

Stow Creek Township Meeting May 13th, 2025

Present: Mayor Cruzan, Committeemen; Tom Burton, Chris Levick, Asst Clerk; Bruce Porter, Solicitor; Adam Telsey, Zoning Officer; Neal Sheppard, Ron Campbell Sr.; Clerk/Treasurer

Others present; Mr & Mrs Gerky, Mr Rarey

Mayor Cruzan Lead the Flag salute.

Mr. Burton prayed for guidance and wisdom

Minutes approved (Burton, Levick) as sent out.

Correspondence was read, no action taken.

Mr. Burton said the 'Watch Children' signage for Casper Road had been delivered, which is now up.

The **Zoning officer** reported a notice went out to a property owner on Jericho road about cleaning up the property.

The Committee approved the appointment of the new Planning Board member Tom Cianfarini.

The Solicitor opened the bids for the Gum Tree Property. Mr. Rarey bid \$5200.00 with a sliding bid to \$1000.00 above the highest bid. The Gerky's bid \$10,280.00. Mr. Rarey then was able to bid \$11,200.00 and win the bid. There was discussion between the parties about clean up and safety.

The Solicitor introduced the following resolution.

RESOLUTION #2025-50

REFERRING PROPOSED LAND USE ORDINANCE

AMENDMENT TO PLANNING BOARD PURSUANT TO

N.J.S.A. 40:55D-26, -62, -62.1 AND -64

Re: Proposed Ordinance No. 2025-40

BE IT RESOLVED, by the Stow Creek Township Committee, that it hereby refers the proposed ordinance entitled:

AN ORDINANCE AMENDING THE STOW CREEK TOWNSHIP LAND DEVELOPMENT ORDINANCE TO REVISE AND CLARIFY THE APPLICATION FEES AND REVIEW ESCROW REQUIREMENTS FOR PLANNING BOARD APPLICATIONS

to the Stow Creek Township Planning Board for the following purposes:

1. The Planning Board is requested to prepare and transmit to the Township Committee, within 35 days, a report including:
 - a. identification of any provisions in the proposed Ordinance that are inconsistent with the Stow Creek Township Master Plan, with recommendations concerning such inconsistencies and any other matters as the Planning Board deems appropriate;
 - b. confirmation that all of the provisions of the proposed Ordinance are either substantially consistent with the land use plan element and the housing plan element of the Stow Creek Township Master Plan, or designed to effectuate such plan elements.

- c. Confirmation that the proposed Ordinance does not include changes to zoning district classifications and boundaries, or any changes to bulk, density, or other requirements that could effect a fundamental or dramatic alteration in the intensity or character of future land use or development within any zoning district.

A motion was made (Burton, Levick) to approve this resolution. (3-0).

The following Ordinance was then introduced.

ORDINANCE NO. 2025-40

AN ORDINANCE AMENDING THE STOW CREEK TOWNSHIP LAND DEVELOPMENT ORDINANCE TO REVISE AND CLARIFY THE APPLICATION FEES AND REVIEW ESCROW REQUIREMENTS FOR PLANNING BOARD APPLICATIONS

WHEREAS, the Stow Creek Township Committee has determined that it is necessary and appropriate to revise the fee schedule and review escrow requirements for applications to the Stow Creek Township Planning Board as set forth herein;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Stow Creek, in the County of Cumberland, State of New Jersey, as follows:

- 1. Appendix EXHIBIT H of the Stow Creek Township Land Development Ordinance entitled “Fees and Escrow Deposits” is hereby replaced with the following new Appendix EXHIBIT H:

Fees and Escrow Deposits

Fees are required at the time of submission of an application to the Planning Board, by check payable to “Township of Stow Creek,” and including the reference “application fee” written in the check memo. Any application submitted without required fees will be certified incomplete upon written notice by the Planning Board Secretary prior to any further review for completeness by the Board or its professional consultants. The fees are as follows:

(1)	Agricultural Division (Section 4.17)		\$100
(2)	Ordinance Interpretation		\$300
(3)	Appeal of Zoning Officer Decision		\$300
(4)	One or More Variances Per <i>N.J.S.A.</i> 40:55D-70.d.	\$300	
(5)	One or More Variances Per <i>N.J.S.A.</i> 40:55D-70.c.	\$200	
(6)	Variance/Appeal Per <i>N.J.S.A.</i> 40:55D-36		\$200
(7)	Conditional Use Determination		\$200
(8)	Minor Subdivision (plus \$100 for each resulting lot inc. remainder)	\$200	
(9)	Preliminary Major Subdiv. (plus \$200 for each resulting lot inc. rem.)	\$200	
(10)	Final Major Subdivision		\$200
(11)	Minor Site Plan		\$200
(12)	Preliminary Major Site Plan (plus \$200 per acre/part acre disturbed)	\$200	
(13)	Final Major Site Plan		\$200
(14)	Nonconforming Structure/Use (<i>N.J.S.A.</i> 40:55D-68)	\$200	
(15)	Informal Discussion/Concept/Sketch Plan Review	\$100	
(16)	Any Other Application, Submission, or Request		\$200
(17)	Zoning Permit (Zoning Officer)		\$15
(18)	200-Foot List (Tax Assessor)		\$10

