NEW YORK STATE DEPARTMENT OF STATE

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS
OCT 27 2009
DEPARTMENT OF STATE

- ❑ **County**
- ❑ **City** **of** Starkey
- ■ **Town**
- ❑ **Village**

Local Law No. 2 **of the year 20** 09

A local law allowing for the Town of Starkey to be reimbursed for fees and expenses which are
(Insert Title)
reasonably necessary and are incurred for planning, engineering, legal and
administrative reviews of applications for certain projects made to the Town Board,
Planning Board and/or Zoning Board of Appeals under Laws of the Town of Starkey.

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

- ❑ **County**
- ❑ **City** **of** Starkey **as follows:**
- ■ **Town**
- ❑ **Village**

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Town of Starkey
Local Law 2-2009

Professional Review Fees Law

1. Purpose.

The purpose of this law is to allow the Town of Starkey to be reimbursed for fees and expences which are reasonably necessary and are incurred for planning, engineering, legal and administrative reviews of applications for certain projects made to the Town Board, Town Planning Board and / or Zoning Board of Appeals under the Local Laws of the Town of Starkey. The Town Board finds that there may be significant expenses incurred by the aforesaid boards and other town officials in reviewing these certain projects and determining applications for permits. The Town Board finds that these expenses should rightfully be incurred by the persons making such applications and should not become a town charge.

2. Professional review fees.
   A. Costs.
      1. On applications for certain projects and petitions to the Town Board, Town Planning Board or Zoning Board of Appeals, the petitioner or applicant shall be liable for and shall also reimburse the town for all the following costs which may be incurred by the town in the processing the application.
         a. Consulation or study fees relative to architectural planning, traffic, archaeological, environmental or other specialized areas.
         b. Engineering fees.
         c. Legal fees.
         d. Administrative fees (including postage, filing fees, recording fees, inspection fees, publication fees and all other applicable disbursements).
         e. Stenographic minutes of meetings and hearings.

   B. Escrow deposits.
      1. Deposit. Upon application, the applicant shall deposit with the Town Clerk an amount established by the Board having primary approval of the permit(s) sought, which deposit shall be utilized to defray and reimburse the town for those costs listed in Subsection A hereof which have been actually and necessarily incurred by the town.
      2. Right to draw upon account. The Town Clerk shall be entilited to draw upon the account with the approval of the Board before which the application is pending, after approval of the Town Board, to reimburse the town for expenses it incurred in regard to review of the subject application.
      3. Depletion of account. If the escrow fund maintained for the applicant is depleted prior to the conclusion of the application process, the applicable Board shall determine and notify the applicant by mail or in person at a Board meeting of the additional amount to be deposited to the fund, which amount shall be paid by the

applicant to the Town Clerk within fifteen (15) days of mailing or giving of such notice.

4. Failure to replenish account. Failure to replenish the account within fifteen (15) days may, at the discretion of the applicable Board, cause the application to be suspended.
5. Refund. The unused portion of such deposit shall be returned to the applicant within sixty (60) days after determination of the application has been concluded or terminated.

C. Action on application. No action shall be taken by the Town Board, Town Planning Board or Zoning Board of Appeals on any application subject to the provisions of this section until all fees and deposits required hereunder are paid in full.

D. No Board shall consider any application presented to it until the funds required to be deposited with the Town Clerk as provided in this section have been paid in full. All time limits for consideration of an application by said Board shall be tolled while said costs remain unpaid.

E. Interest. The applicant shall not be entiled to recover interest on the moneys deposited with the Town Clerk pursuant to this section.

F. Effective date. This Law shall take effect upon filing with the Secretary of the State of New York.

III. The Town will require the applicant to make an initial deposit in the following amounts:

1. Site plan under 4,000 square feet - $1000,
   plus $50 per required parking space.
2. Site plan over 4,000 square feet, but less than 10,000 square feet - $2,500,
   plus $50 per required parking space.
3. Site plan over 10,000 square feet - $5,000,
   plus $50 per required parking space.

IV. Repeal of inconsistent provisions.

A. Any enacted local law, resolution or ordinance inconsisitent with this law is repealed and the Code of the Town of Starkey is amended as set forth above.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 09 of the (County)(City)(Town)(Village) of Starkey was duly passed by the Town Board on July 9 20 09, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ___ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20 ____, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on 20 ____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

---

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on 20 , became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the County of State of New York, having been submitted to the electors at the General Election of November 20 , pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 , above.

Sue A. Crans

Clerk of the county legislative body, ~~City~~, Town or ~~Village~~ Clerk or officer designated by local legislative body

(Seal)

Date: July 9, 2009

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature: Richard A. Rich

Title: Attorney for the Town

County
City of
(Town)
Village

Date: 10/21/09