

WAIVER OF SITE PLAN INSTRUCTION SHEET

A **WAIVER OF SITE PLAN** application is applicable in accordance with the criteria established in §55-141B (see attached) except that as a result of recent case law, the application is acted upon after a hearing by the full Planning Board and with public notice to the surrounding property owners within 200 feet, rather than by the Site Plan Review Subcommittee.

The following documents are required for submission of a **WAIVER OF SITE PLAN APPLICATION**:

1. One (1) original (with signatures in blue) and 15 copies of **CHANGE OF USE APPLICATION FORM**, with Waiver of Site Plan checked off.
2. Current survey (prepared within the last 2 years) and certified to the present owner showing all structures and current conditions existing on the property. (2 sealed copies; 14 copies)
3. Attach **TAX RELEASE FORM** (certification from the Tax Collector) that all taxes due on the subject property have been paid. (1 original, 3 copies)
4. Attach a completed **DEVELOPER'S ESCROW AGREEMENT**. (1 original, 3 copies)
5. Attach a completed **W-9** form. (1 original, 1 copy)
6. Attach **two checks payable to Barnegat Township** to original application form, a **\$250.00 application fee**, and **\$1,000.00 escrow deposit**.
7. Attach a copy of the proposed notice to appear in the official newspaper of the municipality (*The Asbury Park Press, Press of Atlantic City or the Manahawkin Beacon*) to be mailed certified to all property owners within 200 feet of the subject application property as shown on the **certified 200 foot property list obtained from the Assessor's office**. The list must be generated from the current year's certified tax duplicate. **The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.**

The publication in the newspaper and the service on the affected owners must be accomplished at least **10 days prior** to the date scheduled by the Administrative Officer for the hearing. A copy of the notice that was mailed, the notice that was published in the newspaper, a copy of the certified 200 foot list, and the white certified mail receipts with the date stamped by the Post Office, affidavit of service, and affidavit of publication must be **submitted to the Planning Board Office at least three (3) days prior to the hearing**. The white certified mail receipts are your proof of mailing, you do not need to submit signature receipts (green cards) nor pay for them.
8. Your application will be heard before the full Planning Board, and a vote will be taken to render a decision on the application. The Board's decision will be memorialized in a resolution at the following regular Planning Board meeting incorporating any terms and conditions decided at the hearing. Once the resolution is formally adopted, and the terms and conditions of the resolution are met, the approval is considered to take effect. If any conditions are not met, the approval is considered negated.

TOWNSHIP OF BARNEGAT
900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
(609) 698-0080 EXT. 155

CHANGE OF USE APPLICATION

WAIVER OR EXEMPTION OF SITE PLAN

TO BE COMPLETED BY TOWNSHIP STAFF ONLY

Date Filed _____ Docket No. _____

Application Fees _____ Escrow Deposit _____

REQUEST FOR: WAIVER OF SITE PLAN _____ EXEMPTION OF SITE PLAN _____

TO BE COMPLETED BY APPLICANT

1. APPLICANT:

Name _____

Address _____

Telephone Number: Home: _____ Local: _____

Work: _____ Fax: _____

Applicant is a Corporation _____ Partnership _____ Individual _____

Other (Please Specify) _____

2. SUBJECT PROPERTY:

Location: _____

Tax Map: Block(s) _____ Lot (s) _____

Zoning District _____

3. OWNERSHIP:

If Owner(s) is other than the applicant, provide the following information on the Owner(s) **SEE ALSO ITEM #9:**

Owner's Name _____

Address _____

Telephone Number Home: _____ Work: _____ Local: _____

Relationship of the applicant to the property in question:

Owner: _____ Lessee _____ Purchaser Under Contract _____ Other _____

4. PURPOSE OF APPLICATION: _____

Present use of the premises: _____

ENCLOSURES: Plot Plan or Survey map of existing and proposed structures/use; parking spaces, ingress, egress, signs, additions, etc.

5. CERTIFICATION:

I certify that the foregoing statements and the materials submitted are true.

DATE

SIGNATURE OF APPLICANT

6. AUTHORIZATION BY OWNER: (If anyone other than above owner is making this application, the following authorization must be executed.)

To the approving Board or Subcommittee of the Township of Barnegat:

_____ is hereby
(name of designee)
authorized to make the within application.

DATE

SIGNATURE OF OWNER

GENERAL INFORMATION

The Site Plan Subcommittee was established in early 1995 by ordinances amending the Land Use Code of the Township of Barnegat (Chapters 55A & 55B, Sections 101 & 176) to facilitate the change of commercial use or occupancy where no extensive construction or improvements are proposed. It is made up of three members of the Planning Board appointed by the Board's Chair and, the Community Development Director as an "ad hoc" member. When reviewing applications in the Historic District, the Chair of the Historic Preservation Commission is also an "ad hoc" member of this body.

