

ROCKAWAY TOWNSHIP
COUNTY OF MORRIS, NEW JERSEY

ORDINANCE NO. O-23-21

AN ORDINANCE AMENDING CHAPTER 54 ENTITLED “LAND USE AND DEVELOPMENT,” SECTION 54-15 ENTITLED “FEES, DEPOSITS, GUARANTEES AND OTHER PAYMENTS” OF THE TOWNSHIP OF ROCKAWAY

WHEREAS, N.J.S.A. 40:48-1 and 2 permit a municipality to make and amend an ordinance as it may deem necessary and proper for good government, order, and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and,

WHEREAS, the Township deems it appropriate to amend Section 54-15 of its Land use and Development Ordinance.

BE IT ORDAINED by the Council of the Township of Rockaway as follows:

Section 1. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 54-15.1, Filing fees for development applications or appeals, is hereby amended to read as follows.

§ 54-15.1. Filing fees for development applications or appeals.

The following fees shall be required to be filed with any application, appeal or other matter pursuant to this chapter. Fees shall be nonrefundable and shall be paid by cashier's check, certified check, bank money order or cash to the Administrative Officer. The filing fee shall be used to defray the administrative costs of processing the application or appeal. In the case of proposals requiring a combination of approvals, such as subdivision, site plan and/or variance(s), the applicant shall pay a fee equal to the sum of the fees for each required approval.

A. Subdivisions

- (1) **Informal Subdivision Review by Planning Board:** One-half of the filing fee that would be required for preliminary subdivision application for the same development. The amount of the filing fee for informal subdivision review shall be a credit toward the filing fees for subsequent preliminary subdivision application.
- (2) **Minor subdivision:** \$400.

- (3) Preliminary major subdivision: \$500 plus \$100 for each lot in the proposed subdivision.
- (4) Revised preliminary major subdivision. During the course of review of an application for a preliminary major subdivision, and prior to preliminary approval, the applicant may submit a revised application, including revised plans and other materials, for consideration by the reviewing agency without being subject to an additional filing fee.
- (5) Amended preliminary major subdivision. If after receiving preliminary major subdivision approval, but prior to the expiration of such protections resulting from preliminary approval as provided by N.J.S.A. 40:55D-49, and prior to receipt of final approval, the applicant seeks amended preliminary major subdivision approval, the filing fees shall be \$250, plus \$75 for each lot affected by the proposed amendment.
- (6) Final major subdivision: \$300, plus \$100 for each lot in the proposed subdivision. In the event that application for final approval is by stages or sections of development as provided by this chapter, the fees shall be based upon the stage or section of development for which approval is sought.
- (7) Amended final major subdivision. If after receiving final major subdivision approval, but prior to the expiration of such protections resulting from final approval as provided by N.J.S.A. 40:55D-52, the applicant seeks amended final major subdivision approval, the filing fees shall be \$150, plus \$50 for each lot affected by the proposed amendment.

B. Site plans.

- (1) Informal Site Plan Review by Planning Board: 1/2 of the filing fee that would be required for preliminary site plan application for the same development. The amount of the filing fee for informal site plan review shall be a credit toward filing fees for subsequent preliminary site plan application.
- (2) Minor site plan: \$500.
- (3) Minor site plan/tenancy (no board review): \$200.
- (4) Preliminary Major Site Plan, Nonresidential Use:
 - (a) Seven hundred fifty dollars plus.
 - (b) Seventy-five dollars for the first 20,000 square feet of lot area, or fraction thereof, plus
 - (c) Twenty dollars for each 10,000 square feet of lot area over 20,000 square feet, or fraction thereof, up to 871,200 square feet (20 acres) of lot area or the total area of disturbance, whichever is greater, plus

