

**TOWNSHIP OF MAHWAH
PLANNING BOARD**

ALL NEW SUBDIVISION OR SITE PLAN APPLICATIONS

**IN ADDITION TO THE SETS OF PLANS REQUIRED FOR THE APPLICATION,
11 SETS OF PLANS AT A REDUCED SIZE (11" X 17") SHOWING THE
PROPOSED SUBDIVISION OR SITE PLAN MUST BE SUBMITTED. THESE
WILL BE DISTRIBUTED TO THE BOARD MEMBERS.
COPIES OF REFERENCED TOWNSHIP OF MAHWAH ORDINANCES CAN BE
OBTAINED AT THE PLANNING/ZONING/PROPERTY MAINTENANCE
DEPARTMENT.
THANK YOU.**

Planning Board Administrative Officer

UNDER THE NEW ESCROW ACCOUNTING LAW, THE TOWNSHIP PROFESSIONALS MUST SEND TO EACH APPLICANT AN INFORMATIONAL COPY OF ALL VOUCHERS FOR THEIR PROJECT SUBMITTED TO THE TOWNSHIP. THIS IS TO BE DONE ON A MONTHLY BASIS.

PLEASE INDICATE IN THE SPACE BELOW THAT NAME AND ADDRESS OF THE PERSON YOU WANT COPIES OF THE MONTHLY CHARGES BY THE TOWNSHIP PROFESSIONAL SENT TO.

DOCKET NO. _____

NAME _____

ADDRESS _____

DOCKET NO. _____

APPLICANT: _____

**APPLICATION SUBMISSION CHECKLIST
FOR THE
MAHWAH PLANNING BOARD**

	<u>YES</u>	<u>NO</u>
1. Appropriate Fees	_____	_____
2. Completed Application Form	_____	_____
3. Applicant's Affidavit Signed by Owner & Notarized	_____	_____
4. Owner's Affidavit Signed by Owner & Notarized	_____	_____
5. Subdivision and/or Site Plan with all Ordinance requirements and required number of maps (MAPS MUST BE FOLDED)	_____	_____
6. Attach list of Variances and Waivers Requested	_____	_____
7. Attach completed Historic Preservation Form	_____	_____
8. Attached Verification of Taxes Form	_____	_____

Applicant will be notified within forty-five (45) days on completeness of application.

Planning Board, Administrative Officer

() COMPLETE () INCOMPLETE DATE _____

DATE APPL. RECEIVED _____

DATE FOR COMPLETENESS _____

NOTICE ALL APPLICANTS

Application must be accompanied by application fee and a check to establish an escrow account. No application will accepted without the proper fees.
PLANS MUST BE SUBMITTED FOLDED AND NO LARGER THAN 11" X 14"

FILING FEE \$ _____

DOCKET NUMBER _____

ESCROW DEPOSITS _____

TOWNSHIP OF MAHWAH
DEVELOPMENT APPLICATION

ZONE _____

DATE APPLICATION RECEIVED
BY ADMINISTRATIVE OFFICER _____

1. APPLICANT NAME: _____

ADDRESS: _____ PHONE # _____

2. RECORD OWNER OF
PROPERTY: _____

ADDRESS: _____ PHONE # _____

AFFIDAVIT OF OWNER ATTACHED GRANTING PERMISSION TO
APPLY: YES ___ NO ___

3. IF APPLICANT IS A CORPORATION, NAME AND ADDRESS OF
PRESIDENT AND SECRETARY AND LEGAL COUNSEL
REPRESENTING CORPORATION:

4. NAME AND ADDRESS OF LEGAL COUNSEL (IF PROVIDED)

_____ PHONE# _____

5. PROPERTY IDENTIFICATION: BLOCK(S) _____ LOTS(S) _____
TAX MAP PAGE NO. _____

STREET ADDRESS: _____

THE PROPETY IS SITUATED ON THE (NORTH, EAST, SOUTH, WEST)
SIDE OF _____ STREET, AND IS
APPROXIMATELY _____ FEET
FROM _____

(NEAREST INTERSECTION)

6. NAME, ADDRESS, PHONE NUMBER AND LICENSE NUMBER OF PERSONS PREPARING PLAT OR EXHIBITS. INCLUDE PROFESSIONAL ENGINEER, ARCHITECT, LAND SURVEYOR, PLANNER, REALTOR OR OTHER EXPERT.

1. _____ _____ _____	3. _____ _____ _____
2. _____ _____ _____	4. _____ _____ _____

7. TYPE OF APPLICATION:

1. SUBDIVISION

- ____ Minor
- ____ Prel/Major
- ____ Final/Major
- ____ Prel/Final Combined

2. SITE PLAN

- ____ Preliminary
- ____ Final
- ____ Prel/Final Combined

3. ____ AMENDED OR MINOR CHANGE ____ CONDITIONAL USE

4. ____ PLANNED DEVELOPMENT 5. ____ USE

6. LIST OF ALL VARIANCES AND WAIVERS:

7. TOTAL SITE AREA (ACRES) _____

8. SQUARE FEET OF PROPOSED BUILDING(S) TO BE CONSTRUCTED OR ENLARGED: _____

9. IF A SUBDIVISION, NUMBER OF NEW LOTS TO BE CREATED: _____
IF A RESUBDIVISION, NUMBER OF ORIGINAL LOTS _____ AND PROPOSED NEW LOTS _____.

