

**INCORPORATED VILLAGE OF OLD WESTBURY
BOARD OF TRUSTEES**

LOCAL LAW NO. 12 OF 2016

**REPEALING CHAPTER 103, “FEE AND DEPOSITS”,
ARTICLE I “LAND USE”, SECTION 103-3, “REQUIRED
DEPOSITS, SUBSECTION (F) AND CREATING SECTION
103-7, “FEES ESTABLISHED”, SUBSECTION (D),
“INFRASTRUCTURE IMPROVEMENT FEE”, OF THE
CODE OF THE VILLAGE OF OLD WESTBURY**

WHEREAS, on August 15, 2016 and September 19, 2016, respectively, the Board of Trustees adopted various local laws amending certain sections of Chapter, 216, “Zoning”, Chapter 174, “Site Plan Review”, Chapter 40, “Planning Board”, Chapter 103, “Fees and Deposits” and Chapter 210, Section 210-62, “Fee calculation and collection”; and

WHEREAS, those Local Laws made substantive changes to many provisions of the Village Code regarding fees; and

WHEREAS, consistent with the adoption of those Local Laws, the Board of Trustees finds it is appropriate and in the best interest of the Village, in order to protect the health, safety and welfare of the Village residents, to amend Chapter 210, Article II, “Rules and Regulations”, Section 210-16, “Tapping or connection fee”; and

WHEREAS, the Board further finds that the fee established by this proposed Local Law is intended and appropriate to protect all public improvements in the area of construction throughout the Village, including but not limited to road pavements, curbs, drainage facilities, water facilities and similar public improvements and to provide for the future development of those improvements throughout the Village; and

WHEREAS, this Local Law was introduced by the Board of Trustees on September 19, 2016; and

WHEREAS, on October 17, 2016, the Nassau County Planning Commission issued a local determination letter deferring to the Board to take action as deemed appropriate; and

WHEREAS, the Board finds that this Local Law as a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, this Local Law was the subject of a duly noticed public hearing in accordance with New York State Village Law and the Village Code before the Board on October 17, 2016.

NOW, THEREFORE, BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Old Westbury as follows:

Section 1. Chapter 103, “Fees and Deposits” Article I, “Land Use”, Section 103-3 “Required Deposits”, Subsection (F) of the Village Code of the Incorporated Village of Old Westbury shall be repealed.

Section 2. Chapter 103, “Fees and Deposits” Article I, “Land Use”, Section 103-3 “Required Deposits” of the Village Code of the Village of Old Westbury shall otherwise remain in full force and effect.

Section 3. Chapter 103, “Fees and Deposits” Article I, “Land Use”, Section 103-7, “Fees, Established”, Subsection (D) of the Village Code of the Incorporated Village of Old Westbury shall be created as follows:

D. Infrastructure improvement fee. Upon any application for a building permit, in order to defray the costs for the Village to protect all public improvements in the area of construction, including but not limited to road pavements, curbs, drainage facilities, water facilities and similar public improvements and to provide for the future development of those improvements, the application shall pay the following fee: (i) for construction of a new residence \$3,500; (ii) for construction of an alteration to an existing residence \$1,750; (iii) for all other residential construction \$1,200; and (iv) for all non-residential construction \$7,000.

(1) In the event that any public improvements are damaged during the course of construction in connection with the building permit that has been issued, the Village shall request that the owner repair the damage in a good and workmanlike manner, meeting all Village standards. In the event that the owner of the property does not repair the public improvements as aforesaid, the Village may make the necessary repairs and charge these costs to the property owner, provided that the Village notifies the property owner of its intention to make the repairs and the property owner does not make them himself within 10 days after said notice has been mailed or otherwise conveyed to the owner. In the event the property owner does not reimburse the Village for the necessary repairs, those costs shall constitute a lien and charge against that realty involved and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes.

Section 4. Chapter 103, “Fees and Deposits” Article I, “Land Use”, Section 103-7, “Fees, Established” of the Village Code of the Village of Old Westbury shall otherwise remain in full force and effect.

Section 5. Severability. If a court determines that any clause, sentence, paragraph subdivision, or part of this local law or the application thereof to any person, firm or corporation or circumstance is invalid or unconstitutional, the Court’s order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

On motion made by Trustee Novick, seconded by Trustee Baker, the foregoing Local Law was enacted upon the following vote:

Fred J. Carillo, Mayor	-	Absent
Marina Chimerine, Deputy Mayor	-	Aye
Cory Baker, Trustee	-	Aye
Leslie Fastenberg, Trustee	-	Aye
Edward Novick, Trustee	-	Aye

Dated: Old Westbury, New York
October 17, 2016

Filed: Old Westbury, New York
October 18, 2016