

**INCORPORATED VILLAGE OF OLD BROOKVILLE
LOCAL LAW NO. 4-2008
"FEES AND DEPOSITS"**

A Local Law to repeal Local Law 1-2003 entitled "Fees and Deposits" adopted on April 21, 2003, and all amendments enacted thereafter by resolution of the Board of Trustees, and to adopt new regulations entitled "Fees and Deposits" for the Incorporated Village of Old Brookville.

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Old Brookville as follows:

SECTION 1. Local Law 1-2003 entitled "Fees and Deposits" adopted on April 21, 2003, and all amendments enacted thereafter by resolution of the Board of Trustees, are hereby repealed and new regulations entitled "Fees and Deposits" for the Incorporated Village of Old Brookville are hereby adopted as follows:

**CHAPTER 154
FEES AND DEPOSITS**

§ 154-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALTERATION — Any addition or modification in construction or arrangement of structural supports or partitions, including an extension on any side or increase in height of the structure, or any change in use or to move a structure from one location or position to another. Reasonable and ordinary maintenance repairs to prevent or remedy deterioration shall not be considered as an alteration.

APPEAL — Any appeal made to the Village's Zoning Board of Appeals pursuant to Chapter 30, the Zoning Code of the Village of Old Brookville, or matters pertaining to an appeal.

APPELLANT or **EACH APPELLANT** — An individual, corporation, partnership, or other entity or group thereof submitting an appeal to the Village's Zoning Board of Appeals.

APPLICANT or **EACH APPLICANT** — An individual, corporation, partnership or other entity or group thereof submitting an application to the Village's Planning Board, Board of Trustees, Clerk, Building Inspector and Highway Commissioner.

APPLICATION — Any application or written request made to the Village's Planning Board, Board of Trustees, Clerk, Building Inspector and Highway Commissioner seeking approval or relief.

BUILDING INSPECTOR — The Building Inspector of the Village.

CLERK — The Clerk of the Village.

LOT — A lot upon which a fee is based includes a recharge basin and out lots which are part of a drainage area for subdivisions.

OFFICIAL RECORD — Includes:

A. Pages and writings contained in the official minute books of the Village's Board of Trustees, Planning Board and Zoning Board of Appeals.

B. Public records, papers and writings in the custody of any Village department, official or employee.

VILLAGE — The Incorporated Village of Old Brookville.

§154-2 Copies of official records, laws and maps.

A. Any person who requests a copy of any public official record of the Village shall pay to the Clerk or designee \$0.25 per page for originals not exceeding 8.5 inches by 14 inches and the actual cost of reproduction for larger size originals or those originals that are not reproducible on Village equipment.

B. The following booklets and maps, when in print, are available for the noted charge:

1.	General Code:	\$50
2.	Zoning Code:	\$25
3.	Subdivision Rules and Regulations:	\$25
4.	Complete Village Code	\$100, including subscription
4.	Site Plan Rules and Regulations:	\$25

§154-3 Building Department.

A. Building permit fee.

1. Upon the filing of an application for a building permit for construction of a principal building or any addition thereto, a non-refundable filing fee in the amount of \$500 shall be submitted contemporaneously with such application

for its review. If such application is approved, the filing fee shall be credited toward the building permit fee.

2. Upon the approval of an application for a building permit for any construction, except as noted in Subsection A(4) below, a building permit fee in an amount equal to 1.5% of the estimated cost of construction based upon the Village's construction cost standards or actual cost, whichever is greater, but not less than \$250, shall be paid by the applicant to the Village.

3. Costs of construction standards.

a. The construction costs standards for the following construction items shall be:

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| (1) | Principal dwelling: | \$300 per square foot. |
| (2) | Alteration to a Principal dwelling: | \$250 per square foot. |
| (3) | Accessory buildings & Alterations | |
| | (i) w/ plumbing or HVAC: | \$250 per square foot |
| | (ii) w/o plumbing or HVAC: | \$100 per square foot |
| (4) | Decks, walks, or masonry patios: | \$25 per square foot. |
| (5) | Commercial construction: | \$450 per square foot |

b. All other construction cost standards shall be determined by the Building Inspector with approval by the Board of Trustees.

4. Upon the filing of an application for a building permit for the following construction items, the permit fee shall be the following, or \$250 minimum:

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| a. | Swimming pool: | \$1500. |
| b. | Tennis or Sports court: | \$1500 |
| c. | HVAC, spa, hot tub, generator, oil/propane tank: | \$250. |
| d. | Demolition of principal dwelling: | \$1000. |
| e. | Demolition of accessory structure: | \$250 |
| f. | Fences: | \$0.25 per linear foot |
| g. | Parking courts, driveways, incl. relocation: | \$500. |

B. In addition to the permit fee, the following other fees are due upon the filing and approval of an application for a building permit:

1. Certificate of Occupancy: \$250

2. Duplicate certified copy of Certificate of Occupancy: \$50

C. Miscellaneous.

1. Building Permit renewal fee:

- a. For one year: 50% of original fee
- b. For six months: 25% of original fee

2. Building permit fees set forth in this §154-3 shall be doubled for construction that is commenced without a validly issued building permit by the Building Department without prejudice to any other remedy the Village may have.

