

December 7, 2023

TOWN BOARD OF THE TOWN OF SHAWANGUNK

RESOLUTION

AMENDING FEE SCHEDULES PURSUANT TO
LOCAL LAW NO. 7 of 1989
(LAND USES)

At a regular duly noticed meeting of the Town Board held on the 2nd day of June 2022 at the Town Hall, Central Avenue, Wallkill, New York, at which time a quorum was present, a motion was made by Councilman DANON and seconded by Councilman AMTHOR and the following voting in favor, Supervisor VALK JR. and Councilmen AMTHOR, DeWITT, and DANON and the following voting against (None), the following resolution was declared duly adopted.

RESOLVED, that the following findings be made:

WHEREAS, the Town of Shawangunk has expended and continues to expend substantial time and money to process and review real property developmental and improvement applications made to the various boards, departments and officials of the Town, and

WHEREAS, the Town of Shawangunk 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 Town review process of the particular application, and

WHEREAS, the Town Board determines that pursuant to Local Law No. 7 of 1989, a schedule of fees and escrow procedures shall be promulgated and periodically updated to address the public interest as set forth above, and

NOW, THEREFORE, BE IT RESOLVED:

I. A Fee Schedule for the Zoning Board of Appeals shall be as follows:

A. Variances: Base Fee \$350

Appeals - Base Fee \$350

B. Additionally, in the event that the Zoning Board of Appeals seeks the review of professional consultants in respect of any part of the application, the applicant shall post a cash escrow to ensure the reimbursement of the Town for such reasonable consulting fees and disbursements. All escrows shall be funded and administered per Section VI below.

- C. The additional expenses for the review under SEQRA for any Zoning Board of Appeals application shall be as set forth in Section III of this Resolution.

II. A Fee Schedule for the Planning Board shall be as follows:

A. **Special Exception Use Applications**

1. For commercial uses, industrial uses and all other non-residential uses (except Cell Towers and Large Scale Solar):

(a) Base Fee for proposed or existing structures: Where such uses involve construction of buildings and other structures or where the use of existing buildings, structures or land is proposed to be changed: Base Fee of \$750 plus \$200 for the first 1,000 square feet of floor area or fraction thereof, plus \$.08 per square foot for the next 9,000 square feet of floor area or fraction thereof plus \$.01 per square foot for each additional square foot, plus in addition thereto \$.01 per square foot for parking, unloading and traffic circulation areas.

(b) Base Fee for uses not involving structure: In addition to the above fee, where such uses also involve open land uses including, without limitation, material storage areas, substantial drainage ways, landscaping areas, buffer areas, utility lines/corridors and other open land uses necessary to the operation of the use, an additional fee shall be calculated as follows:

Base Fee of \$750 plus \$200 for the first 1000 square feet of open land area or fraction thereof devoted to such use, plus \$.08 per square foot for the next 9,000 square feet of open land area or fraction thereof devoted to such use, plus \$.005 (one-half cent) for each additional square foot of open land area devoted to such use including the change of such use.

2. For residential uses requiring a Special Exception Use permit:

(a) Base Fee of \$750 plus \$100 per dwelling unit upon application and the additional sum of \$50 per dwelling unit prior to final approval.

3. For all Special Exception Uses and Site Plan Approvals:

- (a) If it is determined that recreation fees in lieu of parkland will be required, the charge for residential special uses or site plan approval shall be the sum of \$2,000 per dwelling unit or lot.
- (b) The additional expenses for the review under SEQRA for any special use and/or site plan approval shall be as set forth in Section III of this Resolution.
- (c) Additionally, in the event that the Planning Board seeks the review of professional consultants in respect of any part of the application, the applicant shall post a cash escrow to ensure the reimbursement of the Town for such reasonable consulting fees and disbursements. All escrows shall be funded and administered per Section VI below.

4. Cell Towers: \$750 base fee for Site Plan review and \$1,000 base fee for Special Use Permit, if needed, plus items 3(b) and 3(c) above.

5. Large Scale Solar: \$5,000 base fee - includes both Special Use and Site Plan - plus 3(b) and 3(c) above.

B. Site Plan Reviews Either Alone or in Connection with a Special Exception Use Permit Review:

The Site Plan review fee shall be calculated in the same fashion as set forth in Section II-A. The Site Plan review fee shall be in addition to the Special Exception Use permit fee, if applicable. Escrow shall be increased accordingly.

