

**Town of Pawling Local Law No. 1 of 2026**  
**A Local Law Repealing and Replacing the Town of Pawling Code Chapter 95 Relating to**  
**Collection of Professional Consultant Fees**

BE IT ENACTED, by the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

**Part 1. Title**

This Local Law shall be known as the “A Local Law Repealing and Replacing the Town of Pawling Code Chapter 95 Relating to Collection of Professional Consultant Fees.”

**Part 2. Purpose**

The purpose of this local law is to amend the Town of Pawling Code to amend the process for setting fee and escrow amounts for land use development approvals.

**Part 3. Enactment**

This Local Law is adopted and enacted pursuant to the authority and power granted by §10 of the Municipal Home Rule Law of the State of New York.

**Part 4. Amendment of the Town Code**

Chapter 95: Engineering Fees, Collection of

*Repeal in Entirety*

*Add*

**Chapter 95: Escrow, Consultants Fees &**

**§95-1 Legislative Intent.**

The powers delegated to the Town Board under Article 16 of the Town Law provides authority for making an applicant for administrative or legislative land use development approvals responsible for payment of the cost of consultants retained by the town to review the adequacy and substance of such applications. However, to the extent that the subject matter of this Article may be deemed inconsistent with the provisions of § 20, Subdivision 2, §§ 261, 274- a, 276 and 277 of the Town Law and 6 NYCRR 617.17, the Town Board finds that the subject matter is appropriate for exercise of its powers to amend and supersede provisions of the Town Law under Municipal Home Rule Law § 10, Subdivision 1(ii)d(3), and § 22, Subdivision 1. The Town Board finds that these matters are of particular local concern and are within the legislative powers vested under Municipal Home Rule Law § 10, Subdivision 1(ii)a(12) and 1(ii)a(14). To the extent that the aforesaid sections of the Town Law are deemed inconsistent with this Article, they are superseded or amended.

### **§95-2 Imposition of Fees.**

When an action that is subject to the State Environmental Quality Review Act (SEQRA) involves an application before the Town Board, the Planning Board or the Zoning Board of Appeals (hereinafter the "permitting authority"), the permitting authority may, if such permitting authority is the lead agency of the SEQRA review, establish an escrow account for expense of the review, which would be replenished from time to time to recover the actual cost to the Town or the actual cost incurred by a non-Town agency to whom the permitting authority refers the application in whole or part for preparation or reviewing the environmental assessment form (EAF), environmental impact statement (EIS), the SEQRA findings, notices and all other requirements that are incidental to the SEQRA review process. Such fees may be imposed on the applicant by the lead agency and shall not exceed the amounts allowable under 6 NYCRR 617.13(b) through (d), except for non-SEQRA-related matters as provided for herein. Such fees may be imposed on an applicant for costs incurred by the Town for environmental and planning services, professional engineering services, historic preservation services, legal services and such other professional services as, in the judgment of the lead agency, are appropriate. Any referral must be pursuant to the authorization from the permitting board upon receipt of an estimate of the consultant's fee before proceeding with any consultant's review.

### **§95-3 Actions exempt or excluded; fee.**

Where an applicant submits an application for a rezoning, site plan, subdivision, area or use variance or special use permit to the Town Board, Planning Board or the Zoning Board of Appeals for an action or approval that is exempt or excluded from SEQRA, the Town Board, the Planning Board and the Zoning Board of Appeals may require the applicant to compensate the Town for the actual cost of professional environmental, engineering, inspections, planning, historic preservation, legal and other services rendered to the permitting authority or the actual cost incurred by a non-Town agency to whom the permitting authority refers the application in whole or part prior to a final determination of the application by the permitting authority. Said fee shall be in addition to any other fees or administrative costs incurred for review by the Town of Pawling.

### **§95-4 Approval of negative declaration.**

In all cases where the Town Board, the Planning Board or the Zoning Board of Appeals approves a negative declaration in connection with an action governed by SEQRA, the actual cost of professional environmental, planning, engineering, historic preservation, legal and other services provided to the permitting authority between the time of receipt of the application and the final determination on the requested action by the permitting authority or the actual cost incurred by a non-Town agency to whom the permitting authority refers the application in whole or part may be imposed on the applicant in the same manner as prescribed in § 95-3 herein. The costs to the applicant imposed under this section shall not exceed the limit set forth in 6 NYCRR 617.13(d) through (b).

**§95-5 Maintenance of escrow account.**

Where the permitting authority possesses authority under SEQRA or this Article to impose costs or fees on an applicant as described in this Article and where such permitting authority determines that an applicant will be required to make payments to the town as provided in this section, such permitting authority may approve a resolution establishing the amount of money that the applicant is initially required to deliver to the Planning/Zoning Clerk for deposit in a Town of Pawling non-interest-bearing escrow account maintained by the Town of Pawling for custody of funds collected pursuant to this Article.

