

**ORDINANCE # 27-18**

**ORDINANCE OF THE BOROUGH OF KEYPORT,  
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING  
THE LAND USE SUBDIVISION AND SITE PLAN  
ORDINANCE TO REFLECT CHANGES TO THE SITE  
PLAN AND LAND SUBDIVISION APPROVAL PROCESS**

**WHEREAS**, the Borough of Keyport (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, the Borough Code of General Ordinances (the “**Code**”) provides for the regulation of development within the Borough, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

**WHEREAS**, the Mayor and Borough Council desire to amend the Code, currently entitled “Zoning,” to revisions to the site plan and land subdivision approval process; and

**WHEREAS**, the Mayor and Borough Council have determined to amend the Land Use Subdivision and Site Plan Ordinance to read as follows:

AN ORDINANCE REQUIRING THE APPROVAL OF SITE PLANS AND LAND SUBDIVISIONS BY THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF KEYPORT IN ACCORDANCE WITH THE CHAPTER 291 LAWS OF NEW JERSEY 1975

BE IT ORDAINED BY the Mayor and Council of the Borough of Keyport, County Monmouth and state of New Jersey, that

**SECTION 1: SHORT TITLE**

This ordinance shall be known as and may be cited as the “Land Subdivision and Site Plan Ordinance of the Borough of Keyport adopted April 3, 1975.”

**SECTION 2: ESTABLISHMENT OF RULES, REGULATIONS**

There is hereby established rules, regulations and standards governing the subdivision of land and site plan review within the Borough of Keyport pursuant to the authority set forth in Chapter 291 “Municipal Land Use Law, Laws of 1975” and amendments and supplements thereto, setting forth the procedure to be followed by the appropriate board in applying and administrating these rules, regulations and standards, and providing penalties for the violation thereof.

### SECTION 3: PURPOSE

The purpose of this ordinance shall be to provide rules, regulations and standards to guide land subdivision and site plan review in the Borough of Keyport in order to promote the public health, safety, convenience and general welfare of the municipality. It shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services.

### SECTION 4: APPROVING AGENCY

The provisions of this ordinance shall be administered by the Zoning Board or the Planning Board in accordance with Chapter 291 of the Laws of 1975.

### SECTION 5: DEFINITIONS

BOROUGH – Borough of Keyport.

GOVERNING BODY – The Mayor and Council of the Borough of Keyport.

### SECTION 6. FEE SCHEDULE (see attached)

### SECTION 7. SUBMITTAL PROCEDURE

A. Review to determine completeness. The applicant shall submit five copies of the development application to the Secretary of the Planning Board. The application shall include all information indicated in Section 8.C. The Secretary shall distribute two copies to the Board Engineer, which shall determine completeness of the application. The Board Engineer shall indicate items not provided or shall deem the application complete and report such to the Planning Board within 45 days of the date of submission of the application package to the Board Secretary.

B. Complete Applications. Upon determination of completeness by the Board Engineer, the applicant shall submit 25 copies of his complete application to the Secretary of the Planning Board. The time for the Board's review shall not begin to run until the submission of a complete application with the required fees. Unless the applicant is informed in writing by the Secretary of the Planning Board within 45 days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

C. Meet with Technical Review Committee as defined in 25:3-30.

D. Informal Review with Planning Board. At the request of a developer, the Planning Board may grant an informal review of a concept plan for development for which a developer intends to prepare an application for development. The developer shall not be bound by any concept plan for which review is requested, and the Planning Board shall not be bound by any such review.

E. APPLICATION FOR MINOR SUBDIVISION

1. Submission of Sketch Plat – Any owner of land within the Borough shall prior to subdividing or re-subdividing land, as defined in this chapter, submit to the Secretary of the Planning Board, at least two weeks prior to the regular meeting of the Board, a sketch plat of the proposed subdivision.

SECTION 8. SITE PLAN REVIEW AND APPROVAL PROCEDURE AND REQUIREMENTS

A. When Site Plan Approval is Required

Site Plan approval shall be required for all major and minor development, as defined in 25:1-3.a.

The following types of development shall be exempt from Site Plan approval:

(i) Permitted Single family or two family dwellings and structures and uses accessory thereto.

(ii) Repairs to the interior of a building which do not result in a change in the number of dwelling units on site.

(iii) The construction of any building or other structure of less than five hundred (500) square feet which does not create or exacerbate a nonconformity.

