



TOWN OF DOVER

COUNTY OF MORRIS

37 North Sussex Street, Dover N.J. 07801

(201) 366-2200

DEVELOPMENT FEE PAYMENT / WORKSHEET

APPLICANT

Name: _____

Address: _____

Telephone Number: _____

SUBJECT PROPERTY

Location/Address: _____

Block: _____

Lot(s): _____

PROPOSED IMPROVEMENT SUBJECT TO DEVELOPMENT FEE

Residential (1% Fee)

Non-Residential (2.5% Fee) – **Also Requires State Form N-RDF**

Was a "Use Variance" granted in connection with this proposed improvement (+6% Fee)? Yes No

Description of Improvement: _____

Does this proposed improvement meet any of the "Exclusions" under § 236-63.6. (see back)? Yes No

If so, describe: _____

Date

Signature of Applicant

FOR TOWN USE ONLY

TAX ASSESSOR (Initial)

Initial Calculation of Total Equalized Assessed Value \$ _____

Development Fee at ___% plus Bonus Development Fee at 6% (If Applicable) \$ _____

Total Initial Development Fee \$ _____

Total Initial Development Fee Required Payment (50%) \$ _____

Date

Signature of Tax Assessor

CHIEF FINANCIAL OFFICER (Initial)

I certify that an Initial Development Fee in the amount of \$ _____ has been paid. _____

Date

Signature of Chief Financial Officer

TAX ASSESSOR (Final)

Final Calculation of Total Equalized Assessed Value for Fee Payment \$ _____

(Note: Assessment is subject to change for tax purposes upon obtaining additional information or changes to property)

Development Fee at ___% plus Bonus Development Fee at 6% (If Applicable) \$ _____

Total Final Development Fee \$ _____

Total Final Development Fee Payment Due (Initial - Final) \$ _____

Date

Signature of Tax Assessor

CHIEF FINANCIAL OFFICER (Final)

I certify that the Final Development Fee balance in the amount of \$ _____ has been paid.

Date

Signature of Chief Financial Officer

Pertinent Sections of "ARTICLE VA Development Fees" of the Code of the Town of Dover

§ 236-63.1. Findings; purpose.

- A. In *Holmdel Builder's Ass'n. v. Holmdel Town*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to COAH developing rules.
- B. The purpose of this article is to establish standards for the collection, maintenance and expenditure of development fees to be used for the sole purpose of providing low- and moderate-income housing opportunities and assistance, which are consistent with regulations adopted by the New Jersey Council on Affordable Housing, as set forth in N.J.A.C. 5:94-6.1 et. seq.
- C. This article shall be interpreted within the framework of COAH's rules on development fees.

§ 236-63.2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COAH — The New Jersey Council on Affordable Housing.

DEVELOPMENT FEES — Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

EQUALIZED ASSESSED VALUE — The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction costs. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

JUDGMENT OF REPOSE — A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

SUBSTANTIVE CERTIFICATION — A determination by the Council approving a municipality's housing element and fair share plan in accordance with the provisions of the Act **Editor's Note: N.J.S.A. 52:27D-301 et seq.** and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained therein.

§ 236-63.3. Basic requirements

- A. The Town of Dover shall not spend development fees until COAH has approved a plan for spending such fees..

§ 236-63.4. Residential development fees.

- A. Developers of residential developments shall pay a development fee of one percent (1%) of the equalized assessed value of any eligible residential activity pursuant to § 236-63.5.
- B. If a "d" variance is granted pursuant to N.J.S.A. 40:55D- 70d(5), then the additional residential units realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six (6) percent rather than the development fee of one percent (1%). However, if the zoning on the site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.

