

<b>SECTION XII</b> <b>GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS</b>
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**1-104 Fees**

A. Every application for development shall be accompanied by a check payable to the Borough of West Wildwood in accordance with the following fee schedule. The applicant may be required to provide additional escrow funds if it is determined that an insufficient amount remains. All remaining escrow funds will be returned to the applicant upon completion of the project and all associated costs have been satisfied.

<u>Subdivisions</u>	<u>Application Fee</u>	<u>Escrow</u>
Minor Subdivision	\$375.00	\$ 750.00
Major Subdivision	\$375.00	\$3,000.00 (Residential)
(per lot over 4)	\$ 50.00	\$4,000.00 (Non-Residential)
 <b><u>Site Plans</u></b>		
Preliminary & Final Plan (additional fee of \$25.00 per residential unit)	\$375.00	\$3,000.00
Informal Concept Plan	\$100.00	\$ 500.00
 <b><u>Bulkheads</u></b>		
Preliminary / Final Plan	\$ 50.00	\$1,000.00
 <b><u>Variances</u></b>		
Appeals (40:55D70a)	\$100.00	\$ 500.00
Interpretation (40:55D70b)	\$100.00	\$ 500.00
Hardship (40:55D70c)	\$100.00	\$ 500.00
Use (40:55D70d)	\$100.00	\$ 500.00
Permit (40:55D34&35)	\$100.00	\$ 500.00

Conditional Use	\$200.00
Special Meeting	\$300.00
Certified List of Property Owners	\$0.25/name or \$10.00 whichever is greater
Copy of Minutes, Transcripts or Decisions	\$1.00 page for first copy and 0.25 for additional
Request for extension	\$200.00

B. Application of Escrow Fees:

1. The application fees and escrow fees cited herein above are minimums which must accompany the application. An application shall not be deemed complete until the application fee and required escrow fee have been paid. The Board Secretary shall exercise his/her discretion in establishing the amount required for the escrow fund in the event the project will require more time for review than has been provided for in the fee schedule or the project is of a nature that is not expressly included in one (1) of the categories.
2. Application fees and escrow fees must be submitted in separate checks payable to the Borough of West Wildwood. The escrow shall be forwarded by the Board Secretary to the Chief Financial Officer of the Borough of West Wildwood for deposit into an escrow account. The application fees shall be deposited into the Planning Board account until the end of the month, at which time the funds shall be submitted to the Chief Financial Officer of the Borough of West Wildwood for deposit into the general account of the Borough.
3. Funds shall be applied to professional costs charged to the Borough by professional consultants (planner, engineer, attorney and any other consultant retained by the Borough) for services, including but not limited to professional opinions and attendance at meetings, or review regarding the development application. Additional funds may be required when the original amount is depleted by sixty percent (60%) and the development application is still in progress. The amount of additional funds needed shall be determined by the Board Secretary.
4. If the applicant has failed to pay any amounts due, the Borough may stop construction until such amounts and penalties equal to an interest payment on unpaid bills of one and one-half percent (1-1/2 %) per month, plus Borough legal fees, and collection charges necessary to recover any unpaid bills are paid. No Construction Permit or Certificate of Occupancy may be issued if such amounts are due and payable. In addition, all premises, with respect to which said charges are required, and shall remain so until paid. Said overdue charges shall accrue the same interest from time to time as taxes upon real estate in the Borough. The Borough shall have the same remedies for the collection thereof with interest, costs, and penalties as it has by law for the collection of taxes upon real estate.

5. All escrow amounts not actually used shall be refunded to the applicant upon his request and upon the recommendation of the Planning Board. Failure by the applicant to request unused escrow funds for a period of one (1) year shall render the monies within the applicant's account non-refundable. The Administrative Officer shall so notify the Treasurer who will transfer the remaining escrow from that applicant's account into the general treasury. A detailed account of all monies expended from the escrow fund shall be available to the applicant upon request.
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- C. The applicant shall agree to pay all costs associated with Borough review and action on the application beyond the initial application charge.
  - D. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.
  - E. Each applicant for subdivision or site plan approval shall agree in writing to pay all reasonable costs for professional review and processing of the application and for inspection of the improvements. All such costs for review and inspection must be paid before any approved plat, plan or deed is signed or any construction permit is issued and all remaining costs must be paid in full before any occupancy of the premises is permitted or a Certificate of Occupancy issued.
  - F. If an applicant desires a court reporter, the cost for taking testimony and transcribing it and providing a copy of the transcript to the Borough shall be at the expense of the applicant who shall arrange for the reporter's attendance.
    1. In no case shall any improvements or utility installation be done without permission from the Borough Engineer. At least two (2) working days notice shall be given to the Borough Engineer prior to any construction so that he or a qualified representative may be present at the time the work is to be done.
    2. Streets shall not be paved with a wearing course until all heavy construction is completed. Shade trees shall not be planted until all grading and earth moving is completed. The seeding of grass and the placing of the surveyor's monuments shall be among the last operations. No underground installations shall be covered until inspected and approved by the Borough Engineer.
      - a. Roadway sub-grade prior to placing sub-base material and/or bituminous stabilized base course material.
      - b. The bituminous stabilized base course material after complete compaction and prior to applying bituminous material tack coat for the bituminous concrete surface course.
      - c. Bituminous concrete surface course material while it is being laid.
      - d. Finished bituminous concrete surface course pavement.
      - e. Concrete curb and sidewalks, when the forms are laid and the sub-grade is leveled and tamped prior to placing concrete, also during the placing and finishing of the concrete.
      - f. Such inspections as the Borough Engineer shall deem necessary of the pipe drains, inlets, municipal utilities lines and appurtenances, etc. while pipes, etc., are being laid and prior to back filling trenches, inlets and manholes while being constructed.

