

**BOROUGH OF LINDENWOLD  
ORDINANCE NO. 2026:6**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF LINDENWOLD  
AT CHAPTER 190 LAND USE APPLICATION ESCROW AND DEPOSITS**

**BE IT ORDAINED** BY THE BOROUGH COUNCIL OF THE BOROUGH OF LINDENWOLD, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:

**SECTION 1. Purpose and Intent.** The amendment(s) set forth herein shall serve the purpose of establishing reasonable and impartial regulations for Land Use Application Escrows and Deposits within the Borough of Lindenwold.

**SECTION 2. Amendment(s).** The Code of the Borough of Lindenwold at **Chapter 190 Land Use and Development** is hereby amended as follows:

**Chapter 190 Land Use Application Escrow and Deposits**  
**Chapter 190**

**ARTICLE XIII LAND USE APPLICATION ESCROW AND DEPOSITS**

**§ 190-87 APPLICATION FEES.**

Each application for development or appeal shall be accompanied by payment of a nonrefundable application fee as indicated in § 150-3.

**§ 190-88 DEVELOPMENT AGREEMENT.**

After development approval and prior to commencement of any construction or issuance of any certificate of occupancy, the applicant shall enter into a development agreement/performance guarantee agreement with the Borough and deposit to the professional escrow account a continuing deposit sufficient to pay for anticipated professional services in connection with the development agreement.

**§ 190-89 ESCROW DEPOSITS.**

- a. In addition to the foregoing nonrefundable application fees, all applicants for development shall establish one or more escrow accounts with the Borough to cover all anticipated professional and expert review and consultation fees and services of the Borough, including testimony and costs of certified reporters and transcripts, associated with the review and processing of the application. The escrow fees and deposits shall be required for all applications for development, and also for any appeals taken from a final decision of the Lindenwold Joint Land Use Board. The initial Professional Escrow shall be in an amount as determined by the Lindenwold Joint Land Use Board and shall be deposited by the applicant as a condition precedent to completing the application. The Escrow shall be referred to as the Professional Escrow Account.
- b. The Borough shall create an escrow account in a depository selected by the Borough Chief Financial Officer for the purposes of payment of professional services incurred by the Joint Land Use Board for the review and investigation of an application.
- c. Deposits received from the applicant shall be deposited in a banking institution or savings and loan association operating within New Jersey and which is insured by an agency of the federal government, or in any fund or depository approved for such deposits in New Jersey. The Borough shall maintain the escrow account as required in N.J.S.A. 40:55d-53.1.
- d. The professional escrow account shall bear interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Joint Land Use Board shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit, within ten (10) days of making the initial deposit.

**§ 190-90 ESCROW AGREEMENT.**

At the time of the submission of an application for development and periodically thereafter, the applicant shall make an initial deposit to the professional escrow account in the amounts hereinafter provided and shall execute an escrow agreement. The professional escrow agreement shall be in a form prescribed by the Chief Financial Officer. All application fees and escrow deposits must be paid prior to certification that the application is complete. In the event that the

amounts required to be posted by this chapter are not sufficient to cover the Borough's estimated anticipated professional charges associated with the application, the Joint Land Use Board shall request additional escrow funds as set forth herein. No action shall commence on an application until such time as the applicant performs all obligations to fund and pay all necessary escrows and deposits.

