

<b>Topic:</b>	Real Estate Transaction Fee
<b>Resource Type:</b>	Regulations
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	Town of West Warwick
<b>Year (adopted, written, etc.):</b>	2000-2004
<b>Community Type - applicable to:</b>	Suburban; Rural
<b>Title:</b>	Town of West Warwick Development Fee Ordinance
<b>Document Last Updated in Database:</b>	April 12, 2017

### ***Abstract***

This Development fee ordinance provides for a consolidated schedule of fees and allows for a periodic review and modification of fees assessed for development. These fees include Planning Board Fees, Zoning Board Fees, Town Board Fees and Building Inspection Fees.

### ***Resource***

Town of Warwick NY Development Fees  
Code of the town of Warwick NY  
Chapter 75: Development Fees  
General Code

[HISTORY: Adopted by the Town Board of the Town of Warwick 6-8-2000 by L.L. No. 2-2000. Amendments noted where applicable.]

§ 75-1. Purpose.

In order to provide for a consolidated schedule of fees and to allow for a periodic review and modification of fees assessed for development pursuant to the Municipal Code of the Town of Warwick, the Town Board deems it in the public interest to establish this standard schedule of fees for the Town of Warwick.

§ 75-2. Applicability.

The fees herein refer to the provisions of Chapters 79, 82, 85, 137, 150 and 164 and the Town of Warwick's Municipal Code and shall supersede all references to specific fees, except fines, which may occur therein.

§ 75-3. Schedule of Fees categories. [Last amended 1-2-2003]

The Town Board of the Town of Warwick is hereby authorized to adopt by resolution, from time to time, a Schedule of Fees in accordance with the following categories. The listing herein shall not be in limitation of other fees authorized by law, rule or regulation.

A. Planning Board fees.

(1) Site plan review fees.

(a) All such applications made to the Planning Board shall be in writing on forms prescribed by the Board and shall be accompanied by a fee determined as follows:

[1] For residential uses only:

[a] Application fee plus a site unit fee.

[b] Site unit fee per acre of land or lot of land or dwelling unit or 1,000 square feet or fraction thereof of ground area covered by buildings, whichever is greater.

[2] For commercial/industrial uses:

[a] Application fee plus a site unit fee.

[b] Site unit fee per acre of land or lot of land or dwelling unit or 1,000 square feet or fraction thereof of ground area covered by buildings.  
[Amended 5-8-2003]

[c] The Planning Board shall require the applicant to pay an inspection fee to the municipality of a percentage of the amount of the estimated cost of all the required public infrastructure improvements. The site plan shall not be endorsed by the Chairman of the Planning Board until such fee has been paid.

(b) In addition to the applications and site unit fees, all applicants will pay the cost of the Planning Board securing the advice and assistance of professionals in connection with review of the application.

(c) Publication. The applicant shall also be required to pay, upon presentation, for the actual costs of publication of any and all notices required by any provision of this chapter or other provisions of law.

(d) Documentary and mailing fees. For compilation of the names and addresses of all owners who shall receive certified mailing of public notice of public hearing as required by § 164-46E(1) of Chapter 164, Zoning, and the mailing of such notices, the fee shall be as follows:

[1] For 10 parcels or less.

[2] For more than 10 parcels but less than 26 parcels.

[3] For more than 25 parcels.

(e) Appearance fee. The applicant shall pay an additional fee for each appearance before the Planning Board in excess of three appearances.

(f) No refund. Said fees contained in this subsection shall not be refundable, except on petition to the Town Board, which may refund any unutilized portion of the fee following audit.

(2) Land subdivision.

(a) Generally. In connection with this subsection, the following provisions will be applicable:

[1] Professional services. Applicants shall reimburse the cost of professional services required in the review process of proposed subdivision plats based on the most current rate. The applicant shall provide payment on a thirty-day (monthly) basis and/or prior to appearance before the next Planning Board meeting. All payments shall be made prior to approval of the final plat.

[2] Inspection fee. The Town Engineer shall inspect all required improvements during and after construction to ensure their satisfactory completion, and the Planning Board shall require the subdivider to pay an inspection fee to the municipality of a percentage of the amount of the estimated cost of required improvements. The subdivision plat shall not be signed by the Chairman of the Planning Board unless such fee has been paid at the time of final approval.

[3] Money in lieu of parkland. If the Town Board will not accept 10% of the development site for parks and playgrounds, or if the subdivision is not of a clustered design in which 75% of the development site will be perpetuated as open space by a homeowners' association, the Planning Board shall require, as a condition to approval of the subdivision plat and/or dwelling units, a payment to the Recreation Site Acquisition and Improvement Fund of the Town of Warwick of an amount of \$2,500 per dwelling unit or lot, whichever is greater. [Amended 10-9-2003 by L.L. No. 5-2003; 1-2-2004]

[4] Payee. All of the fees herein shall be payable by check to the Town of Warwick, stating the specific purpose of each fee.