**§95-6 Delivery of additional funds.**

The applicant may be required by the permitting authority from time to time to deliver additional funds to the Planning/Zoning Clerk for deposit in the escrow account if such additional funds are required to pay for services rendered to the town or anticipated to be rendered. If such funds are not provided by the applicant, the permitting authority may suspend its review of the application.

**§95-7 Payment required prior to final determination.**

The Town Board, the Planning Board or the Zoning Board of Appeals, as applicable, shall not make any final determination in a matter pending before it until all applicable fees and reimbursable costs imposed by the permitting authority on the applicant under authority of this Article have been paid with reasonable written proof of such payment delivered to the Chairman or Secretary of the permitting authority.

**§95-8 Withdrawal of application; refunds.**

Escrow funds may be refunded to the applicant when the applicant formally withdraws the application from consideration by the permitting authority, and all actual reimbursable fees incurred by the town are first deducted from the escrow account leaving an unencumbered balance that is not required by the permitting authority to pay consulting costs attributable to the application being withdrawn or being finally acted on.

**§95-9 Fees to be additional.**

The imposition of fees authorized in this action are in addition to and not in place of such other fee schedules currently in force.

**§95-10 No applicability.**

This Article shall not apply to area variance applications for residential uses on property entirely in a residential zone.

**§95-11 Failure to reimburse town.**

In the event of an applicant's failure to reimburse to the town funds expended to consultants as provided herein, the following remedies may apply:

- A. The town may seek recovery of billed and unpaid fees by bringing an action.

- B. venued in a court of appropriate jurisdiction, and the applicant shall pay the town's reasonable attorney fees in prosecuting such action in addition to any judgment.
- C. Alternatively, and at the sole discretion of the Town Board, an applicant's failure to reimburse the town for fees expended by the town may be collected by charging such sums against the real property that is subject to the permit application and by adding that charge to and making it a part of the next real property tax bill associated with the subject property. Such charges shall be levied and collected at the same time and in the same manner as general town taxes, and such fees shall be paid by the Receiver of Taxes to the Planning/Zoning Clerk to be applied to the escrow fund from which the costs for fees are paid. Prior to incorporating such delinquent fees into the real property tax bill, the Planning/Zoning Clerk shall send written notice to the applicant's address as contained in the permit application and to the property owner, if other than the applicant, at the owner's address of record as contained in the current assessment roll. Such written notice shall be sent by the Planning/Zoning Clerk by certified mail, return receipt requested. Such notice shall inform the owner and applicant of the delinquent amount of fees owed to the town and shall be mailed or delivered no later than 10 calendar days from the hearing date set forth in the notice unless such time period is waived by the owner-applicant, in writing. After the hearing, the Planning/Zoning Clerk shall be empowered to correct any errors in the fees owed by the owner or applicant and to extend terms of payment and adequate security of the debt and enter into a written agreement with the owner or applicant to facilitate the payment in full of the fee.

**§95-12 Determination of payment.**

- A. In the event of adoption of a local law rezoning a property by request of the owner, the Town Clerk shall determine from the Planning/Zoning Clerk if all outstanding consultant fees have been paid by the applicant prior to submitting such rezoning local law to the New York State Secretary of State. Such local law shall not be filed with the Secretary of State until such outstanding fees have been reimbursed to the town or the Planning/Zoning Clerk has entered into a written agreement with the applicant extending the time of payment of such fees.
- B. In the event of a site plan approved by the Planning Board pursuant to §274-a of the Town Law of New York State, the Planning Board Chairman shall determine from the Planning/Zoning Clerk if all outstanding consultant fees have been paid or the Planning/Zoning Clerk has entered into a written agreement with the applicant extending the time of payment of such fees prior to affixing his or her signature to the site plan. All such outstanding consultant fees billed to the applicant during the application process shall be paid in full to the town prior to the Planning Board Chairman affixing his or her signature to the site plan.
- C. In the event of a subdivision plat approved by the Planning Board pursuant to §276 of the Town Law of New York State, the Planning Board Chairman shall determine from the Planning/Zoning Clerk if all outstanding consultant fees have been paid by the applicant or the Planning/Zoning Clerk has entered into a written agreement with the applicant

extending the time of payment of such fees, prior to affixing his or her signature to the final plat.

**§95-13 Custody of escrow account records.**

The Planning/Zoning Clerk shall set up escrow funds as part of a trust and agency fund item whereby consultant fees incurred by the town pursuant to this Article shall be audited and paid from such special fund and not the general fund.

**§95-14 Applicability.**

This Article shall apply to all land use permit applications pending before the Town Board, Planning Board or Zoning Board of Appeals at the time when this article is filed with the Secretary of State. All consulting fees incurred by the town thereafter shall be paid as provided herein.

**Part 5. Severability**

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Local Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

**Part 6. Effective Date**

This Local Law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically, Article 3, Section 27 of the New York State Municipal Home Rule Law.