

VILLAGE OF LARCHMONT
LOCAL LAW # 16-2016

A local law to amend Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees

Be it enacted by the Board of Trustees of the Village of Larchmont as follows:

Section One. Purpose and Intent.

The purpose and intent of this local law is to clarify to whom application fees shall be submitted, and to establish the requirement that whenever a reviewing official or board determines that it is necessary or appropriate to hire professional consultants to assist in the review of an application, the applicant must deposit funds into an escrow account maintained by the Village so that payment of such consultant fees may be drawn from the escrow account. While this local law does not change the existing provision that the applicant is required to bear the actual expense of the fees, this procedure will eliminate the need for the Village to float the funds to pay the consultants and wait to be reimbursed by the applicant. This local law also provides that if the escrow account is not replenished according to the terms herein, the review process may be suspended.

Section Two. Section 381-97 of the Zoning Law of the Code of the Village of Larchmont, concerning fees, is hereby repealed and replaced in its entirety to read as follows.

§ 381-97. Fees.

Upon submission of any application pursuant to this chapter, the applicant shall provide to the Building Department a nonrefundable fee in the form of a check or money order made payable to the Village of Larchmont in the amount specified in the fee schedule set by the Board of Trustees from time to time. No application shall be accepted for review unless such fee is paid in full.

Section Three. Section 381-98 of the Zoning Law of the Code of the Village of Larchmont, concerning costs for consultant fees, is hereby repealed and replaced in its entirety to read as follows.

§ 381-98. Costs for consultant fees; escrow accounts.

In addition to any other fees and expenses set forth in this chapter, in the event that a reviewing official, board, or agency deems it necessary or appropriate to hire consultants for engineering, planning, legal, technical, environmental, or other such professional review of an application, the applicant shall be required to bear the actual expense thereof, including without limitations any on-site inspections deemed necessary. At or around the time of submission of any application pursuant to this chapter, the reviewing official, board, or agency shall require the applicant to fund an escrow account(s) to be held by the Village in a reasonable amount to be determined by said reviewing official, board, or agency from which such consultant expenses will be paid as they accrue. The Village's Treasurer's Office shall provide to the applicant copies of any vouchers submitted by the consultants to the Village for payment as such vouchers are submitted. When the balance in such escrow account(s) is reduced to one-third (1/3) of its initial amount, the applicant shall deposit additional funds into such account(s) to bring the balance(s) up to the amount of the initial deposit. If such account(s) are not replenished within thirty (30) days after the Village notifies the applicant in writing of the requirement for such additional deposit, the reviewing official, board, or agency may suspend its review of the application. Upon

completion of review of the application and payment of all consultant fees, any sums remaining in the escrow account shall be refunded to the applicant. No building permit or certificate of occupancy relating to such application shall be issued until the applicant has caused all such expenses to be paid.

Section Four. Severability.

If any section, subsection, clause, phrase, or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Five. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.