

Chapter 128

FEES, LAND USE

[HISTORY: Adopted by the Town Board of the Town of Union Vale 6-5-2003 by L.L. No. 3-2002 (Ch. 89 of the 1983 Code); amended in its entirety 2-4-2010 by L.L. No. 6-2010. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 105.	Scenic and rural roads — See Ch. 183.
Driveways — See Ch. 111.	Subdivision of land — See Ch. 192.
Flood damage prevention — See Ch. 135.	Zoning — See Ch. 210.

ARTICLE I
Applications

§ 128-1. Subdivision of land.

The below schedule shall apply to all applications submitted to the Town Planning Board pursuant to Town Code Chapter 192, Subdivision of Land:

- A. Review of sketch plat. All applications for sketch plat review, including Planning Board designation as to "residential subdivision and other land development technique" under Town Code Chapter 210, Zoning, classification as either a "minor subdivision" or "major subdivision" under Town Code Chapter 192, and endorsement with or without proposed modifications, shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$300 which in the case of an application classified as a lot line alteration or lot consolidation be credited against the below-stated application fee.
- B. Approval of minor subdivision plat.
- (1) Lot line alteration. All applications for subdivision plat approval for a lot line alteration, or lot line alterations, through which no new building lot is created shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$300.
 - (2) Lot consolidation. All applications for subdivision plat approval for lot consolidation, through which no new building lot is created, shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$300.
 - (3) Other minor subdivisions.
 - (a) All applications for subdivision plat approval for other minor subdivisions of four or fewer lots without either a common driveway or a new or extended road or any other improvement intended for dedication to the public shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$300 plus \$200 for each new or additional residential or other lot proposed, or each principal residential dwelling unit authorized if more than one principal dwelling per lot.
 - (b) All applications for subdivision plat approval for other minor subdivisions involving the creation of one or more new or additional residential or other lots less than five acres in area shall also be accompanied at the time of submission by a second check payable to the Town of Union Vale for an escrow deposit in accordance with Subsection D below.
 - (4) In addition to the above-stated fees, an applicant will be billed by the Town at direct cost for reimbursement of costs incurred for publication of legal notices; sending of certified or other mail; or satisfaction of similar ministerial requirements in processing an application for subdivision plat approval in accordance with the procedural requirements set forth within the Town's Land

Subdivision Regulations (Town Code Chapter 192) and the related requirements of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law and Title 6, Part 617, NYCRR).

C. Approval of major subdivision plat.

- (1) All applications for preliminary plat approval of a major subdivision consisting of five or more lots and/or any subdivision of fewer lots yet including either one or more common driveways or a new or extended road or any other improvements intended for dedication to the public shall be accompanied at the time of submission by both a check payable to the Town of Union Vale in the amount of \$500 plus \$300 for each new or additional residential or other lot proposed, or each principal dwelling unit authorized if more than one principal dwelling unit per lot and a second check payable to the Town of Union Vale for an escrow deposit in accordance with Subsection D below.
- (2) All applications for final subdivision plat approval of a major subdivision shall be accompanied at the time of submission by a check payable to the Town of Union Vale in the amount of \$500 plus \$300 per additional lot proposed or principal dwelling unit authorized if the final plat proposes a greater number of lots and/or dwelling units than the preliminary plat.
- (3) In addition to the above-stated fees, an applicant will be billed by the Town at direct cost for reimbursement of costs incurred for publication of legal notices; sending of certified or other mail; or satisfaction of similar ministerial requirements in processing an application for subdivision plat approval in accordance with the procedural requirements set forth within the Town's Land Subdivision Regulations (Town Code Chapter 192) and the related requirements of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law and Title 6, Part 617, NYCRR).

