

**TOWNSHIP OF LONG HILL
ORDINANCE #330-14**

AN ORDINANCE REVISING AND CLARIFYING DEVELOPMENT FEES AND ESCROW DEPOSITS AND AMENDING SECTIONS 170 AND 180 OF THE TOWNSHIP LAND USE ORDINANCE

STATEMENT OF PURPOSE: To revise and clarify land development application fees and escrow deposits.

WHEREAS, the Planning Board in a April 17, 2014 memorandum from Township Planner Kevin O'Brien recommended that certain development application fees and escrow deposits be revised;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that §170 and §180 of the Township zoning ordinance are hereby amended as follows:

Section 1. The title of Section 180 is changed to "APPLICATION FEES, ESCROW DEPOSITS, GUARANTEES, DEVELOPMENT FEES AND IMPROVEMENTS."

Section 2. All ordinances that control the handling of fees and escrow deposits from existing Subsection 181 entitled "**DEVELOPMENT FEES**" and Subsection 182 entitled "**OTHER FEES**" are hereby consolidated in a new Subsection 181 which shall be entitled "**HANDLING OF APPLICATION FEES AND ESCROW DEPOSITS**". This new subsection 181 is attached hereto and incorporated herein by reference.

Section 3. All specified dollar amounts from existing Subsection 181 entitled "**DEVELOPMENT FEES**" and Subsection 182 entitled "**OTHER FEES**" are hereby consolidated in a new Subsection 182 which shall be entitled "**SCHEDULE OF FEE AND ESCROW DEPOSITS**". This new subsection 182 is attached hereto and incorporated herein by reference.

Section 4. Section 180 of the Township Code entitled "Application Fees, Escrow Deposits, Guarantees, Development Fees and Improvements" is amended to read as follows:

SECTION 180 APPLICATION FEES, ESCROW DEPOSITS, GUARANTEES, DEVELOPMENT FEES AND IMPROVEMENTS

181 HANDLING OF APPLICATION FEES AND ESCROW DEPOSITS

181.1 General

- a. Every applicant before the approving authority shall pay the fees and escrow deposits set forth in Section 182, "Schedule of Fee and Escrow Deposits".
- b. Unless otherwise stated, all fees are nonrefundable.
- c. There shall be a fee for each type of relief requested with the exception of charges pursuant to section 182, "Bulk Variances".

181.2 Hearings

- a. Special Hearing For each hearing scheduled outside of a boards regular meeting dates and/or times, the applicant shall pay a fee specified in section 182.
- b. Additional Hearing
 1. For each additional hearing, including a special hearing, the applicant shall pay the fee specified in section 182.
 2. A good faith escrow estimate shall be provided to the applicant in advance of the additional hearing and the applicant shall deposit the required amount into escrow at least 48 hours prior to the hearing date. The minimum estimate shall never be less than the escrow amount specified in section 182.
- c. Court Reporter Prior to the hearing, the applicant shall deposit into escrow the amount specified in section 182. The applicant shall pay the actual cost incurred for a court reporter prorated by the amount of time each applicant is heard at the hearing. This fee is in addition to the cost of obtaining a transcript of any hearing, which cost is to be borne by the person obtaining the transcript.
- d. Publication Escrow Every applicant shall pay an additional escrow deposit to cover the cost of the publication of any public notices specified in section 182.
- e. Canceled Meeting Fee If any application is withdrawn or if any hearing is canceled at the applicant's request after noon on the Friday preceding the scheduled meeting date, the applicant shall be charged the fee specified in section 182.

181.3 Rezoning Application

The applicant shall pay the fee and escrow specified in section 182. In addition, the applicant shall pay all appropriate application fees and professional review escrows including but not limited to those for any concept reviews, site inspections, map updates and/or additional hearings.

181.4 Tax Map Revision Fee

If map revisions are necessary, each lot in the final configuration shall require a fee specified in section 182. This fee shall be paid prior to the signing of the Final Plat or to the filing of deeds.

181.5 Funding and Handling of Escrow Accounts

- a. Professional services will not be undertaken until an application escrow account has been established and is appropriately funded in accordance with this section.
- b. The appropriate township official shall regularly verify that the escrow account balances are sufficient to cover anticipated future professional services.
- c. The appropriate township official shall provide the applicant with regular notices itemizing future anticipated costs. The official shall include the current fund balance and additional amounts required, if any.
- d. The applicant shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.
- e. In the event funds are deemed insufficient to cover present and anticipated future costs, the appropriate township official shall cause all work to immediately stop and shall direct an accounting of the escrow funds including any outstanding bills.

181.6 Billing Procedures

- a. All bills and vouchers submitted by township retained professionals shall itemize the services performed and include the ordinance item number, category and application type as found in section 182, "Schedule of Fee and Escrow Deposits".
- b. All bills and vouchers submitted by township retained professionals shall specify the time expended and the date the work was performed. The bill shall also set forth the hourly billing amount. The hourly billing amount shall be in accordance with the amount set forth in the contract between the professional and the Township or appropriate Board.
- c. All escrow funds not expended shall be refunded to the applicant within thirty (30) days after satisfaction of conditions of approval. The Township shall also provide the applicant with an accounting of the escrow funds.