10. PRESENT USE OF PROPERTY _____

PROPOSED USE OF PROPERTY _____

11. ANY EXISTING OR PROPOSED CONVENANTS, DEED RESTRICTIONS, PREVIOUS VARIANCES OR EXEMPTIONS FOR THE PROPERTY.
____ YES ____ NO IF YES, ENCLOSE APPROPRIATE COPIES

IF APPLICATION REQUIRES APPROVAL BY BERGEN COUNTY PLANNING BOARD, SOIL CONSERVATION, OR OTHER MUNICIPAL, COUNTY, STATE OR FEDERAL AGENCIES, INDICATE DATES OF SUBMISSION, ACTION TAKEN BY AGENCY, ETC.

13. ATTACHED HERETO ARE THE FOLLOWING ITEMS:

1. ORIGINAL APPLICATION
2. APPROPRIATE FEES AS PROVIDED IN FEE SCHEDULE
3. EIGHTEEN (18) COPIES OF ALL PRELIMINARY AND FINAL SITE PLAN MAPS, SUBDIVISION PLATS, ETC.
4. PRELIMINARY SOIL APPLICATION (IF REQUIRED)
5. TWELVE (12) COPIES OF MAP FOR MINOR SUBDIVISION OR SITE PLAN
6. COPY OF ANY AGREEMENT OR CONDITIONAL CONTRACT RELATED TO THIS APPLICATION.
7. IF APPLICANT IS CORPORATION OR PARTNERSHIP, LIST OF ALL STOCKHOLDERS, OR PARTNERS OWNING 10% OR MORE INTEREST.
8. HISTORIC PRESERVATION FORM PROPERLY FILLED OUT

BEING DULY SWORN ACCORDING TO LAW, I
HEREBY CERTIFY THAT THE INFORMATION PRESENTED IN THIS APPLICATION
IS TRUE AND ACCURATE.

SIGNATURE OF OWNER, AGENT, REPRESENTATIVE (SPECIFY)

SWORN AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, 20____

NOTARY PUBLIC OF NEW JERSEY
ATTORNEY AT LAW OF NEW JERSEY

AFFIDAVIT OF OWNER IF OTHER THAN APPLICANT

BEING THE OWNER OF
RECORD OF THE PROPERTY AS SET FORTH IN THIS APPLICATION, HEREBY
CONSENTS TO THE FILING OF APPLICATION THIS _____ DAY OF _____
20____ AND TO IMPLEMENTATION OF SECT.22-3.4(i) AND/OR 26-3.2(g), WHICH
ESTABLISHES LIENS FOR UNPAID FEES.

SIGNATURE OF OWNER

SWORN AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____ 20____

SIGNATURE OF PERSON AUTHORIZED TO TAKE OATHS

**OUTLINE FOR NOTICE TO BE PUBLISHED IN OFFICIAL NEWSPAPER OF
THE TOWNSHIP OF MAHWAH - (THE RECORD)**

**TOWNSHIP OF MAHWAH
PLANNING BOARD**

PLEASE TAKE NOTICE that _____
(applicant's name)

has made application to the Mahwah Planning Board for (type of application). The

public hearing will be held on the _____ day of _____ 20____,

at _____
(place of hearing , address and time)

The application is for: (describe variances and waivers requested)

for premises located at: _____
(address, block(s), lot(s))

The application and related maps and papers are on file and available for inspection
at the Planning Board office, 475 Corporate Drive, Mahwah, New Jersey 07430,
during normal business hours, 8:00 A.M. to 4:00 P.M.

Any interested party may appear at the scheduled hearing.

Date: _____

Applicant: _____

AFFIDAVIT OF SERVICE

State of New Jersey:

s

County of Bergen:

s

_____ of full age, being duly sworn according to law, on his oath deposes and says that he resides at _____ in the (municipality) _____ of _____ County of _____, and State of _____ and that he did on _____ 20 _____, at least ten (10) days prior to hearing date, give personal notice to all property owners within 200 feet of the property affected by Docket # _____ located at _____.

Said notice was given either by handing a copy to the property owner, or by sending said notice by Certified Mail. Copies of the registered receipts are attached hereto.

Notices were also served upon:

(Check what is applicable)

- 1. The Clerk of the (municipality) of
- 2. County Planning Board
- 3. Director of the Division of State & Regional Planning
- 4. Department of Transportation
- 5. Clerk of Adjoining Municipalities

A copy of said notices are attached hereto and marked "Exhibit A". Notice was also published in the official newspaper of the municipality as required by law.