The review procedure is conducted in a casual meeting with the applicant. It is not a public hearing. The subcommittee makes the determination of what applications require site plan review and approval. However, it may recommend to the full board that they vote to **waive** the requirement for site plan. Under specific criteria listed in the ordinance, the subcommittee may **exempt** this requirement entirely.

SEE INSTRUCTIONS SPECIFIC TO SITE PLAN WAIVER ACTION BY PLANNING BOARD

List of Professionals & Consultants

Applicants Name: _____

Address: _____

Email: _____

Telephone Number: _____ Fax Number: _____

1. Attorney: _____

Address: _____

Email: _____

Telephone Number: _____ Fax Number: _____

2. Engineer: _____

Address: _____

Email: _____

Telephone Number: _____ Fax Number: _____

3. Planning Consultant: _____

Address: _____

Email: _____

Telephone Number: _____ Fax Number: _____

4. Architect: _____

Address: _____

Email: _____

Telephone Number: _____ Fax Number: _____

Township of Barnegat

County of Ocean

Municipal Offices
900 West Bay Avenue
Barnegat, NJ 08005



Finance Office
Ph: (609) 698-0080
Fax: (609) 698-3806

APPLICANT/DEVELOPER ESCROW AGREEMENT

PLEASE READ THE FOLLOWING INFORMATION AND SUBMIT THIS ORIGINAL FORM SIGNED IN BLUE INK AND THREE COPIES ACKNOWLEDGING YOUR CONSENT WITH YOUR APPLICATION PACKAGE.

Chapter 55, Article III, Section 80.1, 80.2, & 80.3

“Escrow Account Deposits” are minimums required, promulgated on the basis of the applicant submitting a complete application and plans. The applicant shall be responsible and pay the township of Barnegat upon notification, for any additional costs for professionals’ services involved with the review, reports, expert advice or testimony, or other information required in the process of an application before a municipal agency.

The “Escrow Account Deposits” are required to pay the costs of professional services including engineering, planning, legal and other expenses connected with the review of submitted materials, including any traffic engineering review of the submitted materials or any special analysis related to the Planning or Zoning Board of Adjustment’s review of the submitted materials, or any necessary studies regarding “off-tract” improvements. An applicant is responsible to reimburse the Township of Barnegat for all expenses of professional personnel incurred and paid by the Township for the review process of an application for development and/or appeal before a municipal agency, such as, but not limited to:

1. Charges for reviews by professional consultants and/or professional personnel of applications, plans, and accompanying documents;
2. Issuance of reports by professional consultants and/or professional personnel to the municipal agency setting for the 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, his attorney or any of his experts or representatives;
4. Review of additional documents submitted by the applicant and issuance of reports relating thereto;
5. Review of proposed or prior easements, developer’s agreements, deeds, resolutions or the like;
6. Preparation for an attendance at all meetings by Professionals such as Planning Consultant, Traffic Engineer, or other experts as required;
7. The cost of expert advice or testimony obtained by the municipal agency for the purpose of corroborating testimony of applicant’s experts.
8. The use of a court reporter or transcriber is at the discretion of the applicant. The applicant bears the responsibility of retaining a court reporter or transcriber if the applicant deems such services to be necessary. If a transcript of any proceeding is made, the applicant shall provide a copy of same to the Township free of charge;
9. The procedure for close out and refund of escrow funds shall be in accordance with the provisions of the Municipal Land Use Law, N.J.S.A. C.40:55D-53.2(d) as reflected in the Barnegat Township Land Use Code §55-80.1E (attached).

CERTIFICATION

I, _____ the Applicant/Developer understand that a sum to be determined by the Administrative Officer, will be deposited in an Escrow Account, in accordance with the Ordinances of the Township of Barnegat. I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and/or other expenses associated with the review of submitted materials. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days. I the Applicant/Developer, as signed below, acknowledge familiarity with the procedure set forth in the Barnegat Township Land use Code (Chapter 55) for submittals and required action and agree to be bound by it.

DATE

SIGNATURE OF OWNER OR APPLICANT

SOCIAL SECURITY OR FEDERAL TAX ID NUMBER: _____

***IF APPLICANT IS AN INDIVIDUAL DATE OF BIRTH IS REQUIRED** _____

Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give form to the
requester. Do not
send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type.
See Specific Instructions on page 3.

