

Town of Lancaster
Local Law No. 10 of 2022

A Local Law Amending Subsection § 400-38(H)(4)(d) Approval of Minor Subdivision, Planning Board recommendation, (5)(f) Approval of preliminary plat of Major Subdivision, (8) Filing of a Final Plat; and adding (9) Model Homes and (10) Building Permits to the Town Code of the Town of Lancaster

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

Section 1.

Subsection 400-38(H)(4)(d) Approval of a minor subdivision of Chapter 400 of Article VIII of the Town Code is hereby amended to read in its entirety as follows:

- (d) Planning Board recommendation. Upon receipt of the application fee, the Town Clerk shall so notify the Planning Board and the Planning Board shall, within 45 days or thereafter, review the proposed minor subdivision and provide comments; within sixty-two (62) days or thereafter upon receipt of a complete application (including all requested amendments), the Planning Board shall hold a public hearing and conduct a **State Environmental Quality Review (SEQR)**. Upon a Negative or Positive Declaration and any necessary Variances being granted, the Planning Board shall make its recommendations to the Town Board to modify, modify and approve, or disapprove the proposed minor subdivision. If a SWPPP was submitted pursuant to § 400-38H of this chapter, the Planning Board shall not recommend approval of the minor subdivision plat unless the SWPPP and plat comply with the performance and design criteria and standards set forth in Chapter 300, Stormwater Management and Erosion and sediment control, and § 400-71, Stormwater pollution prevention plans, of the Town Code. Stormwater pollution prevention plans. The Planning Board and/or the Town Board may require, however, when it is deemed necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the Planning Board should require that the proposed minor subdivision comply with all or some of the requirements specified for major subdivisions, it shall so state in its recommendation to the Town Board. The recommendation of approval of the plat, subject to conditions, revisions and modifications as stipulated by the Planning Board, shall not constitute Town Board approval of the subdivision, but rather, the Town Board shall be the sole authority to grant such approval.

Section 2.

Subsection 400-38(H)(5)(f) Approval of preliminary plat of a major subdivision of Chapter 400 of Article VIII of the Town Code is hereby amended to read in its entirety as follows:

- (f) Planning Board recommendation. the Planning Board and the Planning Board shall, within 60 days or thereafter, of its receipt of the preliminary plat, review the proposed major subdivision and provide comments; within sixty-two (62) days or thereafter upon receipt of a complete application (including all requested amendments), the Planning Board shall hold a public hearing and conduct a **State Environmental Quality Review (SEQR)**. Upon a Negative or Positive Declaration and any necessary Variances being granted, the Planning Board shall forward the plat to the Town Board with its recommendations to modify, modify and approve, or disapprove the proposed preliminary plat. If a SWPPP was submitted pursuant to § 400-38H of this chapter, the Planning Board shall not recommend approval of the preliminary plat unless the SWPPP and preliminary plat comply with the performance and design criteria and standards set forth in Chapter 300, Stormwater Management and Erosion and sediment control, and § 400-71, Stormwater pollution prevention plans, of the Town Code. The recommendation of approval of the preliminary plat, subject to conditions, revisions and modifications as stipulated by the Planning Board, shall not constitute Town Board approval of the subdivision, but rather, the Town Board shall be the sole authority to grant such approval.

Section 3.

Subsection 400-38(H)(8) of Chapter 400 of Article VIII of the Town Code is hereby amended to read in its entirety as follows:

- (8) Filing of final plat. Upon completion of the requirements above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the Town Clerk and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of failure of the Town Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Town Board to grant an extension which shall not exceed two (2) additional periods of 90 days. **Such an extension must be applied for in writing to the Town Board within thirty (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 4. **Subsection 400-38 (H)(9)** of Chapter 400 of Article VII of the Town Code is hereby added to read in its entirety as follows:

- (9) **Model Home Permits:** For the purpose of allowing the early construction of model homes in a subdivision, subsequent to the filing of final plat with the Erie County Clerk, but prior to the full completion and acceptance of streets or highways giving access to the proposed structures(s). The Town Board may, by resolution, approve the issuance of a building permit for a model home. It may do so if it finds, after receiving recommendations from the Town Engineer and the Code Enforcement Officer, that such improvements have been made as are adequate in respect to the public health, safety, and general welfare. "Adequate" improvements shall generally mean that water lines and hydrants and sanitary sewers are available and that there is sufficient access provided for emergency vehicles. Similarly, the Code Enforcement Officer may issue a temporary certificate of occupancy for the purpose of display where adequacy of improvements is shown.

Section 5. **Subsection 400-38 (H)(10)** of Chapter 400 of Article VII of the Town Code is hereby added to read in its entirety as follows:

- (10) **Building Permits:** No building permits, other than those for a model home, as regulated in § 400-38(H)(9), shall be issued unless and until all improvements are installed and accepted by the Town Board as indicated in the Final plat; and the Final plat has been recorded in the Office of the Erie County Clerk.

Section 6. **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 7. **Effective Date.** This local law shall be effective immediately upon filing with the New York Secretary of State.