

## ZONING

### *240 Attachment 6*

#### **Planning and Zoning Departments Fees and Escrow Funds [Last amended 3-8-2004 by L.L. No. 4-2004]**

- A. Planning and Zoning Department Fees: see Chapter 122, Article IV, § 122-16L and N.
- (1) All Zoning Department application fees are nonrefundable.
  - (2) Please note, the applicants will be billed by the local newspaper for the legal notice.
  - (3) All maps must be folded prior to submission.
- B. Requirements for escrow funds. **[Amended 8-28-2006 by L.L. No. 6-2006; 1-8-2007 by L.L. No. 3-2007; 1-12-2009 by L.L. No. 1-2009]**
- (1) Escrow funds established. By the authority granted by § 240-110 of the Town of Wappinger Zoning Law and in order to ensure that the cost of any engineering, SEQR experts, planning, legal or other consultation fees incurred by the Town of Wappinger with respect to matters before the Town Board/Planning Board/Zoning Board are borne by the applicants, there shall hereby be established escrow funds.
  - (2) Application review. Upon filing an application for subdivision, site plan or special permit approval, the applicant shall deposit with the Town Controller, via certified check, a sum of money in accordance with Chapter 122, Article IV, § 122-16N(7). The Controller shall pay from these funds the fees charged by any professionals employed by the Town with respect to the review of the applicant's project. Said fees shall be submitted by voucher and paid as approved by the Supervisor and Comptroller. The applicant shall deposit additional funds into such account to bring its balance up to 100% of the amount of the full escrow deposit by the last day of each month. If such account is not fully replenished by the last day of the month, the approving agency shall suspend its review of the application. No resolution of subdivision plat or site development plan approval shall be endorsed until all professional review fees charged in connection with the review of the project have been reimbursed to the Town.
  - (3) Refunds from application review escrow accounts. No refunds of any funds remaining on deposit in application review escrow accounts shall be issued until after all pertinent professional review charges have been paid and until 60 days after the final closing meeting is held to review final bills and payments.
  - (4) Postapproval reviews and construction inspections. Subject to the terms, modification and waiver provisions of § 122-16N(7)(e) or (f), as applicable, no building permit shall be issued unless all professional review fees charged in connection with the review of the applicant's project have been reimbursed to the Town and a new escrow account has been established to cover all postapproval review and construction inspection costs. Prior to the Planning Board Chairman signing the site development plan maps or subdivision plat, the applicant shall deposit with the Town Controller,

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via certified check, a sum of money in accordance with Chapter 122, Article IV, § 122-16N. The Controller shall pay from these funds the fees charged by any professionals employed by the Town with respect to the postapproval review and/or inspection of the applicant's project. Said fees shall be submitted by voucher and paid as approved by the Supervisor and Comptroller. The applicant shall deposit additional funds into such account to bring its balance up to 100% of the amount of the full escrow deposit by the last day of each month. If such account is not fully replenished by the last day of the month, the Town may issue a stop-work order. No certificate of occupancy shall be issued unless the postapproval review and construction inspection escrow account is current with the fees listed in § 122-16N(7)(e) or (f), as applicable, of this Code.

- (5) Refunds from postapproval review and construction inspection escrow accounts.
  - (a) No refunds of any funds remaining on deposit in escrow shall be issued until after all pertinent professional review and construction inspection charges have been paid and until (as applicable):
    - [1] Sixty days after the expiration of the maintenance bond in the case of a subdivision or site development plan involving a maintenance bond; or
    - [2] Six months after the issuance of the final certificate of occupancy in the case of a subdivision or site plan not involving a maintenance bond.
  - (b) A closing meeting(s) shall be held to review final bills and payments prior to any refund. Notwithstanding the above, refunds of any funds remaining on deposit in escrow may be issued for an entire project or a portion(s) of a project which will remain dormant for an extended period of time. Further, a full or partial escrow deposit may be required at any time by the Building Inspector for an entire project or a portion(s) of a project which becomes reactivated.
- (6) Change in ownership. Escrow accounts shall be nontransferable. The Town shall be notified of any change in ownership of a project, and any such change shall require the establishment of a new escrow account by the new owner.
- (7) Calculation of escrow fund. See Chapter 122, Article IV, § 122-16N.