

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 14-2007

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
AMENDING CHAPTER 158 (SUBDIVISION OF LAND)
AND CHAPTER 180 (ZONING) TO REVISE PROVISIONS FOR VARIANCE
APPLICATION FEES, ESCROW ACCOUNTS AND ZONING PERMIT FEES**

WHEREAS, the Township Council of the Township of Moorestown has reviewed the current code provisions for variance escrow fees as recommended by the Planning Board and Zoning Board attorney, and

WHEREAS, the Township Council has determined that the current provisions do not adequately cover the actual cost of the reviews, and that an increase in the escrow fee is necessary to continue to protect the public health, safety and general welfare of the citizens of Moorestown and to continue to provide for responsible development and redevelopment of land in the Township of Moorestown in accordance with the goals and objectives of the Master Plan.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington and State of New Jersey as follows:

Section 1. Chapter 158-14.A.(1) shall be revised as follows:

- (1) Application [F]fees as set forth below are nonrefundable and are to cover the administrative costs incurred by the Township in processing applications. Application fees shall be submitted with the application and paid in full prior to certification of a complete application.

Section 2. Chapter 158-14.A(2) shall be revised as follows:

- (2) The escrow accounts are to pay the cost of Tax Map revisions and professional review by the Township Engineer, Township Municipal Agency Attorneys, planning consultant, landscaping consultant, traffic engineers and other professionals employed to review and make recommendations on an application for development. The applicant shall be charged an amount equal to the expenditures made by the Township for professional services rendered to the Township in reviewing the application.

Section 3. Chapter 158-14.A.(3) shall be revised as follows:

- (3) At the time of submitting an application to the Department of Community Development, the applicant shall be required to submit the escrow and execute an escrow agreement to cover all necessary and reasonable costs

Matter shown in brackets [thus] shall be deleted from the existing chapter, and matter shown underlined thus, shall be added to the existing chapter.

incurred by the [technical and professional review in] municipal review agency during the review of the application on a form as approved by the Township Attorney. The amounts specified for escrow are estimates which shall be paid in full prior to certification of a complete application. [, with the exception of the flat fee for a bulk variance pursuant to N.J.S.A. 40-55D-70c. [See Subsection B(4).]] In the event that more than the amounts specified for escrow are required to pay the reasonable costs incurred, the applicant shall, upon written demand of the Department of Community Development [and prior to being permitted to take the next step in the approval procedure or, in any event, prior to obtaining final approval for any element of the project], pay into the escrow all additional sums required. All costs incurred shall be reimbursed by the applicant whether the application is approved or denied.

Section 4. Chapter 158-14.A.(4) shall be revised as follows:

- (4) [No approval shall be deemed complete until all fees are paid.] In the event that the amounts posted are more than those required, the excess funds shall be returned to the applicant within 45 days of the determination by the Director of Community Development and the Comptroller that all amounts to be paid pursuant to the escrow have, in fact, been paid.

Section 5. Chapter 158-14.B.(5)(b) shall be revised as follows:

- (b) Escrow account: [flat fee of \$100] \$120, if the application does not involve site plan or subdivision approval. If additional funds are needed for review of the application, the applicant shall supplement the escrow pursuant to §158-14.(A).(3).

Section 6. Chapter 158-14.C. shall be deleted in its entirety:

- [C. Legal fees. The developer shall be charged an amount equal to all expenditures made by the Township for legal services rendered to the Township in relation to an application.]

Section 7. Chapter 158-14.D. shall be deleted in its entirety:

- [D. Engineering review. Developers shall be charged an amount equal to all expenditures made by the Township for engineering services rendered to the Township for engineering review of the application.]

Section 8. Chapter 158-14.E. shall be deleted in its entirety:

- [E. Other reviews. The developer shall be charged an amount equal to any expenditures made by the Township for any other review services, such as

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landscaping, planning, traffic, etc., occasioned by an application. When the applicant intends to present specialized expert testimony which is beyond the expertise of the staff and consultants, the applicant shall increase the professional review escrow account by a minimum of \$500 for each such expert who will testify, in order to enable the municipal agency to hire expert consultants to review this testimony and advise the municipal agency.]

Section 9. Chapter 158-14.I. shall be deleted in its entirety:

- [I. The fee for administrative services as determined by Subsection B above, shall accompany the application for preliminary or final approval.]

Section 10. Chapter 180-105.(A) shall be revised as follows:

- (A) [Administrative fees. The following application fee shall be payable to the Zoning Officer upon application: (1)] Zoning permit/certificate of conformity: [~~\$25~~] \$50.

Section 11. Chapter 180-105.B.(3)(b) shall be revised as follows:

- (b) Escrow account: [~~flat fee of \$100~~] \$120, if the application does not involve site plan or subdivision approval. If additional funds are needed for review of the application, the applicant shall supplement the escrow pursuant to §158-14.(A).(3).

Section 12. Chapter 180-105.C. shall be revised as follows:

- C. [Costs incurred by the Township in obtaining engineering, planning and other review of applications shall be reimbursed by the applicant whether the application is approved or rejected. If approved, the applicant shall reimburse the Township for such costs prior to the time a permit for such use is authorized.] At the time of submitting an application to the Department of Community Development, the applicant shall be required to execute an escrow agreement to cover all necessary and reasonable costs incurred by the municipal review agency during the review of the application on a form as approved by the Township Attorney. The amounts specified for escrow are estimates which shall be paid prior to certification of a complete application. In the event that more than the amounts specified for escrow are required to pay the reasonable costs incurred, the applicant shall, upon written demand of the Department of Community Development, pay into the escrow all additional sums required. All costs incurred shall be reimbursed by the applicant whether the application is approved or denied.

Section 13. Effective date. This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law.

Section 14. Severability. If any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 15. Short Title. This ordinance may be cited as **Ordinance No. 14-2007.**

CERTIFICATION

I hereby certify that Ordinance No. 14-2007 was introduced and adopted on first reading by the Township Council at a meeting held on March 26, 2007. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on April 30, 2007.

VOTE:

ABERANT	YES
ROCCATO	YES
BRODER	YES
SEGAL	YES
ERON	YES

PATRICIA L. HUNT, RMC
Township Clerk