

**TOWNSHIP OF LONG HILL
ORDINANCE #424-18**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TOWNSHIP LAND USE
ORDINANCE OF 1996 TO CLARIFY ZONING AND CONSTRUCTION PERMITS AND
CERTIFICATES, AMEND SITE PLAN APPROVAL PROVISIONS, IMPROVE
APPLICATION PROCESSING AND ADJUST FEES AND ESCROW DEPOSITS**

WHEREAS, the Township Planning Board has recommended a number of changes to the Township Land Use Ordinance of 1996, as previously supplemented and amended, to bring the Ordinance into compliance with the Municipal Land Use Law; to simplify and expedite the application process, and to bring clarity to the Ordinance; and

WHEREAS, the Township Committee has determined that the recommended changes are in the best interest of the Township and its residents; and

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that the Township Land Use Ordinance of 1996 is hereby supplemented and amended as follows:

Section 1. Section 111, entitled “General Terms”, is amended and supplemented as follows:

Administrative Officer –

1. The Township Planning and Zoning Coordinator shall be the Administrative Officer charged with reviewing development applications and requests for administrative waivers and determining whether they are complete in accordance with the provisions of N.J.S.A. 40:55D-10.3.

~~2. The Administrative Officer may consult with the Township Technical Review Committee in determining complete applications.~~

3. The Township Zoning ~~Enforcement~~ Officer shall be the Administrative ~~Official~~ Officer for all other purposes.

Application for development — the completed application form and all accompanying documents required by ordinance for approval of a subdivision

plan, site plan, planned development, conditional use, zoning variance, ~~site plan waiver~~, development permit, or other permit pursuant to this chapter.

Certificate of approval - a certificate issued in accordance with the Uniform Construction Code upon the completion of work that requires a construction permit but not a certificate of occupancy.

Certificate of continued occupancy - a certificate issued by the Construction Official acknowledging that as a result of a general inspection of the visible parts of a building or structure that no work requiring a construction permit has been determined to have occurred and no unsafe conditions or violations of the Uniform Construction Code have been found.

Certificate of continued zoning compliance – a certificate issued by the Zoning Officer upon a change of ownership, use, occupancy or tenancy of any nonresidential property or part thereof acknowledging that the change complies with all requirements and conditions of this Ordinance and any preexisting approval granted by any approving authority.

~~Certificate of occupancy~~ — a certificate issued by the Construction Official upon completion of construction, alteration or change in occupancy of a building. The certificate shall acknowledge compliance with all requirements of this Ordinance, such adjustments thereto granted by the approving authority, and/or all other applicable requirements.

Certificate of occupancy - a certificate issued by the Construction Official upon completion of work that was authorized by and in compliance with the construction permit issued therefor and in compliance with the Uniform Construction Code.

Certificate of zoning compliance – a certificate issued by the Zoning Officer after the completion of any work contemplated by a zoning permit upon a finding that the work performed continues to meet all of the requirements and conditions of this Ordinance and any approval granted by an approving authority.

~~Completeness review authority~~ — the Construction Official, the Application Review Committee, or any other individual or agency established by the Planning Board."

Construction permit – authorization issued by the Construction Official in accordance with the Uniform Construction Code for the commencement of the construction, reconstruction, repair, structural alteration, rehabilitation, placement, relocation, addition to or demolition of a building or structure or part thereof.

~~Technical Review Committee~~ the Committee shall consist of: the Administrative Officer, the Zoning Officer, the Planning Board Engineer and the Planning Board Planner. The Committee may be called to review applications at the discretion of the Administrative Officer.

Sign Permit – A short form of the Zoning Permit which may be used for permanent signs when required in Section 155.6.

Zoning Permit - a document issued by the Zoning Officer which acknowledges that a use, development, structure or building complies with the requirements and conditions of this Ordinance or approval therefor duly authorized by an approving authority.

