

BOROUGH OF DEMAREST
COUNTY OF BERGEN

ORDINANCE 1134 -2024

ORDINANCE AMENDING AND MODIFYING CHAPTER 175 ZONING, ARTICLE VIII.
ADMINISTRATION, 175-33 FEES AND ESCROW DEPOSIT FOR VARIANCE
AND CONDITIONAL USE APPLICATIONS
OF THE DEMAREST BOROUGH CODE

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 32 of the Demarest Borough Code pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. (amendments are highlighted, deletions strikethrough).

§ 175-33. Fees and Escrow Deposits for Variance and Conditional Use Applications

- A. An applicant for a variance or conditional use shall remit to the Borough of Demarest the following nonrefundable fees:
- 1) Variance pursuant to N.J.S.A. 40:55D-70a (Appeals) or 40:55D-70b (Interpretations): \$200
 - 2) Variance pursuant to N.J. S.A. 40:55D-70c (C Variances): ~~\$100 per variance requested, with \$200 minimum~~ \$250 + \$100 per additional variance
 - 3) Variance pursuant to N.J. S.A. 40:55D-70d (D Variances): \$500 per variance
 - 4) Conditional Use: \$500
- B. The application shall be accompanied by an escrow deposit to pay Borough Professional fees in the following amount:
- 1) Variance pursuant to N.J.S.A. 40:55D-70a (Appeals) or 40:55D-70b (Interpretations): ~~\$500.~~ \$2,500
 - 2) Variance pursuant to N.J. S.A. 40:55D-70c (C Variances): ~~\$200 per variance requested, with \$500 minimum.~~ \$2,500 + \$250 per additional variance
 - 3) Variance pursuant to N.J. S.A. 40:55D-70d (D Variances): ~~\$1,000.~~ \$3,000 + \$1,000 per additional variance
 - 4) Conditional Use: ~~\$1,000~~ \$5,000
- C. The escrow deposit posted hereunder shall remain on deposit with the Borough until the Attorney and Engineer for the Zoning Board of Adjustment certifies that all vouchers for services rendered in connection with the preparation and publication of a resolution memorializing the action of the Zoning Board of Adjustment with respect to the application have been paid in full, after which time any balance remaining shall be refunded upon issuance of a building permit. application before the Zoning Board of Adjustment have been paid in full, after which time any balance remaining shall be refunded upon request by the applicant after the issuance of a building permit.

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Demarest Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.


Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:



Julie Falkenstern
Acting Municipal Clerk



Brian Bernstein
Mayor

Introduced: 3/25/24
Adopted: 5/14/24