

**CHAPTER 169, LAND USE ADMINISTRATION AND PROCEDURES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Article V, Fees and Escrow Deposits

§ 169-51. Development application charges and escrow deposits.

- A. Upon the filing of any appeal or application for development to the Land Use Board by any person other than an officer of the Borough of Rockaway acting in an official capacity or a department, board or agency of the Borough, the appellant or applicant shall pay an application charge and an escrow deposit. The application charge is a flat fee to cover administrative expenses and is non-refundable. The escrow account is established to cover the cost of professional services rendered to the appropriate municipal agency (including engineering, planning and other expenses connected with the review of submitted materials) for development review and preparation of documents, or inspection of improvements.
- B. No application for development shall be deemed complete until such time as the applicant shall have posted with the Borough of Rockaway in cash or check the application charge and escrow deposit determined by the Land Use Board to be required in accordance with the provisions of this chapter. Failure to remit any additional required escrow moneys within 15 days of the request shall render the application incomplete, and no further proceedings or actions shall be taken by the Board until after compliance.
- C. An expansion or change of a pre-existing nonconforming use shall be deemed a use variance and the appropriate application charge and escrow fee shall be paid.
- D. Where an application includes pre-existing nonconforming aspects of a property which must be addressed as a result of the applicant's seeking of a variance as to that property, the appropriate application charges and escrow deposits must be paid for each nonconforming aspect of the property which requires the granting of a variance.
- E. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.
- F. Each applicant for subdivision or site plan approval shall agree to pay all reasonable costs for professional review of the application and for preparation of any required legal documentation, including a Developer's Agreement. Additionally, each applicant shall pay all reasonable costs for inspection and testing of the improvements. All costs for review and for preparation of the required legal documentation must be paid before any approved plat, plan or deed is signed, and all inspection fees must be paid in accordance with § 169-57 (Inspection and Tests) of this chapter before any construction permit is issued, and all remaining costs must be paid in full before any occupancy of the premises is permitted or certificate of occupancy issued.
- G. If an applicant desires a court reporter, the cost for taking testimony and transcribing it and providing a copy of the transcript to the Borough shall be at the expense of the applicant who shall arrange for the reporter's attendance.

§ 169-52. Schedule of application charges and escrows.

Every application for development shall be accompanied by a check payable to the Borough of Rockaway in accordance with the following schedule for the application charge and a separate check payable to the Borough of Rockaway for the escrow deposit.

	Application Charge	Initial Escrow Deposit
A. Subdivisions		
(1) Minor	\$600	\$1,000
(2) Preliminary Major	\$500, plus \$100 per lot	\$100 per lot, minimum \$1,500; maximum \$8,000
(3) Final Major	\$300, plus \$50 per lot	\$50 per lot, minimum \$1,000; maximum \$8,000
(4) Concept Plat for Review		
(a) Minor	\$100	\$500
(b) Major	\$200	\$1,000
B. Site Plans		
(1) Minor	\$500, plus \$50 for each 1,000 square feet of lot area	\$2,500

(2) Preliminary Major	\$500 plus \$10 per 1,000 square feet of lot area or any portion thereof <small>Calculation: \$500 plus \$10 x 19.379 = \$693.79</small>	\$3,000 plus \$20 per 1,000 square feet of lot area or any portion thereof; maximum \$8,000 <small>Total: \$3,387.58</small>
(3) Final Plan	50% of Preliminary Major <small>Calculation: 50% of above = \$346.90</small>	\$3,000, plus \$10 per 1,000 square feet of lot area or any portion thereof; maximum \$8,000 <small>Total: \$3,193.79</small>
(4) Concept Plan for Review		
(a) Minor	\$100	\$500
(b) Major	\$200	\$2,000
(5) Site Plan Waiver	\$300	\$500
C. Variances		
(1) Appeals (40:55D-70a)	\$250	\$2,000
(2) Interpretation (40:55D-70b)	\$250	\$2,000
(3) Bulk (40:55D-70c)		
(a) Single family residential lot	\$400	\$500
(b) All others:		
First variance	\$400	\$2,500
Each additional variance/design waiver	\$0	\$250
(4) Use (40:55D-70d)	\$1,000	\$2,500
(5) Permit (40:55D-34 and 35)	\$250	\$500
D. Conditional Use Application		
	\$500 plus \$10 per 1,000 square feet of lot area or any portion thereof	\$3,000 plus \$20 per 1,000 square feet of lot area or any portion thereof; maximum \$8,000
E. Bond Releases		
(1) Performance	\$100	Where costs of improvements were less than \$50,000, the escrow shall be \$600; where \$50,000 to \$100,000 - \$1,500; over \$100,000 - \$2,000
(2) Maintenance	\$100	Where costs of improvements were less than \$50,000, the escrow shall be \$350; where \$50,000 to \$100,000 - \$1,000; over \$100,000 - \$1,500
F. Extension of time request	\$200	\$1,000
G. Development Permit (Flood Damage Prevention)	\$200	\$1,000

§ 169-53. Escrow deposits.

