

ORDINANCE NO. 2015-13

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 95, "DEVELOPMENT REGULATIONS", SECTION 95-3.14, "FEES, DEPOSITS AND OTHER CHARGES", SECTION 95-3.4, "CERTIFICATES AND PERMITS", AND SECTION 95-5.1, ZONING MAP AND SCHEDULES".

BE IT ORDAINED by the Township of Manalapan, County of Monmouth, State of New Jersey, as follows:

SECTION One. Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, Section 95-3.14, "Fees, deposits and other charges", be and the same is hereby amended and supplemented to read, in full, as follows:

"95-3.14. Fees, Escrow deposits and other charges.

- A. Fees due at time of filing. The fees, escrow deposits and other charges contained in this section shall be due and payable to the Township of Manalapan at the time of filing the application for development or appeal. Prior to the Planning Board, Zoning Board of Adjustment or Township Committee rendering a decision on an application for development or appeal, the Secretary or Clerk of the Board or of the Committee shall certify on the record that all of the required fees, deposits required and other charges have been paid. If not previously paid, the Board or Committee shall not render a final decision granting the relief requested until the applicant or appellant has paid the required deficient fees or given his assurance of payment to the Board or Committee in a form satisfactory to the Board or Committee.

B.

All

fees, and escrow deposits set forth herein are for various application types, and if an application has a request for approval of more than one type, the fee to be paid shall be equal to the sum of the fee for each type of relief sought or application made.

(1) Minor subdivision and major subdivision application fees shall be as follows:

(a) Fee for a minor subdivision shall be \$250, plus \$50 per lot

(b) Preliminary Major Subdivision . The fee shall be \$500 plus \$100 per unit.

(c) The fee for Final Major Subdivision approval shall be $\frac{1}{2}$ of the preliminary Major Subdivision application fee.

(d) The fee for an extension of time of a Minor Subdivision, Preliminary or Final Major Subdivision approval shall be \$250.

(e) The fee for an amended minor subdivision or amended preliminary or Final Major Subdivision shall be $\frac{1}{2}$ the original filing fee.

(2) Site plan application fees are as follows:

(a) Minor site plan or preliminary major site plan application.

[1] Nonresidential use. A fee shall be paid at the time of filing an application for site plan approval as follows:

[a] \$200 for change of use and/or any site improvements not including building addition.

[b] \$500 for any application proposing a new building or addition to an existing building having a gross floor area of less than 5,000 square feet.

[c] \$1,000 for any application proposing a new building or addition to an existing building having a gross floor area of 5,000 square feet or more but less than 10,000 square feet.

[d] \$1,000 plus \$250 for each 5,000 square foot interval or fraction thereof of building or addition to an existing building having a gross floor area of 10,000 square feet or more.

[2] Residential use fee shall be \$500, plus \$25 per unit up to 500 units and \$10 per unit thereafter. This fee shall apply to any development application proposing residential use which requires site plan approval.

(b) Final site plan application. The fee shall be ½ the original filing fee ~~of~~ for preliminary site plan application.

(c) Submission of amended site plan. The fee shall be ½ of the original application fee for the stage of application (preliminary or final). (d)

Extension of site plan approval as set forth and defined in N.J.S.A. 40:55D-49 and 40:55D-52. The fee shall be \$250 for the stage of application (preliminary, minor or final).

(3) Conditional use permits: \$200.

(4) Applications for variances (per building lot for which variances are required):

(a) Existing one- or multi-family residential use in a residential zone permitting such use (N.J.S.A. 40:55D-70c): \$200 (b)

Existing one- or multi-family residential use in a

zone not permitting such residential use (N.J.S.A. 40:55D-70d): \$300

- (c) New one- or multi-family residential use in a residential zone permitting such use (N.J.S.A. 40:55D-70c): \$300. (d)

New one- or multi-family residential use in a zone not permitting such use (N.J.S.A. 40:55D-70d): \$500. (e) For non-residential

Variances applied for pursuant to N.J.S.A. 40:55-D-70c other than as covered by Subsection **B(6)(a)** through **(d)** above: \$300.

