

TOWNSHIP OF NORTH CORNWALL

Lebanon County, Pennsylvania

RESOLUTION NO. 2021-10

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF NORTH CORNWALL, LEBANON COUNTY, PENNSYLVANIA, REESTABLISHING FEES FOR THE SUBMISSION AND REVIEW OF SUBDIVISION AND LAND DEVELOPMENT PLANS AND STORMWATER MANAGEMENT SITE PLANS AND FOR THE INSPECTION OF IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AS A PART OF A SUBDIVISION OR LAND DEVELOPMENT OR STORMWATER MANAGEMENT SITE PLAN; REESTABLISHING FEES TO BE CHARGED IN CONNECTION WITH THE ADMINISTRATION OF THE NORTH CORNWALL TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, STORMWATER MANAGEMENT ORDINANCE AND ZONING ORDINANCE.

WHEREAS, the Board of Supervisors of the Township of North Cornwall, Lebanon County, Pennsylvania, is required to review plans and documents submitted by developers to determine compliance with applicable Township ordinances and regulations, including but not limited to the Township's Subdivision and Land Development Ordinance and Stormwater Management Ordinance; and

WHEREAS, Section 2317 of the Second-Class Township Code (the "Township Code") provides that no person may construct, open or dedicate any road or drainage facilities for public use unless the Board of Supervisors has reviewed and approved a plan; and

WHEREAS, the Township incurs costs in the review of plans proposing the installation of new streets and drainage facilities and documentation necessary to ensure that the Township will obtain clear title to such facilities upon dedication; and

WHEREAS, the Township Engineer, Township Solicitor or other professional consultants retained by the Township perform technical reviews of such plans and documents at a cost to the Township; and

WHEREAS, the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended, provides that municipalities may charge fees for review of subdivision, land development and stormwater management site plans by the municipality's professional consultants; and

WHEREAS, the inspection of improvements required to be installed in subdivisions or land developments may be done by the Township staff or by the Township Engineer or other professional consultants retained by the Township; and

WHEREAS, the Township Engineer or other professional consultants perform such inspections at a cost to the Township and when the Township staff performs such inspections, there is a cost to the Township as that employee is not performing general municipal work which may benefit the entire Township but rather is providing services which benefit a particular developer; and

WHEREAS, the Township has enacted a Zoning Ordinance, and the Township incurs costs in the receipt of applications, issuance of permits, and inspection of construction authorized by such Ordinance; and

WHEREAS, the Board of Supervisors is authorized to adopt fees to be paid by applicants to reimburse the Township for expenses incurred in the processing of applications, the review of plans and documents, and for expenses incurred in the inspection of improvements; and

WHEREAS, the Township may impose fees for hearings before the Zoning Hearing Board and fees for proceedings before the Board of Supervisors.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Board of Supervisors of the Township of North Cornwall, Lebanon County, Pennsylvania, as follows:

Section 1. Subdivision and Land Development Plan and Stormwater Management Site Plan Submissions

- A. Minor Subdivision Plan not involving new lots (e.g. lot add-on plan)
 - 1. Application Fee \$200.00
 - 2. Deposit Amount \$500.00
- B. Sketch Plan or Accessory Dwelling Plan
 - 1. Application Fee \$100.00
 - 2. Deposit Amount \$500.00
- C. Minor and Major Residential Subdivision and/or Land Development Plan with New Lots/Units
 - 1. Minor Subdivision Plan Application Fee (Exempt from Preliminary Plan) \$900
 - 2. Preliminary Plan Application Fee \$500 + \$10/lot
 - 3. Final Plan Application Fee \$500 + \$10/lot
 - 4. Preliminary/Final Plan Application Fee \$1,000 + \$20/lot
 - 5. Deposit Amount (see table below)

# of Lots/Units ¹	Preliminary Plan Deposit	Final Plan Deposit	Minor Subdivision or Preliminary/Final Plan Deposit ²
1 to 5	\$1,250	\$750	\$2,000
6 to 10	\$1,500	\$1,000	\$2,500
11 to 20	\$2,000	\$1,500	\$3,500
21 to 50	\$3,900	\$2,000	\$5,900
51 to 100	\$1,500 + \$50/lot or unit	\$750 + \$25/lot or unit	\$2,250 + \$75/lot or unit
101 to 200	\$2,600 + \$40/lot or unit	\$1,300 + \$20/lot or unit	\$3,900 + \$60/lot or unit
201 and over	\$4,700 + \$30/lot or unit	\$2,350 + \$15/lot or unit	\$7,050 + \$45/lot or unit

