

Local Law No. 1 of 2026

A Local Law Amending the Subdivision Law of the Town of Windham

BE IT ENACTED by the Town of Windham Town Board as follows:

Section 1. Authority

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law.

Section 2. Purpose

This local law amends Local Law No. 2 of 2007, as amended, entitled, “Subdivision Law of the Town of Windham” to eliminate the restriction that currently limits the number of extensions of time the Town of Windham Planning Board may grant for a conditional plat approval to two (2) ninety (90) day extensions. This restriction was eliminated from N. Y. Town Law Section 276(7)(c) in 2010 and the statute now provides that a Planning Board shall have the discretion to grant more extensions of time if warranted under the circumstances. This amendment is intended to bring the Town’s subdivision regulations into accord with the current state statute.

Section 3. Amendment

- (a) Article III, Section 2(C) is hereby amended by deleting the words “not to exceed two” as illustrated below:

C) Action on Minor Subdivision Plat

The Planning Board shall, within sixty-two (62) days from the date of the close of the Public Hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the Subdivision Plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the Plat.

Upon granting conditional approval with or without modification to the Plat, the Planning Board shall empower a duly authorized officer to sign the Plat upon compliance with such conditions and requirements as may be stated in its Resolution of conditional approval. Within five (5) days of the Resolution granting conditional approval, the Plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy shall be filed in his office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed will authorize the signing of the conditionally approved Plat. Upon completion of such requirements, the Plat shall be signed by the duly designated officer of the

Planning Board. Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the Resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for signature if in its opinion such extension is warranted in the circumstances, for ~~not to exceed two~~ additional periods of ninety (90) days each. If disapproved, reason must be stated in record.

- (b) Article III, Section 3(B)(4) is hereby amended by deleting the words “not to exceed two” as illustrated below:

4. Action on Major Subdivision Plat

The Planning Board shall by Resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the Major Subdivision Plat, within sixty-two (62) days of its receipt by the Clerk of the Planning Board if no Hearing is held, or if a Hearing is held, within sixty-two (62) days after the date of the close of such Hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action of a Major Subdivision Plat within this time shall be deemed approval of the Plat.

Upon Resolution of conditional approval of such Major Subdivision Plat the Planning Board shall empower a duly authorized officer to sign the Plat upon completion of such requirements as may be stated in the Resolution. Within five (5) days of such Resolution that Plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in his/her office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Major Subdivision Plat. Upon completion of such requirements the Plat shall be signed by duly authorized officer of the Planning Board. Conditional approval of a Major Subdivision Plat shall expire one hundred eighty (180) days after the date of the Resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for ~~not to exceed two~~ additional periods of ninety (90) days each.

Section 5. Severability.

Should any section or provision of this local law be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the local law as a whole, or any part thereof, other than the part so explicitly declared to be invalid.

Section 6. Effective Date

This local law shall take effect immediately upon its filing in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.