- (f) Variances for non-residential uses applied for pursuant to N.J.S.A. 40:55-D-70d other than as covered by Subsection **B(6)(a)** through **(d)** above: \$500.

- (g) Application for new construction pursuant to N.J.S.A. 40:55D-36: \$500 per lot structure.

- (5) Application to hear and decide application pursuant to N.J.S.A.40:55D-70a: \$200.

- (6) Requests for interpretations pursuant to N.J.S.A. 40:55D-70b: \$250.

- (7) Variance applications for signs where no site plan review is involved, upon filing the application or appeal: \$250.

- (8) Fee for providing each list of property owners within 200 feet: \$25.
- (9) Publication of notice of decision on application for development if requested by the applicant: \$50.
- (10) The municipal agency's expert witness hired in accordance with this chapter: deposit amount determined by municipal agency. Fee shall be the actual amount billed to the Township of Manalapan by the expert witness. Copies of stenographic transcripts of proceedings before the municipal board or agency: actual cost billed to the Township.
- (11) Certificate of approval, subdivision, pre-existing nonconforming use: \$350.
- (12) Duplicate recording of proceedings before municipal board or agency: fees as established by Chapter 102 of Township Code.
- (13) Copies of any final decisions or other public documents: fees as established by Chapter **102 of** Township Code, for copies of public documents and services.
- (14) Informal review of site plan or subdivision concept plan: \$200per application or re-submission.
- (15) Certified copy of Zoning or Official Tax Map: \$5 per sheet.
- (16) Copy of development regulations: \$80 each.

- (17) Amended plans and applications. Amended plans and applications shall not include:
 - (a) A submission of a site plan or subdivision plan which previously received Board approval and the revision is submitted to conform to condition(s) of approval provided escrows have not been released.
 - (b) A submission for a site plan or subdivision plan which has been revised to comply with technical requirements such as, but not limited to, lighting specifications, paving specifications, drainage facility specifications, landscaping specifications or minor changes which do not require a public hearing provided escrows have not been released.
- (18) General development plan application: \$2,000.
- (19) Master plan or zone change request: \$250.

C. Escrow funds deposit.

- (1) General.
 - (a) The fees, deposits and charges for applications to the Planning Board and Board of Adjustment as provided for by law and established above are nonrefundable and are for purposes of offsetting administrative and clerical costs, exclusive of the legal, planning, engineering and other professional fees, costs and expenses which may be incurred and which are provided for hereinafter.

- (b)[2] In addition to the payment of the nonrefundable fees, deposits and charges, applications for site plan or subdivision or general development plan or applications for conditional use approval or for variance pursuant to N.J.S.A. 40:55D-70d where nonresidential use is proposed shall be accompanied by a deposit or escrow funds in accordance with the provisions of this subsection.
 - (c) All costs, expenses and fees incurred by the Planning Board, Board of Adjustment or Township, or other board, commission agency of the Township, for the services of a planner, engineer, attorney or other professional consultant or expert incurred during the development review process shall be paid by the Planning Board, Board of Adjustment or Township from the escrow funds.
 - (d) Escrow funds deposited under this subsection shall not be utilized to pay inspection costs required during the construction process.
- (2) Applicability of escrow funds and escrow amounts. Escrow funds in the amount specified herein shall be required at the time of filing of the following applications:
- (a) Preliminary major subdivision application or preliminary major site plan application, conditional use and/or use variance for residential use or an amended application for any of the aforementioned categories.

Number of Lots or Units	Escrow Amount
10 or fewer	\$3,000 plus \$100 per lot or unit

11 to 25	\$3,000 plus \$75 per lot or unit
26 to 100	\$5,000 plus \$60 per lot or unit
In excess of 100	\$7,500 plus \$50 per lot or unit

(b) Final major subdivision application or final site plan application for residential use or an amended application for any of the aforementioned categories.

