



Appendix D

Sample Funding Strategy Documents



Transportation Development District

As described in section 8 of this plan, the following pages consist of specific documentation related to Transportation Development Districts (TDD).

- *Town Board TDD Plan Resolution #39 (D-2)*
On March 17, 1993, the Batavia Town Board passed resolution #39 authorizing the consulting firm of Nussbaumer & Clarke, Inc. to prepare a map, plan and report for the development of the TDD. The report is the initial step that is undertaken by a municipality in which the benefit area is identified and detailed information about the value of the impacted properties is amassed. Prior to requesting the State enabling legislation, this information, along with a public hearing and municipal resolution, is required. The original proposal outlining the scope of work to be included in the TDD report from Nussbaumer & Clarke, Inc. is included following the resolution.
- *Town Board State enabling legislation request Resolution #30 (D-3)*
Following the completion of the TDD report, the Town Board passed resolution #30 on February 16, 1994 requesting the enabling legislation from the State.
- *Support Resolution #51 (D-4)*
The initial draft of the enabling resolution was circulated to the Town for their review and approval in the form of a supporting resolution along with specific documentation from the State. This resolution was passed on April 6, 1994.
- *Amending Resolution #94 (D-5)*
A recommendation from the office of Assemblyman Nesbitt was forwarded to the Town in which some of the wording of the legislation was amended to increase the likelihood of the bill's passage and to comply with other similar bills. Resolution #94 supporting this amendment was passed by the Town on June 15, 1994.
- *State enabling legislation (D-6)*
The final enabling legislation from the State Assembly authorizing the Town of Batavia to establish a TDD for specific commercial corridor sections of Route 5 (West Main Street Road), Route 63 (Lewiston Road), and Park Road. The legislation is dated March 28, 1994, was recommitted to the Committee on Local Governments and later passed.
- *TDD Overview (D-7)*
Ulster County provides a detailed informational document on the process and procedures they had undertaken to establish a TDD/DFID (Development Facilitation Improvement District) in the County. Included in the documentation is the State enabling legislation and the town law authorizing this district.

March 17, 1993
Regular Town Board Meeting
Page 4 of 16 Pages.

Extensive discussion was held by the Town Board, Town Engineer Tom Butler, and Planning Board Chairman regarding this resolution.

Resolution 39:

Councilman Lang offered the following:

TRANSPORTATION DEVELOPMENT DISTRICT (T.D.D.)
(LEWISTON ROAD VICINITY)

WHEREAS, the Batavia Town Board and private Developers have recognized the need for Transportation Improvements in the vicinity of Lewiston Road; and

WHEREAS, the establishment of a Transportation Development District (T.D.D.) as a special assessment district would provide taxing authority to raise funds for specific purposes, in this case transportation; and

WHEREAS, Town Engineers, Nussbaumer & Clarke, Inc. have provided proposal to the Batavia Town Board, to give consideration for T.D.D. project plans, financing, mechanisms, project costs, and the proposed special assessment district boundaries.

RESOLVED, the Batavia Town Board hereby authorizes Nussbaumer & Clarke, Inc. proposal for Transportation Development District (T.D.D.), in the vicinity of Lewiston Road, at an amount not to exceed ten thousand, four hundred, fifty dollars (\$10,450.00) and directs the Supervisor to enter into and execute same.

Offered by: Councilman Lang

Second by: Councilman Scofield

Ayes: Councilman Lang, Councilman Scofield, Councilman DeLong, Councilman Gorecki

Nay: Supervisor Vukman

APPROVED. (4-ayes 1-nay)

Supervisor stated that the Town was premature in authorizing this resolution.

Resolution 40:

Motion Councilman Scofield, second Councilman DeLong to amend the resolution that the cost is not to exceed two thousand five hundred dollars (\$2,500.00).

APPROVED by unanimous vote. (5-0).



Nussbaumer & Clarke, Inc.

Consulting Engineers Surveyors

3556 Lake Shore Road Buffalo, New York 14219-1439

(716) 827-8000

134 Water Street
P.O. Box 162
Oswego, New York 13126
(315) 342-3010

Buffalo Office Fax:
(716) 826-7958
Oswego Office Fax:
(315) 342-6114

February 19, 1993

Mr. Francis C. Ripicci
Manager, Town of Batavia
4165 West Main Street
Batavia, New York 14020

Re: Proposal For Consulting Services
Town of Batavia, New York
Transportation Improvement District
NCI File No. 92-500/06

Dear Mr. Ripicci:

In response to your request for a proposal to develop a TDD, we are pleased to offer the following:

Development of a transportation district to distribute the financial obligation of area transportation improvements to parties experiencing the benefit of those improvements and/or creating the need is a somewhat new concept, but apparently a good idea.

Several development proposals are currently being considered by the Town which have various degrees of traffic and transportation impacts. These traffic impacts are or will be considered by the New York State Department of Transportation Region 4 to determine if curb cuts or work permits within New York State right-of-ways can be issued.

As you are aware, a mitigation plan to offset the impacts from the full build out of the Hake Property Rezone is currently being considered by the NYSDOT. The NYS DOT has indicated that a review of the Hake Mitigation Plan must be completed prior to initiation of reviews on related proposals. The above is offered to support an assumption that the current mitigation submittal will be found appropriate and technically sufficient in scope.

When the NYSDOT renders their concurrence with the subject mitigation plan, we can proceed with a detailed feasibility assessment and cost benefit analysis. As this engineering feasibility assessment and cost benefit analysis will be essential in the development of the financial mechanism for the transportation district, we suggest proceeding with both items upon NYSDOT's agreement with the subject mitigation plan. Although some features of the transportation district cannot be developed at this time, we suggest proceeding with the following tasks in preparation of the district preparation.

Mr. Francis C. Repicci
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- Task 1: Develop preliminary district boundaries based on areas of benefit, including preliminary mapping from available resources.
- Task 2: Research and development of district features.
- Task 3: Field work associated with boundary establishment.
- Task 4: Meetings associated with district formation.

We would like to suggest a meeting with appropriate Town representatives to discuss our agenda of initiating the work as soon as possible. We suggest that this Contract as well as any administrative or legal contracts be handled individually for future consideration in tracking as a direct cost to the district when established.

All work associated with the preparation of this initial phase of the transportation district formation will be performed at the per diem rates as shown on the attached rate schedule (designated as Exhibit A).

We propose a per diem agreement with an estimated total cost not to exceed \$10,450.00.

Payment Schedule

Monthly or periodic statements will be submitted based upon the hours utilized under the various employee NCI categories. NCI shall provide a written "apportionment of invoiced hours" with each invoice submitted. The specified rates include fringe benefits, overhead, and fees. Mileage will be billed at \$0.25 per mile. Other expenses will be billed at cost.

Amounts invoiced are due and payable upon receipt of the invoice, with interest at the rate of 1.5% per month on all invoiced amounts over 30 days past due.

