

Topic:	Impact Fees; Transportation & Land Use Planning
Resource Type:	Regulations
State:	New Jersey
Jurisdiction Type:	Municipal
Municipality:	Township of Warren
Year (adopted, written, etc.):	1999
Community Type - applicable to:	Suburban; Rural
Title:	Township of Warren Transportation Improvement District (T.I.D.)
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Abstract

This ordinance was created to ensure that necessary infrastructure could be maintained and additional infrastructure could be created to accommodate new development. Under the Transportation Improvement District (TID) Impact Fees system, if there is any new development that takes place within the Transportation Improvement Districts, developers must pay a fee calculated by determining the impact that the proposed development will have on traffic multiplied by district improvement costs needed.

Resource

15-11.2 Transportation Improvement District (T.I.D.).

a. *Purpose and Intent.* The purpose of this subsection is to ensure adequate off-tract road and related drainage, lighting, sidewalks, signage, traffic control devices and the like, which are a direct consequence of new development. The Township of Warren's Transportation Improvement Districts ("T.I.D.'s") are designed to achieve the following purposes:

1. To encourage safe and efficient traffic flow and pedestrian access along the roadway systems serving the Township;
2. To maintain satisfactory levels of traffic service throughout the Township during peak travel times;
3. To assess future development its fair share of the cost of reasonable and necessary off-tract improvements that are a direct consequence of such new development rather than arising from existing development.
4. To raise revenues that will be managed and expended in such a manner and time that the development paying the fee will receive a direct benefit from the improved roads and related facilities.

5. To encourage development that is compatible with and, whenever possible, carries out the land use and circulation objectives of the Warren Township Master Plan and other regional planning incentives that match Warren Township's community goals.

6. To accomplish the foregoing objectives through thoughtful and cooperative planning between all levels of government and the private sector for the benefit of all residents and businesses in the Township.

7. It is the intent of this subsection to effectuate its terms consistent with the goals and objectives of the County of Somerset and the agencies of the State of New Jersey through policy and project agreements now or hereafter formulated or consummated.

b. *Identification of Districts.* The following T.I.D.'s are hereby established, as described in the Traffic and Circulation Plan Element of Warren Township's Master Plan;

1. Transportation Improvement District-1 (T.I.D.-1) comprised of the area set forth on the attached map drawn by Garmen Associates entitled "T.I.D.-1 Transportation Improvement District (TID) Boundaries." This area being commonly referred to as the "Mountain Boulevard Corridor."

c. *Roadway Improvements.* The improvements to be made within each established T.I.D. are set forth in subplans to the Traffic and Circulation Plan Element of the Warren Township Master Plan as approved by the Planning Board, and as presently amended or as amended in the future.

d. *T.I.D. Impact Fees.*

1. The pro rata share of T.I.D. impact fees ("T.I.D. Impact Fees") to be collected from a developer having an application for development within an established T.I.D. as set forth in subplans to the Traffic and Circulation Plan Element of the Warren Township Master Plan, as approved by the Planning Board and as presently amended or as amended in the future, shall be adopted by the Township Committee with recommendations of the Planning Board or Zoning Board of Adjustment, as the case may be, and the County of Somerset, (to the extent that egress from or ingress upon a County roadway is involved) as follows:

$$\begin{array}{l} \text{Developer's Total} \\ \text{Traffic District} \\ \text{Developer's Share} = \frac{\text{Impact}}{\text{Total District}} \times \text{Improvement Cost} \\ \text{Traffic Growth} \end{array}$$

That portion of the above formula identified as Total District Traffic Growth encompasses traffic resulting from new development and growth in through traffic.

2. The purposes of the T.I.D. impact fee is to satisfy the developer's proportionate and pro-rate contribution to the cost of reasonable and necessary off-tract roadway

improvements and necessitated by new development (to include, but not be limited to: the construction or reconstruction of new or existing streets, rights-of-ways, acquisition, engineering, and other associated street or traffic improvements such as street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, street drainage, road culverts, lighting, landscaping, utility relocation and the like) to be borne by developers within a related and common area of an established T.I.D.

3. The data upon which T.I.D. impact fees are determined shall be adjusted from time to time as is reasonably deemed appropriate by the Township Committee and the County to account for modifications to projected roadway improvement costs resulting from detailed engineering field studies and inflation, adjusted development projections, actual costs of T.I.D. program maintenance and administration, land acquisition costs and necessary changes in the scope of roadway improvements.

4. Where an applicant pays the amount determined as his pro rata share under protest, he shall institute a legal action within one (1) year of such payment in order to preserve the right to judicial determination as to the fairness and reasonableness of such amount. In the event such applicant fails to institute such legal action within one (1) year of such payment, such applicant shall have been deemed to waive any right to challenge such pro rata share.

5. No applicant shall be required to pay T.I.D impact fees for a development within an established T.I.D. if the applicant can demonstrate to the satisfaction of the Township and the Planning Board or the Board of Adjustment, as the case may be (or to the satisfaction of Somerset County, to the extent that egress from or ingress upon a County roadway is involved), in connection with any application for preliminary approval of a development located within an established T.I.D., that (i) the traffic impact from such new development will be negligible (for the purposes of this subsection defined to mean less than ten (10) trips generated per day), or (ii) the proposed development will receive no benefit (direct or indirect) from the roadway improvements.

e. *Implementation of T.I.D. Impact Fees through Developers Agreements.*

1. Developers of developments within an established T.I.D. shall be required to enter into an agreement with the Township (and with Somerset County, to the extent that egress from and ingress upon a County roadway is involved) for the payment of the required T.I.D. impact fee; and the Planning Board or Board of Adjustment, (after receiving input from County or State agencies for developments located along roads under the jurisdiction of these agencies, if County or State road improvements are to be undertaken) as the case may be, in deliberations with respect to any applications for preliminary approval of development located within an established T.I.D., shall make findings and recommendations as to items to be addressed by the agreement. A condition to any final approval shall be that the developer enter into the said agreement with the Township (and with Somerset County, to the extent that egress from or ingress upon a County roadway is involved). The agreement shall be in proper form for recording and, once duly signed and acknowledged

by all parties thereto, shall be recorded by the developer in the Somerset County Clerk's Office.

