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Chapter 63

Fees

[HISTORY: Adopted by the Town Board of the Town of Wilton 11-17-1997; amended in its entirety 6-2-2016. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction administration — See Ch. 43.

Subdivision of land — See Ch. 109.

Zoning — See Ch. 129.

§ 63-1 Residential building permit.

The rate for residential building permits shall be \$0.20 per square foot of floor area; a minimum fee of \$50 shall be required. Floor area shall include any basement, carport, garage and canopies but shall not include a cellar, subcellar or nonhabitable attic. Floor area shall be based on the outside dimensions of the building. Renewal of all residential buildings permits shall be \$100.

§ 63-2 Nonresidential building permit.

The rate for nonresidential building permits shall be \$0.30 per square foot of floor area; a minimum fee of \$150 shall be required. Square footage shall include any basement, cellar, subcellar and canopies, decks, patios, etc., but shall not include a crawl space. Square footage shall be based on the outside dimensions of a building, not living space. Fees will not be reimbursed after application approval.

§ 63-3 Subdivision review. [Amended 11-2-2023]

A. The fee for subdivision review shall be as follows:

(1) Application. (Note: The application fees are designed to cover secretarial and executive costs incurred by the Town of Wilton; these fees do not cover any engineering review costs.)

(a) Conceptual/preliminary: \$30 per living unit; minimum fee of \$500 as per proposed plan. This application fee shall be due at the time of application.

(b) Final: After final subdivision plan approval, but prior to submission of the final subdivision plan for signature, a fee of \$200 per living unit is due.

(2) Review fees shall be based on the number of living units as follows:

(a) In-house Town review fee (when Town is primary reviewer) due at concept submission:

Number of units	Fee Amount
1 to 49	\$175 per living unit
50 or more	\$120 per living unit or a minimum of \$6,000

- [1] The total review fee is due at conceptual submission.
- (b) When outside consultant is primary reviewer:
 - [1] In-house Town administrative fee: \$2,000
 - [2] Outside consultant review escrow: Prevailing rates shall apply. An escrow account shall be established for the fees of an outside consultant.
- B. Park and recreation: \$1,200 per new living unit, due at the time final approval is obtained.
- C. If the Planning Board determines that additional and/or special review is required, it may, at its discretion, call in an independent engineering firm and/or special consultants. The costs of these services shall be borne by the owner/developer.
- D. Payment of all fees shall be made prior to the signing of any Mylars by the Town of Wilton.
- E. All engineering fees incurred for projects that are withdrawn by the applicant or disapproved by the Board shall be payable by the applicant at the time of withdrawal or disapproval. Projects that are dormant for over one year shall be reviewed and engineering review fees assessed for those projects.
- F. This section pertains to all approved subdivisions, whether residential, commercial or industrial. In the case of commercial or industrial subdivisions, fees shall be based on a per lot unit basis rather than per living unit and no park and recreation fees shall be due.
- G. Additional fees for projects under the jurisdiction of the Wilton Water and Sewer Authority shall apply.
- H. Pursuant to NY Town Law Art. 16, § 276, failure to file final plat with the County Clerk within 62 days from signature of the Planning Board Officer on Mylars constitutes expiration of subdivision approval. If approval expires, the subdivision plans must be resubmitted and all fees shall be reassessed by the Planning Department.
- I. When adding a building lot, charge all subdivision fees. When merging two lots into one or adjusting a lot line, charge a minimum fee of \$300.
- J. See also § 63-14, Traffic mitigation fees, and § 63-15, Inspection fees.

§ 63-4 **Nonresidential site plan review. [Amended 11-2-2023]**

- A. The fee for nonresidential site plan review shall be as follows:
 - (1) Application. (Note: The application fees are designed to cover secretarial and executive costs incurred by the Town of Wilton; these fees do not cover any engineering review costs.)

Area

(building footprint per floor)

(square feet)

Fee

0 to 9,999

\$750

10,000 and over

\$0.08 per square foot

- (a) The total application fee is due at the site plan application/conceptual submission stage.