- 1) For multifamily dwellings, apartments, retirement communities, mobile home parks, or other rental communities, each individual apartment, dwelling, or mobile home shall be considered as a separate unit.
- 2) For projects submitted as a combined Preliminary/Final Plan, fees shall be paid in cumulative (i.e. both the preliminary fee and final fee shall be paid to the Township upon submission).

D. Non-Residential Subdivision Plan. The fees established by this section do not include land development on the individual lots to be subdivided.

Where a non-residential subdivision also includes land development on the lots to be subdivided, the applicant shall pay the application fees and deposit amounts for the Subdivision Plan established by this Section (1.D) and the deposit amounts for the non-residential Land Development Plan established in Section 1.E.5. However, the application fees for non-residential Land Development Plans established in Section 1.E.1 to 1.E.4 shall not apply.

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| 1. Minor Subdivision Plan Application Fee
(Exempt from Preliminary Plan) | \$1,500 + \$15/lot |
| 2. Preliminary Plan Application Fee | \$1,000 + \$10/lot |
| 3. Final Plan Application Fee | \$1,000 + \$10/lot |
| 4. Preliminary/Final Plan Application Fee | \$2,000 + \$20/lot |
| 5. Preliminary Plan Deposit Amount | \$2,500 + \$125/lot |
| 6. Final Plan Deposit Amount | \$1,500 + \$75/lot |
| 7. Preliminary/Final Plan Deposit Amount | \$4,000 + \$200/lot |

E. Non-Residential Land Development Plan (Agricultural, Commercial, Industrial, Office & Institutional, etc.).

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| 1. Minor Land Development Plan Application Fee
(Exempt from Preliminary Plan) | \$900 + \$15/acre |
| 2. Preliminary Plan Application Fee | \$500 + \$10/acre |
| 3. Final Plan Application Fee | \$500 + \$10/acre |
| 4. Preliminary/Final Plan Application Fee | \$1,000 + \$20/acre |

5. Deposit Amount (see table below)

Acres ¹	Preliminary Plan Deposit	Final Plan Deposit	Minor Land Development or Preliminary/Final Plan Deposit ²
0-2	\$1,500	\$1,000	\$2,500
> 2 to 5	\$2,000	\$1,500	\$3,500
> 5 to 10	\$2,500	\$2,000	\$4,500
> 10 to 15	\$3,000	\$2,500	\$5,500
> 15 to 25	\$3,500	\$3,000	\$6,500
> 25	\$1,000 + \$100/acre	\$1,800 + \$50/acre	\$2,800 + \$150/acre

- 1) Area of proposed lot to be developed or disturbed area of existing tract undergoing expansion.
- 2) For projects submitted as a combined Preliminary/Final Plan, fees shall be paid in cumulative (i.e. both the preliminary and final fee shall be paid to the Township upon submission).

F. Stormwater Management Site Plans (not requiring a subdivision or land development plan).

1. Application Fee \$500 + \$10/acre
2. Deposit amount (see table below)

Acres ¹	SWM Site Plan Deposit
0-2	\$2,000
> 2 to 5	\$3,000
> 5 to 10	\$4,000
> 10 to 15	\$5,000
> 15 to 25	\$6,000
> 25	\$2,400 + \$150/acre

- 1) Area of proposed lot to be developed or disturbed area of existing tract undergoing expansion.