C. Subdivision Applications:

- 1. Application fee for a two-lot subdivision - Base Fee of \$750;
- 2. Pre-Application fee and Sketch Plan Review for three lots (or dwelling units) or more: Base Fee \$500 plus \$100 per lot or dwelling unit;

3. Preliminary Plat Review and Application Fee - for three lots (or dwelling units) or more: Base Fee \$500 plus \$100 per lot or dwelling unit;

4. Final Plat Review and Application Fee - for three lots (or dwelling units) or more: Base Fee \$250 plus \$50 per lot or dwelling unit;

5. Preliminary or Final Subdivision Approval extensions - \$100 per extension not to exceed \$250 per year.

6. The additional expenses for the review under SEQRA for any subdivision use shall be as set forth in Section III of this Resolution.

7. Additionally, in the event that the Planning Board seeks the review of professional consultants in respect of any part of the application, the applicant shall post a cash escrow to ensure the reimbursement of the Town for such reasonable consulting fees and disbursements. All escrows shall be funded and administered per Section VI below.

8. If it is determined that recreation fees in lieu of parkland will be required, the fee shall be \$2,000 per new residential lot or per new dwelling unit payable in full prior to the signing of the final map. Recreation fees will not be charged for existing homes and/or for lot line changes not involving new dwelling units or new residential lots. Additionally, upon calculation of the total number of new lots created by a subdivision, the recreation fees due and owing to the Town shall be reduced by the number of pre-existing, conforming parent parcels. In other words, in such cases, a two (2) lot subdivision shall pay one (1) recreation fee. A three (3) lot subdivision shall pay two (2) recreation fees, etc., etc. This is due to the fact that a legal, conforming parent parcel, prior to subdivision, has the right to one (1) residential building permit without the need to subdivide and, therefore, without the requirements of the dedication of parkland or the payment of a recreation fee in lieu thereof.

9. Simple Lot line Change Fee - \$500.00, Plus escrow if required.

D. Pre-Application Meetings:

A prospective applicant, developer, owner or agent of same may request a pre-application meeting before less than a quorum of the Planning Board to discuss a proposed development/project or other land use matter. If

no application or fees have been submitted to the Town, and in the opinion of the Planning Board Chairman it is deemed necessary that one or more of the private consultants utilized by the Town attend such conference or conferences, then the prospective applicant, developer, owner or agent shall be responsible for reimbursement to the Town of the reasonable fees and costs incurred by the Town as a result of such request. Such fees in an amount to be determined by the Chairman shall be paid to the Town prior to the said pre-application meeting. If such a pre-application meeting results in the review of concept plans and/or related document review, the pre-applicant also shall be responsible for all such additional and reasonable expenses to the Town for such review. At a minimum, and in addition to the above, the base fee shall be \$350 for each such meeting to cover the Town's administrative costs.

III. Additional Fee Schedule for any review required under the SEQRA:

A. The actual costs of the preparation or review required under the SEQRA for matters receiving a Positive Declaration as specified in 6 NYCRR Part 617 subject to the following:

1. For residential projects, the total project value will be calculated on the actual purchase price of the land or the fair market value of the land (determined by assessed valuation divided by equalization rate) whichever is higher, plus the cost of all required site improvements, not including the cost of buildings and structures, as determined with reference to a current cost data publication in common use. In the case of such projects, the fee charged under the SEQRA may not exceed Two Percent (2%) of the total project value.

2. For non-residential construction projects, the total project value will be calculated on the actual purchase price of the land or the fair market value of the land (determined by the assessed valuation divided by equalization rate) whichever is higher, plus the cost of supplying utility service to the project, the cost of site preparation and the cost of labor and material as determined with reference to a current cost data publication in common use. In the case of such projects, the fee charged under the SEQRA may not exceed One-Half of One Percent (.5%) of the total project value.

3. For projects involving the extraction of minerals, the total project value will be calculated on the cost of site preparation for mining. Site preparation

cost means the cost of clearing and grubbing and removal of over-burden for the entire area to be mined plus the cost of utility services and construction of access roads. Such costs are determined with reference to a current cost data publication in common use. The fee charged under the SEQRA may not exceed One-Half of One Percent (.5%) of the total project value. For those costs to be incurred for phases occurring three or more years after issuance of a permit, the total project value will be determined using a present value calculation.

