

ORDINANCE NO. 3767

ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, CHAPTER 112, LAND DEVELOPMENT, ARTICLE XXIV, PERFORMANCE GUARANTEES AND INSPECTIONS, SECTION 112-197 – INSPECTION OF IMPROVEMENTS; ARTICLE XXVIII, ESCROW DEPOSITS, SECTION 112-213 – INITIAL DEPOSITS FOR PROFESSIONAL FEES; ARTICLE XL, FEES, SECTION 112-328 – WAIVER OF FEES; AND SCHEDULE 7 – FEES.

SUMMARY

An Ordinance amending Chapter 112 of the Municipal Code entitled, Land Development with the deletion of Section 112-197, (C) (1) – Engineering Review and Inspection Fees for a Single-Lot Application; amendments to Section 112-213 – Initial Deposits for Professional Fees, deletion of Section 112-328 – Waiver of Fees; and amendments to Schedule 7 – Fees.

**BE IT ORDAINED** by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey as follows:

SECTION I

Section 112-197 of Chapter 112, Land Development, of the Township of Franklin, is hereby amended as follows:

**§ 112-197. Inspection of improvements.**

C. Engineering review and inspection fees for a single-lot application.

~~(1) Applicants for all residential development for a single lot application that will include the construction of one dwelling unit or an addition to a dwelling unit, or the construction of a new accessory structure or pool, are required to pay the Township a fee for engineering review and inspection services in accordance with the following fee schedule:~~

| <del>Proposed Improvement</del>                                | <del>Review and Inspection Fee</del> |
|--|--------------------------------------|
| <del>New dwelling with variances</del>                         | <del>\$500</del>                     |
| <del>New dwelling without variances</del>                      | <del>\$350</del>                     |
| <del>Addition with variances</del>                             | <del>\$300</del>                     |
| <del>Addition without variances</del>                          | <del>\$150</del>                     |
| <del>New Accessory Structures or pools with variances</del>    | <del>\$300</del>                     |
| <del>New accessory structures or pools without variances</del> | <del>\$100</del>                     |
| <del>Decks or aboveground pools</del>                          | <del>No fees required</del>          |

(2) Review and Inspection for residential development involving two or more units and subdivisions creating two or more lots are subject to the fees and deposits as set forth in Subsection A(1) of this section and in Article XXVIII, § 112-210 et seq.

SECTION II

Section 112-213 of Chapter 112. Land Development, of the Township of Franklin, is hereby amended as follows:

**§ 112-213. ~~Initial deposits for~~ Escrow and professional fees.**

At the time of the filing of an application for development, appeal or other matter pursuant to this chapter, the applicant shall pay to the administrative officer an initial deposit for services in accordance with the following schedule. Deposits shall be made by check, bank money order or cash. In the case of proposals requiring a combination of approvals, such as site plan and/or variance(s), the applicant shall deposit an amount equal to the sum of the deposits required for each application.

A. Escrow Fees

|                            |                            |
|----------------------------|----------------------------|
| <b>Type of Development</b> | <b>Escrow to be Posted</b> |
|----------------------------|----------------------------|

Residential development:

|   |                      |
|---|----------------------|
| <u>2-3 units (site plan/minor subdivision)</u>  | <u>\$3,000</u>       |
| <u>2-10 units (site plan/major subdivision)</u> | <u>\$4,000</u>       |
| <u>11-20 units</u>                              | <u>\$6,000</u>       |
| <del>2-20 units</del>                           | <del>\$2,000</del>   |
| 21-100 units                                    | \$6,000 <u>8,000</u> |
| 101-500 units                                   | \$10,000             |
| 501-1,000 units                                 | \$12,500             |
| 1,001 units and greater                         | \$15,000             |

Commercial/Industrial development application not involving structures:

|                    |         |
|--------------------|---------|
| 0-3 lots           | \$5,000 |
| 4 lots and greater | \$7,500 |

Commercial/Industrial development application involving structure:

**Total Floor Plan**

|                                |          |
|--------------------------------|----------|
| 5,000-10,000 square feet       | \$7,500  |
| 10,001-20,000 square feet      | \$10,000 |
| 20,001 square feet and greater | \$12,500 |

All other applications when no residential or commercial/industrial development is proposed: \$3,000.