Section 2. Subsection 103.3 entitled, “Variances”, in Section 103, which Section is entitled, “Scope”, is amended, as follows:

103.3 Variances.

Any deviation from any provision of Sections 120, 130, 142, 151 and 155 of the Township Land Use this Ordinance shall require a variance pursuant to N.J.S.A. 40:545D-70 c. or d. or N.J.S.A. 40:55D-60 a. ~~If an applicant can clearly demonstrate that, because of peculiar conditions pertaining to the applicant's property, the literal enforcement of one (1) or more of the regulations of any other section of this Ordinance is impracticable or will exact undue hardship, the approving authority may permit an exception or waiver from the aforementioned requirements only as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this Ordinance.~~

Section 3. Section 104 entitled, “Construction Permit”, is amended as follows:

104 CONSTRUCTION PERMIT

104.1 ~~No~~ Before any building or structure or part thereof shall be ~~erected,~~ constructed, reconstructed, structurally altered, rehabilitated, repaired, placed, or moved or demolished ~~unless the owner thereof has obtained a construction permit, the~~ property owner or designee shall apply to the Construction Official for a construction permit, if required by the Uniform Construction Code, in the manner and on forms required by the Uniform Construction Code and shall pay all fees required by the Township Code.

104.2 ~~No~~ A construction permit shall not be issued until the property owner or developer designee has obtained ~~all required development approvals from the Planning Board or Zoning Board of Adjustment or has obtained a Zoning Permit, if required, from the Zoning Officer. in accordance with the provisions of Section 106 below.~~

Section 4. Section 105, entitled “Certificates of Occupancy”, is deleted in its entirety and replaced with the following:

105 CERTIFICATE OF OCCUPANCY; CERTIFICATE OF APPROVAL; CERTIFICATE OF CONTINUED OCCUPANCY

105.1 The issuance of certificates of occupancy, certificates of approval and certificates of continued occupancy shall be governed by the standards of the Uniform Construction Code. The Construction Official may issue a temporary certificate of occupancy upon written request from the applicant and in accordance with the Uniform Construction Code.

105.2 Certificate of Occupancy or Certificate of Approval

- a. After completion of the work performed under an issued construction permit, a property owner or designee shall apply to the Construction Official for a certificate of occupancy or certificate of approval, as appropriate, in a manner consistent with and as required by the Uniform Construction Code. All improvements contemplated by the issued construction permit and as shown on any approved plans must be installed at the time of the issuance of the certificate of occupancy or certificate of approval, unless otherwise specified herein.
- b. The fee for the certificate of occupancy or certificate of approval, as required by the Township Code, shall be paid to the Construction Official at the time a construction permit is issued.
- c. Before a certificate of occupancy or a certificate of approval is issued, the Construction Official will perform an inspection to determine whether the work performed under the issued construction permit meets all of the requirements of the construction permit, the Uniform Construction Code and, if a Zoning Permit was required, shall require the applicant to obtain a certificate of zoning compliance from the Zoning Officer.
- d. If a certificate of zoning compliance was issued, then a certificate of occupancy shall specify the use of the land or building and any circumstances or conditions recited in the certificate of zoning compliance.
- e. If a zoning permit was issued, a certificate of occupancy shall not be issued until a certificate of zoning compliance is issued by the Zoning Officer. A temporary certificate of occupancy may be issued before a certificate of zoning compliance is issued in accordance with the Uniform Construction Code.

105.3 Certificate of Continued Occupancy

- a. Upon any change of ownership, tenancy, occupancy or use of any non-residential use

on a nonresidential property, for which no construction permits have been issued, the property owner, tenant or occupant shall apply to the Construction Official for a certificate of continued occupancy in a manner and on forms consistent with the Uniform Construction Code.

- b. The fee for the certificate of continued occupancy, as required by the Township Code, shall be paid to the Construction Official at the time the certificate of continued occupancy is issued.
- c. Upon receipt of a complete application for a continued certificate of continued occupancy, the Construction Official shall perform an inspection of the property to ensure that all requirements of the Uniform Construction Code are being met. If the inspection is satisfactory, the Construction Official will issue a certificate of continued occupancy to the applicant with a copy to the Zoning Officer, who will then issue a certificate of continued zoning compliance or a certificate of zoning compliance.
- d. If violations of the Uniform Construction Code are discovered, the Construction Official shall deny the application for a certificate of continued occupancy and require that an application be filed for necessary construction permits and that any violations be abated.