IV. A fee schedule for the Town Board shall be as follows:

1. Petition for Zoning Law and/or Zoning Map amendments: Base Fee- \$500.
2. Petition for Special District creation: Base Fee - \$750.
3. Additionally, in the event that the Town Board seeks the review of professional consultants in respect of any part of the application, the applicant shall post a cash escrow to ensure the reimbursement of the Town for such reasonable consulting fees and disbursements. All escrows shall be funded and administered per Section VI below.
4. The additional expenses for the review under SEQRA for any Town Board application shall be as set forth in Section III of this Resolution.

V. Stormwater Management and Stormwater Pollution Prevention Plan (SWPPP) Review

APPLICATION FEE

Type of Use	Fee
Residential - Area of Disturbance between one (1) acre and five (5) acres**	\$350.00
Residential - Area of Disturbance greater than five (5) acres	\$750.00
Commercial, Industrial and all non-residential uses - Area of disturbance equal to or greater than one (1) acre.	\$750.00

** If, after the initial review of the application by the Stormwater Management Officer and the Town's consultant(s), it is clear that the area of disturbance will be greater than five (5) acres, the applicant will be required to pay the additional \$250.00 immediately upon receipt of the

Town's request for the same. The Town will not continue review of the stormwater application and/or the land use application until payment is made.

ESCROW DEPOSIT FOR REVIEW OF APPLICATION

To be determined by the Stormwater Management Officer (SMO)

INSPECTION FEES

At the time of application submittal, the applicant will be required to deposit into escrow funds to cover inspection fees in accordance with the following table:

Type of Use	Fee	Amount to be deposited
Residential - Area of Disturbance between one (1) acre and five (5) acres	\$60.00 per inspection	Equal to 5 inspections: \$300.00
Residential - Area of Disturbance greater than five (5) acres	\$100.00 per inspection	Equal to 10 inspections: \$1,000.00
Commercial, Industrial and all non-residential uses - Area of disturbance equal to or greater than one (1) acre.	\$200.00 per inspection	Equal to 10 inspections: \$2,000.00

If less than 10 inspections are necessary [or 5 inspections in the case of Residential Uses disturbing between one (1) and five (5) acres], then unused funds will be returned to the party that posted the funds.

If more than 10 inspections are necessary [or 5 inspections in the case of Residential Uses disturbing between one (1) and five (5) acres], then the applicant will be required to deposit into escrow an amount which is equal to the initial deposit. For example: Once the Town has conducted 10 inspections of a commercial use, the applicant shall be required to deposit an additional \$2,000.00 to cover all future inspections. The

Town will not continue review of the stormwater application and/or the land use application until the required deposit is made

Unclaimed escrow funds remaining after sixty (60) days from written notice shall be subject to forfeiture to the Town without further notice.

In addition to all base application fees, all applicants will pay the actual cost of securing the advice and assistance of Town professionals which may be required by the SMO in the review of such action.

VI. Escrows

- a. The purpose of any cash escrow posted with the Town is to ensure that the general taxpayer of the Town does not have to bear the expense of professional consultants hired by the Town that are necessary to review a specific development project, zoning change request, special district creation and/or stormwater review.
- b. Escrow accounts shall be established at the sole discretion of the particular reviewing body or board and/or Town official and shall be funded with an initial amount based upon the size and type of project proposed for review. In the event that an escrow account is depleted to below the sum of 30% of the initial deposit, further deposits shall be made promptly upon written notice from the Town or any of its designees to ensure that the fund maintains at least 30% of the initial deposit.
- c. All escrow deposits shall be based upon reliable factual studies, prior years expenses for similar projects and reasonable and customary professional consulting rates for the Ulster County, New York area. In no circumstances shall Escrows be used for the purpose of raising revenue.

- d. All escrows shall be paid in cash or good check to the Supervisor's Office where all books and records shall be available for inspection and audit upon reasonable notice by any person including any applicant for any approval from any board, body, department or official of the Town. All fees and disbursements paid from such escrow funds shall be made by voucher audited and approved by the Town. Except in unusual circumstances, interest, if any, shall not follow the fund.
- e. Upon the signing of the subdivision map or the signing of the site plan or upon the signing of the Order or approval if no map or plan is required, and upon payment of all final professional and other fees, the remaining escrow balance shall be refunded promptly to the person or entity posting the same. Any escrow refund due that has not been claimed within sixty (60) days after written notification is subject to forfeiture to the Town without further notice.