Attached to this affidavit and marked "Exhibit B" is a list of owners of property within 200 feet of the affected property who were served, showing the lot and block numbers of each property as same appear on the municipal tax map, and also a copy of the certified list of such owners prepared by the Tax Assessor of the Township of Mahwah, which is marked "Exhibit C".

There is also attached a copy of the proof of publication of notice in the official newspaper of the Township of Mahwah which is marked "Exhibit D".

(Signature of Applicant)

Sworn and subscribed to
Before me this _____
day of _____
20_____.

MAH _____

**PLANNING BOARD
TOWNSHIP OF MAHWAH
DETERMINATION OF COMPLETENESS CHECKLIST
PRELIMINARY MAJOR SUBDIVISION**

Project Title _____
Lot(s) Block(s) _____
Docket No. _____

NUMBERED ITEMS ARE AS PER SECTION 26-5.2b OF THE MAHWAH CODE

<u>ITEM</u>	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>COMMENTS</u>
(1) Date and Revision Box	___	___	___	_____
(2) Key Map	___	___	___	_____
(3) Complete Title Block Information including Signature & Seal of Plan Preparer	___	___	___	_____
(5) Property Owners within 200 Feet	___	___	___	_____
(6) Zone Boundaries	___	___	___	_____
(7) Required Survey Data	___	___	___	_____
(8) Reference to Covenants & Deed Restrictions & Easements	___	___	___	_____
(9) Distance measured along the Right-of-Way Lines to nearest Intersections with other Streets	___	___	___	_____
(10) Location of Existing Buildings and Structures	___	___	___	_____
(11) Complete Storm Drainage Information	___	___	___	_____
(12) Show Existing/Proposed Contours which are referred To U.S.C. & G.S. datum	___	___	___	_____

ITEM	YES	NO	N/A	COMMENTS
(13) Location of Significant Existing Features including Flood Plains and Wetlands	___	___	___	_____
(14) Roadway Cross-Sections and Profiles	___	___	___	_____
(15) Location of Sanitary Sewer and Water Facilities	___	___	___	_____
(16) Detailed Drainage Calculations 500 Feet Radius Drainage Map	___	___	___	_____
(17) Acreage of Tract and Area of all Lots	___	___	___	_____
(19) Other Pertinent Information	___	___	___	_____
a) Preliminary Soil Movement Application	___	___	___	_____
b) Topography within 200 feet Radius	___	___	___	_____
c) Soil Erosion and Sedimentation	___	___	___	_____
d) Denote Waivers and Variances	___	___	___	_____
e) Separate List of Waivers and Variances	___	___	___	_____
f) Location of Zoning Setback Lines	___	___	___	_____

Additional Comments _____

**PLANNING BOARD
TOWNSHIP OF MAHWAH
DETERMINATION OF COMPLETENESS CHECKLIST
SITE PLAN**

Project Title _____
 Lot(s), Block(s) _____
 Docket No. _____

NUMBERED ITEMS ARE AS PER SECTION 22-5.1.b. OF THE MAHWAH CODE

<u>ITEM</u>	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>COMMENTS</u>
(1) Complete Title Block Information Signature and Seal of Plan Preparer	___	___	___	_____
(3) Key Map	___	___	___	_____
(5) Property Owners Within 200 Feet	___	___	___	_____
(6) Zone Boundaries	___	___	___	_____
(7) Required Survey Data	___	___	___	_____
(9) Location of Existing Buildings and Structures	___	___	___	_____
(11) Plans and Elevations of Proposed Buildings	___	___	___	_____
Lot Coverage and Improved Lot	___	___	___	_____
Coverage Calculations	___	___	___	_____
(12) Sign Location and Details	___	___	___	_____
(13) Complete Storm Drainage Information	___	___	___	_____
Soil Erosion Control Plan and Details	___	___	___	_____
(14) Existing/Proposed Contours Referred to U.S.C. & G.S.	___	___	___	_____
(15) Location of Significant Existing Features	___	___	___	_____

ITEM	YES	NO	N/A	COMMENTS
(16) Roadway Cross-Sections and Profiles	___	___	___	_____
(18) Traffic Controls and Improvements	___	___	___	_____
(19) Location of Parking Areas	___	___	___	_____
(20) Location of Sanitary Sewer and Water Facilities	___	___	___	_____
(21) Lighting Plan and Details	___	___	___	_____
(22) Landscaping Plan	___	___	___	_____
(23) Detailed Drainage and Retention/ Detention Calculations 500 Feet Radius Drainage Map	___	___	___	_____
(24) Location of Zoning Setback Lines	___	___	___	_____
(25) Construction Details	___	___	___	_____
List of Waivers and/or Variances Requested	___	___	___	_____
(26) 200 Feet Radius Topographic Map	___	___	___	_____
Preliminary Soil Movement Application	___	___	___	_____
Additional Comments _____				

