

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2234-03

**AN ORDINANCE
TO AMEND
CHAPTER 271
OF THE CODE
OF THE TOWNSHIP OF MAPLEWOOD ENTITLED
ZONING AND DEVELOPMENT REGULATIONS**

"Interpretive Statement"

This ordinance amends various section of the Township Zoning and Development Regulations.

Section 1 - redefines minor site plan and minor subdivision and adds a definition of Mixed Use.

Section 2 -

- A. Adds mixed use to this paragraph to avoid confusion regarding fees to be paid.*
- B. Confirms the fee requirements of N.J.S.A. 40:55D-12*
- C. Eliminates the exemption from fees previously given to charitable organizations.*
- D. Requires applicants for major subdivision, major site plans or seeking relief under the provisions of N.J.S.A 40:55D-70a, b or d to supply at their expense a court stenographer for each meeting and to supply a copy of the previous hearing transcript to the Board at least 14 days before the next meeting.*
- E. Adds a requirement that certain applicants before the Township Planning Board and Township Zoning Board of Adjustment deposit funds in escrow with the Township to cover the cost of professional services in connection with review of the application.*

BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, that Chapter 271 of the Code of the Township of Maplewood entitled "Zoning and Development Regulations" be amended as follows:

FIRST: **Section 271-3 Definition** shall be amended to read:

- A. **MINOR SITE PLAN** - A developmental plan of one (1) or more lots in which: (1) no variance is required, the size of the existing building is not increased by more than ten percent (10%) or five hundred (500) square feet whichever is lesser and the plan does not increase the number of off street parking spaces by more than ten percent (10%) of existing or more than five (5) spaces in number, whichever is less; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42 and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established for approval of a minor site plan have been met.

B. MINOR SUBDIVISION - A subdivision of land for the creation of three (3) or fewer lots, including remaining land, fronting on an existing street; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of an off tract improvement, the cost of which is prorated pursuant to N.J.S.A. 40:55D-42.

C. MIXED USE - Any use a portion of which is residential.

SECOND: **Section 271-71** Development fees shall be amended to read:

A. Section C - Site Plans.

(2) Major, preliminary plat, nonresidential and mixed use: Two hundred dollars (\$200.00) per acre or fraction thereof, plus thirty dollars (\$30.00) per one thousand (1,000) square feet of gross floor area

B. Section H - List of property owners. The building department, upon written request, shall make and certify a list from the current tax duplicates of names and addresses of property owners of property within two hundred (200) feet of a specific lot. The fee shall be ten dollars (\$10.00) or twenty five cents (\$.25) per name, whichever is greater, for each list. The list shall be provided within seven (7) days, as set forth in the Municipal Land Use Law. The fee shall be paid separately to the Building Department and shall not be included in the total cost of Zoning or Planning Board application fees.

C. Section I - This Section is deleted.

D. Section L - Court Stenographer. All applicants for a major subdivision, major site plan or seeking relief under the provisions of N.J.S.A. 40:55D-70(a), (b) or (d) must supply, at their expense, a court stenographer at each meeting before the Maplewood Planning Board or Maplewood Zoning Board of Adjustment. Additionally, the applicant must supply to the Board secretary at least fourteen (14) days prior to each scheduled hearing, a complete copy of the transcript of the preceding hearing. Failure to supply the transcript will delay any subsequent hearings.

E. New section: Applicants, as indicated below, before the Maplewood Planning Board or Maplewood Zoning Board of Adjustment shall be required to reimburse the Township for the cost of review of the application by the Township's engineer,

Board's Attorney, and any experts or consultants retained by the Township at the hourly rates determined by the Township from time to time and pursuant to N.J.S.A. 40A:55D-53.2. The applicant will be required to deposit with the Township, an escrow to be used against the cost incurred in the review of the application. The escrows will be as follows:

<i>Variances</i>	Escrows
Use Variances (N.J.S.A. 40:55D-70d)	\$1000
Applications that include only Rear Yard Setback Variances for Decks of 300 SF or Less	\$0
All Other Bulk Variances N.J.S.A. 40:55D-70(c)	\$0
 <i>Subdivisions</i>	
Conceptual Subdivision without Expert/Legal review	\$0
Conceptual Subdivision with review by Board's Attorney or Consultant	\$500
Minor Subdivision	\$800
Preliminary Plat, Major Subdivision	\$1,000 + \$200 / lot
Final Plat, Major Subdivision	\$500 + \$100 / lot
Lot Line Adjustment	\$500
 <i>Site Plans</i>	
Conceptual Site Plan without expert/legal review	\$0
Conceptual Site Plan with expert/legal review	\$500
Minor Site Plan	\$800
Major Site Plan	\$1500

All escrows will be held by the Township and will not be commingled with other Township funds. The Township will be entitled to payment for review services, as enumerated above, from the escrow funds. Should the escrow amount decrease by fifty percent (50%) or greater, the applicant will, upon notice from the Township including an itemization of charges withdrawn from the escrow, be required to deposit additional funds with the Township to increase the escrow to the full amount

set forth above. After a final determination has been made as to the application, any unused escrow amounts will be returned to the applicant pursuant to N.J.S.A. 40:55D-53.1 with an itemization of all charges withdrawn from the escrow.

THIRD: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

FOURTH: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FIFTH: Effective Date

This Ordinance shall take effect after final passage and publication according to law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on November 17, 2003 and that Committee met again on December 2, 2003, at 8:00 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk