

**RESOLUTION OF THE CASINO REINVESTMENT
DEVELOPMENT AUTHORITY APPROVING AMENDED LAND
USE FEES AND ESCROW DEPOSIT REQUIREMENTS**

WHEREAS, pursuant to Resolution 11-25 adopted April 19, 2011, the Casino Reinvestment Development Authority ("CRDA") designated the Atlantic City Tourism District in accordance with section 5.a (1) of P.L. 2011, c. 18; and

WHEREAS, pursuant to Resolutions 11-33 and 11-34 adopted April 19, 2011, the CRDA established the Land Use Regulation and Enforcement Division and adopted certain interim land use procedures to implement its land use obligations under P.L. 2011, c. 18; and

WHEREAS, in order to implement its land use responsibilities as set forth in P.L. 2011, c.18 and provide certainty to applicants concerning application fees and escrow deposit requirements, pursuant to Resolution 11-60 adopted June 21, 2011, the CRDA approved a uniform schedule of application fees and escrow deposits and related requirements for the various and several applications that may be filed in the Tourism District appended as Exhibit "A" thereto as the Schedule of Application Fees and Escrow Deposits (the "Schedule"); and

WHEREAS, the CRDA desires to amend the Schedule to reflect a reduction in the escrow fees associated with applications for certificates of non-conformity, as detailed in Exhibit "A" attached hereto; and

WHEREAS, the Atlantic City Development and Project Review Committee has reviewed the proposed action and recommends approval;

NOW, THEREFORE, BE IT RESOLVED by the Casino Reinvestment Development Authority, that:

1. The above recitals are incorporated herein as if set forth in full.
2. The Schedule of Application Fees and Escrow Deposits, as amended and appended hereto as Exhibit "A" is hereby approved.
3. A copy of this Resolution shall be immediately transmitted to the Governor. This Resolution shall take effect immediately but no action authorized herein shall have force and effect until the earlier of the passage of ten (10) days, Saturdays, Sundays and public holidays excepted, after the delivery of the copy to the Governor, or the Governor's approval.

I hereby certify that this document is a true and correct copy of Resolution 15-24 of the Casino Reinvestment Development Authority.



HOWARD J. KYLE, SECRETARY

EXHIBIT "A"

SCHEDULE OF APPLICATION FEES AND ESCROW DEPOSITS

- (1) The following schedule of fees shall pertain to the applications for development presented to the Casino Reinvestment Development Authority and for the review of certificates of land use compliance:

Category of Review	Application Fee	Escrow Fund
<u>Conceptual Meeting</u> (where required)	--	\$500.00
<u>Appeals and Interpretations</u> (N.J.S.A. 40:55D-70(a) and -70(b))	\$200.00	\$1,500.00
<u>Subdivisions</u>		
Minor/boundary change/merger of adjoining lots	\$200.00, plus \$30.00 per lot	\$1,500.00
Major:		
Preliminary Major	\$500.00	\$1,000.00 plus \$400.00 per lot; minimum \$3,000.00
Final OR Preliminary and Final Major	\$500.00, plus \$100.00 per lot	\$400.00, plus \$150.00 per lot; minimum \$3,000.00
<u>Site Plans</u> (including fully-conforming conditional uses)		
Site Plan Waiver	\$200.00	\$1,000.00
Site Plan Exception	\$200.00 per exception	\$500, plus \$200 per exception
Preliminary site plans Class I: up to 10,000 square feet of building area or site area development or redevelopment	\$400.00, plus \$32.00 for every story of height	\$1,500 plus \$10.00 per 1,000 square feet of lot area, plus \$10.00 per 1,000 square feet of gross floor area of the building(s).

Category of Review	Application Fee	Escrow Fund
Class II: from 10,000 square feet to 100,000 square feet of building area or site area development or redevelopment	\$550.00, plus \$32.00 for every story of height	\$1,500 plus \$10.00 per 1,000 square feet of lot area, plus \$10.00 per 1,000 square feet of gross floor area of the building(s).
Class III: over 100,000 square feet of building area or site area development or redevelopment	\$950.00, plus \$32.00 for every story of height	\$5,000.00
Class IV: casino projects	\$1,600.00	\$10,000.00
Final OR Preliminary and Final Site plan		
Class I: up to 10,000 square feet of building area or site area development or redevelopment	\$400.00	\$2,000 plus \$10.00 per 1,000 square feet of lot area, plus \$10.00 per 1,000 square feet of gross floor area of the building(s).
Class II: from 10,000 square feet to 100,000 square feet of building area or site area development or redevelopment	\$550.00	\$2,000 plus \$10.00 per 1,000 square feet of lot area, plus \$10.00 per 1,000 square feet of gross floor area of the building(s).
Class III: over 100,000 square feet of building area or site development or redevelopment	\$950.00	\$5,000.00
Class IV: casino projects	\$1,600.00	\$10,000.00
<u>Variances</u>		
Bulk Variances Application for variance(s) pursuant to N.J.S.A. 40:55D-70(c)	\$150.00, plus \$100.00 per variance	\$2,000, plus \$200.00 per variance
Use/Conditional Use Variances Application for variance pursuant to N.J.S.A. 40:55D-70(d)	\$300.00 per variance	\$2,000.00

