

**TOWNSHIP OF HAMILTON**

**ORDINANCE #1874-2018**

**AN ORDINANCE AMENDING CHAPTER 167 OF THE TOWNSHIP CODE TO PROVIDE FOR OR AMEND THE FEES FOR CERTAIN LAND DEVELOPMENT APPLICATIONS IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC**

**BE IT ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey that Chapter 167 of the Code of the Township of Hamilton, entitled Fees, shall be amended as follows:

Section 1. Amend Article II, Development Fees, by deleting the existing text of §167-6, Administrative fees and escrow deposits, in its entirety and replacing it with the following:

§ 167-6. Administrative fees and escrow deposits.

A. Administrative and escrow fees for certain development applications.

1. The schedule of fees shall be as follows:

<b>Application Category</b>	<b>Administrative Fees</b>	<b>Escrow Fees</b>
Minor subdivision		
Not creating additional lots	\$250	\$1000
Creating one or more additional lots	\$250 plus \$25 per lot created	\$1500
Amendment	50% of the original fee	\$700
Major subdivision		
Preliminary	\$400 plus \$30/lot	25 or fewer lots \$7,000 26 – 100 lots \$10,000 101 – 500 lots \$12,000 Over 500 lots \$15,000
Final	\$400 plus \$20/lot	50% of the preliminary escrow fee
Amendment of an approved subdivision	50% of the preliminary application fee plus \$30 additional lot when increasing the number of lots	50% of the preliminary escrow fee
Site plan, non-residential		
Minor site plan	\$500	\$3000
Preliminary major site plan		
Under 5,000 s.f. of GFA	\$600	\$3,500
From 5,001 to 10,000 GFA	\$700	\$4,000
From 10,001 to 50,000 GFA	\$900	\$5,000
From 50,001 to 100,000 GFA	\$1,000	\$7,500
From 100.001 GFA or greater	\$1,250	\$10,000
Final major site plan	50% of the preliminary application fee	50% of the preliminary escrow fee
Site plan, residential and mixed use (i.e. planned adult community, planned village development and redevelopment areas)		
General development plan	\$1,000	\$5,000
Preliminary site plan		
Residential units	\$400 plus \$30/unit	25 or fewer lots \$7,000 26 – 100 lots \$10,000 101 – 500 lots \$12,000 Over 55 lots \$15,000
Non-residential elements	Use applicable non-residential site plan fee	Use applicable non-residential site plan escrow
Final site plan	50% of the preliminary application fee	50% of the preliminary escrow fee
Site plan, amendment or revision of an approved plan	50% of the original application fee	50% of the preliminary escrow fee
Site plan, administrative review	\$300	\$2,500
Extension of approval	\$250	\$2000
Conditional use	\$350	\$1000

Request for Master Plan amendment; zoning change; designation of a redevelopment or rehabilitation area; or redevelopment plan review and recommendation	\$300	\$2000
Variances		
Appeal or interpretation pursuant to NJSA 40:55D-70.or 40:55D-76.a.	\$350	\$1000
'Bulk' variances pursuant to NJSA 40:55D-70c.(1) or (2)	\$75/variance	\$500
'Use' variances pursuant to NJSA 40:55D-70.d (1) thru (6)	\$400	\$1500
Transcripts	100% of actual cost	
Workshop with Board professionals		\$700
Certificate of nonconformity pursuant to NJSA 40:55D-68		
Administrative application	\$75	
Application to Zoning Board	\$350	\$1,000
Zoning Permits		
Residential, new single family dwelling or additions to an existing dwelling	\$35	
Residential, new two-family or townhouse dwelling	\$35/unit	
Residential, multifamily structures	\$50	
Nonresidential, new buildings or additions to existing buildings	\$50	
Mixed-use structures, new buildings or additions to an existing building	\$50	
Accessory structures (e.g. detached garages, detached decks, patios, pools, sheds, fences, etc.)	\$25	
Signs	Freestanding signs - \$50	
	Building mounted signs - \$25	
Continued zoning permit/certificate of compliance	\$25	
Certificate of appropriateness	\$25	

2. Exemptions.

- a. All charitable, philanthropic, fraternal and religious nonprofit organizations holding a tax exempt status under the Federal Internal Revenue Code [26 USC § 501(c) or(d)] are exempt from the payment of application fees, as required above. This exemption is specific only to the required application fees and shall not affect the requirements of the balance of the development fees required, including the obligation to post review escrow fees as provided herein.
- b. A disabled person, or a parent or sibling of a disabled person, shall be exempt from the payment of any application fee charged in connection with any application for development which promotes accessibility to his own living unit.
- c. As provided for by §203-187.D. of the Township Code, residential units that deed restricted to be affordable to low/moderate income households are to be excluded from the calculations of site plan/subdivision application and escrow fees.

B. Application of escrow fees.

1. The application and escrow fees set forth in Subsection A herein above are minimums which must accompany the application. Where an application for development includes several approval requests, the total sum of all individual required fees and escrows shall be paid. An application shall not proceed until the application fee and escrow required have been paid. The board administrator or secretary shall exercise discretion in establishing the figure required for the escrow fund based on the scale and complexity of the development.
2. Application fees and escrow fees must be submitted in separate checks payable to the Township of Hamilton. The escrow fee shall be forwarded to the Chief Finance Officer for deposit into a developer's escrow account. The application fees shall be deposited into the general account of the Township.
3. Escrow funds shall be applied to professional costs charged to the Township by professional consultants (engineers, solicitors, planners, or any other consultants retained by the Planning Board, Zoning Board of Adjustment or Township Committee) for services or review regarding the development application. Additional escrow funds may be required when the original amount is depleted by 50% and the development

application is still in progress. The additional funds shall be paid no later than 20 days after the applicant/owner is advised by the appropriate official that additional escrow funds are necessary.

- a. In the event that the owner/applicant contests the amount of additional escrow funds required, then and in that event, the applicant/owner shall pay the amount of additional escrow funds as set forth by the Chief Financial Officer and shall contest that amount at a later time after the amounts of additional escrow funds are paid. In the event that the applicant/owner does not promptly pay additional escrow funds within 20 days of receiving notice thereof, then and in that event, the Planning Board, Zoning Board of Adjustment or Township Committee may, at their sole discretion, refuse to take any further action with regard to the pending application or, in the alternative, may determine that the application is not completer nunc pro tunc.
- b. In the event that approvals have already been given to the applicant/owner and the applicant/owner has been advised of the need for additional escrow funds and fails to timely fund any additional escrows, then and in that event, any preliminary, final or other approvals shall be suspended and, therefore, ineffective until such time as the additional escrow funds are paid to the appropriate agency.
- c. In the event an applicant disputes specific professional charges, an appeal may be made pursuant to NJSA 40:55D-53.2a.

C. Inspection escrow. Inspection escrows shall be provided for in the Hamilton Township development ordinances, including but not limited to those provided for in the Land Use and Development Ordinance, Chapter 203, Article XII

Section 2. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or any other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgement shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance, and of other ordinances enacted together with this Ordinance, are hereby declared to be severable.

Section 4. Effective date. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, NJ

\_\_\_\_\_  
RITA MARTINO, RMC, CMR  
TOWNSHIP CLERK

\_\_\_\_\_  
ART SCHENKER, MAYOR

COMMITTEE MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GUISHARD					
KURTZ					
LINK					
SILVA					
MAYOR SCHENKER					

FIRST READING AND INTRODUCTION:  
FINAL READING AND ADOPTION: