

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Greenwood Lake

FILED
STATE RECORDS

APR 02 2024

DEPARTMENT OF STATE

Local Law No. 2 of the year 2024

A local law to repeal and replace Chapter 53 of the Village Code (Consultant Fees).
(Insert Title)

Be it enacted by the _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Greenwood Lake

as follows:

See attached local law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2024 of the (County)(City)(Town)(Village) of Greenwood Lake was duly passed by the Board of Trustees (Name of Legislative Body) on 20²⁴, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20□□, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer*) law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

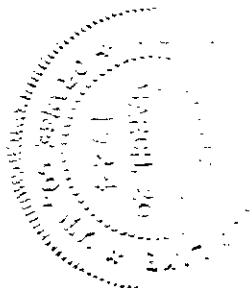
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Kathleen H. Blah
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/28/24

(Seal)



VILLAGE OF GREENWOOD LAKE

LOCAL LAW NO. 2 OF 2024

A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 53 OF THE VILLAGE CODE (CONSULTANT FEES)

BE IT ENACTED by the Village Board of the Village of Greenwood Lake, Orange County, New York ("Village Board") as follows:

Section 1. Purpose and Intent.

The purpose of this article is to ensure reimbursement to the Village for the actual costs of professional consulting and Village professional staff services with respect to the review of land use applications to the Board of Trustees or any other board or commission having jurisdiction to approve or recommend with respect to the application. The Village has found that, in many instances where it would otherwise be appropriate to avail itself of expert consulting services, the reviewing board is reluctant to do so because of the cost to the taxpayers, but the Village nevertheless bears the cost because the necessary professional services are provided by the Village staff. The purpose of this law is to require that applicants bear the cost of the professional services the Village needs to review their land use applications in a fair and equitable manner, consistent with the law of the State of New York.

Section 2. Authority.

This Local Law is enacted pursuant to the provisions of Municipal Home Rule Law § 10.

Section 3.

Chapter 53 of the Village Code is hereby repealed and replaced as follows:

§ 53-1. Definitions

For purposes of this chapter, the following terms shall have the meanings ascribed to them in this section:

APPLICANT – The person or entity sponsoring or making an application for approval to use land, but not a board, commission or other entity of the Village of Greenwood Lake or an individual or entity challenging an application by another for approval to use land.

CONSULTANT – A person or entity providing professional services, other than an employee of the Village of Greenwood Lake.

LAND USE APPLICATION – Any application by an applicant for subdivision approval, site plan approval, a special permit, a zoning amendment, an amendment to the comprehensive plan, an amendment to the zoning map, a wetland permit, a variance, a perimeter, construction or reconstruction permit or a consistency determination, an appeal by an applicant to the Zoning Board of Appeals from a determination of the Building Inspector or a request by an applicant to

the Zoning Board of Appeals for an interpretation of the zoning code by an applicant for a building permit or other approval.

PROFESSIONAL SERVICES – The planning, environmental, engineering, legal, architectural, accounting or other professional services reasonably necessary to review a land use application, whether provided by a consultant or Village staff.

REVIEWING BOARD – The Board of Trustees or any other board or commission of the Village of Greenwood Lake having jurisdiction to approve or recommend with respect to any land use application.

§ 53-2. Payment for the cost of professional services.

A. Notwithstanding any inconsistent provision of any local code, rule, regulation or ordinance, except the provisions of Chapter 120 (Zoning) of the Village Code, every reviewing board shall require the applicant for any land use application to pay the cost of the professional services necessary to review the application.

B. Before a land use application is determined to be complete, the Building Inspector, in consultation with the Village Mayor, Village Planner and/or Village Engineer, must:

- (1) advise the applicant that the applicant will be required to pay the cost of the professional services necessary to review the application, including a written acknowledgment signed by the applicant;
- (2) identify the need for any professional services needed by any reviewing board to review the application;
- (3) specify the scope of the necessary professional services;
- (4) determine whether those professional services will be provided by a consultant or by Village staff;
- (5) determine the amount reasonably necessary for the applicant to deposit with the Village Clerk or Village Treasurer to ensure that the Village has sufficient funds to pay the cost of the necessary professional services on a timely and continuing basis;
- (6) require the applicant to deposit the escrow amount with the Village Clerk or Village Treasurer; and
- (7) provide the applicant with a written statement of these determinations and requirements which will become part of the application.

A procedural omission under this subdivision B shall not relieve the applicant of the obligation to pay fees.

C. Before any reviewing board may undertake any further review with respect to the

application, the applicant must deposit with the Village Clerk or Village Treasurer the amount the Building Inspector has determined to ensure that the Village has sufficient funds to pay the cost of the necessary professional services on a timely and continuing basis. The Village Clerk or Village Treasurer will deposit the escrow deposit in an account in the name of the Village. If the Village Clerk or Village Treasurer determines at any time during the review process that the amount in the escrow account has fallen below 50 percent of the escrow amount required by the Building Inspector, the Village Clerk or Village Treasurer will notify the applicant that an additional deposit with the Village Clerk or Village Treasurer sufficient to bring the balance in the escrow account to the amount required by the Building Inspector. If the applicant receives such a notice at least seven days before a meeting of a reviewing board and fails to make the additional deposit before that meeting, the Village Clerk or Village Treasurer will so notify the reviewing board and the reviewing board will not consider the application further until the applicant has deposited the additional funds, unless further consideration by the reviewing board is necessary to avoid an approval by reason of the passage of time.

D. At the initial meeting of each reviewing board with respect to the application, the reviewing board will review the determinations made by the Building Inspector with respect to the deposit for the payment for professional services, confirm or modify the Building Inspector's determination as to the professional services needed for review of the application and, where consultants' services are needed, request that the Village Mayor retain a consultant or consultants to provide the necessary professional services. If after further consideration of the application a reviewing board determines that additional or different consultants' services are necessary to review the application, the reviewing board will so notify the Building Inspector and the Village Mayor who will take appropriate action consistent with this Article.

E. The Village Mayor will maintain a list of qualified consultants and will review and revise that list on a regular basis. Within 30 days after a request from a reviewing board for professional services, the Village Mayor will select a consultant or consultants and engage the consultant or consultants in accordance with the Village's procurement policy.

§ 53-3. Payment of review costs.

A. Consultants and Village staff members providing professional services will submit monthly statements to the Village Mayor for their professional services setting forth the services provided and the cost of those services. The cost of professional services provided by a consultant will be as provided in the consultant's agreement with the Village, consistent with the usual charges for such services in Orange County. The cost of professional services provided by the Village's professional staff will be at hourly rates based upon the actual salary and benefits paid by the Village, as determined by the Village Mayor.

B. Within 15 days of the receipt of a monthly statement from a consultant or the Village's professional staff, the Village Mayor will provide a copy of the statement to the applicant by regular mail to the address specified by the applicant or by electronic mail if the applicant specifies an electronic mail address. The applicant may dispute any charge by notifying the Village Mayor of the basis for the dispute in writing within 15 days of the date on which the Village Mayor gives the applicant notice of the statement.

C. If the applicant does not dispute any charge, the Village Mayor will direct the Village Clerk or Village Treasurer to pay the charges. If the applicant disputes any charge, the Village Mayor will determine within 15 days, based upon the applicant's statement, whether to pay the disputed charge, and will direct the Village Clerk or Village Treasurer to pay the charges the Village Mayor determines to be reasonable and consistent with the provisions of this Chapter.

§ 53-4. Payment schedule.

- A. The fees shall be paid to the Village pursuant to the following schedule:
- (1) 50 percent upon submission of the initial land use application.
 - (2) 25 percent at the time of the application for preliminary subdivision approval or site plan before any action on the plan approval.
 - (3) 25 percent at the time of application for final approval of a land use application.
 - (4) Nothing herein shall preclude the applicant from depositing more than the percentages indicated in this schedule.

§ 53-5. Failure to pay review costs.

- A. The Building Inspector shall not grant a building permit, certificate of occupancy or certificate of completeness until all fees required by this Chapter have been paid in full.
- B. If, after final action is taken on the land use application and the Village Mayor has received and approved all statements for professional services with respect to the application, the escrow amount held by the Village Clerk or Village Treasurer is less than the charges for professional services approved by the Village Mayor, the applicant must pay the remaining balance within 30 days. If the applicant fails to do so, the Village Mayor will cause the unpaid amount to be assessed on the next Village tax bill for the property that is the subject of the application.

§ 53-6. Interest on unpaid fees.

If applicant fails to pay a fee when due, interest shall be paid to the Village at a rate of 10% per annum, commencing from the date of the application, if charged at that time, or upon 10 days after billing the applicant, if applicable.

§ 53-7. Reimbursement to applicant.

- A. If, after final action is taken on the land use application and the Village Mayor has received and approved all statements for professional services with respect to the application, the escrow amount held by the Village Clerk or Village Treasurer is greater than the charges for professional services approved by the Village Mayor, the Village Clerk or

Village Treasurer will refund the balance to the applicant within 30 days.

B. In the event an applicant withdraws his application at any stage of the proceedings, the Village shall reimburse the applicant that portion of the deposited fund not actually required for payment of professional consulting services.

C. Withdrawal of a land use application before action is taken does not relieve the applicant of the applicant's obligation to pay the cost of professional services incurred in connection with the review of the application prior to its withdrawal.

§ 53-8. Avoidance of duplication of fees.

The Village shall apply its best efforts to avoid duplication of consultant costs if an application requires review by more than one board of the Village. To the extent practicable, the boards shall endeavor to use the same consultants, who shall prepare one report providing the data, information and recommendations requested by the Boards.

§ 53-9. Pre-Application Reviews.

In the event that an applicant desires to engage in discussion or review of a potential application prior to submissions requiring review or input from a Village professional or consultant, the applicant shall be responsible to deposit an escrow amount based upon an estimate of the consultant or professional prior to such review or input. Such pre-application review is solely at the discretion of the Village unless otherwise provided for in the Village Code.

Section 4. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (26) and (33), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 5. Severability.

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Code Preparation.

The Village Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this Local Law.

Section 7. Effective date.

This Local Law shall be effective immediately upon filing with the Secretary of State.