Category of Review	Application Fee	Escrow Fund
<u>Miscellaneous</u>		
Applications for Extensions and Amendments of Prior Approvals	\$300.00	\$2,000.00
Certificate of Non-conformity		
Commercial	\$150.00	-0-
Residential	\$100.00	-0-
Application for Certification of Land Use Compliance		
Commercial	\$50.00	
Residential	\$32.00	
Certified list of owners to be notified	\$10.00	

- (2) The actual costs incurred for time spent by the Casino Reinvestment Development Authority's engineer, special counsel and such other professional consultants as have been retained by the Casino Reinvestment Development Authority for review of an application for development shall be allocated to each applicant on the basis of the time spent on a pro rata basis for each applicant.
- (3) The application fees and the sum stated for deposit in the escrow fund recited hereinabove are minimums which must accompany the application. An application shall not be deemed complete until the application fee required has been paid and escrow required has been deposited. The Land Use Administrative Officer or other CRDA land use official, in the absence of such officer shall exercise discretion in establishing the figure required for the escrow fund in the event that the project will require more time for review than has been provided for by the figures recited hereinabove or the project is of a nature that is not expressly included in one of the aforementioned categories.
- (4) All escrow amounts not actually used shall be refunded to the applicant upon recommendation of the Land Use Hearing Officer or other appropriate CRDA land use official to the CRDA Chief Financial Officer.
- (5) The applicant shall submit all fees to the CRDA Land Use Regulation and Enforcement Division for deposit into the Division land use fees account.
- (6) Escrow funds shall be accounted for separately on a per-project basis. Detailed charges against each account shall be forwarded to CRDA Finance Department by the Land Use Administrative Officer. In the event that a refund is to be made to an applicant, the CRDA shall refund the

appropriate amount within thirty (30) days from the date of applicable plan certification or six (6) months from the date of the applicable final action on an application, whichever occurs first.

- (7) When the amount in the escrow fund has been reduced to twenty percent (20%) of the original amount placed in escrow and the Land Use Administrative Officer determines that additional escrow funds are needed to complete the application, he/she shall require an additional deposit in an amount, in his/her opinion, that is sufficient to cover the cost of completing the development application.
- (8) The Land Use Administrative Officer, in conjunction with the professionals utilized by the CRDA, shall prepare a detailed accounting of all moneys expended from the escrow fund. A copy of said accounting shall be available to the applicant upon request.
- (9) The fee for providing transcripts or recordings of any proceeding held pursuant to this procedure shall be an amount equal to the actual cost to the CRDA of producing or reproducing such transcript or recording, plus ten percent (10%) of such cost to help defray administrative expenses associated with the management of such transcribing and recording.
- (10) The fee for providing copies of any document or record relating to this procedure or its administration shall be consistent with the fees permitted under the Open Public Records Act.
- (11) All public hearings of applications shall be transcribed by a certified court reporter, whose fees shall be payable from the applicant's escrow.
- (12) Each of the foregoing fees which is applicable to any development shall be paid, and the payment of any single fee shall not be construed to include payment of any other fee.
- (13) Upon written request from a charitable, philanthropic, fraternal or religious nonprofit organization holding a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. §8501(c) or (d)), or from a disabled person as defined by N.J.S.A. 40:545D-8(e), the Land Use Administrative Officer, in consultation with the Chief Financial Officer of the CRDA may waive the payment of application fees required by this Resolution.



