



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2528

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,
Amending, Revising and Supplementing the
Revised General Ordinances of the Township of Bernards,
Chapter 21, "Land Development," Regarding
Submission Requirements for Land Development Applications

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 21, "Land Development," of the Revised General Ordinances of the Township of Bernards shall be amended, revised and supplemented as follows:

Part I. Article VII, "Development Application Review Procedures," Section 21-52, "Submission of Applications for Final Approval of Minor Subdivisions," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

SECTION 21-52

Submission of Applications for Final Approval of Minor Subdivisions

§ 21-52.1 General. [Ord. #585, § 706A; Ord. #1429, 5-29-2001, amended]

The procedures and details set forth below constitute the only submission requirements for final approval of minor subdivisions unless otherwise provided for in this chapter.

§ 21-52.2 Procedure for Submitting Applications for Final Approval of Minor Subdivisions. [Ord. #585, § 706B]

- a. The applicant shall submit to the Board Secretary ~~after the fifteenth day of the calendar month preceding the first regularly scheduled monthly meeting of the Board, but not later than the first day of the calendar month in which such meeting is to be held, 18 copies of the application package, including the original and three (3) copies of the completed application form, together with four (4) collated sets of plans and support documents in accordance with Subsection 21-52.3 below for purposes of classification, preliminary discussion and appropriate action, and the fees~~ in accordance with Section 21-58 of this chapter. The Board Secretary shall assign an application number, and such number shall appear on all papers, maps, plats and other documents submitted for processing in conjunction with the application. The Board shall certify the application as complete or notify the applicant in writing of any deficiencies within 45 days of the submission. If the application has been certified as complete, the applicant shall submit 17 additional collated copies of the complete application package. If the application has been found to be incomplete, the applicant may submit an appropriately revised application as in the first instance. [Ord. #1456, 4-10-2001, amended; Ord. #1429, 5-29-2001, amended]

- b. ~~The appropriate Board Secretary shall forward one copy of the submission to the County Planning Board for review and action.~~ The applicant's initial hard copy (paper) submission, and all subsequent revised or supplemental hard copy submissions, including the application form and all plans and support documents, shall also be submitted digitally in Portable Document Format (PDF).
- c. Additional copies of the submission may be requested from the applicant to be forwarded to other individuals, offices and agencies for information, review and comment.

(no changes to § 21-52.3 through § 21-52.6)

§ 21-52.7 Digital Submission Requirements for Final Approval of Minor Subdivisions. [Ord. #1433, 12-26-2000, added; Ord. #1429, 5-29-2001, amended]

Prior to the ~~issuance of any certificate of occupancy plans~~ associated with an approved application ~~being signed by the Board Secretary, or prior to filing any map/deed (if the application does not involve new construction),~~ the applicant shall submit to the Board Secretary digital copies of all maps, plans, documents and any other information submitted with the application. These digital copies shall be ~~in the format(s) specified in Appendix A, Article VII, Digital Submission Standards, found at the end of this chapter,~~ submitted in Portable Document Format (PDF) and as Computer-Aided Design (CAD) files. The CAD files shall include all supporting CAD data and shall be in a format acceptable to the Township Engineer.

Part II. Article VII, "Development Application Review Procedures," Section 21-54, "Submission of Preliminary Plats and Preliminary Plans," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

SECTION 21-54
Submission of Preliminary Plats and Preliminary Plans

A preliminary submission is required of all subdivisions classified as major subdivisions and of all development proposals requiring site plan review. [Ord. #585, § 708]

§ 21-54.1 Procedure for Submitting Preliminary Plats and Preliminary Plans. [Ord. #585, § 708A; Ord. #760, § 53A; Ord. #1103, § 43]

- a. ~~The applicant shall submit to the Board Secretary 18 the original and three (3) copies of the application package, including the completed application form, together with four (4) collated sets of plans and support documents in accordance with Subsections 21-54.3 through 21-54.5-6 below, 24 copies of the project report and environmental impact assessment in accordance with Subsection 21-54.6 below; and the fees in accordance with Section 21-58 of this chapter. The Board Secretary shall assign an application number, and such number shall appear on all papers, maps, plats and other documents submitted for processing in conjunction with the application. The Board shall certify the application as complete or notify the applicant, in writing, of any deficiencies within 45 days of the submission. If the application has been certified as complete, the applicant shall submit 17 additional collated copies of the complete application package. If the application has been found to be incomplete, the applicant may submit an appropriately revised application as in the first instance. [Ord. #1456, 4-10-2001, amended; Ord. #1429, 5-29-2001, amended]~~

b. ~~The appropriate Board Secretary shall forward two copies of the submission to the County Planning Board for review and action.~~ The applicant's initial hard copy (paper) submission, and all subsequent revised or supplemental hard copy submissions, including the application form and all plans and support documents, shall also be submitted digitally in Portable Document Format (PDF).

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c. Additional copies of the submission may be requested from the applicant to be forwarded to other individuals, offices and agencies for information, review and comment.