§ 236-63.5. Nonresidential development fees. – NOTE-This Section is superseded by Assembly Bill A500

- ~~A. Developers of nonresidential developments shall pay a fee of two percent (2%) of equalized assessed value for eligible nonresidential activities pursuant to § 236-63.5.~~
- ~~B. If a "d" variance is granted pursuant to N.J.S.A. 40:55D- 70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six (6) percent rather than the development fee of two percent (2%). However, if the zoning on the site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.~~

§ 236-63.6. Exclusions and exemptions. (Except as superseded by Assembly Bill A500)

- A. Any development exclusively for low- and moderate-income units shall be exempt from paying development fees.
- B. Any development that expands an existing structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.
- C. Developments that have received Preliminary or Final Site Plan or Subdivision approval prior to the effective date of this article, or have secured a building permit, shall be exempt from paying a development fee, unless the developer seeks a substantial change in the approval.
- D. Developers who incorporate low- and moderate-income housing units into their development in accordance with COAH's growth share formula shall be exempt from paying a development fee.
- E. Designated Redevelopers of developments within designated Redevelopment Areas shall be exempt from paying a development fee if the Redevelopment Agreement specifically provides provisions for exemptions.
- F. Other exemptions include: all single and two family residential additions, renovations and accessory structures, however, all new residential dwelling units shall pay a development fee; all multifamily additions, renovations and accessory structures not requiring site plan approval; all nonresidential renovations and alterations not requiring site plan approval.

§ 236-63.7. Calculation and collection of development fees. (Except as superseded by Assembly Bill A500)

- A. Developers shall pay 50% of the calculated development fee to the Town of Dover at the time of issuance of a building permit. Payment shall be made to the Town of Dover Chief Financial Officer. The amount of the development fee shall be based initially on an estimate by the Tax Assessor of the increase in equalized assessed value attributable to the improvements to be constructed. Prior to receiving a building permit, a developer shall submit to the Construction Official a request for calculation of the development fee amount, which request shall be forwarded to the Tax Assessor. The Tax Assessor shall calculate the development fee and provide the calculation to the developer with a copy to the Construction Official and the Chief Financial Officer. Once the development fee is deposited with the Chief Financial Officer, a certification of payment shall be provided to both the developer and the Construction Official by the Chief Financial Officer. The Construction Official shall not issue a building permit until he has received a certification that the development fee has been paid.
- B. Developers shall pay the balance of the development fee to the Town of Dover Chief Financial Officer prior to the issuance of certificates of occupancy by the Construction Official. Prior to receiving a certificate of occupancy, a developer shall submit to the Construction Official a request for calculation of the development fee amount, which request shall be forwarded to the Tax Assessor. The Tax Assessor shall calculate the equalized assessed value, which may differ from the estimate provided prior to issuance of the building permit. The amount of the development fee shall be recalculated, and the developer shall be responsible for paying the difference between that development fee amount and the amount paid prior to issuance of the building permit. The Tax Assessor shall provide the calculation to the developer with a copy to the Construction Official and the Chief Financial Officer. Once the development fee is deposited with the Chief Financial Officer, a certification of payment shall be provided to both the developer and the Construction Official by the Chief Financial Officer. The Construction Official shall not issue a certificate of occupancy until he has received a certification that the difference between that development fee amount and the amount paid prior to issuance of the building permit has been paid.

§236-63.8. Contested fees. (Except as superseded by Assembly Bill A500)

Imposed and collected development fees that are challenged shall be placed in an interest bearing escrow account by the Town of Dover. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

STATE OF NEW JERSEY NON-RESIDENTIAL DEVELOPMENT FEE CERTIFICATION/EXEMPTION

P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.1 et seq.)

SECTION A: To be completed by Developer

Name of Developer: _____
 Address: _____
 Phone: _____ Fax: _____ E-mail: _____

Property Location

County: _____ Municipality: _____
 Block: _____ Lot: _____ Qual.: _____
 Street Address: _____

Date(s) on which Developer received preliminary and/or final site plan approval: _____

Construction/Demolition Permit Application Number: _____

Date on which Developer first sought construction or demolition permit (N.J.S.A. 40:55D-8.6): _____

Date on which Developer received construction/demolition permit: _____

Has the property been previously developed with a building, structure, or other improvement? _____

Exempt From or Not Subject to Fee [N.J.S.A. 40:55D-8.4] Check one if appropriate.

