

TOWNSHIP OF QUINTON PLANNING BOARD

JULY 14TH, 2015

REGULAR MEETING MINUTES

The regular meeting of the Planning Board was called to order at 7:00 p.m. at the Township of Quinton Municipal Building by Chairwoman, Margaret Maxwell-Mood.

Flag salute was held and it was determined that the meeting was posted in a public place and advertised in the official newspaper.

ROLL CALL: Donald Brown, Edward Counsellor, Margaret Maxwell-Mood, Raymond Owens, Edna Schermerhorn, Marjorie Sperry and Suzanne Van Sciver

Absent: Debra Emel, Kevin Hengeli and Cynthia Sherman

Also present: Gary Salber, Esq. Lawrence M. DiVietro, PE, PLS, Andrew Hogg, PE, and Bonita Bell

A motion was made by Edward Counsellor to approve the May 12th, 2015 Minutes, Marjorie Sperry seconded the motion. Raymond Owens abstained from voting, as he was absent from the May 12th, 2015 meeting, and everyone else was in favor. Motion so carried. The Minutes were approved.

Application 2015-01- James Reilley
Completeness and Hearing
Minor Subdivision - Lot Line Adjustment
Block 35, Lots 2.01 and 2.07, 107 Waterworks Drive,

Mr. Salber swore in the Applicant. Testimony was given by the Applicant regarding the Lot Line Adjustment for the above listed property.

Mr. DiVietro went over his review letter of July 6th, 2015. Mr. DiVietro pointed out that there was a correction on the lots in the reference. The Applicant testified that there was no proposed development at the site. Waivers would include perk test and trees. Requesting waivers for Items 3, 8, 10, 12 and 13 on the Checklist were in order as the Applicant submitted on the Application.

A motion was made by Marjorie Sperry to deem the Application complete. Donald Brown seconded the motion.

Roll Call Vote:

Donald Brown	-	yes
Edward Counsellor	-	yes
Margaret Maxwell-Mood	-	yes

Raymond Owens	-	yes
Edna Schermerhorn	-	yes
Marjorie Sperry	-	yes
Susan Van Sciver	-	yes

All were in approval. Motion so carried. The Application was deemed complete.

Mr. DiVietro explained the Technical Review portion of the July 6th, 2015 review letter. There is a Right of Way shown and the 40-foot wide right of way language needs to be incorporated in the new Deed. This language should be submitted to the Attorney, Engineer and Planner for review and approval.

At this time Marjorie Sperry made a motion to approve the Application with the Right of Way language incorporated in the Deed and submissions to the outside agencies. Raymond Owens seconded the Motion.

Roll Call Vote:

Donald Brown	-	yes
Edward Counsellor	-	yes
Margaret Maxwell-Mood	-	yes
Raymond Owens	-	yes
Edna Schermerhorn	-	yes
Marjorie Sperry	-	yes
Susan Van Sciver	-	yes

All were in approval. Motion so carried. The Application was deemed complete.

OLD BUSINESS

The Dollar General property at 500 Salem-Quinton Road was discussed. Complaints had come to the attention of the Township Committee that this property was not being well maintained and the decision on whether to release the bond needed to be discussed. It was determined that the Board Attorney would write a letter to the owners, Salem Quinton, LLC to correct the deficiencies.

NEW BUSINESS

The notification from Atlantic City Electric was discussed as required notification to conduct geotechnical investigation activities within the Atlantic City Electric's service areas.

Review of the term of the Board Members was discussed. It was decided that Suzanne Van Sciver will move from the position of Alternate I to fill in the

position that Zachary Patterson left vacant, which will expire on January 1st, 2018. Cynthia Sherman will move up from Alternate II to the Alternate I position. Mayor, Raymond Owens will look into filling the vacant slot for the Alternate II position and advise.

Procedure for the Escrow Funds and Application Fees as handled by the Board Secretary according the New Jersey Land Use Law was discussed. The responsibilities and steps of the Board Secretary as far as the Applications are submitted were given.

The following Summary was given to each of the Board Members as the appropriate steps that are to be followed:

Summary of Application Fees and Escrow Fund Process

Fees are provided at the time the applications are submitted to the Planning Board by providing two separate checks. One check is for the application fee and the other is for the escrow. These monies are kept into two different accounts under the control of the CFO. "The filing or application fee is the nonrefundable portion of the fee used to offset the cost of office handling and processing."¹ The escrow fund is the money held in trust in an escrow account to pay the professionals. "Under N.J.S.A. 40:55D-53.2, escrow funds are collected for actions or services rendered by the board professionals to the municipality in the review or inspection of an application."²

The Planning Board/Land Use Office receives the checks, "completes basic bookkeeping for the file and then turns the receipted money over to the finance department in a timely fashion".³ The checks accompany a copy of the Application Cover Sheet which details the information needed by the CFO to open the accounts.

"The land use office receives the money and turns it over to the finance department, which deposits it in a financial institution."⁴ Escrow deposits under \$5,000.00 do not require an IRS Form W-9 wherein an escrow deposit above \$5,000.00 requires an IRS Form W-9 for the Township's records. The escrow deposit of \$5,000.00 or above should be deposited in an interest bearing account with notification to the Applicant of the institution where the deposit is being made thus the requirement of the IRS Form W-9. The bank then sends a statement to the Applicant on a regular basis showing all activity for the account.

