

**TOWN OF PINE PLAINS
LOCAL LAW NO. 3 OF 2010**

BE IT ENACTED by the Town Board of the Town of Pine Plains as follows:

SECTION 1. LEGISLATIVE INTENT, FINDING AND PURPOSE.

The Town Board enacts this Local Law to provide a comprehensive fee schedule for the issuance of building permits and other services rendered by the Town's Building Inspector; for highway work permits issued by the Town Highway Superintendent; for fees charged by the Planning Board in conjunction with the Subdivision and Site Plan approval applications; and the payments of sums of money in lieu of setting aside recreational land for each lot in a proposed subdivision pursuant to §277(4)(c) of the Town Law.

Prior to the enactment of this Local Law, the Town Board reviewed the fees it currently charges its applicants for Subdivision and Site Plan applications; that it charges applicants for highway work payments; that it charges applicants before the Planning Board for Subdivision and/or Site Plan approval; and that it charges applicants for building permits issued by the Building Inspector of the Town of Pine Plains. The Town Board has determined that, in some cases, the current fees charged by the Town do not adequately cover the costs of the review and administration of the applications, and the inspection of the development and construction. The Town Board has also compared its fees to the fees for similar applications and permits charged by other municipalities of comparable size to the Town of Pine Plains located within the County of Dutchess, State of New York, and found that the fees charged by the Town of Pine Plains, in many cases, are substantially lower than those charged by other similarly situated municipalities for the same services. The new fee schedule set forth in this law raises, where appropriate, those fees of the Town which the Board has determined are too low.

The Town Board has also observed that the Town has recently experienced substantial increases in developmental pressure and there have been, and may in the future be, applications before the Town Planning Board and the Town Board for development projects which, if approved, will result in substantial increases in the population of the Town of Pine Plains. The Board has determined, after consulting with its recreation commission, that the existing facilities in the Town of Pine Plains for active recreation are severely limited and will be inadequate to accommodate the needs of its residents if the currently proposed developments are approved and constructed in the Town of Pine Plains. The Town Board has also determined that there is a shortage of land available to the Town of Pine Plains to construct additional recreational facilities and that the Town has experienced a substantial increase in the market value of real estate within the Town. As a result, the Town Board has determined that the recreation fees charged to applicants in lieu of the setting aside of recreational land in a subdivision plat pursuant to Town Law §277(4)(c) must be raised to address the strain and impact upon the Town's

existing recreational facilities by the proposed development, and development which may occur in the future.

SECTION 2. **Title of Local Law.**

This Local Law shall be known as the Town of Pine Plains Fee Schedule Law.

SECTION 3. **Fee Schedules.**

A. Code Enforcement Officer/Zoning Enforcement Officer:

Building Permit:

Total Valuation of Cost of Construction or Other Activity Undertaken:

Under \$500.00	\$10.00
\$501.00 - \$2,000.00	\$25.00
\$2,001.00 - \$25,000.00	\$25.00 for first \$2,000 plus \$4.00 for each additional \$1,000.00 or fraction thereof
\$25,001.00 - \$50,000.00	\$117.00 for first \$25,000 plus \$3.00 for each additional \$1,000.00 or fraction thereof
Over \$50,000.00	\$192.00 for first \$50,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof

Permits for Manufactured Homes: Same schedule as for
Building Permits

Permits for Swimming Pools, Tennis Courts or
Other Accessory Uses Same schedule as for
Building Permits

Certificate of Occupancy Search \$50.00

Sign Permit Fee (where no Site Plan Approval is required) \$25.00

Special Use Permit Application (including extension of Non-Conforming Use)	\$200.00
Lot Line Adjustment where no Public Hearing is required	\$100.00
Lot Line Adjustment where Public Hearing is required	\$200.00
Natural Subdivision Application where no Public Hearing is required.....	\$100.00
Natural Subdivision Application where Public Hearing is required	\$200.00
Public Notice Fee	\$50.00 or actual cost to Planning Board, whichever is greater

D. Town Board Applications:

NND Petition Application	\$750.00
Public Notice Fee	\$50.00 or actual cost to Town Board, whichever is greater
Conduct of Special Meeting at Request of the Applicant	\$200.00
Application for Zoning Amendment	\$750.00
Town Clerk: Dog License	\$1.00
(Please note that there other fees for various licenses and permits that are set by state or local law. Applicants are advised to check with the Town Clerk)	

E. Highway Department:

Residential Driveway Entrances (no insurance required):

Single Dwelling Permit (new construction)	\$30.00
Security Deposit	\$1,500.00
2-3 Lot Common Driveway Permit (new construction)	\$300.00
Security Deposit	\$1,500.00
Existing Driveway Permit (improvements/paving/repaving) ...	\$30.00
Security Deposit	\$500.00

Field (Agricultural) Entrances (no insurance required):

Permit	\$30.00
Security Deposit	\$500.00

Commercial Driveways:

Minor Commercial Driveway Permit (new construction)	\$150.00
Security Deposit (no insurance required)	\$2,000.00

Major Commercial Driveway Permit (new construction)	\$800.00
Security Deposit (insurance required)	\$4,000.00

Minor Commercial Driveway Permit (improvements/repaving)	\$30.00
Security Deposit (no insurance required)	\$1,000.00

Major Commercial Driveway Permit (improvements/repaving)	\$400.00
Security Deposit (insurance required)	\$3,000.00

Temporary Commercial Driveway Permit (logging, mining, etc.)	\$200.00
Security Deposit (insurance required)	\$2,000.00

*Highway Superintendent may increase or lower security deposit based upon project complexity.

F. Professional Fees Incurred by Reviewing Boards:

All applicants to the Planning Board, Zoning Board of Appeals or Town Board shall be required to reimburse the Town of Pine Plains for the cost of retention of engineering, planning, legal, technical and/or environmental consultants or professionals, Code Enforcement Officer or Zoning Enforcement Officer as the boards or officials shall deem reasonably necessary to assist the same in review of such application and the inspection and approval of any installations or infrastructure improvements after final approval of such applications in accordance with Article 16 of the Town Zoning Law. All such applicants shall be required to establish an escrow account in accordance with Section 100-97 of the Zoning Law.

G. SEORA Review Fees:

All applicants shall reimburse the Town for expenses incurred in the review of proposed actions in accordance with the provisions of Part 617 NYCRR (SEQRA Regulations) and Section 100-98 of the Town Law.

SECTION 4. **Amendment By Resolution.**

The Town Board may, by resolution, at its annual meeting, or at any time thereafter that it deems necessary, amend the Fee Schedule by resolution without the necessity for adoption of a new Local Law.

SECTION 5. **Severability.**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Pine Plains Town Board hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6. **Supercession.**

This Local Law is enacted under the authority of subparagraphs (a)(1)(2)(d)(iii) of the Municipal Home Rule Law §10(1)(ii) and Municipal Home Rule Law §22, and pursuant to §130 and 276(4)(c) of the Town Law. This Local Law shall supercede any previous recreation fee schedule adopted by resolution either by the Town Board or by the Town Planning Board and, to the extent that the fee provisions of this Local Law are inconsistent with Local Law No. 1 of 1981; Local Law No. 5 of 1981; Local Law No. 5 of 1982; Local Law No. 4 of 1983; Local Law No. 3 of 1984; Local Law No. 8 of 1986; and Local Law No. 1 of 2005, the fee provisions of this Local Law shall supercede the fee provisions of those Local Laws.

SECTION 7. **Effective Date.**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with §27 of the Municipal Home Rule Law.