Section 5. Section 106, entitled, “Zoning Permits; Certificates of Compliance; and

Referrals to Shade Tree Commission”, is deleted in its entirety and replaced with the following:

106 ZONING PERMIT ; CERTIFICATE OF ZONING COMPLIANCE; CERTIFICATE OF CONTINUED ZONING COMPLIANCE

106.1 Zoning permit.

- a. An approved zoning permit is required before any construction permit shall be issued by the Construction Official for work that, once completed, requires a certificate of occupancy. A zoning permit shall not be required for work exempted from the requirement for a certificate of occupancy.
- b. Application for a zoning permit shall be made to the Zoning Officer on the form provided. For every application, the Zoning Officer shall require two (2) sealed plot plans prepared by a New Jersey licensed professional engineer or land surveyor, drawn to scale and showing the size and location of all existing and proposed buildings, structures and other facilities, as well as architect’s plans, elevation drawings, and manufacturers specification sheets and installation instructions for any prefabricated or mechanical equipment, sufficient to enable the Zoning Officer to determine whether all Township land use requirements are met. The Zoning Officer may consult with any Township staff or professionals, County agency or State agency when reviewing an application for a zoning permit.

- c. The Zoning Officer may waive the requirement for sealed plot plans for additions, alterations or accessory structures to existing single- or two- family dwellings or de minimis site improvements of nonresidential premises and accept a sketch prepared by the owner or applicant. Where there is any question as to the site, location or any other zoning or land use requirement, the Zoning Officer shall require sealed plot plans.
- d. A simplified application form with reduced requirements for common situations, including but not limited to an application for a sign permit, shall be available from the Zoning Officer.
- e. The Zoning Officer shall issue or deny the zoning permit within ten (10) business days after receipt of a complete application. Upon notice to applicant of the pending issuance of a zoning permit, the applicant shall remit the fee required by the Ordinance before the zoning permit will be issued.
- f. After reviewing the application, the Zoning Officer shall issue the zoning permit if the work proposed in the application is in compliance with this Ordinance and any approvals from the Planning Board, the Zoning Board of Adjustment or any other approving authority. If an application for a zoning permit is denied, the Zoning Officer shall notify the applicant in writing stating the reason(s) for the denial, together with advice to seek relief for site plan or variance approval.
- g. If a zoning permit is approved by the Zoning Officer and it shall appear at any time to the Zoning Officer that the application or accompanying plan(s): is in any material way false or misleading; that the work being done on the premises is materially different from that indicated in the application or may be in violation of any provision of this Ordinance; or that any conditions imposed by an approving authority are not being met within the time or in the manner required by the approving authority, then the Zoning Officer may forthwith revoke the zoning permit.
- h. If a zoning permit is denied or revoked by the Zoning Officer, an applicant may do one of the following:
 - i. Modify the proposed use or development so that it complies with all applicable provisions of this Ordinance, if possible, and/or any approval granted by the approving authority and reapply for zoning permit approval.
 - ii. File the appropriate application with the approving authority.
 - iii. Take no action toward the commencement of the proposed use or development.

106.2 Certificate of zoning compliance.

- a. An application for a certificate of zoning compliance shall be made to the Zoning Officer within thirty (30) days of completion of the work authorized by an approved zoning permit. A certificate of occupancy for work under approved construction permits shall not issue until a certificate of zoning compliance is issued.
- b. If an approving authority allows an applicant to satisfy a condition or conditions of any approval subsequent to occupancy and the applicant obtains a temporary certificate of occupancy therefor, the Zoning Officer shall monitor such conditions to ensure that they are satisfied in accordance with the resolution of the approving authority and shall issue a certificate of zoning compliance upon completion before a certificate of occupancy shall be issued.
- c. In those cases involving only a change of use where a use variance is required from the Zoning Board of Adjustment, and no construction permit is required, the owner or developer shall obtain a certificate of zoning compliance from the Zoning Officer upon completion of any conditions of the variance approval and after the Construction Official has issued a certificate of continued occupancy.