(2) Review fees:

(a) In-house Town review, when Town is primary reviewer. (The Town reserves the right to adjust in-house Town review fee for cases involving renovations, amended site plans or other unusual circumstances.)

Area

(building footprint per floor)

(square feet)

Fee Amount

0 to 4,999

\$1,250

5,000 to 29,999

\$0.25 per square foot or a minimum of \$1,500

30,000 and over

\$0.10 per square foot or a minimum of \$7,500

[1] For minor or amended site plan, see § **129-147**.

(b) When outside consultant is primary reviewer:

[1] In-house Town administrative/review fee. (The Town reserves the right to adjust in-house Town administrative/review fee for cases involving renovations, amended site plans or other unusual circumstances.): \$2,000

[2] Outside consultant review escrow: Prevailing rates shall apply. An escrow account shall be established for the fees of an outside consultant.

(3) For 2 or more preliminary reviews and/or presentation before the Board there can be a review fee assessed at \$250 for each review at the discretion of the Planning Board.

B. If the Planning Board determines that additional and/or special review is required, it may, at its discretion, call in an independent engineering firm and/or special consultants. The costs of these services shall be borne by the owner/developer.

C. Payment of all fees shall be made prior to the signing of any Mylars by the Town of Wilton.

D. All engineering fees incurred for projects that are withdrawn by the applicant or disapproved by the Board shall be payable by the applicant at the time of withdrawal or disapproval.

E. Projects that are dormant for over one year shall be reviewed and engineering review fees assessed for those projects.

F. There are no park and recreation fees.

G. Additional fees for projects under the jurisdiction of the Wilton Water and Sewer Authority shall apply.

H. See also § **63-14**, Traffic mitigation fees, and § **63-15**, Inspection fees.

§ 63-5 Planned development or cluster development site plan review.

A. The fee for PUD or cluster development site plan review shall be as follows:

- (1) Application. The sum of the subdivision and/or commercial and industrial application fees. If encompassing residential and commercial development, the sum of the two, calculated separately, shall apply. (NOTE: The application fees are designed to cover secretarial and executive costs incurred by the Town of Wilton; these fees do not cover any engineering review costs.)
 - (2) Review fees: the sum of the subdivision and/or commercial and industrial review fees. If encompassing residential and commercial development, the sum of the two, calculated separately, shall apply.
 - (3) Minor amendment to a PUD shall be \$500. The review fee for an engineer and/or attorney shall be assessed and all cost borne by the owner/developer.
- B. Payment of all fees shall be made prior to the signing of any Mylars by the Town of Wilton.
 - C. Park and recreation: \$750 per new living unit, due at the time final approval is obtained.
 - D. Additional fees for projects under the jurisdiction of the Wilton Water and Sewer Authority shall apply.
 - E. See also § **63-14**, Traffic mitigation fees, and § **63-15**, Inspection fees.

§ 63-6 Senior living communities. [Amended 11-2-2023]

- A. The fee for senior living communities site plan review shall be as follows:
 - (1) Application. (NOTE: The application fees are designed to cover secretarial and executive costs incurred by the Town of Wilton; these fees do not cover any engineering review costs.)
 - (a) Conceptual/preliminary: \$30 per living unit; minimum fee of \$500 as per proposed plan. This application fee shall be due at the time of application.
 - (b) Final: After final site plan approval, but prior to submission of the final site plan for signature, a fee of \$200 per living unit is due.
 - (2) Review fees shall be based on the number of living units as per the subdivision review fee schedule in § **63-3**.
- B. Park and recreation: \$750 per living unit, due at the time final approval is obtained; assisted-living facilities: \$250 per living unit.
- C. If the Planning Board determines that additional and/or special review is required, it may, at its discretion, call in an independent engineering firm and/or special consultants. The costs of these services shall be borne by the owner/developer.
- D. Payment of all fees shall be made prior to the signing of any Mylars by the Town of Wilton.
- E. All engineering fees incurred for projects that are withdrawn by the applicant or disapproved by the Board shall be payable by the applicant at the time of withdrawal or disapproval.
- F. Projects that are dormant for over a year shall be reviewed and engineering fees assessed for those projects.
- G. Additional fees for projects under the jurisdiction of the Wilton Water and Sewer Authority shall apply.
- H. See also § **63-14**, Traffic mitigation fees, and § **63-15**, Inspection fees.