(iv) Changes of use where no additional nonconformities are created and/or existing nonconformities are not exacerbated.

B. SUBMITTAL PROCEDURE FOR SITE PLANS

1. In any case where site plan approval is required by this ordinance, no building permit or certificate of occupancy shall be issued by the Construction Official, unless the applicant therefore shall first obtain site plan approval from the Planning Board.

2. Application for site plan approval shall be made to the Planning Board in conformity to Section 7 herein set forth and on forms to be provided to the application by the Secretary who shall determine the type of form which is applicable in accordance with the type of matter the application involved as set forth in Paragraph A of this section.

3. If an application for development is found to be incomplete, the developer shall be notified thereof within 45 days of the submission of such application or it shall be deemed to be properly dismissed.

4. If the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The planning board shall, if the proposed development complies with the ordinance and this act, grant preliminary site plan approval.

5. Upon the submission to the administrative officer of a complete application for a site plan for 10 acres of land or less the planning board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a site plan of more than 10 acres the planning board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise the planning board shall be deemed to have granted preliminary approval of the site plan.

6. Site plans for major developments shall be prepared by a licensed Engineer, Planner, Land Surveyor, Landscape Architect or Architect of the State of New Jersey, who shall certify in detail to the compliance of plans with these Articles. Site plans for minor developments may be submitted which are prepared by someone other than a licensed Engineer, Planner, Land Surveyor, Landscape Architect or Architect and certification to the compliance of such plans with these articles shall be made by the owner or his representative.

7. The responsibility for determination of the nature of the development type for the purposes of Section 6 is assigned to the Zoning Officer. An applicant dissatisfied with the decision of the Zoning Officer shall have the right to appeal to the Planning Board in accordance with 25:1-21.

#### C. EXHIBITS REQUIRED FOR SITE PLAN APPROVAL

1. For major developments, a site plan shall be provided that is based on an accurate certified boundary survey, prepared in accordance with New Jersey Administrative Code 13:40-5.1, Preparation of Land Surveys" September 1984 and as amended. The date of the survey and the name of the person who made the survey, shall be shown on the site plan. The site plan shall reflect the following information:

- a. All existing buildings, structure, streets and streams within 200 feet.
- b. Lot dimensions, lot area, tax map lot and block number, street address, zoning, district, flood zone designation, north arrow, date and scale.
- c. Proposed traffic circulation showing traffic pattern, access isles and curb radii, and width of street.

d. Loading docks, walks and other related facilities for the movement and storage of goods, vehicles and people on or through the site.

e. Location on the site of all proposed and existing buildings and their relation to contiguous buildings with all set back lines and grades dimensioned and clearly shown. Finished grades at all corners of buildings and first floor elevations of buildings on site.

f. Type and height of proposed fences and landscaped buffer areas.

g. Topography showing existing and proposed contours at two (2) foot intervals for slopes averaging five percent (5%) or greater and at one (1) foot intervals for land or lesser slope.

h. Location and design of existing and proposed storm water systems, sanitary waste disposal systems, and all existing utilities above and below ground, and existing and proposed easements.

i. Outside lighting details indicating type and height of [standards] fixtures, location, and radius of light and intensity of foot candles.

j. Location, dimensions and details of all signs.

k. Landscaping and buffering plan showing what will remain and what will be planted, including type and height, indicating names of plants, trees and dimensions, approximate time of planting and maintenance plans. All existing trees greater than three inches in caliper measured six (6) feet above ground level must be shown and shall be preserved whenever possible.

l. Indicate the enclosed number of square feet of building space with hallways, corridors, stairways and storage acres dimensioned, including all stories.

m. Complete design of the parking area, including construction details, with dimensions of aisles, driveways, parking spaces clearly shown, the location, type and size of all existing and proposed curbs, walks, dries, paved areas, retaining walls, and curve radii.

n. Method of refuse and recyclable material disposal and storage enclosures showing type and height and size of enclosure.

o. For all projects where any part is located in a Special Flood Hazard Area:

1. A map detailing the flood area boundaries;

2. Elevations of the project;

3. Evidence of compliance with the flood damage prevention ordinance certified by the Borough's Certified Flood Plain Manager.

p. Building plans showing size, height, location, and arrangement of proposed and/or existing buildings.

q. A prospective rendering or sketch showing the proposed general appearance of the building.