106.3 Certificate of continued zoning compliance.

- a. Upon the commencement of or change in the use, occupancy or tenancy of any nonresidential property or nonresidential part thereof, where no construction is proposed and therefore a zoning permit is not required, a certificate of continued zoning compliance shall be obtained before any such new use, occupancy or tenancy shall commence.
- b. The owner or tenant of the premises about to be used, occupied or re-occupied shall apply to the Zoning Officer for a certificate of continued zoning compliance on a form provided by the Zoning Officer and shall submit any information required thereby.
- c. The application for a certificate of continued zoning compliance shall be accompanied by a certificate of continued occupancy which is available from the Construction Official.
- d. The Zoning Officer shall issue the certificate of continued zoning compliance within ten (10) days after receipt of a complete application or, in the alternative, shall notify the applicant in writing of a denial, the reason(s) therefor, and advise the applicant to apply for site plan or variance approval, if appropriate.
- e. If it shall appear at any time to the Zoning Officer that the application or accompanying information: is in any material way false or misleading; that the use or occupant seeking to occupy the premises is materially different from that indicated in the application; that the use is in violation of any provision of this Ordinance; or that any conditions imposed by the approving authority are not being met in the manner

required by any approval, then the Zoning Officer may forthwith revoke the certificate of continued zoning compliance.

- f. A certificate of continued zoning compliance, unless revoked, shall continue in effect so long as there is no change of use, ownership, occupancy, or tenancy of the premises.

Section 6. Section 108, entitled, “Municipal Continued Occupancy Permits”, is deleted in its entirety.

Section 7. Section 134 entitled, “Accessory Structures”, is supplemented, as follows:

134.8 Generators

- a. Permanent generators and their mounting pads are considered accessory structures and must meet all the requirements of Subsections 134.1, 134.4, 134.5, and 134.6. Generators shall meet industry standards for noise emissions and are subject to Chapter 3-15.1, entitled “Unnecessary Noise”, of the Township Code.
- b. The following additional regulations apply to generators at nonresidential uses in any commercial zone.
1. The pad size shall not exceed sixty-four (64) square feet.
 2. A visually solid fence with a minimum height of four (4) feet up to the height of the generator shall enclose the generator. A row of plantings with a minimum of four (4) foot height at planting shall buffer the enclosure.
 3. The generator mounting pad shall be placed a minimum of seventy five (75) feet from any adjoining residential zone.

Section 8. Paragraph d in Subsection 143.6, entitled, “Waiver of Requirements”, in Section 143, which Section is entitled, “Flood Damage Prevention”, is amended, as follows:

- d. ~~The Township Engineer, in consultation with the Completion Review Committee (“CRC”),~~ may issue an administrative waiver of the requirements for a development permit in the following cases:

Section 9. Subsection 152.1, entitled, “General Guidelines”, in Section 152, which Section is entitled, “Building Design”, is amended, as follows:

152.1 General Guidelines

- a. The requirements of this Section shall apply to all site plan ~~or site plan waiver~~ applications.

Section 10. The existing subsection 155.12 in Section 155, which Section is entitled, “Permanent Signs”, is deleted in its entirety.

Section 11. The existing subsection 161.2 in Section 161, which Section is entitled, “Jurisdiction and Responsibility”, is deleted in its entirety.

Section 12. Subsection 162.2 entitled, “Site Plan Review”, is deleted in its entirety and replaced with the following:

162.2 Site Plan Review

- a. Major Site plan. No zoning permit or construction permit shall be issued for any development, unless exempted herein, until a site plan application has been reviewed and approved by the Planning Board or Zoning Board of Adjustment, as the case may be. Any development that is not designated herein as requiring minor site plan approval or is not exempt from site plan approval shall require major site plan approval.
- b. Minor site plan. The following activities shall not require major site plan approval if the proposed development otherwise conforms to the following:
 - 1. Any addition, alteration or modification to an existing conforming nonresidential or multifamily residential building which will result in less than five hundred (500) square feet of additional building coverage and/or require fewer than five (5) additional parking stalls.
 - 2. Addition of a permitted accessory building or structure to a lot containing an existing conforming nonresidential or multifamily residential building which accessory building or structure is no larger than five hundred (500) square feet in floor area.
 - 3. Addition of a home office to an existing residential structure used for residential purposes.
 - 4. Establishment of a family day care home in a residential structure used for residential purposes.

5. Installation of a permanent standby generator for a nonresidential use in a commercial zone which does not meet all requirements of Section 134 of the Ordinance.

c. Exemptions from site plan approval. The following activities shall require zoning permits but are exempt from any site plan approval, major or minor. The Zoning Officer shall issue a zoning permit after a determination that no variances are required and that the application conforms to this Ordinance. If any Ordinance requirement is not met, site plan approval will be required.

1. Construction or alteration of a detached single- or two-family dwelling used solely for residential purposes and its customary accessory structures on a single lot.