Please note that this proposal will be valid for a period of sixty (60) days from date of issuance.

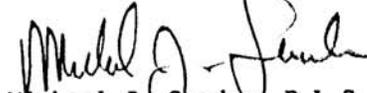
Should the Town decide to accept this proposal, please execute both copies and return the original to our office, to serve as our agreement for the work. The copy is for your records.

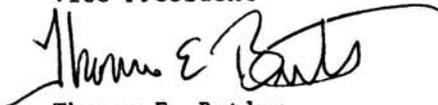
Mr. Francis C. Repicci
Page 3
February 19, 1993

We thank you for the opportunity to submit this proposal and look forward to being of continued service to the Town of Batavia on this worthwhile project. If you have any questions concerning any aspect of this proposal, please contact our office.

Yours truly,

NUSSBAUMER & CLARKE, INC.


Michael J. Sendox, P.L.S.
Vice President


Thomas E. Butler
Manager, Environmental Services

msm
Enclosure

cc: Hon. June C. Vukman, Supervisor

Accepted: TOWN OF BATAVIA, NEW YORK

By: June C. Vukman
Supervisor

Date: 3/19/93

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Regular Town Board Meeting
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WHEREAS, to resolve the problem a Wastewater Treatment Facility at an approximate cost of two million, four hundred, two thousand, eight hundred dollars (\$2,402,800.00) has been recommended by the Town of Batavia and Town of Pembroke's engineers, Nussbaumer & Clarke, Inc.;

WHEREAS, the construction of the facility will be un-affordable without any grants.

WHEREAS, both Towns wish to prepare an application to receive a grant from the Department of Housing and Urban Development but in order to apply for the grant the majority of households must fall within a low to medium income level.

WHEREAS, the Genesee County Planning Board has agreed to do the survey to determine the income level for the cost of stationary and stamps.

RESOLVED, the Batavia Town Board hereby authorizes the Genesee County Planning Board to conduct the survey at a cost to the Town of Batavia not to exceed two hundred dollars (\$200.00).

Second by: Councilman Schirm
APPROVED by unanimous vote. (4-0)

Resolution No. 30:

Councilman Schirm offered the following:

REQUEST TO THE NEW YORK STATE LEGISLATURE TO ENACT
LEGISLATION TO PROVIDE FOR A TRANSPORTATION
DEVELOPMENT DISTRICT IN THE TOWN OF BATAVIA

WHEREAS, the Town of Batavia wishes to establish a Transportation Development District in the Town of Batavia in order to finance transportation improvements to facilitate new economic development within the Town.

WHEREAS, the size of the proposed district is estimated to encompass lots and parcels of land of approximately 1,295 acres or 2.02 square miles.

WHEREAS, the boundaries of the proposed district are Park Road to the East, the New York State Thruway to the North, Kelsey Road to the West and the Tonawanda Creek to the South.

WHEREAS, before a Transportation Development District can be established in the Town, the New York State Legislature must enact enabling legislation to do so.

RESOLVED, the Batavia Town Board hereby requests Senator Mary Lou Rath, of the 60th District and Assemblyman Charles H. Nesbitt, of the 137th Assembly District to introduce and support the enabling legislation required to establish a Transportation Development District, in the New York State Legislature for its adoption.

RESOLVED, the Batavia Town Board hereby directs the Town Clerk to forward a Certified resolution of the request to Senator Mary Lou Rath and Assemblyman Charles H. Nesbitt along with the Town of Batavia's Transportation Development District report.

Second by: Councilman Scofield
APPROVED by unanimous vote. (4-0)

Resolution Tabled:

Councilman Lewis offered the following:

**HANDICAP RAMP LOCATION ON THE TOWN
OF BATAVIA'S RIGHT-OF-WAY**

WHEREAS, Duchscherer Oberst Desogn P.C. on behalf of the United States Postal Service has requested permission from the Town of Batavia to locate a handicap accessibility ramp at the United States Post Office on Read Road, East Pembroke; and

WHEREAS, it is believed that the ramp as designed, will in part be located within the Town of Batavia's Right Of Way and;

WHEREAS, approval to located the ramp in part within the Town of Batavia's right of way has been requested by Mr. Desogn.

RESOLVED, the Batavia Town Board hereby gives permission to the United States Post Office to locate in part a handicap accessibility ramp within the Town of Batavia Right Of Way.

Special Town Board Meeting

April 6, 1994

Page 3 of 7 Pages

RESOLVED, the Batavia Town Board hereby authorizes the Highway Superintendent to purchase the 1981 Drott 45R excavator at a cost not to exceed nine thousand, seven hundred, fifty dollars (\$9,750.00).

RESOLVED, the funds for the payment of the excavator will be withdrawn from the Highway Equipment Reserve Fund.

Second by: Councilman Scofield
APPROVED by unanimous vote. (4-0)

Resolution No. 50:

Councilman Lewis offered the following:

EXEMPTION FROM BUILDING PERMIT FEES
TOWN OF BATAVIA FIRE DEPARTMENT AND
EAST PEMBROKE FIRE DEPARTMENT

WHEREAS, the Town of Batavia Fire Department has submitted a Building Permit Application to the Town of Batavia for an addition and alterations to the Fire Department hall.

WHEREAS, the East Pembroke Fire Department has submitted a Building Permit Application for demolition of property on the corner of Hartshorn Road and Route 5 owned by Catherine Baron, Stegman Road, Batavia, New York, the demolition providing smoke and ventilation protection practice.

WHEREAS, a fee normally accompanies a Building Permit Application.

RESOLVED, the Batavia Town Board hereby exempts the Town of Batavia Fire Department and East Pembroke Fire Department from submitting a permit application fee.

Second by: Supervisor Vukman
APPROVED by unanimous vote. (4-0)

Resolution No. 51:

Councilman Scofield offered the following:

REQUEST FOR ENACTMENT OF SENATE BILL S.7284
AND ASSEMBLY BILL A.10298
TRANSPORTATION DEVELOPMENT DISTRICT (TDD)

Special Town Board Meeting
April 6, 1994
Page 4 of 7 Pages

WHEREAS, the Supervisor of the Town of Batavia hereby requests the enactment of Senate Bill S.7284 and Assembly Bill A.10298 by the New York State Legislature, the bill entitled "AN ACT authorizing the town of Batavia, Genesee county, to establish a development facilitation improvement district or benefited areas and to appropriate, collect and expend monies in furtherance thereof" (bill attached).

RESOLVED, the Batavia Town Board hereby concurs with the Supervisor that the attached legislation should be enacted and requests that Senate Bill S.7284 and Assembly Bill A.10298 be adopted by the New York State Legislature.

RESOLVED, the Town Clerk forward the eight (8) executed Home Rule request forms immediately to Senator Mary Lou Rath, Attention Randy Trahan, LOB, 817, Albany, New York, 12247.