r. List of any proposed or existing restrictions or easements which might be required by any official agency, with documentation clearly shown.

s. Written description of the proposed operation to include the number of shifts maximum number of employees, anticipated truck and trailer traffic together with the relation of the proposed operation of traffic congestion, noise, glare, air pollution, water pollution, fire hazards and safety hazards.

t. Monmouth County Planning Board, or New Jersey State approval in writing if property has ingress or egress on a County Road or State Highway.

u. Written report from Zoning Officer as to conformity with ordinances applicable.

v. Written report as to fire and safety requirements from the Fire Subcode Official.

w. Written report as to traffic pattern and public safety from the Chief of Police.

x. Written report with reference to municipal utilities from Borough Engineer.

y. Written comments as to pertinent parts of the site plan from the Planning Board Engineer, together with approval of site drainage.

z. Written report from the Board of Health.

aa. Written report from the Environmental Commission.

2. For minor developments the following plan details are required:

a. Location on the site of existing buildings with all set back lines clearly shown.

b. Complete design of the parking area or paved area, including construction details with dimensions of aisles, driveway, parking spaces clearly shown. The location, type and site of all existing and proposed curbs, walks, drives, paved areas, retaining walls, and curve radii (All parking spaces shall be 10' X 20').

c. Type and height of proposed fences and landscaped buffer areas.

d. Topography showing existing and proposed contours of two (2) foot intervals for slopes averaging five percent (5%) or greater, and at one (1) foot intervals for land or lesser slope.

e. Location and design of existing and proposed water systems, sanitary waste disposal systems and all existing and proposed easements.

f. Outside lighting details indicating type and height standards, location, and radius of light intensity of foot candles.

g. Loading docks, walks, and other related facilities for the movement and storage of good and vehicles on site.

h. Monmouth County Planning Board or New Jersey State approval in writing, if the project has ingress or egress on a County or State Highway.

i. Written description of any proposed increased or new operation to include the number of shifts, maximum number of employees, anticipated truck and trailer traffic, together with the relation of the proposed operation to traffic congestion, noise, glare, air pollution, water pollution, fire hazards, and safety hazards.

#### D. PERFORMANCE STANDARDS

1. The layout or arrangement of the subdivision or land development shall be consistent with the requirements of the zoning ordinance.

2. Streets in the subdivision or land development shall be of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitute an extension of an existing street of the greater width or already has been shown on the master plan at the greater width on the official map.

3. Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants shall be provided for.

4. Suitable size, shape and location for any area reserved for public use shall be provided for pursuant to R.S. 40: 55d-44 of the Land Use Law.

5. Reservation pursuant to R.S. 40: 55d-43 of the Land Use Law of any open space to be set aside for use and benefit of the residents of planned development, resulting from the application of standards of the density or intensity of land used contained in the zoning ordinance pursuant to paragraph 52c of R.S. 40: 55d-65 of the Land Use Act.

6. Regulation of land designated as subject to flooding pursuant to N.J.A.C. 7:13 the Flood Hazard Area Control Act and the Borough of Keyport's Flood Damage Protection Ordinance shall be provided for to avoid danger to life or property, protection and conservation of soil from erosion by wind or water or from evacuation or grading.

7. The existing natural resources of the site shall be preserved whenever possible.

8. Provide adequate access and off-street parking and loading facilities for employees and visitors.

9. Provide suitable fencing where necessary for safety or screening and provide landscaping and such additional buffer areas as may be required in order to maintain the character and good appearance of the neighborhood.

10. No operation shall be permitted or be carried on in such a manner to endanger life or property or cause or be likely to cause fire, explosion, radiation and similar hazards or produce objectionable smoke, heat glare, vibration, or noise irrespective of whether the same is confined with the property covered under the site plan or beyond any property lines thereof.

11. Provide for confinement of all storage of all raw materials, fuels, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles that are not within an entire closed building, to side or rear yards, provided the same are adequately screened so as not to be visible from the street or from adjoining residential properties.

12. The omission of noxious, toxic or corrosive fuels, gases or odors or the exhaust of waste into air or dust or other substances are hereby prohibited:

13. No sewage of any kind or industrial waste shall be discharged into any lake or stream. All methods of sewage and industrial waste treatment and disposal shall be in accordance with applicable municipal and State health regulations.



