



Department of State
Corporations, State Records & UCC

New York State
 Department of State
**DIVISION OF CORPORATIONS,
 STATE RECORDS AND
 UNIFORM COMMERCIAL CODE**
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 Albany, NY 12231-0001
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

7 of the year 20 25

Local Law Title: A local law amending Chapter 300, Article XIV, Section 300-86 of the Town Code of the
Town of New Windsor (Zoning).

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one)

of NEW WINDSOR as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ of the year 20 _____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

SECTION 1. TITLE.

This local law shall be known as "A LOCAL LAW AMENDING CHAPTER 300, ARTICLE XIV, SECTION 300-86 OF THE TOWN CODE OF THE TOWN OF NEW WINDSOR (ZONING)"

SECTION 2. PURPOSE AND INTENT.

The Town Board of the Town of New Windsor, after consultation had with other relevant town officials and consultants regarding site plan approvals and bonding, has determined it is in the Town's best interests to seek to impose better control, where possible, over the development of approved site plans. More particularly, the Board believes it is vital to ensure that those who receive Planning Board approval of site plans proceed with development in a timely manner; that if there are delays from approval to construction, the approved construction still aligns with the area's zoning and essential infrastructure needs; and that all bonding or other surety required to protect the town in the event of delay, substandard workmanship, failure to build, or failure to properly install essential infrastructure remains sufficient to secure the work required. The amendments proposed in this local law are intended to codify such protections and shall apply to all pending and future site plan applications and approvals, conditional and final, whether such approvals were obtained prior to or subsequent to the effective date of this amendment. Should all aforementioned procedures be followed, all conditional and final approvals received prior shall remain in good standing. In the Board's view, this action is the most effective way to provide ongoing compliance with any developmental goals set forth in the town's comprehensive plan.

SECTION 3. AUTHORITY.

This local law is adopted pursuant to the New York State Municipal Home Rule Law, the Statute of Local Governments, the New York State Town Law, the Town of New Windsor Zoning Law and general police powers vested with the Town of New Windsor to provide for the health, safety and general welfare of persons and property within the Town.

SECTION 4. AMENDMENTS TO ZONING CODE.

§ 300-86(D)(10) is hereby repealed, reserved for future use, and replaced with § 300-86(F) below.

§ 300-86(D)(11) is hereby repealed and reserved for future use.

§ 300-86(D)(12) is hereby repealed and replaced with the following:

The Planning Board may require, as a condition of approval, that a performance bond or maintenance bond, or both, be posted with the Town in a manner set forth in

Chapter 257, Subdivision of Land, to guarantee the installation of key site improvements and the upkeep of landscaping, screening and safety devices, and to ensure the general cleanliness and proper housekeeping of the grounds and environs of the area approved pursuant to these regulations. Such performance bonds shall be maintained valid until all work is complete and accepted by the Town and if any work shall extend beyond three (3) years from the date of initial site plan approval, the amount of the performance bond or bonds may be re-evaluated and increased as deemed warranted by the Town Board, upon recommendation of its consultant engineer. The amount of the performance bond or bonds shall be re-evaluated thereafter, every three (3) years, until all secured work on the approved site plan or site plan amendment is complete. Maintenance bonds shall remain valid for a period of three (3) years from the date of acceptance by the Town of the applicable public improvements. All bond estimates and bonds shall be in a form and amount acceptable to the Town's consultant engineer and Town Attorney, and approved by the Town Board.

§ 300-86(F) is hereby repealed and replaced with the following:

Expiration of site plan approval and application abandonment.

- (1) Following the approval of a site plan by the Planning Board, the applicant shall have one year from the date of the Board resolution approving the site plan to satisfy all conditions and to secure the stamp and signature of the Planning Board Chairperson. If the applicant does not satisfy the conditions and secure the stamp and signature within the one-year period, except as hereinafter set forth, the approval shall automatically expire.
- (2) The applicant shall have one year from the date of the Planning Board Chairperson's signature on the site plan to secure a building permit for the construction of improvements on the site. If the applicant fails to secure a building permit within the one-year period, the site plan approval shall expire.
- (3) Prior to the expiration of any site plan approval, if an applicant seeks a one-year extension of such approval, the applicant shall file a written request to, and appear before, the Planning Board. The Planning Board may grant no more than three (3) such extensions, each for a period of up to one (1) year from the date of the last approval or extension granted. To obtain Planning Board approval of such request, the applicant must show, by clear and convincing evidence and written supporting documentation, that circumstances warrant approval of same. The applicant must further demonstrate to the Planning Board that circumstances or conditions upon which its initial approval was based have not substantially changed, including but not limited to an applicable change in zoning and/or diminished capacity to provide essential services. Any site plan approval which previously received three (3) or more extensions at the time of the enactment of this provision shall not be eligible for any further extensions.

- (4) Unless otherwise extended by the Planning Board, in compliance with the requirements and procedures set forth above, all site plan work shall be completed within two (2) years from the date a building permit was issued.

§ 300-86(G) is hereby enacted as follows:

The Building Inspector may withhold the issuance of any building permit or certificate of occupancy if the developer of any site plan is not in compliance with the requirements of this Article, including, but not limited to, the requirement to maintain or increase performance and maintenance securities, as set forth herein.

SECTION 5. SEVERABILITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law or the application thereof and shall be limited to the part directly involved in the controversy and adjudged invalid. The Town Board hereby declares that it would have enacted this Local Law or the remainder thereof if the invalidity of such provision or application had been apparent.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the New York State Municipal Home Rule Law.

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 7 of 20²⁵ of the (County)(City)(Town)(Village) of NEW WINDSOR was duly passed by the TOWN BOARD on November 5 20²⁵ in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the City of _____, having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____ became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county ~~considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 1 above.

Patricia A. Clarvo

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body.

November 6, 2025

(Date)

(Seal)