Second by: Councilman Lewis
APPROVED by unanimous vote. (4-0)

Resolution No. 52:

Extensive discussion was held by the Town Board and Chairman Roth concerning this resolution.

AMENDMENT: Motion Councilman Schirm, second Councilman Lewis to amend the last RESOLVED to add "and the Chairman of the Planning Board".
APPROVED by unanimous vote. (4-0)

Councilman Schirm offered the following:

PARK ROAD IMPROVEMENT

WHEREAS, the Planning Board Chairman received a letter dated April 28, 1993 from R.G.S. Associate regarding transportation improvements necessary for the development of the K-Mart project.

WHEREAS, among the road improvements necessary, Park Road improvements needed to be addressed.

WHEREAS, the Planning Board gave conditional site plan approval to K-Mart without addressing the Park Road Improvement issue.

June 15, 1994
Regular Town Board Meeting
Page 13 of 23 Pages.

RESOLVED, the Batavia Town Board hereby awards bid for refuse removal at the Batavia Transfer Station to Marsceill's Disposal Service, 8619 Sanders Road, Stafford, New York, 14143, at one hundred, fifty dollars (\$150.00) per pull and fifty dollars (\$50.00) per ton for household garbage and one hundred fifty dollars (\$150.00) per pull and forty-seven dollars (\$47.00) per ton for construction/demolition debris and no rental charges for either.

Second by: Councilman Schirm
APPROVED by unanimous vote. (4-0)

Resolution 94

Councilman Lewis offered the following:

REQUEST FOR ENACTMENT OF AMENDED SENATE BILL S.7284
AND ASSEMBLY BILL A.10298
TRANSPORTATION DEVELOPMENT DISTRICT (TDD)

WHEREAS, at the Batavia Town Board Meeting held April 6, 1994 the Batavia Town Board upon the recommendation of the Supervisor requested the enactment of Senate Bill S.7284 and Assembly Bill A.10298 by the New York State Legislature, the bill entitled "AN ACT authorizing the Town of Batavia, Genesee County, to establish a development facilitation improvement district or benefited areas and to appropriate, collect and expend monies in furtherance thereof".

WHEREAS, the Office of Assemblyman Charles Nesbitt has advised the Town that the bill must be amended "in order for it to comply with other bills of this type and increase its chances of being passed";

WHEREAS, the amendment deletes the wording "and other general improvements to the district highway system and local streets and roads, within such district as the town board may deem necessary to fulfill the purposes of this act" (amended bill attached).

RESOLVED, the Batavia Town Board upon the recommendation of the Supervisor hereby concurs that the bill be amended to delete the wording "and other general improvements to the district highway system and local streets and roads, within such district as the town board may deem necessary to fulfill the purposes of this act" and requests that the amended legislation identified as Senate Bill S.7284-A and Assembly Bill A.10298-A be adopted by the New York State Legislature.

June 15, 1994
Regular Town Board Meeting
Page 14 of 23 Pages.

RESOLVED, the Town Clerk forward the new eight (8) executed Home Rule request forms immediately to Senator Mary Lou Rath, Attention Randy Trahan, LOB, 817, Albany, New York, 12247.

Second by: Councilman Schirm
APPROVED by unanimous vote. (4-0)

Resolution 95

Councilman Schirm offered the following:

RESOLUTION FOR MAINTENANCE OF WATERMAIN
TO THE VETERANS MEMORIAL DRIVE SUBDIVISION

WHEREAS, the Developer of the Veterans Memorial Drive Subdivision proposes the construction of an 12" watermain crossing of Lewiston Road, Route 63, S.H. 1402, in the Town of Batavia, and

WHEREAS, the water line within the Veterans Memorial Drive Subdivision project will be dedicated to the Town of Batavia upon completion, and will be connected to existing Town water system located on easement approximately 25 feet west of the west side of Lewiston Road, and

WHEREAS, the Water Main Crossing for this system will be constructed upon State-owned lands, utilizing a 24" steel casing, bored beneath Lewiston Road,

NOW, THEREFORE,

BE IT RESOLVED, that the Town of Batavia approves the installation of the water main from the Veterans Memorial Drive Subdivision to the existing watermain and that the Town of Batavia will own and maintain or cause to be maintained the Water Main Crossing, installed at Lewiston Road Station 598 + 12, as above stated.

BE IT FURTHER RESOLVED; that the clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

Second by: Councilman Scofield
APPROVED by unanimous vote. (4-0)

STATE OF NEW YORK

S. 7284--A

A. 10298--A

SENATE - ASSEMBLY

March 28, 1994

IN SENATE -- Introduced by Sen. RAYE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. NESBITT -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the town of Batavia, Genesee county, to establish a development facilitation improvement district or benefited area and to appropriate, collect and expend monies in furtherance thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Upon the completion of the procedural provisions governing
2 the establishment of improvement districts or benefit areas, as the case
3 may be, set forth in either article 12 or 12-A of the town law, the town
4 board of the town of Batavia, Genesee county, may establish a develop-
5 ment facilitation district or districts, or benefited area or areas, en-
6 compassing such lots and parcels of land in the Route 63 (Lewiston
7 Road), Route 5 (West Main Street Road), and Park Road commercial
8 development corridors, from the Batavia city line on the east, north to
9 the New York State Thruway and west to Kelsey Road, south to Tonawanda
10 Creek and the area surrounding such roads, which such town board deter-
11 mines to be benefited, and provide for, or cause to be provided, in con-
12 junction with county, state, and federal agencies, the construction,
13 reconstruction, improvement, widening, or resurfacing of that portion of
14 any existing or proposed roads which said town board determines to be
15 necessary to fulfill the purpose of this act, including but not limited
16 to, provision for, or cause to be provided, construction of roadway seg-
17 ments and intersections connecting Routes 63 and 5; provided, however,
18 that any such construction or reconstruction thereof shall be subject to
19 and in accordance with the applicable provisions of the highway law and

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[] is old law to be omitted.

LD13239-03-4

S. 7284--A

2

A. 10298--A

1 procedures established by the New York state department of
2 transportation. The costs and expenses of the foregoing, including the
3 acquisition of land, or rights in land necessary for the construction,
4 reconstruction, widening, resurfacing or ancillary or incidental ex-
5 penses in connection therewith, shall be raised through levy of special
6 assessments upon all lots or parcels of land within such improvement
7 district or benefited area in proportion to the benefit derived
8 therefrom. In making any such determination of benefit, the board shall
9 take into account which lots or parcels of land within such development
10 facilitation district or benefited area are a significant contributing
11 factor to the traffic congestion to be remedied by the construction of
12 the improvements within such improvement district or benefited area. The
13 town board is hereby authorized, in providing for the levy of such as-
14 sessments, to provide for the prepayment of assessments in the manner
15 provided in subdivision 1 of section 211 of the town law, and if it does
16 so, to provide a credit against such assessments for monies prepaid to
17 the town for any road improvement which the town board may determine
18 shall be financed by assessments levied on property within the district
19 or benefited area as provided herein.