- (d) Fifty dollars for the first 1,000 square feet, or fraction thereof, of floor area of any new building, or alteration of or addition to any existing building on the subject property, plus.
 - (e) Ten dollars for each 1,000 square feet, or fraction thereof, of floor area over 1,000 square feet for new buildings or additions.
- (5) Preliminary major site plan, residential use: \$100 for each acre, or part thereof, within the development site, plus \$40 for each market rate dwelling unit within the development.
 - (6) Revised preliminary major site plan. During the course of review of an application for a preliminary major site plan, and prior to preliminary approval, the applicant may submit a revised application, including revised plans and other materials, for consideration by the reviewing agency without being subject to an additional filing fee.
 - (7) Amended preliminary major site plan. If after receiving preliminary major site plan approval, but prior to the expiration of such protections resulting from preliminary approval as provided by N.J.S.A. 40:55D-49, and prior to receipt of final approval, the applicant seeks amended preliminary major site plan approval, the filing fees shall be equal to 1/2 of the filing fee charged for preliminary approval.
 - (8) Final major site plan. One-half of the filing fee that was required for preliminary site plan application for the same development. In the event that application for final approval is by stages or sections of development as provided by this chapter, the fees shall be based upon the stage or section of development for which approval is sought.
 - (9) Amended final major site plan. If after receiving final major site plan approval, but prior to the expiration of such protections resulting from final approval as provided by N.J.S.A. 40:55D-52, the applicant seeks amended final major site plan approval, the filing fees shall be equal to 1/2 of the filing fee charged for final approval.
- C. Conditional use review by the Planning Board. Review of conditional use applications by the Planning Board shall require a fee of \$500, plus any site plan application fee otherwise applicable.
 - D. General development plan. Review of general development plan applications by the Planning Board shall require a fee of \$1,000.
 - E. Variances, interpretations and certain permits.
 - (1) "D": Variances: \$1,000 for each variance, with a maximum of \$2,000 for each application.

- (2) Variances other than "D" variances: \$250 for each variance, with a maximum of \$750 for each application.
 - (3) Interpretation of Zoning Map, zoning regulations, or other special questions: \$500 for each interpretation or special question.
 - (4) Permit for structure in the bed of a mapped street, public drainage way, flood control basin or public area on Official Map: \$250 for each violation.
 - (5) Permit for structure on a lot not related to a street: \$250 for each violation.
- F. Special meetings. For each special meeting held at the request of an applicant or applicants, there shall be a fee of \$500. In the event that more than one applicant requests and is heard at the same special meeting, the \$500 fee shall be divided and paid equally by the applicants. The filing fee for special meetings shall be in addition to any other required filing fee.
- G. Appeals.
- (1) Appeal from decision of administrative officer. An appeal pursuant to N.J.S.A. 40:55D-70a shall be accompanied by a filing fee of \$500 for each appeal.
 - (2) Appeal to Township Council. An appeal to the Township Council pursuant to N.J.S.A. 40:55D-17a shall be accompanied by a filing fee of \$1,000.
- H. Request to amend master plan, Zoning Map or land use ordinance: \$750 for each amendment requested.
- I. Revised appeals prior to decision. During the course of review of an appeal and prior to any decision on the matter, the appellant may submit a revised appeal for consideration by the reviewing agency without being subject to an additional filing fee.

Section 2. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 54-15.2, Payment for professional or expert services; escrow deposits, is hereby amended to read as follows.

§ 54-15.2. Payment for professional or expert services; escrow deposits.

In addition to the filing fees and any other fees or payments required by this chapter, the applicant for any development application, appeal or other matter pursuant to this chapter shall be responsible to reimburse the Township for payments made to professional or experts for services rendered to the Township related to such application, appeal or other matter. Such services may be performed by Township professionals and/or outside professionals or experts. Department heads, upon review of developer applications to the Board shall advise the Township Engineer and the Township Administrator of the need for particular consulting services, if any, including, but not limited to acoustics, fire prevention, stormwater management, sanitary sewers, water supply and traffic. Such services shall also include review of applications for development,

review and preparation of documents, inspection of improvements or other purposes under the provisions of this chapter or the Municipal Land Use Law. The Township Engineer and Township Administrator shall review the submissions of the department heads and shall make a recommendation to the Planning Board or Zoning Board of Adjustment, as appropriate, as to retention of professionals or expert services. The following provisions shall apply to the reimbursement of such payments:

- A. Initial deposits for professional services. At the time of the filing of an application for development, appeal, or other matter pursuant to this chapter, the applicant shall pay to the Administrative Officer an initial deposit for professional services in an escrow account. The amount of the deposit required shall be reasonable in regard to the scale and complexity of the development. The amount of the initial deposit required shall be established in accordance with the following schedule. Deposits shall be paid by cashier's check, certified check, bank money order or cash. In the case of proposals requiring a combination of approvals, such as subdivision, site plan and/or variance(s), the applicant shall deposit an amount equal to the sum of the deposits required for each application. Any deposits which remain unused after final approval has been granted and plans signed in the case of a plan review or after improvements have been approved in a project improvement, will be returned pursuant to the close out procedures set forth in Subsection 54-15.5B of the Township of Rockaway Code.
 - (1) Subdivisions. The amount of the deposit shall be calculated based on the number of proposed lots as follows:
 - (a) Informal subdivision review by Planning Board. One-half of the deposit that would be required for preliminary subdivision application for the same development.
 - (b) Minor subdivision: \$1,500.
 - (c) Preliminary major subdivision: \$1,500, plus \$200 for each lot in the proposed subdivision.
 - (d) Revised preliminary major subdivision. During the course of review of an application for a preliminary major subdivision, and prior to preliminary approval, the applicant may submit a revised application, including revised plans and other materials, for consideration by the reviewing agency without being subject to an additional escrow deposit.
 - (e) Amended preliminary major subdivision. If after receiving preliminary major subdivision approval, but prior to the expiration of such protections resulting from preliminary approval as provided by N.J.S.A. 40:55D-49, and prior to receipt of final approval, the applicant seeks amended preliminary major subdivision approval, the

applicant shall make an escrow deposit of \$1,000, plus \$200 for each lot affected by the proposed amendment.

- (f) Final major subdivision: \$1,000, plus \$100 for each lot in the proposed subdivision. In the event that application for final approval is by stages or sections of development as provided by this chapter, the deposit shall be based upon the stage or section of development for which approval is sought.
 - (g) Amended final major subdivision. If after receiving final major subdivision approval, but prior to the expiration of such protections resulting from final approval as provided by N.J.S.A. 40:55D-52 the applicant seeks amended final major subdivision approval, the escrow deposit shall be \$750, plus \$100 for each lot affected by the proposed amendment.
- (2) Site plans. The amount of the deposit shall be based on one or more of the following: the area of the site to be developed, the square footage of buildings to be constructed, or an additional factor for circulation-intensive sites, such as those containing drive-through facilities as follows:
- (a) Informal site plan review by Planning Board. One-half of the deposit that would be required for preliminary site plan application for the same development.
 - (b) Minor site plan: \$2,000.
 - (c) Minor site plan/tenancy (no board review). No fee.
 - (d) Preliminary major site plan, nonresidential use:
 - [1] One thousand dollars, plus.
 - [2] One hundred dollars for the first 20,000 square feet of lot area, or fraction thereof, plus.
 - [3] Twenty dollars for each 10,000 square feet of lot area, or fraction thereof, over 20,000 square feet, up to 871,200 square feet (20 acres) of lot area or the total area of disturbance, whichever is greater, plus.
 - [4] One hundred dollars for the first 1,000 square feet, or fraction thereof, of floor area of any new building, or alteration of or addition to any existing building on the subject property, plus.
 - [5] Twenty dollars for each 1,000 square feet, or fraction thereof, of floor area over 1,000 square feet for new buildings or additions.

