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## **NYS Legislature Gives Planning Boards Greater Discretion in Granting Extensions of Conditional Subdivision Approval**

March 14, 2011

New York State Town Law Section 276(7)(c) was recently amended to allow planning boards greater discretion to extend the time in which a conditionally approved final subdivision plat must be submitted for signature following approval. Previously, no more than two extensions of ninety days each were permitted. Now, planning boards may grant additional ninety day extensions beyond the two previously permitted % if, in the planning board's opinion, such extension is warranted by the particular circumstances.+

On September 17, 2010, Governor Paterson signed Senate Bill 7241 into law, effective immediately, which specifically provides, %the planning board may extend for periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted by the particular circumstances.+ Before this amendment, applicants faced harsh consequences if they were unable to satisfy the conditions applicable to a conditional subdivision plat approval within 180 days of receiving such approval. Conditions of subdivision plat approval often require significant time and expense to satisfy. If every condition was not satisfied by the end of the second ninety day extension, the planning board had no authority to further extend the approval and the subdivision plat was rendered null and void. The applicant would then be required to re-commence the application process from square one.

The amendment reflects the current economic climate and difficulty in obtaining project financing in many cases. By providing planning boards the discretion to extend conditional approval beyond 180 days % in the planning board's opinion, such extension is warranted by the particular circumstances,+ the unforgiving consequences of the prior law are avoided.

For questions concerning the amendment to Town Law § 276(7)(c) described above or the subdivision review process in general, please contact Richard L. O'Rourke, Esq. at 914-946-4777 or roqourke@kblaw.com.

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