**TOWNSHIP OF MAHWAH
PLANNING BOARD
APPLICATION FEE SCHEDULE**

<u>SITE PLAN</u>	<u>PRELIMINARY</u>	<u>FINAL</u>
MULTI-FAMILY RESIDENTIAL	<u>FEE</u> \$50.00 FOR EACH PROPOSED DWELLING UNIT	<u>FEE</u> : \$10. PER UNIT MAX. \$1,000.00
NON-RESIDENTIAL SITE PLANS	<u>FEE</u> : \$300.00 PLUS \$25.00 FOR EACH 1,000 S.F. OF GROSS FLOOR AREA	<u>FEE</u> : \$1,000.00

FOR ONE OR MORE EXCEPTIONS
TO SITE PLAN REGULATIONS FEE: \$50.00 per exception, maximum of \$300.00

AMENDED SITE PLAN APPLICATION --- FEE: \$250.00

EXTENSION OF SITE PLAN APPROVAL FEE: \$100.00

TENANT APPLICATIONS - PUBLIC HEARING FEE \$100.00

<u>SUBDIVISION:</u>	<u>PRELIMINARY</u>	<u>FINAL</u>
MAJOR	<u>FEE</u> : \$500.00, PLUS \$100.00 FOR EACH PROPOSED LOT	<u>FEE</u> : \$500.00
MINOR	<u>FEE</u> : \$400.00	

AMENDED SUBDIVISION
APPLICATION FEE: \$250.00

EXTENSION OF SUBDIVISION
APPROVALS FEE: \$100.00

ESCROW ACCOUNT: SEE ATTACHED ORD. #1196

MAKE CHECKS PAYABLE TO THE "TOWNSHIP OF MAHWAH"

Revised by Ord. #1049 & #1050; Ord. #1666
3/14/90
7/28/92
5/11/10



Township Of Mahwah

Municipal Offices: 475 Corporate Drive
P.O. Box 733 • Mahwah, NJ 07430
Tel 201-529-5757 • Fax 201-512-0537

Board of Adjustment x 245

Property Maintenance x 246

Zoning/Planning Board x 245

Effective August 1, 2012, there are additional identification requirements for establishing Escrow Management Accounts. The new requirements are being implemented in accordance with bank policies and applicable laws, including Federal law requiring all financial institutions to obtain, verify and record information that identifies each person for whom an account is established.

Applicants to Planning Board or Zoning Board of Adjustment with one or more developer's escrow accounts must complete a bank deposit slip obtained from the Mahwah Planning and Zoning Department for each new account. A copy of the deposit slip is below for your reference. Any applicant posting a cash bond (performance, revegetation, road opening, or sewer) which is held in escrow must complete the information on the deposit slip.

Sub name: Full Legal Name of Individual or Business

Address: Physical Address

Social Security or Tax Identification Number to match the name or business on the account

Date of Birth of Individual

Signature of Applicant at W9 Section

Escrow Management Service Sub Account Deposit Ticket

PLEASE PRINT information clearly and completely. (Incomplete information may delay processing)

BAESDT 010A7909

Date _____

Sub # _____ (CIRCLE ONE) NEW EXISTING INTEREST BEARING NON-INTEREST BEARING IORETA/IOLTA

Group # _____ Interest Payout Frequency: QUARTERLY YEAR END ANNIVERSARY

Social Sec. / Tax. ID # _____ (CIRCLE ALL THAT APPLY) Individual Business Foreign

Sub Name _____

Sub Address _____ APT# _____

City _____ ST. _____ ZIP _____

Date of Birth _____ / ____ / ____

Location Code _____

Memo: _____

Obtain Deposit Slip from Planning & Zoning Department

Substitute W9 Section Identification Required for New Sub Account
Under penalties or perjury, I hereby certify that the number above is my correct taxpayer identification number and I am not subject to backup withholding because: (a) I am exempt from withholding, or (b) I have not been notified by the Internal Revenue Service that I am subject to backup withholding as a result of failure to report all interest and dividends or (c) the Internal Revenue Service has informed me that I am no longer subject to backup withholding.

Check if you are subject to backup withholding

Signature _____

Date _____

Check if multiple sub deposit	
Cash	
Checks	
TOTAL	

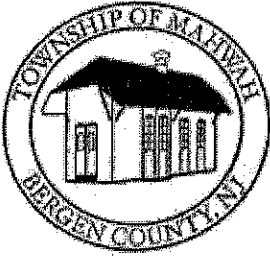
DEPOSIT TICKET
TOWNSHIP OF MAHWAH
ESCROW ACCOUNT
FINANCE DEPARTMENT-ESCROW
475 CORPORATE DR.
MAHWAH, NJ 07430-3803



THE CERTIFIED LISTING OF ALL PROPERTY OWNERS WITHIN 200 FT.
MUST BE OBTAINED BY THE APPLICANT FROM THE TAX ASSESSOR'S
OFFICE. THIS REQUEST SHOULD BE ACCOMPANIED BY A CHECK IN
THE AMOUNT OF TEN DOLLARS (\$10.00), PAYABLE TO THE TOWNSHIP
OF MAHWAH AND SENT TO:

Township of Mahwah
Tax Assessor
475 Corporate Drive
Mahwah, New Jersey 07430

THE TAX ASSESSOR WILL FORWARD YOU THIS LISTING WITHIN SEVEN
DAYS.



Township of Mahwah Municipal
Offices: 475 Corporate Drive P.O. Box
733 Mahwah, NJ 07430
Tel 201-529-5757 Fax 201-512-0537

Board of Adjustment ex 243

Zoning/Planning Board ex 245

DATE: _____

___ BOARD OF ADJUSTMENT

___ PLANNING BOARD

VERIFICATION OF TAXES PAID

Pursuant to the Municipal Land Use Law:

This is to certify that taxes for the year(s) _____

are paid through the _____ Quarter:

BLOCK _____ LOT(S) _____

Qualifier _____

OWNER OF RECORD: _____

PROPERTY LOCATION: _____

Elizabeth M. Villano, CTC
Tax Collector

HISTORIC PRESERVATION COMMISSION

This Data Sheet is to provide known information to the TOWNSHIP OF MAHWAH HISTORIC PRESERVATION COMMISSION for use in reviewing and formulating recommendations to the Township on the subject application plan. The applicant is requested to fill in as much detail and to provide as much additional information as possible.

TITLE BLOCK

PROJECT NAME: _____ > PREPARED FOR: _____

TYPE OF PLAN: SITE SUBDIVISION > REGISTERED OWNER:
(CIRCLE)

OTHER _____ > ADDRESS: _____

Municipality: MAHWAH > PLAN PREPARED BY: _____

County: BERGEN _____

State: NEW JERSEY > SCALE: _____

NAME OF APPLICANT/OWNER/REPRESENTATIVE
PREPARING THIS FORM: _____

TITLE: _____

(HISTORIC PRESERVATION COMMISSION USE ONLY)

REVIEW BLOCK:

DATE OF ORIGINAL PLAN: _____ HISTORIC SITE ON PROPERTY?
NO _____ YES _____

REVISION DATES REVIEWED: _____

DATES OF COMMISSION REVIEWS: _____

BACKGROUND & SITE DESCRIPTION:

LIST ALL OFFICIALLY DESIGNATED HISTORIC SITES ON THE SUBJECT PROPERTY, IF KNOWN, AND INDICATE WHETHER THEY ARE CURRENTLY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES (NRHP), AND/OR THE NEW JERSEY REGISTER (NJR), AND/OR THE MAHWAH REGISTER (MHSR).

LIST AND BRIEFLY DESCRIBE ALL NON-DESIGNATED STRUCTURES OR FEATURES ON THE SITE THAT ARE ESTIMATED TO BE FIFTY YEARS OF AGE OR OLDER.

EXAMPLES: BUILDINGS; FOUNDATION RUINS; WALLS; HAND-DUG WELLS; FISH WIERS; INDIAN SITES; CEMETERY SITES; ROADS OR TRAILS OF ANCIENT ORIGIN; STREAMS; PONDS OR OTHER WATER COURSES; ANY OTHER FEATURES THAT MIGHT BE OF HISTORIC INTEREST.

NAME AND BRIEFLY INDENTIFY, IF KNOWN, PROMINENT FORMER OF PRESENT OWNERS, RESIDENTS OR VISITORS:

LIST AND BRIEFLY DESCRIBE, IF KNOWN, ANY HISTORIC FEATURES OR SITES ON ADJACENT PROPERTIES, OR WITHIN 200' OF THE SUBJECT BOUNDARIES:

ALL INFORMATION PROVIDED BY THE UNDERSIGNED IS DEEMED BY THAT PERSON TO BE ACCURATE AND COMPLETE TO THE BEST OF THE UNDERSIGNES'S KNOWLEDGE AND BELIEF.

APPLICANT/OWNER OR AUTHORIZED
REPRESENTATIVE

DATE

4/22/96

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1196**

**AN ORDINANCE AMENDING THE LAND USE
REGULATIONS OF THE TOWNSHIP OF MAHWAH TO
COMPLY WITH THE REQUIREMENTS OF THE 1995
DEVELOPER ESCROW STATUTE AMENDMENTS (P.L.
1995 CH. 54)**

BE IT ORDAINED by the Township Council of the Township of Mahwah that the Code of the Township of Mahwah is amended as follows:

Section I. Section 21-3.4 of the Township Code is amended as follows:

21-3.4 Fees:

- (a) No change.
- (b) No change.
- (c) If the Board of Adjustment determines during its review of an application that professional review and preparation of documents, including but not limited to engineering and planning review, are necessary, the Board may require the applicant to establish an escrow account to cover the reasonable costs of the required professional review. The applicant shall deposit, forthwith upon demand, funds to meet the Board's estimate of costs of professional review and consultation, which funds shall be placed in an escrow account in accordance with the provisions of Section 22-3.4h and/or 26-3.2(f).
- (d) The chief financial officer of the Township shall make all of the payments to professionals for services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of P.L. 1975, c.291 (C.40:55D-1 et seq.).