§ 63-7 Payment procedure.

- A. The schedule of fees is based on a per-unit basis which shall be paid by the developer in payments at the

following set rates.

- (1) One hundred percent of the total review fee (includes fees and/or escrow amounts, to be paid with separate checks) shall be paid to the Town of Wilton Planning Board at the time of submission of the conceptual site/subdivision plan.
 - (2) The preliminary submission shall not be accepted by the Town unless 100% of the total review fee has been paid. If the Town is the primary reviewer, the Town review fee (from the appropriate fee schedule) shall be due. If an outside consultant is the primary reviewer, the Town review fee and consultant escrow amount shall be due. All of the fees collected by the Town of Wilton shall be retained by the Town to help defray the cost of the Town's in-house review.
- B. All escrow amounts collected by the Town of Wilton shall be placed in an escrow account. The Town shall be authorized to pay the costs for reviews from the money on deposit in the account in order for the Town to defray the cost of the review services. Upon completion of the approval process, should monies remain in the escrow account, following the outside consultant's final billing for the project, they shall be returned to the owner/developer. If monies on deposit prove to be insufficient for the review (including any SEQRA review), the owner/developer shall deposit monies in an amount sufficient to cover the additional review costs as may be required. If the Town is the primary reviewer and determines that additional review by an outside consultant is required, these additional costs for outside consultant review shall be borne by the owner/developer. The estimated fee for this additional review shall promptly be escrowed by the developer with the Town prior to the additional review taking place. The Town review fees shall not decrease as a result of these additional costs borne by the owner/developer.

§ 63-8 Soil and woodland conservation. [Amended 11-2-2023]

- A. Application fee: \$250.
- B. Review fee: \$300.
- (1) Projects under one acre shall not require a review fee because this size project does not have to appear before the Town Planning Board.
 - (2) If the applicant has already obtained a subdivision or preliminary approval, both the application fee and the review fee shall be waived.
 - (3) This review fee is a lump sum amount which is paid to the Town at the time of application.
 - (4) If the Town requires the assistance of an outside consultant, the cost incurred for such services shall be paid by the applicant. The outside consultant's estimated fee shall be escrowed with the Town at the time of application.

§ 63-9 SEQRA review; environmental impact statements.

The Town of Wilton reserves the right to set up an escrow account for a given project when it has received a positive declaration according to SEQRA. Due to the direct relationship between the cost of preparing an environmental impact statement (EIS) and the specific characteristics of the lands to be used, a set price per unit cannot be estimated. When a large project is submitted to the Town and receives a positive declaration, the Town shall estimate the cost of review and supply this information to the applicant. Upon completion of the EIS, should monies remain in the account following the Town Engineer's and/or Town Attorney's final billing for the project, they shall be returned to the applicant/developer. If monies on deposit prove to be insufficient for the EIS, the applicant/developer shall deposit monies in an amount sufficient to cover the additional costs as may be required.

§ 63-10 Zoning Board of Appeals application.

A. The application fee for Zoning Variance applications to the Zoning Board of Appeals shall be as follows:

(1) Area variance.

(a) Residential: \$50.

(b) Commercial:

[1] Three hundred dollars for projects of an estimated completed value of less than \$300,000.

[2] Five hundred dollars for projects of an estimated completed value of more than \$300,000.

(2) Use variance.

(a) Residential: \$100.

(b) Commercial:

[1] Seven hundred and fifty dollars for projects of an estimated completed value of less than \$300,000.

