

TOWNSHIP OF HARDYSTON
ORDINANCE #2011-14

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 88, FEES, OF THE REVISED GENERAL ORDINANCES TO INCLUDE FEES FOR RESUBMISSIONS, REAPPROVALS AND AMENDMENTS TO SITE PLANS AND GENERAL DEVELOPMENT PLANS, AND AMENDING THE REQUIREMENTS FOR MINIMUM ESCROW DEPOSITS

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 88, Fees Section 88-3, Land Use Fees, Subsection A. (3) of the aforesaid Revised General Ordinances is hereby amended to read as follows:

(3) Site plans - application fees.

- (a) Preliminary site plan application: \$200 base fee plus \$10 per 100 square feet of proposed building space plus \$0.50 per 1,000 square feet of disturbed land area (including areas to be re-vegetated.).
- (b) Final site plan application: 50% of preliminary site plan application fee.
- (c) ***Resubmission, re-approval or substantial amendment to prior approval: \$2.50 per 100 square feet of the proposed total building space if any changes are proposed to buildings plus \$0.25 per 1,000 square feet of the land area to be disturbed based on the amendment (including areas to be re-vegetated.) Minimum application fee shall be \$500.00***
- (d) Minor Site Plans: \$100.00

SECTION 2. Chapter 88, Fees, Section 88-3, Land Use Fees, Subsection H. (1) (d) of the aforesaid Revised General Ordinances is hereby amended to read as follows:

- (d) Escrow amounts for land disturbance. The escrow funds for review of applications involving land disturbance, but not site improvements or review of conceptual plans, shall be calculated as follows:

Area of Land Disturbance	Escrow Fund
Over 5,000 square feet	0.1 x area of disturbance
Concept Plan Review	\$500

(e) Minimum escrow deposits for land-use applications shall be as follows:
follows:

		Minimum Escrow Deposit
Subdivision:		
Initial subdivision	Minor	\$1,000
	Preliminary	\$1,500
	Final	\$1,000
Amendment	Minor	\$500
	Preliminary	\$750
	Final	\$500
Site plan:		
Initial subdivision	Minor	\$1,000
	Preliminary	\$1,500
	Final	\$1,000
Amendment	Minor	\$500
	Preliminary	\$750
	Final	\$500
Conditional Use:		
Only		\$750
As part of another application		\$200
Variance:		
Only a, b, c, 35/36		\$700
As part of another application		\$200
Only "d" variance		

10 acres or less	\$1,000
More than 10 acres	\$1,500
As part of another application	
10 acres or less	\$250
More than 10 acres	\$400

SECTION 3. Chapter 88, Fees, Section 88-3, Land Use Fees, Subsection (N) of the aforesaid Revised General Ordinances is hereby amended to read as follows:

N. Application fee for General Development Plan and/or Master Plan/preliminary approval for planned developments.

(1) Fee shall be the total of the following:

- (a) Five dollars per acre of total project area.
- (b) Ten dollars per proposed residential unit.
- (c) Ten dollars per room for hotel or conference center development.
- (d) Five dollars per 100 square feet of nonresidential buildings, excluding hotels and conference centers.

(2) *Fee for Amendments to the General Development Plan and/or Master Plan/preliminary approval for a planned development shall be the total of the following:*

- (a) *Two dollars and Fifty cents per acre of the additional area which would be disturbed based on the amendment.***
- (b) *Five dollars for each residential unit in any residential or multi-use building being added, modified or eliminated from the approved plan***
- (c) *Five dollars per room for hotels and conference center added, modified or eliminated from the approved plan.***
- (d) *Two dollars and Fifty cents per 100 square feet of non-residential building or non-residential portion of a multi-use building being added modified or eliminated excluding hotels and conference centers.***

SECTION 4. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

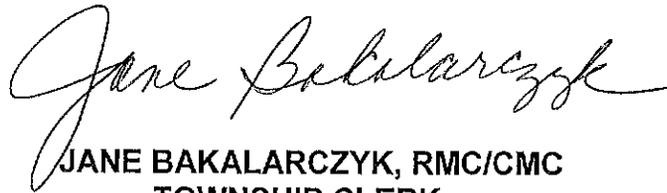
SECTION 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on September 20, 2011. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on October 4, 2011, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

**BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON.**


**JANE BAKALARCZYK, RMC/CMC
TOWNSHIP CLERK**

§ 88-3. Land use fees.

A. Base application fees of municipal agency. Base application fees shall be payable to the Township of Hardyston for application to the municipal agency as hereinafter provided. Such payment shall be made to the administrative officer with whom the application for development or other application is filed at the time of filing said application. The municipal agency shall have the sole authority to determine whether a substantial amendment has been made to the original submission.

