

TOWNSHIP OF MILLBURN

ORDINANCE 2637-23

ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN

DEVELOPMENT REGULATIONS AND ZONING ORDINANCE

WHEREAS, the Municipal Land Use Law of the State of New Jersey (N.J.S.A. 40:55D-1 et seq.), authorizes a municipality's governing body to provide by ordinance for a Planning Board, Board of Adjustment, and Historic Preservation Commission; and

WHEREAS, the Municipal Land Use Law, allows the governing body to appropriate funds for the expenses of the Planning Board, Board of Adjustment, and Historic Preservation Commission in connection with review of applications and administration of development projects; and

WHEREAS, the Municipal Land Use Law authorizes a municipality to collect escrow fees for professional services employed by the municipality to review applications for development and for municipal inspection fees; and

WHEREAS, it is the intention of the Township of Millburn that professionals involved in the inspection of such development be reimbursed by applicants for their services; and

WHEREAS, a review by the Zoning Code Examination Subcommittee determined it necessary to amend the Township's application and technical review fees to better reflect actual costs and best practices, as well as facilitate a more efficient review process for applications for development.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS (additions are underlined and deletions appear as strikethroughs):

410 Fees.

The applicant shall, at the time of filing an application for development, pay the following fees to the Township by check or bank money order. The application fee is nonrefundable. Proposals requiring a combination of approvals, such as subdivision, site plan, and/or variance, shall pay a fee totaling the full amount ~~for the approval with the highest fee, plus one half the fee of the next highest approval required and nothing for additional approvals.~~ of applicable fees for each required approval.

410.1. Subdivision Application

~~a. Informal Review or Concept Plan: No fee.~~

~~b. a. Minor Fee: \$100.~~ \$250.

~~c. b. Major – Preliminary Plat Fee: \$200 + \$40 per lot; minimum of \$700.~~ \$750 + \$50 / lot.

~~d. c. Major – Final Plat Fee: \$100 + \$25 per lot; minimum of \$350. 50% of Preliminary Fee.~~

~~e. Resubmission of plat that was previously approved, but not filed, shall be one-half the required fee, provided there are no changes.~~

410.2. Site Plan Application

~~a. Informal Review of Concept Plan: No fee.~~

~~b. a. Minor Fee: \$100. \$250.~~

~~c. Major – Preliminary Plat, Nonresidential Fee: \$200 + \$100 per acre or fraction thereof, plus \$25 per 1,000 square feet of gross floor area up to 10,000 square feet, plus \$10 per 1,000 square feet of gross floor area in excess of 10,000 square feet.~~

~~d. Major – Preliminary Plat, Residential Fee: \$200 + \$30 per unit up to 10 units, plus \$20 per unit from 11-100 units, plus \$10 per unit for over 100 units.~~

~~e. Major – Final Plat Fee: \$100~~

b. Major – Preliminary Fee: \$300, in addition to:

1. \$50 per dwelling unit.

2. \$50 dollars per 1,000 square feet of nonresidential floor area or portion thereof.

3. \$100 per acre or portion thereof.

c. Major – Final Fee: 75% of Preliminary Fee.

410.3. Variances and Other Appeals

~~a. Fee: \$350 for day one and day two (if required) of hearing. If any number of additional hearing days are required beyond day 2, an additional \$350 shall be paid. Fee, variance pursuant to N.J.S.A. 40:55D-70(c):~~

1. 1- and 2-family applications: \$300 for the first three bulk variances and \$150 for each additional bulk variance thereafter.

2. All other applications: \$500 for the first three bulk variances and \$250 for each additional variance thereafter.

~~b. For a variance for a fence the fee shall be \$100. Fee, variance pursuant to N.J.S.A. 40:55D-70(d):~~

1. 1- and 2-family applications: \$500.

2. All other applications: \$1,000.

~~c. Interpretations and Appeals, pursuant to N.J.S.A. 40:55D-70(a), N.J.S.A. 40:55D-70(b), and N.J.S.A. 40:55D-68:~~

1. 1- and 2-family applications: \$300

2. All other applications: \$500

410.4. Conditional Use Application, pursuant to N.J.S.A. 40:55D-67. Fee: ~~\$100~~ \$300

410.5. Historic Preservation Applications

- a. Concept Review by the Commission: No Fee.
- b. Application for Certificate of Appropriateness: \$200.
- c. Minor Application Review: \$100.