ATLANTIC CITY DEVELOPMENT & PROJECT REVIEW
Committee

February 3, 2015
Meeting Date

**REQUEST FOR ACTION BY MEMBERS OF
CASINO REINVESTMENT DEVELOPMENT AUTHORITY
BOARD MEETING OF MARCH 3, 2015**

Amendment to the Land Use Regulation and Enforcement Division Fee Schedule & Escrow Fees

SUMMARY OF REQUEST:

Approve the amendment of land use fees and escrows in accordance with the attached Exhibit "A". The intent is to set application fees consistent with the City of Atlantic City and to remove the escrow fees for Certificates of Non-Conformity applications within the Tourism District. The amendment will also allow CRDA escrow funds for site plan and other similar applications to be used to reimburse the City Atlantic City for engineering review.

BACKGROUND:

Pursuant to Resolution 11-25 adopted April 19, 2011, the Casino Reinvestment Development Authority ("CRDA") designated the Atlantic City Tourism District in accordance with section 5.a (1) of P.L. 2011, c. 18. And, pursuant to Resolutions 11-33 and 11-34 adopted April 19, 2011, the CRDA established the Land Use Regulation and Enforcement Division and adopted certain interim land use procedures to implement its land use obligations under P.L. 2011, c. 18. In order to further implement its land use responsibilities as set forth in P.L. 2011, c.18, the CRDA finds it is necessary to amend the uniform schedule of application fees and escrow deposits and related requirements for the various and several applications that may be filed in the Tourism District as adopted June 21, 2011, resolution 11-60 (attached). The amended schedule is attached to this proposed action as Exhibit "A";

RECOMMENDATION:

The Board is requested to approve an amendment to the fee schedule to reduce the cost associated with Certificates of Non-Conformity and the escrow required for these applications. Anticipated cost to the CRDA, approximately \$1,000.00 per year.

Prepared by: Lance Landgraf

SCHEDULE OF APPLICATION FEES AND ESCROW DEPOSITS
(AS PROPOSED 2/17/2015)

- (1) The following schedule of fees shall pertain to the applications for development presented to the Casino Reinvestment Development Authority and for the review of certificates of land use compliance:

Category of Review	Application Fee	Escrow Fund
<u>Conceptual Meeting</u> (where required)	\$200.00	\$500.00
<u>Appeals and Interpretations</u> (N.J.S.A. 40:55D-70(a) and -70(b))	\$200.00	\$1,500.00
<u>Subdivisions</u>		
Minor/boundary change/merger of adjoining lots	\$200.00, plus \$30.00 per lot	\$1,500.00
Major	\$200.00, plus \$75.00 per lot	\$1,500.00 per lot
Preliminary Major	\$500.00	\$1,000.00 plus \$400.00 per lot; minimum \$3,000.00
Final Major	\$500.00, plus \$100.00 per lot	\$400.00, plus \$150.00 per lot; minimum \$1,500.00
<u>Site Plans</u> (including fully-conforming conditional uses)		
Site Plan Waiver	\$200.00	\$1,000.00
Site Plan Exception	\$200.00 per exception	\$500, plus \$200 per exception
Preliminary site plans Class I: up to 10,000 square feet of building area or site area development or redevelopment	\$400.00, plus \$32.00 for every story of height	\$1,500 plus \$10.00 per 1,000 square feet of lot area, plus \$10.00 per square foot of gross floor area of the building(s).

Category of Review	Application Fee	Escrow Fund
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Class III: over 100,000 square feet of building area or site area development or redevelopment	\$950.00, plus \$32.00 for every story of height	\$5,000.00
Class IV: casino projects	\$1,600.00	\$10,000.00
Final Site plan		
Class I: up to 10,000 square feet of building area or site area development or redevelopment	\$400.00	\$2,000 plus \$10.00 per 1,000 square feet of lot area, plus \$10.00 per square foot of gross floor area of the building(s).
Class II: from 10,000 square feet to 100,000 square feet of building area or site area development or redevelopment	\$550.00	\$2,000 plus \$10.00 per 1,000 square feet of lot area, plus \$10.00 per square foot of gross floor area of the building(s).
Class III: over 100,000 square feet of building area or site development or redevelopment	\$950.00	\$5,000.00
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<u>Variances</u>		
Bulk Variances Application for variance(s) pursuant to N.J.S.A. 40:55D-70(c) Use/Conditional Use Variances	\$150.00, plus \$100.00 per variance	\$2,000, plus \$200.00 per variance

Category of Review	Application Fee	Escrow Fund
Application for variance pursuant to N.J.S.A. 40:55D-70(d) <u>Miscellaneous</u>	\$300.00 per variance	\$3,000.00
Applications for Extensions and Amendments of Prior Approvals	\$300.00	\$2,000.00
Certificate of Non-conformity		
Commercial	\$150	None
Residential	\$100	None
Application for Certification of Land Use Compliance	\$50.00	
Commercial Residential	\$32.00	
Certified list of owners to be notified	\$10.00	