D. Consultant review of applications for subdivision plat approval.

- (1) The Planning Board may refer applications for subdivision plat approval to its private consultants for review. Such consultants may include an engineering, legal or planning consultant or any other expert whose advice is necessary for the Board to make an informed decision. Expenses incurred by the Town for this purpose shall be fair and reasonable and shall be reimbursed to the Town by the applicant in the amount of actual expense incurred.
- (2) An escrow account of \$500 per new or additional lot, or \$250 per principal dwelling unit proposed if more than one dwelling unit per lot, whichever amount is greater, shall be initially established. Should the escrow account be depleted before final Planning Board action on the application for subdivision plat approval, the applicant shall be advised that additional escrow funds must be deposited before review will continue. Any escrow funds remaining in the account following final Planning Board action on the application and payment of related review costs shall be returned to the applicant.

- E. Inspection of improvements. Fees for field inspection by the Town Engineer of all subdivision improvements required pursuant to the Planning Board's plat approval will be paid through an escrow account established prior to the initiation of such improvements. The amount of such account and the maximum established for engineering review of such installation shall not exceed 3.5% of the estimated cost of the installation of such improvements as determined by the Town Engineer.
- F. Field changes and other modifications from approved subdivision plat. In addition to any application fee or reimbursement of costs which may be required in the matter of an amendment to an approved subdivision plat, all private consultant fees incurred by the Town for review by the Planning Board, Code Enforcement Officer, Stormwater Management Officer and/or Highway Superintendent of proposed field changes or other modifications in the design, location or material specification for any improvement or improvements depicted on, or which may be proposed for addition to, the approved subdivision plat shall be reimbursable to the Town.
- G. Performance guaranties and maintenance bonds. These requirements shall be fully met in accordance with the procedure established by Chapter 192, Subdivision of Land; Chapter A215, Street Specifications; and applicable provisions of Town Law.
- H. Payment in lieu of dedication of recreation land.
 - (1) Pursuant to Chapter 192, Subdivision of Land, where it is determined by the Planning Board that dedication of land within a subdivision for park purposes is either inappropriate due to the location, scale or other characteristics of a proposed subdivision or otherwise inconsistent with the Town's land use, recreation and open space policies, a payment in lieu of dedication of recreation land shall be made to the Town Recreation Fund prior to stamping and signing of the subdivision plat by the Planning Board Chairperson.
 - (2) Such payment shall be calculated at the rate, as established and annually reviewed by the Town Board per new residential lot or dwelling unit authorized, if there is more than one principal dwelling unit per lot as in the case of a residential cluster development or a subdivision of two-family, duplex-type or multifamily dwellings. For purposes of this calculation, the existing parcel shall be considered an existing lot and, thus, exempt from payment if heretofore developed with a single-family dwelling and/or part of a subdivision plat approved by the Planning Board after February 24, 1988, and for which a payment in lieu of dedication of recreation land has been previously paid.
- I. Other reimbursable costs. All direct costs incurred by the Town for noticing an application under Chapter 192, Subdivision of Land, and related New York State Environmental Quality Review Act (SEQRA) requirements in excess of the applicable processing fee amount set forth in above Subsections B(1), B(2), C(1) or C(2), as pertinent to the specific type of application, shall be reimbursable to the Town by the applicant upon the Town's presentation of a detailed statement thereof.

§ 128-2. Zoning.

The below schedule shall apply to applications, requests and/or petitions submitted to the Planning Board, the Zoning Board of Appeals and the Town Board pursuant to Town

Code Chapter 210, Zoning:

- A. Special use permit. (See also Subsection J.)
- (1) All applications for special use permit with respect to "residential subdivision and other land development techniques" pursuant to Chapter 210, § 210-10, and as more specifically the subject of § 210-54A through D, shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$250 plus \$100 per residential lot or dwelling unit proposed.
 - (2) All other applications for special use permit pursuant to Chapter 210 shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$250.
- B. Site plan review and approval. (See also Subsection J.)
- (1) All applications for site plan review and approval with respect to the construction and/or development of any nonresident buildings or other facilities defined as a farm use by the New York State Agriculture and Markets Law shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$250.
 - (2) All other applications for site plan review and approval shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$250 plus the following: \$200 per 1,000 square feet, or part thereof, of gross floor area proposed through new construction, conversion and/or substantial alteration or improvement, and \$50 per parking space required pursuant to Chapter 210, § 210-25. In addition to the application fee, costs incurred by the Planning Board for review by its engineering, legal or planning consultants and any other expert whose advice is necessary for the Board to make an informed decision on the application shall be reimbursable to the Town.
 - (3) Any application for amendment to an approved site plan depicting neither additional floor area proposed through new construction, conversion and/or substantial alteration or improvement nor requiring an increase in the number of required parking spaces shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$250.
 - (4) An escrow account of \$500 in the form of a second check payable to the Town of Union Vale shall be initially established at the time of submission of any application for site plan review and approval or amendment to an approved site plan. Upon review of the application and prior to the conduct of technical review by the Town Engineer the Planning Board may deem a greater escrow account required due to the scale or complexity of the proposed project, which additional amount shall be deposited with the Town prior to further processing of the application. Should the escrow account be depleted before final Planning Board action on the application, the applicant shall be advised that additional escrow funds must be deposited before review will continue. Any escrow funds remaining in the account following final Planning Board action on the application and payment of related review costs shall be returned to the applicant.

- (5) Field changes and other modifications from approved site plan. In addition to any application fee or reimbursement of costs which may be required in the matter of amendment to an approved site plan, all private consultant fees incurred by the Town for review by the Planning Board, Code Enforcement Officer, Stormwater Management Officer and/or Highway Superintendent of proposed field changes or other modifications in the design, location or material specification of any improvement or improvements depicted on, or which may be proposed to be added to, the approved site plan shall be reimbursable to the Town.
 - (6) Where it is determined by the Planning Board that dedication of land within a proposed residential site is either inappropriate due to the location, scale or other characteristics of a proposed residential development or otherwise inconsistent with the Town's land use, recreation and open space policies, a payment in lieu of dedication of recreation land shall be made to the Town Recreation Fund prior to stamping and signing of the site plan by the Planning Board Chairperson. Such payment shall be calculated at the rate, as established and annually reviewed by the Town Board per new principal residential dwelling unit in the case of a two-family or multifamily dwelling.
- C. Use variance. (See also Subsection J.) All applications for use variance shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$500. If one or more engineering, legal or planning consultants is considered necessary by the Zoning Board of Appeals in making an informed decision on the application, or by the Planning Board in providing a recommendation with respect to the Board's action, reimbursement to the Town for such services shall occur at cost and be guaranteed in an amount established by the Board of Appeals through an escrow account.
 - D. Area variance. (See also Subsection J.) All applications for area variance shall at the time of submission to the Zoning Board of Appeals be accompanied by a check payable to the Town of Union Vale in the amount of \$250 for the first requested variance. To the extent request for any additional area variance with respect to the same project and premises is incorporated within the same application, an additional fee of \$125 per additional variance shall be paid.
 - E. Interpretation. All requests for interpretation shall at the time of submission to the Zoning Board of Appeals be accompanied by a check payable to the Town of Union Vale in the amount of \$250. Should the Board of Appeals overturn in response to such request a determination made by the Code Enforcement Officer, the fee shall be returned.
 - F. Certificate of appropriateness. All applications for a certificate of appropriateness shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$100 for single-family and two-family residential dwellings and permitted accessory structures and \$250 for multifamily dwellings, commercial buildings and other buildings, structures and uses.
 - G. Certificate of visual compatibility. All applications for a certificate of visual compatibility shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$100 for single-family and two-family

residential dwellings and permitted accessory structures and \$250 for multifamily dwellings, commercial buildings and other buildings, structures and uses.