14. Sufficient off-street parking space shall be provided, plus aisle space. The number of spaces should be as required in the Zoning Code.

#### SECTION 9: EFFECT OF PRELIMINARY APPROVAL OF MAJOR SUBDIVISION AND OF A SITE PLAN

1. Preliminary approval of a major subdivision or of a site plan pursuant to this ordinance shall, except as provided in subsection d of this section, confer upon the applicant the following rights for a three year period from the date of the preliminary approval.

a. That the general terms and conditions on which preliminary approval was granted shall not be changed including but not limited to use requirements layout and design standards for streets, curbs and sidewalks, lot size, yard dimensions and off tract improvements, and, in the case of a site plan, any requirements particular to site plan approval pursuant to Paragraph D of Performance Standards of this Ordinance except that nothing herein shall be constructed to prevent the municipality from modifying by Ordinance such general terms and conditions of preliminary approval as related to public health and safety.

b. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.

c. That the applicant may apply for and the planning board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years provided that if the design standards have been revised by ordinance, such revised standards may govern.

d. In the case of a subdivision or site plan for an area of 50 acres or more, the planning board may grant the rights referred to in subsection a, b, and c above for such a period of time, longer than three years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval (2) economic conditions, and (3) the comprehensiveness of the development. The applicant may apply for thereafter and the planning board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number dwelling units and nonresidential floor areas permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the sections awaiting final approval. (3) Economic conditions and (4) the comprehensiveness of the development, provided that if the design standards have been revised, such revised standards may govern.

## SECTION 10: FINAL APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS

### 1. Final approval of site plans and major subdivisions.

a. The planning board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the condition of preliminary approval and, in the case of a major subdivision, the standards prescribed by the "Map Filing Law" P.L. 1960 c. 141 (R.S. 46: 23-9.9 et seq.) provided that in the case of a planned unit development, planned unit residential development or residential cluster the planning board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

b. Final approval shall be granted or denied within 45 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant./ failure of the planning board to act within the period prescribed shall constitute final approval and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by Section 5 P.L. 1968, c 285 (R.5.40:27-6.6), in the case of a site plan, the municipal planning board shall condition any approval that it grants upon county planning board or approval by the county planning board by its failure to report thereon within the required time period.

## SECTION 11: EFFECT OF FINAL APPROVAL OF A SITE PLAN OR MAJOR SUBDIVISION

a. The zoning requirements applicable by the preliminary approval first granted and all other rights conferred upon the developer pursuant to section 37 of the Land Use Law whether conditionally or otherwise, shall not be changed for a period of two years after the date of the final approval, provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in section 42 aforesaid, the planning board may extend such period of protection for extension of one year but not to exceed three extensions. Notwithstanding any other provisions of this act, the granting of final approval terminates the time period of preliminary approval pursuant to section 37 aforesaid for the section granted final approval.

b. In the case of a subdivision or site plan for a planned unit development or planned unit residential development or residential cluster of 50 acres or more or conventional subdivision or site plan for 150 acres or more, the planning board may grant the rights referred to in subsection A of this section for such period of time, longer than two years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions, and (3) the comprehensiveness of the development. The developer may apply for thereafter and the planning board may thereafter grant an extension of final approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed (3) economic conditions and (4) the comprehensiveness of the development.

#### SECTION 12: RECORDING OF FINAL APPROVAL OF MAJOR SUBDIVISION FILING OF ALL SUBDIVISION PLATS

a. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer.

1. The Planning Board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat.

2. No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the planning board as indicated on the instrument by the signature of the chairman and secretary of the planning board or a certificate has been issued pursuant to sections 35, 38, 44, 48, 54 or 63 of the Land Use Law. The signatures of the chairman and secretary of the planning board shall not be affixed until the developer has posted the guarantees required pursuant to section 41 of the Land Use Law. If the county recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

3. It shall be the duty of the county recording officer to notify the planning board in writing within 7 days of the filing of any plat identifying such instrument by its title, date of filing and official number.

#### SECTION 13: EXCEPTION IN APPLICATION OF SUBDIVISION OR SITE PLAN REGULATION SIMULTANEOUS REVIEW AND APPROVAL

a. The planning board when acting upon applications for preliminary or minor subdivision approval shall have the power to grant such exceptions for the requirements for subdivision approval as may be reasonable and within the general

purpose and intent of the provisions for subdivision review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of this ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

b. The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of this ordinance is impracticable or will exact undue hardship because of particular conditions pertaining to the land in question.

c. The planning board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the planning board, whether it be for subdivision or conditional use, or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this subsection, notice of the hearing on the plat shall include reference to the request for such conditional use.