182 SCHEDULE OF FEE AND ESCROW DEPOSITS

#	Category	Res	Non Res	Application	App Fee	Escrow Deposit
1	Pre-Hearing	•	•	Completeness Review		\$ 675
2	Site Plan	•	•	Planning Board waived site plan approval	\$ 650	\$ 2,500
3	Site Plan	•	•	Administrative waivers, ASPW Subcommittee	\$ 200	
4	Site Plan	•	•	Minor site plan	\$ 650	\$ 3,000
5	Site Plan	•		Major, Preliminary approval, residential	\$800 + \$260/lot or unit over three	\$3,600 + \$200/lot up to \$10,000 max.
6	Site Plan		•	Major, Preliminary approval, non-residential, Improved Site Area	\$650 + \$.033/SF over 2,000 SF	\$4,800 + \$0.25/SF
7	Site Plan		•	Major, Preliminary approval, non-residential, Altered Floor Area	\$650 + \$0.20/SF	
8	Site Plan	•	•	Major, Final site plan approval	25% of the preliminary site plan fee.	Nonresidential 25% of the escrow at time of preliminary
9	Site Plan	•	•	Major, Amended site plan	50% of the preliminary site plan fee.	25% of the escrow at time of preliminary
10	Site Plan	•	•	Each new sign	\$55 + \$1.00/SF	
11	Subdivision	•	•	Minor subdivision	\$ 1,000	\$ 3,000
12	Subdivision	•		Major, Preliminary approval, residential	\$2000 + \$500/lot	\$3,600 + \$200/lot up to \$10,000 max.
13	Subdivision		•	Major, Preliminary approval, non-residential	\$2000 + \$500/lot	\$4,800 + \$0.25/SF
14	Subdivision	•	•	Major, Final approval	25% of the preliminary fee.	25% of the escrow at time of preliminary
15	Subdivision	•	•	Tax Map Revision Fee	\$100/lot	
16	Subdivision or Site Plan	•	•	Concept review	\$ 320	\$ 2,500

#	Category	Res	Non Res	Application	App Fee	Escrow Deposit
17	Permit	•	•	Development Permit Fee	\$ 500	\$ 500
18	Permit	•	•	Development Permit waiver, Board approval	\$ 400	\$ 500
19	Permit	•	•	Development Permit waiver, Administrative approval	\$ 200	
20	Bulk variance	•	•	Bulk Variances: One fee and one escrow for all variances	\$ 650	\$ 4,000
21	Use variance	•		Each Use Variance: One and two family residential	\$ 650	\$ 5,000
22	Use variance	•		Each Use Variance: Three and more family residential	\$1,000 plus \$40/unit over 10 units	\$10,000 plus \$40/unit over 10 units
23	Use variance		•	Each Use Variance: Nonresidential	\$2,500 +\$0.13/SF over 1,000 SF	\$10,000 +\$0.13/SF over 1,000 SF
24	Hearing	•	•	Requests for extension of approval	\$ 200	\$ 1,750
25	Hearing	•	•	Appeals or interpretations	\$ 200	\$ 2,500
26	Hearing			Special Hearing	\$ 350	
27	Hearing	•	•	Additional Hearing, each. Escrow deposit is the minimum.	\$ 500	\$ 2,000
28	Hearing	•	•	Court Reporter		\$ 375
29	Hearing	•	•	Publication Escrow		\$ 130
30	Hearing	•	•	Canceled Meeting Fee	\$ 650	
31	Other App	•	•	All other applications	\$ 360	\$ 1,000
32	Other App	•	•	Certification of nonconforming use	\$ 480	\$ 3,500
33	Rezoning	•	•	Rezoning Application	\$ 500	\$ 3,000

Section 5. Subsection 173 entitled “**PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND BOARD OF ADJUSTMENT**” in Section 170 entitled “**LAND USE PROCEDURES**” is supplemented and amended by changing Subsection 173.4 entitled “Application Fees and Escrow Deposits” and by adding a new Subsection 173.4b entitled “Annual Review of the Fees and Escrow Schedule” which reads as follows:

173.4 Application Fees and Escrow Deposits

- a. Application fees and escrow deposits in connection with applications to the Planning Board and Board of Adjustment are set forth in Section 180 of this Ordinance.
- b. Annual Review of the Fee and Escrow Schedule
 - 1. Each September the appropriate township official shall prepare a report that reviews fee and escrow amounts in section 182. The report shall include recommended changes, if any, and shall be submitted to the Planning Board for consideration.

2. The Planning Board shall notify the Township Committee no later than December 15 annually that fee and escrows have been reviewed. If changes to the amounts of fees or escrows are necessary, the Planning Board shall make such recommendation.

This ordinance shall take effect immediately upon final passage and publication as required by law.

Township of Long Hill

Attest:

Guy Piserchia, Mayor

Cathy Reese, Township Clerk

NOTICE

The following Ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on May 28, 2014 and then considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on June 25, 2014 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at any such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC
Township Clerk

First Reading and Introduction: May 28, 2014

1st Publication: June 5, 2014

Referral to Planning Board: May 29, 2014

Response Received: June 12, 2014

Second Reading and Adoption: June 25, 2014

2nd Publication: July 10, 2014