

BOROUGH OF EMERSON  
COUNTY OF BERGEN  
NOTICE OF ADOPTION

ORDINANCE NO 1615-20

**Introduced: June 23, 2020**

**Adopted: July 21, 2020**

**NOTICE IS HEREBY GIVEN** that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 21st day of July, 2020. Copies of Ordinance 1615-20 are available by contacting the Borough clerk or visiting our website at [www.emersonnj.org](http://www.emersonnj.org)

**AN ORDINANCE TO AMEND CHAPTER 47-LAND USE PROCEDURES AT SECTION-26 ENTITLED FEES AND SECTION 26.1 ENTITLED ESCROW DEPOSITS AND CHAPTER 236- SITE PLAN REVIEW AT SECTION 9 ENTITLED FEES and SECTION 9.1 ENTITLED ESCROW DEPOSITS OF THE CODE OF THE BOROUGH OF EMERSON**

CHAPTER 47 –LAND USE PROCEDURES

§ 47-26 Fees

A.

Fees for applications or for the rendering of any service by the Land Use Board, or any member of their administrative staffs, which are not otherwise provided by ordinance may be provided for and adopted as part of the rules of the Board, and copies of said rules or of the separate fee schedule shall be available to the public.

B.

A separate fee for transcripts of \$0.40 per page for the original and \$0.10 per page for each additional copy thereof shall be charged.

[Amended 11-24-1981 by Ord. No. 788]

C.

Fee schedule for land use procedures. At the time of filing a submission, the Applicant shall 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. These application fees shall be separate and apart from escrow deposits for professional services as hereinafter set forth. The fees for applications or for the rendering of any service by the Land Use Board by the provisions of this chapter shall be as follows:

[Added 9-23-2003 by Ord. No. 1239]

(1)

Commercial additions: \$400.

(2)

Commercial new construction: \$1,000.

(3)

Commercial use variance: \$750

(4)

Residential additions(including inground pool): \$100.

(5)

Residential new construction: \$200.

(6)

Residential use variance: \$300.

(7)

Minor subdivision, without variance \$250

(8)

Minor subdivision, with variance \$400

(9)

Major subdivision, without variance \$400

(10)

Major subdivision, with variance \$750, plus \$75 per lot

(11)

Deck variance: \$50.

(12)

Fence variance: \$50.

(13)

Home occupation sign: \$50.

(14)

All other signs: \$250.

(15)

Special meeting requests: \$375 for residential (plus additional fees for attorney, secretary, etc); \$1,000 for commercial. (plus additional fees for attorney, secretary, etc).

§ 47-26.1 Escrow deposits.

[Added 2-11-1985 by Ord. No. 871]

A.

Deposit for inspection of site plan and subdivision. In addition to the application fees or other fees required, the applicant shall deposit at the time of site plan or subdivision application an escrow to cover engineering, investigation and inspection of improvements, legal and planning costs, recording fees and all other costs in connection with the site plan or subdivision. All escrow deposits are intended solely to reimburse the municipality and the approving authority for expenses incurred by them, or either of them, on account of the performance of their respective professionals and consultants with respect to a particular application.

B.

Rules governing escrow deposits.

1. Upon receipt of an application for one of the above applications, the administrative officer shall send a copy of the application and one set of all maps and reports to the

professionals and consultants of the approving authority. Within a reasonable time of receipt of the same, said professionals shall submit an estimate of funds sufficient in amount to undertake technical reviews and findings of fact relative to the application at hand. Such estimated deposits shall be approved by the approving authority and may, from time to time, be reviewed by the governing body. The applicant shall forthwith deposit funds on demand, which funds shall be required to be placed in an escrow account by the Treasurer of the Borough of Emerson. Such funds on deposit shall be expended to reimburse the municipality and the approving authority for moneys paid to professionals and consultants engaged by them on account of the reasonable cost of their services rendered with reference to the application for which the deposit has been established. Upon receipt of the funds above and herein provided for, the secretary of the approving authority shall notify the professionals and other consultants of the approving authority that all appropriate examinations and reviews may be undertaken.

2. In the event that the funds in the escrow account should become depleted prior to the completion of the application procedure and additional funds are necessary to cover the cost of processing the application, additional funds shall be paid by the applicant to the Treasurer of the Borough of Emerson and placed in the appropriate account, subject to the conditions above provided for. All escrows must be fully replenished upon request prior to the Board hearing of an application and prior to the issuance of any building permit.

3. In order to expedite the processing of applications by the Borough 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. The approving authority shall not process and/or take formal action on the application unless all application fees and escrow funds have been paid in the manner described herein by the applicant. to the Treasurer of the Borough of Emerson, except those provided to be paid upon application for final approval, which shall be payable to the Borough Treasurer at the time specified.

5. 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 Borough. The Borough shall have the same remedies for collection of escrow charges with interest, cost and penalties as it has by law for the collection of other fees.

6. Funds remaining in the escrow account at the completion of the project or phase of the application procedure, as the case may be, shall be returned without interest to the applicant as soon as is practicable.

C.

The minimum deposit for any application to the Land Use Board to cover the professional and inspection costs for both residential and commercial applications shall be:

[Amended 5-20-2003 by Ord. No. 1231; 9-29-2003 by Ord. No. 1239]

(1)

Escrow deposit

Residential Site Plan Application : \$1,000 (separate check).

Commercial Site Plan Application \$5,000 (separate check).