20 § 2. The town of Batavia, Genesee county, is hereby authorized to ap-
21 propriate, collect, and expend such sums as it shall deem necessary and
22 appropriate to pay for the costs of surveys, plans, specifications, and
23 estimates and engineering, legal and planning professional fees neces-
24 sary for the project described herein and to charge any district or
25 benefited area subsequently established in accordance with the provi-
26 sions of this act for such amounts and to cause such amounts to be
27 raised by any such district or benefited area and paid to the town as a
28 reimbursement. Any such amounts shall be considered costs incidental to
29 the establishment of any such special district or benefited area and
30 shall be included in the maximum estimated cost to be expended for such
31 special district or benefited area and the same may be financed as a
32 preliminary cost within the meaning of paragraph a of section 11.00 of
33 the local finance law for any road improvement described herein.

34 § 3. Upon the establishment of a development facilitation district or
35 benefited area, the town of Batavia, Genesee county, may provide for, to
36 cause to be provided, any or all of the improvements set forth in sec-
37 tion one of this act in accordance with the procedures and provisions
38 set forth in section two of this act. After the completion of the im-
39 provements set forth herein, all costs of maintaining and repairing such
40 improvements or portions of any new highway or road constructed, pur-
41 suant to the provisions of this act, in the area of the said town of
42 Batavia, shall be maintained and repaired as a town road, provided that
43 any federal, state, or county road, as improved, shall continue to be
44 maintained by the appropriate federal, state, or county department or
45 agency.

46 § 4. The town of Batavia, Genesee county, is hereby authorized, in es-
47 tablishing a development facilitation improvement district or benefited
48 area as provided herein, to establish and maintain escrow accounts, to
49 be held in trust solely for the purpose of financing and paying the
50 costs and expenses attributable to the said improvement district or
51 benefited area as authorized in this act. The town may deposit into such
52 escrow accounts, as may be established, any or all of such assessments
53 as may be received from the specially benefited lots or parcels within
54 the development facilitation district area and the said assessments
55 shall be used solely to fulfill the purpose of this act.

56 § 5. This act shall take effect immediately.

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Transportation Improvement Districts & Development Facilitation Improvement Districts¹

DEFINITION

Development Facilitation Improvement Districts (DFIDs) are special districts in which the municipal government has authority to assess and collect a fee from property owners (within the district) which is specifically allocated to finance or repay the financing for transportation-related capital improvements and/or construction of a road or roads.

LEGAL BASIS

A DFID is authorized by specific State legislation authorizing a specific locality to establish such a district or districts. Nine towns have been authorized to establish such districts. A copy of the legislation authorizing the Town of Ulster to establish a DFID is provided as attachment 1 (Chapter 521, 1990).

In all cases the authorizing legislation stipulates that the locality must follow the procedural provisions governing the establishment of improvement districts or benefited areas set forth in Article 12 (by petition of the people) and 12-A (by motion of the town board after public hearing and subject to a permissive referendum) of NYS Town Law. An example of the procedural steps taken by Ulster to establish its DFID #1 is provided as attachment 2.²

APPLICATION

District Boundaries: The State enabling legislation may define the boundaries of the DFID or it may allow the municipality to define the boundaries. As tests, the Office of Audit and Control requires that all the properties within the district are benefited by the project(s) and that all the benefited properties are included within the district.

Subject to the above tests, there are two other elements that are important. First, while DFIDs are most often self-contained, they do not need to be and may consist of more than one part. Such parts do not need to be contiguous. Second, while the transportation improvements financed through DFID-based levies are generally included within the DFID there is no specific statutory or regulatory requirement stipulating that they must be within the district.

Costs: DFID levies (or assessments or fees) are specifically intended to cover the transportation infrastructure improvements and/or construction costs and all associated costs including surveys, plans, specifications, engineering, legal and professional fees, financing and bonding costs, and the like. Municipalities are specifically authorized to establish escrow accounts “to be held in trust solely for the purpose of financing and paying the costs and expenses attributable to the said improvement district or benefited area..”.



In establishing the costs to be repaid by levies on property owners within a DFID it is desirable to separate the project costs (and/or elements) that specifically benefit property owners within the district from those that don't. This can generally be done as part of the traffic/transportation study used to identify the necessary improvements in the first place.) Separate provisions to finance the latter should be made.

Assessments: The enabling legislation for existing DFIDs does not stipulate whether the assessment is to be made as a one-time or recurring assessment, or both. In existing DFIDs costs were financed by bonds and the assessment is an annual charge. (A comparison with other types of special districts authorized by Section 12 and 12A of NYS Town Law suggests that both annual and one-time, capital, charges are possible, however.) Annual assessments are to be collected at the same time and in the same manner as other property taxes and assessments but may be prepaid.

DFID costs are to be allocated "...upon all lots or parcels within such improvement district or benefited area in proportion to the benefit derived therefrom." The legislation does not define "benefits" or establish a methodology for allocating costs among property owners; consequently, a variety of approaches have been used. The most basic method, and one which underlies all of the current approaches, is to use vehicle trips as illustrated below.

$$\frac{\text{Trips from property "I"} \times (\text{Total Cost or Annual Cost})}{\text{Total Trips, All Properties}} = (\text{Total Levy or Annual Levy for property "I"})$$

More sophisticated and complicated approaches integrate consideration of broader benefits and impacts by incorporating consideration of peak and average daily trips, frontage (a proxy for property value), land-use, transportation management, and avoided costs. Such formulas are, in part, intended to capture part of the "unearned" private benefits resulting from a public investment and/or to promote certain types of behavior.

ADVANTAGES & DISADVANTAGES

A DFID provides for the allocation of transportation infrastructure costs to properties that particularly benefit from such infrastructure, or to properties whose economic uses generate the need for (impact) transportation infrastructure. DFID-based levies nominally extend to all properties within the development area. A DFID, thus, provides for greater **equity** in financing what is nominally a "public" good. Further, if bond financing is necessary, the bonds are backed by the **full-faith and credit** of the municipality, thus, presumably reducing interest rates and improving the marketability of the bonds.

Creation of DFIDs requires State enabling legislation and Comptroller approval and, thus, generally requires **more time to implement** than some alternative forms of financing. DFID



levies are property-based, thus, the economic uses or value of the properties in the district must be sufficient to support the additional property “taxes”. And, as the costs of transportation improvement or infrastructure projects are often high, use of DFID-based financing **may be restricted to relatively wealthy municipalities.**

Example of Legislation Authorizing the Establishment of Ulster Development Facilitation District (#1)

ULSTER. TOWN OF – DEVELOPMENT FACILITATION IMPROVEMENT DISTRICT

CHAPTER 521

S. 7243, A. 9-1-18

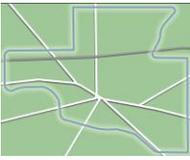
Approved and effective July 18, 1990

Home rule request, pursuant to Art. IX, sec. 2(b)2, of Const.