**§ 190-91 ESCROW DEPOSIT TO REIMBURSE BOARD PROFESSIONAL FEES AND COSTS.**

- a. The deposit required of the applicant shall be deposited into a professional escrow account which shall be used to pay and/or reimburse the professional fees and costs incurred by the Joint Land Use Board associated with the review and processing of the application. The Joint Land Use Board may employ an engineer, planner, attorney, and such other professional personnel which the Board may reasonably require to assist in processing the application, which shall include written professional reports concerning the application.
- b. The term professional personnel or professional services as used herein shall include, but not be limited to, the services of a duly licensed engineer, surveyor, planner, attorney, realtor, appraiser, or other expert and/or professional who may be required to provide professional services to ensure an application meets the performance standards as set forth in the Borough Ordinances, and other experts whose testimony is in an area in which the applicant has presented expert testimony.
- c. The applicant shall be responsible to pay and/or reimburse the Borough and/or Joint Land Use Board from the professional escrow account for all professional services and expenses incurred as a result of the application, including but not limited to the following:
  1. Preparation for, and attendance at all meetings requested by the Board or applicant, or any agent thereof.
  2. Review or preparation of easements, developer's agreements, deeds, and other related documentation.
  3. Review of documents and research conducted in relation to the application, including site inspections.
  4. Charges for telephone conferences or meetings requested by the applicant, any agent of the applicant, or the Board or its professionals.
  5. Issuance of reports by professional personnel to the Board setting forth recommendations.
  6. Any and all expenses of professional personnel incurred and paid by the professional or Board in furtherance of reviewing and researching the application.
  7. All reasonable inspection fees resulting from the application.
  8. Preparation of a resolution setting forth findings and conclusions of the Board with respect to the application.
  9. Any and all professional expenses incurred by the Borough on appeal of any decision of the Board.

**§ 190-92 INSUFFICIENT ESCROW; REPLENISHMENT; NOTICE & PROCEDURE.**

- a. The Municipal Chief Financial Officer shall advise the Joint Land Use Board of all escrow deposits made by an applicant, and the amount thereof. The escrow associated with each application shall be replenished whenever the original escrow is reduced by charges or anticipated charges against the account to Thirty-Five (35%) or less of the original amount.
- b. If the professional escrow account falls below Thirty-Five (35%) of the initial escrow deposit, or the escrow contains insufficient funds to enable the Borough or Joint Land Use Board to perform required application reviews or improvement inspections, the Joint Land Use Board shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period, Ten (10) days, post a deposit to the account in an amount up to One Hundred Percent (100%) of initial escrow amount. The amount required to replenish the professional escrow account shall be determined at the discretion of the Joint Land Use Board. Failure to deposit the

required amount to replenish the escrow shall serve as grounds for the denial or dismissal without prejudice of the application.

- c. No further action shall be taken by the Joint Land Use Board, the Professionals employed by the Board, or the Borough until such time as the applicant replenishes the escrow account as required by the Board. No site plan or subdivision shall be signed, nor shall any zoning permits, building permits, certificates of occupancy, inspections, or any other types of permits be issued with respect to the application until the professional escrow account is replenished in full.
- d. Failure to post sufficient escrow as required by the Joint Land Use Board shall toll the period for action by the Board as required by N.J.S.A., 40:55D-1, et Seq., N.J.S.A. 40:55D-51, and N.J.S.A. 40:55D-73, thereby barring an applicant from seeking a default approval pursuant to N.J.S.A. 40:55D-10.4.
- e. If the professional escrow account fund is depleted after the final disposition of the application before the Joint Land Use Board, and professional service charges remain outstanding, the applicant shall pay additional escrow funds to the Borough upon demand and within Ten (10) days written notice from the Board. The failure to pay the demanded funds timely subsequent to final disposition of the application before the Board, shall result in the voiding of any prior approvals. The Board shall provide written notice of the voiding of the approvals to the applicant. All outstanding professional fees and costs incurred by the Joint Land Use Board as a result of the application shall serve as a lien on the property subject of the application and shall be collectible as in the case of delinquent municipal taxes. The Board shall provide a certification to the governing body setting forth with specificity the amounts due and owing by the applicant. The governing body may adopt a resolution to lien the property subject of the application in the amount certified by the Joint Land Use Board. All balances due and owing from an applicant post-disposition by the Board shall bear interest at a rate of One and One-half percent (1.5%) per month.

