ORDINANCE NO. 2024-24

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 360 ENTITLED "LAND USE PROCEDURES," DELETING IN THEIR ENTIRETY CERTAIN SECTIONS OF ARTICLE VII – FEES – TO INCREASE THE FINANCIAL OBLIGATIONS DESCRIBED THEREIN

WHEREAS, the Town of Phillipsburg wishes to amend certain Sections of Chapter 360 – Land Use Procedures – to increase the fees described therein;

WHEREAS, The Town believes that the fees presently charged are pursuant to Chapter 360 are outdated and need to be updated; and

WHEREAS, in order to effectuate the update, certain Sections of Chapter 360 need to be deleted in their entirety and replaced with the updated language; and

WHEREAS, the update to this Chapter, which shall increase the relevant fees listed therein, is in the best interest of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey that certain Sections of Chapter 360 – Land Use Procedures – be deleted in their entirety and replaced as follows:

SECTION I:

Section 360-47 – Nonrefundable Application Fees is hereby deleted in its entirety and is replaced as follows:

§ 360-47. Site Plan.

The following fees shall be paid in accordance with the fee schedule, as provided below:

A. Minor Site Plan Lot Size ≤ 5,000 SQ. FT. (Total Lot(s) Area): $365.
B. Minor Site Plan Lot Size > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per each additional 1,000 SQ. FT. of improved building area (need to pick one option) with a max of $15,000: $1,200.
C. Major/Conventional Preliminary Site Plan Lot Size ≤ 5,000 SQ. FT. (Total Lot(s) Area): $900.
D. Major/Conventional Preliminary Site Plan Lot Size > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per each additional 1,000 SQ. FT. of improved building area (need to pick one option) with a max of $15,000: $5,000.
E. As-Built Site Plan: $425.
F. Site Plan Resubmission: $425.
G. Property Owner's List: $10.
H. Extension of Preliminary Approval: $600.
I. Application for Site Plan Exemption Lot Size ≤ 5,000 SQ. FT. (Total Lot(s) Area): $200.

J. Application for Site Plan Exemption Lot Size > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per each additional 1,000 SQ. FT. of improved building area (need to pick one option) with a max of $15,000: $750.

[. . .]

SECTION II

Section 360-50. Subdivision and Variance Escrow Accounts is hereby deleted in its entirety and is replaced as follows:

§ 360-50. Subdivision.

The following escrow amounts shall apply to subdivision review:

A. Lot line adjustment not creating an additional building lot: $365.
B. Minor subdivision creating one or more new lots ≤ 5,000 SQ. FT. (Total Lot(s) Area): $485.
C. Minor subdivision creating one or more new lots > 5,000 SQ. Ft. (Total Lot(s) Area) + $250 per each additional 1,000 SQ. FT. of lot area with a max of $15,000: $2,500.
D. Major subdivision Preliminary creating one or more new lots ≤ 5,000 SQ. FT. (Total Lot(s) Area): $600.
E. Major subdivision Preliminary creating one or more new lots > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per each additional 1,000 SQ. FT. of lot area with a max of $15,000: $5,000.
F. Major subdivision Final creating one or more new lots ≤ 5,000 SQ. FT. (Total Lot(s) Area): $600.
G. Major subdivision Final creating one or more new lots > 5,000 SQ. Ft. (Total Lot(s) Area) + $500 per each additional 1,000 SQ. FT. of lot area with a max of $15,000: $5,000.
H. Sketch plan for major subdivision: $600.
I. Preliminary plat for major subdivision
    a. Less than 10 lots (plus $100/lot): $900;
    b. Ten lots or more (plus $100/lot):$1,800.
J. Final plat for major subdivision:
    a. Less than 10 lots (plus $100/lot): $900;
    b. Ten lots or more (plus $100/lot):$1,500.
K. Resubmission: $900.
L. Property Owner's list: $10.
M. Extension of preliminary approval (plus $100/lot) $1,000.
N. Site Plan waiver and/or change of use request: $225.
O. For submission of a sketch plat or boundary line change or merger of portions of adjoining properties where engineering review by the Planning Board Engineer is required: $225.
P. Lot line adjustment not creating an additional building lot: $300.
Q. Special meeting: $1,500.
R. Informal Review: $300.

SECTION III:

Section 360-51 – entitled "Zoning" – is hereby created as follows:

§ 360-51. Zoning.

The following fees shall apply to the situations listed herein below:

A. Planning Permits: $600.
B. Conditional Use Permit: $420.
C. Zoning appeal: $420.
D. Zoning Ordinance/Zoning Map interpretation: $420.
E. Bulk Variance: $420.
F. Use Variance: $900.
G. All other categories of Board of Adjustment Applications: $600.
H. Extension of variance approval: $400.
I. Appeals pursuant to N.J.S.A. 40:55D-70a: $900.
J. Appeals pursuant to N.J.S.A. 40:55D-70b: $900.
K. Appeals pursuant to N.J.S.A. 40:55D-70c: $900.
    a. Bulk or hardship variance: $600;
    b. For an improved residentially zoned lot, a review deposit shall be paid: $600.
    c. For an unimproved residentially zoned lot, a review deposit shall be paid: $1,200.
    d. For a commercially zoned lot, whether improved or unimproved, a review deposit fee: $1,800.
    e. For an industrial zoned lot, whether improved or unimproved, a review deposit fee: $1,800.

SECTION IV:

Section 360-52 – entitled "Wireless Communications Tower & Antennas" – is hereby created as follows:

§ 360-52. Wireless Communications Tower & Antennas.

The following fees shall apply to the situations listed herein below:

A. With new tower: $10,000.
B. Without new tower: $5,000.
C. Appeals pursuant to N.J.S.A. 40:55D-70d: $480.

SECTION V:

Section 360-50 – entitled "Subdivision and variance escrow accounts" – is hereby deleted in its entirety and is replaced with Section 360-53 – entitled "Escrow" –as follows:

§ 360-53. Escrow.

The following escrow amount shall apply as follows:

A. For submission of a sketch plat or boundary line change or merger of portions of adjoining properties where engineering review by the Planning Board Engineer is required: $600.
B. Preliminary site plan: $5,500.
    a. Light industry/warehouse (Plus $500/1,000 SQ. FT. - $1.00 per square foot)
    b. Retail/office (Plus $500/1,000 SQ. FT. - $1.00 per square foot)
    c. Multifamily (Plus $1,000 per unit)
    d. Others (Plus $500/1,000 SQ. FT. or $500 per unit)
C. Final Site Plan: $5,000.
D. Minor subdivision: $2,000.
    a. Lot line adjustment (no new building lots): $2,000.
    b. Minor subdivision (1 or more new lots); $2,000.
E. Conventional/Major Subdivision: $5,000.
    a. Sketch plat for major subdivision (plus $300/lot): $1,000.
    b. Preliminary plat for major subdivision (plus $500/lot): $1,000.
    c. Final plat for major subdivision (plus $200/lot): $2,000.
F. Site Plan Waiver Extension: $2,000.
G. Zoning Appeal: $1,000.
H. Zoning Appeal Subdivision: $2,000.

SECTION VI: This Ordinance shall be a part of the Code of the Town of Phillipsburg as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Town of Phillipsburg in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION VII: All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION VIII: If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION IX: This Ordinance shall take effect after adoption and publication thereof as provided by law.

ATTEST:

SUSAN TURNER
Acting Municipal Clerk

TOWN OF PHILLIPSBURG

RANDY PIAZZA, JR.
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that at a regular meeting of the Town Council of the Town of Phillipsburg held on September 25, 2024 at the Phillipsburg Senior Center, 310 Firth Street, Phillipsburg, New Jersey, the foregoing Ordinance was presented and passed on second and final reading, after a public hearing thereon.

Susan Turner,
Acting Municipal Clerk