

CITY OF ENGLEWOOD

ORDINANCE NO. 22-02

**AN ORDINANCE AMENDING CHAPTER 250-8 AND 191-7 OF THE
CITY OF ENGLEWOOD'S ORDINANCES PERTAINING TO LAND USE
DEVELOPMENT APPLICATION FEES, PROCEDURES AND REQUIREMENTS**

WHEREAS, the Governing Body of the City of Englewood seeks to update its Ordinance provisions pertaining to Land Use Development Application Fees, Escrows and Procedures and set forth the manner and criteria for the payment for the submission requirements, payment, disbursement and replenishment of said fees; and

WHEREAS, the following are to amend and replace the applicable sections of the City of Englewood's Zoning Code, including Sections 250-8 and 191-7 to the extent said Chapters are inconsistent with this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Englewood as follows:

SCHEDULE OF FEES

There is hereby established in connection with various applications for development and other matters which are the subjects of this chapter various fees as set forth below.

DEVELOPMENT APPLICATION FEES

The developer shall, at the time of filing a submission, pay fees as established below to the Secretary of the Board by certified check or bank money order. Proposals involving more than one use shall pay a fee equaling the sum of the fees for the component elements of the application. Proposals requiring a combination of approvals, such as subdivision, site plan and/or a variance, shall pay a fee equal to the sum of the fee for each element.

APPLICATION FEES

Application fees for subdivisions, site plans, conditional uses, variances and appeals are established and set forth below:

a. Planning Board.

Site Plan	\$200
No variance required	\$200 per acre or part thereof, plus \$200 for each additional acre or part thereof
Site Plan Waiver	\$100
Conditional Use (no variance)	\$250
Major Subdivision - no variance	\$400
Major Subdivision and per lot	\$150
Major Subdivision final plat map	\$200
Minor Subdivision - no variance	\$200
Combine or Merge Lots	\$50
Master Plan - per copy	\$30 plus postage

b. Board of Adjustment.

Variance Required (other than use)	\$100
Site Plan – no variance	\$100
Variance	\$100 per acre or part thereof, plus \$100 for each additional acre or part thereof
Use Variance – 1 or 2 Family Residence	\$250
Use Variance – other than above	\$250
Conditional use variance	\$250
Tennis Court Approval - Each	\$50
Swimming Pool Approval	\$50
Zoning Permit	\$25
Temporary Use Permit	\$50

TECHNICAL REVIEW ESCROW DEPOSITS

In addition to the filing fees or any other fees required in this Article, an applicant shall file with the Administrative Officer an escrow deposit fee of adequate funds to cover the costs incurred for the technical review of the application by planners, attorneys and any other professionals, stenographic transcripts and/or experts employed by the City on a consultant basis whose services are deemed, by the City, necessary to report upon the application and to cover any and all costs in processing the application. The Chief Financial Officer shall place all such deposits in an escrow account in the name of the applicant and shall charge against such account all disbursements in connection with the costs referred to above. The Chief Financial Officer in conjunction with the Administrative Officer will monitor said escrow and replenishment of thereof as set forth herein. Technical review fees shall be calculated in accordance with the actual time required for review at rates established by a schedule of professional fees filed annually with the Administrative Officer and approved by the Planning Board, which schedule shall be maintained in the office of the City Clerk for public inspection. The administration of technical review escrow deposits and payments made to professionals from these deposits shall be in accordance with the provisions of N.J.S.A. 40:55D-53.1, N.J.S.A. 40:55D-53.2 and Section 13 of P.L. 1991, c.256. At the time of filing an application for development, the applicant shall pay to the City an initial deposit for technical review fees as established and set forth below:

Fee Deposit	Minimum Escrow
\$200 - Site Plan - No Variance	\$2,000
\$300 - Site Plan - Variance Required	\$3,000
\$100 - Site Plan Waiver	\$600
\$250 - Conditional Use - No Variance Required	\$2,500
\$450 - Conditional Use - "C" Variance	\$3,000 (Conditional Use with "D" Variance – Board of Adjustment)
\$400 - Major Subdivision - No Variance	\$7,500
\$500 - Major Subdivision - Variance	\$8,000
\$150 - Additional Per Lot	N/A
\$200 - Major Subdivision Final Plat/Map Each Section	\$1,000
\$200 - Minor Subdivision - No Variance	\$2,000
\$400 - Minor Subdivision - Variance	\$2,500

\$50 - Combine or Merge Lots	\$50
N/C - Informal Review	\$300

NOTE TO APPLICANT: When turning in your application, two separate checks are required: (1) a check for Fee made out to the City of Englewood and (2) a check for the Escrow required made out to the City of Englewood.