Initial review escrow deposits are required at the time of submission of an application to the Planning Board, by check payable to “Township of Stow Creek,” and including the reference “review escrow deposit” written in the check memo. Any application submitted without required initial review escrow deposits will be certified incomplete upon written notice by the Planning Board Secretary prior to any further review for completeness by the Board or its professional consultants. The initial review escrow deposits are as follows:

(1)	Agricultural Division (Section 4.17)		\$500
(2)	Ordinance Interpretation		\$1,000
(3)	Appeal of Zoning Officer Decision		\$1,000
(4)	One or More Variances Per <i>N.J.S.A.</i> 40:55D-70.d.	\$3,000	
(5)	One or More Variances Per <i>N.J.S.A.</i> 40:55D-70.c.	\$2,000	
(6)	Variance/Appeal Per <i>N.J.S.A.</i> 40:55D-36		\$2,000
(7)	Conditional Use Determination		\$2,000
(8)	Minor Subdivision		\$2,000
(9)	Preliminary Major Subdiv. (deposit for first 0-5 lots)	\$8,000	
(10)	Preliminary Major Subdiv. (add'l deposit for 6 or more lots*)	\$2,000	
(11)	Preliminary Major Subdiv. (*plus add'l dep. per lot over 20)	\$200	
(12)	Final Major Subdivision		\$4,000
(13)	Minor Site Plan		\$5,000
(14)	Preliminary Major Site Plan (deposit for first 0-1 acre disturbed)	\$8,000	

(15)	Prelim. Maj. Site Plan (add'l dep. for more than 1.01 dist. acre **)	\$2,000	
(16)	Prelim. Maj. S.P. (**plus add'l dep. per dist. acre/part acre over 5)	\$200	
(17)	Final Major Site Plan		\$4,000
(18)	Nonconforming Structure/Use (N.J.S.A. 40:55D-68)	\$3,000	
(19)	Informal Discussion/Concept/Sketch Plan Review	\$750	
(20)	Any Other Application, Submission, or Request		\$2,000