Section 2. The *application* fees established by this Resolution are non-refundable. These fees shall be used to reimburse the Township for its administrative expenses in connection with the processing of the application, including, but not limited to, receiving plans; administrative reviews; time extension monitoring and processing; verbal and written communications with Township consultants, applicants and applicant’s representatives; scheduling of actions; administering waivers from Ordinance requirements; transmittal and storage of plans and reports; postage and other similar expenses

Section 3. Posting of Deposit for Reimbursement of Township Expenses in Processing Subdivision and Land Development, Stormwater Management, and Other Applications. Each applicant shall deposit with the Township a sum in the amount as set forth in Section 1 (“Deposit Amount”) at the time of filing an application for approval of a subdivision or land development plan and/or a stormwater management site plan. The Deposit Amount shall be used to reimburse the

Township for all engineering, inspection and legal fees incurred in the review of the plan, inspection of the improvements, preparation and recording of any appropriate deeds or documents, and any other expenses which the Township may incur in the connection with the processing of the application and development of the property set forth in Sections 6, 7, 8, and 10 below. The Township shall be irrevocably authorized to withdraw from time to time any monies deposited in the Deposit Amount by the applicant/developer in order to pay expenses and fees incurred by the Township. At such point as the Deposit Amount has been reduced to one-half of the amount posted by the applicant at the time of filing the application or less as a result of withdrawals as herein provided, then, and in that event, and at that time, the Township shall bill the applicant/developer an amount sufficient to restore the Deposit Amount to the original sum. In the event the Deposit Amount is insufficient at any time to pay such costs, the Township shall bill applicant/developer for the actual or anticipated additional costs. In the event the Deposit Amount is in excess of the Township's costs, the Township shall refund such excess monies, without interest, to the Developer upon completion of the development of the property. No further review, administration or action on a plan shall occur until such bill is paid by the applicant/developer.

Section 4. Fees and Deposit Payable with Application. All filing fees and any required deposit must be submitted to the Township with plan applications. Plan applications shall not be accepted without fees and required deposits, and neither the North Cornwall Township Planning Commission nor the North Cornwall Township Board of Supervisors shall act on a plan application submitted without a fee and, if required, a deposit. The fees imposed by this Resolution are in addition to any fees imposed by the Lebanon County Planning Department pursuant to Section 502 of the Pennsylvania Municipalities Planning Code for its review of plans or by any municipal authority or public utility as established by such authority or utility for review of plans showing improvements, extensions, or connections to the authority's or the utility's facilities. All fees and required deposits shall be paid by check or money order drawn to the Treasurer of North Cornwall Township. Where applicable, two checks are required for each submission of plans, one for the application fee and the other for the Deposit Amount.

Section 5. Recording Fees. Any costs relating to the reduction of final plans for the purpose of recording the same with the Recorder of Deeds of the County of Lebanon and any recording fees shall be paid by the applicant.

Section 6. Reimbursement for Plan and Document Review Expenses. Applicants shall reimburse the Township for all reasonable and necessary charges incurred by the Township's professional consultants, including but not limited to the Township Engineer and Township Solicitor, for the review and any report or reports to the Township on an applicant's application, plans, supporting data, proposed agreements relating to the maintenance of improvements or open space, financial security, and similar matters, if any, in connection with subdivisions and land developments and stormwater management applications. Such review fees shall be the actual fees charged by the Township Engineer, Township Solicitor, or other professional consultant for the services performed. The filing of a plan or application under the North Cornwall Township Subdivision and Land Development Ordinance, Stormwater Management Ordinance, Zoning Ordinance, other governing ordinance and/or Section 2317 of the Township Code shall constitute an implied agreement by the applicant to pay such expenses.

Section 7. Reimbursement for Inspection of Improvements when such Inspection is Performed by the Township Engineer or other Professional Consultant. Developers shall reimburse the Township for all reasonable and necessary charges incurred by the Township's professional consultants or the Township Engineer for inspection of the improvements required to be constructed under the Subdivision and Land Development Ordinance, Stormwater Management Ordinance, or Zoning Ordinance and any report or reports to the Township thereon. Such inspection fees shall be the actual fees charged by the Township Engineer or other professional consultant for the services performed.

Section 8. Reimbursement for Inspection of Improvements when such Inspection is Performed by Township Personnel. In some circumstances, inspection of improvements may be performed by personnel employed by the Township. If the inspection is performed by Township personnel, developers shall reimburse the Township for all reasonable and necessary charges incurred by the Township for inspection of the improvements required to be constructed under the Subdivision and Land Development Ordinance, Stormwater Management Ordinance, or Zoning Ordinance and any report or reports to the Township thereon. When the inspection is performed by Township personnel, the fee shall be sixty-five dollars (\$65.00) per hour. A minimum charge of sixty-five dollars (\$65.00) per hour per person will be billed for the first hour or any portion thereof. Any time in excess of one (1) hour shall be billed at the same rate on a proportional basis. This charge shall be revised from time to time to reflect changes in the costs to the Township of utilizing its personnel to perform such inspections.

