

505A HOWARD STREET  
RIVERTON, NEW JERSEY 08077

**PROCEDURAL INSTRUCTIONS  
AND APPLICATION WHEN  
APPLYING FOR AN  
INFORMAL REVIEW OF  
CONCEPT PLANS FOR SITE  
PLANS AND SUBDIVISIONS**

**CONTACT  
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PLANNING BOARD SECRETARY**

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**Office Hours: Wednesdays 5:00-6:00 PM**

**BOROUGH OF RIVERTON**

**ORDINANCE 19 - 2005**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON AMENDING CHAPTER 22, ARTICLE I, SECTION VI TO ESTABLISH THE FORM OF APPLICATION FOR THE INFORMAL REVIEW OF CONCEPT PLANS FOR SITE PLANS AND SUBDIVISIONS SUBMITTED TO THE RIVERTON PLANNING BOARD, AND TO DETERMINE THE APPLICATION AND ESCROW FEES TO BE PAID BY DEVELOPERS REQUESTING SUCH INFORMAL REVIEWS**

**WHEREAS**, N.J.S.A. 40:55D-10.1 authorizes a municipal planning board to grant, at the request of a developer, an informal review of a concept plan for development for which the developer intends to prepare and submit an application for development; and

**WHEREAS**, the Riverton Planning Board has been receiving requests for the informal review of concept plans for site plans and subdivisions without an appropriate application form identifying the property, the proposal, the applicant and the applicant's professionals; and

**WHEREAS**, the review fees that have been charged by the Riverton Planning Board's professional staff have been paid from the Planning Board's budget and not by the applicants requesting informal review; and

**WHEREAS**, it is in the best interest of all involved parties to establish an application form to be utilized by developers requesting an informal review of concept plans and to establish the appropriate application and escrow fees for the review of said concept plans;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT:**

I. Chapter 22, Article I, Section 6 be amended and supplemented as follows:

**§22-6.1 Informal Review Application.**

Pursuant to N.J.S.A. 40:55D-10.1, the Planning Board shall grant an informal review of a

concept plan for development in accordance with the Informal Review Application attached hereto as Exhibit 1, and the procedures for submitting said Informal Review Application shall be as established within Section 22-6, except that an application for informal review of concept plans shall be filed not less than ten (10) days before the date of the monthly meeting of the Riverton Planning Board.

#### §22-6.2 Fees.

The fees to be paid by a developer requesting an information review of concept plans for site plans or subdivisions shall be as follows:

- a. Application Fee: Fifty dollars (\$50.00)
- b. Escrow Fee: The initial escrow fee shall be twenty five percent (25%) of the Escrow Fee required under Ordinance or Planning Board Rule and Regulations for the type of application proposed by the applicant.

Any unused Escrow Fee for informal review shall, at the option of the applicant, be returned or applied to an Escrow Account for review of a formal development application submitted by the applicant. Upon notice by the Planning Board, the applicant shall be required to replenish the Escrow Fee for informal review when the balance falls below fifty dollars (\$50.00).

The application and escrow fees for the informal review application shall be included in the Schedule of Fees maintained by the Riverton Planning Board.

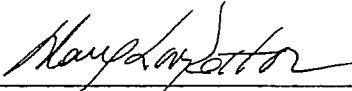
§22-6.3 If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

§22-6.4 All ordinances or parts of ordinances of the Borough of Riverton heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

II. This ordinance shall take effect immediately upon final passage. Notice of adoption shall be published as provided by law.

ATTEST:

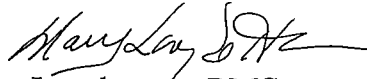
BOROUGH OF RIVERTON

By:   
MARY LONGBOTTOM  
BOROUGH CLERK

By:   
ROBERT MARTIN, MAYOR

CERTIFICATE OF CLERK

I, Mary Longbottom, Municipal Clerk of the Borough of Riverton, County of Burlington and State of New Jersey, do hereby CERTIFY that the foregoing to be a true and correct copy of an Ordinance introduced and passed by the Borough Council at a meeting of said Council held October 12, 2005, and said Ordinance was finally adopted at a regular meeting of the Borough Council held November 9, 2005, after a public hearing.