~~A. Applications requiring delineation of wetlands when no residential or commercial/industrial development is proposed: \$3,000.~~

~~B. All other applications when no residential or commercial/industrial development is proposed: \$3,000.~~

B. Professional Fees

Applicants for the following single-lot applications are required to pay the Township a non-refundable fee for professional review and inspection services in accordance with the following fee schedule:

| <u>Proposed Improvement</u>                             | <u>Review and Inspection Fee</u>                          |
|---|---|
| <u>New dwelling with variances</u>                      | <u>\$1,000</u>  |
| <u>New dwelling without variances</u>                   | <u>\$ 500</u>   |
| <u>Addition with variance</u>                           | <u>\$ 300</u>   |
| <u>Addition without variances</u>                       | <u>\$ 150</u>   |
| <u>New accessory structure of pool with variance</u>    | <u>\$ 300</u>   |
| <u>New accessory structure of pool without variance</u> | <u>\$ 100</u>   |
| <u>Decks or above ground pools</u>                      | <u>No fees required</u>                                   |
| <u>Site Plan Waiver</u>                                 | <u>\$ 500</u>   |
| <u>Sign Variances</u>                                   | <u>\$ 500</u>   |
| <u>Home Occupations</u>                                 | <u>\$ 500</u>   |
| <u>TRC Reviews</u>                                      | <u>\$1,000 (this fee may be waived or reduced by TRC)</u> |

**SECTION III**

Section 112-328 of Chapter 112. Land Development, of the Township of Franklin, is hereby deleted as follows:

~~§ 112-328. Waiver of fees.~~

~~Fees required pursuant to § 112-327 shall be waived for all nonprofit organizations.~~

**SECTION IV**

Schedule 7 of Chapter 112. Land Development, of the Township of Franklin, is hereby amended as follows:

**FEE SCHEDULE  
FRANKLIN TOWNSHIP DEVELOPMENT ORDINANCE**

| APPLICATION TYPE<br>SITE PLAN (MINOR AND MAJOR) | FILING<br>FEE<br>\$ | CONDITIONS   |
|---|---------------------|--|
| Residential                                     |                     |  |
| Preliminary                                     | 1,750               | For first 10 acres or any part thereof; plus   |
|   | 75                  | For each additional acre over 10 acres or any part thereof; plus   |
|   | 75                  | Per dwelling unit.   |
| Final   | 750                 | Initial fee, plus  |
|   | 40                  | Per dwelling unit  |
| Nonresidential                                  |                     |  |
| Preliminary/final (in combination)              | 750                 | For first 10,000 square fee of tract; plus   |
|   | 50                  | For each additional 5,000 square feet of tract or portion thereof; plus  |
|   | 0.01                | Per gross square fee of building   |
| Final only                                      |                     | One-half preliminary fee   |
| Revisions (prior to approval)                   |                     |  |
| Residential and non residential                 |                     | Same as above for each submission to the approving authority. The approving authority may waive a portion or all of the fee paid for revised submission at the request of the applicant, if the revised submission involves no change in building location, design and layout of parking are or improvements, for drainage, sanitary or water lines. |
| Amendments to approved applications             |                     |  |
| Residential                                     | 325                 | Per each 500 square fee or portion thereof disturbed area  |
| Nonresidential                                  | 325                 | For first 5,000 square fee of new disturbance; plus  |

50 For each additional 5,000 square feet or portion thereof of newly disturbed area; plus

0.01 Per gross square feet of building (addition or change)

Request for waiver of site plan 250 ~~400~~

**SUBDIVISIONS**

Minor 500 ~~300~~

Cluster Sketch 1,000 For first 50 acres; plus  
100 For each additional 50 acres or portion thereof; plus  
50 For each lot including a nonbuildable lot

Major

Preliminary 500 Initial fee; plus  
300 Per lot for first 10 building lots; plus  
180 Per lot for next 20 building lots; plus  
150 Per lot for remaining lots  
500 Initial fee; plus  
Final 125 Per building lot

**SUBDIVISIONS**

Amendments to approved applications

Minor 150  
Cluster/Sketch 1,000 Submission  
50 For each lot changed  
Major (preliminary) 500 Submission  
300 For each lot changed  
Major (final) 500 Submission  
125 For each lot changed

**CONDITIONAL USE** 500 *Plus applicable site plan fee*

~~Home occupation~~ 22

~~All others~~ 300 ~~Plus applicable site plan fee~~

**VARIANCES**

Bulk variance

Created by subdivision (N.J.S.A. 400 ~~275~~ Per variance ~~each affected~~  
40:55D-70c)

|  |                           |  |
|--|---------------------------|--|
| Involving structures <i>All others</i><br>(N.J.S.A. 40:55D-70c)  | <del>250</del> 75         | Per variance in residential zones  |
|  | <del>250</del>            | Per variance in all other zones  |
| Use variance (N.J.S.A. 40:55D-70d)   | <u>750</u>                |  |
| <del>Expansion of existing<br/>nonconforming use (single or<br/>two family residential)</del>  | <del>200</del>            | <del>Per meeting or portion thereof</del>  |
| <del>Parking of one three quarter ton<br/>mfr. rated capacity commercial<br/>vehicle out of doors in any<br/>residential zone between 12:00<br/>midnight and 6:00 a.m. (§112-23)</del> | <del>100</del>            |  |
| All others   | 625                       | Per meeting or portion thereof   |
| Sign variance  |                           |  |
| Application fee  | <u>100</u> <del>325</del> | Plus   |
|  | <u>100</u> <del>250</del> | Each sign after initial sign   |
| <b>TEMPORARY USE</b>   | <u>250</u>                | <u>Per application</u>   |
| <del>Single family detached and two family<br/>residence</del>   | <del>20</del>             | <del>Per application</del>   |
| Multifamily  | 75                        | Per application  |
| Nonresidential   | 75                        | Per application  |
| <b>MISCELLANEOUS</b>   |                           |  |
| Preapplication (TRAS)  | 60                        | <del>To be credited towards fees for review of<br/>application for development, payable the<br/>day of the meeting or sooner</del>   |
| Review of revised plans  |                           |  |
| Minor subdivisions   | <u>100</u> <del>50</del>  | Per submittal after first submission to<br>meet conditions of approval   |
| All others   | 250                       | <del>Or 1% of original fee, whichever is<br/>greater, after first submission to meet<br/>conditions of approval</del> <u>Per submittal<br/>after first submission to meet conditions<br/>of approval</u> |
| Appeals (N.J.S.A. 40:55D-70a) &<br>Interpretations (N.J.S.A. 40:55D-70b)   | <u>250</u> <del>150</del> | Per appeal <u>or interpretation</u>  |
| Interpretations (N.J.S.A. 40:55D-70b)  | 150                       | Per interpretation   |
| Banners  | 25                        | Per banner   |
| Extension of approval  | <u>250</u>                | <u>Each request</u>  |
| <del>Site plan and subdivision</del>   | <del>100</del>            | <del>Each request</del>  |
| Deed review  | 100                       | Per deed   |
| Meeting postponement   |                           |  |

|  |                    |   |
|--|--------------------|---|
| Planning Board <i>&amp; Zoning Board</i>                 | <del>250</del> 50  | If request is received 21 days prior to the scheduled hearing date  |
|  | 200                | If later than above   |
| Board of Adjustment                                      | 25                 | If request is received 21 days prior to the scheduled hearing date  |
|  | 100                | If later than above   |
| Continued hearings (with the exception of use variances) | 10%                | <del>of original filing fee for all hearings continued subsequent to initially scheduled hearing date</del> |
| Meetings, notes and agendas                              | 0.50               | Per page  |
| Single meetings subscriptions                            | 200                | For 24 sets of regular meetings   |
|  | 100                | For special meetings  |
| Agendas  | 50                 | For 24 sets of regular meetings   |
|  | 10                 | For special meetings  |
| Conceptual plan submission                               | <del>750</del> 625 | Per request, <del>to be credited toward development application review, payable upon submission</del>       |
| <b><u>MASTER PLAN OR ZONE CHANGE</u></b>                 | <del>750</del> 625 | Per request, <del>payable upon submission</del>   |
| <b><u>RESIGNING PLANS AND OR MAPS</u></b>                |                    |   |
| Applicant error  | 1                  | Per Township official signature   |
| <b>ZONING PERMIT FEES</b>                                |                    |   |
| New Home   | 30                 | tract homes from major subdivision  |
|  | 50                 | individual lot or minor subdivision   |
| Existing Home  |                    |   |
| Additional Level:  | 30                 |   |
| Additional Footprint:                                    | 30                 |   |
| Dormers:   | 30                 |   |
| Porch:   | 30                 |   |
| Garage Conversion to Living Space                        | 30                 |   |
| Garage/Carport/Pole Barn/Shed >100 sf                    |                    |   |
| Attached:  | 30                 |   |
| Detached:  | 50                 |   |
| Shed ≤ 100 sf:   | 25                 |   |
| Fence:   | 25                 |   |
| Gazebo:  | 30                 |   |

|   |                                  |
|---|----------------------------------|
| Deck:                                     | 30                               |
| Pools & Spas                              |                                  |
| In-ground Pool:                           | 30                               |
| Above-ground Pool:                        | 30                               |
| Hot Tub/Spa:                              | 30                               |
| Commercial Use Change:                    | 50                               |
| Commercial Building:                      | 50                               |
| Sign:                                     | 50                               |
| Zoning Verification Letter:               |                                  |
| Single-family and Two-family residential: | 50 +\$100/each additional H\hour |
| Multi-family and Non-residential:         | 100 +\$100/each additional hour  |

#### **SECTION V**

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

#### **SECTION VI**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

#### **SECTION VII**

This ordinance shall take effect immediately upon adoption and publication according to law.

#### **ORDINANCE NO. 3767**

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

|                 |                   |
|-----------------|-------------------|
| Introduced:     | June 24, 2008     |
| Amended:        | August 12, 2008   |
| Public Hearing: | August 12, 2008   |
| Published:      | August 18, 2008   |
| Effective Date: | September 1, 2008 |

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Ann Marie McCarthy, Township Clerk