

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated in italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

DEC 23 1999

Alexander F. Emanuel
Secretary of State

County
City of Kent
Town
Village

Local Law No. 5 of the year 1999

A local law To amend the Kent Town Code, chapters 39 (Flood Damage Prevention
(Insert Title) 39A (Freshwater Wetlands Protection and Drainage Law), 61 (Site
Plan Review), 63 (Soil Removal) 64 (Erosion Control) 66
~~---(Steep Slopes Protection)---~~ 77 ~~---(Zoning Ordinance)---~~ and Appendix
Chapter A81 (Subdivision of Land), entitled "Local Law 5/1999
~~---Application Fees and SEQR Escrow Account Procedures---~~

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Kent
Town
Village as follows:

CHAPTER 39, FLOOD DAMAGE PREVENTION

Insert the following provisions as new §39-18:

§ 39-18. Application fees.

- A. The approval of development activities authorized by this Chapter which are at the request of the an applicant shall be accompanied by a fee which shall cover the reasonable cost associated with the processing and review of any such application submission or request, excluding SEQRA processing and review fees as set forth in Section F below.
- B. All application fees shall be non-refundable and shall be in an amount set forth in a fee schedule established, and amended from time to time, by resolution of the Town Board. No fees shall be required from the Town or any of its districts. Fees shall be paid to the Town of Kent, by certified check.
- C. The approval authority, in the review of any application presented to it, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as such Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such professionals shall be in accordance with fees usually charged for such services in the metropolitan New York region and pursuant to a contractual agreement between the Town and such professional. All such charges shall be paid by the Town upon submission of a Town voucher.

- D. The approval authority may suspend its review of an application if all required fees are not paid to the Town of Kent. A Building Permit or Certificate of Occupancy or Use shall not be issued unless all applicable fees charged in connection with the applicant's project have been paid to the Town.
- E. No application or request shall be deemed complete for review purposes without payment of any and all applicable fees.
- F. In the event that a Positive Declaration is issued by the approval authority, in accordance with the provisions and procedures of the New York State Environmental Quality Review Act (SEQRA), regarding the subject application, the following procedures shall be followed for that portion of the application review process:
- (1) The approval authority may require the establishment of a SEQR escrow account funded by the applicant, from which withdrawals shall be made to reimburse the Town for the cost of professional review services. An applicant, upon request, shall be provided with copies of any voucher for such services as they are submitted to the town. Such reimbursable costs shall be in addition to any and all other required fees by this or any other Section of this Chapter or any other Town law, ordinance or regulation.
 - (2) The applicant shall deposit with the Town, SEQR escrow account funds as follows:
 - (a) The applicant shall deposit an initial escrow amount to be determined by the approval authority based on its evaluation of the nature and complexity of the application and the pending SEQR process. Said initial escrow amount is only an estimate and is for the convenience of the applicant, and shall not be binding upon the approval authority.
 - (b) When the balance in a SEQR escrow account is reduced to one-half ($\frac{1}{2}$) of the initial escrow amount, the applicant shall deposit additional funds into such account to bring its balance up to one hundred percent (100%) of the amount of the initial escrow amount, or to some lesser amount as deemed acceptable by the approval authority to complete the environmental review of the application. If such escrow account is not replenished within twenty (20) days after the applicant is notified, in writing, of the requirement for such additional deposit, the approval authority may suspend its review of the application. A Building Permit or Certificate of Occupancy or Use shall not be issued and no approval of plats, subdivisions, site plans, conditional use permits, special permits or any and all other development activities authorized by this Chapter which are at the request of an applicant shall be granted unless all professional review fees charged in connection with the applicant's project have been reimbursed to the town.
 - (c) SEQR escrow fees shall not exceed the amounts allowed pursuant to SEQR 6 NYCRR Part 617, as may be amended from time to time.
 - (d) After all pertinent professional service charges have been paid, the Town shall, upon request, refund to the applicant any funds remaining on deposit in the SEQR escrow account.
- G. Collection of fees. All required fees shall be collected by the Clerk or Secretary of the Board having jurisdiction over the application.