#### SECTION 14: OFF TRACT IMPROVEMENTS

a. The approving authority shall require, as a condition of final subdivision or site plan approval, that the developer pay his pro-rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefore, located outside the property limits of the development but necessitated or required by construction or improvements within such development. Such contribution for a developer pro-rata share shall only be required where the off-tract improvements are to be constructed pursuant to provisions of the circulation and comprehensive utility service plans included in the borough master plan. The developer shall either install the improvements or contribute his pro-rata share of the costs at the option of the developer. If the developer installs the improvements, he shall be compensated for all but his pro-rata share of the cost of said improvements.

b. The developer shall pay the full cost of all off-tract improvements required by the approving authority if such off-tract improvements are wholly necessitated by the proposed development and said improvements do not benefit any land other than those within the subdivision or site plan.

c. The developer shall provide for payment of its pro-rata share, allocated in conformance with the standards set out in subsection E and F hereof, of all off-tract improvements required by the approving authority if such improvements are wholly or partially necessitated by the proposed development and said improvements benefit lands other than those within the subdivision of site plan.

d. In the even approving authority shall determine that off-tract improvements are required in connection with any subdivision or site plan, then prior to granting final approval.

1. The approving authority shall report to the Mayor and Council.

a. The location, character and extent of the required off-tract improvements.

b. The Borough Engineer's estimate of the total cost of such off-tract improvements.

c. The proposed allocation of the said total cost determined in accordance with the standards set forth in subsection E and F below.

2. The mayor and council shall determine and report to the approving authority whether and by what date the off-tract improvements will be constructed by the Borough of Keyport as a general improvement, or as local improvement, or as a combination thereof; or whether the developer, at his option may construct the required off-tract improvements and be reimbursed pursuant to a formula specified by the Mayor and Council if the improvement specifically benefits property other than that within the subdivision of site plan.

3. The approving authority shall require, as a condition of final approval of the subdivision plat or site plan that:

a. If the improvement is to be constructed by the Borough as a general improvement, the developer shall deposit with the Borough Treasurer an amount equal to the difference, if any, between the estimated cost of the improvement and the estimated total amount by which all properties, including the subdivision or site plan to be serviced by the improvement, will be specially benefited by the improvement or

b. If the improvement is to be constructed by the Borough as a local improvement, the developer shall deposit with the Borough Treasurer, in addition to the amount specified in paragraph a. above the estimated amount by which the subdivision or site plan will be specially benefited by the improvement.

e. In determining the allocation of costs for off-tract improvements as between the developer, other property owners and the Borough the approving authority shall be guided by the following factors.

1. The total estimated cost of off-tract improvements.

2. The increase in market value of the properties affected and any other benefits conferred.

3. The needs created by the application.
  4. Population and land use projections for the land within the general area of the subdivision or site plan and other areas to be served by the off-tract improvements.
  5. The estimated time for construction of the off-tract improvements.
  6. The condition and periods of usefulness of the improvements which may be based upon the criteria of N.J.S.A 40A 2-22
- f. Without limiting the generality of the foregoing the approving authority may take into account the following specific factors:
1. With respect to street, curb, gutter, sidewalk, street light, street sign and traffic light improvements, the approving authority may consider:
    - a. Traffic counts
    - b. Existing and projected traffic patterns
    - c. Quality of roads and sidewalks in the area.
    - d. Such other factors as it may deem relevant to the needs created by the proposed development.
  2. With respect to drainage facilities, the approving authority may consider:
    - a. The relationship between the areas of the subdivision or site plan and the area of the total drainage basin of which the subdivision or site plan is a part.
    - b. The proposed use of land within the subdivision of site plan and the amount of land area to be covered by impervious surfaces on the land within the subdivision of site plan.
    - c. The land use, condition or status of the remaining land area in the drainage basin.
  3. With respect to water, gas and electric supply and distribution facilities the approving authority may consider the use requirements of the use proposed for the subdivision or site plan and the use requirements of all other properties to be benefited by the improvements.

