

ZONING

235 Attachment 5

Town of Montgomery

**Fee Schedule
[Amended 2-21-2024]**

Findings.

WHEREAS, the Town of Montgomery has expended and continues to expend large sums of money to process and review real property developmental and improvement applications made to the Town, and

WHEREAS, the Town of Montgomery must comply with all federal, state and local laws, rules, regulations and ordinances, in review of any application seeking approval of developmental plans, construction permits and local law interpretations, and

WHEREAS, the Town Board determines that it is in the public interest for the particular applicant to bear the reasonable costs of the review process, and

WHEREAS, the Town Board determines that pursuant to Local Law No. 2 of 1987, a schedule of fees shall be promulgated to advise all applicants of the nature and extent of said fees, and

WHEREAS, the Town Board determines that said fee schedules shall be adopted to allow the Town to be reimbursed for the actual and reasonable costs of review and administration, and

WHEREAS, various statutes and case law authorize the imposition of a recreation fee in lieu of parkland dedication for certain development applications.

WHEREAS, Local Law No. 2 of 1987 provides for the adoption by resolution of the Town Board, of a schedule of all Town fees;

NOW, THEREFORE, BE IT RESOLVED that the following schedule of Town fees be established:

A. Zoning Board of Appeals matters:

1. Area variances: \$150.
2. Use variances: \$150.
3. Interpretations: \$150.

B. Planning Board matters:

1. Subdivisions:

- a. Lot line change and two lot subdivisions of parcel containing an existing residential structure: \$500.

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- b. Minor subdivisions of four lots or less: \$500 + \$150 per lot.
- c. Subdivisions of 10 lots or less: \$750 + \$150 per lot.
- d. Subdivisions of 25 lots or less: \$1,500 + \$200 per lot.
- e. Subdivisions of more than 25 lots: \$3,000 + \$200 per lot.
- f. On-site inspection by Planning Board: \$25 per inspection
- g. Inspection of public improvements: 4% of the value of the bonded improvements.
- h. Recreation fee in lieu of parkland: \$2,000 per newly created lot.
- i. Public hearings: \$150 plus cost of publication and transcription.
- j. Cost of professional services and expenses required for reviews performed in connection with subdivision application review process: See below.

2. Site plan review:

- a. Residential site plan:
 - i. Site plan containing four dwelling units: or less: \$500 + \$150 per dwelling.
 - ii. Site plan containing 10 dwelling units or less: \$750 + \$150 per dwelling
 - iii. Site plan containing 25 units or less: \$1,500 + \$200 per dwelling.
 - iv. Site plan containing more than 25 dwelling units: \$3,000 + \$200 per dwelling.
- b. Commercial site plan: \$500 + \$0.07 per sq. ft. of floor area.
- c. Inspection of public improvements: 4% of value of bonded improvements.
- d. Cost of professional services and expenses required in site plan application review process: See below.
- e. Recreation fee in lieu of parkland for multifamily dwellings: \$2,000 per dwelling unit
- f. Recreation fee in lieu of parkland for Affordable, Senior and Veteran dwellings: \$500 per dwelling unit.

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- g. Public hearings: \$150 plus cost of publications and transcription.
- h. Permit requiring Planning Board review: \$300 plus publication fees charged by Orange County Soil & Water Conservation District for technical review
- i. Solar site plan review: \$500.
- j. Amended site plans: \$500.
- k. Special permit review: \$500.

