

**Town of Rhinebeck Zoning Board of Appeals
Escrow Agreement with Applicants
ZBA Case # _____**

Date: _____

Contact Information:

Applicant Name: _____

- Are you the owner of the Property (“Landowner”) Yes No
- Are you making this Application on behalf of the Land Owner (“Representative”)? Yes No
- If you are a Representative, what is your relationship to the Landowner?

Land Owner’s Address: _____

Land Owner’s E-mail Address: _____

If the Applicant is different from the Landowner (Representative), please provide the best contact information:

E-mail Address: _____

Telephone Number: _____

Firm, if applicable: _____

PLEASE NOTE: If the Applicant and Landowner are different, then **both** the Applicant and the Landowner must sign this Agreement. After signing, both of you will be jointly and severally liable to the Town and the ZBA of compliance with this Agreement and for full performance hereunder.

Terms and Explanation:

1. I am applying to the ZBA for either an area or use variance for the property described below:

Property Location: _____

Property Tax Parcel No.: _____

Property is located in the following Zoning District: _____

2. Both State and local laws give the ZBA the authority to hire consultants (e.g., engineers, attorneys, etc.) to help the ZBA conduct its review of your application. The ZBA often takes advantage of this assistance in order to ensure a proper review of applications. Those laws also provide that the cost of consultant help to the ZBA should be borne by the person who applies to the ZBA for a variance (the "Applicant"). This helps alleviate the expenses paid by the Town, and thereby, the taxpayers.
3. The ZBA's authority to do this is given to it by Town of Rhinebeck Local Law 2 of 2006 and Section 125-143 of the Town of Rhinebeck Zoning Law. A full copy of these laws is attached to this Agreement for your information. Please read these laws before signing this Agreement because they are incorporated by reference into this Agreement.
4. To make sure that its consultant fees are paid before issuing its final decision on your application, the ZBA is requiring you to deposit money into the Town's escrow account. Your deposit will be held in the Town's escrow account, and then that money will be used by the Town to pay the ZBA's consultants for the help they provide in reviewing your application. If the ZBA does not use your entire escrow deposit, the unused balance will be returned to you at the end of the process.
5. Everyone applying for a variance is asked to make an initial deposit to the Town escrow account at the time of application submission. The required deposit is \$500.00 for an area variance, and \$500.00 for a use variance.
6. If your application presents unusual issues or is large or complex, you may be asked to make additional escrow deposits before the ZBA issues its decision. The amount of the additional deposit(s) would be set by the ZBA in its discretion.
7. You must sign this Agreement and submit the signed Agreement along with a check for the initial escrow deposit before the ZBA will accept and process your application. If the ZBA asks you to make any additional escrow deposit(s) later during the review of your application, it is your obligation to submit the additional deposits. The ZBA is authorized to delay or suspend the review of your application if such payment is not forthcoming.
8. The ZBA's decision will not be considered final unless all required escrow deposits have been made. The Applicant must provide full payment to the Town of Rhinebeck of any and all fees and escrow deposits due in connection with its application in full compliance with Article XIV "Fee Reimbursement" of the Town of Rhinebeck Zoning Law.

Based on the foregoing, you agree as follows:

- A. I have read this Agreement, including attached Town of Rhinebeck Local Law 2 of 2006 and Town Zoning Law Section 125-143. By signing this Agreement, I indicate that I understand the terms of this Agreement and I agree to comply with those terms.
- B. I agree to make the required initial escrow deposit of \$ _____ with my application, and

I have provided that deposit with my application and this Agreement signed by me. I understand that this is necessary for my application to be deemed complete.

- C. I understand that additional funds may be required later for further review of my application. I agree to deposit such additional funds to the escrow account as reasonably required by the ZBA during the course of its review of my application. I understand and agree that if I do not deposit the requested amount, the ZBA may suspend or delay the review of my application. I also understand that the ZBA will not issue a final decision on my application in the event that an escrow deposit has been required and I have failed to provide the deposit.
- D. I understand that any unused balance from the escrow deposit(s) will be returned to the Landowner following the final decision of the ZBA in my application.
- E. I understand that the ZBA decision will not be released and considered final until all fees and escrow deposits due in connection with the application have been paid in full.
- F. I agree that if the Applicant and Landowner are different, then **both** the Applicant and the Landowner shall sign this Agreement. After signing, both the Applicant and the Landowner will be jointly and severally liable to the Town and the ZBA of compliance with this Agreement and for full performance hereunder.

Applicant

Landowner, if different from Applicant

Town of Rhinebeck Escrow Agent

By: _____