[Amended 3-1-2011 by Ord. No. 2011-01]

(1) Minor subdivision - base application fees.

- (a) Upon original submission of minor subdivision application for all minor subdivisions: \$350.
- (b) Each resubmission and/or reapproval on an original application or any map for a minor subdivision which has expired pursuant to N.J.S.A. 40:55D-47: 1/2 of the original submission fee effective as of the date of resubmission.

(2) Major subdivisions - base application fees.

- (a) Preliminary plat - original submission: minimum application fee, \$250, plus an additional fee of \$50 for each lot shown on plat.
- (b) Preliminary plat - resubmission, reapproval or substantial amendment: minimum application fee, 1/2 of the original submission fee as of the date of the resubmission and/or reapproval, and provided that the resubmission is filed within six months of disapproval of the original subdivision.
- (c) Final plat - original submission: minimum application fee of \$250, plus an additional \$10 for each lot shown on the plat.
- (d) Final plat - resubmission or reapproval: 1/2 of the original application fee, but not less than \$75 if it encompasses the same land as the original final subdivision, and provided that the resubmission is filed within three years of preliminary approval.

(3) Site plans - base application fees.

- (a) Preliminary site plan application: \$200 base fee, plus \$10 per 100 square feet of proposed building space, plus \$0.50 per 1,000 square feet of disturbed land area.
- (b) Final site plan application: 50% of preliminary site plan application fee.
- (c) Minor site plans: \$100.
- (d) Review fee escrow deposit required: \$400.

(4) Variances - base application fees.

(a) For each application requesting variance relief pursuant to N.J.S.A. 40:55D-70(a), (b), (c) and/or (d), the following application fees shall apply:

	Residential	Commercial	Industrial
(a) Appeal	\$250	\$350	\$350
(b) Interpretation	\$250	\$350	\$350
(c) Bulk variance	\$250	\$350	\$350
(d) Use variance	\$400	\$500	\$1,000
35/36 street	\$250	\$250	\$250
Conditional use	\$300		

(b) In the event that more than one variance is sought, the applicant shall pay a maximum amount for the first variance and then the minimum amount contained in the column herein for each additional variance sought on the property.

(5) Tax Map maintenance fees. The following fees shall be paid by the applicant for the cost of making updates and modifications to the Township Tax Maps as a result of subdivision applications approved by the Planning Board or Zoning Board of Adjustment. The fee shall be paid at the time that the deed and/or plot plan is signed on behalf of the Board.

Type of Approval	Fee
Minor subdivision/boundary line adjustment	\$250
Major subdivision	\$250, plus \$25 per lot
Subdivision involving condominium units	\$250, plus \$25 per unit

B. Request for a zone change. For each zone change request, the applicant shall pay an application fee of \$50, plus a fee of \$5,000 to be deposited in an escrow account.

C. Request for an extension of approval. For each extension request, the applicant shall pay a fee of \$50 plus a fee of \$500 to be deposited in an escrow account.

D. Request for a certificate of nonconforming use. For each request, the applicant shall pay an application fee of \$50, plus a fee of \$500 to be deposited in an escrow account.

E. Informal review of a concept plan. The application for an informal review of a concept plan, pursuant to N.J.S.A. 40:55D-10.1, shall be 1/2 of the regular fee attributable to submitting a formal application for development. The applicant shall receive full credit for all fees paid in connection with such formal review of a concept plan, which credit shall be applied against the base application fees due thereafter and payable upon the filing of such formal application.

F. Certificate of approval and release of performance bond or maintenance bond. The fee for obtaining a certificate of approval and/or release of performance bond or a maintenance bond shall be equal to \$10 for

each lot shown on the plat for which such certificate of approval and/or release is sought. These moneys shall be paid at the time of final application.

G. Certified list of adjacent property owners. See now § 88-6.

H. Review fee escrow deposits to municipal agency. The applicant shall deposit, with the municipality, in addition to base application fees, moneys to be used to offset the expenses of professionals, retained by the municipality, to provide technical reviews of all applications for development, in order to assist the reviewing municipal agency in its decision making process. These fees shall include the preparation of any resolutions required to be adopted by law. These funds shall be held in a Township escrow account, by the municipality, as hereinafter set forth.

(1) Calculation to determine the amount of funds to be deposited. The committee or designated official of the reviewing municipal agency, at the time an application for development is reviewed for completeness, shall determine the amount to be deposited with the municipality. The amount of escrow funds to be deposited with the municipality shall be determined in accordance with the following:

(a) Preliminary subdivision or construction approval. The escrow funds for review of preliminary subdivisions shall be based on a percentage of the estimated construction costs of improvements associated with the project, excluding building construction (i.e., roads, drainage, detention basins, sidewalks, etc.).