2. Erection of a sign that fully conforms to all standards of the Ordinance.

3. Installation of a permanent standby generator accessory to any detached single- or two- family dwelling used solely for residential purposes or accessory to any clubhouse or similar structure in a conforming multifamily residential development, which is operated or maintained by a homeowners' association, and which is part of the common elements of that development.

4. Resurfacing of existing parking areas or other paved areas provided that the resurfacing results in no change to grading, drainage, the number and orientation of parking stalls, and other design details of the area to be resurfaced.

5. Changes in use or occupancy at existing industrial uses in any zone and all properties within the LI-2 zone district and the VIO overlay zone district upon a finding by the Zoning Officer that the existing site improvements meet the development design standards in this Ordinance and any restrictions or conditions imposed by any decision of the Planning Board or Zoning Board of Adjustment, as the case may be.

6. Normal maintenance or replacement, such as a new roof, painting, new siding, or similar activity so long as no new building construction or expansion or site alterations or improvements are proposed.

7. Improvements or alterations on sites which secured previous site plan approval under the terms of this Ordinance if the proposed improvements or alterations comply with the

previous site plan approval and any conditions or restrictions imposed therein.

8. Installation of a permanent standby generator for a nonresidential use in a commercial zone which meets all requirements of Section 134 of this Ordinance.

9. Outdoor dining in accordance with Section 124.13 of this Ordinance.

Section 13. Subsection 162.7 entitled, “Waivers and Variances”, in Section 162, which Section is entitled, “Requirements”, is amended as follows:

162.7 Waivers and Variances

- a. ~~The approving authority, when acting upon an application for any approval permitted in this Ordinance shall have the power to grant such variances, exceptions and waivers as established by subsection 103.3 of this Ordinance.~~ The approving authority, when acting upon applications for site plan approval or subdivision approval, shall have the power to grant such exceptions from the requirements for site plan and subdivision approval established by this Ordinance as may be reasonable and within the general purpose and intent of the provisions of site plan and subdivision review and approval pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., if the literal enforcement of one or more of the provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

Section 14. Subsection 162.9 entitled, “Technical Review Committee”, in Section 162, which Subsection is entitled, “Requirements”, is deleted in its entirety.

Section 15. Section 163 entitled, “Submission of Variance and Site Plan Waiver Applications Not Requiring Site Plan or Subdivision Approval”, is amended as follows:

163 ~~SUBMISSION OF VARIANCE AND SITE PLAN WAIVER APPLICATIONS NOT REQUIRING SITE PLAN OR SUBDIVISION APPROVAL~~

163.1 ~~Application Procedure for Variance and Site Plan Waiver Applications Not Requiring Site Plan or Subdivision Approval~~

- a. The applicant shall submit to the Secretary of the approving authority at least four (4) weeks prior to the next meeting of the approving authority: twenty-two (22) copies of each of the following: the appropriate

application(s), which includes the application(s) for any requested variance(s) and the applicable checklist(s) with the items of information required therein; a site survey showing the proposed and existing structures on the property; any protective covenants, easements and/or deed restrictions applicable to the subject site, whether recorded or unrecorded; evidence of payment of the fee in accordance with Section 180 of this Ordinance; and an acknowledgement signed by the applicant stating that the applicant is familiar with the procedure set forth herein for submitting and acting upon variance ~~and site plan waiver~~ applications and agrees to be bound by it. The Secretary shall process the application and shall issue an application number; said number shall appear on all papers, maps, plats or plans and other documents for processing in conjunction with the application.

163.2 Action by the Township.

The variance ~~and site plan waiver~~ application shall be acted on in the manner prescribed by subsection 164.2 of this Ordinance.

Section 16. Subsection 163.3 entitled, “Submission Requirements for Variance and Site Plan Waiver Applications Not Requiring Site Plan or Subdivision Approval”, in Section 163, which Section is entitled, “Submission of Variance and Site Plan Waiver Applications not Requiring Site Plan or Subdivision Approval”, is amended as follows:

163.3 Submission Requirements for Variance ~~and Site Plan Waiver~~ Applications Not Requiring Site Plan or Subdivision Approval

- a. Each variance application submitted under this Section shall provide the following information unless waived by the approving authority
 - 13. Lot coverage calculations shall be included in every variance ~~and site plan waiver~~ application.
- b. Photographs, Additional Information and Waivers.
 - 1. Each application for variance or waiver submitted under this Section shall be accompanied by a photograph or photographs showing the property as it currently exists and all structures thereon.
 - 2. The approving authority may request additional information of any applicant seeking variance approval if said information is deemed necessary by the Board to make an informed opinion on the

application, except that the request for such additional information shall not be considered grounds to deem any application incomplete.

3. The approving authority may waive submission of any information required of variance or waiver applications in appropriate cases and for specific applications.

Section 17. Subsection 163.4 entitled, “Submission Requirements (Checklist) for Administrative Site Plan Waivers”, is deleted in its entirety.

Section 18. Paragraphs a, c, and e in Subsection 164.2 entitled, “Action by the Township”, in Section 164, which Section is entitled, “Submission of Minor Site Plans and Minor Subdivisions”, are amended as follows:

- a. The ~~completeness review authority~~ Administrative Officer shall review the application and shall certify its completeness to the approving authority.
- c. Prior to any action by the approving authority, all reports and comments submitted by the ~~Application Review Committee, Township Board Planner, Township Board Engineer,~~ other Township agencies, officials and consultants, and other governmental agencies shall be entered into the record of the proceedings on the subject application. Questions and comments from the public shall also be considered prior to any action by the approving authority.
- e. All hearings held on applications for minor site plan approval shall not require public notice of the hearing unless the application also requires variance approval and/or the site for which minor site plan approval is sought is located wholly within or within 200 feet of a residential zoning district. The approving authority shall set the date, time and place for the public hearing and shall inform the applicant of this at least fourteen (14) days prior to said hearing date. Notice of the hearing shall be given by the applicant at least ten (10) days prior to the date of the hearing.

Section 19. Subsection 165.2 entitled, “Action by the Township”, in Section 165, which Section is entitled, “Submission of Preliminary Major Site Plans and Preliminary Major Subdivisions”, is amended as follows:

165.2 Action by the Township

- a. The ~~completeness review authority~~ Administrative Officer shall review the application and shall certify its completeness to the approving authority.

Section 20. Subsection 166.2 entitled, “Action by the Township, in Section 166, which Section is entitled, “Submission of Final Major Site Plans and Final Major Subdivisions”, is amended as follows:

166.2 Action by the Township

- a. The ~~completeness review authority~~ Administrative Officer shall review the application and shall certify its completeness to the approving authority.

Section 21. Subsection 171.10 entitled, “Application Review Committee”, in Section 171, which Section is entitled, “Planning Board”, is deleted in its entirety and replaced with the following:

171.10 Pre-Application Review Committee

Purpose. A Pre-Application Review Committee (PARC) is established as an advisory service provided by the Planning Board to provide a non-binding review of all proposals submitted to it.

- a. The PARC shall consist of 4 members of the Planning Board. All terms shall be for 1 year and any vacancies and absences shall be filled by other Planning Board members. The Planning Board Chair shall appoint the Chair and members of the PARC.
- b. Any potential applicant may meet with the PARC to discuss a development proposal with respect to: the Land Use Ordinance; the Design Standards Manual; the Master Plan; any other regulations which may be relevant, and any other topics which may arise. A potential applicant shall obtain from the Planning Board Secretary the necessary instructions, forms and a suggested list of supporting documents.
- c. The advice of the PARC shall not be construed to relieve the potential applicant of the responsibility for complying with all zoning requirements, development regulations, and development design standards of this Ordinance, and such advice shall not be binding on the approving authority or the potential applicant.
- d. Meetings of the PARC shall be scheduled by the PARC Chair and Board Secretary as demand requires. Meetings may be scheduled prior to any

regularly scheduled Planning Board meetings or at other times. All meetings of the PARC may be attended by the Board Planner and Board Engineer at the request of the PARC Chair.

Section 22. Subsection 173.11 entitled, “Certificate of Construction Official”, in Section 173, which Section is entitled, “Provisions Applicable to Both Planning Board and Board of Adjustment”, is deleted in its entirety.

Section 23. Subsection 181.1 entitled, “General”, in Section 181, which Section is entitled, “Handling of Application Fees and Escrow Deposits”, is amended as follows:

181.1 General

- a. Every applicant before the approving authority shall pay the fees and escrow deposits set forth in Section 182, “Schedule of Fee and Escrow Deposits”.
- b. Unless otherwise stated, all fees are nonrefundable.
- c. There shall be a fee for each type of relief requested ~~with the exception of charges pursuant to Section 182, “Bulk Variances”.~~
- d. Fees for Permits and Certificates are due at the time such document is issued.
- e. Fees and escrow deposits for development applications are due as a condition of the application(s) being deemed complete.
- f. Where separate escrow deposits are listed for multiple forms of relief within the same application for development, the initial deposit shall not exceed \$10,000 subject also to Subsection 181.5.
- g. The Board of Education and any public service, charitable, religious, or fraternal organization shall not be charged the Application Fees in Section 182.

Section 24. Section 182, entitled, “Schedule of Fees and Escrow Deposits”, is deleted in its entirety and replaced with the following:

182 SCHEDULE OF FEES AND ESCROW DEPOSITS

| | Section | Category | Application Type | Application Fee §181.1 | Escrow Deposit §181.5 |
|----|------------------|-----------------|--|--|--|
| 1 | §106.1 §106.2 | | Zoning Permit and Certificate of Zoning Compliance (one fee for both) | \$100 | \$0 |
| 2 | §106.3 | | Certificate of Continued Zoning Compliance | \$75 | \$0 |
| 3 | §143.9 | Permit | Development Permit Fee | \$200 | \$500 |
| 4 | §164 | Site Plan | Minor Site Plan | \$650 | \$2,500 |
| 5 | §165 | Site Plan | Major, Preliminary Approval | \$650 + \$.20 per SF | \$4,000 |
| 6 | §166 | Site Plan | Major, Final Approval | 25% of the Preliminary Site Plan Fee | 25% of the Preliminary Site Plan Escrow |
| 7 | 166.3 | Site Plan | Amendment | 50% of the Preliminary Site Plan Fee | 25% of the Preliminary Site Plan Escrow |
| 8 | §164 | Subdivision | Minor Subdivision | \$650 | \$2,500 |
| 9 | §165 | Subdivision | Major, Preliminary Approval | \$650 + \$200 per Lot | \$500 per lot \$4000 minimum |
| 10 | §166 | Subdivision | Major, Final Approval | 25% of the Preliminary Subdivision Fee | 25% of the Preliminary Subdivision Escrow |

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|----|-----------|--------------------------|---|---------------|---------|
| 11 | §181.4 | Subdivision | Tax Map Revision Fee | \$100 Per Lot | \$0 |
| 12 | §162.4 | Subdivision or Site Plan | Concept Review | \$325 | \$2,000 |
| 13 | §163.3 | Bulk Variance | Bulk Variances (Single fee for all variances) | \$650 | \$2,500 |
| 14 | §122-124 | Use Variance | One & Two Family Residential (Single fee for all variances) | \$650 | \$3,000 |
| 15 | §122-124 | Use Variance | Three + Residential (Single fee for all variances) | \$650 | \$4,000 |
| 16 | §122-124 | Use Variance | Non-Residential (Single fee for all variances) | \$650 | \$4,000 |
| 17 | | Hearing | Request for Extension of Approval | \$200 | \$0 |
| 18 | §172.10 | Hearing | Appeals or Interpretations | \$200 | \$2,000 |
| 19 | §181.2(a) | Hearing | Special Hearing | \$325 | \$0 |
| 20 | §171.8 | Other App | All other Applications | \$325 | \$1,000 |
| 21 | §126 | Other App | Certification of Nonconforming Use | \$650 | \$2,000 |
| 22 | §181.3 | Rezoning | Rezoning Application | \$650 | \$3,000 |
| 23 | §110 | Unimproved Road | Unimproved Road Application | \$650 | \$2,000 |

Section 25. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section 26. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

Section 27. The within ordinance shall take effect in the time and manner provided by law and, in particular, the procedure delineated in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, August 22, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 pm on Wednesday, September 12, 2018 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Deborah Brooks, RMC, CMR
Township Clerk

1st Reading and Introduction: August 22, 2018

1st Publication: August 30, 2018

Referral to Planning Board: August 23, 2018

Notice to County Planning Board Prior to Adoption: August 23, 2018

Notice to Clerks of Adjoining Municipalities (if required): August 23, 2018

2nd Reading and Adoption: September 12th, 2018

2nd Publication: September 20th, 2018

Filing with County Planning Board: September 24th, 2018