

Town of Lancaster
Local Law No. 9 of 2022

A Local Law Amending the Town Code Related to Certain Zoning Approvals Under § 400 to Clarify the Time for an Applicant to Request an Approval Extension.

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1. Section 400-75(D)(9)(d) of Chapter 400 of Article XIV of the Town Code is hereby added to read in its entirety as follows:

D. Site plan review procedure.

9. Except for subdivisions that have been duly filed in the office of the County Clerk, if construction of an approved development (site plan) has not commenced within two (2) years from the date of site approval, that approval shall be deemed revoked. A one-time additional one-year (1) extension **may** be granted by the Town Board upon receipt of the following:

A. A written request for extension must be submitted to the Town Board, Town Clerk, and Town Attorney's Office.

B. The written extension request must be applied for within 30 days of the expiration of the approval. If an extension is necessary for compliance, but not sought within this timeframe, then the approval shall be rescinded. Under these circumstances, applicants may re-apply for approval.

C. Request must include a current Environmental Assessment Form, and comply with current State, County and Town Zoning and Building Codes/Laws/Regulations.

D. Applicant must present to and receive approval recommendation from, the Town's Planning Board/Department.

Section 2. **Subsection 400-75 (E)(1)** of Chapter 400 Article XIV of the Town Code is hereby amended to read in its entirety as follows:

(E) Enforcement of site plan; security; penalty.

(1) Upon approval of a site plan, the owner/developer shall meet the conditions imposed by the Town Board, including but not limited to landscaping, buffer zones, fencing, finished exteriors, parking areas, dumpster location, etc., within 60 days of issuance of the certificate of occupancy by the Building Inspector, unless written extension is granted by the Town Board. Such a written extension must be sought by the applicant and obtained prior to the expiration of any such approval. **Such an extension must be applied for in writing to the Town Board within 30 days of the expiration of the approval. If an extension is necessary for compliance, but not sought within this timeframe, then the approval shall be rescinded. Under these circumstances, applicants may re-apply for approval.**

Section 3. **Severability Clause.** If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 4. **Effective Date.** This local law shall be effective immediately upon filing with the New York Secretary of State.