

**INCORPORATED VILLAGE OF ISLAND PARK
BOARD OF TRUSTEES**

LOCAL LAW NO. 6 OF 2025

**AMENDING CHAPTER 625, “FEES AND COSTS” OF THE
CODE OF THE VILLAGE OF ISLAND PARK**

WHEREAS, the Board of Trustees (the “Village Board”) of the Incorporated Village of Island Park (the “Village”) has recommended the enactment of a Local Law to amend Chapter 625, “Fees and Costs” of the Village Code; and

WHEREAS, the Village Board has determined that it is in the best interest of the health, safety, and welfare of the Village and its residents to maintain a Village Code that provides for applicants to be financially responsible for costs incurred by the Village in reviewing, process, and hearing various applications; and

WHEREAS, the Village Board has determined that the Code requires a provision to allow for residents to be charged fees associated with plans examination for compliance with New York State Building and Fire Codes; and

WHEREAS, the Village Board, through the passage of Local Law 2 of the year 2021, created a Transit Oriented Development Overlay District (“TOD Overlay”) in the Village in an effort to spur development of mixed-use and multi-family development located near the LIRR station and encourage a vibrant, walkable downtown and business district; and

WHEREAS, Local Law 2 of 2021 does not contain a provision allowing the fees associated with processing and hearing applications for development in the TOD Overlay incurred by the Village to be charged to the applicant; and

WHEREAS, the Village Board has determined that the Code requires a provision to allow for residents to be charged fees incurred by the Village associated with reviewing and hearing applications to the Village Board for transit oriented development projects, as is already in the Code for applications heard by the Village Board of Zoning Appeals and the Village Planning Board; and

WHEREAS, it is hereby determined that pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(26) of 6 N.Y.C.R.R.; and

WHEREAS, this Local Law was referred to the Nassau County Planning Commission, which by its letter dated, August 20, 2025, deferred to the Village to take action as deemed appropriate; and

WHEREAS, this Local Law was the subject of a duly noticed public hearing in accordance

with New York State Village Law and the Village Code before the Village Board on August 21, 2025, at which all interested persons were heard.

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Incorporated Village of Island Park:

Section 1. Chapter 625, “Fees and Costs”, be and is hereby amended to read in its entirety as follows:

§ 625-73. Applications to Board of Appeals.

- A. Fees. Upon the filing of any application to the Board of Appeals, the applicant shall pay the Village Clerk a sum as set from time to time by the Board of Trustees.
- B. Costs.
 - (1) On all applications to the Board of Appeals, the applicant shall be liable for and shall pay the following costs which may be incurred by the Village in processing the application, including the following:
 - (a) Advertising
 - (b) Stenographic minutes of meetings and hearings.
 - (c) Engineering Costs.
 - (d) Legal Fees.
 - (e) Recording Fees.
 - (f) Planning, sound, traffic, environmental, or other specialized study or consultant’s fees.
 - (g) Fees for plan examination for compliance with New York State Building and Fire Codes.
- C. Deposits. In addition to the fee required in Subsection **A** hereof, the applicant shall deposit with the Village Clerk a sum as set from time to time by the Board of Trustees, if the property affected is zoned residential or nonresidential, which deposit is established to defray and reimburse the Village for those costs listed in Subsection **B** hereof which have been actually and necessarily incurred by the Village in processing the application. In the event the amount of the deposit is insufficient to cover the costs listed in Subsection **B** hereof, the applicant shall, at such time as is fixed by the Village Clerk, deposit with the Village an amount deemed sufficient to defray all such costs. If the amount deposited exceeds the actual costs listed, the unused portion of such deposit shall be returned to the applicant within 60 days after the decision on the application is filed.
- D. Action on Application. No action shall be taken by the Board of Appeals on any application subject to the provisions of this section until all fees and deposits

required hereunder are paid in full.

- E. The fee and deposit for applications to the Zoning Board of Appeals shall be waived only for a family or individuals meeting all of the following criteria:
- (1) Primary residence.
 - (2) Five-year residency requirement.
 - (3) Damage as a result of Hurricane Sandy, which took place on October 29, 2012.
 - (4) Demolition of home to build another or the raising of an existing home.

§ 625-74. Applications to Planning Board for Site Plan Approval.

