

# **TOWN OF FRANKLIN LOCAL LAW NO. 1 OF THE YEAR 2025**

## **A LOCAL LAW AMENDING ARTICLE IX OF THE TOWN OF FRANKLIN ZONING CODE ENTITLED "ADMINISTRATION"**

Be it enacted by the Town Board of the Town of Franklin as follows:

### **Section 1.     Amendment to Article IX of the Town of Franklin Zoning Code**

Article IX of the Town of Franklin Zoning Code shall hereby be amended by adding a new section entitled "Section 911: Escrow Account: Retention of Expert Assistance and Reimbursement by Applicant" as follows:

#### **SECTION 911.     Escrow Account: Retention of Expert Assistance and Reimbursement by Applicant:**

- A. The Board may hire any consultant and/or expert reasonably necessary to assist the Town in reviewing and evaluating any application for a variance, site plan review, or special use permit.
- B. Upon request of the Town Board, and at the sole discretion of the Town Board, an applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonably necessary costs of consultant and expert evaluation and consultation to the Board in connection with the review of any application for a variance, site plan review, or special use permit in accordance with the applicable provision(s) of the Town of Franklin Zoning Code. These funds shall accompany the filing of an application, upon request by the Town Board, and the Town shall maintain a separate escrow account for all such funds. The Town's consultants/experts shall, in accordance with an agreement between the Town and its consultants or experts, bill or invoice the Town no less frequently than monthly for its services in reviewing the application and performing its duties.

If at any time during the review process:

- 1. Where the applicant is seeking a variance, the escrow account has a balance less than \$250.00, an applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$2,000.00.
- 2. Where the applicant is seeking anything other than a variance, the escrow account has a balance of less than \$1,000.00, an applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$5,000.00.

If, at the conclusion of the review process, the cost of such reasonably necessary consultant/expert services is more than the amount escrowed pursuant hereto, the applicant shall pay the difference to the Town prior to the issuance of any variance, special use permit, an/or site plan approval. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing by the Town's consultants or experts, the difference shall be promptly refunded to the applicant upon receipt of a written request for the same which shall be forwarded to the Town Clerk, Town Attorney, Town Engineer, and any other professional consultant retained by the Town regarding said application.

- C. The total amount of the funds set forth in Subsection B. of this Section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Board or its consultant/expert to complete the necessary review and analysis.

Additional escrow funds, as required and requested by the Town, shall be paid by the applicant. Notice of the hiring of a consultant/expert shall be given to the applicant prior to or immediately following the retention of the same in connection with an applicant's project.

- D. During the Code Enforcement Officer's administrative review as well as review by the Town Board and/or Town Planning Board, the Code Enforcement Officer, Town Board, and/or Planning Board may retain an expert to help determine questions that are reasonably necessary to make a determination on an application for a variance, site plan review, or special use permit. No initial deposit for a consultant or expert is necessary, until and after such time that the Code Enforcement Officer, Town Board, or Planning Board determines that consultants and/or experts are necessary. At such time, the Code Enforcement Officer or Town Board, on behalf of itself or the Planning Board, will set the initial deposit at an amount not to exceed \$7,500. The initial deposit will be maintained as a separate escrow amount. Bills and invoices shall be handled as indicated herein. Depleted escrow accounts shall be replenished as indicated herein, when necessary. As indicated herein, applicant shall pay the difference to the Town of any cost of the consultant/expert services not covered by the escrow monies. Any additional monies in the escrow account shall be refunded to the applicant.

### Section 3. Repealer

All Ordinances, Local Laws, and parts thereof, inconsistent with this Local Law are hereby repealed. All other Ordinances, Local Laws, and parts thereof shall remain in full force and effect.

### Section 4. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

### Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.