ORDINANCE
#876-24

ORDINANCE AMENDING SECTION OF § 16A-3.4 "FEES" OF CHAPTER 16A "LAND USE AND DEVELOPMENT REGULATIONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY

WHEREAS, Borough administration and the Mayor and Borough Council have reviewed § 16-3.4 titled "Fees" of the Revised General Ordinances of the Borough of Little Silver ("Borough Code"); and

WHEREAS, the Mayor and Borough Council have further reviewed § 16-3.4(M)(1) which relates to fees payable to the Planning Board of the Borough of Little Silver ("Planning Board") for professional review costs associated with applications before the Planning Board; and

WHEREAS, the Mayor and Borough Council note the fee associated with preparation of resolutions under § 16-3.4(M)(1)(h) has not been updated in a number of years, such that the current fee is well below rates assessed by other municipalities for the same service.

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of Little Silver, County of Monmouth, and State of New Jersey, that certain sections of the Borough Code be amended as follows (additions to text indicated by **bold text**; deletions to text indicated by strikeout):

SECTION 1. Chapter 16A, Section 3.4, Subsection M of the Revised General Ordinances of the Borough of Little Silver is hereby amended as follows:

§ 16A-3.4 Fees

M. Professional Review Costs:

1. In addition to the application fees set forth above, the planning board may charge the applicant an amount equal to the fee(s) which the board pays to an attorney, professional engineer or planner to review the development application. If the board determines that it is necessary to retain the services of a professional engineer or planner to review the development application, the applicant shall be required to pay an initial deposit and such other additional deposits as may be required to offset these special review costs incurred by the board. The applicant, shall, at the time of filing an application, be required to post the following minimum amounts:

a.	Grading Permits for Individual house plan/grading plans for fill over five cubic yards	$150
b.	Minor property improvements	$500
c.	Sign application	$100

d.	Coastal Wetlands Applications	$500
e.	Minor subdivisions application involving no variances or exceptions, including any application for a waiver of site plan approval:	$2,000
f.	Simple bulk variances	$300
g.	For all other applications not listed in subsection L (1) a or L (1)b:	$4,000
h.	Preparation of Resolution	~~$125~~ **$250**

2. In the event any development application requires more than two hearings, or should an applicant request and be granted a special meeting date, the planning board shall charge the applicant a special meeting fee of $1000 plus an amount equal to the fee(s) which the board pays to its attorney, secretary and other professional advisors who attend the special meeting. The cost of these services shall be charged against the initial deposit and such other additional deposits posted by the applicant.

3. These funds shall be placed in a separate account, without interest accruing to the developer, by the Borough Treasurer at the discretion of the Planning Board Secretary, and an accounting shall be kept of each applicant's deposit. All professional charges shall be paid from the account and charged to the applicant. Any moneys not expended for professional services shall be returned to the applicant upon final approval, denial or withdrawal of the application. If, any time during the procedure, the moneys posted shall have been expended, the applicant shall be required to post such additional sums not to exceed $4,000 for major site plans and $2,000 for minor site plans as may be required by the Planning Board.

4. The applicant shall not be entitled to proceed with the application until such time as necessary moneys have been posted to guarantee payment of professional service fees.

5. At the time of the filing of the development application, the planning board shall have the applicant sign an agreement consenting to pay both the application fee and the special review costs incurred by the board. The agreement shall specifically state that in the event the fees imposed by the planning board are not paid, any development approvals granted by the planning board shall be considered null and void. In the event that additional deposits requested by the planning board remain unpaid for a period of 60 days, the development application shall be deemed to be withdrawn and shall be dismissed without prejudice.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

SECTION 3. Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Council	Motion	2nd	Ayes	Nays	Abstain	Absent
Councilwoman Brannagan			X			
Councilman Brennan	X		X			
Councilman Christensen			X			
Councilman Faherty			X			
Councilman Galante		X	X			
Councilman Smith			X			
Mayor Neff						
		VOTE	6	0		

Borough of Little Silver: **ORDINANCE #876-24**

Public Hearing: February 5, 2024, 7:00PM
Advertised in the Two River Times January 25, 2024

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Introduction: January 22, 2024
Passed: February 5, 2024
Adopted: February 5, 2024

I, Kevin J. Burke, Jr., Borough Administrator/ Borough Clerk of the Borough of Little Silver do hereby certify that the foregoing is a true copy of Ordinance #876-24, that was introduced at a meeting of the Borough Council held on January 22, 2024, and passed by a majority affirmative vote of the Borough Council of the Borough of Little Silver. A properly advertised public hearing was held at a meeting of the Borough Council on February 5, 2024 and passed by majority vote.

Kevin J. Burke, Jr.
Administrator/Borough Clerk