3. The Borough Engineer's office shall be notified after each of the following phases of the work has been completed so that he or a qualified representative may inspect the work:
 

Road sub-grade	Curb and gutter forms
Curbs and gutters	Road paving
Sidewalk forms	Sidewalks
Drainage pipes and other drainage	Street name signs
Monuments	Sanitary sewers
Detention and/or retention basins	Topsoil, seeding and plantings
  
4. Inspection by the Borough of the installation of improvements and utilities shall not operate to subject West Wildwood Borough to any future liability, including liability for claims or suit, that may arise because of defects or negligence during construction or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the owner and his contractors, if any.
  
5. Upon the completion or substantial completion of all required utility improvements, and the connection of same to the public system, the obligor may notify the governing body in writing, by certified mail in care of the Borough Clerk, of the completion or substantial completion of the improvements and shall simultaneously send a certified copy of such notice to the Borough Engineer. Within thirty (30) working days following receipt of the notice, the Borough Engineer shall inspect all the improvements of which such notice has been given and file a detailed report in writing, within ten (10) working days after the inspection to the governing body, indicating either approval, partial approval or rejection of such improvements with a statement of the reasons for any total or partial rejection. The costs of the improvements as approved or rejected shall be set forth.
  
- G. Release. The governing body shall approve, partially approve or reject the improvements, on the basis of the report from the Borough Engineer, and shall notify the obligor, in writing, by certified mail, of the contents of the Engineer's report and the action of the governing body not later than sixty-five (65) days after the receipt of the notice of the obligor of the completion or substantial completion of the improvements. Failure of the governing body to send or provide such notification to the obligor within sixty-five (65) days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability pursuant to the performance guarantee for such improvements.
  1. Where partial approval is granted, except as set forth hereinafter, the obligor shall be released from all liability pursuant to the performance guarantee for such improvement, except for that portion deemed to be required to secure provision of the improvements not yet approved. The Borough may retain thirty percent (30%) of the performance guarantee posted to ensure the completion of all improvements and that said thirty percent (30%) may be applied against all improvements, regardless of when completed.
  2. If any portion of the required improvements is rejected, the obligor shall complete such improvements and, upon completion, shall notify the governing body and same procedures shall be followed as in the first instance.
  
- H. Conditions and Acceptance of Improvements. The approval of any application for development by the Borough shall in no way be construed as acceptance of any street or

drainage system, or any other improvement, nor shall such approval obligate the Borough in any way to exercise jurisdiction over such street or drainage system or other improvement. No improvement shall be accepted by the governing body unless and until all of the following conditions are met:

1. The Borough Engineer shall have certified in writing that the improvements are complete and that they comply with the requirements of this Chapter;
2. The final application for development shall have been approved by the Board;
3. The owner shall have filed with the governing body a maintenance guarantee in an amount equal to not more than fifteen percent (15%) of the cost of installing the improvements, to run for a period of two (2) years. The procedures and requirements governing such maintenance guarantee shall be identical with the procedures and requirements for a performance guarantee set forth in this Ordinance. The requirements for a maintenance guarantee may be waived by the governing body only if the Borough Engineer has certified that the improvements have been in continuous use for not less than two (2) years from the date the Borough Engineer certified completion of such improvements and that during this period the owner has maintained the improvements in a satisfactory manner and;
4. Prior to the acceptance by the Borough of any street or other improvement in a subdivision, or release of performance bond covering same, there shall be filed with the Borough Engineer a deed of dedication containing a metes and bounds description of all easements; two (2) paper prints, plus one (1) reproducible polyester film tracing (matte finish, base thickness-0.003 inches), "as-built" plans and profiles drawn to a scale of one inch (1") equals five feet (5') vertically, which plans and profiles shall be based on a final survey and shall be in the U.S. Coast and Geodetic control Survey datum. Such drawing shall show how streets and other improvements were actually constructed or installed. The following data must be shown with measurements from the property lines:
  - a. Plans and profiles of the streets showing elevations as constructed and reference bench marks.
  - b. Plans and profiles of sanitary storm sewers showing elevations of inverts of manholes and catch basins and elevations of inlet gratings and manhole rims; also locations of sanitary sewer laterals dimensioned from main and reference dimensions to "T" or "Y" connections from manholes.