¹ Land Use Administration For New Jersey Municipalities, Rutgers October 2007, page 42, see also N.J.S.A. 40:55D-53.2a.

² Land Use Administration For New Jersey Municipalities, Rutgers October 2007, page 43, see also N.J.S.A. 40:55D-53.2.

³ Land Use Administration For New Jersey Municipalities, Rutgers October 2007, page 44

⁴ Land Use Administration For New Jersey Municipalities, Rutgers October 2007, page 45

Professionals submit the vouchers for payment as the work is completed for each applicant to the CFO for processing with a copy to the Applicant and to the Planning Board for the file. The CFO makes the payments from this account as the bills come in. Under N.J.S.A. 40:55D-53.2 the CFO provides reports to the Applicants on a monthly [over \$5,000.00 escrow deposit] and quarterly [under \$5,000.00 escrow deposit] basis. If the escrow account falls below the needed funds the "CFO must provide notice to the Applicant of the insufficient escrow or deposit balance".⁵

If the Applicant appeals any invoice from the professionals they have an appeal process to follow with the County Board of Construction Appeals and said appeal should be made within the statutory 45-day period following receipt of a voucher, or within 60 days of receipt of an accounting statement if voucher is not supplied.

Once the applicant has finalized the application with the Planning Board and all plans have been signed a "Close Out Process" is then initiated.

The following procedure is to be followed when the Applicants request their escrow refunds.

PLANNING BOARD ESCROW RETURN POLICY

State Law requires the applicants to follow a strict procedure in requesting the return of unused escrow funds:

40:55D-53.2 Municipal payments to professionals for services rendered; determination

13d. The following close-out procedures shall apply to all deposits and escrow accounts established under the provisions of P.L. 1975, c.291 (C.40:55D-1 et seq.) and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved as provided in section 41 of P.L. 1975, c.291 (C.40:55D-53), in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the chief financial officer of the municipality and the approving authority, and to the relevant municipal professional, that the

⁵ New Jersey Department of Community Affairs Division of Local Government Services, Chapter 54, P.L. 1995, 1995 Developer Escrow Statute Amendments, DLGS Annotation with Narrative Commentary, AN ACT Concerning certain fees required under the "Municipal Land use Law" amending P.L. 1991, c. 256 and P. L. 1975, and supplementing P.L. 1993, c.32 (C40:55D-40.1 et seq). Subsection c 6.

application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the chief financial officer of the municipality within 30 days, and shall send a copy simultaneously to the applicant. The chief financial officer of the municipality shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with section 1 of P.L. 1985, c315 (C:40:55D-53.1) shall be refunded to the developer along with the final accounting.

Certified letters are to be sent to the following Planning Board professionals:

Diane Bowman, CFO
Township of Quinton
P. O. Box 65, 885 Quinton Road
Quinton, NJ 08072
856.935.2325

Lawrence M. DiVietro, Jr., PLS, Planner
Land Dimensions Engineering
206 West High Street
Glassboro, NJ 08028
856.307.7800

Andrew Hogg, PE, Engineer
Land Dimensions Engineering
206 West High Street
Glassboro, NJ 08028
856.307.7800

Gary M. Salber, Solicitor
Law Offices
681 South Broadway, Suite 2
Post Office Box 280
Pennsville, NJ 08070
856.935.1995

Via Regular Mail to:

Bonita K. Bell, Planning Board Secretary
Quinton Township Planning Board
Post Office Box 227, 10 Cottage Avenue
Quinton, NJ 08072
856.362.0753

The following form has been provided for the Applicants to use when requesting the return of their escrow funds.

ESCROW RETURN REQUEST

Diane Bowman, CFO
Township of Quinton
P. O. Box 65, 885 Quinton Road
Quinton, NJ 08072

Date: _____

Via Certified, Return Receipt Mail #: _____

RE: **Application of:** _____
Application File #: _____

I am the Applicant in the above matter that has now been completed with the Quinton Township Planning Board. I am hereby requesting return of the unused escrow funds in my account. Please start the closeout procedure as required by law, within the time set forth required in the law.

The address to send the funds and any correspondence is:

The phone numbers and email addresses are:

Phones (cell/home/work): _____

Email: _____

I have also copied on this date via certified, return receipt mail to the below listed professionals at the addresses indicated below:

Lawrence M. DiVietro, Jr., PLS, Planner

Land Dimensions Engineering

206 West High Street

Glassboro, NJ 08028

CRRR#: _____

Andrew Hogg, PE, Engineer

Land Dimensions Engineering

206 West High Street

Glassboro, NJ 08028

CRRR#: _____

Gary M. Salber, Planning Board Solicitor

Law Offices

681 South Broadway, Suite 2, Post Office Box 280

Pennsville, NJ 08070

CRRR#: _____

Via Regular Mail to:

Bonita K. Bell, Planning Board Secretary

Quinton Township Planning Board

Post Office Box 227, 10 Cottage Avenue

Quinton, NJ 08072

856.362.0753

Thank you for your assistance in this matter.

(Signature of Applicant)

A motion was made by Edward Counsellor to adjourn the meeting. Marjorie Sperry seconded the motion. All were in favor. The meeting was adjourned at 7:28 p.m.

Respectfully submitted by:


Bonita K. Bell

Approved: August 11th, 2015