

ORDINANCE NO. 2024-12
TOWNSHIP OF HOLMDEL
COUNTY OF MONMOUTH

ORDINANCE ADDRESSING PLANNING AND DEVELOPMENT FEES

WHEREAS, consistent with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., the Township of Holmdel must employ the necessary employees and professionals to review applications for the development of land; and

WHEREAS, the Township of Holmdel incurs certain costs related to its review of said applications, requiring it to charge fees in relation to its review of same; and

WHEREAS, the Township of Holmdel's costs to review applications for the development of land have increased over time, requiring it to adjust the fees currently imposed by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holmdel in the County of Monmouth, State of New Jersey, as follows:

SECTION 1. Chapter 30 of the Revised General Ordinances, titled "Development Regulations", Article II, titled "Administrative Provisions", § 30-12, titled "Fees and Escrow Deposits" is hereby repealed and replaced as follows:

Chapter 30 Development Regulations

Article II Administrative Provisions

§ 30-12. FEES AND ESCROW DEPOSITS.

§ 30-12.1. Due at Time of Filing.

The developer shall, at the time of filing a submission, pay to the Township the following fees, escrow deposits, and/or other charges set forth in this chapter. Proposals requiring a combination of approvals, such as subdivision, site plan and/or variance, shall pay fees and escrow deposits equaling the total for each component.

§ 30-12.2. Professional Review.

The Planning Board and Zoning Board of Adjustment, whichever an applicant is before and/or the Township Committee as to revenues and inspections outside the application process, shall require, in addition to any other fees required herein, escrow deposits in accordance with the provisions of this chapter. In accordance with N.J.S.A. 40:55D-53.2, such escrow shall be utilized to reimburse the Township for professional charges for review of applications, review and preparation of documents, inspections of developments under construction and review of applications by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Township.

§ 30-12.3. Other Fee Requirements.

See also Sections 30-13 and 10-1.3 for other fee requirements not enumerated below.

§ 30-12.4. Fee and Escrow Amounts.

Application fees and escrow deposits for applications for development or other services shall be as follows:

- a. Informal review of developer's concept plan (subdivision or site plan) by Planning Board, pursuant to §30-36 of the Township Development Regulations and N.J.S.A. 40:55D-10.1:
 1. The application fee for all informal reviews shall be \$350.
 2. In the event an informal concept plan is later submitted for formal review, the informal fee hereunder shall be credited toward the formal review fee.
 3. Escrow Deposits. The appropriate technical review escrow shall be paid to the Township at the time of submission of an informal concept plan as set forth below:
 - (a) Minor subdivision/site plan: \$500.
 - (b) Major subdivision/site plan: \$1,000.

- b. Developer Requested Advance Informal Technical Review.
 1. Fees. Prior to the submission of any development application, a technical review of a development proposal may be conducted by the Township staff and planning and engineering professionals, upon the request of the potential developer and upon submission of a \$250 fee.
 2. Escrow Deposits. Prior to the conduct of any such review, the appropriate technical review escrow shall be paid to the Township as set forth below:
 - (a) For a review of a proposed development deemed administrative in nature: \$500.
 - (b) For initial review of all other proposed or conceptual development: \$1,500.
 - (c) For subsequent or "follow-up" reviews: \$500.

- c. Subdivision.
 1. Fees for minor subdivision or preliminary major subdivision.
 - (a) Minor subdivision: \$500, plus \$250 per lot.
 - (b) Preliminary major subdivision:
 - (1) Planned Retirement Community: \$1,000, plus \$60 per lot.
 - (2) All other subdivisions: \$1,000, plus \$250 per lot.
 - (c) Extension of time: \$500.
 2. Escrow deposits for minor subdivision or preliminary major subdivision.
 - (a) Minor subdivision: \$2,000.
 - (b) Preliminary major subdivision:
 - (1) Planned Retirement Community: \$20,000.
 - (2) All other subdivisions: \$3,500 plus \$350 per lot.
 - (c) Extension of time: \$1,000.
 3. Fees and escrow for final major subdivision plan shall be one-half of that required for the preliminary subdivision plan. If the preliminary and final subdivision plans are filed simultaneously, the total fees and escrow shall be the sum of the total.

4. Extension of time: \$1,000.

d. Site Plan.

1. Fees for minor site plan or preliminary major site plan.

(a) Residential use. The total fee shall be the sum of the fees under paragraphs (1) and (2) below.

(1) Fee for each proposed dwelling unit: \$100.

(2) Fee based on lot area disturbance. Total sum of:

i. Lot disturbance of 40,000 sq. ft. or fraction thereof: \$1,000

ii. Lot disturbance over 40,000 sq. ft.: \$250 for each additional 10,000 sq. ft. or fraction thereof over 40,000 sq. ft.

(b) Non-residential use. The total fee shall be the sum of the fees under paragraphs (1) and (2) below.

(1) Fee based on proposed building area. Total sum of:

i. New floor area of up to 1,000 sq. ft. or fraction thereof: \$1,000.

ii. New floor area over 1,000 sq. ft.: \$100 for each additional 1,000 sq. ft. or fraction thereof.

(2) Fee based on lot area disturbance. Total sum of:

i. Lot disturbance of 40,000 sq. ft. or fraction thereof: \$1,000.

ii. Lot disturbance over 40,000 sq. ft.: \$250 for each additional 10,000 sq. ft. or fraction thereof over 40,000 sq. ft.

2. Escrow deposits for minor site plan or preliminary major site plan.

(a) Residential use: \$3,500 plus \$300 per unit.

(b) Non-residential use: \$3,500 for first 1,000 sq. ft. of new floor area or fraction thereof, plus \$500 for each additional 1,000 sq. ft. of new floor area or fraction thereof.

3. Fees and escrow for final site plan shall be one-half of that required for the preliminary site plan. If the preliminary and final site plans are filed simultaneously, the total fees and escrow shall be the sum of the total for the preliminary and final site plan.

4. Exempt site plan or waiver of site plan approval: \$500 fee; \$1,000 escrow.

5. Extension of time for site plan: \$500 fee; \$1,000 escrow.

e. Variances and Other Appeals.

1. Conditional use permit (N.J.S.A. 40:55D-67): \$500 fee.

2. Appeal of Administrative Officer's decision (N.J.S.A. 40:55D-70a): \$250 fee; \$1,000 escrow.

3. Interpretation of Zoning Map or Ordinance (N.J.S.A. 40:55D-70b): \$250 fee; \$1,000 escrow.

4. Bulk "c" variance (N.J.S.A. 40:55D-70c):

(a) Single-family residential use: \$500 fee; \$1,000 escrow.

(b) All other residential and non-residential uses: \$750 fee; \$1,500 escrow.

5. Use "d" variance (N.J.S.A. 40:55D-70d(1) through (6)):

(a) Single-family residential use: \$1,000 fee; \$2,000 escrow.

(b) All other residential and non-residential uses: \$1,500 fee; \$4,000 escrow.

- 6. Appeal to permit building or structure in conflict with Official Map (N.J.S.A. 40:55D-34) or to permit building or structure on lot that does not abut a street (N.J.S.A. 40:55D-36): \$250 fee; \$1,000 escrow.
 - 7. Certificate of Nonconformity (N.J.S.A. 40:55D-68): \$250 fee; \$2,000 escrow.
- f. Application fees and escrows for wireless telecommunications installations shall be paid in addition to all applicable fees enumerated in the above sections:

	<u>Application Fee</u>	<u>Escrow</u>
<u>If no new tower</u>	<u>\$400</u>	<u>\$2,000</u>
<u>If a new tower is proposed</u>	<u>\$1,000</u>	<u>\$5,000</u>