(e) (i) Review and inspection fees and charges shall be based upon a schedule established by annual resolution of the Township Council.

(ii) 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 the scope of the expertise of the professionals normally utilized by the municipality.

(iii) The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements.

(iv) The municipality or approving authority shall not bill the applicant, or charge any escrow account or deposit for any municipal clerical or administrative functions, overhead expenses, meeting room charges, or any other municipal costs and expenses except as provided for in this section, nor shall a municipal professional add any such charges to his bill.

(v) If the salary, staff support and overhead for a municipal professional are provided by the municipality, the charge shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals 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.

(f) All developer escrow deposits for anticipated municipal expenses for professional review and inspection services shall be placed in an escrow account pursuant to N.J.S.A. 40:55D-53.1.

- (g) Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and for each date the services performed, the hours spent to on-quarter hour increments, the hourly rate and the expenses incurred.
- (h) All professionals shall submit vouchers to the chief financial officer of the municipality on a monthly basis in accordance with schedules and procedures established by the chief financial officer of the municipality.
- (i) If the services are provided by a municipal employee, the municipal employee shall prepare and submit to the chief financial officer of the municipality a statement containing the same information as required on a voucher, on a monthly basis.
- (j) The professional shall send an informational copy of all vouchers or statements submitted to the chief financial officer of the municipality simultaneously to the applicant. The chief financial officer of the municipality 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.
- (k) This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis if monthly charges exceed \$1,000.
- (l) If an escrow account or deposit contains insufficient funds to enable the municipality or approving authority to perform required application reviews or improvements inspections the chief financial officer of the municipality shall provide the applicant with a notice of the insufficient escrow or deposit balance.
- (m) In order for work to continue on the development or the application, the applicant shall within 14 days post a deposit to the account in an amount to be agreed upon by the municipality or approving authority and the applicant. In the interim, any required health and safety inspections shall be

made and charged back against the replenishment of funds. All costs associated with un-reimbursed required health and safety inspections during this 14 day period shall become a lien upon the property being developed. If, at the end of the 14 day period, the developer has not submitted replenishment funds, the Chief Financial Officer shall notify the Township Engineer of same who shall issue a Stop Work Order for the project.

- (n) The following close-out procedure shall apply to all deposits and escrow accounts established under the provisions of P.L. 1975, c.291 (C.40:55D-1 et seq.) and shall commence after the approving authority 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 as provided in section 41 of P.L. 1975, c.291 (C.40:55D-53), in the case of improvement inspection escrows and deposits.
- (i) The applicant shall send written notice by certified mail to the chief financial officer of the municipality and the approving authority, and to the relevant municipal professional, that the application or the improvements, as the case may be, are completed.
 - (ii) After receipt of such notice, the professional shall render a final bill to the chief financial officer of the municipality within 30 days, and shall send a copy simultaneously to the applicant.
 - (iii) The chief financial officer of the municipality shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill.
 - (iv) Any balances remaining in the deposit or escrow account, including interest in accordance with section 1 of P.L. 1985, c.315 (C.40:55D-53.1), shall be refunded to the developer along with the final accounting.

- (o) All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction.
- (p) Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant.
- (q) A professional shall not review items which are subject to approval by any State governmental agency and not under municipal jurisdiction except to the extent consultation with a State agency is necessary due to the effect of State approvals in the subdivision or site plan.
- (r) Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. 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.
- (s) If the municipality retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the municipality or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the municipality or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

Section II.

There shall be a new subsection 21-3.5 to read as follows:

21-3.5. Appeal of charges to escrow:

- (a) An applicant shall notify in writing the Township Council with copies to the chief financial officer, the approving authority and the professional whenever the applicant disputes the

charges made by a professional for service rendered to the municipality in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to the provisions of P.L. 1975, c.291 (C.40:55D-1 et seq.).

- (b) The Township Council, or its designee, shall within a reasonable time period attempt to remediate any disputed charges.
- (c) If the matter is not resolved to the satisfaction of the applicant, the applicant may in accordance with N.J.S.A. 40D-53.2a appeal to the county construction board of appeals established under section 9 of P.L. 1975, c.217 (C.52:27D-127) any charge to an escrow account or a deposit by any municipal professional or consultant, or the cost of the installation of improvements estimated by the municipal engineer pursuant to section 15 of P.L. 1991, c.256 (C.40:55D-53.4).
- (d) An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the municipality, the approving authority, and any professional whose charge is the subject of the appeal.
- (e) During the pendency of any appeal, the Township or approving authority shall continue to process, hear, and decide the application for development, and to inspect the development in the normal course, and shall not withhold, delay, or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this section.
- (f) The chief financial officer of the Township may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed.

