

## PUBLIC HEARING

June 10, 2020

At 8:53 p.m. Supervisor Schiliro stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a the Public Hearing on June 10, 2020, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law regarding Town Code Amendments to Chapter 127, Building Code Administration and Enforcement, Section 127-17, Inspections; and Chapter 275 Subdivision of Land, Sections 275-18, Inspections of improvements, and 275-38, Inspection fees, to permit the Building Department to require escrow accounts for the cost of inspections by Town engineering consultants and professionals.

The proposed local law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board  
Alison Simon, Town Clerk

Dated: May 30, 2020  
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

Letter from Director of Planning Adam Kaufman, dated May 20, 2020, was marked Exhibit "D" for the record.

Email from Mr. Kaufman, dated May 27, 2020, regarding revision of the Local Law to keep the flat 20% of building cost for one and two-family residential projects and require escrow establishment for all other projects, was marked Exhibit "E" for the record.

Short Environmental Assessment Form (EAF), Parts 1, 2, and 3, was marked Exhibit "F" for the record.

The Town Clerk noted there was a Negative Declaration for consideration.

The Town Clerk noted there was a revised Local Law for consideration.

The Town Clerk noted there was a Revised Master Fee Schedule for consideration.

The Supervisor noted that, due to the Coronavirus (COVID-19) pandemic, people could participate in the Public Hearing by sending an email with questions and comments to the Town Clerk.

Director of Planning Adam Kaufman explained that the Town Engineer brought the issue to the Town's attention regarding the amounts of time spent by the Town Engineer inspecting certain projects that has resulted in costs well in excess of the fees collected. Based upon a meeting with the Town Engineer, Town Administrator Kevin Hay, and Mr. Kaufman, it was suggested that the flat fees currently charged be replaced with escrow accounts whereby the Applicant will be charged directly for the time the Town Engineer spends at a site conducting inspections. The proposed local law replaces the flat fee language with language regarding the ability for the Town Engineer to charge for their time.

All Town Board members expressed support of the proposed legislation.

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman Reiter, that the Public Hearing be closed at 8:59 p.m.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Councilman Berra moved, seconded by Councilman DiGiacinto, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impacts and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Councilman Berra moved, seconded by Councilman DiGiacinto, the adoption of Local Law 4 of 2020, regarding Town Code Amendments to Chapter 127, Building Code Administration and Enforcement, Section 127-17, Inspections; and Chapter 275 Subdivision of Land, Sections 275-18, Inspections of improvements, and 275-38, Inspection fees, to permit the Building Department to require escrow accounts for the cost of inspections by Town engineering consultants and professionals. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Councilman Reiter moved, seconded by Councilman DiGiacinto, the adoption of the Revised Master Fee Schedule.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

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Alison Simon, Town Clerk

Dated: June 15, 2020

**TOWN OF NORTH CASTLE**  
**Local Law No. 4 for the Year 2020**  
**Adopted June 10, 2020**

A local law entitled “Inspection Fee Town Code Modifications” regarding Town Code Amendments to Chapter 127, Building Code Administration and Enforcement, and Chapter 275, Subdivision of Land, to permit the Building Department to require escrow accounts for the cost of inspections by Town engineering consultants and professionals.

**Section 1. Amend Section 127-17 of the Town Code as follows:**

**§ 127-17 Inspections.**

The Building Inspector in the review of any construction activity shall refer any active construction site to such engineering consultant, or professionals(s) employed by the Town, as the Building Department shall deem reasonably necessary to enable it to inspect such building permit activity as required by law. The fee for one- and two-family residential projects shall be 20% of the building permit fee. For all other projects, the following provisions shall apply.

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.

Escrow accounts. At the time of submission of a building permit, the Building Department 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 Building Department 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 within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Building Department may suspend its inspection of the project. A building permit, certificate of occupancy or use or certificate of compliance 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 275-18.C of the Town Code as follows:**

**§ 275-18 Inspection of improvements.**

- C. The Building Inspector in the review of any construction activity shall refer any active construction site to such engineering consultant, or professionals(s) employed by the Town, as the Building Department shall deem reasonably necessary to enable it to inspect such building permit activity 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.

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**Section 3. Amend Section 275-38 of the Town Code as follows:**

**§ 275-38 Inspection fees.**

The Building Inspector in the review of any construction activity shall refer any active construction site to such engineering consultant, or professionals(s) employed by the Town, as the Building Department shall deem reasonably necessary to enable it to inspect such building permit activity 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.

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**Section 4. 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 5. Severability.**

Town Board Minutes  
June 10, 2020

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 6.** Effective Date.

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