- H. Mining permits. In addition to the required special use permit and site plan review and approval fees and responsibility for consultant costs stated within above Subsections A and B, and the other reimbursable costs discussed in below Subsection J, an applicant for a mining permit shall, as set forth in Chapter 210, Zoning, § 210-56F(4), be required to pay a supplemental application fee of \$250 per acre of proposed mine area and post with the Town a rehabilitation performance guaranty prior to the Town's issuance of a mining permit. The amount of such performance guaranty shall be either \$5,000 per acre of potentially disturbed land area or such greater amount as may be established by the Planning Board upon its review of the mining and rehabilitation plan during consideration of the applications for special use permit and site plan review and approval. Such performance guaranty shall be separate from and extend beyond the termination date of, to the extent deemed necessary by the Town of Union Vale, any performance guaranty that may be required by the New York State Department of Environmental Conservation pursuant to a mined land reclamation permit.
- I. Petition for rezoning. (See also Subsection J.) All petitions for rezoning shall at the time of submission be accompanied by a check payable to the Town of Union Vale in the amount of \$500 for a Zoning Law text amendment and \$1,000 for a Zoning Law District Map amendment. If use of one or more engineering, legal or planning consultants is considered necessary by either the Town Board in making an informed decision on the petition, or by the Planning Board in providing a recommendation with respect to the Town Board's action, reimbursement to the Town for such services shall occur at cost and be guaranteed in an amount established by the Town Board through an escrow account.
- J. In addition to the above-stated fees in Subsections A, B, C, D, H and I, an applicant will be billed by the Town at direct cost for reimbursement of costs incurred for publication of legal notices, sending of certified or other mail, or satisfaction of similar ministerial requirements, in processing either an application for special use permit, site plan review and approval, use variance or area variance, or a petition for zoning amendment in accordance with the procedural requirements set forth within the Town's Zoning Law (Town Code Chapter 210) and the related requirements of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law and Title 6, Part 617, NYCRR).

§ 128-3. Stormwater pollution prevention plans.

The below schedule shall apply to review and approval of stormwater pollution prevention plans (SWPPPs) by the Stormwater Management Officer and, where applicable, the Planning Board, pursuant to Town Code Chapter 122, Erosion and Sediment Control:

- A. All applications for approval of a basic stormwater pollution prevention plan as defined within Article II, § 122-7, therein, shall be accompanied by a check payable to the Town of Union Vale in the amount of \$150.
- B. All applications for approval of a full stormwater pollution prevention plan as

defined therein and consisting of both an erosion control plan and a water quality plan shall be accompanied by a check payable to the Town of Union Vale in the amount of \$250.

- C. In addition to the above application fees, either the Planning Board in those situations where the project subject of the SWPPP is within the subdivision, site plan or special use permit jurisdiction of the Planning Board or the Stormwater Management Officer when Planning Board approval is not otherwise required may require an escrow account be established by the applicant to defray the cost of review of the SWPPP by private engineering or stormwater management consultants or other experts who may be engaged by the Town.
- D. The Stormwater Management Officer may additionally require an escrow account be established to defray the cost of inspection by private engineering or stormwater management consultants of the installation of the stormwater management practices set forth within an approved SWPPP.

§ 128-4. Building permits and related matters within jurisdiction of Code Enforcement Officer. [Amended 7-17-2014 by L.L. No. 3-2014; 8-18-2016 by L.L. No. 1-2016]

The below schedule shall apply to all applications for building permits under the New York State Uniform Fire Prevention and Building Code, all related applications for certificates of occupancy or compliance, and to other applications, requirements and certifications administered by the Town's Code Enforcement Officer, including those for fence permits and sign permits as required under Town Code Chapter 210, Zoning:

Type of Application	Amount of Fee
Building Department review of plans/ inspection fees:	
Plan review	\$75 per hour
Inspections performed	\$75 flat fee per inspection
Nonrefundable application fee	\$100 for all required permits except as denoted "flat fee"
Agricultural building permit/nonresident buildings defined as "farm use" under New York Agriculture and Markets Law (new construction and additions)	\$50 or \$0.10 per square foot of enclosed constructed space, whichever is greater, flat fee
Residential (one- and two-family) building permit (new construction and additions)	\$0.75 per square foot of enclosed and \$0.50 per square foot of either open or partially enclosed constructed space*
Other (including multifamily, institutional and commercial) building permit (new construction and additions)	\$1.00 per square foot of enclosed and \$0.75 per square feet of either open or partially enclosed constructed space*
Residential (one- and two-family) building permit (major alterations or renovation)	\$0.50 per square foot of enclosed and \$0.25 per square foot of either open or partially enclosed constructed space*