1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)	
2 Business name/disregarded entity name, if different from above.	
3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor ☐ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate ☐ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____ (Applies to accounts maintained outside the United States.)
3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions ☐	
5 Address (number, street, and apt. or suite no.). See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-					
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person

Date

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

Township of Barnegat

COUNTY OF OCEAN

Kristen Peel, CTA
Tax Assessor
609-698-0080 X 146
assessor@barnegat.net



900 West Bay Avenue
Barnegat NJ 08005
Fax: 609-698-6988
web: www.barnegat.net

REQUEST FOR 200 FT. PROPERTY LIST

Date: _____

Docket # _____
(IF KNOWN OR APPLICABLE)

TO: The Barnegat Twp. Assessor

SUBJECT: Planning/Zoning Board _____
DEP/CAFRA _____
Pinelands _____
Other _____

Kindly compile and provide me, within seven days of receipt of this request, with a **Certified List of Property Owners within 200 feet of the site (s) described below:**

BLOCK:	LOTS (S):
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FEES: A minimum deposit of ten (\$10.00) dollars is required upon submission of this request. The total fee to be collected prior to issuing the list shall be **the greater of \$10.00 or \$0.25 per line item (property on the list).**

PHONE: (____) _____

SIGNATURE OF APPLICANT

EMAIL: _____

NAME (PLEASE PRINT)

FAX: (____) _____

MAILING ADDRESS

CITY, STATE, ZIP CODE

§ 55-80.1. Fees. [Amended 11-20-95 by Ord. No. 1995-49 § 1; 11-20-95 by Ord. No. 1995-50 § 2; 12-16-96 by Ord. No. 1996-58 §§ 1, 2; 12-16-96 by Ord. No. 1996-59 §§ 1, 2; 12-16-96 by Ord. No. 1996-60 § 29]

- A. Every application for development or appeal shall be accompanied by payment to the Township of Barnegat in accordance with the following Schedule of Application Fee and Escrow Account Deposits. Where one application includes several approval requests, the sum of the individually required application fees and escrow account deposits shall be paid, with separate checks for the total Application Fees and the total Escrow Account Deposits. Fees and copies of requested items, special meetings, and other items are also included in the fee schedule. Escrow account deposits are minimums required, promulgated on the basis of the applicant submitting a complete application and plans. The applicant shall be responsible and pay the Township of Barnegat upon notification, for any additional costs for professional services involved with the review, reports, expert advice or testimony, or other information required in the process of an application before a municipal agency. [Amended 7-16-01 by Ord. No. 2001-29; 8-2-04 by Ord. No. 2004-39; 4-3-2018 by Ord. No. 2018-12; 6-9-2022 by Ord. No. 2022-11; 7-5-2022 by Ord. No. 2022-17]

		Application Fees	Escrow Account + Deposits
(1)	Informal Reviews		
	(a) One (1) fifteen (15) minute appearance	\$150	None required
	(b) Any additional appearance and/or Sketch Plat Review	\$200	\$750
(2)	Subdivisions		
	(a) Minor Subdivision (by Plat or Deed)	\$400	\$500 per lot
	(b) Preliminary Major Subdivision Plat	\$700	\$3,000 (first 5 lots) plus \$75/each additional lot
	(c) Final Major Subdivision Plat	\$400	\$1,500 (first 5 lots) plus \$50/each additional lot
	(d) Amended Minor, Preliminary Major and/or Final Major Subdivision Plat	50% of original application fees	50% of original escrow account deposit
	(e) Request for Reapproval	\$200	\$50 per lot
	(f) Request for Extension of Time	\$200	\$500
(3)	Site Plans		
	(a) Minor Site Plan	\$400	\$1,500
	(b) Site Plan Waiver Request	\$250	\$1,000
	(c) Site Plan Exemption Request	\$200	None required
	(d) Preliminary Major Site Plan (Other than residential)	\$700	\$3,500/first acre or part thereof plus \$500/each additional acre or part thereof

