

Article XI. Planning Board

§ 200-51. Fees.

[Added 9-15-1976 by Ord. No. 92; amended 10-25-1978; 2-13-1980; 10-25-1983 by Ord. No. 115; 10-23-1984 by Ord. No. 118; 3-26-1985 by L.L. No. 2-1985; 8-13-1985 by Ord. No. 120; 9-22-1987 by L.L. No. 6-1987; 11-27-1990 by L.L. No. 4-1990; 4-25-1995 by L.L. No. 3-1995; 9-11-2007 by L.L. No. 8-2007]

A. Applications for action or recommendation by review and approval authorities pursuant to Article 16 of the Town Law and the relevant provisions of this chapter shall be accompanied by payment of the following fees and the funding of escrow accounts as per Subsection **B** below, as applicable. Final approvals shall be conditioned upon payment of the following recreation and inspection fees, as applicable, and performance and maintenance bonds, as required. The amount of the fees shall be set by resolution of the Town Board in the Fee Schedule.^[1]

1. Subdivision.
 - a) Application review fee.
 - b) Recreation fee.
 - c) Inspection fee.
2. Site plan or conditional use permit.
3. Request for rezoning or zoning amendment.
4. Environmental quality review.
5. Performance and maintenance bonds.

^[1] *Editor's Note: See Ch. **A203**, Fees.*

B. Escrow accounts.

1. In addition to the payment of the fees required in Subsection **A** of this section, the approval authority shall adjust the fees sufficiently to reimburse the Town for the cost of professional consultation fees and other expenditures attributable to the proposal. The approval authority shall establish an escrow account, as follows, funded by the applicant in connection with authorizing the performance of professional consulting services regarding the proposal.
2. At the time of the submission of any application and prior to its review by the approval authority, said approval authority shall require the establishment of an escrow account, from which withdrawals shall be made to reimburse the Town for the cost of professional consultation services. The applicant shall provide funds to the Town for deposit into such account in the amount set by resolution of the Town Board in the Fee Schedule.^[2] It is the intent of these regulations to

ensure that the applicant always has on deposit with the Town adequate funds to ensure that the Town will never subsidize application review or inspection costs at any time.

[2] *Editor's Note: See Ch. **A203**, Fees.*

3. The applicant shall be provided with copies of the consultant's invoice or Town's costs for such services as they are submitted to the Town. When an escrow account is drawn down to 50% of its original amount resulting from payment of said invoice, the applicant shall be required to deposit additional funds into such account to bring its balance up to 100% of the original amount. If such account is not fully replenished within 21 days of notice to the applicant for additional funds, the approval agency shall suspend its review of the application. In the case of post approval inspections and reviews involving construction, the Town may issue a stop-work order for such nonpayment.
4. No approval shall be granted and no subdivision plat or site plan shall be endorsed until all professional consultation fees charged in connection with the review of the project have been reimbursed to the Town. No building permit or certificate of occupancy shall be issued unless all professional consultation fees charged in connection with the review and inspection of the project have been reimbursed to the Town. No refunds of any funds remaining on deposit in escrow shall be issued until after all pertinent professional review and inspection charges have been reimbursed to the Town.

C. In minor subdivisions of improved building lots involving no further construction on and no intensification of use of the lots created thereby, the Planning Board may equitably adjust the recreation fee and the inspection fees to be imposed on the applicant in connection therewith.

D. A fee shall be charged for each preapplication meeting with the Planning Board Chairman and professional consultant(s) to discuss concepts, etc., in the amount set by resolution of the Town Board in the Fee Schedule.