[5] Applicants shall submit to the Town all original legal documents required to be filed in the Orange County Clerk's office in connection with their application, together with a fee equal to the costs of filing all necessary documents in the Orange County Clerk's office and attorney's fees. The subdivision map shall not be signed by the Chairman of the Planning Board unless each fee has been paid.

[6] The Planning Board or, if deemed appropriate and necessary, the Town Board, may require an applicant to place in escrow sufficient funds to defray costs incurred by the Town for all professional services required for proper site plan, subdivision or environmental review. The beginning balance will be based on estimated review costs. Should the balance of the account fall below 20% of the initial deposit, the applicant will be notified and requested to replenish the account to the agreed amount. This escrow account does not provide for the other scheduling, development, application and filing fees set forth below.

(b) Sketch plan submissions. For both minor and/or major subdivisions, the application fee shall be paid at the time that the required maps are submitted and prior to meeting with the Planning Board for:

[1] Two lots.

- [2] Three lots.
- [3] Four lots or more: a fee, plus an amount per dwelling or per lot, whichever is greater, exceeding 10 lots or dwelling units.
- (c) Preliminary plat submissions. For major subdivisions, a preliminary plat submission fee shall be paid at the time that the required maps are submitted and prior to meeting with the Planning Board as follows:
  - [1] Lots without central water and sewerage, up to 25 lots or dwelling units: a fee plus an amount per lot or dwelling unit proposed.
  - [2] Lots without central water and sewerage, which proposal exceeds 25 lots or dwelling units: a fee plus an amount per lot or dwelling unit proposed.
  - [3] Lots with central water and/or sewerage: a fee plus an amount per lot or dwelling unit proposed.
- (d) Final plat submission.
  - [1] For all final plat submissions, a fee shall be paid at the time that the required maps are submitted and prior to meeting with the Planning Board for:
    - [a] Minor subdivisions.
    - [b] Major subdivisions: a fee plus an amount per lot or dwelling unit which was not contained in the preliminary plat submission.
  - [2] If a final plat is submitted for only a portion of the major subdivision shown on the approved preliminary plat, an additional filing fee shall be paid for each final section submitted thereafter, plus an amount per lot or dwelling unit not shown on the approved preliminary plat.
- (3) Vacation campgrounds. There shall be an application fee, plus an amount per campsite, payable upon application for initial site plan approval and upon each annual renewal.

B. Zoning Board of Appeals fees.

- (1) Variances. The fee shall be as set for:
  - (a) Residential.
  - (b) Commercial/Industrial.
- (2) Fees shall be as set for interpretation.
- (3) Publication. The applicant shall also be required to pay, upon presentation, for the actual costs of publication of any and all notices required by any provision of Chapter 164, Zoning, or other provisions of law.
- (4) Documentary and mailing fees. For compilation of the names and addresses of all owners who shall receive certified mailing of public notice of public hearing as required by § 164-46E(1) of Chapter 164, Zoning, and the mailing of such notices, the fee shall be as set for:
  - (a) Ten parcels or less.
  - (b) More than 10 parcels, but less than 26 parcels.
  - (c) More than 25 parcels.

(5) No refund. Said fees contained in this subsection shall not be refundable, except on petition to the Town Board, which may refund any unutilized portion of the fee following audit.

C. Town Board fees.

(1) Petition to amend zoning law.

(a) Application fee. The fee shall be as follows:

- [1] In all residential zones: a base fee, plus a fee per acre.
- [2] In all other zones: a base fee, plus a fee per acre of land.

(b) Publication. The applicant shall also be required to pay, upon presentation, for the actual costs of publication of any and all notices required by any provision of Chapter 164, Zoning, or other provisions of law.

(c) Documentary and mailing fees. For compilation of the names and addresses of all owners who shall receive certified mailing of public notice of public hearing as required by § 164-46E(1) of Chapter 164 and the mailing of such notices, the fee shall be as set for:

- [1] Ten parcels or less.
- [2] More than 10 parcels, but less than 26 parcels.
- [3] More than 25 parcels.

(d) No refund. Said fees contained in this subsection shall not be refundable, except on petition to the Town Board, which may refund any unutilized portion of the fee following audit.

(e) No fee shall be required for any petitions filed in support of, or opposing, a proposed amendment.

D. Building and inspection fees.

(1) General Building Department fees. Fees shall be as set for:

(a) Building permit fees.

[1] For building permit applications: the fee, plus:

[a] An amount per square foot for commercial and residential structures.

[b] An amount per \$1,000 of the cost of the improvement for agricultural and accessory structures, renovations and miscellaneous improvements.