C. Professional services fees.

1. Applications. Upon application to the Town of Montgomery Planning Board for any planning action or approval, the applicant shall deposit with the Secretary to the Planning Board an escrow to cover the cost being incurred by the Town for all consultant services, including but not limited to engineering, planning and legal as well as clerical cost, incurred in the processing and reviewing of such application. The Town of Montgomery Planning Board shall compute the initial escrow charge in accordance with the following schedule:
 - a. Residential subdivision: \$500 per lot for each lot up to five lots + \$300 per lot for each lot over five lots.
 - b. Commercial subdivisions: \$1,000 per lot for each lot up to five lots + \$500 per lot for each lot over five lots.
 - c. Multifamily residential site plans and special permits: \$250 per unit for up to 50 units and \$100 per unit for each unit over 50 units.
 - d. Commercial or other nonresidential site plans and special permits: \$1,000 plus \$200 per 1,000 sq. ft. of building floor area or part thereafter.
 - e. State Environmental Quality Review Act.
 - i. Short form EAF: \$250.
 - ii. Long form EAF: \$1,000.
 - iii. Environmental impact statement: As per 6 NYCRR Part 617.
2. Planning Board professional review fee deposits shall be made to the Secretary to the Planning Board and shall be placed in a separate non-interest bearing account by the Town of Montgomery.

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3. No review shall be undertaken by the professional consultants nor shall the matter be scheduled before the Planning Board until the escrow account deposit and all applicable application fees have been paid. If the escrow account for the project falls below 40% of the initial deposit, the Planning Board may, if recommended by the review professionals require that the applicant pay additional funds into the escrow account. In the event that an application is withdrawn at any stage of the proceedings or when the application review process has been completed, the balance of the funds in the escrow account, after payment of all outstanding charges, shall be either remitted to the applicant within 60 days of final action by the Planning Board or, if so directed by the applicant, the funds shall remain in deposit and utilized as the applicants initial payment for any post approval inspection requirements.
4. The applicant shall be responsible for the payment of all professional consulting services incurred by the Planning Board notwithstanding that the escrow account may be insufficient to pay for said fees or expenses.
5. In the event that the Planning Board in the course of reviewing an application determine that the proposed action requires a positive declaration under SEQRA, all cost incurred by the Planning Board for the review of any environmental impact statements, whether of a professional or clerical nature shall be borne by the applicant pursuant to 6 NYCRR 617 and a separate escrow account may be established for such purposes.
6. **Inspections, improvement districts, dedications & agreements.** A person who installs landscaping or erosion and sediment control measures or proposed to construct highway, drainage, utility or park improvements within or in conjunction with an approved subdivision or site plan in the Town shall reimburse the Town for all reasonable and necessary professional services and expenses incurred by the Town in the inspection of the same. Prior to the final approval of a subdivision or site plan, the applicant shall be required to deposit escrow funds with the Town to cover the cost to be incurred by the Town for all subject inspections. The amount required for the initial escrow for such inspection services shall be determined in consultation with the Town Engineer and/or Engineer for the Planning Board. The escrow account for professional inspection services shall be maintained by the Office of the Town Clerk and all releases from such escrow accounts shall be authorized by the Town Supervisor.

D. Local laws resulting from application or petition.

1. Zone change law: \$175 plus the \$75 fee pursuant to Town Zoning Law Section 235-16.11.
2. Annexation: \$1,000; upon conclusion of the matter, any remaining balance shall be refunded without interest.

E. Fees for the Town Historian relative only to Planning, Zoning and Building Department matters:

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Information requests by applicants or prospective applicants regarding Planning, Zoning and Building Department issues: \$50.

F. Fees for the Office of the Engineer for the Town shall be as follows:

1. Sewer/Water Meter Application Fee: \$75 — to cover application review and one Site Inspection. Additional Site Inspections shall cost an additional \$75 per additional inspection.
2. Sewer/water meter testing fee:
 - a. Residential: \$100 for residential meters;
 - b. Commercial: The actual testing fees associated with commercial water/sewer meters.

G. Fee schedule for the filing of petitions for the creation or extension of special improvement districts shall be as follows:

1. The Petitioner shall fund all of the Town's reasonable costs of review of the petition, the convening of the public hearing and the consultant's time spent in connection therewith and all the Town's reasonable expenses attendant to the rendering of a decision on the petition.
2. The sum of \$1,000 shall be submitted to the Town as an escrow deposit to cover the reasonable expenses of the Town to review the submittal.
3. The Town shall authorize the payments from this fund only by voucher which shall be available at all times for public inspection.
4. The fund shall not accrue interest in favor of the petitioner.
5. If the fund is reduced to below \$250, it shall be replenished by the petitioner within 10 days of notice.
6. Upon conclusion of the matter, any remaining balance shall be refunded without interest.

