

**Town of Southeast, Putnam County, NY**

**Local Law No. 2 of 2011**

A LOCAL LAW entitled: “A Local Law to Amend Chapter 138 of the Town Code, ‘Zoning’.”

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

**SECTION 1: LEGISLATIVE INTENT**

The Town Board of the Town of Southeast, upon recommendation by the Planning Board, proposes to amend the number of times a site plan approval can be renewed by the Planning Board at its discretion. The Town Board recognizes that significant time and expense is incurred by a property owner seeking site plan approval, and that during times with difficult economic conditions it is risky for property owners to implement their site plan approvals within the time allowed by the existing Town of Southeast Code. Therefore, the Town Board proposes to increase the number of times a site plan approval can be renewed by the Planning Board prior to expiration.

**SECTION 2: AMENDMENTS TO ARTICLE IX, “SITE PLAN REVIEW AND APPROVAL”**

Section 138-41, “Application Procedures” is hereby amended as follows:

M. Expiration. A site plan shall be void if construction is not started within one year and substantially completed within the applicant's projected schedule of construction as approved by the Planning Board, except that such site plan approval may be renewed ~~once~~ a maximum of three times by the Planning Board at its discretion. In considering a site plan renewal, the Planning Board shall evaluate whether any significant changes to the Town's Comprehensive Plan or Zoning Code have occurred since the issuance of the original approval. Should the Planning Board determine that the site plan is substantially non-compliant with the Comprehensive Plan or Zoning Code, the Planning Board may deny the site plan renewal, and the applicant may file an amended site plan application. Each site plan renewal shall be valid for one year. The applicant should apply for such renewal at least 60 days prior to the expiration date of the approval of the site plan. Site plans that have expired shall not be eligible for renewal. The Town Board may establish an annual site plan renewal fee.

**SECTION 3: VALIDITY**

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

**SECTION 4: EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State. To capture those applications which expired while this law was being considered and implemented, Site Plans that expired between June 1, 2010 and June 1, 2011, shall be eligible for renewal regardless of whether or not they have already expired. Applications which expire June 2, 2011 or thereafter shall be required to make an application for renewal 60 days prior to their expiration.