

Local Law 9-2024

A local law amending chapter 91, section 91-23 (Building Construction, Payment of review costs) and section 91-24 (Failure to pay review costs).

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 91, section 91-23 (Building Construction, Payment of review costs) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 91-23 Payment of review costs.

- A. Consultants and Village staff members providing professional services will submit monthly statements to the [Director of Planning] **Planning Department** for their professional services, setting forth the services provided and the cost of those services. The cost of professional services provided by a consultant will be as provided in the consultant's agreement with the Village, consistent with the usual charges for such services in Westchester County. The cost of professional services provided by the Village's professional staff will be at hourly rates based upon the actual salary and benefits paid by the Village, as determined by the Treasurer.
- B. Within 15 days of the receipt of a monthly statement from a consultant or the Village's professional staff, the [Director of Planning] **Planning Department** will provide a copy of the statement to the applicant by regular mail to the address specified by the applicant or by electronic mail if the applicant specifies an electronic mail address. The applicant may dispute any charge by notifying the [Village Manager] **Planning Department in writing** of the basis for the dispute [in writing] within [15] **5** days [of] **from** the date [on which] **that** the [Director of Planning] **Planning Department** gives the applicant notice of the statement.
- C. If the applicant does not dispute any charge, the [Director of Planning] **Planning Department** will [direct] **notify** the Treasurer to pay the charges out of the escrow account. If the applicant disputes any charge, the Village Manager will determine within 15 days **of receipt of the dispute by the Planning Department**, [based upon the applicant's statement,] whether to pay the disputed charge and will [direct] **notify** the Treasurer to pay the charges the [Village Manager] [determines] **determined** to be reasonable and consistent with the provisions of this article.
- D. All payments for review costs shall be in addition to any application, inspection or other fees as may be required by any other laws of the Village and shall not be used to offset the Village's general expenses of engineering, legal and planning services for the reviewing boards nor to offset the Village's general expenses.

Section 2. Chapter 91, section 91-24 (Failure to pay review costs) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 91-24 Failure to pay review costs.

[A.] [The Building Inspector shall not grant a building permit, certificate of occupancy or certificate of compliance until all fees and costs required herein have been paid in full.]

[B.]A. If, after final action is taken on the land use application and the [Director of Planning] **Planning Department** has received and approved all statements for professional services with respect to the application, **where** the escrow amount held by the Treasurer is less than the charges for the

approved professional services, [the applicant must pay the remaining balance within 30 days.] **the resolution or certificate of the reviewing board shall not be filed with the Village Clerk until all outstanding fees have been paid. In addition, the applicant shall be advised by the Planning Department of the outstanding fees by certified mail. If the outstanding fees are not paid within thirty (30) days of the notice from the Planning Department,** [If the applicant fails to do so,] the Treasurer will cause the unpaid amount to be added to the next Village tax bill for the property that is the subject of the application.

[C.]**B.** If, after final action is taken on the land use application and the [Director of Planning] **Planning Department** has received and approved all statements for professional services with respect to the application, the escrow amount held by the Treasurer is greater than the charges for the approved professional services, the Treasurer will refund the balance to the applicant within 30 days.

[D.]**C.** Withdrawal of a land use application before action is taken does not relieve the applicant of the applicant's obligation to pay the cost of professional services incurred in connection with the review of the application prior to its withdrawal.

Section 3. Effective date.

This local law shall become upon filing with the Secretary of State pursuant to section 27 of the Municipal Home Law.