

ORDINANCE O:23-2023

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 175 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED “LAND MANAGEMENT”**

WHEREAS, the Township Council of the Township of Monroe having considered certain changes to Section 175-48 of the Code of the Township of Monroe in order to meet the needs of all of the residents of the Township of Monroe.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe that Section 175-48 is hereby amended to include the following:

SECTION I. Section 175-48 is hereby amended as follows:

§ 175-48 Land development fees.

- A. There shall be a continuing obligation to pay application fees and professional and consulting fees incurred during the course of review. Applicants submitting the applications set forth herein shall pay such application and escrow fees as are due and all reasonable costs for professional services, including engineering, legal, planning and other costs incurred by the Township in connection with the review and approval by the Planning Board or Zoning Board of Adjustment, including review by any advisory Township Board or Commission including the Redevelopment Authority or Committee, of the applications set forth herein or by the Township Council of any aspect thereof including an appeal or a concept plan by such Board and review to assure that the conditions of approval have been satisfied. Such professional and consulting services may be rendered by Township employees or consultants retained by the Township on a general basis or retained specially for an application by the Board having jurisdiction or the Township. In conjunction with payment of such professional and consulting fees, the applicant shall make an escrow deposit in the amount and manner set forth herein and shall execute an agreement in a form provided by the Township obligating itself to pay such fees. The application fee is a flat fee to cover direct administrative expenses and is nonrefundable.
- B. Amount of fees and escrow deposits due. Each applicant shall, prior to its application being deemed complete, submit to the Community Development Director, by certified check or money order, the following sums as application fees and escrow deposits, together with a fully executed escrow agreement in the form provided by the Township:
 - (1) Interpretation and appeals.
 - (a) Interpretation of chapter (N.J.S.A. 40:55D-70b) or appeal of Zoning Officer's interpretation (N.J.S.A. 40:55D-70a).
 - [1] Application fee: \$100.
 - [2] Escrow deposit: \$300.
 - (2) Zoning variance.
 - (a) Application fee.

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- [1] Variance under N.J.S.A. 40:55D-70c: \$200.
- [2] Variance under N.J.S.A. 40:55D-70d: \$200.
- (b) Escrow deposit.
 - [1] Variance under N.J.S.A. 40:55D-70c: \$450.
 - [2] Variance under N.J.S.A. 40:55D-70d: \$2,500.
- (c) Informal review.
 - [1] Application fee: \$0.
 - [2] Escrow deposit: \$500 or \$250 per professional that is required to attend.
- (3) Site plan review and waivers.
 - (a) Site plan review.
 - [1] Application fee: \$1,000.
 - [2] Escrow deposit.
 - [a] Minor site plan: \$6,000.
 - [b] Major site plan preliminary approval.
 - [i] Nonresidential: \$6,000 plus \$300 per acre or fraction thereof; or
 - [ii] Residential: \$6,000 plus \$100 per dwelling unit.
 - [c] Major site plan final approval.
 - [i] Nonresidential: \$6,000 plus \$150 per acre or fraction thereof; or
 - [ii] Residential: \$6,000 or \$50 per dwelling unit.
 - (b) Site plan waiver:
 - [1] Application fee: \$100.

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- [2] Escrow deposit: \$500.
- (4) Minor subdivision review.
 - (a) Application fee: \$300.
 - (b) Escrow deposit: \$3,000.
- (5) Major subdivision sketch plat review.
 - (a) Application fee: \$200.
 - (b) Escrow deposit: \$1,000.
- (6) Major subdivision review.
 - (a) Preliminary.
 - [1] Application fee: \$1,000.
 - [2] Escrow deposit: \$10,000 plus \$100 per lot for each lot over 30 lots.
 - (b) Final.
 - [1] Application fee: \$1,000.
 - [2] Escrow deposit: 50% of the original escrow given at preliminary.
 - [3] Escrow deposit for Tax Map preparation.

Number of Lots	Cost Per Lot
1 to 5	\$80
6 to 20	\$55
21 to 50	\$40
Greater than 50	\$30

- (7) Development and redevelopment review fees.
 - (a) Purpose. With the goal of enhancing planning, redevelopment and economic development activities within the Township of Monroe and the intent that such activities further the interests of sustaining and promoting growth and development in the Township, the Township hereby establishes escrow accounts for fees to defray costs for redevelopment projects.