- g. Decision Fee. Every applicant to the Planning Board or Zoning Board of Adjustment at the time of filing an application shall pay to the Township of Holmdel a fee of \$50 for each decision to be rendered to defray the cost of publishing the decision(s) if requested by applicant. Once any application is disapproved, a new submission must include a new decision fee.
- h. Inspection fees shall be paid prior to starting construction, installation of any public improvements permitted by law, or site clearing, whichever occurs the earliest. (See subsection 30-13.3.)
- i. Copies of Records. Copies of minutes, decisions or other public documents at page size shall be available at a cost in accordance with N.J.S.A. 47:1 A-1 et seq.
- j. List of Property Owners. The Township Clerk, upon written request, shall make and certify a list from the current tax duplicates of names and addresses of owners of property within 200 feet of the property. The fee for this shall be \$10 for each list.

§ 30-12.5. Administration of Technical Review Deposits (Escrow).

- a. Upon request by an applicant, or upon recommendation of the Township Engineer, the Planning Board and/or the Board of Adjustment, as the case may be, may consider the adequacy of the escrow amount set forth in §30-12.4. The review may consider either the inadequacy of the proposed escrow or the excessiveness of the amount. In conducting such review, the following criteria shall be considered:
 - 1. The presence or absence of public water and/or sewer servicing site.
 - 2. Environmental considerations, including but not limited to geological, hydrological and ecological factors.
 - 3. Traffic impact of the proposed development.
 - 4. Impact of the proposed development on existing aquifer and/or water quality.
 - 5. Impact on improvements which might require off-tract or off-site contribution agreements.

Upon completion of the review, the Board shall adopt a motion specifying whether the escrow amount specified above is sufficient. In the event the Board shall determine the amount is

excessive, it shall under motion specify the amount that shall be deemed sufficient, including a specification, if appropriate, that no escrow be posted. In the event the Board shall determine the amount specified above is insufficient, it shall so specify and shall further set forth the amount required to be posted in light of the criteria specified herein.

- b. The Chief Financial Officer shall deposit all funds, when required by N.J.S.A. 40:55D-53.1, in an interest bearing account. In the event that a refund is to be made to the applicant/developer, the Township shall refund said sum, with interest, minus administrative fees, according to law.
- c. The provisions of N.J.S.A. 40:55D-53.1, 53.2 and 53.2a as may be supplemented or amended hereafter and as clarified in paragraph d below, are incorporated by reference herein.
- d. No zoning permits, building permits, certificates of occupancy or any other types of permits or certifications may be issued with respect to any approved application for development until all bills for reimbursable services have been received by the municipality from professional personnel rendering services in connection with such application and payment has been made. Further, if after the Chief Financial Officer has notified an applicant/developer that insufficient funds exist in the escrow account to fully reimburse the Township for all outstanding bills for reimbursable professional services, no further action shall be taken in reference to such applicants' case, nor shall any further reviews or inspections be undertaken by the Township's professionals in regard to the development for which the deficiency exists until the applicant/developer has, not only fully funded reimbursement for the applicable outstanding professional services, but also replenished the escrow account to a positive balance, the amount of which is agreed upon by the approving agency/Township and the applicant/developer. However, if necessary to protect the public, health and safety inspections may be performed and charged back against the escrow account.
- e. If an escrow balance falls below 25% of the original amount deposited, the applicant shall be required to restore the escrow to its original balance.

SECTION 2. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

LEGAL NOTICE

Publication by Summary Pursuant to N.J.S.A.40:49-2

This Ordinance addresses fees for planning and development of land within the Township of Holmdel.

CERTIFICATION

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on May 28, 2024 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on June 11, 2024 at Township Hall, 4 Crawfords Corner Road, Holmdel, NJ at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Rocco Impreveduto, Mayor

Attest:

Wendy L Patrovich, RMC/CMR
Township Clerk

I certify that this is a true copy of an ordinance that was adopted by the Holmdel Township Committee at the June 11, 2024 Township Committee Meeting.

Wendy L Patrovich, RMC/CMR
Township Clerk