

**INTRODUCTORY LOCAL LAW No. 5 OF 2024
TOWN OF GOSHEN**

**A LOCAL LAW AMENDING CHAPTER 97 (“ZONING”) OF THE CODE OF THE
TOWN OF GOSHEN TO UPDATE PROVISIONS RELATED TO THE
REPLENISHMENT OF APPLICANT ESCROW DEPOSITS**

BE IT ENACTED by the Town Board of the Town of Goshen, Orange County, New York as follows:

SECTION 1. PURPOSE AND INTENT.

The Town Board of the Town of Goshen has found that there are times during the processing of applications before the Town, Planning and Zoning Boards that the monies in an applicant’s escrow account have been insufficient, and have not been replenished by an applicant in a timely fashion. The failure to have sufficient escrow monies causes the reviews, approvals, permits and certificates to be delayed, suspended and/or withheld. The purpose of this law is to amend the current provisions related to escrow deposits to require such deposits to be replenished upon reaching a certain level of depletion, so that the review of applications is not stalled.

SECTION 2. CHAPTER 97: ZONING.

Subsections 97-68(E), (F), (G), and (H) are hereby renumbered as (F), (G), (H) and (I), respectively.

A new Subsection 97-68(E) is hereby enacted as follows:

- E. If the escrow deposit falls below 25% of the initial deposit, the applicant shall, unless the requirement is waived by the Chairman, pay additional funds into the escrow account to replenish the escrow account to 100% of the initial deposit. If such account is not replenished within ten (10) days after the applicant is notified, in writing, of the requirement for such additional deposit, the applicable Board may suspend its review of the application until the escrow is replenished.

SECTION 3. SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including but not limited to Article 16 of the New York State Town Law, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in New York Municipal Home Rule Law.