- (e) Preliminary major site plan, residential use: \$100 for each acre, or part thereof, within the development site, plus \$50 for each market dwelling unit within the development.
 - (f) Revised preliminary major site plan. During the course of review of an application for a preliminary major site plan, and prior to preliminary approval, the applicant may submit a revised application, including revised plans and other materials, for consideration by the reviewing agency without being subject to an additional escrow deposit.
 - (g) Amended preliminary major site plan. If after receiving preliminary major site plan approval, but prior to the expiration of such protections resulting from preliminary approval as provided by N.J.S.A. 40:55D-49, and prior to receipt of final approval, the applicant seeks amended preliminary major site plan approval, the escrow deposit shall be equal to 1/3 of the escrow deposit required for preliminary approval.
 - (h) Final major site plan. The escrow deposit shall be equal to 1/2 of the preliminary major site plan escrow deposit. In the event that application for final approval is by stages or sections of development as provided by this chapter, the escrow deposit shall be based upon the stage or section of development for which approval is sought.
 - (i) Amended final major site plan. If after receiving final major site plan approval, but prior to the expiration of such protections resulting from final approval as provided by N.J.S.A. 40:55D-52, the applicant seeks amended final major site plan approval, the escrow deposit shall be equal to 1/2 of the escrow deposit required for final approval.
- (3) Conditional use review by the Planning Board. Review of conditional use applications by the Planning Board shall require an initial deposit of \$1,000, plus any site plan application deposit otherwise applicable.
 - (4) General development plan. Review of general development plan applications by the Planning Board shall require an initial deposit of \$3,500.
 - (5) Variances, interpretations and certain permits.
 - (a) "D" variances: \$2,500 for each variance, up to a maximum \$5,000 initial deposit.
 - (b) Variances other than "D" variances.
 - [1] \$1,000 for variances associated with a new or reconstructed single family dwelling, up to a maximum of \$2,000.
 - [2] \$500 for variances not covered under Item [1] above, up to a maximum of \$1,000.

- (c) Interpretation of Zoning Map, zoning regulations, or other special questions: \$1,000 for each interpretation or special question.
 - (d) Permit for structure in the bed of a mapped street, public drainage way, flood control basin or public area on Official Map. No deposit required if associated with another category of application. If not associated with another category of application, \$250 for each violation if professional services are required by the Township agency.
 - (e) Permit for structure on a lot not related to a street. No deposit required if associated with another category of application. If not associated with another category of application, \$250 for each violation if professional services are required by the Township agency.
- (6) Appeals.
- (a) Appeal from decision of administrative officer. An appeal pursuant to N.J.S.A. 40:55D-70a shall be accompanied by a deposit of \$1,000 for each decision appealed from, if professional services are required by the Township agency.
 - (b) Appeal to Township Council. An appeal to the Township Council pursuant to N.J.S.A. 40:55D-17a shall be accompanied by a deposit of \$1,000 for each appeal, if professional services are required by the Council.
- (7) Request to amend master plan, Zoning Map or land use ordinance. A request made to the Planning Board to discuss a possible amendment to the Master Plan, Zoning Map or Land Use Ordinance shall require an initial deposit of \$5,000 for each amendment requested.
- B. Subsequent deposits for professional services. In the event that the amount in the individual account for professional services should become depleted to less than 25% of the initial deposit required by this chapter, and if the Administrative Officer determines that additional funds are necessary to cover the cost of processing the application, the Administrative Officer shall notify the applicant immediately of such depletion. Upon receiving such notice, the applicant shall deposit additional funds as necessary to make the amount in the account not less than 50% of the initial deposit required by this chapter for professional services.
- C. Failure to maintain deposit for professional services. If the required funds for professional services are not deposited in a timely manner, the Administrative Officer shall notify the Township agency having jurisdiction over the application, and shall send copies of the notification to the Township Finance Director. Upon receipt of the copy of notification, the Finance Officer shall immediately inform the Mayor and Township Council of the notification. No further action shall be taken on the application unless the deposits have been made by the applicant as required above. In

the event that the time for action by a Township agency, or any extension thereof, as required by this chapter shall expire prior to the payment of the required deposits, the reviewing agency shall have the option of dismissing the application.