- B. Application fee. All applications for a wetlands permit shall be accompanied by a fee which shall cover the reasonable cost associated with the processing and review of any such application submission or request, excluding SEQRA processing and review fees as set forth in Subsection (5) below.
- (1) All application fees shall be non-refundable and shall be in an amount set forth in a fee schedule established, and amended from time to time, by resolution of the Town Board. No fees shall be required from the Town or any of its districts. Fees shall be paid to the Town of Kent, by certified check.
 - (2) The Town Board, Planning Board and/or Zoning Board of Appeals, in the review of any application presented to it, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as such Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such professionals shall be in accordance with fees usually charged for such services in the metropolitan New York region and pursuant to a contractual agreement between the Town and such professional. All such charges shall be paid by the Town upon submission of a Town voucher.
 - (3) Any of the approval authorities above may suspend its review of an application if all required fees are not paid to the Town of Kent. A Building Permit or Certificate of Occupancy or Use shall not be issued unless all applicable fees charged in connection with the applicant's project have been paid to the Town.
 - (4) No application or request shall be deemed complete for review purposes without payment of any and all applicable fees.
 - (5) In the event that a Positive Declaration is issued by the approval authority, in accordance with the provisions and procedures of the New York State Environmental Quality Review Act (SEQRA), regarding the subject application, the following procedures shall be followed for that portion of the application review process:
 - (a) The approval authority may require the establishment of a SEQR escrow account funded by the applicant, from which withdrawals shall be made to reimburse the Town for the cost of professional review services. An applicant, upon request, shall be provided with copies of any voucher for such services as they are submitted to the town. Such reimbursable costs shall be in addition to any and all other required fees by this or any other Section of this Chapter or any other Town law, ordinance or regulation.
 - (b) The applicant shall deposit with the Town, SEQR escrow account funds as follows:
 - [1] The applicant shall deposit an initial escrow amount to be determined by the approval authority based on its evaluation of the nature and complexity of the application and the pending SEQR process. Said initial escrow amount is only an estimate and is for the convenience of the applicant, and shall not be binding upon the approval authority.

- [2] When the balance in a SEQR escrow account is reduced to one-half (½) of the initial escrow amount, the applicant shall deposit additional funds into such account to bring its balance up to one hundred percent (100%) of the amount of the initial escrow amount, or to some lesser amount as deemed acceptable by the approval authority to complete the environmental review of the application. If such escrow account is not replenished within twenty (20) days after the applicant is notified, in writing, of the requirement for such additional deposit, the approval authority may suspend its review of the application. A Building Permit or Certificate of Occupancy or Use shall not be issued and no approval of plats, subdivisions, site plans, conditional use permits, special permits or any and all other development activities authorized by this Chapter which are at the request of an applicant shall be granted unless all professional review fees charged in connection with the applicant's project have been reimbursed to the town.
 - [3] SEQR escrow fees shall not exceed the amounts allowed pursuant to SEQR 6 NYCRR Part 617, as may be amended from time to time.
 - [4] After all pertinent professional service charges have been paid, the Town shall, upon request, refund to the applicant any funds remaining on deposit in the SEQR escrow account.
- (6) Collection of fees. All required fees shall be collected by the Clerk or Secretary of the Board having jurisdiction over the application.

CHAPTER 61, SITE PLAN REVIEW

Delete existing §61-3B(1) and insert the following provisions:

- (1) The approval of all site plans or other development activities authorized by this Chapter which are at the request of the an applicant and must be reviewed by the Planning Board shall be accompanied by a fee which shall cover the reasonable cost associated with the processing and review of any such application submission or request, excluding SEQRA processing and review fees as set forth in Subsection (e) below.
 - (a) All application fees shall be non-refundable and shall be in an amount set forth in a fee schedule established, and amended from time to time, by resolution of the Town Board. No fees shall be required from the Town or any of its districts. Fees shall be paid to the Town of Kent, by certified check.
 - (b) The Planning Board, in the review of any application presented to it, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as such Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such professionals shall be in accordance with fees usually charged for such services in the metropolitan New York region and pursuant to a contractual agreement between the Town and such professional. All such charges shall be paid by the Town upon submission of a Town voucher.

- (c) Any of the approval authorities above may suspend its review of an application if all required fees are not paid to the Town of Kent. A Building Permit or Certificate of Occupancy or Use shall not be issued unless all applicable fees charged in connection with the applicant's project have been paid to the Town.
- (d) No application or request shall be deemed complete for review purposes without payment of any and all applicable fees.
- (e) In the event that a Positive Declaration is issued by the approval authority, in accordance with the provisions and procedures of the New York State Environmental Quality Review Act (SEQRA), regarding the subject application, the following procedures shall be followed for that portion of the application review process:

[1] The approval authority may require the establishment of a SEQR escrow account funded by the applicant, from which withdrawals shall be made to reimburse the Town for the cost of professional review services. An applicant, upon request, shall be provided with copies of any voucher for such services as they are submitted to the town. Such reimbursable costs shall be in addition to any and all other required fees by this or any other Section of this Chapter or any other Town law, ordinance or regulation.

[2] The applicant shall deposit with the Town, SEQR escrow account funds as follows:

[a] The applicant shall deposit an initial escrow amount to be determined by the approval authority based on its evaluation of the nature and complexity of the application and the pending SEQR process. Said initial escrow amount is only an estimate and is for the convenience of the applicant, and shall not be binding upon the approval authority.

[b] When the balance in a SEQR escrow account is reduced to one-half ($\frac{1}{2}$) of the initial escrow amount, the applicant shall deposit additional funds into such account to bring its balance up to one hundred percent (100%) of the amount of the initial escrow amount, or to some lesser amount as deemed acceptable by the approval authority to complete the environmental review of the application. If such escrow account is not replenished within twenty (20) days after the applicant is notified, in writing, of the requirement for such additional deposit, the approval authority may suspend its review of the application. A Building Permit or Certificate of Occupancy or Use shall not be issued and no approval of plats, subdivisions, site plans, conditional use permits, special permits or any and all other development activities authorized by this Chapter which are at the request of an applicant shall be granted unless all professional review fees charged in connection with the applicant's project have been reimbursed to the town.

[c] SEQR escrow fees shall not exceed the amounts allowed pursuant to SEQR 6 NYCRR Part 617, as may be amended from time to time.

[d] After all pertinent professional service charges have been paid, the Town shall, upon request, refund to the applicant any funds remaining on deposit in the SEQR escrow account.

(f) Collection of fees. All required fees shall be collected by the Clerk or Secretary of the Board having jurisdiction over the application.

CHAPTER 63, SOIL REMOVAL

Amend the first paragraph of existing §63-2:

§ 63-2. Application procedures; fee; map and plan.

A temporary permit may be issued upon the filing of a written application with the Town Board, together with all applicable fees as set forth in §63-2.1 and a map and plan prepared by and bearing the seal of a land surveyor or professional engineer duly licensed to practice in the State of New York, said map and plan to designate the following:

...The remainder of existing §63-2 shall remain unaltered.

Add a new §63-2.1 as follows:

§63-2.1 Application fees.

All applications for a soil removal permit shall be accompanied by a fee which shall cover the reasonable cost associated with the processing and review of any such application submission or request, excluding SEQRA processing and review fees as set forth in Subsection E below.

- A. All application fees shall be non-refundable and shall be in an amount set forth in a fee schedule established, and amended from time to time, by resolution of the Town Board. No fees shall be required from the Town or any of its districts. Fees shall be paid to the Town of Kent, by certified check.
- B. The Town Board, in the review of any application presented to it, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as such Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such professionals shall be in accordance with fees usually charged for such services in the metropolitan New York region and pursuant to a contractual agreement between the Town and such professional. All such charges shall be paid by the Town upon submission of a Town voucher.
- C. The Town Board may suspend its review of an application if all required fees are not paid to the Town of Kent. A Building Permit or Certificate of Occupancy or Use shall not be issued unless all applicable fees charged in connection with the applicant's project have been paid to the Town.