VII. Driveway Permit and Bond

\$150 per permit on Town roads and in developments - Driveway Apron: Performance Security to guarantee paving of driveway within the public right-of-way shall be in the sum of \$1,200 and work shall be completed within one calendar year. Security unclaimed after sixty (60) days from written notice is subject to forfeiture to the Town without further notice.

VIII. Kennel Permit

\$25 per year

IX. Building Department Fees

Building Department Fee Schedule

Permits are valid for 1 year unless otherwise noted
 Single Family Residence/2 Family Residence Permits may be renewed one time for a 1 yr period
 All others only renewable one time for a 6 month period

Residential		
New Single Family of 2 family dwelling	\$0.55	sq.ft. (conditioned habitable space)(excluding garage)
Mfg. Home Installation	\$400	Special use permit required. Valid for 6 months
Residential additions/alterations	\$0.55	
Roof replacement		
Re-roof (incl. Ice & Water shield)	\$150	
Roof recover (addl layer – no Ice & Water shield inspection)	\$100	(max 2 nd layer, must be verified)
Window/Door replacement or addition	\$10	per unit; Minimum \$75
Covered porch	\$200	Valid for 6 months (only one renewal permitted)
Enclosed porch	\$350	Valid for 6 months (only one renewal permitted)
Carport		
Attached to building	\$150	Valid for 6 months (only one renewal permitted)
Open & metal buildings	\$125	Valid for 6 months (only one renewal permitted)
Garages		
24 X 24 (546 sq. ft.)	\$350	
> 546 sq. ft.	\$450	
Storage Buildings (Sheds w/o foundation)		
Under 144 sq. ft.	No permit required	
144 sq. ft. to 220 sq. ft.	\$125	Valid for 6 months
> 220 sq. ft.	\$225	Valid for 6 months
Pole buildings – Residential (non Ag)	\$0.55	sq. ft.
Decks (open)		
<=144 sq. ft.	\$250	
> 144 sq. ft.	\$300	
Pools/Spas/Hot Tubs		
Above-ground pool	\$175	Valid for 6 months (NOT renewable)
In-ground	\$275	Valid for 6 months (NOT renewable)
Above-ground pool w/deck (free-standing)	\$350	Valid for 6 months (NOT renewable)
Hot Tub	\$75	Valid for 6 months (NOT renewable)
Deck for existing pool (free-standing)		
<=144 sq. ft.	\$200	Valid for 6 months (NOT renewable)
>144 sq. ft.	\$275	Valid for 6 months (NOT renewable)
Handicapped ramp	\$75	

Residential cont.

Solar (PV) Roof mount/Ground mount	\$500	
* Geothermal closed loop heat pump	\$550	
Energy Storage System (alteration fees apply)	\$150	
Generator	\$100	
Fossil fuel burning appliance w/chimney (wood/pellet/coal/corn/gas/etc. Incl. Fireplaces)	\$150	Valid for 6 months (only one renewal permitted)
Outdoor boiler	\$150	
Chimney (incl. relining) for fireplaces/stoves	\$150	Valid for 6 months (only one renewal permitted)
Septic permit (repair/replace/modify)	\$95	
Well permit (existing SFR)	\$95	
Fuel storage tank		
Underground storage tank (UST) removal	\$75	(must be verified at time of removal)
Above-ground storage tank (AST) install	\$75	
Electrical only	\$75	
Plumbing	\$75	
Retaining wall	\$95	(=>36")
Filling/Grading/Clearing Permit	\$125	
Demolition permit		
House	\$250	
Shed or garage	\$50	
Construction started without permit	\$250	(min. non compliance fee)
Permit renewal		1/2 cost of original permit for 1 year renewal second renewal if permitted : 1/2 cost of original valid for 6 months if expired for 18 months or more, full (current) price
Repeat inspection	\$75	Per visit must be paid prior to issuing Certificate
Accessory Dwelling Unit annual registration	\$125	(subject to triennial fire safety inspection at current rate)
Title letter, including: C of O verification, street report, flood verification, violation report	\$200	site visit may be required by Code Enforcement Official
Return check fee	\$25	
* Large Commercial Solar Units	\$400 per acre and \$1500 per megawatt	