4. With respect to sewerage facilities the approving authority may consider:

a. The anticipated volume of effluent from the use proposed for the subdivision or site plan and the anticipated volume of effluent from all other properties to be benefited by the improvements.

b. The types of effluent anticipated and particular problems requiring special equipment or added costs.

g. Any money received by the Borough Treasurer for off-tract improvements to be constructed or installed by the Borough pursuant to the provisions of this section shall be deposited in a suitable depository therefore and shall be used only for the improvements for which they are deposited or improvements satisfying the same purpose. If construction of improvements for which the Borough is responsible has not commenced within the (5) five years from the date of deposit, the amount deposited together with any interest thereon shall be returned to the developer or his successor in interest.

h. Upon completion of any improvement constructed by the Borough as a general or local improvement, the total cost of such improvement shall be determined by the ordinance providing for such improvements. The difference between the actual cost as so determined and the estimated cost shall be computed. The developer or his successor in interest shall make remittance to the Borough, if the actual cost exceeds the estimated cost, or shall receive a refund from the funds deposited with the Borough if the estimated cost exceeds the actual cost, in an amount which bears the same relationships to the difference between the actual and estimated costs as the amount deposited by the developer for his proportionate share of the estimated cost bears to the total estimated cost. Any sum payable by the developer or his successor in interest may be levied and collected by the Borough in the same manner as is provided by the law for the levy and collection of real estate taxes.

i. In the absence of an express provision in a deed or deeds of conveyance, it shall be presumed that the fee owners of all lots in the subdivision or site plan at the date any deposit or portion thereof is returned or additional charge is made pursuant to subsection Gad H of this section are the lawful successors in interest to the developer and each such fee owner shall be charged with or entitled to receive a pro-rata share, based on lot area, or any funds to be returned or additional charge to be made pursuant to this section. Upon payment of any such sums to the said fee owners, the Borough shall be released of liability to any other person.

#### SECTION 15: VIOLATIONS AND PENALTIES

a. If, before final approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board is required to act, such person shall be subject to a fine not to exceed five hundred dollars (\$500.00), or to imprisonment for not more than

ninety (90) days, or both, and each parcel, plot or lot so disposed of shall be deemed a separate violation.

b. In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirements for a building permit under N.J.S.A. 40.55 D-34 the municipality may institute and maintain a civil action:

1. For injunctive relief.

2. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40: 55D-54 but only if the municipality has a Planning Board or a committee thereof with power to act and which meets regularly on a monthly or more frequent basis, and whose governing body has adopted standards and procedures in accordance with N.J.S.A. 40:55D-38 and 40 55D-41.

c. In any such action the transferee purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expenses, and title-closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer sale or conveyance of said land, or within six (6) years if unrecorded.

SECTION 16 Approval by other agencies. All applicants shall comply with and pay all necessary fees for permits and/or approvals, as may be required by local, county, state or federal agencies, including but not limited to:

- a. Soil Conservation Service
- b. New Jersey Department of Transportation
- c. New Jersey Highway Authority
- d. New Jersey Department of Environmental Protection
  - 1. C.A.F.R.A.
  - 2. Wetlands
  - 3. Stream Encroachment
  - 4. Sanitary Sewer
  - 5. Riparian



- e. U.S. Army Corps of Engineers
- f. U.S. Coast Guard
- g. Monmouth County Highway Department

SECTION 17: This ordinance shall take effect upon passage in accordance with the law.

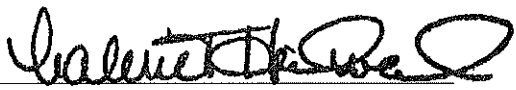
**Section 3.** All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.


**Section 4.** Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

**Section 5.** The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

**Section 6.** This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: October 16, 2018  
Public Hearing: December 18, 2018  
Adopted: December 18, 2018

  
\_\_\_\_\_  
Valerie T. Heilweil, RMC, CMR  
Borough Clerk  
Borough of Keyport

  
\_\_\_\_\_  
Harry M. Ammack, II, Mayor  
Borough of Keyport

**EXHIBIT "A"**  
**REQUIRED APPLICATION FEES AND ESCROW DEPOSITS**

Fees and escrows – The following is a schedule of fees to be paid by the applicant upon filing an application:

1.	Minor Subdivision	Application Fee –	\$200.00
		Professionals Escrow –	\$400.00 (per lot)
2.	Major Subdivision, Preliminary	Application Fee –	\$300.00
		Professionals Escrow –	\$300.00 + \$50.00 per lot for 1 <sup>st</sup> 10 lots and \$70.00 for any lot over 10 lots
3.	Major Subdivision, Final	Application Fee –	\$100.00
		Professionals Escrow –	\$200.00 + \$50.00 per lot for 1 <sup>st</sup> 10 lots and \$70.00 for any lots over 10 lots
4.	Resubmission of Incomplete Application	Application Fee –	\$75.00
		Professionals Escrow –	None Required
5.	Resubmission involving a significant change In the site plan or subdivision	Application Fee –	One-half required fee for initial submission
		Professionals Escrow –	One-half required fee for initial Submission
6.	Sketch Plat	Application Fee –	\$100.00
		Professionals Escrow –	\$100.00
7.	Site Plan Preliminary	Application Fee –	\$300.00
		Professionals Escrow –	\$0.025 per square foot being disturbed, provided a minimum of \$500.00 shall be deposited

8.	Site Plan, Final	
	Application Fee –	\$100.00
	Professionals Escrow –	\$0.025 per square foot being disturbed, provided a minimum of \$500.00 shall be deposited
9.	Sketch Plat	
	Application Fee –	\$100.00
	Professionals Escrow –	\$100.00
10.	Site Plan Waiver	
	Application Fee –	\$50.00
	Professionals Escrow –	None Required
	In the event that a waiver is not approved, and a site plan is deemed necessary, the funds already submitted will be deducted from the application and escrow fees to be collected for the application.	
11.	Resubmission of Incomplete Application	
	Application Fee –	\$75.00
	Professionals Escrow –	None Required
12.	“D” or Use Variance	
	Application Fee –	\$150.00
	Professionals Escrow –	\$200.00
13.	Bulk Variance	
	Application Fee –	\$25.00 (per variance)
	Professionals Escrow –	\$200.00
14.	“C” Variance	
	Application Fee –	\$25.00 (per variance)
	Professionals Escrow –	\$200.00
15.	Appeals	
	Application Fee –	\$75.00
	Professionals Escrow –	\$200.00
16.	Interpretations	
	Application Fee –	\$75.00
	Professionals Escrow –	\$200.00

17.	Conditional Use	
	Application Fee –	\$150.00
	Professionals Escrow –	\$200.00
18.	Building Permit in conflict with Official map or building permit for Lot not related to a street	
	Application Fee –	\$100.00
	Professionals Escrow –	None Required
19.	Others, including signs	
	Application Fee –	\$50.00
	Professionals Escrow –	None Required

*In the event the escrow fund is depleted and there remain sums due to the Municipality, any resolution of approval or issuance of C.O. will be withheld pending satisfaction of this obligation.*

**BOROUGH OF KEYPORT POST-APPROVAL FEES**

1. Preparation of Performance Guarantees:

Subdivisions:     \$250.00 plus \$10.00 per lot

Site Plans:        \$300.00 plus one (1) cent per square foot of building

2. Inspection Fees:

<b><u>Improvement Cost</u></b>	<b><u>Inspection Fee Required</u></b>
0-\$10,000.00	8% of estimated cost of construction As estimated by the Borough Engineer or a minimum of \$300.00
\$10,000.00 - \$50,000.00	\$800.00 plus seven and one-half (7½) percent of estimated cost over \$10,000.00
\$50,000.00 - \$100,000.00	\$4,800.00 plus seven (7) percent of the estimated cost over \$100,000.00
\$100,000.00	\$13,800 plus six (6) percent of the estimated cost over \$100,000.00

If a Developer's Agreement is required, applicant shall post an initial escrow fund as set forth in the Developer's Agreement to reimburse the Borough for legal fees incurred in the review and preparation of documents, and the administration and enforcement of the terms set forth in the Developer's Agreement.

**BOROUGH OF KEYPORT MISCELLANEOUS FEES**

1. Reproduction of Records

Duplication of tape recordings	\$75.00
Use of tape recordings for transcript Purposes (applicant to supply his own stenographer to make transcript)	\$150.00
Photocopy of any minutes or reports	\$0.50 sheet

- |                                   |          |
|-----------------------------------|----------|
| 2. Change of Zone Request         | \$200.00 |
| 3. Certificate of Subdivision     | \$ 10.00 |
| 4. Zoning or Change of Use Permit | \$ 10.00 |