- D. Vouchers for payment of professional services. All payments charged to a deposit required by this section shall be made pursuant to written monthly vouchers for each application from the professional(s) submitted to the Chief Financial Officer of the Township. It must identify the individual performing the service, and for each date the services performed, the hours expended to one-quarter hour increments, the hourly rate, and the expenses which were incurred for services provided.
- (1) If the services are provided by a professional employee of the Township, the Township employee shall prepare and submit to the Township's Chief Financial Officer a statement providing the same information which is required on the voucher on a monthly basis.
 - (2) The professional is required to forward an informational copy of the voucher or statement submitted to the Township's Chief Financial Officer simultaneously to the applicant. The Chief Financial Officer must then prepare and forward a statement to the applicant which includes an accounting of funds and lists all deposits, interest earnings, any disbursements, and the cumulative balance of the escrow account. If the monthly charges are \$1,000 or less the information will be provided on a quarterly basis. If the monthly charges exceed \$1,000, this information will be provided on a monthly basis.
 - (3) The Chief Financial Officer (or their designee) of the Township will also provide the applicant with a notice of insufficient escrow or deposit balance if the escrow account or deposit contains insufficient funds to enable the Township or approving authority to perform required application reviews or improvement inspections. In order for work to continue on the development or the application, the applicant must, within 10 days, post a deposit to the account in an amount to be agreed upon by the Township or approving authority and the applicant. The Township retains the right to suspend work pursuant to Subsection 54-15.2C if there are insufficient escrow deposit funds.
- E. Rates of payment for professional services. If the salary, staff support and overhead for a professional are provided by the Township, the hourly rate charged shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary of the professional by (2) the number of hours spent by the professional upon review of the application for development or inspection of the developer's improvements. For other professionals, the charge to the deposit shall be at the same rate as all other work of the same nature by the professional for the Township. Rates for professional services shall be in accordance with a schedule of professional fees filed annually with the Administrative Officer and maintained in the office of the Township Clerk for public inspection. Payments to consultants for fees under this

section shall be made in accordance with subsections 54-15.8 and 54-15.9 of this chapter.

- F. Retention and payment of different professional or consultant. If the Municipality retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the municipality or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project and the Municipality or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

SECTION 3. All ordinances of the Township of Rockaway that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect upon final passage and approval in accordance with law.

CERTIFICATION

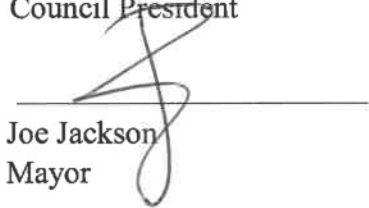
I, EVERETT FALT, DO HEREBY CERTIFY the above to be a true copy of an Ordinance adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on September 12, 2023.



Howard Kritz
Council President



Everett Falt, RMC
Township Clerk



Joe Jackson
Mayor

APPROVE
VETO

(SEE ATTACHED STATEMENT)

ORDINANCE 23-21

INTRODUCED AUGUST 8TH TOWNSHIP COUNCIL REGULAR MEETING
MOTION QUINN
SECOND R. BROOKES
ROLL CALL AYE FRIEDLANDER, NOON, SACKETT, R. BROOKES, SALBERG,
QUINN, PRESIDENT KRITZ
NAY NONE

ADVERTISED AUGUST 14, 2023

ADOPTED SEPTEMBER 12, 2023
MOTION FRIEDLANDER
SECOND R. BROOKES
ROLL CALL AYE FRIEDLANDER, D. BROOKES, SACKETT, R. BROOKES, SALBERG,
WOJTOWICZ, PRESIDENT KRITZ
NAY NONE

ADVERTISED SEPTEMBER 18, 2023