[2] One thousand two hundred and fifty dollars for projects of an estimated completed value of more than \$300,000.

(3) Signs: \$100. The sign application fee shall be separate from any other application fees to the Zoning Board of Appeals.

B. The application fee for special permit applications to the Zoning Board of Appeals shall be as follows:

(1) Residential: \$50.

(2) Commercial:

(a) Three hundred dollars for projects of an estimated completed value of less than \$300,000.

(b) Five hundred dollars for projects of an estimated completed value of more than \$300,000.

C. The application fee for interpretation applications to the Zoning Board of Appeals shall be \$50.

D. If the Zoning Board determines that additional and/or special review is required, it may, at its discretion, call in an independent engineering firm and/or special consultants. The costs of these services shall be borne by the owner/applicant.

§ 63-11 Zoning change requests.

All expenses incurred to process a zoning change request shall be borne by the party(ies) making the request. Expenses shall include but are not limited to public notifications, environmental assessment form and/or environmental impact statement preparation, SEQRA filing requirements and engineering reviews, if the aforementioned measures are deemed necessary by the Planning Board or Town Board. A minimum fee shall be assessed and shall be payable at the time of application as follows:

A. Rezoning requests for properties with a value of less than \$300,000: \$500.

B. Rezoning requests for properties with a value of more than \$300,000: \$750.

§ 63-12 **Conditional use permits.**

The fee for a conditional use permit shall be \$100.

§ 63-13 **Sign permits.**

The fee for a sign permit shall be \$3 per square foot, with a minimum sign permit fee of \$100.

§ 63-14 **Traffic mitigation fees.**

A. Mitigation fees shall be the primary source of funding for implementation of the required traffic improvements. These fees shall be implemented through State Environmental Quality Review Act (SEQRA) procedures. The use of development mitigation fees allows the Town of Wilton to collect necessary dollars to make improvements related to Town-wide traffic study.

(1) Mitigation fees.

(a) The mitigation fees for each development type are broken down as follows:

Summary of Mitigation Fees

Land Use	Mitigation Fees
Residential (single-family)	\$524 per unit
Residential (apartments)	\$330 per unit
Residential (condominiums/ townhouses)	\$300 per unit
Senior living	\$197 per unit
Assisted-living facilities	\$110 per bedroom
Hotel	\$343 per room
Industrial/Commercial	\$0.50 per square foot
Office	\$0.78 per square foot
Retail	\$1.30 per square foot

**Summary of Mitigation
Fees**

Land Use	Mitigation Fees
Service	\$0.86 per square foot
Self-storage units	\$0.14 per square foot

- (b) For uses not shown above, the Town will use the ITE Trip Generation Manual (most recent edition) to calculate the fee using the appropriate average trip generation rate.
- (2) Classification of a project shall be determined by the Town of Wilton, and the following shall be followed when applicable:
 - (a) When a property is changing a use classification, as defined by the traffic mitigation fees, the traffic mitigation fee shall be based on the square footage of any existing or new structure, along with any approved additions, less the required traffic mitigation fee for the current use, based on existing structures. However, based on these calculations the applicant shall not be entitled to a credit.
 - (b) Fees for structural additions to existing sites shall be based only on the additional square footage. This applies only if the use of the property stays within the same mitigation fee category.
 - (c) When a property is subdivided and an existing residence is located on one of the new parcels created by the subdivision, only one parcel shall be exempt from a traffic mitigation fee and park and recreation fee.
- B. Fee schedule.
 - (1) Residential projects.
 - (a) Total fee shall be due upon final approval, prior to the signing of any Mylar.
 - (b) (Reserved)
 - (c) If a project is to be filed in phases, as approved by the Planning Board, all lots shown on the mylar shall be paid as if the phase was a separate project. For example: if a mylar shows the entire project in four phases the entire project shall be used as the basis of determining the fee payment; however if only one phase of a project is shown on the mylar the number of lots in that phase shall determine the fee payment.
 - (2) Commercial projects. Projects where the fees are based on the square footage of a structure shall be due as follows:
 - (a) Total fee shall be due upon final approval, prior to the signing of any Mylar.

