

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 9-2017

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 190-61 OF THE TOWNSHIP CODE
SETTING FORTH AND ADOPTING A NEW FEE AND
ESCROW SCHEDULE FOR THE MUNICIPAL LAND USE
AND DEVELOPMENT CODE**

WHEREAS, the Township of Pemberton (the "Township") finds it necessary and appropriate to update the fee and escrow schedules for certain land use applications currently contained in the Township Code.

NOW, THEREFORE, IT IS ORDAINED by the Township Council of the Township of Pemberton, in the County of Burlington and State of New Jersey that Article XIII entitled "Fees", of Chapter 190, entitled "Zoning" of the Township Code shall be hereby amended solely as set forth herein:

§ 190-61 Fees required of applicants.

F. Schedule of Fees and Escrow Sums.

(1) Informal review by Planning Board.

- (a) Application fee: \$50, required to be posted only if applicant requests that plans be reviewed by consultants.
- (b) Escrow deposit: ~~\$500~~200, required to be posted only if applicant requests review by Board professionals.

(2) Minor subdivisions.

- (a) Application fee: \$100.
- (b) Escrow deposit: ~~\$300~~150 per lot.

(3) Sketch plat, major subdivision.

- (a) Application fee: \$100.
- (b) Escrow deposit: ~~\$75~~50 per lot.

(4) Preliminary major subdivision.

- (a) Application fee: \$100, plus \$20 per lot.
- (b) Escrow deposit: ~~\$1,050~~500, plus \$75 per lot.
- (c) Inspection escrow, site improvements: at the rate of 6% of engineer's estimated costs of improvements; shall be paid at the time preliminary approval is granted and prior to commencement of construction. Applicant or his agent will notify the engineer, in writing, 48 hours prior to the start of any construction work.

(5) Final major subdivision.

- (a) Application fee: \$100, plus \$10 per lot.
- (b) Escrow deposit: ~~\$550~~300, plus \$25 per lot.
- (c) Inspection escrow, site improvements: at the rate of 6% of engineer's estimated costs of improvements; shall be paid at the time final approval is granted prior to commencement of construction. Applicant or his agent will notify the engineer, in writing, 48 hours prior to the start of any construction work.
- (d) Certificate of occupancy; performance guaranty. A certificate of occupancy shall not be issued until all the required improvements have been installed and approved and are functioning properly for that building or portion of a building for which the certificate of occupancy is requested in accordance with the provisions of this chapter, nor shall any certificate of occupancy be issued for any building or portion of a building where other improvements remain to be constructed elsewhere, on or off the site, in order to complete the entire project until a performance guaranty acceptable to the governing body, in a form approved by the Township Attorney, in an amount not to exceed 120% of the costs to complete all remaining improvements within one year, is in hand, the cost for or completion to be determined by the Township Engineer. The Township Committee may require a maintenance guaranty for any or all off-site improvements for a period not to exceed two years and in an amount not to exceed 15% of the cost of the improvement.

(6) Minor site plan or waiver of site plan.

- (a) Application fee: \$100.
- (b) Escrow deposit: ~~\$800~~350.
- (c) Escrow deposit for waiver: ~~\$350~~150.

(7) Preliminary major site plan.

- (a) Application fee: \$250.
- (b) Escrow deposit: ~~\$1,300~~500, plus \$50 per acre.

(8) Final major site plan.

- (a) Application fee: \$200.
- (b) Escrow deposit: ~~\$800~~200, plus \$20 per acre.
- (c) Certificate of occupancy; performance guaranty. A certificate of occupancy shall not be issued until all the required improvements have been installed and approved and are functioning properly for that building or portion of a building for which the certificate of occupancy is requested in accordance with the provisions of this chapter, nor shall any certificate of occupancy be issued for any building or portion of a building where other improvements remain to be constructed elsewhere, on or off the site, in order to complete the entire project

until a performance guaranty acceptable to the governing body, in a form approved by the Township Attorney, in an amount not to exceed 120% of the costs to complete all remaining improvements within one year is in hand, the cost for or completion to be determined by the Township Engineer. The Township Committee may require a maintenance guaranty for any or all off-site improvements for a period not to exceed two years and in an amount not to exceed 15% of the cost of the improvement.

(9) Revised site plan or subdivision. The applicant will be required, for any filing not requiring a new application, to post an additional escrow deposit in the amount of \$350~~sum equal to one fourth (1/4) of the escrow deposit normally established for the proposed use as set forth above.~~

(10) Requests for extensions of approvals.

(a) Requests for extensions of preliminary approval.

(1) Application fee: \$50.

(2) Escrow deposit: \$550~~200~~.

(b) Requests for extensions of final approval.

(1) Application fee: \$50.

(2) Escrow deposit: \$550~~200~~.