[2] In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of all but the base fee paid, provided that no construction has commenced. There shall be no refund if construction work has commenced prior to a denial.

[3] If, during the course of construction, the Building Inspector finds violations of any municipal or governmental regulations, codes or

ordinances, then the applicant shall pay an additional reinspection fee per additional inspection of the site.

- (b) Certificate of occupancy and certificate of compliance fee: the fee, plus the final calculated cost of the improvement which exceeds the sum contained in the building permit, plus an amount per additional inspection.
  - (c) Miscellaneous letters requested from the Building Inspector and requests for copies of certificates, plus a fee per additional inspection.
  - (d) Requests for letters relating to flood zones in the Town.
  - (e) Requests for final water meter reading.
  - (f) Requests for copies of the Zoning Code and Map.
  - (g) Requests for copies of the Subdivision Regulations of the Town.
  - (h) Annual renewal of a special permit for a customary home occupation, plus a fee per additional inspection.
  - (i) Title searches which include copies of certificates of occupancy, reissue of certificates, a street report and a violation report letter.
- (2) Driveway permits.
- (a) A certified or bank check shall be paid, refundable upon satisfactory completion of work.
  - (b) There shall be a nonrefundable inspection fee, plus a fee per additional inspection.
- (3) Mobile homes and courts.
- (a) Use as a temporary residence.
    - [1] The application fee for six months or any portion thereof.
    - [2] The renewal fee for one renewal only.
    - [3] A cash bond shall be deposited with the Town to assure removal of the mobile home upon expiration of the temporary certificate of occupancy.
    - [4] There shall be a penalty per month for each month exceeding expiration of the temporary certificate of occupancy.
  - (b) Mobile home courts.
    - [1] The annual fee, plus an amount per each mobile home lot approved by the Planning Board.
    - [2] No refund. There shall be no refund or apportionment of the fee for a permit.
- (4) Tree removal, grading and excavation permits. In all instances where a permit is required pursuant to §§ 150-4 and 164-44, a permit fee shall be paid by the applicant as follows:
- (a) For a tree removal, topsoil removal, surface grading or excavation permit pursuant to § 150-4A. The applicant shall also post a performance bond to insure compliance with all applicable standards and requirements in an amount as determined by the Town Engineer.
  - (b) For a commercial tree removal, topsoil removal, surface grading or excavation permit pursuant to § 150-4B, plus an amount per acre of land affected by the operation. The applicant shall also post a performance bond to insure

compliance with all applicable standards and requirements in an amount as determined by the Town Engineer.

(c) For removal of shade trees pursuant to § 150-4C.

(d) For commercial timber-harvesting permits, plus an amount per acre of land involved in cutting operations. The applicant shall also post a performance bond to insure compliance with all applicable standards and requirements in an amount as determined by the Town Engineer.

(e) For noncommercial forest improvement operation permits. The applicant shall also post a performance bond in an amount as determined by the Town Engineer.

(f) In areas of the Town where radioactivity may be a result of excavation, for each observation of the taking of a certified water test.

(5) Private wastewater disposal (septic) systems.

(a) All residential systems applicants shall pay a basic administrative permit fee for existing design approved after January 1, 1991, or an amount for existing design approved before January 1, 1991. This fee may be waived in the event that the total estimated cost of the work proposed is less than \$250. Residential systems also include preexisting subdivision lots which do have approved septic disposal systems. This fee shall be paid together with (as needed):

[1] Permit fee, basic engineering.

[2] Permit fee, reinspection or retesting.

(b) Commercial or industrial systems (less than 1,000 gallons per day) applicants shall pay a basic administrative permit fee for existing design approved after January 1, 1991, or an amount for existing design approved before January 1, 1991. This fee shall be paid together with (as needed):

[1] Permit fee, basic engineering.

[2] Permit fee, reinspection or retesting.

(c) Residential, commercial or industrial systems (greater than 1,000 gallons per day) applicants shall pay a basic administrative permit fee. Such applicants must complete all SPDES permit requirements prior to issuance of a Town permit. Any engineering review or inspection required shall be on a reimbursement basis, subject to audit by the Town Board.

(d) Tank replacements or absorption field gravel replacement applicants shall pay a fee.

(e) Dye testing.

[1] For occupied building; or

[2] For unoccupied building.

(f) The Building Department reserves the right to charge additional fees on an hourly basis to cover the actual time expended on the application.

(6) The Building Department is frequently called upon to retroactively issue permits for various items listed in Subsection D(1) through (5) above due to the applicant's and/or homeowner's failure to timely apply for a proper permit. Recognizing the extra clerical and follow-up enforcement costs to the Building Department necessitated by such delinquent applications, the Building Department shall charge an extra administrative fee equal to the original permit fee plus actual hourly wages of any employee whose time is expended in connection with working on such applications. [Added 8-19-2004]