

**Town of Lancaster**  
**Local Law No. 8 of 2022**

**A Local Law repealing the current and enacting a revised Chapter 258 of the Town of Lancaster Town Code, in its entirety to comply with New York State Standards.**

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

**Section 1:** Chapter 258. Permit and Application Fees, of the Town of Lancaster Town Code is hereby deleted in its entirety.

**Section 2:** The Town of Lancaster Town Code is hereby amended to add revised Chapter 258. Permits and Application Fees, to the Code, in order to comply with New York State requirements, which will read in its entirety as follows:

## **Chapter 258. Permit and Application Fees**

### **Article I. General Fees**

#### **§ 258-1 Repealer; amendment.**

The Permit and Application Fees Ordinance heretofore adopted by the Town Board of the Town of Lancaster on October 28, 1958 and known as Chapter 30 of the Code of the Town of Lancaster, is hereby repealed, and the Zoning Ordinance[1] and other ordinances of the Town of Lancaster are hereby amended so as to provide fees for applications and permits. All such fees shall be payable to the Town Clerk at the Town of Lancaster Town Hall.

[1] Editor's Note: See Ch. 400, Zoning.

#### **§ 258-2 Building permits required.**

Before any person shall erect, construct, alter, move, demolish or commence to erect, construct, alter, move or demolish any building or structure within the Town of Lancaster exclusive of the villages therein, such person shall first apply for and obtain a building permit from the Building Inspector upon the prescribed form.

- A. Work started without a permit will be assessed a fee of \$200.00 minimum or up to 50% of a permit fee.
- B. Where a permit is acquired for the erection of a building for one purpose and it is to be used for a different purpose after it is constructed, approval must be obtained from the Town Board and recorded via resolution which will then direct the Code Enforcement Officer as to issuance or rejection of the Certificate of Occupancy.

#### **§ 258-3 Building permit fees for residential construction.**

- A. One-family dwelling: \$125.
- B. Multiple dwelling: \$125 per unit. Includes two or more dwelling units, townhouses, condominiums, and apartment buildings.
- C. Truss-type construction for new buildings or additions to buildings where additional floor space is added: a fee of \$50, plus the cost of the required sign to be placed on premises identifying this type of construction.

## § 258-4 Building permit fees for nonresidential construction.

- A. New commercial construction: \$0.40 per square foot.
- B. Renovation of existing commercial: \$0.25 per square foot.
- C. Communication towers.
  - (1) Communication towers: a fee of \$5,000 for a tower up to 150 feet; and for height exceeding 150 feet, an additional cost of \$100 per foot so exceeding 150 feet.
  - (2) Additions to communication towers or communication antennas for commercial use added to an existing building or structure: a fee of \$2,000.
  - (3) Co-location of communication arrays or antennas on an existing tower or structure: a fee of \$2,000, except on those towers situated on Town-owned property from which the Town derives a co-location fee.
  - (4) Alterations and modification to existing, Co-location systems: \$40 plus \$5, for each \$1,000, thereof
- D. Truss-type construction for new buildings or additions to buildings where additional floor space is added: a fee of \$50, plus the cost of the required sign to be placed on premises identifying this type of construction.

[1]Editor's Note: This local law also provided that from its effective date, the specific fees established in Chapter 258 of the Town of Lancaster Town Code may be amended by resolution of the Town Board, after a public hearing, adopting a schedule of fees, and that said schedule may be adopted as part of the budget process, in which case any public notice as to the budget and public hearing thereon shall also include any changes in the schedule of fees.

## § 258-5 Repairs, alterations, additions and private accessory structures.

- A. Existing residential dwelling: \$40, plus \$0.25 per square foot.
- B. Garage, porch, deck: \$40, plus \$0.15 per square foot.
- C. Fences: \$40, plus \$0.10 per linear foot.
- D. Sheds: \$40.
- E. Antennas and radio tower: \$40, plus \$0.10 per linear foot.
- F. Television dishes three feet wide or greater: \$40.  
[Amended 11-15-2010 by L.L. No. 2-2010]
- G. Wood stoves and fireplaces: \$40.
- H. Pools:
  - (1) Inground and Above Ground Pools or Spas- \$25, plus \$6 per \$1,000.
  - (2) Temporary/Storable Pools- \$25

I. Miscellaneous:

<u>Value</u>	<u>Fee</u>
Up to \$100	\$25
\$101 to \$500	\$35
\$501 to \$1,000	\$40
For each \$1,000 or part thereof	\$5

§ 258-6 Certificate of occupancy.

