

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 55.1 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(ESCROW SCHEDULE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 55.1 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 25, Section 55.1 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 25 SECTION 55.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-55.1 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Escrow Schedule” which specifies required escrow schedule for each applicant to the Planning Board and/or Zoning Board of Adjustment, shall be repealed and replaced by the following language:

a. Subject to the provisions of paragraph b hereof, 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 prescribed by Resolution hereof:

1. Residential and Nonresidential Dwelling Units or Lots

<u>3—25</u>	<u>\$3,000</u>
<u>26—100</u>	<u>3,500</u>
<u>101—500</u>	<u>5,500</u>
<u>501—1000</u>	<u>8,000</u>
<u>1,000 +</u>	<u>10,000</u>

2. Commercial/Industrial

<u>1,250—2,500 square feet gross floor area</u>	<u>\$1,500</u>
<u>2,501—20,000 square feet gross floor area</u>	<u>2,500</u>
<u>20,000—50,000 square feet gross floor area</u>	<u>5,500</u>
<u>Over 50,000 square feet gross floor area</u>	<u>\$0.05 each additional square feet</u>

~~3. Preparation of Resolution of Approval or Denial: up to \$750.~~

~~When deemed necessary the Planning/Zoning Board may require an escrow for minor development matters.~~

b. Within 30 days after the filing of an application for development the Planning Board and/or Zoning Board of Adjustment as the case may be, shall, in conjunction with appropriate representative of the staff of the Township, review the application for development to determine whether the escrow amount set forth in paragraph a above is adequate. In conducting such review the 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.

Upon completion of the review and within the thirty-day period the Board shall adopt a Resolution specifying whether the escrow amount specified in paragraph a is sufficient, excessive or insufficient. In the event the Board shall determine that the amount is excessive it shall in the Resolution specify the amount that shall be deemed sufficient. In the event the Board shall determine the amount specified in paragraph a is insufficient it shall so specify and shall further set forth the amount required to be posted in light of the criteria specified herein.

c. This paragraph adopts and creates a payment schedule for consultants and/or employees for special Planning Board or Zoning Board meetings paid out of escrow funds paid by the applicant who is heard at said special Planning or Zoning Board Meeting. The schedule will be prescribed by Resolution at the approval of the Township Council. is as follows:

~~1. Schedule.~~

- ~~(a) Attendance/all meeting preparation, post meeting duties/minutes for Secretary: \$225~~
- ~~(b) Attendance for Public Advocate: \$250~~
- ~~(c) Attendance of transcriber: \$225~~
- ~~(d) Attendance of Board Attorney: \$500~~
- ~~(e) Attendance of Planner: \$500~~
- ~~(f) All other expenses such as newspaper notices: \$60~~
- ~~(g) The Board also has the right to hire other consultants if deemed necessary by the Board for regular or special meetings such as traffic or environmental consultants. If the Board deems additional work is needed that is not part of the preparation, meeting and post~~

~~duties an hourly rate will be paid. The following is the hourly rate:
Secretary — \$33.82/hr; transcriber — \$50/hr.; any other
professionals — \$125/hr.~~

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

INTRODUCED: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.