

# Fees and Expiration Dates Draft CMP amendments



**Policy & Implementation Committee**  
**September 29, 2023**

# CMP Amendments

## **Application fee changes**

- To better reflect staff time spent reviewing certain types of applications

## **Establishment of expiration dates**

- Certificates of Filing
- Pre-1992 Waivers of Strict Compliance

# Fees: Outstanding violations

## N.J.A.C. 7:50-1.6(e)3

### Current Rule

- Fee rules do not recognize extensive staff time required to review applications involving identification and resolution of outstanding violations

### Proposed Change

- Increase development application fees for applications submitted to resolve violations:
  - **\$1,000** for **major development** application
  - **\$500** for **minor development** application

# Fee caps: outstanding violations

## N.J.A.C. 7:50-1.6(e)6

### Current Rule

- Application fees are capped at:
  - \$50,000 for private development applications
  - \$25,000 for public development applications
  - \$500 for tax exempt organizations

### Proposed Change

- Add language clarifying that fee caps do not apply when an increased fee is required to resolve an outstanding violation

# Fees: Letters of Interpretation (LOIs)

## N.J.A.C. 7:50-1.6(h)4

### Current Rule

- No fee for PDC LOIs
- Fee for all other LOIs or amended LOIs has been \$200-\$250 since 2004

### Proposed Change

- No change: PDC LOIs remain free of charge
- **Establish specific fees for wetlands-related LOIs**
- Increase fee for all other LOIs or amended LOIs to **\$500**

# Fees: Letters of Interpretation (LOIs)

## N.J.A.C. 7:50-1.6(h)2

### Current Rule

- \$250 fee required for all non-PDC LOIs.

### Proposed Change

- Establish fee of **\$1,000** for LOI or Amended LOI to determine presence or absence of wetlands or wetlands transition (buffer) areas
- Consistent with NJDEP wetlands LOI fees

# Fees: Letters of Interpretation (LOIs)

## N.J.A.C. 7:50-1.6(h)3

### Current Rule

- \$250 fee required for all non-PDC LOIs.

### Proposed Change

- Establish a specific fee for LOI or Amended LOI to verify a wetlands line or to determine extent of any required wetlands transition (buffer) areas: **\$1,000 plus \$100 per acre** of the parcel
- Consistent with NJDEP wetlands LOI fees

# Fees: Waivers of Strict Compliance

## N.J.A.C. 7:50-1.6(e)2

### Current Rule

- No additional fee required for applications requiring a waiver of strict compliance
- No fee required for “renewal” of an expired waiver

### Proposed Change

- Increase development application fee by \$250 for applications requiring a new or “renewed” extraordinary hardship waiver
- No increased fee for waiver applications submitted solely to qualify for state acquisition under the Limited Practical Use program

# Expiration Date: Certificates of Filing

## N.J.A.C. 7:50-4.34(c)

### Current Rule

- Certificates of Filing do not expire and are transferable to future applicants and property owners.

# Expiration Date: Certificates of Filing

## N.J.A.C. 7:50-4.34(d)

### Proposed Change

- Certificates of Filing issued prior to 1/1/2004 will be deemed expired and may no longer be used by applicants seeking municipal/county approvals. Submission of new development applications to the Commission will be required.

### Proposed Change

- Certificates of Filing issued on or after January 1, 2004 will expire after **5 years**, unless the applicant has used the CF to obtain municipal/county approval and that approval has been reviewed and allowed to take effect.

# Expiration Date: Certificates of Filing

## N.J.A.C. 7:50-4.34(c)

### Justification

- Municipal zoning and CMP standards change over time. The proposed development described in a CF may no longer be permitted or consistent with environmental standards. Staff review of a new application is necessary to make this determination.
- 5 years is a reasonable period of time within which to expect an applicant to obtain municipal or county approvals.

# Expiration Date: Waivers of Strict Compliance (extraordinary hardship)

## N.J.A.C. 7:50-4.70(e)

### Current Rule

- Waivers approved under former N.J.A.C. 7:50-4.66(a) 1, repealed on **March 2, 1992**, have no expiration date.

### Proposed Change

- Waivers approved under former N.J.A.C. 7:50-4.66(a) 1, repealed effective March 2, 1992, **will expire one year from the effective date of the amendments.** After that date, new waiver applications will be required and reviewed under current CMP standards.

# Expiration: Waivers of Strict Compliance (extraordinary hardship) N.J.A.C. 7:50-4.70(e)

## Justification

- “New” waiver regulations took effect in March 1992 that defined “substantial impairment” of Pinelands resources. Extraordinary hardship waivers granted under the 1992 rules are valid for 5 years.
- Extraordinary hardship waivers granted under the **pre-1992** regulations were not assigned an expiration date. These waivers are now over 30 years old and many violate the substantial impairment standards.
- Ample time has been provided for applicants to proceed with development in accordance with their approved waivers.

# Questions?

