

LEGAL NOTICE

PLEASE TAKE NOTICE, that the Board of Trustees will hold a public hearing on Monday, December 5th, 2011 at 8:00pm, or as soon as possible thereafter, at the Village Hall, 494 Willis Avenue, Williston Park, NY, for the purpose of considering the adoption of proposed Williston Park Local Law 8 entitled "Local Law Amending repealing and reenacting Chapter 93 and Section 230-18 of the Village Code. The proposed Local Law would provide the changing of Chapter 93 to authorize the Village Board of Trustees to set fees for Village Permits by Resolution.

Copies of said Local Law are available for review at the Village Hall during normal business hours.

**Julie Kain
Village Clerk/Treasurer**

**Dated: November 21, 2011
Williston Park, NY 11596**

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Williston Park
Village

Local Law No. 8 of the year 2011

“Local Law Amending repealing and reenacting Chapter 93 and
Section 230-18 of the Village Code.”

(Insert Title)

Be it enacted by the _____ Board of Trustees of the _____
(Name of Legislative Body)

County
City
Town of Williston Park
Village

Section One. Section 230-18 is hereby repealed and reenacted as follows:

§ 230-18. Fee.

A. On all applications to the Board of Appeals and the Board of Trustees, except a request for a variance relating to a single-family residential use, the renewal of a variance or permit relating to a single-family residential use or a request for a temporary structure permit, the applicant shall be liable to the Village Board and shall pay the following costs which may be incurred by the Village in processing the application:

- (1) Advertising.
- (2) Stenographic minutes of meetings.
- (3) Engineering costs.
- (4) Inspection costs.

(5) Legal fees.

(6) Recording fees.

[note: see Synagogue v. Roslyn Harbor, 40 N.Y.2d 158 as to limitations on these fees.]

B. Filing fees for applications under Chapter 230 to the Board of Appeals or the Board of Trustees shall be set from time to time by resolution of the Board of Trustees.

C. In addition to the filing fees for applications under Chapter 230 to the Board of Appeals or to the Board of Trustees, the Board of Trustees shall from time to time by resolution establish and require deposits to be paid by applicants to these Boards to cover the costs that they are obligated to pay.

D. Additional deposits; refunds.

(1) Additional deposit. In the event that the amount of deposit required for an application under Chapter 230 is insufficient to cover the costs as set forth in subsection A of this local law, then the applicant shall, at such time as may be fixed by the applicable board or administrative official, as the case may be, deposit with the Village an amount sufficient to defray the additional costs.

(2) Refund of unused deposit. In the event that the amount of the deposit shall exceed said cost at the conclusion of the particular application, the unused portion of the deposit shall be returned to the applicant, provided that the applicant shall, within six months thereof, file with the Village Clerk a written demand for such refund. All unclaimed deposits shall become the property of the Village after a six-month period.

Section 2. Section 230-14.1(Q) is hereby amended to read as follows:

(Q) Fees and Costs. Fees and deposits for a special use permit for a telecommunications facility shall be set from time to time by resolution of the Village Board.

Section 3. Chapter 93 of the Village Code is hereby repealed and reenacted as follows:

Chapter 93

Fees.

Section 93-1. Payment Required Before Action Can Be Taken.

No action shall be taken by any village board or by any village official on any application under any provision of the Village Code unless and until all fees and deposits required for such application by the Village Code shall have been paid.

Section 93-2. Amount of Fees.

Unless otherwise provided in any Section of the Village Code, fees and deposits for any application, permit, license or other permission from the Village shall be set from time to time by resolution of the Village Board of Trustees.

Section 4. This local law will be effective immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2011 of the Village of Williston Park was duly passed by the Board of Trustees on _____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or re-passage after disapproval by the Elective Chief Executive Officer.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the

(Name of Legislative body)
on _____ 20____, and was (approved)(not approved) (re-passed after disapproval) by the _____ and was deemed duly (Elective Chief Executive Officer¹) adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____ and was (approved)(not approved) (re-passed after disapproval) by the _____ on _____ 20____.

(Elective Chief Executive Officer¹)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____

(Name of Legislative Body)
on _____ 20____, and was (approved)(not approved) (re-passed after disapproval) by the _____ (Elective Chief Executive Officer¹) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

1 Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a

majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Incorporated Village of Williston Park

Date: _____

(Seal)