H. Building Department fees:

1. Residential:

- a. Application fee: \$100 credited to permit fee.
- b. New construction including additions: \$500 fee + \$0.50 per sq. ft.

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- c. Minor accessory building including solar array (under 200 sq. ft.): \$150 fee + \$0.20 per sq. ft.
- d. Major accessory structures, including solar array (over 200 sq. ft.): \$250 fee + \$0.30 per sq. ft.
- e. Agriculture: \$150 fee + \$0.10 per sq. ft.
- f. Any work requiring a building permit not defined above: \$75 for first \$1,000 + \$15 per each \$1,000 thereafter.
- g. Work without permit Arch./Engr. Report and Plans (plans if deemed required by the CEO) will be required demonstrating that the work was completed in conformance with the Bldg. Code at the time of construction: Twice the Permit Fee.
- h. Decks: \$150 fee + \$0.20 per sq. ft.
- i. Certificate of Occupancy issuance: \$250
- j. Certificate of Compliance issuance: \$150

2. Commercial/non-residential projects per NYS IRC:

- a. Application fee: \$2,500 credited to permit
- b. New construction: \$1,000 fee + \$0.60 per sq. ft. for first 100,000 sq. ft. + \$0.45 per sq. ft. over the Initial 100,000 sq. ft.
- c. Renovations, Additions, Equipment Additions/Replacement, Storage Racking, Re-Roofing, Fire Sprinklers, accessory building, anything that requires a building permit per Town or State code, or any use not defined on the fee schedule or part of the original Building Permit Application for the structure: \$500 fee + 1% of construction cost based on signed proposal subject to building inspector approval of cost.
- d. Projects other than building construction, Including but not limited to solar arrays: \$500 fee + 1% of construction cost based On signed proposal subject to building Inspector approval of cost.
- e. Work without permit: Arch./Engr. Report and Plans (plans if deemed required by the CEO) will be required demonstrating that the work was completed in conformance with the Bldg. Code at the time of construction: Twice the permit fee.
- f. Certificate of Occupancy issuance: \$250.
- g. Certificate of Compliance issuance: \$150.

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- 3. Additional escrow.** If determined by the Building Inspector that the project design requires an outside consultant to review the project plans due to its size and/or complexity or other reasons, the building inspector at his sole discretion may refer the project to a consulting NYS Engineer and/or Architect and/or other Code Enforcement Officer for plan review. The applicant shall be responsible for the cost of the plan review and shall establish an escrow for the cost of the plan review and any necessary meetings or consultations with the outside professional consultant. The initial escrow shall be 0.5% of the documented building, equipment, or renovation cost. The escrow account shall be replenished when the escrow account shall be replenished when the account falls below 75% of the originally established amount.
- 4. Demolition.**

 - a. Residential: \$100.
 - b. Commercial: \$175.
 - c. Prior to issuance of any demolition permits, the applicant shall provide any and all environmental investigations required by NYS including but not limited to asbestos and lead surveys. Any recommendations from the environmental consultant shall be implemented prior to demolition.
- 5. Revisit for incomplete work.**

 - a. 2nd visit: No Charge.
 - b. 3rd visit: \$100.
 - c. 4th visit: \$200.
- 6. Municipal search.**

 - a. Residential: \$150.
 - b. Commercial: \$200.
- 7. Temporary certificate of occupancy.**

 - a. Residential: \$200 (four month maximum).
 - b. Commercial: \$500 (four month maximum).
 - c. After the four-month period the fee will be become a monthly fee of the same amount as the initial TCO fee.