#### § 190-93 ACCOUNTING OF ESCROW DEPOSIT; OBJECTIONS.

- a. The applicant shall have the right to make periodic inspections of the records of the professional escrow account maintained by the Borough. The applicant shall make written request to the business administrator to review the escrow account. The applicant shall be afforded an opportunity to review the professional escrow account records within Seven (7) business days, subsequent to the receipt of the written request by the business administrator. The applicant shall be responsible for all costs incurred by the Borough in preparation of the escrow account inspection.
- b. The Borough Chief Financial Officer and/or their designee shall review the bills and invoices submitted by the professional personnel to ensure the services have been performed in a manner and degree as required by agreement. The Borough shall make a determination that professional services have been performed and billed properly, and that the time and expenses claimed are reasonable under the circumstances. At such time as the Borough reviews and approves the professional invoice or bill, payment shall be tendered to the professional from the professional escrow account.
- c. A copy of all invoices and bills submitted to the Borough by professionals to be paid from the professional escrow account shall be simultaneously copied to the applicant by the submitting professional. In the event an applicant believes the fees or costs charged by a professional are unreasonable, the applicant may file a written objection to the professional service invoice or bill, or any part thereof. The objection must be received by the Borough within five (5) calendar days after receipt by the applicant of the invoice or bill. The objection must be in writing and shall be served upon the professional whose service fees or costs are being challenged, the Board Secretary, and the Borough Business Administrator. The objection shall contain a concise statement of the basis for the objection. Failure by the applicant to file a timely written objection

shall be deemed a waiver by the applicant of any objection or challenge concerning the fees and costs charged in a particular invoice, and there shall be no subsequent challenge allowable to the applicant on the specific charges contained therein.

- d. Upon receipt of an objection, the Borough, or its designee, shall within a Ten (10) day period attempt to mediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant within that time, the applicant may appeal to the County Construction Board of Appeals the disputed charges from the municipal professional or consultant, or the costs of the installation of improvements estimated by the municipal engineer, in accordance with N.J.S.A. 40:55d-53.2a.

#### **§ 190-94 CHANGE OF APPLICANT OR DEVELOPER; SUBSTITUTED ESCROW DEPOSIT.**

In the event of the sale or transfer of the property subject of the application, or a change in the identity of the applicant, all funds held in the professional escrow account shall remain and inure to the benefit of the application and shall transfer to the new owner/applicant unless the initial applicant provides written notice to the Board prior to such change, transfer or sale that the initial applicant shall retain ownership rights in the escrow. In the event that such notice is received by the Board, then no further action shall be taken by the Board, the professionals in the employ of the Board, or the Borough on the application until such time as the new or subsequent owner or applicant has established a professional escrow account in an amount to be determined by the Board, and executes a new professional escrow agreement for the application. The applicant initiating the application shall remain responsible for payment and replenishment of all escrow deposits for professional service fees and costs until such time as the substituting applicant deposits the required funds for the professional escrow and executes their own escrow agreement.

#### **§ 190-95 INTEREST ALLOCATION**

- a. Whenever an amount of money in excess of Five Thousand Dollars (\$5,000.00) shall be deposited by an applicant in the professional escrow account, the interest generated thereon, except as otherwise provided in this section, shall continue to be the property of the applicant.
- b. The Borough shall not refund an amount of interest paid on a deposit which does not exceed One Hundred Dollars (\$100.00) for the year. If the amount of interest exceeds One Hundred Dollars (\$100.00), that entire amount shall belong to the applicant and shall be refunded to the applicant by the Borough, except that the Borough may retain for administrative expenses in a sum equivalent to Thirty-Three and One-Third percent (33 1/3%) of the entire amount of the interest generated on the account.

#### **§ 190-96 RETURN OF UNUSED ESCROW FUNDS**

If the amount of the deposit exceeds the actual cost as approved for payment by the Borough, the applicant shall be entitled to a return of the excess with such interest as allowed by N.J.S.A. 40:55d-53.1. Unused escrow funds may be held for a minimum of 180 days from the date of a final decision by the Board. After the 180 day period, the Borough shall refund to the applicant any excess in the professional escrow account, along with any interest which may be due to the applicant.

**SECTION 3. Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.


**SECTION 4. Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

**SECTION 5. Effective Date.** This ordinance shall take effect upon final passage and publication as provided by law.


INTRODUCED: March 25<sup>th</sup>, 2026

ADOPTED: April 8<sup>th</sup>, 2026

**BOROUGH OF LINDENWOLD:**

  
Richard E. Roach, Jr., Mayor

**ATTEST:**

  
Kelly Andrews RMC, CMR  
Acting Borough Clerk