Number of Lots Or Units	Escrow Amount
10 or fewer	\$3,000 plus \$75 per lot or unit
11 to 25	\$3,000 plus \$60 per lot or unit
26 to 100	\$3,000 plus \$50 per lot or unit
In excess of 100	\$3,000 plus \$40 per lot or unit

(c) Final Major Subdivision or Final Major Site Plan escrow fees shall be ½ the amounts calculated above if the Final Subdivision or Final Major Site Plan application is filed simultaneously with the application for preliminary approval.

(d) If a development application contains lots or units restricted to low- or moderate-income households, as generally defined by the zoning ordinances of the Township of Manalapan, those lots or units so restricted shall not be included in the computation of the required escrow amount.

(e) Nonresidential preliminary site plan approval:

Gross Floor Area (square feet)	Escrow Amount
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Less than 10,001	\$5,000
10,001 to 50,000	\$5,000 plus \$500 for each 10,000 square feet of floor area or fraction thereof over 10,001 square feet
In excess of 50,000	\$7,500 plus \$1,000 for each 25,000 square feet of floor area or fraction thereof over 50,001 square feet

(f)[1] Variance application pursuant to N.J.S.A. 40:55D-70d: \$3,000 (\$1,500 if included as part of a Preliminary or Final Major Site Plan or Subdivision application.)

[2] Other applications:

Conditional Uses	\$500.00
Interpretation of Zoning Map or Ordinance	\$500.00
Hear and decide appeals of administrative official	\$500.00
Certificate of non-conformity	\$500.00
Variance pursuant to 40:55D-70c	\$500.00*
*Not part of a Site Plan or Subdivision application.	

(g) Nonresidential final site plan approval: ½ the original escrow fee paid at the time of filing preliminary site plan application or ¼ the escrow fee required for a Preliminary Site Plan application if filed simultaneously with the Preliminary Site Plan application..

(h) Minor subdivision and minor site plan applications shall require an escrow fund deposit in the amount of \$3,000, except that the

amount of \$1,500 shall be required for a resubdivision in which lot lines are moved and no new lots are created.

- (i) Applications involving more than one of the above categories shall deposit the appropriate escrow amounts required under each category.
 - (j) Review of a general development plan: \$5,000.
 - (k) Master Plan or zoning change request: \$1,500.
 - (l) Informal professional review of a concept plan for a subdivision or site plan: \$1,000.
- D. Procedural requirements. (1) Prior to an application which requires the deposit of escrow funds being determined complete by the Planning Board or Board of Adjustment, the applicant shall post the required escrow amount with the Planning Board Administrative Officer in the form of cash, certified check or money order and the applicant and the property owner shall execute an escrow agreement in the form approved by the Township Attorney.
- (2) The applicant shall be required to deposit additional escrow funds when the escrow has been depleted to 20% of the original escrow amount. When escrow funds have been so depleted, the Township Finance Officer shall notify the appropriate Board and the consultants and experts. The consultants and experts shall notify the Township Finance Officer as to additional costs anticipated.

The Board shall not take action on the application until additional escrow funds adequate to cover anticipated costs have been deposited by the applicant.

(3) All billing by and disbursements to professionals or experts shall be governed by the procedures set forth in N.J.S.A. 40:55D-53.2.

(4) No plans or application shall be reviewed, commented on nor work performed by the Township's professional staff in the absence of adequate escrows. No work may be performed or services rendered after the release of an applicants or developer's escrows. Post release services may only be performed after the posting of new escrows sufficient to cover the services.

(d) The fees, deposits and other charges stated above are to be cumulative, inasmuch as where an application or appeal to a Board contains requests for relief or review under more than one of the subsections [§95-3.14B(1) through (24)] and/or other charges and deposits are required, the total fees, other charges and deposits to be paid by the applicant or appellant shall be the cumulative total of the separate charges for each such application subsection.