Upon submission of the deeds for easements and the "as built" plans and profiles to the Borough Engineer, the governing body will consider the acceptance of any improvement and final release of the performance guaranty covering same within a period of not less than thirty (3) nor more than sixty (60) days following the submission by the developer of said deed and "as built" plans.

### **1-105 Off-Tract Improvements**

- A. *Improvements required.* Developers shall be required, as a condition for approval of a subdivision or site plan, to pay their prorated share of the cost of providing reasonable and necessary street improvements and water, sewerage and drainage facilities and easement located outside the property limits of the subdivision but necessitated or required by construction or improvements within the subdivision. The following criteria shall be utilized

in determining a developer's proportionate or prorated share of necessary off-tract improvements.

B. *Improvements to be constructed at sole expense of developer.* In cases where the reasonable and necessary need for an off-tract improvement or improvements necessitated or required by the proposed development application where no other property owners receive a special benefit thereby, the applicant may be required, as a condition of approval, at the applicant's sole expense, to provide for and construct such improvements as if such were an off-tract improvement in the manner provided hereafter and otherwise provide by law.

C. *Other improvements.* In cases where the need for any off-tract improvement is necessitated by the proposed development application and where it is determined that properties outside the development will also be benefited by the improvement, the following criteria shall be utilized in determining the developer's proportionate share of such improvements:

1. Sanitary sewers. For distribution facilities, including the installation, relocation or replacement of collector, trunk and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith, the applicant's proportionate share shall be computed as follows:

a. The capacity and the design of the sanitary sewer system shall be based on Rules and Regulations for the Preparation and Submission of Plans for Sewerage Systems, New Jersey Department of Environmental Protection.

b. Developer's pro rata share:

- The capacity for the existing system to service the entire improved drainage area shall be computed. If the system is able to carry the total developed drainage basin, no improvement or enlargement cost will be assigned to the developer. If the existing system does not have adequate capacity for the total developed drainage basin, the prorated enlargement or improvement share shall be computed as follows:

$$\frac{\text{Total enlargement or Improvement cost}}{\text{Developer's cost}} + \frac{\text{Total tributary gallons per day}}{\text{Development gallons per day}}$$

- If it is necessary to construct a new system in order to develop the sub-division, the prorated enlargement share to the developer shall be computed as follows:

$$\frac{\text{Total project cost}}{\text{Developer's cost}} = \frac{\text{Total tributary gallons per day to the new system}}{\text{Development gallons per day}}$$

- The plans for the improved system or extended system shall be prepared by the developer's engineer. All work shall be calculated by the developer and approved by the Borough Engineer.

2. Roadways. For street widening, alignment, channelization of intersections construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvement uncovered elsewhere, the construction or reconstruction of new or existing streets and other associated streets or traffic improvements, the applicant's cost shall be determined as follows:
- a. The Borough Engineer shall provide the applicant's engineer with the existing and anticipated peak-hour flows for the off-tract improvement.
  - b. The applicant shall furnish a plan for the proposed off-tract improvement, which shall include the estimated peak-hour traffic generated by the proposed development. The ratio of the peak-hour traffic generated by the proposed development to the future peak-hour shall form the basis of the proportionate share. The prorated share shall be computed as follows:

$$\frac{\text{Total cost of the roadway improvement and/or extension}}{\text{Developer's cost}} = \frac{\text{Future peak-hour traffic}}{\text{Future peak-hour traffic Generated by the development}}$$

3. Drainage improvements. For storm water and drainage improvement, including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, rip-rap or improved drainage ditches and appurtenances thereto and the relocation or replacement of other storm drainage facilities or appurtenances associated therewith, the applicant's proportionate share shall be determined as follows:
- a. The capacity and the design of the drainage system to accommodate storm water runoff shall be based on a method described in urban Hydrology for Small Watershed Technical Release 55, Soils Conservation Service U.S. Department of Agriculture, January 1975, as amended, and shall be computed by the developer's engineer and approved by the Borough Engineer.
  - b. The capacity of the enlarged, extended or improved system required for the subdivision and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer, subject to approval of the Borough Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the Borough Engineer. The prorated share for the proposed improvement shall be computed as follows:

$$\frac{\text{Total enlargement or improvement Cost of drainage facilities}}{\text{Developer's cost}} = \frac{\text{Total tributary cubic ft. per second}}{\text{Development cubic ft. per second}}$$

- D. Escrow accounts. Where the proposed off-tract improvement is to be undertaken at some future date, the moneys required for the improvement shall be deposited to the credit of the Borough in a separate account until such time as the improvement is constructed. If the off-tract improvement is not begun within ten (10) years of deposit, all moneys and interest shall be returned to the applicant.
- E. Computation for pro rata share. In any case in which an applicant shall not provide the approving authority with the estimates of a traffic consultant and/or consulting engineer with regard to estimated improvement costs and all other information necessary to proportion costs, the approving authority may rely on the estimates of the Borough Engineer.