

Bill VSC 2008A

A local law to amend Chapter 48 of the Code of the Village of Sea Cliff, in relation to consulting expenses incurred by the Building Department for review of applications, and the deposit of monies on account of such expenses.

Section one. Section 48-16 of the Code of the Village of Sea Cliff is hereby amended to include a new subsection (G) to read as follows:

“§48-16.

...

(G) Consulting expenses/ deposit requirements. Any expenses incurred by the Village or the Building Department for any consultant providing engineering, surveying, environmental or other similar expert advice, shall be the financial responsibility of the applicant, to the extent such expenses are customary and reasonable. As determined by the Building Department, at the time of the submission of an application or submission of pre-application documents (and a request for Building Department review) or at such time as the Building Department, upon becoming aware of any such anticipated costs, determines, an applicant or requestor shall be required to deposit with the Village Clerk a sum as a reasonable estimate of those costs, as may be determined from time to time by the Board of Trustees. An applicant or requestor shall only be responsible for the costs that are actually and necessarily incurred by the Village in connection with the application. If the amount of the deposit is insufficient to cover the direct costs incurred by the Village or Building Department, the applicant or requestor shall, at such time as fixed by the Village Clerk, deposit with the Village an amount deemed sufficient to defray all such costs. Upon a determination that a deposit is required or that the then on hand deposit is insufficient, unless emergency or exigent circumstances exist as determined by the Building Department, the Building Department shall not further process the application or request until the required sum is deposited with the Village Clerk. If the amount deposited exceeds the actual costs actually and necessarily incurred by the Village, the unused portion of such deposit shall be returned to the applicant or requestor within 60 days after a certificate of occupancy or completion is issued or the application is withdrawn, whichever occurs first.”

Section two. Any local law, ordinance, or resolution of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence,

paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.