

Chapter 43**PROFESSIONAL FEES****§ 43-1. Professional Fees.****§ 43-2. When effective.**

[HISTORY: Adopted by the Board of Trustees of the Village of Saltaire 4-8-95 as L.L. No. 1, 1995. Amendments noted where applicable.]

§43-1. Professional Fees.

- A. The Board of Trustees, the Planning Board or the Zoning Board of Appeals, in review of any application, may refer any such application presented to it to such engineering, planning, legal technical or environmental consultant, or professional(s) employed by the village, as such Board shall deem reasonably necessary to enable to review such application as required by law. Charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the village and such consultant. Charges made by the village shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead. All such charges shall be paid on submission of a village voucher. The applicant shall reimburse the village for the cost of such consultant services upon submission of a copy of the voucher. In the event that an application is required to be reviewed by more than one Board, then, in such event and to the extent practicable, both Boards shall use the same consultant, who shall, in such case, to the extent practicable, prepare one (1) report providing data, information and recommendations requested. In all instances, duplications of consultants' reports or services shall be sought to be avoided wherever practicable in order to minimize the cost of such consultants' reports or services to the applicant. The above fees are in addition to any and all other fees required by any other law, rule or regulation, or the village Code.
- B. Escrow Accounts. At the time of submission of any application, or thereafter, the reviewing Board may require the establishment of an escrow account, from which withdrawals shall be made to reimburse the village for the costs of professional review services. The applicant shall then provide funds to the village for deposit into such account in an amount to be determined by the reviewing Board based on its evaluation of the nature and complexity of the application. The applicant shall be provided with

copies of any Village voucher for such services as they are submitted to the Village. When the balance in such escrow account is reduced to one-third (1/3) of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within thirty (30) days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing Board may suspend its review of the application. An application shall be deemed incomplete if any amount shall be outstanding. A building permit or certificate of occupancy or use shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Village. After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit.

- C. All fees required pursuant to this chapter shall be collected by the Clerk of the Board having jurisdiction over the application.
- D. This chapter shall be applicable to applications pending at the time it shall become effective, unless the reviewing Board shall determine that its application would be impracticable, unfair or unjust in the particular circumstances. Where this chapter shall be applicable to a pending application, it shall, in such event, require an applicant only to pay for professional fees for the services rendered after it shall have become effective.

S 43-2. When effective.

This local law shall take effect immediate upon filing in the Office of the Secretary of State.