



***Village of New Paltz  
Zoning Board of Appeals***

**Escrow Deposit**

**Affidavit of Owner's Obligation to  
Comply with Village Code Section 212-66,  
Requiring Escrow Deposit to Pay  
Professional Review Fees**

**Building Department**  
25 Plattekill Avenue  
New Paltz, NY 12561  
Phone: (845) 255-3055  
Fax: 845.255.5102  
ZB: \_\_\_\_\_

Re: \_\_\_\_\_

Escrow Amt: \$ \_\_\_\_\_

State of New York                     )  
County of Ulster                     ) ss.:  
Village of New Paltz                 )

I, \_\_\_\_\_, being duly sworn, hereby  
depose and say:

**1. That I have been advised of the requirements of Village Code section 212-66, which states:**

**A. Fees.**

Those fees not specified in this chapter shall be in accordance with a list maintained by the Building Inspector and posted conspicuously in his office.

**B. Escrow Deposits.**

(1) In connection with any application for a special permit, site plan or subdivision approval, zoning amendment, Variance, or other appeal, the reviewing board may require an applicant to deposit an initial sum of money into an escrow account in advance of the review of the application. Said sum shall be based on the estimated cost to the Village of reviewing the particular type of application before it. The reviewing board may consider the professional review expenses incurred by neighboring municipalities in reviewing similar applications. The reviewing board may also consider the Village's survey of professional review expenses in determining the initial sum of money to be deposited in an escrow account by an applicant.

**(2) Use of funds.**

(a) Said sum of money shall be used to cover the reasonable and necessary costs of reviewing an application. Costs may include staff costs or consultant fees for planning, engineering, legal, and other professional and technical services required for the proper and thorough review of an application. The reviews governed by this section shall include all environmental review pursuant to law including review of the proposed action under the State Environmental Quality Review Act (SEQRA).

(b) The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the New Paltz Village Code. Monies deposited by applicant pursuant to this section shall not be used to offset the Village's general expenses for professional services for the several boards of the Village or the Village's general administrative expenses.

(c) Fees charged strictly as a result of a SEQR review shall in no event exceed the maximum amounts that can be charged pursuant to the SEQR regulations by the lead agency.

**C.** Upon receipt of monies requested for an escrow account, the Village Treasurer shall cause such monies to be placed in a custodial non-interest bearing account in the name of the Village and shall keep a separate record of all such monies deposited and the name of the applicant and project for which such sums were deposited.

**D.** Upon receipt and approval by the chair of the respective board of itemized vouchers from consultants for services rendered on behalf of the Village regarding a particular application, the Village Clerk shall forward the approved vouchers to the Village Board of Trustees for audit and approval. Upon approval by the Village Board of Trustees, the Village Treasurer shall cause such vouchers to be paid out of the monies so deposited, and shall charge the separate record of such account accordingly. Upon request, the consultant shall make copies of such vouchers available to the applicant at the same time the vouchers are submitted to the Village.

E. The Village Board of Trustees shall review and audit all such vouchers and the chair of the respective board and Village Board of Trustees shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Village in connection with the review and consideration of applications. A charge or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by consultants to the Village for services performed in connection with the review of a similar application. In auditing the vouchers, the board may take into consideration the size, type and number of buildings to be constructed, the topography of the site at issue, environmental conditions at such site, the infrastructure proposed in the application and any special conditions the board may deem relevant. A charge or part thereof is necessarily incurred if it was charged by the consultant for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Village, and to protect public or private property from damage.

F. In no event shall an applicant make direct payment to any Village consultant.

G. If at any time during the processing of an application there shall be insufficient monies on hand to the credit of an applicant to pay the approved vouchers in full, or if it shall reasonably appear to the reviewing board that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board shall cause the applicant to deposit additional sums as the board deems necessary or advisable in order to meet such expenses or anticipated expenses.

H. In the event the applicant fails to deposit the requested review fees into an escrow account, any applicant review, approval, permit or certificates of occupancy shall be withheld or suspended by the reviewing board, officer or employee of the Village until such monies are deposited.

I. Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Village have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within 60 days after the applicant's request.

J. Consistent with the terms of this section, each board may from time to time set the appropriate escrow deposit for particular types of applications. A schedule of such required escrow deposits shall be kept on file in the Building Department and in the offices of the Village Clerk and secretary of the appropriate board. If no such escrow deposit is set in advance by the respective board, the Building Inspector or secretary shall consult with the chair of the respective board to determine the appropriate escrow deposit. Such escrow deposit shall be collected at the time the application is filed, and no application shall be deemed administratively complete until such escrow deposit has been received.

**2. I agree to comply with the requirements of Village Code section 212-66.**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Mailing Address

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public