

ORDINANCE NO. 49-2012

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF TOWNSHIP OF HARRISON,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING §110-1.2 C. (1) ARTICLE
I OF THE CODIFIED ORDINANCES OF THE TOWNSHIP OF HARRISON PURSUANT TO
THE MUNICIPAL LAND USE LAW (N.J.S.A. 40:55D-1 *Et. Seq.*)**

BE IT ORDAINED, by the Township committee of the Township of Harrison in the County of Gloucester, that the Code of the Township of Harrison shall be and is hereby amended and supplemented to provide as follows:

SECTION I. Article I Section **110-1.2. Review fees (escrow) deposit** is deleted and replaced as follows:

§ 110-1.2. Review fees (escrow) deposit.

A. Whenever a review fee is required, the developer shall deposit in accordance with § 110-1.4 a sum of money which the Municipal Treasurer shall, in turn, deposit in a separate account and carry under the municipality's trust fund section of accounts on the books of the municipality as a review fee escrow fund. The amount of money so deposited, exclusive of all other fees, shall be as follows:

B. Subdivision and site plan escrow fees:

(1) For major subdivisions, at preliminary application and again at final application: the sum of \$300 per lot for the first 10 lots and \$200 per lot for each additional lot after the first 10. At the time of final approval any amounts remaining on deposit after the preliminary application review fees have been paid shall be credited to the deposit for the final approval review fee deposit.

(2) For minor subdivision applications, the applicant shall post an initial escrow in the amount of \$700 to cover the review fees charged by the Township professionals.

(3) For preliminary major site plan review: \$1,000 per the first acre or part thereof, plus \$200 for each additional acre or part thereof. The same fee shall be paid again at the time of final application.

(4) For minor site plan review: \$700.

C. Escrow fees for applications pursuant to N.J.S.A. 40: 55D-70

(1) Two thousand dollars per variance application pursuant to N.J.S.A. 40:55D-70d;

(2) One thousand five hundred dollars for any other application pursuant to N.J. S. A. 40:55D-70

D. Such fund shall be used to pay the fees of any professional or technical personnel retained or employed by the combined Municipal Planning Board or Township Committee to assist in processing, reviewing, and making recommendations concerning the subject application, which shall include but not necessarily be limited to the solicitor to the board or agency, the engineer for the board or agency, the land planner for the board or agency, the Township Solicitor as may be required to act pursuant to

ordinance, and such other personnel which may be necessary to be consulted in the event an application shall require special consideration and/or review.

E. Escrow agreement.

(1) Whenever a review fee shall be required, the developer or applicant, together with the combined Municipal Planning Board, shall execute an agreement, in writing, with copies for each party providing the following as to escrow agreements:

(a) The agreement shall be signed by the developer and the combined Municipal Planning Board at the time of the application.

(b) The subject matter of the application shall be specifically identified by lot and block designation as found on the Tax Map of Harrison Township.

(c) The full name of the applicant with applicant's address, telephone number and fax number shall be included.

(d) The purpose for the escrow shall be defined in accordance with the application.

(e) The agreement shall provide the developer's responsibility to maintain an adequate reserve of funds for the payment in accordance with the provisions of this subsection.

(f) In the event the escrow shall be deficient at any time, the combined Municipal Planning Board shall declare the application incomplete.

(g) Any excess funds remaining in the escrow fund after 45 days after final approval shall be returned to the applicant.

(h) If an applicant, or in the case of a legal entity (such as a corporation or limited liability company) any person who has greater than a ten-percent interest in any applicant, shall at any time have a deficient escrow account on any parcel within Harrison Township, such escrow account shall be brought current prior to the combined Municipal Planning Board considering any new application for development of any parcel or parcels within Harrison Township involving the person with the deficient escrow.

(i) In addition to the other remedies provided to the combined Municipal Planning Board set forth herein, the applicant shall indemnify and reimburse Harrison Township for the attorney's fees and costs relating to the collection of all delinquent or deficient escrow balances. All escrow balances shall be considered deficient if they are not paid in full within 20 days of notification from the Secretary of the Board.

(2) If at any time the escrow fund is found to be insufficient to cover all reasonable fees for the required professional services, the applicant shall be notified, in writing, with an accounting of the fees, and the applicant shall within 20 days increase the fund as shall be determined by the reviewing board. In the event the applicant shall fail to deposit the required fees, the reviewing board shall be entitled to declare the application incomplete. Any excess funds in the escrow fund remaining 45 days after final action has been taken by the reviewing board shall be returned to the applicant.

SECTION II. VALIDITY: The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION III. REPEALER: All Ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION IV. ENACTMENT: This Ordinance shall take effect immediately upon posting, publication, approval, filing with the Gloucester County Planning Board and publication in the manner prescribed by law.

TOWNSHIP OF HARRISON

BY: _____
LOUIS F. MANZO, MAYOR

ATTEST:

DIANE L. MALLOY, Municipal Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, held on November 19, 2012. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township's Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, in the Township, on December 3, 2012, at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 114 Bridgeton Pike, in the Township, to the members of the general public who shall request the same.

DIANE L. MALLOY
Municipal Clerk