  
Mary Longbottom, RMC  
Municipal Clerk

RECORDED VOTE	AYE	NAY	ABSTAIN	ABSENT
DANIEL	✓			
VILLARI	✓			
SMYTH	✓			
GILMORE				✓
CESARETTI	✓			
ALLS-MOFFATT	✓			
MAYOR (TIE)				

Date of Submission \_\_\_\_\_

Received by  
Planning Board: \_\_\_\_\_

Borough of Riverton  
Informal Review Application

1. Applicant _____ Address _____ _____ Telephone _____ Fax _____	2. Owner _____ Address _____ _____ Telephone _____ Fax _____
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3. If Applicant is not the owner, attach copy of Agreement of Sale or Option Agreement between Owner and Applicant.

4. Type of Application

_____	Site Plan	
	Size of Property	_____
	Size of Building	_____
_____	Subdivision	
	Size of Property	_____
	Number of Lots	_____

5. Property Location

Street Address	_____	
Block No.	_____	Lot(s) No. _____
Zoning District	_____	

6. Name of Person who prepared plans	
Engineer _____	Architect _____
Address _____	Address _____
_____	_____
Telephone _____	Telephone _____
Fax _____	Fax _____

7. Description of Use

Present Use	_____	
Proposed Use	_____	
Hours of Operation	_____	Products to be Sold _____

8. Utilities

Public Water _____	Public Sewer _____
Well _____	Private (Septic) _____

9. Signature _____	By: _____
Date _____	

The Applicant shall not be bound by any concept plan for which informal review is requested; and the Planning Board shall not be bound by any such review.

4. §109-10. Fees shall be amended and supplemented as follows:

A. Filing Fee.

1. Site Plan - \$200.00.
2. Change of Use Application for Non-Residential Use - \$50.00

B. Minimum Starting Escrow Fee.

1. Non-residential Change of Use Application reviewed by the Planning Board Chairman and Zoning Officer - no escrow required
2. Site Plan, floor area less than 1,000 square feet - \$1,000.00
3. Site Plan, floor area less between 1,000 and 9,999 square feet - \$3,000.00
4. Site Plan, floor area 10,000 square feet and over - \$5,000.00.
5. Inspection escrow shall be six percent (6%) of the bonded amount.

C. Variances and Conditional Use. A request for variance or conditional use accompanying site plan will require the payment of the appropriate fee, as enumerated in the Zoning Ordinance of the Borough of Riverton, Chapter 128 of the Code of the Borough of Riverton, in addition to the site plan application and fee.

D. Other sums. Sums not utilized in the review and inspection process shall be returned to the applicant. If additional sums are deemed necessary for professional reviews or inspection, the applicant shall be notified of the required additional amount and shall add such sum to the escrow. An application for development will not be considered by the Planning Board or Zoning Board unless the Applicant's escrow account is current on the date of the scheduled hearing. Each applicant who shall submit a plan for site approval shall agree in writing and shall pay all reasonable costs for professional review of the said site plan and for inspection of improvements required by the Planning Board or Zoning Board. Such costs must be paid in full before any occupancy of the premises is permitted or occupancy permit issued.

E. Site Plan Waiver. An escrow fee of one hundred dollars (\$100.00) and a filing fee of \$50 shall be submitted with each application for site plan waiver. Said fees shall be applied toward the fee required for site plan in the event that the waiver is not granted.

5. **§113-48. Schedule of fees** shall be amended and supplemented as follows:

A. **Filing Fee**

- a. **Minor Subdivision** - \$200.00
- b. **Major Subdivision** - \$500.00

B. **Minimum Starting Escrow Fee.**

- 1. **Minor Subdivision** - \$500.00
- 2. **Major Subdivision** - \$4,000.00
- 3. **Inspection escrow** shall be six percent (6%) of the bonded amount.

C. **Variances.** A request for variance accompanying subdivision will require the payment of the appropriate fee, as enumerated in the Zoning Ordinance of the Borough of Riverton, Chapter 128 of the Riverton Code, in addition to the subdivision plan application and fee.

D. **Other sums.** Sums not utilized in the review and inspection process shall be returned to the applicant. If additional sums are deemed necessary for professional reviews or inspection, the applicant shall be notified of the required additional amount and shall add such sum to the escrow. An application for development will not be considered by the Planning Board or Zoning Board unless the Applicant's escrow account is current on the date of the scheduled hearing. Each applicant who shall submit a plan for subdivision approval shall agree in writing and shall pay all reasonable costs for professional review of the said subdivision plan and for inspection of improvements required by the Planning Board or Zoning Board. Such costs must be paid in full before any occupancy of the premises is permitted or occupancy permit issued.

