

**PROPOSED LOCAL LAW NO. 12-2009**

A proposed local law amending Section 176-2 (Escrow Deposit Required) of Article I (Consultant Fees for Land Use Applications) of Chapter 176 (Fees) of the Code of the Village of Mamaroneck

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

**SECTION 1.** Subsection A of Section 176-2 (Escrow Deposit Required) of Article I (Consultant Fees for Land Use Applications) of Chapter 176 (Fees) of the Code of the Village of Mamaroneck is hereby amended to read as follows: **[CHANGES ARE IN BOLD OR INDICATED BY STRIKEOUT]**

- A. Notwithstanding any inconsistent provision of any local code, rule, regulation, law or ordinance, any Village board, **entity** or commission (reviewing board) where a permit or approval is required by local law, rule, regulation or ordinance shall, before **processing or reviewing any application and** permitting use of or construction on, under or adjacent to real property, require the applicant to deposit funds with the Village sufficient to reimburse the Village for all reasonable costs of planning, **environmental**, engineering, legal, architectural, accounting and/or other consultants deemed appropriate by each reviewing board utilized in connection with the review of any application. ~~At the time of the first hearing or appearance on the application~~ **When an application is filed**, the reviewing board **building inspector** shall fix the amount of the initial deposit (escrow) to be made by the applicant. The Village's consultants shall invoice the Village no less frequently than monthly for services in reviewing each application and performing their duties with respect to such application. If at any time during the review process the amount of the escrow account falls below 50% of the initial escrow (as determined by the ~~reviewing board~~ **Clerk-Treasurer**), then the applicant shall be required to submit an additional deposit to bring the total escrow up to the full amount of the initial deposit (as determined by the ~~reviewing board~~ **building inspector**) unless the ~~reviewing board~~ **Clerk-Treasurer** otherwise waives such requirement. **Any failure to replenish the escrow shall be governed by § 176-4.**
- B. In the event the amount held in escrow by the Village is more than the amount of the actual billing or invoicing, the difference between such amount and the actual billing or invoicing shall be promptly refunded to the applicant after final action is taken on the application.
- C. In the event the amount of escrow is less than the full amount actually charged by the Village's consultants, the applicant shall promptly pay any remaining balance.

**If the remaining balance is not paid, the unpaid balance shall be added to the Village tax bill.**

**SECTION 2.** 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 3.** All laws, ordinances, rules and regulations of the Village of Mamaroneck are modified and superseded by this article with respect to their application to fees which may be charged with respect to applications for land use permitting or approvals, except for § 342-124 of the Zoning Code dealing with retention of experts for wireless telecommunications applications.

This Local Law shall modify and supersede, with respect to the properties covered thereby, the provisions of Article 7 of the Village Law of the State of New York, Executive Law Article 42, and Navigation Law Article 4 of the State of New York.

**SECTION 4.** This Local Law shall become effective immediately upon filing in the office of the Secretary of State.