

# Ordinance

No. 6-2023

**AN ORDINANCE AMENDING CHAPTER 205. LAND USE AND DEVELOPMENT,  
ARTICLE II. ADMINISTRATIVE PROCEDURES; APPEALS, SECTION 205-5(A).  
LAND USE BOARD FEES AND ESCROW REQUIREMENTS OF THE CODE OF  
THE BOROUGH OF WESTVILLE**

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Westville, County of Gloucester and State of New Jersey, that Chapter 205. Land Use and Development, Article II. Administrative Procedures; Appeals, Section 205-5(A). Land Use Board Fees And Escrow Requirements is hereby amended as follows:

**Section 1.** Section 205 (A) is hereby amended to read as follows:

- A. The following filing fees shall be charged an applicant for the filing of an application for development:
- (1) For each use variance pursuant to N.J.S.A. 40:55D-70d: Residential District, Parks and Conservation District, Business District and Light Industrial District, \$300; plus review fee deposit as set forth below.
  - (2) For each variance pursuant to N.J.S.A. 40:55D-70c (bulk): \$100, plus review fee deposit as set forth below.
  - (3) Direction pursuant to N.J.S.A. 40:55D-34 or 40:55D-36 (building lot in bed of mapped street, etc., or not abutting an improved street): \$100, plus review fee deposit as set forth below.
  - (4) Conditional use: \$500, plus review fee deposit as set forth below.
  - (5) Minor subdivision: \$100 per lot created, excluding any one parcel to be retained, plus review fee deposit as set forth below.
  - (6) Preliminary major subdivision: \$1,500, plus \$40 per lot created, plus review fee deposit as set forth below.
  - (7) Final major subdivision: \$500, plus \$40 per lot created, plus review fee deposit and inspection fee deposit as set forth below.
  - (8) Tax map revision: Prior to the Board's signing of a plat or deed to effectuate subdivision, the applicant shall pay a fee in the amount of \$50 per lot created, revised, reconfigured or otherwise requiring Tax Map revision, including any one parcel to be retained.
  - (9) Appeals from Borough of Westville Land Use Board to governing body: \$1,000, plus review fee deposit as set forth below.
  - (10) Minor site plan review: \$100, plus review fee deposit and inspection fee deposit as set forth below.
  - (11) Major site plan review: \$300, plus review fee deposit and inspection fee deposit as set forth below.
  - (12) Site plan waiver: \$100, plus review fee deposit as set forth below.
  - (13) Classification of a proposed subdivision: \$25, plus review fee deposit as set forth below.
  - (14) Informal review with nonbinding comments (fees for informal review shall be credited toward fees for application for development):
    - (a) Subdivision resulting in three or fewer lots: \$25.
    - (b) Subdivision resulting in more than three lots: \$350.
    - (c) Commercial use/site plan: \$100.
    - (d) All others: \$50, plus review fee deposit as set forth below.
  - (15) Zoning permit application: \$50.
  - (16) Certification of nonconforming structure or use pursuant to N.J.S.A. 40:55D-68: \$100, plus review fee deposit as set forth below.

(17) Resubmission or revision of any application: For any resubmission or revision of a development plan or application, there shall be paid the same fees and deposits as for a new application, which shall be in addition to the amounts paid or owed for the original application and for any previous resubmissions and revisions. Fees and deposits on account of a revised plan or application shall, at the discretion of the reviewing agency, not be required for any revisions not necessary for approval but which are requested by the reviewing agency, nor for any revision not involving any additional costs of review by professional personnel or hearing expenses.

(18) Review fee deposit:

(a) Whenever a review fee is required, the developer shall deposit with the Municipal Chief Financial Officer a sum of money which the Municipal Chief Financial Officer shall, in turn, deposit in a separate escrow account and carry under the municipality's trust fund section of accounts on the books of the municipality as a review fee escrow fund. The amount of money so deposited, exclusive of all other fees, except inspection fees where excess escrow amounts may be applied, shall be as follows:

[1] For major subdivisions at preliminary application and again at final application: engineering escrow, a minimum of \$3,000 for the first four lots and then \$300 for each additional lot, plus Attorney's fee of \$500 to be created. At the time of application for final approval any amounts remaining on deposit after the preliminary application review fees have been paid shall be credited to the deposit for the final approval review fee deposit.