2. The agreement shall take into consideration the applicable Board's findings of fact, recommendations and conditions of approval and shall, at a minimum, provide for the following;

(a) Payment of an impact fee representing the applicant's fair share of road and street (Township, County and State) improvements, inclusive of land acquisition costs, if any, in accordance with the standards set forth in this subsection and the appropriate T.I.D. subplan. Unless an installment payment schedule is approved, the T.I.D. impact fee shall be paid prior to the issuance of any building permits.

(b) Where the development is phased, an installment payment schedule, if requested by the developer, based upon the phasing of the development or other standards as outlined in the subplan to the Traffic and Circulation Plan Element of the Township's Master Plan or as agreed to by the Township Committee with respect to the collection of the fee determined. With any installment payment plan, full payment shall be required prior to the issuance of the final building permit for the project or phase thereof subject to such installment payments. The applicable Board may require that the developer posts a letter of credit or other appropriate financial guarantee to ensure the receipt of any such installment payments.

(c) The limit of the developer's future off-tract traffic improvement liability upon full or partial payment of the T.I.D. impact fee.

(d) A description of on-tract or off-tract road and related traffic improvements to be made by or at the expense of the developer, in lieu of a T.I.D. impact fee, contribution or some combination thereof, if any, and the timing or sequencing of such installation.

(e) A description of any credits or repayment due the developer as a result of (i) voluntary construction or payments in excess of the developer's fair share based upon the standards set forth in the T.I.D. subplan, and/or (ii) implementation of traffic reduction management plans and transit incentives which the developer has adequately demonstrated to the applicable Board (and Somerset County, to the extent that egress from or ingress upon a County roadway is involved) will permanently reduce the peak hour volumes and trip generation rates established by the Institute of Transportation Engineers in the Trip Generation Handbook, as such handbook may be amended or revised from time to time, or from any other source as may be approved by the Township Committee.

(f) Where the proposed off-tract improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited in a separate interest-bearing account to the credit of the Township (or, in the case of a County road, in the joint interest bearing account established or to be established between the Township and the County) until such time as the improvement is constructed. If the off-tract improvement is not commenced within ten (10) years of the deposit monies, then all monies and interest (less one (1%) percent to cover administrative fees) earned thereon shall be returned to the applicant. An improvement shall be deemed commenced if right-of-way acquisition and/or preliminary engineering is in progress and the improvement is fully funded and committed to by the Township and/or the County and/or the State.

(g) Where the applicable Board, or the County or the State, as the case may be, requires a developer to construct and on-tract street improvement in excess of that required for or used exclusively by the particular development in order to benefit the general public and other future developers within the established T.I.D, consideration shall be given to reducing the off-tract T.I.D. impact fee in an amount equal to the difference between the cost of the on-tract street improvement required by the development itself and the total cost of the on-tract street improvement required by such Board, the County or the State, as the case may be. The reduction, if any, shall be applied against the T.I.D impact fee required under this subsection. An on-tract street improvement required by such Board, the County or the State, as the case may be. The reduction, if any, shall be applied against the T.I.D. impact fee required under this subsection. An on-tract street improvement shall be deemed "in excess of that required for or used exclusively by the particular development" for purposes hereof if it exceeds the design standards established in the land development ordinances of the Township for such improvement. In order to receive a reduction of the T.I.D. impact fee required under this subsection, it shall be the responsibility of the developer to demonstrate to the satisfaction of the applicable Board, or the County or the State, as the case may be, that the on-tract street improvement exceeds the design standards established in the land development ordinances of the Township for such improvement. The cost of rights-of-way dedicated to the Township (or the County, if applicable) shall not be included in any calculation under this subsection. Notwithstanding anything to the contrary in this subparagraph (g), under no circumstances shall access related improvements, such as acceleration or deceleration lanes, towing lanes, signalization, roadside drainage and interim improvements receive a reduction of the developer's T.I.D. impact fee. Additionally, no reduction shall be given for on-tract improvements such as, but not limited to, curbing, detention or retention basins, overlay, sidewalks or crowns.

(h) Such other matters as may be recommended by the applicable Board or the Township Committee.

3. *Use of Funds Collected.* Any funds collected by way of the T.I.D. impact fee shall be maintained in a separate escrow account credited to the Township or in a separate escrow account credited to the Township or in a separate escrow account of the County (if a County road is involved). Such funds shall be used only for improvements referred to in the T.I.D. subplan and as adopted as part of the Township's capital improvement program. Any funds held in the account of the County shall be distributed and utilized in accordance with an agreement between the County and the Township regarding the distribution and utilization of such funds. The mutual consent of the County and the Township shall be required prior to the release of any funds held by the County in its escrow account for purposes of capital expenditures to any county road within an established T.I.D.

4. *Exemption for Public Buildings.* Development applications made by a municipal agency for the construction of a public building shall be exempt from the requirements of the payment of a T.I.D. impact fee as set forth herein, provided that the Township Committee finds that the proposed building will serve a public purpose and promote the public health, safety and welfare. Rather, the traffic impact, if any, of such public building shall be considered as part of the general sector share.

(Ord. No. 92-33)

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