- (g) If a charge is disallowed after payment, the chief financial officer of the Township shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant.
- (h) If a charge is disallowed after payment to a professional or consultant who is not an employee of the municipality, the professional or consultant shall reimburse the municipality in the amount of any such disallowed charge.

Section III.

Section 22-3.4.f is amended to read as follows:

f. Inspection Fees:

The developer shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for inspection of improvements. The developer shall deposit the reasonably anticipated fees to be paid to the municipal engineer for such inspection. For those developments for which the reasonably anticipated fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the reasonably anticipated fees. When the balance on deposit drops to 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 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. The developer shall, upon notice from the Township Chief Financial Officer, submit replenishment funds within 14 days of receipt of said notice. During this 14 day period, all required health and safety inspections shall be performed. All costs associated with un-reimbursed required health and safety inspections during this 14 day period shall become a lien upon the property being developed.

If, at the end of the 14 day period, the developer has not submitted replenishment funds, the Chief Financial Officer shall notify the Township Engineer of same who shall issue a Stop work Order for the Project.

Section IV.

Section 22-3.4.h is amended to read in its entirety as follows:

h. Escrow Fees:

1. In addition to the required application fees established herein, the applicant shall be required to establish an escrow account with the Township to cover the reasonable costs of professional review and consultation. The amount of the fee shall be reasonable in regard to the scale and complexity of the development.
2. Escrow Fees shall be required for:
 - (a) Preliminary Site Plan Approval
 - (b) Final Site Plan Approval
 - (c) Any Site Plan Requiring Conditional Use Approval
 - (d) Any Site Plan Requiring Subdivision Approval
 - (e) Any Site Plan Requiring Planned Development Approval
 - (f) Any Site Plan Requiring A Variance of Any Type
3. The Initial Escrow Deposit for Site Plan Review shall be determined by the following table. The Initial deposit shall be the sum of (a) plus (b) where:
 - (A) = total sq. ft. of Improved Lot Coverage multiplied by the unit value from Table 1 for the corresponding zone.
 - (B) = total sq. footage of Lot Coverage of buildings and accessory structures to be constructed multiplied by the unit value from Table 1 for the corresponding zone.

Engineering Initial Escrow Review Fee - Combined
Preliminary/Final Site Plan 3

<u>Zone</u>	<u>Use</u>	<u>Improved Lot Coverage Factor X (\$1 S.F.)</u>	<u>Lot Coverage Factor Y (\$1 S.F.)</u>
C-200	Conservation	2	2
R-80	S.F.	1	1
R-40	S.F.	1	1
R-20	S.F.	1	1
R-15	S.F.	1	1
R-5	S.F.	1	1
R-11	S.F.	1	1
	Two Family	1	1
GA-200	S.F.	4	4
	Garden Apt.	0.075	0.100
PRD-4	S.F.	4	4
	Other	2	2
PRD-6	S.F.	4	4
	Other	2	2
RM-6	S.F.	4	4
	Mobile Homes	0.050	0.050
B-200	Shopping Center	0.060	0.025
B-40	Highway Business	0.075	0.050
B-12	General Business	0.200	0.200
B-10	Neighborhood Bus.	0.200	0.200
OP-200	Office Park	0.050	0.025
IP-120	Industrial Park	0.075	0.030
GI-80	General Industry	0.080	0.040
GI-200	General Industry	0.035	0.015
GEM	Cemetery	-----	0.040
FP.	Flood Plain	2	2
CED/R-40	Cont. Econ. Dev't.		
BZ	Buffer Zone	N/A	N/A
PRD-45	Adult/Patlo Housing	4	4
LOD	Limited Office Dist.	0.100	0.250

Footnotes:

- 1 See 22-3.4 for applicable fee.
- 2 Due to the wide variety of allowed uses, fee to be established on Proposed Use in this Zone.
- 3 In the instance where a Developer files separate Applications for Preliminary and Final Site Plan, 70% of the Initial computed Review Fee shall be submitted with the preliminary Site Plan Application with the remaining Initial 30% being filed with the Final Site plan application.
- 4 See Table 2 in Sec. 26-3.2.f.3 for method to calculate Fee.

Section V.

Subsection 22-7.1 of the Township Code is amended to read as follows:

- (a) Existing subsection 22-7.1 is redesignated as subsection 22-7.1.a.
- (b) New section 22-7.1.b is added to read as follows:
 - b. All such required improvements shall be certified by the Township Engineer, unless the applicant shall have filed a performance guaranty sufficient in amount to cover the cost of all such improvements or uncompleted portions thereof as estimated by the Township Engineer.

- (c) New Section 22-7.1.c is added to read as follows:

- 22-7.1.c
 - (i) The cost of installation of such improvements shall be estimated by the municipal engineer based on documented construction costs for public improvements in the general area of the municipality.
 - (ii) The developer may appeal the municipal engineer's estimate to the County Construction Board of Appeals.

Section VI.