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		Application Fees	Escrow Account + Deposits
	Preliminary Major Site Plan (residential and cluster development)	\$700 (Residential and cluster development)	\$100/dwelling unit for multi-family and/or cluster development (\$2,500 minimum)
(e)	Final Major Site Plan (Other than residential)	\$400	\$1,750/first acre or part thereof plus \$250/each additional acre or part thereof
	Final Major Site Plan (residential and cluster development)	\$400 (Residential and cluster development)	\$50/dwelling unit for multi-family and/or cluster development (\$1,500 minimum)
(f)	Amended Minor, Preliminary Major and/or Final Major Site Plan	50% of original application fee	50% of original escrow account deposit
(g)	1. Request for Reapproval	\$200	50% of original Escrows
	2. Request for Extension of Time	\$200	\$500
(h)	Field Change	\$200	\$1,000
(4)	Conditional Uses (In addition to fees for required Site Plan or Subdivision review)	\$200	\$250
(5)	Variances		
(a)	Appeals (40:55D-70a) (single-family use)	\$200	None required
(b)	Interpretation of Zoning Regulations or Map (40:55D-70b)	\$1200	\$750
(c)	Bulk Variances (40:55D-70c) (existing single-family use)	\$200	\$500
	(Existing two-family use)	\$250	\$500
	(All other uses)	\$300	\$400/first variance plus \$50/each additional variance
(d)	Use and Others (40:55D-70d) (single or two-family use)	\$250	\$500
	(All other uses)	\$800	\$2,500
(e)	Building Permit in Conflict With Official Map or for a lot not related to a Street (40:55D-34 & 35)	\$200	\$500
(f)	Sign and Fence not in compliance with ordinance requirements	\$150	\$250

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		Application Fees	Escrow Account + Deposits
(6)	Waivers	\$150	\$75/first waiver plus \$25/each additional waiver
(7)	Preparation of Resolution (preliminary and/or final approval or denial)		\$150 each resolution
	(All other approvals or denials)		\$150
(8)	Requested Special Meeting	\$500	\$1,500
(9)	Holdover Meeting	\$50/regular meeting \$500/special meeting	None required
(10)	Certified List of Property Owners and Public Utilities	\$0.25/name or \$10 whichever is greater	None required
(11)	Transcript of Meeting/Hearing	None required	Billed at cost (\$500 minimum deposit)
(12)	Copy of Tape of Meeting/Hearing	Billed at cost	None required
(13)	Use of Tape Recording (by interested party, applicant or their stenographer)	Billed at cost	None required
(14)	Certificate of Subdivision	\$100	None required
(15)	Certificate of Non-Conformity (N.J.S.A. 40:55D-68)	\$100	None required
	(a) Within one (1) year of ordinance adoption	\$100	None required
	(b) After one (1) year of ordinance adoption	\$100	\$250
(16)	Zoning Permits		
	(a) Residential (new dwellings and additions)	\$50 per dwelling unit	None required
	(Residential accessory structures including, but not limited to detached garages, sheds, decks, patios and swimming pools)	\$30	None required
	(b) Business, Commercial, Industrial and Institutional		
	(New principal buildings)	\$100	None required
	(Alterations and additions)	\$100	None required
	(Accessory structures including, but not limited to signs, sheds, and decks)	\$100	None required
	(c) Temporary Event Use	\$100	None required
	(d) All Other Zoning Permits	\$50	None required

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		Application Fees	Escrow Account + Deposits
(e)	On-site Construction Trailers (first year)	\$100	None required
	(Annual renewal fee)	\$75	None required
(f)	Preliminary zoning permit (in accordance with requirements of 55-279.1)	\$50	
(g)	Bulkhead permit	\$50	\$450
(17)	Forestry permits: Permit application for cutting of trees and shrubs. (See Section 55-292)	\$100	\$25

- B. The application fees are flat fees to cover the costs of processing the application and are non-refundable.
- C. The escrow account deposits are required to pay the costs of professional services including engineering, planning, legal and other expenses connected with the review of submitted materials, including any traffic engineering review of the submitted materials, or any special analysis related to the Planning Board or Zoning Board of Adjustment's review of the submitted materials, or any necessary studies regarding off-tract improvements. An applicant is responsible to reimburse the Township of Barnegat for all expenses of professional personnel incurred and paid by the Township for the review process of an application for development and/or appeal before a municipal agency, such as, but not limited to:
- (1) Charges for reviews by professional consultants and/or professional personnel of applications, plans and accompanying documents;
 - (2) Issuance of reports by professional consultants and/or 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, his attorney or any of his experts or representatives;
 - (4) Review of additional documents submitted by the applicant and issuance of reports relating thereto;
 - (5) Review of proposed or prior easements, developer's agreements, deeds, resolutions or the like;
 - (6) Preparation for and attendance at all meetings by professionals such as Planning Consultant, Traffic Engineer or other experts as required; and
 - (7) The cost of expert advice or testimony obtained by the municipal agency for the purpose of corroborating testimony of applicant's experts.
 - (8) The use of a court reporter or transcriber is at the discretion of the applicant. The applicant bears the responsibility of retaining a court reporter or transcriber if the applicant deems such services to be necessary. If a transcript of any proceeding is made, the applicant shall provide a copy of same to the Township free of charge.

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D. Procedural Requirements.