New Construction, Single Family Home \$5,000.00

Developers, Multifamily Home \$3,000.00 per unit

Subdivision Application \$5,000.00

Residential addition \$2,500.00

Other commercial, professional, business and non-profit entity applications \$5,000.00

Other residential applications and any other applications not listed above \$1,500.00

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CHAPTER 236- SITE PLAN REVIEW

§ 236-9 Fees.

[Amended 7-17-1979 by Ord. No. 717]

A.

The following fee schedule shall apply when site plans are filed with the Land Use Board of the Borough of Emerson, which fees shall be for the engineering and legal expenses incurred for review and inspection of the site plan and for any other miscellaneous costs relating thereto:

[Amended 5-20-2003 by Ord. No. 1227]

<b>Site</b>	<b>Fee</b>	<b>With Variance</b>
Up to one acre	\$750	\$1,000
One acre or less than two	\$850	\$1,100
Two acres or less than three	\$950	\$1,200
Three acres or less than four	\$1,050	\$1,300
Four acres or less than five	\$1,150	\$1,400
Five acres or less than six	\$1,250	\$1,500
Six acres or less than seven	\$1,350	\$1,600
Seven acres or less than eight	\$1,450	\$1,700
Eight acres or less than nine	\$1,550	\$1,800
Nine acres or less than ten	\$1,650	\$1,900
Ten acres or greater	\$1,750	\$2,000, plus \$100 for additional acres or fraction thereof

B.

On a site plan involving a portion of land in a parent parcel greater than five acres, the Borough Engineer will determine the number of acres involved in the development for site plan, and the fee will be according to the schedule in this section but will not be less than \$500 in any case.

C.

A conditional use application submitted for review by the Land Use Board as follows: \$1,000, plus \$100 per acre.

[Added 5-23-2003 by Ord. No. 1227]

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§ 236-9.1 Escrow deposits.

[Added 2-11-1985 by Ord. No. 871]

A.

Deposit for inspection of site plan and subdivision. In addition to the application fees or any other fees required, the applicant shall deposit at the time of site plan or subdivision application an escrow to cover engineering, investigation and inspection of improvements, legal and planning costs, recording fees and all other costs in connection with the site plan or subdivision. All escrow deposits are intended solely to reimburse the municipality and the approving authority for expenses incurred by them, or either of them, on account of the performance of their respective professionals and consultants with respect to a particular application.

B.

Rules governing escrow deposits.

1. Upon receipt of an application for one of the above applications, the administrative officer shall send a copy of the application and one set of all maps and reports to the professionals and consultants of the approving authority. Within a reasonable time of receipt of the same, said professionals shall submit an estimate of funds sufficient in amount to undertake technical reviews and findings of fact relative to the application at hand. Such estimated deposits shall be approved by the approving authority and may from time to time be reviewed by the governing body. The applicant shall forthwith deposit funds on demand, which funds shall be required to be placed in an escrow account by the Treasurer of the Borough of Emerson. Such funds on deposit shall be expended to reimburse the municipality and the approving authority for moneys paid to professionals and consultants engaged by them on account of the reasonable cost of their services rendered with reference to the application for which the deposit has been established. Upon receipt of the funds above and herein provided for, the secretary of the approving authority shall notify the professionals and other consultants of the approving authority that all appropriate examinations and reviews may be undertaken.

2. In the event that the funds in the escrow account should become depleted prior to the completion of the application procedure and additional funds are necessary to cover the cost of processing the application, additional funds shall be paid by the applicant to the Treasurer of the Borough of Emerson and placed in the appropriate account, subject to the conditions above provided for. All escrows must be fully replenished upon request prior to the Board hearing of an application and prior to the issuance of any building permit.

3. In order to expedite the processing of applications by the Borough 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.

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6. Funds remaining in the escrow account at the completion of the project or phase of the application procedure, as the case may be, shall be returned without interest to the applicant as soon as is practicable.

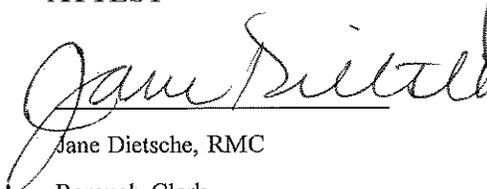
C.

Escrow deposit: (separate check).

[Amended 5-23-2003 by Ord. No. 1227]

Residential Site Plan Application	\$1,500.00	
Commercial Site Plan Application	\$5,000.00	
New Construction, Single Family Home	\$5,000.00	
Developers, Multifamily Home	\$3,000.00 per unit	
Subdivision Application	\$5,000.00	
Residential addition	\$2,500.00	
Other commercial, professional, business and non-profit entity applications		\$5,000.00
Other residential applications and any other applications not listed above		\$1,500.00

ATTEST

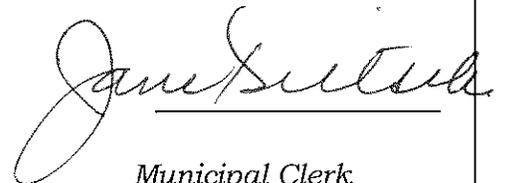
  
Jane Dietsche, RMC  
Borough Clerk

  
Danielle DiPaola  
Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
Bayley		X	X			
McGuire			X			
Dinallo			X			
Hoffman	X		X			
Gordon			X			
Argenzia			X			

*I hereby certify that the above Ordinance  
was duly adopted by the Borough of Emerson  
at a meeting held on July 21, 2020.*

Attest:

  
Municipal Clerk