Fees for certificates of occupancy shall be as follows:

A. Change in use & New building.

<u>Value</u>	<u>Fee</u>
Up to \$10,000	\$25
\$10,001 to \$20,000	\$35
\$20,001 to \$50,000	\$40

§ 258-7 Signs.

Fees for signs shall be as follows:

A. Portable ground sign: \$35.

B. All other signs:

<u>Total Face Area</u>	<u>Fee</u>
Up to 25 square feet	\$40
Over 25 square feet	\$40, plus \$0.50 for each additional square foot

§ 258-8 Liquid containers.

Fees for liquid containers shall be as follows:

<u>Capacity (gallons)</u>	<u>Fee</u>
Up to 1,000	\$50
1,000 to 6,000	\$100
6,000 to 12,000	\$150
Excess of 12,000	\$150 plus \$6 per 1,000 gallons thereof

§ 258-9 Moving buildings.

The fees for moving buildings shall be as follows:

A. From one location to another within the Town: \$300:

B. From one location to another without crossing a public thoroughfare: \$25.

C. Crossing public thoroughfare: a surety bond in an amount to be approved by the Town Attorney.

§ 258-10 Gas stations.

The fee for gasoline or fuel oil pumps shall be \$100, plus \$25 per pump.

§ 258-11 Private gas pump.

The fee for a private gas pump shall be \$50.

§ 258-12 Miscellaneous buildings and structures.

The fee for a building permit required for miscellaneous buildings and structures, including but not limited to conveyors, stone crushers, gravel washers, barns or other buildings, shall be \$150.

§ 258-13 Demolition of buildings.

The fee to demolish, wreck or destroy any building or structure shall be as follows:

<u>Cost of Demolition</u>	<u>Fee</u>
Up to \$1,000	\$40
\$1,001 to \$5,000	\$60
\$5,001 or more thereof	\$80 plus \$25, for each \$1,000, thereof

§ 258-14 Zoning Board of Appeals fees.

Zoning Board of Appeals fees:

A. Fees for use and area variances, zoning interpretations, or administrative appeals are set forth as follows:

<u>Type</u>	<u>Residential</u>	<u>Nonresidential</u>
Use variance (single)	\$150	\$225
Area variance (single)	\$150	\$225
Area variance (each additional)	\$12 each	\$12 each
Interpretation	\$150	\$225
Other (administrative appeal)	\$150	\$225

A temporary revocable permit as described in Chapter 400, Zoning, § 400-64D of the Code of the Town of Lancaster: \$100.

§ 258-15 Application for rezoning.

A. The application fees for a rezoning application to the Town Board are as follows:

<u>Type</u>	<u>New Zone: Residential</u>	<u>New Zone: Nonresidential</u>
Base Fee	\$550	\$750
For each acre of the lot size	\$25 per acre	\$45 per acre

B. Required mailings.

In connection with an application for rezoning, the applicant shall, under the direction of the Town Clerk, mail notice, including a copy of the entire rezoning application package, to all property owners within 200 feet of the perimeter of the area proposed to be rezoned. The applicant shall directly pay all costs associated with these mailings. The applicant is required to complete and file an affidavit with the Town Clerk stating that the required mailings were completed in accordance with this subsection.

§ 258-16 Special use permit application.

A. The application fees for special-use permit under Chapter 400, Zoning, of the Code of the Town of Lancaster are as follows:

- (1) Residential: \$350.
- (2) Nonresidential: \$650.

B. The application fee for an application for a special use permit under Chapter 163, Excavations, of the Code of the Town of Lancaster shall be \$5,000.

§ 258-17 Application for approval of subdivision.

Application fees for subdivision approvals:

A. Application fees for the submittal and review of the sketch plan are as follows:

- (1) Base fee: \$550.
- (2) For each lot: \$50.

B. Application fees for the submittal and review of the preliminary plat, or amendment of approved preliminary plats, are as follows:

- (1) Base fee: \$550.
- (2) For each lot: \$50.

C. Application fees for the submittal and review of the final plat or amendment of approved final plats, are as follows:

- (1) Base fee: \$225.
- (2) For each lot: \$25.

D. Application fees for the creation of additional lots, where a plat is not being amended: \$100 per lot.

E. Engineering fee: for subdivisions up to four lots: \$500; all other subdivisions: \$750.

## § 258-18 Plumbing work.

A. For each plan filed for a one- or two-family dwelling, the fee shall be as follows:

- (1) One full bathroom: \$15.
- (2) Half bathroom: \$7.50.
- (3) Laundry room or laundry setup: \$7.50.

B. For each plan filed for other structures the fee shall be: \$25, plus the following:

<u>Number of Fixtures</u>	<u>Additional Fee</u>
First 100	\$2.00
Second 100	\$1.50
Third 100	\$1.00
Fourth 100	\$0.50
Over 400	\$0.50

## § 258-19 Hot-water heaters and conductors.

In addition thereto, all applications shall include the following fees:

- A. For each outside conductor: \$1.
- B. For each inside conductor: \$2.
- C. For hot-water heaters under 100 gallons: \$2.
- D. For hot-water heaters over 100 gallons: \$6.
- E. For each reinspection: \$25.

## § 258-20 Public improvement permits; private improvement permits.

A. **Definitions.** The following terms, when used in this section, shall have the meanings herein stated:

### **PRIVATE IMPROVEMENT**

The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights, which improvements are not dedicated to the Town but remain in private ownership, shall be considered private improvements.

### **PUBLIC IMPROVEMENT**

The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights, which improvements are dedicated to the Town, shall be considered public improvements.

B. Public and private improvement fees shall be as follows:

[Amended 11-15-2010 by L.L. No. 2-2010]

- (1) The permit fee, due upon application, shall be \$500.

(2) Inspection fees for public and private improvement permits shall be in sum equal to 8% of the estimated cost of construction.

[Amended 5-6-2019 by L.L. No. 2-2019]

(3) The application for both public and private improvement permits shall contain a statement by the applicant of the estimated cost of construction, together with an explanation of how this figure is derived. Final determination of estimated cost of construction shall be determined by the Town of Lancaster upon review of the application with proposed plans.

(4) In the event that the actual inspection cost exceeds the 8% collected, the applicant will reimburse the Town for the actual cost of the inspection. Any remaining funds above the actual costs of the Town's inspection shall be returned to the applicant.[1]

[1]Editor's Note: Original Subsection C, Private improvement permit fees, which immediately followed this subsection, was repealed 6-1-2015 by L.L. No. 7-2015.

### § 258-21 Reinspection.

The fee for each reinspection or certificate of occupancy for existing structures shall be \$50.

### § 258-22 Operational permit for seasonal use.

The fee for an operational permit for seasonal use (Christmas trees, etc.) shall be \$40.

### § 258-23 Plumbing fee.

The minimum fee for plumbing shall be:

A. On one application for single-family residence dwelling: \$40.

B. On one application for a two-family or multiple dwelling: \$25 per unit, plus an additional fee for all re-inspections exceeding three.

### § 258-24 Payment of fees to Clerk.

All permit fees are to be paid to the Town Clerk at the time of filing the application for the permit.

### § 258-25 Recreation filing fee.

A. A recreation filing fee shall be paid by the building permit applicant with each residential building permit application, or, in the alternative, at the option of the Town Board, upon the recommendation of the Planning Board, the Town may accept a contribution of land by a subdivision applicant or developer for future development of recreation area, provided that such use will conform generally to the recreational master plan of the Town of Lancaster.

B. The fee schedule where the Town imposes a recreation filing is as follows:

(1) Single-family dwelling: \$1,250 per lot.

(2) Multiple dwelling: \$1,250 for each dwelling unit.

## § 258-26 Tree reforestation fee.

A tree reforestation fee shall be paid into the Tree Restoration Fee Trust Fund by the building permit applicant with each residential or commercial building permit application as follows:

A. Single-family dwelling: \$250 per lot.

B. Multiple dwelling, townhouse, condominium, apartment:

(1) On a dedicated road: \$150 for the first dwelling, plus \$75 for each additional dwelling unit.

(2) On a private road: \$300 per acre or part thereof.

C. Hotels and motels: \$300 per acre or part thereof.

D. Commercial and industrial building: \$300 per acre or part thereof.

## § 258-27 Establishment of improvement values.

The establishment of improvement values shall be as follows:

A. For determining the fee for a certificate of occupancy:

(1) Renovation of existing commercial: \$70 per square foot.

(2) New commercial construction: \$100 per square foot.

(3) Renovation of existing dwelling: \$75 per square foot.

(4) New dwelling construction: \$130 per square foot.

(5) Garages and porches: \$20 per square foot.

B. New commercial construction: \$70 per square foot.

C. Renovation of existing dwelling: \$25 per square foot.

D. New dwelling construction: \$50 per square foot.

E. Garages and porches: \$15 per square foot.

## § 258-28 Severability.

If any section, paragraph, subdivision, clause, phrase or provision of this article shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this article as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

## § 258-29 Conflicting provisions; higher standards to prevail.

Where this article imposes greater restrictions or requires higher standards than any law, ordinance, regulation or private agreement, this article shall control. Where greater restrictions or higher standards are imposed by any law, ordinance, regulation or private agreement, such greater restrictions and higher standards shall control.



## § 258-30 Penalties for offenses.

A. For each and every willful violation of the provisions of this article, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and if such persons cannot be found with due diligence by the officials of this Town, then the lessee or tenant of the premises where such violations have been committed or shall exist shall be guilty of an offense, punishable by a fine of not more than \$250 or imprisonment of 10 days, or both. Such fines shall be levied and collected as like fines are now by law collected.

B. A second conviction under any of the provisions of this article shall, in addition, subject the violator to cancellation of any licenses or permits under this specific ordinance now in existence issued to such person, firm or corporation by the Town of Lancaster.

## § 258-31 Public notice fee.

A. The fee for publication of legal notice in an official newspaper is \$50.

B. Re-advertisement fee: \$50. The applicant's request for postponement may require a re-advertisement fee.

## § 258-32 Transcript fee.

For any proceeding before a Town body for which a transcript is prepared by other than Town staff, the applicant shall pay all costs of transcription and shall provide the Town with a copy of the transcript.

## § 258-33 State Environmental Quality Review Act fees.

The Town is subject to the State Environmental Quality Review Act:[1] In addition to any other fees imposed by this section, to cover professional expenses in reviewing submittals, any application for a non-Type II activity shall, in addition to any other fees imposed, include the following State Environmental Quality Review Act Review fees.

A. Review fee for a short-form EAF: \$100.

B. Review fee for a long-form EAF: \$250.

C. Applications may require the lead agency to engage professional services as part of the review process. Such services may include an engineer, planning consultant or other specialist necessary for the agency to make an informed decision. Expenses incurred by the Town for this purpose shall be fair and reasonable and shall be reimbursed to the Town by the applicant in the amount of the actual expense incurred. An escrow account shall be established for this purpose by the applicant in an amount suggested by the reviewing board, if it determines that such services are required. Should the required escrow be depleted before final approval, the applicant will be advised that additional monies must be deposited before review will continue.

[1]Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

§ 258-34 Miscellaneous fees.

- A. Construction trailer fee: \$100.
- B. Temporary certificates of occupancy or other interim certificates (Fee is due in addition to fees for final certificate.): \$25.
- C. Reinspection fees: \$50.
- D. Zoning confirmation letters: \$50.

§ 258-35 Site plan review fee.

A. **Definitions.** For the purpose of this article, certain terms are defined as follows:

**DEVELOPMENT AREA**

An area of land permitted by this article to be developed by a single owner or group of owners acting jointly, which may consist of a parcel or assembled parcels planned and developed as an entity.

**SITE PLAN**

- (1) Any site development plan for residential developments that contain three or more single-family dwellings in a planned cluster development, other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster.
- (2) Any site development for residential developments that contain three or more multifamily dwelling units.
- (3) Any site development plan for apartment houses, townhouse units, condominium units or commercial, industrial, recreational, religious or institutional developments.

B. A site plan review fee is required. Where an application is made to the Town of Lancaster to review or amend a site plan as required by Chapter 400, Zoning, of the Code of the Town of Lancaster, the following site plan review fees shall be imposed as part of the review process:

<u>Area (Acres)</u>	<u>Fee</u>
0 to 1	\$600
Greater than 1	\$600 plus \$175 for each additional acre or fraction thereof

§ 258-36 Stormwater pollution prevention plan review and inspection fee.

A stormwater pollution prevention plan review and inspection fee shall be paid by the applicant for the review of the stormwater pollution prevention plan (SWPPP), the review of any subsequent revisions to a SWPPP, and all inspections of development activities/sites associated with enforcing/overseeing implementation of the SWPPP as follows:

A. For single-phase residential and commercial development projects (Scheme A):

<u>Area Acres</u>	<u>Fee</u>
0 to 5	\$500
5 to 10	\$850

Greater than 10 \$850 plus \$300 for each additional 5 acres (or a fraction thereof) over 10

B. For multiphase residential and commercial development projects (Scheme B):

(1) When the entire project is first being reviewed and approved by the municipality, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.

(2) Add \$500 for each subsequent phase after the first initial phase, to be collected at the beginning of each subsequent phase.

### § 258-37. Severability

Should a court determine 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 unconstitutional or invalid, such court order or judgement 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, firm, corporation, or circumstance, directly involved in the controversy in which such order or judgement shall be rendered.

### § 258-38. Effective Date.

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.