

ADOPTED: May 21, 2024
EFFECTIVE DATE: June 17, 2024

Pursuant to the provisions of the New York State Constitution and the Municipal Home Rule Law of the State of New York, as amended, the Town Board of the Town of Hempstead, Nassau County, New York, has hereby enacted the following Local Law:

A LOCAL LAW TO ENACT SECTION 154-10 OF CHAPTER 154 OF THE CODE OF THE TOWN OF HEMPSTEAD IN RELATION TO APPLICANT FUNDING FOR CERTAIN ENVIRONMENTAL QUALITY REVIEW.

Section 1. Section 154-10 of Chapter 154 of the Code of the Town of Hempstead entitled "Environmental Quality Review" is amended to read as follows:

Chapter 154

Environmental Quality Review

* * *

§154-10 Applicant funding for certain environmental quality review.

A. Unless the context otherwise requires, the definitions in this paragraph shall govern the construction of the following terms in this section:

"Consultant(s)" means any third party representing or assisting the Town, including, but not limited to, architects, engineers, surveyors, planners, and attorneys.

"Service(s)" means any evaluation, review, analysis, counsel, meeting, or document provided to the Town by a Consultant.

- B. For any application or approval before the Town Board, Board of Appeals, or Planning Board, which is a Type 1 action, as that term is defined and used in the New York Environmental Conservation Law and the New York Department of Environmental Conservation's rules and regulations, an applicant shall pay for the Services of the Town's Consultant(s) on the application. The applicant shall deposit sufficient funds with the Town Comptroller, which will be held in escrow, to pay for the Services of the Town's Consultant(s). The initial deposit shall be at least \$5,000. No work by the Consultant(s) shall begin until the Town receives the initial deposit. The Town Comptroller will maintain separate escrow accounts for these funds.
- C. The Consultant(s) shall invoice the Town for their Services, and the Town Comptroller shall pay for the Services with the deposited escrow funds. If at any time during a Consultant's performance of Services the applicant's escrow balance is less than \$2,500, then the applicant shall immediately, upon notification by the Town, replenish the escrow account so that it has a balance of at least \$2,500. The Town must receive for deposit such additional escrow funds before any further action or consideration is taken on the application. Any escrow funds which exceed a Consultant's total invoices for the Services shall be refunded to the applicant.
- D. If the applicant objects to payment for any Service invoiced by a Consultant, then the Town shall suspend further Services by the Consultant until the applicant either withdraws its objection, or the applicant and the Town otherwise agree on the objected to payment.

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Section 2. This local law shall become effective immediately upon filing with the secretary of state.

I, Kate Murray, Town Clerk of the Town of Hempstead, do hereby certify that the foregoing is a true and correct transcript of the above local law enacted by Local Law No. 38-2024 effective June 17, 2024

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Hempstead on this 26th day of June, 2024

**KATE MURRAY
TOWN CLERK
TOWN OF HEMPSTEAD, N.Y.**

(S E A L)