- A. The Planning Board Secretary shall deliver the initial review escrow deposits to the Township Chief Financial Officer (CFO) or Treasurer who shall establish a separate bank account for each applicant's review escrow. The applicant must provide all information and documentation reasonably requested by the CFO or Treasurer to establish the account. Review escrow accounts shall be separate from any inspection escrow accounts established pursuant to *N.J.S.A. 40:55D-53, et seq.*
- B. The Planning Board's and Township's professionals (including the Planning Board's and Township's Engineers, Planners, Solicitors, and any other professional consultant retained by the Board or the Township) shall charge the Township for review of applications; review and preparation of documents; review of compliance with conditions of approval or requests for modification or amendment made by the applicant; inspection of improvements and developments under construction; and other purposes under the provisions of the Stow Creek Land Development Ordinance and the Municipal Land Use Law, including review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Planning Board or Township. Such charges shall be submitted to the Township by bills and vouchers to the Planning Board Secretary and CFO or Treasurer on a monthly basis or at other reasonable intervals in accordance with schedules and procedures established by the CFO or Treasurer. The only costs that may be included in any such charges shall be actual out-of-pocket expenses of the professionals, including normal and typical expenses incurred in processing applications and inspecting improvements, or such other expenses as may be incurred at the direction of the Planning Board or Township in consultation with an applicant or applicant's legal counsel. Each bill and voucher shall identify the personnel performing the services; each date services are performed; the hours spent to at least one-quarter hour increments; the hourly rate; and any expenses incurred. The professionals shall simultaneously send informational copies of all bills and vouchers to the applicant. The CFO or Treasurer shall make all of the payments to the professionals for services rendered to the Planning Board or Township as required by *N.J.S.A. 40A:11-19.1*, and shall cause the Township to be reimbursed for all such payments from the applicant's review escrow, either before or after making such payments to the professionals.
- C. The CFO or Treasurer shall prepare and send to the applicant statements which shall include an accounting of funds listing all deposits, interest earnings, disbursements, and the cumulative balance of the review escrow account. This information may be provided at any time, but shall be provided at least on a quarterly basis if monthly charges are \$1,000 or less, or on a monthly basis if monthly charges exceed \$1,000.
- D. Whenever a review escrow account balance falls below fifty (50%) percent of the total initial escrow deposit amount, or otherwise contains insufficient funds to reimburse the Township for bills and vouchers that have been submitted or are anticipated for the above-described services, the CFO or Treasurer shall provide the applicant with written notice of the insufficient escrow balance. The notice shall require the applicant to replenish the review escrow in an amount sufficient to pay all submitted or anticipated professional bills as directed by the CFO or Treasurer, and to restore the escrow account balance to the total initial escrow deposit amount, provided that the CFO or Treasurer may require a lower replenishment amount if so recommended by the professionals or, if special circumstances attend any particular application, or if special consultants are being hired by the Planning Board or Township in connection with any particular application, the CFO or Treasurer may require such higher replenishment amount as may be recommended by the professionals. The applicant must remit the requested review escrow replenishment amount to the CFO or Treasurer within five (5) business days following the date of any request, or within such other reasonable deadline as may be determined by the CFO or Treasurer in consultation with the professionals.
- E. If a requested review escrow replenishment is not received by the specified deadline the CFO or Treasurer shall notify the professionals and the Planning Board Chair and Secretary, whereupon the Chair may request the professionals to cease work on the application until further notice unless otherwise agreed by the Township, the Planning Board, and the applicant, provided that, in the interim, any required health and safety inspections shall be made and included in the required replenishment amount.
- F. If a deadline for completeness review or decision on an application is approaching and a requested escrow replenishment has not been remitted as required, the Planning Board may certify the application incomplete and/or deny the application without prejudice pending payment of the replenishment amount and any additional amounts necessary to reimburse or pay the Township for professional billing that has accrued to date and restore the review escrow account balance to the required level. Any application denied without prejudice as provided above may be re-activated for further substantive review and decision without re-filing upon the applicant's written request and payment of the reapplication fee if the necessary replenishment is received within one year following the Board's denial. After that the application may be re-filed as a new application, provided that the applicant for any subsequent application made in connection with a property or part thereof that was subject to a previous application for which a previously required replenishment was not made shall, in addition to payment of all application fees and initial review escrow deposit amounts required for the new application, be conditioned on full payment or reimbursement to the Township for all professional bills relating to the previous application(s), and shall not be certified or deemed complete until such full payment/reimbursement is made.
- G. Upon receiving a written request from an applicant to close a review escrow account and refund any remaining balance pursuant to *N.J.S.A. 40:55D-53.1.d.*, the CFO or Treasurer shall write to all Planning Board and Township professionals and other professionals who have worked on the application requesting them to advise the CFO or Treasurer, within thirty days, of the status of each professional's billing, including any bills that have been submitted but not paid, any amounts accrued for which

bills have not yet been submitted, and whether and to what extent any further billing is anticipated based on the status of the application. Based on the responses from the professionals the CFO or Treasurer shall determine whether or not the review escrow account can be closed and refunded as requested, and/or whether, and in what amount, the review escrow account must be replenished to cover remaining or anticipated billing.

- H. Whenever an amount of review escrow money in excess of \$5,000.00 is deposited by an applicant, the money, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided above, shall continue to be the property of the applicant and shall be held in trust by the Township. The CFO or Treasurer shall deposit it in a banking institution or savings and loan association in this State insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The CFO or Treasurer shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The CFO or Treasurer shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100.00 for the year. If the amount of interest exceeds \$100.00, that entire amount shall belong to the applicant and shall be refunded to the applicant by the CFO or Treasurer annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the Township may retain for administrative expenses a sum equivalent to no more than 33⅓ % of that entire amount, which shall be in lieu of all other administrative and custodial expenses.
 - I. Inspection escrows posted as a condition or requirement of development approval shall be established as separate accounts and governed by *N.J.S.A. 40:55D-53, et seq.*
2. The Stow Creek Township Clerk is directed to give notice of this Ordinance pursuant to *N.J.S.A. 40:55D-15* to the Clerks of all municipalities adjoining Stow Creek Township and to the Cumberland County Planning Board at least ten (10) days prior to the dated scheduled for hearing on the adoption of this Ordinance.
 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph subsection, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.
 4. Any article, section, paragraph, subsection, clause, or other provision of the Stow Creek Township Land Development Ordinance that is inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.
 5. This Ordinance shall, following adoption and publication in accordance with the laws of the State of New Jersey, take effect immediately upon its filing with the Cumberland County Planning Board pursuant to *N.J.S.A. 40:55D-16*.

A motion was made (Burton, Levick) to approve this Ordinance on first reading (3-0).

The Committee discussed the Trailer Park and how many trailers are allowed. The Planning Board is researching more history.

The Treasurer sent out the Treasurers Report electronically. A motion was made (Burton, Levick) to pay the bills and adjourn the meeting.

Respectfully submitted,

Ron Campbell Sr RMC