- D. No application or request shall be deemed complete for review purposes without payment of any and all applicable fees.
- E. In the event that a Positive Declaration is issued by the approval authority, in accordance with the provisions and procedures of the New York State Environmental Quality Review Act (SEQRA), regarding the subject application, the following procedures shall be followed for that portion of the application review process:
- (1) The approval authority may require the establishment of a SEQR escrow account funded by the applicant, from which withdrawals shall be made to reimburse the Town for the cost of professional review services. An applicant, upon request, shall be provided with copies of any voucher for such services as they are submitted to the town. Such reimbursable costs shall be in addition to any and all other required fees by this or any other Section of this Chapter or any other Town law, ordinance or regulation.
 - (2) The applicant shall deposit with the Town, SEQR escrow account funds as follows:
 - (a) The applicant shall deposit an initial escrow amount to be determined by the approval authority based on its evaluation of the nature and complexity of the application and the pending SEQR process. Said initial escrow amount is only an estimate and is for the convenience of the applicant, and shall not be binding upon the approval authority.
 - (b) When the balance in a SEQR escrow account is reduced to one-half (½) of the initial escrow amount, the applicant shall deposit additional funds into such account to bring its balance up to one hundred percent (100%) of the amount of the initial escrow amount, or to some lesser amount as deemed acceptable by the approval authority to complete the environmental review of the application. If such escrow account is not replenished within twenty (20) days after the applicant is notified, in writing, of the requirement for such additional deposit, the approval authority may suspend its review of the application. A Building Permit or Certificate of Occupancy or Use shall not be issued and no approval of plats, subdivisions, site plans, conditional use permits, special permits or any and all other development activities authorized by this Chapter which are at the request of an applicant shall be granted unless all professional review fees charged in connection with the applicant's project have been reimbursed to the town.
 - (c) SEQR escrow fees shall not exceed the amounts allowed pursuant to SEQR 6 NYCRR Part 617, as may be amended from time to time.
 - (d) After all pertinent professional service charges have been paid, the Town shall, upon request, refund to the applicant any funds remaining on deposit in the SEQR escrow account.
- F. Collection of fees. All required fees shall be collected by the Clerk or Secretary of the Board having jurisdiction over the application.

CHAPTER 64, EROSION CONTROL

Delete existing §64-2B and insert the following provisions:

- B. Application fees. All applications for approval of an erosion control plan shall be accompanied by a fee which shall cover the reasonable cost associated with the processing and review of any such application submission or request, excluding SEQRA processing and review fees as set forth in Subsection (5) below.
- (1) All application fees shall be non-refundable and shall be in an amount set forth in a fee schedule established, and amended from time to time, by resolution of the Town Board. No fees shall be required from the Town or any of its districts. Fees shall be paid to the Town of Kent, by certified check.
 - (2) The Planning Board, in the review of any application presented to it, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as such Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such professionals shall be in accordance with fees usually charged for such services in the metropolitan New York region and pursuant to a contractual agreement between the Town and such professional. All such charges shall be paid by the Town upon submission of a Town voucher.
 - (3) The Planning Board may suspend its review of an application if all required fees are not paid to the Town of Kent. A Building Permit or Certificate of Occupancy or Use shall not be issued unless all applicable fees charged in connection with the applicant's project have been paid to the Town.
 - (4) No application or request shall be deemed complete for review purposes without payment of any and all applicable fees.
 - (5) In the event that a Positive Declaration is issued by the approval authority, in accordance with the provisions and procedures of the New York State Environmental Quality Review Act (SEQRA), regarding the subject application, the following procedures shall be followed for that portion of the application review process:
 - (a) The approval authority may require the establishment of a SEQR escrow account funded by the applicant, from which withdrawals shall be made to reimburse the Town for the cost of professional review services. An applicant, upon request, shall be provided with copies of any voucher for such services as they are submitted to the town. Such reimbursable costs shall be in addition to any and all other required fees by this or any other Section of this Chapter or any other Town law, ordinance or regulation.
 - (b) The applicant shall deposit with the Town, SEQR escrow account funds as follows:

- [1] The applicant shall deposit an initial escrow amount to be determined by the approval authority based on its evaluation of the nature and complexity of the application and the pending SEQR process. Said initial escrow amount is only an estimate and is for the convenience of the applicant, and shall not be binding upon the approval authority.
 - [2] When the balance in a SEQR escrow account is reduced to one-half (½) of the initial escrow amount, the applicant shall deposit additional funds into such account to bring its balance up to one hundred percent (100%) of the amount of the initial escrow amount, or to some lesser amount as deemed acceptable by the approval authority to complete the environmental review of the application. If such escrow account is not replenished within twenty (20) days after the applicant is notified, in writing, of the requirement for such additional deposit, the approval authority may suspend its review of the application. A Building Permit or Certificate of Occupancy or Use shall not be issued and no approval of plats, subdivisions, site plans, conditional use permits, special permits or any and all other development activities authorized by this Chapter which are at the request of an applicant shall be granted unless all professional review fees charged in connection with the applicant's project have been reimbursed to the town.
 - [3] SEQR escrow fees shall not exceed the amounts allowed pursuant to SEQR 6 NYCRR Part 617, as may be amended from time to time.
 - [4] After all pertinent professional service charges have been paid, the Town shall, upon request, refund to the applicant any funds remaining on deposit in the SEQR escrow account.
- (6) Collection of fees. All required fees shall be collected by the Clerk or Secretary of the Board having jurisdiction over the application.

CHAPTER 66, STEEP SLOPES PROTECTION

Delete existing §66-6H(I) and insert the following provisions:

- I. Application fees. All applications for a steep slopes permit shall be accompanied by a fee which shall cover the reasonable cost associated with the processing and review of any such application submission or request, excluding SEQRA processing and review fees as set forth in Subsection (5) below.
 - (1) All application fees shall be non-refundable and shall be in an amount set forth in a fee schedule established, and amended from time to time, by resolution of the Town Board. No fees shall be required from the Town or any of its districts. Fees shall be paid to the Town of Kent, by certified check.

- (2) The Planning Board, in the review of any application presented to it, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as such Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such professionals shall be in accordance with fees usually charged for such services in the metropolitan New York region and pursuant to a contractual agreement between the Town and such professional. All such charges shall be paid by the Town upon submission of a Town voucher.
- (3) The Planning Board may suspend its review of an application if all required fees are not paid to the Town of Kent. A Building Permit or Certificate of Occupancy or Use shall not be issued unless all applicable fees charged in connection with the applicant's project have been paid to the Town.
- (4) No application or request shall be deemed complete for review purposes without payment of any and all applicable fees.
- (5) In the event that a Positive Declaration is issued by the approval authority, in accordance with the provisions and procedures of the New York State Environmental Quality Review Act (SEQRA), regarding the subject application, the following procedures shall be followed for that portion of the application review process:
 - (a) The approval authority may require the establishment of a SEQR escrow account funded by the applicant, from which withdrawals shall be made to reimburse the Town for the cost of professional review services. An applicant, upon request, shall be provided with copies of any voucher for such services as they are submitted to the town. Such reimbursable costs shall be in addition to any and all other required fees by this or any other Section of this Chapter or any other Town law, ordinance or regulation.
 - (b) The applicant shall deposit with the Town, SEQR escrow account funds as follows:
 - [1] The applicant shall deposit an initial escrow amount to be determined by the approval authority based on its evaluation of the nature and complexity of the application and the pending SEQR process. Said initial escrow amount is only an estimate and is for the convenience of the applicant, and shall not be binding upon the approval authority.
 - [2] When the balance in a SEQR escrow account is reduced to one-half ($\frac{1}{2}$) of the initial escrow amount, the applicant shall deposit additional funds into such account to bring its balance up to one hundred percent (100%) of the amount of the initial escrow amount, or to some lesser amount as deemed acceptable by the approval authority to complete the environmental review of the application. If such escrow account is not replenished within twenty (20) days after the applicant is notified, in writing, of the requirement for such additional deposit, the approval

authority may suspend its review of the application. A Building Permit or Certificate of Occupancy or Use shall not be issued and no approval of plats, subdivisions, site plans, conditional use permits, special permits or any and all other development activities authorized by this Chapter which are at the request of an applicant shall be granted unless all professional review fees charged in connection with the applicant's project have been reimbursed to the town.