6. **Chapter 128, Attachment 2,** shall be amended as follows:

Change \$250.00 to \$350.00 in Check-Off item 3c.

7. This Ordinance shall immediately take effect upon adoption.

**Borough of Riverton**

**ESCROW AGREEMENT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, Two  
Thousand and \_\_\_\_\_.

\_\_\_\_\_ is  
hereinafter referred to as "Applicant", the Planning Board or Zoning Board of  
Adjustment of the Borough of Riverton is hereinafter referred to as "Board", and the  
Borough of Riverton in the County of Burlington is hereinafter referred to as "Borough".

WHEREAS, Applicant is proceeding under the Site Plan Review Ordinance  
(Chapter 109 of the Borough Code), the Subdivision Ordinance (Chapter 113 of the  
Borough Code) and/or the Zoning Ordinance (Chapter 128 of the Borough Code),  
collectively, the "Ordinances", for approval of a \_\_\_\_\_  
\_\_\_\_\_ ; and

WHEREAS, the Ordinances require the applicant to establish an escrow whereby  
work required to be performed by professionals employed by the Board will be paid for  
by the Applicant as required under the provisions of the Ordinances cited above; now,  
therefore,

Section 1. PURPOSE.

The Applicant agrees to pay all reasonable professional fees incurred by the  
Board for the performance of its duties.

Section 2. ESCROW ESTABLISHED.

Applicant hereby creates an escrow to be established with the Borough Treasurer.

Section 3. ESCROW FUNDED.

Applicant, upon execution of this agreement, shall pay to the Borough, to be  
deposited in the escrow account established by the Borough Treasurer, such sums as are  
required by the Ordinances.

Section 4. INCREASE IN ESCROW FUND.

If during the existence of this escrow agreement the funds held by the escrow holder shall be insufficient to cover any voucher or bill submitted by the professional staff and reviewed and approved by the Board, Applicant shall within fourteen (14) days from the date of receipt of written notice deposit additional sums with the escrow holder to cover the amount of the deficit referred to above and such additional amounts reasonably anticipated by the Board to be needed to complete the application process.

FAILURE OF THE APPLICANT TO DEPOSIT ADDITIONAL FUNDS TO COVER ANY VOUCHER OR BILL WILL RESULT IN THE BOARD NOT CONSIDERING THE APPLICATION FOR DEVELOPMENT IF THE ESCROW ACCOUNT IS NOT CURRENT ON THE DATE OF THE PUBLIC HEARING AND MAY RESULT IN THE APPLICANT BEING SUBJECT TO ANY LEGAL ACTION THAT THE BOROUGH, THE BOARDS OR THEIR RESPECTIVE PROFESSIONAL STAFFS MAY HAVE TO ENFORCE THIS AGREEMENT.

The written notice referred to in this paragraph shall be sent to:

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Unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. The notice required under this paragraph shall be given by the Board or its designee.

#### Section 5. TIME OF PAYMENT.

The professionals referred to in this agreement, upon the conclusion of their services or periodically during the performance of their services, shall submit vouchers conforming to the requirements established by the Borough for vouchers of the type and kind referred to under this paragraph. Said vouchers shall include the amounts of all fees and costs incurred as a result of the services set forth under Section 1 of this agreement.

#### Section 6. PAYMENTS FROM ESCROW FUNDS.

The Board or its designee shall review the vouchers submitted by the professionals to determine whether the services have been performed in the manner and to the degree required by this agreement. Upon making a determination that said services have been performed properly, the Board or its designee shall process said vouchers in

the same manner and under the same terms as are normally employed for vouchers submitted for work performed on behalf of the Board. At the conclusion of this processing, the amounts specified in said vouchers shall be paid by the escrow holder from the escrow established pursuant to this agreement.

Section 7. GOVERNING LAW AND CONSENT TO JURISDICTION.

This Agreement shall be construed and enforced in accordance with, and shall be governed by, the laws of the State of New Jersey, without regard to its choice of law rules.

The Applicant agrees that any action or proceeding to enforce, or that arises out of this Agreement, may be commenced and maintained in the Superior Courts of the State of New Jersey, or in any United States District Court for the District of New Jersey, and Applicant hereby waives any objection to the jurisdiction of said courts in any litigation arising hereunder on the basis that such court is an inconvenient forum or otherwise.

IN WITNESS WHEREOF the parties hereto have set their hands and seal the date first written above.

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Applicant \*

\*If the applicant is a corporation, this signature must be attested to by an appropriate officer and the corporate seal must be affixed.