§154-4 Zoning Board of Appeals

- A. Every appellant to the Village's Zoning Board of Appeals shall pay the following:

1. Filing fee: \$1,500
2. Deposit. In addition to the above filing fee for an appeal, a hearing deposit of \$2500 shall be submitted.
3. Adjourned hearing fee: \$750
4. General appearance fee for discussion with Board: \$750 per appearance.

- B. The appropriate filing fee and hearing deposit must be paid to the Village before a hearing will be noticed.

C. Additional charges.

1. In addition to the above filing fee, on every appeal there shall be paid to the Village the actual and necessary charges which have been incurred by the Village in connection with the appeal up to the maximum amounts indicated below:
 - a. Consultants, Engineering, and inspection (other than legal): \$25,000

- b. Legal at \$275/hr: \$25,000.
 - c. Stenographic minutes of hearings and meeting: \$2,500.
 - d. Recording charges: \$500.
 - e. Advertising: \$500
2. All hearing charges shall be paid to the Village before the Zoning Board of Appeals shall file its decision. Hearing charges due shall be deducted from the hearing deposit by the Village Clerk/Treasurer. If the hearing charges for which the appellant or applicant is responsible exceed the deposit, the balance due shall be paid to the Village before the Zoning Board of Appeals shall file its decision.

§154-5 Planning Board.

A. Site Plan Review

1. Each applicant to the Village's Planning Board for Site Plan approval as defined in the Site Plan Regulations of the Village of Old Brookville shall pay the following fees and deposits:
- a. Fees:
 - (1) Construction of, or renovations to, a Principal Dwelling: \$750
 - (2) Construction of, or renovation to an Accessory Structure: \$250
 - (3) Informal discussion of site plans before the Planning Board: \$250.
 - (4) Public Hearing fee, when required by Planning Board: \$2,000.
 - (5) Adjourned Hearing, and/or resubmission with significant modifications: \$750.

b. Deposits

- (1) Refundable deposit for all applications: \$750.
- (2) Additional refundable deposit for Public Hearing: \$3,000

2. In addition to the above fees and deposits, there shall be paid to the Village the actual and necessary charges which have been incurred by the Village in connection with the proceeding up to the maximum amounts indicated below:

- a. Engineering, Inspection, or Consultants: \$7500.
- b. Stenographer: \$2500
- c. Legal Fees at \$275/hr. \$35,000
- d. Advertising: \$500
- e. Recording: \$500

B. Special Use Permits

- 1. Application for special use permit and amendments thereto: \$7,500.
- 2. Deposit. In addition to the above filing fee for an application for a special use permit and amendments thereto, a hearing deposit of \$7,500 shall be submitted.
- 3. Hearing charges.
 - a. In addition to the above filing fee, on every application or amendment to a special use permit for which a public hearing or meeting is held there shall be paid to the Village the actual and necessary charges which have been incurred by the Village in connection with the proceeding up to the maximum amounts indicated below:
 - (1) Consultants other than legal fees: \$5,000 per consultant. (There shall be no charge for the costs of the Village Attorney except upon environmental review.)

- (2) Environmental review:
 - i. Consultants, Engineering, and inspection: \$25,000.
 - ii. Legal: \$25,000.
- (3) Stenographic minutes of hearings and meeting: \$2,500.
- (4) Recording charges: \$500.

b. All hearing charges shall be paid to the Village before the Planning Board shall file its decision. Hearing charges due shall be deducted from the hearing deposit by the Village Clerk/Treasurer. If the hearing charges for which the appellant or applicant is responsible exceed the deposit, the balance due shall be paid to the Village before the Zoning Board of Appeals shall file its decision.

C. Partitioning and Subdivision

- 1. Each applicant to the Village for Partitioning or Subdivision of land shall pay the following fees:
 - a. Application for Preliminary Approval: \$2,000+\$2,000 per lot.
 - b. Application for Final Approval: \$1,000 + \$1,000 per lot.
 - c. Adjourned Public Hearing: \$1,500.
 - d. Informal discussion before Planning Board: \$750.
- 2. Each applicant to the Village for Partitioning or Subdivision of land shall pay the following deposits:
 - a. Deposit for Preliminary Approval: \$10,000 + \$1,000 per lot.
 - b. Deposit for Final Approval: \$2,000 + \$2,000 per lot.
- 3. Each applicant to the Village's Planning Board shall be responsible for all expenses incurred by the Village for engineering, inspection, consulting, stenographic, administration, and legal expenses. Village expenses shall be

deducted from the hearing deposit and, to the extent that the charges for the above services incurred by the Village exceed the hearing deposit, the applicant shall be responsible for payment of all additional sums incurred by the Village, except for legal fees which shall be limited to the following maximum amounts:

a. General legal fees:

- (1) Fewer than 5 lots: \$25,000
- (2) 5 lots or greater: \$50,000

b. SEQRA review:

- (1) Fewer than 5 lots: \$25,000
- (2) 5 lots or greater: \$50,000

- 4. Recreation site and improvement fund. If dedication of parkland is found to be appropriate by the Planning Board but not feasible for the particular subdivision, the applicant shall pay to the Village's Site and Recreation Fund \$10,000 per lot, excluding recharge basins and one newly created lot if it has an existing principal dwelling.
- 5. The applicant shall be responsible for prompt payment of all filing fees and hearing costs. An application shall not be processed or the proceeding continued unless and until payment for outstanding fees and costs is received by the Village within 30 days of request.
- 6. Discharge of bond. No bond filed for the completion of the public improvements on a proposed subdivision shall be discharged until all fees and charges have been paid, and the bonding company has been released by action of the Board of Trustees.
- 7. Land outside Village. Filing fees for partitioning and subdivision of land outside the Village for which Village Planning Board approval is required by law shall be an amount equal to 1/2 of the required filing fees enumerated in Subsection 1.

8. If requirements of the Planning Board's decision for a partitioning or subdivision have not been completed within the required time according to the Village Regulations for Subdivision of Land, the decision may be extended for one additional one-year period upon payment of a renewal fee of 25% of the original fees. Up to two six month extensions may be granted upon payment of a renewal fee each of 15% of the original fees. Renewals periods must be contiguous with the original or extended decisions. No further renewals of a building permit shall be granted, unless authorized by the Board of Trustees upon good cause shown.

§154-6 Architectural Review Board

- A. The following fees shall be paid prior to each appearance before the Architectural Review Board:
 1. Design review and each substantial revision: \$250.
 2. Informal discussion before the Board: \$250.

§154-7 Licenses and permits for certain other activities.

- A. Applicants for permits or licenses to conduct the following activities in the Village shall pay to the Village a fee determined by the following schedule:
 1. Auction or Public Sale: \$250. per day.
 2. Business Establishment, excluding allowed home offices: \$2,500 per year.
 3. Street Opening or Parade: \$250. per day per street.
 4. Alarm user permit: \$20. per year.
 5. Commercial use of residential property, including commercial filming, when authorized by the Board of Trustees: \$1000 per day

6.	Tree removal permit:	\$25 per tree.
7.	<i>Excavation, grading or filing permit:</i>	<i>\$__ per cubic yard of material displaced, relocated, added or removed</i>
8.	Temporary sign:	\$100 per month.
9.	Commercial permanent sign:	\$500.
10.	Gas Station	\$?
11.	Peddling and Soliciting	\$100 per year
12.	Tow Truck	\$150 per year

§154-8 Miscellaneous

- A. If the actual charges assessed pursuant to §§154-1 through 154-7 do not exceed the deposit held by the Village, the remaining balance shall be refunded to the applicant or appellant, provided that he shall, within one year after the decision on the application or appeal is filed, make a written demand for such refund upon the Clerk. All unclaimed excess deposits shall become the property of the Village within one year from such filing date.
- B. The Board of Trustees, in its sole discretion, shall have the right to waive any fee, charge or deposit or portion thereof imposed pursuant to this chapter as it deems it necessary, just and proper to do so.
- C. Any fees and charges required under the various sections of this chapter which remain unpaid for more than 90 days after they are due and billed shall be assessed against the property which is the subject of the application, which assessment shall be included in the next succeeding annual bill for Village taxes for said property and shall become a lien thereon when such taxes become a lien.
- D. The Board of Trustees may, by resolution, increase or decrease any of the fees and deposits of this local law.

§154-9 Interpretation; applicability to pending matters.

- A. Words that are singular or masculine shall be deemed to be plural or feminine whenever the sense of this chapter so requires.
- B. Any increase or decrease of a fee, charge or deposit resulting from an amendment of this chapter shall affect pending applications and appeals which have been filed with the Village as follows:
 - 1. If the former fee or deposit has been paid to the Village before the effective date of any amendment hereto, no additional amounts shall be due nor refunds made relating to the particular stage of the application or appeal for which the former fee or deposit was paid. However, all additional fees shall be computed as set forth in Subsection B(2).
 - 2. Any fees or deposits paid after the effective date of any amendment shall be in accordance with the new amounts relating to the particular stage of the application or appeal for which they are paid.

SECTION 3. Severability. If any section, provision or part thereof in this local law shall be adjudged invalid or unconstitutional by a Court of competent jurisdiction, then such adjudication shall not affect the validity of this local law as a whole or any section, provision or part thereof not so judged invalid or unconstitutional.

SECTION 4. This local law shall take effect immediately upon filing with the Secretary of State.

Last revised April 21, 2008 (11:29am)

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