Town of New Lebanon, NY
Tuesday, September 29, 2026

Chapter 103. Fees, Consultant

[HISTORY: Adopted by the Town Board of the Town of New Lebanon 3-14-2005 by L.L. No. 3-2005. Amendments noted where applicable.]

GENERAL REFERENCES

These costs include but are not limited to the retention of professionals and consultants with planning, legal, architectural, engineering, or other knowledge required to guide the land use boards within the Town.

§ 103-1. Findings.

of

The Town Board of the Town of New Lebanon finds that the Town incurs significant costs in connection with the ~~retention of planning or engineering consultants to review~~ applications ~~for major subdivision or other complex projects~~ involving land use within the Town. The Town Board believes it is unfair to have the Town taxpayers bear the cost of these consultants, and that the proponents of such projects, who stand to gain financial benefit from the projects' approval, should be required to pay the reasonable cost of the Town's consultants. In order to achieve this goal and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 103-2. Estimate of fees; escrow required.

will

[Amended 4-9-2019 by L.L. No. 1-2019]

In connection with any application for ~~a special permit, site plan, subdivision, zoning amendment, variance or other appeal, or other land~~ use approval, the reviewing board ~~may~~ require an applicant to deposit an initial sum ~~of $5,000~~ into an escrow account in advance of the review of the application. Said initial sum may be adjusted by the reviewing board if it determines, based on the estimated cost to the Town of reviewing the particular type of application before it, that a different amount would be appropriate. The reviewing board may consider the professional review expenses incurred by neighboring municipalities in reviewing similar applications. ~~The reviewing board may also consider the Town's survey of professional review expenses in determining the initial sum of money to be deposited in an escrow account by an applicant.~~

is found in the Town's Fee Schedule and

§ 103-3. Determination of reasonable and necessary fees.

Said sum of money shall be used to cover the reasonable and necessary costs of reviewing an application. Costs may include staff costs or consultant fees for planning, engineering, legal, and other professional and technical services required for the proper and thorough review of an application. ~~The reviews governed by this chapter shall include all environmental review pursuant to law, including review of the proposed action under the State Environmental Quality Review Act (SEQRA).~~

§ 103-4. Consulting fee not included in administrative fees.

The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the New Lebanon Town Code. Monies deposited by applicants pursuant to

this chapter shall not be used to offset the Town's general expenses of professional services for the several boards of the Town or its general administrative expenses.

§ 103-5. Fees charged pursuant to SEQRA.

Fees charges strictly as a result of a SEQRA review shall in no event exceed the maximum amounts that can be charged pursuant to the SEQRA regulations by the lead agency.

§ 103-6. Receipt of money by Town Supervisor.

Upon receipt of monies requested for an escrow account, the Town Supervisor shall cause such monies to be placed in a separate non-interest-bearing account in the name of the Town and shall keep a separate record of all such monies deposited and the name of the applicant and project for which such sums were deposited.

§ 103-7. Receipt and approval of consultant's itemized voucher by Town Board.

responsible board's Chairperson and the

Upon receipt and approval by the Town Board of itemized vouchers from consultants for services rendered on behalf of the Town regarding a particular application, the Town Supervisor shall cause such vouchers to be paid out of the monies so deposited, and shall debit the separate record of such account accordingly. The consultant shall make copies of such vouchers available to the applicant at the same time the vouchers are submitted to the Town.

§ 103-8. Review and audit of itemized vouchers by Town Board.

[Amended 4-9-2019 by L.L. No. 1-2019]

The Town Board shall review and audit all such vouchers and shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Town in connection with the review and consideration of applications. In auditing the vouchers, the Town Board may take into consideration the size, type and number of buildings to be constructed, the topography of the site at issue, environmental conditions at such site, the infrastructure proposed in the application and any special conditions the Town Board may deem relevant.

§ 103-9. No direct payment by applicant to Town consultant.

In no event shall an applicant make direct payment to any Town consultant.

§ 103-10. Request for additional sums from applicant.

[Amended 4-9-2019 by L.L. No. 1-2019] 30% of the original escrow fee

If at any time during the processing of an application the balance of the escrow account to the credit of the applicant falls below ~~$1,500~~, or such other amount as may be established by the reviewing board, the applicant shall deposit additional funds in such amount as the reviewing board deems necessary or advisable in order to pay the existing or anticipated future review expenses associated with reviewing the application.

§ 103-11. Failure to deposit requested review fees.

In the event the applicant fails to deposit the requested review fees into an escrow account, any application review, approval, permit or certificates of occupancy may be withheld or suspended by the reviewing board, officer or employee of the Town until such monies are deposited.

§ 103-12. Return of unexpended funds to applicant.

Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Town have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within 60 days after the applicant's request.