- A. Fees. Upon the filing of any application to the Planning Board for site plan approval, the applicant shall pay the Village Clerk a sum as set from time to time by the Board of Trustees.
- B. Costs.
- (1) On all applications to the Planning Board for site plan approval, the applicant shall be liable for and shall pay the following:
 - (a) Advertising
 - (b) Stenographic minutes of meetings and hearings.
 - (c) Engineering Costs.
 - (d) Legal Fees.
 - (e) Recording Fees.
 - (f) Planning, sound, traffic, environmental, or other specialized study or consultant's fees.
 - (g) Fees for plan examination for compliance with New York State Building and Fire Codes.
- C. Deposits. In addition to the fee required in Subsection **A** hereof, the applicant shall deposit with the Village Clerk a sum as set from time to time by the Board of Trustees, which deposit is established to defray and reimburse the Village for those costs listed in Subsection **B** hereof which have been actually and necessarily incurred by the Village in processing the application. In the event the amount of the deposit is insufficient to cover the costs listed in Subsection **B** hereof, the applicant shall, at such time as is fixed by the Village Clerk, deposit with the Village an amount deemed sufficient to defray all such costs. If the amount deposited exceeds the actual costs listed, the unused portion of such deposit shall be returned to the applicant within 60 days after the decision on the application is filed.

- D. Action on Application. No action shall be taken by the Planning Board on any application subject to the provisions of this section until all fees and deposits required hereunder are paid in full.

§ 625-75. Applications for Zoning Amendments.

- A. Fees. Before the filing of a petition to amend this chapter so that the property shall be included in another district, the applicant shall pay to the Village Clerk a sum as set from time to time by the Board of Trustees.
- B. Costs.
- (1) On all applications, the applicant shall be liable for and shall pay the following:
 - (a) Advertising
 - (b) Stenographic minutes of meetings and hearings.
 - (c) Engineering Costs.
 - (d) Legal Fees.
 - (e) Recording Fees.
 - (f) Planning, sound, traffic, environmental, or other specialized study or consultant's fees.
 - (g) Fees for plan examination for compliance with New York State Building and Fire Codes.
- C. Deposits. In addition to the fee required in Subsection [A](#) hereof, the applicant shall deposit with the Village Clerk a sum as set from time to time by the Board of Trustees, which deposit is established to defray and reimburse the Village for those costs listed in Subsection [B](#) hereof which have been actually and necessarily incurred by the Village in processing the application. In the event the amount of the deposit is insufficient to cover the costs listed in Subsection [B](#) hereof, the applicant shall, at such time as is fixed by the Village Clerk, deposit with the Village an amount deemed sufficient to defray all such costs. If the amount deposited exceeds the actual costs listed, the unused portion of such deposit shall be returned to the applicant within 60 days after the decision on the application is filed.
- D. Action on Application. No action shall be taken by the Board of Trustees on any application subject to the provisions of this section until all fees and deposits required hereunder are paid in full.

§ 625-76. Applications for Projects within the Transit-Oriented Development Overlay District.

- A. Fees. Before the filing of a petition to amend this chapter so that the property shall

be included in another district, the applicant shall pay to the Village Clerk a sum as set from time to time by the Board of Trustees.

B. Costs.

- (1) On all applications, the applicant shall be liable for and shall pay the following:
 - (a) Advertising
 - (b) Stenographic minutes of meetings and hearings.
 - (c) Engineering Costs.
 - (d) Legal Fees.
 - (e) Recording Fees.
 - (f) Planning, sound, traffic, environmental, or other specialized study or consultant's fees.
 - (g) Fees for plan examination for compliance with New York State Building and Fire Codes.

C. Deposits. In addition to the fee required in Subsection **A** hereof, the applicant shall deposit with the Village Clerk a sum as set from time to time by the Board of Trustees, which deposit is established to defray and reimburse the Village for those costs listed in Subsection **B** hereof which have been actually and necessarily incurred by the Village in processing the application. In the event the amount of the deposit is insufficient to cover the costs listed in Subsection **B** hereof, the applicant shall, at such time as is fixed by the Village Clerk, deposit with the Village an amount deemed sufficient to defray all such costs. If the amount deposited exceeds the actual costs listed, the unused portion of such deposit shall be returned to the applicant within 60 days after the decision on the application is filed.

D. Action on Application. No action shall be taken by the Board of Trustees on any application subject to the provisions of this section until all fees and deposits required hereunder are paid in full.

Section 2. Severability. If a court of competent jurisdiction determines that any clause, sentence, paragraph subdivision, or part of this local law or the application thereof to any person, firm or corporation or circumstance is invalid or unconstitutional, the Court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

On motion made by Trustee Michael Gagliardi, seconded by Mayor Michael McGinty the foregoing Local Law was enacted upon the following vote:

Michael G. McGinty, Mayor	Aye
Matthew Graci, Deputy Mayor	Aye
Barbara A. Volpe-Reid, Trustee	Aye
Robert O. Tice, Trustee	Excused
Michael Gagliardi, Trustee	Aye

Dated: Island Park, New York
August 21, 2025

Filed: Island Park, New York
September 3, 2025