

PROPOSED SALEM TOWNSHIP SALDO MODIFICATIONS

DRAFT I – 10.19.24

MODIFICATION NO. 1

REMOVE SECTION 208 BELOW IN ITS ENTIRETY

208. FEES:

The applicant shall pay to the Township of Salem all fees established by this Ordinance, and/or as may be established by Resolution adopted by the Board of Supervisors thereafter. The initial application fees are hereby established as follows:

- a. **Sketch Plans** - there shall be no fee for the submission and review of sketch plans;
- b. **Minor Subdivisions** - \$100.00 plus an additional \$35.00 for each lot in the proposed subdivision;
- c. **Major Subdivisions** - \$200.00 plus an additional \$75.00 for each lot in the proposed subdivision;
- d. **Apartment Buildings, Mobile Home Parks and other Multi-Unit Dwellings on a Single Lot** - \$200.00 plus \$75.00 for each residential unit developed; and
- e. **Professional Technical Review Fees** - In addition to the foregoing, the Developer shall pay all costs and expenses incurred by the Township for review of any Plans submitted to the Township Engineer, Solicitor and any other Professional retained by the Township to review such Plan. The amounts charged to the developer shall represent the actual costs billed to the Township for the service provided.
- f. The Board of Supervisors may modify those fees set forth in this paragraph by Resolution at any time hereafter. No person shall have the right of refund resulting from withdrawal of an application or denial of any preliminary or final plan by the Board of Supervisors.

AND REPLACE IT WITH

208. FEES.

A. Application filing fee. At the time of submitting a preliminary or final plan, the applicant shall pay an application filing fee, the amount of which shall be determined by a schedule adopted from time to time by resolution of the Board of Supervisors. The application filing fee shall cover the costs associated with processing an application for approval of a subdivision or land development. The filing fee shall be paid in legal tender or by check or money order made payable to the Township and shall be deposited at the time an application is submitted with the Treasurer for transfer to the general fund. The Application filing fee shall be non-refundable.

B. Application review fees. Review fees shall be charged to the Applicant and shall include reasonable and necessary charges by the Township's professional consultants for review and report on the application to the Township. Such review fees shall be based upon a schedule established from time to time by resolution of the Board of Supervisors. Such review fees shall be reasonable and in accordance with the ordinary and customary charges of the professional consultants for similar service in the community, but in no event shall fees exceed the rate or cost charged by the professional consultants to the Township when fees are not reimbursed or otherwise imposed on applicants. Fees charged to the municipality relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an applicant.

C. Professional Consultants. For purposes of this Ordinance the term "Professional consultant" shall mean those persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

D. The Township shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subparagraph shall prohibit interim itemized billing or municipal escrow or other security requirements. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than 45 days after the date of transmittal of the bill

to the applicant, notify the municipality and the municipality's professional consultant that such fees are disputed, and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within 45 days shall be a waiver of the applicant's right to arbitration of that bill under section 510 (g) of the Pennsylvania Municipalities Planning Code [53 P.S. 10510(g)]

(i) In the event the Township's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the municipality shall follow the procedure for dispute resolution set forth in the aforesaid section 510(g), provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

(ii) Subsequent to a decision on an application, the governing body shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.

E. Escrow for Professional Consultant Fees. Applicants for Major Subdivisions and/or land developments shall deposit funds with the Township sufficient to pay the Township's Professional Consultant Fees at the time the Application is made. The amount of the deposit shall be established by Resolution of the Board of Supervisors and be held in escrow by the Township to reimburse it for the Professional Consultant Fees the Township actually incurs. The Township may require the Applicant to deposit additional funds with the Township in the event the fees charged exceed the amount of the initial deposit. In the event the amounts held in escrow exceed the amount of Professional Consultant Fees charged, the Township shall reimburse the Applicant with any unused balance. The Township shall pay all Professional Consultant Fees when due and obtain reimbursement from the escrowed

funds. The Township shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. In the event that the applicant disputes the amount of any such review fees, the procedure set forth in the aforesaid Section 510 (g) of the Pennsylvania Municipalities Planning Code shall be followed to resolve the dispute.