E. For any plat or plan on which the fees were paid prior to the effective date of this subsection and for which an amendment to the preliminary or final plat or plan is hereinafter applied for, the fees to be charged shall be 1/2 the fees as determined by this subsection, as if the applicant had filed his

original application as of a date one day following the effective date of this subsection.

- F. Where an application for development is deemed incomplete by the municipal agencies to which the application has been made, due to the drawings and/or sketch plans not conforming to the Manalapan Township Development Regulations, then, for purposes of defraying the costs and fees incurred by the agency in reprocessing the application, the agency may require upon resubmission of the application, the payment by the applicant of additional application fees not to exceed 50% of the fees charged for the application when originally submitted.
- G. Waiver. The Board shall waive or exempt those charitable, philanthropic, fraternal and religious nonprofit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. §501(c) or (d)] from the payment of those application fees established by this Chapter. The Board shall not waive the escrow fees required hereunder. This waiver or exemption shall apply to only those applications for development which are directly related to a nonprofit purpose or activity.
- H. The fee for individual residential lots without subdivision approval, minor subdivision approval or lacking escrow fees posted as a part of a major subdivision approval shall be \$500 for review of plot grading plan, driveway/sidewalk inspection, engineering inspection and certificate of occupancy inspection. In the event the cost of the inspection or review

shall exceed \$500, the applicant shall pay such additional costs based upon the hourly charges made to the Township.

- I. The fee for irrevocable license permit application pursuant to §95-7.24D shall be \$100 for review of the plan and processing of the application.
- J. Engineering inspection **escrow** fees shall be paid by all applicants prior to the work commencing on the site. The fee shall be based upon the Engineer's estimate of all standard outside improvements, including, **but not limited to, storm drainage, parking areas, access driveways, traffic signage and striping, fencing, curbing, sidewalk, site lighting, landscaping, etc.** The inspection fees to be paid shall be equal to 5% of the cost of the improvements as estimated by the Engineer.”

Section Two. Chapter 95, “Development Regulations”, §95-3.4, “Certificates and permits”, §95-3.4A(6) and §95-3.4A(6)(t), be and the same are hereby amended to delete the references to “\$45” and to substitute therefor “\$55”, as the zoning permit fee.

Section Three. Chapter 95, “Development Regulations”, §95-5.1, “Zoning map and schedules”, Exhibit 5-1, “Residential Districts Schedule of Area, Yard and Building Requirements”, be and the same is hereby amended with respect to minimum yard requirements for principal buildings or structures as to the street side with respect to the R-AG and R-R Zones to amend the required set back of a principal building or structure from the street side in the R-AG Zone from 35 feet to 90 feet and in the R-R Zone from 60 feet to 90 feet.

Section Four. Chapter 95, “Development Regulations”, §95-5.1, “Zoning map and schedules”, Exhibit 5-1, “Residential Districts Schedule of Area, Yard and Building Requirements”, be and the same is hereby amended with respect to minimum yard requirements

for accessory buildings or structures as to the street side with respect to the R-AG, R-R and R-AG/4 Zones to amend the required set back of an accessory building or structure on the street side from 60 feet to 90 feet.

Section Five. Chapter 95, “Development Regulations”, §95-5.1, “Zoning map and schedules”, Exhibit 5-1, “Residential Districts Schedule of Area, Yard and Building Requirements”, be and the same is hereby amended and supplemented to add thereto the following Note pertaining to the R-TF/TH District as Note (8)e:

“e. For accessory structures located on properties that share a common side lot line, the setback shall be 0 (zero).”

Section Six. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

Section Seven. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Section Eight. This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on August 12, 2015 and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on September 9, 2015 at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of September 9, 2015.

REGINA PRETEROTI, RMC
Municipal Clerk