(no changes to § 21-54.2 through § 21-54.10)

§ 21-54.11 Digital Submission Requirements for Preliminary Development Plans. [Ord. #1433, 12-26-2000, added; Ord. #1429, 5-29-2001, amended]

Prior to the ~~issuance of any certificate of occupancy plans~~ associated with an approved application ~~being signed by the Board Secretary, or prior to filing any map/deed (if the application does not involve new construction),~~ the applicant shall submit to the Board Secretary digital copies of all maps, plans, documents and any other information submitted with the application. These digital copies shall be ~~in the format(s) specified in Appendix A, Article VII, Digital Submission Standards, found at the end of this chapter~~ submitted in Portable Document Format (PDF) and as Computer-Aided Design (CAD) files. The CAD files shall include all supporting CAD data and shall be in a format acceptable to the Township Engineer.

Part III. Article VII, "Development Application Review Procedures," Section 21-55, "Submission of Final Development Plans," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

SECTION 21-55
Submission of Final Development Plans

A final submission is required of all development plans approved at the preliminary submission stage. [Ord. #585, § 709]

§ 21-55.1 Procedure for Submitting Final Plats and Final Plans. [Ord. #585, § 709A]

a. ~~Within three years after the date of preliminary approval, the applicant shall submit to the Board Secretary after the fifteenth day of the calendar month preceding the first regularly scheduled monthly meeting of the Board which granted preliminary approval, but not later than the first day of the calendar month in which such meeting is to be held, 18 copies of the application package, including the original and three (3) copies of the completed application form, together with four (4) collated sets of plans and support documents in accordance with Subsection 21-55.2 below, and the fees in accordance with Article IX of this chapter.~~ Section 21-58 of this chapter. The Board Secretary shall assign an application number, and such number shall appear on all papers, maps, plats and other documents submitted for processing in conjunction with the application. The Board shall certify the application as complete or notify the applicant in writing of any deficiencies within 45 days of the submission. If the application has been certified as complete, the applicant shall submit 17 additional collated copies of the complete application package. If the application has been found to be incomplete, the applicant may submit an appropriately revised application as in the first instance. [Ord. #1429, 5-29-2001, amended]

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- b. ~~The Board shall certify the application as complete or direct the Board Secretary to notify the applicant in writing of any deficiencies within 45 days of the submission. If the application has been found to be complete, the Board Secretary shall forward two copies of the resolution to the County Planning Board for review and action. If the application has been found to be incomplete, the Board Secretary shall notify the applicant in writing and the applicant may submit an appropriately revised application as in the first instance.~~ The applicant's initial hard copy (paper) submission, and all subsequent revised or supplemental hard copy submissions, including the application form and all plans and support documents, shall also be submitted digitally in Portable Document Format (PDF), [Ord. #1456, 4-10-2001, amended; Ord. #1429, 5-29-2001, amended]
- c. ~~At the direction of the Planning Board or the Zoning Board of Adjustment, or at the suggestion of the Technical Coordinating Committee, a~~ Additional copies of the submission may be requested from the applicant to be forwarded to other individuals, offices and agencies for information, review and comment.

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(no changes to § 21-55.2 through § 21-55.4)

§ 21-55.5 Digital Submission Requirements for Final Development Plans.
[Ord. #1433, 12-26-2000, added; Ord. #1429, 5-29-2001, amended]

~~Prior to the issuance of any certificate of occupancy plans associated with an approved application being signed by the Board Secretary, or prior to filing any map/deed (if the application does not involve new construction),~~ the applicant shall submit to the Board Secretary digital copies of all maps, plans, documents and any other information submitted with the application. These digital copies shall be in the format(s) specified in Appendix A, Article VII, Digital Submission Standards, found at the end of this chapter, submitted in Portable Document Format (PDF) and as Computer-Aided Design (CAD) files. The CAD files shall include all supporting CAD data and shall be in a format acceptable to the Township Engineer.

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Part IV. Appendix A, Article VII, “Digital Submission Standards,” is deleted in its entirety.

Part V. Table 901, “Application Fee and Escrow Deposit Fee Schedule,” is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

TABLE 901				
Application Fee and Escrow Deposit Fee Schedule				
		Application Fee¹	Escrow Deposit	
1.	Subdivisions			
	a.	Minor	\$300 + \$50/lot	\$2,500
	b.	Preliminary plat, major	\$500 + \$100/lot	\$4,000 + \$200/lot
	c.	Final plat, major	\$300 + \$25/lot	\$2,000 + \$50/lot
2.	Site Plans			
	a.	Preliminary plan (residential) ²	\$500 + \$25/dwelling unit	\$2,500 + \$25/dwelling unit + \$25/acre
	b.	Preliminary plan (nonresidential) ³	\$500 + \$0.02/sq. ft. of building floor area + \$25/acre	\$2,500 + \$0.03/sq. ft. of building floor area + \$25/acre

	c.	Final plan (residential)	\$300 + \$10/dwelling unit	\$1,500
	d.	Final plan (nonresidential)	\$300 + \$0.01/sq. ft. of building floor area + \$25/acre	\$1,500
3. Conditional Use				
	a.	Supplementary apartment	\$150	\$5002,000
	b.	Other	\$250 + \$0.10/sq. ft. of conditional use building or structure	\$5002,000
4. Variances				
	a.	Appeals (N.J.S.A. 40:55D-70a)		
		1. Single-family residential	\$50	\$500
		2. Other	\$150	\$500
	b.	Interpretations (N.J.S.A. 40:55D-70b)		
		1. Single-family residential	\$50	\$500
		2. Other	\$150	\$500
	c.	Bulk variance (N.J.S.A. 40:55D-70c)		
		1. Single-family residential	\$100	\$1,5002,000
		2. Other	\$250	\$1,5002,000
	d.	Special reasons (N.J.S.A. 40:55D-70d)	\$500	\$1,5002,000

