

Chapter 15.08 ESCROW DEPOSITS FOR DEVELOPMENT APPLICATIONS

15.08.010 Established.

The joint planning board and zoning board shall require escrow deposits in accordance with the provisions of this chapter. Such escrow shall be utilized to pay the cost of any professional fees incurred for review of and or testimony concerning an application for development submitted by an applicant.

(Ord. 94-4 § 1(1))

15.08.020 Specific provisions.

Subject to the provisions of this section, each applicant shall, prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Law, submit the following sum(s) to be held in escrow in accordance with the provisions hereof:

Residential Development Applications Involving Structures	Escrow to be Posted
0—25 units	\$2,000.00
26—100 units	2,500.00
101—500 units	5,000.00
501—1,000 units	7,500.00
1,001+ units	10,000.00

Residential subdivision development application not involving structures. Minor subdivision maximum of two new lots (plus reserved land) fifty dollars (\$50.00) per new lot. Major subdivision (thirty (30) or more new lots) two thousand five hundred (\$2,500.00) plus twenty-five dollars (\$25.00) per lot.

Commercial/Industrial Development Application Not Involving Structures Acres	Escrow to be Posted
0—3	\$3,500.00
3+	5,000.00

Commercial/Industrial Development Application Involving Structures Total Ground Area	Escrow to be Posted
Up to 2,500 square feet	\$1,500.00
2,501—20,000 square feet	2,500.00
20,001+ square feet	5,000.00
Bulk variance	50.00
Use variance or conditional use	500.00

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- B. For any type of application for which a fee is not specifically set forth in this chapter, the board may require an escrow deposit based on estimates provided by the board's professionals.
 - C. For any applications which the board considers sufficiently minor in nature as to not require professional reviews, the board may waive the escrow requirement.
 - D. Within forty-five (45) days after the filing of an application for development, the board shall review the application for development to determine whether the escrow amount set forth above is adequate. In conducting such review, the board shall consider the following criteria:
 - 1. The presence or absence of public water and/or sewer servicing the site;
 - 2. Environmental considerations, including but not limited to geological, hydrological and ecological factors;
 - 3. Traffic impact of the proposed development;
 - 4. Impact of the proposed development on existing aquifer and/or water quality;
 - 5. Impact of the proposed development on off tract facilities;
 - 6. Surface drainage impact on the site or on surrounding properties of facilities.
 - E. Upon completion of such review and within the forty-five (45) day period, the board shall adopt a resolution specifying whether the escrow amount specified above is sufficient, excessive or insufficient. In the event the board shall determine that the amount is excessive, it shall, in the resolution, specify the amount that shall be deemed sufficient. In the event the board shall determine that the amount specified above is insufficient, it shall so specify and shall further set forth the amount required to be posted in light of the criteria specified herein. In the event the board shall determine that it is appropriate that no escrow be posted, it shall so specify in its resolution. In the event that the escrow is fully expended and further review is required, the board shall determine what additional amount should be placed in escrow and shall notify the applicant thereof in writing. No further review of the application shall be made until after the additional sum is deposited. Failure to make an escrow payment shall cause an application to be deemed incomplete.

(Ord. 94-4 § 1(2) and (3))

15.08.030 Certified check or money.

No application for development shall be deemed completed until such time as the applicant shall have posted with the township in cash, certified check or money order the amount of escrow deposit determined by the board to be required in accordance with the provisions of this chapter.

(Ord. 94-4 § 1(4))

15.08.040 Professional fees.

All such escrow funds shall be utilized by the appropriate board to pay the cost of any professional fees incurred by the board for review and/or testimony in connection with the particular application for development. All sums not actually so expended shall be refunded to the applicant within one hundred twenty (120) days after certification by the board chairman that the application has been finally determined. "Finally determined" shall be (1) denial of preliminary approval; or (2) denial of final approval; or (3) compliance with all conditions following final approval; or (4) withdrawal of application; or (5) expiration of approval.

(Ord. 94-4 § 1(5))

15.08.050 Resubmission of revision of any application.

The provisions of this chapter shall be applicable to any resubmission or revision of a development plan or application as if same were an initial development application. The escrow deposit required by this chapter shall, therefore, be the same for a resubmission or revision of a development plan or application as for a new application which shall be in addition to the amounts paid or owed for the original application and for any previous resubmission or revisions. Escrow deposits on account of a revised plan or application may, in the discretion of the reviewing agency, be waived for any revision not involving any additional cost or review by professional personnel or hearing expenses.

(Ord. 94-4 § 1(6))