

ORDINANCE NO. 2025-08

AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE SO AS TO AMEND CHAPTER 25 ENTITLED “LAND DEVELOPMENT”

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Lakehurst is hereby amended and supplemented so as to amend Chapter 25, entitled “Land Development,” so as to add a new section § 25-17.9 which shall be entitled “Residential Development Fees” and which shall read as follows:

§ 25-17.9. Residential Development Fees.

Affordable housing development fees shall be paid by all developers other than developers of exempt developments and affordable inclusionary housing developments and shall consist of monies paid by an individual, person, partnership, association, company or corporation for the improvement of property. Affordable housing development fees collected shall be used for the sole purpose of providing low- and moderate-income housing.

- A. For all residential development within the Borough of Lakehurst, developers shall pay a development fee of 1.5% of the equalized assessed value of the residential development, provided no increase in density is permitted. When an increase in density is permitted pursuant to N.J.S.A. 40:55D-70d(5), known as a "d" variance, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base 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 variance application.
- B. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and 6% of the equalized assessed value for the two additional units, provided that zoning on the site has not changed during the two-year period preceding the filing of such a variance application.
- C. Residential development fee exemptions.



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1. Affordable housing developments;
2. Developments where the developer is providing for the construction of affordable units elsewhere in the Borough.
3. Developments where the developer has made a payment in lieu of on-site construction of affordable units.
4. All residential dwellings destroyed due to fire, flood, or other natural disaster and rebuilt by their owners shall be exempt from paying a development.

D. Collection Procedures.

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a construction permit.
2. The construction official responsible for the issuance of a building permit shall notify the Borough Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
3. Within 90 days of receipt of that notice, the Borough Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
4. The construction official responsible for the issuance of a final certificate of occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
5. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements in the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
6. Should the Borough of Lakehurst fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in N.J.S.A. 40:55D-8.6.
7. Fifty percent of the total estimated development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the issuance of the building permit and that determined at the issuance of the certificate of occupancy.

E. Appeal of Development Fee procedures.

A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Lakehurst. Appeals from a determination of the Board may be made to the Tax Court in



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accordance with the provisions of the State Tax Uniform 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.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Effective date.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Hon. Harry Robbins, Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #2025-08 entitled **AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE SO AS TO AMEND CHAPTER 25 ENTITLED “LAND DEVELOPMENT”** was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the 1st day of May, 2025

Maryanne Capasso, RMC
Municipal Clerk

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