NOTES:

- No application fee shall exceed \$15,000.
- Any nonresidential buildings in a predominantly residential site plan shall pay an escrow deposit of \$0.03 per square foot of nonresidential building floor area in addition to the residential escrow deposit.
- Any residences in a predominantly nonresidential site plan shall pay \$25 per dwelling unit escrow deposit in addition to the nonresidential escrow deposit.
- Document imaging: ~~All documents associated with an application shall be provided to the Board in the digital format specified in Appendix A, Article VII, Digital Submission Standards. For those applicants not providing these documents in digital format, t~~The following amounts shall be due and payable at the time of application to defray the cost of ~~digital~~ document ~~imaging~~ management system entry:
 - Subdivisions and site plans: \$150.
 - Variances and all other applications: \$25.
- Tax Map revision fee. In addition to the application fees set forth in Subparagraphs 1 and 2 above, the following amounts shall be due and payable at the time of application to defray the cost of professional services required to effect revisions to the Tax Map necessitated by the development application:
 - Minor subdivision plat: \$75.00 per lot.
 - Final major subdivision plat: \$50.00 per lot.
 - Site plan application creating condominium units (whether residential or commercial units): \$50.00 per unit.
- Amended application. Application fee shall be 1/2 of the original application fee but not to

exceed \$500.00. Escrow deposit shall be 1/2 of the original escrow deposit unless sufficient funds remain in the escrow account from the original application, such that the Board determines a lesser amount is adequate to cover anticipated bills.

7. Extension of preliminary approval, final approval, or variance approval. Application fee shall be 1/2 of the original application fee but not to exceed \$500.00. Escrow deposit shall be 1/2 of the original escrow deposit for preliminary or final extensions, and ~~\$300-1,000~~ for variance extensions, unless sufficient funds remain in the escrow account from the original application.
8. Conceptual approval. In the event that the developer chooses to submit an application for conceptual approval of the development plan, 25% of the entire preliminary development plan application fee and the entire escrow amount shall be paid at the time of such submission and the remainder shall be payable at the time of the submission of a complete application for preliminary approval.
9. Waiver of fees. Charitable, philanthropic, fraternal and religious nonprofit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall pay one-half (1/2) of the normal application fee. All governmental agencies of the Township of Bernards are exempt from the payment of any fee required under this chapter.
10. Variances involving subdivisions or site plans shall be accompanied by the application fee and escrow deposit in Nos. 1 and 2.
11. Additional escrow funds shall be required by the Board when the escrow balance has been depleted below the amount of the original deposit. The additional deposit shall be an amount sufficient to restore the escrow balance to the amount of the original escrow deposit unless the Board determines a lesser amount is adequate to cover anticipated bills. Whenever additional funds are required, the applicant shall be notified in writing and the additional deposit shall be remitted to the Board Secretary within ten (10) days of the date of the written notification.
12. Modification or elimination of a condition contained in a previously adopted resolution of approval. Application fee shall be \$300. Escrow deposit shall be ~~\$1,000~~1,500.
13. Informal review pursuant to N.J.S. 40:55D-10.1. Application fee shall be \$100, which shall be a credit toward the fee for the application for development.

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

EXPLANATORY STATEMENT

This ordinance amends certain application review procedures, digital submission requirements, and escrow deposit requirements for land development applications filed with the Planning Board or Zoning Board of Adjustment. The amendment updates subdivision and site plan application procedures to be consistent with current practices and Board rules, and adds requirements for digital copies to be included with all submissions. The amendment eliminates current digital submission standards that are obsolete.

This amendment also increases the escrow deposits required for certain types of applications, based on actual costs incurred in the processing of applications over the last four years. For residential variance applications, which represent the majority of applications, the amendment increases the initial escrow deposit from \$1,500 to

\$2,000. This increases an applicant's upfront cost, however, does not affect the total cost of the application process.

David Schley, PP, AICP, Township Planner

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #2528 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 06/27/2023 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 09/26/2023, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from ckieffer@bernards.org.

By Order of the Township Committee
Christine V. Kieffer, Municipal Clerk

PUBLIC NOTICE

Notice is hereby given that Bernards Township Ordinance #2528 was introduced and passed on first reading at a meeting of the Township Committee on 06/27/2023 and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 09/26/2023.

By Order of the Township Committee
Christine V. Kieffer, Municipal Clerk