

GREENWICH TOWNSHIP

ORDINANCE NO. 64-2023

AN ORDINANCE PROVIDING FOR ESCROW FEES FOR DEVELOPMENT APPLICATION

BE IT ORDAINED, by the Township Committee of the Township of Greenwich, County of Cumberland, and State of New Jersey, as follows:

SECTION 1.

(1) Escrow Deposits.

The Land Use Board shall require escrow deposits in accordance with the provisions of the Ordinance. Such escrows shall be used to pay the cost of any professional fees incurred for review of and/or testimony concerning an application for development submitted by an applicant.

(2) Subject to the provisions of Paragraph (c) below, each applicant shall, prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Law, submit the following sum(s) to be held in escrow in accordance with the provisions hereof:

Development Application Fee Schedule

Type of Application	Application Fee	Escrow Fee
Certificate of Appropriateness	\$50	\$100
Minor subdivision	\$250	\$350 per lot
Major subdivision, preliminary	\$350	\$500 plus \$75 per lot
Major subdivision, final	\$250	\$500 plus \$50 per lot
Minor site plan	\$250	\$1,000
Major site plan (residential), preliminary	\$350	\$500 plus \$75 per dwelling unit
Major site plan (residential), final	\$250	\$500 plus \$50 per dwelling unit
Major site plan (commercial), preliminary	\$350	\$500 plus \$750 per acre
Major site plan (commercial), final	\$250	\$500 plus \$500 per acre
Waiver of site plan approval	\$200	\$750
Conditional use	\$200	\$1,250
Appeal per N.J.S.A. 40:55D-70.a	\$200	\$500
Interpretation per N.J.S.A. 40:55D-70.b	\$200	\$500
Variance per N.J.S.A. 40:55D-70.c	\$200	\$500
Variance per N.J.S.A. 40:55D-70.d	\$250	\$1,250
Variance per N.J.S.A. 40:55D-34	\$200	\$500
Variance per N.J.S.A. 40:55D-36	\$200	\$500

Conceptual (informal) plan		
Minor subdivision or site plan	\$150	\$750
Major subdivision or site plan	\$150	\$1,000
Extension of approval	\$150	\$750
Certificate of nonconformity		
Issued by Land Use Board	\$200	\$750
Resubmission of incomplete application	\$250	-----
Tax Map revisions from subdivision	\$250 per lot	-----
Redevelopment plan revision	\$250	\$1,500
Request for rezoning	\$250	\$1,000

For any type of application for which a fee is not specifically set forth in this Ordinance, the Board may require an escrow deposit based on estimates provided by the Board's professionals.

For any applications which the Board considers sufficiently minor in nature as to not require professional reviews, the Board may waive the escrow requirement.

(3) Within forty-five (45) days after the filing of an application for development, the Land Use Board shall review said application for development to determine whether the escrow amount set forth above is adequate. In conducting such review, said Board shall consider the following criteria:

1. The presence or absence of public water and/or sewer servicing the site.
2. Environmental considerations, including but not limited to geological, hydrological and ecological factors.
3. Traffic impact of the proposed development.
4. Impact of the proposed development on existing aquifer and/or water quality.
5. Impact of the proposed development on off tract facilities.
6. Surface drainage impact on the site or on surrounding properties or facilities.
7. Impact on Historic Conservation District and State and National Register Districts for applications for major subdivisions of more than three houses or for applications for commercial or industrial development;
8. Impact on potentially historical and/or archaeological significant sites throughout the township for applications for commercial and industrial development.

Upon completion of said review and within said forty-five (45) day period, the Board shall adopt a resolution specifying whether the escrow amount specified above is sufficient, excessive or insufficient. In the event the Board shall determine that said amount is excessive, it shall, in the resolution, specify the amount that shall be deemed sufficient. In the event the Board shall determine that the amount specified above is insufficient, it shall so specify and shall further set forth the amount required to be posted

in light of the criteria specified herein. In the event the Board shall determine that it is appropriate that no escrow be posted, it shall so specify in its resolution. In the event that the escrow is fully expended and further review is required, the Board shall determine what additional amount should be placed in escrow and shall notify the applicant thereof in writing. No further review of the application shall be made until after the additional sum is deposited. Failure to make an escrow deposit under this Ordinance after written notice shall be grounds for disapproval of an application.

- (4) No application for development shall be deemed complete until such time as the applicant shall have posted with the Township of Greenwich in cash, certified check or money order the amount of escrow deposit determined by the Land Use Board to be required in accordance with the provisions of this Ordinance.
- (5) All such escrow funds shall be utilized by the Board to pay the cost of any professional fees incurred by the Board for review and/or testimony in connection with the particular application for development. The first \$200.00 of such professional expense shall be paid by the Township. All amounts in excess of the first \$200.00 shall be paid from the escrow deposit by the applicant. All sums not actually so expended shall be refunded to the applicant within one hundred twenty (120) days after certification by the Board Chair that said application has been finally determined. "Finally determined" shall be (1) denial of preliminary approval; or (2) denial of final approval; or (3) compliance with all conditions following final approval; or (4) withdrawal of application or (5) expiration of approval.
- (6) Resubmission or Revision of Any Application:
The provisions of this Ordinance shall be applicable to any resubmission or revision of a development plan or application as if same were an initial development application. The escrow deposit required by this Ordinance shall, therefore, be the same for a resubmission or revision of a development plan or application as for a new application which shall be in addition to the amounts paid or owed for the original application and for any previous resubmissions or revisions. Escrow deposits on account of a revised plan or application may, in the discretion of the reviewing agency, be waived for any revision not involving any additional cost or review by professional personnel or hearing expenses.

SECTION 2. This Ordinance shall take effect immediately upon adoption and publication in the manner prescribed by law.

WILLIAM REINHART, MAYOR

ATTEST:

LISA GARRISON, CLERK

INTRODUCED:

ADOPTED:

**AD
INTRODUCED:**