

Recreation Fees			
<i>Program</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Summer Recreation camp	5 1/2 weeks	4 1/2 weeks	5 1/2 weeks
First child	\$65.00	\$95.00	\$125
Additional Children	\$45.00	\$85.00	\$100
Family Maximum	\$155.00	\$265.00	\$275
Non- resident fee	\$100.00	\$200.00	\$250
Mini day camp			
M-W-F	\$25.00	\$50.00	\$50.00
T-TH	\$20.00	\$40.00	\$40.00
Swimming Program			
Resident Swim Lessons	\$25.00	\$50.00	\$50.00
Non- Resident Swim Lessons	\$50.00	\$100.00	\$100.00
Resident Family Swim Lesson Maximum	\$75.00	\$150.00	\$150.00
Non- Resident Family Swim Lesson Maximum	\$110.00	\$300.00	\$300.00
Resident Individual Passes	\$35.00	\$45.00	\$45.00
Non-Resident Individual Passes	\$50.00	\$70.00	\$70.00
Resident Family Passes	\$75.00	\$135.00	\$135.00
Non-Resident Family Passes	\$105.00	\$210.00	\$210.00
Resident and Non-Resident Toddler Swim	\$20.00	\$30.00	\$30.00
Resident Lap Swim	\$20.00	\$40.00	\$40.00
Non-Resident Lap Swim	\$30.00	\$50.00	\$50.00
Resident Daily Pass Registration	\$5.00	\$7.00	\$7.00
Non-Resident Daily Pass Registration	\$10.00	\$12.00	\$12.00
Day Pass Return Swimmer	\$1.50	\$3.00	\$3.00

RESOLUTION OPPOSSING GOV. CUOMO BUDGET AMENDMENT

Whereas: On February 21, 2020, Governor Cuomo submitted a 30 day budget amendment entitled "Accelerated renewable energy growth and community benefit act" for the purposes of meeting the Governor's goals for renewable energy, and

Whereas: This amendment would establish a new system for permitting and siting renewable projects, setting aside the current "Article 10 Siting Board" process, and

Whereas: Permitting will now be under the jurisdiction of a new entity – Office of Renewable Energy Siting (ORES), and

Whereas: the powers assigned to ORES will totally usurp and diminish local home rule, local zoning codes, local planning and Local Waterfront Revitalization Plans when permitting and siting renewable energy projects, and

Whereas: ORES will now have the power to

- Make available to developers "build – ready" sites
- Develop "uniform permitting standards"
- "coordinate, approve, evaluate, issue, amend, transfer and enforce siting permits"
- Limit the ability of local governments to raise objections to proposed projects
- Direct local appeals to ORES decisions to litigation through the Article 78 process
- Prohibit local governments from requiring any additional approvals or permits

Whereas: By filling this action as a 30 day budget amendment, is ignoring and bypassing the legislative process of formulating policy through public input, public hearings and public debate in favor of a rushed and secretive process, and

Whereas: This amendment represents a blatant attempt to usurp local government's historical and constitutionally power of home rule in the areas of planning, zoning and land use,

Now therefore be it resolved that the Town of Eden does herby go on record strongly opposing this Governor's attempt to dilute and usurp the roles and powers of local governments in New York State, and

Further be it resolved that the Town of Eden Urges State Legislators to oppose this amendment and have it removed from the final budget document and,

Further be it resolved that a copy of this resolution be transmitted to the Governor, Lieutenant Governor, Speaker of the Assembly and Majority Leader of the Senate and Western New York Delegation.

Town of Eden Solar Code Proposed Amendments

The Code Review Committee recommends three amendments to the Solar Code enacted in 2017.

1. and 2. Change Eden's definition of "small" and large Utility-Scale solar systems to match the NYS definition.

The Solar Code provides an easier, faster building permit process for residential or small business property owners who desire solar to produce electricity primarily for their on-site needs. The Code Review Committee selected 12kw per hour as the maximum amount of electricity expected to be needed for "small" solar systems. This was based on the Committee's research of other solar codes, attendance at seminars, etc. The Committee wasn't aware that NYS later would define small systems as those capable of producing up to 25kw per hour.

After Eden's Solar Code was enacted, the Town took advantage of a modest grant in exchange for adoption of the NYS Uniform Application form for "small" solar building permits. The Uniform Application we adopted contains the 25kw per hour NYS definition of a "small" solar system.

Our Solar Code definition of 12kw per hour, as the cap for "small" solar systems (and the corresponding threshold for the large Utility-Scale systems), thus conflicts with the NYS definition.

Amendment 1, attached, would adjust the cap for "small" solar systems, to match the NYS 25kw per hour definition.

Amendment 2, attached, would mirror this, adjusting the threshold for large Utility-Scale systems to 25kw per hour.

The Code Review Committee recommends that the Solar Code be amended as attached, to match the NYS definition of "small" solar that's already in the Uniform Application we use, and to make the conforming change in the definition of Utility-Scale systems.

3. Authorize "small" solar projects to make appeals to, and seek variances from, the ZBA.

The Zoning Board of Appeals has the power to review the interpretation and application of Town laws contained in the Zoning Code, and to grant variances from their strict enforcement.

However, per Town Code section 225-44, our ZBA may only "determine the meaning of . . . the text of this chapter. . ." And it may authorize variances only "from the terms of this chapter. . ." (emphasis added). This chapter is Chapter 225, Zoning.

The Solar Code isn't part of the Zoning Code. It's a separate part of the Town Code, Chapter 172. The Solar Code doesn't provide a mechanism for "small" solar projects to appeal to the ZBA or seek variances. (For example, a property owner might ask for relief from a property set-back rule in the Solar Code.) The Code Review Committee neglected to consider a variance mechanism when drafting the Solar Code; we think it would be useful to authorize ZBA review for "small" solar applicants.

This has been done before. For example, the Flood Damage Prevention rules in the Town Code (Chapter 114) expressly authorize appeals to the ZBA.

The proposed amendment isn't intended to provide a path to the ZBA for large Utility-Scale solar projects.

The Code Review Committee recommends that the Solar Code be amended as attached, to authorize "small" solar project appeals and requests for variances by the ZBA.

PROPOSED AMENDMENTS TO TOWN OF EDEN SOLAR CODE

1. Solar Code section **172-4 A** is hereby amended to replace “12kw of electricity” with “25kw of electricity,” as follows:

A. All solar energy systems capable of producing 25kw of electricity per hour or less are permitted in all zoning districts in the Town.

2. Solar Code section **172-3 DEFINITIONS** is hereby amended to replace “12kw of electricity” with “25kw of electricity,” as follows:

UTILITY-SCALE SOLAR ENERGY SYSTEM – Any solar energy system that is capable of producing greater than 25kw of electricity per hour.

3. Solar Code section **172-5** is hereby amended to add new paragraph G, as follows:

G. For non-Utility Scale Solar Energy Systems, the Zoning Board of Appeals as established by the Town of Eden shall hear and decide appeals and requests for variances from the requirements of this Chapter.

[Amended 7-25-2001 by L.L. No. 6-2001; 11-14-2001 by L.L. No. 8-2001; 12-11-2002 by L.L. No. 10-2002; 6-23-2004 by L.L. No. 4-2004; 9-12-2007 by L.L. No. 2-2007; 8-27-2008 by L.L. No. 2-2008; 12-29-2010 by L.L. No. 1-2011; 2-13-2013 by L.L. No. 1-2013; 1-8-2014 by L.L. No. 1-2014; 2-13-2019 by L.L. No. 1-2019]

The Standard Schedule of Fees shall be as follows:

Any work started for which a permit is required but has not been issued **\$150** \$150 for fence permits. \$500 for all others.

A.

Residential permits.

Type	Fee
Detached 1- and 2-family dwellings	\$100 plus \$0.25 per square foot of construction, including attached garages, porches and decks
All other residential dwellings (apartments)	\$100 plus \$0.20 per square foot of construction, including attached garages, porches and decks
Dwelling addition permit	\$0.25 per square foot of construction Add Minimum \$50
Accessory buildings such as garages, barns and sheds	\$0.25 per square foot of construction Add Minimum \$50
Accessory structures such as decks, porches, TV dishes, home use wind devices, small scale solar (under 25 KW DC output) etc.	\$75
Alterations and repairs	\$50 minimum/\$0.25 per square foot
Demolition	\$50 plus \$100 per 1,000 square feet \$100
Fence	\$50
Fireplace/stove permit	\$50 (included with new dwelling building permit); certificate of compliance required
Swimming pool permit	\$50 aboveground; \$150 in-ground (includes fence permit)
Pond permit	\$250 (includes site plan review)
Certificate of occupancy	No charge with unexpired building permit; \$50 for expired permit or moving in without certificate of occupancy \$100
Temporary certificate of occupancy	\$50

Type	Fee
Certificate of compliance	No charge with unexpired permit (for demolition, fences, swimming pools, etc., and accessory buildings) for expired permit \$100
Mobile home parks	\$10 per mobile home lot for initial license and annual renewal thereafter; \$100 per each new mobile home or replacement
Recreation fees	
Major subdivisions	\$750 per new dwelling unit, payable upon final subdivision approval per the Subdivision Law
Minor subdivisions	\$750 per new dwelling unit, payable upon building permit approval
Duplexes	\$750 per new dwelling unit, payable upon approval of application
Multiple dwellings (conventional and townhouse)	\$750 per new dwelling unit, payable upon approval of application
Cluster development	\$750 per new dwelling unit, payable upon project approval
Mobile home park	\$750 per new mobile home dwelling unit, payable upon project approval

B.

Business/commercial permits.

Type	Fee
Business/commercial	\$100 plus \$0.35 per square foot of construction
Additions	\$0.35 per square foot of construction Add Minimum \$100
Alterations/repairs	\$75 minimum; \$0.35 per square foot
Accessory structures	\$0.30 per square foot of construction Add Minimum \$100
Demolition	\$0.20 per square foot construction \$100
Agricultural structures	\$0.10 per square foot; minimum of \$100
Certificate of occupancy	No charge with unexpired permit; \$50 for expired permit, site plan review or special permit approval \$100
Sign permits	\$75
Operating permits	\$50

Type	Fee
Highway drainage enclosure permit	\$30

C.

Subdivision fees.

(1)

Application and review fees.

Type	Fee
Property splits/ merge application	\$150 \$100

Minor subdivision \$300 (In past we were charging a flat fee of \$250)

Sketch plat \$250

Resubmission fee \$125

Final plat \$500, plus \$20 per lot (includes public hearing fee)

Resubmission fee 1/2 of final plat fee

Major subdivision without public improvements: \$1500

An additional \$5000 to be put in escrow with the town for additional town costs of the project. When escrow is down to \$500 an additional \$2500 will be added to proceed with the project. All unused funds will be returned to the payee.

Sketch plat \$250, plus \$5 per lot

Resubmissions 1/2 of total initial fee

Preliminary plat \$250, plus \$15 per lot

Resubmission 1/2 of total preliminary plat

Final plat \$250, plus \$10 per lot

Resubmission 1/2 of total final plat

Major subdivision with public improvements: \$2000

An additional \$5000 to be put in escrow with the town for additional town costs of the project. When escrow is down to \$500 an additional \$2500 will be

Type	Fee
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added to proceed with the project. All unused funds will be returned to the payee.

Sketch plat \$300, plus \$15 per lot

Resubmission 1/2 of total initial fee

Preliminary plat \$500, plus \$30 per lot

Resubmission 1/2 of total preliminary plat

Final plat \$500, plus \$20 per lot

Resubmission 1/2 of total final plat

(2)

Inspection fee for public improvements. The subdivider (developer) shall pay to the Town, at the time of application for a public improvement permit, a deposit for the inspection of all required public improvements, in accordance with the following schedule:

Construction Cost of Public Improvements	Inspection Fee
\$0 to \$10,000	8% of total construction cost
Over \$10,000 to \$100,000	\$800 plus 6.0% over \$10,000
Over \$100,000	6.0% of total construction cost

(a)

An additional fee of \$50 shall be paid to the Town for administrative services.

(b)

The inspection deposit shall be used to pay the Town's inspector or agent. Funds not used for this purpose shall be returned to the developer upon acceptance of the improvements.

(c)

If the deposited amount is exceeded due to the project not proceeding expeditiously, being understaffed, utilization of inexperienced contractors, or conditions beyond the control of the Town or its agent, then the developer must pay the outstanding inspection fee before the improvements may be accepted.

(d)

The developer should note that additional inspection deposits may be required by outside agencies such as the Erie County Sewer District. The affected agency should be consulted to determine its costs.

D.

Site plan review fees: **The fees under this section can be paid out of the escrow account if established.**

Type	Fee
Site plan waiver fees	\$150
Number of improved acres	
Less than 1 acre	\$250
1 acre to less than 2 acres	\$500
2 acres to less than 3 acres	\$750
3 acres to less than 4 acres	\$1,000
4 acres to less than 5 acres	\$1,500
5 acres to less than 6 acres	\$2,000
Over 6 acres	\$2,500

(1)

Site plan review fees apply to all uses requiring site plan review.

(2)

This review fee includes two submittals and shall be paid at the time of initial submittal. If the plans cannot be approved in the second submittal because they are incomplete or Town specifications are not being followed, 1/2 the review fee will be charged for each subsequent submittal.

(3)

For construction in districts without sewer, a \$0.025 per \$100 of construction value shall be applied.

E.

SEQR fees. **The fees under this section can be paid out of the escrow account if established.**

(1)

SEQR reviews: reimbursement to the Town for any SEQR costs incurred. Estimates will be provided at the time of application.

F.

Stormwater pollution prevention plans and site inspection fees. **The fees under this section can be paid out of the escrow account if established.**

(1)

Single-phase residential and commercial development projects.

(a)

If design is in conformance with New York State Design Manuals:

Number of Acres	SWPPP Design Plan Review Fee	Construction Inspection Fee	Total
Less than 5 acres	\$300	\$500	\$800
5 acres to 10 acres	\$500	\$700	\$1,150
Over 10 acres	\$500 plus \$100 for each additional 5 acres or portion thereof	\$700 plus \$200 for each additional 5 acres or portion there	

(b)

If design is not conformance with New York State Design Manuals:

Number of Acres	SWPPP Design Plan Review Fee	Construction Inspection Fee	Total
Less than 5 acres	\$600	\$500	\$1,100
5 acres to 10 acres	\$750	\$700	\$1,450
Over 10 acres	\$750 plus \$100 for each additional 5 acres or portion thereof	\$700 plus \$200 for each additional 5 acres or portion thereof	

(2)

Multiphase residential and commercial development projects.

(a)

When the entire project is first being reviewed and approved by the municipality, use the single-phase residential and commercial development project schedule above to determine an initial fee based on the entire acreage of the project to be developed in several phases.

(b)

Add \$500 for each subsequent phase after the first initial phase, to be collected at the beginning of the development of each subsequent phase. This additional \$500 is to be used for construction inspection assuming that the SWPPP and design plans do not change.

Note: These fees are in addition to the existing site plan or subdivision review/application fee.

G.

Solar permitting:

(1)

Building-, roof- and ground-mounted solar photovoltaic systems:

(a)

A New York State unified solar permit (\$75) shall be required for the installation of all roof- and building-mounted SPSs and ground-mounted systems for small-scale residential use.

(b)

All review and permitting for roof-, building- and ground-mounted systems shall be the responsibility of the Town of Eden Code Enforcement Officer.

(c)

Any post-construction changes to any small-scale roof-, building- and ground-mounted SPS will require review and approval by the Town of Eden Code Enforcement Officer.

(2)

Utility-scale solar photovoltaic systems:

(a)

In addition to a New York State unified solar permit (\$75), all utility-scale SPSs shall require the issuance of a special use permit approval from the Eden Town Board. The Town Board shall refer all special use permit applications to the Planning Board and Code Enforcement Office for review and recommendations prior to the issuance of the site plan approval and the special use permit.

(3)

Applicability:

(a)

Two types of ground-mounted SPSs are addressed herein:

(1)

SPS Type 1: a utility (large)-scale system designed for the generation of power supplied for commercial use and/or to the public grid by way of a net metering agreement.

(2)

SPS Type 2: a small-scale system designed to generate power for a single residence or property owner. A Type 2 system shall be permitted to supply power to the local utility grid, on a limited basis, by way of a net metering agreement at no greater than 110%. ****NOTE****This section is moved into residential permits for small solar and business/commercial permits for utility solar.

H.

Dog licensing and dog control fees. The Town Board shall, by resolution, from time to time, establish the schedule of fees it shall deem necessary and appropriate for the proper administration of its dog licensing and dog control program and hereby authorizes the Town Clerk to collect and remit such fees consistent with the requirements of Article 7 of the Agriculture and Markets Law of the State of New York.

I.

Fire prevention and safety inspections.

Type of Building	Fee
Public assembly buildings	\$75
Buildings used as dormitories	\$75
Multiple dwellings/nonresidential structures	\$75

CHANGE OF CLASSIFICATION OR USE GROUP

Current Permit Fee is \$50.00



TOWN OF EDEN BUILDING DEPARTMENT
2795 EAST CHURCH STREET
EDEN, NY 14057

TEL: 716-992-3576
FAX: 716-992-4131
EMAIL: Building@edenny.gov

APPLICATION MUST BE COMPLETELY FILLED OUT (incomplete applications will **NOT** be accepted)

1. OWNER

NAME _____ PHONE _____
ADDRESS _____ EMAIL _____
TOWN _____ ZIP _____
APPLICANT IS: Owner Contractor Agent Engineer Other (specify) _____

2. CONTACT INFO (if same as above list "same") Owner Contractor Other _____

NAME _____ PHONE #1 _____
EMAIL _____ PHONE #2 _____

3. CONTRACTOR INFORMATION

NAME _____ PHONE _____
ADDRESS _____ EMAIL _____
TOWN _____ ZIP CODE _____

4: CURRENT CLASSIFICATION AND USE GROUP OF BUILDING. _____

What was the building last being used for. _____

5: PERPOSED NEW CLASSIFICATION AND USE GROUP OF BUILDING. _____

What will be the building be used for after the change _____

6: NEW YORK STATE LICENSED PROFESSIONAL

NAME _____ PHONE _____
ADDRESS _____
TOWN/ZIP _____
EMAIL _____
LICENSE NUMBER _____ PE _____ RA _____

7. EXISTING UTILITIES ON PROPOSED PROJECT PROPERTY (determines zoning user group)

WATER: Public New Well Existing Well None
SEWER: Public New Septic Existing Septic None

8. WILL THIS BUILDING NEED UPGRADES FOR THE CHANGE OF CLASSIFICATION OR USE GROUP.

YES ___ NO ___

9. CONTRACTOR WORK

Are wages being paid for performance of this work (are you hiring a Contractor?) YES NO

IF YES, provide proof of NYS Worker's Compensation and Disability benefits.

ACCEPTABLE PROOF

- Form DB121.1 NYS Disability
- CE- 200 for NYS Disability & Workers Compensation Exemption
- Form C105.2 or U-26.3 Workers Compensation

11. IS BUILDING CURRENTLY BEING USED UNDER NEW CLASSIFICATION OR USE GROUP YES ___

NO ___ If YES Explain

12. APPLICATION CERTIFICATION:

In consideration of the permit applied for, the undersigned hereby agrees that he/she will comply with the Code of New York, Town of Eden Code and any other laws which may be applicable that he/she will preserve the establishment of lot lines, disclose all information to the Code Enforcement Officer, and that he/she will not use nor permit to be used the structure by the application until a Certificate of Occupancy (CO) or Certificate of Compliance (C/C) is legally issued.

SIGNATURE _____ DATE _____

13. INCLUSIONS:

All documents and information required on the provided checklist **MUST** be submitted with this application.

FOR OFFICE USE ONLY – Application to be submitted to the Town of Eden Clerks Office			
Permit Fee= \$50.00			
Additional fee's _____	Reason _____	Total Fee Due \$ _____	
Payment must be made by Cash, Check or Credit Card		Check made payable to the Eden Town Clerk	
Date Received by Clerk _____	Amount Credited \$ _____	Cash ___	CC ___ Check # _____
Application # _____	Amount Due \$ _____	Cash ___	CC ___ Check # _____

BUILDING PERMIT APPLICATION CHECKLIST FOR CHANGE OF CLASSIFICATION / USE GROUP

All of the following items MUST be submitted with this application in order to obtain a Building Permit

COMPLETED BUILDING PERMIT APPLICATION

DOCUMENTATION FROM A NEW YORK STATE LICENSED PROFESSIONAL STATING THE BUILDING MEETS ALL NEW YORK STATE BUILDING AND FIRE CODES OR UPGRADES ARE NEEDED FOR THE CHANGE OF USE.

IF AN UPGRADE IS REQUIRED 2 SETS OF PLANS OF ALL WORK BEING PERFORMED. All plans need to be prepared by a licensed professional.

PROOF OF INSURANCE FOR ANY WORK BEING DONE : DB120.1 (Disability), U-26.3 (NYS Insurance Fund) C-106.2 (Workers Comp) OR Affidavit of Exemption (Eden Form AE-1)

A SURVEY OF THE PROPERTY WITH ALL THE BUILDINGS ON IT. The survey should show all buildings, parking lots, driveways and structures that are on the property with dimensions to the property lines .

PROPERTY SPLIT INFORMATION

Total remaining property **after** split (In acres or sq ft.) _____

Total remaining frontage remaining **after** split _____

SUBMITTALS REQUIRED:

1. A survey map, prepared by a licensed land surveyor, showing the existing lot of record, the proposed split and proposed merger. Each survey map must show the shape, dimensions, radii, angles, and area of all existing and proposed lots, as well as the dimensions to any and all buildings or structures that presently exist. (2 copies of each are required)
2. A deed describing the lot of record. (1 copy required)
3. Documentation indicating intent to merge or deed indicting merger has taken place.
4. A \$100.00 application fee, payable to the "Eden Town Clerk", to be submitted to the Town Clerk with completed application and submittals.

Fee paid _____ Date paid _____

Received by _____ Cash _____ CC _____ Check# _____

[] APPROVED : _____ DATE _____
(Code Enforcement Officer or Town Engineer)

[] APPROVED as noted : _____ DATE _____

NOTE: _____

[] NOT APPROVED _____ DATE _____

REASON : _____
