced or improved existing paved parking space, plus	\$20.00	<u>30.00</u>
	6)	For each ground sign eight (8') feet or greater in height	\$150.00	<u>200.00</u>
	(4)	Final Approval – Fifty (50%) percent of the fees for Preliminary Approval enumerated above.		
(f)	Variances			
	(1)	Appeals		
	(i)	Single and/or two (2) family residential uses	\$200.00	<u>225.00</u>
	(ii)	Other	\$250.00	<u>350.00</u>
	(2)	Interpretation of the zoning regulations or map	\$200.00	<u>350.00</u>
	(3)	Hardship or bulk variance		
	(i)	Single and/or two (2) family residential uses	\$150.00	<u>190.00</u>
	(ii)	Other, including “C” variances for signs	\$400.00	<u>\$400.00 for first variance (\$125.00 175.00 for each additional variance)</u>
	(4)	Use Variance		
	(i)	Proposed single and/or two (2) family residential uses	\$150.00	<u>500.00</u>
	(ii)	Signs not permitted	\$200.00	<u>400.00</u>
	(iii)	Other, including conditional use variance	\$750.00	<u>1,000.00</u>
	(5)	Building permit in conflict with official map or building permit for lot not related to a street	\$200.00	<u>500.00</u>
(g)	Conditional Uses			
	(1)	Signs	\$100.00	<u>200.00</u>
	(2)	Other	\$300.00	<u>1,000.00</u>
	NOTE: When a sign which is a Conditional Use is part of an application for another Conditional Use the fee shall be \$300.00 <u>350.00</u> total.			
(h)	Public hearing for those development applications which require public notice or hearing pursuant to Subsection 25-3. 3(d)			
			\$75.00	<u>100.00</u>
(i)	Reproduction of Records			
	(1)	Duplication of tape meeting recordings	\$75.00/meeting	<u>5.00 per disk</u>
	(2)	Reserved for future use.		
(j)	Change of Zone Request Application			
	(1)	Residential to other residential	\$250.00	<u>400.00</u>
	(2)	Other	\$500.00	<u>1,000.00</u>
(k)	Environmental Impact Report			
	For those development applications which require review of an EIR pursuant to Subsection 25-8.13			
			\$350.00	
(l)	Requests for administrative approval of changes			
			\$200.00	<u>250.00</u>
(m)	Requests for Extension of Time			
	(1)	Minor Sub-Division and/or Site Plan	\$200.00	<u>(plus escrow);</u>
	(2)	Major Sub-Division and/or Site Plan	\$250.00	<u>(plus escrow);</u>
	(3)	Other Applications for Development	\$50.00	<u>(plus escrow).</u>
2.	Escrow Funds Required to be Deposited with the Borough [...]			
	(a)	General. [...]		
	(b)	Escrow Amounts Escrow funds in the amounts specified herein shall be required relative to the following applications:		
	(1)	All applications for development, \$500.00 [Ordinance No. _____, first introduced, circa 4/6/06]		
	(2)	Sketch Plat for Major Subdivision, Minor Subdivision, Preliminary Major Subdivision Approval for Residential Use		
			Escrow Amount	
		1 -- 2 lots or units	\$1,000.00	<u>3,000.00</u>
		3 -- 10 lots or units	\$2,000.00	<u>4,000.00</u>
		11 -- 25 lots or units	\$3,000.00	<u>5,000.00</u>
		26 -- 50 lots or units	\$5,000.00	<u>6,000.00</u>
		51 -- 100 lots or units	\$8,000.00	<u>10,000.00</u>