§ 63-15 Inspection fees. [Amended 11-2-2023]

- A. The Town of Wilton inspection fees for residential subdivision projects or other projects involving the construction of roads shall be based on the following fee schedule:

- (1) Town roads: \$3 per linear foot.
 - (2) The Town Engineer and Highway Superintendent can require 100% field inspection by a consultant of the Town's choice, paid for by the developer/owner through a Town escrow account.
- B. For nonresidential or senior living community projects, the fee schedule is as follows:
- (1) Site inspection fee: \$0.20 per gross square foot of building floor area or a minimum fee of \$500.
 - (2) The Town reserves the right to adjust this inspection fee for cases involving very small projects that may require minimal inspection.
- C. In both cases (residential and nonresidential), if off-site improvements are required, an additional fee shall be calculated by the Town for the inspection of these off-site improvements. In cases where the Town requires the use of an outside consultant to perform inspections, the per-linear-foot fee would still be paid to the Town. The Town shall be authorized to pay the consultant from this fee, with any remaining amounts retained by the Town to cover its administrative costs. If the inspection fee proves to be insufficient for the inspection work, the owner/developer shall deposit monies in an amount sufficient to cover the additional inspection costs. These additional monies shall be deposited immediately so that the construction and inspection work may continue. The initial inspection fees shall be fully paid prior to any construction activity taking place on the project.
- D. The Building Department and the Department of Planning and Engineering shall be given a minimum of 24 hours' and preferably 48 hours' notice to schedule inspections. Contractors, who find that work to be inspected is not complete, shall give said Department sufficient notice to reschedule appointments/inspections. The Building Department and the Department of Planning and Engineering may impose a fine on contractors who make appointments for inspections and then do not notify said Department if, for some reason (including work not being completed), the inspection should have been cancelled or postponed. The amount of the fine shall be \$100 per violation and shall be payable, at the discretion of the Department, before additional inspections are made. If outstanding fines have been imposed and remain unpaid, no certificate of occupancy or certificate of compliance shall be issued. All fines are the responsibility of the applicant even if the inspection appointments have been made by subcontractors or other interested parties.
- E. Stormwater maintenance fee. On projects where the Town will take on maintenance responsibilities of stormwater management areas (basins) and/or practices, the applicant is required to pay \$3,000 per stormwater management area or practice prior to final approval. The applicant shall maintain said stormwater management areas and perform required maintenance per NYSDEC stormwater permit standards until the letter of credit expires. Maintenance and required inspections shall be performed per NYSDEC stormwater permit standards until notice of termination is filed.

§ 63-16 Reserved. [Amended 11-2-2023]

§ 63-17 Questions regarding fees.

- A. All questions regarding the amount of fees charged in this chapter shall be addressed to the Wilton Town Board.
- B. Fees will not be reimbursed or altered for revisions after application is made.

§ 63-18 Stormwater management fees. [Added 11-2-2023]

- A. Fees for land development activities. Any applicant submitting a SWPPP to the Town for a land development activity or land disturbance required a NYSDEC SPDES construction permit shall submit a fee to the Town based upon the acreage of the buildable area in accordance with the following schedule:

Acreage of Buildable Area	SWPPP Review Fee
Under 5 acres	\$650
5 to 10 acres	\$1,000
Over 10 acres	\$1,000, plus \$500 for every 5 acres above 10 acres

Acreage of Buildable Area	SWPPP Construction Inspection Fee
Under 5 acres	\$2,750
5 to 10 acres	\$3,750
Over 10 acres	\$6,500

- B. For all land development activities to be completed in multiple phases over time, the applicant, in addition to the fee provided above in Subsection A, shall pay the Town an additional \$500 for each subsequent phase after the first phase of the project, to be paid prior to the start of construction of each subsequent phase.