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- (b) Authority. Pursuant to N.J.S.A. 40A:12A-8(f) of the Local Redevelopment and Housing Law, potential redevelopers with the Township of Monroe ("Township") shall be required to enter into a redevelopment escrow funding agreement ("funding agreement") to cover the Township's administrative expenses, evaluations, negotiation and approval of agreements, legal, engineering, planning, and other professional review fees, and other costs associated with the implementation and administration of redevelopment projects (collectively "redevelopment project costs and expenses") with the Township Council, the Redevelopment Authority, Economic Development Commission, and/or the Planning Board.
- (c) Fees. Prior to submission of an application for development including redevelopment or rehabilitation to Council, the Redevelopment Authority, Economic Development Commission, and/or the Planning Board, fees shall be payable based on the cost of the proposed project.
- (d) Application fee. The application fee for redevelopment/rehabilitation projects: \$500.
- (e) Escrow funding agreement and procedures regarding redevelopment matters.

[1] This redevelopment funding agreement shall be a prerequisite to all redevelopment agreements with the Township where the cost of the redevelopment project is as described below.

[2] The funding agreement acknowledges and binds the developer to post an escrow with the Township to pay the Township's redevelopment project costs and expenses. This includes, but is not limited to, all legal, engineering, planning, and/or other professional costs associated with the redevelopment. The appropriate Township Official shall establish an escrow account for the redevelopment project. The escrow deposit will be held by the Township and disbursed pursuant to a redevelopment funding agreement. The funding agreement shall be initiated, implemented and managed by the Township Council, the Redevelopment Authority, Economic Development Commission, and/or the Planning Board.

[3] Escrow amounts for redevelopment matters.

[a] Potential redevelopers shall be required to make payments to an escrow account to cover the Township's redevelopment project costs and reasonable expenses, including, but not limited to, professional review and administrative expenses, towards the potential redeveloper's project. The initial

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deposit requirement and, if necessary, the amount to be replenished shall be based on the cost of the potential redeveloper's project as described below:

Cost of Redevelopment Project	Escrow Deposit
\$0 to \$250,000	\$5,000
\$250,000 to \$500,000	\$10,000
\$500,000 to \$1,000,000	\$15,000
Above \$1,000,000	\$20,000

- [b] If, depending on the scope of the project, the balance of the escrow deposit has insufficient funds and/or falls below \$2,000, the potential redeveloper may be required to replenish the escrow account within 20 days from an agreement reached between the potential redeveloper and the Township Council, the Redevelopment Authority, Economic Development Commission, and/or the Planning Board.
- C. Each applicant who shall submit a plan for site approval shall agree in writing, by execution of an escrow agreement, to pay all reasonable costs for professional review of the plans and application and for inspection of the improvements required by the Planning Board or Zoning Board. All costs shall be paid in full prior to the issuance of any building permits and any additional escrow due and owing shall be paid in full before any occupancy of the premises is permitted or occupancy permit is issued.
- D. All relevant provisions regarding the collection, deposit and disposition of application and escrow fees as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are hereby incorporated herein by reference fully.
- E. Escrow for inspection. The escrow deposit for inspection shall be 5% of the cost of improvements or \$500, whichever is greater, except for extraordinary circumstances.
- F. Escrow fees. The escrow fees required at the time of submission are minimums, which must be submitted with the application for development. An application for development shall not be deemed complete until all required fees have been paid.
- G. Application of escrow fees. Escrow fees shall be applied to professional costs charged to the Township of professional consultants (planner, engineer, attorney and any other consultant or specialist retained by the Board) for services rendered in the review of the development application. Additional escrow fees shall be required when the original escrow amount is depleted by 50% or more and the application is still in progress. The amount of additional escrow fees required shall be equal to the difference between the

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remaining escrow moneys and the original escrow fees deposited. The review of any application which is found to be deficient in the required escrow moneys shall cease until such time as the additional escrow fees have been deposited.

- H. After an application has received final approval and it has been determined that no further reviews will be involved, any remaining escrow moneys shall be refunded to the applicant, upon the applicant's request. Failure of the applicant to request unused funds, for a period of two years, shall render the moneys within the account nonrefundable. The Clerk of the Planning Board and Zoning Board of Adjustment shall notify the ~~Director of Finance~~ **Chief Financial Officer**, who will transfer the remaining escrow from said account into the general treasury. A detailed account of all moneys expended from the escrow funds shall be available to the applicant upon request.

SECTION II. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV. This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

TOWNSHIP OF MONROE

CNCL. PRES., CAROLANN FOX

ATTEST:

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

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CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 26th day of June, 2023, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 24th day of July, 2023 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

ROLL CALL VOTE

1st Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				

2nd Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this _____ day of _____, 2023.

MAYOR GREGORY A. WOLFE