Section 26-3.2.d is amended to read as follows:

26-3.2.d Inspection Fees:

The developer shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for inspection of improvements. The developer shall deposit the reasonably anticipated fees to be paid to the municipal engineer for such inspection. For those developments for which the reasonably anticipated fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the reasonably anticipated fees. When the balance on deposit drops to 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 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. The developer shall upon notice from the Township's Chief Financial Officer, submit replenishment funds within 14 days of receipt of said notice. During this 14 day period all required health and safety inspections shall be performed. All costs associated with un-reimbursed required health and safety inspections during this 14 day period shall become a lien upon the property being developed. If, at the end of the 14 day period the developer has not submitted replenishment funds, the Chief Financial Officer shall notify the Township Engineer of same who shall issue a Stop Work Order for the project.

Section VII.

Subsection 26-3.2.f is amended to read in its entirety as follows:

26-3.2.f. Escrow Fees:

1. In addition to the required application fees established herein, the applicant shall be required to ^{establish} an escrow account with the Township to cover the reasonable costs of professional review and consultation. The amount of the fee shall be reasonable in regard to the scale, intensity and complexity of the development.
2. Escrow fees shall be required for:
 - (a) Preliminary subdivision approval.
 - (b) Final subdivision approval.
 - (c) Any subdivision requiring conditional approval.
 - (d) Any subdivision requiring site plan approval.
 - (e) Any subdivision requiring plan development approval.
 - (f) Any subdivision requiring a variance any type.
 - (g) Minor subdivisions.
3. The Initial Escrow Deposit for Subdivision Review shall be determined by multiplying the total number of proposed lots or dwelling units multiplied by the unit value from Table 2 added to the fixed fee for the range of lots indicated on Table 2.

SUBDIVISION: ENGINEERING INITIAL ESCROW REVIEW FEE(A). Minor Subdivisions
(No Public Improvements)

Total No. of Lots	Escrow Fee
1 (Consolidation)	\$1,300.00
2	\$2,000.00
3	\$2,200.00

(B). Preliminary Major Subdivisions

<u>Range of Lots or Dwelling Units</u>	<u>Fixed Fee</u>	<u>Fee Per Lot or Dwelling Unit</u>
2-6	\$2,000.00	\$1,000/Lot
7-12	\$2,000.00	\$900/Lot
13-18	\$2,400.00	\$800/Lot
19-24	\$4,500.00	\$650/Lot
25-30	\$7,600.00	\$500/Lot
31-36	\$12,000.00	\$350/Lot
37-42	\$17,500.00	\$200/Lot
43-48	\$22,000.00	\$100/Lot
49 and more	\$24,500.00	\$50/Lot

(C). Final Major Subdivision

<u>Range of Lots</u>	<u>Fixed Fee</u>	<u>Fee Per Lot</u>
2-6	\$500.00	\$500/Lot
7-12	\$1,100.00	\$350/Lot
13-18	\$2,100.00	\$250/Lot
19-24	\$3,750.00	\$150/Lot
25-30	\$6,100.00	\$50/Lot
31-36	\$7,000.00	\$25/Lot
37-42	\$7,500.00	\$15/Lot
43-48	\$7,750.00	\$10/Lot
49 and more	\$8,000.00	\$8/Lot

Note: In the instance where a Developer files a combined Preliminary/Final Subdivision Application the Initial Engineering Escrow Review Fee shall be the sum of the fees as calculated by Sections (B) and (C) above.

Section VIII.

Section 26-7.1 is amended by the addition of the new subsection 26-7.1.c to read as follows:

26-7.1.c

- C. The cost of the installation of such required improvements shall be estimated by the municipal engineer based on documented construction costs for public improvements prevailing in the general area of the municipality. The developer may appeal the municipal engineer's estimate to the County Construction Board of Appeals.

Section IX.

Severability:

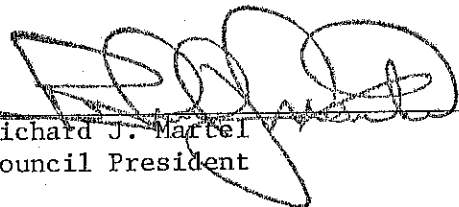
If any section or portion of a section of this ordinance shall be declared invalid for any reason, such invalidity shall not affect the remaining sections or portions of this ordinance, and the ordinance shall remain as if enacted without that section or portion of a section which shall have been declared invalid.

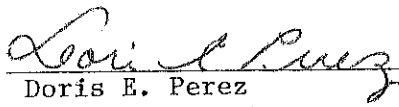
Ordinance No.: 1196

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DATED: May 14, 1996

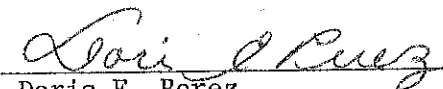
ATTEST


Richard J. Martel
Council President


Doris E. Perez
Municipal Clerk

CERTIFICATION

I, Doris E. Perez, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council, held on the 25th day of April, 1996.


Doris E. Perez
Municipal Clerk