[3] SEQR escrow fees shall not exceed the amounts allowed pursuant to SEQR 6 NYCRR Part 617, as may be amended from time to time.

[4] After all pertinent professional service charges have been paid, the Town shall, upon request, refund to the applicant any funds remaining on deposit in the SEQR escrow account.

(6) Collection of fees. All required fees shall be collected by the Clerk or Secretary of the Board having jurisdiction over the application.

CHAPTER 77, ZONING ORDINANCE

Delete existing §77-54.1 of the Zoning Ordinance and insert the following provisions:

§ 77-54.1. Development fees.

- A. The approval of all site plans, special use permits, conditional use permits, variances or other development activities authorized by this Chapter which are at the request of the an applicant and must be reviewed by the Town Board, Planning Board and/or Zoning Board of Appeals shall be accompanied by a fee which shall cover the reasonable cost associated with the processing and review of any such application submission or request, excluding SEQRA processing and review fees as set forth in Section F below.
- B. All application fees shall be non-refundable and shall be in an amount set forth in a fee schedule established, and amended from time to time, by resolution of the Town Board. No fees shall be required from the Town or any of its districts. Fees shall be paid to the Town of Kent, by certified check.
- C. The Town Board, Planning Board and/or Zoning Board of Appeals, in the review of any application presented to it, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as such Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such professionals shall be in accordance with fees usually charged for such services in the metropolitan New York region and pursuant to a contractual agreement between the Town and such professional. All such charges shall be paid by the Town upon submission of a Town voucher.

- D. Any of the approval authorities above may suspend its review of an application if all required fees are not paid to the Town of Kent. A Building Permit or Certificate of Occupancy or Use shall not be issued unless all applicable fees charged in connection with the applicant's project have been paid to the Town.
- E. No application or request shall be deemed complete for review purposes without payment of any and all applicable fees.
- F. In the event that a Positive Declaration is issued by the approval authority, in accordance with the provisions and procedures of the New York State Environmental Quality Review Act (SEQRA), regarding the subject application, the following procedures shall be followed for that portion of the application review process:
- (1) The approval authority may require the establishment of a SEQR escrow account funded by the applicant, from which withdrawals shall be made to reimburse the Town for the cost of professional review services. An applicant, upon request, shall be provided with copies of any voucher for such services as they are submitted to the town. Such reimbursable costs shall be in addition to any and all other required fees by this or any other Section of this Chapter or any other Town law, ordinance or regulation.
 - (2) The applicant shall deposit with the Town, SEQR escrow account funds as follows:
 - (a) The applicant shall deposit an initial escrow amount to be determined by the approval authority based on its evaluation of the nature and complexity of the application and the pending SEQR process. Said initial escrow amount is only an estimate and is for the convenience of the applicant, and shall not be binding upon the approval authority.
 - (b) When the balance in a SEQR escrow account is reduced to one-half ($\frac{1}{2}$) of the initial escrow amount, the applicant shall deposit additional funds into such account to bring its balance up to one hundred percent (100%) of the amount of the initial escrow amount, or to some lesser amount as deemed acceptable by the approval authority to complete the environmental review of the application. If such escrow account is not replenished within twenty (20) days after the applicant is notified, in writing, of the requirement for such additional deposit, the approval authority may suspend its review of the application. A Building Permit or Certificate of Occupancy or Use shall not be issued and no approval of plats, subdivisions, site plans, conditional use permits, special permits or any and all other development activities authorized by this Chapter which are at the request of an applicant shall be granted unless all professional review fees charged in connection with the applicant's project have been reimbursed to the town.
 - (c) SEQR escrow fees shall not exceed the amounts allowed pursuant to SEQR 6 NYCRR Part 617, as may be amended from time to time.