- a. Special Meetings. If a special meeting is necessary for consideration of an application for development, the applicant shall pay a fee of up to \$1,000 to defray the additional costs of holding such a special meeting as approved by the Board.
- b. Converting a Work Session to Public Meeting. An applicant shall pay a fee of \$500 as a condition of granting a request to convert a work session to a public meeting in order for the Planning Board to hear an application for development.
- c. Administration of Technical Review Deposit Fees. The administration of technical review escrow deposits shall be in accordance with the provisions of N.J.S.A. 40:55D-53.1 and Section 13 of P.L. 1991, c.256 and as provided below.
 - 1. Each technical review escrow deposit shall be held by the City in a trust account separate from the general funds of the City.
 - 2. The City agency shall not process and/or take action on the application unless all fees and deposits required in the manner described herein have been paid by the applicant. Property taxes shall have been paid to date.
 - 3. In the event that the funds in the escrow account should be insufficient and/or become depleted prior to the completion of the application procedure and additional funds are necessary to cover the cost of processing the application, the applicant shall deposit additional funds in the amount as requested by the Administrative Officer. In order to expedite the processing of applications by the City agency, the Administrative Officer shall notify the applicant in writing when additional funds are necessary. Such additional funds shall be deposited no later than one week prior to the next regularly scheduled meeting of the Board (If payment is made less than one week prior to the next Board meeting, then payment must be made by official bank check, certified or bank cashier's check), and the applicant's failure to comply shall constitute grounds for postponement or dismissal of the application. In the event that such failure to deposit shall continue for more than 30 days after the date of the Administrative Officer's written notification to the applicant, then the Board chairperson shall make a motion to dismiss the application at the next regularly scheduled meeting of the Board.
 - 4. All bills submitted to a City agency by the planning consultant, engineer, attorney or other professionals containing charges to be applied to an escrow account authorized and established pursuant to this section shall specify the services

performed in relation to individually identified applications for which the charges have been made, and provide the actual time and number of hours allocated to each specific task. In the event an applicant disputes charges made by a Professional for services rendered to the municipality such dispute shall be submitted in accordance with N.J.S.A. 40:55D-3.2a.

5. Unit charges (i.e., per diem or hourly fees, inspection or expert testimony charges) levied by an engineer, planning consultant, attorney or other professionals for services applied to an escrow account authorized and approved pursuant to this section may not exceed those unit charges contracted for and/or approved by the City agency for services by these professionals which may not, under this section, be subject to compensation by an escrow account.
6. Whenever an amount of money in excess of \$5,000 shall be deposited by an applicant with the City for technical review deposits pursuant to this Article, said money shall be deposited in an interest bearing account and, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, shall continue to be the property of the applicant and shall be held in trust by the City in escrow. All interest earned and paid to the applicant shall be in conformity with applicable New Jersey Statutes.
7. Any of the funds remaining in the escrow account upon completion of the application procedure, as well as any interest he may be entitled to pursuant to Chapter 315 of the Laws of 1985, shall be returned to the applicant, via a resolution adopted by the Governing Body releasing remaining escrows, and the account shall be terminated. Upon conclusion of an application all board professionals shall verify that all fees have been paid.
8. All escrow charges which are due and owing shall become a lien upon the property which is the subject of the application for development and shall remain so until paid. Overdue escrow charges shall accrue the same interest as established for real property taxes in the City. The City shall have the same remedies for collection of escrow charges with interest, cost and penalties as it has by law for the collection of taxes upon real property.

INSPECTION FEES

- a. The developer shall reimburse the City for all reasonable inspection fees incurred by the City Engineer for the inspection of improvements; provided that the City may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of improvements, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4 and which shall be subject to the following conditions:

1. Fees for engineering inspections during and after construction, and during the maintenance period, shall be deposited in cash, or by certified check, with the City, prior to the issuance of a Construction Permit by the City Engineer.
2. In the event that construction proceeds at a very slow rate, outside of the time frame as established in the developer's agreement, and the work is not pursued in a diligent manner, resulting in an unreasonable number of engineering inspections or, in the event of faulty installations, inferior materials or workmanship causing an unreasonable number of engineering inspections, an additional fee shall be paid by the applicant to cover the engineering cost of such additional inspections.
3. No remaining portion of an engineering inspection fee, if any, shall be returned to a developer or his successor until the expiration of the maintenance period.

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RECORD OF VOTE

FIRST READING DATE: February 15, 2022

COUNCIL	MOTIO N	VOTE
Cobb		Y
Cohen		Y
Hamer	X	Y
Maron		Y
Rosenzweig		Y

DATE PUBLISHED IN THE RECORD: February 28, 2022

DATES PUBLIC HEARINGS HELD: March 15, 2022, Adjourned to April 5, 2022

DATE SECOND READING HELD: March 15, 2022, Adjourned to April 5, 2022

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb		Y		Y		Y
Cohen		Y		Y		Y
Hamer		Y		Y		Y
Maron	X	Y	X	Y	X	Y
Rosenzweig		Y		Y		Y

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR: April 8, 2022

APPROVED _____

REJECTED _____ (VETO) _____ MAYOR MICHAEL WILDES

DATE: _____

I do hereby certify that the foregoing is a true and exact copy of
an Ordinance adopted and approved by the Mayor and
Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk