

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2023-10

**AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 95,
“DEVELOPMENT REGULATIONS,” OF THE CODE OF THE
TOWNSHIP OF MANALAPAN, SECTION 95-3.14, “FEES,
ESCROW DEPOSITS AND OTHER CHARGES”.**

BE IT ORDAINED by the Township of Manalapan, County of Monmouth, State of New Jersey, as follows:

SECTION ONE: Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, Section 95-3.14, “Fees, Escrow deposits and other charges”, subsection 95-3.14 C., “Escrow funds deposit”, be and is hereby amended and supplemented to read, in full, as follows:

“C. Escrow funds deposit.

(1) General.

- (a) The fees, deposits and charges for applications to the Planning Board and Board of Adjustment as provided for by law and established above are nonrefundable and are for purposes of offsetting administrative and clerical costs, exclusive of the legal, planning, engineering and other professional fees, costs and expenses which may be incurred and which are provided for hereinafter.
- (b) In addition to the payment of the nonrefundable fees, deposits and charges, applications for site plan or subdivision or general development plan or applications for conditional use approval or for variances pursuant to N.J.S.A. 40:55D-70d where nonresidential use is proposed shall be accompanied by a deposit or escrow funds in accordance with the provisions of this subsection.

- (c) All costs, expenses and fees incurred by the Planning Board, Board of Adjustment or Township, or other board, commission agency of the Township, for the services of a planner, engineer, attorney or other professional consultant or expert incurred during the development review process shall be paid by the Planning Board, Board of Adjustment or Township from the escrow funds.
 - (d) Escrow funds deposited under this subsection shall not be utilized to pay inspection costs required during the construction process.
- (2) Applicability of escrow funds and escrow amounts. Escrow funds in the amount specified herein shall be required at the time of filing of the following applications:
- (a) Preliminary major subdivision application or preliminary major site plan application, conditional use and/or use variance for residential use or an amended application for any of the aforementioned categories.

Number of Lots or Units	Escrow Amount
10 or fewer	\$6,000 plus \$200 per lot or unit
11 to 25	\$6,000 plus \$150 per lot or unit
26 to 100	\$10,000 plus \$120 per lot or unit
In excess of 100	\$15,000 plus \$100 per lot or unit

- (b) Final major subdivision application or final site plan application for residential use or an amended application for any of the aforementioned categories.

Number of Lots or Units	Escrow Amount
10 or fewer	\$6,000 plus \$150 per lot or unit
11 to 25	\$6,000 plus \$120 per lot or unit
26 to 100	\$6,000 plus \$100 per lot or unit
In excess of 100	\$6,000 plus \$80 per lot or unit

- (c) Final major subdivision or final subdivision or final major site plan application may be filed simultaneously with the application for preliminary approval.
- (d) If a development application contains lots or units restricted to low-or moderate-income households, as generally defined by the zoning ordinances of the Township of Manalapan, those lots or units so restricted shall not be included in the computation of the required escrow amount.
- (e) Nonresidential preliminary site plan approval:

Gross Floor Area (square feet)	Escrow Amount
Less than 10, 001	\$6,000 plus \$100 per each 1,000 square feet of floor area or fraction thereof
10,001 to 50,000	\$6,000 plus \$800 for each 10,000 square feet of floor area or fraction thereof over 10,001 square feet
In excess of 50,000	\$8,000 plus \$600 for each 10,000 square feet of floor area or fraction thereof over 50,001 square feet

(f) Variance and other applications.

[1] Variance application pursuant to N.J.S.A. 40:55D-70d: \$6,000 (\$3,000 if included as part of a preliminary or final major site plan or subdivision application).

[2] Other applications:

- [a] Conditional uses: \$2,000.
- [b] Interpretation of Zoning Map or Ordinance: \$2,000.
- [c] Hear and decide appeal of administrative official: \$2,000.
- [d] Certificate of nonconformity: \$2,000.
- [e] Variance pursuant to 40:55D-7C: \$1,000 (not part of a site plan or subdivision application).
- [f] Minor accessory improvements: \$400 for initial review and \$200 for each review of resubmission.
- [g] Nonresidential final site plan approval: 1/2 the original escrow fee paid at the time of filing preliminary site plan application or 1/2 the escrow fee required for a preliminary site plan application if filed simultaneously with the preliminary site plan application.
- [h] Minor subdivision final minor site applications shall require an escrow fund deposited in the amount of \$6,000, except that the amount of \$3,000 shall be required for a resubdivision in which lot lines are moved and no new lots are created.

- [i] Applications involving more than one of the above categories shall deposit the appropriate escrow amounts required under each category.
- [j] Review of a general development plan: \$10,000
- [k] Master Plan or zoning change request: \$2,000
- [l] Informal professional review of concept plan for a subdivision or site plan: \$2,000".

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [June 14, 2023](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [July 12, 2023](#) at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any

meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [July 12, 2023](#).

SHARI ROSE, RMC
Municipal Clerk