[1] The basis for determining these funds shall be calculated as follows:

Estimated Construction Costs	Escrow Fund
0 to \$500,000	2% of construction costs
\$500,000 to \$1,000,000	\$10,000 plus 1.5% of construction costs over \$500,000
Over \$1,000,000	\$17,500 plus 1.5% of construction costs over \$1,000,000

[2] The construction costs shall be estimated by the developer's engineer and shall be based upon the total estimated construction costs the municipality could reasonably expect to pay a contractor to perform the work.

[3] The developer's estimated cost of improvements and fee calculated thereby shall be subject to review and modification by the municipal engineer whose determination shall be conclusive.

(b) Preliminary site plans and construction approvals. The escrow funds for review of preliminary site plans shall be based on a percentage of the estimated construction costs of improvements associated with the project excluding building construction or the gross floor area of the building, whichever is greater.

[1] The basis for determining these funds shall be calculated as follows:

Estimated Construction Costs	Escrow Fund
0 to \$50,000	3.5% of construction costs
\$50,000 to \$100,000	\$1,750 plus 2.5% of construction costs over \$50,000
\$100,000 to \$500,000	\$3,000 plus 2% of construction costs over \$100,000
Over \$500,000	\$11,000 plus 1% of construction costs over \$500,000
Gross Floor Area	Escrow Fund
0 to 10,000 square feet	0.20 x gross floor area
10,000 to 50,000 square feet	\$2,000 plus 0.01 x gross floor area over 10,000 square feet
Over 50,000 square feet	\$6,000 plus 0.05 x gross floor area over 50,000 square feet

[2] The construction costs shall be estimated by the developer's engineer and shall be based upon the total estimated construction costs the municipality could reasonably expect to pay a contractor to perform the work.

[3] The developer's estimated cost of improvements and fee calculated thereby shall be subject to review and modification by the municipal engineer whose determination shall be conclusive.

(c) Soil removal applications. The escrow funds for review of soil removal applications shall be based on a percentage of the estimated volume of soil to be removed. The basis for determining these funds shall be calculated as follows:

Volume of Soil Removal	Escrow Fund
0 to 10,000 cubic yards	0.025 x cubic yards
Over 10,000 cubic yards	\$2,500 plus 0.01 x cubic yards over 10,000 cubic yards

(d) Escrow amounts for land disturbance. The escrow funds for review of applications involving land disturbance, but not site improvements or review of conceptual plans, shall be calculated as follows:

Area of Land Disturbance	Escrow Fund
Over 5,000 square feet	0.1 x area of disturbance
Concept Plan Review	\$500

Area of Land Disturbance**Escrow Fund****Minimum Escrow Deposit****Subdivision:**

Initial subdivision	Minor	\$500
	Preliminary	\$750
	Final	\$500
Amendment	Minor	\$250
	Preliminary	\$375
	Final	\$250

Site plan:

Initial subdivision	Minor	\$500
	Preliminary	\$750
	Final	\$500
Amendment	Minor	\$250
	Preliminary	\$375
	Final	\$250

Conditional Use:

Only	\$350
As part of another application	\$200

Variance:

Only a, b, c, 35/36	\$350
As part of another application	\$200
Only d	
10 acres or less	\$500
More than 10 acres	\$700
As part of another application	
10 acres or less	\$250

Area of Land Disturbance**Escrow Fund**

More than 10 acres

\$400

- (2) Method of reimbursement of professional personnel for professional services.
- (a) The term "professional personnel" and/or "professional service" shall include the services of a duly licensed engineer, surveyor, attorney, planner, realtor, appraiser or other expert who would provide professional services to the reviewing municipal agency, to ensure that an application meets all of the performance standards set forth in the municipal ordinances and any other expert, retained by the municipality or the reviewing municipal agency, to comment or to offer testimony with respect to or in rebuttal of such testimony.
 - (b) The municipal professionals, and any additional professionals retained by the reviewing municipal agency, shall then submit their bills for services rendered to the reviewing municipal agency in the regular course of business. If a professional's bill for services is less than the amount available in the escrow fund, the professional's bill shall be paid in full from the fund. Any escrow funds remaining at the completion of the application shall be returned to the applicant.
 - (c) These escrow fees are based upon the assumption that the plans submitted are designed in accordance with the minimum standards of acceptable engineering and planning practice for the type of development being prepared. If the plans are not at least equal to those minimum standards, the municipal agency may request, based upon its professional's recommendations, that the plans be amended and the application will be deemed a new application, with the exception of checklist requirements, and the applicant shall be responsible for posting an additional escrow fee equal to 50% of the original escrow amount. The municipal agency may take any other action it deems appropriate including transmitting a letter to the appropriate state licensing agency indicating its professional opinion regarding the quality of the plans filed requesting that the state licensing agency take appropriate action.
- I. Special meetings of the municipal agency. If requested by the applicant in writing, or on the record if made at a hearing before a municipal agency, special meetings of the municipal agency may be held in the Hardyston Township Municipal Building or at such other place within the Township as may be determined by the municipal agency, on such date and at such hour, as may be determined by the municipal agency, upon payment of a special meeting fee of \$1,000, such fee shall accompany request for a special meeting; said amount to cover the cost of publication of any required special notice and any other reasonable costs which may be incurred by the municipal agency with respect to such special meetings, including but not limited to the attendance fee for any required staff, professionals or consultants. If more than one applicant requests a special meeting to be held on the same date, the fee shall be equally divided, so as to ensure that all costs incurred by the municipal agency for that special meeting are paid directly by the applicants requesting that meeting. Such special meeting fees shall be in addition to other application fees or supplemental based application fee and review escrow deposits which may be otherwise applicable. Whether or not a special meeting will be held at the request of an applicant shall be within the sole direction of the municipal agency.
- J. Subdivision and site plan inspection escrow deposits to the municipal agency. In addition to the fees established for the review of development applications, there shall also be an inspection fee paid to the Township for the cost of field inspecting the installation of required improvements. Such fees are payable

before a building permit will be issued for the commencement of any construction prior to final approval of the application for development by the municipal agency, whichever occurs first.

(1) The amount of the fee shall be determined by reference to the following schedule:

Estimated Construction Costs	Escrow Fund
Less than \$5,000	\$350
\$5,001 to \$10,000	\$350 plus 6% of amount over \$5,000
\$10,001 to \$50,000	\$650 plus 5% of amount over \$10,000
Over \$50,000	\$2,650 plus 4.5% of amount over \$50,000

- (2) The construction costs shall be estimated by the developer's engineer and shall be based upon the total estimated construction costs the municipality could reasonably expect to pay a contractor to perform the work.
- (3) The developer's estimated cost of improvements and fee calculated thereby shall be subject to review and modification by the municipal engineer whose determination shall be conclusive.
- (4) In the event that during the course of construction of improvements shown upon plans which have been approved as provided in the subdivision or site plan review sections, and additional improvements are proposed to be constructed which are not shown upon the plans, an inspection fee shall be calculated in accordance with the provisions above for the additional proposed improvement. The additional fee shall be paid prior to the start of its construction.
- (5) In the event that required improvements are not completed and accepted within required performance period, whether established by the terms of a bond or otherwise, the applicant shall pay the Township additional inspection fees to reflect the increase in cost of such inspection.
- (6) All permits, determinations, resolutions, approvals or certificates of occupancy are subject to payment of all fees required.

K. Waiver of fees. Notwithstanding any other provision of the chapter to the contrary, the Township Council may, upon request, grant waiver of up to 50% of local permit fees for nonprofit organizations where it is deemed to be in the best interest of the Township of Hardyston; provided, however, that said waiver shall not include state fees or any review fee escrow deposits. The Township Council may, upon request, grant waiver of up to 100% of local permit fees and escrow deposits for the Hardyston Township Fire Department and the Hardyston Township First Aid Squad. Waivers shall be expressed in a formal resolution of the Township Council adopted by two-thirds of the full membership thereof.

[Amended 6-19-2001 by Ord. No. 2001-06]

L. Permit fees.

[Amended 2-15-2005 by Ord. No. 2005-1]

- (1) Zoning permit for existing structures: \$25.

(2) Zoning permit for new residential structures: \$100.

(3) Zoning permit for new commercial structures: \$150.

(4) Temporary use permit: \$25.

(5) Sign permit: \$25.

M. Registration and certification of nonconforming uses application: \$10 (§ **185-63F**).

N. Application fee for General Development Plan and/or Master Plan/preliminary approval for planned developments.

[Added 9-5-2000 by Ord. No. 2000-16; amended 7-2-2007 by Ord. No. 2007-09]

(1) Fee shall be the total of the following:

(a) Five dollars per acre of total project area.

(b) Ten dollars per proposed residential unit.

(c) Ten dollars per room for hotel or conference center development.

(d) Five dollars per 100 square feet of nonresidential buildings, excluding hotels and conference centers.