~~410.6. Street Graphics~~

- ~~a. Single family dwellings: \$5 fee per application.~~
- ~~b. Other uses: \$10 plus \$1 per square foot of graphic area, up to a maximum of \$100.~~

410.6: Zoning Permit Fee:

- a. 1- and 2-family applications: \$50
- b. All other applications: \$100

410.7: Technical Review Fees. In addition to the filing fees required by Sections 410.1 through 410.6, an applicant shall pay fees equal to the costs incurred for the technical review of the application by the Township Engineer, planning and engineering consultants to the Planning Board, the Board of Adjustment or Historic Preservation Commission; the Attorney for the Planning Board, the Board of Adjustment or Historical Preservation Commission, and any other professional expert or consultant whose review, study, research and reports and/or testimony is deemed necessary by the municipal agency in order to assure compliance with State and Township laws, ordinances, rules and regulations. Technical review fees shall be calculated in accordance with the actual time required for review at rates established by a schedule of professional fees adopted and from time to time amended by resolution of the Township Committee, which schedule shall be maintained in the office of the Township Clerk for public inspection. If the salary and overhead for a professional are provided by the Township, the hourly rate charged to the deposit from said professional shall be 200% of the sum of the product resulting from multiplying the hourly base salary of each of the professionals by the number of hours spent by the respective professional on review of the application for development or inspection of the developer's improvements, as the case may be. Unless such fees are waived or deferred by the applicable agency, at the time of filing an application for development with the Planning Board, Board of Adjustment or the Historic Preservation Commission, the applicant shall pay to the Township an initial deposit for technical review fees in accordance with the following schedule:

~~a. Minimum Escrow Fees for Anticipated Legal Services:~~

| | |
|---|------------------|
| Minor and Major Subdivisions | \$750 |
|---|------------------|

| | |
|--------------------------|--|
| Site Plan | \$750 |
| Special Meetings & Misc. | As set by resolution of the Township Committee |

b. Minimum Escrow Fees for Anticipated Professional Planner Services:

| | |
|------------------------|--|
| Minor Subdivision | \$1,100 |
| Major Subdivision | \$2,500 |
| Site Plan | \$1,100 |
| Site Inspection | \$750 each visit |
| Attendance at meetings | \$500 |
| Hourly billing rate | As set by resolution of the Township Committee |

c. Minimum Escrow Fees for Anticipated Professional Engineering Services for Plan Review:

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|--|--|
| Minor Subdivision | \$400 |
| Major Subdivision – Sketch Plat | \$200 + \$50/Lot |
| Major Subdivision – Preliminary Plat | \$600 + \$200/Lot |
| Major Subdivision – Final Plat | \$300 + \$50/Lot |
| Site Plan – Preliminary | \$1,000 plus |
| (based on the cost of site improvements exclusive of the buildings): | |
| 3% | {0 – \$10,000} |
| \$300 + 1A 1/2% over \$10,000 | (\$10,001 – \$25,000) |
| \$525. + 1% over \$25,000 | (\$25,001 – \$100,000) |
| \$1,275 + 1/2% over \$100,000. | (\$100,001 – \$250,000) |
| \$2,025 + 1/2% over \$250,000. | {Over \$250,000} |
| Site Plan – Final | 1/3 of Preliminary Fee |
| Hourly Billing Rate | As set by resolution of Township Committee |

a. Subdivision Application

1. Minor Escrow Fee: \$1,250 + \$500 per lot.
2. Major Escrow Fee, Preliminary: \$2,000 + \$250 per lot.
3. Major Escrow Fee, Final: 50% of Preliminary Escrow Fee.

b. Site Plan Application

1. Minor Escrow Fee: \$2,500
2. Major Escrow Fee, Preliminary: \$2,000, in addition to:
 - (a) \$100 per dwelling unit.
 - (b) \$100 per 1,000 square feet of nonresidential floor area or portion thereof.
 - (c) \$200 per acre or portion thereof.
3. Major Escrow Fee, Final: 50% of Preliminary Escrow Fee.