The Chief Financial Officer of the Borough shall collect escrow deposits from applicants and make all of the payments to professionals for services rendered to the Borough in connection with land development applications in accordance with the procedures set forth in N.J.S.A. 40:55D-53.1 through N.J.S.A. 40:55D-53.2a.

§ 169-54. Zoning permit fees.

- A. Residential: \$25.
- B. Nonresidential: \$100.
- C. Change of use application: \$100.

D. Sign permits:

- (1) A-frame: Pursuant to § 172-61.D(13).
- (2) Banner: Pursuant to § 172-36.D.
- (3) Façade: \$100.
- (4) Freestanding: \$100.

§ 169-55. Tax map revision fees.

- A. Minor subdivision plat: \$75 per lot.
- B. Final major subdivision plat: \$75 per lot not to exceed \$3,500 per application.
- C. Site plan application creating condominium units (whether residential or commercial units): \$75 per unit, not to exceed \$3,500 per application.

§ 169-56. Certifications of subdivisions.

- A. A certificate of subdivision approval shall be pursuant to N.J.S.A. 40:55D-56.
- B. The Borough Clerk shall be entitled to demand and receive for each certificate of subdivision issued a reasonable fee not in excess of those provided in N.J.S.A. 54:5-14 and 54:5-15.

§ 169-57. Inspections and tests.

- A. All site improvements and utility installations for both site plans and subdivisions shall be inspected during the time of their installation under the supervision of the Borough Engineer to insure satisfactory completion. The cost of said inspection shall be the responsibility of the owner who shall deposit with the Borough Treasurer a sum not to exceed, except for extraordinary circumstances, the greater of \$500.00 or five (5%) percent of the cost of improvements, which cost shall be determined by the Borough Engineer.
- B. In no case shall any paving work be done without permission from the Borough Engineer. At least two (2) working days' notice shall be given to the Borough Engineer prior to any construction so that he or a qualified representative may be present at the time the work is to be done.
- C. Any improvement installed without notice for inspection shall constitute just cause for:
 - (1) Removal of the uninspected improvement;
 - (2) The payment by the developer of any costs for material testing;
 - (3) The restoration by the developer of any improvements disturbed during any material testing; and/or
 - (4) The issuance of a 'stop work' order by the Borough Engineer pending the resolution of any dispute.

§ 169-58. Release.

The Mayor and Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Borough Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Borough Engineer.

§ 169-59. Conditions and acceptance of improvements.

The approval of any application for development by the Borough shall in no way be construed as acceptance of any street or drainage system, or any other improvement, nor shall such approval obligate

the Borough in any way to exercise jurisdiction over such street or drainage system or other improvement. No improvement shall be accepted by the Mayor and Council unless and until all of the following conditions have been met:

- A. The Borough Engineer shall have certified in writing that the improvements are completed and that they comply with the requirements of this chapter;
- B. The final application for development shall have been approved by the Board;
- C. The owner shall have filed with the Borough a maintenance bond and guarantee in an amount equal to and not more than fifteen percent (15%) of the cost of installing the improvements and which amount shall be determined by the Borough Engineer. The maintenance bond shall run for a period of two (2) years. The requirements for a maintenance bond may be waived by the Mayor and Council only if the Borough Engineer has certified that the improvements have been in continuous use for not less than two (2) years from the date the Borough Engineer certified completion of such improvements and that during this period the owner has maintained the improvements in a satisfactory manner; and
- D. An 'as built' plan and profiles of all utilities and roads (three (3) black and white prints plus a mylar copy to be sent to the Borough Engineer), with certification signed and sealed by a New Jersey licensed professional engineer or land surveyor as to the actual construction as approved by the Borough Engineer, shall be provided.

§ 169-60. Off-tract improvements - Escrow Accounts.

Where the proposed off-tract improvement is to be undertaken at a future date, funds required for the improvement shall be deposited to the credit of the Borough of Rockaway in a separate account until such time as the improvement is constructed. In lieu of a cash escrow account, developers may present irrevocable letters of credit for the term required in a form acceptable to the Borough Attorney. If the off-tract improvement is not begun within ten (10) years of the deposit, all monies and interest shall be returned to the applicant or the letter of credit, as the case may be, surrendered. An off-tract improvement shall be considered 'begun' if the Borough of Rockaway has taken legal steps to provide for the design and financing of such improvements.

§ 169-61. Off-tract improvements - Developer's Agreement.

Where applications for development result in the need for off-tract improvements, the Land Use Board shall determine the scope of all such improvements. The timing and developer's pro rata share of such improvements shall be incorporated into a developer's agreement between the developer and the Borough.

§ 169-62. Performance guarantees.

The Borough may require performance guarantees and/or maintenance bonds pursuant to N.J.S.A. 40:55D-53 through N.J.S.A. 40:55D-53c and at N.J.S.A. 40:55D-53.3 through N.J.S.A. 40:55D-53.5.