(11) Conditional use.

(a) Application fee: \$200.

(b) Escrow deposit: \$400 per acre, with \$750~~700~~ as a minimum.

(12) Rezoning.

(a) Application fee: \$100.

(b) Escrow deposit: \$2,050~~2,000~~.

(13) Use variances.

(a) Residential:

(1) Application fee: \$50.

(2) Escrow deposit: \$550~~425~~.

(b) Commercial:

(1) Application fee: \$200.

(2) Escrow deposit: \$800~~400~~.

(c) Industrial:

(1) Application fee: \$250.

(2) Escrow deposit: ~~\$800~~500.

(14) Bulk variances.

(a) Residential:

(1) Application fee: \$50.

(2) Escrow deposit: ~~\$550~~125.

(b) Commercial:

(1) Application fee: \$150.

(2) Escrow deposit: ~~\$800~~250.

(c) Industrial:

(1) Application fee: \$150.

(2) Escrow deposit: ~~\$800~~300.

(15) Appeals from decision of Building or Zoning Official.

(a) Application fee: \$50.

(b) Escrow deposit: ~~\$550~~100.

(16) Interpretation by Zoning Board of Adjustment.

(a) Application fee: \$50.

(b) Escrow deposit: ~~\$550~~125.

(16.1) Determination by the Zoning Board of Adjustment as to whether or not a use or structure is nonconforming.

(a) Application fee: \$200.

(b) Escrow deposit: ~~\$650~~400.

(17) Inspection escrow. Equivalent to 6% of the performance bond as calculated by the reviewing board's engineer; shall be posted prior to construction of an on- or off-site improvement.

(18) Waiver. The reviewing agency shall have the power in appropriate cases to compromise or waive the escrow sums required in this section where an applicant shall present to the reviewing board sufficient proof acceptable to said board that the cost incurred by the Township would not necessitate the posting of the specified sums.

(19) Copy of a decision of the governing body to an interested party in connection with an appeal: actual cost of photocopies and mailing.

(20) Filing of easement. Twenty-five dollars per easement document (sight, right-of-way, conservation, drainage, etc.). The fees for easements shall be paid prior to the signing of deeds and/or plats for a development application.

(21) Tax Map amendment. The applicant will be responsible for paying all reasonable charges incurred by the Township Engineer in amending the Tax Map.

(22) Litigation fees. Where as a result of a failure of an applicant to pay escrow fees as set forth in this section the Township is required to institute suit to collect said fees from the applicant, the applicant shall be liable to the municipality for both the payment of the escrow fees due and of reasonable attorney's fees and costs of suit incurred by the municipality in the collection of said fees.

(23) Fees of professionals employed by the Township shall be those determined annually by a professional service agreement with the reviewing agency.

(24) Inspection escrow, site improvements. At the rate of 6% of engineer's estimated costs of improvements; shall be paid at the time final approval is granted and prior to commencement of construction. Applicant or his agent will notify the engineer, in writing, 48 hours prior to the start of any construction work.

(25) ~~Publication-~~The actual costs of publication in a newspaper of a decision of the Planning Board or the Zoning Board of Adjustment as required by applicable law shall be charged to the applicant's escrow deposit: \$20.

(26) Appeals of use variance approvals to the governing body.

(a) Application fee: \$7550.

(27) Transcripts.

(a) On appeal of a Zoning Board decision to the governing body, appellant shall pay a deposit of \$50 or the estimated cost of a transcript, whichever is less.

(b) On appeal to Superior Court where a transcript of a municipal agency is required, applicant shall pay a transcript fee of \$100 and shall further be responsible for the balance of the cost of the transcript before said transcript is delivered to applicant.

(28) Forestry. Application and administrative fees shall be in accordance with § 190-50E(4) and (5).

IT IS FURTHER ORDAINED that all provisions contained within Article VIII, entitled "Fees", of Chapter 190, entitled "Zoning" of the Township Code not specifically amended herein shall remain in full force and effect; and

IT IS FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PEMBERTON TOWNSHIP COUNCIL

**TOWNSHIP OF PEMBERTON
NOTICE OF PUBLIC HEARING
ORDINANCE NO. 9-2017**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 190-61 OF THE TOWNSHIP CODE
SETTING FORTH AND ADOPTING A NEW FEE AND
ESCROW SCHEDULE FOR THE MUNICIPAL LAND USE
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The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on March 1, 2017, and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on March 15, 2017 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON
NOTICE OF FINAL PASSAGE
ORDINANCE NO. 9-2017**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 190-61 OF THE TOWNSHIP CODE
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Notice is hereby given that Ordinance No. 9-2017 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on March 15, 2017. Said Ordinance shall take effect in accordance with law.

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR


David A. Patriarca

DATE March 22 2017

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK