

ORDINANCE NO. 10-2005

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON  
AMENDING AND SUPPLEMENTING CHAPTER 170-52  
OF THE CODE OF THE TOWNSHIP OF LIVINGSTON  
BY MAKING REVISIONS TO APPLICATION FEE  
AND ESCROW DEPOSIT SCHEDULES**

BE IT ORDAINED by the Township Council of the Township of Livingston in the County of Essex, State of New Jersey that the following sections of the Code of the Township of Livingston shall be revised as follows:

*Italicized bold language is added.* Deleted language is in brackets.

Section 1: 170-52 Schedule of fees and deposits.

There is hereby established in connection with the various applications for development and other matters that are the subject of this chapter the following schedule of fees. Every applicant for development shall file with his application a filing fee as indicated in the following schedule under "Filing Fees" in addition to technical review fees as indicated in the following schedule under "Technical Review Fees". All filing fees submitted to the administrative officer as herein required shall be non-refundable.

A. Filing Fees. An application to the Planning Board or the Zoning Board of Adjustment for any application for development shall be accompanied by a filing fee which shall be used to defray the administrative costs of processing the application as follows:

(1) Subdivisions.

(a) Concept plan of a minor subdivision: \$50, which shall be a credit toward fees required to be filed for technical review escrow deposits hereinafter set forth in this Article.

(b) Concept plan of a major subdivision: ***\$50*** [\$25] for each lot within the subdivision, with a minimum fee of ***\$500*** [\$100], which shall be a credit toward fees required to be filed for technical review escrow deposits hereinafter set forth in this Article.

(c) Minor subdivisions or re-subdivisions: ***\$300*** [\$50], plus ***\$50*** [\$25] for each lot within the subdivision.

(d) Preliminary plat of a major subdivision: ***\$1,000 plus \$100*** [\$200] for each lot within the subdivision.

(e) Final plat of a major subdivision: **\$500** [\$100] plus **\$50** [\$40] for each lot approved within the subdivision.

(f) Amendment(s) to Approved Plats: 50% of original application fee.

(2) Site plans.

(a) Concept plan which would require a zone change: **\$5,000** [\$1,000].

(b) All other concept site plans: \$500 [which shall be a credit towards fees required to be filed for technical review escrow deposits hereinafter set forth in this Article.]

(c) Preliminary site plan: **\$500** [\$200] plus \$100 per acre of lot area or fraction thereof and **\$25** [\$100] per **1,000** [10,000] square feet of building area or fraction thereof.

(d) Any site plan involving residential development in the township: **\$500** [\$50 for each acre or part thereof within the site], plus **\$50** [\$25] for each housing unit proposed within the project.

(e) Final site plan: 75% of the fee required for preliminary site plan as set forth in subsection A(2)(c) above.

(f) *Amendment(s) to Approved Site Plans: 50% of original application fee.*

(3) Variances *and Appeals*.

(a) Administrative appeals. Hear and decide administrative appeals pursuant to N.J.S.A. 40:55D-70a: **\$200** [\$100].

(b) Interpretation of zoning regulations. Hear and decide interpretations of zoning regulations pursuant to N.J.S.A. 40:55D-70b: **\$200** [\$100].

(c) Bulk variances. Hear and decide any application filed pursuant to N.J.S.A. 40:55D-70c: **\$200** [\$100] for first variance for a single one family residential property and \$100 for each additional variance. **\$500** [\$250] for first variance for all other applications and \$250 for each additional variance.

(d) Use variances. Hear and decide any application for a use variance filed pursuant to N.J.S.A. 40:55D-70d: **\$500 for a single family residential project and \$1,000 for all others** [\$300].

(e) Any site plan processed by the Planning Board requiring variances and any use variance processed by the Board of Adjustment requiring site plan approval shall pay a filing fee that equals the collective fees listed above for site plan and variances.

(4) Conditional uses: **\$300** [\$200].

B. Technical review escrow deposits. In addition to the filing fees or any other fees required in this Article, an applicant may be required to file with the Administrative Officer an escrow deposit fee of adequate funds to cover the costs incurred for the technical review of the application by a professional other than the Township Planning Director and Township Engineer, such as the Township Planning Consultant, Planning Board Attorney or any other professional consultant, if the Board determines that such technical review services are necessary for proper consideration of the application. The *Administrative Officer* [Township Treasurer] shall place all such deposits in an escrow account in the name of the applicant and shall charge against such account all disbursements in connection with the costs referred to above. Technical review fees shall be calculated in accordance with the actual time required for review at rates established by a schedule of professional fees filed annually with the Administrative Officer, which schedule shall be maintained in the office of the Township Clerk for public inspection. If such technical review services are determined to be necessary, the applicant shall pay to the township an initial deposit for technical review fees in accordance with the following schedule:

(1) Subdivisions.

(a) Concept plan: **\$1,000** [\$50 for each lot within the subdivision].

(b) Minor subdivision or re-subdivision: **\$1,000** [\$150].

(c) Preliminary plat of a major subdivision: **\$2,000 plus** \$200 for each lot within the proposed subdivision.

(d) Final plat of a major subdivision: **\$1,000** [\$50 for each lot within the final plat of subdivision].

(2) Site plans.

(a) Concept plan: \$1,000.

(b) Preliminary site plan: **\$2,000, plus \$200 per housing unit (residential); \$2,000, plus \$200 per acre (or portion thereof), plus \$100 per 1,000 s.f. of building area (or portion thereof)** [\$1,000] *(non-residential)*.

(c) Final site plan: **75% of Preliminary Site Plan Escrow Deposit** [\$500].

(d) If an applicant submits a preliminary and final site plan to be processed simultaneously, the applicant must file the appropriate fees as set forth in subsection B(2)(b)(c) of this section.

(3) Conditional use.

(i) A conditional use application: **\$500** [\$400].

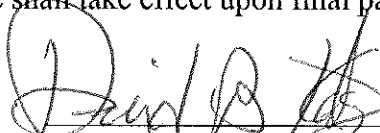
(4) [Use] Variances *and Appeals*.

(a) Applications pursuant to N.J.S.A. 40:55D-70(a); 70(b) and 70(c): \$500 (non-residential only).

(b) Use variance application pursuant to N.J.S.A. 40:55D-70d: **\$1,000 (residential); \$2,500 (non-residential)** [\$500].

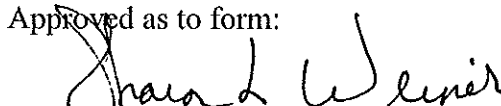
Section 2. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with the law.

  
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DAVID B. KATZ, Mayor

  
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GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

  
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SHARON L. WEINER, Township Attorney

Adopted: *4-18-05*