

ORDINANCE #2021-07

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST, CHAPTER XXVI ENTITLED “DEVELOPMENTAL REGULATIONS OF THE BOROUGH OF ALLENHURST”

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise portions of its existing Borough Code concerning the Development Regulations, to address escrows and costs for monitoring approved projects by amending section 26-8.1.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter 26 of the Borough Code of the Borough of Allenhurst, be and is hereby amended and supplemented as follows:

SECTION 1. The existing §26-8.1 is hereby deleted in its entirety and replaced with the following modified §26-8.1, which shall henceforth read as follows:

26-8.1 Fees

- a. Every application for i) site plan review, ii) subdivision reviews, iii) requests for variance relief, iv) application for a certificate of appropriateness, v) drainage plan review, vi) zoning review and/or vii) pool installation shall be accompanied by the appropriate fee in accordance with the schedule set forth in §26-8.1c herein. The application fees charged are to cover the costs associated with the administrative and clerical processing of the application and are not refundable.
- b.
 1. Professional review costs for attorneys, planners, engineers or other professionals or experts retained by or on behalf of the Borough for the purpose of review, analysis, inspection or preparation of documents or reports relating to development applications shall be charged to and shall be paid for by the applicant, inclusive of such fees as are incurred by the Borough to conduct inspections to determine that the project has been performed as per the approved plans. The Borough shall make all payments to the professionals for services rendered to the Borough for the review of applications, review and preparation of documents and inspection of property.
 2. An applicant shall be responsible to reimburse the Borough for all expenses of professional personnel incurred and paid by it necessary to process an application for development before a municipal agency, and to assure its completion in accordance with the approved plans, such as, but not limited to:
 - (A) Charges for reviews by professional personnel of applications, plans and accompanying documents.
 - (B) Issuance of reports by professional personnel to the municipal agency setting forth recommendations resulting from the review of any documents submitted by the applicant.
 - (C) Charges for any telephone conference or meeting requested or initiated by the applicant, its attorney or any of its experts or representatives.
 - (D) Review of additional documents submitted by the applicant and issuance of reports relating thereto.
 - (E) Review or preparation of easements, developer's agreements, deeds or the like.
 - (F) Preparation for and attendance at all meetings.
 - (G) The cost of expert advice or testimony obtained by the municipal agency for the purpose of corroborating testimony of applicant's experts.
 - (H) All professional inspection fees incurred by the Borough to assure that any and all projects undertaken pursuant to a i) site plan review, ii) subdivision reviews, iii) requests for variance relief, iv) application for a certificate of appropriateness, v) drainage plan review, vi) zoning review and/or vii) pool installation, including Engineers review, Surveyors review, elevation compliance check, Code Compliance Officers as well as any and all fees and costs incurred by the Borough to assure that the subject project has been constructed according to the approved application.
 3. The applicant shall, at the time of filing of an application, deposit with the Borough in the form of a certified or bank check, the amount prescribed herein. The deposit

shall be placed into an escrow account pursuant to N.J.S.A. 40:55D-53.1, and fees shall be collected in accordance with the schedule set forth in §26-8.1c herein.

4. Those funds shall be placed in a separate account by the Borough Clerk and an accounting shall be kept of each applicant's deposit. All professional charges shall be paid from the account and charged to the applicant. Any monies not expended for professional services shall be returned to the applicant upon final approval, denial or withdrawal of the application. If, at any time during the procedure, seventy-five percent (75%) of the monies posted are expended, the applicant shall be required to post such additional sums as may be required by the Borough Secretary to cover professional costs. All payments charged to the deposit shall be pursuant to vouchers from the professionals stating the hours spent, the hourly rate and the expenses incurred. The Borough shall render a written final accounting to the developer on the uses to which the deposit was put. Thereafter, the Borough shall, upon written request, provide copies of the vouchers to the developer. The applicant shall not be entitled to proceed with the application or any development until such time as the necessary monies have been posted to guarantee payment of professional service fees.

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c. Application and Escrow Fee Schedule.

	Type of Application	Application Fee	Escrow Amount
Subdivisions			
1.	Sketch Plat	\$150.00	\$500.00
2.	Preliminary Plat	\$300.00 + \$100.00 per lot	\$3000.00 + \$100.00 per lot
3.	Final Plat	\$100.00	\$1500.00 + \$100.00 per lot
Site Plans			
1.	Preliminary	\$500.00	\$3000.00
2.	Final	\$300.00	\$500.00
Variance Relief			
1.	Special Question or Interpretation	\$300.00	\$500.00
2.	Hardship	\$300.00	\$1000.00
3.	Use	\$500.00	\$1000.00
4.	Signs Only	\$150.00	\$300.00
Certificate of Appropriateness			
1.	Application	\$500.00	\$1500.00
2.	Application for new construction	\$1000.00	\$4000.00
Additional Fees			
1.	Construction permit in bed of mapped street or drainage right-of-way or lacking street frontage	\$300.00	\$500.00
2.	Special meeting Costs	\$1500.00	\$1000.00
3.	Official Map Appeals	\$200.00	\$500.00
4.	Determination of percentage of impervious surface	\$100.00	No Escrow
5.	Zoning Determination	\$100.00	\$1000.00
6.	Zoning Determination with Determination of Impervious surface	\$150.00	\$1000.00
7.	Pool Permit Application per §26-5.11	\$200.00	\$1000.00
8.	Drainage System Application	\$200.00	\$1000.00

SECTION 2. A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 3. 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 Allenhurst Borough Code are ratified and remain in full force and effect.

SECTION 4. 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 of applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption according to law.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

APPROVED: March 23, 2021

ADOPTED: April 13, 2021

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of an Ordinance adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on April 13, 2021.

Donna M. Campagna

Donna M. Campagna
Borough Clerk/Administrator