[2] For minor subdivisions: \$3,000 per first lot created, and \$200 for each additional lot, including any parcel to be retained.

[3] For major site plan review: \$3,000 per first acre or part thereof, plus \$200 for each additional acre or part thereof, plus the Attorney's escrow's fee of \$500.

[4] For minor site plan review: \$3,000, includes the Attorney's escrow's fee.

[5] For site plan waiver: \$500.

[6] For each variance pursuant to N.J.S.A. 40:55D-70d: Residential District, Parks and Conservation District, Business District and Light Industrial District, \$3,000 per first acre or part thereof, plus \$150 each additional acre or part thereof.

[7] For each variance pursuant to N.J.S.A. 40:55D-70c: \$3,000.

[8] For conditional use: \$3,000 per first acre or part thereof, plus \$150 for each additional acre or part thereof.

[9] Direction pursuant to N.J.S.A. 40:55D-34 or 40:55D-36 (building lot in bed of mapped street, etc., or not abutting an improved street): \$500.

[10] Appeals from Borough of Westville Land Use Board to governing body: \$500.

[11] Classification of a proposed subdivision: \$500.

[12] Informal review: \$1,000.

[13] Certification of nonconforming structure or use pursuant to N.J.S.A. 40:55D-68: \$500.

(b) Said fund is to be used to pay the fees of any professional or technical personnel retained or employed by the Borough to assist in the processing, reviewing, making recommendations and testifying concerning the subject application.

(c) Within 45 days after the filing of an application for development, the Borough of Westville Land Use Board shall review the application for development to determine whether the escrow amount set forth above is adequate. In conducting such review said Board shall consider the following criteria:

[1] The presence or absence of public water and/or sewer servicing the site.

[2] Environmental considerations, including but not limited to geological, hydrological and ecological factors.

[3] Traffic impact of the proposed development.

[4] Impact of the proposed development on existing aquifer and/or water quality.

[5] Impact of proposed development on off-tract facilities.

[6] Surface drainage impact on the site or on surrounding properties of facilities.

(d) Upon completion of said review and within said forty-five-day period, the Board shall adopt a resolution specifying whether the escrow amount specified above is sufficient, excessive or insufficient. In the event the Board shall determine that said amount is excessive, it shall in the resolution specify the amount that shall be deemed sufficient. In the event the Board shall determine that the amount specified above is insufficient, it shall so specify and shall further set forth the amount required to be posted in light of the criteria specified herein. In the event the Board shall determine that it is appropriate that no escrow be posted, it shall so specify in its resolution.

(e) No application for development shall be deemed complete until such time as the applicant shall have posted with the Borough of Westville in cash, certified check or money order the amount of escrow deposit determined by the Borough of Westville Land Use Board to be required in accordance with the provisions of this chapter.

(f) If at any time it becomes evident that the escrow fund is, or will become, insufficient to cover all reasonable fees for the required professional or technical services, the applicant shall increase the fund as determined by the reviewing agency.

(g) All sums not actually so expended for professional or technical services shall be refunded to the applicant within 120 days after certification by the Board Chair that said application has been finally determined. "Finally determined" shall be denial of preliminary approval; or denial of final approval; or compliance with all conditions following final approval; or withdrawal of application; or expiration of approval.

## **Section 2. Repealer.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

## **Section 3. Severability.**

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

## **Section 4. Effective date.**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

*Introduced: April 24, 2023*

*Adopted: May 22, 2023*

**BOROUGH OF WESTVILLE**

**Fritz H. Sims, Jr.  
MAYOR**

**ATTEST:**

**Kathleen Carroll  
DEPUTY MUNICIPAL CLERK**