- (2) The actual costs incurred for time spent by the Casino Reinvestment Development Authority's engineer, special counsel and such other professional consultants as have been retained by the Casino Reinvestment Development Authority for review of an application for development shall be allocated to each applicant on the basis of the time spent on a pro rata basis for each applicant.
- (3) The application fees and the sum stated for deposit in the escrow fund recited hereinabove are minimums which must accompany the application. An application shall not be deemed complete until the application fee required has been paid and escrow required has been deposited. The Land Use Administrative Officer or other CRDA land use official, in the absence of such officer shall exercise discretion in establishing the figure required for the escrow fund in the event that the project will require more time for review than has been provided for by the figures recited hereinabove or the project is of a nature that is not expressly included in one of the aforementioned categories.
- (4) All escrow amounts not actually used shall be refunded to the applicant upon recommendation of the Land Use Hearing Officer or other appropriate CRDA land use official to the CRDA Chief Financial Officer.
- (5) The applicant shall submit all fees to the CRDA Land Use Regulation and Enforcement Division for deposit into the Division land use fees account.

- (6) Escrow funds shall be accounted for separately on a per-project basis. Detailed charges against each account shall be forwarded to CRDA Finance Department by the Land Use Administrative Officer. In the event that a refund is to be made to an applicant, the CRDA shall refund the appropriate amount within thirty (30) days from the date of applicable plan certification or six (6) months from the date of the applicable final action on an application, whichever occurs first.
- (7) When the amount in the escrow fund has been reduced to twenty percent (20%) of the original amount placed in escrow and the Land Use Administrative Officer determines that additional escrow funds are needed to complete the application, he/she shall require an additional deposit in an amount, in his/her opinion, that is sufficient to cover the cost of completing the development application.
- (8) The Land Use Administrative Officer, in conjunction with the professionals utilized by the CRDA, shall prepare a detailed accounting of all moneys expended from the escrow fund. A copy of said accounting shall be available to the applicant upon request.
- (9) The fee for providing transcripts or recordings of any proceeding held pursuant to this procedure shall be an amount equal to the actual cost to the CRDA of producing or reproducing such transcript or recording, plus ten percent (10%) of such cost to help defray administrative expenses associated with the management of such transcribing and recording.
- (10) The fee for providing copies of any document or record relating to this procedure or its administration shall be consistent with the fees permitted under the Open Public Records Act.
- (11) All public hearings of applications shall be transcribed by a certified court reporter, whose fees shall be payable from the applicant's escrow.
- (12) Each of the foregoing fees which is applicable to any development shall be paid, and the payment of any single fee shall not be construed to include payment of any other fee.
- (13) Upon written request from a charitable, philanthropic, fraternal or religious nonprofit organization holding a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. §8501(c) or (d)), or from a disabled person as defined by N.J.S.A. 40:545D-8(e), the Land Use Administrative Officer, in consultation with the Chief Financial Officer of the CRDA may waive the payment of application fees required by this Resolution.

Tally

ATLANTIC CITY PROJECT REVIEW COMMITTEE

DATE: February 3, 2015

LAND USE REGULATION & ENFORCEMENT FEE SCHEDULE – Authorization to amend
land use and escrow fees (LL)

Motion: JK

Second: mk

Tom Ballance	<u>A</u>
Mayor Don Guardian	<u>Y</u>
Gary Hill	<u>Y</u>
John Hoffman	<u>A</u>
James Kehoe	<u>Y</u>
Howard Kyle	<u>Y</u>
Matt Levinson	<u>Y</u>
Robert Mulcahy, Chair	<u>Y</u>

CRDA BOARD TALLY

March 3, 2015

LAND USE REGULATION & ENFORCEMENT FEE SCHEDULE – Authorization to amend land use and escrow fees (LL)

MOTION

EG

SECOND

MK

Tom Ballance

Y

Bob Bartolone for Richard Constable

Y BB

Debra DiLorenzo

Y

Edward Gant

Y

Mark Giannantonio

Y

Mayor Don Guardian

✓

Gary Hill

Y

David Rebeck for John Hoffman

Y DL

Howard Kyle

Y

Matthew Levinson

Y

Robert Mulcahy

Y

William Mullen

A

Gary Puma

Y

Bob Shaughnessy for Andrew Sidamon-Eristoff

Y BS

Frank Spencer

A

Richard Tolson

Y

Chairman James Kehoe

Y