

## **TOWN OF NORTH CASTLE**

### **Local Law 7 For the Year 2011 (Adopted July 27, 2011)**

A local law to Amend Sections 209-8.A.4.(a), 213-67.B and A216-34C of the Town of North Castle Town Code to add language regarding the establishment of project review escrow accounts. In addition, create a new Section 45-6 of the Town of North Castle Town Code to add language regarding the establishment of project review escrow accounts.

#### **Section 1.** Amend Section 213-67.B of the Town Code as follows:

- (1) The Town Board, the Planning Board or the Zoning Board of Appeals, in the review of any application described above, may refer any such application presented to it to such engineering, planning, legal, technical or environmental consultant, or professional(s) employed by the Town, as such Board shall deem reasonably necessary to enable it to review such application as required by law. Charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead. All such charges shall be paid on submission of a Town voucher. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher, in accordance with the escrow account procedure set forth below. In the event that an application is required to be reviewed by both the Town Board and the Planning Board, then, in such event and to the extent practicable, both Boards shall use the same consultant who shall, in such case, prepare one report providing data, information and recommendations requested. In all instances, duplications of consultants' reports shall be avoided wherever possible in order to minimize the cost of such consultants' reports to the applicant. The above schedule of fees is in addition to any and all other fees required by this or any other section of this chapter or any other Town ordinance or regulation.
- (2) Escrow accounts. At the time of submission of an application, the reviewing board may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Town for the cost of consultant fees and professional staff services. The applicant shall then provide funds to the Town for deposit into such account, in the amount to be determined by the reviewing board based upon its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of any Town voucher for consultant fees as they are submitted to the Town and with Town staff time records for services for which reimbursement is sought. When the balance in such escrow account is reduced to 1/3 of its initial amount, the applicant shall deposit additional funds into such account to restore the balance in such account to the amount of the initial deposit. If such account is not replenished in 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board may suspend its review of the application. A building permit or certificate of occupancy or use shall not be issued unless all such

applicant's costs have been reimbursed to the Town. After all pertinent costs have been paid, the Town shall refund to the applicant any funds remaining on deposit.

**Section 2.** Amend Section 209-8.A.4.(a) of the Town Code as follows:

- (a) The approval authority, in review of any application for a major project, may refer any such application reviewed by it to such engineering, planning, legal, technical, or environmental consultant(s) or professional(s) employed by the Town as the approval authority shall deem reasonably necessary for proper review of the application. The Applicant shall reimburse consultant and staff expenses pursuant to the provisions of Section 213-67.B.

**Section 3.** Amend Section A216-34.C of the Town Code as follows:

- (1) Additional fees for the review of subdivisions. The Planning Board, in the review of any applications described above, may refer any such application presented to it to such engineering, planning, legal, technical or environmental consultant or professional(s) employed by the Town as the Board shall deem reasonably necessary to enable it to review such application as required by law. Charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead. All such charges shall be paid upon submission of a Town voucher, in accordance with the escrow account procedure set forth below.. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher. In the event that an application is required to be reviewed by the Town Board and/or the Town Engineer along with the Planning Board, then in such event and to the extent practicable, the same consultants shall be used in the review, and these consultants shall prepare one report providing the data, information and recommendations requested. In all instances, duplications of consultants' reports shall be avoided wherever possible in order to minimize the cost of such consultants' reports to the applicant.
- (2) Escrow accounts. At the time of submission of an application, the reviewing board may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Town for the cost of consultant fees and professional staff services. The applicant shall then provide funds to the Town for deposit into such account, in the amount to be determined by the reviewing board based upon its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of any Town voucher for consultant fees as they are submitted to the Town and with Town staff time records for services for which reimbursement is sought. When the balance in such escrow account is reduced to 1/3 of its initial amount, the applicant shall deposit additional funds into such account to restore the balance in such account to the amount of the initial deposit. If such account is not replenished in 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board may suspend its review of the

application. A building permit or certificate of occupancy or use shall not be issued unless all such applicant's costs have been reimbursed to the Town. After all pertinent costs have been paid, the Town shall refund to the applicant any funds remaining on deposit.

**Section 4.** Create the following new Section 45-6 of the Town of North Castle Town Code as follows:

The RPRC, in review of any application, may refer any such application reviewed by it to such engineering, planning, legal, technical, or environmental consultant(s) or professional(s) employed by the Town as the RPRC shall deem reasonably necessary for proper review of the application. The application fee for such review shall be \$750, except that the RPRC may waive the review fee for minor projects such as fence, deck and minor pavement applications.

**Section 5.** Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 6.** Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 7.** Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.