- (1) An application to the Site Plan Review Subcommittee or other review committee shall deposit all escrow account deposits called for in the within section before the applicant's appearance before that committee. An applicant appearing initially before the Planning Board or the Zoning Board of Adjustment shall deposit all escrow account deposits called for in the within section before said appearance. No meeting or hearing with the applicant shall be held by said boards or committees until all escrow account deposits and required fees have been deposited in accordance with this section. The escrow sums must be in the form of cash, certified check or money order made payable to THE TOWNSHIP OF BARNEGAT. All escrow account deposits shall be given to the Administrative Officer of the Township.
- (2) The Chief Financial Officer of the Township shall make all of the payments to professionals for services rendered to the Township for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. Such fees or charges shall be based upon a schedule established by a resolution adopted by the Township Committee.
- (3) Escrow account deposits shall be placed in an interest bearing account and the same shall be administered in accordance with the requirements of N.J.S.A. 40:55D-53.1.
- (4) All disbursements to consulting professionals, Township consulting professionals and Township employed professionals for services involved in processing an application which requires escrow account deposits shall be charged against the escrow account.
- (5) The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements, and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are one thousand (\$1,000.00) dollars or less, or on a monthly basis, if monthly charges exceed one thousand (\$1,000.00) dollars.
- (6) Each payment charged to the deposit for review of the application, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional. Said voucher shall identify the personnel performing the service, the date, the services performed, the hours spent to one-quarter hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer of the Township on a monthly basis in accordance with schedules and procedure established by the Chief Financial Officer of the Township.
- (7) If the services are provided by a Township employee, the employee shall prepare and submit to the Chief Financial Officer a statement containing the same information as required on the voucher, on a monthly basis. The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the Township simultaneously to the applicant.
- (8) No resolution approving any development application which is subject hereto shall be passed by either the Planning Board or Zoning Board of Adjustment until all fees and escrow sums required herein have been paid in full.
- (9) The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond

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the scope of the expertise of the professionals normally utilized by the Township.

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- (10) The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professional or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. The Township shall not bill the applicant, or charge an escrow account or deposit, for any Township clerical or administrative functions, overhead expenses, meeting room charges, or any other costs and expenses except as provided for in this section, nor shall a Township professional add any such charges to his bill.
- (11) A professional shall not review items which are subject to approval by any State agency and not under municipal jurisdiction except to the extent that consultation with a State agency is necessary due to the effect of State approval on the subdivision or site plan.
- (12) Inspection fees shall be charged only for actual work shown on a subdivision or site plan required by the Township. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.
- (13) If the Township retains a different professional or consultant in the place of the professional originally responsible for development application review or inspection of improvements, the Township shall be responsible for all time and expenses of the new professional to become familiar with the application or project and shall not bill the applicant or charge the deposit or the escrow account for any such services.
- (14) If the salary, staff support and overhead for the Township professional are provided by the municipality, the charge shall not exceed two hundred percent (200%) of the sum of the product resulting from multiplying (1) the hourly base salary of the professional by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals, the charge shall be at the same rate as all other work of the same nature by the professional for the municipality when fees are not reimbursed or otherwise imposed on applicants or developers.
- (15) For those developments for which the reasonably anticipated fees are ten thousand (\$10,000.00) dollars or greater, fees may, at the option of the developer, be paid in four (4) installments. The initial amount deposited by a developer shall be twenty-five percent (25%) of the reasonably anticipated fees. When the balance drops to ten percent (10%) of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall make additional deposits of twenty-five percent (25%) of the reasonably anticipated fees. The Municipal Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

E. Refund of Moneys in Escrow Account. When the Planning and Zoning Office determines that there is no longer any need to retain an escrow account in which to maintain funds pursuant to §§ 55-80.3 and 55-80.4, the applicant shall be entitled to the return of any moneys which remain in that account. The following close out and refund procedure shall apply to all deposits and escrow accounts established under the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and shall commence after the Township has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved, in the case of improvement inspection escrows and deposits:

- (1) The applicant shall send written notice by certified mail to the Chief Financial Officer and to

- § 55-80.1 the relevant Township professional, that the application or the improvements are completed. § 55-80.1
- (2) After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer within thirty (30) days and shall send a copy simultaneously to the applicant.
 - (3) The Chief Financial Officer shall render a written final accounting to the applicant on the uses to which the escrow account deposit was put within forty-five (45) days after the receipt of the final bill.
 - (4) Any balances remaining in the deposit or escrow account, including interest in accordance with the requirements of N.J.S.A. 40:55D-53.1, shall be refunded to the developer along with the final accounting.