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- 8. Extension/expired building permit up to 12 months after expiration date.**
 - a. Residential: \$7 per month.
 - b. Commercial: \$10 per month.
 - c. After 12 months past the expiration date the fee, will be the same as the original permit fee for each 12 months past the expiration date or pro-rated portion.

- 9. Accessory dwelling unit application.**
 - a. Review of application: \$500 plus residential application fees.

- 10. Operating/Change of use permit.**
 - a. Less than 20,000 sq. ft.: \$150.
 - b. Over 10,000 sq. ft.: \$250.

- 11. Fire inspections.**
 - a. Less than 5,000 sq. ft.: \$100.
 - b. 5,001 to 20,000 sq. ft.: \$150.
 - c. 20,001 to 100,000 sq. ft.: \$200.
 - d. Over 100,000 sq. ft.: \$300.
 - e. Multi-family (three or more units): \$50 + incomplete access add \$125 per unit.

- I. Park fees:**
 1. Refundable fee of \$100 plus:
 - a. Benedict Farm Park or River Front Pavilion Rental:
 - i. Residents: \$150/day.
 - ii. Non-resident: \$225/day.
 - b. Resident sport leagues: \$250 for first three months or less; \$50/month after.
 - c. Travel/non-resident leagues: \$500 for three months; \$100/month after.

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- d. Single use field rental: \$60/game or hour.
- e. Tournaments: \$500/day.

J. Tow fees & rates:

1. Towing charges. The tow service shall agree to charge not more than the following maximum rates for non-consensual tows, including but not limited to when the request for the town services originates from the Town Police Department for an impounded vehicle, disabled vehicle, a vehicle which obstructs traffic or snow removal operations or which may otherwise be removed pursuant to the Code of the Town of Montgomery, or from any other town department. Said rates may hereinafter be modified by the Town Board on an annual basis by formal resolution.
2. These rates do not apply to Heavy Duty Tow Requests.
 - a. Passenger cars.
 - i. Passenger cars, passenger vans, pickup trucks, motorcycles and all other non-commercial vehicles having a gross weight of 10,000 pounds or less: \$225 between the hours of 8:00 AM and 5:00 PM.
 - ii. Passenger cars, passenger vans, pickup trucks, motorcycles and all other non-commercial vehicles having a gross weight of 10,000 pounds or less: \$275 between 5:00 PM and 8:00 AM.
 - iii. Mileage: \$6 per-mile (a mileage charge for miles traveled to the vehicles location is prohibited).
 - b. Other.
 - i. Speedy dry: \$25 per bag.
 - ii. Winching: \$100 (1st half-hour, \$95 for each additional hour).
 - iii. An extra charge may be made of \$90 per-1/2 hour of labor and services to right an overturned motor vehicle, or to remove from the roadway any motor vehicle incapable of being towed, at any time of the day or night.
 - iv. Labor. A reasonable charge not to exceed \$175 may be applied for clean-up services at the scene of an event requiring it. This charge may be applied to any post-incident vehicle clean-up.
3. Availability of rate schedule: Every tow service shall maintain a written schedule of all rates and charges, in full compliance with these provisions, and shall provide same to any person requesting a copy.

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4. Storage charges:
 - a. Inside storage: **\$100** for each 24-hour period.
 - b. Outside storage: **\$80** for each 24-hour period.

BE IT FURTHER RESOLVED that this schedule may be modified from time to time by resolution of the Town Board; and

BE IT FURTHER RESOLVED that the fees established pursuant to this resolution shall be deemed to be minimum fees and any additional expenses actually incurred by the Town for professional consultations, hearing notices and other non-ministerial expenses shall be imposed on the applicant and paid prior to the endorsement of an approved subdivision plat or site plan, or the issuance of any building permit, or the issuance of certificates of occupancy or inspection, or the filing of any applicable local law with the Secretary of State; and

BE IT FURTHER RESOLVED that this resolution be filed with the Town Clerk; and

BE IT FURTHER RESOLVED that the fees required pursuant to this schedule shall apply to all applications filed hereafter and all pending incomplete applications.