

**ORDINANCE #2007-07**

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN  
ORDINANCE OF THE BOROUGH OF ALLENHURST REGULATING  
AND LIMITING THE USES OF LAND AND THE USES AND  
LOCATIONS OF BUILDINGS AND STRUCTURES, REGULATING  
AND RESTRICTING THE HEIGHT AND BULK OF BUILDING  
AND STRUCTURES AND DETERMINING THE AREA OF YARDS, RESTRICTING THE  
DENSITY OF POPULATION; DIVIDING  
THE BOROUGH OF ALLENHURST INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A  
MAP OF SAID BOROUGH SHOWING BOUNDARIES AND CLASSIFICATIONS OF SUCH  
DISTRICTS  
AND ESTABLISHING PROCEDURES REGARDING THE SUBDIVISION  
OF LANDS AND THE APPLICATIONS FOR SITE PLAN APPROVAL  
AND PRESCRIBING THE PENALTIES FOR THE VIOLATION OF  
ITS PROVISIONS", ADOPTED JUNE 26, 1979**

**BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST  
AS FOLLOWS:**

SECTION I. That section 801 of an Ordinance of which this ordinance is amendatory are amended as follows:

SECTION 801 FEES

A. Every application for site plan/subdivision reviews, requests for variance relief or Certificates of Appropriateness shall be accompanied by the appropriate fee in accordance with the attached schedule:

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. 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:

a. All expenses of professional personnel incurred and paid by it necessary to process an application for

development before a municipal agency, such as, but not limited to:

- [1] Charges for reviews by professional personnel of applications, plans and accompanying documents.
- [2] Issuance of reports by professional personnel to the municipal agency setting forth recommendations resulting from the review of any documents submitted by the applicant.
- [3] Charges for any telephone conference or meeting requested or initiated by the applicant, its attorney or any of its experts or representatives.
- [4] Review of additional documents submitted by the applicant and issuance of reports relating thereto.
- [5] Review or preparation of easements, developer's agreements, deeds or the like.
- [6] Preparation for and attendance at all meetings.
- [7] The cost of expert advice or testimony obtained by the municipal agency for the purpose of corroborating testimony of applicant's experts.

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 attached schedule:

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.

### **C. APPLICATION AND ESCROW FEE SCHEDULE**

#### **TYPE OF APPLICATION    APPLICATION FEE    ESCROW FEE**

##### **SUBDIVISION**

1. Sketch Plat 150.00 500.00
2. Preliminary Plat 175.00 + \$50 per lot 1,000.00, plus \$50.00 per lot
3. Final Plat 100.00 700.00, plus \$25.00 per lot

##### **SITE PLAN**

1. Preliminary 350.00 1,000.00

2. Final 150.00 200.00

### VARIANCE RELIEF

1. Special Question

or Interpretation 50.00 200.00

2. Hardship 200.00 300.00

3. Use 300.00 300.00

4. Signs Only 150.00 300.00

### CERTIFICATE OF APPROPRIATENESS

1. Application 50.00 300.00

### ADDITIONAL FEES

1. Construction permit in bed of mapped

street or drainage right-of-way or

lacking street frontage 150.00 300.00

2. Special Meeting Costs 1,000.00 NO FEE

3. Official Map Appeals 50.00 NO FEE

4. Determination of percentage

of impervious surface 50.00 NO FEE

D. Where one application represents several elements, the sum of all fees shall be paid.

### SECTION II. FEES FOR COPY OF ZONING ORDINANCE

The fee for a copy of the Borough's Zoning Ordinance, together with the Historic Preservation Ordinance and all amendments thereto, shall be set at \$25.00.

### SECTION III. SEVERABILITY

If any section, subsection, clause or phrase of this Ordinance is held unconstitutional or invalid for any reason, such decision shall not effect the remaining portions of this Ordinance.

### SECTION IV. REPEALER

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION V. EFFECTIVE DATE**

**This Ordinance shall take effect twenty days after final passage and publication according to law.**

**INTRODUCED: August 28, 2007**

**ADOPTED: September 25, 2007**