- | | | |
|--|--|---|
| <input type="checkbox"/> Non-profit Educational Purposes | <input type="checkbox"/> Transit Hub | <input type="checkbox"/> Transit Village |
| <input type="checkbox"/> House of Worship | <input type="checkbox"/> Parking lots and structures | <input type="checkbox"/> Transit Hub-Light Rail |
| <input type="checkbox"/> Non-profit hospital or nursing home facility relocation or improvement | <input type="checkbox"/> Public amenity (recreational, community, senior centers) (Attach Planning Board approval) | |
| <input type="checkbox"/> State, County, and local government buildings | <input type="checkbox"/> Commercial Farm or Use Group U Buildings and Structures | |
| <input type="checkbox"/> Preliminary or final approval granted prior to July 1, 2013 and construction permit issued prior to January 1, 2015 | | |

Non-exempt status [N.J.S.A. 40:55D-8.6] Check one if appropriate.

- Prior payment or commitment for low and moderate income housing Amount paid: \$ _____
- Non-residential planned development, subject to a development or redevelopment agreement entitled to a 1% fee
- Full Fee Due (2.5%)

IF AN EXEMPTION OR REDUCED PAYMENT IS CLAIMED, DEVELOPER MUST ATTACH PROOF OF SUCH CLAIM.

I, the undersigned, understand that this declaration and its contents may be disclosed or provided to the State of New Jersey and that any false statement contained herein may be punished by fine, imprisonment, or both. I further declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

Signature of Developer: _____

Name: _____

Title: _____ Date: _____

SECTION B: To be completed by Assessor

	Estimated		Final	
Project's Assessed Value of Land & Improvements	\$	E1	\$	F1
Director's Ratio	%	E2	%	F2
Project's Equalized Assessed Value of Land & Improvements	\$	E3 (E1 ÷ E2)	\$	F3 (F1 ÷ F2)
If there are pre-existing improvements on the property, enter the equalized assessed value of land & improvements on this line; If new construction on vacant land, enter \$0.00 or NA on this line	\$	E4	\$	F4
Amount on which fee is calculated (if new construction on vacant land, will be the value of land & improvements of the final development; if there are pre-existing improvements on the property, will be the value of new improvements only)	\$	E5 (E3-E4)	\$	F5 (F3-F4)
Non-residential Development Fee	\$	E6 (E5 x 2.5%)	\$	F6 (F5 x 2.5%)

Signature of Assessor: _____

Date: _____

Name: _____

Exempt:

SECTION C: To be completed by municipality

Payment Amount (Amount should equal E6 or F6): \$ _____

Payment received by (name): _____

Signature: _____

Name: _____

Title: _____ Date: _____

GENERAL INSTRUCTIONS

Terms Defined:

“Non-profit educational purposes,” means property which is tax exempt pursuant to N.J.S.A. 54:4-3.6.

An exempt “amenity” is an element “to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers, which are developed in conjunction with or funded by a non-residential Developer.” If claiming this exemption Planning Board approval must be attached to this form.

“Urban transit hub” means property located within a 1/2 mile radius surrounding the mid point of a New Jersey Transit Corporation, Port Authority Transit Corporation or Port Authority Trans-Hudson Corporation rail station platform area. A property that is partially included within the radius shall only be considered part of the hub if over 50 percent of its land area falls within the radius. “Rail station” shall not include any rail station located in an international airport. Maps of Urban Transit Hubs can be found at:

<http://www.njeda.com/about/Public-Information/Inactive-EDA-Programs/Urban-Transit-Hub-Tax-Credit-Program/>

A “Transit Village” is an area in a municipality that has been designated by the State inter-agency Transit Village Task Force. More information on Transit Villages can be found at: <http://www.state.nj.us/transportation/community/village/>.

IMPORTANT: N.J.S.A. 40:55D-8.4(a) establishes two different assessments of the Non-Residential Development Fee, one for new non-residential construction on vacant land and one for structural additions on sites with existing improvements. When the land being developed is vacant, the Non-Residential Development Fee is 2.5% of the value of land and improvements of the final development. When the land being developed already has existing improvements, the Non-Residential Development Fee is 2.5% of the value of the new improvements of the final development only; the land value and value of existing improvements are excluded from the calculation of the fee.

For Developers: The Developer is required to complete Section A (except Construction Permit Application number) and submit the form with the Construction Permit Application. Prior to claiming an exemption, credit, or 1% fee, the Developer should review the referenced statute and verify that it applies. If a reduced fee amount (1%) or credit is being claimed, substantiation of the claim (dated prior to the effective date of the Act, July 17, 2008) shall be provided and attached to the certificate, i.e., the redevelopment agreement, general plan approval, Developer’s agreement, or proof of prior commitment of payment toward low and moderate income housing.

