

LOCAL LAW NO. 2 OF THE YEAR 2020

Purpose

The purpose and subject of this Local Law is to amend the Town of Coeymans Code to authorize the establishment of an escrow account to be funded by an Applicant when the Planning Board/Zoning Board of Appeals determines that professional services are necessary to properly review a submitted application.

Authority

The Town Board of the Town of Coeymans as Legislative Body for the Town of Coeymans hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York State Municipal Home Rule Law, and the New York State Constitution.

Legislative Intent

The intent of this Local Law is to require an applicant before the Planning Board/Zoning Board of Appeals to be responsible for professional costs incurred for the review of their application through the creation and funding of an escrow account.

THE TOWN BOARD OF THE TOWN OF COEYMANS HEREBY ENACTS LOCAL LAW NO. 2 OF THE YEAR 2020 AS FOLLOWS:

SECTION 1

Chapter 165 of the Code of the Town of Coeymans is amended by adding a new Section 165-13(F) entitled: "Costs for Professional Review of Applications" which shall state as follows:

§165-13(F) Costs for Professional Review of Applications

1. If the Planning Board/Zoning Board of Appeals determines that professional review services are appropriate at the time of application or at any time during the approval process, the Planning Board/Zoning Board of Appeals shall request from a professional consultant retained by the Town Board an estimated fee for performing a review of the project submissions or other necessary services to properly review and consider an application. For the purpose of this section, professional review services shall be defined as, but not limited to, those services provided by engineers, lawyers, architects, designers, planners, surveyors, appraisers and related professionals.
2. The Planning Board/Zoning Board of Appeals shall require the applicant to deposit a cash amount equal to the estimated professional review costs into a Town established escrow account. This money will then be used to pay for professional review services performed during the review process.
3. Payment to the escrow account is a prerequisite to a complete application and no review will be initiated until full payment is received. In the event review costs exceed available escrowed

funds, applicant will be required to submit additional funds to the escrow account. No final action will be taken upon an application until all incurred professional fees have been paid by the applicant. The Planning Board/Zoning Board of Appeals is authorized to suspend review of an application until such time that the professional review escrow fund is replenished to an amount equal to projected costs for professional review.

4. When review services are less than the amount in the escrow account, remaining funds shall be returned to the applicant within thirty (30) days of project approval.
5. The funds required by this section to enable proper professional review of applications do not include: any approvals or fees required from or by other agencies, professional review of any improvement district or district extension required by the proposed project, or any application fees otherwise required by the Town of Coeymans.

SECTION 2

Town of Coeymans Code Sections 145-6 (D), 145-6(E), 145-6(F), 145-6(G), and 145-6(H) are hereby deleted.

SUPERCESSION

The Town of Coeymans hereby exercises its authority pursuant to New York State Municipal Home Rule Law to supersede any conflicting state or local laws contrary to this Local Law.

SEVERABILITY

If any portion of this Local Law or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remaining portions of this Local Law.

EFFECTIVE DATE

This Local Law shall become effective immediately upon filing with the NYS Secretary of State in conformity with NYS Municipal Home Rule Law.