AN ACT authorizing the town of Ulster, Ulster county to establish a development facilitation improvement district or benefited area and to appropriate, collect and expend monies in furtherance thereof

The People of the State of New York represented in Senate and Assembly, do enact as follows:

§ 1. Upon the completion of the procedural provisions governing the establishment of improvement districts or benefited areas, as the case may be, set forth in either article 12 A of the town law, the town board of the town of Ulster, Ulster county, may establish a development facilitation improvement district or districts, or benefited area or areas, encompassing such lots and parcels of land in the Route 9W-Route 32 corridors, from the Kingston city line, to the town of Saugerties line and the area surrounding such roads, which said town board determines to be benefited, and provide for, or cause to be provided, in conjunction with county, state and federal agencies, the construction, reconstruction, improvement, widening or resurfacing of that portion of any existing or proposed roads which said town board determines to be necessary to fulfill the purpose of this act, including, but not limited to, provision for, or cause to be provided, construction of roadway segments and intersections paralleling Route 9S and east-west connections for commercial service roads paralleling Route 9W, provide for, or cause to be provided, signalization lanes and intersection improvements to Route 32 and Route 9W from Kingston City line to Saugerties town line, and any other general improvements to the district highway system and local streets and **roads within such district** as the town board may deem necessary to fulfill the purposes of this act; provided, however, that any such construction or reconstruction thereof shall be south of Edgewater Drive (Bldg 962/963 Access Row) and shall be subject to and in accordance with the applicable provisions of the highway law, procedures established by the New York state department of the New York State Department of Transportation and the consent of the New York State Department of Transportation. The costs and expenses of the foregoing, including the acquisition of land, or rights in land necessary for the construction, reconstruction, widening, resurfacing or ancillary or incidental expenses in connection therewith, shall be raised through levy of special assessments upon all lots or parcels of land within such improvement district or benefited area in proportion to the benefit derived therefrom. In making any such determination of benefit, the board shall take into account which lots or parcels of land within such development facilitation district or benefited area are a significant contributing factor to the traffic congestion to be remedied by the construction of the improvements within such improvement district or benefited area. The town board is hereby specifically authorized in providing for the levy of such assessments, to provide for the prepayment of assessments in the manner provided in subdivision 1 of section 231 of the town law, and if it does so, to provide a credit against such assessments for monies prepaid to the town for any road improvement which the town board may determine shall be financed by assessments levied on property within the district or benefited area as



provided herein.

1. Town Law §§ 190 et seq.; 269 et sec.,.

§ 2. The town of Ulster, Ulster county, is hereby authorized to appropriate, collect and expend such sums as it shall deem necessary and appropriate to pay the costs of surveys, plans, specifications and estimates and engineering, legal and planning professional fees necessary for the project described herein and to charge any district or

benefited area subsequently established in accordance with the provisions of this act for such amounts and to cause such amounts to be raised by any such district or benefited area and paid to the town as a reimbursement. Any such amounts shall be considered costs incidental to the establishment of any such special district or benefited area and shall be included in the maximum estimated cost to be expended for such special district or benefited area and the same may be financed as a preliminary cost within the meaning of paragraph a of section 11.00 of the local finance law for any road improvement described herein.

§ 3. Upon the establishment of a development facilitation district or benefited area. the town of Ulster, Ulster county, may provide for, or cause to be provided, any or all of the improvements set forth in section one of this act in accordance with the procedures and provisions set forth in section two of this act. After the completion of the improvement set forth herein, all costs of maintaining and repairing such improvements or portions of any new highway or road constructed, pursuant to the provision of this act, in the area of the said town of Ulster, shall be a charge upon the area of said town outside villages and shall be levied and collected in the same manner and at the same time as any other town. charges, provided, however, that any federal, state or county road, as improved, shall continue to be maintained by the appropriate federal, state or county or agency.

§ 4. The town of Ulster, Ulster county, is hereby authorized, in establishing a development facilitation improvement district or benefited area as provided herein, to establish and maintain escrow accounts, to be held in trust solely for the purpose of financing and paying the costs and expenses attributable to the. said improvement district or benefited area as authorized in this act. The town may deposit into such escrow accounts, as may be established, any or all of such assessments as may be received from the specially benefited lots or parcels within the development facilitation district area and the said assessment shall be used solely to fulfill the purposes of this act.

§ 5. This act shall take effect immediately

Procedural Steps to Establish the Town of Ulster Development Facilitation Improvement District # 1

- | | |
|----------|--|
| 04-07-89 | Completion of the Land Use/Transportation Study and Traffic Management Plan identifying the necessary transportation improvements and providing a cost estimate. |
| 03-06-90 | Submission of (State) legislation authorizing establishment of an improvement district. |
| 00-00-90 | Passage of legislation. (Ch. 521 of the Laws of 1990) |
| 10-15-90 | Adoption of a public order reciting the boundaries, costs and method of financing for the proposed District and specifying that a public hearing be held. |



- 11-26-90 A public hearing is held and the Town resolves to establish the District.
- 03-18-91 Findings on the Final Environmental Impact Statement for the project are issued.
- 04-00-91 Ulster issues a final resolution to establish the District subject to a permissive referendum.
- 05-28-91 A Certificate of No Petition for a Referendum is issued.
- 06-06-91 Ulster requests permission of the Office of the State Comptroller to establish the District.
- 08-28-91 The Office of the State Comptroller grants permission to establish the District.
- 09-16-91 Ulster issues an order establishing the District and a resolution authorizing the issuance of \$9,440,000 of serial bonds to pay for the cost of improvements.

¹ Development Facilitation Improvement Districts are also known as Transportation Development Districts, Highway Construction and Improvement Districts, Special Improvement Districts, and Special Assessment Districts.

² More comprehensive information on the procedures to be followed in establishing a DFID can be obtained from the Division of Municipal Affairs of the New York State Department of Audit and Control, e.g. “Legal Requirements and Administrative Procedures for Approval of Town Special Improvement Districts”.

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Transportation Mitigation Fee

As described in section 8 of this plan, the following pages consist of example language of transportation mitigation fees that could be utilized for transportation impacts associated with proposed development during the SEQRA process.

The excerpt is from the City of Ithaca for the Generic Environmental Impact Statement (GEIS) for the Southwest Area Land Use Plan from August 2000 in which it was found that there would be multiple transportation impacts to intersections, neighborhoods and adjacent properties.



City of Ithaca Common Council

Findings Statement (EXCERPT)

Southwest Area Land Use Plan Generic Environmental Impact Statement

Adopted - August 24, 2000

1. Purpose and Intent

This is the City of Ithaca Common Council's (The Council) Findings Statement for the adoption of the Southwest Area Land Use Plan ("the Southwest Plan"). The Council is the Lead Agency for the action, the adoption of the Southwest Plan.

...

2. Description of the Action

The action that is the subject of this GEIS is the adoption of a land use plan for an approximately 381-acre area referred to as the Southwest Area. The Southwest Area is bounded by Clinton Street to the north, Cayuga Inlet to the west, and Meadow Street and Elmira Road to the east and south. The study area consists of approximately 160 acres of potentially developable land and approximately 60 acres designated as substitute parkland in conjunction with the alienation of the Southwest Park parcel. The study area consists of 13 undeveloped parcels (See DGEIS page 1-1; table 1-1; figure 1.), as well as developed parcels along Elmira Road, Cecil A. Malone Drive (formerly West Clinton Street), Cherry Street, Commercial Avenue and Nates Floral Estates. It is currently zoned I-1 Industrial, MH-1 Mobile Home, B-5 Service Business, P-1 Public and Institutional, and FW-1 Floodway Zone. Current land uses are a mobile home park, vacant land, industrial uses associated with the Tompkins County Recycling and Solid Waste Center, and business/commercial uses.

The purpose of the Southwest Plan is to develop a coordinated plan for land use in this area. The Lead Agency recognized that under the existing zoning there was the potential for significant development in the Southwest Area, and that if such development was not properly coordinated, potentially significant adverse impacts could occur. Examples of such impacts are offsite traffic impacts caused by the incremental addition of traffic to surrounding roadways, and flooding and drainage impacts caused by uncoordinated development in which drainage systems do not work together. The Lead Agency further determined that it would be desirable to coordinate the aesthetic and design principles guiding development in the Southwest Area, and that the GEIS should explore ways in which public costs associated with new development could be fairly apportioned among development projects benefiting from public expenditures.

In achieving a coordinated development pattern that minimizes adverse environmental impacts to the maximum extent practicable, the City also sought to further other objectives, including:

- Increase in City (and County/School District) property tax revenues.



- Increase in City (and County) sales tax revenues.
- Development of a multi-modal transportation link between West Hill and the Route 13 commercial corridor and Buttermilk Falls State Park.
- An opportunity for the City to maintain or enhance its competitiveness within the region as a desirable location to live, work, shop and recreate.
- Job creation.
- Creation of substitute parkland.
- Adoption of Design Guidelines for existing development along Elmira Road, as well as new development in the Southwest Area.

3. How the GEIS Will Be Used

The purpose of a Generic EIS is to "discuss in general terms the constraints and consequences of any narrowing of future options and to present and analyze in general terms hypothetical scenarios that could and are likely to occur" (6 NYCRR 617.10 (a)) as a result of the action. The Southwest Plan recommendations are to be implemented by the adoption of new zoning and design guidelines applicable to the area. The actual intensity and form (i.e. layout) of new development will be dependent on private market decisions operating within the constraints of the new zoning, the design guidelines and these Findings.

The DGEIS examined six hypothetical scenarios and discussed generally the impacts of large-scale development in the Southwest Area. The purpose of this analysis was to determine the thresholds or limits of development that could, consistent with other objectives, occur without significant, unmitigatable adverse impacts.

Following the adoption of these Findings and the adoption of zoning and design guidelines implementing the Southwest Plan, individual applicants who wish to develop portions of the Southwest Area covered by the Southwest Plan must come before the Planning and Development Board (and other agencies) for site plan approval and must complete SEQRA processes of their own. Therefore, each individual project will be reviewed for the specific potential environmental impacts that may arise due to project specific actions and disturbances. The GEIS would be used as a starting point, or baseline document, in this review.

Should the Planning and Development Board (or other involved agency) find that there are site-specific issues that have not been addressed in the GEIS, or if the project is not in some way in substantial compliance with these Findings, then supplemental study may be required. Such study may take the form of attachments to an Environmental Assessment Form, a more in depth Environmental Site Assessment (ESA), or a project specific supplemental EIS. The costs of any such study would be borne by an individual project applicant. If a project is in substantial compliance with the Findings of the GEIS and no site specific issues are raised, then the project can be issued a Negative Declaration and proceed to site plan review.



...

6. Findings, Basis and Rationale for Decision

The following discussion sets forth the Findings, basis and rationale for the Lead Agency's decision, including required mitigation measures.

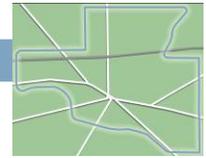
Land Use and Density

(i). The study area generally consists of vacant or underutilized land. Although a variety of land uses are allowed by existing zoning, lack of infrastructure and access considerations inhibit future development. The Lead Agency Finds that the adoption of the Southwest Plan will have positive impacts by: 1) Encouraging coordinated development and by limiting the amount of development that can occur to a specified maximum; 2) Tying the costs of mitigation to certain intensities of development; and 3) Providing a mechanism for developers to pay their fair share of public improvement costs.

(ii). The GEIS analyzed six hypothetical development scenarios in order to determine the level of development at which significant, unmitigatable adverse impacts would occur. The range of densities analyzed was from a low of 500,000 square feet of retail development to a high of 1,250,000 square feet of mixed retail and office development. The GEIS determined that a maximum development of approximately 1,000,000 square feet, (of which approximately 800,000 square feet was retail development and 200,000 square feet was office development) was the maximum amount of development that could be sustained without significant, unmitigatable traffic impacts. The Lead Agency therefore Finds that the ultimate density within the study area shall not exceed that which would result in 2,152 vehicle trips during the peak weekday hour, which has been calculated to be between 4:30 and 5:30 p.m. Trips shall be as calculated by the Institute of Transportation Engineers standard reference *Trip Generation*, taking into account appropriate credits for pass-by traffic, internal capture and non-automobile travel. Local data may be used to supplement *Trip Generation* where appropriate.

(iii). The GEIS considered general land use alternatives of retail, office, and light industrial and found that such uses could be reasonably accommodated on the project site without significant, unmitigatable adverse impacts. The Lead Agency Finds that it is desirable to limit certain uses in order to achieve consistency with the design guidelines, discussed in section 5.b. below. Consequently, the Lead Agency Finds that it is desirable to adopt new zoning districts to implement the intent of the Southwest Plan and these Findings. The new districts will consist of the main mixed use district and a sub-district for the developed areas along South Meadow and Elmira Road. Both districts will allow for a mix of land uses such as residential uses of all density, recreation, retail, office, entertainment, light industrial and manufacturing. Gasoline filling stations will be prohibited from the main mixed use district. Automobile repair/maintenance services as a primary use in the main mixed use district is also prohibited; it may however be an accessory use. Mobile homes, adult entertainment and heavy industry will be prohibited in both districts.

(iv). The Lead Agency Finds that the No-Action Alternative would result in the failure



to adopt the Southwest Area Land Use Plan. Failure to adopt the Southwest Plan could result in greater negative impacts due to uncoordinated review of future projects, failure to consider cumulative impacts, no fair share cost distribution, failure to construct a coordinated drainage system, uncoordinated infrastructure improvements, adverse off-site traffic impacts and failure to adopt a policy for concurrency of traffic improvements. See page 4-1 of the DGEIS for discussion on the No-Action Alternative.

....

Transportation

(i). The DGEIS contained the results of a detailed traffic analysis. Additional analyses were provided in the FGEIS incorporating additional intersections and several changes to the proposed access scheme were considered. The entire analysis considered impacts to 36 intersections; impacts on residential neighborhoods within the City; and impacts to adjacent properties.

(ii). The GEIS traffic analyses concluded that the intersections analyzed would operate at acceptable Levels of Service (LOS) with the construction of certain improvements (see DGEIS pages 2-39 and 2-40 and FGEIS page 264).

(iii). The Lead Agency Finds that transportation improvements internal to the site shall be constructed by private developers at their expense. All roads shall be constructed to appropriate City standards and may be at the City's discretion turned over to the City for ownership and maintenance. The Lead Agency further finds that offsite traffic improvements that result in improvements to existing conditions and that mitigate the impact of development shall be paid for on a "Fair Share" basis. The Lead Agency Finds that the "Fair Share" cost of off-site traffic improvements shall be apportioned. Such apportionment is further discussed in Finding t (ii) below.

(iv). The Lead Agency Finds that concurrency between development and mitigation shall be maintained to the extent practicable. A policy of concurrency will be established whereby planning and funding for infrastructure and transportation improvements keep pace with anticipated levels of development. Conversely, the pace of project approvals and actions to implement land use recommendations will be limited to reflect reasonable expectations for infrastructure and highway improvements.

(v). The GEIS investigated the impacts of traffic on residential neighborhoods, including livability and quality of life issues. The Lead Agency Finds that additional through or connector streets, improvements to the existing streets and traffic calming measures will mitigate potential impacts of the action on neighborhoods where there may already be existing issues with respect to the amount of traffic using residential streets as through or connector streets. The Lead Agency has passed a resolution stating that traffic calming is a policy of the City of Ithaca, and the City is now engaged in a traffic calming study which will result in recommendations for installation of traffic calming devices in some city neighborhoods. The City has already begun to implement traffic calming measures on several neighborhood streets, and intends to continue to aggressively seek funding for such improvements.



(vi). The Lead Agency recognizes that because the Southwest Area is flat and close to the population centers in the City, it presents an ideal opportunity to promote bicycle, pedestrian and transit use. The combination of on-site facilities as outlined in the Design Guidelines, and off-site improvements including bicycle-friendly traffic calming, implementation of the Ithaca Bicycle Plan, and improved transit service will allow safe and convenient access to the area. Given these improvements and the potential for increased automobile travel times, bicycling, walking and transit will become more attractive alternatives. The Lead Agency additionally Finds that it intends to revisit the routing of the proposed bicycle trail along Elmira Road as provided for in the Ithaca Bicycle Plan. The proposed trail may be able to be re-routed off of Elmira Road onto internal roads anticipated to be constructed in the Study Area.

(vii). The Lead Agency Finds that promoting development in the undeveloped Southwest Area of the City will allow shorter travel distances for those in the densely populated areas of the City. The location of the Southwest Area, as well as not designing intersections and roadways for excessively high automobile levels of service, will minimize the effects of sprawl in the Ithaca area. The Lead Agency further Finds that it is acceptable to allow Levels of Service of E at certain intersections in order to avoid roadway improvements that ease travel and lead directly to sprawl.

(viii). While numerous comments were received questioning the accuracy or conclusions of the traffic study, no commentor submitted calculations or analyses that would contradict the Findings of the GEIS traffic analyses. The FGEIS contained further data to substantiate the accuracy and conclusions contained in the traffic study.

(ix). Based on the Lead Agency's analysis of existing and future traffic in the Study Area and in response to concern expressed during the public comment period about potential traffic impact, the Lead Agency Finds that it will additionally develop and implement a Traffic Monitoring and Management Plan (M & M Plan) for the Southside/South-of-the-Creek Area concurrently with development in the Southwest Area. The goals of the Plan are to protect the Southside and South-of-the-Creek neighborhoods from the negative impacts of increased traffic, to improve the accessibility of the project area for people who live east and south of downtown Ithaca, and to provide a direct route which strongly links the Southwest Area to the downtown and to the West End/Inlet Island corridor. The M & M Plan will be developed and implemented to be consistent with the City's Comprehensive Plan.

(x). The Lead Agency, as part of the M&M Plan will study and implement a set of mitigations that will help to minimize the impacts of traffic in the City, especially in the South Side and South of the Creek neighborhoods. These mitigations will address both existing traffic and that generated by new development. The mitigations consist of converting Spencer Street to two-way traffic, constructing a new road behind Ithaca Plaza entering the new southwest development area, rebuilding the Plain Street pedestrian bridge over Six Mile Creek as a traffic bridge, widening Route 13 to five lanes, constructing the new Taughannock Road extension, and developing and implementing a



City-wide traffic plan which promotes an open traffic grid in all areas of the City, including the possible removal of the diverters on Wood and South Streets.

Mitigation Fees

(i). As discussed in the FGEIS, the Lead Agency will collect mitigation fees in four areas: 1) Transportation improvements; 2) Water improvements; 3) Sewer improvements; and 4) GEIS costs. These fees are intended to recoup the fair share of the City's costs from developers for improvements constructed by the City and benefiting developers. The formulas for and amounts to be collected for water, sewer and GEIS preparation are presented in the FGEIS at pages x-xii and are summarized as follows.

Water Fee	\$9.89/gallon/day
Sewer Fee	\$14.68/gallon/day
GEIS Preparation Fee	\$0.40/SF

(ii). FGEIS Appendix 5.2, Table 1 contained a formula for apportionment of transportation mitigation fees. The Lead Agency has further considered the formula presented in this Table and determined that certain improvements can and should be funded by sources such as grants and consequently should not be funded by mitigation fees in the same proportion presented in the Table. The Lead Agency will therefore apportion the collection of traffic mitigation fees according to the table attached to and made a part of these Findings

Based on this table, the Lead Agency will collect a traffic mitigation fee of \$1,460 per adjusted trip. The Planning and Development Board may adjust trip generation for pass-by reduction, internal capture, non-automobile travel, transportation demand management, or other factors as determined applicable and appropriate.

(iii) In calculating transportation mitigation fees, developers may receive appropriate credit for off-site and on-site improvements which are required as a result of site plan review, to be constructed by the developer, as required by their approved site plan. Site improvements to be considered are only those that become part of city owned transportation infrastructure. The credit for costs incurred by the developer will not necessarily be based on cash disbursement. The credit may be awarded by the Planning and Development Board at its sole discretion, and upon advice of a qualified professional traffic consultant and/or licensed professional engineer, as the reasonable cost for such improvements. When calculating the total mitigation fee, based on the final approved site plan, the Planning and Development Board shall consider the total adjusted trips plus the shared costs for water, sewer and the Draft GEIS (as shown on the above table).



(vi). The Lead Agency Finds that it will seek other funding sources for the public portion of improvements in the Table presented in Finding t (ii) above. Such sources may include State and Federal grants. The Lead Agency further Finds that it is its intent to investigate alternative sources of funding such as a Transportation Improvement District (TID) or Benefit Assessment District (BAD) for the Southwest Area.

(v) Not all fees will apply to all parcels. The following table allocates which fees shall apply to specific parcels in the study area. The location of parcels is referenced to DEIS Figure 1, which is attached to and made a part of these Findings.

Parcel name and Letter Designation	Transportation Fee	Water Fee	Sewer Fee	GEIS Preparation Fee
A Southwest Park	Yes	Yes	Yes	Yes
B Other City Land	Yes	Yes	Yes	Yes
C Cherry Street Extension	No	No	No	No
D4 Railroad Adjacent Undeveloped Land	Yes	Yes	Yes	Yes
E1 Former Dump	Yes	Yes	Yes	Yes
E2 Former Dump	Yes	Yes	Yes	Yes
E3 Former Dump	Yes	Yes	Yes	Yes
F1 Levee parcel	Yes	No	No	Yes
F2 Levee parcel	Yes	No	No	Yes
F3 Levee parcel	Yes	No	No	Yes
F4 Levee parcel	Yes	No	No	Yes
F5 Levee parcel	Yes	No	No	Yes
F6 Levee parcel	Yes	No	No	Yes
All Other GEIS Study Area Parcels	Yes	No	No	Yes

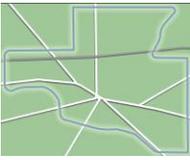
(v). The Lead Agency recognizes that it cannot exact a mitigation fee without using the money for the purpose for which it was intended. Therefore, if the money collected is not expended within 10-years from the time of exaction, it will be returned to the payee with interest at the City's cost of borrowing.



General Development Fees

As described in section 8 of this plan, the example development fee schedule that follows from the Town of Wilton highlights specific fees that the Town of Batavia could charge applicants to mitigate transportation impacts.

In the Town of Wilton, these impacts are categorized according to the primary reviewer of the application (Town or an outside consultant) and whether the application is residential or non-residential.



WILTON FEE SCHEDULE

Subdivision Fees When Town is Primary Reviewer

Initial Application Fee: \$20.00/living unit
or \$300.00 minimum

Review Fee:*	1-5 living units	\$130/unit
	6-50 living units	\$120/unit
	51+ living units	\$100/unit
		or \$6,000 minimum

Final Application Fee: \$150.00/living unit

Park and Recreation Fee: \$750.00/living unit
(including senior living units)

Traffic Mitigation Fee:** **\$524.00/living unit (including senior housing)**
(minus \$524.00 for one existing unit, if applicable)
\$330.00/living unit for multi-family units

Road Inspection Fee: \$3.00/linear foot

Sidewalk Installation Fee
If applicable: \$30/linear foot

Stormwater Management Fee \$2,000/stormwater management area when
if applicable: approved to be maintained by the town

Note: All above fees include senior living community projects.

Subdivision Fees When Reviewed by Outside Consultant

All fees are the same except review fees, which are as follows:

In-House Consultant	1-5 living units	\$40/living unit
	6-50 living units	\$35/living unit
	51+ living units	\$30/living unit
		or minimum of \$1750
Outside Consultant	1-5 living units	\$140/living unit
	6-50 living units	\$130/living unit
	51+ living units	\$110/living unit
		or minimum of \$6500

* 1/2 of the review fee is due at the time of conceptual submission; 1/2 is due with preliminary submission.

** Projects of 10 living units or less: full traffic mitigation fees due at final approval. Project of 10



living units or more: 1/2 fee due at final; 1/2 due prior to issuance of the first building permit.

Non-Residential Fees When Town Is Primary Reviewer

Initial Application Fee:***	0-4,999 sf	\$250
	5,000-9,999 sf	\$500
	10000-29,999 sf	\$.06/sf
	30,000-99999 sf	\$.04/sf or \$1800 minimum
	100,000+ sf	\$.03/sf or \$4000 minimum
Minor Review Fee:		\$100
Engineering Review Fee:	0-4,999 sf	\$1000
	5000-29,999 sf	\$25/sf or \$1 400/minimum
	30,000+ sf	\$10/sf or \$7500/minimum

Traffic Mitigation Fee:	Industrial/Commercial	\$.50/gsf
	Office	\$.78/gsf
	Service Establishment	\$.86/gsf
	Retail	\$1.30/gsf
	Self-Storage Facility	\$.14/gsf

Construction Inspection Fee:* \$.15/gsf
 With minimum fee of \$150

***1/2 due at conceptual submission; 1/2 due with preliminary submission
 ****Fee can be adjusted for very small projects requiring minimal inspection.

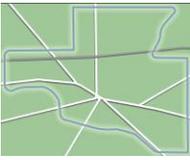
Non-Residential Fees When Reviewed by Outside Consultant

All fees are the same except review fees, which are as follows:

In-House Review:	0-4,999 at	\$400
	5,000-29,999 sf	\$.08/sf
	30,000+ sf	\$04/sf with minimum fee of \$2400
Outside Consultant:	0-4,000 sf	\$1100
	5,000-29,999 sf	\$.30/gsf
	30,000+ sf	\$12/sf with minimum fee of \$9000

Soil and Woodland Conservation Fees

Application Fee:	5-50 acres	\$ 50
	51-100 acres	\$100
	Over 100 acres	\$150
Review Fee:		\$100 (Subject to Approval by Keith Manz)

**Zoning Board of Appeals Fees**

Application Fees:

Area Variance - Residential	\$35
Area Variance - Commercial:	
Eat. < \$200,000 value	\$200
Eat, > \$200,000 value	\$400
Use Variance - Residential	\$100
Use Variance - Commercial	
Est. <\$200,000 value	\$500
Est. > \$200,000 value	\$1000
Signs	\$100
Special Permit - Residential	\$35
Special Permit - Commercial	
Eat. <\$200,000 value	\$200
Eat, > \$200,000 value	\$400
Interpretations	\$50

Zoning Change Requests

Rezoning

Eat. < \$200,000 value	\$200
Eat. > \$200,000 value	\$400

Conditional Use Permits \$40

Sign Permits \$2/sf min. fee \$100

Residential Building Permits \$10/sf min. fee \$40

Non-Residential Building Permits

New Construction	\$20/at min. fee \$100
Renovation	\$10/sf min. fee \$100

Fees current as of March 1, 2006. Fees are subject to change.