	In excess of 100 lots or units	\$20,000.00 <u>30,000.00</u>
(3)	Final Major Subdivision Approval and Final Site Plan Approval for Residential Use	
		Escrow Amount
	1 -- 10 lots or units	\$500.00 <u>1,500.00</u>
	11 -- 25 lots or units	\$1,000.00 <u>2,000.00</u>
	26 -- 50 lots or units	\$2,000.00 <u>3,000.00</u>
	51 -- 100 lots or units	\$3,000.00 <u>4,000.00</u>
	In excess of 100 lots or units	\$4,000.00 <u>5,000.00</u>
(4)	Nonresidential Preliminary Site Plan Approval Inclusive of Minor Site Plan	
		Escrow Amount
	Less than 1,000 square feet of building area	\$1,000.00 <u>1,500.00</u>
	Less than 10,000 square feet of building area	\$3,000.00 <u>3,500.00</u>
	10,001 -- 50, 000 square feet of building area	\$6,000.00
	50,001 -- 100,000 square feet of building area	\$9,000.00
	In excess of 100,000 square feet of building area.	\$12,000.00
(5)	Nonresidential Final Site Plan Approval. One-third (1/3) of the original escrow fee paid at the time of preliminary plan application.	
(6)	Any application having more than one of the above categories shall deposit cumulative amounts.	
(7)	Requests for extensions of time to commence development or file subdivision maps one hundred fifty (\$150.00) <u>two hundred (\$200.00)</u> dollars.	
(8)	Review of Performance and Maintenance Guarantees. If a performance or maintenance guarantee, or bond, is required, \$350.00 for review and preparation of resolutions accepting and releasing of same by the Borough Attorney. <i>[Ordinance No. _____, first introduced, circa 4/6/06]</i>	
(9)	Developer's Agreements. If a Developer's Agreement is required by the Planning Board or Zoning Board of Adjustment, \$3,500.00 for legal fees for the review of pertinent documents, meeting attendance, drafting and preparation of the Developer's Agreement and Resolutions implementing same. <i>[Ordinance No. _____, first introduced, circa 4/6/06]</i>	
(10)	<u>Applications requiring grading plan review, five hundred (\$500.00) dollars."</u> <i>[Kosenski, 3/30/07, item (C)(10)(b)]</i>	
(11)	An additional reasonable escrow shall be required for sites requiring extraordinary review based upon the scale and complexity of the proposed development. For example traffic intensive or stormwater intensive sites shall require additional reasonable escrow. This additional escrow shall be established by the Administrative Officer and Borough Engineer after consultation with the reviewing professionals.	
(b)	Procedural Requirements. [...]	
(c)	Inspection Fees. [...]	
b.	Reserved for future use. <i>Easements, and other rights in Borough-owned Real Property.</i>	
1.	Except as otherwise permitted by the Local Land and Building Law, N.J.S.A. §40A:12-1 <i>et. seq.</i> , the following minimum prices shall be established for easements, licenses, and any other encroachments upon or encumbrances of Borough-owned lands, or rights of way:	
(a)	Access Easements:	\$3,500.00

- (b) Major Encroachments
(physical encroachments or encumbrances of more than 225 square feet): \$2,000.00
 - (c) Minor Encroachments
(physical encroachments or encumbrances of 225 square feet, or less): \$1,500.00
 - (d) Utility or Drainage easements: \$1,000.00
 - 2. The Borough shall have the right to increase these minimum bids, at its discretion, upon a finding that special circumstances exist warranting an increase in the aforementioned minimum bids.
 - 3. Nothing in this section shall otherwise restrict, or limit, the Borough from exercising any other rights or powers granted to it by the Local Lands and Buildings Law, N.J.S.A. §40A:12-1, *et. seq.* [All of sub-section (d) added by Ordinance No. _____, first introduced, circa 9/11/06]
- c. *Revised Plats.* Any proposed revisions to a plat, including all supporting maps and documents, previously approved by the Planning Board or Board of Adjustment, which approval is still in effect, shall require submission of a revised plat and payment of fees in accordance with the following:
 - 1. Where charges in the plat are requested by the Municipal Agency or Borough Engineer, no fees need be paid 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 or Board of Adjustment approval, which do not involve any additional building or parking or significant change in the design of the site or subdivision an application fee of ~~two hundred (\$200.00)~~ three hundred and fifty (\$350.00) dollars will be required along with sufficient copies of the plat incorporating the changes as may be necessary for distribution.
 - 3. Where there are changes in the plat proposed by the applicant, or required by another governmental agency whose approval was a condition of the Municipal Agency approval, which involve additional building or parking or a significant change in the design of the site or subdivision, an application fee equal to one-half (1/2) 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 Municipal Agency 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.
- d. *Request for Reapproval or Extension of Time.*
 - 1. Minor subdivisions and site plans \$25.00 225.00
 - 2. Major subdivisions and site plans \$50.00 250.00
 - 3. Other applications for development \$25.00 75.00
- e. *Tax Map Revision Fees.*
 - 1. When an application for development requires revisions to the Borough's tax maps, [...]

Number of Lots or Units	Tax Map Revision Fee
Less than 20	\$60.00/lot or unit (\$200.00 minimum)
20 but less than 100	\$1,200.00 plus \$45.00/lot or unit in excess of 20
100 but less than 200	\$4,800.00 plus \$35.00/lot or unit in excess of 100
200 but less than 400	\$8,300.00 plus \$30.00/lot or unit in excess of 200

 [...]

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: April 27, 2009

Final Reading: May 11, 2009