Section 9. Resolution of Fee Disputes. In the event the developer disputes the amount of any plan review or inspection fees or expenses imposed pursuant to Sections 6, 7, or 8 above, the developer shall, within ten (10) days of the billing date, notify the Township Secretary that such fees are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the developer's dispute of the fees. Fee disputes shall be resolved as follows:

- A. If within twenty (20) days of the date of billing, the Township and the developer cannot agree on the amount or the expenses which are reasonable and necessary, then the Township and the developer shall jointly, by mutual agreement, appoint another professional engineer to review such charges and expenses and make a determination as to the amount thereof which is reasonable and necessary.
- B. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The developer shall pay the entire amount determined in the decision immediately.
- C. The fee of the professional engineer for determining the reasonable and necessary expenses shall be paid by the developer if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required is less than the original bill by one thousand dollars (\$1,000) or more, the Township shall pay the fee of the professional engineer. In all other situations the Township and the developer shall each pay one-half ($\frac{1}{2}$) the fee of the professional engineer.

- D. If the Township and the developer cannot agree upon the professional engineer to be appointed, the engineer shall be selected in the manner provided in Article V of the Pennsylvania Municipalities Planning Code.

Section 10. Additional Expenses. All expenses incurred by the Township prior to street dedication for the installation, maintenance or operation of street signs, traffic control signs, traffic control lights, street lights and any other signs or lights which are necessitated by the developer's land development or subdivision shall be charged to and paid by the developer. A charge of thirty-five dollars (\$35.00) per hour per person for Township personnel shall be billed for the costs of installing traffic control signs or performing other services for the development. The actual cost of all supplies and equipment, including signs, poles and other materials shall be paid by the developer. If the Township is required to provide snow removal service on a street not accepted by the Township, the developer shall be charged the reasonable and customary commercial rate for such service plus the actual cost of all materials used.

Section 11. Zoning Application Fees. The following application and appeal fees shall be imposed in connection with the administration of the North Cornwall Township Zoning Ordinance:

- A. Zoning Hearing Board Application or Appeal.....\$750
- B. Conditional Use.....\$500
- C. Rezoning or Curative Amendment Application or Substantive Challenge to the Validity of the Zoning Ordinance \$2,000
- D. Hearing Continuation Fee \$150

In addition to the above fees to be paid at the time the application or appeal is filed, applicants and appellants shall, upon receipt of an invoice from the Township, reimburse the Township for one-half of the court reporter's appearance fee attributable to the application or appeal. The Township's invoice shall be payable within thirty (30) days of receipt or upon the issuance of any permit authorized by the decision of the Zoning Hearing Board or Board of Supervisors, whichever date is earlier.

In addition to the above fees, all applications for conditional use shall include a deposit for miscellaneous expenses in the amount of \$3,000.00 plus \$150.00 per acre or portion thereof. This deposit account shall be used to pay expenses incurred by the Township with regard to the application including, but not limited to, advertising costs, engineering fees, postage, and similar costs and expenses.

Section 12. All bills for outstanding administrative, legal and engineering review fees shall be paid by the applicant/developer before the plan is recorded.

Section 13. All bills for outstanding administrative legal, engineering and inspection fees shall be paid by the applicant/developer prior to the final release of financial security and/or dedication of public improvements.

Section 14. The Board of Supervisors reserves the right to revise the fees in this Resolution at any time by resolution.

Section 15. This Resolution shall not be deemed to repeal any other resolution of this Township establishing fees or charges. This Resolution shall be interpreted to amend only those fees expressly set forth in this Resolution, and all other fees and charges imposed by all other resolutions are hereby ratified and confirmed.

Section 16. The provisions of this Resolution are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of the Board of Supervisors that this Resolution would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 17. This Resolution shall take effect and be in force immediately as provided by law.

DULY ADOPTED the 20 day of APRIL, 2021, by the Board of Supervisors of the Township of North Cornwall, Lebanon County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF NORTH CORNWALL
Lebanon County, Pennsylvania

Attest: 
Secretary

By: 
Chairman of the Board of Supervisors

[TOWNSHIP SEAL]