c. Variances and Other Appeals

1. Escrow Fee, Bulk Variance:
 - (a) 1- and 2-family applications: \$500.
 - (b) All other applications: \$1,000
2. Escrow Fee, Use Variance:
 - (a) 1- and 2-family applications: \$1,000.
 - (b) All other applications: \$2,000
3. Interpretations and Appeals, pursuant to N.J.S.A. 40:55D-70(a), N.J.S.A. 40:55D-70(b), and N.J.S.A. 40:55D-68:
 1. 1- and 2-family applications: \$750
 2. All other applications: \$1,500

- d. The minimum escrow fee deposit for anticipated professional review by the Historic Preservation Consultant to the Historic Preservation Commission: \$750. Thereafter, if additional services are required, the Historic Preservation Consultant shall be paid in accordance with the hourly rate established by Township Resolution. For Applications for Development filed to the Planning Board or Board of Adjustment, which require referral to the Historic Preservation Commission pursuant § DRZ-806, the minimum escrow fee deposit shall be \$250.

420 Zoning permits.

~~Zoning permits shall be secured from the Zoning Officer at the time of the issuance of a building permit for the construction, erection, or alteration of any structure or a demolition permit for the demolition of a principal building on a lot. For single family and two family dwellings, the building permit shall be considered to be the zoning permit. For cases involving a change in~~

~~occupant or use of an existing structure, no certificate of occupancy for the new user shall be issued until a zoning permit has been issued.~~

A zoning permit, issued by the Zoning Officer, is required prior to the issuance of any building permit or certificate of occupancy covering the use and location of said building. A zoning permit shall also be required prior to any construction, change of use type or alteration or construction of an accessory use, building or structure, or alteration of structures. A zoning permit shall also be required before a change in occupancy or tenancy of a nonresidential building or tenant space.

- a. Required Inspection. Inspection of the subject premises prior to issuance of a zoning permit shall be at the discretion of the Zoning Officer.
- b. Prior to issuing a zoning permit, the Zoning Officer shall ascertain that all conditions and prerequisites of this ordinance have been met.
- c. Zoning permits shall expire one year after the date of issuance if the use or substantial construction has not been commenced.
- d. Building permits for one- and two-family dwellings. In the case of one- and two-family dwellings, the building permit shall serve as the zoning permit and the Zoning Officer must review and approve building permits for compliance with all zoning requirements.
- e. Installation of conforming street graphics pursuant to § DRZ 609.10.
- f. Zoning Permit Exceptions. The following items shall not be subject to a zoning permit so long as the work in question does not conflict with any terms or conditions related to any specific prior approval granted by the Planning Board or Zoning Board of Adjustment.
 - a. Replacement roofing.
 - b. Replacement siding.
 - c. Replacement windows and doors, where there is no change in glazing area or opening size.
 - d. Replacing chimneys and chimney liners, where a new chimney is the same size and material as the original.
 - e. Interior oil tank replacement.
 - f. Furnace/boiler replacement.
 - g. Garage door replacement, same size.
 - h. Replacement bathroom fixtures.
 - i. Replacement floors/ceilings.
 - j. Replacement kitchen cabinets/fixtures/appliances.
 - k. Installation of radon mitigation systems (interior systems only).
 - l. Installation of commercial carpet for nonresidential uses.
 - m. Minor work or ordinary maintenance as defined by the Uniform Construction Code, N.J.A.C. 5:23-1 et seq.

Ordinance 2637-23

ATTEST:

MILLBURN TOWNSHIP

Christine A. Gatti, Municipal Clerk

By: _____
Maggee Miggins, Mayor

1st Reading and Introduction: 4/18/2023
1st Publication: 4/27/2023
Referral to Planning Board: 4/19/2023
Notice to County Planning Board Prior to Adoption: 4/19/2023
Notice to Clerks of Adjoining Municipalities: 4/19/2023
Notice to Affected Property Owners: N/A
2nd Reading: 5/16/2023
Adoption: 5/16/2023
2nd Publication: 5/25/2023
Filing with County Planning Board: 5/18/2023

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CERTIFICATION

I, Christine A. Gatti, Clerk of the Township of Millburn, in the County of Essex, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Committee at a regular meeting held on the 16th day of May, 2023.

Christine A. Gatti, RMC
Municipal Clerk