For Construction Official: The Construction Official is required to verify that Section A is fully completed, that the property and contact information provided are the same as those on the construction permit application. The Construction Official must verify that the form is signed by the Developer and fill in the Construction Permit Application Number. Once all information is accurate and complete, the Construction Official forwards the original form to the Assessor. If not accurate and complete, the Construction Official shall refuse to accept the form and must return it to the applicant.

For Assessor: The Assessor shall determine if a claimed exemption is justified. If the property is exempt, the Assessor shall check the “exempt” box at the bottom of Section B, sign and provide the original signed Form N-RDF to the Construction Official and a copy to the Developer. If not exempt, the Assessor, based on review of plans and conceptualls submitted with Construction Permit Application, shall prepare an estimated assessment of the property. The Assessor is responsible for completing the “Estimated” column of Section B (E1-E5) to determine the **estimated** Non-Residential Development Fee due (E6). E1 should be the **estimated** assessed value of land and improvements of the final development. E2 should be the Director’s Ratio for the municipality. E3 should be the **estimated** equalized assessed value of the land and improvements of the final development on the site ($E1 \div E2$).

If the development is new construction on vacant land, the Non-Residential Development Fee is assessed on the value of the land and improvements of the final development, and E4 and F4 should equal \$0.

If the development is situated on real property that was previously developed with a building, structure, or other improvement, the Non-Residential Development Fee is assessed on the value of the new improvements only, without including the value of the land or the existing improvements, and E4 and F4 should show the existing equalized assessed value of the land and improvements as of the date listed in section A when the construction or demolition permit was first sought.

The Assessor then provides a copy of the estimate to the Construction Official and the Developer, and retains original. The Construction Official’s copy is to be filed in the Construction Permit Application File. Upon notification that the property is ready for a final assessment, the Assessor reviews the estimate, performs a final assessment and completes Section B, “Final” column (F1-F5) to determine final fee, F6. F1 should be the actual assessed value of the land and improvements at completion, F2 should be the Director’s Ratio at the time of completion of the project, and F3 should be the equalized assessed value of land and improvements at completion ($F1 \div F2$).

For Payment Recipient and Construction Official: The Assessor is responsible for signing and providing the original N-RDF to the Construction Official, who files it in the Construction Permit Application file; the Assessor must also provide a copy to the Developer for use when making payment. If the municipality is participating in the Fair Housing Act process, payment is to be remitted to the town and Section C is to be completed as receipt of payment.

If the municipality is not participating in the Fair Housing Act process, payment is to be made to the Treasurer, State of NJ, and mailed to: Local Planning Services, Attn: Sean Thompson, 101 South Broad Street, PO Box 813, Trenton, NJ, 08625-0813. When preparing to issue Certificate of Occupancy (CO), the Construction Official is to compare the Developer’s receipt to the copy in the Construction Permit File, and if they match, issue the CO.

If the fee imposed is being contested, the payment must equal the amount in E6; if it is not being contested, payment must equal the amount in F6. If payment does not match the final or the estimated fee, a CO will not be issued. (For a limited period after the enactment of the Act, the amount listed in E6 and F6 may differ from the fee paid, if the Developer is entitled to a credit pursuant to N.J.S.A. 40:55D-8.6(c) or payment of a 1% fee pursuant to N.J.S.A. 40:55D-8.6(a)). This credit or reduced fee will be indicated in Section A.

Appeals: A Developer may challenge Non-Residential Development Fees imposed pursuant to N.J.S.A. 40:55D-8.1 et seq. by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the municipality or by the State, as the case may be. Appeals from a determination of the Director may be made to the Tax Court of New Jersey in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

Moratorium Lifted, Fee Re-Imposed: A moratorium on Non-Residential Development Fees that was extended by P.L. 2011, c. 122, has **not** been renewed prior to the expiration of those provisions. Non-residential projects not meeting the criteria for exemption in N.J.S.A. 40:55D-8.4 or N.J.S.A. 40:55d-8.6 are subject to the Non-Residential Development Fee.