Type of Application	Amount of Fee
Other (including multifamily, institutional and commercial) building permit (major alterations or renovation)	\$0.75 per square foot of enclosed and \$0.35 per square foot of either open or partially enclosed constructed space*
Agricultural building permit/nonresident buildings defined as "farm use" under New York Agriculture and Markets Law (alterations or renovation)	\$50 or 40% of above fee for nonagricultural building, whichever is greater, flat fee
Customary accessory structure permit:	
Garden or storage shed less than 100 square feet in floor area	A building permit is not required; all setback and other bulk regulations set forth within Town Code Chapter 210, Zoning, must however be met
Garden or storage shed in excess of 100 square feet in floor area and any other nonhabitable accessory building and/or structure	\$0.50 per square foot
Aboveground swimming pool	\$50
Hot tub	\$50
In-ground swimming pool	\$250
Tennis court	\$200 per court
Sign permit per Chapter 210, Zoning:	
Residential, including home occupations, per § 210-26D(1) and (3)	\$50 per sign
Nonresidential, per § 210-26D(2), (4) and (5)	\$50 per sign
Directional, per § 210-26E	\$50 per sign
Fence permit per Chapter 210, Zoning, § 210-27A	\$0.10 per lineal foot
Electrical permit (residential and commercial upgrades)	\$100 flat fee
Plumbing permit (residential and commercial upgrades)	Fee based upon number of inspections performed
Permit for replacement of furnace/boiler	\$50
Fireplace/stove/chimney permit	\$50
Sprinkler system permit	Fee based upon number of inspections performed
Demolition permit:	\$0.10 per square foot of floor area of demolition structure

Blasting permit (earthmoving/demolition) \$150 (greater of 5 blasts or 5 days); \$500 (greater than 5 blasts or 5 days, not to exceed 90 days)

Type of Application	Amount of Fee
Blasting permit (mining/quarrying)	\$1,000 annual fee
Operational permit	\$100 annual flat fee
Commercial hazardous material storage permit	\$100 annual flat fee
Public assembly permit	\$100 flat fee
1203 annual inspections (multifamily residential, institutional, commercial and light industrial)	\$100 flat fee, maximum of 2,500 square feet; \$250 flat fee, 2,501 to 10,000 square feet; \$500 flat fee, more than 10,000 square feet
Certificate of occupancy	\$100 flat fee
Certificate of change of use	\$100 flat fee
Certificate of compliance	\$100 flat fee
Abstract certificate letter of record (An on-site inspection of both the exterior and interior of a residential or commercial property will be required prior to the issuance of an abstract certificate of record.)	
Residential	\$250
Commercial	\$250 per occupancy flat fee
Renewal of expired building permit within 30 calendar days of expiration	50% of fee as computed in accordance with this chapter
Legalization and compliance fee for structure or use for which no building permit or certificate of occupancy was obtained	The legalization fee is determined by three times the building permit fee plus cost of building permit for structure use as computed in accordance with this chapter
Reinspection fee for prior noncompliance (third and subsequent visits)	\$75 per inspection for permit inspections requiring third or additional compliance inspections for Building Code issues; any and all inspections for violations to all Town of Union Vale adopted Code provisions and follow-up inspections for compliance to verified violations

*NOTE: "Constructed space" includes both enclosed building space, not including unoccupied basement or cellar, and unenclosed, or partially enclosed, areas such as porches, decks, carports, loading docks and similar spaces.

§ 128-5. Access permits to roadways under jurisdiction of Town; driveway construction permits.