E. Other Fees. Nothing in this section shall be deemed or construed to affect or apply to any other fees charged under the Township's Ordinances relating to Stormwater Management, Sanitary Sewage or the issuance of building permits under the Township's Building Codes and inspections performed under such Ordinances. Provided, however, that in the event any Subdivision or Land Development is referred to the Township Engineer, Township Sewage Enforcement Officer or Township Building Code Official for review, then the anticipated costs and expenses associated with such review shall be escrowed and paid pursuant to the terms of this Section 208.

F. Modification of Fees and Escrow Deposits. The Board of Supervisors may modify those fees and escrow deposits referenced in this Section by Resolution at any time hereafter. No person shall have the right of refund resulting from a withdrawal of an application or the denial of any preliminary or final plan by the Board of Supervisors.

MODIFICATION II

THE EXISTING SECTION 501 DEFINING MINOR SUBDIVISIONS BELOW SHOULD BE REMOVED, MODIFIED AND MOVED TO THE DEFINITIONAL SECTION. THE DEFINITIONS IN ARTICLE VIII SHOULD BE MODIFIED TO SPLIT DEFINITIONS OF A LAND DEVELOPMENT, SUBDIVISION, MAJOR SUBDIVISION, MINOR SUBDIVISION AND LOT LINE REVISIONS AS FOLLOWS:

LAND DEVELOPMENT:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (a) A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building or lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) This term shall exclude:
- (a) the conversion of an existing single family detached dwelling or single family semi-attached dwelling into not more than three (3) residential units;
 - (b) *the addition of a building accessory to a commercial use having an area less than 5000 square feet.*¹
 - (c) the addition or conversion of buildings and rides within the confines of an amusement park enterprise consistent with the terms of 53 P.S. §10503(1.1) as amended.

SUBDIVISION: The division or re-division of a lot, tract or parcel or land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision or lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be excluded.

SUBDIVISION, LOT LINE REVISION/SIDE LOT ADDITION: The subdivision of property for the conveyance of a lot, parcel or portion of property between adjoining property owners where (1) no new construction is being proposed for the parcel or parcels being conveyed, (2) no sanitary sewer facilities are proposed for the parcels

¹ ***YOU MAY WANT TO REVISIT THE 5000 AREA. IT IS KIND OF LARGE, I BELIEVE BUILDING PERMITS ARE REQUIRED FOR BUILDINGS OVER 1000 S/F AND THE TWP HAS HISTORICALLY TREATED ADDITIONS TO COMMERCIAL BUILDINGS AS LAND DEVELOPMENTS.***

conveyed, and (3) such conveyance is exempt from sewage planning under the Pennsylvania Sewage Facilities Planning Act.

SUBDIVISION, MAJOR: Any subdivision that does not file within the definition of a Minor Subdivision or a Lot Line Revision / Side Lot Addition as defined herein.

SUBDIVISION, MINOR: The subdivision of a single lot, tract, or parcel of land into no more than six (6) lots, tracts, or parcels of land, for immediate or future transfer of ownership and/or development, which does not cause or require the extension or installation of any new public street, community or public water system, public sewer system or any other public improvements required under this Ordinance. A subdivision which creates no more than six (6) lots, tracts or parcels which requires sewage facilities planning under the Pennsylvania Sewage Facilities Planning Act, but which does not cause or require the extension or installation of any new public street, community or public water system, public sewer system or any other public improvements required under this Ordinance may be considered a “Minor Subdivision”. A subdivision containing more than one single-family detached dwelling per lot, or proposes the construction of a new multi-family dwelling on a lot, shall not be considered a minor subdivision. A subdivision containing a commercial use, or a combination of commercial and residential uses shall, not be considered a minor subdivision.

MODIFICATION III

ELIMINATE AND REPEAL APPENDIX B OF THE SALDO, AND ALL REFERENCES IN THE BODY OF THE SALDO RELATING TO SAME