- (d) After all pertinent professional service charges have been paid, the Town shall, upon request, refund to the applicant any funds remaining on deposit in the SEQR escrow account.

G. Collection of fees. All required fees shall be collected by the Clerk or Secretary of the Board having jurisdiction over the application.

APPENDIX A81, SUBDIVISION OF LAND

Delete existing §A81-8A(2) and insert the following provisions:

- (2) The approval of all plats or other activities authorized by this Chapter which are at the request of the an applicant and must be reviewed by the Planning Board shall be accompanied by a fee which shall cover the reasonable cost associated with the processing and review of any such application submission or request, excluding SEQRA processing and review fees as set forth in Section (7) below.
- (3) All application fees shall be non-refundable and shall be in an amount set forth in a fee schedule established, and amended from time to time, by resolution of the Town Board. No fees shall be required from the Town or any of its districts. Fees shall be paid to the Town of Kent, by certified check.
- (4) The Planning Board, in the review of any application presented to it, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as said Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such professionals shall be in accordance with fees usually charged for such services in the metropolitan New York region and pursuant to a contractual agreement between the Town and such professional. All such charges shall be paid by the Town upon submission of a Town voucher.
- (5) Any of the approval authorities above may suspend its review of an application if all required fees are not paid to the Town of Kent. A Building Permit or Certificate of Occupancy or Use shall not be issued unless all applicable fees charged in connection with the applicant's project have been paid to the Town.
- (6) No application or request shall be deemed complete for review purposes without payment of any and all applicable fees.
- (7) In the event that a Positive Declaration is issued by the approval authority, in accordance with the provisions and procedures of the New York State Environmental Quality Review Act (SEQRA), regarding the subject application, the following procedures shall be followed for that portion of the application review process:

- (a) The approval authority may require the establishment of a SEQR escrow account funded by the applicant, from which withdrawals shall be made to reimburse the Town for the cost of professional review services. An applicant, upon request, shall be provided with copies of any voucher for such services as they are submitted to the town. Such reimbursable costs shall be in addition to any and all other required fees by this or any other Section of this Chapter or any other Town law, ordinance or regulation.
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 - [1] The applicant shall deposit an initial escrow amount to be determined by the approval authority based on its evaluation of the nature and complexity of the application and the pending SEQR process. Said initial escrow amount is only an estimate and is for the convenience of the applicant, and shall not be binding upon the approval authority.
 - [2] When the balance in a SEQR escrow account is reduced to one-half ($\frac{1}{2}$) of the initial escrow amount, the applicant shall deposit additional funds into such account to bring its balance up to one hundred percent (100%) of the amount of the initial escrow amount, or to some lesser amount as deemed acceptable by the approval authority to complete the environmental review of the application. If such escrow account is not replenished within twenty (20) days after the applicant is notified, in writing, of the requirement for such additional deposit, the approval authority may suspend its review of the application. A Building Permit or Certificate of Occupancy or Use shall not be issued and no approval of plats, subdivisions, site plans, conditional use permits, special permits or any and all other development activities authorized by this Chapter which are at the request of an applicant shall be granted unless all professional review fees charged in connection with the applicant's project have been reimbursed to the town.
 - [3] SEQR escrow fees shall not exceed the amounts allowed pursuant to SEQR 6 NYCRR Part 617, as may be amended from time to time.
 - [4] After all pertinent professional service charges have been paid, the Town shall, upon request, refund to the applicant any funds remaining on deposit in the SEQR escrow account.
- (8) Collection of fees. All required fees shall be collected by the Clerk or Secretary of the Board having jurisdiction over the application.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 1999 of the (County)(City)(Town)(Village) of Kent was duly passed by the Town Board on December 13, 1999, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the on 19. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the on 19. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph--1-----, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: December 20, 1999

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Putnam

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Town Counsel

Title

County
City of Kent
Town
Village

Date: December 20, 1999