

Establishment of an escrow account to pay for the costs of the Zoning Amendment and determine how and how much the replenishment threshold should be.

Town Code Chapter 140-64 Fees when adoption of local laws required.

A.

Whenever, in connection with an application or petition, a local law is necessary or appropriate to implement the benefit or relief sought or to regulate conditions occasioned by the granting of an approval or approvals, the total actual expenses incurred by the Town in connection with the preparation and consideration of a proposed local law shall be borne by the applicant. The minimum fees established by resolution shall be paid by the applicant upon the earlier of submission of a petition, if applicable, or prior to the endorsement of an approved subdivision plat or site plan or the issuance of any building permit or the filing of any applicable local law with the Secretary of State.

B.

Fees shall be established for the following:

(1)

Zone change local law.

(2)

Annexation local law.

(3)

Miscellaneous local laws, including stop sign, speed limit and parking local laws considered in connection with subdivisions and zoning amendments (other than zone changes).

C.

If the administrative or other expenses of the Town exceed the amount deposited pursuant to this section, the balance shall be paid by the applicant prior to the endorsement of any subdivision plat or site plan or the issuance of any building permit or the filing of any applicable local law with the Secretary of State.

Also see: 140-60.1 Escrow Account: Professional review expenses

Escrow deposits.

(1)

In connection with any application for a special permit, site plan or subdivision approval, zoning amendment, variance, or other appeal, the reviewing board may require an applicant to deposit an initial sum of money into an escrow account in advance of the

review of the application. Said sum shall be based on the estimated cost to the Town of reviewing the particular type of application before it. The reviewing board may consider the professional review expenses incurred by neighboring municipalities in reviewing similar applications. The reviewing board may also consider the Town's survey of professional review expenses in determining the initial sum of money to be deposited in an escrow account by an applicant.

(2)

Use of funds.

(a)

Said sum of money shall be used to cover the reasonable and necessary costs of reviewing an application. Costs may include staff costs or consultant fees for planning, engineering, legal, and other professional and technical services required for the proper and thorough review of an application. The reviews governed by this section shall include all environmental review pursuant to law including review of the proposed action under the State Environmental Quality Review Act (SEQR).

(b)

The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the New Paltz Town Code. Monies deposited by the applicant pursuant to this section shall not be used to offset the Town's general expenses for professional services for the several boards of the Town or the Town's general administrative expenses.

(c)

Fees charged strictly as a result of a SEQR review shall in no event exceed the maximum amounts that can be charged pursuant to the SEQR regulations by the lead agency.

B.

Upon receipt of monies requested for an escrow account, the Town Supervisor shall cause such monies to be placed in a separate noninterest bearing account in the name of the Town and shall keep a separate record of all such monies deposited and the name of the applicant and project for which such sums were deposited.

C.

Upon receipt and approval by the Town Board of itemized vouchers from consultants for services rendered on behalf of the Town regarding a particular application, the Town Supervisor shall cause such vouchers to be paid out of the monies so deposited and shall debit the separate record of such account accordingly. The consultant shall make copies of such vouchers available to the applicant at the same time the vouchers are submitted to the Town.

D.

The Town Board shall review and audit all such vouchers and shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Town in connection with the review and consideration of applications. A charge or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by consultants to the Town for services performed in connection with the review

of a similar application. In auditing the vouchers, the Town Board may take into consideration the size, type and number of buildings to be constructed, the topography of the site at issue, environmental conditions at such site, the infrastructure proposed in the application and any special conditions the Town Board may deem relevant. A charge or part thereof is necessarily incurred if it was charged by the consultant for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Town, and to protect public or private property from damage.

E.

In no event shall an applicant make direct payment to any Town consultant.

F.

If at any time during the processing of an application there shall be insufficient monies on hand to the credit of an applicant to pay the approved vouchers in full, or if it shall reasonably appear to the reviewing board that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board shall cause the applicant to deposit additional sums as the board deems necessary or advisable in order to meet such expenses or anticipated expenses.

G.

In the event the applicant fails to deposit the requested review fees into an escrow account, any applicant review, approval, permit or certificates of occupancy may be withheld or suspended by the reviewing board, officer or employee of the Town until such monies are deposited.

H.

Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Town have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within 60 days after the applicant's request.