A. The fee for approval of an access permit to the streets and highways under the jurisdiction of the Town of Union Vale shall be as follows:

- (1) For a driveway to serve a single-family residential premises or a "farm use" as defined within the New York Agriculture and Markets Law: \$1,000.
 - (2) For a common driveway, street, roadway or other described accessway serving either a "farm use" as defined under the New York Agriculture and Markets Law or two or more single-family residential premises, lots or principal dwelling units: \$1,000 per farm use, premises, lot or principal dwelling unit served.
 - (3) For a driveway to serve a commercial or other nonresidential premises, except for a "farm use": \$1,000 plus \$1,000 per each 50, or part thereof, average daily vehicle trips (ADT) generated by the facility or use in accordance with standards set forth by the Institute of Traffic Engineers (ITE) in the current edition of its Trip Generation Handbook.
 - (4) For a common driveway, street, roadway or other described accessway serving two or more commercial or other nonresidential premises, except for "farm uses": \$1,000 plus \$1,000 per each 50, or part thereof, average daily vehicle trips (ADT) generated by the facilities or uses in accordance with standards set forth by the Institute of Traffic Engineers (ITE) in the current edition of its Trip Generation Handbook.
 - (5) For a common driveway, street, roadway or other described accessway serving some combination of residential, "farm use," commercial and other premises: the combination of the applicable fees set forth above for the residential premises, the "farm use" premises, and the commercial or other nonresidential premises.
 - (6) Should any proposed driveway consist of two access locations on the Town highway, as in the case of either a residential or other circular driveway or separate entry and exit ways from a commercial premises, the above computed fees shall be increased by 50%.
- B. The applicant shall pay to the Town of Union Vale the above-computed access permit fee prior to the stamping by the Planning Board Chairperson of a subdivision plat and/or site plan depicting access to proposed lots, parcels, sites or uses from streets and highways under the jurisdiction of the Town. In the case of an individual lot or in other instances where subdivision plat and/or site plan approval may not be required, the above-computed permit fee for approval of access to streets and highways under the jurisdiction of the Town shall be paid prior to the issuance of a building permit.
- C. In addition to the fee required for a Town highway access permit in the case of a driveway intersecting a street or highway within the jurisdiction of the Town, payment of an application fee of \$100 as set forth in above § 128-4 shall be required for approval of a separate driveway construction permit for the installation or modification, including paving or repaving, of any driveway intersecting any street or highway within the Town of Union Vale. This fee shall be paid prior to subdivision plat and/or site plan approval or, if such approvals are not required, as part of compliance with the requirements prior to issuance of a building permit set forth at Town Code Chapter 111, Driveways.

ARTICLE II
SEQR Process

§ 128-6. Costs for environmental quality review.

- A. In addition to the above-stated fees and consideration of direct costs related to the satisfaction of publication and other noticing requirements, the applicant shall reimburse the Town of Union Vale for expenses incurred in the review of the proposed action in accordance with the provisions of the New York State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law and Title 6, Part 617, of the New York Codes, Rules and Regulations (NYCRR). Said expenses shall include all costs incurred for the services of private engineering, legal or planning consultants or any other experts whose advice is necessary for the Town to take the requisite hard look and make a reasoned determination of significance. Expenses incurred by the Town for this purpose shall be fair and reasonable and shall be reimbursed to the Town by the applicant in the amount of actual expense incurred for its private engineering, legal or planning consultants or other experts.
- B. For purposes of reimbursement under this section, the Town shall assess all SEQRA-related costs from the time of receipt of an environmental assessment form (EAF) to completion of the SEQR process through issuance of either a negative declaration (determination of nonsignificance) or a findings statement.

ARTICLE III
Actions
Proscribed

§ 128-7. Effect of applicant's failure to satisfy financial obligations.

The Town Board, Planning Board, Zoning Board of Appeals, Stormwater Management Officer, Highway Superintendent and/or Code Enforcement Officer, as applicable to the specific matter, shall be proscribed from holding any public hearing or taking any action to process, endorse, approve or otherwise further the interest of the applicant in any application or other matter governed by the schedules of fees set forth within this chapter for which all applicable fees and reimbursable costs have not been timely paid in full to the Town of Union Vale and for which appropriate receipt thereof has not been provided to the respective board or official.